

HUDSON, NH BOARD OF SELECTMEN

Minutes of the June 11, 2019 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of June 11, 2019 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Selectman Martin.

3. ATTENDANCE

Board of Selectmen: David Morin, Kara Roy, Marilyn McGrath, Normand Martin

Absent: Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Bill Collins, Con. Cmsn. Member; Gary Gasdia, School Board Member; Lieutenant Down and Detective Lischinsky

4. PUBLIC INPUT

Chairman Morin asked does anyone in the audience wish to have public input. Please stated your name and address. Thank you.

Peggy Huard - Yes good evening. My name is Peggy Huard. I'm here tonight to make a public comment on a public hearing that is scheduled to take place this evening. It is my understanding that there will be no further opportunity to make public comment in that hearing. Is that correct? Chairman Morin said correct.

Ms. Huard stated Mr. Drouin brought this matter to my attention and I wanted to come and speak openly to the Board about what I have seen and understand that you are considering removing him as a member on the Conservation Commission merely based on an unfounded allegation by an owner of 161 Lowell Road which is the property for the apartment complex. In looking at the attachments for the Board of Selectmen meeting from May 14, 2019, I was looking at them for other purposes and I came upon the series of e-mails back and forth between the town employees, yourself Mr. Chairman, Mr. Dhima, Mr. Brownrigg and the e-mail between Mr. Malizia and the Town Attorney which isn't in the package tonight. The e-mail from the attorney specifically claimed that the Conservation Commission By-Laws were insufficient for his removal and that he recommended that the Conservation Commission amend the By-Laws and not ask him to be removed. Furthermore, you power is limited to situations that show cause. Regardless of whether he approached this owner individually and claimed that he was on Conservation Commission, there is nothing in the Conservation Commission RSA that would prohibit that. The only thing that he's prohibited from is to step on that property without permission. I think you will also hear from him that he denies these allegations. There is no evidence that these allegations were made. The e-mails state that the allegations were made verbally and to my knowledge I don't see that person here tonight to confirm those allegations. That is all I wanted to say this evening for all of you to consider as you go forward with this public hearing. Thank you very much.

Chairman Morin asked if there was any other public input. Seeing none, we'll move on.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

1) Citizens Traffic Study Committee - (3 vacancies - 3 members; 1 alternate)

R. Susan Horsley

Chairman Morin indicated this is the second time that we've requested that this person attend if she would like to have input on this what would we like to do. Defer it? Talk about it tonight?

Selectman McGrath said I'm not willing to take any action on it.

Selectman Roy indicated if she wants to reapply.

Motion by Selectman McGrath, seconded by Selectman Roy, to suspend the rules and nominate and appoint R. Susan Horsley to the Citizens Traffic Study Committee, carried 4-0.

- 2) Recreation Committee - (2 vacancies - 1 member term to expire 4/30/2022;
1 alternate term to expire 4/30/2022)

Thomas Barrett - 37 Winnhaven Drive.

Before you start, Chairman Morin wanted to apologize about the missing application. I can tell you that Town Hall looked very hard to find that and make sure that we got you here today and we appreciate your consistence to come in tonight before us. We appreciate that very much.

Mr. Barrett said no problem. Thank you for having me here. I'm a 13 year resident. I work in IT for a government contractor in Burlington. I have four boys who've been heavily involved in the Recreation Department - soccer, basketball and lacrosse. Myself I've coached soccer, basketball and baseball. I've been involved with the renovations for generations for the previous two years. I've been looking to get more involved with the town. I thought this was a good fit for me. I previously thought about applying for different committees or running for office. I think at this point the Recreation Committee would be the best fit as far as schedule and my abilities.

Chairman Morin asked if anyone had any questions for Mr. Barrett.

Selectman McGrath commented that I'd like to piggyback on your apology because I saw the e-mail. I didn't respond. I typically do but because it was for a committee assignment, I thought that we'd be seeing you at a meeting. My apologies to you as well because typically I respond to every e-mail that I get.

Selectman Martin asked have you had a chance to use the new registration system that recreation has rolled out. Thomas Barrett said I have not as of yet. A couple of my kids are trying out for Hudson United so we were waiting to see whether they made that before we signed up for anything. Being in IT, I would hope that I could help with some of that.

Motion by Selectman Roy, seconded by Selectman McGrath, to suspend the rules and nominate and appoint Thomas Barrett to the Recreation Committee with a term to expire 4/30/2022, carried 4-0.

If the Board would yield, Mrs. Horsley is here. We could bring her up in reference to the Traffic Study Committee. Please state your name and address Ma'am.

- 1) Citizens Traffic Study Committee - (3 vacancies - 3 members; 1 alternate)

R. Susan Horsley - 58 Robinson Pond Drive, Hudson, NH.

Chairman Morin said please tell us a little bit about yourself and why you'd like to be on the Committee.

Ms. Horsley explained I've lived here for over 20 years - almost 25 and I commute everyday into Nashua. I thought it looked interesting to try and help out with thinking about traffic. I've lived a long time and

been involved with obviously working in Nashua and then so that's why. Just concerned about the traffic patterns.

Chairman Morin asked if anybody had any other questions. Do you understand this may take a considerable amount of time? There's going to be quite a few meetings, and maybe site visits, things to that nature. Ms. Horsley said yes I have more time now. Yes I think I can do that.

Motion by Selectman McGrath, seconded by Selectman Roy, to suspend the rules and nominate and appoint R. Susan Horsley to the Citizens Traffic Study Committee, carried 4-0.

6. CONSENT ITEMS

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

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

A. Assessing Items

- 1) Veteran Tax Credit - Map 197, Lot 132 - 11 Sycamore Street, w/recommendation to grant
- 2) Institutional Exemption - Map 183, Lot 11 and Map 190, Lot 15 - Kiwanis Club of Hudson, Inc., w/recommendation to grant

B. Water/Sewer Items - None

C. Licenses & Permits & Policies

- 1) Request to Solicit Funds - Knights of Columbus

D. Donations

- 1) \$500 donation from Basketball Development School to the Recreation Donation Account
- 2) Donation of two (2) 32" HD LED monitors and five (5) 256GB SanDisk Ultra Flash Drives from Walmart valued at \$485.95 to the Police Department, Criminal Investigations Division

E. Acceptance of Minutes

- 1) Minutes of the May 28, 2019 Meeting

F. Calendar

06/12 7:00 Planning Bd - Buxton CD Meeting Room
06/18 7:00 Municipal Utility Cte - BOS Meeting Room
06/19 6:00 Library Trustees - Hills Memorial Library
06/20 7:00 Benson Park Cte - HCTV
06/24 7:00 Sustainability Cte - Buxton CD Meeting Room
06/25 7:00 Board of Selectmen - BOS Meeting Room
06/26 7:00 Planning Bd - Buxton CD Meeting Room
06/27 7:00 Zoning Bd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

- A. Votes taken after Nonpublic Session on May 28, 2019

- 1) *Motion by Selectman Martin, seconded by Selectman Roy, to promote Public Works Street Foreman Jason Twardowsky to the position of Public Works Supervisor - Streets with an increase in salary to \$88,167 (Step 5) in accordance with the Hudson Police, Fire, Town Supervisors Association Contract. This elevation in rank would be effective June 1, 2019, carried 5-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Roy, to list town owned tax deeded property located at 32 Cross Street with DiBernardo Real Estate for \$199,900 and authorize the Chairman of the Board of Selectmen to sign the Marketing Agreement with DiBernardo Real Estate for the sale of the property, carried 5-0.*
- 3) *Motion by Selectman McGrath, seconded by Selectman Roy, to accept an offer by Built Solid Homes, Ken Morgan for \$65,000 conveyed via Quit Claim Deed for tax deeded property located at 151 Robinson Road, carried 5-0.*
- 4) *Motion to adjourn at 11:05 p.m. by Selectman Martin, seconded by Selectman Roy, carried 5-0.*

8. NEW BUSINESS

A. Conservation Commission Member Michael Drouin - Request for Public Hearing

Chairman Morin stated the next agenda item is unusual for us, as we will be holding a public hearing to determine if we will remove a member of the Conservation Commission. That is not to say we will be taking public input on this issue, it is a hearing being held in public session. I will point out we have a full agenda so if we could avoid unnecessary and redundant comments that will help us have an efficient meeting while obtaining all the information we need to make an appropriate decision.

We are here to determine if Michael Drouin, a member of the Conservation Commission, improperly used his position as a member for the Conservation Commission. It is alleged Mr. Drouin contacted the owner of 161 Lowell Road to schedule a site visit of that property to determine if a Wetlands Special Exception will be allowed. It is alleged that he made this contact without authorization and prior to the submission of a Wetlands Special Exception Application. We will determine if these actions are grounds for removal from the Conservation Commission in accordance with RSA 36-A:3.

The Board of Selectmen will start the process and after they have completed their inquiry Mr. Drouin will be allowed to make an opening statement, present relevant evidence and relevant witnesses. You may ask questions of the witness through the Board. Meaning you will ask the Chair the question and I will inquire of the witness.

All evidence and testimony will be limited to the events surrounding the allegation that Mr. Drouin improperly used his position as a member of the Conservation Commission to schedule a site visit. Mr. Drouin do you understand the procedure. Mr. Drouin said yes. Chairman Morin asked do you have any questions before we get started. If you'd please state your name and address. Michael Drouin, 6 Coll Street.

Chairman Morin stated at this time I'd like to turn it over to Selectman Roy.

Selectman Roy asked Mr. Dhima to come up. Mr. Dhima could you just provide a summary to us of the timeline of what occurred.

Elvis Dhima said what you've been provided with is a timeline of this year starting in January. Training was provided to Con. Com., February 12th the applicant not the owner submitted a variance to the Zoning Board for 96 units. A portion of that was to the Industrial Zone that got denied. That was taken on March 21st. On April 2nd a conceptual plan was submitted for the Planning Board review. Soon after that Mr. Drouin requested a site visit but if you look at the timeline, on April 8th the guidelines to the Conservation

was submitted. Planning Board looked at the wetland special exemption and at the Conservation on April 29th, April 30th. So in a nutshell basically, Mr. Drouin must have seen the agenda or this came up. A lot of people were talking about this and basically felt that he needed to contact the applicant. When we got approached by the applicant about a site visit for Planning Board and Conservation, he basically mentioned that Mr. Drouin already reached out as a Conservation member therefore he was under the impression he was all set with that portion. We said no that's just one member. That's why this whole thing started. It was a confusion in process/procedure. Even though this was in front of the Conservation Commission, Mr. Drouin for whatever reason felt he needed to reach out and do that and he created confusion for the applicant. We can't have that due to the timeline and everything and this particular developer trying to do everything and get in basically to get things done. That's how that came about. A memo was presented to the Board regarding this incident and because it just didn't make us look good. It was confusing and it had to be explained but by us, by Admin., by myself multiple times said that wasn't the case. Site visit still needs to happen which it did. Planning Board and the Board of Selectmen met. Basically just a little bit ahead for Mr. Drouin to go in and look into this prior to the application being submitted for wetland special exemption. That's kind of it in a nutshell without going through the whole thing.

