

HUDSON, NH BOARD OF SELECTMEN

Minutes of the March 12, 2018 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of March 12, 2018 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Town Administrator Steve Malizia.

3. ATTENDANCE

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

Absent: Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Rob Buxton; Police Chief Jason Lavoie; Police Captain Jay Lucontoni; Land Use Director George Thebarge

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. Please state your name and address for the record.

Robinson Smith - 48 Burns Hill Road, Hudson. I'd like to address the Board concerning the traffic issues, noise, and safety on Burns Hill Road. I wrote up a letter here for you guys.

"Our family thanks the Board of Selectmen for this opportunity to express our concerns in person following correspondence on the 27th of February. As previously stated, we are concerned with the safety of my wife, the community, and she of course was almost hit by an inattentive driver speeding on Burns Hill. The increase volume of traffic, subsequent noise on the road, as well as the safety of residential families abutting the seemingly unregulated thoroughfare. After speaking with many residents, it's been clear that the oversight of this residential collector road is now becoming or utilized as the Burns Hill circumferential highway. Multiple residents have mentioned to us with their frustration and followed with a multitude of concerns feeling very little has been done by the town. These concerns can be broken down into several categories that can be addressed by the Highway Department, Police Department, and regulatory authorities such as our Selectmen. We a multi-tiered approach is critical to ensure a sustainable, effective solution in regards to the Burns Hill Road safety issues.

The average speed is routinely in excess of 40 mph in a posted 30 mph zone impacting the safety of the residents, roadside activity such as walking, bicycling, getting their mail, etc. According to the National Highway and Traffic and Safety Administration, there is an 85 percent mortality rate for an adult pedestrian hit by a vehicle traveling at 40 mph. At 30 mph in the same scenario, the mortality rate is 55 percent. Studies have also shown that mortality rates of children are much greater at slower vehicle speeds something obvious but is still extremely alarming. Our family also finds these statistics even more disconcerting when there are multiple bus stops located along the hill with school children waiting near feet from the dangerous road. For instance, parents purposely wait on Glen Drive in their vehicles protecting their children to prevent potential mishaps from the speeding vehicles on the hill. I feel that without the proactive steps of parents understanding the obvious safety issues at hand, a child fatality would surely be inevitable. This also leads to concerns with their own backyard with over 180 feet of frontage along Burns Hill Road. The area makes it difficult for motorists to see the pedestrians with the outreaching trees along the main roadway and there is no legitimate barrier to prevent mishaps. Our son is now 1 years old and will eventually be playing outside like most children his age on a swing set in the backyard.

With the new found knowledge and a very high risk of mortality from the National Highway Traffic and Safety Administration regarding children hit by vehicles at much slower speeds than 30 mph, we are now deeply concerned by the town's inability to manage the traffic and speed on the hill. Some possible solutions could be: reducing the posted speed limit of the road to 25 mph, frequent patrols with speed traps, ticketing violators and enforcing noise pollution ordinances, creating a sustainable speed safety plan, requiring reduced manpower oversight with items such as speed humps, speed tables, radar speed signs, and pedestrian safety barriers, creating fines for cut-through traffic between certain high volume hours on Burns Hill. We appreciate the town's recent response with reinstalling a missing 30 mph traffic signs.

Unfortunately the signs only reduce the speed for a few days. We have seen police activity on the hill which reduces speed temporarily in the immediate vicinity of the police officer but I have not been effective long term. We are happy to report reduced noise of engine exhaust braking by the Highway Department and hope this continues. We are asking the town for a long standing, multi-tiered solution that takes the resident's safety and concerns as a top priority moving forward. Sincerely Robinson Smith and my wife Doreen. Thank you"

Selectman McGrath asked have you noticed a certain time of day when there's increased traffic. Is it more in the morning and evening or is it sporadic throughout the day? Mr. Smith stated we have the rush hour traffic in the morning around 7 a.m. We have issues with people speeding up and down the hill around 11:30, 2:30 and then somewhere around 5:00 - 5:30. It's a continuous barrage of vehicles using this as a cut through.

Chairman Luszey yielded to Selectman Morin since this was actually an agenda item. Since we're at it now I'll ask you to report out.

Selectman Morin indicated I spoke to the gentleman through several e-mails and on the phone. We had discussed this the police present. I talked to Captain Avery but they did say it's going to take a couple of weeks to come together with some information so we can move forward to see what we can do about the problem. You've got to give the police some time to get some information together. We understand your concerns but they have been working on it, and they continue to work on it, and they will get some information to us within a couple of weeks. The Highway Department I also talked to the Road Agent. Those trucks do not have a Jake brake so if the noise has gotten better, I don't know he took care of it but they do not have Jake brakes which would cause that type of noise. I took a ride right after I spoke with you to see if the signs were on Burns Hill Road and I saw four signs. So there's two at Burns Hill and then two towards Lowell Road. It is posted. You just need to give us a little bit of time. We are working on it and hopefully we'll have something we can move forward with to change it.

Chief Lavoie said the e-mail that Mr. Smith had sent to the Board was also forwarded to me which I do appreciate. Mr. Smith had made some comments in there regarding that there is no police presence, etc. Just like Mr. Smith is sitting here tonight, he'd probably make that same claim that there is no police presence. However right now I do have two cruisers on his route. Just because Mr. Smith is not home to see it or looking out his window does not mean that we are not there to enforce traffic enforcement. Last year alone we conducted 253 directed patrols on Burns Hill Road. To say that we're not there would be completely inaccurate and misleading. Additionally there were well over almost 300 motor vehicle stops conducted on that same stretch of road, however, the speeds that we typically average between 39 and 40. Very rarely do we have excessive speeds. Yes currently right now we are doing a directed patrol for last week and this week. This week is obviously not completed. I suspect tomorrow there won't be much activity due to the pending storm however there really isn't a problem with traffic out there. We've had a total of 9 motor vehicle accidents in the last 2 years and 3 months. Going back to January 1, 2016 to today's date, 9 accidents.

