

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 8, 2011 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of February 8, 2011 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Coutu.
3. ATTENDANCE

Board of Selectmen: Ken Massey, Roger Coutu, Shawn Jasper, Rick Maddox and Ben Nadeau

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Town Engineer Gary Webster; Town Clerk/Tax Collector Patti Barry; Police Chief Jason Lavoie

4. PUBLIC INPUT

Recognition of Police Chief Jason Lavoie's 20 years of service.

Chairman Massey indicated that again, as he's always said, this is one of the great things about having this particular opportunity. He asked Chief Lavoie to come forward.

[Chairman Massey] Chief it is with great pleasure that he brings this to the Board's attention tonight. You began your career with the Hudson Police Department on February 19, 1991. You're a lifelong resident of Hudson and a graduate of Alvirne High School and also Plymouth State College where you majored in Business and Psychology and with a minor in Economics. Chairman Massey remembered Chief Lavoie once telling him that when he was young he had a chance to ride along with the police. That was when he knew that that was what your lifelong ambition was going to be was to be a policeman. We've been fortunate that you decided to make Hudson your home. You became a Sergeant in December of 2002, Captain in July of 2006, and Chief of Police in January of 2009. You lead a successful re-accreditation of the Hudson Police Department in March of 2009. You're an active member of the community, coaching youth athletic teams, and serving as a Director of the Hudson Chamber of Commerce. You live here with your wife Linda, Tyler and Kayleigh here in Hudson. On behalf of the Board, a small token of their appreciation for 20 years of service and he hoped to see him for 20 more years.

Chairman Massey asked if there was anyone in the audience who would like to address the Board on any subject.

5. NOMINATIONS & APPOINTMENTS

6. CONSENT ITEMS

Chairman Massey asked if any Board member wished to remove any item for separate consideration.

Selectman Coutu said Item 6. C. 4. under Licenses & Permits.

Selectman Maddox said item 6. A. 2.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve consent items A, B, C, D and E, as noted or appropriate except 6. A. 2. and 6. C. 4, carried 5-0.

A. Assessing Items

- 1) 2009/2010 Tax Appeal Settlement - 25 & 29 Cross Street, Map 190, Lots 16 & 17, w/recommendation to approve
- 2) 2010 Supplemental Tax Bill - 18B Chagnon Lane, Map 116, Lot 013, Sub 002, w/recommendation to approve
- 3) Tax Deferral Application - 12 Sullivan Road, Map 145, Lot 011, Sub 002, w/recommendation to approve

Selectman Maddox referred to item 6. A. 2. the last page. Mr. Malizia believed it was Mike Pietraskiewicz in the Assessor's Office. Selectman Maddox wondered how long has that credit been issued to this property. Chairman Massey asked if that was a question that he would like to have answered before they acted on this. Selectman Maddox said if they never lived there, how long have they been getting the credit. It was Selectman Coutu's impression that this was ongoing. He didn't think they had a specific date. It's a good question.

Motion by Selectman Maddox, seconded by Selectman Coutu, to defer Consent Item 6. B. 2. until the next Board of Selectmen's meeting on February 22.

Selectman Jasper said he didn't oppose getting the information. He didn't know why they didn't just go forward with this. We're not going to be able to supplemental bill him for years going back. If you think there was fraud, that's a whole different thing. They have a supplemental tax bill for this year, which is the only year to the best of his knowledge but they can certainly inquire as to whether they can issue a supplemental bill going back even further. He didn't think so, but let's at least get this one taken care of.

Selectman Coutu agree and he withdrew his motion. They still can make an interrogatory as to how long this has been going on and see what the history was.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve 2010 Supplemental Tax Bill, 18B Chagnon Lane, Map 116, Lot 013, Sub 002.

Selectman Jasper thought as far as going back and looking, it is quite concerning that somebody has now said he's never lived there. Maybe it was a misunderstanding but they needed to look very carefully at the paperwork, see what was signed, and how long this has been going on.

Vote: Motion carried 5-0.

B. Water/Sewer Items - None.

C. Licenses & Permits

- 1) Request to Solicit Funds by Hudson Girl Scouts
- 2) Request to Solicit Funds by Altrusa International, Inc.
- 3) License to Purchase Scrap Metals by Granite State Salvage Co., Inc.
- 4) Dance Halls and Entertainment Places of Assembly by Adam Hughes aka Jeffery Adams LLC dba AJ's Sports Bar & Grill

Selectman Coutu said they were fortunate here this evening to have the Chief of Police and perhaps they could ask him to step forward to see if they could get some information pertinent to this application for the Dance Hall Permit. Chairman Massey asked Chief Lavoie to come forward.

Selectman Coutu wanted to make sure that they understood this. Is the application date for dance halls set in stone that it's May 1 and that's why there's a pro-rated rate from February 1st to April 30th? Is it run on a calendar year May 1? Mr. Malizia said he could answer that. May 1 is when it is. So you can see the pro-ration. What will end up happening is come this May 1, they'll have to get a renewal of this and pay the full fair.

