

HUDSON, NH BOARD OF SELECTMEN

Minutes of the May 24, 2022 Meeting

1. CALL TO ORDER - by Chairperson Roy the meeting of May 24, 2022 at 7:00 p.m. in the Selectmen Meeting Room at Town Hall
2. PLEDGE OF ALLEGIANCE led by Attorney Joe Tessier
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Rob Buxton, Fire Chief; Jim McIntosh, Dir. of Community Media; John Beike, IT Director; Chrissy Peterson, Recreation Director; Gary Gasdia School Board Representative; Jill Laffin, Executive Assistant

Also present: Flo Nicolas and Atty. Joe Tessier of the Right to Know Committee

4. PUBLIC INPUT

1. James Crowley, 4 Fairway Drive

Mr. Crowley said Okay. I'm James Crowley 4 Fairway Drive. And I want to give my support and appreciation for the professionalism and effort the Hudson Fire Department has performed in revising Chapter 202 Explosives of the Hudson Town Code. I feel new business item 8B should be given full Board of Select support and approval, plus a handshake and a smile for their efforts. Wouldn't hurt either. Thank you.

Message to the Residents of Hudson from Chairperson Roy

At this point, Chairperson Roy said it's not on the agenda, but I'm going to take the privilege of the chair because I have a statement to make today. Chairperson Roy went on to read the following statement:

"This Board, through counsel, has made the extraordinary and unfortunate, yet necessary step of filing a petition with the Hillsborough County Superior Court, asking them to compel the Hudson Municipal Budget Committee to come into compliance with the laws of the State of New Hampshire. Tonight, I'd like to go over the facts and the timeline that led up to this unusual decision. I will discuss three emails I received, and those emails will be included in the minutes of this meeting, along with the petition that was filed today.

On March 16th, 2022, the Budget Committee voted 7 to 1 to change their bylaws, to deny the appointed School Board member and the appointed Board of Selectmen member their right to vote in contradiction of RSA 32:15-I (b), at that meeting. Mr. Cole, Mr. Clegg, Mr. Weissgarber, Mr. Trost, Mr. Martin, Mr. Murray and Mr. Quinlan voted in favor of the change Mr. Guessferd voted against. There was no School Board representative appointed at that time, and Mr. Urrutia and Ms. O'Leary were absent.

On March 26, 2022 I received an email from Chairperson Cole. He questioned whether I was aware of or authorized an email from Selectman Gagnon. In that email Selectman Gagnon asked

Chairperson Cole if he would explain the legal theory behind the motion to change the bylaws. On March 27th I responded and explained that I did not sensor Selectperson Gagnon's emails or any other member of this Board. I did voice the same concerns expressed by a Selectperson Gagnon. I then invited Chairperson Cole to come to a Board of Selectmen meeting to discuss his position. The Board would make sure his appearance would be an agenda item, and he would provide whatever time would be necessary to publicly discuss his position. To date, Mr. Cole has failed to respond to this invitation.

On April 13th, both town counsel and counsel for the school district sent the Budget Committee a letter explaining how the Budget Committee's change to the bylaws violated RSA 32:15-I (b), and suggested that the Budget Committee contact New Hampshire Municipal Association for free legal opinion.

On May 4th, the Budget Committee, in response to those letters, requested the Board of Selectmen authorize the expenditure \$30,000 for the legal fees.

On May 10th, this Board authorized \$16,000 for the Budget Committee's legal fees.

On May 11th, I received another email from Mr. Cole. In this email, he cited as evidence, an email purportedly from Selectperson Gagnon to an unnamed citizen in November of 2021. Understanding Mr. Cole, to the best of my knowledge, does not possess the background, education, experience and training as an attorney, I will forgive his fundamental misunderstanding of the rules of evidence. Chairperson Cole alleges the RSA is the ambiguous ambiguity ridden when in fact the RSA is very clear and written in plain English. Mr. Cole claims, and I quote, He has been assured that the road you appear to be heading down will not end where you want it to.

Finally, Chairperson Cole went on to disparage a respected member of the. It is unfortunate that Chairperson Cole and by extension, the Budget Committee, has attempted to use bullying tactics and insults to violate the laws of the state of New Hampshire and usurp the authority of this Board and the School Board. This Board is obligated to uphold the laws of the State of New Hampshire. Therefore, we had no choice but to file this petition in the spirit of transparency and transparency. Updates will be made to the situation as they arise, including court dates and court filings. Other than updates, I will allow the pleadings in this case to stand as the statement, and I would suggest my fellow Board members do the same. Thank you.”

Chairperson Roy then said, so we will go on with the regular agenda now. Selectman Morin was recognized and said Chairman Roy, due to an email that was received today, I would like to invite the School Board Representative to have any comments on the topic, if that's okay with you.

School Board Chairman Gary Gasdia then said absolutely. So first, everything that was just stated, you know, to the best of my knowledge is true. Obviously, I'm not privy to the Board of Selectmen emails, and the only thing I would add was that at last night's meeting we signed on to be co-plaintiffs or again, I'm not I'm not legally knowledgeable myself, but we signed on as well because I think it's important that this is a fundamental way in which the Budget Committee was set up not by Hudson, but how budget committees are set up and outlined is that these members are to vote. And so if we're going to not have that privilege this is, this is the step that needs to be taken. And so together, I guess we've always said we wanted to work together. This wasn't the way we envisioned. But, you know, the School Board is in full support of the Board of Selectmen. And the actions you took two weeks ago at your last meeting, we did the same last night. Hopefully this comes to a quick end.

Selectman Gagnon 24 Mar '22 e-mail

William Cole <bcfairway@msn.com>

Sat 3/26/2022 1:02 PM

To: Roy, Kara <kroy@hudsonnh.gov>;

From: Guessferd, Robert <rguessferd@hudsonnh.gov>; McGrath, Marilyn <mmcgrath@hudsonnh.gov>; Morin, Dave <dmorin@hudsonnh.gov>; Gagnon, Brett <bgagnon@hudsonnh.gov>; Malizia, Steve <smalizia@hudsonnh.gov>;

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Chairman Roy,

I think it is safe to assume that as Chairman of the Hudson Board of Selectmen you either directed, approved or at least were aware of Selectman Gagnon's 24 March e-mail to the Budget Committee, subj: Budget Committee (roster) a/o 24 Mar '22 (please see excerpt, below).

Which leaves me with the overarching question - "Why was the e-mail allowed to be sent, and what purpose does it serve?"

With regards,

Bill Cole

Chairman,

Hudson Municipal Budget Committee

EXCERPT

In a more serious note, we should really talk about your last motion to change the by-laws... I would like your legal reference to show where you believe your authority comes from in removing the liaisons from the committee... If I could see some precedent or legal reference I would be much more apt to understand your point of view and possibly even agree with it ...but as of now, I have seen nothing other than opinions on the topic... I really don't want this to become a bigger issue than it needs to... and I'd like to extend the olive branch here so we can all come to an agreement"

Re: Selectman Gagnon 24 Mar '22 e-mail

Roy, Kara

Sun 3/27/2022 10:57 AM

To: William Cole <bcfairway@msn.com>;

Brett Gagnon, Brett <bgagnon@hudsonnh.gov>; Guessferd, Robert <rguessferd@hudsonnh.gov>; dave morin <hfdcapt@me.com>; Marilyn McGrath <mmcgp2@gmail.com>; Shawn Murray <hudchief1@comcast.net>; senclegg@aol.com <senclegg@aol.com>; Rich Weissgarber <budgetweiss@gmail.com>; Martin, Normand <nmartin@hudsonnh.gov>; Trost, Ted <ttrost@hudsonnh.gov>; patrickquinlanbudget@gmail.com <patrickquinlanbudget@gmail.com>; aurrutia.hudsonbudget@gmail.com <aurrutia.hudsonbudget@gmail.com>; unager@msn.com <unager@msn.com>;

Dear Chairperson Cole,

I'm in receipt of your communications dated March 26, 2022.

As to your concerns regarding a duly elected member of this Board. Selectman Gagnon is a duly elected official of the Town of Hudson. I do not censor his emails, or for that matter, the emails of any duly elected member of the BOS. I do, however, believe that Selectman Gagnon has unearthed some valid statutory arguments.

To save you some time in legal research, a simple Google search would enlighten your understanding of this term. Simply stated, "An ex officio member is a member of a body (notably a board, committee, council) who is part of it by virtue of holding another office. The term ex officio is Latin, meaning literally 'from the office', and the sense intended is 'by right of office'; its use dates back to the Roman Republic."

In fact, your committee was previously put on notice by Town Counsel that as a member, ex-officio, enjoys all the rights of any other member of the Budget Committee, including the right to vote. I'm sure that you will agree that this is not only the law, but also just plain common sense.

If you would like to schedule an appearance before the BOS at the next scheduled meeting, or any other BOS meeting for that matter, please contact our Executive Assistant, Jill Laflin and ask her to add you to the agenda. I'm sure the Board would be delighted to hear you articulate your legal position. Be fully aware - I will use my vote to oppose any of your actions to usurp the authority of the Board of Selectmen.

