

HUDSON, NH BOARD OF SELECTMEN

Minutes of the May 12, 2020 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of Mat 12, 2020 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, Marilyn McGrath, Kara Roy, Normand Martin

Selectman Coutu participated remotely from his residence due to the covid-19 pandemic

Staff/Others: Steve Malizia, Town Administrator; Rob Buxton, Fire Chief; Jim Paquette, Deputy Fire Chief; Bill Avery, Police Chief; Jess Forrence, Director of Public Works; Patti Barry, Town Clerk/Tax Collector; Brian Groth, Town Planner; Elvis Dhima, Town Engineer; Jill Laffin, Executive Assistant

4. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

Sustainability Committee - (1 member vacancy which expires 4/30/23, 3 alternate member vacancies which expires 4/30/21, 4/30/21, 4/30/22)

Jennifer Stone Grimaldi (incumbent member)

*Selectman Coutu made a motion, seconded by Selectman McGrath, to suspend the rules and nominate and appoint Jennifer Stone-Grimaldi as a member to the Sustainability Committee with a term to expire 4/30/23. A roll call vote was taken. Carried 5-0.*

Planning Board - (2 alternate member vacancies one which expires 12/31/21, and one which expires 12/31/22)

Bill Cole (nomination for alternate member)

*Selectman Coutu made a motion, seconded by Selectman Roy, to waive the rules and nominate and appoint Bill Cole as an alternate member of the Planning Board with a term to expire 12/31/22. A roll call vote was taken. Motion carried 4-1 with Selectman Martin in opposition.*

5. CONSENT ITEMS

Chairman Morin asked does any Board member wish to remove any item for separate consideration. *Selectman Coutu made a motion, seconded by Selectman Martin, to approve consent items A,C,E and F. A roll call vote was taken. Carried 5-0.*

A. Assessing Items

1) Institutional Exemptions - Charitable Exemption Requests: Map 183, Lot 100 and Map 190, Lot 015 - Kiwanis Club of Hudson, Inc. Map 242, Lot 058 - The PLUS Company; Map 147, Lot 027 - Alvirne School Chapel; Map 106, Lot 006 and Map

190, Lot 085 - Area Agency Properties, Inc.; Map 222, Lot 041-001 - Goodwill of Northern New England; Exempt by Specific Statute: Map 168, Lot 122 - Hudson Grange #11; Veterans Organizations Exemption Requests: Map 182, Lot 022 and Lot 030 - American Legion Post #43; Map 136, Lot 036 - Hudson Memorial VFW Post #5791; Religious Exemption Requests: Map 140, Lot 047 - Hudson Congregation of Jehovah's Witnesses; Map 228, Lot 054 - New Life Christian Church; Roman Catholic Bishop of Manchester: Map 166, Lot 001 - St. Patrick's Cemetery; Map 166, Lots 011 and 017 - St. Casimir's Church and Cemetery; Map 182, Lot 129 - St. John the Evangelist Church; Map 235, Lot 009 - St. Kathryn Church; Map 210, Lot 010 - Sisters of Presentation of Mary; Map 176, Lot 034 - First Baptist Church; Map 156, Lot 035 - United Pentecostal Church/Parsonage; Map 105, Lot 007 - Lighthouse Baptist Church, w/recommendation to approve

- 2) Current Use Lien Releases: Map 194, Lot 10-10 - 118 Standish Lane; Map 201, Lot 7-10 - 87 Standish Lane
- 3) Disabled Exemption: Map 253, Lot 74 - 106 Dracut Rd.
- 4) Elderly Exemption: Map 182, Lot 96 - 37 Ferry St.

Solar Exemption: Map 135, Lot 40 - 32 York Rd

B. Water/Sewer Items - None

C. License, Permits, Policies

- 1) Permit to Operate Commercial Trucks - Brox Trucking

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the April 28, 2020 Meeting
- 2)

E. Calendar

5/13 7:00 Planning Board - BUX Meeting Room

\*All other meetings canceled at this time\*

6. OLD BUSINESS

A. VFW Tag Day Permit (was removed from consent on 4/28/20)

Selectman Martin made a motion to approve the VFW Tag Day permit. This was seconded by Selectman Coutu. A roll call vote was taken. Carried 5-0.

Votes taken after Nonpublic Session on April 28, 2020

- B. Selectman McGrath made a motion seconded by Selectman Roy to allow the Police Chief to call back two part time crossing guards to assist with traffic flow at the upcoming covid-19 testing dates in Town. A roll call vote was taken. Carried 5-0.

Selectman McGrath made a motion to adjourn at 8:24pm, this was seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

7. NEW BUSINESS

A. Covid-19 Scientific Update

Chairman Morin welcomed Deputy Fire Chief Paquette to give a scientific review of covid-19 thus far. Deputy Paquette started his review saying, what you have in front of you is a brief presentation of what is going on with covid-19 and what we're doing in Town. I'll just roll through it quickly if you don't mind. The corona virus is a novel or new virus, believed to be from an infected animal in China. It's infected millions of people worldwide. Over 1.3 million in the United States. 80,000 deaths in the U.S. It's killed all ages and demographics including children. Most cases are mild but when the virus progresses those limited number of cases cause significant illness and can result in the need for ventilators. In New York City, 50% of those on ventilators did not survive. It's not a traditional flu virus like we've all been talking about. This virus has mutated to include most body systems including the lungs, heart, liver, kidneys, vessels and even the brain.

This presentation talks about who we're trying to protect. The general public by drafting policy and procedures to minimize a risk to the public from community transmission, or transmission from a person who has no symptoms but is contagious and they may not know that they're contagious. We're trying to protect Town facilities by limiting entry and requiring screening of all those that enter. We're trying to limit the visitors to parks and protect the visitors to parks by limiting the entry and reducing public interaction or social distancing. We're protecting Town vehicles by disinfecting them on a regular basis and decontaminating after the exposure. We're protecting Town employees by providing personal protective equipment and policies to ensure safe work environments. And more specifically, first responders by providing covid specific PPE. Policies and procedures to minimize the risk. Tracking each potential covid response, every positive result in Town and all potential exposures.

The precautions we've taken so far: we've closed public parks to prevent public interaction and maintain social distancing. Pretty heavy social media campaign to provide quality, accurate and timely information to internal and external customers. A vast PPE and logistical program to obtain, distribute and maintain a supply of critical masks, gowns, gloves, face shields, sanitizer and disinfectants. We've worked on policies, directives and information to maintain a high level of awareness and safety for Town employees. We've worked on research, recommendations and practices to keep our customer base safe and to minimize Town-wide cases.

Where do we need to be focusing? We need to maintain our social distancing Town-wide. We need to keep our employees safe at home and at work. We need to flatten the curve with mask use, social distancing, and limiting public interaction. We need to encourage social responsibility for mask use to keep our neighbors safe. We need to continue providing services to the citizens of Hudson in as safe a manner as possible. We need to limit the recreational activities to members of your household. We need to work on providing testing available through the State of New Hampshire. We need to provide quality, accurate and timely information as to why we are taking these precautions and to answer as many questions as possible. We need to provide the citizens the ability to rely on our programs and to take responsibility for the well-being of their neighbors.

The question keeps getting asked, when will this all be over? It will all be over as the government analyzes the data, the restrictions will be lifted in an organized and methodical format. If we move too fast we risk an outbreak. That outbreak is a risk with a significant swell in the numbers if people do not heed the warning. If people take the time to do their own research from credible, vetted and official sources, they will find the absolute need for the programs that we have in place. Our sources that we use are the CDC, or Center for Disease Control, World Health Organization, New Hampshire Health and Human Services and other numerous, vetted, legitimate sources. Our emergency services and hospitals cannot accommodate the numbers Massachusetts has. That is the risk that the Government officials at the State are dealing with. If we keep doing what we are doing, cautiously, we can sustain. If we get overrun the system can collapse and put us all in a very bad situation.

How do we keep moving forward? We maintain our procedures, practices and remain vigilant. A proactive approach is always better than reactive. We enforce our guidelines as established. We develop and implement reopening Town services based on an established guideline with all safety measures in place. We ensure the citizens understand what we are doing and why we are doing it. We keep the flow of information open and abundant. We maintain our social distancing. We maintain our hand washing and sanitizing. And we encourage as much testing as we can from the State of New Hampshire.

