

HUDSON, NH BOARD OF SELECTMEN

Minutes of the May 11, 2021 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of May 11, 2021 at 7:11 p.m. in the Hudson Community Center.
2. PLEDGE OF ALLEGIANCE led by the Town Administrator
3. ATTENDANCE

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

Staff/Others: Steve Malizia - Town Administrator; Bill Avery - Police Chief; Elvis Dhima - Town Engineer; Rob Buxton - Fire Chief; Jess Forrence - Dir. of Public Works; Jim McIntosh - Dir. of Community Media; Gary Gasdia- School Board Member; Jill Laffin - Executive Assistant; Dave Cayot - Police Captain; Tad Dionne - Police Captain

Chairman Coutu announced, we're going to move a Civilian Service Award recognition ahead of everything else so that we can get our officers back out on the street. Chief Avery, will you please come forward? Chief Avery came forward and said, before I move forward with the award, I want to take a minute to recognize my staff and everyone at the Hudson Police Department during this National Law Enforcement Week. It's these people who makes this Department successful, it is not because of me that we are so successful. I am adamant about that they worked their tails off every day to make sure our citizens are safe. Unfortunately, there are times we have to make arrests, unfortunately, times that we have to use force. But they do it with the utmost integrity. I'm so proud of them, and I think they all deserve a round of applause. Thank you very much.

Chief Avery then said, could I please have Mr. Bruce Coburn come to the front of the room? As he makes his way up here, I will tell you all a brief story, I am not going to get into a lot of details due to the severity of the incident that took place here in Hudson on January 5th. We do not hand out these awards too often. Why don't we hand them out to often? Because over the last several years, a lot of people, citizens, they choose not to get involved in the community, they choose not to cooperate with law enforcement, they choose not to even call us when there's a major incident. They don't want to get involved for fear of retribution. I understand that. On this day in January of 2021, the gentleman, Mr. Bruce Colburn, to my left did something very heroic.

The Chief continued saying, no, he was not armed with a weapon. He did not have any other weapons on him. He was driving down a road where he saw a young female in major distress. He didn't keep driving. And called the Hudson Police Department. He didn't run from the scene. He stopped, he checked on the young girl. And that did something that I don't recommend that citizens do. But I'm proud of him because he did it. He led us to a stolen vehicle and let us ultimately on my detective division to being able to draft three arrest warrants at this time and hopefully in the very near future, these three bad individuals are taken off the streets of Hudson, Manchester and all over southern New Hampshire and go to where they belong. And that is jail. Thankfully for the heroic actions of Mr. Bruce Colburn, a 13 year old Hudson resident, is safe today. And I would like to thank you personally and on behalf of the Board of Selectmen and the Hudson Police Department for your service and for your dedication as a citizen and for your service in the United States military. Thank you, Mr. Coburn.

After a standing ovation from the crowd, Mr. Coburn said, thank you all very much. Well, all I want to say is that there's an old adage at the right place at the right time. And for me that day I was at the right place at the right time and. I can't see if you see a young lady in distress, I can't see driving by, I, would hope had I not been there, someone else would have done the same thing. I'm sure they would have. The young lady was scared, but very brave. She did everything I asked of her and including calling 911 while I was standing at the door to make sure nothing came back, she answered their questions. She did a great job. And having said that. I'd be remiss if I didn't mention going along with what the chief just said, if I didn't mention the fact that when she hung up the phone

with 911. I don't think it was two minutes, there were three police cars racing down Riverside, and they got there right away. They had things to do when they got there. And the compassion and sympathy they showed that young girl was beyond anything that I would expect that they did a great job with it. And so I think that the Hudson P.D. also deserves a lot of our respect and our thanks. Thank you.

At this point *Selectman Morin was recognized and made a motion, seconded by Selectman McGrath to change the order of business and move item 7B, Request to Reconsider Green Meadow Golf Course Sewer Allocation ahead of everything else. Carried 5-0.*

Request to Reconsider Green Meadow Golf Course Sewer Allocation

Chairman Coutu started off by saying does anyone on the Board have anything they wish to say at this time? Selectman McGrath was recognized and said Mr. Chairman, I'd like to state for the record that the motion that I made to deny the sewer allocation and the vote that I took, I stand by. I don't plan to change my position on that at all. I think that it was the right decision that I made. And we'll continue to take that position. The Chairman thanked Selectman McGrath.

Selectman Roy was then recognized and she said so my position has also not changed about the sewer allocation for this project. I firmly believe that the first motion for reconsideration was improperly heard. There was no new evidence because with reasonable diligence, the evidence could have been discovered and it was not. The Board should take this opportunity to correct this error now and have all of the parties have equal dignity in this matter. That's all I have. Mr. Chairman, thank you.

Selectman Gagnon was then recognized and he said thank you, Mr. Chairman. So normally I agree with Selectman Roy. I guess I politely disagree with her first statement that the vote to reconsider wasn't valid, although I see her evidence in that after sitting on a recent Budget Committee meeting, they did make a very good point that I thought facets to this discussion. And they talked about at the deliberative session, if it warrant article as presented and the language is not changed, they are still allowed to vote on it a second time. And the reason for that is because new discussion and new perspectives can be presented. And so they might actually change their mind. So I don't exactly agree on that point. But with that said, I have a little thing here just to make sure I'm accurate. For me, it's all about what the law says. And this to me seems simple. In the furtherance of a new policy or allocation, the Board of Selectmen establishes the following standards to be implemented for the allocation of the initial search capacity, except as provided in the subsection. The Board Selectmen will not approve new sewer allocations for the remaining capacity for the use located outside the system boundary. However, the Selectmen may, in their sole discretion, grant a request to deliver sewer outside the existing system boundaries described in Exhibit A for the public facility use such as schools, government uses, community facilities, hospitals or public utilities or for residential commercial industrial uses that, in the opinion of the Board of Selectmen, are essential for the public health, the safety and welfare of the Town.

Selectman Gagnon continued saying, Mr. Chairman, a couple more here. So with that in mind, one of the things, one of these things is not like the other. Schools, government facilities, hospitals and utilities and a private distribution center. Some of these facilities clearly support the fundamental operations of our society while the other supports illustrious, selfish demands for our want to have in our society. Although the selectmen have, in quotes, the discretion based on, in quotes, their opinion, this proposed facility and associated to our connection clearly to mine, does not meet the definition of a public health, i.e. hospital's public safety, i.e. government and utilities or public welfare, i.e. schools. A distribution center may be considered essential to the economy, but does not meet, in my personal opinion, the public health, safety and welfare of our society. Our society could not realistically function without schools, without government or without major utilities, but it can function without a

distribution facility. And seeing as though I didn't take part in either one of those votes, for the record, I am not in support of allocating the sewer. Thank you. Thank you, Mr. Chairman.

Chairman Morin was then recognized and said first of all, I want to start off with we've already gone down this road. Second on the reconsideration, Selectman Roy stated, shouldn't have happened. Well, that's not true because there is no laws that govern us to make these types of decisions. We as a Board decided that we would because we received new information, which I have right here in my hand, which is an easement deed, which clearly states all the information. And clearly on the map shows that the sewer does enter into the Green Meadow property. That is a Town document that we have in this Town. This Board, a week before this, approved a sewer extension on Greeley Street that did not meet any of the safety school hospital or anything like that in this board, voted unanimously to do that. So all of a sudden, we can do it there. But here it's a bad thing? I think the Board of Selectmen made the decision. I think we need to deal with it. We have the documentation that proves our decision. It is on file. It has been distributed to every one of these Board members to read and look over. And again, clearly shows on the map that the sewer does enter the property. Thank you, Mr. Chairman.

The Chairman said, anyone else, any rebuttal say it now, I'll entertain a motion to table this matter indefinitely. Anyone care to make a motion? Motion made by Selectman Morin. Do I have a second? Chairman Coutu said, I'll second the motion for discussion. Selectman Morin said, I would like to get to a decision on a tabling, something that should be the end of the discussion, there should be no vote. It's tabled. It's tabled. The Chairman said well the motion was to table it. Selectman Morin replied, right, but if you table something, you table it. It's done. It hangs in limbo for eternity. The Chairman responded, that's in essence, what happens, yes. Selectman Morin said so it's tabled. The discussions over. Chairman Coutu responded, we haven't taken a vote on it yet. There's a motion made and seconded to table indefinitely, but to clarify, if you're using the term tabled, then it is tabled and it is done. Once the vote is made, it will be tabled. At this point Chairman Coutu asked Attorney Lefevre to clarify. Attorney Lefevre said, after you vote, once it is tabled it is tabled indefinitely meaning there would be no action taken. The Chairman thanked Attorney Lefevre. He went on to say, we have the motion. It has been seconded. Is there any discussion on the motion? Seeing none for the purpose of edification, Jill, will you do a roll call please? Ms. Laffin called the roll. Motion to table indefinitely failed 2-3 with Selectmen Gagnon, McGrath and Roy opposed. The Chairman went on to say, so the matter is not tabled. So at this point, we're going to open it up for discussion.

Selectmen Morin was recognized and said, Attorney Manzelli is here representing the people that she presented that document for, and I would like to have her speak for her clients. And if there's anyone that's outside of that group, that they'd be allowed to speak as well. But we don't want to have to repeat this tonight. I don't think that it's necessary to have multiple discussions if they're going to be repeating the same information. The Chairman said, I don't disagree, but we're going to limit the discussion as we have at all other meetings to five minutes. Attorney Manzelli, you wish to speak on behalf of your client.

Attorney Manzelli came forward and said, Thank you, Chairman Coutu and esteemed members. I'm going to start at the beginning of this application request looking at the materials you had before you at the time you were correct at your January 12th, 2021 meeting to deny the sewer allocation. If you look at your materials on that meeting, you had a two page memo from Mr. Dhima, your Town Engineer. You had a two page and three line letter from Hillwood's attorney and you had a two page letter from the owner's attorney with an untitled visual. You were correct when you decided that Hillwood had not proven that the proposed logistics center is essential for the public health of the Town of Hudson. And essential for the public welfare of the Town of Hudson and essential for the public safety of the town of Hudson, which of course is the legal standard that your law requires. So next, looking at the materials from your January 26th meeting, our position is that you were incorrect to reconsider your denial because there is nothing new and you had made no legal error at your meeting on January 12th. And this is the basis of our request for reconsideration. And so looking through those materials from the January 26th meeting, there's another memo from Mr. Dhima and

that has two attachments, a 1991 cost allocation, a nineteen ninety two invoice. There's also a letter from Hillwood attorney that has several attachments, a 1991 Planning Board minutes and 1991 site plan, 1991 letter from the Sewer Utility Committee, 1991 engineering review, 1991 engineering letter. An undated excerpt from an existing conditions plan excuse me, existing conditions easement plan and then a 1992 easement deed. There's also a letter from the owner's attorney and that contains exactly the same exhibits. So I'm not going to repeat that list. Now the dictionary definition of new, the word new is just came into existence. None of those documents from 1991 and 1992 just came into existence after your January 12th meeting and before your January 26th meeting, they weren't new. They didn't merit your reconsideration of the issue. Moreover, listening to your January 12th meeting, it's clear that none of those documents provided information that was new. They just provided information that was already in your record from the January 12th information meeting. Excuse me, information like that. The property contains a sewer main on a tiny portion of it that in the 1990's there were intentions to extend sewer on to the property. The increase in the sewer main pipe size for that purpose, the owner's financial contribution for that purpose and the sewer easement for that purpose. All that information came into your record at your meeting on January 12th, and with all of that information in the record, you correctly decided to deny the sewer allocation.