Chief Lavoie indicated Mr. Smith was concerned that we were spending more time on Lowell Road even though it has all those traffic lights however on Lowell Road - my job is to find places to direct our enforcement - there alone was well over 465 motor vehicle accidents last year. My job is to work with the Lieutenants and the shift commanders to identify where the traffic problems are, try and focus more attention on those areas to reduce motor vehicle accidents as best we can, also while targeting as many secondary or nonprimary streets as we can. I think our enforcement on Burns Hill Road has been quite a bit and it is used a lot by the officers in that sector going to and from different calls. We do spend a lot of time out there. Nine motor vehicle accidents with over 253 directed patrols. We are focused out there and we are doing what we need to be doing. I just wanted to share some of that data with the Board.

Selectman McGrath asked Chief Lavoie do you participate with the Highway Safety Committee and has this gone before the Highway Safety Committee this issue. Chief Lavoie said yes I participate in the committee and no this has not gone before them. Chairman Luszey stated not recently but it has in the past because I requested it probably 2 or 3 years ago. Selectman McGrath thought maybe it's time to have them take a look at it again.

Chairman Luszey stated the real issue is traffic volumes increasing through Hudson. To get from Daniel Webster Highway over to 111, 102 - there's only so many roads and unfortunately Burns Hill, Wason, Musquash are all the cut throughs now. When they dropped the circumferential highway, it created a major issue for traffic within town. We've been trying to work that for the last 6, 7 years. I would strongly suggest Mr. Smith to talk with DOT, send a letter to the Governor's because this past fall we have been trying to work with the Governor's office to reopen if you will to get the circumferential highway back on the Master Plan to really address the overall traffic situation in the south part of Hudson. It's only going to get worse when across the bridge completes all those apartments. We need your help. There's only so much we can do.

Robinson Smith was not sure. I don't have the statistical data showing how many people were actually pulled over on Burns Hill but the police presence is great. The issue is that they're not actually pulling people over. They're not doing speed traps. They're just kind of there and ready to react if there is a major issue. Speed traps - you could easily put a speed trap on Glen Drive and sit so many feet back and watch the traffic go by. Sitting at the bottom of the hill is not really helpful the key areas where people are actually speeding. That's what we're looking for. We're looking for a long-term solution. Putting in speed tables would be a long-term solution. That would actually reduce the speed on the hill. I've been living up there for 14 years and I've only seen this progress and get worse. We put in the 30 mph speed limits signs that were missing. It worked for a couple of days and everything goes back to normal. So we need a sustainability plan otherwise somebody will get hurt. Somebody will get injured. We're already seeing issues with people at bus stops in the morning with kids. My wife was almost hit.

Chairman Luszey understood that and again we've talked about it many times at this Board. If you do something say on Burns Hill it's like a balloon. It's going to push it to somewhere else. Mr. Smith interrupted and said it should push it to Lowell Road. Chairman Luszey said right now it's Pelham; it's Lowell Road; it's Bush Hill; it's Musquash; it's Wason. We have a problem in the south part of Hudson and we need the State involvement to help us. It's not going to get solved and we can slow traffic down to 5 mph if we want to and it's not going to help us. Mr. Smith stated the goal should be pushing the traffic onto Lowell Road because it's designed for that amount of traffic. The goal should be keeping the traffic away from residential areas. That's my intention here. Chairman Luszey said I hear you loud and clear. Mr. Smith said the infrastructure put into place with the amount of stop lights has the traffic slowed to the point where people are actively looking for by pass routes because they don't want to drive on the designated roads that are designed for the traffic. That's part of the problem. It should have been part of some sort of traffic plan when these lights were put into place...Chairman Luszey said excuse me but I will tell you the traffic plan was the circumferential highway that was designed and started back in 1958 to take care of the problem and the State dropped the ball. They brought an exit off the highway and they stopped. It forced now all that traffic there. It's not just us. Pelham has the same issue because people come off that and they go down to Sherburne Road. The south part of Hudson needs the State help. If you really want to help us, talk to DOT, send your letters to the Governor's office, and say we need help down here. Right now it's falling on deaf ears.

Robinson Smith hoped to get some kind of long-standing solution from the Board of Selectmen and maybe assist with that process working with the Department of Transportation. Burns Hill was never designed to be a through way. Originally it wasn't a through way...Chairman Luszey indicated neither was Musquash, neither was Wason, neither was Bush Hill Road. Mr. Smith said these became more accessible once the lights were put in on Pelham and Wason. Chairman Luszey said we could debate this all night long. Robinson Smith interrupted and said hold on let me finish. When they built the Shop N Shop which is now Good Will, they installed a light there. That increased access to the highway from Wason. The traffic increased. When they installed the light over on Pelham Road okay, now it's a really easy access point to go all the way around to the highway and avoid all the lights on Lowell Road. That's what people are doing. That's the issue. It's a design problem. Thank you.

