

HUDSON, NH BOARD OF SELECTMEN

Minutes of the June 26, 2018 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of June 26, 2018 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Finance Director Kathy Carpentier.
3. ATTENDANCE
Board of Selectmen: Roger Coutu, Marilyn McGrath, Angela Routsis, Normand Martin
Absent: David Morin
Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Kathy Carpentier, Finance Director; Police Chief Jason Lavoie
4. PUBLIC INPUT

Chairman Coutu noted there is no one here but I'll go through the motions. Does anyone in the audience wish to address the Board on any issue which the Board has control of at this time? I did that Ms. Carpentier because you are still a member of the general public even though you are our Finance Director. Seeing no one, we'll go to consent items.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS - None
6. CONSENT ITEMS

Chairman Coutu asked does any Board member wish to remove any item for separate consideration. I will just for clarity if you will look at item A. 3 so that we make it clear that it's on the record that we're voting properly on this item. On A.3. which is a tax abatement request if you noticed the very last line before line 4 it says "with recommendation to approve". I will be signing a letter of denial not approval. The memo from the Assistant Assessor is to deny A. 3. It's a denial and I agree with the denial. With that correction, I'll entertain a motion.

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

Selectman Martin had a comment. The denial is for all those properties am I correct. Steve Malizia indicated you are correct.

Vote: Motion carried 4-0.

A. Assessing Items

- 1) 2017 Tax Abatement - Map 204, Lot 70 - 134 Lowell Road, w/recommendation to approve
- 2) 2017 Tax Abatement - Map 209, Lot 8 - 17 Executive Drive, w/recommendation to approve
- 3) 2017 Tax Abatement - Map 100, Lot 8; Map 167, Lot 9; Map 190, Lot 192; Map 179, Lot 31; Map 107, Lot 30; Map 208, Lot 11; Map 107, Lot 3-1; Map 144, Lot 8; Map 175, Lot 153; Map 182, Lot 181; Map 162, Lot 80; Map 138, Lot 36; Map 179, Lot 11; Map 195, Lot 5; Map 175, Lot 6; Map 171, Lot 30; Map 171, Lot 31; Map 162, Lot 16; Map 135, Lot 7; Map 135, Lot 2; Map 107, Lot 3; Map 171, Lot 46; Map 138, Lot 56; Map 175, Lot 153-2; Map 138, Lot 86, w/recommendation to deny

- 4) 2017 Tax Abatement - Map 100, Lot 10 - Fairpoint, w/recommendation to deny
- 5) 2017 Tax Abatement - Map 209, Lot 2 - 55 Executive Drive, w/recommendation to deny
- 6) 2017 Tax Abatement - Map 183, Lot 98 - 87 Central Street, w/recommendation to deny
- 7) 2017 Tax Abatement - Map 237, Lot 21 - 42-42A Gowing Road, w/recommendation to deny
- 8) 2017 Tax Abatement - Map 215, Lot 4 - 36 Executive Drive, w/recommendation to deny
- 9) 2017 Tax Abatement - Map 173, Lot 26 - 51 Webster Street, w/recommendation to deny
- 10) 2017 Tax Abatement - Map 228, Lot 4 - 7 Wal-Mart Boulevard, w/recommendation to deny
- 11) 2017 Tax Abatement - Map 228, Lot 6 - 254 Lowell Road, w/recommendation to deny
- 12) 2017 Tax Abatement - Map 222, Lot 18 - 212 Lowell Road, w/recommendation to deny
- 13) Certification of Yield Taxes Assessed/Timber Warrant - Map 186, Lot 013 - Hampshire Ventures, Inc., w/recommendation to approve

B. Water/Sewer Items

- 1) Water Abatement - W-UTL-18-04 - K & M Developers, w/recommendation to approve

C. Licenses & Permits & Policies

- 1) Raffle Permit - Hudson Republican Committee

D. Donations

- 1) \$1,080 from American Legion Hudson Post #48 for Police DARE Donation Account

E. Acceptance of Minutes

- 1) Minutes of the June 5, 2018 Meeting
- 2) Minutes of the June 12, 2018 Meeting

F. Calendar

- | | | |
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| 06/27 | 7:00 | Benson Landscape Cte - BOS Meeting Room |
| 06/27 | 7:00 | Planning Bd - Buxton CD Meeting Room |
| 06/28 | 7:30 | Zoning Bd of Adjustment - Buxton CD Meeting Room |
| 07/04 | | FOURTH OF JULY - TOWN HALL CLOSED |
| 07/05 | 6:30 | Recreation Cte - BOS Meeting Room |
| 07/05 | 7:00 | Benson Park Cte - Cable Access Center |
| 07/09 | 7:00 | Conservation Cmsn - Buxton CD Meeting Room |
| 07/09 | 7:00 | Cable Utility Cte - Cable Access Center |
| 07/10 | 7:00 | Board of Selectmen - BOS Meeting Room |
| 07/11 | 7:00 | Planning Bd - Buxton CD Meeting Room |
| 07/17 | 7:00 | Municipal Utility Cte - BOS Meeting Room |
| 07/19 | 7:00 | Benson Park Cte - Cable Access Center |
| 07/23 | 7:00 | Sustainability Cte - Buxton CD Meeting Room |
| 07/24 | 7:00 | Board of Selectmen - BOS Meeting Room |
| 07/25 | 7:00 | Benson Landscape Cte - BOS Meeting Room |

07/25 7:00 Planning Bd - Buxton CD Meeting Room
07/26 7:00 Zoning Bd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 12, 2018

- 1) *Motion by Selectman Routsis, seconded by Selectman Martin, to hire Odette Seidlich as Assistant Town Clerk/Tax Collector at the rate of \$16.14 per hour (Step 1) per the AFSCME Support Staff Union Contract with a starting date of July 1, 2018, carried 5-0.*
- 2) *Motion by Selectman Morin, seconded by Selectman McGrath, to authorize the Fire Chief to temporarily promote Firefighter Jeff Sands to the position of Lieutenant at a rate of pay of \$25.25 effective June 24, 2018, carried 5-0.*
- 3) *Motion to adjourn at 9:20 p.m. by Selectman McGrath, seconded by Selectman Martin, carried 5-0.*

8. NEW BUSINESS

A. IAFF Local 3154, Request to Commence Negotiations

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia stated the Firefighter's union has requested that we commence negotiations. I have notified our labor attorney to schedule ground rules or schedule a meeting with that group. I believe you Mr. Chairman are the liaison to that. We will be meeting at some time in the future to a mutual agreed upon time to commence discussions for a successor contract.