Some of the recommendations that are recommended by the CDC and those other numerous sources: to avoid meeting in person gatherings when possible. Avoid shaking hands, hugging and touching. Avoid public transportation. Stay clear of rush hour commute and crowding. Avoid having visitors in your home. Do not congregate in groups larger than ten. Limit contact to people outside your household. Avoid parties, concerts, theaters, athletic events, gyms, clubs, religious services, malls, retail stores and restaurants. Avoid being within 6' of each other. Maintain social distancing. Avoid sharing utensils, drinking glasses, dishes, towels, and bedding. Avoid unnecessary travel, postpone non-essential meetings and gatherings. Avoid contact with those showing signs and symptoms of covid. Avoid frequent trips to pick up groceries or supplies. Use caution when shopping, getting takeout, picking up medications and checking friends and family. Sanitize before and after. Use caution if you feel sick. Call your doctor first to arrange for your arrival. Be safe and wash your hands with soap and water for 20 seconds frequently. Sanitize surfaces and protect your sneeze and cough. Be safe by staying mentally healthy. Don't completely isolate. Use technology to maintain interaction with friends and family. Be safe and wear a mask. If not, wear a cloth face covering. Save N95's for healthcare workers.

Deputy Paquette asked if there were any questions and explained that there were some good pictures in the later pages of the handout. All those questions about social distancing. There's a picture there with a bunch of matches burning. The reality in what social distancing comes down to is being able to eliminate one of those matches. You light one, a row of matches burns until it can't burn. Moving one of those people out or creating that social distance between the matches stops the flow of this disease.

Chairman Morin asked if there were any questions. Selectman McGrath asked is this (handout) published on our website. I think that it should be, for the residents so that they can read this information. Deputy Paquette replied, I'll get it out tomorrow. Selectman McGrath went on to say, I watched the briefing today with Fauci and the rest of them. All of the information that they provided is in here. I know people are getting antsy and they want to get out and they want to go to Benson's. This I think would help them to understand why they can't.

#### Covid-19 Update

Chairman Morin recognized Chief Buxton to give his weekly covid-19 update. Chief Buxton started by saying, we do have a couple deliverables to accomplish this evening, as we work through the review. First off, probably the biggest piece, New Hampshire is at 3,160 positive cases with 133 deaths. We were at a high of 65 cases in Hudson. We're down below that number, now in the high 40's because people have come off the list. One of the things that I did want to raise for awareness is the rate of the increasing cases in Massachusetts on our border. They're now at 78,462 cases. They have now broken 5,000 deaths within the State. If you notice on this week's update on the chart that

I've given you, Spain and Italy have been replaced by Russia and the UK because they're starting to see their surge and their spike.

New practices regarding recreation, retail and cosmetology and dining institutions certainly have been keeping us busy as we work through the legal calls and the MD calls with the State of New Hampshire, trying to figure out outdoor dining and those types of events. On the 14<sup>th</sup> and 15<sup>th</sup> of this week, we will have a testing facility within Hudson proper. Where we have 300 folks scheduled for testing. That will take place over two days, on the 14<sup>th</sup> and 15<sup>th</sup> here in Hudson.

The State of New Hampshire has once again contracted with Convenient MD and Clear Choice MD to provide testing. Their goal is to get to a point where they are providing over 2,000 tests per week. Again, we pressed this week in trying to find those contracted locations which tend not to be in Hillsboro and Rockingham County. So when we talked to the State they basically said that Hillsboro and Rockingham County had better accessibility to the health care system, which we do. I think that between the number of hospitals and primary care physicians down here. But it's not uncommon for us to get a comment into the EOC where somebody says they've been to the doctor in Hillsboro County and the PCP's aren't providing the testing that they should be. So we had an opportunity to examine that and push that back to Health and Human Services, hoping that they continue to work with PCP's in this area to try to get the testing increase done. That is their goal. I can tell you from the amount of labor hours that have been put into setting up for the testing on Thursday and Friday that this will be something that we will need to continue to push the State if they want to take on the testing effort. We need to be vigilant about continuing to push them to manage that here locally. This is not something that we want to be out on our own doing all the time because it is a lot of man power and hours and scheduling to get accomplished. So we want to continue to push them to provide that locally here and expand those contracts. That has been our goal. It is not an unwillingness to offer the testing on our part, it's a reality check in regards to the number of labor hours that are necessary to pull the testing together. For the hours that are put into the testing on Thursday and Friday and the physical portion of doing the test, will be very minor to the number of hours that have been put into the planning and getting the stakeholders to the table to commit to how it's going to process and also securing the supplies. They have more supplies coming into the State but getting them actually delivered here has been somewhat of a problem. As I said, we have 300 scheduled and we got our supplies at the beginning of the week and we had 200 test provided. So then we had to go back to the State and push to get the additional hundred tests provided which are slated to show up today. We got those in this afternoon and they are starting to move forward. But there is still a process there and it is not as seamless as it should be. So we continue to press the HHS to provide a better testing service down here in the local, southern part of the State.

Couple of things for concerns. We talked about the testing. We talked about the additional requirements regarding outdoor dining that are coming upon us. Outdoor dining starts on May 18<sup>th</sup>. We've now seen retail, golf, haircuts and all those things. I got my haircut, I'm feeling much better today! So we continue to push those things. To date we spent approximately \$64,000 with a 75% recovery of \$48,000. We're still in the process and waiting for the contract for the award to come down from the Department of Justice, which is still pending. We continue to have goals for the week. Those surround implementation of 2.0. One of the concerns we had earlier in the week, we had a host of inquiries coming in from the public and going to different email addresses and different phone calls. Basically we identified an opportunity to utilize the Town's phone system to create a voicemail box where a resident will be able to actually call in, leave their question, get it directed to the right person, and get that question not only serviced for the person but also get it recorded onto a frequently asked questions log that will get put up underneath the covid tab on the Town's website. So it's not that we don't want to keep answering questions, we want to make sure that we get the right information out to the public and there are concerns that are being raised we want to get a quality answer out to them in a spot where somebody can go find it afterwards. So that has been created and kudos to the IT Department for giving us a hand establishing that.

We continue to research funding opportunities and we continue to plan for the safety level increases in phase one of the work spaces. Back to testing if I can for just one minute.

Last week you heard me talk about the antibody testing that the State announced. So I just want to give an update on those locations. New London NH, Tilton NH, Belmont NH, Alton NH and Portsmouth NH. That is why we continue to push the State to secure additional contracts in this portion of the Hillsboro County because as far as I'm concerned none of those are reasonable spot for our residents to be required to go to to get testing. There is a normal nasal swab test which we'll be doing on Thursday and Friday that is available at Convenient MD. There is a location in Nashua, Merrimack and Bedford that is within the area. But the antibody testing is not readily available.

Deliverables this evening, probably the first one talk about is in regards to the subcommittee group that we had working on the Benson Park proposal. The Town Administrator had forward you a document this evening with two options for the Town to look at. I believe that he provided that to you prior to the meeting so certainly open to his involvement here. Town Administrator Malizia said, both the Police Chief and the Public Works Director, we looked at it, we physically met out there and we looked at the property. We think you have two options. 1) Keep it closed. You have Massachusetts. You have a lot of folks that tend to come up here. The infections are still pretty rampant down there and we want to be very careful about introducing any of that into our community. But, if you'd like to open it we have a series of recommendations and things we need to go through. Basically we'd be securing the playground, other buildings, removing picnic tables and benches. Putting sanitizer stations up, signage. Probably to the tune of about \$6,800 I think we identified. It would take approximately three weeks to accomplish that, should the Board wish to go down that direction.

Selectman Martin said, I've got to tell you that I will not support any motion to open this park. We need to continue to think of the people in this Town, but ourselves. I don't feel that spending approximately \$6,800 to open the park so that people can go in and enjoy the trails. There is plenty of open space in this Town that you can walk. There's the Rangers Drive parcel, there's plenty of parcels in this Town my daughter has discovered with my wife. If you want to know, send me an email and I'll get you the information from my daughter. Its lots and lots of trails just to walk in this Town other than Benson's. The big property we bought on Pelham Road for conservation land. You can still walk in there. We don't need to open the park and have to spend all this money to keep kids off the playground. There's a playground over behind the library street school. Kids use it. It's not closed so kids use it. I see that happening. But as far as opening this park, it's an expense that I'm not willing to undertake. Thank you.