Doreen Vusari - I live at 48 Burns Hill Road. I'm Robinson's wife. My concern is that somebody is going to get badly injured or killed. One of the things I've noticed is that when people are going up the hill, they start to speed up but when they start to go down is when they start to slow down. That's one of the things I've noticed. My concern is that I've seen people walking on the street with their dogs having to jump out of the way because there's a car coming around the corner quickly. I'm just concerned that someone is going to get killed or badly injured. That's my concern and I'd like to see something happen at least short term so that we can - my husband and I will definitely write letters if we need to to try to see what we can do for the circumferential highway. I don't know if there's an issue with funding. I don't know if that's the reason why we don't have it right now. We'll try to do everything we can. We don't know when they're actually going to be able to start to build this highway or if we're going to be able to get funding for it. That's my concern is that someone in the meantime someone is going to get killed or badly injured. It's scary when I'm driving up the hill and somebody is coming around the corner quickly. I see somebody with a dog walking and they're jumping out of the way because somebody is not paying attention as they're coming around the corner. That's my concern. Me myself in getting the mail and I've had to jump out of the way because someone is not paying attention. There's trees in the way and they're coming at me quickly. The noise is so loud that it's actually turning on my son's baby monitor. My son is on the other side of the house his bedroom. It's that loud.

Chairman Luszey said short term the Chief said they're doing directed patrols up there. That's the short term. The midterm is Selectman Morin is working with the safety committee in town to see what else might be viable. Long term - we need another road. That's the only answer I have for you at this point. Ms. Vusari thanked the Board.

Warren Martinez - 12 Burns Hill Road. Since we've lived there, I have noticed a dramatic increase one way or the other when the light was put in. Come October, we've been there 50 years. So I've seen a lot of traffic. What's been consistent is the speed. They seem to be going faster than they normally do. The police can't be there all the time. They have a town to protect. They can be there occasionally but it doesn't solve the problem. I've gone up Burns Hill Road to go to Wason to go to the store and a truck will break his lights. I know there's a policeman down at the bottom of the hill. It doesn't do a bit of good. In the Globe's article last week, the Providence police seemed to have solved the problem in that they issued over 10,000 citations using cameras which registered the speed and the registration of the car. Then you don't need the police. If they get enough tickets, they're still around because they know that camera is watching them. The camera will pay for itself after a few citations.

Chairman Luszey didn't believe we can use cameras in the State of New Hampshire for that. Correct Chief? Chief Lavoie said correct. Mr. Martinez said that's the only solution I could think of. Other than that, speed bumps and that's out of the question. People do speed especially during the school year. You'll get the high schoolers flying down that road. We've had one accident since I've been there and they wound up across the street in the duplex. She was coming out of Virginia Ave. and a car came down Burns Hill, stopped, let her go by, and the kid went around her and hit her broadside. I don't know what the solution is. That's the only thing I could think of. Thank you.

Scott Lambert - I live at 10 Burns Hill Road. I understand these people live further up the hill than we do. Part of the problem obviously is people are accelerating down the hill. It's not hard to go over the speed limit. I catch myself sometimes being above the speed limit. I don't think we're any different than as you say Wason, Shelburne, all these other roads that people are using as cut through. My question is is there anything that we as a town can do with adjacent towns to try to get the State more involved? I believe you said something about the Safety Committee. Selectman Morin said yes but the police are trying to get the information. They have to have something to go with the move forward with the Safety Committee and they're working on that as we speak. Mr. Lambert asked does that address the circumferential highway.

Chairman Luszey said no. As far as the highway, we work with the National Regional Planning Commission (NRPC). They take concerns of multiple communities up to the State. That is one issue that we've been working with them for ten years. Again it is funding. It's over \$1 million a mile to put a road in. Last time they were talking about putting the circumferential highway in and the EPA stopped it. It was taken off the ten year master plan. We've been working ever since then trying to get it back on.

Scott Lambert asked is there anything that citizens can do other than...Chairman Luszey noted write to the Governor and write to the Department of DOT saying we need help down here. Mr. Lambert said it's not just Hudson. You're talking Pelham, Lowell Road morning and afternoon. Most of that traffic is transitional. It's not people that live there and we need to get that onto...I guess as a citizen what do I do? Who do I write to? Who do I talk to? Is there somebody in the town?

Selectman McGrath said to the Governor and the legislators that represent you. I don't know how many we have now but there's several. Chairman Luszey said our district I think is 13. Scott Lambert asked is there anything as a Board of Selectmen you can maybe try to get done. Chairman Luszey stated we have sent letters. When was the last one? Steve Malizia said we sent one to the Governor's office. We sent one as recently as January. Chairman Luszey said it's not like we're not doing anything. Mr. Lambert asked is there some public record somewhere where we can see what has been sent out so that we can...Chairman Luszey said yes it's public record. Mr. Lambert asked the Board of Selectmen's office. Donna Graham said send me an e-mail and I can get them for you. Scott Lambert understood their concerns and believe me I think everybody lives on Burns Hill has the same concerns because the police can only be there so often. There's other places in town. I think the real solution is to get that road started again and they should have done it 20 years ago. I've lived here in New Hampshire for a long time and it's getting worse and worse.

Selectman McGrath noted it's a regional problem. It's not just Hudson. We've got the development that's across the bridge. They haven't started filling those units yet but once they do, that traffic is going to be coming through Hudson. Different parts of Hudson maybe heading towards the south end. Maybe heading up 102. Elvis our Town Engineer just ran some numbers for the traffic going through the lights at Library and across the bridge. The anticipated number was 40,000 on an average day. The 40,000 actually happens over the weekend when you wouldn't anticipate that level of traffic. When he looked at the numbers, the traffic on a daily basis is more closer to 80,000 as opposed to 40,000. That's double.