Attorney Manzelli continued saying, but on your January 26th meeting, having made no legal error on your January 12th meeting and having received nothing that constituted anything new, you made two errors in our position. First, by deciding, by voting to reconsider and second, by voting to approve upon reconsideration. Those are the errors that we are seeking to have this select board, correct? Hopefully tonight. First, by voting to reconsider and second, by voting to deny. You are authorized to act on behalf of my clients, I respectfully request you to move and vote, to reconsider, to correct a legal error. Following that, I respectfully request that you move and vote to deny. Reinstating your prior denial because you made no legal error on one 12 and you received no new information after it, and in closing, I'm not going to restate what I wrote in my April 20th letter, but on the first page, I summarize some key points in support of denying the sewer allocation. I thank you very much for your attention to our request for reconsideration. I apologize for the Covid related delays, and I thank you very much for your gracious accommodation of that. I welcome any questions, but aside from that, that concludes my remarks.

Chairman Coutu thanked Attorney Manzelli for her remarks. He then asked is there anyone in the audience who is not recommended by Attorney Manzelli who wishes to speak at this time. Please state your name and address for the record.

Normand George Martin, 3 Edgar Court. Write this down, 76 Cox Street LLC vs. The City of Nashua gives the Board an inherent right to reconsider its motion within 30 days of an appeal period. Read it. We're well past 30 days. And there's only two members on this Board that are on the prevailing side. So if those two members don't make a motion to reconsider, this case is moot. Thank you.

Chairman Coutu then said Thank you. Anyone else you represented, man by the attorney, are you going to say anything different than what Attorney Manzelli said? You have new evidence other than what she's presented. OK, go ahead, if it's repetitive, I will ask you to be seated. Thank you.

Karen Nevin, 3 Eagle Drive I've lived in Hudson for a little over thirty five years. I respectfully ask the Board of Selectmen to reconsider a decision to allow sewer access to Hudson and then deny them access. The board made the correct decision the first time and then one board member claimed the information was sound that was completely false. Where is that evidence? What? Where is that the new information? It does not exist. This developer in Green Meadow will attempt to intimidate this board into not reconsidering. That is how they operate. This developer in Green Meadow management are not from Hudson, and once this massive truck stop is built, they will be gone and leave it behind for all of us to deal with. This board gets the chance now to correct this wrong. Why should why you should reconsider and refuse sewer allocation. One Green meadow without that outside the sewer district. Boundaries for service, period, period. An email dated September 3rd 2020 from the Sewer Utility Administrative staff in a message to Elvis read, I don't know what the intent is

in regards to sewer for this project. The address doesn't have access and it's outside the sewer district. Ms. Nevin continued saying, there is no written agreement between the town of Hudson and Green Meadow that guarantees them access to the sewer. If one existed, it would be known to the sewer district and Hillwood would have it from the Friel's. Where is that signed document spelling out an agreement? They failed to connect to the sewer system throughout the years. And we're aware of the new rules that establish boundaries and capacity usage requirements in the late 1990s. Those are the rules in place and they must be honored by the Select Board. Green Meadow did not do a thing to get access at this time, for documents do exist that show Wal-Mart Sam's paid for sewer access and development. There is no document that shows Green Meadow paid anything or paid for any upgrades to the sewer system. Hudson Logistics Center is not essential for the public health, safety and welfare of the town of Hudson. For all of these reasons and more, this matter should be reconsidered and sewer allocations be denied. Walls made for reasons and to break them breaks the trust that the residents expect from our town representatives. Please protect our town. A great place to call home. Show your residents that rules of law matter, reconsider and deny sewer allocation. The Town of Hudson now has a chance to fix a wrong. Thank you for your time in consideration.

Chairman Coutu said, and for the record, I've been sitting on this Board for 13 years. No one is ever intimidated me. Hillwood never intimidated me. They never gave any semblance of intimidating me or any other member of this Board or any member of the Planning Board up until now, a Board which I also serve on. So take it for whatever. But I've never felt any intimidation in my position here from anybody, let alone Hillwood. Is there anyone else who wishes to speak? So you may come up, state your name and address for the record, please.

Thank you, Mr. Chairman. My name is Israel Piedra. I'm an attorney for the Friel family and Green Meadow I'm here in place Attorney Jay Leonard tonight, unfortunately, cannot be here. I want to first incorporate by reference the submissions I've previously been made to this board in writing and verbally, and I won't obviously reiterate all of them, but I do want to make a few points. The first point, as we made in one of our letters, is that the Board did not take any further action on this matter. The board made a decision, it was after public hearing, it was after due consideration, I'll repeat our position that the appeal period has now passed. What the opponents are asking you to do now is to essentially make another decision so that a right to appeal is arguably reignited. Reconsideration, I think, was entirely proper in the first instance, the Board's first request for reconsideration. That the applicant was and the owner were specifically invited by a member of this board to provide additional information on the condition or with the expectation that a motion would be made by that member. So to say that the board was improper in making that motion I think is incorrect, given that the request was made by a member of the board itself. We think the acting on the request to reconsider at this juncture is especially problematic because it would serve to as an attempt to essentially circumvent an approval now by the planning board on this project. I think whatever we hear from the opponents of this project, it's clear that. Some folks see this as an opportunity to derail the project for reasons that don't relate to sewer capacity. So let's talk about that, what the actual purpose of the sewer ordinance is and the sewer system in Hudson, not what the dictionary definition of new is. Let's talk about what's right for Hudson. The Town Engineer has informed the Board that the Town of Hudson has 400,000 available extra gallons of sewer in the system, even after accounting for all of the current uses and developments within the sewer system. That's 400 gallons, 200 of which have been allocated by this Board for the specific purpose of granting that sewer allocation to property owners outside of the sewer system. That's the entire purpose. There's 200,000 gallons for the precise purpose that the applicant has made before this Board. This Board, as one of your members stated earlier, granted as a routine matter, a very similar allocation by another applicant just a few months ago. It was not for any of the uses that are listed specifically in the ordinance, it was a property use that was made at the discretion of this Board as being an appropriate use of that 200,000 gallons of capacity. And in our opinion, it would be completely arbitrary for this Board to decide that situation, unanimously. There's no problem with that, in this situation there is. I think it's important to remember that, as another member alluded to, or another Person alluded to. The Board did discuss procedures for reconsideration earlier this year and the procedure that was discussed was that a member of the prevailing side must make a motion to reconsider at the next public hearing or the next meeting of

the Board. That hasn't happened. A and B, I would just remind the Board of that precedent that was set on that reconsideration motion that was previously made. We think that the opposition is asking you to take an action that qualifies as arbitrary and unreasonable as it's been defined by the courts. First, to disregard your own practices and rules of procedure. To disregard the expert opinion and the factual representations of the Town Engineer to reconsider an earlier decision without any new information, not at the invitation of a member of the prevailing side and with certainly based on the same exact arguments that were already rejected by this Board during its previous decision. The definition we point this out in our letter, the letter from Attorney Manzelli requesting reconsideration is virtually cut and paste job from her opposition to the previous motion. That's the definition of not new information. I will wrap it up. Thank you, Mr. Chair, we think that the Town has substantial available sewer capacity. The Board's decision was correct and we would urge the Board to take no further action on this matter or alternatively deny any request for reconsideration to leave the Board's decision in place. Thank you

The Chairman said, Is there anyone else who wishes to speak to step up to state your name and address for the record, please.

Thank you, Mr. Chairman. My name is Chris Hillson. I'm an attorney at Donahue Tucker. I represent Hillwood. I'm here to present on behalf of the applicant. The first issue that I'd like to discuss is one that, quite frankly, I find a little bit distasteful. But sometimes as an attorney, you need to do this. And that is I need to reiterate, Mr. Gagnon, I heard your carefully considered comments earlier. This has nothing to do with that. But you need to recuse yourself from any vote on this issue. The standard and I would defer to Attorney Lafevre and I'm never going to know what he told you, but you need to be as impartial as a lot of humidity or excuse me, humanity admits. And the appearance of impropriety alone is sufficient to require your recusal. And as we set out in the letter that we sent previously, you headed up the Hudson. What is it? The Alliance for Responsible Development. You did so surreptitiously. And the organization that you headed has come out against this exact issue. This isn't a gray area. This is an area that you need to recuse yourself and trust me, I find that I don't take any pleasure in doing this. But sometimes as an attorney, you need to tell the tribunal, sir or madam, as the case may be, you need to recuse yourself. And so I'd encourage you to do so. I don't know if you've consulted with Attorney Lefevre on that point, but it's my position that this is a very clear case where, unfortunately, you need to recuse yourself. The balance of my comments, I'm going to try to avoid repeating what we've told you in the past, there's going to be some repetition. But as we've talked about before, the doctrine of administrative finality is very important and it's implicated in this exact circumstance. And, Mr. Chairman, you set it out very well. I read the minutes from the meeting on the 26th. The party, the prevailing party, needs to make the motion and it needs to be presented based upon new evidence. Now, I heard Attorney Manzelli definition of new evidence. There's also a doctrine of law that says you do not make a fortress out of the dictionary. It's going to be new evidence. Yes, but it's not the federal court definition of new evidence. Federal courts have a very specific definition of new evidence. That is not what binds you. Instead, as you all know, the applicant was invited back here to present additional documentation and additional evidence, which they did. You properly reconsidered that and you made the right choice. We're getting into a circumstance now where the doctrine of administrative finality demonstrates why this is so reaches levels of absurdity, almost you've reconsidered something and now you're being asked to reconsider a reconsideration.

