

HUDSON, NH BOARD OF SELECTMEN

Minutes of the November 1, 2022 Meeting

1. CALL TO ORDER - by Chairperson Roy the meeting of November 1, 2022 at 7:00 p.m. in the Selectmen Meeting Room at Town Hall

2. PLEDGE OF ALLEGIANCE led by resident and RTK Committee member, John Dubuc

3. ATTENDANCE

Board of Selectmen: Brett Gagnon, Bob Guessferd, Marilyn McGrath, Dave Morin, Kara Roy

Staff/Others: Steve Malizia, Town Administrator; Elvis Dhima, Town Engineer; Jill Laffin, Executive Assistant

4. PUBLIC INPUT

1) Robinson Smith, 48 Burns Hill Road

The name is Robinson Smith, along with my son Robbie at 48 Burns Hill Road here in Hudson. I'm here to address my concerns regarding Wason Road. First, I would like to emphasize, emphasize to the community that the Board of Selectmen have yet to add Wason Road to the Board's meeting agenda. In my perspective as a father, the recent fatality of one child and hospitalization of another highlights the immediate danger of the road to the community as a whole. Words cannot describe the pain and anguish this has caused, and the after effects will continue to be difficult. As a reminder well into the future, I feel it is important for the community as a whole to recognize and highlight the function and purpose of the Board of Selectmen that sits before us tonight. The individual individuals before us oversee, make recommendations, and appropriate funds to specific town departments that are directly involved with the safety, engineering and town improvements. This group of appointed individuals wields the power, influence and vision directing our community. They oversee the police, engineering and highway departments, while also advocating for the assistance at the state level. These individuals have been entrusted by the public to hold the safety of our town in the highest esteem and regard. The Board of Selectmen are akin to a group of shepherds overseeing and protecting their flock to ensure a healthy, prosperous and growing community. Sometimes, however, the barriers and managing the daily operations can obscure the brambles that are truly impacting the group. The group's immediate needs. Unfortunately, when a decade has passed, allowing these brambles to grow and overtake the field.

You now have a situation where the flock can no longer safely traverse without risking potential harm. This, however, is a completely different story when the shepherds have been warned multiple times by the flock of the dangers growing in the field. Failing to act on such warnings early on or developing a plan to manage the hazards reveals ignorance, complacency and incompetence. This violates the very essence of their sacred responsibility to the flock, which is causing no harm while ensuring continued health and prosperity for the community. It is even more concerning when you have multiple shepherds involved empowered with this responsibility. Yet no one, not one appointed individual here tonight initiated solutions. While the course of a decade has passed. To add insult to injury, this board before the community tonight has yet to initiate any long standing solution to address the hazards of Watson Road. 30 days have passed since a fatality of a minor and apparently this board views the situation as business as usual or possibly the cost of doing business. Radar feedback signs have been removed. The Highway Department, Chief of Police and Town Engineer have not been provided any request to address the hazards. This is impacting motorists, bicyclists, or even addressing pedestrian safety. Please take, Mr. Robinson paused saying to his son, please be

quiet buddy okay? Mr. Robinson went on to say please take a moment to grasp the shame and incompetence you have embraced collectively through your inaction to our grieving community.

Other surrounding communities take fatalities extremely seriously, such as a case study in Nashua on Dublin Ave and Franconia Ave. Several teenagers in a car were killed while driving from Pine Hill Road, traveling down Dublin. Lost control of the vehicle and hit a tree. These inexperienced minors are simply trying to get home before their curfew and avoid their parent's angst. The city responded with installing a stop sign at the sharp bend on the road to prevent an incident in the future. This is an example of government maintaining and restoring the safety and trust within the community, something we have not seen from our Board as of yet. The seeds of Wason Road brambles were planted well over a decade ago with the approval of the improved new intersection with Lowell Road. This was the blessing of the Town. I'm sorry, this was with the blessing of the Town Engineer and the Planning Board to allow construction of the Stop and Shop facility, which has now become a Goodwill. Wason Road was originally designed and used as a residential collector road along neighborhoods to traverse to Route 3 through Lowell Road. Before the intersection was modified, you were greeted by a blinking yellow light requiring motorists to traverse the intersection, waiting for an opening in oncoming traffic. The approved growth of Lowell Road by the town increased the amount of intersections which obviously increased delays, further incentivizing and rewarding motorists to seek alternative routes. This has led to a current situation of 40,000 vehicles per day, or the equivalent of over one and a half times the population of Hudson traversing on Wason Road.

Other incentivized and rewarded drivers exploit Burns Hill which has turned both of these roads into unsafe thoroughfares plaguing our community. These let's see these incentives, I'm sorry. These incentives include ease of access to Route 3, limited police patrols, ineffective speed management, and decreased commuting times. Due to the inaction of our selectmen managing these areas the residents now experience excessive noise, unsafe roadways, reduce property values and the tragic death of a child in the prime of their life. Collectively, Hudson residents are now aware of the dangers and require an immediate long standing change to the roadway. This is in the hopes we prevent additional pain and grief of another loss in our community. As such, I would like to inquire as to the immediate and proactive fixes at your disposal to prevent another fatality. It has been revealed that Wason Road has an active off road presence in the area where children are using dirt bikes and ATVs. After a constructive meeting with our Police Chief concerning Wason Road, it was uncovered that there are no safe places for the police to monitor and manage speed and safety along the road. The road does not have ample areas for the police vehicles to turn around without jeopardizing the safety of their officers. Having a parking and turnaround area along with the wooded town, I'm sorry, having a parking and turnaround area along the wooded town owned land could prevent this issue.

Also, having an expanded parking area similar to the improvements on Musquash Road could potentially allow the public to use these areas for recreation. My meeting with the head of our highway department, now known as the Department of Public Works, was constructive concerning issues along Wason Road and the frequent vehicles crossing the center line. The topic of rumble strips or indentations in the median was brought forth. The highway department had concerns with ongoing maintenance of the rumble strips, along with the potential damage from plowing and freeze/thaw cycles during the winter. I can see the validity of ongoing maintenance costs in one hand, but I can also see the increased safety to the drivers traversing the road and potentially preventing a head on collision. All too often drivers are traversing too fast in Washington Road, which has essentially no shoulder, no drainage or area for pedestrians to safely walk. Ideally, the road would be brought to modern safety standards with a safe area for the community to walk and for drivers to be able to pull over without impeding traffic. After speaking with the Town Engineer, there were concerns over the cost of constructing a parking pad due to tree removal and backfilling and leveling the area to support vehicles. From my perspective, backfilling the area shouldn't be an excessive cost due to many excavating, excavating and construction companies giving the material from excavated foundations at little to no fee. I believe the primary cost would be from basic site work, which would be piecemeal as the Town Highway Department workflow permits.

With this being said, I found all three Department Heads view of the installation of speed feedback signs, otherwise known as radar signs permanently installed as a very good solution. These were viewed as the least expensive immediate solution reducing ongoing manpower requirements along with fulfilling the needs of the area. These signs could be funded through the Federal American Recovery Act funds and reduce financial impact to the town. This seems to be the best compromise in the near term, but it still doesn't address the safety of our officers trying to provide routine enforcement or managing vehicles wandering across the median into oncoming traffic.

Finally, I found one common thread that rang true with all three of these departments is the willingness to prevent another terrible tragedy in our community and the subsequent heartache facing families grieving the loss of a child. These individuals engineer Elvis Dhima, Highway Director Jessie Forrence and Chief of Police Tad Dionne understand the importance of keeping our community safe. I can only implore this elected body of the Board can see how the safety of the roadways in our community impacts us all. I thank you for your time and highly implore that you can collectively come together with a solution for the benefit of our community. Thank you.

Selectman Gagnon then said I have one technical question, if I may, for the gentleman here. Sir, if I may. You spoke about a parking lot or proposed parking lot. Is that on Wasson Road? Mr. Robinson replied, there is no existing parking lot on Wason Road. The town owns all of the land on the right hand side past that turn. That could be easily cut and pad installed to ensure the safety of our law enforcement officers trying to manage the volume and the speed of the vehicles. Selectman Gagnon replied, got it. I was curious where that I know exactly where you're talking about now. I have an understanding. I just lastly, thank you for talking to all the department heads. It sounds like you did a lot of work. I really appreciate you doing that and your speech tonight. I took some notes here and I'll follow up on those. Mr. Robinson then asked the Board, does anyone have any other questions. The Board did not.

2) Jim Dobens, 4 Eagle Drive

Good evening. Good evening. My name is Jim Dobens, and I reside at 4 Eagle Drive in Hudson. I hope everybody had a great summer. A good fall. Weather has been fantastic. I have a simple question that does need an answer from the Board at some point. Maybe I'm a little early with it. Maybe I'm not. Doesn't the Board of Selectmen need to vote on granting sewer for the proposed Target warehouse distribution site plan that is outside our sewer district? It is, I believe, a new site plan being proposed. The Target warehouse is not essential to the town's needs and the sewer allocation provided to the Amazon site, that supposedly was based on necessity, should no longer be valid. I'd like to understand where the Board stands on this. I do understand this may be a little bit early, but I'm just calling it out. Thank you.