For your information, Chairman Coutu said I'm available Monday through Wednesday all day. Thursday and Friday would have to be in the a.m. 9 or 10 a.m. Steve Malizia expected we'll get several dates and times but I'll make sure we know.

B. "Selectman Responsibility"

Chairman Coutu stated I had a minor discussion with Selectman Martin and he asked that it be put on the agenda. There's no info. so I'll ask Selectman Martin to explain selectman responsibility.

Selectman Martin explained since I was elected, there's really not a new selectman orientation in town. In fact, the only that governs the Board of Selectmen are RSAs pretty much.

Chairman Coutu interrupted and said I don't mean to be rude. There is a seminar that is conducted by the Municipal Association for new selectmen.

Selectman Martin indicated I've been there. However, internally in the town there's really not a lot is where I'm going at. There's actually not a lot of language for what we should be doing, and how we should be doing it, and so on and so forth. In fact, I'll take this task which I have my own task to do it is put together a set of by-laws for the Board so that we have guidance for our responsibility, the Town Administrator's responsibility, and what we can and cannot do. I noticed before I was elected years prior. Some of you may recall that I have talked about micromanaging. Why don't you trust - I always said to I think it was Selectman Maddox - why don't you trust your department heads? That's what you pay them to do. Why don't you trust them? Well if we trusted them we wouldn't get anything done. Well that's what we pay you for. I'm sorry. We've hired these professional people to do these jobs and I feel that we should let them do their jobs. For us to come in and interfere in the daily activities in the building, I don't think it's fair to come in and disrupt. That's why I stay away as much as I can because we have people that run the facility. I just want

to put something together with the consensus of the Board to show the Board and see if we can adopt some kind of rules for this Board to operate by not only just for this Board but we expect a lot of our appointed boards to obey by their by-laws and so forth. I think we should have something for the Board of Selectmen. Again the only orientation I went to was held by the NH Municipal Association. I went on a Saturday. I really got a lot out of that meeting. There's really nothing to tell me of my responsibilities in town. Not just me, any new selectman or current selectman.

Steve Malizia indicated Statute dictates the responsibilities and roles of selectmen and then it's a question of what you want to grant to others. I'm not sure you can grant everything to others because there's certain things statutorily you have to do just like statutorily the Planning Board does something or the Zoning Board of Adjustment does something. I am a Town Administrator. I don't have any powers as far as the Statutes go. They contemplate having a position to assist the selectmen. They don't name it by title. There are towns that are elected to have Town Managers which has a very specific Statute and has specific rules and regulations. Typically kind of like the State passes things down to us, you have certain roles and responsibilities. You can delegate certain things and there's other things I don't think you can delegate. I think you're bound to sign manifests for example. I believe you're the hiring and firing authority. I have no authority to do that. I'm not sure if you could grant me the authority but I don't have the authority. In a Town Manager setup, I believe I would have the authority or someone in this position would have the authority.

Steve Malizia said there are things based on our form of governance that you are responsible for. Again those are just top level but if you look, that's how this town has chosen to be governed by a Board of Selectmen that have a certain set of responsibilities. Granted you could dictate certain things to departments but I don't think there's things you can dictate either. It's a fine line. Again some of it depends on what the Board wants to do. I would agree. You hire professionals. You have professionals here but in the end you are the Board of Selectmen. You are the authority. That's the way it's been run for the last 1992/1993 when we came back from town council.

Chairman Coutu thought that I've said to you and I know I've said it to several new selectmen that have come on board and you've heard me say this that when you come in here and if you're in a cloud as to what do I do and what's expected of me, I've always said your greatest resource is the Town Administrator. In terms of the hiring and firing, a Board of Selectmen most recently one in New Hampshire has given full hiring and firing authority to one of its Town Administrators. I guess it can be passed down and it hasn't been challenged. I guess it could be challenged. I've always said that we manage - well it's the truth - we manage the town. The Board of Selectmen manages the town. We have certain duties and responsibilities but when it comes to dictating policy or when it comes to hire, fire, or discipline, we act as a team of one. We're a unit and we decide majority rules which direction we're going to go in and who we hire. We technically hire everybody but we let our department heads for other than department heads we let those department heads hire their own people. I don't think we've ever...

Steve Malizia said they make a recommendation to you. Typically you don't get into the process as much with those but you still hire them.

Chairman Coutu said typically we would make the final decision. In the Police Dept. for example the Chief could tell you there's a process by which they go by to hire a police officer. There are certain things that we are not going to be privy to that weigh in very meaningfully in the decision making process - the Chief and the hiring team that he has. They do interview. They have orals. They have certain tests that have to be taken, polygraph, and things of that nature. I don't know if they do it in this town but I know we were taking me being a police officer. We had to take an IQ test and see what your rating is. All of that stuff we're not really privy to. So we trust their judgement. There may be times that we question. We have at times not taken the recommended candidate. It hasn't happened too often but something came up, somebody knew something about somebody, and that's why we hold all those kinds of meetings in nonpublic so we don't want to sully the reputation of somebody publicly. I've always said that it's run relatively well. I would ask the Board if they would be willing to entertain Selectman Martin's recommendation that we have a set of I

don't know whether it's operating procedure, rules and by-laws. Remember that no matter what we do as a Board of Selectmen today, the next Board of Selectmen can undo.

Selectman Routsis noted Selectman Martin sent me three separate town's by-laws because I was curious. Going through them, it looked like it really spelled out how you hold this meeting is basically what they all did which is really what we're doing. Honestly going through them had I found something that was like mind blowing and I said wow that's something really different than what we're doing, honestly I'd absolutely be like we should put something together and adopt it but the majority of what those by-laws were was how we hold our meetings. A lot of it is governed by like you said RSA. It's kind of repeating what we already know. Being new two years ago, it was a hard learning curve but you also have great resources.

