

## HUDSON, NEW HAMPSHIRE BOARD OF SELECTMEN

### Minutes of the June 11, 2024 Meeting

1. CALL TO ORDER – by Chairman Guessferd the meeting of June 11, 2024 at 7:04 p.m. in the Selectmen Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE – Jeremy Faulkner, Public Works.

3. ATTENDANCE

Board of Selectmen: Dillon Dumont, Bob Guessferd, Heidi Jakoby, Dave Morin and Kara Roy.

Staff/Others: Steve Malizia, Town Administrator; Tad Dionne, Police Chief; Scott Tice, Fire Chief; Elvis Dhima, Town Engineer; Jeremy Faulkner, Public Works; Gary Gasdia, School Board Representative.

4. PUBLIC INPUT

1) Cody Wojcik, non-resident

My name is Cody Wojcik I'm not a Hudson resident but I am the president of the Southern New Hampshire RC Club, which is a Hudson based organization. I'm speaking on behalf of the Southern New Hampshire RC Club about our request to utilize the West Road land fill. Not long after the decision to restrict use of the facility was made, myself and our secretary were permitted to go in and secure some of our belongings. In doing so we only parked on the original section of the road that was rated for H20 loading, I'm sure we'll get into that later which equates to 16,000 per tire, 32,000 per axle. Foot traffic across the rest of the landfill was not an issue. In the packet tonight there is a draft use agreement which is based on using the area in the same way, with no vehicle traffic outside of the original road. I would also like to add that evenings and weekends are the more popular times for us to fly and use the site. So, it would seem there should be an arrangement where we can share the field with anybody working normal business hours. Also included is a clause about us not using the facility when the Town or the company that the Town will contract for engineering services needs it empty. For the 24 years that the club has been at the site, we have always cooperated with the Town and its requests and will obviously do so here. Thank you

2) John Hayes, non-resident

My name is John Hayes, I live in Litchfield and I'm a member and secretary of Southern New Hampshire RC Club, I have been secretary for 33 years. And mine is kind of a more of a plea for fair play and to just give you a little more information about the club. My particular involvement with RC started back when I was a junior at Alvirne, so I've been at this for a long time. I look forward to my retirement and being able to fly and you know work with the airplanes built over the years. For many of us in the club we've got substantial investment in the planes and the hardware that we fly with. So, it's very substantial. But, we understand the value of the field that's up there, we've been flying there for years. We are not going to do anything to harm that site because it's so valuable to what we do. I personally have joined the board of advisors for the Manchester School of Technology, for the airplane build, perhaps you've seen that on Chronical. I've also done mentoring over at Daniel Webster College. And I'm currently a mentor up at the airplane build in Manchester. So, aviation has been really at the root of what I do for ever. And the field we dedicated to Daryl Wagoner because he worked so hard to get it and he had incredible passion for the hobby. Anytime that you wanted to go fly, just say the word, he was right there with you and that's an important thing. Basically the field, the site, is a monument to Daryl Wagoner and I hate to see that monument be taken down. That's all I have to say. Thank you.

3) Ed Van der Veen, 9 Newton Street

Also, speaking as a member of Southern New Hampshire RC Club. I'm just asking that the Southern New Hampshire RC Club be allowed access to the landfill flying field while the landfill study is

being conducted. As previously said we can walk up to the field and keep our cars on the approved part of the road. I understand the desire for the study and I do not think that our light-weight activity will impede the study or cause any damage. And in March the voters asked that we could stay up there from 2,034 votes to 1,069 so, just asking if you could please let us utilize the field this summer. Thank you.

Chairman Guessferd asked if there was any more input. Seeing none, moving on.

5. RECOGNITION, NOMINATIONS & APPOINTMENTS

A. Nominations

1) Triston Dion – Zoning Board of Adjustment

Good evening Selectmen, Triston Dion 15 Glenn Drive. I'm currently an alternate on the Zoning Board, I've been a member of the Zoning Board for about a year and a half, closing in on two years at this point. I think I've worked pretty well hand-in-hand with Selectman Dumont for good bit of time. At this point and I've really enjoyed my time on the Zoning Board, I think I've learned a lot about it. I'm really looking forward being able to make that step up to be a full voting member. Due to the fact that the board itself has a shortage of members and it has been tough. I'd say that probably almost half of the meetings that I've attended I've already been a voting as such. So I've participated as a voting member. Almost this entire time, almost to the point that my very first meeting that I went to as an alternate, I was a voting member. So, I think I've got a pretty good experience at this point. I'm really looking forward being able to just taking more of a progressive approach within the town. As of right now, I'm also a member of the ZORC committee that's being run by Tim Malley. That's all I have, are there any questions that any Selectmen have for me? Selectman Roy: I was just going to say my time on the ZBA with Triston, he gave a lot of input he was very serious about what he did. He really did a good job in my opinion. Chairman Guessferd asked if there were any other questions or comments from Board members. Selectman Dumont: I'll just follow up and echo that statement. He's very attentive, shows up to all the meetings, very proactive. When we were searching for members for ZORC, stepped right up for it. So I think he's a good fit as well. Chairman Guessferd: I just had one other question. Have you taken any of the training? Triston Dion: Yes I have. There was actually a training course, I didn't personally attend, but I was attending with the virtual sessions. That was about, I think a month ago, and it was a great course, it was absolutely fantastic, it has some really good content. And it was about 5 hours' worth of content that they had this year. It was great. Chairman Guessferd: Yes, it's one of those things like many career fields, keeping up the speed on it because things change, evolve. So it's important that those things occur. Anybody else? OK, well thanks for coming tonight. What we'll do is we'll vote on it at the next meeting and that's typically the process we go through. You don't have to come. You can watch and see, it's up to you. Triston Dion: Alright, thank you Selectmen.

2) Zachary McDonough – Zoning Board of Adjustment (alternate position)

I'm Zachary McDonough, live at 49 Pelham Road here in Hudson. Currently, I work at UMass Lowell as a senior project manager. Managing everything from roughly \$100,000 to 10 million in capital projects and categories ranging from your general office all the way up to bio safety level 2 research laboratories dealing with mechanical systems, etc. Prior to that I worked in residential construction, so my history in construction and related to all things code is reasonable. I think given the position and what it is, I can be of help and overall I want to be more involved in the town. I moved here roughly four, four and a half years ago. Since then I have a daughter who is a little under 2 years old and I want to play a part in the community that she's going to grow up in. Chairman Guessferd asked if anybody had any questions. Selectman Dumont: Prior to moving to Hudson you sit on any other Boards in different communities or anything like that? Zachary McDonough: No, before that I lived in Lowell and I pretty much lived there, really wasn't involved in too many communities. I did have several organizations I was involved in throughout college. But, nothing on a town level. I do sit on several higher education type communities, but nothing I'm actively voting on. Chairman Guessferd: I do have a question. Have you observed, viewed our Zoning Board meetings? Zachary McDonough: I watched one, prior to this. So, I'm not terribly familiar, but, I get the general idea. One of my relatives is also involved in a town-type committee back in my home town. I understand the general operation from hearing stories from him. But, looking forward to learning more about this. Chairman

Guessferd: Will you be willing to attend training? Either held by the NHMA or NRPC. Zachary McDonough: Yes. I already attend regular trainings for other things like licenses I hold, so, one more is not going to make a difference. Chairman Guessferd: Yes, it will be important. It'll help you kind of get your feet on the ground with it as well. And then you'll also have the practical experience if you're voted. Anybody else? Again, we will bring this up at the next meeting for a vote and we'll let you know. Again, you can watch the meeting or attend, you don't have to be here, though. Thank you for coming forward, we appreciate it. This kind of volunteerism, we look forward to having people come and do. There aren't enough people that are doing this. Thank you.