3) John Dubuc, 11 Eagle Drive

How are you? John Debuc I live at 11 Eagle Drive. I just want to mention this. I mentioned this at the Planning Board meeting, and I think it's important to talk to the Board of Selectmen about it also. I was looking at the 2022 Hudson masterplan survey, and a couple of things really stood out to me that I am not sure if what purview you have over and what control you have over it, but it's important to know these things so that when projects are coming in front of the town they were aware of these things were that were found out in the study. So over 70% of the residents agreed or strongly agreed that Hudson should strive to expand conservation land and increase open space. Another one was over 60% agreed that developing a defined, walkable town center that provides a sense of place and a venue to bring the community together should be a priority. For Hudson, over 75% agree that Hudson should expand its sidewalk and trail network to facilitate connections between schools, parks, conservation area and other community facilities. And this one

was very telling Close to 80% of the people that were surveyed agree that Hudson should strive to preserve the community, character and integrity of existing neighborhoods. I think these were very important things that I read about this town survey. I did take part in in the online portion of it. I think it's important to be to be part of the town and to point out these things that the residents think are important. When these projects and we're looking at how to expand and how to make the town a better place. I appreciate everyone's time tonight and have a great night. Thank you.

4) Chris Thatcher, 15 Parkhurst Drive

Name is Chris Thatcher, 15 Parkhurst Drive in Hudson. I wasn't intending to speak necessarily on one subject, but I would like to just echo what the first gentleman had said about the traffic on Wason and Burns Hill. Having lived there with my kids and walking those roads, people fly up and down there like it's no tomorrow because they're trying to race around the traffic on Lowell Road to get ahead of the traffic. I would love to see some sort of sidewalk at least discussed for Burns Hill, a part of it. I understand there's always complications. It's never as easy as simply saying I want a sidewalk. But I think after driving up and down that road hundred times and I said, Well, why couldn't you just put a sidewalk along here? You know, you work with the owners. There isn't even a sidewalk coming off Virginia Road, which is right next to this, the West Nottingham School. My son's going to go there when he starts in the next grade. And the thought of him walking even along Virginia just to the school just it's scary because of how fast people cut through Virginia as well to get on to the rest of the roadway there. The speed signs, I was actually kind of surprised when I first saw those and I was very surprised when they disappeared. I didn't realize they were temporary. But I can tell you, as someone who comes in and out of that road where one of the speed signs was located, I felt they were making an impact, mostly because I was annoyed by how long it was taking a car to come down the road as they slowed down coming up to the sign. That's how I know that they were slowing down.

The other item I was pushing to just put out there and I'm not sure this is the right place is regarding the Firemen's Memorial. We passed through there when they were having their ceremony, which was very nice to see. And it struck me that. Has the town ever considered purchasing that plot of land where that memorial is, where those houses were, and simply transforming that into a more a larger policeman memorial park as opposed to developing it into a gas station or something else? I think there's ample space there to add parking and to allow then modifications to be made to the corner intersection there where there's concerns about heavy 18 wheelers making that turn, you would be able to then shift the memorial a little farther back and in a better area and allow for more outdoor space and green space, which is what, again, is to echo what Mr. Debuc. said is kind of what people are looking for. So I just wanted to ask if the town had considered that or if it's something that this board is able to look into if it's of interest. Again, I'm not sure if that's how it works, but I would like to just throw that out there. Thank you.

Selectman Gagnon then said, just for the record, Madam Chair, if I'm understanding correctly, isn't an application already been presented for that land? Chairperson Roy replied, I'm not sure if it has. I just don't know. I've heard that there is one, but I don't know if one was. Selectman Guessferd asked, are you talking about the corner? To which the Chairperson replied, yeah. Selectman Guessferd replied, no, it was a conceptual. There was not an actual plan that was submitted yet. Selectman Gagnon then said so the possibility of the Town having the conversation is plausible. To which Selectman Guessferd replied, yes.

Selectman McGrath then said, however, however, I happen to agree with you, I think that the town would be better served to have ownership of that property, but it's owned by one of the developers in town and we'd have to approach him and, you know, whether or not we'd be able to come to terms. I don't, I don't know. I think that based on what I'm hearing, he's pretty pretty committed to that. Selectman Guessferd replied, that's I've heard the same thing. Yes. Selectman Gagnon replied, thank you.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS - there were none

6. CONSENT ITEMS

Chairperson Roy asked, does anyone have anything they'd like removed for separate consideration? Seeing nothing, Selectman Gagnon made a motion, seconded by Selectman Morin to accept Consent Items A, B, C, D, E & F. Carried 5-0.

A. Assessing Items

- 1) Tax Deferral Lien Release: Map 178, Lot 13-115, 45 Mobile Drive

B. Water/Sewer Items - none

C. Licenses & Permits & Policies

- 1) Raffle Permit - Hannah Dustin Quilters Guild
- 2) Tag Day Permit - The Salvation Army
- 3) Pole Licenses- Lic. #292/21X and 292/22-2 (LTS 257/28X and 257/29-2)

D. Donations - none

E. Acceptance of Minutes

- 1) Minutes of October 18, 2022

F. Calendar

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|-------|------------|---|
| 11/02 | 7:00 | Budget Committee - Town Budget Review - Buxton Meeting Room |
| 11/07 | 7:00 | Budget Committee - Town Budget Review - Buxton Meeting Room |
| 11/08 | 7:00am-8pm | General Election - www.hudsonnh.gov/clerk for more info |
| 11/09 | 7:00 | Planning Board - Buxton Meeting Room |
| 11/10 | 7:00 | Budget Committee - Town Budget Review - Buxton Meeting Room |
| 11/11 | | Veteran's Day - Town Offices Closed |
| 11/14 | 7:00 | Cable Utility Committee - HCTV Meeting Room |
| 11/14 | 7:00 | Conservation Commission - Buxton Meeting Room |
| 11/15 | 7:00 | Municipal Utility Committee - BOS Meeting Room |
| 11/16 | 6:00 | Library Trustees - Hills Memorial Library |
| 11/16 | 7:00 | Budget Committee -Town Budget Review - Buxton Meeting Room |
| 11/17 | 7:00 | Benson Park Committee - HCTV Meeting Room |
| 11/17 | 7:00 | Zoning Board of Adjustment - Buxton Meeting Room |
| 11/22 | 7:00 | Budget Committee - School Budget Review - Buxton Meeting Room |
| 11/22 | 7:00 | Board of Selectmen - BOS Meeting Room |

7. OLD BUSINESS

- A. Votes taken after Nonpublic Session on October 25, 2022

1.) Selectman Gagnon made a motion, seconded by Selectman Guessferd to appoint Deputy Town Clerk/Tax Collector Donna Melanson to the position of Town Clerk/Tax Collector effective October 25, 2022 at her current rate of pay and benefits levels. Carried 5-0.

2) Selectman Guessferd made a motion to adjourn at 10:19 p.m. This was seconded by Selectman Morin. Carried 5-0.

B. Right to Know Policy - Town Counsel Revisions

Chairperson Roy recognized Jerry Bento, John Dubuc and Lt. McElhinney of the Right to Know Committee. Mr. Bento began their presentation saying, Thank you, Madam Chair. Good evening, members of the Board. On October 7th in September, we met in. In front of you and presented a plan. You suggested that we send it to the Town Attorney. They provided feedback. We met as a team Selectman Gagnon, Lieutenant McElhinney, Mr. Dubuc on October 17th, we went through the attorney recommendations and we have some responses and some updates based on those recommendations. The only specific issue that he referenced in his feedback was regarding town residents only and how that they can only apply for Right to Know requests. The Police Department faces that every single day. So I'm going to defer to Lieutenant McElhinney to so.

Lt. McElhinney explained, so we obviously wanted to address that and expand upon that. So which we did in our updated policy. And what we're relying on is *McBurney v. Young*. It's a US Supreme Court case originally out of Virginia, which allows states or 91 requests or right to know requests to only come from within the state, otherwise it would be too burdensome. And shareholders from Massachusetts aren't necessarily entitled to the same information as New Hampshire residents. So in our amendment to the policy, we added language advising that we would follow *McBurney v. Young* just like the state statute. And then and it would be a case by case basis. Selectman McGrath asked, what do you mean by case by case? Lt. McElhinney replied, so typically, it's a denial, but we want to leave it open for the possibility of answering requests. Sometimes we'll have like insurance companies or something that will want information and we'll typically acquiesce to that. Selectman McGrath followed up saying, well, that leads me to another question. How often would an insurance company be requesting a right to submitting a right to know request about land development? Lt. McElhinney replied, under that I don't know the answer to that, but I think that would that would allow us, though, with the current language to say, no, we're denying that based on *McBurney*. Does that answer your question? Selectman McGrath replied, sort of. It doesn't follow what the Town Attorney recommended. Lt. McElhinney replied, he stated, which is true, that New Hampshire does not, the Hampshire Supreme Court has not made a decision on a similar case yet. So it is kind of up in the air. We are allowed to deny out-of-state requests as it stands right now. That's across the United States, not just New Hampshire. And so typically. I think we do, because it can be very burdensome to have anybody asking for information on government activities. But I think it's important also to have the availability that if we choose to release information, we can do so. Selectman McGrath asked Lt. McElhinney do you feel comfortable with that? To which Lt. McElhinney replied, I do.