Selectman McGrath asked, when is the Governor anticipating opening up everything in the State of New Hampshire? Does he have a date in mind? Chief Buxton replied, the Town Administrator asked me that same question earlier this week. Two dates to keep in mind, I believe it is the 14<sup>th</sup> or the 15<sup>th</sup> of this month they need to make a determination on the extension of the State of Emergency. Then on the 31<sup>st</sup> of this month he needs to make a decision regarding the Stay at Home Order 2.0. The opening committee continues to meet. They are taking into consideration this 30 day period what they're voting on to open up. I have not heard any recommendation regarding exactly parks yet, they seem to be trying to concentrate on businesses. So I can't necessarily give you a good answer as to when that is going to be forecasted out. Selectman McGrath then said, the other question that I have then is if the Governor decides to open up everything, say at the end of the month, which is two weeks away. And we determine that there may be a larger number of incidents in Hudson where people have been infected. Do we have the ability as a municipality, to make a decision about keeping the parks in our town closed for safety reasons? Chief Buxton replied, it would be my opinion that it is a Hudson park and was in the prevue of this Board and not only the States recommendation. That's why you see the stay at home orders talk about guidelines, same for the businesses. It's a guideline that they're suggesting. The ability to open and close Town owned or Town managed facilities relies with this Board in my eyes. Selectman McGrath thanked the Chief and went on to say, I just think that to go along with Selectman Martin's comments about the funding that would be necessary to make the park safe to open. It' excessive number one and number two, it's going to take three weeks to accomplish that. To put up fencing, remove benches, remove picnic benches and everything that was just outlined. If at the end of the month or beyond, if the Governor opens up the State, I'm not so sure that we're going to be able to keep the park closed. I'm concerned about the safety of the children that are going to be using the jungle gyms and the swings and everything else. I don't have children but I've got nieces and nephews. My nephew, when he was a little guy, he was sick every other week. That sickness went through the house. Fortunately I didn't get it but you know. Children touch things, they put their hands

in their mouth, and they're touching their eyes. I don't think it would be safe to allow that to happen, if this is still in an upward phase. Thank you.

Chairman Morin recognized Selectman Coutu who said, Mr. Chairman if you'll bear with me. On page, the back page of the letter that was given to us by the Town Administrator, on the bottom there is a park modification recommendation. I would like if you would, Jill, write these notes down. Add immediately after park modifications recommended, immediately in fact 1) Benson Park to be open 8am-4pm to New Hampshire residents only. 2) Public Works to provide two employees daily. One works 7:30am-12 noon and one works from noon to 4:30pm which is four and a half hours each, for the purpose of maintaining the main gate. 3) One additional Department of Public Works employee will work from 10am-2:30pm monitoring the park from an ATV provided by either the Hudson Fire Department or the Hudson Police Department. 4) Face masks will be mandatory for all entrance into the park. 5) DPW employees at the main gate will have face masks and hand sanitizers available for the New Hampshire residents who enter the park. That's it Jill. That's all I need for you to write for now. The purpose of the two people to work the gate is they will check ids, make sure people have mask and their hands are sanitized. If they don't have masks, masks can be provided from the surplus of masks that are available from the Fire Department. With that said, Mr. Chairman, you and I spoke to an epidemiologist yesterday. You didn't know he was an epidemiologist and your conversation didn't go as well as mine did and that's not to cast any negativity on the topics that were discussed. I think that I got into it with him in more detail because you didn't know he was an epidemiologist. His wife is a friend of mine and I've known him for a while and despite your conversation with him Mr. Chairman, he's really a very nice guy. With that said, I will make the following motion, to open Benson Park on June 1, 2020 and apply option 2, park modifications recommended as per the Benson plan park reopening plan discussed this day, Tuesday May 12<sup>th</sup> and to further allocate an amount, not to exceed, \$10,000 in order to apply the park modifications recommended and amended.

That would be my second motion. Let me add this one, I'm asking the Board based on what I said about the park modification recommended, I'm going to make a motion that the Board approve the amended park modification recommended as I outlined.

Chairman Morin asked, is there a second. To which there was not. Chairman Morin said, no second. Selectman Coutu replied, all right, thank you very much.

Chairman Morin recognized Selectman Roy who said, I'd actually like to make a motion to keep Benson Park closed and that we reconsider the issue once the State of Emergency is lifted. Selectman Martin seconded this motion. Chairman Morin asked if anyone had any discussion on this motion. Selectman Coutu responded, no. there's no need of my wasting my breath for the citizens of Hudson. To which Chairman Morin replied, I guess we've got two different views here. One in opening the park and letting everybody possibly get sick or keep the park closed where we know we've been moving in the right direction. The conversation we had with the gentleman the other day, yes, he may be qualified but at this point, he is not part of our team. We have a team. We have the State that we're following by their guidelines and we have the national CDC that we're following their guidelines and that's where we get our information. We also have our EOC that is working very hard to make sure that we keep our residents safe. Putting three Public Works people in the park at this time, at this point, due to our staffing model, they are extremely low in having time at this point just keeping up with their normal work. The training for the OHRV's, I don't know if the Police can allow anybody else to drive them, and with the Fire Department one, we'd have to put them through a whole training program because both employees in both departments have to be trained and have to be qualified on those pieces of apparatus. Then, amongst that, all the other stuff that we'd have to install. So saying that we're looking out for the public, well there's two sides to that story and we've got to be pretty careful which side of that and how we take that, because as a Board we're supposed to be here protecting the public as a whole. I've received numerous emails and phone calls. People want these parks open. I've also heard from people saying to keep the parks closed. So no matter the decision we make tonight, we're not going to win but we have to do the decision that is right for the Town as a whole. Thank you.

Chairman Morin asked if there were further comments. Selectman Coutu said, Mr. Chairman, as I understand it and as I understand the Fire Chief who is the face of the emergency management team,

we are given a set of guidelines by the Governor of New Hampshire. The Governor of New Hampshire has not provided us with the proper amount of testing equipment throughout the State, but he has in fact opened the malls and opened several other businesses, which is contrary to. He's opened parks. We're one of the only parks in the State that is not open. The City of Nashua has their parks open. The State has opened all of their parks, we follow the guidelines on Benson Park as it relates to the State of New Hampshire and how they operate their parks. I don't think, and I don't except the fact that there's an insinuation here that I don't care about the public safety. My wife and I have been in self quarantine for quite some time as you are aware, with a few exceptions where we've had to go out and pick up a few things for ourselves. But we've been quarantined in this house and I appreciate the fact that people have gone out of their way to try to help us and we have that good neighbor quality in our town and they're helping a lot of people in this town. To say that, well, you didn't say it but it was implied, that I don't care about the public safety, I care very much about public safety and based on my conversation with the epidemiologist, and based on the actions of the Governor of New Hampshire, I don't think it's asking too much to open the park. It's water over the dam at this point. I didn't get a second to my motion. Didn't even get a second so we could discuss it further because everybody already made up their mind. And it's going to be what it's going to be. We have a lot of problems with people not being able to get out of their homes because they don't have any place to go in this Town to go and walk and recreate and you know you can talk about going up to Rangers Drive, the parking lot holds four cars. Granted there are others but most of them hold four or five cars in their parking areas. At Benson Park we have the ability, even if we close half of the parking lot, we have the ability to allow 100 or 150 people in a park on 168 acres of trails and passage ways water and wildlife for them to look at and recreate and enjoy and have a different vision of our Town a different view a different another opportunity or a different opportunity to get out of the house and do something that's going to provide exercise, fresh air, the view of the beautiful esthetics that we have. I don't think we're going to have thousands of people dying because a few people go to Benson Park every day. Thank you Mr. Chairman.

Chairman Morin recognized Selectman McGrath who said, move the question.

Chairman Morin said, motion on the floor. Selectman Coutu said, one way to shut me up, to which Chairman Morin responded saying, Selectman Coutu, and we did not shut you up. I just let you talk and have your piece and I'm not going to have my piece, I'm just going to let it go as Selectman McGrath asked. So let's be careful on comments.