Selectman Roy asked does any of the Board have any other questions of Mr. Dhima. Selectman McGrath noted I do not. I have questions for others in the room.

Selectman Roy indicated I'm going to inquire of Mr. Drouin at this point. I just want to get some facts on the record again so that we can make a decision and have a clear understanding of what happened. So you were appointed to the Conservation Commission on December 12, 2017. Michel Drouin said yes. Selectman Roy said you received training from the Municipal Association on January 7, 2019. Mr. Drouin asked was that when the lawyer came and answered our questions? Selectman Roy noted that would have been that and they talked about the Right to Know Law and they talked about your authority and your responsibility as a member of the Conservation Commission. Mr. Drouin said, "I believe so." Selectman Roy stated you're familiar with the policy and procedures of the Conservation Commission. Mr. Drouin stated, "Yes."

Selectman Roy said you would only do a site visit if you wanted to determine if the Conservation Commission was going to allow a wetlands special exemption, correct? Michael Drouin said, "I don't know anything about setting up those. I have never requested to set up a site visit." Selectman Roy stated that wasn't my question. The only reason the Conservation Commission would do a site visit is to determine if there was going to be a wetlands special exemption, correct? Mr. Drouin said, "I can't answer that with confidence."

Selectman Roy stated in your training I'm sure they explained to you that you act as a board and not as an individual, correct? Mr. Drouin said, "Correct." Selectman Roy understood you were told by Selectman Morin on or about March 11th and it was in a Conservation Commission meeting that any action taken as a member of the Conservation Commission were to go through the Chairman. Mr. Drouin said, "I believe so." Selectman Roy said on March 11th you had a Conservation Commission meeting correct? Mr. Drouin said, "I don't know."

Selectman Roy asked do you recall if you had a Conservation Commission meeting on April 8th. Mr. Drouin said, "I can't recall without a calendar in front of me."

On April 3rd, Selectman Roy stated you contacted Mike Pilotte with the Dakota Partners. Mike Drouin stated, "I just called the general number so I can hike the property because you can't go on somebody's property without permission. I've been trying for a least a year to walk that property." Selectman Roy asked but you identified yourself as a member of the Conservation Commission. Michael Drouin said, "No I don't because that can get you in trouble. I'm walking as a private citizen." Selectman Roy asked you requested a site walk. Mr. Drouin stated, "I didn't request a site walk. I don't use that in my normal language. I request to walk the property."

Selectman Roy said you did not contact Chairman Brownrigg and asked if it was okay if you contacted. Mr. Drouin said, "No".

Selectman Roy asked do you recall when you first saw the plans for 161 Lowell Road. Michael Drouin stated, "I don't recall when I first saw them." Selectman Roy asked or a general time period. Mr. Drouin said, "Sometimes I see the Planning Board thing in the newspaper if I read the news for that week."

Selectman Roy indicated there was a site walk done at 161 Lowell Road. Michael Drouin answered, "Yes and at that point I asked the engineer if I could walk on my own and he said yes but I have not walked the property. A good thing because..." Selectman Roy said but hold on. So there was a site walk on May 8th I believe. Mr. Drouin said, "I don't recall what day." Selectman Roy asked but you participated in it and that. Mr. Drouin answered, "Yes". Selectman Roy said that was a joint site walk with the Conservation Commission and the Planning Board I believe. Michael Drouin stated, "Yes".

Selectman Roy stated you understand what our issue is right with this. Mr. Drouin said, "I really don't." Selectman Roy said I'm going to just ask you again. When you talked to Mr. Pilotte did you identify yourself as a member of the Conservation Commission? Michael Drouin stated, "No". Selectman Roy indicated that's all I have.

Chairman Morin asked if anyone had any other questions.

Selectman McGrath indicated I have a question for the Chairman of the Conservation Commission if he's willing to...Chairman Morin called Mr. Brownrigg to come forward. Selectman McGrath stated actually I have a couple. You're aware of the property that we're talking about. Mr. Brownrigg said, "Yes I am". Selectman McGrath asked were there any conversations at the Conservation Commission meeting prior to the application being forwarded to your committee for wetland special exception. Randy Brownrigg stated yeah everyone had a copy for review. Selectman McGrath asked prior to that had there been any conversations and any discussion about whether or not the Conservation Commission was going to initiate a site walk. Mr. Brownrigg said yeah. We had a conversation too I think it was bcc everyone to show up at a certain time. We had gotten an e-mail from Elvis not to park on Lowell Road but to go around to Friars Drive. Selectman McGrath said that was for the actual site walk that was set up by the Planning Board and included the Conservation Commission members so it could all happen at one time. So nothing was determined before that. Nothing was discussed at any meeting. Randy Brownrigg said no not in depth of anything. Selectman McGrath stated so none of the members that were present at any of the Conservation Commission meetings over the last few months had any discussion about this property. Mr. Brownrigg stated I have to say no.

Selectman McGrath said it wouldn't be something that would be determined ahead of time that you might have to walk the property or that you might want to walk the property. Mr. Brownrigg said sometimes we do walk the properties and we let people...Selectman McGrath said when you know that you're going to have a request. Mr. Brownrigg said yeah when we're doing an application. We'll say to people I you want to go out there and walk the property ahead of time, you may. We may and we've done as an example of say we might have a site walk for a certain date. Some people may not be able to make that site walk on that date and some will say because I work different hours, I will say to the prior Chairman can I go out there the day before or the day after even though we're going to have our meeting the second Monday of the month and the Chairman would usually say yes that's no problem. That way when we came to the meeting we would all have information about who walked and who didn't.

Selectman McGrath asked the timeline of that would be that you would get a request for a wetland special exception or some other action by the Conservation Commission for that particular property whatever property it may be and then you would set up the time for a site walk and then if a member weren't able to attend, they'd have to go through the chair to request a different timeline. Randy Brownrigg stated when we set out a meeting, we'll make out a date and the majority will say okay I can make that date. It might be one or two of us will say now I won't be able to make that date but I can go out the day before or two days before and that's always been fine.

Selectman Roy asked a quick follow up question. So who coordinates with the owner of that property? You don't want people just going on there. Mr. Brownrigg said when we get the application, we go through the application and the Chairman will make a phone call or we have gotten prior notification

either to the Department of Engineering or Doreena Stickney would have gotten that information. We would already have something set up. Ninety-nine percent of the time - or I can almost say 100 percent of the time, we got prior permission to go out there.

Technically, Selectman McGrath said when someone files an application for Planning Board action, or Zoning Board action, or Conservation Commission action, there is a statement within the application that it's giving permission for people to view the site. That's built into the process. My last question for you is this, did Mr. Drouin at any time over the last several months request that ability to view that property on behalf of the Conservation Commission. On this particular property, Mr. Brownrigg said no but on other properties we have given like I just mentioned permission to go out there at different times to go through wetland special applications. We haven't had that many this year. I think we've had two and that's it. Ninety-nine percent of the time they've been getting much better at calling me, letting me know their steps, how they're doing. That has increased and gotten better. Mr. Drouin has gotten better at calling me. Texting me and letting me what's going on and what he wants to do and his ideas. He has progressed. Selectman McGrath noted but not in this case. Mr. Brownrigg said correct.

Selectman Roy had a couple of follow ups for Mr. Drouin. Did you previously know Mr. Pilotte? Michael Drouin responded, "No". Selectman Roy said you've never met him. Have you ever had any previous relationship with Dakota Properties? Mr. Drouin replied, "No". Selectman Roy said it makes me confused because how did they who you were to mention it in a conversation with a town employee. Michael Drouin said, "Well when they went on the website to get the application, they might have seen my name and recognized that."

Selectman Martin asked Chairman Morin was there any e-mail notification from Mr. Pilotte to the town about the incident occurring. Chairman Morin yielded to the Town Engineer. I can tell you that I personally spoke with that gentleman and the same information that Mr. Dhima received is what the gentleman told me that Mr. Drouin identified himself as a Conservation Commission member and would wanted to take a tour of that property to check out the wetlands. He identified himself as a Conservation Commission member.

Elvis Dhima said basically the developer Mark in this case with Dakota basically stated the site visit from Mr. Drouin would count as a site visit from Con. Com. Doreena said no why. Basically the statement was Mr. Drouin identified himself as Con. Com. and I was wondering if that would count. This was just a member not the whole committee. That's kind of how that came about.

Selectman Martin asked you had a conversation or an e-mail. Mr. Dhima said the Admin. did - had a conversation with him yes. That conversation was double checked by Mr. Chairman. The statement remains the same. I don't believe it would be beneficial to the developer to make such a statement. It's a big statement. It would not be beneficial to him to be caught in something like that. Just simply informing the Board to what happened. That's all.

Selectman Martin indicated my comment is I personally don't like rogueness when somebody goes out on their own. However, and I'm not discounting anybody's statement, a court of law won't allow hearsay. I know we're not in a court of law. Right now in my mind what we have is and I'm not discounting anything, we have a gentleman stating that this happened and we're having the gentleman here Mr. Drouin stating he didn't do it. I'm going to chalk this up as a mistake. I was ready to make the motion tonight for removal but I don't have enough documentation to make that removal. Thank you.

As a point of order, Selectman Roy believed we have not heard from Mr. Drouin yet other than my inquiry. Selectman Martin noted I didn't make a motion. That's my statement. Selectman Roy thought we need to hear everything before we go forward with any deliberation or any discussion about it.

Selectman McGrath indicated I have two more questions if I may of Mr. Drouin. Mr. Drouin on January 7th of 2019 which is this year, a few months ago, there was a two hour training on the Right to Know and authority and responsibility of Conservation Commission members. Were you in attendance at that meeting? Michael Drouin stated, "If it was the meeting with the lawyer that came to our meeting I guess I was." Selectman McGrath said yes that is the meeting that I'm talking about.

Selectman McGrath said the next one is on April 8th of this year, just two months ago, guidelines were presented to the Conservation Commission outlining the guidelines for members. Were you in attendance at that meeting? Michael Drouin responded, "Yes". Selectman McGrath said thank you. That's all I have.

Chairman Morin asked does anyone else have any questions before we hear from Mr. Drouin. Mr. Drouin the floor is yours.

Michael Drouin stated, "I don't know what to say. From time to time I ask permission from the property owner of a big property to walk on it because trespassing I can't just walk on the property without permission. I don't identify myself as a Conservation Commission member because that's not what I'm there for. I'm there to explore the town. I take pride in the natural beauty of the town and I like to get out while my back is still good. I don't set up site walks. I don't know anything about setting up site walks and I've never requested to set up a site walk. I don't know what else to say. This guy is making an acquisition and he's not even here to...you know he's not even here. There's no other evidence except his word and he's not here. That's all."

Chairman Morin said "evidence" is when Mr. Dhima and myself talked to the gentleman on separate occasions and the gentleman had no idea who I was until I introduced myself and he gave me the exact same story that Mr. Dhima gave. Exactly to the T. He did stated that you said you were Conservation Committee member and you wanted to get on the property to assess the wetlands. At the time that you called the applicant did you know that we were going to be discussing that with the boards at some point? Michael Drouin said, "I did not know the plan for that property. It's been for sale for a long time. Like I said earlier, I've been trying to get a hold of him for over a year now the property owner. It was just recently that I saw Dakota Partners had bought the property so I tried contacting them to walk the property. I don't know anything about their company so I had to do a bit of research you know to contact them."