Chairperson Roy asked, so are you are you suggesting that that somebody from out of state there's an opportunity for them to, for lack of a better phrase, show cause as to why they would need why they're requesting it? Do you know what I mean? Because I understand the insurance issue, because that that can. But what if it's not an insurance issue? What if it is somebody from Tyngsborough that does have a vested interest in Planning Board activities in Hudson, New Hampshire, for instance? Lt. McElhinney replied, under *McBurney*, we would deny that, I think and again, it's it hasn't been challenged in New Hampshire. So and it hasn't been like I said, it's the only case law, to my knowledge, addressing that that concern across the United States. So every other state uses that as as case law. Chairperson Roy replied, okay. But and to I guess to your question about insurance, there's other insurance issues besides those with the police and fire department. Lt.

McElhinney replied, and that's just an example. To which the Chairperson replied right, right, yeah. I mean, I guess what else what else would you allow an out-of-state request? Lt. McElhinney replied, I mean, like I said, typically it's a denial. And like I said, it's got to be case by case. I can't think of the top of my head. Something we would, I mean I guess it would just be the same as with the town. It depends on what the town wants to dedicate resources to fulfilling that request for someone that doesn't live in the state. And I think that's really the spirit of McBurney, is that people live in the state, have to know where our state resources and revenues are going towards, where that where their government is spending their money, where someone in Massachusetts is not entitled to that. They don't they're not residents of the state. And that's really what McBurney kind of addressing. Chairperson Roy replied, right. And I understand that. But again, we're we're a border town. So if we have a development that say, you know, the backyard is in Tyngsborough I would presume that they would have a right to know what's going on. Lt. McElhinney replied, the US Supreme Court disagrees.

Selectman McGrath was recognized and said so you're a four-person committee, correct? Did all four of you want that included in and ignoring Attorney Lefevre's recommendation? Lt. McElhinney replied, I don't necessarily think it's a yes, but I don't think we're necessarily ignoring his his recommendation. Do you have his note, exactly? Mr. Bento asked, would you like me to read it? Does that be appropriate or No? Selectman Gagnon replied, yeah, it's it's public knowledge. Lt. McElhinney said all right. The only specific issue I see has to do with revisions regarding who may legally request information. I would just comment that this is a very complex issue and far from decided. The town can certainly take the position that persons requesting information have to be citizens or residents of New Hampshire. But I would just caution everyone that this is this may not be enforceable. I think what he's referring to is, again, if someone challenges McBurney and similarly in the State Supreme Court, that might change. But again, it hasn't been challenged since I don't remember. I think it was the seventies when McBurney was decided.

Chairperson Roy replied, actually I take that a little different. I take it that some somebody, a citizen of another state, could sue the Town of Hudson in Nashua. Right? It doesn't have to go to the Supreme Court. It could go to the superior court and then and then it could go to the Supreme Court from there. But, you know? Lt. McElhinney replied, correct. I mean, the typical procedure.

Selectman Morin said I got a question. Would only makes sense. You guys made changes. Did you run it by the Attorney to make sure it met Wave is looking for? Mr. Bento replied no, we did not. Selectman Morin then said we probably should. I mean, that's his recommendation. So we should run it by our attorney because here we are having a lot of questions that we can't answer as this board. Chairperson Roy replied, I think it might be worth that while so that we can we can narrow the issues to give to an attorney that we continue the discussion. Right. So because I take that sort of a different way, I think I don't take that as he's saying that you absolutely should have it one way or the other. Right? I'm saying that's what I'm saying. Attorney Lefevre saying it's...Selectman Gagnon interjected saying it's grey. Chairperson Roy continued saying right, that this is the issues associated with what you wrote. It's not necessarily that he's recommending that you change it one way or the other. That's how I take it.

Lt. McElhinney replied, I agree. I totally agree with you. And I think that's why we rewrote it and kept it the way or rewrote it the way we have it. So we're allowing we're relying on McBurney but we're allowing us the option to fulfill those requests if something comes across that we we think is is worthwhile.

Selectman Morin then said I'd like to also make a motion that if we have any further questions before they come back, we get the attorney to review it so we don't have to keep coming back having meetings. Chairperson Roy replied, but again, if we have other questions other than what we just went over, I'd like to be able to narrow the issue exactly for Attorney Lefevre because I don't think I think you address some of them. You know, I know you and I talked about a couple of them. So I think it's worthwhile to to figure out what we want to ask Attorney Lefevre. Selectman Morin replied,

and move forward. Absolutely. Mr. Bento replied, and we're prepared to go through the remainder of his letter and come up to that end result and then present it tomorrow.

Selectman Gagnon then said I guess maybe I'll speak for myself, chime in if I'm off track here. But I think, you know, we had a really good conversation reading the attorney's letter. And my personal interpretation is, is, you know, as a lawyer, he's trying to show us the different scales of liability. Law is not black and white by any means. It's interpreted. That's why there's lawyers. And so he I think in this line he said, you know, there's a little liability because it's a little open ended at the Supreme Court level. We had, I think, very good, and we all actually disagreed on a lot of things and we had a good debate on it. And so I think the final conclusion did come out pretty well. And we had, especially from Lieutenant here, we had some examples already conducted by the Police Station. We thought, well, the Police Station was already doing this for a while, we should be in line with the town. And that's, I think, how we fell on the issue. And the wording certainly does allow for exception. So I think there's a there's an out there if necessary.

Chairperson Roy then said cuz I also understand the balancing act. Right? Because resources. How much resources do to your point to we expend and being still being transparent? Right? Selectman Gagnon asked, should we have them keep going then on the rest of it? Chairperson Roy replied, Yeah, that's what I'm suggesting is that we go through the whole thing and then I'm, we want to narrow some issues here for attorney fees, then we can go from that.

Mr. Benton then explained, okay the Attorney. This is not always the sequence of this letter is just for my ease of reading. He mentioned simple requests, not have a policy and not have we were. We feel that there should be a policy all the time. How is implemented at the town level is the implementation phase of it. But there should be a policy on how documents are provided and requested. If someone walks up to the window and says I need X and they say oh his X and they move on, then that should be handled in a procedure that's implemented by the town employee.

Selectman Morin asked, are you talking on the right to know or any, any? Mr. Bento replied, I'm specifically talking right to no, but I think... Selectman Morin replied, most of the departments have a procedure how paperwork or reports are given already that's I just didn't want to, we've already got that.

That's all. Mr. Bento replied, I'm not familiar with the specific policies procedures in town. Selectman Gagnon then said and for clarity to it, from what I've been told, it doesn't need to be declared as a Right to Know request. Any any request for information falls under the right to know regulations. Selectman Morin replied well, they've already got policies on it. Police have a specific policy to hand out accident or Fire Department So we've already got that. Selectman Gagnon replied and I think that's his point.

Mr. Bento continued on saying, I believe we had quite a bit of discussion on the topic of any and all requests. To back the dump truck up to the door and say, I want everything on the whole topic, whatever it is. I want to know how many cars are parked in the lot on a regular basis, that type of thing; for the last seven years. A town citizen coming into this office doesn't always know what the right thing to ask is. So they may ask for any and all, and maybe that's where the coaching comes in, that they may come in and ask for something Planning Board specific. But oh, by the way, on that particular topic, the Board of Selectmen had a discussion. The Conservation Commission had a discussion. And I'm not sure that the, we're not sure the requesting party would always know that. So the any and all kind of fits that. If you have a question on the parking lot and the Board of Selectmen had a discussion, Planning Board had discussion, Zoning Board and I'm out there with the requests, but without asking for it any and all, they would know that. So that's we've kind of felt that the any and all was appropriate because the citizens do not know, may not know all the particular departments or where the information may reside.

Selectman McGrath then said can I ask a question? So any request that comes in, does the person that's making the request, do they have to pay a fee for these documents that they're seeking? Mr. Bento replied, there is a fee schedule if they are copied. The town already has a fee schedule for

copying documents. If they provide an electronic device, there is no fee for that and I can't speak for what the fee schedule is. It's per page based. The Town Administrator then replied, it's a dollar for the first page or something like that, or \$0.25 for every page. So if you had to, if we had to reproduce it, photocopy it, there's a charge to do that? But if you give somebody here's a computer, go look at it or here's a stick.