Steve Malizia indicated it is key that you act as a board. No one member has any more authority than any other member. We always have to remember that you're acting as a Board. A Board of Selectmen and typically majority rules obviously. That's I believe set up for a reason. Again no one individual has more power or can do something without the others. One exception may be in an emergency management situation. The chairman may have a little bit of discretion to protect the assets in the town and the people in the Town of Hudson. I'm qualifying that. That's emergency situations. We've been in those rarely but it has happened where sometimes the chairman has to make decisions by virtue of being the chairman. Again everybody else, it's a board. It's set up that way for a reason. It's still a democracy. It's maybe not the cleanest form of government but that's the form of government that we choose to operate here.

Chairman Coutu said do you mean individually we're not fire and police commissioners. Mr. Malizia said no. I had one selectman declared himself a Fire Commissioner and a Police Commissioner.

Chairman Coutu recognized that Chief Lavoie arrived.

C. Zoning Determinations

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia believed that certain members of the Board asked me to get a legal opinion from our attorney visa vie zoning determinations. As you are well aware, we have a Zoning Administrator. He writes zoning determinations and my understanding is it's distributed to the various individuals in town including members of the Zoning Board of Adjustment. I was asked to provide an opinion regarding copies of those. You could certainly read it on your own. There are some concerns that if members of the Zoning Board discuss this outside of the realm of the zoning meeting, this could constitute either some disqualification of people, prejudgment of a case. We just have to be very careful. I think that was the intent to determine what we should and shouldn't do. I was asked to get this. I've put it on the agenda. I'm assuming everybody has taken a look at it.

Selectman Martin said I'll give you my comments. I think that I have never seen a case where a member has prejudged a case because they're getting these determinations but I have seen where a sitting member has appealed which I think maybe it was wrong because that individual was not aggrieved to the case. I think as I said before regardless of how we feel of what the Zoning Administrator makes a determination on what he writes. He has to live with that decision. He has to defend that decision if it's appealed and the ZBA has to hear that. I think it's important to remember that I don't think members of the ZBA should be appealing zoning determinations when they're not aggrieved. That's my two cents.

Chairman Coutu stated that's also your opinion. I'm not saying I agree or disagree but that is your opinion. In the letter from Attorney Lefevre, he kind of skirts around that the ZBA pretty much does what the ZBA does. They talk about member or members having challenged a determination. I agree with you in that the Zoning Administrator has to live with his decision. If it goes to trial, he's going to be called as the witness who made the determination and he's going to have to give sufficient reasoning to a judge as to why he or she made that determination. I looked at the last

paragraph to me in the letter was a little confusing. He says, "ultimately whether the Zoning Administrator should or should not be copying the ZBA on zoning determinations is really a question of business practice and within the discretion of the Selectmen/Zoning Administrator". I guess if there's a problem with copying determinations to the other members of the ZBA and any one member of this Board has a problem with that, then perhaps a motion or a policy should be established is the way I interpret this and I could be wrong and then we can either direct him not to copy them or continue to copy them. I personally like you said you like department heads to run their departments. We live with his decision.

Selectman Routsis asked do we know why he does it. Have we asked him?

Selectman Martin indicated in the past when I first started on the Zoning Board, we used to get paper copies and then they stopped coming paper and it came e-mail. The paper would be in your packet when you got it mailed to you. I never knew why we got those. I never understood why.

Selectman Routsis said I just asked because there may be a reason that he does it and without knowing what that reason may be, I personally wouldn't feel comfortable saying no you can't do it without talking to him.

Chairman Coutu said I agree with you.

Selectman McGrath thought I told you the reason why a meeting or two ago. They started sending out copies of the zoning determinations a number of years ago to both the Zoning Board members and the Planning Board members because a lot of the cases were being overturned and there were a lot of legal challenges to some of the determinations. The members of both boards, and I think in the last maybe since Bruce came on or maybe even shortly before that, members of the Planning Board stopped getting them. I don't know why that happened but I got them because I was liaison to Zoning so I still saw them and I'm still going to receive them because I'm interested in seeing what they are. The current members of the Zoning Board have been getting them and looking at them and reviewing them and have raised questions to the Zoning Administrator because it didn't make sense. It didn't make sense in relation to the zoning ordinance so they questioned it. That saved those cases from getting before the Zoning Board having the applicant pay fees to get on a Zoning Board agenda, get through the hearing process, and then have it denied. Either denied or delayed/deferred in order for them to correct the errors in the original determination.

Selectman McGrath stated if the Zoning Board members stop getting copies of these determinations, I foresee a multitude - maybe that's a little bit strong - but I can see a number of zoning determinations that might not be correct get before the Zoning Board of Adjustment where the applicant has paid the fees, paid for the abutter notifications - much like Blue Bird, I'll remind you of that because you're familiar with that case and the errors that went with that. Then it gets deferred. You get the abutters all upset. You get the applicant all upset and then if they can't hear the case because it's not compliant with zoning or not correct, then they have to either defer it or deny it. If they deny it, then the applicant has the opportunity to appeal to the Zoning Board of Adjustment for a rehearing. That rehearing if it's still not correct they would deny it or if they found that they didn't make an error in judgment. The only alternative then is for the applicant to take it to court. Then the town pays legal fees to defend that decision. To me it's a smart thing to do and it doesn't harm anyone for them to get that information. It saves trouble and it saves money for a number of people. The current members of this Board are diligent in their duties, the seriousness that they take in performing their duties, and they're ethical. Each one of them I know if they felt that there was any bias or any question about their ability to carry out a fair hearing for the applicant they would step down just as I have done over the years. This to me is a non-issue. I think that they should still continue to get it and I must add that when Selectman Martin was on the Zoning Board I never heard him once complain about getting those zoning determinations. Not once.