Warmest Regards,

Kara Roy

Chairperson, Hudson Board of Selectmen

Budget Committee

William Cole <bcfairway@msn.com>

Sent: 5/11/2022 11:16 AM

To: Roy, Kara <kroy@hudsonnh.gov>;

Malizia, Steve <smalizia@hudsonnh.gov>;

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Chairman Roy,

It appears that the Board of Selectmen and the School Board have decided to "cross the Rubicon" and collaborate Hudson, once again, into Superior Court.

While I am not an attorney, I seem to recall something about "evidence" being shared between all parties.

With that in mind - and in the spirit of doing what is best for the Hudson community - the following is provided and offered for your serious consideration.

The excerpt below is from an e-mail stream (dtd 7-8 Nov '21) between a Hudson citizen and Selectman Gagnon (who at the time was representing the Board of Selectmen as "liaison" to the Budget Committee).

Though I do agree that the budget committee should be a standalone auditing body, there needs to be a "veto" process incorporated for the BOS and School Board...the budget committee is a powerful committee that can do nearly anything they want to the budget but it needs to be a feedback loop of sorts allowing the original creators to weigh in on any changes before the budget is provided to the "people" for voting"

Given the ambiguity-ridden RSAs being referenced - combined with Selectman Gagon's obvious affirmation that the Board of Selectmen **is committed** to having "veto" power over another **Elected** body, and the subsequent actions on the part of the Board of Selectmen and School Board to circumvent the **will of the people** - I am left with one overarching conclusion, the Town (and by extension, SAU81) will not prevail in Court.

I have been assured that the road you appear to be heading down will not end where you want it to.

I sincerely hope you will not allow some 2nd-rate ambulance chaser to convince you to burn, today, a bridge you may well need to cross tomorrow.

Best regards,

Bill

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson and
Hudson School District SAU 81

v.

Hudson Budget Committee

Docket No. 226-2022-CV-00203

PETITION FOR DECLARATORY JUDGMENT,
PRELIMINARY AND PERMANENT INUNCTION
(Petition for Writ of Mandamus)

NOW COME the Petitioners, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and Hudson School District SAU 81, by and through its attorneys, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C. and respectfully submit the within Petition for Declaratory Judgment, Preliminary and Permanent Injunction, and in support thereof states as follows:

Parties

1. The Petitioner, Town of Hudson (“Town”), is a New Hampshire municipal corporation, with an address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Board of Selectmen.
2. The Petitioner, Hudson School District SAU 81 (“School District”), is a New Hampshire municipal corporation, with an address of 20 Library Street, Hudson, New Hampshire 03051, acting by and through its School Board.

3. The Respondent, Hudson Budget Committee (“Budget Committee”), is a statutory agency of the Town and School District, with a mailing address of 12 School Street, Hudson, New Hampshire 03051.

Jurisdiction and Venue

4. Jurisdiction is proper in the Superior Court pursuant to RSA 498:1 and RSA 491:22.

5. The Town and School District are located in the County of Hillsborough, State of New Hampshire, and venue is proper in the Superior Court for the Southern Judicial District of Hillsborough County.

Conduct Complained of and Request for Relief

6. On March 16, 2022, the elected members of the Budget Committee amended their bylaws to exclude the appointed ex officio Board of Selectmen and School Board members of the Budget Committee from voting.

7. The Town and School District are seeking a declaratory ruling and mandatory injunction from the Court which prohibits the elected members of the Budget Committee from excluding the appointed members of the Budget Committee from participating in the affairs of the Budget Committee and restores the appointed members’ voting status.

Applicable Law

8. Pursuant to RSA 32:15:

I. The budget committee shall consist of:

(a) Three to 12 members-at-large, who may be either elected or appointed by the moderator, as the town or district adopting the provisions of this subdivision shall by vote determine, who shall serve staggered terms of 3 years; and

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term

of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

9. By statute, the Budget Committee membership consists of both elected members-at-large, and appointed members.
10. The appointed members include one (1) member of the governing body of the municipality, and if applicable, one (1) member of the school board for each school district in the town, and one (1) member for each village district in the town.
11. The appointed members are equal members of the budget committee with full voting rights.

Facts

12. In Hudson, the Budget Committee consists of nine (9) elected members-at-large, together with, one (1) appointed member of the Board of Selectmen, and one (1) appointed member of the School Board, for a total of eleven (11) members.
13. On March 16, 2022, the elected members of the Budget Committee amended its Bylaws by adding a new provision, Section VII, F (3)(c), as follows:

Any and all votes of the Hudson municipal Budget Committee will be limited to the nine (9) elected or duly appointed members at large.
14. The Bylaw was adopted with a vote of 7-1.
15. The seven (7) members who voted in favor are all elected members; the one (1) vote in opposition was the Selectmen's appointed member; the School Board's appointed member was absent from the meeting and did not vote.
16. The effect of the Bylaw is to prohibit the Town and School District's appointed members from voting on any and all matters before the Budget Committee.

17. On or about April 13, 2022, legal counsel for both the Town and School District wrote letters to the Budget Committee, advising the Budget Committee that excluding the appointed members from participating on the Budget Committee was contrary to applicable law, and requested that the Budget Committee rescind the Bylaw and restore the appointed members' voting status.

18. The Budget Committee has failed to rescind the Bylaw, and continues to maintain that the appointed members of the Budget Committee are not full members and do not enjoy voting rights.

19. The Budget Committee continues to refuse to allow the appointed members to participate in any vote of the Budget Committee.

Count I – Declaratory Judgment

20. The allegations set forth in paragraphs 1 through 19 are herein incorporated by reference.

21. An actual controversy exists regarding the Town and School District's appointed members' right to vote and participate on the Budget Committee.

22. The Budget Committee has no right to exclude the appointed members from voting or participating in matters before the Budget Committee.

23. The Petitioners request that the Court issue a declaratory ruling that the appointed members of the Budget Committee are full voting members of the Budget Committee.

24. The Petitioners request that the Court issue a declaratory ruling that the Bylaw is contrary to applicable law, *ultra virus*, and therefore void.

25. The Petitioners request that the Court issue a declaratory ruling which restores the appointed members' voting status.

Count II – Preliminary and Permanent Injunction

26. The allegations set forth in paragraphs 1 through 25 are herein incorporated by reference.
27. The actions of the Budget Committee, by adopting the Bylaw and excluding the appointed members from voting, are ongoing and continuous.
28. The Budget Committee’s denial of the appointed members’ right to vote is real and not speculative.
29. The Budget Committee’s denial of the appointed members’ right to vote constitutes an immediate and irreparable harm for which there is no adequate alternative remedy at law.
30. The Petitioners request that the Court issue an injunction which enjoins the Budget Committee from excluding the appointed members from voting or otherwise participating in matters before the Budget Committee.

Count III – Expedited Merits Hearing

31. The allegations set forth in paragraphs 1 through 30 are herein incorporated by reference.
32. The issue presented to the Court is a question of law.
33. There are no disputed substantive or material issues of fact.
34. An early decision is necessary to restore the appointed members’ voting rights such that they may participate on the Budget Committee throughout the upcoming year.
35. The Petitioners request that the Court consolidate the final hearing on the merits with the hearing on the requested preliminary injunction.

WHEREFORE, Petitioners Town of Hudson and Hudson School District SAU 81 respectfully request that this Honorable Court:

- A. Issue a Summons for service on the Budget Committee;

- B. Rule that the appointed ex-officio members are full members of the Budget Committee with full voting rights;
- C. Issue a declaratory ruling and injunction which restores the appointed ex-officio members' full voting rights;
- D. Declare that the Budget Committee's Bylaw that excludes appointed members from voting is *ultra virus*, contrary to applicable law, and void;
- E. Permanently enjoin the Budget Committee from excluding the appointed members from voting or otherwise participating in matters before the Budget Committee; and
- F. Grant such other and further relief as may be just and proper.

Respectfully submitted,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: May 24, 2022

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

Respectfully submitted ,
Hudson School District SAU 81,
By and through its Attorneys,
SOULE, LESLIE, KIDDER,
SAYWARD & LOUGHMAN, P.L.L.C

Dated: May 24, 2022

/s/ Diane M. Gorrow
By: Diane M. Gorrow, Esq. BNH #4817
220 Main Street
Salem, New Hampshire 03079
(603) 898-9776

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Nomination Interviews

- 1) Benson Park Committee - (5 vacancies - 1 member term to expire 4/30/25, 1 member term to expire 4/30/23, 2 alternate member vacancies to expire 4/30/25, 1 alternate member term to expire 4/30/24)

Erica Carreau

Chairperson Roy invited Erica Carreau up and asked her to state her name and address for the record. Ms. Carreau said hi. Nice to meet you all. I'm Erica Carreau of 13 Blackstone Street.

Chairperson Roy asked, can you tell us a little bit about yourself and why you want to be on the park committee? Ms. Carreau replied, well, right now I work at the Boys and Girls Club of Greater Nashua, hence the attire. I love the outdoors, love going for walks and stuff, especially at Benson's. I used to be a part of the Junior ROTC program at Alvirne, which was very centered around volunteer work and community service. And since graduating from high school, I've always wanted to kind of continue that service to the community and recently found out about the Benson Park Committee. So I decided to officially apply for that. But previously last season, I did get together with some of the people who clean up and got involved in that a little bit. Absolutely loved it. So I just wanted to be like an official part of that and give back to the community, especially keeping Benson Park as beautiful as it is. I'm there so often. I just always wanted to give back to it.