*A roll call vote was taken on the motion made by Selectman Roy, seconded by Selectman Martin to keep Benson Park closed and that we reconsider the issue once the State of Emergency is lifted. Carried 4-1 with Selectman Coutu in opposition.*

Chairman Morin then recognized Chief Buxton to continue with his update. Chief Buxton said, the second deliverable we had this evening was to review the Governor's office for Emergency Relief and Recovery regarding corona relief funds payments to local government. The Governor's group made \$40 million dollars available for this fund. \$32 million dollars for municipalities with \$8 million for the counties. This was put through a formula based on our population from 2018 and that come to the total available funds allotted for the Town of Hudson \$600,661 dollars for us to look forward and to improve infrastructures and our abilities to combat covid-19 type events. Through hardening our infrastructure, through improving our technology pieces by taking into consideration of signage and those types of evens along with taking into consideration what will certainly be a pressure point as we move closer to the election this fall. So this evening I'm asking for permission to fill out the application because there is an aggressive time period here. I need to have the application in for us to secure those funds in our name only for June 1<sup>st</sup>. Then there would be three payment periods, June, July and August that we would bring projects forward for authorization to get reimbursed through this Board of the purchasing policy. So tonight's activity is nothing more than an administrative function to afford me the opportunity to fill out the application and secure those funds in our name. At the end of the three month period, any funds that are not expended by the Town will be recaptured by the State of New Hampshire and put into another project somewhere else that they have deemed necessary at that time and will not come back to the Town. The will also in September ask us to do an additional needs review to see if there are any other needs that we weren't able to fund in the phase one of this project. So this is a non-emergent type funding. This is for infrastructure updates. I think there was some bathroom upgrades,



counter upgrades, those types of things. HVAC filtration, continued technology improvements that will come under these projects that we'll bring forward to the Board for consideration. So I'm asking for your support this evening to basically fill out the applications and secure those funds.

Selectman Martin was recognized and he said, motion to approve just that, seconded by Selectman McGrath. Chairman Morin asked if there were any questions to which Selectman Coutu said, I have one question, Chief, on I think if I have the right document, page 2 where you have facilities, okay, the one thing that I noticed was that there's no accommodation for the Assessor's Office to put in a counter to separate his staff from the general public. Was that part of the plan or an omission or you feel it's not necessary? Chief Buxton responded, no, this is a list of potential projects, Selectman Coutu, all open counters will be addressed underneath this funding. That is one of the major projects that we've highlighted that needs to be accomplished is enclosing and assessing is referenced in here. Selectman McGrath stated, it's the third bullet and the Town Administrator confirmed that. Third bullet down: Town Clerk, Assessing, Inspectional Services, and Fire Administration. Selectman Coutu said, I'm sorry, I see it now. Thank you.

Seeing no further discussion a roll call vote was taken. Motion passed 5-0.

Chairman Morin asked Chief Buxton to not leave yet.

Chairman Morin stated, last weekend we had an issue with Robinson Pond and people using the beach. At that point the beach was put off limits and marked but the gate to get into the beach area was locked. That was a walk in gate. At this point Mr. Malizia and Jess (Forrence DPW Director) went out there to see what we could do to get those trails in there opened back up, if you'd like to talk about that a little bit Steve. Mr. Malizia said, if you've been out to Robinson Pond there's a gate to drive in where people park to use the beach. That's mostly what they use, the beach or the picnic area. There's a walk in gate so if you're in the area and you want to walk in and access the trails in the back you can do so from the walking gate. You can't bring in a truck or a car. We looked at it today it doesn't seem to be an impact if we open that walking gate, make sure the beach is properly marked. We have no picnics out. We have no other accoutrements out it's just basically to allow people to walk through to get to some trails similar like some of the conservation trails. Just an area to recreate. Again, we'd make sure that the beach is denoted, don't use it. It's denoted now from the water side. A lot of folks were kayaking in, up to the beach, getting out and gathering. So, it didn't seem to be a problem when the walking gate was open because folks were going in literally to walk, so we looked at it today. It would seem to be at least a reasonable thing to do. And we'll keep an eye on it. If it gets out of hand, we can readjust.

Chairman Morin said, while we're on it, to clarify, when the beach is normally open that it's not at this time of the year. Town Administrator Malizia responded saying the beach does not open until Memorial Day typically, so the beach is not even open to the public. It's closed. It also is very clearly marked that it's Hudson residents only. So unless you're a resident of Hudson or possibly you bring in your guest or something, it's not open to the public, outside of Hudson. So I think that's another factor that we should consider. Again, we're not putting out picnic tables. There won't be porta-potty at this point in time because we can't maintain all that. But if you want to go out and walk in the back, it's not really any different than walking in the Town forest. Chairman Morin added, the reason we wanted to clarify the beach because they've had several requests to open the beach for swimming. And there were people swimming last week. So do we want a motion on that or just open the gates back up? *The group agreed to open the walking gate back up to allow folks to walk in to get to the trails. Chairman Morin thanked Mr. Forrence and Chief Buxton.*

Mr. Malizia said, before you get too far we have another piece of paper we put in the covid-19. It's talking about Emergency Order #25. The Town Clerk is here. We tried to keep all covid-19 stuff together. The Town Administrator went on to say, the Governor, the State had put together this order that basically allowed some relief, the Town, you, could grant some interest abatements, blanket without having to do each thing individually if folks were to be late payment on their July tax bill. That's pretty much what we're looking for at this point. So we got clarification from NHMA and basically if you were to institute something you have to keep all tax payers equally. Which would mean you either

waive a certain dollar number, you waive it through a certain date, whatever but you can't pick and choose. So everybody gets the same treatment. That's really what it says. In speaking with the Town Clerk/Tax Collector, she's the one that has to administer this and she had some concerns visive, how do you collect this? How does she keep track of it? It really does fall on her office, if the Board wanted to do something. We don't know what the delinquency rates going to be. We don't know what the interest applied is going to be. But on a single family home that's worth \$300,000, which is the average value, if someone didn't pay their taxes in a timely fashion it's I think I said .66 cents per day. That would be the interest at 8%. So in a month's time you might accumulate interest of just slightly under \$20. So if you were late 2 months you'd be slightly under \$40. And you can see where that goes. So that would be the interest applied and that's the amount we're talking about potentially waiving. From her (Town Clerk/Tax Collector) perspective, she needs to be able to do that in her system efficiently. Because it's difficult for her, we've got \$9,000 tax payers. So that's the discussion. I'll let her add to it if she wants.

The Tax Collector added, I'm more concerned with the mechanics of how we're going to implement it depending on what you decide. If you decide to go with just a date, that's the easiest solution for us. That's a solution that Durham is looking to go to. They're going to their Town Council next week to vote on this. Again, it's the easiest way to implement it. If you are going to use a dollar amount that puts a much greater, it's much more cumbersome for our staff because there's no easy way to track it. There's no way of actually tracking it by dollar amount. So we would have to hit every single payment that we process. Part of the problem with that is our online payment system, there's no way of controlling that because we don't get the file in until the next day. And I can't if we're not using a date, I can't waive any interest that's coming in that way. So, I was looking at some numbers. Last year, the springtime, we averaged about 250 payments online through that online service. During the regular May/June timeframe. Once we get to the delinquency, we only had about 25 late payments online. It was about \$48,000. The system doesn't allow me to see how much of that interest. In general though last year for the July tax bill, I looked at all our payments from July to August 31<sup>st</sup>. So July 3<sup>rd</sup> through August 31<sup>st</sup> we had 500 delinquent tax payments for about 1.3 million dollars. Of that amount just about \$6,100 was interest. But again, we have no way of predicting who is not going to be paying. If it's going to be residential, business, whatever. We did look at businesses. Our biggest tax payer in Town, they have a current tax bill of \$335,000. Their per diem is \$110.38 per day. So if you're talking the 60 days, that's going to be \$6,600 just for that one. Then I used a comparison for a shopping plaza. Their tax bill is \$141,500, per diem is \$46 and change per day. You're looking at two months at almost \$2,800 in taxes. Again, no way of knowing who's going to pay, who's not going to pay. So for us, it's going to put a very big burden on my office to do a dollar amount and have to hit every single tax payment. At the beginning it's not going to be bad, I can write off say you choose \$40-\$50 that automatically gets written off for every single one. But when you have the more expensive homes that may probably go over the \$50 limit then we have to actually manually calculate out the difference from the \$50 and process it that way. It's going to be difficult at best.

Selectman Martin said, I think we should just do a date because we want to make it as easy as possible. Why make it complicated for the people to figure out. I'm willing to waive the interest from July 2<sup>nd</sup>, because that's when it starts, to September 1<sup>st</sup>. 60 days. The Town Administrator said, if I may, one consequence of that may be, if I'm not paying any penalty, I'm going to leave the money in my bank account. I'm not going to pay you until September 1<sup>st</sup> if it's not going to cost me anything. Same with the large corporations or some of the larger corporations in Town that may be doing okay. They may say the same strategy. I'll just pay it in September. I'll keep the money longer, I'm not paying any penalty. That is a consequence, possibly, of doing something like that. Not saying it's gonna happen, it's just a potential consequence.