Another question Selectman Coutu had, and he was sure the Board might have other questions from at least one other member of the Board, the previous business that was located there is now out of business and those people are not associated in any way with the previous owner. Chief Lavoie said they were not in business with the previous owner but they are for a lack of a better word associated if you will. The new owner is the son of the former owner.

Chairman Massey thought this question was for Mr. Malizia. It says here in the application that the square footage of the property is 3,000 feet but in the application they're indicating 1,715. When he looked at the code, it says for the area occupied by the dance hall or entertainment, how do they determine which is the appropriate...Mr. Malizia said they had a sketched diagram from the last owner for the last 3 permits that they had up there. So it's the same square footage as represented to them for the actual usable, fill able space. It's the same calculation. It's the same location, the same space, the same set up.

Chairman Massey asked Chief Lavoie if he knew what the occupancy of this facility was. Chief Lavoie said he did not. The reason Chairman Massey was inquiring was they indicate that they're going to have a live band. His understanding was if you have a live band there are certain requirements if you have more than 100 people present. Chief Lavoie said that those numbers were determined by the Fire Department. Chairman Massey said if they kicked in, then the other things would be automatically taken care of - some of the issues that are involved with over 100. Chief Lavoie would say yes. The Fire Department has set up certain parameters around the occupancy depending upon the events that have taken place.

[Selectman Coutu] Chief without getting into too much of the details, there's been no problems at this establishment in the past year. Chief Lavoie indicated that was correct. There have been no incidents or police responses. Selectman Coutu thanked the Chief and said he was satisfied.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the license application for 11 Tracy Lane, carried 5-0.

D. Acceptance of Minutes

- 1) Minutes of the January 25, 2011 Meeting

E. Calendar

02/09 7:00 Benson Park Landscape Subcommittee - BOS Meeting Room
02/09 7:00 Planning Board - Community Development Meeting Room
02/10 7:00 Sewer Utility Committee - BOS Meeting Room
02/10 7:00 Zoning Board of Adjustment - Community Development Meeting Room
02/12 9:00 DELIBERATIVE SESSION - SCHOOL
02/14 7:00 Tentative Deliberative Session - School
02/15 7:00 Cable Utility Committee - BOS Meeting Room
02/16 5:00 Water Utility Committee - BOS Meeting Room
02/16 7:00 Council on Aging - Community Development Meeting Room
02/17 7:00 Budget Committee - Community Development Meeting Room
02/17 7:00 Benson Park Committee - BOS Meeting Room
02/21 TOWN HALL CLOSED - Presidents' Day
02/22 7:00 Board of Selectmen - BOS Meeting Room
02/23 7:00 Benson Park Cte - Landscape Subcte - BOS Meeting Room
02/23 7:00 Planning Board - Community Development Meeting Room
02/24 7:30 Zoning Board of Adjustment - Community Development Meeting Room
02/28 7:00 Recycling Committee - BOS Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on January 25, 2011

- 1) *Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the minutes of the nonpublic session, carried 5-0.*
- 2) *Motion by Selectman Jasper, seconded by Selectman Nadeau, to promote Call Firefighter Patrick Weaver to the position of Call Lieutenant effective 1/26/2011 at a pay rate of \$17.25 per hour as recommended by the Fire Chief, carried 5-0.*
- 3) *Motion to adjourn at 10:22 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.*

B. Acceptance of a CDBG (REDC/EnerTrac, Inc.) grant in the amount of \$450,000 issued through the NH Community Development Finance Authority

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said they've already had a public hearing and had questions afterwards. The question was has this been run by legal and what's the legal opinion. You have on the table tonight, and he believed the Board may have received it earlier, a legal opinion from Attorney Buckley that basically articulates that we are not responsible for the loan if this borrower defaults. We are responsible to help remediate that, i.e. perhaps pursue it, do a good faith effort to make sure that that debt gets repaid but we the Town is not on the hook to pay it. Attorney Buckley spoke with Ms. Bistany over at the Regional Economic Development Corporation and confirmed all of that information. His opinion is on the table in front of you. Again this was a facilitating loan from going through the Town to the Regional Economic Development Corporation and then ultimately to EnerTrac who was looking to expand their business and use this as capital. Attorney Buckley has reviewed it, given an opinion, and at this point he believed Attorney Buckley is recommending that they approve the grant as presented.

Selectman Maddox said he did get a copy of that and it seemed to make sense. His questions were they do have a "very modest potential exposure" was the phrase he used. Who is going to be administrating this for the Town of Hudson? Mr. Malizia said generally speaking we hire a grant administrator which would be a subsequent discussion at some point. Selectman Maddox asked if they would get some portion of the monies that we're holding back to manage that. Mr. Malizia said that was correct.