Chairman Morin stated just so I clarify - you made a statement you saw it in between that it came out in the newspaper and there was an announcement or something within town. Would that be correct what you said just so I'm clear on what you said? Michael Drouin said, "Well Dakota Partners the actual landowner whoever it is never got back to me. I called on several occasions." Chairman Morin said I understand that. Let's answer that one first. When did you first call them? Mr. Drouin said, "It was some time last spring." Chairman Morin asked and nobody answered you until all of a sudden when we're going to develop this and then you called them and they answered you so you could go on the site walk after we're in the plan to build these buildings. Mr. Drouin stated, "No one answered me at all. They didn't call me back. It wasn't until I was at the site walk that I asked for the person, the engineer, whoever it was permission in person to walk the property. He said yes but I did not walk the property and I'm happy that I didn't because I read the other day it had to be some sort of recorded, or approval, or something."

Chairman Morin indicated now I'm confused even more. What we are talking about here tonight and looking at with your position on the commission is this all took place where you supposedly called them and identified you as a Conservation Committee member so obviously you talked to somebody in their office before this was even brought up on any agendas. I'm kind of confused now on the timeline. Did you talk to them before we had the Board and the site walk or did you not talk to anybody until the day of the site walk because I'm getting two different stories now? Michael Drouin stated, "I spoke with a secretary who forwarded me to whoever was in charge of it." Chairman Morin noted so you did talk to somebody. Mr. Drouin said, "I left a message."

Chairman Morin said that's not the story I got. I got from the applicant that you talked to him and said...Mr. Drouin said, "at the site walk". Chairman Morin said no because I talked to the applicant before the site walk after I found out that you had called and identified yourself as a Conservation Committee member. Again, Mr. Dhima had the same story before I had talked to him. Mr. Dhima if you would. When did the applicant purchase this property? Do you know? Elvis Dhima said they haven't don't it yet because the deal is still in the air until this gets completed. Chairman Morin noted so they don't even own the

property. Mr. Dhima said not yet until this is all done. The owner is Peter Horne. He is the main for the entire parcel. The development obviously hasn't gone through. The subdivision hasn't taken place. This is all subject to approval for the entire thing. If Mr. Drouin is referring to Peter, referring to calling the actual owner, owner and if he didn't get a response I get it. You have to have a cell phone. As far as Mark with Dakota, they're the actual developers. They're not the owners. They're the actual developers. It's my understanding that Mr. Drouin got some kind of approval from somebody to go to the site because obviously that did happen. That's kind of where we're at.

Selectman Roy said now I'm confused. Who's Mark Pilotte? Elvis Dhima explained Mark Pilotte is the representative of Dakota which is basically the developers for the site. Selectman Roy asked is he the point of contact. Mr. Dhima said yes. He is basically the point of contact, the project manager, the person spearheading this effort. This person contacted the town trying to figure out the meeting that would take place regarding the wetland special exemption. We told them what the deadlines were and this is when this conversation came up.

Selectman McGrath asked to make a point of clarification. I sat at the Planning Board meeting when they came in a couple of months ago. They're going to be there on Wednesday night presenting their site plan. It was a curser review of the plans. There was a discussion at the Planning Board meeting about they would have to get a wetland special exception from the Zoning Board and that the process is and the Planning Board at that meeting voted, which I thought that they should have held off on, but they voted to send a letter to the Conservation Commission and the Zoning Board saying that they approved of the wetland special exception. There was a conversation with the applicant, Mr. Pilotte, that the process is they would have to go before the Planning Board for recommendation, before the Conservation Commission, and ultimately go before the Zoning Board who is the authority to grant the wetland special exception. So that is the process. That meeting was televised just for clarifying purposes.

Chairman Morin said I need to clarify so I understand again. Did you talk to somebody before all this started or did you talk to somebody at the site walk? Michael Drouin stated, "I talked to someone at the site walk. I do not recall ever talking with someone before." Chairman Morin said I thought you said just a few minutes ago you talked to a secretary and then you said that you got a message but the gentleman...Mr. Drouin said, "from the machine". Chairman Morin said the applicant told Mr. Dhima and myself that he spoke to you and that's why he was under the understanding you were from the Conservation Committee and that's why he asked obviously we've already met with the Conservation Committee so do we need to move forward with that. He told me the exact same thing. Michael Drouin stated, "Well I don't know what to say. I mean he's not here. I don't know his character. I don't know if he's a liar. I'm not going to call him a liar but I know what I did and that's what I'm saying."

Chairman Morin asked any other further questions. Do you have anything else you'd like to add Mr. Drouin? Michael Drouin said, "There was something but I think I forgot. No."

Chairman Morin said thank you. Wishes of the Board?

Since we're at that point, Selectman Martin said I sat on the Zoning Board and I've watched a lot of court cases and I read a lot of court stuff, I know that a judge when you have a defense and then a prosecution and they're starting to talk about this guy said that, and this guy said that, and the defense is going to say Objection! Sustained. So here we are at this point that we only have - and I'm not discounting that it could have happened but its hearsay. I don't know that it happened. The that have done it has said he didn't do it. The party that said he did do it didn't put it in writing, had a conversation with you, had a conversation with Mr. Dhima. Like I said before, I'm not about rogue members. It's a team. It takes a team to make things happened on any board. Because I'm not convinced beyond a reasonable doubt, I can't go ahead with my motion. Thank you.

Chairman Morin said I'd just like to ask you. The documentation that was in your packet was a written statement from the Engineer of what took place. Then we have the information from Mr. Drouin. It's not like did not get the documentation. Mr. Dhima brought it forward as the town representative of what the applicant came in and said and he documented which is what we require. When somebody comes in

with a complaint, and I'm not saying this was a complaint, but it was documented in the proper manner which this town requires. Our town employees documented what took place. It's like somebody coming in for a zoning complaint, a building complaint. They come in and it gets documented. It was documented in this case.

Selectman Martin agreed. I got plenty of documentation. I don't know where to go from there. So I'll think about it.

Selectman McGrath had a couple more questions. It's like peeling an onion. You keep going and it brings up more things. Two questions. When the applicant came before the Conservation Commission meeting and presented their wetland special exception, what was the determination by the Conservation Commission? Michael Drouin said, "It was to approve." Selectman McGrath asked what was the vote. Mr. Drouin said, "Three to four was it." Elvis Dhima said it was a four/three. Four in favor three against the project. Selectman McGrath asked and who were the three that were opposed. Mr. Dhima believe it was Mr. Drouin, Mr. Gagnon, and Mrs. Parkhurst. Selectman McGrath asked what were the reasons given for their negative vote. Mr. Dhima said I'm not sure there was any comments related to the nays. They sometimes submit notes sometimes they don't. In this case, I don't believe there was any notes related to the nays. Correct? Mr. Brownrigg said yeah. Elvis Dhima said yes there was no comments related to the nays.

Selectman McGrath said Mr. Drouin the question to you then is why did you vote no on the wetland special exception. Can you elaborate the reasons why? Michael Drouin said, "Yes. I can't guarantee this is exactly what I said but I spoke with the engineer or whoever it was at the site walk. He said that the road they did not want do this road to connect it to Lowell Road. Since they didn't want to do it, I didn't see a reason to approve an application to revive a dead road which had been taken over by trees."

Selectman McGrath said a clarification on their actual application. What they were actually requesting was an incursion into the - not the wetland but into the wetland setback buffer area. Correct? Mr. Drouin said, "Yes." Selectman McGrath stated it's not the actual wetland that they were going to infringe upon it was just the buffer. Michael Drouin said, "Correct." Selectman McGrath said you still found it necessary to vote negatively. Michael Drouin said, "Yes as I have (inaudible)."

Selectman McGrath said this may be going a little bit off the deep end here but it will help me make a better decision. Chairman Morin said yup go ahead. If we need to call it back, we will. Selectman McGrath asked what is your understanding of a wetland special exception and the necessity for it and why you would want to negatively vote for something like that. Michael Drouin stated, "I felt they had more than enough room, whatever the word is, to stay outside the buffer zone. They did have a plan for the water flow to prevent contamination but I felt that it was also mentioned at the site walk that if the town decided to expand on that later on they would not need an application. So that was part of it. I was just foreseeing the issues with it."

Selectman McGrath said I'm not clear, and I served on the Conservation Commission. It was one of my committee assignments over the years so I have an understanding of what is required, and why they seek those types of exceptions, and what exception are egregious and what are not. Mr. Dhima would you consider this request an egregious incursion into the buffer or would it be a minimal and did you make any kind of recommendations to the committee?

Before I answer your question, Elvis Dhima wanted to clarify something real quick. The developer is connecting the Friar Road to Lowell Road. That was basically based on comments by town staff - Planning, Engineering, and Fire. That's happening. The other piece is this was planned all along. The entire plan back in the old days was to connect the Friar site to Lowell Road. Third, this area where they're putting in the road is already disturbed. That was noticeable during the site visit. That's noticeable for anyone that's familiar with the dirt road and the paved road that's access to it. To answer your question, no because it's already disturbed. This was said during the meeting this is noticeable here at the site. There was no wetland impacts proposed. It's simply a wetland buffer. The area is not outrageous. I think they're staying within the existing disturbed area. If they need to expand later on, that will be subject again to another probably wetland special exemption depending on what the need

is. Right now what they're proposing is 24" to minimize the impact because there's no need for it but if the parcel in the back does get developed for something at commercial grade, they will be widened to our standard which is 30. Our current standards for regular roads residential is 24 and that's what they're proposing. If we do expand, the developer coming in will have to expand to accommodate the additional needs. They are meeting treatment requirements. There's detention basins available, swales along the side. That's kind of where we're at.

Selectman McGrath asked did you make a recommendation Mr. Dhima to the Conservation Commission. Do you typically do that? Elvis Dhima said I typically don't unless I feel very strong about a yea or nay. I didn't feel that this was warranted for so I did not make a recommendation but I didn't feel strong enough to let them know that this is a bad idea. We are seeing what we asked them to do which is connect Lowell Road to the Friar to have two accesses to the site to complete what was started a long time ago and basically stay close to the existing disturbed area already.

Selectman McGrath asked normally when they infringe upon a wetlands buffer they have to agree to best engineering practices, correct, and that's a stipulation of approval. Mr. Dhima said yes and the construction gets done under my supervision. The wetlands special exemption is allowed in town. Obviously as long as they're reasonable on the approach or as long as they're reason on how they do the project. I haven't seen one yet in the past five years was been denied on the basis that that's not reasonable to. Again it's not wet land, its wetland buffer. We tried to save as much as we can of that but again things do happen sometimes. Selectman McGrath noted you said it would be 24". So that's two feet. Mr. Dhima said 24 feet wide the road itself. Then if we need to widen it down the road we would. Selectman McGrath asked what was the actual impact to the wetland buffer. Mr. Dhima said it's within the exiting. I'm not sure. I don't have that in front of me right now. I want to say probably 2,000 or 3,000 square feet total. Less than 3,000 I believe.