Scott Lambert stated the town's Engineering Department has some information regarding what is expected. Selectman McGrath said concerning this area - the traffic lights out here going across the Veteran's Bridge and Library Street. There were complaints about traffic on Library Street trying to get through and getting up to 102. It was a bottleneck. He worked with - I'm not quite sure what agency it was that he worked with but they've got the lights manipulated to a point where they activate when they need to. They can view the traffic. If there's more traffic moving through, the light will stay green longer to allow that traffic so that the bottlenecks don't happen. That's my understanding of it. I'm not an engineer. He's got two monitors in his office and he can look at the monitors and see what the traffic flows are. We had that discussion a couple of weeks ago about the traffic out here and the doubling of the numbers thinking that it was going to be about 40,000 and it was actually 80,000. Mr. Lambert said you know what in five years you're probably talking 120,000. Selectman McGrath was always amazed - I'm going somewhere and thinking I'm going to get there in 10 minutes or I'm going to get there in 30 minutes and it might take me an hour. It's because the traffic volume has really grown everywhere. We're facing that problem and it's certainly something that we've tried to address. It's not an easy fix. Scott Lambert understood its budget and money. Very good thank you for your time.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

a) Nominations and Appointments

Chairman Luszey recommended at this point in time would be to table this appointment so that the reconstituted board can have a discussion as to whether or not the Sustainability Committee is sustainable because they're having a problem making a quorum now. If have a consensus with that. The Board agreed.

- 1) Sustainability Committee - (3 vacancies - 2 member term to expire 4/30/19; 1 alternate term to expire 4/30/20)

Richard B. Kahn

6. CONSENT ITEMS

Chairman Luszey asked does any Board member wish to remove any item for separate consideration. If not, I'll entertain a motion.

Motion by Selectman McGrath, seconded by Selectman Routsis, to approve consent items A, B, C, D, E and F as noted or appropriate.

Donna Graham noted on your desks tonight I placed a request to Solicit Funds from the Girl Scouts that was added after the agenda was prepared.

Vote: Motion carried 4-0.

A. Assessing Items

- 1) All Veterans Credit - Map 178, Lot 013, Sub 062 - 49 Mobile Drive; Map 204, Lot 021 - 12 Burns Hill Road, w/recommendation to grant
- 2) All Veterans Credit and 2017 Tax Abatement - Map 237, Lot 027 - 7 Chiswick Road, w/recommendation to grant both
- 3) Elderly Exemption - Map 156, Lot 008, Sub 009 - 23 Amanda Drive; Map 148, Lot 040, Sub 047 - 8 Riviera Road, w/recommendation to grant
- 4) Solar Exemption - Map 242, Lot 004 - 109 Musquash Road, w/recommendation to grant
- 5) Veteran Tax Credit - Map 246, Lot 048 - 6 Birdie Lane; Map 166, Lot 025 - 8 St. John Street, w/recommendation to grant

B. Water/Sewer Items - None

C. Licenses & Permits & Policies

- 1) Request to Solicit Funds - Half Moon Sober Festival, Inc.
- 2) Request to Solicit Funds - Hudson Youth Baseball
- 3) Petition & License for one new pole, Eversource #257/29X on Derek Way
- 4) Request to Solicit Funds - Girl Scouts Troop 11080

D. Donations

- 1) \$125 on behalf of the Wing family to be placed in the Town Poor Donation Account
- 2) \$1,000 from the Southern NH Radio Control Club to be placed in the Recreation Donation Account

E. Acceptance of Minutes

- 1) Minutes of the February 27, 2018 meeting

F. Calendar

- 03/13 7:00 am -8:00 pm TOWN MEETING - Community Center
03/14 7:00 Planning Bd - Buxton CD Meeting Room
03/15 7:00 Benson Park Cte - Cable Access Center -CANCELLED
03/20 7:00 Municipal Utility Cte - BOS Meeting Room
03/21 6:00 Library Trustees - Hills Library
03/22 7:00 Zoning Bd of Adjustment - Buxton CD Meeting Room
03/26 7:00 Sustainability Cte - Buxton CD Meeting Room
03/27 7:00 Board of Selectmen - BOS Meeting Room
03/28 7:00 Planning Bd - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on February 27, 2018:

- 1) *Motion to adjourn at 8:14 p.m. by Selectman McGrath, seconded by Selectman Routsis, carried 5-0.*

8. NEW BUSINESS

A. New Hampshire Opioid Litigation Attorneys

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia stated the Town of Hudson has an opportunity to participate in a consortium of other towns and cities in the lawsuit against opioid manufacturers and distributors. In essence, there's a proposal to sue or to seek damages from companies that have manufactured and distributed. We're not talking doctors or doctor offices but a larger picture. To that effect, Attorney Thomas Colantuono is here to speak to you about that. Again it's an opportunity for us to potentially participate in a consortium to try to recover damages for some of the costs that we've incurred. As you are all well aware, our fire and police departments have certainly incurred costs. This is an attempt to recover some of those costs. Chief Buxton and I met with Attorney Colantuono a couple of weeks ago and he has given Hudson a proposal. There is also an e-mail. Our attorney had a couple of questions that I provided you with answers to that. In essence after reading those, our attorney said there doesn't appear to be any negative or risks. It's something that maybe you should entertain. He is here to answer questions.