Selectman McGrath replied, but I mean the person coming in not knowing that they wanted to just get Conservation Committee documents, Planning Board documents, Zoning Board documents. I mean, there's a whole bunch of, as you well know, a whole bunch of departments. If they wanted everything, but only one committee was the one that they really wanted, but they had to pay for all of the others. Don't you think that that would cause a problem for people that are not really wanting to have the dump truck backed up to the door? They want just a certain amount, but they don't know what they want. So how would you go about doing that and getting that in the document so that people know that they're going to if they ask for everything, then the everything might be, you know, hundreds of pages of documents depending on the size of the project. You know, like Hillwood. That would be a lot of documents. It would include plans, it would include, you know, a whole bunch of different things and some of them more costly to create or copy. How would that be handled?

Selectman McGrath went on to say, I'm just kind of mumbling on here. But I understand that type of that type of unknown. And for the person that doesn't know and then gets a bill at the end of having all of those documents copied and it might be might be \$50, it might be \$100. And they thought that they were going to get out of here for \$5. Lt. McElhinney replied, I think to Jerry's point is that it becomes a training issue there where we want to make sure that people that are receiving these complaints understand that I think, like Jerry was saying, that if somebody says I want everything on X, Y and Z, that that whoever that town employee says, well, these are the available documents. Were you looking for all of these or you're just looking for these? and then having that conversation to kind of clear that up? And then again it becomes training where, all right, if you want all of these, it's looking like it's whatever, \$5, \$10. If you're just looking for the these, it'll probably be free. We'll be able to email those to you. And there's no cost for electronic transmission. So I think that's where we were saying some of these issues are going to have to be addressed also from a training perspective, from the town employees and familiarization with the policy and how to execute it.

Selectman Gagnon then said and if I may add to that quickly to about just clarification of the cost, this policy and nothing about right to know says you can charge a cost. The only allowance for costs are one for one. So if we have a cost to multiply a paper document, we can pass that cost on to the requester. But if we're providing these digitally, either through email or a USB stick, there's no cost for any of that. It's just copying.

I think you're you're, you're not, well... the Town Administrator replied from a practical perspective, if I get a request that asks for something and somebody says I want paper before I do anything, I let them know approximately what it's going to cost. So they're walking in with their eyes wide open. This is going to be \$50 if you want it. You still want it on paper? Okay, I'll do it. But you're going to know before you get it so you don't get hit with that charge that you weren't prepared for. Typically, in today's world, it's either on a stick. It can be electronically sent to somebody if it's just a couple of documents. Quite frankly, if it's one or two pages of something, here it is. We do try to work with people, but it's the voluminous request. And just to kind of step back a little bit, we've gotten requests from out of state companies. Virginia, for example, we want all your building permits for the last two years. Not going to happen. We don't have the resources to do that and we don't do it. We just let them know, sorry. And nobody's ever come back and said, we're going to sue you for that. They're just fishing for business is what they're doing. And that's not our job. Our job is to respond to the citizenry, typically the citizens of Hudson, but the residents of New Hampshire. And we will give you a heads up what we think it will cost and let you know if we're copying this, it's going to cost you. Selectman McGrath asked, so those dollars. So does that cost include the time to reproduce those? The Town Administrator replied no. Chairperson Roy said no, it's just the cost of reproduction. The Town Administrator replied, the reproduction cost assumes some sort of cost to reproduce things. So if you're thinking a dollar a page and then \$0.25 for every page afterwards, that implies

somebody standing at a copy machine doing that. But the actual getting the documents, looking for the data, that there's no cost with that, that's part of the responsibility to satisfy the request.

Selectman Guessferd then said is it okay for me to ask a question? So to your point and looking through the policy, I just want to make sure that it's very clear to the requester that the steps are going to be: you request the information, and then you go out, we go out and we get all this information, but we go to them. We go to them first before we give it to them, before we make any copies. And we say, this is what you're looking for? And then we say to them... because I can see it being a problem for somebody who really is looking for a specific piece of information. We go back to them and say, hey, you know, we got all this information on this topic. And if we don't go back to them before we copy it, then that's I think what you're really talking about is, is that we look at it and say, this is going to be, you know, this is going to be 3,000 pages of it's going to cost you this much. And then they go, Whoa, whoa, whoa, wait a minute. I'm not sure I wanted all that information. Know what I'm saying? What I'm saying, there's their process to kind of go through that? It does say that?

Selectman Gagnon replied, if I may, gentlemen, if you look at one of the attachments, there's an application. Now, I should preface this by the law says no resident needs to fill out an application, but we recommend it. If it is filled out. If you look at the I think the second page of the application or the back page, they can choose. Do they want a link to an online directory? Do they want printed physical copy? And in parentheses it says fees can apply. Do you want a digital copy provided on a town USB? Fees can apply. So it says that and hopefully when the resident's filling out the application and the town hall employee is reading it, that will spawn the conversation. Fees will apply. Oh, what fees? And this conversation will be had. Selectman Guessferd responded, right but that process, that step by step process, I don't think that's as well delineated. And yeah, the attachment does have.

Lt. McElhinney then said and address that point. I think that's more of a training issue than a something that needs to be put in policy. That's policy implementation. And again, I think in my opinion would fall under a training. Our policy doesn't specifically address that. It's just through training and experience. And again, if we're committing ourselves to transparency to government, then that's all part of that, where, hey, we're going to ask these questions and make sure we're serving whoever's asking for these documents as best we can. So I think that's more of a, in my opinion, a training issue than it is something that should be put into policy for implementation.

Mr. Dubuc then said I want to add it's more of the process of how you implement it. The policy doesn't call out how you search for a document. It doesn't call how you get where you copy the document. It's more of a someone that asks for something with the process that the town uses should be: we gather the information, we have an estimate, Oh, it's going to be around \$40 as you want to proceed. Yes, I do.

Lt. McElhinney added, and then and from a practical standpoint, we've we get requests that never get filled. I mean, rather we fill them in and nobody ever comes and picks it up. And so we're not sending out bills to people collecting the \$3 or whatever for the for the thing. So it's really not, I understand your concern, I haven't experienced an issue where that has happened. It's certainly a possibility. But again, I think that becomes a training issue.

Selectman McGrath replied, but this is dealing with other documents that you might as a police officer, you might not be familiar with. And I'm talking about planning documents, zoning documents. And you know, what a site plan looks like and how how thick is these gentlemen know? Selectman Guessferd added, 11x17, 26 pages, I mean, yeah, I mean, all kinds. Selectman McGrath replied, you should see you should have seen the documents that I had from way back in the day when they were the lifestyle center. I couldn't carry them. Somebody had to carry them for me. They were so heavy and so voluminous.

Chairperson Roy then said because you keep talking about it, who is providing the training and who is being trained? Lt. McElhinney replied, that would be town departments. that would be the department issue. That would be the department issue and a town issue. We received our training

through New Hampshire Municipal Association, and that's who we send our people through. That would be up to Fire and Town Clerks and the Administrator's office. So that that would that would have to be a town decision. Selectman McGrath then said you want to throw something at him Steve? To which the Town Administrator replied, no, no.... Chairperson Roy asked, do we have folks that have gone through that training, that NHMA training? The Town Administrator replied, well they've done the right to know training, but not specifically. You know, I'm trying to I'm trying to put it in specific terms. You know, typically you get a request, you ask for any and all documents you have in your possession. Pretty simple request turning back in. Lt. McElhinney replied, it's really not complicated. Chairperson Roy replied, no, I wouldn't, except for except for you keep bringing up that that should be part of the training and I, I haven't been to the NHMA training. Is that part of the training? Lt. McElhinney replied, which part? Chairperson Roy responded the whole idea of having the conversation, making sure they understand what they're asking for and what they're going to pay for, and all of those things. Lt. McElhinney replied they absolutely touch on it. Yeah, they actually just had a training a couple of weeks ago that we didn't get to send anybody, but they do the training a couple of times a year, so it's definitely available. The Chairperson replied okay. Okay. All right. Anybody else on this part of it? Okay.

Mr. Bento continued reviewing the list from Attorney Lefevre saying the Town Attorney also referenced native mode in the requirement of not having to do that. We feel pretty strong about native mode only because it shows all the details of a file and an email. Who received it, when they received it. And if you implement an archiving solution, it timestamps the attachments and it's easier to track. And it's easy to say if I request an email from Steve that John was copied on, that Steve forwarded to somebody else, that I see all those emails, not just the one that Steve and John were on. You see all of them. We feel pretty strong that that maintains the integrity of the documents that you're providing to the answering the right to know requests. Mr. Dubuc added, I'll also add that any privileged information, so if there was someone that was copied on it, that if the Attorney is copied on it, then that'll be redacted anyway. So anything that should be redacted, that's privileged information wouldn't be sent out even if you sent that out in native mode. So you'd be searching for that. And then you can call out any, any information that shouldn't, shouldn't go out. You can redact that information.