Selectman Roy indicated I don't have any more questions. What I will say is we as the appointing authority according to the RSA can remove for cause. The term "cause" is not a defined term. I specifically asked Town Counsel about that and it's what we determine is cause. So that makes us the arbiters of this issue. I think what we need to do here is there needs to be a balance of the offense with the result of that offense. Right? Is it so serious that it warrants removal? However, I will also say that I think we need to determine the voracity of the witness of Mr. Drouin in this case and whether he was forthcoming because quite frankly I heard a couple of different versions of what happened from him in a very short period of time. So that's where I am. I don't know if anybody has anything else to say or where we want to go with this.

Chairman Morin asked if there were any other comments.

Selectman McGrath commented the concern that I have is that this was an applicant that would have no knowledge of members of the Conservation Commission. I don't believe he reached out to anyone else beyond his conversation with Mr. Drouin. The concern that I have is that despite training which we went through that training at a board meeting a couple of years ago before your tenure and before your tenure by the same municipal association. It was by Mr. Buckley who has extensive experience with planning, zoning, and Conservation Commission issues. In fact, he serves I believe on the Planning Board in the town that he lives I believe. Very knowledgeable. Despite that training, it seems that Mr. Drouin took it upon himself to do a site visit on a property that is from my understanding not from anything that I read but from my understanding from conversations with other people that there's been extensive commentary about it on Facebook and other social media sites. The concern is that if the motion to not approve or if it had failed, by Mr. Drouin's vote as well as three other members, the Town of Hudson could be facing a lawsuit and it's because one member of the Conservation Commission took it upon himself to do a site visit that was unauthorized by the Chairman and other members - the majority of the members of the board that he sits on. That's putting the residents and the taxpayers of which you are one, of which I am one, puts us at risk because then we have to defend a lawsuit that would be unnecessary. If there were significant or defined reasons for the negative votes that can sometimes make a difference. If they voted no without any reasons for that negative vote and they had prevailed, I believe that we would have been facing a lawsuit and it would be costly for the taxpayers of which you are one.

In spite of the training, in spite of the two meetings of training, Selectman McGrath noted Mr. Drouin put us in a position of jeopardy. That's my concern and I sat here tonight listening and I'm with Selectman Roy. Her two or three different explanations over the course of an evening. As difficult a decision that this might be, I think that given the gravity of the actions by Mr. Drouin, I think it necessitates a vote for removal.

Chairman Morin asked is that a motion at this time. Selectman McGrath stated I'll make that a motion.

Motion by Selectman McGrath, seconded by Selectman Roy, to remove Michael Drouin as a member to the Conservation Commission effective immediately.

Selectman Martin said I don't have anything to discuss on the motion. It's just a comment that Selectman McGrath had made. If I'm not mistaken, the Conservation Commission doesn't approve, they recommend.

Selectman McGrath said that's correct. A misstatement.

Selectman Martin said that was okay. The Zoning Board is the ultimate determiner of yes or no right if I'm not mistaken. That's all I have.

Chairman Morin stated unfortunately Mr. Drouin we're past that. You were asked if you had anything further and you said you were all done. We're on the deliberation now. Okay. Any further discussion?

Selectman Roy noted my consideration I think doesn't go so much to how he voted on a particular matter but his conduct and his lack of forthrightness tonight that I take more issue with that's where I am with that.

Selectman Martin stated I did hear. I'm sitting here listening to the same thing everybody is listening to. I did hear the two different answers. I'm disturbed by the fact that this happened. I really don't like rogueness because when I was in the military it's a team. When I'm here, it's a team. When I was on ZBA, it's a team. It takes the whole Board to make a decision. I will be changing my vote.

Chairman Morin said I want to make my point before we take a vote. To tell you the truth when I came into this tonight, my strong feeling was we were going to draft a letter as we have in the past and notify Mr. Drouin that if it happens again we would lead down this road. Again also what I saw tonight was his forthcoming. It changed what he told us changed. The story changed and that bothers me what's going to happen in the future. It really does. Any further discussion. All those in favor of the motion say aye. All those opposed. Ayes have it.

Vote - Motion carried 4-0.

Michael Drouin said a quick comment if I'm allowed. Chairman Morin indicated we're all done Sir. Thank you. Mr. Drouin said my lawyer will be sending a letter to sue the town.

B. Conservation Commission - Merrill Park Asbestos Study

Chairman Morin recognized Conservation Commission member Bill Collins to discuss the Merrill Park boat ramp. Good evening Mr. Collins.

Good evening Mr. Chairman. Thank you and good evening to the rest of the Board. Bill Collins said I have a script I'm going to read and then questions and answers. Roughly a year ago the Hudson Conservation Commission established the Merrill Park Subcommittee. Its purpose was to review current conditions at Merrill Park and make recommendations of taxable, low impact uses to which abutters and members of the community might find favorable. Initial review of the site along with follow up visits reveal that some town residents have been using the park for river access but other than that, there appears to be no indication of frequent use of the park for other activities.

The committee then researched the town and State records to see what might have been proposed for Merrill Park in the past. Mr. Collins said they came across archived documents which pertained to a picnic area in the south end of the park and what appears to have been an attempt to establish a trailer/boat access ramp in the northern section of the park. Unfortunately more research for the same archived records revealed that areas in and around Merrill Park were flagged by NH DES for asbestos containing material. The Commission as a whole discussed the asbestos issue and after receiving the findings of the subcommittee, the Commission as a whole discussed the asbestos issues and concluded that it would be advantageous to investigate the matter further with an environmental study of the park. Our goal will be to determine whether asbestos is a widespread issue within the park itself and if so, what might be the best way to handle it if future recreational development were to take place. At the suggestion of the Town Engineer and our Selectman Liaison, the Commission obtain quotes for a cost associated for such a study from three engineering companies who specialize in this type of work. We have completed Mr. Dhima's and Selectman Morin's request and after further review, selected Aries Engineering to complete the task if approved by this Board. The Commission has unanimously voted in favor of fully funding this project and providing all the results to town staff for future reference.

Bill Collins indicated I'm here tonight on behalf of the Hudson Conservation Commission to ask for this Board's permission to allow the Commission to move forward with the environmental study of Merrill Park. The Hudson Conservation Commission sees this park as an asset to our community and at funds utilized for this endeavor will be well spent and will aide with any decisions concerning the park now and in the future. I would like to thank you for the time and appreciate your opinions in this matter and would be glad to answer any of your questions.

Selectman Martin said I don't think I have any questions. Just looking at this report that came from NH DES Asbestos Disposal Site and if I'm reading correctly, this should have been done back in the '80s because they found asbestos in the '80s. It was exposed. No work is done. The town has done no work. We're in violation of not doing any work. If we wake up a sleeping giant up in Concord, they could come after us. Right now I'm ready to put a big red X on a piece of fence and close the park down. If there's exposed asbestos, I've been there. I don't want to continue to be exposed to it and I certainly won't bring my family there. I don't think - and I spoke with the Town Engineer - I don't think we should even move forward with any further testing. I think we should mitigation and be done with it. If you're covering it over here, you can uncover it over here at the boat ramp, or where this swing is off a tree where the kids swing all the time. Do you know how many kids swing off that tree? Quite a bit. In my mind I'd rather see a big red "X" go up and expend a dollar to study it, expend the dollars to mitigate it because the town is in violation of mitigation efforts.

Chairman Morin said by doing some of this work may be mitigating some of those issues. Again, I full understand. I was here when we did the study because we were looking to make a boat ramp for emergency access. That was part of the problem why the whole project stopped. It could cost us a lot of money that we don't want to open that Pandora's Box. I fully agree. Again on the other side, we could be mitigating some of it depending where it is and I read the report too which made me very nervous and I remember the committee. Like I said, we were doing it for a boat ramp emergency access. My only other concern and I fully understand the health issues with it but if we close that, that is our only emergency access to the river at this point. There is no other place to put a boat in other than Tyngsboro and Hills Ferry Road in Nashua.

Selectman Martin thought 300 Webster Street is being developed. I believe that the ZBA had put a stipulation on the approval that there will be boat access to the river over there.

Elvis Dhima said you are correct Selectman Martin. There's also an access easement at Sparkling River which is the main 55 plus community for first responders. I do agree with you Mr. Chairman about a boat ramp needed on the Hudson side. I expressed my concerns about this particular project to the Conservation Commission when they started. I think the estimate being presented to you tonight is not for the entire side. It's only for the boat ramp area so it's a specific area. The entire site is 9.4 acres versus the area we're looking at is about 150 feet long and 30 feet wide. Just because we're testing this

area doesn't mean we're identifying the rest of the needs in the site. We're talking about I believe 24 inches of loam that needed to be put up to isolate the area.

Mr. Dhima noted I do have reservations on this particular site. I think the project is great. I think it's a right project. I am concerned about the location. The town has not had any luck in the past with dealing with asbestos sites. I don't have to get into specifics you all know. It's very hard to determine what you're dealing with until you get into it especially when you're doing testing. Unless you dig the entire site to know exactly what you're dealing with, you will not know. You can hit something. You might not hit anything and right between those two test pits you find something. It's not just there. It's just the entire neighborhood is completely contaminated. We are dealing with contaminated sites along Baker and Webster. The gas company is dealing with that. The entire dirt that's being dug out is being removed in massive blocks - one, three cubic yards containers. So there's a good possibility that if we do get into it that the entire area and the entire dirt needs to be removed. I don't know where we're are going to bring it because you have to put your name down whoever is bringing stuff in. If we go in, this is going to convert from a conservation project to probably a town project.

Selectman McGrath said this town has substantial properties all over town that has asbestos. John Mansville was just across the bridge and they were kind enough to donate all of that as fill. A lot of developments in town discovered that later such as Lockwood Place. That site I was on the Planning Board at the time and I got a call from a resident because she was so distraught. She was a nurse and she had 2 or 3 little children. Every time she sent them out in the backyard to play after it had rained, she'd be finding shards of glass, pieces of glass, bottle caps, leather strips, and asbestos. That entire site was built on asbestos. The State came in and they made them at that time remove what they could find. That place was just a mess of a conglomeration of items but asbestos was the most concerning one and some of it was friable. That's when I learned what the definition friable asbestos is and that's the dangerous type. In reading this report, there's friable asbestos at Merrill Park. So why on earth would we want to disturb that area and create more of a problem? If the town in the '80s did not do what they were supposed to do and were ordered to do by the State of New Hampshire, I certainly don't want to wake that beast and bring that upon us. That could be a very costly endeavor and if there's children that are playing there and they're picking up pieces of asbestos as they're playing, that's not very smart of us either. I'm with Selectman Martin on this.

Chairman Morin asked Mr. Dhima have you been in there recently and saw any asbestos above ground. Elvis Dhima said I've been at this site. I have not seen anything personally. I wouldn't even know what to look for to be honest with you. The samples they're talking about on the report are small. The people there are actually coming up with a definition that are certified to handle or identify it. There is discussion on the report about what could have been done. I'm not sure at what extent it is. My concern is if it's on the surface, it's a very good indicator that it's underground as well. How much, I don't know. Again we've had many discussions in the past about other sites. It is very hard to determine. The only concern I have for this is that it's adjacent to the river which means we're going to need shore land protection. Probably Army Corps. of Engineers. I am concerned like as you said that DES flagging this site for something like this will turn into something completely different. I think Conservation Commission has a great idea. I think they should pursue the boat ramp. I'm not sure about this site. Just to seal the site itself to bring 24 inches of loam there, we're looking at least \$750,000. That's close to what they have left. What I'm trying to get to is that while they might mean well trying to spend \$200,000 to put the boat ramp in, it will turn into a \$1 million project.