Chairperson Roy asked, does any member of the board have any questions? Seeing none, she then said thank you. So the way it works is we did your interview tonight, and at our next meeting, we'll take it under consideration and we'll let you know. Ms. Carreau asked, is there anything else anybody wants to know? Seeing no questions from the Board, Ms. Carreau said well, thank you for this opportunity. I really appreciate it.

- 2) Recreation Committee - (2 member term vacancies - 1 member term to expire 4/30/24, 1 member term to expire 4/30/24)

Lauren Young

Chairperson Roy informed the group that Ms. Young emailed the Board shortly before the meeting stating she could no longer attend this evening.

B. Appointments

- 1) Benson Park Committee - (5 vacancies - 1 member term to expire 4/30/25, 1 member term to expire 4/30/23, 2 alternate member vacancies to expire 4/30/25, 1 alternate member term to expire 4/30/24)

Sarah Petkiewicz

Selectman Morin made a motion, seconded by Selectman Guessferd to appoint Sarah Petkiewicz as a member of the Benson Park Committee with a term to expire 4/30/25. Carried 5-0.

6. CONSENT ITEMS

Chairperson Roy asked does any member of the Board wish to remove any item for separate consent? Selectman Guessferd asked that item 6A-5 be removed for separate consideration.

Selectman Gagnon made a motion, seconded by Selectman Guessferd to approve Consent Items A 1,2,3,4, B, E and F. Carried 5-0.

Regarding Consent Item 6A-5, Selectman Guessferd said Yes, I just like to just make sure I first. I think it's the first I've seen one of these. Just wanted to kind of understand the difference in the I think it has to do with the valuation. Yeah. It's really just a kind of an informational thing, Mr. Malizia, this is basically a denial of an abatement for Eversource correct? The Town Administrator replied, we disagree on the valuation. That is correct. We hire a professional utility appraiser, Sansoucy, to conduct a valuation of all the assets of the electric company as well as other utilities. Eversource in this case is relying on a state generated value, which that's very nice, but they didn't go out and do the field work that we did. So we have a disagreement. So therefore our option is to either agree or disagree and we disagree. So it has the denial, assuming that it will be litigated because they will come back and they will probably take this to the Board of Land and Tax Appeals or potentially superior court depending.

Selectman Guessferd then said so we expect that that will be the next action, that they won't just accept that. The Town Administrator replied, this is a perennial matter. This happens every year. Again, \$96 million worth of assets, in our opinion. They're at \$60 Million. Selectman Guessferd said big difference. Okay. I just wanted to get some clarity on it, that's all. The Town Administrator replied, and I believe there's a series of back up in here. Selectman Guessferd replied, yeah, I read through it. The Town Administrator continued, saying we spend a lot of effort and energy trying to fairly value the assets that Eversource and the other utilities have in our community to make sure they're paying their fair part.

A. Assessing Items

1) Elderly Exemption Re-qualifications: 14 Oliver Dr. - map 142/ lot 007/ sub 013; 23 Bonnie Heights - map 158/ lot 001/ sub 007; 24 Riviera Rd. - map 148/ lot 040/ sub 059; 72 Mobile Dr. - map 178/ lot 013/ sub 077; 24 Ledge Rd. - map 166/ lot 008; 6 Hurley St. - map 182/ lot 158; 9 Eagle Dr. - map 240/ lot 008; 513 Abbott Farm Ln. - map 165/ lot 141/ sub 513; 11 Belknap Terrace - map 198/ lot 128; 1 Blackstone St. - map 183/ lot 011; 2 Sunland Dr. - map 138/ lot 031; 19 Glasgow Cir. - map 149/ lot 001/ sub034; 11 Rena Ave, - map 228/ lot 046; 925 Fox Hollow Dr. - map 204/ lot 006/ sub 925; 54 Dracut Rd. - map 241/ lot 067; 69 Wason Rd. - map 217/ lot 019; 814 Elmwood Dr. - map 156/ lot 063/ sub 118

2) Disabled Exemption Re-qualifications: 13A Intervale Ct., map 177, lot 005, sub 075; 259 B Webster St., map 138, lot 027

3) Disabled Exemption: 11 Belknap Terrace, map 198, lot 128

4) Certification of Yield Taxes Assessed/Timber Warrant: 282 & 286 Lowell Road, map 234, lot 038 and map 234, lot 040

5) 2021 Abatement Application - Eversource Energy: map 100, lot 8; Map 100 Lot 8-1; Map 100 Lot 8-2; Map 167, Lot 9; Map 190, Lot 192; Map 179, Lot 31; Map 107, Lot 30; Map 208, Lot 11; Map 107, Lot 3-1; Map 144, Lot 8; Map 175, Lot 153; Map 182, Lot 181; Map 162, Lot 80; Map 138, Lot 36; Map 179, Lot 11;

Map 195, Lot 5; Map 175, Lot 6; Map 171, Lot 30; Map 171, Lot 31; Map 162, Lot 16; Map 135, Lot 7; Map 135, Lot 2; Map 171, Lot 46; Map 138, Lot 56; Map 175, Lot 153-2; Map 138, Lot 86

B. Water/Sewer Items - none

C. Licenses & Permits & Policies

1) Raffle Permit - Hudson Fish and Game

D. Donations - none

E. Acceptance of Minutes - none

F. Calendar

5/25	7:00	Planning Board - Buxton Meeting Room
5/26	7:00	Zoning Board of Adjustment - Buxton Meeting Room
5/30		Memorial Day - Town Offices Closed
6/01	8:30	Highway Safety Committee - BOS Meeting Room
6/01	7:00	Budget Committee - Buxton Meeting Room
6/02	6:30	Recreation Committee - BOS Meeting Room
6/07	7:00	Board of Selectmen Workshop - BOS Meeting Room
6/08	7:00	Planning Board - Buxton Meeting Room
6/13	7:00	Conservation Commission - Buxton Meeting Room
6/14	7:00	Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

Votes taken after Nonpublic Session on May 10, 2022

- 1.) Selectman Gagnon made a motion, seconded by Selectman Guessferd to approve Chief Assessor Jim Michaud's request to buy back 100 hours of his earned time. Carried 3-0.
- 2) Selectman Guessferd made a motion, seconded by Selectman Gagnon to accept Chief Dionne's recommendation to recognize & award Attorney Joe Tessier, Lieutenant Steve McElhinney, Lieutenant Roger Lamarche, Executive Coordinator Sherrie Kimball and Animal Control Supervisor Jana McMillan with a merit award of \$200 each per the Supervisors Association Contract. Carried 3-0
- 3) Motion to adjourn at 8:34 p.m. by Selectman Guessferd seconded by Selectman Gagnon. Carried 3-0.

8. NEW BUSINESS

A. Right to Know Committee - Draft Policy

Chairperson Roy recognized Flo Nicolas and Attorney Tessier of the Right to Know Committee. Ms. Nicolas began by saying as you mentioned, this is just a draft. So we wanted to make sure that we had something that the Board can take a look at in accordance with the timely settlement agreement provisions. So the board is still hard at work at really trying to iron things out in regards to what should be in the right to know policy. One of the things that we've really been discussing is that we want to keep this simple. We don't want to make it complicated. It should be easy to read and have the people in the general public understand it and really kind of try to avoid using extra language, as I like to call it. I think one of the things that we're doing right now is really trying to stay in accordance with RSA 91 and not deviate too far from it. I think it provides the best guidance in terms of what to do with the right to know policy. Does anybody have any questions so far with what they have taken a look at before I go on?

Selectman Morin was recognized and asked I just got a question. If we got the draft, but you're still working on it, what should we expect for changes in the future other than what we got here? Ms. Nicolas replied what you're going to expect is probably adding a little bit of more meat to the right to know policy. One of the things that we definitely want to make clear right now, we attached to the right to know draft that you got is the form. We want to also make sure that that form, in terms of the proposed fees, are in line. We've already had that discussion and they seem to be in line with RSA 91. One of the things that has come up during the discussion is, you know, what happens in a scenario when someone is asking for boxes and boxes of material, you know, how are we going to implement, for example, the fees for that amount of a request? So do we create a special circumstance provision to it? So there's other things that we're still ironing out. And the other things also, too, that we want to make very clear when we're looking at RSA 91 is what are the exemptions, right? You know, because not everything is just going to be readily copied and provided upon request. There are exemptions that are within RSA 91. So we want to make sure that we're clearly defining that. So again, keeping it simple in accordance with RSA 91, Joe and I have looked at other towns to see how they've put their policy together. And what we're seeing is everybody is pretty much, again, staying in accordance with RSA 91 and they're keeping it simple. We don't want to create a policy that's like 50 to 100 pages long. You just want to make it simple for the general public, if anything.