Selectman Martin said I'll defend that Mr. Chairman. Yes I got those zoning determinations. I read them and I filed them. I can show you back to 2010. I have a folder that says "ZBA". I never called anybody and said you need to change your determination. That's not the responsibility of a member

of the ZBA. I'm sorry. You shouldn't be calling the writer of that saying you should change it. Not even a Selectman should be doing it but I've seen it done and it should stop.

Chairman Coutu said it's shocking to me that someone would call the Zoning Administrator and say you're wrong in your determination. I think he's got to live or die with his determination.

Selectman McGrath didn't think that's a fair statement. I would suggest to you Mr. Chairman that you talk to the Zoning Administrator and ask him directly if anyone has ever done that. There have been questions certainly about the zoning determinations that he's issued. There's been questions that have gone to the attorney concerning those determinations but I don't think - I'd be surprised if it's true that anyone ever said to him you have to change this. I don't believe that that's so.

Selectman Martin asked to qualify that Mr. Chairman.

Chairman Coutu indicated I don't have personal knowledge. Like Mr. Martin, I know you served on the ZBA for a long period of time and I know that Selectman Martin has served on the ZBA for a while. He took the task of rewriting the by-laws I believe. I assisted you with editing. I'm relying on what he's saying that people are calling him to change so now he's going to qualify it.

Selectman Martin stated I have e-mails in here that I'm not going to pull out of my ZBA folder. Selectman McGrath has done it. You need to change this and you need to change it now. Selectman McGrath said you need to provide a copy to me. Selectman Martin noted Maryellen Davis has done it and I have e-mails. I'll go look for them when I get home. I'll provide copies. The bottom line Mr. Chairman I might say nobody, again I'll say it again, nobody should be questioning the Zoning Administrator's determination except for the applicant who may be aggrieved by the decision who can appeal that to the ZBA.

Selectman McGrath said the only thing I'm going to add is that number one whatever you have related to me, I want a copy of it and I want it certified that it goes through the town because I don't trust you. Selectman Martin said that's fine you don't have to trust me. Selectman McGrath said that's number one. Number two I'm just going to point out again that you're in danger of having cases denied because mistakes have been made and you know that there have been many. You know that there have been many and those cases if they're not correct, the Zoning Board is not obligated to approve it. So those applicants are going to be paying fees to get before the Board. They're going to be paying fees to hire an attorney and the town is going to be paying an attorney to represent us. Again I urge you Mr. Chairman to talk to the Zoning Administrator himself.

Chairman Coutu said I try to stay away from department heads as Selectman Martin alluded to earlier but I will make you a promise that it's long overdue that I meet with the Zoning Administrator and I will do so. Selectman McGrath suggested that Mr. Malizia be present. Chairman Coutu said I think we were going to do once or twice in your office and we never really did it. So we'll get together with him. I promise you I will do that. Selectman Martin it's your prerogative whether you want to supply documents or not but you made a statement. It's been aired. If you could copy it and we can sit down with Mr. Malizia. He is the town when we are not around or manages by abstentia. He manages on a daily basis. If need be, we'll take this issue up in the future. Anything further - none.

D. Benson Park Electrical Service

Chairman Coutu stated the next item is - I'm well aware of it - the Benson Park electrical service. Selectman Morin asked that it be placed on the agenda. I'm fully aware. The only thing I'm concerned with is if we were to defer this is there a timeframe we have to do this by if we were to approve this. Do we need to approve this? I thought this was already approved.

Steve Malizia indicated said it's not already approved. As I understand it, there is conduit or materials going to be ordered either tomorrow or this week for the two portions you've approved. You've approved the bathroom project. You've approved the extension from the bathroom to the

gazebo. If you recall, those were at two different meetings. This is more of the same material and I believe also a work order with Eversource. I think there's a time constraint from that perspective. The other time constraint is if you wish to do it out of this year's money, the year ends in three days. You'd need to do it today if you want to take it out of this year's money. If you don't worry about that, next year's money you can take it out of next year's money. There's that time constraint too. It's up to this Board. There's two pieces. Again my understanding is it would be more efficient in savings of \$1,000 to \$1,500 if you did things all at once, i.e. order Eversource out once. You ordered all the conduit all at once. Whatever the case may be from a material perspective.

Chairman Coutu asked he's the laborer so he'll be there. Mr. Malizia indicated he won't be there right away. This is not going to happen in the next three days nor is the other two pieces going to happen. Chairman Coutu indicated he will be there as opposed to having to rebook another job. Mr. Malizia agreed. It's more efficient from that perspective. Again I think the Eversource piece is more efficient. Again if you want to do it out of this year's money, i.e. money that would be lapsing after this week, this is the last meeting you have.

Chairman Coutu explained if everybody saw your packet, the total cost will be to bring the 400 amp service. Let's qualify that first.

As Steve Malizia understood it, currently the office building which is also referred to as the kitchen...Chairman Coutu asked did you look at the lease. Mr. Malizia said yes I did. I have it right here. Chairman Coutu asked if it was 400 amp. Steve Malizia indicated not it is not. Here's what it is. It's 200 amp but because we have 60 amp at the office, you have to bump the office up to 400 and then drop 200 over to the elephant barn. Chairman Coutu agreed. When I was speaking with you, I said 400. I stand corrected. It is 200. Mr. Malizia said you only have 60 as I understand it at the office building so you're not going to get 200 if you only have 60 here. You need to start with a great number. From an office building kitchen perspective, they'll put the transformer in to be able to provide 400 amps of which 200 will then be directed to the elephant barn. We do have a requirement in the lease with the Friends of Benson Park that we will provide utilities up to the facility. They do everything inside. That's their problem. They pay the bills. That's their problem. The town is responsible when they signed the lease back in 2012 to provide utilities to that building. It doesn't say when it just says we will provide them. In this case, it's 200 amps so you have to do something to get 200 amps over there. That's I believe where this number came from that was requested of Mr. Dhima about this number based on I believe Selectman Morin's request and that's what I know.

Chairman Coutu indicated the cost to provide the 400 amp service to the administration building which will allow for them to draw 200 amps back over to the barn is \$4,725 and according to Mr. Mason if he doesn't include this in the whole package, it all has to be contracted out separately. It could very well cost somewhere between \$5,725 to \$6,000.

