

HUDSON, NH BOARD OF SELECTMEN

Minutes of the March 23, 2021 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of March 2, 2021 at 7:00 p.m. in the Hudson Community Center.
2. PLEDGE OF ALLEGIANCE led by Recreation Director, Chairman Dave Morin
3. ATTENDANCE

Board of Selectmen: David Morin, Kara Roy, Marilyn McGrath, Roger Coutu, Brett Gagnon

Staff/Others: Town Administrator Steve Malizia; Bill Avery - Police Chief; Dave Cayot - Police Captain; Jess Forrence - DPW Director; Elvis Dhima - Town Engineer; Paul Inderbitzen - Town Moderator; Gary Gasdia- School Board Member; Jill Laffin - Executive Assistant

After reading the attendance the Chairman asked can I have a show of hands how many people plan on speaking at public input? After seeing a handful of hands raised the Chairman said I would like to change the order of business to recognize the police officers so we can the crews back out onto the streets but they're here to support their members. So I'd like to change the order of business if everybody's good with that.

RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Recognitions

MPO Allison Cummings - 20 Years of Service with the Hudson Police Department

Chairman Morin asked MPO Cummings to come forward and read Master Patrol Officer Allison Cummings began her Law Enforcement career with the Hudson Police Department February 12, 2001. She graduated in the top three academically from the 125th New Hampshire Police Academy; earning her the Hudson Police Department Academy Graduate Commendation Bar in May 2001. MPO Cummings has a Bachelor's Degree in Criminal Justice from Endicott College in Beverly, Massachusetts.

MPO Cummings was elevated to Master Patrol Officer in 2006 and has spent her career between the Patrol Division and Detective Division. MPO Cummings is currently an investigator with NH ICAC (Internet Crimes Against Children). MPO Cummings served in the Detective Unit from 2014 to 2018. She is a member of our CIRT (Crash Investigation Reconstruction Team) and our Ceremonial Unit. MPO Cummings has spent time volunteering at Old Home Days, Fright Night, Red Cross Blood Drives, Special Olympics, Toys for Tots, Salvation Army Bell Ringing and the Hudson Citizens Police Academy.

MPO Cummings is always willing to help the department in any way she can and is never afraid to take on extra responsibilities. MPO Cummings was recognized by Bridges Domestic and Sexual Violence Support and by the Hillsborough County Attorney for a "stellar" performance while testifying at a jury trial in Hillsborough County Superior Court.

MPO Cummings is dedicated to her job and has certainly been an asset to the Hudson Police Department.

MPO Parith Deng - 20 Years of Service with the Hudson Police Department

Chairman Morin called MPO Deng forward and read Master Patrol Officer Deng began his law enforcement career with the Hudson Police Department February 12, 2001. MPO Deng graduated from the New Hampshire 125th Police Academy. He holds a bachelor's degree in sociology with concentration in criminal justice from LeMonyne College.

MPO Deng is currently assigned to the Detective Unit and is also a Certified Field Training Officer. MPO Deng serves on the Crime Scene Investigation Team and the Motorcycle Unit. MPO Deng is very loyal to the Hudson Police Department and has spent time volunteering at the Red Cross blood drives, Salvation Army, Toys for Tots, and the Special Olympics. He received a Life Saving Commendation Award in 2012 for his CPR assistance with an unresponsive female subject. MPO Deng is dedicated to his job and has certainly been an asset to the Hudson Police Department.

Donna Melanson - 20 Years of Service with the Town Clerk/Tax Collector Office

Donna was not able to attend the meeting to receive her certificate but was recognized by the Chairman.

4. PUBLIC INPUT

Chairman Morin said before we start public input we do have an agenda tonight that we do have to cover and there's considerable people that want to speak so we will be holding your comments to five minutes tonight. That is what they Board of Selectmen allows, that's what we're going to hold them to. Who's first? Please come on up sir. State your name and address for the record.

James Crowley, 4 Fairway Drive said, I have several items I want the Board to be aware of. First is Mr. Martin's appointment. It appears Mr. Martin is passionate about the quality of Hudson's community and I agree with that. But statements in the past about reluctance to read legal documents is not a good combination for a ZBA position. I've observed Mr. Martin in the past reverse his vote based on his conception of possible conspiracies with no new information presented to change his original vote. Again not a good combination for a ZBA position. In general I've noticed the Planning Board and various Town boards caution the public, do not repeat what has already been presented earlier. As far as the Board of Selectmen Hudson Logistic Center sewer allocation reconsideration vote goes the Board took this to a new level with the applicant as well. The Board reversed their first sewer allocation vote without even allowing the applicant to speak or present any new information to counter the earlier negative vote. I would ask the Board to allow the full process to be followed on all hearing cases. My final one is on Right to Know. As far as right to know goes, the Town of Hudson seems to be good at archiving and releasing various emails from Town personnel that attack my character and me personally. However not so much the content pertinent to details concerning important Town issues and projects. The Board of Selectmen should allocate funds and commission a study on Right to Know compliance issues to investigate how to best adhere with RSA requirements. The current technical level of Right to Know compliance, the Town Manager and Board of Selectmen allows, does not seem to fully protect the Town and exposes them to legal entanglements. I think the Board of Selectmen you do not have an easy job and I thank you for all the time you put in.

Dean Sakati, 11 Fairway Drive. Mr. Sakati said, I have two issues I'd like to speak to tonight. One, reopening the sewer issue as it relates to the Green Meadow Golf Course and secondly appointing Mr. Martin to the Zoning Board. First, we'd like to ask the Board of Selectmen to reopen the sewer allocation decision that was awarded to Hillwood Enterprises, the applicant looking to develop the Green Meadows Golf Club/Course on behalf of Amazon. The Board of Selectmen's last vote pertaining to this issue was made without basis. It was contrary to the code that is extremely clear and limits the extension of sewerage to the southern part of Hudson. As an aside, Mr. Passe, one of

the attorneys representing Hillwood, demanded that Hudson apply its code literally with no room for interpretation, he should therefore welcome this same standard to the sewerage allocation which Hillwood and the property owners evidently did not do their simple due diligence around.

Secondly, I'm asking in the most respectful way possible, that Mr. Martin not be appointed to the Zoning Board. I do not believe that Mr. Martin represents, at this moment, what our Town needs. He has argued with residents. He has referred to the public as the peanut gallery. He broke code in approving a sewerage allocation seemingly without basis. As I recall he stated that he does not read lawyer briefs because they bore him. Going with our gut is applicable at times, not now. For the Zoning Board we specially need attributes that are the attention to the detail and the code and to refining the code. The code is not been, you know I found out through the Hillwood project just how poor our Zoning Codes are. For example, I about the Green Meadow Golf Course. My neighbors across the street, everyone, it's a residential neighborhood. I'm sure you're familiar with the properties by now, my neighbor across the street is residential. I for some unbeknownst reason was zoned like the Golf Course itself. All seems to be an error to me and it seems that it's literally negligent that these types of details could slip through the cracks. So we need members on the Zoning Board that will go through the entire Town and appropriately zone things so there's no surprises. And I own it. That is we voted, and it may not be the Zoning Board, but we voted for 50 foot high buildings. We trusted members of the Town when we see that there's a majority of members that endorse it. I voted for it. I thought maybe it was going to be a dentist or a medical office inside the Town. In my wildest dreams I could not imagine that an industrial complex of 2.6 million square feet, some of the largest in the Country, would be proposed for a spot within our Town. And I'll leave it at that. So at this point we need trust and Mr. Martin, I'm sorry to have to bring this up.

Jim Dobens, 4 Eagle Drive. Mr. Dobens said, I reside at 4 Eagle Drive and I've been there for the last 38 years. I have four topics I would like the Board of Selectmen to consider and reconsider. First, the impact of the Hudson Logistics Center to our Town's emergency services. I was disappointed that we could not ask questions to our Department Heads during that last meeting. The evidence is readily available what these type of facilities cause and create to our Town's emergency services and what they will have to deal with. I pulled the data from Fall River. I forwarded it to everybody. These things are available from every town that has one of these sites. Hillwood asked us to compare Fall River to here even though it's only half the size. Please do not use Town comparisons to make a decision on impact and needs. Real data does not lie. I encourage our Department Heads to reach out and do the due diligence of what they're about to face. Two, I strongly recommend that the Board take up and reconsider the sewer allocation decision that was made. There was not any new evidence provided. This facility does not meet the Town's requirements. This facility is not in the sewer district and there was no agreement. Three, I urge the Board not to consider Normand Martin for the Zoning Board. He has demonstrated to many he makes decisions without taking or reading legal advice. As a disregard for education by saying the School ranking does not matter. And calling the residents of this Town the peanut gallery. People make decisions to move to a community based on its school systems and quality of life. He does not have the qualities to serve on the Town's Board based on his behaviors and actions. Probably why he wasn't reelected. Four, please do your due diligence on the financial impact this facility will have on our Town. The supposed \$5 million in tax revenue us around 5% of our total budget. When you combine Town and School. That excludes its impact. You may get a year or so of a flat tax but that will quickly change. It was nice of them to offer up a platform truck for the Fire Department because it will be needed. And maybe another pumper engine. I'm not sure. What about the additional six-eight fire fighters we will need to staff it? Plus all the equipment that they will need. We're not staffed up enough for a facility like that. The financial impact will be far reaching. I'm sure the Budget Committee will have their work cut out for them should this warehouse be approved. Thank you for your time.