## 6. CONSENT ITEMS

Chairman Guessferd asked if any board member wished to remove any item for separate consideration. Selectman Morin made a motion, seconded by Selectman Dumont, to approve Consent Items 6A – F. Carried 5-0.

Chairman Jakoby: I just wanted to let people know that the one permit that we're allowing for is for the Knights of Columbus and they'll be out in front of Market Basket June 21-22, and September 20-21 raising money to benefit mentally handicapped people of New Hampshire.

### A. Assessing Items:

- 1) Elderly Exemption: 6 Rita Ave. – map 228/ lot 012
- 2) Certification of Yield Taxes Assessed/Timber Warrant: Atwood Rd. – map 203/ lot 001/ sub 000
- 3) Certification of Yield Taxes Assessed/Timber Warrant: 129 Greeley St. – map 140/ lot 001/ sub 000; 89 Greeley St. – map 141/ lot 001/ sub 000
- 4) 2023 Abatement Application: Northern N. E. Telephone LLC (Consolidated Communications) – map 100/ lot 10
- 5) 2023 Abatement Application: Eversource Energy – map 100/ lot 8; map 100/ lot 8-1; 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
- 6) 2023 Abatement Application: 77 Lowell Rd. – map 198/ lot 19

### B. Water/Sewer Items – None

### C. Licenses & Permits & Policies

- 1) Tag Day Sales – Knight of Columbus

### D. Donations – None

### E. Acceptance of Minutes

- 1) Minutes May 28, 2024

### F. Calendar

06/11	7:00	Board of Selectmen	BOS Meeting Room
06/12	6:00	Library Trustees	Hills Memorial Library
06/12	7:00	Planning Board	Buxton Meeting Room
06/17	7:00	Code of Ethics	BOS Meeting Room
06/18	7:00	Municipal Utility Cmte.	BOS Meeting Room

06/19	7:00	HEAC	Rodgers Memorial Library
06/20	7:00	Trustees of Trust Funds	Hudson Cable Access Center
06/24	7:00	Sustainability Cmte.	Buxton Meeting Room
06/25	7:00	Board of Selectmen	BOS Meeting Room

## 7. OLD BUSINESS

### A. Votes taken after Nonpublic Session on May 28, 2024

- 1) Selectman Morin made a motion, seconded by Selectman Jakoby to hire Nancy Lanzillo for the position of Telecommunication Technician with a starting salary of \$22.42 (step 1) per hour, all in accordance with the Hudson Police Employee Association Contract as recommended by the Police Chief. Motion carried, 4-0.
- 2) Selectman Dumont made a motion, seconded by Selectman Jakoby to hire Daniel Tanner for the position of Firefighter/EMT in the Fire Department at the contracted salary of \$18.14 per hour (Step 1). If the start date will occur on or after July 1, 2024, the contracted salary will be \$22.00 per hour (Step 1). This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154. Motion carried, 4-0.
- 3) Selectman Jakoby made a motion, seconded by Selectman Dumont, to hire Ryan Richard for the position of Firefighter/EMT in the Fire Department at the contracted salary of \$18.14 per hour (Step 1). If the start date will occur on or after July 1, 2024, the contracted salary will be \$22.00 per hour (Step 1). This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154. Motion carried, 4-0.
- 4) Selectman Dumont made a motion, seconded by Selectman Morin to authorize the Fire Chief to extend the probation of Firefighter James Sheldon and Firefighter Gavyn Torres for an additional 3 months or the completion of their probationary requirements with a completion date of no later than September 11, 2024. Motion carried, 4-0.
- 5) Selectman Dumont made a motion, seconded by Selectman Jakoby, to hire Christine Strout-Lizotte for the position of Tax Collector at a starting salary of \$63,023. Motion carried, 4-0.
- 6) Selectman Morin made a motion, seconded by Selectman Jakoby, to post and advertise for the Town Clerk position. Motion carried, 4-0.
- 7) Motion to adjourn at 8:58 p.m. by Selectman Morin, seconded by Selectman Jakoby. Motion carried, 4-0.

## 8. NEW BUSINESS

### A. Transfer Station Pass Fee Public Hearing

Chairman Guessferd recognizes Town Administrator, Steve Malizia. Back in February, the Board approved the Public Works Director request to allow residents additional passes up to 3 additional transfer station passes per calendar year at a fee of \$30 per each. In order to make the fee in compliance with the rules and regulations you need to hold a public hearing to actually adopt the fee. What we scheduled as a public hearing, take public comment you would open the hearing and close the hearing. And should the Board wish you could then vote to amend the Town Code to include that fee. So residents who need extra passes can buy up to 3 at \$30 per pass. Chairman Guessferd: So the public hearing is no open at 7:21 p.m. Do we have any public input for the public hearing? Seeing none, closing the public hearing at 7:21 p.m. So at this point, we need a motion to amend Town Code Chapter 205 Fees, Section 205-10 Public Works Fees by adding paragraph D, and Resident Transfer Station Passes. Is anyone making that motion? Selectman Roy made the motion, seconded by Selectman Jakoby to amend Town Code Chapter 205 Fees, Section 205-10 Public Works fees by adding paragraph D. Resident Transfer Station passes. Motion carried, 5-0.