Selectman McGrath asked why 400 amps. If they have a 200 amp service now. Steve Malizia indicated they don't have any service. The elephant barn I think is run off basically an extension cord but I don't want to quite put it that way. Chairman Coutu said it's been made legal at my request.

In order to give per the lease and what was contemplated, Steve Malizia said in order to give them a 200 amp service at the elephant barn. You need to put a 400 amp service at the office building so that you can put one transformer and provide 200 amps to the office building and provide 200 amps to the elephant barn. Right now you only have 60 amps over here so you're feeding them with I think no more than 60 amps. Depending on what they're doing if they're running a cooler, I think they have water for sale, ice pops or some other stuff like that. Chairman Coutu noted they're really draining they system. It's dangerous to run that. Mr. Malizia said their needs as expressed in this lease were for a 200 amp service. We are required to provide the 200 amp service to the building. Once it goes to the building, then inside the building is their issue. Chairman Coutu said they're going to pay their own electric bill. They're going to have their own meter. We will no longer be paying it.

Steve Malizia noted I'm not technical but I was told you can't do it off the 60 amp that's there. It just makes sense to do a 400 amp service so we'll have 200 amps in our building, i.e. the office kitchen, and there will be 200 amps over there. It should all work well. That's my understanding.

Selectman McGrath said that answers that but what else are we committed to doing in Benson Park that we haven't done already. Chairman Coutu said nothing that we haven't done. We have made a decision that this year we were curtailing spending where we were going to just do the upkeep. There's going to be no special projects. No additional funding other than what's in their budget. Mr. Malizia said what you've committed to big picture is to maintain certain historical structures to the level that you receive them. You're not required to improve them but you are required to maintain them. What does that mean? Basically you got them in certain condition. You have to keep them in that certain condition.

Chairman Coutu said if all the windows are intact and somebody were to break them, we have to replace them. Steve Malizia said if something was to start leaning and potentially falling over, you'd need to sure that up and make sure it doesn't fall over. That's basically what you're required to do. We know that the train station exterior has been greatly improved from when we took it over.

Selectman McGrath noted that was a costly endeavor.

Steve Malizia said yes it was. It had a grant but it was very costly. The office building had siding done and beams shored up underneath it to keep that from deteriorating and I believe some number of years ago had roofing redone it to keep the water from penetrating. Again that's in the lease. We're required to do certain things to maintain buildings to a certain level. If the roof failed and the water starts getting in, that would be a violation of let the town agree to when they got the property for \$188,000. The one building you haven't done much to is the barn and that's probably obviously the biggest number out there. There's been certain things done but nothing of significance other than shoring it up, taking the cupola off, and trying to keep vandals out and bats. We had a bat problem. Those buildings you're required to do something with. The rest of the park, I'm not aware that it says you're required to do anything. We've chosen to put trails in. We've chosen to have a gazebo. We've chosen to upgrade the gorilla house. All those things are choices. They're not required as I understand it.

Selectman McGrath requested inception to date number from KC. I got mine marked up and ready to go. So far with the funding for the bathrooms and the money that was voted on at the last meeting. We will have spent - and this is without the labor that's going to be incurred for the bathrooms and the gazebo - it will be \$1.8 million through Fiscal Year 2019.

Chairman Coutu added that most of this was approved by the voters. Selectman McGrath commented some of it was. There were some big ticket items that weren't approved by the voters. It's done but the people that are paying the bill should know that we've spent close to \$2 million on Benson's Park and it's a passive recreation park. It's a beautiful park and I recognize that. I'm concerned that the Benson Park Committee thinks that they're going to be coming up with a five year plan and it's like giving them a credit card with someone else's money to come up with all of these projects that I think we should be at an end. For those that are watching and those that are concerned about where your money is going, close to \$2 million has gone to Benson's.

Chairman Coutu asked did you say it should come to an end. Selectman McGrath thought so. Chairman Coutu reminded Selectman McGrath that the people who serve on the Benson Park Committee are no different than any other citizen who's willing to serve on other committees. They're volunteers. They were directed I believe through the request of this Board to come up with a five year plan. It was something that was in the making for a couple of years. That's what they want to do and that's what we are going to welcome from them is the five year plan. We've had five year plans for our municipal government and we haven't done a damn thing for a lot of things on that either. The voters will decide ultimately here on out any future projects that will be done at the park and be it through a recommended five year plan and we take item by item, we'll let the voters

decide. No different than the conversation I had with the Police Chief today about coming up with a plan next year in his fiscal budget about the expansion of the police department. Ultimately the voters will decide that. He knows it. I know it. We all know it.

Selectman McGrath agreed with that. I think that the voters should be voting on these expenditures. Chairman Coutu said the voters approve most of the items that are on this spreadsheet that you requested. Selectman McGrath reiterated so close to \$2 million.

Selectman Routsis thought as a Board we need to talk about a way for the park to potentially become somewhat self-sustaining. I know we put the question the ballot as to what the town thought we should or should not do as an advisory but we actually never discussed it again afterwards. Where we are approaching the \$2 million point and there may be other costs in the future, I think it is something that we do need to start looking at. It may take a year or two to come up with a plan and implement it but I do think it is something that we do need to start looking at.

Selectman Routsis asked KC how much is this on a tax bill? Do you know? Kathy Carpentier said I do not because as Selectman Coutu said some of it was grant money. It wasn't all raised by taxpayer dollars. Chairman Coutu noted almost a half a million was grant money.

Selectman McGrath said some of it was cap fees too.

Selectman Routsis said it will just give an idea. If you could get that to me when you have a chance just so we have an idea of how much of each person and the town's tax bill this affects as well. While I agree we have spent an awful lot of money on Benson's, I think there's the flip side of it as well where there is a certain percentage that each person pays. I think if we're going to let them know that you spent \$2 million, they should know what portion of their tax bill is Benson as well.