Selectman Guessferd was recognized and said you know, rather than get into a specific blow by blow kind of editing sort of thing, from our perspective, if we see things in here, should we bring them to Selectman Gagnon's attention and he can bring them to the Committee? Or how would you like to handle our any any any inputs? Because, again, I don't want to I don't think it's probably a good use of time at this forum to to make edits per se. I had a lot of comments on here and I can give them to Selectman Gagnon if that's the right way. You want us to kind of. Atty. Tessier replied, I think that'd be good. We're in the data collection phase. Part of our methodology is looking at the different towns and their policies and talking to people. And yeah, we welcome. Selectman Guessferd asked, so is this a template that you used that you got from somewhere or is this from scratch? Atty. Tessier replied, it's kind of from scratch that we kind of looked at other things together. Selectman Guessferd replied, because a lot of times I know I believe me, I like when I do contracts, I like to kind of pull legacy documents in and use those if they've been, you know, a best practice sort of thing. Right. Ms. Nicolas then said and you make a good point. And that's why I mentioned, you know, Joe and I have looked at other towns to see what they're doing, what they're referencing, you know, just to kind of get that type of template available. So but yeah, right, right now, like I said, we're using kind of what we're seeing from other towns to create our own template. A template that we can modify as we go if needed. And again, just trying to you know, there are some right to know policies that are going to be quite extensive. One of the other things we're also discussing is how the public can access this information and how it's going to be readily available where they can get the form. Is it a form that's going to be a paper form or is it a form that we're going to make electronic and they can make the request electronically? So there's so much discussion that's still going on right now. And like Joe

said, this is an early phase, collecting the data, making sense of the data and then putting it together where other people can make sense of the same. Selectman Guessferd then said because I don't want to I don't want it to be thought the message to me that it's not good. I mean, it's a good start draft, but hopefully we can maybe all collectively bring some additional thoughts to the table as you and then you decide on your end because we're not the committee, you guys are the committee. Ms. Nicolas replied, so yeah, and we welcome that.

Atty. Tessier then said kind of looking at kind of two sides of it. One for the how can we make it accessible and efficient for the citizen to make the request and have that persons request processed? And how can we make it efficient and easy to understand for the administrators and those record keepers in town to process those requests? And that's why we're constantly looking at those two sides of it.

Selectman McGrath was recognized and said so I have a couple of questions. One, is this going to be a living document so that if there's changes to the RSA that it automatically gets updated at? Atty. Tessier replied, so this is that's always the tension, right? So if we put too much law in there, we run the risk of it becoming obsolete over time so that we're kind of balancing that. I think taking a look at the policy on an annual basis and I think training is important for town personnel that are engaging in record keeping and record distribution. So there's always that tension. You put too much in there. The laws are going to change next year. So we've been talking about having a built in kind of review process, but perhaps not including so much law where it becomes obsolete quickly. Ms. Nicolas added, there's definitely going to have to be a point of contact who's making sure that they're keeping up to date with any changes. So that's one of the things that will be outlined in here as well.

Selectman McGrath then said and the second question I have for both of you, were either one of you part of the original lawsuit that caused this to be implemented? Attorney Tessier replied, I was not. Ms. Nicolas replied, I was not either. Selectman McGrath replied thank you.

Chairperson Roy asked, does anybody else have anything? Selectman McGrath continued on saying because there's others in this room, I think, that have been part of that. So thank you.

Selectman Gagnon was recognized and said think Mr. Tessier, you took my notes right out of me. That's exactly what I said is I think we're in the process of trying to balance the difference between explaining some of the law to residents to know how to make the request and then also to employees about how to handle said requests. So that was exactly right. On top of that, you know, we're trying to balance as well as there are already some processes in place. So the police station probably gets more right to request than the school or the town may. So we don't want to step on their toes and change their process, but we do want to kind of pull it in so that we have kind of a hierarchy. So if people were to, they can come to town and see all the school has a contact go there. This is the office. Or the police station. If yours is specific to the police station, you can go here. But trying to make a policy that brings it all together so it's fully seen and all the connections are made without making this policy that affects previously existing policy. So it's a it's a balancing act. But the committee has been very active, very talkative about everything. And the more feedback, the better for sure. So this is a very rough draft for now, just to show that something's been done. But I fully intend that this is going to be scrubbed multiple times from this point forward.

Chairperson Roy said, I just have a suggestion for you and I haven't looked at it in a while, but the Freedom of Information Act, the federal law, they used to have a a tiered out cost thing. So if you ask for so much, it cost this much. If you were asking for more than that than it costs this much, it's just something you might want to look out at to figure out how to how to do the cost piece of it. Ms. Nicolas replied, right. So we already have something like that on the request form. It's highlighted and it's kind of highlighted in yellow. But on the draft request form, we already kind of have a more detailed out request form, just as is the way you detailed it out. Of course, we'll probably add more because we haven't really accounted for large or large request. Right. So but yeah, it's definitely something that we've been talking about it because we definitely see the need to make sure that the fees are broken down where it's easy to understand for the person who is not only making the request or the person who's also taking in their request as well. Atty. Tessier added, so there's some

some potential to we have to resolve an issue where and the right to know it's the reasonable cost of copying. And that doesn't always coincide with a flat fee system that's in our town code.

Chairperson Roy replied, so this is a great start and I look forward to hearing from you and I want to thank the entire committee. You're all volunteers and we appreciate your time and effort in doing this now.

Ms. Nicolas replied saying, our pleasure. It's been great working with Joe. Selectman Gagnon spoke up saying and if I may add to that, Joe's, the whole committee is excellent, but I like to call out Joe. He's done a fabulous job. He's really put a lot of time into it and a lot of effort and really gotten the ball rolling. So I really appreciate his work.

B. Public Hearing - Changes to Town Code 202 - Explosives

Chairperson Roy recognized Fire Chief Rob Buxton who said, good evening, Chairperson Roy. Members of the Board. Tonight is your second public hearing surrounding the changes to the suggested changes to the blasting program.

Chairperson Roy opened the public hearing at 7:27 p.m. and asked is there anyone present who would like to speak to this matter? Seeing none. I will close a public hearing at 7:27p.m. and per RSA 41:14-b the Board will vote on this amendment at the June 14th meeting.

C. American Rescue Plan Monies

Chairperson Roy again recognized Chief Buxton. Chief Buxton began by saying yeah, so thank you. We just filed our first quarterly report on American Rescue monies as required by the law, and thought it was appropriate to give you a little bit of an update as to where spending has been and projects are at. And we do have one suggested change for you this evening.

So you highlighted four projects through the ARPA group, four to be completed. One was Flagstone Drive culvert. One was the Lowell Road Bridge and then the Taylor Falls Memorial Bridge Project, and then the West Road Transfer Station.

I'm happy to report that the Flagstone Project has been completed by Engineering and Public Works. And that came out actually came in under budget. You estimated cost was \$350,000 when it came in just north of \$243,000. At the March 22nd meeting, the Board took the remaining funds that were highlighted for that project and rolled them forward towards the West Road Transfer Station. As you're awarding a bid that evening for that construction project.

The Lowell Road Bridge has gone through the design phase and the Engineer is working right now to identify the final construction phase project. And you have an estimation estimated cost for that project at \$700,000. And to date they've spent approximately \$25,000 on the design phase.

The bridge, the Taylor Falls Bridge has a cost associated for \$475,000. That is in the planning process. Just as a reminder, that is half of the cost, right. The City of Nashua will have the other \$475,000 to bring that project to closure.

Which brings us to the West Road Transfer Station. This was one of significant goal for the community to improve efficiency on the site and prove on site safety and environmental compliance for the transfer station. The estimated funds were north of \$856,000. As you heard during your March 22nd meeting when you awarded the bid, the cost for that project has been escalated because of steel costs and associated concrete costs for the project. To date, you've have spent just north of \$315,000 on the project. And last week we had a brief conversation in the Town Administrator's office

regarding the close of that project. What will it look like at the end and how does that all roll together? So the Public Works Director, myself and the Town Engineer, along with the Administrator, sat in his office and there was an open discussion about pavement on the site and how do we how do we totally seal that site? And the estimated cost, we felt that we're short about \$48,000. So we're asking the Board for an additional \$48,000 out of the ARPA money this evening to put towards this project. And that will afford the opportunity for pavement along the entire site and allow for better maintenance and environmental impact from that transfer station. It'll actually seal up against the wall and make a cleaner opportunity for the Public Works department to maintain that.

Chief Buxton went on to say, so a couple of details for you just so you have some quick math. Currently, you have a balance of north of \$261,000 remaining in ARPA money. If you award the additional 48K this evening, that will leave you a balance of \$213,302 remaining of ARPA money. And the second portion of the ARPA money will actually come in this August. So just as a reminder, you receive 1.3 in the front end and receive the other portion of that project to make the 2.6 in August for this year. So that the recommendation is to see if the Board will allow an additional \$48,000 to be put towards paving this project and close this project completely.