## B. Marsh Road Pump Station Design/Build

Chairman Guessferd recognizes Town Engineer, Elvis Dhima. Thank you Mr. Chairman, good evening everyone. This particular booster station is the only one in town that we have underground. We started this project almost three years ago, this will be the third year. When we went at this we thought we were looking at a \$400,000 project, ended up being 1.2 million. Goes without saying I almost fell off my chair. So long story short, we split this over three years. The first year we purchased the equipment ourselves, the second year, which is the one we are executing right now, we're building the instruction that's required over the structure itself and we delivered last week the building itself. It was a prefabricated building, it go dropped right where it needed to be. What we're looking at right now is phase three which is basically putting the motors, the pumps, the VFDs, all the electronics, connecting them to the generator, connecting them to the system. Connecting the mechanical pipes to actual network. This assembling the existing structure, converting that to a vault vs. a booster station right now and getting the guts out of the existing structure. Currently that project is being done by D.W. White, I'm sorry not D. W. White, R.H. White, I'm thinking of Target. Ooooh, why bring that up? R.H. White, I apologize. So we went out to bid, as expected. We had a mandatory pre-bid, two firms showed up. In the end, only one submitted the bid that was R. H. White. Obviously they had the advantage because they were already mobilized they were already there, everyone knew about it. So they submitted a bid for \$484,350. Our estimate in October of 2023, about six to nine months ago, was \$375,000. So how did we come up with the delta? We looked at grants, we looked at other opportunities and we looked at what we have in the budget already. So what you have in front of you tonight is utilizing \$109,350 from the current budget we have right now which ends June 30<sup>th</sup>, 2024. And then utilize the current budget that we carry for this budget \$375,000. This mechanism allows us to do what we need to do without impacting the project or the budget for the next fiscal year, which starts July 1<sup>st</sup>. With that said, I'll take any questions you might have. Selectman Dumont: Did we reach out to anybody or send the bid, I know you said it was advertised, but who did we reach out to? Elvis Dhima: We reached out to four firms, some of them submitted bids in the past, same ones that did it for phase two. We went out to Union Leader, we reached out to everyone. Typically these ones with three phases, it's usually the first one that gets it and then they carry on. In the first phase there was no one involved because it was simply us purchasing the pumps, motor, centrifuge, so that one was just pure manufacturing. But on the second phase it was multiple firms involved with this and they all came out and looked at it. Those firms were also invited to come in for the second one. But like I said, typically when you are half way in, you're kind of like, but yes, we did the process, we went out. We sent it to four, followed our ordinance basically. And again, it was advertised on our web site, Union Leader, things like that. Selectman Dumont: OK. I just want to make sure, so it did get sent out to preferred vendors as well. Elvis Dhima: Yes, to four vendors, yes as required by our rules, correct, yes. Selectman Jakoby: I just wanted to thank you for filling out the form because the four vendors are here. It's R. H. White, United Concrete, W.S.E. Inc., and NE Earth. And this was very clearly presented and you know I'm sure, anyone who reads the packet at home can follow along on the process. So, I just wanted to say thank you for that. Chairman Guessferd: Just one other question from my perspective. Just too kind of make sure that public is aware. So usually, in a case like this you get one bid in. How did you know that the bid was reasonable? Given that it was only one bid. Elvis Dhima: That's a good question. I asked the same question, right? Great minds think alike. Our original bid was about 1.2 million dollars and the other one was looking at 1.2 million, I think it was another firm, but, they did not submit. I asked them when I asked for feedback 2 years ago, and they said we didn't feel it was close so we didn't submit it Elvis, but, we were about 1.2, 1.5 million. So, I added all three of these, phase one, phase two, and phase three. So we ended up with 1.13 million. So we saved about \$70,000 by splitting this over three years. So, why did I know this was accurate? Because if you add all three of these, it came in just under 1.2 million which was the original number. To me I felt comfortable saying, yes. I think we still saved money, obviously \$70,000, hoping more than that, but, over time I think things increase so we still came under that original number, not by much. But \$70,000 is better than nothing. But that was my check balance when I looked at the phases. I think we had a huge saving originally when we bought our own equipment because we didn't have to do a 10-15% mark-up from the third party. I think the second phase was a little bit challenging because the prefabricated building was a bit more than I expected. It was close to \$200,000. Who would have thought a prefabricated building would be that much? But then again, you're building garages for them, I don't know. Nothing makes sense. So this one is very technical. This one has to do with electricians. This has to do with security, networking, programming, things of that sort. So I know this was going to be high but I didn't think by that much because physically it's all within the building footprint. Well, I guess when the nerds get together, you know how that goes. So here we are looking at four something, but, this is the highest price out of the three phases but, again, looking at the total number we were right on target as far as I'm concerned. Slightly a little lower. I think this is good. I don't think we're going to do any better and I think we should move forward with what we have. The biggest thing out of this is that because of how we budgeted this current

fiscal year, we can utilize what we haven't utilized. We had a good winter, we did not use a lot of repairs. So to use this and not impact next year, it's basically, rates remain the same, we can still get the job done and we're not getting a huge burden. Now if this came in six, seven, \$800,000, different story. Nothing surprises me anymore, let's just put it that way. That's my long answer. Does it make sense? Chairman Guessferd: That's fine, it's good for us to understand that. Because again, on its face, a single bid sometimes, you know, you just don't know, right? You can do a cross analysis or whatever it is, so just want to make sure that people understand that there was some thought process to this and you know it wasn't just accepted on its face. Selectman Morin: I just wanted to say I've been on the site when they dropped the building and looked at all the work and everything. I can't tell you with the funding, but, the work out there is moving along and it looks good and they're doing a great job. The build is very sturdy, I mean it's not a cheap building that they got. I believe we're getting our money's worth. Chairman Guessferd: Well, and that's another piece of this, right? Is the work being done already by the same company and done well? Selectman Jakoby: That was my exact question so thank you for answering that. I mean if they're doing a good job and you've observed that, that also puts a lot behind this. And this is the most technical phase. Elvis Dhima: This is the most technical phase, yes. Selectman Roy: When is the projected complete date? Elvis Dhima: So they're done, they're almost done with phase two. If the Board moves forward tonight, I'm going to cut a P.O. tomorrow for \$100,000 and it's going to get the ball rolling. But, we're hoping to be done this calendar year with this project. And the idea is, I told them, don't demobilize just yet, so leave some of the equipment there because if this happens I don't want you to get the equipment in and out that it creates a lot of back and forth in the neighborhood. So, right now everything is going steady but the idea is a P.O. tomorrow for \$100,000 which can be utilized and encumbered and then \$375,000 after July 1<sup>st</sup> and that should get the equipment. We'll take a little bit to take some of the stuff, but we have secured most of the equipment we need, it's just putting everything together. So I will say this, this will be similar to Windham booster station which is open heart surgery, just kind of like, keep the system running, don't flush the toilet for a few days, you know see how it goes. So, we have to keep the system running while we put the new one online and then if the new one works, take the one off line. It's really like open heart surgery, I've only done this once so we'll see how the second time works out. We have done one of these before so we should be good. So yeah, by the end of the fiscal year, by the end of the calendar year, hopefully. That's the projection. Chairman Guessferd: Any other further questions by the Board? OK, do we have a motion? Selectman Roy made a motion, seconded by Selectman Morin, to approve the contract for design and construction services for Marsh Road Pump Station, Phase 3, to RHW Construction, Inc. for the amount of not to exceed \$484,350.00 using account #5592-401. \$109,350.00 from FY24 and \$375,000 using the FY25 budget. Recommended by the Town Engineer and Finance Director. Motion carried, 5-0.

#### C. Contract Award for Landfill Engineering & Environmental Services

Chairman Guessferd recognizes Town Engineer, Elvis Dhima. Thank you Mr. Chairman. As you're well aware there's been some activity up there that was unpermitted. So a couple meetings ago we decided to notify the State and go out and get engineering services for this. We did send a letter out to the State. We did get feedback from the State. We're the first ones dealing with this. So there's not a playbook from the State about this, they were a little surprised. It goes without saying, I said don't worry I'm surprised too, so we're into this together. Long story short we got 10 engineering firms that showed interest in this, out of those 10 we had seven bids. Our estimate was \$50,000, five out of the seven bid between in the \$40,000 range. One of them was in the \$30,000 and one of them was in the \$20,000 range. We focused on the lower two, even though they all can do the work. You have a matrix provided to you. One of the things we need to do is provide a scope of work prior to doing the work because this is a very sensitive site. That was not included on the NHDES work plan on the lowest bid. In addition to that, there was no specification on evaluations that we need to do around the site regarding what the condition of the membrane is. I can tell you during the site we noticed two areas where silt fans were exposed. I don't know why that particular membrane, it's not the actual membrane of the capped landfill, but it's a membrane that separates different soils that are utilized over the capped area so that needs to be looked at when we get into it. One by the landing area and one by the construction, or the road here that was extended. With that said, we did have a great turnout as you can see, seven firms going for this, which is very exciting, we don't see these numbers. They're all within range and my recommendation to you based on the services we're getting is to go with CMA Engineers for \$36,800 which is the second lowest bid. Why am I recommending that? For two reasons. They meet what we need which is a NHDES work plan that we need to get approved before we do the work. Second one is to specify how many tests they're doing for different locations. Third, they were involved with the Transfers Station design so they're very familiar with the