John Debuc, 11 Eagle Drive. Mr. Debuc said, I live at 11 Eagle Drive with my family for the past 19 years. I want to speak about a couple of items tonight and thank you for the opportunity to speak. I want to start speaking about the January 12, 2021 Planning Board. I'm going to talk about the sewer allocation. During that Board meeting Mr. Dhima started that the developer is requesting a sewer

application because they are currently outside of the sewer district. Then it was stated the intent back then was to connect the property to the sewer. They are not saying they're entitled to it, they are just providing information related to it from 1990. I'll first start about the allocation they asked for during the meeting and why is the number so low. Mr. Dhima stated they based the sewer usage on maximum employees per day at 20 gallons per day which made 36,900 gallons per day, 1845 employees. A Dartmouth College paper on water usage in 2019 stated, the average domestic demands in commercial industrial settings range between 20 and 35 gallons per day per employee. The state of North Carolina noted in a wastewater design flowrates regulation business, offices and factories, factories or businesses with shower or food preparation use 35 gallons, per employee, per shift. The state of Maryland design guidelines for wastewater facilities also calls for 35 gallons per employee, per shift. How did Hillwood use 20 gallons per day when simple research that I did shows a much higher standard. By my calculations this facility could be producing, at the highest level, 64,575 gallons per day. Not the 36,900 as requested. That's an increase of 27,675 gallons per day. Mr. Coutu questioned Mr. Dhima how this roll covering the Town regulations how this facility meets the standard. Mr. Dhima did not answer for the Town but he called up Mr. Smollack to answer. Mr. Smollack stated the five ways that the Town met the criteria and myself and many others noted that all five of those reasons were invalid. Mr. Smollack also stated that it's technically feasible that a septic system but there's a possibility for a catastrophic event in the case of a discharge. This was an invalid argument as we've been told time and time again there's no change for any discharges for any of the catch basin for storm water into the Merrimack River. How could the septic be designed properly and be any different than those storm basins we're told will not be damaging the Merrimack River. At the end of the meeting you all took a vote to deny this, which was the correct decision with all the information you were provided. I know that you're aware that on September 3, 2020, the Sewer Utility Administrative Aide sent an email to the Town Engineer stating I don't know what the intent is in regard to the sewer for this project this address does not have access and is outside the sewer district. During that meeting Mr. Dhima stated the development is currently outside the sewer district. Two Town employees with knowledge stated this property is not in the sewer district and our Town ordinance clearly defines the sewer district that this development is not part of. And when they had the chance to connect within a reasonable time frame they chose not to and lost their access to connect to the Town's limited sewer supply. I was in shock when this came up again for a vote on the January 26, 2021 Board of Selectmen meeting. Ms. Roy stated that there should have been substantial activity or development since the approval in 1991 and they have done none of this. In an article titled Rehearing's by the Planning Board by Attorney Paul Sanderson in New Hampshire Municipal Organization. Attorney Sanderson states the following; there are two ways to look at this issue based on this fundamental statement of municipal authority. A municipality has only such powers as are expressly granted by the legislature and such as are necessarily implied or incidental thereto. In the first view, since there is no statute that either requires or authorize the planning board to conduct a rehearing once a decisions been rendered, no hearing ever should have been conducted. This is his words, if a participant is aggrieved an appeal is available to superior court or to the zoning board of adjustment if the issue involves and interpretation of the zoning ordinance. If an error has been made either the superior court will remand the case back to the board for further proceedings or the zoning board of adjustment will grant any necessary zoning relief. In the second point of view, participants cite Zimer vs. the City of Portsmouth for the idea that the local board should the first opportunity to pass on any alleged errors in its decision so the court may have the benefit of the boards' judgment in hearing the appeal. You made no errors in your decision, with all the information the applicant presented you in January which states the following. The decisions based on what was presented when the decision was made, not any new material that may have been produced. The Developer was required to present all of their material when they applied for the sewer allocation. They did and they were denied on January 12, 2021. As Attorney Sanderson said, (at this point Chairman Morin said, excuse me sir, you've got to wrap it up), Mr. Debut went on to say, a municipality has only such powers as expressly granted by the legislature. I have one more thing to cover and I don't think I've been five minutes...Chairman Morin said, I've got to hold you to five minutes. You've got to wrap it up. Mr. Debut then said, alright, so, the last thing I want to talk about, and I'll paraphrase this, is one of your duties is how the finances of the Town are spent. We had a peer review done on the first study of the property values that was done. We had a peer review

done. We paid a peer company to look at that statement. We had a second property value that came and had different values and we have not had a peer review done on the second property value. How are we allowing what every other thing that we've asked for have been peer reviewed, how are we allowing that second study of the property values and how they're gonna be impacted without having a peer review on done. I looked at emails as of the 6th of June last year we have not been in touch with that peer reviewer....Chairman Morin said okay sir, sorry, you were at six minutes. I gave you an extra minute to wrap it up. Mr. Debut replied, thank you for your time sir, I appreciate it.

Urs Nager, 8 Par Lane. Mr. Nager said, real quick, the Amazon-Hillwood project is estimated to be in excess of \$100 million dollars. That's an awful lot of money to take out a golf course. But we are where we are. I really want to thank all of you for the input and all the time you're spending. I don't know how you keep up with it. I have a full time job and I'm struggling with all the stuff that's coming out. And all the stuff that's coming in. My comments are about March 8th meeting. We finally got the final plan from Hillwood and during that night we also got requests for seven waivers. I did a little bit of research on the plan. Building A has increased in size by about 300,000 square feet. Don't know whether Hillwood's going to ask for an additional sewer allocation. Don't even know what it's for, but I do know that it's going to impact the traffic study at 40% capacity and some of the other issues here. Hillwoods already indicated that there would be impacts on traffic buffers, berms, wetlands and so on. Don't really know what the costs of those are but as we sat that night and listed, after the Attorney's for the Friel's and for Hillwood it said they met the standard but if you look in your packet today Attorney Manzelli has indicated that a lot of areas have not been met. So please read that carefully. At least it shows you both sides of the story. What really hit me, interestingly enough, was the project impact mitigation. I had to take a picture of it because I really hadn't heard of that but it looked like an incentive of about 9.7 million dollars being thrown out at the end of a very long meeting and a very long process, that all of you, and all of us, have been through. A project impact fee has to be paid. Not really mitigation, that's part of the process. Community fee for \$100K, didn't really know what that meant. STEM program, that would really be nice for the Schools, I hope you deposit that in the School budget. And I hope you collect that up front. The STEM program is \$3 million. Public safety was \$1 million dollars. Is that mitigation or an admission of problems to come? We hadn't heard about that situation in the meeting I sat in on March 10th. Recreation and riverfront. I keep hearing about a ramp and a not ramp. I keep hearing about we're gonna do something else for the Town here. That was budgeted for \$1.5 million. I was glad to see the Fire Department platform for \$1.4 million. Is that mitigation or admission that you really gonna need equipment to get on top of those buildings to put them out? The Fire Marshall also indicated that the sprinklers are not going to be the four gallon sprinklers. They're gonna be a hundred gallon. Explains why there's a 250,000 gallon tank on the property and a fire pump just to knock out fires that take place inside the building. There's a master planning fee here of about \$200,000. Don't know whether this is gonna push the Hudson Boulevard or the aka Circumvential. Not really sure what that's gonna do. Then there's a regional hazmat material program of \$50,000. So this is an indication of the word mitigation doesn't necessarily mean eliminate. It may mean mitigate but there's also admission that this project is going to create a number of challenges for the Hudson community and potentially will change the character of this Town forever. I'm really glad I'm not sitting in your seats right now. This is gonna be a very tough decision because one way or another there will be very grave consequences that affect the character of this Town for decades to come. Thank you very much for the opportunity tonight to speak and give input.

Chris Mulligan, 5 Fairway Drive. Mr. Mulligan said, I'm requesting this Board reconsider the sewer connection that was previously granted for the Hudson Logistics Center. At the time of the vote, one Board member indicated that he only voted to approve the connection in order to allow him to view the full site plan. Unfortunately that reason does not meet what is required that the project is essential for public health, safety and welfare of the Town of Hudson. Despite this, now that the full site plan has been received, a new vote should be taken based on this site plan that was so desperately needed. An additional Board member provided a rationale for his vote by holding up a letter from Governor Sununu. The letter included a list of essential industry sectors that did include logistics. But to suggest that this letter would include an undeveloped parcel of land is a reach at

best. The letter dated March 27, 2020 was associated with an order relative to essential employees and Covid. The Governor provided a list of industry sectors that would continue to operate to provide essential services to support Covid-19. By indicating these sectors will continue to operate, he was obviously referring to existing businesses and their employees. The letter in no way suggests that potential future developments are deemed essential to any town or community, as non-existing businesses have provided no relief to support the Covid-19 efforts. The applicant did not show the proposed development met the criteria that is essential for the public health, safety and welfare of this Town. I would even suggest that the development is the exact opposite of what the criteria called for. The only other thing I wanted to mention is regarding Mr. Martin. I would say that recent elections, basically the Town voiced their opinion when they didn't re-elect him so I would suggest that I am not in favor of his appointment to the Zoning Board. Thank you.