Attorney Hillson continued saying, and so next week, does a party come in here and ask to reconsider, reconsider the reconsideration of the reconsideration? There needs to be finality to decisions, and that's why it would be inappropriate for you to do so at parties need finality. They need to rely on these decisions. And that's exactly what happened here. The decision came down January 26th. There was a motion for reconsideration or letter asking for reconsideration on 2/5. But that letter argued the same exact things that you would already considered you had already decided were not appropriate. And so Hillwood spent. A considerable amount of money proceeding with their operations, proceeding with their process before the planning board, not redesigning it to provide

onsite septic in reliance upon this exact allocation. And so that is the reason this perfectly articulated are perfectly demonstrated, the reason for administrative finality. Understanding that I have a limited amount of time here, I guess I'll just wrap it up by saying you are being asked respectfully to do something that's illegal. You are being asked to transfer your sewer ordinance into a super zoning ordinance that allows you to trump elected officials decision. In other words, the planning board has already made its decision on this. They granted the approvals. You will be substituting your decision for theirs. And that is not something that you're entitled to do under applicable municipal law. It's not something that you're entitled to do under the sewer ordinance. Instead, for all of the reasons that you've heard ad nauseum, I've read all the documents. Your decision was appropriate. The allocation system is to ensure that you have appropriate gallons per day to ensure into the future in terms of development, you have that. And this allocation request is frankly very modest. And compared to what other requests would be, this is not a high gallons per day usage type of operation. And so ultimately, I think. The request for reconsideration and I'll wrap it up, sir, I see I see you the request for reconsideration rested upon all arguments and throughout time I've seen it shift. I've seen the request for reconsideration shift and they're now advancing that. You made certain legal errors. The problem with that and namely that you didn't make any findings associated with your application. The problem with that is your ordinance does not provide it does not mandate you make findings and rulings in connection with an allocation that's granted. Instead, you are required to make findings and rulings when you deny an allocation. And that's not what you did here because you acted appropriately. So for all those reasons and for all the other reasons that were articulated in the various correspondence and the past meetings, I would ask that you declined to reconsider your prior decision, which I believe was correct. Thank you.

Chairman Coutu said, is there anyone else in the audience who wishes to address the Board on this matter? Hudson resident John Debuc approached the microphone and the Chairman asked, are you represented by Attorney Manzelli? Mr. Debuc responded, I don't want to discuss that with the Board, Mr. Chairman. My name is John Debuc, I live at 11 Eagle Drive and I wasn't going to speak, I thought that the attorneys said everything, but there were a couple of things that I wanted to address. And I did some research on this four hundred and eighteen days. So I'll give you that number. They had a year and two months from the November twenty second twenty nineteen meeting and the Sue denial on January 12th. That's how long they had designed a septic system for the project. So that's a long time they had had to plan a septic system 418 days. I'm not a civil engineer. I can't imagine how you can't and don't design a septic system in that 418 days. And the last thing I want to leave you with this thought is that we all make mistakes in life. But how we recover from these mistakes show our true character. I hope that you all show us your true character tonight and tonight the success of this project and protect Hutson's precious limited sewer access. Thank you. Thank you.

The Chairman asked, anyone else? Hmm. I now declare the matter before the Board at this time, what is the wish of the board? Selectman Gagnon was recognized and said Mr. Chairman, I didn't want to do this tonight, but if I may, I'd like to respond to a topic that was brought up. Thank you, sir. In the most recent Board of Selectmen packet, the team of lawyers at Hillwood Developments has accused me of conflict of interest. As such, I would like to take this time to dispel any misconceptions in actuary's and wrongdoings. In Section six of the letter drafted on April 8th, and addressed to the Board of Selectmen Chairman from the DTC lawyers, a partner of Hillwood Development, it states the Board of Selectmen member Brett Gagnon's extensive conflict of interest prohibits him from participating in any discussion regarding the approval of or anything with Hillwood. In quotes, the common law court cases defines a conflict of interest as a direct, personal or financial interest in the outcome of a vote or a decision. A personal interest must be of immediate and direct, not speculative. And they give the court case here. Under this standard, a mere perception of conflict, not an actual conflict, would not require a disqualification of the official from participating in the decision. After reading the entire two page complaint, there is no immediate evidence to show I have any direct, personal or financial interest in the outcome of this decision. As such a conflict of interest allegation is wholeheartedly false and lacking true merit. It doesn't end there. Next paragraph goes on to state member Brett Gagnon. The lengthy history of vocal public opposition to Hillwood

Development of the property, including his leadership in a group that has vocally and publicly opposed the Hillwood project, make him ineligible to participate in any decision regarding the sewer approval or Hillwood. For reference, opposition means resistance or dissent expressed in action or argument. There is no immediate or direct proof that shows I publicly provided or stated any sort of opposition to the HLC. I have never participated in a resistance or dissent regarding HLC. I have shared other resident's comments, public knowledge and reference material for others to utilize as they see fit. At no point have I provided an opinion on the subject. The below recaps every post I have published on Hughson Alliance for Responsible Development Facebook pages. Now I will spare you the long list, but if you have any questions, I have gone through six months of postings with dates who posted them and what the topic is. In general, what you find is the group shared everything from open space subdivision's news releases on the HLC Planning Board reminders, planning board, public broadcasts, transportation technical advisory committee, a whole bunch of other things. The point here I'm trying to say without reading all of these, is that it was a rounded group not dedicated to being resentful or calling out Hillwood or HLC in any matter. I'll read a couple of the major points which were brought up in that letter. The post which I have here in front of me, tells viewers to watch a recording of a public meeting. It's highlighting the fact that the Hudson Logistics Center could be working with Town officials to resurrect the circumvential highway. This is no longer an assumption, but it has been proven. One of the many pieces of evidence to support this letter is from the Governor. Some news said letter the pending approval of logistics center proposal by the planning board. The state is committed to immediately begin development of the preliminary designs and engineering phase of the Hudson Boulevard project. Again, another topic here is a public knowledge and information that was shared. It was not an opinion by any means. Again, there's other examples. I will spare you the argument over each example, how they are not considered opinions. Bear with me. There's a lot. I'll move on. The letter goes on. Let's see here the letter, meaning the letter provided by Hillwood in the team of lawyers. The letter goes on to reference, quote unquote, the jury standard, which is often used to review an individual who has a judicial decision in front of them. And I'll read here, when a public office official is acting in a judicial or quasi judicial capacity, such as voting on a permit or approval application, that official's participation must satisfy the strict conflict of interest juror standard. And they give the court case it is essential to the preservation of rights of every individual, his life, liberty, property, character, and that there are impartial interpretations of the law and the administration of justice is the right of every citizen to be tried by judges. As impartial as the lot of humanity will admit, that's partly from the jury judicial sorry capacity.

Selectman Gagnon went on to say, Let's bring the discussion into scope by highlighting what truly matters in this situation. The case law presented says in quotes the impartial interpretation of the law. Our job here is to interpret the law as written based on real concrete evidence, not assumptions, presumptions, emotions or feelings. As a regulatory expert for Global Life Science Company, this is my job. I would like to assure the applicant, the public, my fellow Board members, that I have the intellect and the intelligence to separate the facts from the feelings. Speaking to the statement in quotes, impartial as the lot of humanity will admit, every human has passions, personal thoughts and feelings that are unavoidable. The following has been taken from a DePaul Law Review volume 45, Issue three in quotes The Impartial Judge A Detachment or Passion by Jeffrey Shamen. Now this is a quote from the book to give reference to what I'm speaking of here. Pure impartiality is an ideal that can never be completely obtained. Judges, after all, are humans, human beings who would come to the bench with feelings, knowledge and beliefs that cannot be magically exasperated. They may have prior knowledge about evidentiary matters in a case or strong beliefs about legal issues. They must decide they may have feelings about attorneys and parties or witnesses who appear before them. Furthermore, judges engage in extra judicial activities that may affect their ability to be impartial. They have relatives and friends who may appear before them in court. They participate in civic, charitable and business activities that may create conflict of interest in. Some judges do not live in an ivory tower and are not immune to the troubles of human condition. Nonetheless, we demand that they adhere to the highest degree of impartiality that is morally possible. Justice should not be molded by the individual's idiosyncrasies of those who administer it. A judge should adopt a usual and expected method of doing justice and not seek to be extreme or particular in his judgments or

spectacular or sensational in his conduct. Or give me the letter then says, because your complaint is so long, the jury standard requires officials to be impartial, impartial as a juror, meaning indifferent. In other words, an official that has given the appearance of having prejudged any issue is not indifferent and therefore must be disqualified from participating in any decision regarding the issue. And you provide the case law to back up that statement you provided from the government, from the New Hampshire Government Research Library regarding disqualifications. Common sense should prevail and the likelihood of a peripheral conflict is much higher with board members than is with potential jurors. Or give me the letter then says, because your complaint is so long, the jury standard requires officials to be impartial, impartial as a juror, meaning indifferent. In other words, an official that has given the appearance of having prejudged any issue is not indifferent and therefore must be disqualified from participating in any decision regarding the issue. And you provide the case law to back up that statement you provided from the government, from the New Hampshire Government Research Library regarding disqualifications. Common sense should prevail and the likelihood of a peripheral conflict is much higher with board members than is with potential jurors.

As a resident of this community and an outspoken environmentalist, peripheral conflict can easily be alleged by the applicant. But if every alleged peripheral conflict of interest disqualified a board member, no one would be sitting here in these positions today. In quotes in the McGlaughlin versus Union Leader Chaulk 1999, or 1955 excuse me, the Supreme Court held that it is not any and every business relationship that qualify as a juror, and if it did, the newspaper subscriber, the telephone user, the electric and water consumer and those who engage in a host of other common, every day and ordinary commercial and domestic life would be eliminated from the average jury panel. On the contrary, someone can make the case that I'm in favor of the HLC and its client, Amazon.com, because I'm an avid customer of their service. I literally have delivery trucks showing up at my home twice a day with packages. I even have an Amazon branded credit card. Do I not realize the personal benefits the development may have on my deliveries? Sure, but per the jury standard, I must maintain an impartial interpretation of the law. In conclusion, the applicant has done a poor job trying to prove through a lackluster evidence that there is an immediate or direct formed opinion or prejudice without being based on speculation or assumption. To list the posts highlighted in the above pages, which I skipped for you guys tonight from the Hudson Alliance for Responsive Development clearly shows there is no prejudice or opinions being formed. I regularly provided public knowledge or publicly available reference material links to recorded public meetings or blanket questions for followers to answer. There was never been a direct statement about my thoughts on the Hudson Logistics Center and or its application to the town of Hudson, proving that I do not and have not portrayed impartiality beyond the reasonable amount that the lot of humanity will admit or allow and which is morally possible. Furthermore, I have never acted in any peculiar, or spectacular or sensational manner that would lend itself to impartiality beyond reasonable doubt. One last thing to clarify. The letter from the DC lawyers also states the following. I read your wording here. After selecting was not reappointed for the Conservation Commission in December of 2020 H.A.R.D. officials announced on January 6th that it would be co-lead by Brett Gagnon. Moreover, Selectman Gagnon admitted in a Facebook post that same day that he had coalbed all along in response to his comments stating everyone already knew that was run by another individual and myself, Selectman Gagnon stated, quote unquote, I giggled a bit. To be honest, I can't really disagree.