Thomas Colantuono thanked the Chairman and members of the Board and Mr. Malizia. I'm here to answer questions. I'm Tom Colantuono from the law firm of Bianco Professional Association up in Concord and we're partnering through a Massachusetts firm called Sweeney and Merrigan with a bunch of other nationally known will represent mass tort litigation firms in this effort. So you have about a four page brochure that answers a lot of the questions. The basic idea behind this effort is that municipalities will be bringing lawsuits against opioid manufacturers and distributors - the major companies around the country. It's already happening and all the cases are being consolidated in the federal district court in Cleveland, Ohio - the northern district of Ohio. This is called "multi-district litigation". It's not a class action because every community has different damages but its multi-district litigation where it all gets consolidated out there. The expectation is that there will be a settlement frankly because the Judge out there is pushing very hard for a quick settlement and as I explained it to the Chief and Mr. Malizia, the way this normally works is that they'll take a few of the cases and try them as what they call "bell weather cases" to see what kind of results come out from an actual jury. Once that happens, the plaintiff's steering committee of lawyers for the plaintiffs will get together with the defense attorneys from the companies and work out a settlement matrix. We expect that may even happen without bell weather trials based on the way this judge is working. There are 3 or 4 different consortiums around the country handling these cases. Ours is the largest.

Attorney Colantuono said I just found out in talking to our partners down in Massachusetts that we now have between 300 and 350 client communities signed up representing 25 million people in this country. They just signed up Miami, Cleveland, San Diego County. In Massachusetts where they've been doing this for a while, they have 65 communities signed up representing 1.4 million. We're just getting started here and we've signed up Derry, Londonderry, and hopefully Hudson. We're waiting for Laconia to sign theirs and we're talking with other communities like Keene, Berlin, Dover and Franklin. I'm going to meet with the Mayor of Franklin on Wednesday. The beauty of this is that it is money that's going to come to you with no risk. Every town every community has been hit by this problem. You all had police, fire responses and other problems - health problems and costs. It's an opportunity that we think communities like Hudson should take. If you have any questions about it, I explained to Mr. Malizia that basically the business relationship we would have in terms of representing the town and having attorney's fees and cost. If you have questions about that I'll be happy to answer those. Our fees are less than the normal traditional 1/3 on the plaintiffs' case. We have excellent representation. I was told the other day that the steering committee that's going to handle this for the plaintiffs has six members of our consortium because we're the

largest. It has two out of the six so we're going to be well represented and make sure all of our clients get the best representation they deserve.

Attorney Colantuono indicated the point of the exercise is to recover not just for past costs that the town has incurred but for future ongoing remediation. That's why I put in the e-mail that we expect every town to participate to get something at least because of the remediation. Certainly in just a brief conversation with the Fire Chief - and I know the Police have responses to - Hudson can easily show that you've had damages. We're not even bound by the traditional three year statute of limitations because of the nature of the claims and the lawsuit. So we can go back five years, ten years, whenever the problem started here in Hudson when you started having overdoses and other problems.

Chairman Luszey asked so is your next litigation cell phone manufacturers. Thomas Colantuono said I don't know anything about that. Chairman Luszey if we start going down this road suing manufacturers because that's what you're doing for me the next one is why wouldn't you be taking on the cell phone manufacturers because we are incurring costs for people that are injured in accidents as a result from using cell phones while they're driving. So why wouldn't we go after the big cell phone manufacturers now. Attorney Colantuono said I can't really comment about that because I'm only involved in this particular case. I think there's a huge difference between that and this opioid problem because the manufacturers it's been well shown that they were pushing these pills knowing that they're highly addictive and very dangerous and they're killing people. It's a national problem. Chairman Luszey noted and so isn't driving using cell phones.

Selectman Routsis indicated my question is similar to that one but not cell phones. It's only because I've experienced it. Would a course after this be to go after a hospital that has a policy that says you have to be prescribed something? Attorney Colantuono said this litigation does not focus on hospitals or doctors and it's strictly against the major national - I can name them off who are the defendants but the major national manufacturers of these opioids and the distributors' period. That's it. Selectman Routsis said my personal thought is I struggle with that a little knowing that personally like I said I had to go in for surgery and I was like I don't need the medication because I had some from previous surgery and the hospital actually refused to give me my surgery without prescribing me the medication that I didn't need. That's where I personally struggle with this because they may be the ones producing it but someone is providing it.

Selectman Morin told Selectman Routsis you have money obviously that are going to be paid to the towns but what's going to be done with this to prevent the drug companies to continue what they're doing. Attorney Colantuono said because of the pressure, there's already been lawsuits filed on behalf of the States. Matter of fact, New Hampshire has filed on behalf of the State of New Hampshire and money will be coming in for the State coffers hopefully to build a road and I have a long history with the circumferential highway myself by the way. The towns in suing for their own benefit will get the money for it themselves and to use for whatever you want to use it for. It's not going to be restricted money.

Selectman Morin asked the money is fine and I understand the money but the problem is we get the money and the problem continues, we're just going to keep spending that money so what's going to be done to stop the drug companies from disbursing the drugs? Attorney Colantuono said that's changing. Because of the pressure that's put on, Purdue Farmer has already completely changed their sales model. They've laid off half their sales force. They're not pushing the product like they used to. I think the DEA is taking action. As a matter of fact I don't know if any of you have seen the special on 60 Minutes that was on a couple of months ago that outlined this problem. The former DEA officials who were interviewed in that are our expert witnesses in this case. You're going to see a huge change as a result of this litigation in the way the drug companies operate. I can't predict what's going to happen. I'm not a doctor. I'm not an expert in pharmacology or anything like that but I think the marketing practices are absolutely going to change. The amount of these medications that are out there is going to change. The problem is the way these drugs were pushed I think I read something from the State of West Virginia that in one certain year they had enough pills pushed in that State to take care of every single person man, woman, and child regardless of whether they needed it or not. It's just incredible the amounts of these medications that are going out there. Again obviously we're not all knowing but I think there's going to be huge changes as a result of this litigation.