site and I think that's what gives them the advantage. And that's why they're one of the lowest bids. How that particular one for me came at \$28,000, it's a bit challenging for me to understand and get my head around, but, I think we're getting the best price for the buck with the second lowest one. We're getting everything we need to do for basically a lot less than we estimated to do. And with that said, that's basically what I'm recommending you to do. And that's kind of where we're at. Chairman Guessferd asked if there were any questions or comments from the Board. Selectman Jakoby: My first question is, you had said the NHDES had agreed with our plan. I went to the NHDES site and I didn't see any correspondence back from them after you did the letter. Elvis Dhima: There is a correspondence from them to me in an email. I can share that with you later on but, basically the letter says something to the effect that they agree with us that an assessment needs to be done, an evaluation needs to be done. The discussions I had with them, and I think that was available on the inbox for everyone to see with the bids. So I included the correspondence I had with them. What I can do is, I can share that email with everyone as well. Selectman Jakoby: That's fine as long as it's there. Elvis Dhima: Usually you will not see correspondence unless it's an action such as a fine, or administrative award or things to that sort. That's what usually gets uploaded on the NHDES. Selectman Jakoby: There were other emails correspondences from previous years there. Elvis Dhima: Maybe for other things when we submitted permits, things of that sort. Selectman Jakoby: That's the only reason why I'm asking. Elvis Dhima: There was communications on the phone with them and an email that was followed up as well to confirm that this is what they expect from us. And I can share that with you. But yes, their expectation is that we are going to get basically to solve this issue because it's our problem. And we can't touch anything up there until they tell us yes, what you're planning to do and how to do it is exactly in line. I also told them that this facility is obviously closed now which is in line with permit conditions as well and they agreed to that. Yes, this is new for everyone. Selectman Jakoby: Ya, I was just looking for that correspondence, that's why. Elvis Dhima: As I said, it is on your correspondence folder upstairs if you want to see it. Shoot me an email and I can send you the email that I got from them. Selectman Jakoby: And then the other item, so with this bid will we also get ultimately, is the goal to get a revised site plan? Or is that a step after this? Am I using the wrong term, because I could be? Elvis Dhima: The goal of this is to see what we're dealing with and what the next step is. It's not a revised site plan. It's not a, we have a permit in place with conditions that are expected to be followed. There was work done up there without a permit. Without them knowing about it, without some of us knowing about it, someone knew, sure wasn't engineering department. And basically because this is completely new in New Hampshire, it's kind of like let's figure out first what's going on with the membrane. Let's figure out first what the intent, or the implications and the impact of what was done up there. What needs to be redone? What needs to be relooked at? Once we agree with the State, then we're going to implement those. There's a big chunk here that's going to require a lot of money to do it. You're going to have me come back here and tell you, alright phase two, it's this, phase three. But, this is the first step of I don't know what. I'm thinking we need to figure out first what's going on before we figure out what the next step is. Selectman Jakoby: Right. I just wanted to finish my thought. So, just to clarify, the plan that was given, it was changed and now we have to deal with those changes that were made. So even though in 2018 and earlier, the NHDES asked about the buildings and they were informed that there was an RC Club up there. There was no issue, no one had realized that there was changes in the property. Elvis Dhima: What are you referring to, like there was an RC Club? Selectman Jakoby: Yes, it was a communication that I did find in 2018 after the report. On the reports that you submit... Elvis Dhima: Between who though? Selectman Jakoby: Between the report we submitted to the state. There's a place on there where it says what actions are being taken up there. And, it says there's an RC Club flying and the correspondence went back and forth so I'm just saying that the state was not aware of this and this is why we're here now. Because now we have to take care of this. And I just wanted to clarify that. Elvis Dhima: And I just want to say something about the actual permit, I think it's important that we say that. Selectman Jakoby: Yes, the original one. Elvis Dhima: The original one. I think this was brought up to you awhile back and I was going to go over this in the next item but, we can go over it a little bit. So when you get a permit from the state, it's not just a site plan, if you want to call it, it's the actual ground water permit that goes with that. And it was terms and conditions that goes with that and there's five of them in there regarding the original permit that we got. And they were the facilities shall be closed in accordance with closure plans approved by Environmental Services Waste Management Division reference under section two above. Closure design of the Hudson Landfill was approved by the letter dated September 8, 1989. That was the original permit given for this site. From the Department of Environmental Services Waste Management to the Town of Hudson in accordance with the material references section two above. The closed facility shall be remained in accordance with the plans reference under section two above. Facility closure shall comply with the parts Waste Management 308, 311 blah, blah, blah. The permittee, which is us, shall comply with conditions set forth in the permit. If you look at the plans that were submitted and approved, it's a closed facility. It's fenced for a reason. There was a lot of feedback during the meeting up there, and I learned a lot of things

from what I was getting from them. It appears that there are landfills out there that are not, they're not fenced, they're open. Those ones have different restrictions than others, I don't know. But, this particular one was fenced and it was fenced for a reason. They don't want to have any activity up there, they don't want any traffic. The road construction that was done up there was related to the construction activity to build the landfill cap. Not for driving up there for anyone under the sun. It's important to understand what your limitations are up there. I don't think from what I'm seeing that this was presented to the previous Boards. I don't. Because I think if it was made aware, or they were made aware, there's nothing to do here. This is closed, this is it. That's why it's very surprising to me how this whole thing was just like, oh yeah you can. Selectman Jakoby: I want to thank you for articulating those stipulations because I think that's important for the public to know. That we are talking about the original permit in 1989, or 1999. Elvis Dhima: 1989 was the actual permit. Selectman Jakoby: That it is very different today and that's why we're here. Elvis Dhima: So, 1992 this is when, October 1, 1992, that's when the closure happened and that's where the conditions that went with the permit. So for the ones, and you can probably relate to this more, when the Planning Board approves a site plan, there's conditions that go with it. And those conditions are as good as basically a law. You've got to comply with them. It's a contract between you and the developer and if that contract is breached, that's it. This is a contract between the State of New Hampshire and Town of Hudson. Mr. Malizia can talk about it, but, it's my understanding there was money taken to do the land closure, it wasn't all the town either, some kind of grant. Mr. Malizia: There was grant money, there was state monies involved. Selectman Jakoby: With the original closure. Mr. Malizia: Yes. Elvis Dhima: I think it was over a million dollars, something along those lines. But in a nutshell, when you take state money, and you agree to certain conditions, you have to abide by those conditions. But, that's kind of it in a nutshell. Again, I think if these were brought forward at the time the decisions were made, I don't think that would have happened. But it wasn't brought up. Selectman Jakoby: Right. Elvis Dhima: It's very surprising to me because it wasn't like in 1960 and no one could find the paperwork. It's tough for me to get my head around that, you know what I mean? It was available information, if I can find it now in 2024, I should could have found it back then. But they didn't, it wasn't brought up. And it was a critical mistake on everyone's part. For overseeing it and I don't know if it was done on purpose or not. Selectman Jakoby: Well neither here nor there, it's where we are. Elvis Dhima: it's the reality and we didn't comply with it. The Board of Selectman at the time had no jurisdiction superseding state permit or state conditions. Just like you guys don't have, you know, jurisdiction to supersede a site plan condition, things along those lines. That's where we're at. Selectman Jakoby: Right, I just appreciate that because I want to make it as clear as possible to the public. I'm good, thank you. Selectman Dumont: Back on the engineering, are we going to get, I know Selectman Jakoby brought up a site plan, but, I would expect some kind of a pre or post plan to show what the landfill was before and what it looks like today. So we're not just going to get a report. Elvis Dhima: So what this assessment is going to include is exactly what you said, Selectman Dumont. It will show what the landfill was before the changes, what the landfill looks like today and what the changes look like from a typography standpoint. Either bring a drone up there and do like a change, but we know exactly what it looked like before it closed. Selectman Dumont: Will those changes be detailed in a way, will they give feedback if those changes actually harmed that membrane. Elvis Dhima: Yes. There will be testing involved with going in different locations including where the buildings are. To what is going on over there and we need to do. We really can't do anything until the state approves it. So the way it's going to work is that a plan will get developed, it will be submitted to the state. Once the state approves it then we are going to execute it. The main thing is the membrane integrity, the integrity of the landfill. As some of you know, probably all of you know, is the landfill is not insured. You cannot insure a landfill. What that means is 100% on us. It's one of those things. This is very critical that we don't do things three, four, five times because it can be very costly. That's why this is so sensitive as a matter because we're doing surgery up there basically. How we're going to do this, as far as the field is, we are utilizing or hoping to utilize our vacuum truck up there if the load is acceptable. If not, we might have to bring mats up there to drive our equipment up there. I don't want to rent a different equipment if I don't have to. So we're going to talk about logistics once we get this through to see how we're going to do the testing we need to do because you just can't go at it with a shovel. What they did back then, I don't know. But you cannot go at it with a shovel. So, those are the things we're looking at. I don't know, maybe it'll be fun. This is different, it's different but we'll get through, we'll get it done. Chairman Guessferd: So do we have any other comments or questions regarding the engineering services contract? Selectman Jakoby: Just to reiterate, so the NHDES approved the scope of this request. Elvis Dhima: The NHDES has agreed that we need to do an investigation. Yes, and they're going to approve the scope of work related to the investigation. Selectman Jakoby: Thank you. Selectman Dumont made a motion, seconded by Selectman Morin, to approve the contract for engineering and environmental services to the second lowest bidder, CMA Engineers, Inc., as recommended by Town Engineer using account #5585-225. Motion carried, 5-0.