Chairman Coutu said when you get back to self-sustainment of the park, you're talking about charging people a fee and that would include our citizens. Selectman Routsis indicated they're already charged a fee in their taxes. Chairman Coutu said over and above that, they're going to pay a fee to get into the park. I don't think that's going to go over well. Selectman Routsis thought it's something we need to discuss if we're going to continue doing things. Chairman Coutu said I wouldn't support it but we can discuss it.

Chairman Coutu asked to make that as an item for the agenda. You want to talk about what steps we can take based on the ballot question that was put out about - which the voters rejected by the way, I think they didn't want to pay a fee to go to the park. Selectman Routsis noted it was an advisory question. It wasn't an approve or reject. It was advisory. Chairman Coutu stated it's either we put in parking meters - the Benson Park Committee let's get a member in here because they had an extensive discussion about what avenues we could employ to generate revenue to help finance Benson Park. Let's see if we can get one of them in - whatever volunteer has the most knowledge on the subject and then once we've identified that person bring that person in. We're going to include them in our discussion so we have first-hand knowledge of how extensive the discussion was. I wish former Speaker of the House Jasper were available because he had a lot of ideas too.

Steve Malizia said you actually didn't really settle what you want to do with the electrical service from the office building to the elephant barn.

Selectman Martin asked how much money is left after the last action we took. Steve Malizia indicated none. You have to take it out of contingency. Selectman Martin stated I would move this fiscal '19 and take it out of their operating budget. Chairman Coutu said you want the cost to go up another \$1,000. Selectman Martin said I'm not ready to take it out of contingency.

Selectman Routsis asked a question that's kind of contradictory to what I said. Since it's in their lease that we're required to do it, does that come out of their operating budget or would it matter either way because by lease we're contractually bound to do it.

Steve Malizia explained Friends of Benson Park are a separate private group. We are required per the lease to run utilities to that building. It doesn't come out of their budget. It's not their responsibility. It's the town's responsibility so it comes out of some department or budget of the town and not the Friends of Benson Park. We have Benson Park accounts but we've spent all that money and then I think you went a little bit over with the gazebo piece. There is no money left in the Benson Park budget. If you were to do anything, you're talking about contingency. Chairman Coutu asked unexpended fund balance. Mr. Malizia said no contingency. It's a specific line item in the budget that you haven't spent all the money yet and you only have three days. Chairman Coutu asked we have no unexpended fund balance. Mr. Malizia noted of course we do but that's not how you take this out of. You'd have to go against an appropriation and that's the appropriation I'd recommend. Correct?

Kathy Carpentier agreed. The voters are the only ones who can take it out of undesignated fund balance. Steve Malizia indicated it doesn't mean he couldn't do it next year. Next year being after this week. That's up to you. That's your prerogative. It's my understanding there will be an increased cost because of mobilization of Eversource and conduit. What's that number?

Selectman Routsis said I don't have 8.D. like you guys did. I read Selectman Martin's but when is Eversource currently scheduled to go out. Steve Malizia said I couldn't tell you. I don't know. Selectman Routsis didn't think three days different saying yes or no or until our next meeting voting on it would really make a difference as to whether this jump or we're going to do it at the same time. We're saying that it will be \$1,000 to \$1,500 difference if we wait two weeks.

Chairman Coutu said no. His order is going in Friday of this week. If he doesn't bundle it, it's becomes a whole separate purchase item. I'll be frank, the Town Administrator reminded me we had this discussion at some point last week he said well as Chairman of the Board you can sign anything under \$10,000. I opted not to do that because I want the Board to have transparency that whatever you want to do, we'll do it that way. I could have signed off on the purchase order. We would have taken that out of contingency. I said we'll take it out of contingency. Then I thought about it and said no never mind we'll talk about it with the Board. I don't want to sign something. Then I called the Friends of Benson and wanted them to know that I wasn't going to do anything unless the Board directed me to on this particular item because of the question of costs at Benson Park.

Motion by Selectman Martin, seconded by Selectman Routsis, to take \$4,725 from contingency payable to Mason Electric to install a transformer and run a 400 amp service to the Administration Building.

Selectman Routsis stated I'm seconding solely for the potential cost savings and the fact that the order needs to be in by Friday and per lease we're bound to it.

Vote: Motion carried 3-1. Selectman McGrath in opposition.

Chairman Coutu recognized Kathy Carpentier was hoping that we could kind of take the agenda out of order a little bit. Based on the next item which is the police parking lot will impact what I'm about to do. If you deny it or approve it, then it changes what I need it to say. If you approve the project do I put it in? If you don't approve it, I take it out. Chairman Coutu noted I'm in accord.

F. Police Department Parking Lot Paving

Chairman Coutu recognize Police Chief Jason Lavoie

Chief Lavoie explained we've made numerous patchwork fixes over the years. It's the original paved parking lot both the front and the back. We've had sink holes. We've had all kinds of stuff. We currently have more potholes and because of the way the drainage is, we have large sections - table length wide - where we've had to cut out sections of the pavement and redo it. As water

keeps going every year and you have the winters and everything, it just comes back up again and we end up with more holes. The goal has always been for a number of years now to repave the parking lot both the front and the back.

During the course of this year, Chief Lavoie said we had a couple of vacancies at the department for about eight months. I was hoping to be able to utilize the savings that we had in the vacant position because when we come in with a zero based budget we're trying to keep the tax rate down. We're always looking for opportunities to try and say okay we have this much extra over here because we didn't have a position funded. Let's see what opportunity does this provide because I also have an obligation to maintain the facilities - interior, exterior, and the parking areas. My hope was to be able to replace the rear parking lot where the employees park, adding some additional parking because in 1994 when the station was built, we had less people and all the spots are now full and beyond. We're parking on the ground and things like that. We're looking at making some changes back there.