Selectman McGrath then said so for those people that say they forward an email and it's you see that chain of, you know, this person created the document, they forwarded it to Joe and Susie and all of that. Are you, would the expectation then be that if they responded to it, that that response was part of the the right to know request or would they have to explicitly request any responses to. I mean, it gets this really gets tricky. Mr. Dubuc replied, well, I think that the response if someone asks for I want to know about the car that was parked in the front and I sent you an email about it and you responded, that wasn't my car. Well, that's that interchange is all about the car that was parked there. So that would be all discoverable. I think to add on to what Jerry had said about the native format. A good example would be if, if you create a word document and that's sent out to everyone. So in other words, document has to the author is it has the date it was created. So things like that are in the native format. If you save that word document. So you created this document on July 1st, the word document. So the dates a July 1st document, I asked for any documents from July. Now, if you and now it's August 15th, if you save that word document as a PDF file. Now the date of that PDF file is August 15th. It's not the it's not the July 1st document anymore. It's a brand new document because you saved it in a new format. So it may be easier to read the PDF document, but that is not the document that was created and that was sent out to everyone. That's the importance about having a native, a native document. And then if you take that word document, you could change one word and save it as a PDF file. It is not the same document anymore, but you saved it in a new date and a new format with a new author. So that's the importance of having stuff in native format is the document is created as a public document. If someone asks for these documents, we give it to them in the document that was created not as a new document.

Selectman Morin asked Mr. Benton can you just refresh my memory with the attorney's comments on native? The Town Administrator replied he believes it's not required by the right to know law. He believes it is not required by the right to know law. Certainly permissible to provide. But there are a variety of issues. So he was not required. It's up to you. Chairperson Roy replied, I think I might

agree with the committee that it provides some more transparency. Selectman Morin asked, but what's it going to do to open us up? Well, we have two sides. We have to, we have to absolutely for the resident but we also got to protect our town. Chairperson Roy replied, well, as they said, anything that's protected, any any communication involves the attorney or whatever is redacted out. And they wouldn't be entitled to that as under the 91A anyways.

Selectman Morin asked, what I would request from now, when he finishes what the opinion was of the attorney and then state, what they're going to do is just so we refresh our memories.

Selectman McGrath then said so just to go on with the PDF, creating a PDF file from the original document. So you use a doc document and then you save it as a PDF file with one minor change somewhere within the document. How are you going to know exactly? I mean, is someone going to have to read both documents and do a side by side to try and figure out what's changed in document number two? Or are you going to create another file which actually shows the changes, the word changes throughout the document? So it might be just as simple as the word thee, but that's a change according to you. So, I mean, how do you differentiate that? And I mean, it's just from creating, you know, taking a doc file and creating a PDF file and it's just one word. And it may just be it may be a misspelling of somebody's name, like from Susan to Sue or whatever. Mr. Dubuc replied, so the way I would respond to that is we give both documents because they're different documents. So we have the Susan document and we have the Sue document, and they are two different documents. There's the July 1st document and the August 15 document. We give them both. Selectman McGrath asked, with no explanation of what the change was? Mr. Dubuc replied, you wouldn't, because they're asking for information about Susan. So you're given all the documents about Susan. So you called you called Susan, and Brett called her Sue. So different documents and we give them both because it was all about Sue or Susan or whoever you want to talk about.

Chairperson Roy replied, right, because I don't think we have any obligation to explain that or interpret that to the citizen. It's up to them. They requested it is up to them to read it and say, okay, it went from Sue to Susan. Selectman Guessferd added that would become a nightmare too. You talking about tracked changes. Mr. Dubuc replied, and if you give them both and they only read the Sue document, you've given them all the information they've asked for and if they only read the Sue document and didn't read the Susan document, that's not on the town, that's on the person that requested the information, that they didn't read through everything that they requested.

Selectman McGrath replied, I hear what you're saying. I'm just thinking that that's going to lead to a whole lot of other issues. You remember where I worked? Selectman Guessferd replied, so you know the documents that that I was working on that you've probably worked on. And it's you go through it and you create it one way, save it as a PDF document, and you do a word count and word change. But it takes a lot of time. Selectman Guessferd replied, I mean, I wasn't necessarily going to go there, but I think, like for me, I sign documents on behalf of the company and I never send out, I never sent out a word document, especially with my electronic signature on it, with my e-signature, because who knows if a customer or somebody else out there could take it and change it, turn it into a PDF. Now it's a different document. It looks a little different. Maybe it might a couple of words can make a huge difference. So I do get that. I do understand what you're what you're getting at there. So, you know, I think it's important to have that initial document because if the document that down the line just say to two or three different documents down the line says something different, you're protecting yourself really by that native document in my mind, because it's what you originally wrote and it's and there's a record of that. And to me, that's that's important. So that would kind of place me in the realm of going with the native document, that the source document cuz when I sign a document, I sign a letter. I want to make sure that that that represents my record that I sent out. And it happens with me all the time. And I never send out a word document to a customer.

Mr. Bento asked does anyone else have any questions on native format before we move on? Seeing none he went on to say, next item the Town Attorney referenced was the need for a public hearing to amend the policy. We feel that the policy is a citizen policy, affects the citizens of the town. And so if the policy is amended, it's appropriate to have a public hearing. I know the challenges with the public

hearing and the lack of feedback on public hearings, but I think is still a good opportunity to put it out there. Whether people take the opportunity to attend and provide feedback. We can't dictate that. But we think it's important that because it is a public document affecting the town residents directly, that it should be a public hearing before any changes. Selectman McGrath replied and I happen to agree with you.

Selectman Morin said, again I would just like to hear what why, why they're bringing it up, what the Attorney said. If you could just do what the attorney comments were each time so we can take what he said and what you're telling us back. Mr. Bento replied most definitely. Section requires to amend the policy. I do not know what the Selectmen's practice/policy is regarding amendments to its policies, but I would suggest the same practice/policy be observed with this policy as is followed by other Selectmen policies. Chairperson Roy said, so however we change town policy should just be one way. And and you and I spoke about that and, and I happen to agree with the Attorney that there should only be one sort of mechanism to do that. It would get far too confusing to have it one way for this policy and another way for that policy. And, you know.

Mr. Bento then asked, I just have a question not being familiar with all the town policies or many of them, is there a what I would consider a public facing policy like this one and internal policies that govern the town? How were those handled? The Town Administrator replied, there's just policies. You have Town Code which requires by law public hearings. That's Town Code. But if it's a policy of the Board of Selectmen or have been adopted by the Board of Selectmen, I'm not aware that you do any public hearings on them. Chairperson Roy then asked, but it has to be an agenda item? The Town Administrator replied it would have to be a public agenda item. So from that perspective would be on an agenda. Presumably if somebody saw it on the agenda was motivated, they could come in and come into public input. But typically there hasn't been public hearings, formal public hearings, such as you would have to amend Town Code, I'll put it that way. Town Code specifies and requires public hearings or public hearing depends on which part of the code you're changing. Policies it's the Board of Selectmen's policy. So it's up to the board to typically do it, not typically, to do it on an agenda that's publicized.

Selectman Gagnon then said and I think, you know, we had a long discussion about this as well. And I think to add to I agree with the Committee, you know, this policy specifically, I get it. We don't want to have a bunch of positives, all different reasons, totally get it. Internal policies can generally be grouped together. They help department heads and their departments run. This one specifically, I think stands out because indeed it gives the residents some power and knowledge. And if you were to get a malicious Board of Selectmen at some point and say this, this holds us back or this is annoying to us and they want to go change it and downgrade it, I guess they could and they could do it in potentially a quiet way. You have to have a meeting, I guess, but the public hearing just allows that option to the residents to truly feel like they have a seat at the table legitimately before their rights are changed. I think that's why this one stood out. And we really wanted to make sure that the public hearing was was kind of highlighted versus just public input. So residents really felt like it was it was part of their policy. They were part of the policy.

Chairperson Roy then said Mr. Guessferd did you have; did you have a comment? I've got just a thought. This is kind of I'll agree, this is kind of unique. And the reason that this all came up was because of a court case. To me, that's the only to me, that's the only compelling reason to change. To be different than the other town policies is this was this was very visible. This was something this was very much out there. On the one hand, I do agree that we should have all policies should pretty much follow the same procedure. From my perspective, if there's a way we can at least I don't know use the same procedure, but invite, I guess, or have some level of public and again, public input would be a public hearing. But I'm just I'm kind of torn about it. Chairperson Roy replied saying yeah, so so one of the ideas that maybe comes to mind sort of I don't know if anybody's seen how the School Board reviews policy. They have what's called a first read. So it goes on an agenda. It's passed out with that item and then they don't discuss it or anything until the following meeting where again, it's an agenda item and it's on there. I mean, maybe that's a compromise. So that's not all

done. Like you don't come and say, Hey, I think we should just eliminate this, you know? And then that same night we like, Oh, okay, let's do that.