Secondly, Selectman Maddox asked if there was some sort of signing between the Town of Hudson who is the contractor and REDC and EnerTrac as a subsequent document. Mr. Malizia believed there were contractual documents that they sign and that REDC signs. He believed REDC and EnerTrac sign something. He wasn't aware that they sign anything with EnerTrac. Again, we're giving the money. The grant is coming to us and we're giving to REDC.

Selectman Jasper was not comfortable with what they are expected to do. He looked at insurance indemnification. We're an independent contractor now. There's just so many things in here that he has never seen in terms of the Town having to be responsible. He will not vote for this. The Board may do as they wish but he will be voting against it.

Selectman Maddox said he was sitting on the same side of the table as Selectman Jasper. He knows this is going to be a good thing for this company and they want to help them. Because they don't do them, it's kind of tough for them to get their hands around it. He guessed they could request the money because they don't give anything out at that point. Somebody needs to make them more comfortable where it does talk about insurance. If that's what that person is going to administer this program to make sure that all of those Ts are crossed and Is are dotted, fine. Again, he agreed with Selectman Jasper. There's a lot of things in the contract that the Board is supposedly responsible for. As long as the people that are administrating this for them - the grant person, so be it. He guessed he could apply for it but again they needed to know who's going to be watching out for the Town's interest in these issues.

Mr. Malizia said they have applied. The Board did apply back in July. So they've already applied for it. Selectman Coutu said they've already been approved. Selectman Maddox said they've got this money but what he's asking is who that middle Mr. One is. The infamous no one, some one, whatever that is going to take care of all this administrative stuff.

If you recall when we did the Ottarnic Pond sewer project, which is also a CDBG grant, Mr. Malizia said they went out and did a grant administrator bid. We hired Donna Lane who's basically an expert or is qualified in this field and she did the administrative efforts. Selectman Maddox saw that Mr. Webster, our Town Engineer, spent a lot of his time doing that work. Mr. Malizia said that's engineering. She's the person that is ultimately responsible to make sure that this and that and the other thing was done. He knows he did quite a lot of stuff. That's generally how it works. You hire a grant administrator. You go out to bid. You take who you think is the best qualified at the best price, and they administer the grant on your behalf. They're required to fill out the paperwork.

Selectman Maddox question was this money does not transfer until that's in place. Mr. Malizia said they would go out and hire a grant administrator. Selectman Maddox said that was not his question. The money will not be issued until that is completed. He didn't want to stifle trying to help a business. He's just trying to protect the Town of Hudson from a lot of uncrossed Ts and no dots on many of the Is. He was just trying to make sure we're doing what's best for...he knows we're not liable for the entire amount, but there are some contractual agreements here. Again, we just don't do this enough to be good at.

Motion by Selectman Coutu, seconded by Selectman Maddox, to accept a Community Development Block Grant in the amount of \$450,000 issued through the New Hampshire Community Development Finance Authority.

Selectman Coutu said they received a communication from their Attorney. He read it in detail and he was satisfied with his assurances that the likelihood is almost nil that we would have any financial obligation if they should fail. With the hiring of someone to administer the document process and they obviously are going to be hired to represent us because its part of our money at that point, Selectman Coutu felt very comfortable in allowing this grant to proceed and for this company to be able to expand and hire more people in the industry that he has within our community.

Selectman Jasper called the Board's attention to the second page of Exhibit A Grant Activities. We are the Grantee. In 2.5 at the top of page 2 of 10 "Grantee shall send, at a minimum, its grant administrator, or a designated representative who is a full-time permanent employee involved in the administration of this Grant..." So now we have to have someone who is a full-time permanent employee involved in this.

That why Selectman Maddox asked the question who's going to administer that. Mr. Malizia said it actually says "or". So if you have a grant administrator, you don't have to send both. Chairman Massey said it was either or. Selectman Jasper said he stood corrected on that. The comma makes a difference. Mr. Malizia said the ironic thing with this grant is if you look at what the Board did back in April when you applied for this, you also authorized him to sign all the contracts once it came in. He wasn't going to do that without you people looking at this. Not to say anything, in theory we could have already been doing this. We thought it was prudent that the Board obviously approve it and review it. That was not something they normally do. You don't just normally sign away your authority to sign a contract. That's why it is here.

Selectman Maddox said he would vote for this motion because he thought it was not a bad thing. It's just not something that they do all the time. He will make a motion after this to have the Town Administrator give us a breakdown of when the money will be released and some sort of outline of how this is going to happen. We're just not going to hand over a check. We need to have this grant writer - are they going to give it out in \$100,000 blocks? How is it going to happen? Again, so that the Board has some control at some point.

Selectman Coutu wanted to refer again to page 2 of our Attorney's letter where he says, "Under no circumstances would the Town be obligated to pay back the amount of the grant itself." That in and of itself is what gives him confidence with going forward with proving this grant.

Vote: Motion carried 4-1. Selectman Jasper in opposition.