#### D. Landfill Engineering & Environmental Services Budget Transfer

Chairman Guessferd recognizes Mr. Malizia. We have to pay for this somehow. I looked at all the budgets and I looked at where the opportunities to pay for it and I've identified in the Planning area there's sufficient funds to make a transfer from Planning Salaries & Benefits to cover the cost of this in this fiscal year and will commit it in an encumbrance. So we needed to find the \$36,800 so that's where. And I've got a motion there. Chairman Guessferd: Yes, we have excess in those accounts. Selectman Dumont: So I was going to ask why planning because it seemed like an odd department to pull the funds from (inaudible). Mr. Malizia: It's not their responsibility, I'm transferring because that's where the money is available. Selectman Dumont: So I understand you were looking at the salaries and benefits obviously without the town, a town planner that's where that's money's coming from. I understand now, thank you. Makes more sense. Mr. Malizia: It's getting transferred to his department so we can account for that, but it has to come from somewhere. And we already used the contingency for the Town Hall money, for the Town Hall study. It would have been a more, perhaps another avenue. Chairman Guessferd: Any further discussion? Do we have a motion? Selectman Morin made a motion, seconded by Selectman Dumont, to transfer \$18,400 from the Planning, Salaries account #5571-101 and \$18,400 from the Planning Benefits accounts #5571-122 to Engineering, Engineering Fees account #5585-225 to cover the cost of the West Road Landfill Engineering & Environmental Services contract. Motion carried, 5-0.

Selectman Morin: We just took \$36,800 that we weren't expecting to spend this year. And if everything that we've seen and we've heard and he just reiterated it again, this could get expensive. How are we going to recoup our costs? This is unfair to the whole taxpayer base because this is not our fault. If we had anything to do with it, we would have had some documentation. As the engineer said, this was in the 80s, not the 60s, we have all the other documentation that we need and we have what we were required to do. But we have no documentation other than that. We have pictures of graders riding across the lawn, the top of the thing. This could be a lot of money to our taxpayers so, what are we going to do to recoup this? My opinion is to get ahold of the town attorney, draft a letter, and see what we can do to get some of this money back. I think it's very unfair to our taxpayers. Chairman Guessferd: Sounds like we probably should have a separate item for this somewhere. We should talk about it. Selectman Morin: Why? We're talking about it right now. I just brought it up. Chairman Guessferd: As a separate item. I mean, we talked about where the money's coming from now. I agree with you that we have to figure this out. Selectman Morin: So why can't we right now so we can get the ball moving. Because again, \$36,800 right now, from the taxpayers, and again, everything we've heard and seen and we have documented, we have photos, this could get very expensive. He said the liner is exposed in two places so we know already that's got to get fixed, so that's going to cost some money. So how are we going to recoup our money? Chairman Guessferd: OK, do we have any other discussion on this? Selectman Jakoby: Yes, I think that we should have a discussion about it but, I think it should be a separate item. I think there's a number of factors that are entailed here that need to be brought up and discussed. Some of which, some of which I would need some advisement on whether it could be done in public or in executive session. Prior to having this conversation. Non-public. Selectman Morin: We have to get this out. Selectman Roy: It should be an agenda item. Chairman Guessferd: That's what I'm thinking. Selectman Morin made a motion, seconded by Selectman Dumont, to have the attorney present for non-public at the beginning of the next meeting to discuss and move forward. Motion carried, 5-0. Chairman Guessferd: OK, I think that makes sense. We've got some concerns. Selectman Dumont: I do think it's a wise agenda item. But I think for everybody to move forward we should have the attorney's feedback prior to that. And then we can schedule something else. Chairman Guessferd: I would agree. There's a lot of factors involved. And it's not something we should be just throwing under the rug, I get it. We need to make sure. My concern is just making sure that it is a clear agenda. Selectman Morin: We weren't making a decision tonight, I could tell you that. Because we have to go through the attorney. But it needs to get out there, the taxpayers need to know that they're paying a lot more money. Chairman Guessferd: Right. How we're best going to represent them. So, we have a motion and a second to have a town attorney present at the beginning of the next meeting. Do we have any other further discussion on the point? Selectman Jakoby: Can I just ask a question? Is it usual that the attorney can just make it? Chairman Guessferd: He's available. Mr. Malizia: I will contact him assuming he'll be at the meeting. Typically there's you know, two weeks so, unless he has some other commitment. Selectman Jakoby: I'm all good. Chairman Guessferd: We need to know where we stand. Valid point brought up.

#### E. Town of Hudson Landfill Procedure

Chairman Guessferd recognizes Town Engineer, Elvis Dhima. Thank you Mr. Chairman. As you said in the past what's done is done and we need to move forward and deal basically with what we have in front of us and make sure that something like this obviously doesn't happen again. And leave certain set of rules for the