Selectman Morin was recognized and said just your best guess with the projects we got out there. You see the costs going up, then what we've got? Chief Buxton replied so that 48....Selectman Morin interjected saying no, no, no. I'm talking about the bridge, the Lowell Road project. Chief Buxton replied, great, great question. Conversation with the Town Engineer and the Public Works Director, It's very difficult to nail down estimates at this point. I can tell you that the Town Engineer was happy with the design money that was spent on the Lowell Road Bridge. He did come in a little bit under budget, but we did not we don't recommend moving anything out of that project because we're unsure over the escalation of the construction phase.

Chairperson Roy asked, does anybody else have any questions? Selectman McGrath was recognized and said I have a question about so you talked about the sealing of the West Road land site. So is that going to be completely sealed at just the roadway? Chief Buxton replied, just the roadway, the parking areas. And I do have a quick picture. The Town Administrator said I think there's a picture in your packet, the last page will kind of give you an indication of what's going to be paved. If you go in there now, its dirt road and it's pretty much all dust and dirt. This picture here depicts what we're going to do to complete this project. When we say seal, we're not sealing the landfill. We're sealing the parking. So they can maneuver around without disturbing ground, without dust, dirt. It's safer for the public. They'll be able to maintain it better in the winter. So we got together and we said for \$48,000, we'd like to be able to do this, which is represented in your package. Selectman McGrath then asked, so the seal that exists at the land site isn't going to be....The Town Administrator replied we're not on the landfill, which is sealed, we haven't disturbed any of that. This is just basically the egress, entrance, parking and around the dumpsters.

Thank you. And so a question I think I know the answer, but please clarify for me, when it comes to town business, town construction, we're exempt from any kind of Planning Board, Conservation Commission review? Chief Buxton replied, right. Selectman Gagnon then said with that said, just seeing such a large portion of pavement. Are there any water features, wetlands, rivers, brooks, that would cause concern or does the project get any kind of state overview for that type of thing? Chief Buxton replied, so this the highlight with the sealing of that location, if you remember the wall construction and I'm pulling from my memory bank here, the wall construction and the pad that's attached to that. The, the key was to basically be able to remove any spillage that happened around the dumpsters. Right? Right now, it was falling on natural dirt and being absorbed in the in the ground. So this provides an opportunity for it to be sealed and then cleaned up and then disposed of appropriately. Selectman Gagnon replied, got it. And you told me before, has there been any, like EPA or anything input just giving guidance or? The Town Administrator replied, this just that's what spurred the whole project in the first place. So that we are compliance with all the rules because right now trash is on the ground. Selectman Gagnon replied, got it. Excellent. That's all I was looking for. Thank you, sir. Seeing no further questions, Selectman Gagnon made a motion, seconded by Selectman Guessferd to approve an additional \$48,000 to the West Road Transfer Station Project

account #7203 for the purpose of paving on site. Funds to come from the American Rescue Plan. Monies received by the Town of Hudson. Carried 5-0.

D. HFD - Letter of Resignation

Chief Buxton was again recognized by the Chair and said this evening, I bring forward the resignation of our part time support services employee Robert Haggerty. Bob originally started with us on the call department, and when that program sunsetted, he actually rolled forward into the part time support services position. Bob has been an integral part of the administration through the COVID 19 process and keeping us to task in regards to compliance with best practices, suggested guidance, documents, those types of things, as that's his expertise. Bob will be greatly missed after the 20 years that he spent with the community. We would ask the Board to accept his letter of resignation and wish him well in his future.

Chairperson Roy asked does anybody have any questions for the Chief. Selectman McGrath was recognized and said I don't have any questions. I just have a comment. I'm sad to see him go. He was a gentleman. He was a real gentleman and very kind and very helpful. Selectman McGrath made a motion, seconded by Selectman Morin to accept the resignation letter of resignation from Support Service Services. Robert Haggerty effective May 17th, 2022, with the Board's thanks and appreciation. Carried 5-0.

E. IAFF Local 3154 MDA Boot Drive

Chairperson Roy recognized the Town Administrator who said I believe this came through actually Selectman Morin but the IAFF Local 3154 like to do an MDA boot drive. They typically do. I think this year they're looking to do three different occasions they basically do them at this area here of town the intersections here and they're looking for permission to conduct them on Saturday, June 11th, Friday, July 15, and Friday, August 19th, at the intersections of Ferry Street, Derry Street, Chase Street and Library Street. This is what you see on, I think, the Labor Day telethon. I know there's a lot of pride in this, trying to collect the most money. Each department tries to beat what they did the previous time, so I'd recommend that you approve their request to conduct the boot drives. They will have the appropriate signage, safety vests. It's well marked. And like, say, these guys are pros, they've done it many times before, so they know the drill. Selectman Gagnon made a motion, seconded by Selectman Guessferd to approve the Professional Firefighters of Hudson Local 3154 request to conduct an MDA Boot Drive on Saturday, June 11, 2022, Friday, July 15, 2022, and Friday, August 19, 2022, at the intersections of Ferry Street, Derry Street, Chase Street and Library Street. Carried 5-0.

~~F. HPD - Locality Equipment Purchase Grant Application~~

This agenda item was removed after the agenda was published.

G. Candidate Information Flyer - Final Draft

Thank you, Madam Chair. And this is a follow up to our discussion. We had, I believe, maybe two meetings ago. This is a quick recap. The initial intent was to provide some state RSA overview of candidate information and political advertising. I receive feedback from this Board, from the Planning Director, the Assessor, a couple other individuals at town hall. I try to do my best to

include all of their input, including the Moderator as well. Mr. Morin had some some discussion at last meeting as well to include additional information to incorporate more signage and signage problems around town. I tried my best to incorporate set information in the final pages. So tonight I'm providing you with what I deem as a final draft to ask for your approval to put this forward and just to keep it on record. Just to be clear, it's not additional policy. It's not additional ordinances. It's just informational purposes highlighting to individuals kind of what the rules are. So it can be known. So down the road, we want to take enforcement. Not that this document does that. We said we've done our due diligence and we provided the information and that was the intent here.

Chairperson Roy asked, anybody have any questions or comments? School Board Chairman Gary Gasdia said may I say something? So I think this is fantastic. The only thing I'm going to invoke my lazy self if you handed me this packet, I don't know if I would actually read it. So if you could take this and then also have a one page like here's the three or four things that really matter, like the signs and something like that. Because again, all great information. But I would, I would be like, okay, good. Got it. So get something to maybe add. Selectman Gagnon said, Thank you. If I may respond to that. So great input. I think Mr. Morin was saying something kind of similar as well. I would like to. The reason I did this as a long document is to put all the like information together. But the true intent would be to potentially split it up. Where the candidate specific information is only two pages that can be included with candidate applications. And then the other sign information can potentially be used in another section of Town Hall that attracts people who want to put up signs and so forth. So it's simply together for the sake of keeping it organized in town records. But my intent was that if you split up to your point, in order to pass it out. Chairman Gasdia replied, I think it's great. I think it's great. I just want to make sure it gets used. Selectman Gagnon replied, thank you sir.

Chairperson Roy then said is the plan would be just to refresh my memory, it would not only be passed out to candidates, it'd be available on the website and in a variety of ways. Selectman Gagnon replied, I would I would like to see that happen. I think my main intent is just to have the candidates to know. But if this Board would like to provide it in other media avenues, I would support that fully. Chairperson Roy then asked, and so now what are you looking for us? Selectman Gagnon replied, if this Board sees that this document is okay, I'd like the approval to then to be able to keep it on record as an official document and then be able to use the candidate section to attach with the candidate applications and the other signed document to use as town hall individuals and employees see fit with any kind of concern to questions arise. Selectman McGrath was recognized and said you're not going to be printing out a whole sheaf of these to be handed out. Selectman Gagnon replied, no, Ms. McGrath. That wasn't....Selectman McGrath said, you mean Selectman McGrath. Selectman Gagnon continued saying, no, no. No need to print unless someone specifically asks for it. As the Chairman said, I think it might be valid to put it on electric media to make it easier and less costly. Selectman McGrath replied saying because otherwise the Sustainability Committee would have a whole lot of things to be picking up along the way. Selectman Gagnon replied it's a great point.

Chairperson Roy asked, okay, so do you need motion? Would anybody like to make a motion? Selectman Gagnon said, I don't know if a motion's necessary or not. If you guys all approve, then I'll pass it along. The Town Administrator then said it's probably best to have a motion to record what you did. Selectman Guessferd made a motion to approve the information packet for use for candidates and for Town Hall employees to disseminate as needed. This was seconded by Selectman Morin. Carried 4-0-1, Selectman McGrath abstained.

H. Fiscal Year 2023 Default Budget

The Chairperson recognized the Town Administrator who said, so as you are all well aware, we will be entering the second year of a default budget this fiscal year. We'll have one in 23. This year the proposed budget was reduced by \$504,232. Last year it was \$773,621. So not as bad. Still not great. Similar to last year, the budget was reviewed, basically looked to the Department

Heads, who took a look through the budgets, looked at what they were giving up, what they wouldn't be able to do. And we also identified that as about 70K excess in certain accounts like for example, Town Poor, we reduced but because of the default it got set back to what we had pre reduction. So there's about 70K worth of excess monies in certain budgets. So took a look at that. What I am proposing and what I've blended through this worksheet, which is the last page, all of your non-union full time and part time people, all their raises got removed from the default budget. I'm proposing that you restore the 3% that we budgeted for the non-union full time and part time people at a cost of approximately 39K. That's a COLA, again for those folks.