In conjunction with this article, Selectman Maddox asked if the Town Administrator could put together a timeline and a semi-procedure on how this is going to happen. Chairman Massey thought it would also include the hiring of the grant administrator. Selectman Maddox asked when do they think the money is going to be available. When are we going to hire the grant administrator? Chairman Massey said that Mr. Malizia has taken that under advisement and will follow up on that.

8. NEW BUSINESS

A. Acceptance of a memorial donation on behalf of Albert Prince to the Fire Department

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said there was a series of a bunch of modest, small donations that have accumulated up to \$105. Over \$100.00 is the actual amount that the Board accepts a donation. Twenty five dollars would be accepted but because it's over \$100, it's for the Board to accept. This is in memory of the Mr. Albert Prince who passed away recently. This donation is from the doctors and nurse practitioners at the Greater Nashua Mental Health Center at Community Council.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to accept the donation of \$105.00 from the Greater Nashua Mental Health Center in memory of Albert Prince with the Board's thanks and appreciation, carried 5-0.

B. Update relative RSA 540:1-b Restricted Property Landlord's Agent Required

Chairman Massey recognized Selectman Rick Maddox.

Selectman Maddox said he saw an e-mail going back and forth in regards from the Town Clerk to the Board as to, and he thought it went to Selectman Jasper as their liaison to the State, as to how they're going to do this. He didn't want it left hanging in limbo. He put it on the agenda. He was sorry that nothing really came through to the Board until tonight. There were some handouts this evening. He was just trying to see where they wanted to go with this to help the Town Clerk as well as the citizens. Selectman Maddox knows it's on the web site explaining this but if anybody knows the difference between restricted and non-restricted and all the terms they were using, he wanted to see where the Board wanted to go.

Chairman Massey asked Selectman Jasper to give the Board an update from the legislative perspective. Selectman Jasper said he was reviewing it today essentially. Restricted properties are any rental unit where its not owner occupied up to 4 units. Whether you lived in the building if you owned it and you had 100, you have to register. If you own 3 or more single family homes in the town that you rent out, you need to do this. It came as quite a surprise to him because when this was passed last session, it just came into effect January 1st, most of them were under the impression that this was only for absentee landlords living out of State. This also has the ability so it wasn't an unfunded mandate that the town's can adopt a fee schedule so that for each one of the agent forms for each building, they could assess a fee to cover the cost associated with it. He was not in favor of it. Selectman Jasper is still not in favor of it and planned on having an amendment drafted to the Bill to remove the requirement that in State landlords have to register. He believed it probably was a good idea to have out of State landlords register with the Town but he had a real problem with the law as it's gone into place. He found himself in violation of this at this present time because he had absolutely no idea until today that he was supposed to register any properties with the Town of Hudson.

Selectman Maddox thought it almost seemed like it was more for being able to serve a landlord with legal papers was the way he read this. Chairman Massey thought they could ask the Town Clerk to come forward and give the Board some additional information relative to how it's being managed by the Town Clerks in the State. Good evening.

Ms. Barry's understanding was that this came about as a result of some building code violations. To date they have approximately 30 filings. As far as her office managing them, they just developed a spreadsheet to keep track of the property location and who the agent is that they filed with them. She did speak with the Assistant Assessor Jim Michaud and there is a potential of 600 properties being involved in Hudson. For clarification, Chairman Massey said the 600 properties where the owner is out of state. Ms. Barry said the potential rental units. They have no way of knowing whether they're in state or out of state. He just said that there's a potential for 600. It's unclear whose responsibility it was to enforce this. She was just trying to get an idea of where the Town is going to go with this. Ms. Barry indicated that there's been a lot of talk amongst the area Town Clerks that some towns are adopting a \$15 filing fee and some towns are opting not to add any.

Selectman Maddox said the bills says, "...authorized to accept service of process for any legal proceedings..." Somebody could go to the Town Clerk's office and find out who owns X buildings so that they could serve them with paper. It sounds like a self serving law in his estimation but if that's what it is, how do we deal with it? His question was probably to the public safety department as to how would they get a hold of this same person if there was a problem with that building. Do we have something on file? Maybe they could multi-use this process to be able to have a listing of landlords where they're in state or out to be able to contact them if there was a problem at a particular

rental property. Just trying to find out how they want to get a handle on this to be able to utilize - if there's 600 units, that's quite the lengthy list which would update some X amount of time.

Selectman Nadeau asked how often does this form have to be updated. Is it every year? Every 5 years? Ms. Barry said it was unclear. There has been no direction with this. Selectman Nadeau looked at it as it was a nice form to have. If they go to a duplex that happens to have a structure fire and both people are renting it and they say that they send their check to a post office box, how do we get a hold of the landlord? He thought this would be nice for Fire and Police Departments to have but he thought it was going to be a paper nightmare to have everybody dropping this off. He didn't know if next year Ms. Barry sends the form out with their tax bill and hope that they fill it out and mail it back to them. That would be a cheap way of doing it.