Selectman Gagnon went on to say, but now it's more official. We don't need to sidestep, hide or cover our work because it may cause waves with those who adamantly support the big projects. In other words, Like Selectman Gagnon publicly admits he has been hiding his affiliation and leadership role with hard from the outset to avoid, quote unquote, causing waves. It is particularly troubling that Selectman Gagnon's comments demonstrate that he intentionally hid his leadership from the group while he was a member of another Town board, the Conservation Commission. It comes as no surprise then, that when provided the opportunity to recuse himself from participating in the sewer approval discussion on March 23, 2021, the Board of Selectmen Meeting Selectman Gannon declined to do so. This is the last bit to respond to that. This lack of candor erodes public and Town officials will lack public trust and the Town officials will act impartial. And it is the sufficient basis alone to prove Mr. Gagnon cannot act impartially with respect to the Hillwood project. That was the

end of your quote, my somewhat quick rebuttal. In short, the applicant is accusing me of hiding my work with a local grassroots effort, Hudson Alliance for Responsible Development, while insinuating that I am not candid with my constituents. Maybe it's because the Conservation Commission leadership called me and told me Hillwood developments had a file on me, and that I needed to be careful making insinuations on how I should vote for the project. Maybe it's because a Chairman drafted letters threatening to remove me from the Conservation Commission due to my outspoken work regarding the environmental destruction of the Circumvential Highway, which is tied to an ethics complaint. Maybe it's because any time someone mentions the Circumvention Highway in bad light, they get yelled at in non-public by elected officials. Another ethics complaint pending. Maybe it's because when residents speak out about large project in town, someone mysteriously contacts their employer to try to scare them into backing down. Does it really surprise you that I worried about my well-being, my professional career and even my safety when dealing with a multibillion dollar applicant like the one in front of us? To say that I have a lack of candor is preposterous. I was elected to this office because the residents of this Town clearly see my passion. My dedication and my logic and subsequently want me to sit here and last but not least, and thank you for reminding me, I replace the member of the prevailing side. So with that, I would like to make a motion to reconsider this sewer allocation permit. Mr. Chairman? Thank you.

The Chairman said, I'd like to take a recess to meet with the Attorney. There was a lot of stuff said there that we need to get a little bit of clarification on before we move on, because there was some assumptions made and some insults made and we need to meet with the Attorney. We're going into Attorney Client meeting for privileged information, temporarily adjourned. The meeting is recessed. We'll return after we confer with our Attorney. The meeting was recessed at 8:10 p.m. while the Board met with Attorney Lefevre.

The Board reconvened at 8:29p.m. We're back and I want to again thank everybody for their patience, the matter before the Board is the reconsideration of the Green Meadow project. I'm going to ask any member who would like to be recognized to seek recognition at this time.

Selectman McGrath was recognized and said, After the 30 minute diatribe that we just listened to and witnessed the self-serving nonsense it could almost change my vote to support Hillwood. I am so infuriated over what we just witnessed and what this group of people had to witness and listen to. It should never have happened. If you have a conflict of interest, whether you think that, this is my position on conflicts of interest, I've been doing this for a lot of years and that's what got me on the Planning Board initially and in government. Because at the time, the boards were controlled by developers and they didn't have any compunction at all about voting on their plans, presenting their plans, doing anything that they wanted. So when I got involved, I always took the position that if there was a perceived on my part, a conflict of interest, if I didn't feel that I could fairly judge a case, if I didn't feel that I could fairly listen to the testimony that was before me and make a fair judgment that I would step away. And I've done that over the years, many times, many times that I felt that maybe I really could be fair. But other people in the audience probably didn't think that I could be. And so I'd step away. Sometimes they asked me to step away and I would anyway, because it's the right thing to do. It's absolutely the right thing to do. It gives people the confidence that you're trying to be fair in your judgments. I don't know if I support. I've got to calm myself down because I'm so angry over what I just listened to. I don't support Hillwood getting the sewer allocation, I didn't the first time I voted on it and I didn't the second time when it was brought up for reconsideration, I didn't believe it then. I don't believe it today. And I'm not going to support it tonight, as I stated earlier, giving them the super allocation. But I think what we just heard could probably put a fair question in everybody's mind about the fairness of one member of this board and how that vote is going to be perceived, whether it's here or whether it's before a judge when it goes to court, because ultimately we all know that this is going to end up in court sometime, somewhere. So I'm going to maintain my position that they shouldn't have the sewer allocation, but what we just witnessed is not right. Thank you, Mr. Chairman.

The Chairman said, thank you, Selectman Roy. What a game you people like to play and it goes on and on and on. Number One, I know who Mr. Bergeron is. He's the State liaison for development, I had no idea about Hillwood, I had no idea about Amazon, I knew nothing. I've never refused to go and meet with any governor. If you're asked to go and by the way, the email was sent to me in error, they thought I was still chairman shortly afterwards and corrected it. So there was no hanky-panky between me and Mr. Bergeron and Governor Sununu and Hillwood. None. None. That is so unprofessional of you, to try to put me into the fray of the of this play that we listen to here this evening, and you're trying to put me in the middle of it, shame on you. And my advocacy for the Sagamore Bypass is well known. I've been fighting for it for 13 years. It is, in my opinion, the single and only solution to the traffic mess in this town. And I understand that people respectfully disagree with me. You don't respect anybody, so I don't expect you to respectfully disagree with me. You're a piece of work. You are a piece of work, and I don't mind telling you so. You have been getting under my skin for a long, long time. You've made it. No, you're out of order. You have for a long, long time made accusations against me and none of them have been founded and so have you, Selectman Gagnon and yours got thrown out. Let's stop this charade that's going on between the two of you. Let's knock it off. Let's deal with the business at hand. If you want to be unethical and you want to partake in making motions that have to do with Hillwood and what not. Then let's go at it. Do what you think is in the best interests of this Town at this time. Is there anyone else I was responding to? Selectman Roy and I have a right to defend myself.

At this time Selectman Morin was recognized and he said, first of all, I'd like to address Selectman Roy comments also. You are absolutely correct. That email was sent to you wrong. And since when can't a member of the Board of Selectmen have a meeting with other public officials on different items like this? This was related when we went up to the State House with the governor, as she just talked about the letter, we had no idea the letter was there. We thought we were going up there to talk about the exit off the Sagamore Bridge and that came. So you keep throwing all these things at us that aren't true because they only have half of the information. And I'm getting pretty sick of it, too, because, you know, we're just doing our personal agendas here and we're getting to the point where we got nothing else to go with. So now we're going to start making stuff up, reference to Selectman Gagnon and grandstanding that we just went through I didn't know he had a lawyer's degree. It was pretty interesting. Let me start with the Conservation Committee. Since you brought that up and how you were beat on and you had to keep things quiet, how many times did myself, the Chairman and the other members of that committee tell you that you were going out on your own and you shouldn't be doing that? It was a committee, not the great Brett Gagnon committee.

Selectman Morin went on to say, how many times did we have meetings with you because you went out, did things on your own? OK, that's what I thought. You had your knowledge. We knew you were running that. You hid your knowledge because you didn't want that to come out. And you know what? That was one of the reasons why you didn't get back on that committee, but you didn't tell the people that were picking on you. That's what you just said. You're only out for yourself. That's how it was in the committee. We saw that numerous, numerous times. And what gets me is these people right here sent us a lot of emails and concern about Selectman Martin liking a Facebook post in support of this development. And these people just, like, upset them. So I can imagine what they're upset with you, because all the stuff that you wrote, I have them all on my phone. Everything you got everything in the paperwork. You are in a conflict of interest and you're going to cause us a lot of problems that you should step down. And I will be making that motion tonight. Thank you.

Seeing no further input from the Board, Chairman Coutu said, we have a motion before us. Do you wish to withdraw your motion Selectman Gagnon? To which Selectman Gagnon replied, I do not wish to withdraw my motion. He then asked Selectman Roy, do you wish to withdraw your second? To which Selectman Roy replied, I do not. Chairman Coutu then said, could you please restate the motion please so I don't get accused of misstating the motion? Selectman Gagnon said, I would like to make a motion, sir, to reconsider the sewer allocation for the Hudson Logistics Center, sir. Thank you.

At this time Selectman Morin was recognized and he said, Mr. Chairman, I'd like to make a point of order. Where we have this conflict of interest, I think that should be discussed first because that affects the vote. And I think if Selectman Gagnon is allowed to vote, it is going to cause us many further problems. Chairman Coutu responded saying, Well, I think that if I misunderstood, I wish somebody would clarify, but I believe that Selectman Gannon has the right to make a motion, even though I disagree that he should. But we have been advised that he has a right to make the motion and he has to ascertain whether or not he believes he is in conflict of interest. If he assumes wrongly, the matter will work its way out in the courts for the next two or three years. Selectman Morin said yes, but this Board has the right to take a non-binding vote to ask him to step down. Chairman Coutu said I believe you're correct, but we have a formal motion on the floor, so you think that taken up the matter of his conflict of interest supersedes the vote on reconsidering. Selectman Morin said, I really think that it should be discussed before the vote, because at some point we may need it to support us in a court case.

Selectman McGrath was recognized and said, I'd like to make a motion to request that Selectman Gagnon recuse himself from a vote on this matter concerning the Hillwood project and the sewer allocation for the reasons mentioned by the attorney for Hillwood. Selectman Morin said, I second it. Chairman Coutu said, ok, and your seconding that motion is that what you said? Selectman Morin said, yes, sir. But we need to make a decision on which motion is going to go first, unfortunately. The Chairman said Well, I believe that there's some relevance to ascertaining whether or not the Board feels it's proper for Mr. Gannon to make the motion in light of some of the things that were discussed here this evening and then given that, should this motion, should this motion pass and Mr. Gagnon refuses to recuse himself, that is a matter which he can do. And we would proceed with the vote, with the motion on the reconsideration at that point. Understood? So on the on the matter to relative to the motion to ask Selectman Gagnon to recuse himself. Does anyone wish to speak on that motion for or against?

Selectman Morin said, yeah, I think the evidence is pretty clear. It's documented. We just listen to I don't know what it was. Um, we have the documentation. This has been an ongoing issue in several committees now boards and committees. I think that it needs to be addressed.

Selectman McGrath was recognized and said and for the safety of the Town, the townspeople, the taxpayers that are going to have to be paying to, paying to support any kind of action that Mr. Gagnon takes as a member of the Board of Selectmen and is then found to be in conflict of interest, and we're going to have to be paying legal fees and God knows what else it's for the safety of the residents and for the sanctity of this Board. I support having him step down.

Selectman Morin was again recognized and he said, and I just would like to throw this out there to everybody in the audience. If this is found that he is in conflict of interest, it could null and void if a positive vote to vote this down tonight, a judge can change that and then there's no going back. Just so everybody knows, you could come back with a denied vote tonight and a judge can change that. And we're all done.