Karen Nevin, 3 Eagle Drive. Ms. Nevin said thank you for allowing me the opportunity to speak. The Board of Selectmen appoints members to the Planning Board. Seems as though Planning Board members are listening to what the developer wants and not to what the Town residents want. Sewer decisions, the Town Engineer in internal emails stated that this land is not in the sewer district. The record failed to show that there was new evidence to vote on the sewer and therefore there was no cause to reconsider and vote but that did not happen. It was even mentioned that the Town Attorney should be consulted and that was not agreed upon. It is time to act and the Town of Hudson should reconsider their decision that was made. Medical emergency. There's a medical emergency for a resident of Hudson. Anyone in Hudson shopping at Walmart, Sam's or maybe due to a traffic accident in south Hudson. There is only one way to get to a Nashua hospital quickly and that is across the Sagamore Bridge. Can you imagine an ambulance and fire department trying to get across the bridge in rush hour traffic? That's going to be a nightmare. With all the Amazon tractor trailer trucks, box trucks and Amazon employee passenger vehicles causing a traffic jam backup. Now think if a life is lost due to not getting to a hospital in time because of this. This makes me upset and very sad to think that this is a real life possibility. But it is. Taxes. Town of Hudson taxpayers, be prepared that your taxes are going up. This project will take care of our Town as we know it. Hudson clearly will not make the list to be one of the desirable places to live and purchase your home. Being a good neighbor. Hillwood has been promoting that they will be a good neighbor. Would a good neighbor not allow reasonable questions and comments to their social media sites? Hillwood is quick to remove, block and delete comments that are contradictory to their views. From concerned citizens, not only from Hudson, but surrounding communities. You tell me. Does this sound like a good neighbor to you? Hillwood also proposed mitigation impact of \$9.7 million dollars. Could this be considered a Hillwood incentive to the Town of Hudson to approve the project? Health and well-being. Your families are important to you. You want the best for your families and to live in a safe haven free from having to deal with living near or next to a massive project equivalent to three-plus Gillette Stadiums, 24/7 operation. And resulting impact such as traffic from construction and later operations. Noise levels, air quality and looking out the window of your home and seeing massive buildings on a daily basis, to name just a few. Well guess what? We the residents in the small town of Hudson New Hampshire want the same thing. To live in a safe haven free from having to deal with living near or next to a massive project. Can any of you honestly say that you and your families would want this proposed logistics center in your neighborhood? At your backdoor? Or in your town or city? Hudson Town officials are here to make sound informed decisions in the best interest of the residents of our Town of Hudson a great to place call home. Thank you.

At this point Chairman Morin said, Mr. Dhima I saw your hand raised but I'm going to ask that we change the order of business in a minute again. And if we do and the Board decides to do it we will have you come up. You need to update the Board, especially Selectman Gagnon so he's on page where we are at. Okay? He went on to say, at this time I'm gonna ask the Board of Selectmen for a change in the agenda. When we originally did a reconsideration on this project it was due to the fact that we received a letter from the lawyer representing Green Meadows with new information. Where we have received a letter from Attorney Manzelli asking us again to do a reconsideration I think it's only fair that this Board at least look at it again. So before we get into any discussion, and I will continue, if the Board decides that they would like to do it, so is there a motion on the floor to change

the order of business. Selectman McGrath made a motion to change the order of business. This was seconded by Selectman Roy. Carried 5-0. The Chairman went on to say, when we do this I want to make it clear to the Board that this has to be looked at under the same rules that we did the first reconsideration. Mr. Gagnon if you have any questions we will answer those for you. There must be new information to present. It's not opinions. It's not you know do I believe this, do I believe that. There must be new information to the Board for us to take this up. Before we take this up though we have another item that we need to discuss. There are members on this Board that at this time have perceived or have been, let me think of the correct word, challenged that there may be some type of conflict of interest. So we cannot make anyone on this Board step down or recuse themselves but it is out there and if we have this and we pass this or we don't pass this we're all going to end up in court. So I would caution the Board very strongly, think about if you have any conflicts before we move forward because I'm sure it's gonna come up later. Let's bring Mr. Dhima up first.

Elvis Dhima, Town Engineer came forward and said thank you Mr. Chairman. I just want to clarify a couple things that were mentioned during the public input. The one thing that I want to talk about, and I think it's very important to understand, is that when we're thinking of the sewer allocations we have a standard to go by and that's the State of New Hampshire. New Hampshire DES. On the memo I prepared for you at the time of the sewer allocation it clearly stated what we hit. It was basically factory, showers and cafeterias. We do not go by what other states are using and an average worst case scenario, best case scenario. We have a standard that we go by and that's by New Hampshire DES design flow. That's what that was based on. 20 gallons a day per employee times the maximum number of employees during the peak season. That number came from the traffic analysis. So that's where this comes from. That's not a number out there that gets looked at, thrown around, what do we think. That's specific to the use of the building. And it goes by what they do and have in there. I could go on a couple other things but that's my main thing so just be careful with that number because it's very specific. If you want to get the details of where their number came from please go back to the packet, or the memo, I can make it available to anyone to make sure that we're all starting from the same point. That's all I have Mr. Chairman.

Chairman Morin then said, Mr. Dhima, before we get started, again, just to refresh everybody's memories, I'm gonna ask you a couple questions because it comes from the Engineering Department. This Board, and I don't have the date in front of me, I apologize, approved a sewer to be extended up Greeley Street into a new development that is not part of the sewer area at this time and that is basically something new that's never been done before but this Board unanimously voted to accept that sewer that is out of the sewer district. Is that correct? Mr. Dhima replied, that is correct. Chairman Morin then said, could you explain that a little bit please? Mr. Dhima explained, recently prior to dealing with this sewer allocation for the Hillwood project an owner of two lots, which are adjacent to sewer district, which were left out of the sewer district at the time, reached out to the Board of Selectmen for them to consider to allow this land to be connected to the sewer, if it gets developed. The intent was, and still is I believe, for a residential area. I'm not sure what exactly, but they came up with a sewer allocations, again that was based on the number of units, maximum number of units, and number of bedrooms. That number was 14,700 gallons per day. That's what they asked for. The Board considered it. I believe there was different reasons for the Board to consider it. One of them might be the drought. The fact that if it's possible to connect to sewer that would be the way to go. Again the sewer was created to get everyone off the septic. There's safety issues, health issues, the best thing to do is collect it, treat it, and recharge it. So the Board of Selectmen approved that one. That was for two lots. It was outside of the sewer district. It was adjacent to the sewer district. There was no sewer within that area or within that property at the time and they got approved for 14,700 gallons per day. Chairman Morin asked, is that a normal thing the Board of Selectmen has done in the past? Mr. Dhima responded, you have not done that in the past. This is new. This is based on a couple things. The fact that the Town is in a better position than we were in the past when it comes to the sewer allocations, the capacity was an issue in the past. It's not as much of an issue now. It's been identified there's 200,000 gallons that can be sold to anyone within the sewer district or adjacent to it. The sewer ordinance clearly states it's up to the Board of Selectmen to make the decision for request outside the sewer district based on certain facts. Based

on certain information that's been provided. So these two will be the only two that I'm aware of that the Board has processed. That would be correct, Mr. Malizia?

At this point Chairman Morin asked Mr. Dhima, can you please explain so we're all refreshed and Selectman Gagnon understands how the sewer is given out. How much we have, what we have in reserves and things to that nature. Mr. Dhima explained, the Town of Hudson has an agreement with the City of Nashua to discharge just over two million gallons a day. Based on the daily flows from 2008 to today, we have been sending over there about 1.2 million gallons. So it leaves basically the difference. In addition we have identified all the land within the sewer district that could be developed. So we've put aside about 365,000 gallons for that future development within the sewer district. That leaves the Town with about 400,000 gallons per day that could be basically sell it to anyone within the sewer district or give to anyone adjacent to the sewer district based on what the Board of Selectmen wishes. In May of 2020, the Board of Selectmen made a decision to consider to rebalance or redo the balance of the sewer. At that time, I recommended that instead of putting in the books 400,000 to only put in the books 200,000 gallons so that's basically the balance right now to what's available. If the Board wishes to sell it to anyone within the sewer district or outside the sewer district. That's kind of where you're at. Chairman Morin then said, now we're gonna look at the two circumstances. There was some confusion. There is a pipe on a piece of the Green Meadow property but also it doesn't fall within the sewer district. Is that correct? Mr. Dhima replied, yes. So the property itself is outside of the sewer district. The boundary. But there is a sewer main that belongs to the Town of Hudson that cuts within this property. There is an easement for it. There's documentation for it. So yes, they are outside of the sewer district but there is a sewer main that belongs to the Town of Hudson that's located within their property. Chairman Morin then asked, how are those lines that cover the whole sewer district, not just that one area, the whole sewer district, how is that determined? Mr. Dhima replied, it's my understanding it was done through a public decision, public meeting. Back somewhere in the 90's and basically it was public outreach. Just like they do the massive plan for the planning. It was basically put out there. Input was taken. And for some reason, I want to say 1998, not 1990. 1990 is when the discussion about putting this property in. 1998, basically based on that input a line was drawn basically saying this is where the sewer district is going to go. It's not any different when a zoning amendment gets done and it gets voted in and then basically you follow that when you do different things through planning. But that's my understanding that there was some kind of vote at the Town level to basically put the district line at a certain place. Chairman Morin reiterated, so to be clear Green Meadows is outside of the district but there is a pipe that does touch a piece of, goes through a piece of that property. Mr. Dhima replied, correct.