Selectman McGrath was glad you brought up West Virginia because I was going to ask you if they were part of this pool. I've heard the reports. I listen to the news. I listen to it too much. They've been inundated with that medication to the point where it's destroying their communities. We have a problem here but in West Virginia and in some of the other communities down in that area of the country, they're really being decimated by this addiction and the proliferation of the pills that are being poured into those communities.

Attorney Colantuono noted I'm reading a book called "Dream Land" about this problem. It's written by a fellow who grew up in California and I don't think he's ever been to New England because he didn't talk about New England even though we've made national headlines. He focused on the Ohio River Valley where there's a tremendous problem. In West Virginia, this is our litigation team of attorney firms around the country and out of these 8 firms and then we would be the 9th, three of them are from West Virginia to your point.

Selectman McGrath said the other thing too I think that the federal government if my memory is correct, the federal government is planning to take action as well to limit the number of pills that are given in a prescription to people. That's one of the things and I think there's other avenues that they're planning to take if they can ever get themselves together.

Attorney Colantuono said there are laws and regulations already in place where the distribution companies are supposed to be reporting to the DEA if they notice unusual patterns and they're not. That's one of the reasons why the DEA has been taking action in getting hundreds of millions of dollars in fines against these companies. This is going to be a multi, multi-billion dollar settlement and the Town of Hudson I would hope would want to have its share if the Board is interested in that. It's the Board's business but it's going to be money that's going to come in. Obviously I didn't want to estimate in my e-mail I really didn't want to get figures but it would be well worth the Town of Hudson's effort to get involved in this because it would bring in a large amount of money someday which you could use for whatever you want in addition to ongoing money for recovery treatment and hopefully elimination of this problem.

Selectman McGrath indicated that was going to be my third question is whether or not there's any limitations on any money that the town would be receiving. Attorney Colantuono said no. The way it was explained to us from our partners in Boston is that there are no strings attached and the town can use it for whatever it wants. Certainly you'd probably want to reimburse police and fire for their costs, or maybe to go back to the taxpayer, or maybe to build a recovery center if you have enough of a problem here in town. Whatever the town wants to use it for. Selectman McGrath reiterated that there's no limitations on it. Thank you.

Selectman Morin said you named a bunch of towns. Did the two cities with safe stations join us? Attorney Colantuono said Manchester and Nashua have already made suit with a different consortium.

Chairman Luszey asked how many consortiums are there. Attorney Colantuono was aware of 3 or 4 around the country. There's one based out of New York. I think a Washington law firm is signing up some but as I said, ours is the largest.

Selectman Morin asked the Fire Chief and Police Chief you guys have an estimates of how much you've spent on this problem the estimates? I know you can't give any hard numbers. Both Chiefs said they didn't have anything. Selectman Morin asked what do you see the worth of this for your departments? Chief Buxton indicated Chief Lavoie raised a couple of questions in an e-mail to the Administrator and myself. We had 55 overdoses last year. How many of those overdoses would be part of this suit, how many of those would we receive payment from private insurance companies I think was another point of his. I think there's some data there that needs to be (inaudible) what is the impact. One of the questions I raised when we sat down was regarding the behavioral side of things. Could the money be used for rehabilitation centers, maybe some first responder support, and that type of stuff? Is there ability for us to receive something, I don't know what the investment versus recovery is.

Chief Lavoie's only question would be what I could see in having been in suits before, are there depositions that we're going to be stuck going off to. That's very labor intensive. I see different things from this that we could have outside of this discussion that's time consuming and if we're being sent away to be disposed, or

if we have to provide testimony, and I could see how defense theories would be based to counter anything else like the wrongdoing anyway is an issue and a job to respond to these types of calls.

Selectman McGrath asked Attorney Colantuono to respond to that. Attorney Colantuono indicated this is a completely different type of lawsuit than a traditional one where it's some individual against the town or against the town agency and so forth. When you're dealing with these mass tort litigations nationwide as I said, we're part of a group now of over 300 plaintiffs and there's probably going to be hundreds more so it doesn't really operate like that. I don't see unless a settlement is offered through that matrix and the Town of Hudson doesn't want to take it, I should fully explain that what happens is suit would be filed here in federal district court in Concord, New Hampshire. It would then be transferred out to Ohio into the mix and the offer would be made to everyone out there in the Multi-District Litigation. If any individual community wasn't satisfied and wanted to try to get more, well their case would be pulled back into their home state and you'd actually litigate it in the home state either to a trial or to a settlement. That's the only way I think there would be a massive effort and cause for individual members of Hudson town government to be tied with litigation, depositions, and things like that. Otherwise, I don't see anything. Once we get the basic information plugged in and where we would fit in the matrix, the settlement would come to us based on where we are in that matrix without any massive litigation, discovery efforts, or anything like that. There is a difference.

Selectman Routsis asked when would the latest be that you could I guess hear from us as to a yes or no decision. Attorney Colantuono said there's no time limit. This is ongoing. No one has really asked that question of what happens if a settlement occurs can you jump in later. I can get back to you on that but if you want to take a few weeks or months. Selectman Routsis said I'm not saying if a settlement occurs can we jump in after. I'm saying potentially have a discussion and we're missing a board member. Attorney Colantuono said you have plenty of time for that discussion. We're in an ongoing effort to get more communities involved. You have plenty of time. Take your time and certainly ask more questions. I'd be happy to get more information if you need it.