Ms. Barry said that it was a form that she came up with to address the immediate needs of the phone calls that she was getting that there was a January 21st deadline. She put the form up on the website just to give someone to fill out and file with them. If the Board sees any changes that they would like to incorporate in it...Selectman Nadeau thought it has all the pertinent information that they need. If the Assessor can give her the 600 or so units that he thinks might be a potential for this and put the form in with their tax bill in July - like he said, he thought it would be good to have. If somebody had to pay \$15, he didn't think they'd file it with the Clerk's office. If they had to pay \$5, he didn't think they'd file it with her. Selectman Nadeau thought it would be good information. They see it all the time where they have to put a lien on a piece of property because they haven't paid their sewer bill or their tax bill. This might be another avenue for them to serve these people.

Selectman Coutu understood the purpose of it and he could certainly see how it could result in people not wanting to invest in real estate. No where in here does it specify how often this has to be updated? Ms. Barry said no. Selectman Jasper said what it does say is that you have to fill out the form within 30 days of the law going into effect and the new owner has to file it. You could file it once and that's all you'd ever have to do if none of your contact information changed.

Selectman Coutu said that Ms. Barry mentioned that she's talked to Mr. Michaud about this. Once we get all the information assuming that nothing changes and the law stays in effect, obviously its going to, are you going to have a system where there's going to be a cross reference with Jim should the property be sold so that we have who the new owners are? Ms. Barry said not yet. That's section is a little bit more difficult because when a property is sold she's not aware of it until up to 60 days after. The deed has to be filed with the Registry of Deeds and a copy goes to Assessing. That can take up to 2 months. This requirement says it's supposed to be within 30 days of purchasing a property. That's another hard area to track. We're obviously not going to make that 30 days. Again, it's not clear. She wasn't sure if that was something the Clerk's office was supposed to be really tracking down. Selectman Coutu said that the onus is not on us to chase the new owner. It's the obligation of the new owner to file with the Town. Ms. Barry asked how do they find that out. Selectman Coutu said people move to Nashua. How do they know the first day they are there that there's a parking ban on all streets every night of the year? He got ticketed the first night he lived in Nashua waiting to buy a house in Hudson because he didn't know there was a parking ban on the streets in Nashua.

Selectman Coutu asked if Selectman Nadeau suggested when he was talking about this that he didn't think it was a good idea to a fee associated with the filing. Selectman Nadeau thought it would be more of a deterrent. Selectman Coutu didn't know how taxing this was going to be on the Assessing Department and the Town Clerk's office. It seemed to him that this was going to be - he knows Selectman Nadeau is not in favor of having fees to file these forms but it would seem to him that this could become quite cumbersome on both departments. Ms. Barry said it also states that there's a \$1,000 civil penalty for people who do not comply with that. Selectman Coutu asked who was going to enforce that. Ms. Barry said, "Exactly."

Selectman Jasper said the Board would be the ones who would enforce it. They would be sending their legal beagles if you will to go against every landlord who hasn't filed this. That's how it is done. As a practical matter the way this bill is drafted, we can throw it in the trash can and never think about it again. If somebody comes across it and files with Patti, they file with Patti. There's no teeth to this. He wasn't sure that they've had enough problems in this Town locating people that it has created any problem that would warrant this amount of paperwork and the filing that would have to be done. It's going to be another burden on the Town Clerk and he asked for what. What is the problem? Selectman Jasper saw it as a solution looking for a problem. Perhaps in Manchester or Nashua there may be something that might be needed. He guessed he might even think about making this a local option to allow the governing board to adopt and that may be a better solution as to allow its adoption either Section I or II. Section I is for in state and II is or out of state. Selectman Jasper said he would word the amendment in such a way that the governing body could actually adopt Section I or II or both and establishes the fee. If the community wanted to do it, fine. If they didn't, they don't need to. Chairman Massey thought it sounded like a good course of action.

Selectman Maddox said where it said it was really there to authorize to accept the service of process, he didn't know what benefit to the Town of Hudson other than he thought if they had to this as an exercise, they could use it for public safety. If the legislature would change this, it would probably be better all the way around.

Selectman Jasper indicated if they read on the front page of the memo from Patti and they read the Majority Report, it gives you the idea that this was primarily for cities who were dealing with building codes and couldn't contact the people. He can see the use in some places. The Minority Report is down below. The Minority didn't object so much to the filing, but the \$1,000 penalty and things of that nature.

Chairman Massey thought the best course of action was to have their legislature file an amendment to the Bill to make it a local option. In the meantime as people are filing with her, Ms. Barry said they'd just maintain this database that they have now and keep them on file. Selectman Jasper asked if that was reasonable with the Board. Selectman Coutu said that was fine. Selectman Jasper said they weren't going to send their legal beagles after anybody who hasn't filed as of today. Mr. Malizia said shall be up to. It doesn't mean they're going to get the money either.

C. Intersection project at Lowell Road and Pelham Road

Chairman Massey recognized Selectman Rick Maddox.