Chairman Morin then said, I have here, and all the Board of Selectmen received this when we had the reconsideration. It's an easement deed dated April 15, 1992. It is signed by a justice of the peace, a Friel, the State of New Hampshire and the Town. Can you explain what that deed means and why we got it? Mr. Dhima explained, it's my understanding and we typically do this with the water as well as when there is a Town asset going through private property we either can buy the property or we can require an access easement or an easement basically allowing that asset to go through part of their property. So basically, what that deed is that you have in front of you, Mr. Chairman, is basically a description to where the pipe is or the land that the Town has rights to get access to for maintaining it or clearing it or whatever the purpose of getting to that pipe is. Chairman Morin then said, so in theory the Town agreed that there would be sewer on that property? That's why the pipe was put there. That was the discussion, back in 1993. You weren't there. I wasn't there. I don't believe any of the Board members were there but what would be the reason for that deed? Mr. Dhima replied typically there's, and it's hard to describe the reasons why they did it that way, but typically it's an issue with getting access to certain. So my take on it was that they could not get access to the state or the turnpike right away to get to a certain location or maybe the wetland or maybe they hit something, I am not sure. But it appears that they're about 10-15 feet within the Green Meadow property. And they continue on that path before they went under the bridge. Exactly why, how, it's very hard to explain because I wouldn't know. It could be as easy as them intending to be outside of it and then hitting a boulder or ledge and change the direction of it. It's very hard. I don't have that

information but the bottom line, it is located within it. There is an easement to get access to it. It is our asset.

Chairman Morin then asked Mr. Dhima, when the Board of Selectmen first took up the sewer allocation for the Green Meadow property, this deed was not a part of our package, correct? This information came later and from who? Mr. Dhima responded correct, so the first time the Board considered this it was voted down 3-2. Selectman Martin, at the time, basically stated towards the end that he's willing to reconsider this if there's any new information coming in front of the Board. What happened after that is that the applicant asked for any information that's available related to this. We found the deed. We found some information related to contributions made for increasing the pipe size at the booster station at the Sagamore which serves this area. That was made available to Attorney Manzelli and Mr. Smollack. Also the Hillwood legal team found basically documentations or notes within the Planning Board when Sam's Club was approved, I believe, it stated that the intent was to connect this property to it. Also there was documentation that was part of the packet as well that stated that it appeared the Sewer Utility Committee, at the time, had discussions with the Town Engineer at the time, as well, to increase the pipe from 12-18" to accommodate this property basically for future development. And we can see that from the plans that it is an 18" pipe so there was changes made to that, physical changes, made to that pipe from 12-18" to accommodate the future. That happened in the 90's. In 1998 that's when the line was drawn for the sewer district. So that happened about eight years later. So Hillwood's case basically was that it appeared to be commitments or certain things done prior to the sewer district going in place that indicated that this was intended to be connected to Town sewer. There was contributions made to increase the booster station to accommodate future development of this property. There was pipe size increase from 12" to 18" to accommodate future development of this. And I think that was the evidence that was brought up on the second Board of Selectmen meeting and that's why Mr. Martin took that information and the decision was made to go from a 3-2 against it to 3-2 in favor of it.

Chairman Morin then said, so this document, the deed, that's dated April 15, 1992 was the new information that the Board was presented which Selectman Martin, at the time, had brought forward for the reconsideration. Mr. Dhima replied it was one of the pieces, yes. This was one of multiple documentation that was provided in that packet, yes. Chairman Morin then asked, can you give a brief overview of what the other documentation was? Mr. Dhima said, so the other documentation, or the overall picture of the overall documentation was the easement for the sewer within that. There was documentation related to plans and notes within the plans when Sam's Club was approved it stated that the intent was to connect this property to the sewer. There was financial documentation that either Sam's Club or the Friel's or a combination of both, I think it was about a \$60,000 contribution and we had payment for the first one which was about \$5,000. There was a couple other things but I forget now. Oh, there was documentation from the Town Engineer at the time requesting an increase of the pipe from 12" to 18" as well. That was part of the packet as well.

Chairman Morin then said to Mr. Dhima, we're gonna take these two properties that are out of the sewer district that we're talking about, Greeley Street and Green Meadows. Just say yes or no. Both are outside the sewer district? Mr. Dhima replied, yes. Chairman Morin asked, previous financial contributions. Upsize the pipe, Green Meadows yes, Greeley Street no. Mr. Dhima replied, correct. Chairman Morin asked Planning Board commitment, Green Meadow yes, Greeley Street no? Mr. Dhima replied correct. Chairman Morin asked, sewer municipal commitment, Green Meadow yes, Greeley Street no. Mr. Dhima replied, yes from the packet, yes it appears so. Chairman Morin asked, sewer main within the property, Green Meadow yes, Greeley Street no? Mr. Dhima replied, correct. Chairman Morin asked, sewer capacity available, both are yes? Mr. Dhima replied at this time, yes. Chairman Morin then asked and it leaves the Town still in good shape? Mr. Dhima replied, correct. It leaves about 180,000 gallons. Chairman Morin asked, Board of Selectmen approval, both yes? Mr. Dhima replied, yes. Chairman Morin went on to say and the votes were for Green Meadow three yes, two no? Mr. Dhima replied, correct. Chairman Morin said and for Greeley Street was five yes? Mr. Dhima replied, yes, correct. Chairman Morin asked Mr. Dhima, can you explain a little bit why we have one site that committed yes to everything and we didn't have to do the yes's to the other one?

Mr. Dhima said, I can't answer that. Based on the ordinance it appears that it's up to the Board of Selectmen to make that decision but yes. The Green Meadow was a 3-2 the other one was a 5-0. I don't know I can't answer that. The Chairman thanked Mr. Dhima then asked does any Board member, I saw Mr. Gagnon's hand, Mr. Gagnon. Selectman Gagnon said, a couple quick questions, I follow your logic about comparing and contrasting and I see that you're trying to make kind of an interpretation of what was intended but to me the facts were, if everything you're saying is true, and I'm following down the yellow brick road, why wasn't the sewer district just expanded on the map and it would have fixed all of these problems before us right now. Mr. Dhima replied, that's a fair question. So it would take a public meeting to basically adjust the line. So what we've done is because we're seeing the development and we're seeing a lot of issues with the sewers, or the septic I should say and the drought, a lot of people are home because of the pandemic, we're having a lot of failures. We get a lot of calls people basically saying, can we connect to Town water or Town sewer. That's been the case for the past 18 months. But it takes a public meeting to adjust the line. We're basically simply saying it's up to the Board of Selectmen to make a decision if they would like to have them connected to the Town sewer. At the end of the day they're still outside of the sewer district but they'll be allowed to discharge into the Town sewer. That's all. So you're not changing the line. You're just simply making a decision on a piece of property adjacent to the sewer district if you're willing to let them connect to it or not. Selectman Gagnon then said, Mr. Chair, one more question, for my own laymen knowledge, does wastewater include drains from the road meaning rainwater as well? Mr. Dhima replied, that's a good question. Nashua has them combined. Town of Hudson has 100% separated. Selectman Gagnon asked you said Hudson does or Nashua? Mr. Dhima said Nashua is combined over there. They're working on it. But in Hudson you're 100% separated. We might have some illegal connections, but on the books we're 100% disconnected from the drain. The reason for that is we don't want to pay for grey water the same rates for the sewer. So everything that we sent out is 99.99% sewerage.

Selectman Roy was recognized and asked so all of these documents that we talked about, the easement, the financial stuff, those were all public records? Mr. Dhima replied yes that was part of the package. Selectman Roy then asked and they were all available prior to January 12th? Mr. Dhima replied, I don't know. We started looking for them after the Board denied them the first time. Selectman Roy said, okay, so nobody asked for them prior to the January 12th meeting? Mr. Dhima replied I don't believe so, no. Selectman Roy then said, when you say we started looking for them after the Board denied it, who do you mean by we? Mr. Dhima replied, well I looked into it, Donna looked into it and that's basically one of the emails saying this is not it. Basically emails flying back and forth about what the situation of this is. Is there anything...Selectman Roy interrupted Mr. Dhima asking at whose behest did you start looking for those documents? Mr. Dhima asked Selectman Roy to say that again. Selectman Roy said again, at whose behest, who asked you to look for those documents? Mr. Dhima replied the applicant asked for any information that was available about this. Selectman Roy then asked, but they asked after the January 12th meeting? Mr. Dhima said after the denial. After the denial, correct. Selectman Roy replied, okay so they didn't think they needed to provide any of that prior? Okay.