I had allocated back in to about 24K for the NRPC Planning assistance that we've been utilizing and I also allocated six grand back in for medical exams in the Fire Department. That's, that's a necessary thing that we need to do. Just wasn't picked up in the default budget. Numbers change every year.

The Town Administrator went on to say, as you're well aware, you've already taken an action on the Moderator polling books that's got pulled into this year. So that's 17K that we're doing out of this year's funds. I believe we took it from the Town Poor again, we're seeing an under run on that account. As far as some of the departments, the Highway Department took a pretty big hit. As you're well aware, we put extra road salt in. Cost of road salt has gone up. He's coming off some vehicle, big equipment leases that I wasn't able to put back in the default budget. So he had, he the Public Works Department, had the biggest shortfall. Really no way to make it up. We can't invent money. So what he's probably going to do is defer, finish coat paving on streets. That's really his only option at this point in time, just too at least get a point to see where we are maybe partway through the year as far as our salt goes and what we're using for fuel in particular. So I think that's where the Department of Public Works is going to be.

In the Police Department the big ticket was we still didn't have the body cameras and the bulletproof vest and the tasers and the shields into the budget. So fortunately, we have a capital reserve fund that was funded last year and this year. So we'll be able to take that expenditure out of there, but we don't want to keep doing that. But next year it will be in the default budget. So it's just a problem this year. I reviewed the Fire Department items. You made a change, you promoted a fire marshal. But there's going to be some savings in the insurance accounts for the suppression. So that should cover that.

So all together, if I looked at all of the accounts and that's the last page of this document, about \$405,000, we could sort of figure out where it's coming from, what we're deferring, what we're going to pull in, what we're getting from capital reserve, which is about \$98,000, which we're just going to have to absorb in all the other little departments, which is a better number than the \$224,000 we had to absorb this year. One of the things that we'll probably be able to do this year is take a look at when we get the earned time buyouts. We have a reserve fund, a trust fund for that. We're most likely going to have to tap into that. Departments will not be able to absorb that cost. But that fund is about \$800,000. So there should be sufficient funding for this year and possibly next year. Again, I can't invent money. I'm just trying to look at where the buckets are, how we can maybe reallocate some funds so that we can at least accomplish the core missions. I'd be remiss if I didn't point out one of the other things that falls by the wayside is something you all added, which would be the operation of a senior bus. I don't have money to cover that, so I wanted you to just put that on the table, identify that maybe we'll get maybe things will go. Maybe things will get fortunate, maybe we can do it halfway through the year. But it looks like at the beginning of the year, I wouldn't recommend you commit to that. You're not doing it now. I hate to take something away, but I didn't take it away. This is what the voters voted and that was not in the default budget. That was clearly added by the Board here. So I think it's imperative that we at least be able to maintain the roads i.e. salt, plow, maintain law and order and maintain the Fire Department. So that's my recommendation. I hope this is clear. If you're looking at this document, if it's a positive number, that was an account that had excess monies. If it's a negative number, they lost money. And this is just sort of the big ticket items here, just so you can get a feel. Very similar to same layout as last year. So I didn't do anything different. I tried to be consistent. Our departments are very engaged. They do a great job and they will do their best to manage to the numbers that they have. But obviously, we can't have default budget after default budget. You know, I think we run fairly tight around here and I think we'll make it. But again, we can't keep doing this perennially.

Selectman Morin was recognized and asked, where we at on our fuel budget for this year right now? The Town Administrator replied, it's getting tight. Yeah, we are luckily not paying. I mean, it's great that they want to suspend the gas tax at the federal level. We don't pay the gas tax. So that's one salvation for us. But, yeah, it's tight. I mean, like I say, we're not going to be to absorb our in time for it. But you all we all look at the budget, the actuals. We're just about that 82-84% where we should be. There's not going to be any more storms. So we're good there. So we can manage to that. Chairperson Roy asked, we got what about six weeks left? To which the Town Administrator replied, yeah, about six weeks left. Luckily we got the legal under control with that Money that came back. So that's helpful. And to be frank, Town Poor is another account we haven't really, really spent yet. Selectman McGrath said yet. The Town Administrator replied I've said this a million times. Ms. Wilson does a great job using the resources in the area without having to spend town resources. She spends a lot of effort looking for the other resources that are part of the area that we sometimes we pay for in the community grants.

Selectman Gagnon said excuse me. Kind of a side note, when you talk a lot about trust funds, my layman understanding is those are investment funds that we put aside to grow. The Town Administrator replied they're capital reserve funds, which you typically, you are, the for the majority, you are the agents to expend. So basically, if you make an expenditure, you can seek reimbursement from that capital reserve fund. Selectman Gagnon then said I guess let me clarify my point. Are any of those capital reserve funds or any other funds that are overseen by the Trustees of the Trust Funds, are they investments in like stocks or bonds and so forth? The Town Administrator replied, they have an investment policy. Typically, they are not heavily invested in stocks and bonds because they also have to think about safety. They may have some longer term investments, but typically they're not in the they're not fully invested in the stock market right now. Selectman Gagnon replied, so then my conclusion question would be, you know, are they still growing at what we expect or are they getting any kind of Hits? Selectman Morin replied, no. I talked to one of them the other day? They've been taking some serious hits. Selectman Guessferd said like we all have. Yeah. Selectman Gagnon said, that's what I was I was what I was curious about. Any action need to be taken or just that's life? Selectman Morin said not at this point. The Town Administrator said no. they have the ability and they are by law, the Trustees of the Trust Fund. So they meet with investment professionals, they have their own investment policy. It's really not the Board's purview. It's actually their purview. I think they've done a great job managing what you might see in your own portfolio. They're not seeing quite that bad. Chairperson Roy added, they tend to be very conservative. The Town Administrator added, as is the Town. Let me just assure you, the Town does not invest in stocks and bonds as far as the Town money goes. That's why we have rather anemic interest. We are not we are not in any speculative or any sort of risk investment. Our goal is safety of principle. Selectman Gagnon replied, I got it. But even with the big hits that you speak of, it's not enough that it's going to concern our budget. Selectman Morin replied oh no. That group does very well with what they do. They really do. I mean, they've made a lot of money with what they've done with the portfolios that they have. So I wouldn't worry about it just as everybody else, if taken it like us at this point. The Town Administrator said there's nothing on here that I would be concerned that they wouldn't have enough money to cover. That's probably the best way to express that.

The Town Administrator then said so what I was basically trying to get is, is a consensus for the Board, is this acceptable? Do you want to do something different? What do you want to do? I put it to you all. Selectman Morin was recognized and said as long as everybody feels that they can do with what they got at this point. I understand the buyouts and fuel we're probably going to have to look at it at some point. But if everybody's good right now. The Town Administrator then said if I may also offer we really haven't touched the contingency account this year. So if we got in a jam by the end of this year, we would have sufficient money to stock up the gas tank again. Again, looked at this with the Department Heads....Chairperson Roy asked would that carry over to FY23 if that continues? The Town Administrator replied, well, if gas goes to \$8 a gallon, probably not. But then again, we wouldn't be able to cover that anyways. Even if we had a regular budget, we'd have to still rob from Peter to pay Paul.

Selectman Morin said, I just want to ask one question because last time we did this, there was discussion about cutting tires. We're not doing anything like that anywhere, correct? Everybody that's gonna need maintenance, tires things of that are important. The Town Administrator replied they will prioritize that. Yes. That's not coming out of here. These are the big hitters here. And again. In the Public Works Department the biggest problem was the road salt and the fact that we were coming off a truck lease or vehicle lease I forget which one it was, excavator maybe, and he needed to replace that. But that came out of the default budget, so it created a big gap for him. Nothing I can do about it. It's just default budgets are calculated a certain way. Those are the things that come out. I can't put a new lease in because it doesn't work that way. Now next year I'll be able to put it in because we've already had it. So you get you get these sort of anomalies. But don't forget, Police has a \$9 million budget. Fires over \$8 million. Public Works is 4 to \$5 million that it's a lot of labor but we'll get by. We'll have to. We have no choice.

Selectman Guessferd was recognized and said just my maybe it's more of a comment than anything else but it's the paving bothers me. You said we're not going to be able to finish coats. The Town Administrator replied more than likely that's what's going to go. Correct. Selectman Guessferd then said because I you know, I mean, we see we see it all the time, especially after the after the winter. We get all kinds of they're just patching, you know, it's. The Town Administrator explained, on a newly paved road, if it's been reconstructed in particular, you're not going to have that problem as much. It's just a finished course, which is like the last inch or two of binder pavement. It's probably getting to other roads down the road that's going to be more of a problem. But right now, if you don't put a finish coat on something, it implies you've already rebuilt or redone the road. And a year or two and we're not talking main thoroughfares, we're talking back roads, side roads, neighborhood roads. We're not talking, you know, Old Derry Road or Robinson Road. We're pretty much talking maybe where you live or where I live or any of us live on a side street that typically would get deferred. I mean, they're pretty, they know what to do, what roads they can pull back on. Selectman Guessferd replied, pull back on a little bit. The Town Administrator replied, that's quite honestly where he's going to have to get it. There is no other bucket of money. I guess the other alternative, and I'm not going to recommend, is we got to get rid of people. Yeah, yeah. And I'm not sure we're in a position. We run lean as it is. I don't I don't think anybody wants to do that. Selectman Guessferd and Chairperson Roy both replied no. The Town Administrator went on to say, so, you know, maybe we'll catch some breaks. I hear there's maybe some money coming to us for the pension. Maybe the state's going to put some money out there, you know, we'll see.