Selectman Maddox wanted to get the Board up to speed. He wanted to get their approval as this was going to take the Highway Department to do this work. The Town Engineer is here and the Board has a copy of the drawing. For years and years, they have lamented the condition of Lowell Road and Pelham Road. There was talk of signalization. There's been any number of things that have been discussed. After talking with Mr. Webster, the parcel that is being constructed as we speak to the north of this intersection, they felt it was time to do something. In speaking with Mr. Webster and Mr. Burns, Mr. Burns said he could do a majority of this work. There is monies in accounts for this type of work in this intersection as well as some sidewalk money as there's a school just up about a quarter of a mile from this intersection. They felt that putting the sidewalks on both sides made sense inasmuch that it could be actually children walking on them. For the people that are at home going yippee, what this is going to do is take and make that intersection more squared off. It's going to take it closer to Meineke Muffler which will then have a turn lane in and two turn lanes out. One left and one right but it will square it up more. You'll stop having the rolling turn out of Pelham Road going towards Town Hall as well as narrow up the throat of this intersection to stop having the multiple cars trying to take a left trying to go south on Lowell Road.

Again, Selectman Maddox was looking to get the Board's approval to utilize Highway to do this after school gets out since the school is right up the street and to get this done. We are going to put conduit under the road that they're digging up if there ever is a signal put in that conduit is already there. At least to square this off, to tighten it up, and also Mr. Webster has it so the shelf is going to be more in line with Lowell Road. He's going to take some of that hump out for drainage and for people getting up that hill; it's going to smooth it out quite a bit. He brought this to the Board so that he gets their blessing on this getting done this year. Mr. Burns said he had no problem and he wanted the Board's approval on the work.

Selectman Jasper said he had no problem with this being done however before construction does start, he would like to see and have the ability to approve or disapprove the actual work based on the price and where the funds are coming from. Conceptually he thought it was a fantastic idea. Selectman Coutu agreed. Selectman Nadeau also agreed with that. That was Chairman Massey's concern too - what would be the cost and where's the money going to come from. When do you think you can bring that to the Board? Mr. Webster said he had it right now.

Mr. Webster said they worked on it and Mr. Burns wanted to take care of the roadwork. In talking to Selectman Maddox, the sidewalks and granite curbing and so forth - the safety for the kids. Mr. Webster got prices and went through a trial balance of money they have in there. There's a Burns Hill/Pelham Road improvement - it was RAC the Lowell Road, the Pelham Landing sidewalk, and Country Meadow sidewalk. That was one portion and comes up to \$37,000. Currently in the Lowell Road improvement corridor account, they have \$13,000; 122 Lowell Road, after speaking with Mr. Cashell, they're going to be paying \$15,000 at CO for those improvements. Chairman Massey said the construction work is happening right now for that contractor's work office. Mr. Webster said there were 2 different payments that John showed him. There's one for 8 and then we come for the CO, the total amount is \$15,000 altogether. One was for \$8,000 and one was for \$7,000. Quickly just giving a quick estimate here, the total in those corridor accounts is around \$65,000. What he did do with the curbing, and its probably going to go out for bid, but Mr. Webster did a real hard number. It's not a conservative number with contingencies and so forth, roughly it's like \$40,000. It will be a lot less than that. Between what the Road Agent told Mr. Maddox it was around \$25,000 to take care of that intersection plus \$40,000. It won't be that but I wanted to give it a hard price because the worst thing to do is its over. Mr. Webster took prices from the 102 Sidewalk Project, figured out the granite curbing, and its 900 feet of granite curbing. He has handicapped access on the bottom of Pelham and Lowell Road. So they have to install the domes with a concrete walk in so that when people come up they see it. He figured everything in with that. It was \$33,000 and you put 20 percent contingency in case something happens. It covers gravel, the asphalt on the sidewalks, all the granite curbing installed, handicapped - and its actually curved granite curbing which is more expensive. So that will come down to that intersection.

Mr. Webster did carry the sidewalk towards the 122 Lowell Road. Eventually that will be another one of those gap projects with a sidewalk from Birch Street to there. Hopefully after they get into that down the road and they get the Safe Walk money for schools and maybe they'll throw it into the TEA project - I'm not sure, but they're looking for projects right now that he and John are working on. They have 3 or 4 already that they're putting in for future consideration that they've already gone through here.

Selectman Maddox said they can break this down further. There's monies in sidewalk accounts that aren't dedicated to any one location. So they should have more than enough money for the sidewalk. Kevin told him \$25,000 of which we have in various properties that they have given an off side contribution for a stretch of roadway. They can break it down on paper for later which is probably what Selectman Jasper was looking for.

Selectman Jasper would like to see it come back in a memo form with all of the particulars and everything. Selectman Maddox wanted to know that they weren't going to through that exercise if the Board wasn't wanting to do this. Selectman Jasper thought it was a great project.