Seeing no further questions from the Board at this time Chairman Morin said, okay before we move on, it was also brought to my attention that you all received two rather lengthy documents tonight that we have not reviewed and some of them are about some of the topics I already discussed and to tell you the truth I really haven't had a chance to look at what the second one was. Does this Board want to continue with this tonight or do we want to defer this so everybody can review this new documentation? Selectman Roy said I prefer to defer so that we have enough time. The Chairman asked is that a motion Selectman Roy? She replied yes. Chairman Morin said motion on the floor by Selectman Roy seconded by Selectman McGrath. Any further discussion? Seeing none, all those in favor? Motion carried 5-0.

At this time Chairman Morin asked for a motion to go back to the regular order of business. Selectman Roy made this motion, seconded by Selectman McGrath. Carried 5-0.

5. Zoning Board of Adjustment - (5 vacancies - 1 member term to expire 12/31/21; 4 alternate terms. 3 to expire 12/31/23, 1 to expire 12/31/22)

Chairman Morin recognized Normand Martin and asked him to come forward, state his name and tell the Board a little bit about him. Mr. Martin said, good evening Mr. Chairman, members of the Board. I'm Normand Martin. I live at 3 Edgar Court. Prior to being elected to the Board of Selectmen, I served, proudly, 14 years on the ZBA as alternate and a member. Proudly I said. When I stated that I don't read lawyers briefs, I stated it because I had evidence in front of me at the time. Apparently I shouldn't be appointed to a board because I'm volunteering, but I served that Board 14 years plus an additional five years where I was elected to the Budget Committee twice. I still want to serve the Town. I look forward to serving the people and the residents and the developers that come in front of the Zoning Board with due respect and I want to continue to serve. Thank you Mr. Chairman.

Chairman Morin then said, Board's wishes? Selectman Coutu was recognized and asked Mr. Martin, on your 14 years on the ZBA both as a full member and an alternate member, did you ever serve as chairman? Mr. Martin replied, I have. Selectman Coutu asked, how many years did you serve as chairman? Mr. Martin replied, I believe I served two years as the chairman. Selectman Coutu then asked the five years on the Budget Committee does that exclude or include your service as a member of the Board of Selectmen? Mr. Martin replied, that excludes my service of the Board of Selectmen. Selectman Coutu then asked, did you ever serve as chairman to the Budget Committee? Mr. Martin replied, one year. Selectman Coutu asked, have you ever been up on a conflict of interest? Mr. Martin said, well, I was sitting on a Zoning Board case where my neighbor came in for a variance and I stepped down. Pretty simple. I've never been brought up in front of the Ethics Committee for any reason whatsoever. Selectman Coutu then asked has anybody, during your terms of service, both on the Budget Committee and on the ZBA, ever....did you ever have a situation where you were in conflict with either an agreement or with what somebody in the audience might have said that rose to the level of what is perceived by your actions while you were a member of the Board of Selectmen? Mr. Martin replied not to my knowledge. Selectman Coutu asked anything similar to that either on the Budget Committee or the Planning Board? Mr. Martin replied, no sir. Selectman Coutu went on to say, Mr. Martin, if I might Mr. Chairman, for the record Mr. Martin, I'm fully aware of your years of service on both boards. As a matter of fact you helped to rewrite the ZBA bylaws and I assisted you at your request with editing some of the material. I assisted you and I thought we worked well together. I'm aware, as I am for the past 13 years, of most of the people who've served on every board, every commission and every employee in this Town and I value their dedication and their workmanship. I valued your dedication, your volunteerism and your ability to lead when called upon to do so. And you should be proud of that service. Mr. Martin said, I sure am. Selectman Coutu went on to say there is one elephant in the room, Mr. Martin. The elephant in the room is that you made a comment that was somewhat offensive. Could have said a lot worse, but it was offensive. People took it that way. And to this day, knowing how they felt, you have yet to apologize to the people and that bothers me. I make mistakes, I apologize for them. You've heard me apologize for them. Mr. Martin then said, Selectman Coutu, I was at candidate's night and asked that very question. Selectman Gagnon was right beside me and I stated there was no ill will towards anybody. That was the first thing out of my mouth. I have respect for people listening. I have respect to listen to people. I would think that people would have the same respect to listen to the people that were speaking that night. I said it cuz it was the first thing that came out of my mouth. If you're looking for an apology well I'm not here to give one. Selectman Coutu said I didn't ask you to apologize. What I said there's an elephant in the room. Mr. Martin then said and I'm stating to you tonight the elephant can walk out the door cuz I didn't mean anything offensive by it. It was the first thing out of my mouth. It was a sign of disrespected that night and you know it Selectman Coutu. I have the utmost respect for you and I have the utmost respect for every member on this Board and every employee in this Town and every member of this Town. To state that I wasn't re-elected because of that comment is wrong. Selectman Coutu said, I didn't say that. Mr. Martin replied, no you didn't say that, I've heard statements to that effect tonight. So I'm more than willing to continue to serve this Town in the

capacity as a volunteer if you so choose to appointment me. Selectman Coutu then said, Mr. Martin, I know your years of service to this Town. You didn't get paid a dime to serve on either of those committees. You showed up if not all the meetings, I would say perhaps more regularly than a lot of other people you were present at the meetings and from my perspective being an observer, being one who was, when I was initially appointed and then elected to the Board of Selectmen, was an avid watcher of HCTV because I wanted to know the goings on both on the School side and the Town side as well as what our committees were working on and coming before the Town. Sometimes it was an advantage to know that because some of this material would come before the Board.

Selectman Coutu continued said, Mr. Martin here's how I feel. I feel that you made an honest mistake. I said so. I don't know if I used this term but in essence what I said was that it wasn't the right thing to say. And I respect people enough that if I say something to anybody, whether it's you or a member of the audience or whoever, and I feel they were offended by it and I know they're offended by it because they confront me with it, I will apologize. Because they were offended. I still believe that you own them an apology, but I know your years of service and that has value. I'm willing to forgive your oversight and if a motion is made, and if I have to make it I will, to appoint you to the ZBA. 14 years of dedicated, committed, and honest service is merit enough for me to want to reappoint you and I know a lot a of people are not going to like me for doing this. They probably like me, they just don't like this action but I think it's the right nothing to do and I will support your nomination. I thank you for your integrity and thank you for volunteering to serve our town one more time.

Chairman Morin asked, anyone else? No other Board members wished to speak. The Chairman went on to say, Mr. Martin, along with Selectman Coutu, when you made your comment, it shocked me. I've got to admit to it. But I also know you and through discussions we've had things have both been said that way between us both. I get it. It happens. It's the moment you know I've come close several times. Just haven't gone that far. There was another situation that you were a part of that you made a mistake and we had a discussion with the Board and you went forward and corrected that because you saw your ways and we're very appreciative of that. So I know you care and you want to do the right things. I fully agree with that. Fully understand that. I'm aware, being in the Town for a long time how much you have done working on all these committees. I've seen you on the Budget Committee, you take it seriously. Zoning is your thing. I've seen how serious you've taken it. Selectman Coutu had highlighted all of that so I'm not gonna hit on it again. I too believe this Town is hurting for volunteers and we see it every single day if you look at all of our committees we don't have the people to properly serve our Town. And we have somebody who wants to, who has the knowledge to, and has the fortitude to move forward and do something good for the Town. You made a mistake. Everybody makes mistakes. Things get said. I too will support it if it comes up as a motion to move you forward. Chairman Morin then asked, what is the will of the Board? Selectman Coutu made a motion so appoint Normand Martin as a member of the Zoning Board of Adjustment for one member term to expire 12/31/21. Chairman Morin asked, is there a second? Seeing none, Chairman Morin seconded the motion. Chairman Morin asked if there was further discussion and recognized Selectman Gagnon. Selectman Gagnon said, Normand, I'd just like to say I know it's tough to sit up there. I'll make this really short. I commend you for sitting there and listening through all of this. That's all I have to say, thank you. Selectman Coutu asked the Chairman for a roll call vote. Motion failed 2-3 with Selectmen Gagnon, McGrath and Roy in opposition.

Chairman Morin went on to Consent Items and asked, does any Board member wish to remove any item for separate consideration on consent items?

Selectman Coutu made a motion, seconded by Selectman Roy to approve consent items A, C, D, & F as noted and appropriate. A roll call vote was taken. Carried 5-0.

Selectman Coutu made a motion, seconded by Selectman Roy, as a result of Selectman Gagnon being a new member. He wasn't present for the two meetings in acceptance of minutes. So he could abstain on the motion, a motion was made to approve Consent Item E as noted and appropriate. Carried 4-0 with one abstention.