Selectman McGrath said, if we decided to use a date and chose a 30 day time period, and this continues, and the economy doesn't come back and people aren't able to go to work, everything is shut down, would we have the ability to revisit that at the 30 day period? The Town Administrator said, I believe while the order, the State of Emergency Order is in effect, but once I think that expires, I don't think you can keep going. So you'd have to have the State of Emergency order in effect. I can't predict, I'm assuming the Governor will renew this one and potentially again, but I don't know ad infinitum, and folks can still have difficulty. At this point if we're under the State of Emergency, I think you can set the

terms and conditions as long as you treat everyone the same. You don't have to do it tonight. You can choose to do it when you think it's appropriate, we're bringing it forward so you're aware of it and if you wanted to set something up ahead of time you could. But you don't have to do anything. You could see how it turns out and at that point I guess you could put in a condition if you so choose, we're just trying to give you the options.

Selectman McGrath said, I'm just thinking that if the illness start to spike and they have to shut everything down because they were saying today, that States are opening up too early. They don't meet the criteria and probably the same is true for New Hampshire, that they don't meet the criteria they set up to allow an opening of shopping and hair salons and everything else. So if there's a spike and they have to shut everything down then they'll be new orders from the Governor. Mr. Malizia said, obviously the concern is that folks are unemployed and aren't able to pay their tax bill, this is a way to at least give them some relief, and nobody is against that, it's just how do you execute that. Selectman McGrath said, I'm in favor of that, it's just you know, I don't think we're beyond this and I don't think we're even close to being beyond this and it's a question of the economy and if people are allowed to go back to work or they continue to remain on unemployment, they were talking today about somebody that was working in one of those meat packing places, got sick, she's not a resident of the United States, she has to be home and she's got no income. That's one example, I'm sure there's probably hundreds of others. I just want to try to make the right decision and give Patti the guidance that she's looking for. And make it easy on the employees. They don't have an easy job up there as evidenced by that email that was received today.

Selectman Coutu said, Patti on your first page, I'm going to quote something, not paraphrasing but quoting, the forgiveness of late payment interest on the June 2020 property tax bill will not exceed \$50 through September 1, 2020 or such time that the State of Emergency order 2020-04 is in effect, whichever occurs first. Would that be, did I understand you to say that this would be the simplest way of doing it? To which the Tax Collector replied, no. No, the simplest way of doing it is by a date but then you're running the risk of a higher amount of interest that has to be written off. Selectman Coutu said, that's why I'm thinking not to exceed \$50 would work. Ms. Barry replied, that's going to be the most difficult for us to track because that's something that we're going to have to hit every single payment that comes in late. So it's going to be different for your more expensive homes, they're going to go beyond that \$50 before September 1<sup>st</sup>. So that's something that we're going to have to manually calculate in order to keep it at \$50. That's going to have to be for each payment. It's not a simple process, it's going to take a little bit longer for each transaction. My concern is that this is going to be on top of a big election year so we're expecting triple to quadruple absentee ballots that we're going to be processing at the same time. So I'm just concerned over the time that it's going to take for all of these payments to be processed like this. Mr. Malizia added, I was just thinking, if I may, that this is based on a \$300,000 home. Its \$50, its two months. If you make it \$100 that will solve your problem because there's not a lot of houses worth more than \$600,000. If you went to a different number say, \$100 dollars, for that same period of time, you're probably not going to deal with any of them because again, most of the houses in Hudson are not assessed at that kind of number. So I just want to throw that out because if that's again, it does put some sort of break on it. You could have large corporations say, hey, I'm not going to pay, I'm not paying a penalty, and I'll keep the money. This way at least there's some incentive perhaps to pay? That's all I'm just trying to throw out there. Because we do have a responsibility to try to collect the cash.

Selectman McGrath asked, so would that help you, Patti? Would that make it someone easier? Ms. Barry replied, we are still going to have to do this to every single payment that we get in. I can't affect the invoice cloud, the payments that are coming through there. There's no way for me to do that. Without changing a date and again, because we're getting that payment a day after the customer is doing that. It's going to take more time to implement on our side. Selectman Roy asked, we can't separate commercial from residential. The Town Administrator said, I quote, it's in the order, and the conditions have to be equal for all property tax payers. It does not say commercial, it just says all property tax payers. I'm reading the order like it's written. The Tax Collector then said, in that comment you couldn't do an as needed basis either, right? To which the Town Administrator replied, you have to treat everybody the same.

Selectman McGrath said, why don't we put a date on it, the end of July or August 1<sup>st</sup> and then if the conditions are worsened and more people are out of work and things have been really shut down, we can revisit it. It will give Patti the opportunity to at least use a date specific, and then we can revisit it depending on the conditions. Chairman Morin asked, is that a motion? To which Selectman McGrath said, it is a motion. This was seconded by Selectman Martin. Chairman Morin asked if there was further discussion. Selectman Coutu asked, what does this date do? To which the Town Administrator responded, it gives some relief to the property tax payer for at least a month, it assist Patti. Selectman Coutu interrupted asking, what does this do for Patti? What's one date now or go to the recommended September 1<sup>st</sup> date? To which Ms. Barry replied, so if put in an August 1<sup>st</sup> date, interest will not start accruing until August 1<sup>st</sup>. So any tax payments that come in are going to be straight principal payment. Selectman Coutu then said, so this will be for every tax payer, so a large corporation that owes \$300,000-\$400,000 can take advantage of that month, right? To which Ms. Barry and the Administrator replied, that is correct. Selectman Coutu said, I will not be supporting that motion then.

Chairman Morin asked if there was any further discussion. Seeing none, he asked for a roll call vote for the motion on the floor. A roll call vote was taken, motion passed 4-1 with Selectman Coutu in opposition.

#### B. Request for Additional Sewer Allocation

Chairman Morin recognized Town Engineer, Elvis Dhima, Mr. Dhima started off by explaining the first item I have for you tonight is a request for additional sewer allocations. As you know there's a significant redevelopment of a property in Town at the location of Lowell and Flagstone. Originally that property had a sewer allocation of 1,765 gallons. Because of the additional business going to this property, they're going to need an additional 1,165 gallons per day for a total of 2,930 gallons. The Town is in the position to accommodate this request if the Board wishes to grant this request. At this time I'll take any questions you may have. Upon seeing no questions, Selectman McGrath made a motion to approve the request for an additional 1,165 gallons per day of sewer flow allocation for 6 & 8 Flagstone Drive, Map 222, Lot 005-000. Seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

#### C. Sewer Allocation Balance Revision

Chairman Morin recognized Town Engineer, Elvis Dhima, Mr. Dhima started off by explaining the second item for you tonight is the sewer allocation balance revision. As you all know the Town has a dedicated sewer district. Anyone within the sewer district has the right to connect to our Town municipality and they're entitled to a certain amount. Anything beyond that comes out of the sewer allocation balance sheet and they have to pay additional for that. What we've done in the past five years since I've been here, since we're trying to get a better handle on what's happening in Town, basically what you have in front of you is existing capacity that we have with the City of Nashua which is over two million gallons per day. We know that based on the twelve years of data that we have that we've been sending an average of 1.22 million gallons per day. We're putting aside about 365,000 gallons for all the properties within the sewer district that could be developed. That leaves us with an average of 421,000 gallons per day that would be reallocated within the sewer district if they're willing to expand similar to the first case that I brought in front of you tonight. Because we've always had a very conservative approach, even though there's 421,000 per day that we can revise, I'm asking the Board tonight to actually take only 50% of that capacity that seems to be the case and only basically revise the sewer allocations tonight to 210,500 gallons per day available within the sewer district. What that means is that we can revise the balance sheet and we can do this exercise at a later time if we need to, while being extremely conservative with what we have available. Chairman Morin asked if there were any questions to which Selectman Coutu said, Elvis, I'm curious, we've worked with this number 69,500 for several years when I served on the Sewer Utility Committee that's what it was, it was never changed, how do you get from 69 to 210? What was the research that you did to show that we have an additional 150 or 140,000 gallons per day allocation

available? Mr. Dhima responded, that's a good question Selectman Coutu. There were different ways that they Town was doing this in the past. But what was happening was the Town had a lot of business in Town that had a significant amount of sewer that they were entitled to or they thought they had in the books. As sewer usage has dropped dramatically what we did was basically go over the same exercise again, assess twelve years of data that we have and what we looked at was three numbers. What our existing capacity is in agreement with City of Nashua, which is over two million gallons per day. An average of existing daily flow that we send to Nashua for the past twelve years from 2008 to present and actually a full assessment of all the property that's left within the sewer district that could be developed which is much less than it used to be. So there's only a potential of an additional develop of 365,000 gallons within that. That leaves us with an available 421,000 gallons. In addition to your question we have done a significant amount of work, or the DPW has, to reduce an infiltration inflow within the system and also significant upgrades to our pump stations and our day to day operation that allows us to see what's happening in four out of seven stations. So we have a better handle to what we did versus in the past was a bit loose. It wasn't a good average. Now we feel much more comfortable to what we have because we have a better handle on the numbers. With that said, we still want to be doing this moving forward with the 50% reduction as a conservative approach. Selectman Coutu thanked Engineer Dhima for his great answer.