Chairman Luszey asked if there were any other questions. There's a motion here but before I entertain that motion, my recommendation is that we not join at this time. I think this Board needs to have conversations with the Chiefs and possibly the attorney about what the likelihood of the costs that could be incurred to your point if we should join this and would we see a benefit from joining it. You're a salesman right now. You're trying to sell to this Board a service that we did not come looking for. Again there's an uproar about this opioid crisis yet I'm not so sure it's an opioid crisis versus a fentanyl crisis given the types of overdoses that we've seen and issues which you don't address that. If you want to address that, then let's got talk with China. That's where I'm coming from. I would not support the motion but it's up to the Board. I'm one of five or four tonight.

Selectman Morin asked that we table it for now and for future discussion.

Selectman McGrath agreed.

Selectman Routsis agreed as well.

Chairman Luszey said we'll table it and let the future Board wrestle with it.

Selectman Morin asked if we could since we're going to have the Chiefs here on April 10th anyway we can schedule that same discussion the same night. We can do it all in one shot and they don't have to come back twice.

B. Recreation Dept. - transition plan for groups meeting at Oakwood

Chairman Luszey recognized Recreation Director Dave Yates. Give us a little update on the transition plan for all the groups that were at Oakwood and where they are.

Dave Yates indicated as you know I sent you an e-mail last week. The Rec. Department is official over at the Community Center. We only had four permanent users this year of the old rec. center on Oakwood.

We had Cub Scout Troop, 2 Girl Scout Troops, and the Bee Keepers. Those were the permanent users. We do have other users that call on occasion for registration night, Hudson Girls Softball, Hudson Youth Baseball, the Bears. We use it a lot of registrations and coaches meetings. The four permanent users, the Scout troops have all been told that they're good until June 1st. Typically it's year to year anyways. Every September they reapply and we told them they'd have to look elsewhere. Most troops are meeting at schools right now. They're going to be contacting the schools and we told them that they could call us back this summer to see what the status of Oakwood is because the Board hasn't made a true decision on what's going to happen. If it's still available, we can handle the bookings and they'd be able to use that. As far as the Bee Keepers, they're a 25 year user of the center. They meet the first Saturday of every month. We have contacted the Police Department. They said they would honor them to use the meeting room at the police station the first Saturday of every month. I have talked to the Bee Keepers and they didn't even know that was available. They're thrilled. They said they're actually going to go up there and check it out this week. They said typically they have about 50 people at their meetings. I would think that that would be more than big enough.

Chairman Luszey asked did you suggest using the Hills Memorial Library. Mr. Yates stated they said they've already checked in to the library and it wasn't available is what the woman I talked to on the phone had said. That was an option that they did look into but they were thrilled to hear the police station would be available. I think we've done due diligence for those groups and as the other groups call in, we'll handle each situation case by case and try to help them if we can. If not, we're steer them in the right direction.

Just cuz we're talking about scheduling, Selectman Routsis asked do we have access to like an online schedule to see what availability is over there just so if someone calls in you can direct them to a website to see if the library has availability or something like that. Chairman Luszey didn't know. I've not seen.

Selectman Morin said I just wrote it down. I'm going to find out at the next Library Trustees meeting how that works.

Dave Yates noted we'll see how voting goes tomorrow. We might have our doors closed with all the traffic coming through.

Selectman Routsis didn't know if any of you have had a chance to go down and see it. I was there one day last week. It's like night and day those rooms. It's actually really nice to see it. We'll have to get you some curtains or something for your wall of windows. Mr. Yates indicated they're on order. Selectman Routsis said it turned out really, really nice. Dave Yates said the contractor that did the work was excellent. They were easy to communicate with and easy to deal with. They're still doing some little touch up. They were great to deal with and they did a great job.

C. Discussion regarding dangerous traffic issues on Burns Hill Road

Chairman Luszey noted we killed this one. This was the discussion on the traffic issue on Burns Hill Road.

D. Request to withdraw \$10,635.94 from the Bullet Proof Vest Capital Reserve Account to purchase 17 replacement bullet proof vests

Chairman Luszey recognized Police Chief Jason Lavoie.

Thank you. Chief Lavoie indicated we have a bunch of vests that have expired and a number of years ago we started a capital reserve fund. We have money in that account. We're trying to replace and update the ones that we still have but we need to get rid of them because they're all expired. I'm asking to seek the Board's permission to go about it this way through the Capital Reserve Fund.

Motion by Selectman Routsis, seconded by Selectman Morin, to authorize the withdrawal of \$10,635.94 from the Bullet Proof Vest Capital Reserve Account to purchase seventeen (17) replacement bullet proof vests, carried 4-0.

E. Request for "Do Not Litter" Signs

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained the Board received correspondence I believe it's on the second page of this handout from residents - a couple on St. Anthony Drive regarding their request for two "Do Not Litter" signs be posted on Burns Hill Road. One near the fire station and the second near the old landfill. The purpose that they'd like to see is people stop littering. Apparently they've gone out and picked up litter/trash, beer bottles, cans, and what not. They're requesting that. I did run this by the Road Agent and the Police Chief just to get their opinions. Mr. Burns has provided a written opinion here and I believe the Chief echoed it with a brief e-mail. In essence, signs are certainly a feel good exercise but they may not necessarily accomplish anything. The Road Agent's concern is we start putting signs up - well I want signs. I want signs. You may have an issue where you got a lot of littering signs all over town. Quite honestly people who are littering, they know that they're not supposed to litter. They know it's against the law to drink and drive. They still do it anyways. That's a concern. Based on Kevin's recommendation, he has a limited sign budget and that limited sign budget has to cover stop signs, yield signs, other traffic control signs. His recommendation was not favorable. Again it's up to the Board as to what the Board would like to do.