The Chairman went on to say in light of the fact that. Despite the fact, that you were, I believe you were grandstanding this evening, Selectman Gagnon. I feel very strongly that your failure to recuse yourself on the basis of evidence that has been presented and God knows what else they're going to dig up that you will be doing, you swore an oath to serve this community. And I would hope that your intent is to serve it with dignity, with pride and with a conscience. The action that you're going to take this evening could conceivably cost this Town an enormous amount of money in legal fees and the time and duration of extending things that could otherwise go forward could come into jeopardy. I hope you will reconsider. I will open it to a roll-call vote, please. The motion is now to ask Selectman Gagnon to recuse himself. Motion carried 3-2 with Selectman Gagnon and Selectman Roy opposed.

Chairman Coutu said, Selectman Gagnon the motion has carried positively by a majority of this Board. Do you wish to recuse yourself at this time? Selectman Gagnon replied no, I do not. Mr.

Chairman, I have just one sentence for you. No, sir, but I have one sentence for you, if I may. Go ahead. The definition of conflict of interest is a direct, personal or financial interest. I do not wish to recuse myself, sir. Chairman Coutu Thank you. OK, I forgot you were our attorney. Thank you for reminding me.

The Chairman then said, Speaker3: All right. On the motion to umm. The *motion was made by you, Selectman Gagnon, to reconsider the Green Meadows sewer allocation, correct? Selectman Gagnon replied, yes. The Chairman then asked for a roll call vote. Ms. Laffin called the roll. With a vote of No from Selectman Morin and Chairman Coutu, a vote of yes from Selectman Gagnon and Selectman Roy and Selectman McGrath abstaining, the motion failed.* Chairman Coutu said, the motion fails and the matter is done. I'd like to get back to the regular business of the meeting.

4. PUBLIC INPUT

Chairman Coutu said At this time, I will open the floor to public input as anyone in the audience wish to address the board or any matter which the board has control of at this time. And if you do so, please state your name, your address. A woman approached the microphone and said it's in regards to an intersection here in Town. The Chairman said, the Police Chief is in the audience so he'll be listening as will Mr. Forrence and the Town Engineer. They have a lot to do with traffic control in our Town.

Diane Mallett 4 West Hicken Drive introduced herself and said, I've been a resident here for 17 years and I live a quarter of a mile from the intersection of Dracut, Pine and Sanders Road. It's an intersection I use often pretty much daily. And I'm here this evening to respectfully request the Town work with the State to conduct a road safety audit at this intersection. The traffic on Dracut Road has increased through the years and is busy throughout the day trying to pull out from Pine or Sanders, it becomes close to impossible during the morning and evening hours. The blind spots from the telephone poles, mailboxes and summer foliage on the Pine side road side adds an additional challenge. I personally see many accidents, many near misses. It was not surprised to learn that this location has had 41 reported accidents over the past 10 years. Think about that. That's one every three months that we have an accident at that intersection. And of course, the last accident was the most heart wrenching. On the evening of the horrific accident of the young 15 and 16 year old girls, I reached out to the Highway Safety Committee to guide me on the process of what we need to do to look at to get a traffic light at this intersection. I was informed Dracut Road is a state road and the matter is, quote, out of our hands. I was provided links to the State, which I looked at, found phone numbers and made multiple calls to the State. I spoke with a senior traffic operations engineer who briefly explained the process. And by the end of the conversation we had, he referred to this intersection as a hotspot, thought it was in need of an analysis, but indicated to me that the requests need to come from the Town. I provided that information back to the committee and was told in quotes, we will not be pursuing any action at this time. And we'll have to wait for DOT's recommendation because it's there right away, not ours. The following day, I learned that there's another member of the community who was doing the same actions. I did reach out to the Highway Committee, reached out to the State. I do know she is in the audience tonight and will provide some information to you on that. But we do know that the State is in favor of doing this road analysis and that recommendation is forthcoming. My thoughts and prayers continue to go out to the families of those two young ladies who, as a result of this accident at this intersection, had major life threatening injuries and of course, you know, changes that life going for. I personally have a 15 year old at home as every parent, you get concerned when your child gets behind that wheel and we'll be starting to do that this month. And how scary it is for me to think that he's going to use that intersection. I'm happy to assist in any way possible to help see this proceed, and I'm asking this evening when that recommendation does come to the Town, we agreed to work with the state to have this analysis

done. We need to increase the safety for our community and our young drivers who are children. And this is the first step to do that. I appreciate you taking the time.

The Chairman then said, before you step away. I want to bring to your attention that Sherburne Road and Dracut Road has a similar situation and it's been ongoing for years. We called the State. We met with DOT. There was quite a few of us on our side and quite a few from their side came over to do an analysis. This was immediately following an accident, a death by accident at that intersection. The woman who was involved in that accident was very active in my church. I knew her well and she died. They came up, they looked at the intersection, agreed it was dangerous and you know what the remedy was? They were going to put up a bigger stop sign, and that's exactly what they did. A year later, they came back to reassess because they heard complaints about people going through the stop sign and found out that the stop sign was approximately 15 yards short of the intersection, wasn't placed properly. They're going to move it up closer to the corner and that would resolve the issue. It hasn't resolve the issue. I can assure you that this board takes this intersection, the one that you're talking about, very seriously. We're all aware of it. I'm sure those of us especially who've lived in the South then for a good time. Dave, I know you are very familiar. I don't know about I know segment McGraths very familiar because of her knowledge of all of the time being on land use boards for many years. Do you know the intersection Selectman Gagnon we're speaking of Dracut Road and Sherburne? Selectman Gagnon replied, I'm not sure. Chairman Coutu said, Hudson Monument is there on Dracut Road. Selectman Gagnon replied, yes, sir. I understood there was an accident there. Chairman Coutu said two young girls were involved. The Chairman continued saying, I know that this Board will do whatever we can to assist you, either by communicating with Department of Transportation. Mr. Dhima Town Engineer is going to be to come on up Elvis. He's going to be speaking on the subject, as a matter of fact. Thank you for coming forward, Mr. Dhima.

Elvis Dhima, Town Engineer came forward and said, thank you, Mr. Chairman. Diane and I have been going back and forth on this matter for quite some time. The State reached out to us and they did say there's no funding available for the street. I did inform Diane that we're going to discuss this matter at the Highway Safety Committee. That has been the process in the past by the Board of Selectmen. That is what's going to take place. We need to discuss this and need to be careful with it, because this is a State road, not a Town road. What the state is basically saying, we can't do anything, you go look at it. Last time the Town got involved, we spent about \$275,000 at Kimball Hill and then on 111. We do not have any funding available right now, but if things change down the road, our intent is to basically do the assessment ourselves because the State is not going to do anything. They're going to put in another list and another list, and then it's going to make into the 10 year plan. And then the 10 year plan is unfunded. So therefore, nothing's going to happen. What I was trying to say in the emails and I was the only one corresponding at the time was I would like to get something done and I think we should do something on our end. But the funding isn't there right now. We're hoping that with the Safety Highway Committee, we come to an understanding of how are we going to tackle this and other intersections, not just ours, but the State, too, if we can. That is the outcome. We are being active, which is trying to determine how are we going to do this, because the funding is not there. Once a quarter, funds become available. That is a different matter. The Board of Selectmen and the planning work and do a lot of things just like we have for the past seven years. Chairman Coutu said But yet again, it's conditional upon state approval because they own Dracut Road. Absolutely mean they could tell us to go ahead and do this, do this, do that, and then we decide we want in light and they say, no, you're not putting one there. That's the end of it. Mr. Dhima then said, correct. Because it has to be warranted that you're absolutely right, Mr. Chairman. It has to meet warranty. And that was explained as well. It's not as simple as let's put a light in there, though. You have to meet certain criteria for and low road, which was the last one that barely made it. It was, I think, three or four out of seven criteria. There's multiple criteria to do that, to justify it. And I will say this, we did audit Wason and Mussquash because that's a problematic intersection as well. And people were asking for four way stop instead of a two way stop, and it did not meet the criteria. That's just simply too much traffic on the road to stop traffic there to let other people in. So people need to understand that even though they might think there's a solution, then the street light, that it does not work like that. Unfortunately, once you start looking at all the

parameters, yes, you're right. Accident is one of the things we'll look at. But the biggest thing they look at is the traffic patterns and the volumes. If most of the traffic is on Dracut Road is going to be very difficult to justify for one or two vehicles or three or 10 or whatever that number might be. So that's where the money is spent in engineering assessment that we can do it internally. But as I said, we are planning to discuss this at the Highway Safety Committee, just like that board would expect us to do. And we'll go from there because we believe that just like this case, we'll have other ones in the future. So we want to set up almost like a procedure to how we're going to handle these things.

Ms. Mallett was again recognized and said I obviously am not familiar with the whole process and what it entails, and I don't know other intersections, but it's still one accident. Every three months we know what's going to happen. It's not going to stop. So our requests or my request tonight is just if the state does come forward with a recommendation that we work with them to do an analysis, I understand getting a light is probably, you know, maybe limited. But at least if I'm making the right step forward for the state, for our community, I don't want you to know that we have other intersections that are as bad as that one in terms of numbers of accidents every month, every two months, every three months, we may have some that are worse than that. And it's hard when you don't have the financing available this year. We don't even have a proper budget to do much of anything. But, you know, it is what it is. But, Mr. Dhima you will stay on top of it. You have a line of communication with Mr. Dhima. Ms. Mallett replied, he has my contact information. So if there's any forthcoming information, I'd certainly be interested. Mr. Dhima replied, absolutely. We'll keep it in the loop. As I said, we want to make a decision internally.

Selectman McGrath was recognized and said to add in a couple of things Mr. Dhima may not be familiar with. This predates him by a number of years. The intersection of Dracut Road and Lowell Road finally got to light after many years and many accidents. And the last accident was a fatality. And it was the father of 18 children that got the State to actually put in a light at that intersection. So hopefully that's not going to cause them to put a light where it's needed on Dracut Road, whether it's at Pine Road. But they're quick to dump a lot of traffic into Hudson. They're not so quick to try and help to solve the problem.

Michelle Blake, 18, Williams Drive was recognized and said and you just threw me a curveball because that woman that was killed at that intersection was my mother. So I don't like Dracut Road at all. So I agree with everything that Diane just presented. And I have also been in touch with Elvis by email trying to get some help. I did get through to Michael O'Donnell, who was a Senior Traffic Operations Engineer from the NH DOT Bureau of Traffic in Concord, stating that they would get the ball rolling and look at that intersection. He sent me an email on April 22nd saying, We believe this intersection would be a good candidate for a road safety audit, which is a process where we assemble a group consisting of public works engineers, police, firefighters and emergency personnel. A third party engineering consultant paid by DOT and various DOT staff such as the district engineer, state safety engineer and the state traffic engineer. This process allows the DOT to access money that is already available for recommended safety improvements. He also said in order to initiate the process, the town needs to pull together information and apply for this activity. And each dot will be contacting the Hudson town engineer with this suggestion. And yesterday he sent me another email because I asked him for an update. He said a few of our staff are going to visit the location later this month. It sounds like we are trying to arrange a meeting with a Town representative at that time. So I want to know that the Town is also going to step up because the state has already said that they are going to step up and to somehow let Diane and I somehow find out what's going on so that we know what the processes. And on a side note, Dracut Road is going to be directly impacted by the Hudson Logistics Center. Thank you for your time.