Selectman McGrath made a motion to revise the sewer allocation balance from 69,500 to 210,500 gallons per day, as recommended by the Town Engineer. Seconded by Selectman Martin. A roll call vote was taken. Carried 5-0.

#### D. Terrace View Drive - Water Main Extension

Town Engineer Dhima explained recently the Planning Board approved a 19 lot sub-division along Central and Lawrence. That was approved with municipality water which would provide fire protection and domestic use. The project consist of 3,000 linear feet of 8" main and four fire hydrants. This is 100% covered by the developer. At some point we will take ownership of this if they pass all the tests. The Board of Selectmen will take ownership of that water main at some point. With that said, I'm in front of you tonight on behalf of the developer to ask you to grant this extension. I'll take any questions you might have.

Selectman McGrath asked, the 8" main, is that going to be large enough? I don't understand what the connection is. Mr. Dhima replied, so currently there is a 12" main on Central. Our regs require an 8" minimum for residential and 12" minimum for commercial and industrial. Their hydraulic analysis determined that 8" main is adequate to provide domestic and fire protection for this development. This development will also be coming off Windham booster station which was recently had a significant upgrade. So we are okay as far as pressure and demand.

Selectman Coutu said, Mr. Dhima, you stated that the developer is going to accept the responsibility of maintenance. Are they are going to be paying for flushing? Are they going to have a company come in and flush it? What is the rule there? Mr. Dhima replied, this will be constructed at their dime, their intent is at some point when they've passed all the tests, we will take ownership of that and we will maintain the water mains. That's what the State requires us to do. No one can do a better job maintaining the water mains than we do. So the intent is for the developer to build this and then at some point hand over the ownership to us. Selectman Coutu replied, okay, my misunderstanding.

Selectman McGrath made a motion to approve and sign the proposed water line extension agreement for the Terrace View Drive 8" water main extension. Seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

#### E. Outdoor Dining

Chairman Morin recognized Town Planner, Brian Groth. Mr. Groth started by explaining as Chief Buxton mentioned earlier in the meeting, with the Governor's executive order, 40, outdoor dining is being allowed starting May 18<sup>th</sup>. As such we would like to be prepared for that for any Hudson restaurants that would like the ability to begin operating on the 18<sup>th</sup>. In order to do so what the Land Use Division and the Inspectional Services Division is formulated is essentially a modification of the Outdoor Gathering Permit. So what we are proposing is to allow the Land Use and Inspectional Services staff to develop and administer a process for handling these kinds of applications. I have a few documents here. First is a preliminary sort of check list of what this permit might entail, developed initially by Bruce Buttrick and then revised as a group. I also have for you a draft motion that I'd like for the Board to consider.

The Town Administrator spoke to the Board saying, so you have the rules that the Governor's office has released, just so you know that's what's attached to this. This is basically the guidance for the food industry to follow, so that you know we're working within those guidelines also. What Brian is asking is to be able to do some expedited process so that these folks can at least get some of their business back up and running. Mr. Groth added, we feel it's a good place to be with Land Use and Inspectional Services from the public safety standpoint and from a site planning standpoint. I also think we should attach to the permit the guidelines issued under Executive Order 40, which I have here but I didn't have copies for everybody. Mr. Malizia added, I've given them a copy with the memo so they have the guidelines.

Selectman McGrath asked, so this would be a temporary conditional approval, to allow outdoor seating. Would you be reviewing the site plans that are in existence to make sure they're placing it in the appropriate areas? To which Mr. Groth responded, that would be part of our review from a Land Use perspective. The temporary nature of this, what we've suggested is that the permit expire 30 days following the removal of the State of Emergency declaration. That gives people time to break it down so it's not an immediate infraction because we don't know when that's going to be relieved. Selectman McGrath said, I'm okay with this. We need to be understanding of the current situation and this gives food services businesses the opportunity to open up and at least earn a living and not lose their businesses. So I'm in favor of this.

Selectman Roy asked, is service of alcohol going to be confined to that tent area? To which Mr. Groth replied, yes, so if there is service of alcohol that will be acknowledged in the permit application and the service of liquor and so forth is governed by the Liquor Commission and Chief Buxton can probably add to that if you want additional information on how that works. Chief Buxton then came forward.

Chairman Morin informed Selectman Coutu that we sent the documents that were handed out to him. We'll figure it out for you after. Sorry about that.

Chief Buxton then went on to say, so part of the process regarding the Liquor Commissions authorization for the dispensing of liquor within the tent is they need to have a place of assembly so any place over 400 square feet, requires a place of assembly permit inspection under the fire code. So one sister with another. It's a two-step process. You have the place of assembly that gets done then the Liquor Commission makes sure that's in place to then authorize, along with the limitation of the fencing around the tent area to identify where alcohol can be served and where it cannot be served. So that's all part of the process and review.

Selectman Coutu said, I was going to just ask doesn't any establishment that serves alcohol wish to open an outside seating to serve alcohol out there, don't they need special permission from the ABC Alcohol and Beverage Control Commission in order to do that? Chief Buxton answered, they do need a review by the Liquor Commission in the State of New Hampshire I'm not familiar with the ABC Commission but the Liquor Commission itself provides that authorization. There were exemptions that were authorized because we've been contacted by a few restaurants already that have their approvals from the Liquor Commission if they want to extend outside for the outside seating so that is already in place for the review process. Selectman Coutu then said, the ABC is the Alcohol Beverage Commission. That's what ABC that's the acronym. Here's an interesting questions for somebody to

answer 1) who is going to police this and number 2) how are we going to enforce it if somebody should call and say hey there's a bunch of people walking around the parking lot and they've got alcohol, are we going to start having to police all this as well?

Chief Buxton replied, that's a great question and certainly with any of the outdoor dining that you have in Town currently, and there are a few establishments that have that, if they utilize liquor outside the fenced in area they risk the ability to lose their liquor license for the establishment. So the enforcement of liquor falls on the facility but there is roving patrols where the Liquor Commission goes around and basically enforces those types of things. The loss of a liquor license to an establishment is quite a financial burden for them so they take it very serious, in my eyes. To which Selectman Coutu responded, well, I understand that but enforcer for this area is not going to be spending every night in Hudson New Hampshire when he's got Nashua and Milford and all the other towns surrounding the area to enforce so I don't know how we're going to be able to enforce this. But I am supportive. I agree with Selectman McGrath, we have to show a little bit of leniency in times like this. The restaurant business has been devastated. I just don't want to overburden our Police Department. So hopefully when Brian or whoever it is speaks to the restaurant owner that they're advised that it would behoove them to make sure all the rules and regulations are followed. I will be supporting the motion to do this.

Mr. Groth said, I appreciate Selectmen Coutu's point and it's something that we've considered also. I would direct people's attention to Exhibit C in Executive Order 40, that has the guidelines for outdoor dining and I think it will help some of the crowd control issues that would otherwise arise. There's significant space that needs to occur. So in other words the capacity isn't going to be that large. Also, reservations or call ahead seating is required. So it's going to be the Governors order has to be a very managed process. That's just another point.

Selectman McGrath said, Brian, maybe you can just add a note to the actual permitting process that they have to adhere to the guidelines of the Liquor Commission. Mr. Groth said, I was considering just attaching these guidelines to the permit.

Selectman Martin made a motion to allow the Inspectional Services and Land Use Division to develop and administer a temporary order dining permit pursuant to Executive Order 40 signed by Governor Sununu and dated May 1, 2020, that authorize outdoor dining. Said permit shall be limited in length to 30 days following the expiration of the State of New Hampshire State of Emergency declaration. Seconded by Selectman McGrath. A roll call vote was taken. Carried 5-0.