Chairman Luszey said just add to that if we do this, we'll probably have a do not dumping sign request for Nathaniel Drive cuz there's monitors and black trash bags always dumped at the corner down there. We've had other sign requests like this and I agree. We start and you folks will be dealing with them every two weeks.

Selectman McGrath stated sadly people don't respect other people's property. I'm not willing to make a motion. I'll take the Road Agent's recommendation and the Police Chief's recommendation.

Steve Malizia stated no action at this time. Chairman Luszey said request denied. Mr. Malizia said if you do that you probably ought to make a motion.

Motion by Selectman Morin, seconded by Selectman McGrath, to deny the request to install two (2) "Do Not Litter" signs on Burns Hill Road, carried 4-0.

F. Revenues and Expenditures

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained you are two-thirds of the way through the year. This is through the end of February. So you're 67 percent spent or 9 months. Things still look really, really good. Automobiles are still tracking very favorable - 74 ½ percent which is about \$325,000 ahead of schedule. Interest - very favorable. Again rates are a little bit better. The ambulance we're ahead. It looks like we'll probably end up \$125,000 ahead. From the revenue side of things, it looks good. The expense side, everybody seems to be right on. We'll see how these storms all play out. I think that's going to take some hits to the Highway budget. You'll notice an over expenditure there right now but that's because we have the Highway grant money that came from the one-time highway grant money. The budget has not been adjusted for that. If that one looks askew, don't worry about it. The Finance Director will make adjustments to that account. In essence, it appears that the majority of our accounts are tracking where they should be. Certain indicators like welfare are doing very well. Certainly not over expended at all in any of those buckets. Through the first three months, we look pretty good.

Chairman Luszey asked we don't have the effects of the last storm because I know the Police Department and Fire Department had overtime. Steve Malizia said this is through February. The last storm probably would have been hit next week. Chairman Luszey said to be prepared for that.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman McGrath - Just a couple of things. On the opioid lawsuit, I just wanted to point out that Jim Michaud had read an article about that some time ago and forwarded that information to us in the event that

we'd be interested. That's a good thing. I don't get to read all of the articles. I listen to a lot of news but not necessarily read a lot of news.

The other thing Selectman McGrath was made aware of over the last few days is that Amy McMullen in the Assessor's Office got accolades from a citizen for her help that she provided for an elderly exemption. That was much appreciated. I've gotten comments before about Amy and haven't mentioned it and should have. She'd very helpful and people appreciate that. That's all that I have. I hope everyone stays safe tomorrow and weathers the storm.

Selectman Morin - We've had a couple issues at Benson's with the dog park. The police have taken a good lead in taking care of it. They've done a real good job. The Benson Committee is going to be forming a subcommittee to make some changes and some recommendations to come to this Board so we can try to eliminate this type of problem in the future.

Speaking of accolades for the employee. Selectman Morin indicated we all got the e-mail today from Kevin on his crews for the storm and all the work they did. I'd just like to thank them.

Last thing - Selectman Morin thanked Chairman Luszey for everything during the last year especially for a new Selectman. You gave me a lot of help and I very much appreciate that. I learned a lot. Thank you and good luck. Chairman Luszey said it was my pleasure and thank you.

Selectman McGrath asked to add to that. I neglected to do that. I had notes written down. That wasn't one of them. I very much appreciated your leadership over the last year. I've mentioned it before. I really, truly believe that you did a great job as Chair. Thank you. We're going to miss you. Chairman Luszey said not too much just a little bit.

Selectman Routsis - I have nothing compared to you guys. Hope to see as many people as can make it. Tomorrow the earlier the better. Drive safe and it's been great the past two years with you. Hopefully we get to do some stuff in the future together as long as you're still here and not in Florida.

Selectman Luszey - I really don't have anything other than I do want to again say thank you all. It's been great working with you. I try to learn a little bit from everybody that I work with and I have. I feel I've grown as a better person working with each and every one of you. Dave it was a great experience on the Budget Committee this year. It's been fun. I'll miss it.

10. NONPUBLIC SESSION

*Motion by Selectman Routsis, seconded by Selectman McGrath, to enter nonpublic session pursuant to **RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and **(b)** The hiring of any person as a public employee; and **(c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 4-0 by roll call.*

Chairman Luszey entered Nonpublic Session at 8:06 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Luszey entered open session at 10:03 p.m.

Motion by Selectman Routsis, seconded by Selectman Morin, to seal the nonpublic minutes, carried 4-0.

Motion by Selectman Morin, seconded by Selectman Routsis, to hire Cameron Covert for the position of Firefighter/AEMT in the Fire Department at the contracted salary of \$19.75 per hour (Step 1) effective

April 8, 2018. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 4-0.

Motion by Selectman McGrath, seconded by Selectman Routsis, to hire Tyler Tambouris with a starting salary of \$23.22 per hour effective April 1, 2018 in accordance with the Hudson Police Employee Association Contract, carried 4-0.

Motion by Selectman McGrath, seconded by Selectman Morin, to hire Alec Golner with a starting salary of \$23.22 per hour effective April 1, 2018 in accordance with the Hudson Police Employee Association Contract, carried 4-0.

The Board of Selectmen discussed the pending storm and by consensus of the Board decided to close Town Hall for all non-essential employees.

11. ADJOURNMENT

Motion to adjourn at 10:08 p.m. by Selectman Morin, seconded by Selectman McGrath, carried 4-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

Thaddeus Luszey, Chairman

Marilyn E. McGrath, Vice-Chairman

Angela Routsis, Selectman

David S. Morin, Selectman