Selectman Guessferd replied, yeah. And that's kind of where I'm coming from is, is that, that, that the public at least know that there's a change in the offing and maybe that two-week period gives them a chance to to contact us like they do for other matters. And then that next meeting we decide what we're going to do. So I would, I would be okay with that so as to satisfy the need for the public to feel you know that this isn't going to just get pushed under the rug or away from them, but at the same time to not overly complicate, you know, the the the procedures of the Select Board.

Selectman Morin was recognized and said sorry, and this isn't a discussion for tonight because we're going to talk about this again. But if we're going to do it for one, shouldn't we just do it for all? Chairperson Roy replied and that's a very good, I actually.... Selectman Guessferd said that's the extension.

Chairperson Roy then said cuz I think that's very prudent. Right? Cuz it gives you time to to read it and then we can discuss it at the next meeting and then make a decision. Selectman Gagnon then said and so I think that conversation would be fabulous to have, I'm really interested in that. But constructive criticism, you just said, let's have to like School Board, let's have first read and the second read. That's two meetings with potential public input. All due respect, how would that differ from from from a public hearing? Isn't it almost the exact same procedure? Chairperson Roy replied, well there's no noticing. Selectman Guessferd added, it's not. It's not the same. The Chairperson agreed saying yeah, it's the notice requirements. Selectman Guessferd added, it does allow for the public just like anything else. Anything else we do, we get public input. We all get emails from from citizens that are concerned about things that are people that are paying attention and and they and they want to have an input. There's not necessarily a public hearing on those on a lot of those matters, but there are opportunities to contact us. And we're always saying contact us, tell us what's going on, what you like, what you don't like. Public input in a meeting that's not a public hearing. Selectman Gagnon replied, yeah, I think the difference there is, you know, the people need to be proactive in knowing what we're doing and then come to the public input, which they should be. I totally agree. But the step a step beyond what the public hearing is we be proactive and we put a public notice saying, hey, just heads up the people who don't pay attention. We are talking about this policy if you want input. And I think that added step I tend to think is worthwhile. Selectman Guessferd replied, well, the only thing is, again, if we do it for one, are we going to do it for all? Chairperson Roy asked are we gonna do it for all the policies? Selectman Guessferd continued saying, here we are just in gridlock. With every policy we have, we never get any business done. Selectman Gagnon responded, yeah, and I don't I don't think needs to be applied to all. but anyway.

Selectman Morin then said and to your thing. How many people do we get at public hearings? We put on our agenda for every meeting a week in advance. It's kind of the same thing, other than it's not an official...Chairperson Roy said public hearing. To which Selectman Morin replied, right. Selectman Gagnon then replied, valid point, valid point. The Chair said I just think as a compromise that first read, second read is, may be a good compromise for that. How you folks feel about that. Mr. Bento replied, I think that I like that idea. I guess I would like to see more people participating. To which the Chair replied I'm on board with it, Mr. Bento. I'm on board with you. Mr. Bento then said you know, quite honestly, I've looked at agendas over the years, but have paid a lot more attention the last 3 to 4. But I think first reading, second reading would get it out there and be more public than possibly today.

Mr. Bento continued on with the review of Attorney Lefevre's suggestions for the proposed Right to Know Policy saying a couple of different times in the the attorney referenced the policy being lengthy. He also referenced some items regarding definitions and things like that. So I'm going to summarize those all in one under the size of the document. We did reduce and remove some information from the purpose section, the obtaining public information section. We reduce the amount of legal definitions, note sections we removed or moved, move them into the body of the policy. And the

Committee feels strongly that the policy today, with the adjustments that the Town Attorney may make in the beginning, excuse me, on that other item, the policy today is the correct size, has the correct information in it, the right amount of information, and that the size of the policy does not necessarily dictate the value of the policy. But we're very comfortable with, we spend a lot of time going through duplicate items, removing items, making sure that we were clear, and we did reduce the size of this. And that was a good undertaking. We feel very good about that. None of us compromise said, aww well, because of this, we agreed that these were the items that we should be thinning down, so to speak.

Selectman Gagnon then said the meat of the policy is only six pages. Selectman Guessferd replied, right. There's a lot of pages, but there's a lot of attachments and yeah. Selectman Gagnon replied, and even still, I think even the law itself is repetitive. Chairperson Roy added, I think that it's important, regardless of the length that all of the information that the public needs to know is in the document. Right? You know, so if it had to be 12 pages, kind of so be it. If it if that's what it took to cover all the material. Mr. Bento replied, and where we may have taken some items out, specifically definitions, we provide a link to the RSA where those definitions exist so that someone, if they're so inclined, can go to the RSA and find those definitions. Excuse me.

Mr. Bento wrapped up saying, so that ends the talking points on the Attorney's portion of it. We still, after the adoption, we still have the recommendations. Not sure if you want me to go back through those again tonight that we provided last week, one of them a couple of weeks ago. One of them implement the email archiving system. Mr. Beike, at the October 18th budget presentation to the Board of Selectmen indicated the archiving solution will cost about \$13,000 for the first year and \$2,500 for every year after that. Chairperson Roy replied yeah, we did that. Selectman Gagnon added yeah, so we've taken care of that, sir. The Town Administrator said in the budget. For the budget for next year and the Board put that amount of money in.

Mr. Bento replied, okay. So moving on to the second recommendation, in lieu of waiting for that to be implemented, which is a way away. The Committee would recommend that you remove email quotas right away, from all employees so that they're not not out there on Monday morning or whatever day they get the warning that they've exceeded a quota, deleting emails to reduce their mailbox size. Mailbox size, people stopped receiving emails, can't send emails. And I think, we feel, it opens the town up to a potential liability if someone deletes an email by accident that they shouldn't have deleted. And by removing those quotas right away. There is a cost to it. And Mr. Beike will have to indicate what the increased cost for additional disk space requirements will be going forward for that.

Selectman Morin replied, I have no problem with that. But I think we need to have all our employees notified and explain to them what is going on before this happens. Selectman Guessferd replied, absolutely. Selectman Morin continued saying, before this takes effect, because, again, they have the right to know why and things. So before that gets done, there must be and everybody must complete it before it's done. Selectman Guessferd replied saying yeah, I agree. I agree that they all need to know. Yeah. My big concern is cost is just how much more space are we going to need and how what's that going to cost? So it may not be that expensive and in the end, but. Mr. Bento replied but it would be the cost from now until next July 1st or whenever the implementation of the email archiving system is.

Selectman McGrath then said well, that's provided that we don't have another default budget to work with. Selectman Guessferd then said I mean, that cost would come within our current budget this year. We'd have to find a place for it. But our current default budget. Selectman Gagnon then said to Selectman McGrath's point, gentlemen, I implore you to educate the public that that this are important work that we have done. We've put it in our 2024 budget. So we would really like to pass that budget because it is we've worked very hard on it and include very important things like this. Chairperson Roy replied, actually, I would implore some of you to go to tomorrow night's budget meeting and talk about this in their public input session. Selectman Guessferd agreed saying, yes. The next two meetings over there. right? Mr. Bento asked, the town is on tomorrow night? To which the Chair replied yes. Yes, we're up first.

Mr. Bento then said the other items that we mentioned last week was having a frequently asked questions page for the citizens. Where do you go for your own information? Make it a self-serve. If you're interested in this, as I, I have some troubles going to Planning because you've got to dig into this and that. I'm sure I'm not the only one that has those similar things. Training for employees. Once the policy is approved and implement a policy where all elected officials have town email, can only use town email. The Chairperson replied, I would refer that question to Mr. Lefevre because as much as I agree with you, I'm not sure that we can that that would be enforceable. So I just want the question asked to to the Town Council before before we made that any kind of policy.

Mr. Benton then said, so I want to thank the members of the board of the Committee today myself, Mr. Dubuc, Ms. Nicolas, who was on previously town employees Lieutenant McElhinney, Judge Tessier, Mr. Malizia and his team provided input and of course, the elected officials. Selectman Gagnon. Developing this policy and getting us to this point. I'd like to thank everybody for that. Chairperson Roy replied, I want to thank all of you for all the hard work. I know how much it takes to develop a policy from the ground up, so I know how much work this was. I really do appreciate it.

Mr. Bento replied, just to follow up, make sure that I have correct notes, because I'm not a good note taker. We're following up on the specific issue with the Town Attorney on the town resident requirement. Is there any other follow up that anyone would? Well, the native format, just to get a more specific read from him about his concerns with native format and what are there any concerns about liability connected to that? Selectman Guessferd agreed saying, right. Because I think I'm in favor of native format. Selectman Morin replied I am too. But let's just cover ourselves. Selectman Guessferd replied, exactly.