However, Chief Lavoie stated the approximate cost of that is about \$74,000 or so. Looking at our total budget and you couple the fact in that we've also been covering the earned time buyouts, our earned time buyouts is about \$150,000 that we've had to cover out of our budget. Well that eats away at the opportunity of trying to repair the parking lot. If the Board supports this and says repave it, I'm looking at being at about \$16,000 possibly overspent in our budget for the end of 2018. I'm here to talk to the Board tonight or ask the Board with the Finance Director's assistance what is the Board's preference in doing this? If you were to exclude the earned time buyouts that we have covered within the department that we do not have a budgeted line item for, it is not in our budget and never has been I would be fine. Because we've been covering the earned time buyouts out of our budget, it looks like we'll be overspent by about \$16,000 in order to do this project. If the Board says no you can't do it because you're going to be over, then I'm going to have to ask for what can we do different in our budget cycles to increase our budget capabilities so that we can start making some necessary repairs. A lot of you have seen these areas that I'm talking about. We've done a slide show presentation which Selectman Coutu was referring to. We've been talking about this for a few years now. I'm here for suggestions and I don't know if the Finance Director should clean up anything that I just said.

Kathy Carpentier thought you did pretty good. He is really going to be overspent about \$160,000 which \$150,000 of it is approximately the buyouts that he's had to cover. That includes assuming the fact that you've already approved the \$74,000. We would need to find \$16,000 approximately somewhere else in the budget - legal, town poor has some in order for him to cover this project or we just let it be overspent by \$16,000 with Board's approval. It's the department head's responsibility to come in under budget excluding the buyouts but with Board's approval would could do a transfer to cover it.

Chairman Coutu said I have a couple of questions. On the purchase order why was there a PO change. Chief Lavoie explained we had to change the PO because originally there is some miscommunication between us and Brox. One Brox person had it, and then went to another, then to another. The person came back with \$94,000. I followed up with the Highway Department and they got a hold of the appropriate person. They had a conversation and they cleaned up the miscommunication and hence the second purchase order number.

Steve Malizia said we're getting the rate that the paving is getting basically. We have a rate which is town-wide paving. That rate is good through October. They couldn't hold it past October.

The only other question Chairman Coutu had to Ms. Carpentier is you're talking about Fiscal Year 2018 budget as monies left in certain accounts that we could appropriate to cover the \$16,000. Kathy Carpentier indicated that will lead into my next agenda item which I can do if you want if it helps.

E. Accrued Time Payouts

Kathy Carpentier said we've had 94 payouts this year. Ten employees have left employment which we'd have to pay them out. Fourteen had hit a max that are in the contract. We had to pay them out. It's almost \$453,000 which includes taxes, pension on the buyouts, on the termination payouts. The department heads are covering that and it's in their departments. They are unable to cover all that amount. I was coming before you assuming you approve the parking saying I need about \$163,000 estimate or up to \$163,000 out of the earned time capital reserve fund to cover some of the overages. The three big ones are Police, Fire and Highway and they are all overspent. More than the buyouts on their account.

Chairman Coutu said when we go to the analysis sheet, that's what's going to be affected. The percentage will drop is what's going to be affected. Ms. Carpentier said yes. Could I say it out loud because there is currently \$766,000 which is about 40 percent of our liability. If everybody was to leave on June 30th last year because we haven't done it for this year, we would have to pay out everybody's accrued time which isn't going to happen so you strive to get like anywhere between 30 to 50 percent accrued on the books. We have \$766,000. I'm asking for about \$163,000 up to. If some of the estimates don't come in as high as we're encumbering right now, we do have one more payroll to go and about two or three weeks of payables because like electric bills will come in, phone bills, and that type of thing. We look at it at the end if I don't need to take \$163,000 out, it will be some lower number or zero would be the best case scenario. Chairman Coutu asked so \$163,000 would be the max. Kathy Carpentier said that would have to be the max because that's what I'm asking you to authorize.

Chairman Coutu said when I look at this - and this will be my last question - it looks like we have a liability in reality of earned time buyouts of about \$1.75 million. Kathy Carpentier indicated that was as of June 30, 2017. We will do this again over the summer. We do it every year. It's part of the financial reporting so that number could change. As you can see, it's been directionally about the same. I've given you a five year history on this document.

Selectman Routsis asked and it's pure question. There are about six people in department 5554 which is Highway that they're the same exact people and numbers under sewer. Kathy Carpentier explained the people in the Drains Department, all their salary line items is a 60/40 percent split. Sixty percent goes to drains which is a general fund department and 40 percent goes to sewer funds. Those are the same people, the same buyouts but we've split it up because one goes to sewer fund and one goes to general fund. Good observation.

Chairman Coutu stated you need for us to first of all determine whether or not the Board would approve the \$74,765 for the parking lot rehab and whether or not we're going to take it out of this year's encumbrance. Are we going to encumber it? Kathy Carpentier said that would be my next agenda item. Chairman Coutu said first you need an approval on this. Let's see where this goes.

Motion by Selectman Martin, seconded by Selectman McGrath, to approve the contract with Brox Industries, Inc. in the amount of \$74,765.00 for the reclamation and repaving of the Police Department parking lot with the funding to come from the Police Department's Fiscal Year 2018 budget.

Selectman McGrath wanted to be sure. By approving this the overage in your budget is going to be 16k and not 160? Ms. Carpentier said not it is \$167,000. He's only responsible for the \$16,000. There's other departments like my department has excess. Legal has excess. There's other departments. Selectman McGrath said it will be caught up somewhere within the overall budget. Thank you.

Vote: Motion carried 4-0.

Motion by Selectman Martin, seconded by Selectman Routsis, that as the Board of Selectmen are Agents to Expend request the distribution of up to \$163,000 from the Employees' Earned Time

Fund from the Trustees of the Trust Funds as reimbursement for fiscal year 2018 appropriations if needed, carried 4-0.

F. Encumbrances

Chairman Coutu recognized Finance Director Kathy Carpentier.

Kathy Carpentier believed you were handed out a document today because a couple of things have changed. Encumbrances as some of you may know are legal liability that is committed to by department heads or committee chairs for stuff that is already in process, been approved, and is already started by June 30, 2018 which is this fiscal year. We would have a signed PO in our hands for all these things with the exception of a warrant article that's non-lapsing. In this case, you have the construction of the new fire station. All the funds there some have POs that Chief Buxton gave me and then the remaining funds would all be encumbered until the project is complete. At the top of the page, you can see he has \$171,000 that's just not committed to anybody at this point but he has approval by the taxpayers to spend that whole amount. Everything else has a PO for it. This amount does include sewer, water, conservation, and library - all the town funds. It also at the very end of the page are the two items that you took action on tonight. I took the liberty of adding them in assuming that you would vote for them in the affirmative.