5. Recognitions, Resignations, Interviews and Appointments

Zoning Board of Adjustment (1 member vacancy to expire 12/31/21, 4 alternate member vacancies. 2 to expire 12/31/21, 2 to expire 12/31/22, 1 to expire 12/31/23)

Marcus Nicholas (new applicant)

Selectman Roy made a motion, seconded by Selectman McGrath to appoint Marcus Nicholas as a member to the Zoning Board of Adjustment with a term to expire 12/31/21. Carried 5-0.

Sustainability Committee (4 member vacancies. 3 expire 4/30/24, 1 expiring 4/30/22. 3 alternate vacancies to expire 4/30/22, 4/30/23, 4/30/24)

Sarah Repeta (new applicant interview)

Hudson resident Sarah Repeta was invited forward and asked to tell the Board a little about why she'd like to serve on the Sustainability Committee. Ms. Repeta said yes. Thank you. So for Earth Day this year, I did a clean up alongside Bush Hill Road near Franklin Street, which is a new development where I moved into and I was pretty appalled by the amount of trash recyclables, hazardous waste that I pulled out of the woods, nine cans of paint for tires, five large contractor bags full of trash and recyclables. And that was for me, it just was kind of a call to arms that I needed to do something. So that and I had a wonderful conversation with Debbie Putnam, who's the chair of that committee. And that really got me thinking about my involvement in doing something and giving back to the town of Hudson. Seeing no further questions from the Board, the Chairman said the Board would vote at the next meeting and thanked her for her time.

Benson Park Committee - (1 member vacancy with a term to expire 4/30/24, 1 alternate member vacancy with a term to expire 4/30/23)
Judith Brouillette (incumbent member)

Selectman Morin made a motion, seconded by Selectman Gagnon to appoint Judy Brouillette as a full member of the Benson Park Committee with a term to expire 4/30/24. Carried 5-0.

Chairman Coutu asked if there were any consent items that anyone wishes be pulled for separate consideration. Selectman Roy asked item 6C-1 be removed for separate consideration. Selectman Gagnon asked that item 6E be removed for separate consideration.

Selectman Roy made a motion, seconded by Selectman Gagnon to approve consent items A, C2, C3 & F as noted. Carried 5-0.

6. CONSENT ITEMS

A. Assessing Items

1) Veteran Tax Credits: Map 156, Lot 006, Sub 057 1 Wickford Lane; Map 246, Lot 054, 5 Muldoon Drive

- 2) Elderly Exemption Denial: Map 156, Lot 6-57, 1 Wickford Lane
- 3) Tax Deferral Application: Map 151, Lot 005, Sub 002, 38B Barretts Hill Road
- 4) Timber Warrant: Map 122, Lot 2

B Water/Sewer Items - None

C Licenses & Permits & Policies

- 1) Brox Industries, Inc. - Night Trucking Permit
- 2) Knights of Columbus - Raffle Permit
- 3) NH Teen Challenge - Tag Day Permit

D. Donations - None

E. Acceptance of Minutes

Minutes of the April 27, 2021

F. Calendar

- 5/12 7:00 Planning Board - Hudson Community Center
- 5/19 6:00 Library Trustees - Hills Memorial Library
- 5/20 3:00 Trustees of the Trust Funds - Buxton Meeting Room
- 5/25 7:00 Board of Selectmen - Hudson Community Center

Selectman Roy was recognized and said yeah so I think we all received a couple of e-mails from what I presume are neighbors of the Brox company that they are violating the Town ordinance. I know Mr. Malizia had responded that I think the Town Engineer and a couple of the folks, we're trying to resolve that issue. So prior to approving this, I just want to have a discussion about where we were at with addressing those concerns.

Mr. Malizia responded saying staff met with Brox last Thursday, I believe, to discuss the matter with Brox. We don't necessarily believe that they're in violation, but what they've consented to do is to look at the backup alarm that they have on one of the vehicles that they use early earliest in the morning to go to a quieter back up type alarm. And they will be they have contacted the individual that made the complaint, as have we, to resolve the early morning noise complaint. And again, when I say noise complaint, there was one individual who is complaining regarding a backup a line on one of the trucks that they use. Again, I'm not aware that they're in violation of an ordinance, but Brox is willing and is going to try to resolve the issue by putting a more silent or quieter backup alarm on their vehicle.

Selectman Gagnon was recognized and said just really quickly, in section 7A-4 thank you, sir. Just really quickly, in Section 11, I would like to propose the addition of the following statement. Selectman Gagnon objected to the discussion once the Board entered nonpublic based on RSA 91-A: 3 II. Chairman Coutu asked, what is it you want to change?

Selectman Gagnon said no just an addition into Section 11, sir, would be the following statement. Selectman Gagnon objected to the discussion once the Board entered non-public based on RSA 91-A:3 II A and B. The Chairman replied, I disagree with you, Selectman Gagnon. And you objected after the conversation was all done. That's when you raised your first objection. After we were all done discussing. You said, by the way, I want the minutes, first you wanted them sealed for someone that wants everything disclosed. And then you said that you were objecting to us discussing something that was not on the agenda and you did all this afterwards

Selectman Morin was recognized and said I find this kind of humorous, actually, because he did say that he was against us discussing it. But once we were done and he realized what the whole situation was, he wanted to seal the minutes so nobody knew about it anyway. So I'm kind of confused of what he wants here. Because here we say, you know, we can't do this, but as soon as it's all done and he understands where this is going to go, oh, I want to seal the minutes. Chairman Coutu replied, his name wasn't even mentioned.

Selectman McGrath was recognized and said just to clarify, when this first came up, I had no idea who Selectman Morin was talking about. Talking about somebody that actually put some information out on Facebook which put the first responders of our Town in jeopardy, put their lives in jeopardy. That information, I had no idea what they were talking about. And I couldn't believe that someone would actually do something as foolish as that. Mr. Gannon spoke up and said it was him that he posted something on Facebook and it was about some activities that the Police Department was going to take. So we pre informed the people that might have been impacted by that action so that they could not be arrested, not be charged and maybe put the lives of the officers in danger. That was unbelievable to me. Then later, as the discussion continued, Mr. Gannon made a motion to seal the minutes so that he can hide behind the closing of the minutes so that no one would know that he had actually done that. I think that the residents of this Town ought to know when one of our Board members puts lives in jeopardy and puts the lives of our employees in jeopardy. Disgraceful, disgraceful behavior. So and to now make changes to the what was actually said at that meeting, that's further information about this member, this new member to our Board, he's willing to advocate in his byline to everything that he prints, that he's an advocate for the right to know law, unless, of course, it pertains to him and his activities.

The Chairman then said, I just want to, if you will, my question would be to you, Jill relative to page 11. I'm sorry. Item 11, do you recall, you keep the minutes. Do you recall, Mr. Gagnon? And stating before we started the conversation that he objected to the non-public meeting. Ms. Laffin responded not prior to the conversation. Chairman Coutu then asked at what point did he discuss his not agreeing the matters we were discussing, was not relevant to RSA 91A? Ms. Laffin replied towards the end of the discussion, after he recognized himself as the person that was being discussed, he asked me to let the record show that the BOS is discussing something other than the reasons listed to go into non-public. Chairman Coutu asked, so after the conversation occurred. Ms. Laffin replied yes. Chairman Coutu asked did you hear him raise an objection. Mr. Chairman, I object, correct? Ms. Laffin responded, I don't recall an objection to the Board. Just in general.

Chairman Coutu then asked Ok, so where did you want this inserted, Selectman Gagnon? So just for clarification, sir, I think what you may have been referencing currently is some discussion I had about the non-public meeting minutes. This was simply a small note in the public meeting minutes that would state that Selectman Gagnon objected to the discussion once the Board entered non-public discussion based on the RSA 91A:3 2A & B, that's all. Just wanted that simple statement in public. Chairman Coutu then said, are you saying that prior to going into non-public session, you objected to going into non-public session? Selectman Gagnon responded, no, sir. Let me see if I can help clarify. So we have public minutes and we have non-public minutes. So in the public minutes and this is actually recommended by the statute, which if you'd like, I can I can hand it to you. The Chairman said, I have my own. Selectman Gagnon continued saying the statute says that if an objection is raised during a non-public, that a note needs to be put into the public minutes. And that's all I'm trying

to accomplish, sir, is just following what it says to do. Chairman Coutu said that's what I'm questioning. When did you make this pronouncement that you objected to the non-public section? Selectman Gagnon replied, Ok, I understand your question, sir. So when we were in non-public, we declared a topic for non-public. We discussed those topics declared and then we diverted to a different discussion that wasn't declared during non-public. And once that discussion started happening or rolling, that's when I believe I raised my objection. Chairman Coutu responded saying, you raised your objection at the conclusion of the entire discussion which you participated in. You stood there and you raised your hand, and said seeing as I'm the elephant in the room and you started conversing about it and you were trying to whatever you were trying to do, correct the record or whatever, and then you wanted to hide the minute you wanted to seal them. Selectman Gagnon then said, so I believe I asked Jill politely to add to the record that I object. Chairman Coutu responded, who did you ask politely? She is not the chairman of the Board of Selectmen she's the administrative assistant to the five of us. Selectman Gagnon replied maybe that was my mistake, sir. I just wanted it to be noted for the record that was all the intent was. So I figured she was taking the notes. Chairman Coutu said, so if I don't do what you tell me we should do here, am I going to go to jail now? Is there a law that's going to put me jail? Selectman Gagnon then said, Sir, despite your opinion said tonight, I am not a lawyer. No, sir. But based on the wording of RSA 91:A 2 it says that a note needs to be added to the public meeting. That if an objection is raised, you...Chairman Coutu interrupted saying you raised it to her personally at the end of the meeting. There was no formal objection raised.