6. CONSENT ITEMS

Assessing Items

- 1) 1 Elderly Exemption - Map 156, Lot 006, Sub 033 - 2B Doveton Lane; Map 168, Lot 002, Sub 021, 33 Krystal Drive; Map 234, Lot 026 - 5 Steele Road
- 2) Blind Exemption - Map 191, Lot 069 - 37 B Street
- 3) Veteran Tax Credits - Map 156, Lot 063, Sub 101 - 709 Elmwood Drive; Map 190, Lot 074 - 4 Stanley Drive; Map 168, Lot 108 - 18 Frenette Drive; Map 174, Lot 082 - 80 Ferry Street
- 4) All Veterans Tax Credits: Map 197, Lot 154 - 18 Hemlock Street; Map 234, Lot 042 - 2 Davenport Road
- 5) Disabled Veteran Tax Credit: Map 166, Lot 025 - 8 St. Johns Street
- 6) 2020 Property Tax Supplemental Tax Bill: Map 186, Lot 26 - 61 Speare Road
- 7) 2020 Property Tax Supplemental Tax Bill: Map 168, Lot 14 - 12 Madison Drive
- 8) 2020 Property Tax Supplemental Tax Bill: Map 168, Lot 2-3 - 34 Krystal Drive
- 9) 2020 Property Tax Supplemental Tax Bill: Map 175, Lot 34-3 - 8 Village Lane
- 10) Certification of Yield Taxes Assessed/Timber Warrant: Map 102, Lot 010 - 171 Old Derry Road

B. Water/Sewer Items - none

C. License, Permits, Policies - none

D. Donations

\$435.00 from Hudson citizens for the care of Haven the HPD Comfort Dog

E. Acceptance of Minutes

- 1) Minutes of the January 30, 2021 Meeting
- 2) Minutes of the February 23, 2021 Meeting

E. Calendar

3/24 7:00 Planning Board - Hudson Community Center
3/25 7:00 Zoning Board - Hudson Community Center
4/07 8:30 Highway Safety Committee - Buxton Meeting Room
4/07 7:00 Budget Committee - Hudson Community Center
4/12 7:00 Conservation Commission - Hudson Community Center
4/13 7:00 Board of Selectmen - Hudson Community Center

7. OLD BUSINESS

A. Votes taken after nonpublic session March 2, 2021

1) Selectman Coutu made a motion, seconded by Selectman Martin to adjust the Recreation Director, Chrissy Peterson's salary from \$52,000 per year to \$62,200 per year effective March 23, 2021. A roll call vote was taken. Carried 5-0.

2) Motion to adjourn at 9:14 p.m. by Selectman Martin, seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

8. NEW BUSINESS

A. Hudson Speedway 2021 Permit

Chairman Morin recognized the Town Administrator who explained, typically the Speedway permit is done under the consent agenda but due to all the discussion we had this year I put it out separate just so the Board understood that Mr. Bosowski is looking to get a standard permit this year. He will not be doing the beer tent that he came to speak to you about. There's a letter in your packet to that effect. He's basically looking for his standard race package which is Sunday's and holidays. He's also looking for the Hudson Heroes Driving School which would be on Thursday's which I believe you've all assented to, or you've all agreed in principal to. So I just thought it was appropriate to do a separate motion to approve the Hudson Speedway Racing license and the Hudson Heroes race program for this year. I thought it would be appropriate to do it separate. The Chairman asked if there were any questions. Selectman McGrath said just to clarify, the Hudson Heroes Driving School the hours are going to be 3:00pm to 7:30pm. Mr. Malizia said that is correct. That would be the young students coming in different time frames. Selectman McGrath then said because this packet has other documents which refer to other hours, other days. So I just want to clarify. The Town Administrator said it's the document at the top of the packet that is correct. Selectman Roy said I just want to be clear it's not the expanded thing that we had several public hearings on but we did not change the ordinance. Mr. Malizia said, we did not change the ordinance. It's the standard license of Sunday's and holidays. Selectman Coutu made a motion, seconded by Selectman Roy to approve the Hudson Speedway license to operate a motor vehicle racetrack for the 2021 racing season and for the Hudson Heroes Driving School with the conditions required by the Police Chief and the Inspectional Services division and subject to the State of New Hampshire Covid-19 state emergency restrictions. Carried 5-0.

B. HPD Request to Apply for A.C.E. Grant

Chairman Morin recognized Captain Cayot of the Hudson Police Department. Cpt. Cayot explained I'm here requesting approval to apply for the Alcohol Compliance Education Grant through the New Hampshire Division of Liquor Enforcement and Licensing. This grant would allow us to work with the NH Division of Liquor Enforcement and Licensing to conduct compliance checks at the 55 liquor licenses in the Town of Hudson. The anticipated funds we'd receive is approximately \$910.00 for this grant if we apply and are accepted for it. Selectman Coutu was recognized and asked, we had this grant last year and previous years? Cpt. Cayot replied, yes we have worked with them before. Selectman Coutu then asked, has it been successful in the past? Cpt. Cayot replied, yes it has. Selectman Coutu asked, how have the compliance checks been in the past few years? Cpt. Cayot responded, the one we did last year, all of but five were in compliance. Selectman Coutu asked, typically are they required to take a class if they're not in compliance with the alcohol beverage control? Cpt. Cayot replied that is correct. Selectman Coutu asked, have the five completed the class, the five that were found to not be in compliance? Cpt. Cayot replied to my knowledge they have. That part is done by the NH Liquor Commission but they would have notified us if that hadn't been the case. Selectman Coutu made a motion, Seconded by Selectman McGrath, to authorize the Hudson Police Department approval to apply for the Alcohol Compliance Education A.C.E. Grant through the New Hampshire division of Liquor Enforcement and Licensing with anticipated funds of \$909.60. Carried 5-0.

C. Town Moderator Election Wrap

Chairman Morin recognized Town Moderator Paul Inderbitzen. Mr. Inderbitzen said, good evening ladies and gentlemen. First of all I'd like to thank some people who made the Town and School elections runs smoothly given the pandemic procedures we had to implement and the difficulties they presented in holding an election. My staff and the Supervisors of the Checklist. Their work and dedication was very much appreciated and they put in extra time training and going through extra meetings that we don't pay them for so I appreciate that. Many of them helped out in the absentee process, coming in extra hours. Also the members of the Hudson Women's Club helped out before, during and after the election doing some of the statistical work and the counting that needed to be done. I appreciate Select Board members Morin and Roy for their presence and help and also the new Town Clerk, Roger Ordway, who jumped right in and provided and right to learn the election process. He's still learning and I'll be helping him with that. The DPW staff set up and took down the polls. The Fire Department for the use of their pop up tent. As well as Wayne Madeiros our custodian who was always there and responded if I had anything to ask for. He's a real Town treasure. He does a lot of work. Thanks to Police Officer Golacki and Det. Dang for standing at the door all day and making sure things went smoothly. And in particular the HCTV staff who had to take down all their equipment so we could hold the election then put it back up the next day for a meeting that night. I know it was a major inconvenience for them. It's unfortunate that the Hudson voters do not consider Town and School elections as important as the national ones. As you'll see from the information I sent you, we have 20,325 registered voters and only 3,031 voted in the election. A turnout of 14.9%. Perhaps there was some voter fatigue with the cycle of the national election. I'm not sure. As you'll see from the statistics, we processed 222 voters per hour through the checklist. So it wasn't our busiest election but it gave the new people a chance to see how election goes when things aren't so crazy like they were in November.

Moving on to the future. Since the voters approved an additional voting location the law assigns to you, the Board of Selectmen, to the requirement to create the districts. I've checked with the NRPC Director to ask if they had population information. They do, they have it based on the censuses. They have statistics down to the block level. So my suggestion would be that you seek a proposal for them to create in the assistance of the districts. It will be helpful. But it is your responsibility. We should not wait too long to start this process because it takes a while to figure it out and then get the information out to people. Part of the process would be to determine where the best location for a second polling

place would be and how to administer two places. I'm also looking into how we could set up two places with the voting equipment taking up space in the Community Center here I'd like to consolidate some of that equipment in such a way to make it easier to transport the supplies to both here and a second location. I think we can get into that later. But I would think that we should start talking about that. Right now it takes up space and has to be moved around. We did have one of our boxes broken in the transport to the Memorial School. Luckily I got LHS to switch out a box for us. So I will answer any questions you might have about the statistics I sent you. If anybody has any questions.

Selectman Gagnon was recognized and said two questions for you. You talk about the census data and NRPC. If we outsource this to NRPC to do some of this work, are they going to use the old census or will they have the new census data from 2020? Mr. Inderbitzen replied, well he told me that he wasn't sure if they'd have the new data yet. There's going to be some delay in getting it out. But I think how critical is that gonna be? I don't know what their data is. I don't know if it's the census data or if they update it with assessments and stuff like that. But Jay Menkara, we've used him before in terms of a traveling planner. They're easy to work with. A nice group of people and I don't know anybody else that would have that kind of assistance. There are planning groups, you could hire a company to do that but I think NRPC does our region. We pay dues to them and we should utilize them. Selectman Gagnon then said, just to clarify, I do support them, I was just curious if the new census data would have a drastic effect or not. The Moderator replied, he didn't know when they would have that data. Selectman Gagnon then said, one more Mr. Chairman, just looking at your statistics, and for the public to know, it was quite sad March 2021 had 14.9% turnout the lowest turnout in like 10 years. So that's pretty unfortunate. So with that in mind and seeing that we did vote for a secondary voting location, to ask the question, could this ever be reversed back to one voting location if that is possible, what poor statistics would we have to hit before it would just make sense to go back to one? The Moderator replied, well for the state elections I would think two would probably work. Even in '22 we'll have a state election and a state primary. Now the state primaries are usually pretty lite like 2,200-2,500 people show up for a state primary as it's mostly for the parties, though the undeclared can come in and vote on that. Even the state election with governor and a US senator and a representative, those are usually more heavily attended. Then of course the presidential every four years. So we would have to take a vote at Town meeting to revert back to one. My question I'm going to be asking the Secretary of State and exploring this possibility is can we designate one location as two spaces? Can we do district one here? The district 2 her for those light elections where we don't expect a lot of people. I don't know if that's legal or not. Also there's a whole bunch of laws about elections being proposed and battered about up in Concord. Who knows how that's going to affect us.