people behind us. So what you have in front of you is the procedure that's not only for the West Road Landfill, but also Burns Hill that really no one talks about because it's a little different than this one. The Burns Hill landfill is not a capped landfill. It's basically something that the town unfortunately inherited because it was something that was not being overseen and then it turned into an issue and then all of a sudden the state forced the town's hand to take over that. And that's kind of how we got involved. But, long story short what's holding that landfill together is the vegetation. So in the past, when Selectman Gagnon was here at the time, there was basically a request to see if we can do a solar farm out there. He got contacted by someone and he contacted Mr. Malizia and myself, you know if this could be done or not. I remember looking at the permit and saying we cannot cut the trees out there, this is something we cannot do and that was the end of it. And it was kind of like how it should have been done, right? Let's see if we can do it or not, and if not, that's the end of it. What you have in front of you tonight is basically exactly that. It's making sure that before you entertain anything, when it comes to this two landfills they have specific rules in place. It's looked at by the state and you eventually make a decision if everything is ready for prime time. It should have never happened as the Board making a decision and then backtracking to like oh, we can't do that anyway, we're too late now. Basically the lesson out of this is what is done is done, but let's make sure we don't do this again. And make sure we have a process in place and check list. Just like you're doing with going out to bid and getting the sheet that comes with that. Let's make sure that moving forward we have some kind of paper trail for everything we do for this particular one. And what you have in front of you is basically something pretty simple that basically says, let's make sure that engineering was in charge of this permit, is aware of it. Let's make sure that Public Works is aware of the maintenance and compliance out there's aware of it, then the state and then the Board of Selectmen. So there is some accountability here at the end of the day, who signed off on what? Instead of like, I don't know. And that's it in nutshell, that's what you have in front of you tonight to entertain and to look at and just make sure that we don't deal with this again. Selectman Roy: So, I see the form but, there's no policy to go with it. Nobody knows what the parameters are or the request. Elvis Dhima: So the parameters will be basically in line with what the permit is. So if that one is going to have permits for both landfills, right? Selectman Roy: So there should be some kind of policy that goes with this form. Elvis Dhima: The policy is basically going to be, and we can talk about this and we can develop it, if this is the intent to move forward. The policy is if someone is asking me to do something to the landfill, the first thing I'll do is, here is the permit. Does this contradict the conditions of the permit? Yes, no. If it's yes, there's nothing else to talk about. But that's basically it in a nutshell. Selectman Roy: But those conditions should be spelled out in the policy so if a user wants to do it they can read the policy and say oh, we can't do this here because of this. Or, we can do this here. Elvis Dhima: I totally get what you were saying. The policy would include, in any proposed conditions or proposed activity, shall be in line to what's already in for conditions for the landfill. And by the way, here's a landfill permit. Go ahead. Selectman Roy: Right but it should be written down. Elvis Dhima: We can add to this if you wish to do so. Selectman Roy: I think that, if I can make a comment, that they should be treated like a policy and they come back the next meeting maybe with the policy that backs it up, then we can make a decision. Chairman Guessferd: Yes, I think these things go hand in hand, I would tend to agree that you have a, typically, you have a procedure like the Right to Know. And you have the policy and then you have the forms as part of the policy. This could be a one pager. Elvis Dhima: My intent was, what landfill are you doing the work at? Who is requesting? The date? And the proposed activity. Selectman Roy: I don't have a problem with the form. Mr. Malizia: Maybe a more up front discussion. Selectman Roy: What they can and can't do. Selectman Dumont: Going by the conditions you can't do anything. So, quite frankly I look at this as more of an avenue for an appeal. You could give some background for it, but I don't think we should develop a policy saying that you can go do something knowing that you can't do anything. Because we can all agree, engineering, DPW and Selectmen, and if NHDES says no, it's a moot point. Selectman Roy: All they need to do is copy those conditions he was talking about earlier into a policy. Selectman Dumont: No I get that, I just don't want anybody getting their hopes up thinking that I filed this permit and I'm going to get access to the landfill. I think you're right, be up front with them, the conditions should be definitely stated. I just view this more as an option for an appeal of those conditions. Rather than a permit. You're asking for leniency, you know you're not asking whether or not you can work there. Selectman Roy: So the other question I have is, why is NHDES on this? Because my understanding is we're the permitting authority. Elvis Dhima: No, you're not. Selectman Dumont: We're in a contract with NHDES. Chairman Guessferd: The state is. Elvis Dhima: When it comes to, and I'll just explain it a little bit so everyone understands, because it can get a little bit blurry. Selectman Jakoby: It's important for the public to know. Elvis Dhima: You have a water utility that you own and operate. You own it, you pay for it and you deal with the customers. You have a permit with a state that allows you to operate that if you meet the conditions of having a safe water, making sure no one is getting sick. That is regulated by the state. So basically, if Selectman Jakoby decides to move in to where there's town water and she says I don't like the flavor Elvis, chlorine doesn't do it for me, strawberry is more like my speed. We can't change it. I can't come

here and be like, alright, strawberry flavor it is, this week's flavor. It's controlled by the state. The projects that we're doing, the widening of Lowell Road, has certain conditions, it needs to be safe, it needs to be a certain way. Those are the conditions met by them. You have certain says but, we cannot supersede state permits. We cannot supersede federal permits like DMS-4 for example. You know how I feel about that permit. I think it's horrible, but what are you going to do? It's something that comes in from Boston from the EP office and we just have to abide by it. We have to be careful with not being under the impression we can supersede those. I think the previous Board of Selectmen was not made aware of these conditions. I think if they did they would have never agreed to it. As Selectman Dumont said, right now the facilities are both closed. You can't do anything up there period. But if someone comes in with something that I can't think of, and it could be, and it's not an issue, sure. But, that's why we want to screen or what could be proposed. I don't want to give anyone the impression that, oh you know, here's the form just fill it out and off you go. The sites are both closed, they're off limits. That's just how it is especially the West Road landfill that's completely surrounded by the fence. Selectman Jakoby: And that permission and that approval through NHDES would be true for anything including the solar farm we were thinking of. So we're under the same, the solar farm is under the same restriction. Elvis Dhima: The solar farm is not happening if the NHDES doesn't approve it. Selectman Jakoby: Let me just say, so anything conceivable thing that could be done on that landfill after it's fixed, would have to go through NHDES. Is what we're clearly saying. Elvis Dhima: Correct. Selectman Dumont: Any and all activity. Chairman Guessferd: OK, it sounds to me like we're not going to be making a decision on this tonight. We're going to have to expand this a little bit. Do we want to have him bring it back next time? Elvis Dhima: Under old business? Mr. Malizia: If you can do it for the next meeting that would be great. Elvis Dhima: I'll get it done tonight, Steve. Like Selectman Roy said, it's not going to be the next best seller. Chairman Guessferd: It's a short procedure. Mr. Malizia: It's for what it's for and why we're doing it. Chairman Guessferd: Right, that's what this was about, a procedure. Elvis Dhima: I mean what are we envisioning? A couple pages here, something along those lines? One page? Chairman Guessferd: A page with an attachment. Elvis Dhima: Well I've got the attachment already, so that's one page. I just need the cover now. Alright, I can do that for the next meeting under old business. Selectman Dumont: The thing I'd like to see on that is for both landfills, is if you could add the stipulations that's incorporated, like you said. Burns Hill, we're not allowed to cut any trees down. All of that, I think should be made clear and up front to anybody who goes to pull that form. Elvis Dhima: Yes, if it doesn't go through engineering or public works it's never going to make it to the state. It's that simple. Selectman Dumont: And if you think the stipulations are too long at least an area pointing out where they can go to find those. Elvis Dhima: I will make it simpler and I'll be part of the so there'll be like the lean structures and then the actual application itself. We're on the same page, I'll have it done in a couple of weeks and it'll be back under old business. Selectman Morin: A copy of the permit would suffice, it has everything on it. Elvis Dhima: Yes, that will be included as well, part of the policy for both permits. That works, I can do that. Chairman Guessferd: Alright, so deferred until the next meeting. I think you're all set. Elvis Dhima: Thank you very much. I don't know if you wanted an update on any of the projects we're working on. I it came up, I just want to give everyone a quick update on things that are happening out there. Lowell and Wason Road project is complete. I think it's working out pretty good. Very good feedback from everyone out there, especially the commuters that don't live in Hudson. It was perfect timing opening that up while we deal with the bridge. We got the state coming in Friday to do the audit for the project and hopefully we close the books on that. Lowell and First Brook is going well. The culvert is already clean, we're trying to get rebar and get the concrete and be done with that, so that's going pretty well. Marsh Road is going, you know the building is in we're going to get going on phase three. I'm excited to let you know that we did get the green light from the state finally to purchase that equipment for the crosswalks on 102. It took an act of God. I thought we added this when we had the agreement, nope, they had to approve the equipment. So anyway, we got it, yay, so that's in the works. I know there's a lot of people looking forward to that. They have been purchased and now they're on their way to Hudson, thank God. What else? I think that's about it. Mr. Malizia: The bridge over here. Elvis Dhima: And the bridge over here, the project of all projects. If you're a little nervous going through Nashua because the Jersey barriers, that's normal. You're going to feel a little bit squeezed going in there. I have to tell you the project/traffic overall hasn't been bad. Selectman Roy: I was going to say, I went over there around 10 o'clock this morning and there was a little bit. Chairman Guessferd: I think it's earlier in the day, right around the time the busses are moving around. Mr. Malizia: After this week there won't be any busses. We'll be in great shape. Elvis Dhima: It's clearing around 9 a.m., 8:45-9:00 a.m. it clears, but not the massive backups. I think when we get back in September we might see a different story. I think a lot of people changed their habit of driving. I think with opening up Lowell Road lane, I think you seen a lot of people jumping to Sagamore, so I think it's helped a lot. They're almost done half way with the bridge, scraping the asphalt and liquid membrane. Everything is looking really good. The deck is in great condition which means that next week if we start evaluating to what we need to do next, might not be a lot of patchwork there. The