Selectman Morin was recognized and he said I'm really confused now because here he wants this thing that he objected, but then he wanted to seal the minutes so nobody ever heard about it. So we're kind of wasting our time here. Selectman Roy interjected saying, can we move the question please. Chairman Coutu said excuse me you're out of order. He's talking. Selectman Morin said I'm all set now. The Chairman said do you wish to be recognized Selectman Roy? Selectman Roy said point of order. Can we can we move the question? Selectman Morin said why because information is getting out you don't want out? Selectman Roy responded No, it's because we've just gone over the information. There is nothing productive or useful coming out of this conversation. So I would much rather move on to things that actually affect the Town well and help the Town than to continue this discussion. All I'm asking is move the question. If you don't want to allow. Chairman Coutu asked what Question is there? What's the question? Selectman Roy responded If we're going to allow the objection to be in the record? That's just move the Question. Selectman Morin then said, but Chairman Coutu to Selectman Roy point again let's move the question because I just said he wants to change the minutes and he wants to make a point that he didn't agree. But at the end of the conversation, he wanted to seal the minutes so nobody knew. So that's pretty relevant. Selectman Roy. You know what I'm saying? That's pretty relevant information, because here we are saying we got to do all this to what's going to make him look good. But nobody knows that he wanted to steal the minutes so nobody would know about it. So you're confused. Selectman Roy said that that's actually in the minutes Selectman Morin. Selectman Morin replied, Excuse me? Selectman Roy said that motion to seal the minutes is in those minutes. Selectman Morin replied, right. That's my point. So why does he want to change everything else? If he wanted to seal everything so we wouldn't even be talking about this if it was sealed. Right. Selectman Roy said Ok, we're not changing anything. He wants to add an objection. Again, I'm just suggesting we move the question. Selectman Morin said Yeah, just another play around the words.

The Chairman asked what is the wish of the Board? You want to change what is in here Or What do you want to keep in there? What accurately reflects what we know happened? Selectman McGrath was recognized and said so my point, Mr. Chairman, is that my vote will be to keep the wording as it is, as it's in the minutes now and not changing it to revisionist history. Chairman Coutu asked, is that your motion? Selectman McGrath responded yes. The Chairman asked do I have a second. Selectman Morin seconded it. The Chairman then said so the motion is to keep the minutes of the April 27, 2021 meeting in tact as written. Not revised. The Chairman asked if there was discussion. Selectman Gagnon was recognized and said Forgive me. I'm sorry this has caused such a scene. I did not mean it to do this. And I'm going to read it right here. It says, upon request, the public body

shall record the member's objection in its minutes of the meeting. If the objection was discussed in non-public session. The objection shall also be recorded in the public minutes. I'm just simply trying to do what it says to do. Chairman Coutu said and point well taken. But you don't you don't raise an objection to someone who's not a member of the Board and tell them privately, hey, by the way, you know, I want to I want this recorded that I object to this, please. If you have an objection about something that's transpired now, it's going to be very careful about what we discuss in nonpublic. Trust me, if they come in here and say the buildings being bombed, you'll be the last. I'll tell because you're reporting that I spoke about it. All in favor of keeping the minutes as they are on April 27. Signify by saying I all opposed no OK record to believe it was four in favor of keeping it and one opposed. Motion carried 4-1 with Selectman Gagnon in opposition.

Ms. Laffin was then recognized and said, I have one question, Selectman Roy had pulled for separate consent the Brox Industry Night Trucking permit, and you guys discussed it, but we didn't take a vote to approve that or not approve that. The Chairman replied, Thank you. We have to we have to make a motion on that. C 1 the consent item we removed from consent. Selectman Roy made a motion to approve consent item C1. This was seconded by Selectman McGrath. Carried 5-0.

At this point the Town Administrator read off Item 7A Old Business, votes taken after the nonpublic session of the April 27, 2021 Board of Selectmen meeting.

- 1) Selectman McGrath made a motion, seconded by Selectman Roy to hire Michael Lewis for the position of Firefighter/AEMT in the Fire Department, at the contracted salary of \$21.17 per hour (step 1). Carried 5-0.
- 2) Selectman Roy made a motion, seconded by Selectman McGrath to hire Patrick Kelly to the position of Firefighter/EMT in the Fire Department, at the contracted salary of \$16.93 per hour (step 1). Carried 5-0.
- 3) Selectman Roy made a motion, seconded by Selectman McGrath to bring Leo Bernard back from furlough status to maintain Jette & Sousa softball fields, at 12 hours a week, effective 5/1/21. Carried 5-0.
- 4) Selectman Gagnon made a motion, seconded by Selectman Roy to seal the nonpublic meeting minutes of 4/27/21. Motion Failed 2-3. Selectmen Morin, Coutu and McGrath opposed.
- 5) Motion to adjourn at 8:27 p.m. by Selectman McGrath, seconded by Selectman Morin. Carried 5-0.

8. NEW BUSINESS

A. Bracket Lane Water Line Extension

Chairman Coutu recognized Elvis Dhima, Town Engineer. Mr. Dhima said Thank you, Mr. Chairman. Good evening, everyone. In 2004, the Planning Board approved 55 plus community. It's called the Sparklingly River Community. It's pretty much done. It's my understanding that the association has hired a new developer to see development to finish the last phase, which is Bracket Lane. There will be served by Town water and sewer based on our requirements. They do need Selectmen approval for the water extension, and it consists of thirteen hundred linear feet line and three fire hydrants. Upon completion, they'll hand it over to the Town. We can accommodate this request. I'm in front of you tonight on their behalf to ask for this approval. I'll take any questions. You

might have. Chairman Coutu said three fire hydrants on Brackett? Mr. Dhima replied yes. We have new requirements now. Every 500 feet for residential. We have time to accept a little bit. Board of Selectmen approved those changes last year, but thank you for that. Chairman Coutu said Ok, good. Any discussion on Bracket Lane? No, I guess not. I'll entertain the motion. Do you have that before you, Mr. Malizia? The Town Administrator read the following *motion to approve and sign the proposed water line extension agreement for the Bracket Lane 8" Water Main Extension. Selectman Morin made this motion, seconded by Selectman McGrath. Carried 5-0.*

B. HPD - Acceptance of Court Ordered Vehicle

Chairman Coutu recognized Police Chief Bill Avery. Chief Avery said, I'm actually going to defer to Captain Cayot on this. Captain Cayot said So the 9th Circuit Court National Division has granted the Hudson Police Department through a court order, a 2014 Land Rover, Range Rover. And I'm here to request that that be accepted. So they granted us to actually use it, we can either use it or trade the vehicle in and just based on what the vehicle is, will be looking to use that as a trade and to offset the cost of a different vehicle. The maintenance on it alone is very pricey. Chairman Coutu said *I'll entertain a motion to accept the 2014 Land Rover Range Rover, which was granted to the Hudson Police Department via court order motion by Selectwoman McGrath. Selectman Gagnon seconded. Motion carried 5-0.*

C. EOC Recommendations

Chairman Coutu recognized Fire Chief, Rob Buxton. Chief Buxton started off saying Good evening, Mr. Chairman. Members of the Board certainly seems like we've been doing this for a long time, but we're here to discuss EEOC recommendations. On April 28th of 2020, the Board took an Action to cancel all non-statutory Committees and commissions from meeting with the trending downward of active cases within our community. With the new Universal Guidance, our best practices document that came out from the State we would like to actually recommend this evening that we move forward to allow committees to begin to meet again starting the 1st of June, and we would ask that we further authorize them to utilize either the Buxton Meeting Room at Town Hall or the TV meeting room, because that is where the bulk of our cleaning is the smaller spaces would provide opportunities to maybe start to decommission this room from a week to week basis use, which is very cumbersome on HDTV staff in the cleaning staff. So that's the first recommendation we have.

Chief Buxton went on to say, March 24 of 2020 the Town went to operating underneath the Continuity of Operation Plan, where we've been working with reduced staffing within Town Hall and across the different divisions. We believe that is now time to start to transition out of that continuity plan. And again, we would like to provide the opportunity for the Departments to prepare to bring back their staff full time Tuesday, June 1st, and end the Continuity of Operation Plan that was in place. And then lastly, we've been also operating the EOC under a partial activation since October 27th. If you remember correctly, we had closed the EOC for a little bit and then we had a resurgence. So we would like to move the EOC back to a monitoring status effective May 13th of this week, whereas the MDA will continue to monitor and attend the State meetings and provide updates to the Chairman of the Board and the Administrator and our partners. One of the things that the School brought forward was they had asked that, you know, what was the flexibility? If we had an issue that we needed to review, could we pull a group together, group meeting together within 24 hours? And that was a commitment that we made to them. We would continue to provide the daily dashboard update to the Board so we can continue to monitor increased cases as we move forward. If there are any that come out of Town Hall or any of the Departments tracking both sick leave and quarantine

requirements because of Covid-19. So those are the three recommendations we bring forward to you this evening. We are seeing positive signs regarding Covid-19 in the community and in the State, and we like those things to be discussed in the Board to give consideration to those action items.

Selectman Gagnon made a motion, seconded by Selectman Morin to allow all non-statutory groups and committees to beginning meeting in person again starting June 1, 2021. Carried 5-0.

Selectman Roy made a motion, seconded by Selectman McGrath to end the Continuity of Operations Plan effective June 1, 2021 and all staff to return to their regular work schedule. Carried 5-0.

Selectman Gagnon made a motion seconded by Selectman Roy to move the Emergency Operations Center to a monitoring status effective May 13, 2021. Carried 5-0.

Chairman Coutu thanked Chief Buxton for his update and then asked what's the case if somebody gets sick?? Chief Buxton responded, so the practice of the quarantine, what we're asking for this evening is to go back to normal staffing in Town Hall. Well, the Administrator and I have talked about is that doesn't change any of the other practices as we move forward. And if we have another positive step we'll take that in increments and move forward as we get through the summer.

D. Nashua Region Electricity Supply Aggregation

Chairman Coutu recognized the Town Administrator who said, as you can see from the packet and the information I've presented, we've been part of the National Regional Planning Commission regional electricity supply aggregation program, whereby we partner with, I believe, towns and school districts in this area to purchase our electricity supply needs. It's been pretty successful for us. As I said, we've done it since, I believe, 2012, and our current contract expires in November of 2021. They're offering us an opportunity to participate again. They would go out, I believe, starting the bid process in July so that they could have a contract in place for November 1. The current one expires. And certainly at that point in time, whatever they come forward with, the Board would approve as they have in the past. But this is the first step is to sign a memorandum of understanding with NRPC that signifies our intent to participate in the process. The Chairman asked any questions of the Town Administrator relative to this? Seeing none I'll entertain a motion to authorize Town Administrator to sign the memorandum of understanding between the Town of Hudson and NRPC in order to participate in a national, regional or national region electricity supply aggregation program. Selectman Morin made this motion, seconded by Selectman McGrath. Carried 5-0.