#### F. Lowell & Central LLR Proposal

Mr. Groth had additional handouts for the Board. Larger copies of what was in the agenda packet. He started by saying, the reason I bring this matter to the Boards attention. This is a Planning Board application however the Town Attorney recommended that I receive input from the Board of Selectmen regarding this application. Which was received from the Department of Transportation (DOT) where a surveyor discovered some surplus land essentially along Central Street. There's a long history to how these lot lines moved around. The surveyor was kind enough to prepare sort of a chronology plan for me and it starts in 1880. That corner lot at Lowell and Central was known as the Walton land. In 1920 B & M Railroad established a right of way partially through the Walton and partially through the larger corner lot there at Lowell and Central which created another set of lot lines. Then in 1947 the DOT realigned Central Street which created another series of lines and that was another point that was adjusted to make that intersection safer to make it closer to perpendicular. The result is the plan you see before you. As I said it's basically as if someone took a cookie cutter and kept hitting the dough. So what they're proposing is a dedicated lot for the Fire Memorial, Hammond Park, which although the Town had an agreement to take ownership though no deed can be found either by us or the applicant. So this application would actually help clear that up. The feedback that we'd like to hear from the Board of Selectmen is given that this is to be Town property given that the Memorial is a Town memorial, the Board has an interest in providing feedback on is the lot lines they're proposing suitable for that memorial?

Chief Buxton said, Brian was gracious enough to share this plan with the Fire Department before the submission to you this evening. Certainly the lot line relocation clearly depicts the property that the Fire Fighters Memorial will become Town property, which I believe is a key point. I like Brian's thought process. We were asked if we would consider moving the Memorial. I kind of like his point in regards to it's a Town memorial right on the corner instead of a business sign. So I like that from the Town's perspective if you think about communities. You have these corner lots that have town memorials on them. So I like that. The one thing I suggested to Brian is we traditionally utilized that site one time per year unless it's a singular visit. We have our fire fighters memorial there one time a year. So I had expressed to him that the lot lines look reasonable to me. We're never going to fix the parking issue there which has always been an issue. So if there was a way for us to build in some sort of agreement to utilized the futuristic parking lot that would be situated on the bigger lot that would be certainly something of interest that we would want to pursue. Once a year we go there and we line Central Street and it's pretty crowded. From my opinion I think it clears up some issues for us. You might want to deal with potentially some buffer issues to the lot itself in regards to, you wouldn't want something backing right up to the memorial so what does that buffer look like? But other than that I think it's suitable for our needs as we sit here today. That's my perspective. For clarity I was not on the construction committee, I don't know if the Chairman has a different opinion but for my view as I look at the site today, from a maintenance standpoint the Public Works guys take excellent care of that corner for us but it appears that it gives us some space for that memorial.

Chairman Morin said, when we built that memorial we had come through all the Town boards and got all the permission and at that time the lot lines were that. The only question I have is where Lowell and Central connect, that piece of land down there, what's going to happen with that? We have the Hammond Park sign, I believe, within that, correct? To which Mr. Groth responded what appears to be this right of way? That will be a question that I will pose to the applicant. Chairman Morin said, it's kind of useless out there all by itself but are we going to have to move that, if I'm correct the Hammond Park sign is there where it says the Hudson Firefighters Memorial should be within that, yes? Mr. Groth replied, Mr. Chairman, what I would suggest is that I'll look at that, I think it would be wise for the Planning Board to actually go out to the site and have the surveyor show us where these lines are in the real world. The applicant is DOT who actually would be the owner of the right of way, fortunately so that can be part of our discussion.

Selectman Roy said, so to clear up the lines, are they going to rewrite the deed to all of this stuff? To which Mr. Groth said, they haven't asserted that they will do that, but that's something that I can. Selectman Roy said, because one of the things we might want to put in if that happens is some conveyance that there's some allocation of parking for that particular day. Is it the same day every year? Mr. Groth responded, yes, a weekend in October. Selectman Roy said, then it kind of just stays a memorial regardless of who owns the property.

Selectman Martin asked, who gets B and C? Mr. Groth said, that was my next note to make to the Board of Selectmen is the applicant is the New Hampshire Department of Transportation. When they're looking to sell that land it's our understanding that the Town has the right of first refusal. Should the Town not exercise that option, it's my belief and understanding that the owners of the larger parcels there would be interested in acquiring that. Selectman Martin then said, can we ask the applicant what are they going to do with B, if we can take B now and make it all one so we have enough room to maintain it. What I'm looking at is a small area to maintain and tight maneuverable so would it be beneficial to us to say make A & B, A and then B, C. Mr. Groth said, internally between myself and the Town Engineer, we've discussed the idea of potentially needing a bigger buffer around that monument. So these are comments that I will take back to the applicant. Comments don't have to be received right now. Selectman Martin reiterated, that would be my comment. Combine A & B into A and change C to B. It ain't gonna hurt em. They're not losing any money. The land is still there.

Selectman Coutu said, who's the applicant I keep hearing reference to? To which Mr. Groth responded, the DOT, Department of Transportation. Selectman Coutu then said, they merely want to just identify the property lines specifically, correct? Mr. Groth responded, they're identifying what I would say are historic lot lines that weren't previously understood. So this would also involve



changing our tax map. Selectman Coutu said, my understanding when you're looking at the turn going north on Lowell Road to Central Street where you make a right hand turn there, I want to make sure that before I speak I have it properly identified. That parcel that the monument is in, that they claim is the legal size of that would be that darker line that goes around monument, correct? Okay so we and Mr. Chairman, you might be able to answer this for me, this Town always assumed that the line that separates the monument at the corner of Lowell and Central where that little parcel is going to exist now, wasn't it always the assumption that all of that land belonged to the Town? Chairman Morin replied, that is correct because when we built the memorial we had to have it surveyed and that's how it came back also, Selectman Coutu then said, okay so based on what we have before us, that land on that parcel, again, to the left of the monument on the corner of Central and Lowell, now belongs to the Department of Transportation, correct Brian? To which Mr. Groth replied, they're suggesting that some of it is, yes. Their survey disagrees with the survey that had been previously done for the monument. Selectman Coutu said, well when is somebody going to get together and finally figure this out? If these lines are maybes, why is this being given to us now? We don't have the specifics then. Let me express my concern. It has always been my assumption that that entire parcel belonged, what was identified as the parcel that belonged to the Town by decree, was allowed built the firemen's memorial, protected that corner from interference. Now, if the State claims that that intersection, that parcel of land from the monument going westerly to the center of that empty parcel now, belongs to them, we can have everybody and anybody just putting signs on that property. Where we wouldn't allow it before because we claimed the land was ours. You hear what I'm saying. Mr. Groth replied, not really, no. Selectman Coutu said, somebody wants to put up a political sign they can put it on that property without having it torn down because it's no longer Town land its State land. Mr. Groth replied, well, the right of way along there is State as it is. The right away as it stands today is State. Their survey suggest that what the actual parcel is the line would actually bisect the monument. Selectman Coutu asked, can we make an application to the Department of Transportation to take that off their hands by whatever means? Or do they have to go out to bid like we do? The Town Administrator responded saying they have to go through a process. I believe if they have land that they deem surplus to their department, they have to offer it to other State departments. Once it makes it through that if no other State department claims it then it would come to us. My understanding is they have to receive fair market value for the property. They can't do some sort of dollar deal. At least that's my understanding. If we were to say, no we don't want it, then they could put it out to the open market. So there is a process. It starts at the State, other agencies, then it would come to us. They would in theory if they wanted to sell it they would have to do some process. I'm not aware that they can give it to us. I'm not aware that the law has changed. Selectman Coutu said, well we could buy it for \$1. Can we try to pursue the process by sending them a letter from the Board of Selectmen telling them that we'd like them to start the process and see if the land can be made available to us by whatever means? The Town Administrator said, I think asking is free, I don't know what they'll do, we can always ask. Mr. Groth added, what they're proposing is what they would consider fixing the lot lines so that the memorial has its own lot and it be Town owned. What they're also proposing is that parcel B & C, these other extraneous pieces of land, they're just suggesting that it's theirs, it belongs to DOT.

Selectman McGrath said, isn't the likelihood that they want to retain this portion where the sign is if they needed to adjust Central Street, make modifications by widening it. Did they indicate that in their comments to you? Because for them to all of sudden decide that they want to straighten out lot lines is pretty, it indicates that there is more thinking going on than what they're conveying. The actual lot line that they're discontinuing goes right through the Memorial. It cuts it almost not quite in half, maybe a third of it is, so if they didn't do this lot line readjustment they'd own part of that monument. So I would push back on them and try and get them to tell you exactly why they're doing a lot line readjustment and why not just, if this property that the sign is currently located on and that's extraneous to them and they're not planning on doing any kind of modifications to Central Street and Lowell, do they own Lowell Road at that point? They used to own the entirety of Lowell Road and then they gave up portions of it, when they modified it a whole bunch of years ago, it started as opposed to the beginning of Lowell Road they started it at Presentation of Mary and they owned it from that point all the way down to the State line. Now they've modified that and it starts at Market Basket or Wasson Road and goes down to the State line. I would push back and try and find out if they've got any plans to utilize that portion and find out why exactly they want this lot line relocation.