only thing left is the sidewalk, the curb, the guardrail and they have to get under bridge at some point obviously. So far, so good. At least on the bridge we're working on. I expect them to be done with one lane completely scraping it off and getting prepped later this week. Continental is going to do the paving program for that particular bridge, so we've got someone local. We know it's going to be done right. So far, so good and no surprises. Chairman Guessferd: So Continental will move their trailer out of the .... Elvis Dhima: That is in the works, Mr. Chairman. I thought it was gone, I forgot about it and I looked the other day and I'm like, oh, oh. Gonna get it, it's in the works. We're done with the state project overseeing this and ya, you've got me on record now, I'm going to get rid of the trailer. I'm on it. It's in the works. But that's about it, so far, so good, no surprises out there yet. Just getting things done. Melendy Road is next we're struggling a little bit with the right of way there, but we're working through. We have had some luck with one of the abutters, was great to work with. And we're working with the other ones, hopefully we can get that through. So far, so good. Everything is going as planned, for once. Thank you very much, that's all I have. Chairman Guessferd: Thanks for that, appreciate it. Elvis Dhima: You got it. You have a great night, thanks again.

#### F. Request for Limited Use of West Road Landfill

Chairman recognizes Town Administrator, Steve Malizia. We received correspondence from the Southern New Hampshire Radio Control Club, so as a courtesy we put it on the agenda. I think you've heard from some of them at public input. So, it's really up to how the Board wants to proceed. This is a request, if the Board wants to discuss it, we'll take input from them, up to the Board. Chairman Guessferd: Does anyone have any comments? Selectman Morin makes a motion, seconded by Selectman Dumont, to table the request to use the property to unknown date. Selectman Dumont: I'll second that motion with discussion. I think in light of what we just went through and all and agreeing we need to speak to an attorney, I don't think we could make a decision this. If they feel as though there's any information that's pertinent that's above and beyond what they already had, I'd be open to hear it. But, I do believe, I think it seems to my understanding that the next move is to speak with the attorney. Selectman Roy: I would suggest that we table it to. Not the next, not when we speak to the attorney so we have time to digest it. But the following meeting. Selectman Jakoby: I would agree with that, that consulting the attorney would be important but, also keeping it open if there's anything they wanted to present this evening to add to that discussion, I would appreciate. So, I agree with Selectman Dumont. Selectman Morin: I just have a question, what do you mean the following meeting after the lawyer? Selectman Roy: So the July meeting. The first meeting in July. Selectman Morin: But we just heard from the engineer and looking at the permit, you cannot use that property. Selectman Roy: I'd rather hear from them, like I said. Selectman Morin: From who? Selectman Roy: The attorney and then the Radio Club. Because I don't ... Selectman Morin: I understand that, but the permit explicitly says you cannot use the property. It says that. It's right on there. Selectman Roy: OK Selectman Morin: NHDES said we just had that discussion. That's why I'm asking you why you wanted to meet again. That's all. Selectman Roy: So we can hear from them. Because they have been in contact ... Selectman Morin: They have all five of our emails, we can hear from them. Selectman Roy: I think it should be in the public. Selectman Morin: Until the study is done, I don't believe we should do anything because if there's further damage or anything to that effect, or something happens we're going to be into it even deeper. At least keep it tabled until the study is done. Selectman Roy: I disagree. I think, I know they've been in contact with the NHDES themselves, and they may have some information they can share with us on that meeting that could sway us. I don't know. Selectman Dumont: We are in agreeance to table it. A date certain does not have to be decided tonight, that could be decided at a later date. If that's the will of the Board. It's not something that has to be decided tonight. Chairman Guessferd: I want to give everybody a chance to talk, but, I tend to lean on the side of tabling this until a date, not a date certain. The reason is that very similar to, I mean we've heard a lot from the Radio Club. We've gotten a lot of correspondence. Certainly if there's new information at some point that we haven't heard before I would be at some point willing to hear it. But, I think it has been clear that until this study is done, no one can go up there. And, there can't be any activity there and as sympathetic as I am to the Radio Club, I just think at this point that there's nothing. Selectman Roy: Couple of things. We could give them closure or we can give them a date certain of when they might be able to get in there. Chairman Guessferd: Well, we don't know what that date is until the study is finished. And from what I saw from the package tonight, it's a four month study at this point. It's kind of far down the line. I think we do need to, at some point, I think we could, cuz' I'm kind of in the middle here, but, we'd hear from them at some point. But I just think, right now is a time when we have to figure out what the decision is going to be. What's been done up there? And I'm not going to conjecture as to whether, you know, whether there's damage or not. I'm just saying we have to find out what the study tells us. And that's going to take several months. And once we have that in place, once we know what that report and that outcome is, the before and after, then at that point, I mean there's no sense in my mind having