Motion by Selectman Routsis, seconded by Selectman McGrath, to encumber the not to exceed amount of \$2,023,616.12 for Fiscal Year 2018 as recommended by the Finance Director.

Chairman Coutu said I noticed that on this sheet comparatively when you look at the sheet that was provided to us in our agenda, there's a \$30,000 decrease in the sum at the end.

Kathy Carpentier said at the top Pennichuck Water service went down \$51,000. Chairman Coutu thought that was a little excessive. It was 212 originally and it's down to 152. Ms. Carpentier said that changed and also the library fund was not added into the total. The \$50,000 change in the 20 and I also didn't have the Benson Park electricity he just spoke about. The motion is not to exceed. As things get paid, we do leave the year open for two more weeks through July 15th. As things get paid, things will come off of here so this is a not to exceed amount.

Vote: Motion carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Routsis - I want to thank the library for inviting me out to the meeting last week. It was the first meeting that I had attended for them. It was informational for me since I don't watch their meetings and I hadn't been before. I do look forward to future meetings with them as well. That is all that I have.

Selectman Martin - On Wednesday the 20th of June I had a great opportunity of representing this town at the NRPC meeting. What an enlightening meeting. Talk about not knowing what to do. Well there you go. I jumped in and got my feet wet and made motions, seconded them, and whatever I needed to do to get it done. They do good things. I'm seeing that they're doing great things for not just this town but all towns in the community.

Chairman Coutu asked what have they done for this town remind me.

Selectman Martin said I did get information from them that they presented at the meeting but I haven't sat down and really read through it to come back to the Board with any good information. The Budget Committee is not meeting next week because their meeting day is July 4th and it wouldn't be right so they took July off. That's all I have.

Chairman Coutu indicated Jay did an awesome job on preparing the economic development and he works for NRPC. He did a good job. I was just waiting for you to jump in and say that.

Selectman McGrath - I have nothing tonight.

Selectman Coutu - Mr. Malizia is there any possibility - I know you had the question posed but is there any possibility that we can either open the senior center or the community center for cooling station for Saturday, Sunday, Monday - 85, 90 and 85 is the forecast for the weekend. I don't care if only 5 or 10 people show up at least they have a place to go cool off. Some people can't afford air conditioning in this town.

Steve Malizia indicated you have a recreation program that's running on Monday. I would say no at the community center. That started this week. I don't think you're going to be able to put people in there when there's a rec. program running. As far as the senior center goes, I believe they have their regular normal activities and I don't know. It's up to you if you want to direct that that building gets open but that's up to you whether you choose to open that building. I would presume similar to when we have power outages in the winter that if there was a need for a shelter for "cooling", the City of Nashua Red Cross staffs those sort of things in Nashua. I'm not aware what staff we're going to put in those buildings because quite frankly I'm not sure who's available and who would be sitting there. You can't just not have somebody there.

Chief Lavoie indicated we'd be more than happy if the anybody in the Town of Hudson was having some heat issues or concerns. Just like we've done when people lost power, the Anne Seabury room at the PD, they'd be more than welcome to hang out there. We could provide a TV for them to watch or whatever. Obviously we're there. If somebody was in need of help, cable TV is more than welcome to broadcast that now.

Chairman Coutu knew too that some of our vendors in town if we were to do that just like we did during the electrical storm. They would provide pizza and coffee and they do that free of charge. That resolves the issue then. Thank you very much. The Anne Seabury room at the Police Department will be made available and that solves that.

Steve Malizia indicated the library I think is also open on Monday and I believe Saturday too. The Rodger's Memorial Library is typically open but not on Sunday.

Chairman Coutu indicated we won't be meeting before the 4th of July. I want to remind everybody that some of your tax dollars pay for the 4th of July fireworks that are going to be held here in town. Mr. Malizia was not aware of any fireworks that are going to be held here in town on the 4th of July unless they're at Ms. Routsis's house. Chairman Coutu said Old Home Days. We don't do fireworks. Holman Stadium has them and they're beautiful fireworks. We have a good display on Old Home Days. They do a great job.

The 4th of July is upon us. I'm going to remind everybody in town that it is illegal to set off fireworks in the State of New Hampshire unless approved by a Board of Selectmen. This Board no one has made any motions nor directed this town to set off fireworks. I don't think we're going to be allowing it this year. I want to ask you to be extremely cautious when driving. Please if you're going to drink be responsible. If a friend, or a neighbor, or a relative suggests that you should probably turn in your keys, I would recommend you turn in your keys. Better safe than sorry. Please be careful.

Schools are all closed I believe. This was finally the last week so the schools are closed and I'm noticing a lot of kids walking around. Please be very careful and have a very safe 4th of July. I want to take a note of personal privilege. I'm going to wish my wife a happy 55th wedding anniversary. We're going to achieve that Friday. I'm looking forward to it I think.

10. NONPUBLIC SESSION

Motion by Selectman Routsis, seconded by Selectman Martin, 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; (b) The hiring of any person as a public employee; and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, carried 4-0 by roll call.

Chairman Coutu entered Nonpublic Session at 8:25 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 Coutu entered open session at 8:43 p.m.

Motion by Selectman McGrath, seconded by Selectman Martin, to accept Chief Lavoie's recommendation to recognize and award Lieutenant Tad Dionne and Lieutenant David Cayot each with a \$500 merit award in accordance with the Hudson Police, Fire, and Town Supervisors Association Contract, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 8:43 p.m. by Selectman McGrath, seconded by Selectman Martin, carried 4-0.

Recorded by HCTV and transcribed by Donna Graham, Executive Assistant.

Roger E. Coutu, Chairman

Marilyn E. McGrath, Selectman

Angela Routsis, Selectman

Normand G. Martin, Selectman