Mr. Dubuc then said, I think I want to add something in the native format to if we're talking about word and PDF documents. And that's simple to say. Selectman Guessferd said you can edit a PDF document. Mr. Dubuc replied, I know I never send a word document either, but something that you can do, you can take an email and you can print emails as PDFs and give that as a right to no request. So now any attachments for the emails you don't have any. You don't have the BKS. If you print it out and it's sent to 14 people, you only capture the first seven addresses that are in the address line so you don't know who it went to. So I think that's that's more that's more about native format is the emails. You know if you create a word document and then you save it as a PDF and that gets sent out to the whole board well the PDF is actually the document that you sent out, that's the public document. But when you're printing out emails as word documents or PDFs, you've totally lost every attachment. Every CC, every BCC, the entire address list it was sent to, you have no idea who it was sent to you. I think that's that's the biggest thing about is to make it a little clear. I think the doc and PDF made it a little bit. Well, it's not a big deal, but the emails are a bigger deal.

Selectman Morin added just to make it clear, I think you've got the support. We just want to make sure on our side, that's all. Mr. Dubuc replied, yes, sir. And I just wanted to expand a little bit on on that. Thank you.

Mr. Bento went on to say and the third thing we're going to do as a Committee is rework the section on the public hearing with reference to the two readings and coming to the Board. If anyone thinks of anything else, please email us. We'll follow up. And I'll follow up tomorrow morning with Mr. Malizia on getting with the Town Attorney. Then we'll go our next steps for guidance. For the next steps from yourselves. Chairperson Roy replied, Again, thank you very much for all of your time.

8. NEW BUSINESS

A. Health Officer Appointment - HFD

The Town Administrator was recognized and said, so with the promotion of the Fire Chief Deputy to the Fire Chief, we now need to designate him as the Health Officer. It's part of the job description. The former chief was the designated health officer. Chief Tice served as Deputy Health Officer for many years. So he had the appropriate training. So part of the job description is he is the Health Officer for the town of Hudson. So I think you should make a motion to appoint Fire Chief Scott Tice to the role of Health Officer for the Town of Hudson, New Hampshire, as outlined in the JOB-1 Fire Chief. Selectman McGrath made this motion, seconded by Selectman Gagnon. Carried 5-0.

B. Emergency Management Director - HFD

The Town Administrator was again recognized and explained, another item here regarding the Emergency Management Director, again, as designated in the job description, the Fire Chief is designated as the Emergency Management Director. Former Chief Buxton was the Emergency Management Director. Deputy Tice obviously served under him, so as part of the job description, he is the Emergency Management Director, so I would recommend you make a motion to appoint Fire Chief Scott Tice to the role of Emergency Management Director for the town of Hudson, as outlined in the job description. JOB-1 Fire Chief. Selectman McGrath made this motion, seconded by Selectman Gagnon. Carried 5-0.

C. NHDES Water System Sustainability Grant Application

Chairperson Roy recognized Town Engineer, Elvis Dhima. Mr. Dhima began saying, Thank you, Chairperson Roy. Good evening, everyone. As you probably remember, Town of Hudson recently got a \$100,000 grant from the state. This is ARPA funds they're getting from the feds that they the managing. So we secured 100 grand out of the 100 grand. \$10,000 was related to lead and copper service which is required by EPA. A municipality or a water system of our sizes. It appears to be capable to get in up to \$50,000 grant for lead and copper services. So in front of you tonight to move forward with applying for another grant to get an additional \$40,000 related to our lead and copper service inventory that we need to do in a couple of years. So with that said, I'll take any questions you might have.

Selectman Gagnon was recognized and said I mean; I know the hazards of lead. Can you give me a quick overview what's what's the copper? Mr. Dhima replied it's lead and copper. It's called the lead and copper service. Most of our services are copper, but it's basically the inventory of everything you have out there that might be harmful to to people. And that includes basically the connection from the main to the curb stop, from the curb stop, to the house. What we typically do now is we take pictures of everything, we document the distances, locations, materials, diameters. Back in the old days when they first start doing this, they didn't do it. They had some ties. It's the same template over and over again. So what this is going to allow us to do is this funds hopefully go out there and do the do the inventory of things we don't have information of. And that and to your point, the theme is figure out if you have any led out there or not. Selectman Gagnon asked so it's just lead that? Mr. Dhima replied, yes just lead. Copper is safe. Yes, they called it lead and copper service inventory. I don't know why, but it's the lead that they're there that they're really worried about. Selectman Gagnon replied, okay thank you. Seeing no further questions from the Board, Selectman McGrath made a motion, seconded by Selectman Gagnon to authorize the Town Engineer to apply for the Water System Sustainability Grant Program. Carried 5-0.

D. American Rescue Plan Act Update

Chairperson Roy recognized the Town Administrator for an update on the American Rescue Plan Act. The Town Administrator began by saying, so as you all well aware, we have received all of the funding, \$2,682,044.10 in American Rescue Plan funds. We received two different funds, two different checks. We received one in '21, we receive one in '22. August of each year. There is a list of projects that had gone through the Committee. It came to the Board. The Board approved Flagstone Drive drainage replacement project, which is complete, has been complete for quite some time; under budget. We did the West Road Transfer Station, which we had an estimate for which the project or the bids came in higher, basically because of the cost of material and the way things have gone. Basically that's essentially complete that we've withheld \$5,000 just to make sure the paving gets.

Chairperson Roy then said can I just ask a quick question? The overage of. \$2,774.80. does that include the 5K? The Town Administrator replied, yes. That's everything. So, again, when you're doing paving estimates, you're trying to get close, but we're fairly close. So we're holding back \$5,000 in payment until next spring. Make sure things weather and there's a couple of little spots they have to kind of clean up. But for all who've been there, you've seen the benefit of that project and you've seen everything. So that's a success and basically, basically complete. We have the Lowell Road Bridge culvert project, which is sort of near what Central Street is. That's the culvert. It's actually designated as a bridge because of the length. That's Mr. Dhima's managing that project. We've been in the engineering phase, construction phase. This has been put out to bid. Bids are due November 10th, most likely construction starting next spring, I would assume. Typically, it's a spring time. At this point in time, it looks like we might get some favorability on that one, but we'll wait and see what the bids look like. So \$700,000 was allocated for that. We spent about \$41,000. It's basically been the design phase that's taken that much time. The Taylor Falls Veterans Memorial Bridge rehabilitation. We had originally budgeted \$475,000. This was a 50/50 share with the city of Nashua. We're going to be getting funding from NHDOT the Bridge project. And we're also getting different federal funding for this bridge project. So it appears at this point in time we're not going to need to spend any of the ARPA funds on that project. The Town Administrator went on to say, so based on the information the engineer has brought forward, so that frees up \$475,000 of funds that we had designated for this project. The last final project you approved expanding \$77,165 to complete the Seagrave Fire Apparatus That is complete. We've received the vehicle, the truck, the engine. So that's here.

The Town Administrator went on to explain, so basically we allocated \$2,495,100 for projects. We spent \$1,257,840.43, leaving a balance of \$1,237,259.57. Of that balance if you look at if you had the Lowell Road, I mean, pardon me, the bridges, and then we'd have \$186,944. But because we're not doing the bridge project there appears to be \$661,994 available for other projects. So what you might want to consider is reconvening or having the Committee meet again to look at either the list of projects that were secondary that weren't forwarded. I'm not sure if you want to solicit other projects. It's entirely up to the Board, but I think you need to have the Committee look at the projects to make recommendations.

Chairperson Roy then said so that was actually going to be my suggestion that we reconvene the Committee. Selectman Guessferd asked, is there a limitation on time to spend the money?

The Town Administrator replied, I believe we had a couple, I want to say we're a few years out. The Chairperson replied, I want to say 2026. It was like FY26. The Town Administrator said yeah, it's a few years out. It's not imminent. The Chairperson agreed saying, it's not imminent.

The Town Administrator then said so we had talked about doing something at the Community Center. There's a, there's actually an RFP out to get quote for that to do the whole air handling, air conditioning, all of that. That was, I think, one of the next projects on the list. But we should look at the whole list to see what was out there. Selectman Morin replied, we still had some items left on the list that. Selectman Guessferd said right, the Committee is going to reconvene. Chairperson Roy

agreed saying right, right. that's what I would suggest, is that the Committee reconvenes. The Town Administrator added, to make recommendations to this Board. Chairperson Roy went on to say, I think the first is to Mr. Malizia's point, whether you're gonna just look at the projects that have already been presented or if you're going to open it up to to other other projects. Selectman Morin asked, can we call the Town Engineer up and see if anything is new that needed to be added? The Chairperson replied, well, if you're going to open it up, I would like to present a project, but. Selectman Morin replied, I'm just...all right. So instead of him telling us project, is there anything that is come forward without telling us what it is that way? Should we open it up? How about that? Town Engineer, Elvis Dhima came forward and said yeah I mean, as I told Mr. Forrence before this meeting I will let the Board know that all the money's being spoken for. There is plenty of drainage projects we have identified already. The question will become, is anything on the list already there needs to be done prior to this projects that we need and that'll be up to the Committee to decide. I will say on Mr. Forrence and myself behalf that the Board to consider to add someone from Public Works and Engineering to this Committee as well, to make sure that you get in all the parts. But there is plenty to be done in this town if the Board wishes to add to the list out, I'll say that much.