Bill Collins said I'd like to clarify a few things. I heard the discussion. First and foremost, we're not looking to build a boat ramp there currently. We realize that there could potentially be an environmental issue there. What we're looking to do is have an engineering company come in and run the assessment on the property to give us a better understanding of what lies beneath. We're not looking to do the whole site as Mr. Dhima pointed out. We're looking just primarily in the north end of the property itself. I walked the site with three different engineering companies and not one of them raised a red flag right away. Actually some of them looked along the riverbank and didn't see any evidence of asbestos. One of the engineering consultants that I was talking with pointed out there were a lot of old growth trees there that there's a potential that nothing was ever dumped in there. Most of the DES reports that I read centered

along Maple Ave. - the property that abuts the park itself. Yeah there were a few fragments found on the surface during the pipeline construction but nothing else was ever mentioned in that regard.

Again Mr. Collins stated we're not looking at a boat ramp currently. I think it's still a great idea and I think asbestos can be remediated even on site through the proper techniques and everything else and making it perfectly safe for people to enjoy the property. I've been living in Hudson for over 50 years and I was living at Merrill Park as a kid fishing down there. I can't say that it didn't have any long-term effects but all that aside, like I said we're not coming before you to build a boat ramp or to construct anything. We just want to get a better understanding of what lies in the park to see if it's even viable for future use. If it comes back as a negative from the consulting engineer, that's a feather in our cap as far as the State goes. We did our due diligence. We looked on the property. We either discovered or not discovered a potential issue and it will fall under the reporting guidelines. At that point if the State had anything left to do, I'm sure they would get in contact with the town. Right now, we're digging a few holes and it's not looking too uproot trees or pave parking lots.

Selectman Martin said it does draw a big flag for me. I'm not against your project because you've put a lot of your time and effort into it and that I appreciate because you're a volunteer. I'm not against doing the testing but if we go forward with allowing them to do the testing, I would ask that whichever firm that you've chosen, and I don't remember which, that they look at this 1985 report from Miller Engineering and submitted to DES on April 23, 1985. It gives test boring logs as well as a site diagram indicating the location from which each boring sample had been taken. The report indicated that chrysotile asbestos and friable asbestos was observed on the surface. If I'm going to allow the test bore, we really need to look at that report when they formulate their opinion. Thank you.

Selectman Roy had a question for Mr. Dhima. If they were to test and find something, I would presume we would then have an affirm of duty to mitigate that. Elvis Dhima stated it depends on what extended to the testing. The testing will be done by certified operators. I'm hoping that they don't hit anything because we did a proximate layout and again it's only certain areas we're doing. I don't know how much of that the testing is going to cover. I know we had a similar case when we were drilling for ledge on Pelham Road and we hit 2, 3 different - every 50 feet, every 25 we couldn't find any ledge. They were going in and opening it up and of course ledge is sitting right between the two test pits that we did so it's hard to say. Selectman Roy said at that point if we did hit something, would we then have a duty to mitigate? Mr. Dhima said we'll probably put it back in the hole. I don't think there's any contingencies to how they would deal with it if they hit something in there. It's my understanding they're only going to a small testing.

Bill Collins said no. Actually they would bring an excavator on site and actually dig a hole which is more reliable than test boring because when you bore, large pieces may not be picked up in the bore sample whereas a man running an excavator will physically dig a hole that will be no less than probably 2 foot by maybe 3 foot depending on the size of the bucket which will produce a better overall result. It's more seeable at that point. The hole will also be extended down up to 10 feet in some locations.

Selectman Roy stated once you hit that and they observe that, what is our obligation at that point. Elvis Dhima said they're putting it back. They're not going to take it out because obviously that does not include that. Selectman Roy said well I know that's what they're going to do but then what is the town's obligation at that point. Mr. Dhima didn't think we'll go back and put 24 inches of loam at that site we're going to disturb but yeah that's kind of what why we're discussing it. Is it worth getting into it or not. Selectman Roy thought I would want a definite answer to that question if we were to test.

Chairman Morin thought I can answer that. Thank you Sir. If you look on page 2 of the Aries information sent to Mr. Collins on May 2, 2019 under "pre-investigation services" third paragraph, you'll see that there is a requirement for preapproval from NH DES which will answer that question. Thank you Sir.

Bill Collins stated the other question you asked was what happens if they discover asbestos. On page 3 of the same report, I'll read the paragraph verbatim. "Upon completion of each test pit, the contractor will backfill the exploration with the excavated soil. If ACM are observed during the exploration, backfilling of the test pit will be completed by capping the test pit area with a 6-inch cap of clean, imported

fill material. The excavation equipment will be decontaminated following each test pit using a water rinse." They have to put the material back into the hole and cap it.

Chairman Morin asked Mr. Dhima the area they're looking at you know it better than we would was there any asbestos found there in previous searches. From what they could tell, Elvis Dhima stated there are red dots everywhere through the site. There's red dots adjacent to the properties. It's hit or miss. It's very close to the river. I'm hoping it did not bring the backhoe, or the 18 wheelers, or whatever they used back then. It's hard to tell. It appears that most of them are close to Maple, some in the center but nothing closer to the river. Again the layout that we're looking at preliminary again. It's outside of the sewer easement which means I'm hoping we don't going to have the septic disturbed because there is a sewer main there. I'm not sure what they used for backfill but it is deep. It's extremely deep. It's over 10 feet deep. I'm not sure what they used there to backfill that. Again this will be adjacent to that. It's not going to be in there but it's going to close to it. You all know when you dig a trench 10 - 20 feet deep it's not a straight line. It's hard to tell it really is. As I said, it's a good project.

Selectman McGrath asked should we contact DES to find out if we located asbestos on a piece of property what would our obligation be without going into specifics. Chairman Morin thought he kind of summed it up with what he just said that it has to be backfilled. That was DES requirements, correct? Bill Collins said no that was not a DES requirement. That was simply the paragraph from the quote from Aries Engineering as to what they would do.

Selectman McGrath said if asbestos has been observed on this site, the likelihood that hitting an area with asbestos is higher than if you'd never seen asbestos on the property. I think before we open that can of worms we ought to find out what our obligation would be if and without identifying any particular site because it could be - Hudson, Nashua, the surrounding area is loaded with asbestos because of the John Mansville site. They donated that material as fill and developers readily accepted it because it was cheap fill. It's everywhere. I think we owe it to ourselves, we owe it to the town's people especially the people that live in those areas. Find out what our obligations would be if we discovered that there's large areas of friable asbestos.

Bill Collins said yes I'd be more than happy to contact DES and see what our requirements would be in the event that asbestos would be found on the property as part of our test pit boring. Two - I just wanted to point out like I said, this is more of a study to enhance our knowledge of the park more so than to move forward with the boat ramp right away or anything like that. I actually believe that we should take it one step at a time and figure out what we have before we just move forward with any final plans. With that said, said we did decide to go with the boat ramp and everybody was on board with that you have to figure the excavation for such a facility would be minimal. The deepest cuts would be along the riverbank for the ramp itself. If you wanted to include any kind of real parking, you would have to do some scraping of the surface area and then coat it with an appropriate base material and asphalt over that. That in effect would cap any potential problems later on. Like I said, we're not looking to do that at this juncture. We want to know if it's a viable piece of property to even consider future development in the future. Right now, I don't think anybody can really answer that question. I'll be more than happy to contact DES too in regards to our responsibilities.

Chairman Morin indicated at this point there is no rush to make a decision. If we deferred this until you came back with an answer from DES that would be...Mr. Collins said I would be more than happy to. Chairman Morin said why don't we do that. We'll just get some further information and then come back and see us and we'll make a determination then. Mr. Collins asked would you like me to contact your office to set up the next occurrence. Chairman Morin said yes as soon as you get their answer get back as soon as you can. We'll take a look at those two easements that those other properties too just for future reference. Thank you very much.

- C. Police Department - Request to apply for a Local Giving Community Grant through Walmart between \$250 and \$5,000

Chairman Morin recognized the Town Administrator Steve Malizia and Detective Lischinsky.

Steve Malizia explained you have in front of you a request from the police to authorize them to apply for a grant from Walmart. It's called "A Local Giving Community Grant" and it ranges from \$250 to \$5,000 so that requires your approval to apply. If you have more details you'd like to share with the Board. Detective Lischinsky said these two different donations for the first one we're requesting to apply for this grant through Walmart. It's a community giving back grant. These items would be used for the Criminal Investigations Division. Specifically for any of the computer forensics when we have computer crimes. Our equipment isn't as up to date as it probably should be. Now with this becoming more popular type investigation that we deal with nowadays, this would get us a little more up to speed.

Because this is not funded in the budget, Steve Malizia said you have the ability to apply for grants but this Board made a policy that you would authorize the application. Should a grant be awarded depending on the amount, you would also then accept a grant but that's second step. The first step is just to apply. That's what they're asking for.

Motion by Selectman McGrath, seconded by Selectman Roy, to authorize the Police Department to apply for a Local Giving Community Grant with Walmart with an award range from \$250 to \$5,000, carried 4-0.

Steve Malizia noted the donation was done in consent so there's no need for you to do anything if you have the donation there.

Detective Lischinsky said yes we have not applied for that grant yet so we're waiting for permission to apply for it. We'll be doing the application now with that approval and then once that gets approved, we'll get notified and then we can come back. We had that second request. I don't know if you have...Mr. Malizia indicated that was in the consent agenda. That was a donation that the Board has already accepted by consent. No other action is needed.

D. Public Works Department - Request to Advertise for a Truck Driver/Laborer Position

Chairman Morin recognized Town Administrator Steve Malizia.

Steve Malizia noted I told the Public Works Director I would represent him on this. Quite simply put, we received a resignation. It's attached to this documentation. He's looking for permission to replace a truck driver/laborer so he'd like to start the advertisement and recruitment of a truck driver/laborer.

Motion by Selectman McGrath, seconded by Selectman Roy, to allow the Public Works Director to advertise for a Truck Driver/Laborer position, carried 4-0.

E. Recreation Department - Request to use \$1,000 from Senior Center Donation Account to Purchase an Outdoor 46" Square Perforated Table from BSN Sports

Chairman Morin recognize Senior Services Coordinator Lori Bowen. You'd like to purchase a table from the Senior Center Donation Account.

Good evening. Lori Bowen said yes the original patio that was put in as an Eagle Scout project by Noah Tardiff I believe three years ago in completion. There was \$1,000 also donated as excess funding when he did that project. So we have come up with a suitable solution for what we'd like to use for furniture on the patio and we'd like to purchase a four-sided table with built in benches. They have a wider access to them so it's not a traditional picnic table where the clientele that come to the Senior Center aren't able to actually squeeze down into the center of the picnic table as most people aren't. It's a four-sided table that has a playground type material on it, sturdy, will hold up to the weather, will hold up to wear and tear, is suitable for anybody to use as it is out in public at the park. We do often get frequent visitors that aren't particularly using the Senior Center. I would be a nice addition to our area.