Selectman McGrath was recognized and said I just want to suggest that you keep an eye on the Town Poor. And as we, well, I'm not even going to make that statement. As someone that watches the news a lot. There's lots of discussion on the news about the import of the southern border and a lot of people coming in over that border. One of the courts just voted to require Title 42 to remain in existence for the time being. But once that comes, once that opens up, then the floodgates are going to open up. And they're already flying different, different groups of people all over the country. I know Massachusetts has gotten, gotten a large influx of them and other states and in the country as well. So if they're experiencing that, we're certainly going to experience that at some point. That doesn't mean Hudson is going to, but the State of New Hampshire may so. The Town Administrator then said and as you're well aware, we have welfare guidelines that require some sort of residency. You can't just move to Hudson and get free money. There is some sort of residency required. The other ace in the hole we have, so to speak, on this is we have a donation account that's got funds in it. So that's in the back of our head. We know if push came to shove, I have a donation account. We can come in here and expend. It would help. So I'm comfortable and we were comfortable reducing that budget. So it's no different. We're going to have the same budget that we would have had anyways. I'm just looking to potentially repurpose it to satisfy some other needs.

Chairperson Roy asked, do you need anything else from us? The Town Administrator replied, you can make a motion to approve what I recommended. I mean, it might be the cleanest way to do it. That way I can put this into. Into, into play. Selectman McGrath made a motion to approve the FY23 Default Budget presented by the Town Administrator. Seconded by Selectman Morin. Carried 5-0.

I. Board of Selectmen Visioning Session

Chairperson Roy recognized the Town Administrator who said, I believe this came up a few meetings ago. Board I think the chair brought forward the idea of having a vision visioning session with the Board. I've contacted and work with Primex, who is our insurer. They provide our workers comp our property liability, and then they provide other service to us. And one of the services we would get is free visioning. So someone who's trained would come in and actually conduct a visioning session for the Board. I believe you would ask when we could do it. You were recommended August 2nd. So it's here to see if the Board would be amenable to a workshop on August 2nd. That would be a workshop night. That's a Tuesday.

Chairperson Roy then said so the only other caveat I would put on that is that I would suggest that we do that someplace other than here, like the library or something like that, something that's not. The Town Administrator replied, it would be public, but it might be more conducive to a free flow of ideas if you're not feeling constrained in this room. It certainly would be public. They, Primex, thinks it's a good idea if you did it somewhere else. You don't have to. But it's a good idea just because it gives, you just you think differently.

Selectman Gagnon said, Mr. Malizia, I don't know if you told me you emailed me this week, and I think you asked for a date. And I didn't think...The Town Administrator replied, that was the date was for the MRI report. That's June 7th. So your calendar is booking up quickly. Selectman Gagnon then said August 2nd, unfortunately I'm away, so I won't be able to join for an important agenda item. Selectman Guessferd, and Selectman Morin both replied, I'm good. Chairperson Roy said okay. Selectman Gagnon then said please go ahead with it. Chairperson Roy then said, all right. We have a consensus, August 2nd at Rogers Memorial Library. Can you? The Town Administrator said I'll check if Rogers is available. Make sure that's available. The only other thing is maybe you want to start a little earlier at 6:30. I know that's not too, too early, but you get a better start. Maybe you give yourself a little bit of wiggle room. So if you go write down 6:30 for me and I'll check the Rogers first to see if that's available. And if not, if something if they can't, I'll come back and we'll figure out where we want to go. All right. Sounds good. Thank you.

9. Board Liaison Reports

Selectman Gagnon: Thank you, Madam Chair. So a couple just quick updates from my different liaison assignments. The Sustainability Committee with partnership from the CTE Center had a successful Eco Fest, as they're now calling it, this past weekend. On Saturday, they were at the Rogers Memorial Library. I believe Con Comm took part in it as well. They had a couple different booths, everything from planting trees like an Earth Day to information. I believe they had a TESLA there so that people can kind of look at and check out and just people kind of talking. The library got involved, so I wasn't able to attend, but it seemed like a very successful event, so I applaud them for that effort.

I attended the NRPC annual event. That event had various speakers that talked about energy issues in the state. What we're doing about them, both sustainability issues, natural wind, solar, those kind of alternative, environmentally friendly energy, as well as the discussion from the power company about what they're trying to do in the last couple of years. Cut trees, keep the power lines, keep the utilities up and running.

The School Board and tell me if I'm wrong here, had an active discussion last night, just a few topics to take away. There was a very nice overview from a student trip to Panama, which I thought was very nice. The Board also welcomed a student to sit on the Board as input from the students, which I think was the first night. I thought that was a very innovative. Chairperson Roy said so I want to

comment on that. I was glad to see that back because it hasn't been there for a couple of years, right? Chairman Gasdia replied, correct. We did not have one during COVID so they had their elections. Typically they elect them now and they start in September but she was willing to start right away. We're not going to make her come over the summer unless she really wants to. But she was willing to come, so we had to jump right in. It is great to have her back. Selectman Gagnon said, so I think that was a great addition to see that. And then they had some discussion about hiring. As everyone knows, any business is tough to hire these days. And even I jumped in a little bit talking about how do we retain teachers? You know, because it's the complications of union and contracts. It's not a professional business where you can just offer a matching salary. So interesting discussion there.

And lastly, you heard a little bit tonight the right to know group. I think Flo and Mr. Tessier did a great job presenting it. We had really active communication and discussions. We're still trudging for with lots of things to do, but I think we have our head around what needs to happen. We just need to make it happen.

Selectman Guessferd: Let's see I have a few items. Nothing, nothing too major on Rec. I think this this week the calendar is wrapping up. You know the calendar raffles? I don't know if anybody has...haven't seen anything for me. So the soccer is registration is just opened up for the father daughter dance was a rousing success both of them and they're continuing to work on their programming and doing some good work over there.

Cable We're continuing to work on the bylaws. We'll be looking at our next meeting

And Planning Board tomorrow, we're going to be doing our part two of our regulation updates. Hopefully we'll. Selectman Morin asked, do you want me to just add? Selectman Guessferd replied, yeah, absolutely, yeah, yeah. You want me just add. Selectman Morin asked the Chair, do you want me to do that now or wait? To which Selectman Guessferd replied, that's all I had anyway so I will go ahead and give the floor back.

Selectman Morin: So for the Planning Board there were basically two items that were discussed, 56 Central Street, which is in the area of Library Street, they're looking to put a street and a cul de sac with nine units there. That was just the first review of that. And then the professional office that's being reviewed for River Road was pushed off to the next meeting looking for due to information requirements that they needed. And that was it pretty much for the Planning Board.

Benson's they're waiting on the cost for the roof of the barn. So they're really hasn't been any movement there. This past Saturday had a clean-up day at the park. They did have a discussion on your request of funding for the park. They do have some ideas, but they're going to bring that up again at the next meeting and figure out where they're going to go and how they're going to approach it. And then they'll get to us at some point with what they came up with.

Budget Committee had several requests, Mr. Malizia and Jill and Lorrie, have taken care of most of the information that they've requested and got almost all of that out to Mr. Cole. The Town Administrator added, I believe so we can double check. But I mean, I gave you the purchasing policies. Selectman Morin said so we'll discuss that at our next meeting and that's pretty much it at this point.

Selectman McGrath: I don't have anything for you, for the Municipal Utility Committee. There's nothing to report on that.

Police Department, I talked to Chief Dionne and he provided me with quite a bit of information, which I think is, I don't think that we're going to do this at every meeting, because this is, this is I mean, he's trying to cover a lot of territory and he provides a monthly report, and that should cover most of most of it. So in any event, I'm going to read from this what he provided me. "They're moving forward with the building expansion and renovation. With the help of some other town employees, Captain Cayot

has submitted RFPs for those that aren't familiar with that term, its request for proposals. We have received feedback that at least three companies will be offering bids. A mandatory meeting for all contractors wishing to bid is scheduled for June 13th, 2022 at the Police Station. HPD has hired MRI, Municipal Resources, Inc., to assist the Hudson Police Department with a multiyear strategic plan. At his request, MRI conducted a squad analysis with almost the entire staff on Thursday, May 19, 2022, as a component to developing the 3 to 5 year plan, it was conducted in two separate groups. First the command staff, then the rest of the employees. This was done in an effort to assure free flowing discussions.