Chairman Morin asked, wouldn't schools be the way to go now? The Moderator replied, well you want some place consistent. Even when we had Memorial in November there were a handful of people that showed up here. We had signs out and everything but people came here first. But people do get locked into a certain place to go. We do need to think of that. A school would probably be best especially if we're splitting it. As long as we have sufficient parking for half of what we have we could do that. The furthest south we have a school is Nottingham. Then we'd have to ask the School Department and plan ahead on that. Chairman Morin said, and you just said we need to start educating people now so we can work on the people that come here. No matter what we put out, people are still gonna come here. It's gonna happen. But after a while we use the same school and it becomes second nature. So we'll cure that problem over time. is it better that we put a committee together and then that committee can report to the BOS on how we're gonna do this? Mr. Inderbitzen said, I think that probably is a good idea. I was considering a committee of my own staff, assistant moderator and ballot clerks to talk about how we would do this. And just get some feedback from them. The Town Clerk needs to be involved in that. I think it would be worthwhile to have a group that meets on a regular basis. The law requires the Board notifies the people of what district they're in at least 30 days before the election. That's in the law there. I'll send you a copy of the relevant thins about a second location. Chairman Morin said, to tell you the truth I think we're gonna need 30 days, 60 days and 90 days to make sure our citizens are educated on where they got to go.

Selectman Roy said, so I just want to, you had talked about maybe having district one and two here but wouldn't making the split just the split until it's turned over by the Town Meeting more? The Moderator said if we can do it consistently then I think that's better. I was going to explore that possibility. We had 3,000 people show up here and we didn't have any problems. We had eight checks ins. If we have four here and four someplace else it's gonna be the same at least in activity. Selectman Roy said, I just think it would be problematic to say you come here to vote in this election and then here for this other election. You know to be consistent and to kind of cut the cord on having one voting location. The Moderator agreed. Chairman Morin then asked anybody want to make a motion to form a committee to come up with the plan for the elections and report back to the Board of Selectmen? Selectman McGrath made that motion. It was seconded by Selectman Roy. Carried 5-0.

D. Town Wide Paving Contract

Chairman Morin recognized DPW Director, Jess Forrence. Mr. Forrence said good evening. The proposal you have before you tonight is pretty much the same as last year. Public Works is looking at extend the Brox paving 2022 contract. As you read down through it, they are proposing a \$1.00 increase. Of course the concern, just like everybody else is the cost of oil. They feel very comfortable with that. So do I. they're pretty good at holding things, even if it goes up above \$1.00. if it continues going up they said they'd come back to us and I said if you do that then I will come back to the Board. So the escalation, if it goes above what's approved, and I still have to keep everything into a bottom line. We've taken worse to best. Worst being done first. Things that might come up, we've included in the contract also. But in the proposal I gave you, I always compare with other towns. What they are paying for paving. Usually across the bridge and it shows where they are right now. We've done Salem, which is even more expensive. So between the paving, the reclaiming and the milling, we have proposed, and what Nashua has in place, we should be over \$100,000 in savings. Seeing no further questions Selectman Coutu made a motion. Seconded by Selectman Roy to waive the bid process and accept the offer from Brox Industries to extend the town-wide paving contract for fiscal year 2022. Carried 5-0.

E. Lease Agreement - LED Streetlight Project

The Chairman recognized Town Administrator, Steve Malizia. Mr. Malizia said, this is lining up the financing, lease purchase financing which will be spread out over three years for the LED project that the Board approved. We had to go through contract with the contractor. Once we resolved that we went through the financing with the finance company. Our Attorney has reviewed this agreement and finds it to be appropriate. But I need a resolution from this Board so we can sign the documents, get the escrow payments made and get the project in full swing. Selectman Roy made a motion. Seconded by Selectman Gagnon to approve the resolution of the Town of Hudson authorizing the execution and delivery of a master equipment lease purchase agreement with respect to the acquisition, purchase, financing and leasing of certain equipment or capital items for the public benefit authorizing the execution and delivery of documents required in connection therewith, and authorizing all other actions necessary to the consummation of the transaction contemplated by the resolution. The full text of the resolution on page two and three is hereby adopted and approved by the Board of Selectmen. Carried 5-0

F. Involuntary Merged Lot - 4 County Road

The Chairman recognized the Town Administrator who explained, you have an application in front of you from Alan Ray properties for the restoration of involuntary merged lots pursuant to RSA 674:39-aa the lot is identified as Map 198, Lot 29, 4 County Road. The applicant submitted the documentation

you have in your packet. The documentation was reviewed by Land Use, Zoning, Town Planner, Town Engineer, the Town Assessor. Once they determined that it appeared that the lot was involuntarily merged we reviewed it by the Attorney. He's in concurrence so in effect, I recommend that you approve the application for the restoration of Map 198, Lot 29. Selectman McGrath was recognized and said, I just have a couple of comments. I looked over the documents and it's hard to discern who the owner is. It's a signature, there isn't a printed name. It says manager behind the signature so that's not the owner. I wouldn't think. Then the document to whom it may concern it's the same thing. You can't discern who the signature belongs to. So I can't vote for this not knowing that information. Selectman Roy pointed out where the owner was listed to Selectman McGrath. Selectman Roy went on to say it states on the application for restoration the owner's name, Alan Ray Properties. The fourth page up at the top it says the owners name, Alan Ray properties. I'm assuming that's the owner. The Town Administrator said, yes, that is the entity that owns it. If you go look down on the book and page data it appears that the managing or the trustee of the property is Donald Dumont. Selectman McGrath then stated so that's not clear by what I found in this document. In any event, that's my concern. And it's true of any other document. Planning Board they submit information to Planning Board and if it's not clear I can't vote to approve it. In any event, I'll be a no vote on this. Selectman Roy made a motion, seconded by Selectman Gagnon to approve the application for the restoration of Map 198, Lot 029, 4 County Road as three separate lots of record. This action is taken pursuant to NH RSA 674:39-aa. Carried 4-1 with Selectman McGrath in opposition.

G. Appointing of Town Treasurer

The Town Administrator was recognized and he said, at the Town Meeting that was held on March 10, 2020, the voters approved changing from an elected Town Treasurer to an appointed one in accordance with RSA 41:26-e. The voters also authorized the Board of Selectmen as the appointing authority. Reading further in the statute it basically says that the incumbent that was just elected last year holds the office until the next election, which you just had March 9th. So therefore a motion is needed to appoint a treasurer. I'm recommending that you appoint Rachel Burnell, who was originally appointed by this Board in November of 2019. She was subsequently elected by the people on March 10th 2020. So it's my recommendation you appoint Ms. Burnell to the position of appointed Town Treasurer effective March 23, 2021 with a term to expire on March 23, 2024 at an annual stipend of \$7,500 which has been the budgeted stipend for the last 20 years. Selectman Roy asked, she's willing to serve? To which the Town Administrator replied yes. Selectman Coutu made a motion, seconded by Selectman Roy to appoint Ms. Burnell to the position of appointed Town Treasurer effective March 23, 2021 with a term to expire on March 23, 2024 at an annual stipend of \$7,500. Carried 5-0.

H. House Bill 111 - Eliminating Municipal Immunity

The Chairman recognized the Town Administrator who said, NHMA has brought House Bill 111 to our attention. Basically House Bill 111 eliminates various immunities from law suits that protect their local officials and employees from tort liabilities for good faith decisions made in the performance of their duties. NHMA has provided some examples in the handout I provided you. NHMA is asking us to contact our representatives to have them vote no on this bill. It's actually made it out of committee and I believe it will be coming up for a vote on the floor. It has some implications for all of you and for all the Town employees. So the concern is that if the municipal immunity goes away we'll have a difficult time for our police officers, our fire personnel, EMT personnel, and Board members who could be subject to individual liability lawsuits. So it is recommended by NHMA that we send correspondence to our legislatures asking them to vote no.

Selectman Gagnon was recognized and he said Mr. Malizia, can you explain a little bit of the now and the proposed then. With our liability I think we had a discussion about gross negligence now we could

be held liable but generally speaking the volunteers at least at this table are protected. What would this do, could you give a scenario? The Town Administrator said so as I understand it I'll give you an employee example but like Police, if they arrest the wrong person under good faith they could be liable. That officer could be liable for that decision and could be terminated from his or her employment. Again there's some other cases here that the NHMA puts out there. Let's say a building inspector on good faith denies a building permit or does something in the field that decision was reversed by a court he could potentially now faces a liability from someone who wants to file a lawsuit. He or she could be terminated from their position. It's a big shift from what currently is out there now if you're performing your duties in good faith. Doesn't mean people can't currently sue people it just means if you're making good faith decisions you have some immunity. There is that protection. This bill appears to be removing those protections as NHMA understands it and as they've conveyed to us.