E. Revenues and Expenditures

The Town Administrator was recognized and said, we just completed 10 months of the fiscal year. So about 83% of the way through the year. Looking at the majority of the expenditures, looks like we're going to be on track. Bottom line, obviously, we can cover certain areas and certain things, as we've talked before, namely trash, legal. We do have to be mindful of legal. We're certainly not going to overspend. But I am watching that like a hawk. On a very positive note, automobiles were already at 93% of what our estimate was. We could end up with six or seven hundred thousand dollars more worth of auto registrations than budgeted. So that's a very positive thing for the Town's bottom line. That would certainly flow to the surplus, which you could either make a proposal to do some project or let it sit, or you could even use it to reduce the tax rate. Of course, that compensates for the lack of interest we're making on our money into the market is really poor right now. So we're not making any

money. It appears that the ambulance is on track. I believe we're almost behind. And when I looked at it, we should hit that target that we get half the revenue, the revolving fund gets the other half from ambulance service. Chairman Coutu asked, As Covid affected our marriage licenses here in Hudson? That's a good revenue. The Town Administrator replied it has been in the past. Vital records, I think, is really up because I think, Nashua, of being closed, folks were coming this way to get their vital records because we are a service community where as they weren't. I can't say that marriage licenses were up, but I think come the springtime, love is in the air. So we'll see what happens.

F. Selectmen Liaison Assignments

The Chairman said the next item on the agenda I added at the request of Selectman McGrath. Selectman McGrath was recognized and said I'm concerned about the my assignment, not my involvement with this assignment, but the interference or interaction by other members of this Board with the Land Use department, Engineering, Planning, Code Enforcement, and in some cases, one of our newest selectmen interfered with zoning, some zoning issues and code enforcement issues. So I just wanted to point out that everybody needs to be familiar with the liaison assignments and who is responsible for them. I take my responsibilities very seriously and I always interact. I too know the right to know law. And I don't send out a global email to all of the members of the Board because we're not supposed to do that. So when I respond to a citizen's complaint, I respond to the Department Head that I'm referring it to and the recipient of the email and perhaps Mr. Malizia or one other Department Head. But I don't include all of the board members, so I would expect the same courtesy.

Chairman Coutu said let me ask a question, Selectman McGrath. I understood what you were saying, and then I gave it a lot of thought. I'm just going to use an example that just came up last week. The Town Engineer is still here? He's gone, OK, is Jess still here. OK, Jess is here. Okay, I received from a personal friend an inquiry about he bought a home, I believe, five years ago here in Hudson. He had an inquiry about a drainage ditch that was running under his driveway and suddenly it was all backing up into his yard and he didn't know what to do. I said, well, I said, Eddie, the best I can do is I'll get a hold of the Town Engineer and the Department of Public Works foreman or superintendent between the two of them somebody will know you'll know what to do and Go out. And they did. They went out. Should I have called you and told you about it? Because, you know, this guy was you know, we get constituents that call us. I would I thought about it afterwards and I said, well, does that mean if I if somebody calls me about and we've had these conversations Jess where somebody would call and I can remember once this old lady that I don't know somebody went and dumped a toilet in front of her house. She was down to the bottom of a hill. And as a favor, you knew who the woman was. You said she's there is no way she's going to be able to climb down that hill and pick up a toilet. We'll get it out of the way. I mean, I didn't even think about sending an email or calling the Respective Board member of the Highway Department, this woman called me and I just wanted to get our problem solved, would it be as effective if especially if it's people we know? If I don't know the situation, I would refer it to whoever. But if it's somebody we know that we attach a copy of the email that we're sending to the department head to you. So you're aware of it if it's a land use because we get more land use questions than we do anything we're not. Selectman McGrath replied and that's a matter of courtesy. The Chairman asked Right. OK, I was wondering if I do that, is that going to be satisfactory.

Selectman McGrath then said and I got an email this morning from a resident that had gotten a response from one of our newest Selectmen earlier, and he sent it to me. I didn't, but I got in touch with the Land Use department, the appropriate people, I think. I don't know if I put Steve on copy for that one as well, but just so that they were aware of what was going on and I handed it off to the appropriate people to take care of it.

Selectman Gagnon was recognized and said I'm not looking to cause arguments all night here, but I just want to clarify for the record, you know, I simply got a complaint and I asked the Zoning Administrator to help me understand the complaint, the legitimacy of it, if it had any merit. Really, from my own understanding, I believe I you know, sometimes I'll BCC my fellow Board members just to keep you informed, because I feel like if I did something and you guys didn't know and you seemed you saw the same complaint, you may be chasing the same ball with that, said Selectman McGrath. Forgive me. I'll make sure I remind myself of your always on appointments. And if I get complaints from residents that fall in your jurisdiction, I'll forward them to you. And I won't I won't go any further. So forgive me for stepping on your toes. I guess in that way I was just looking for more information. So thank you, Mr. Chairman.

Just to set the record straight and let him know no one is. That's what we just resolved here. No one is prohibiting you from your constituent services. I don't want you to feel that you have now been relegated away from a personal friend or a neighbor or somebody down the road who met you a year ago and liked you and said, I'll call Selectman Gagnon. Maybe he can help me with this issue. You can still help them

I do it. And I felt guilty. I said, oh, I must have violated something. But no, I was. And I'm being facetious. Selectman McGrath's point is well taken is you're assigned a liaison position and it behooves us to respect that position that you hold. So if there's something that comes up within your board, your commission or your liaison on assignment, we should at least even if we're even we're trying to solve the problem, we should notify you that we are working on it so that you don't get it through the back door. You're getting it up front and let us work through it where Land Use is a whole different ballgame. I learned that the hard way in the past year. It is very complex, a lot of legalese. The Hillwood people here, they can tell you there's lots of legalese with land use and its best that I liaison for Land Use be notified. And if you can provide the information, if you have even further insight, then what a general email that was sent to you. Then, you know, work with the liaison for that, especially Land Use. It's a tough one.

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Selectman Gagnon was recognized and said, for the rudimentary term of no need to beat a dead horse I say let's move on from that sir.

10. Remarks by the Town Administrator

The Town Administrator was recognized and said Chairman Coutu responded well, you know, we typically would hold a workshop meeting. We're going to be discussing the default budget. We typically hold them on Monday, ah the first Tuesday of the month. So I expect things will start picking up now that more committees are going to be meeting and whatnot. How long do you think a non-public workshop, how many people were you going to bring in Department Heads?

The Town Administrator replied it certainly would be public. And as you recall, Department Heads came in at the first meeting. We had probably I don't think I need every single person, but the majority of the Department Heads would be here so that the Board could again ask questions and determine priorities and have a discussion of how the Board wants to move forward. As you're well aware, we provided a recommendation, but at this point, no action has been taken. So I just think you need to settle it before we get to the beginning of the next fiscal year,

Chairman Coutu asked would the Board be in accord with meeting the first Tuesday of June to deal with that topic. We want to get it in before the end of this fiscal year. So the Town Administrator and Department Heads have some guidance going into July 1, the new fiscal year. Any objection? We can fit that in the calendar. Selectman Roy asked to be clear are you talking about June 1st? June 8th? Chairman Coutu said the first Tuesday, June 1st. 7:00PM. Selectman Gagnon was recognized and said, Location, seeing as how the Town is going back to normal in a way, will be meeting here or somewhere else? Chairman Coutu replied, the Board of Selectmen meeting room.

11. Remarks by the School Board

Mr. Gasdia said, the Meetings this Monday. It's not must watch TV like this, but if you're looking for a nice, calm meeting and high blood pressure Monday night at 6:30, but no, I start the same thing every time I'm here. Hats off to Chief Buxton, Fire Department and everyone else. The vaccine train is rolling on. So all of our students, 12 to 15. Now, the middle school will be able to participate in a vaccine first dose on Monday, the 17th, the second dose on June 7th. But we do need those folks to sign up. Sign-ups are open now through Thursday. And so if you are eligible and you didn't receive an email to sign up, please contact the School. But I think it's phenomenal that we think about before the school year is over because of the partnership, all of our teachers, all of our staff, all of our high school students, and now pretty much most of our middle school students over the age of 12 able to be vaccinated and faster than probably anyone else around because of the great work of partnership between the group. So thank you for that. Things are starting to get back to normal. Spring sports are in full swing. May twenty fifth and twenty sixth is actually going to be a concert. The HMS Chorus and Band will be doing a concert outside May twenty. There will be a prom June 10th. There'll be graduation June 11th, the eighth grade class day and June 14th. Last day of school. You read looks like that. It's almost like Covid might be over. So it's it's a lot of work. Got us to where we are, a lot of great partnership, but starting to get back to normal.

12. Other Business/Remarks by Selectmen

Selectman Gagnon: Thank you, Chairman. So just to clarify, too, I know earlier tonight I was told that I might have put some lives in danger. I'd like to deny that. By no means do I want to put anyone's lives in danger. I have the utmost respect for our first responders, some of my best friends, are first responders. And even in this town, I was simply sharing public information about a town meeting. Pushing that aside, wouldn't all discussion tonight? I mean, no disrespect to any of my peers here. I'm just simply trying to be the best selectman the people wanted me to be. And I want to honestly think a lot of you for being welcoming and helpful as I get up to speed, if that's all I had. Mr. Chair. Thank you.

Selectman Roy: I think this meeting was a little bit disgraceful, quite frankly, and I think that all of us need to take a step back and just keep in mind that we're elected by the people. All five of us, we are equal footing on this, on this dais. And if we continue down the road of what happened tonight, I fear that it will be to the detriment of serving the Town.

Selectman McGrath: I have nothing further. I think I've said enough for one evening, slightly more.

Selectman Morin: On Saturday, the American Legion Post 48 will be posting the Flags of honor on Library Park, and their flags will remain up until June 14th, which is Flag Day. That's all I have, sir.

Chairman Coutu: I have absolutely nothing this evening.

13. 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. (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Motion by Selectman McGrath at 10:05 p.m., seconded by Selectman Morin, to go into non-public session. A roll call vote was taken. Carried 5-0.

Chairman Coutu entered Nonpublic Session at 10:05 p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu entered open session at 10:45 p.m.

Motions made after nonpublic session:

Selectman Morin made a motion, seconded by Selectman Gagnon to approve the draft agreement with Sousa Realty to facilitate the relocation of the Firefighter's Memorial to Benson Park and to authorize the Fire Chief to sign the agreement on behalf of the Town. Carried 5-0.

Selectman Morin made a motion, seconded by Selectman Roy to recognize a list of employees, which was agreed upon by the Board, for outstanding performance during the Covid-19 pandemic, with a gift card and letter of appreciation. Carried 5-0.

Selectman Morin made a motion, seconded by Selectman Roy to seal the nonpublic meeting minutes of the May 11, 2021 meeting. Carried 5-0.

14. ADJOURNMENT

Motion to adjourn at 10:52 p.m. by Selectman Morin seconded by Selectman Roy. Carried 5-0.

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

Roger E. Coutu, Chairman

Marilyn E. McGrath, Vice-Chairman

David Morin, Selectman

Kara Roy, Selectman

Brett Gagnon, Selectman