Chairman Massey thought it sounded good. Between Mr. Webster and Kevin Burns if they could come back with an actual formal description of the project and a cost of where the money was coming from. Mr. Webster said he had time today and he did this quickly. Just to show that they can do it. He knows way back there were lights that was promised. It was a warrant article way back and nothing ever happened. He didn't think lights would be warranted there but that improvement will be a lot better for the grading and so forth. Chairman Massey said it would be a significant improvement.

Mr. Webster said they were meeting with Midas next week. The owner of Midas just returned from vacation. He has a serious accident and broke some ribs and so forth. He's going to come down next week - he lives in Epping - and he's going to meet with him and John to go over this. He has a tree and some other stuff that they have to talk about. Even though it's in our easement, it's there and they should discuss it with him before they go. Selectman Jasper said they did tell him before this meeting so that he wasn't hearing about it on television and he knew about it in advance.

Chairman Massey thanked Selectman Maddox. This is definitely an intersection in town that is in need of improvements. He thought that this was the first step to ultimately, he thought, was going to have to be a signalized intersection and he's going to make provisions for that with the buried conduit. Selectman Maddox said that was the best they could right now.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - He really didn't have much to offer except to remind the voters that this Board of Selectmen is not responsible for the school budget or whether it's going to increase or decrease your tax rates. We are not responsible for the school budget. We are responsible for the Town side of the budget, which they presented to the Budget Committee. As a result of their budget, your taxes will decrease on the town side. The school side is coming up for Deliberative Session this Saturday. He urged them all to attend and voice their opinions on the budget which comes in at well over \$1 million in excess of last year's budget. So if you don't like the budget, Saturday is the opportunity for you to speak.

With that said, Selectman Coutu hoped one of them because he left a note at home; Jim Michaud had sent the Board information about an award that was presented to one our industries here in town Southeast Container. They received an honorary award from the Governor. Selectman Maddox said he was honorable mention for their use in reducing down energy consumption. Selectman Coutu said here we have an industry that's doing Hudson proud and hopefully those kinds of feel good news items the more they get out the more it will entice other industries to come into Hudson. They have some very progressive industries in our community that they're very proud of them and they'd like to see more.

Selectman Maddox - Thank you Mr. Chairman. He just wanted to waive the flag one more time. He tortured Mr. Webster and everybody. Again, those are the kinds of things they're picking off. It's a problem that's been around for years and with the help of both the Town Engineer and the Road Agent, hopefully they'll get something done this year that they've talked about for the last 20 years.

Selectman Maddox knows that all of them are dying to go to the Anheuser Busch NRPC legislative forum on February 17th at 6:30. If you wanted to go, just a chance to meet with our legislative delegation and talk about transportation needs.

Next, Selectman Maddox would like some input from his fellow Selectmen. He's off on another mission to promote and/or produce some public service announcements. When we take our break here at Selectmen, Planning Board, ZBA, Conservation to be able to plug in a public service announcement to say it is almost time for burn permits. They'd be short 1 to 2 minutes. It will play as a commercial if you would while they're on break and it will go through the entire - every time you play that back over the 2 week time frame, it will come up. Again various departments have some input. What caught his eye to this is he's knows they've walked by it a million times. They had that posted in Town Hall that showed the doors that would be open to you driving under the influence and there was a hearse, police car, and an ambulance. They did a great job putting that together but who saw it. Why not utilize it. A lot of people watch them good, bad or indifferent. Between all of the various town boards and committees and if they started plugging the announcements. He met with Police, Fire and Community Development. Generators - people are putting them in. They don't realize that they have to have a placard on their meter to say that there's a standby source of power in case the Fire Department takes out the meter, they know that there could be a generator starting up somewhere else and now there's live electricity. So a bunch of those type of things.

One, two, or four minutes long tops to be able to catch people's attention, bring them to the web site, bring them to any number of places. Again he was looking for the Board's input whether he's heading off a cliff or its something they'd to see move forward.

Selectman Nadeau thought it was a great idea. Pool season is coming up - make sure that your pool is inspected; you have the right permits for that. There are different things that they can put up there. Upcoming events that are coming up in town. You see them on the screen but the different things would be great to have as little public service announcements. Recycling, little facts and something to catch people's attention. He thought it was a great idea.

Selectman Coutu said the he and Selectman Maddox have had discussions about this. You know he's very supportive of public service announcements. That's what their cable facility is for. He applauded his efforts and he has his endorsement.

Selectman Maddox said he'd keep moving forward. Chairman Massey has one thought. Since there's going to be available on cable TV, why not also make them available via streaming video as public service announcements on the web site. There are lots of people that might have access to the website that wouldn't necessarily have access to...Selectman Maddox said he could certainly talk to IT. The meetings that are on demand if you would are on the HCTV side. He can certainly take a look and see if that's doable. Chairman Massey thought in particular it was something that Selectman Nadeau did. He believed probably the least understood about what you need to do and what you don't have to do is sheds, pools and decks. They are separate from all the other things that you would do for home improvements. He thought there are a lot of misunderstandings about what you need to do.