Selectman Roy asked is it wheelchair accessible. Can somebody in a wheelchair...Ms. Bowen said no it is not. It has built in benches.

Selectman McGrath asked is there an area for disabled people to sit out in the patio area and have lunch. Lori said right now there is just a patio. Selectman McGrath noted I don't go to the Senior Center very often. Lori indicated right now there is just a patio. There is no access to it. The plan is that the Highway Department is going to put in a sidewalk at some point and then we'll have an outdoor space that's accessible via a nice inclined sidewalk so anyone could go and use this patio area.

Motion by Selectman McGrath, seconded by Selectman Roy, to approve the withdrawal of \$1,000 from the Senior Center Donation Account to purchase an outdoor 46" square perforated table from BSN sports for the Senior Center, carried 4-0.

F. Revenues and Expenditures

Chairman Morin recognized Town Administrator Steve Malizia.

Steve Malizia stated we are 11 months through the year so 92 percent approximately. Budget is tight because it's at the end of the year. As you recall, we had a couple of buyouts this year. We had a retirement of our Chief. More than likely we may have a motion at the next meeting to maybe withdraw some money from the employee's earned time trust fund just to make sure we come in and meet our budget. Revenue continues to be very strong. Unfortunately we can't spend the extra revenue but it will go down to our unexpended fund balance which could either be used to lower taxes, or some other project, or just keep it on the books to keep us financially strong. We're at 104 percent for automobiles with a month to go. Interest is 300 percent. We did really well on that this year. Revenue is good. Budgets are tight but that's to be expected. We budget pretty tight around here. Again the Finance Director will come forward with a motion most likely at the next meeting because it will be the last meeting of the year to have a certain amount of money available from your earned time trust fund. We'll also look at encumbrances. That's money we're going to carry over for projects that we're still working on. That will come at the next meeting too.

Chairman Morin asked any further questions for the Town Administrator. Thank you Sir.

G. Agenda Attachments

Chairman Morin said myself and Selectman Roy we had talked about this a little while ago and really didn't go anywhere with it. Since that time, I've been taking a look at the agendas for the School Board, Zoning, and Planning and I got to tell you that the School's agendas for their Board meetings at one point they had 96 pages of attachments so people could see what was going to take place at the meeting. I know I saw one for the Planning Board that had 52 pages. I'm not going to speak for Selectman Roy. I'll let her have hers but I really feel that we as the Board of Selectmen should try to provide some more information out to the public before our meetings when the agendas are posted so people can see what we're talking about and have a little background.

Selectman Roy stated to kind of piggyback on Chairman Morin's comments, I think that it goes a lot to transparency. Here's my I guess my basic thought. If I was just Joe citizen and I saw an item on the agenda, I wouldn't really know if I wanted to attend the meeting. It's not very specific right on the agenda. It's just an agenda item. I think the more transparent we can be and the more we can show the citizens and then if they do have something to say, yea or nay, they can come here and express that. That's where I am with that.

Selectman McGrath stated I have some questions then. So our agendas typically are set by Thursday afternoon but all of the material that accompanies the agenda isn't completed until Friday. Isn't that correct Donna? Donna Graham said that's correct.

Chairman Morin said if the stuff if we say it has to be turned in unless there is something that you run into a problem with getting it on Friday, we can still attach it. If the agenda items have to be into Donna by noon time on Thursday, then all the backup should be there too unless some circumstance that we can't meet that.

Selectman McGrath asked for an explanation from Donna and Steve because they're the ones - I'm guessing because I look for the agenda. I see that coming through typically on Thursday afternoon sometimes Friday I'll get the agenda. Then later in the day I'll come into Town Hall to make sure that I get my packet on Friday afternoon. Then I go through it and I see all of the attachments and everything else. I don't think it's available until Friday afternoon. Correct me if I'm wrong, I think the materials, the backup, isn't available to us until Friday afternoon.

Selectman Roy asked that's a hard copy though right. I just want to be clear. Donna Graham said that's correct.

Selectman McGrath stated she doesn't e-mail us a copy of all of the backup prior to that.

Selectman Roy asked do you currently scan all this in. Donna Graham said I do not. The deadline is 12 o'clock. Sometimes we run into a problem whereas one of the department heads can't get their documents in because they're waiting for things themselves. Sometimes I'll have to wait until Friday morning to get everything ready, put it together, copy it, and put it into your mailboxes. Selectman Roy said my thoughts are still it's not a requirement of the RSA. It's just something that expands our transparency. Other than a self-imposed one, we don't have a time limit. It's not like there's an RSA that says we have to have the backup out at a certain point.

Selectman McGrath said if this is something to allow the public to see an item that's going to be discussed at a Board of Selectmen meeting, the Selectmen meetings aren't until Tuesday evening. If this Board required Donna and Steve to prepare something for the sake of transparency and I would expect that it would be on the website. Is that your position? Selectman Roy said yes. Selectman McGrath said that wouldn't have to happen until Tuesday.

Chairman Morin said I would like to give the public a chance to see it. I understand what you're saying. Selectman McGrath said we have a compressed time period here. There's been times when the agenda is extensive and Donna is still working late on Friday afternoon trying to get it all together - getting all of the materials together. To add another step where she has to scan all of that stuff in - I know I scan documents and it's not always a quick automatic thing.

Selectman Martin agreed that there should be some form of transparency to the public. If possible that after you get the packets planned if you don't have time on Friday that on Monday you could scan in that PDF and post it on line. The Zoning Board does it now. I saw a case that I wanted to go see and I was able to pick pages that I wanted to print and I went to the meeting with my papers. It was all in PDF file in order of the agenda which was very nice. If that's something that could be done Monday morning, it gives people plenty of time. It doesn't have to be done on Friday so they can browse for the weekend. It's a lot more. It's something new in the process. I would agree that we should put it on line but if she can do it on Friday great. If not, Monday morning.

Selectman Roy said we'd put a not later than time on it. Noon time on Monday or something.

Chairman Morin asked how much do you get by e-mail or sent to you over the computer versus hard copies. Donna Graham noted everything I get is hard copies. Chairman Morin said everything. Ms. Graham said yes. Steve Malizia indicated unless it's from you folks. You'll send an e-mail or somebody will send an e-mail saying please put this on the agenda. Chairman Morin stated that's my question. We have a computer system but we're still sending everything hard copy. Why is that? Donna Graham said the Board still is requesting that we get hard copies. I still have to make hard copies for all of you anyway. Chairman Morin understood but the department heads sending you their agenda information that's all hard copy? Ms. Graham said correct. Mr. Malizia said there may be reports, there may be forms, they may not have a source document. I don't know. We make a copy of something. We copy it and we give it to you. It doesn't mean you can't scan stuff. If you're scanning it, just be careful that you're scanning something and the public sees it. You have deliberated. You have discussed it. I just want to make sure that we're careful when people start commenting on things that you haven't even

discussed. That would be a concern. I'm not saying we shouldn't give people information but when you start putting stuff out there, be prepared to get comments on agenda items you haven't discussed.

Chairman Morin stated we're going to get comments anyway. It doesn't matter. Selectman Roy asked Mr. Gasdia do you folks run into that by doing that on the School Board. Gary Gasdia said no we have not gotten a lot of comments. We do get some but, again, everything is in that PDF. All the attachments are there. I don't think there's an expectation of a time. I've only been on it for a couple of months. Typically they come on Thursday. We did have one time when I think it did come up Friday morning because it was large. I think it's a matter of it was delivered to us the same time it was delivered to the public. I think the people that are going to comment are looking for something specific. It may increase it slightly if you have something obviously but I don't know if that's necessarily a bad thing because when we have gotten those or at least when I have gotten those, it sometimes aides in my thinking of some things I may not have thought of myself.

Selectman McGrath said just too kind of explore this a little bit more. Should we be looking at exactly what we have in the packets before we decide what we're going to put on line? Some of it might be information that shouldn't be shared.

Selectman Roy said well that would be a nonpublic. Steve Malizia said we would put no nonpublic on line. That would absolutely not happen.

Selectman McGrath stated well you can understand my concern that we got some material tonight that maybe we wouldn't have wanted to put on ahead of time. I think we need to be cautious about what we do. That office is busy upstairs. I never walk in when they're not working and working hard. I just think we need to be cautious about what we do, what we actually decide to put on, and how it's going to impact the staff.

Chairman Morin thought the information that we've had in front of us tonight, and we'll take Mr. Drouin's case, that was requested to be in public and whatever Mr. Malizia handed out is what we talked about tonight. There was no problem with that and no other information other than what we're going to talk about in nonpublic. I personally don't see it as a problem. The stuff Mr. Collins talked about, that is a general report that's been out there since the 1980s. Most of that except for his updated stuff that he presented to us tonight and Mr. Malizia is very good at making sure that we get the correct information and it is disbursed to where it needs to be done. If he can't do it, Donna is right there also. They're very good at that. I wouldn't have a concern with either of them putting it together if we went down that route. I'm just trying to say that the information we get, I believe it's appropriate and they know very well what they have to do.

Selectman McGrath said Steve has saved our behinds plenty of times and Donna does the same for us. I'm just trying not to overload them. That's really the main thing. I think we need to be thoughtful about what we're doing. I'm not suggesting that anything wrong would happen but we just need to I think collectively figure out what we're doing.

Chairman Morin appreciated that. Thank you very much. I'm still trying to wrap my hands around how everything is coming in hard copy. I understand we need hard copy. Don't take that wrong but I don't understand why it's not arriving at the office. That's what I don't understand. We have the system to do that but everything is hard copy. That I still got to kind of understand. If it wasn't hard copy, it would be so much easier to do. You have to print out five copies for the people attending the meeting but the rest of it is already on the computer and it's just a matter of...Selectman McGrath noted it may ease their workload. Chairman Morin said it would ease their workload yes. Selectman Roy said if it was automated.

Steve Malizia said the only concern is its coming from diverse sources. It's probably easier to take this, take the staples out, and scan it all at the same time to be blunt. That's probably the easiest.

Selectman Roy thought how we do it the mechanism for that is something we might want to involve Lisa in.

Steve Malizia stated what I'm hearing you saying is you get a hard copy packet typically on Fridays. You either pick it up Friday around noon. Some of you pick it up on the weekend. What you're asking and what I'm hearing is that you'd like the same material scanned so that if Joe Citizen is at home, they can look at what you're looking at. Is that what I'm hearing? Selectman Roy said right or they can open it up on say Monday and say oh Tom Barrett applied for a Recreation position. You know what I mean.

Steve Malizia said this packet that we get is what you're looking at. We'll do your copies first it's that simple because you're the Board of Selectmen. We could certainly scan something. It's going to take some time - usually Donna or maybe Lorrie. We are very cognizant of what goes into a packet and what doesn't go into a packet. We vet these for social security numbers and for other things. On occasion you may get multiple copies of bids that are this thick from 5 engineering firms. I am not scanning and copying that because you don't get individual copies. Again if I have 5 reports that are thick and you're not getting a copy of it in your individual packet, I'm not going to scan that either. If that's what the Board would like to do, I think we can accommodate that but your packets will be first. This will come out after that with the expectation that yes it will be in advance of the meeting. It won't be Tuesday. Chairman Morin said we understand that. Mr. Malizia said I can have Lorrie take the staples out and scan it for us when we're all done with it.