With the default budget, we are aggressively seeking out innovative ways to offset costs going into the fiscal year 2023. It is important to remember the police are mandated to move in increments from 8 hours additional mandatory training per officer to 24 hours by 2024. This has an enormous cost associated with it and we began this year in a default budget and need to keep pace in fiscal year 2023 by increment in default. We are in the process of procuring some grant funding to reimburse monies already spent in equipment. We have applied for some funding to assist in some small way with the renovation. And we did receive \$3,500 from the New Hampshire forfeiture fund for psychological exams related to police hiring.

May 2022 is bringing in the New Town of Hudson newsletter. We are honored. We were honored to present an article about the college process written by Lieutenant Steve McElhinney. I also presented a brief article about our new our two newest hired police officers. It is exciting to have a new platform to reach the community lest they continue to collaborate and form a new partnerships within the community. Two weeks ago we had our quarterly meeting with the president and the security head at Saint Joseph's Hospital. Later, we met with the BAE security leaders and Merrimack to discuss the Hudson facility. On May 9, 2022, we had the pleasure of welcoming Dr. Dan Moullis, the incoming. I hope I pronounce that incoming SEIU 81 superintendent who agreed to meet us at the police station. We also reviewed, updated and signed the SROs MOU with the School Department." Selectman McGrath then said, so that covers it. Thank you.

Chairperson Roy: So all my liaison meetings happen this week, so I'll have something at the next meeting. And everything else has been either covered by one of you folks in the land use or by Chief Buxton. So I don't have anything as far as Board Liaison Reports. I will have something at the next meeting.

Selectman Gagnon then said Madam Chair, I have a question for Selectman McGrath. I know the Chief was talking almost two months ago now about donating some of the bulletproof vests that have expired. I don't know if I ever heard anything back from that. Are you aware of what happened with that? Selectman McGrath replied, I am not. But I do know that I don't know if Hudson's were geared towards going over to the Ukraine, but I've heard that some of those didn't get there. But I don't know if it included Hudson's or not. I don't know where they were going. Selectman Gagnon replied, all right. Thank you.

10. Remarks by Town Administrator

Just a couple of things that just a refresher/reminder workshop on June 7th to discuss the MRI Town Hall report.

Check your mail boxes, your first half tax bills should be hitting them by the end of the week. I know everybody's looking forward to that.

And just a personal note. Memorial Day is this weekend. I'd like to thank all the service personnel who've sacrificed for our country. And I ask everyone to please be safe this weekend.

11. Remarks by School Board

Thank you, Chairman Roy. I'd like a little bit of latitude at the beginning here. This isn't about Hudson, but earlier today there was a tragic school shooting in Texas. I don't know what the count is now, but it was 14 dead and another 15 or 20 in the hospital when I walked in here today. And, you know, at the end of the day, when you send your kid to school, you expect to be able to pick them up. And so that's the most important thing that that we have to do. And we'll let the experts figure out how it happened, why it happened and what could be done and all of that. But I think it's an important time to reflect on to all the parents, the students, the community members, if you see something that looks suspicious, please contact the Hudson Police. We have a phenomenal relationship with them. You know, we're not immune in Hudson. We've had threats come in, some in the middle of the night. And the next morning Hudson Police are right there keeping our kids safe. If you see something, say something. And this is also why we do all of these drills, why we have professional development. You know, as we've learned over the years, I know this is close to your heart, slightly more and we're never perfect. So we need to keep practicing. And so I'm sure there were some heroic things that happened in Texas today that, you know, kept that count down. We hope it never happens here, but that's why we're always doing ALICE drills, professional development. And we really need the help of the community to make sure that we're never the ones making headlines to the best of our ability.

Now on to Hudson. So the reality is that the next Board of Selectmen meeting will be the night before the last day of school. Our seniors will have graduated. So there is a lot of great stuff going on. This is the time for field trips and prom on June 7th. So if you want to avoid Bensons between 4:00 and 6:00 that may be good. Graduation is June 9th. There were all sorts of academic awards. A lot of our teams are in playoffs and things like that.

And Memorial Day. We will have the parade, weather permitting, and so you'll get to hear the Alvirne High School marching band, in all of their glory, marching down Derry Road there. So a lot of good stuff happening. It's great.

You saw the incoming superintendent has been phenomenal. He has been pretty much everywhere. It seems like everywhere I show up, he seems to be so I think that's going to bode well for us when he starts. So with that echo, Mr. Malizia's comments, hope everyone has a good Memorial Day and thank you to all of the service men and women over the years that keep us safe.

12. Other Business/Remarks by the Selectmen

Selectman Morin: Just a couple of things just for information. Then we received some correspondence from the labor attorney reference to the major incident, but we didn't get it in time to go on the agenda. So we'll be on the next one. Selectman McGrath brought up in the newsletter, just an update on that. The Town newsletter will be issued the first business day of June. And at this point, because it's been so long putting it together, it's going to be what, 18 pages. The Town Administrator said, it's gonna be like the Globe. (laughter). Selectman Morin continued saying, it won't be that big every month. But she's gotten a ton of information. He's done a great job putting it together. So that'll be the first business day of June that that will come out.

And is the Board doing anything for the parade? Chairperson Roy replied, oh, yeah. So it's Monday at 2:00p.m. Selectman Guessferd said step off. Is it 2:00p.m., yeah. Selectman Morin said I figured you'd be marching with the band. Selectman Guessferd replied, I'll be, we're not going to march. We're just going to be in the Library Park. Yeah, I'll be playing taps. Chairperson Roy then said whoever's going to go together at the Hudson Mall at like 1:30, and then it's just goes from the Hudson Mall to the to the Library Park. I know I plan on be there. Selectman Guessferd said you have to continue on to the Legion afterwards. Selectman Morin said I'll be available. Selectman Gagnon said, I believe I'm going to try to shoot to join. Chairperson Roy said okay. All right. So, yeah, that's step on at 2:00, 1:30 at the Hudson Mall.

Selectman McGrath: Just to answer you, as you can see, I'm still in this flipping wheelchair, so I'm not able to go to that. But I will be watching any things that are happening on the news related to any type of memorial services. I happen to watch those when I'm able to. So and as far as comments, again, you know. This is Memorial Day is meant to commemorate those that have given their lives for this country and for our freedoms. It's not it's not for all of the parades and everything else. It's really to commemorate, commemorate those that have given their lives for us, for our freedoms. So that's what I'll be doing on Memorial Day. I won't be out celebrating, but I will be honoring those that have gone before us.

Selectman Guessferd: I could not have said it better Selectman McGrath. I was planning to make a comment. I know we've had a few comments here, but what she said was exactly correct. We're not, this weekend, this holiday is not for all the veterans, like myself. This is for those that have that have lost their lives and given the ultimate sacrifice to our country. And we have we enjoy this wonderful three day weekend because of them. So it's not just about the barbecues, but we do hope everybody has a wonderful weekend and enjoys that extra day thanks to them. So, yes, come out for our parade. There's one in Nashua in the morning. There will also be some other local wreath laying ceremonies in Nashua. The VFW there does. I'll be attending those as well. So again, it's perfect. Absolutely perfectly said. Beyond that, everybody stay safe and we'll see you again soon.

Selectman Gagnon: Nothing tonight, thank you

Chairperson Roy: So I'll just reiterate what everybody else said about Memorial Day. I will also add that, as the Town Administrator, mentioned on June 7th, we're going to do a workshop for the MRI Manpower Report. And I would encourage employees, department heads and the public to attend, hopefully read it if they have any input. I'm sure we'd love to take that in. And that's all I have for tonight.

13. Nonpublic Session

Motion by Selectman Gagnon at 8:20 p.m., seconded by Selectman Guessferd to go into non-public session under RSA 91-A: 3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee. A roll call vote was taken. Carried 5-0.

Nonpublic Session was entered at 8:20 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.

Chairperson Roy entered open session at 9:23 p.m.

Motions made after nonpublic session

- 1. Selectman Morin made a motion seconded by Selectman Guessferd to hire Trinity (Xavier) Santana as a HCTV Part-time Videographer and be classified as a "Regular Special Shift Employee" at the current rate of \$60.00 per meeting, with every hour over four (4) hours at a rate of \$15.00 per hour. Carried 5-0.*

2. Selectman Gagnon made a motion seconded by Selectman Guessferd motion to hire Amanda Bowen as a full-time IT Technician II, with a starting salary of \$69,964 (Step 2), in accordance with the Hudson Police, Fire and Town Supervisors Association Contract, with a start date of May 31, 2022. Carried 5-0.

3. Selectman Morin made a motion seconded by Selectman Guessferd to hire the Sumer Camp Counselors listed on the memo from the Recreation Director dated May 18, 2022. Carried 5-0.

4. Selectman Guessferd made a motion seconded by Selectman Morin to hire Summer Camp Counselors in Training listed on the memo from the Recreation Director dated May 18, 2022. Carried 5-0.

5. Selectman Morin made a motion seconded by Selectman Guessferd to authorize the Town Administrator and Recreation Director to hire additional seasonal summer employees. Carried 5-0.

6. Selectman Morin made a motion to adjourn at 9:24 p.m. this was seconded by Selectman Gagnon. Carried 5-0.

14. ADJOURNMENT

Motion to adjourn at 9:24 p.m. by Selectman Morin seconded by Selectman Gagnon. 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