Because I think that there's probably more to this story than they're indicating. That would be my suggestion. I think that we should defer any kind of action on this.

Chairman Morin asked if there were other comments. Seeing none he asked if the Board would like to defer. Selectman McGrath made a motion, seconded by Selectman Martin to defer question for now. A roll call vote was taken. Carried 5-0.

#### G. April Revenues & Expenditures

Town Administrator Malizia reviewed the April revenues and expenditure report through the end of April. We did do a pretty extensive review of expenditures I believe a week or two ago. Bottom line is we have those under control, we've frozen discretionary spending for example. At this point in time we expect we're going to end up pretty close to \$500,000 of unexpended funds. We talked about that a week or two ago. The revenue side, more difficult to predict, I looked at automobiles, we're actually at 86.4% where the if you did it on the linear fashion we'd be at 83%. We're hanging in there. We're going to come real close to hitting our target based on my analysis of what we're looking at. I don't think we're going to exceed it, but I think we're going to hit it. The folks upstairs at the Clerk's Office are working real hard to continue to process, you can still register online. The Governor State of Emergency Order had pushed out temporary plates I think at this point til the end of May. They were originally the end of April, so just from the difficulty of people registering their vehicles but at some point it will catch up. You've got to register your vehicle. At some point it will catch up. Whether it hits this fiscal year or not, I'm not sure, but we're at 86% whereas we would be at 83% if we were right on 112, 112, 112. At this point ambulance revenues, we're a month behind, on that so it looks reasonable, and interest is slightly lower, but I think that's the climate we're in right now.

8. REMARKS FROM THE SCHOOL BOARD - no School Board member present

9. REMARKS BY THE TOWN ADMINISTRATOR - other than to thank everybody for their patience and understanding, it is difficult, the Board makes difficult decisions and I'd just like to thank everybody for their patience and understanding. I know that everyone here and in your EOC and in Departments are doing the best they can under the circumstances.

10. OTHER BUSINESS/REMARKS BY SELECTMEN

Selectman Martin - Thank you Mr. Chairman. I just want to let the plans for the outside dining were drafted by our staff and I think they did a fantastic job drafting those. Also, I want to say to the Police and Fire Departments, there's a lot of work out there for you guys and I commend you for being out there every single day, every hour of the day protecting our citizens. Chiefs, you and your staffs are doing a really good job out there. I feel safe.

To the residents, I couldn't support opening the park where we don't have any control over what's going on. I'm worried about not only my safety and your safety but everybody's safety if this virus is affecting all ages. Including children. Thank you.

Selectman Coutu - Wow. I'm going to make some remarks when we go into non-public. At present I'm just going to ask all of the citizens of our community to be safe, practice social distancing, and wear your face mask. It was very unfortunate example of poorly monitored face mask wearing and safety distance at one of our local box stores. People were not wearing face masks. People were large

number, I was there to pick up one item and I counted in the ten minutes I was there approximately 27 people without face masks on, congregation all over the place. I saw two employees without face masks. I was told by corporate executives that this was going to be mandatory so they're not enforcing that. The cart cleaning leaves a great deal to be desired. So it's disheartening when we're all trying so hard to do the right thing and we've got so many people not wanting to do the right thing. That's why one of the conditions I had put on the opening of Benson Park was that it would be for New Hampshire residents only until the Emergency Order was lifted. So, umm, but that's a moot point. It's just that it is disheartening. Traffic is flying up and down the roads. I feel for our police officers and first responders. There's going to be some serious accidents out there. Domestic violence has increased significantly because people are cooped up in their homes. The statistics will bear me out, you just have to call the Fire Department or the Police Department. They'll tell you what's going on behind some of the closed doors without being specific. There's some serious problems within the community. I'm hoping that our citizenry can find some alternative to have to stay cooped up in your homes every day. I tried my best. Thank you Mr. Chairman.

Selectman McGrath - I'm going to echo Selectman Martins comments. Not just about our first responders, police and fire, but all of our employees. They're all working under difficult conditions, stressful conditions and to take any kind of abuse whether it's by email or by people coming in and giving them grief by the lock box, it's uncalled for. I think that it's unfortunate. I know people are stressed. We're all in this together. There's not one of us in this room or in this Town Hall, or throughout the Town or Country that doesn't feel whether they're depressed because they can't get out. They're sad because they can't see family members, they're sad because they're losing family members that have contracted this horrible, horrible virus, that's so unnecessary. So I implore the people that watch this meeting and listen to it, don't take your frustration out on your employees that are doing the best they can for you. So that's number one.

Number two, we've all received over the last week or two, a couple of emails I've received from a couple of ladies in Town that wanted us to reconsider opening up Bensons. They were very polite in their email, their request to open it. I hope that they understand the reasons that we feel that we can't. Part of my reasoning is that over this past weekend, there were reports that now, as opposed to when this epidemic started, they were saying it was only the elderly, the older population, or people that have compromised immune systems, illnesses, that they were more in danger. Now they've altered that so that now teenagers and young adults are getting the virus. Over the weekend they announced that children, toddlers, a six month old baby, died because that child contracted covid-19. So for that reason to even contemplate for one second putting a child in danger, I can't do it. I won't do it. So those are my comments. I thank all of the employees for their hard work on behalf of all of us.

Selectman Roy- I want to take a minute and talk about, Mr. Malizia brought up, the Town employees and particularly the staff at the EOC took a lot of time to put in some well thought up recommendations so we can make well thought out decisions that we feel are what protects this Town. We've had low numbers, we've consistently had low numbers and I'm a firm believer that's because of those policies that we have put in place and maintained. So, excuse me but I have the floor, Mr. Chairman, so I think a couple of things we have to keep in mind is that we all do this with good intent. Whether we agree or not we do this with good intent. And we do what we feel is the best, that's how we vote, how we feel is the best for the Town. I hope everybody understands that. We are truly trying to protect the Town, keep the numbers low so that we don't see some of the results that we see in other states, particularly the state on our border. I want to thank the staff for putting this together so that we have some decent things to consider and take into account that we collectively as five people may not have considered. That's all I have.

Chairman Morin - A few things I've got. This is police appreciation week and this is the week that the National Memorial is held in Washington D.C. So we want to send thanks to our police officers from Town and across the country.

As you know the VFW has awards every year for our employees. Due to the corona virus they could not do that. So what is going to take place Friday at 4pm we're going to have a very limited awards ceremony where the department heads of the employees receiving the awards and a couple

members of the VFW will be out in front of Town Hall. No family, unfortunately but there will be a limited awards ceremony to get those awards out to our employees who deserve them.

I'd also like to echo what everybody said about our employees as a whole. We're keeping this all together because of them. As Selectman Roy said, it's not us, it's stuff coming to us, so we can make the decisions, it's all them. It's from the newest person right up to the EOC who's been outstanding brining this forward.

Selectman Coutu, I need to thank you for your words in reference to the store because you brought up exactly what I was going to bring up. What I'm going to say here is you're in a store that's a relatively controlled place with numerous people and its being watched. So if we get a ton of people in a park and there's no one to watch, what do you think is going to happen if that's happening in a store? I agree with the rest of the Selectmen here that we need to keep that park closed because we can't even get people to do what they should do in a public place in a store like that. Thank you. Selectman Coutu replied, they're mostly Massachusetts residents so there's a big difference. Chairman Morin said, I'll tell you what, we'll put a couple Public Works guys at the line block it off.

Any further discussion? Seeing none, motion to go into non-public.

#### 11. NONPUBLIC SESSION

Motion by Selectman McGrath seconded by Selectman Martin, to go into non-public session under RSA 91-A: 3 II (a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. A roll call vote was taken. Carried 5-0.

RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

Chairman Morin entered Nonpublic Session at 8:55 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 9:13 p.m.

Selectman Martin made a motion, seconded by Selectman Roy to exit nonpublic session. A roll call vote was taken. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the Class Action Hours of Work and Overtime no pay during other employment. A roll call vote was taken. Carried 5-0.

#### 13. ADJOURNMENT

Motion to adjourn at 9:15 p.m. by Selectman McGrath seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant.

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David S. Morin, Chairman

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Kara Roy, Vice-Chairman

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Marilyn E. McGrath, Selectman

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Roger E. Coutu, Selectman

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Normand G. Martin, Selectman