Chairperson Roy replied, I'd be reluctant to change the composition of the Committee. That would just be my thought initially. But. Selectman McGrath was recognized and said I just, I have a question, and it's probably going to get shot down as soon as I get the words out of my mouth. But could those additional funds be used to purchase property? Chairperson Roy replied so that's a really good question. I don't know the answer to it. And again, that would be a project to be presented to the Committee. And again, I don't. The Town Administrator added, I don't believe the American Rescue. I'm not aware that it's to purchase land. I mean it's definitely infrastructure. Selectman McGrath replied but it might be to save the Town. A project that is not really conducive to the community. Selectman Morin replied, it's not an improvement. It's an addition. Selectman McGrath replied it might be an improvement over (inaudible). Chairperson Roy replied, I think so, so honestly, if if we could reach out to our point of contact, I know that was a point of contact that the Fire Chief was using to ask questions like that. That's where we get the answer to the Seagrave question. it's worth asking the question. Right? The Town Administrator replied, I will say \$661,000 does not go as far as it used to go. Chairperson Roy replied, I know that would be the problem. The Town Administrator said it sounds like it's a lot of money to all of us. But when you get into the realm of these project types of things, it goes very quickly.

Selectman Gagnon then said, and sorry, if I may, I'm just looking at the emails from our meeting to remind myself a couple of questions while I have Mr. Dhima here and to remind us here. The Marsh Booster Station project. That's complete, right? We did that in different way? Mr. Dhima replied, the Marsh Road Booster Station is funded by the water budget. Selectman Gagnon asked, okay, but has that been upgraded? That was on our... I have a list here of what we talked about. Is that complete or complete? Mr. Dhima replied, that one was not identified as part of the ARPA. Yeah. So that's being done through a three-year process. Right now we're purchasing the pumps, we're going to get the building and then the third year will be putting everything together. The Town Administrator added, it was identified, it wasn't appropriated from the ARPA funds. In essence what we're doing is we've taken a three-year approach to do it to the water budget, which we've done one or two phases already. So we're somewhat through that.

Selectman Gagnon replied, okay, so that was my, I'm getting that off my list. So what's left here is that what projects that weren't complete that we talked about already. Electronic polling books. I know we got some of them maybe more are needed. Gas and diesel tanks. I believe upgrading those. Is that here in town? The Town Administrator replied, those are over at the Public Works facility. Selectman Gagnon replied I don't think that's been touched. Right? So that's on the table still. The Town Administrator added the improvements at the Community Center haven't been touched yet. Selectman Gagnon continue saying, Town Hall HVAC we had. Radio communication, water infrastructure. I think we upgraded that already. Mr. Dhima replied, so that's in the works. That's being taken care of by the water budget.

Selectman Gagnon continued reading his list saying then HVAC for the Community Center is, was on our list. Chairperson Roy replied, right. And that's and that's at this point my understanding, it's

scheduled to be done through the.... The Town Administrator replied doesn't have to be. We haven't scheduled how to do it at all. We don't know what the scope of the project is yet, but it's. Mr. Dhima replied, it's out to bid though. The Town Administrator added, it may be more expensive than that fund could handle.

Selectman Gagnon replied, okay and then we have, as you said, HVAC Community Center, Community Center generator, Fire Department EMS equipment. I think Mr. Buxton was talking about a specialty lift, which again didn't get put on, but we talked about it. and then increasing the bandwidth for Town Hall's IT Department. So just want to give some ideas. Those are ideas we've already talked about. So obviously we should probably put those in play first before we add new ones. But obviously we can think about new ones. The Town Administrator replied, one would presume that the Committee would review all of that, hear from various departments to see what the need still is and if there's more or less money left, the Committee would come with a recommendation to the board to say, Hey, we've identified \$800,000 worth of project, this is our ranking. Or conversely, we've identified \$300,000 worth of projects. Do you want to solicit another \$300,000 from somewhere? I think we have to look at that work first. Selectman Morin asked, do you need emotion or what do you? Chairperson Roy replied, I don't know if we need the emotion to reconvene because the Committee was never disbanded. Selectman Morin replied, no, but to open it back up. Selectman Morin made a motion, seconded by Selectman Gagnon to reconvene the ARPA Committee. Selectman Gagnon said, One question. So obviously, Mr. Buxton, Chief Buxton, as it was led that meeting and was really our leader, he's no longer here. Are we going to just simply replace him with with Mr. Tice? Chairperson Roy replied, I will actually leave that up to Mr. Malizia to decide who will. The Town Administrator replied, I've got to see who was on the Committee in the first place. Chairperson Roy jokingly said I can remind you after. To which the Town Administrator replied, I think I know who was on, but I got a look at everybody. We may or may not need to do that. No offensive. It's just he that's kind of more in tune to it. But we may be able to get by with the folks that we have. Chairperson Roy then said okay, so again, I'll just let him (the Town Administrator) figure that out. Any other discussion? Seeing no further discussion, a vote was taken. Carried 5-0.

9. Board Liaison Reports

Chairperson Roy explained, it's only been a week since our last meeting. Not sure how much has happened as far as meetings go. But I will go around the room.

Selectman McGrath: I have nothing.

Selectman Morin: Budget meetings on the Town budget with the Budget Committee, start tomorrow night 7:00p.m. Chairperson Roy replied, alright, I'll see you there. The Town Administrator replied he stole my one item. Chairperson Roy replied, no we can say it multiple times. Encourage public participation, right?

Selectman Guessferd: Let's see. Not too much. Well, Planning Board is going to be meeting next week. We'll be meeting at the Community Center again. Hillwood is on the agenda. So encourage citizens to come out as far as anything else. Let me see. Rec Department- I made some comments last week. It looks like things are pretty much the same. The soccer season finally came to an end on Saturday. Everything was great. Basketball is beginning. The Senior program has been going well. There's a trip tomorrow to see Bill Connors as Elton John for the Seniors tomorrow. So good trip for them. Comedy show's coming up, if you haven't gotten your tickets, I know there's not too many left, so get out there and get your tickets to the comedy show on the 12th, which is a week and a half away. It's a lot of fun. Those comedy shows I've been to before. They're excellent. And Fright Night Again was very successful, and it sounds like it's something we're going to continue to do moving forward. Hasn't been any other activity on the on the cable committee. So I think that's it.

Selectman Gagnon: no ma'am none tonight.

Chairperson Roy: Okay. So the ZBA did meet. They heard one case and then they published the final revisions to their bylaws. So those are out. I'm presuming they're on the website, although I haven't checked. So that's all I have as far as liaison reports.

10. Remarks by Town Administrator

The Town Administrator was recognized and said Yeah, unfortunately, he stole my thunder, but the Budget Committee will be starting tomorrow night. So tomorrow night, next week it'll be Monday and Thursday. So those will all be publicized. You can come and I believe they're in the Buxton room. That's for the Fiscal Year '24 budget, which is for July 1st, 2023 through June 30th, 2024. So we're hot and heavy doing that.

11. Remarks by School Board - no School Board member present this evening.

12. Other Business/Remarks by the Selectmen

Selectman McGrath: no.

Selectman Morin: I got nothing.

Selectman Guessferd: I hope everybody had a great Halloween.

Selectman Gagnon: No, no more remarks. Thank you.

Chairperson Roy: Okay, so I'll just be the third person. The Budget Committee starts their budget process tomorrow night. They do have public input, so if you want to be heard, as far as the budget goes, your thoughts on it. Please show up in the Buxton Room tomorrow night at 7:00p.m. and let them know what you think. That's all I have.

13. Nonpublic Session

Motion by Selectman Gagnon at 8:33 p.m., seconded by Selectman Guessferd to go into non-public session under RSA 91-A: 3 II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. A roll call vote was taken. Carried 5-0.

Nonpublic Session was entered at 8:33 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 was asked to leave the room.

The Board entered open session at 8:49 p.m.

Motions made after nonpublic session

1.) Selectman Gagnon made a motion, seconded by Selectman Guessferd to seal the minutes of the first nonpublic session held during the 10/25/22 Board of Selectmen meeting. Carried 4-0-1. Selectman McGrath abstained.

2.) Selectman Morin made a motion to adjourn at 8:55 p.m. This was seconded by Selectman Gagnon. Carried 5-0.

14. ADJOURNMENT

Motion to adjourn at 8:55 p.m. by Selectman Guessferd seconded by Selectman Morin. Carried 5-0.

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

Kara Roy, Chairperson

Bob Guessferd, Vice Chairman

David Morin, Selectman

Marilyn McGrath, Selectman

Brett Gagnon, Selectmen