Selectman Nadeau suggested that while Selectman Maddox was talking to IT and he has some free time, maybe he could see if they could put the pictures in like they asked a couple of months back on the web site. Selectman Maddox said they're waiting for the new member. Selectman Nadeau said that was an excellent answer.

Selectman Maddox would like to ask if the Board and he was sorry that it was so late, in front of them is a sheet that he'd like to buy a page in the Chamber's annual book. That book is going to be on their web page. This book gets sent out to every person that requests information from other parts of the country. It shows what we're trying to do for economic development. We have monies in that economic development account. It says that they're involved. It says some of the things that they're trying to do. It gave people a place to contact. Again he was just looking for the Board's approval to expend \$250 from the economic development fund account to purchase a page in the Chamber booklet.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to expend \$250 from the economic development fund account to purchase a page in the Chamber booklet.

Selectman Nadeau was actually requested by a business coming into Town just recently for one of the books. He had met the gentleman over in Nashua and he asked him if he had one. He came into Town Hall and we happened to have them here. They are available at the Chamber office. Like you said when they do inquire, they give the books out. When the Chamber does their open house, the books are available. He thought they were a great tool. It has all the pertinent contact information so he thought it was a great idea in getting the economic development word out there.

Chairman Massey had one suggestion to Selectman Maddox so that it would be consistent with everything. On all of their stationery they have the State with a star where Hudson is on the left side of it and they have the seal on the other side. It would give people some indication, especially if they're out of town, where we're located. It would be the same look and feel. Selectman Maddox said it would go to the right of economic development.

Selectman Nadeau thought they might want to do a little wording change. "The Town of Hudson Economic Development is managed by the Assistant Town Administrator who coordinates closely with other Town departments." We might just want to put the Community Development Department because this person is not the only one who comes in contact with those people. Selectman Maddox said they put Assistant Town Administrator to show that that's the level they were putting this endeavor to. He didn't really care how they worded it. He just thought it said that it wasn't a clerk; this is the Assistant Town Administrator that's working with these departments. He said it didn't bother him one way or the other.

Selectman Jasper thought there were other departments involved so he would leave that. He did think the language was a little clunky in a couple of places. He thought it should either say "who coordinates with other Town departments" or "who works closely with". Coordinates closely just...Selectman Maddox said he'd eliminate "closely" right now. Selectman Jasper said the other was "the Town seeks a hands on approach". He thought that perhaps should be "promotes" rather than seeks. Other than that, he was fine with it.

Vote: Motion carried.

Selectman Maddox indicated this was his last item. He didn't watch much of the Super Bowl - he didn't have a dog in the fight so he watched where he did. He did see the beginning where someone is popular today massacred our National Anthem. If you want to hear the National Anthem, turn on the Deliberative Session and listen to Lieutenant Dyac. Thank you. Chairman Massey seconded that.

Selectman Jasper - Just a couple of things. On the legislative end of things, he was sure that they saw the memos from the Assistant Assessor relative to a couple of Bills that he was going up on and testified against. He too testified against the Bills and he did so on behalf of Republican leadership of the House and also as a Selectman of the Town because he would indeed pass additional costs on to them. One would have had to do with not allowing us to do the statistical assessments any longer, which he thought have a very fine place in assessing when done properly. The other had to do with right of entry to property, which would affect us in terms of assessing. Right now if people have a no trespassing sign up, or they have a gate up, or a way that makes it clear that they don't want people to enter their property they don't. This Bill would require us to receive prior permission to enter to do assessing. Obviously with 9,000 parcels of property in Town, we would have a tremendous expense of trying to gain that permission in advance. So hopefully we'll be successful on those two. There were other communities there as well with similar concerns.

Just for clarification Selectman Jasper, Chairman Massey's understanding in talking with Mr. Michaud over the years has been they always ask permission to go in to the property and if they are for whatever reason refused, then they make assumption about what's on the inside of the property. Then it's up to the homeowner to dispute. Selectman Jasper said that was correct and as far as it goes. Right now what we do he believed is we knock on the door and ask. If no one is there, our people walk the perimeter of the building to take the measurements of the exterior. This would prohibit us from taking the measurements without prior. Mr. Malizia said you couldn't do anything outside. Chairman Massey thought they were right then. That's definitely a Bill that should go no where. Inexpedient to legislate.

Selectman Massey - Chairman Massey has nothing tonight.

10. NONPUBLIC SESSION

After making the motion, Chairman Massey called a 5 minute recess before entering Nonpublic Session.

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter nonpublic session under RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining; RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, carried 5-0 by roll call.

Nonpublic Session is being entered at 8:10 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.

Open session is being entered at 10:22 p.m.

11. ADJOURNMENT

Motion to adjourn at 10:23 p.m. by Selectman Jasper, seconded by Selectman Coutu, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Richard J. Maddox, Vice-Chairman

Shawn Jasper, Selectman

Benjamin J. Nadeau, Selectman

Roger E. Coutu, Selectman