Chairman Morin asked do we need a motion or just a consensus. Steve Malizia said I would make a motion that way we can look back and say when we did this.

Motion by Selectman Martin, seconded by Selectman to scan the Board of Selectman packets onto the website, carried 4-0.

9. REMARKS BY SCHOOL BOARD

Gary Gasdia - First off thank you again for having us. We're still working through the CTE funding and exploring some different options. Nothing has been finalized at this point so fingers crossed that something will come up. Obviously working on some contingencies as well in the background if nothing does. Most importantly though this is a great week for Hudson and our schools. I've been out several nights last week and this week celebrating all of our kids - all of our seniors, juniors, academic nights, sports nights, and this Thursday is the graduation of our seniors so congratulations to all of them. I think it's a moment for the entire town to really celebrate all the work they've done for the past 12 years of their schooling. That's all I have.

10. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Martin - I have a few items. The first item I might as well bring it up it's right in front of me is the BOS adopted policies and procedures. This big manual that sits up in the office. We have 50 or so of them and I was wondering if the Board wanted to go through not all of them at once but a portion of them over the course of our meetings. Obviously we'll get them all in advance and see if we want to keep or get rid of them. The reason for that is let me just give you one thing that I'm looking at is called "alarms monitoring". It was adopted in 1995 in fact almost 24 years ago because it was 6/13/95. The town will no longer monitor alarms for Colonial Alarm. I don't even know if they're still around. So why do we need that as a policy? There are policies in here that are covered by the contracts. For instance, people who participate in the Army Reserve or the National Guard. Those things are covered by contract now. Each bidding unit is in the contract. I've looked at that. There are things in here that are probably not needed to be a policy of the Board of Selectmen so you can take it from 4 pages or 3 ¼ pages down to maybe a page a half over time. I'm not looking to do it all in one sitting. Maybe 10 and go from there. Like all basketball hoops must be moved from ROW. I don't know what ROW is. Steve Malizia noted right of way. When you stick your hoop in the right of way and we go to plow, we have a problem. That might be a policy you want to keep. Selectman Martin said just discuss it and see if we want to keep it or get rid of it. Again it may be something you may want to keep but is it enforce? How is it enforced? It's things like that.

Selectman Roy asked is it redundant to another thing. Is it in a contract or another policy somewhere we don't have to...I would agree.

Selectman Martin thought this is what we should do. I just want to make sure the Board is comfortable with it. I don't want everybody to let us jump into it and then nobody is comfortable with doing it. I think there's a policy on ambulance billing. There's appeals for the ZBA and Planning Board. I don't think that needs to be a BOS policy. That's my opinion but others may have different opinions. I think that we should embark on that. If everybody is agreeable, let's get through the summer and start in the fall.

Chairman Morin asked if there was any comments on that. Everybody agree to move forward and go through all the policies.

Selectman McGrath said why not. We have little to do.

Selectman Martin said my next item Mr. Chairman is e-mail. We had the Right to Know Law I believe Selectman Roy, yourself, and myself were there in attendance. They mentioned that e-mails for board members and elected officials - that where I'm staring - should have a town e-mail account. So it would be nmartin@hudsonnh.gov. I do have that because I'm a member of this Board. If I were on the Budget Committee, I think that should be something we should consider doing for all elected boards which there are 4 in addition to us. That's an additional 20 e-mails. Budget Cte. Cemetery Trustees, Trustees of the Trust Fund, and the Ethics Cte. There's supposed to be 5 on that committee. I don't know that there are five so that would be 20 additional e-mails, licenses for these people. I think that we should provide that because when they conduct town business, it should come from a town account especially if a lawsuit comes along and the e-mail is called into question. We can provide all the e-mails as requested by the court. Just my thought.

Chairman Morin said they did say and recommended strongly that we do not use our personal e-mails and I'm guilty of that sometimes.

Selectman McGrath asked didn't we just get something within the last month or so concerning setting up like for the Zoning Board one Zoning Board e-mail so that the board members could converse among themselves if they needed to as opposed to sending out like a global e-mail. That would constitute a meeting. I thought I just read that didn't I?

Chairman Morin thought conversing back and forth could be taken as a meeting depending on how many people got into that. What we talked about - I don't think we came up with a plan. What we talked about is sort of like what we talked about for conservation tonight everybody goes through either the Chairman and he blind copies everybody or everybody goes through Donna. That way the Board members aren't talking to each other which would constitute a meeting.

Selectman McGrath said I'm certain I read something within the last month or so and I thought that it came from Lisa Nute. Am I right? I'm pretty certain that Lisa sent something out about setting up - and maybe I misstated as far as having members writing between themselves and you're right, it would constitute a meeting. Can I ask Donna or Steve to look back because I'm fairly certain that something was sent out by Lisa and it concerned creating an e-mail account for boards?

Chairman Morin said we'll take it later.

Selectman Roy though the other information that we need to know is if we need to expand the number of licenses or what are our right and left parameters. Is it 20? Do we need to take another step to acquire that many e-mails? Is there a cost associated with that and those kind of things? That would be my comment.

Selectman McGrath said bits come back to me as time progresses. I think Lisa was saying that she didn't want to create separate e-mails for all different board members like under the "Hudsonnh.gov" banner. So creating a Gmail account. Chairman Morin said I remember that conversation yes.

Selectman Roy stated what I would say to that and to Norm's point is if we at least start with the elected officials because my thought the public should have access to them and we should be able to provide at least the elected officials with an official e-mail address again for citizens to reach out to them. I think the boards and the panels that we appoint get a little more complicated because there's a lot more of them and I'm not sure...Steve Malizia said don't forget you might be up on the other side of a fire wall or something. The people that work here, we're all protected. If I go to somebody else's computer, I have no idea what's going on over there and we have to be very diligent with security and how things work. Let's tread carefully. I'm not saying not but let's be careful.

Chairman Morin said why don't we bring Lisa in that way we get it right from IT versus Donna having to get in the middle of it if that's okay with you Selectman McGrath. If we schedule Lisa to come in and she can explain everything to us in one shot and get it done. Is that acceptable to everyone. Okay.

Selectman Martin said we embarked on the credit card machines was a successful doing in both the Community Development and Fire Admin. Buildings which was a surprise to me because it was an add on. Great surprise. I thought that was a great thing. One of my concerns is payroll now. Not that nobody is getting paid or is being done wrong, it's not about people and lack of working or people moving around coming out of their buildings. What it is is we're in an electronic age and we have a way to - over in the Fire Dept. let's begin with that. They have a way to come up with a report in a PDF format. It gets printed and reviewed by the Chief and signs wherever he signs. Then that piece of report is walked over to Town Hall so Finance can have it. I know that there's software in this licensed software that we have for PDF creation with signature that should be utilized, create PDF with the signatures, Chief reviews it, signs it, sends it off to Finance. You're talking away a person having to walk over to Town Hall. IF they want a hard copy in Finance, then you're more than welcome to print it. I don't think we need to continue to print and send somebody on a mission to deliver. I think we're in the age where it can be delivered and printed if you need it and save paper. I'm looking to see if that is something that we can have IT work with Fire Admin. on.

Chairman Morin said we can tag that onto the same meeting with Lisa and get the answers right that night if that's acceptable to everyone.

Selectman McGrath had a question about it. Are you talking about the payroll their time sheets that the Fire Chief signs off on and they hand deliver it over to Town Hall to KC? There may be a reason for that because if Rob is signing it and his signature is on that, maybe that's for valid reasons as opposed to just exercising them to walk across the parking lot.

Selectman Martin said I hear what you're saying. He can electronically sign them. It's still a signature because he's the one that's going to be signing it and we can have it on hand. If an auditor wants to see that signed, he has a file.

Chairman Morin stated to answer your question, this is how I'm looking at it with what Selectman Martin is saying is just like when you sign for a credit card that's a legal signature. If the Chief signs it electronically and then e-mails it over, it's just saving how much paper - 52 weeks of paper anyway and how many sheets it is, saving the time of the employee walking over. We'd have to talk to Lisa because I don't know anything about it myself.

Selectman McGrath indicated it might be something you'd want to talk to the Chief about.

Selectman Roy said it would have to be a coordinated effort obviously. How much physical storage space do we have? Steve Malizia said it goes in a 4 drawer file cabinet in Finance. All the payroll for every week gets put...Selectman Roy asked how long do you have to keep them? Mr. Malizia thought six years but don't hold me to that. So what happens is they process payroll over there. One of the reasons she walks over here is when the US mail comes in, she picks it up. She doesn't walk over just to bring the payroll. She walks over and says here's today's mail. She bring payroll over at the same time. She doesn't have to. She could scan it. The Payroll Coordinator at the Police Dept. doesn't physically bring it over. She just scans it but police come by to pick up the mail because it gets delivered here. That's the way the post office delivers the majority of the mail. Occasionally they'll deliver

something there but most of it comes here. When she's coming over, she just brings it over. She doesn't have to. She could scan it and e-mail it. They do their own payroll. Highway does the same thing. Police does the same thing. They're all remote. They're all going right into the system. The Chief however he does it, he physically signs it. I guess somewhere in there you could probably do an electronic signature. He may not want to do that. I like to sign things. I don't want anybody putting any electronic signature on it. I want to know I saw it. Why because I get audited. They'll pull those files and they'll look at our payroll.

Selectman Roy said as a general precept I would see the advantage to having as much things automated and saved electronically as opposed to having physical files. I also think that we should have a plan. I don't want to just rush into stuff like that and do it.

Selectman McGrath asked, again, is this something that we should have the auditor weight in on and is it a requirement for audits to have printed out copies of the payroll. I don't know the answer to that. Steve Malizia said typically they look at source documentation. So they'll trace it all the way back to somebody's timecard or whatever the source document is and they'll trace the transaction all the way through payroll to make sure it was a) properly approved, properly submitted, whatever. They typically work with paper. They come in here for two weeks, take boxes of stuff, they do it with the Treasurer, they do it with the Town Clerk. They look at payroll. They look at the accounting transactions. They do a lot of paper. I don't comment on the school, they do the school separate.

Selectman McGrath expected that the School Dept. would do the same process. At some point, Mr. Malizia said I would assume they'd get audited for all their transactions because there's clearly an approval process. They look at did you sign my time sheet. Did I sign so and so time sheet. They're not doing it for the fun of it. They're doing it to make sure it was properly authorized that we don't have phantom employees for example. So they typically look at paper. They typically look at source documents. Not to make it complicated, Police is an IMC system. Telestaff is what the Fire Dept. uses. Highway still uses timecards. So we all have some divergent systems here. They work for everybody. Everybody's payroll is submitted usually by 10 o'clock in the morning on Monday. The only reason somebody brings it over is because they're picking up the mail from that morning's mail delivery typically.