Selectman Roy said this is a huge, huge departure of what is traditionally a standard for filing a suit against a municipality. I can't advocate strongly enough that we contact our state reps in opposition to this bill. It will open us up to just crazy stuff that I can't even imagine. You know? Yeah, I can't advocate enough that we oppose this bill.

Selectman McGrath made a motion, seconded by Selectman Roy to send a letter to our Hudson State Representatives asking that they either vote to declare House Bill 111 inexpedient to legislate or to vote no on the bill. Carried 5-0.

I. Nomination and Appointment of BOS Chairman and Vice Chairman

Chairman Morin said the best part of the night. Before we go further, I want to tell the Board that since I got up this morning looking in the mirror my hair has been getting blonder, the grey's been going away. So I've been looking forward to this all day. But I do want to thank you all. It's been two years. It was a rough two years. It really was. I appreciate you putting me back into Chairman for the second year due to the fact of what was going on in Town and that you believed I could make sure we got through it as we did. Without this Board we wouldn't have. Without Mr. Malizia and specifically our employees, our Department Heads, and Chief Buxton this would have been a very miserable year for this Town. We did very, very well. We came out of it pretty much unscathed. Yeah we did have some people that did get effected by it but everybody made it through safely and everybody is healthy today. The Town really didn't suffer financially due to the work of Chief Buxton and the EOC recouping a lot of the money we would have lost. So again I just want to thank you and I want to certainly say good luck to the next chairman it's all yours.

Chairman Morin then asked any motions? Nominations? Selectman McGrath made a motion to nominate Selectman Coutu as Chairman of the Board of Selectmen. Chairman Morin asked for a second. Seeing none Chairman Morin seconded the motion. Chairman Morin then asked, any other motions? Any other nominations? Selectman Gagnon made a motion to nominate Mrs. Roy as Chairman, Sir. Selectman Roy seconded this motion. There was no discussion. Chairman Morin took a vote on Selectman McGrath's motion to nominate Selectman Coutu as Chairman, which was seconded by Chairman Morin. Carried 3-2 with Selectman Gagnon and Selectman Roy in opposition.

Chairman Morin then said motion on the floor by Selectman Gagnon to nominate Selectman Roy as Chairman. Motion failed 2-3 with Selectmen Morin, McGrath and Coutu in opposition.

Chairman Morin said, Vice Chairman any motions? Selectman Coutu made a motion to nominate Selectman McGrath as Vice Chair. Chairman Morin seconded the motion. Carried 4-1 with Selectman Gagnon in opposition.

Chairman Morin said, congratulations to Selectman Coutu and Selectman McGrath.

9. REMARKS BY THE SCHOOL BOARD - Mr. Gasdia was recognized and said first off to outgoing Chairman Morin and Vice Chair Roy, thank you for the great partnership. I agree with everything Mr. Morin said about the work that was done last year to get us through and the Town. We all owe you a great debt. And to the new Chairman Coutu and Vice Chair McGrath congratulations. Looking forward to continuing th partnership and working together. Speaking of that you know, our Covid stats in the schools are really good. The big news over the last two weeks was the vaccinations. Again, he's already been praised once but it wouldn't have happened without Chief Buxton. He and our Superintendent among others working together. So as of now all of our staff has been vaccinated once. They'll be vaccinated again by the end of the month. So things are looking up.

With that spring sports will be starting soon. Looking forward these are being outdoor sports. We're very confident that we'll be able to get full seasons in for all fo them so I know a lot of the students are looking forward to that. In a piece of good news, if you watched the School Board meeting you already knew this but our Special Ed Director, Rachel Bourge was named the Special Ed Director of the year for the entire state of New Hampshire. So congratulations to her for all the good works she's doing and for all of the folks in the District that work in that department. That's never an easy job but in these circumstances it's even more so. Finally to all the students taking the SAT's this week, good luck.

10. REMARKS BY THE TOWN ADMINISTRATOR - Just a couple of quick things. You know spring is here when the street sweeper is out. So the street sweeper is out in the middle of Town right now. It will then proceed to the north end of Town first then go to the south end second. It alternates every year. This year the north end is first, the south end will be second.

I just want to let the residents know too, that there's a New Hampshire emergency rental assistance program that if you go onto the Town's webpage at www.Hudsonnh.gov there are resources for folks having difficulty with rent, utilities. It's a state program, I just wanted to point out the link to you. It's for eligible residents who can't pay their rent or utilities due to Covid. I just wanted to point out that resource is on the front of our webpage. It just came up so if people need to click on it and see what they qualify for I recommend they do so.

11. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Gagnon - I have nothing this evening

Selectman McGrath - nothing this evening

Selectman Roy - First I want to welcome Selectman Gagnon to the dais. Congratulations on your win. I want to thank Dave for his leadership throughout the Covid-19 crisis and his leaderships in the Chairman Board. I think that we've made a lot of strides with the help of our employees, particularly Chief Buxton, we've done very well with the Covid-19 pandemic. So again, thank you for your leadership, I look forward to continuing to serve.

Selectman Coutu - Thank you Mr. Chairman. Mr. Gagnon, I welcomed you when we first sat at the table this evening. As you will see as time goes on it is not always as it appears sometimes. And having served yourself as a volunteer for our community and the examples that were show to you by

your father. With his commitment to the Town of Pelham you've had a good mentor. So we look forward to working with you and I hope we'll work together, continue to work together as a team.

Selectman Coutu went on to say, Covid is not behind us. It's an emergency crisis but it's in abeyance. We'll get there. The news from the school system tells me that we've made tremendous strides with regard to containing the virus as best we could for a municipality that draws in an awful lot of people from across the border. I want to thank my peers, the majority of my peers, but I'm sure, I hope to win over Selectman Gagnon and Selectman Roy. I thank you for your confidence to serve you as your chair. This is not new to me, I've done it several times before. I know I have a good working relationship with every municipal department head as I've come to know them very well over the period of time I've served on the Board of Selectmen. I enjoy working with them and I made every effort possible to visit Town Hall on a regular basis and walk in and out of offices. I'm not as generous as Selectman McGrath, I don't walk around with a bag of goodies, and I feel guilty and maybe I should. But she's always bringing something delicious for the employees and when I go in the office they all ask me when is Selectman McGrath coming. She's not just there for the goodies. Like me and like all of us when we go into an office I'd hope we'd all be respectful and have some gratitude for the amount of work that goes into running a municipality. You'll find that out Mr. Gagnon. Lastly, Jill, do you have the municipal assignment sheets for the Board of Selectmen? Are those ready tonight? Ms. Laffin replied, they're not ready tonight. They're on the next agenda. Selectman Coutu said, okay it will be in your mailboxes for your committee assignments. Just let me know what you're interested in and I'll do the best I can to accommodate you.

Mr. Chairman, last but certainly not the least. You learn very well my son. You served two years, I am so proud of you Dave. We've done so much together over the years. We're going to continue to do so much. Hopefully the Board will join us. We have our annual food drive. This year we're going to celebrate the 20th anniversary of 9/11 so we're going to work on that diligently. I'm gonna put the wheels in motion. I've talked to the girls in the office, did I speak to you about it? I don't want to get caught lying on the first night. I talked to them about preparing and sending out invitations for the anniversary. Hopefully Covid will be completely abated by then and we can gather as a community to remember 9/11. I invite all of you to come to Benson Park and be with us on September 11th to help celebrate the 20th anniversary. We committed never letting anyone forget as long as we breathe a breath on this earth. We will not let people forget that we were attacked on our soil and it was for the very first time that our United States were attacked so we're committed to remembering that. We will have a memorial celebration.

Chairman Morin your leadership was exemplary and I applaud you for that from the bottom of my heart. I don't think people know how much your put in. I'm glad you're longer chairman. I don't have to answer 22 calls a day. But I'm gonna make sure I return the favor. Thank you sir.

Chairman Morin - Again, I just want to thank you all. School Board, Mr. Gasdia, for all their help, but I did forget two people. I forgot to thank them and they basically run the Town even though we think we do and Mr. Malizia does. That'd be Lorrie and Jill. They actually run the Town and I appreciate everything you guys have done also, thank you.

12. NONPUBLIC SESSION

The Town Administrator said, the Chairman will entertain a motion to go into non-public 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.

Motion by Selectman McGrath at 8:59 p.m., seconded by Selectman Coutu, to go into non-public session. A roll call vote was taken. Carried 5-0.

Chairman Morin entered Nonpublic Session at 8:59p.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 9:31 p.m.

1) Selectman Roy made a motion, seconded by Selectman Gagnon to seal the nonpublic minutes from the March 23, 2021 Board of Selectmen meeting. Carried 5-0.

2) Selectman Roy made a motion, seconded by Selectman Gagnon to deny the Town Clerk/Tax Collector's request to increase the position salary from Step 1 to Step 3. Carried 5-0.

13. ADJOURNMENT

Motion to adjourn at 9:32 p.m. by Selectman Coutu seconded by Selectman Roy. Carried 5-0.

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

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Roger E. Coutu, Selectman

Brett Gagnon, Selectman