Chairman Morin asked how are we doing it here in this building. Steve Malizia explained it all gets routed down to the payable's clerk. From here, it's all collected. I, for example, do my department heads. Patti does her department. They submit it down to the payroll clerk here. There's a source document so that when auditors go to pull something, they say geez where's Steve's signed timesheets for the last two weeks. I don't know what they're going to pull. It's always random. They do random samples. Thus far we've had a clean audit report. I certainly think that's our goal to make sure we have public trust. It seems to work. I'm not saying you can't improve it but it might be something you do when you do a process improvement. There's something called "LEAN" training. You look at the process. Can we do it more efficiently? I'm not saying we can't do that. I'm just hesitant to take on another big - let's modify everything because generally it's working. That's all I'm saying.

Selectman Martin had one other thing. We need to talk about moving elections in 2020. Remember we had that talk a few months back with the Town Moderator. He has mentioned it again.

Selectman Roy asked do you mean physically moving the polling location. Selectman Martin said yes. Selectman Roy said okay as opposed to moving the time of the election. Mr. Malizia said that's not set by us. That's set by the State.

Selectman Martin said we have to figure out when that day is going to be released from Concord. Once we know that date, we have to go to the schools for use of another facility if we're going to do that. I think that we need to keep that flowing. I don't know when the State typically...

Selectman Roy indicted it's the second Tuesday after the first Monday. Steve Malizia said I'm not sure it's that specific for the Primary because that's what we're speaking about right now. The Primary can change. It's fungible depending on what other States do and we try to always be first in the nation. I don't know what the date is.

Chairman Morin said we get a hold of the Town Moderator that's his thing. When he gets that date, he comes in to our next meeting and we get that settled as soon as possible.

Selectman Martin indicated that's acceptable to me.

Selectman McGrath said that's okay but I have a question. So I thought that Selectman Martin and I don't remember who else was going to meet with the Moderator and the school and others to determine an appropriate place. Selectman Martin said we didn't come up with a really good appropriate place as of yet because we're differing. Selectman McGrath asked has that been accomplished that you've actually gone and looked. Selectman Martin stated we haven't really picked a place. Selectman McGrath said no the question is have you gone and looked at them. Selectman Martin said I know Paul has because he's got the time during the day but I only looked at the site plan for the middle school and that has adequate parking. It's a smaller gym but it has adequate room in the gym to have the voting place take place. Its handicapped accessible versus Alvirne High School.

Chairman Morin said I have one question and I'm going to ask the School Board member. When we were talking, the discussion was that they were going to do it on a teacher's workshop day. What is that going to do for vehicles that are going to be parked there most of the day that are teachers taking up parking?

Gary Gasdia said we discussed this in one of our Board meetings. They can actually move the - if it were to be at the middle school - those teachers can do their professional development at Alvirne. There shouldn't be a parking issue at that school. Again provided there's enough time.

Selectman Martin said we're going to task the Moderator.

Selectman Roy asked if we wanted to set up a suspense date so that we kind of keep track of it. When we want the Moderator to come in when you might think you might look at places and bring something to the Board.

Selectman Martin said he said he was amendable to going to the middle school because of the parking. We don't know the date. That's our problem.

Selectman McGrath said you should consult with the Democratic Committee in Concord and the Republican Committee and see if they've come up with a date. Steve Malizia thought that's the Secretary of State that does that typically sets the Primary date. Selectman Martin thought we should task that onto the Moderator. Selectman Roy asked when can we expect an answer to that. How do we know they haven't already done it if nobody has asked? Selectman Martin indicated I've seen it in December. Mr. Malizia said it kind of depends on some of the other States. We're always trying to stay ahead.

Selectman Martin thought we should revisit it in our first October meeting and maybe have Donna reach out to see if he's heard anything by our first October meeting and we can have him come in then. Chairman Morin stated if we feel the Board needs to have a meeting to confirm a place and just wait for the date, we can do that also that way we're ahead of the game and that way we can give the School Board a heads up we're going to be coming to see you for Memorial School. We're just waiting on a date so it's fair to them too that they know its coming.

Selectman McGrath - I was going to let Selectman Martin continue. I've only got a couple of things. I got an e-mail from Jim Michaud questioning the discussion at the last Board of Selectmen meeting. He was questioning the monthly reports that are going to be requested. I'm going to read from his e-mail. It said, "It appears that the Board of Selectmen may have forgotten three departments - Town Clerk/Tax Collector, Finance, and Community Media. Are they going to be required to submit reports?" Chairman Morin noted it was taken care of this today Selectman McGrath. Donna actually brought that to me and we had a discussion. It's been taken care of.

Selectman McGrath asked each of the department head report forms ask for total budget and total spent. The Board of Selectmen receives that information from Finance such as what we received tonight. Isn't that repetitive and would we require them to submit that information in addition to what we're already getting?

Selectman Roy indicated my thought process sort of on that is it's kind of right in front of us by department. If we have a specific question about...Selectman McGrath said so as opposed to digging through the report. Selectman Roy said to me it's something they should know. I'm sure they do. Just again it's right there in front of us. Selectman McGrath said those are the questions that Jim has and now he's got answers.

Selectman McGrath stated we attended the swearing in ceremony this afternoon for Chief Avery and the Captains and Lieutenants that have been promoted. I thought it was a wonderful event. We also got to see and meet the officers that ran into that building that was on fire and saved an individual. That I thought was impressive as well. That might be all that I have.

Selectman Roy - I'm going to be less lengthy. I'm good.

Selectman Morin - I just have two things. Selectman Coutu and myself attended that Cemetery meeting. There is a group within town - a lot of citizens. We had a very large turnout. I was pretty impressed. They are working through with Dave Alukonis on getting that transferred. There is going to be a process. It's going to take some but to get that transferred over to the town to take care of because it's still not being taken care of. That would be the cemetery on Central Street which is Sunnyside. It will be a process. They have contacted the person that was responsible for it. They're working on that right now to get it up kept. Until then, a bunch of people have volunteered to go in there and clean up and mow once we get the final permission to do that until the town can take it over. Like I said, that will be a work in progress for about a year or so.

Chairman Morin noted we also attended with the State Transportation Dept. (DOT) on the Haselton Barn. We had a pretty good discussion with them but it's going to be at least a year and a half before they come back to see if they're going to take it off of the historical list or not. It didn't sound promising what I was hearing so at this point we're going to have to have a discussion whether we redo the roof or we fix just the spots that need to be fixed for now to see where we're going to go with this in a year and a half. Something to think about but it will be coming up on an agenda in the near future because we need to do one or the other.

The last thing Chairman Morin had real quick is I received a letter from Senator Carson's office which she sent to the US Dept. of Transportation recommending Hudson get the grant for the Hudson boulevard and that it is greatly needed in southern New Hampshire and would make a great impact on the town. I just wanted to make sure everybody knew that we did receive the letter from Senator Carson's office.

Selectman McGrath stated I'm getting older so I forget things in the middle. I have three more items. Sorry. I attended the CIP meeting the other night. They're making great strides in completing that process and waiting for some additional information from the school. That I believe is going to be coming in probably mid-July depending on the strategic plan that they're working on. The CIP is coming along nicely.

Selectman McGrath noted tomorrow night is the Planning Board and it's going to be at the Community Center because they're expecting a large number of people to show up which if that happens, that's a good thing. It's concerning the Friary property which is the workforce housing project. I received an e-mail this evening from someone that wanted to attend, planned to attend but is not able to so he wanted this comments added to the record and I made sure that that's been forwarded to the Chairman. If there's people that can't go and want to have comment, they can either e-mail me or e-mail the Chairman of the Planning Board or Brian Groth in the Planning office upstairs. I neglected to say this the last time when I was urging people to show up to these meetings. By your non-attendance, it indicates that you're

not interested or that you don't have a concern. Anybody that has a concern and wants to voice that even just by their very presence, it makes a difference.

You mentioned Senator Carson. Selectman McGrath indicated that was another thing I wanted to mention before. That project that they're working on changing the - if a person is aggrieved by a decision by a Zoning Board that they can appeal that to a board that's constituted by the...Selectman Roy said the State. That was my understanding it's a State board. Selectman McGrath thought we should take a position on that. This Board should take a position that we're opposed to that because it usurps the rights of the community and the Zoning Board. The Zoning Board is given an authority to make these decisions. Then because someone is aggrieved by it and they don't want to go to court, they can appeal to this board that's assigned or appointed by individuals that don't live in this community, don't know the reasons why the zoning is the way that it is, and I think it's a very dangerous slippery slope. I think that this board really ought to write a very strong letter to that Senate committee that's studying this and promoting it and put our position.

Motion by Selectman McGrath, seconded by Selectman Roy, to write a letter to the Senate Committee in opposition to the Senate Bill in reference to zoning.

Selectman Martin agreed. You're usurping the local authority here by having a State appointed board to overturn things that are done in the local municipality. How right is that? These people need to wake up and smell the coffee or put four teaspoons in their coffee and have a strong coffee because they're just running around in circles up there just like they are in Washington trying to take away local authority. I agree with Selectman McGrath. Let's send that letter.

Chairman Morin asked do we know where that's to go just for the motion. Steve Malizia presumed it would go to the Senate Committee that's got the Bill. Selectman Roy said I don't know that it's actually been presented yet. I don't know where it is in the process. Mr. Malizia thought it's been in discussion.

Selectman McGrath stated when we were at the Common, I had mentioned that to Andy Renzullo and so he said talk to her about it. I did. I took the opportunity and I told her that I was opposed to it and that I thought just as I just stated that it usurps the rights of the citizens of Hudson and the members of the Zoning Board. She took umbrage to that. She was not happy to think that people were posing that plan that they have. To me it's more concerning because whoever is appointed to this board - first of all we don't know what the membership would be but you can assume that it wouldn't be members of the Town of Hudson. It wouldn't be people from the Town of Hudson who are the ones that vote on the zoning. Zoning isn't a group of people that sit around and say yup that's exactly what we're going to do. It has to be presented to the voters and the voters have to vote on it. You assume that they know what they're doing and that's what they want their town to look like. For a board that's appointed by some official up at the State House, it doesn't make sense to me because they don't know the history of this town, they don't know the reasons for it, and I think it's an ill-conceived notion. It causes me to question exactly who is promoting this. What group of individuals are promoting this and putting pressure on the Senate to actually come up with something as ludicrous as this. It really causes me to question what they're doing.

Vote: Motion carried 4-0.

10. NONPUBLIC SESSION

Motion by Selectman Martin, seconded by Selectman Roy, to enter nonpublic session pursuant to RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining; and RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 4-0 by roll call.

Chairman Morin entered into Nonpublic Session at 9:26 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 Morin entered open session at 9:38 p.m.

Motion by Selectman McGrath, seconded by Selectman Roy, to approve the Memorandum of Understanding between the Town of Hudson and the Hudson Police Employee Association effective July 1, 2019, carried 4-0.

Motion by Selectman McGrath, seconded by Selectman Roy, to enter into a Purchase and Sale Agreement with Kay's Realty Inc. in the amount of \$235,000 for the purchase of tax deeded, town owned property located at 32 Cross Street, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 9:39 p.m. by Selectman Martin, seconded by Selectman McGrath, carried 4-0.

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

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Normand G. Martin, Selectman