them look at this or having a lot of discussion on this right now until that time. Quite frankly, if it's four months I may not remember everything that they've told us like next week. Selectman Roy: Then we still set a date certain for four months from now. Or, five months from now just to give them a little wiggle room. Chairman Guessferd: I mean I do agree that we should probably hear from them at some point. Selectman Dumont: I think the Radio Club deserves us to be upfront and honest with them. To string them along and say you might at this point, you might at this point, none of us has that answer. We all have a problem, our hands are tied, and we have to rectify that issue. We heard from them, the engineer, we're going to hear from our attorney, maybe things will change after that. But, to sit here and say maybe you'll get it in a month, I think is giving somebody false hope. I'd rather be a straight shooter and say, we don't know. And that's the honest answer. Selectman Roy: Then five months. Selectman Dumont: If you want to string them along then go for it. But, I don't know if that's going to be accurate. I'm not willing to say that. Selectman Roy: We can hear from them in five months once the study is done. Selectman Dumont: I'm willing to hear from them any time they want to come down here and talk, that's why we have public input. I'm not saying for anybody to not come down here and speak. But, to say that you will have an opportunity to possibly go up there, maybe in five months, it's just not fair to them. Chairman Guessferd: But I think what Selectman Roy is not saying that they're going to go up there, but to hear from them. I think that's really your point is to hear from them. Selectman Morin: But Selectman Dumont just said they can come in any time they want public input. Chairman Guessferd: I know, I'm just saying I think I want to clarify. Selectman Roy: Or we can make it an agenda item. Selectman Morin made a motion, seconded by Selectman Dumont, to table it to an unknown date. Motion carried, 3-1-1 with Selectman Jakoby abstaining and Selectman Roy opposed. That way we can get the report, and again, if they want to come in and talk they're free like they did tonight. And, they have numerous other times, they can send us emails, there's all kinds of ways to do this. So, it's not like we have to have an agenda item. If they want to come in once a month, we'll give them an update. They can come in in public input and we could say... Chairman Guessferd: Another way to do this, and to kind of, I think, maybe bridge this, is that everyone's going to be aware when the study is done. And then you can request an agenda item at that point like you've done tonight, to come back at that point. Let them come to us and say OK, study's done, we want to come and talk to you now. Let them do this. We're not going to forget it, I can tell you that. But, at the same time, I think it's incumbent upon them, at that point, to come forward to us and say OK, you've got the study, and who know what that's going to say, what the results are. But at least you'll have an opportunity, we have the time to do what we need to do to make it, get decisions made about what's there. Because it's all unknown right now. And I'm not ever going to say you can't come and talk. But, it's just so far out and it's so uncertain. They're going to be paying attention, I guarantee you. They've been paying attention all along. Selectman Dumont: From the amendment to the motion, for me we're not tabling them talking. There's a question here them to use the property. That's what we're tabling. But I just want to make sure everyone's clear about that. It's nothing to do about hearing from them, in my opinion, we're tabling the item that's at hand which is a request to utilize the property. Selectman Jakoby: And that can be picked up from the table. When we as a Board want to pick it up from the table. Selectman Dumont: It's not a dead issue. Selectman Jakoby: I just have a procedural question. Do we keep a list of tabled items on the agenda? Mr. Malizia: No. Selectman Jakoby: OK. And where are they recorded? Mr. Malizia: In the minutes. Chairman Guessferd: Minutes. So, we're going to have to pay attention. And again, I don't think they're going to let us not. I think they're going to remind us at that particular point time when the study is complete. And will be, we'll have it on an agenda at that point. But right now to go through that process of a request, have it reviewed. Because I assume that, I mean obviously we'd have to get the agreement reviewed by the attorney and all that. I don't want to employ the lawyer to do that at any point, at this point, if it's a moot point. It's a waste of money. Selectman Morin: And at this point we already know there's going to have to be some mitigation in there because we have the liner showing. So, that's going to extend it a long time, too. We could not until next year. By the time the state approves it, they go through the study. They figure out what they got to do a plan to submit to the state. So this is going to be a time. Chairman Guessferd: Ya, I don't know and that's my concern is that, number one, I don't want to leave them hanging, as well. But, at the same time if we can't do anything about it now, then there's no point in addressing the use agreement at this point. So we're not saying no, we just saying we gotta know more and we gotta have that information, you know, so we can make an informed decision. Selectman Morin: There's a motion on the floor, move the question. Selectman Dumont: I seconded it. Chairman Guessferd: So, we will bring this up at a later date. Thank you for coming tonight, again. Alright, our next item, revenues and expenditures. Selectman Jakoby: So that was to call the question, so we still have to vote on the table thing. Selectman Morin: No, we just did. Selectman Jakoby: Oh, OK. Sorry, like I said, I had, I was stuck. So, I apologize. Chairman Guessferd: I hesitated myself. So. Selectman Jakoby: I apologize, just trying to follow through. Because I had one more comment.



#### G. Revenues and Expenditures

Chairman Guessferd recognizes Mr. Malizia. This through the end of May. As you're well aware we transferred \$25,000 into legal but, that didn't show up quite yet in the report but, the transfer will cover the rest of the legal that was for one area that we talked about that we were concerned with. All else looks like it will come in where we expect. We'll have encumbrances at the next meeting so we'll take a good look at what we (inaudible) be completed this year that we need to carry over into next year. The encumbrance and revenue continues to be outstanding. We're already at 104% automobile registrations worth a month ago. So, we'll talk about the fund balance, that's where a big piece of its coming from. Same with interest, our investments did great this year. \$554,000 of interest income this year with one month to go which is really super. So, like I keep saying, it's not easy for borrowers, it's great for investors and we're a big investor. So that's the cash, you know the money that we collect, it gets invested into, you know, legal per New Hampshire rule investments. Our treasurer does a great job. We're coming down the home stretch. Chairman Guessferd: 105% on the vehicles, that's awesome. Selectman Jakoby: So, one of the keys is for people to understand that we are ahead of revenues because revenues are often hard to predict. Mr. Malizia: I can easily predict, or more easily predict a budget because I can control that. I cannot control who comes in and registers a brand new car, or who doesn't come in and register a new car. I can't control the market, we don't set the interest rates. That's much more unpredictable, so we've always been, what's the word I want to use? We've always been conservative where we don't project the max. Because if the max doesn't happen then you have the opposite situation where you have a deficit or you have a hole and you have to plan for that too by using more of your fund balance that you didn't plan on using. Selectman Jakoby: So, with our planning we've done really well and I want to appreciate that. And, when you had talked to me about that I thought it was a really important thing for the public to be aware of. Mr. Malizia: Now next year we did adjust the revenues coming into fiscal 25 to recognize and to try to capture more of that because, you know, it's the reality, it seems like those are consistent numbers. But, I don't think we're going to go to the max. Again, because it's better to have anything be a pleasant surprise than a negative. I just found out today, or yesterday, somebody cued me into a town to our south who is right now running about a \$10 million deficit. So, I think having a \$7 or 8 million surplus is really good. This a Massachusetts community just over the border. Selectman Roy: I wonder who that could be. Mr. Malizia: So, we're not the federal government, we don't run deficits, we're very responsible, people can ... Selectman Roy: Government can't run deficits either. Chairman Guessferd: Or print our own money. Mr. Malizia: Or print our own money. You have the option to use that and we've been bumping up how much you're using against the tax rate to try and keep the tax rate as reasonable as you can. We also have that money if you needed to do a special project you wanted to propose to the voters, you make appropriation from there. We funded some of the capital reserve funds that way. So, it gives you some options. Selectman Jakoby: And to let the voters know from my conversation with you, we make that decision on how much to allocate towards the ... Mr. Malizia: The Board makes the decision in late September, early October, when the tax rate gets set we have to work with the Department of Revenue. But, it's basically your number. Selectman Jakoby: Thank you. Mr. Malizia: You're welcome. Chairman Guessferd asked if there were any more questions or comments by the Board. Alright, so it looks like we've had a decent year. Is there anything else? I think that is all of our agenda for items.

#### 9. Selectman Liaison Reports/Other Remarks

Selectman Morin: Conservation met last night. They put together a list of projects at the Conservation areas for the next year and we'll be moving forward to get those done. Treatment for Robinson Pond and Ottarnic Pond will start, I believe, at the end of the month. They took up and reviewed a site plan for an addition to a building off Bockes Road. And so everybody knows, we talked about this last meeting, they had given \$100,000 for the engineering for Robinson Pond and before swimming season even started this year it is already closed. Due to the allergy, Chief? Fire Chief Tice: Well there's been a cyanobacteria that bloomed. Chairman Guessferd: You can come on up. Chief Tice: Thank you. The first thing was cyanobacteria bloom in a day literally that they said that cleared. The first test results came back for the E.coli and those were high. So then it was closed, again, until those cleared up. So we've already had two issues so far this year. Selectman Morin: OK, thank you. And that engineering and that for Robinson Pond and the boat ramp will help. Make sure that that doesn't happen. So we're heading toward correcting that. I participated in the emergency preparedness and a planned meeting with the Chief and all the department heads. And I just gotta say is, it's way before budget season, but, we're going to have to do something with our Fire and Police because today they were so busy with multiple serious incidents that the two chiefs actually

had to go set up a landing zone for a helicopter. Because they had nobody available. You know we had to call a Nashua engine in and the detective's bureau had to come because there were no patrol officers available. No firefighters for us to man the landing zone. So, something we need to think about because we don't have enough people. Yes, today was a different day but the situations were, they had what? A serious accident on Lowell Road, serious accident on 111 and they were still tied up on 111 when they got the... Chief Tice: Yes, we still have the call going on on 111. We had some other calls going on. We had Nashua recovering during all of that. When you saw them at the landing zone that was the second time we had them in town this morning. And they spend more time in Hudson than they did in Nashua this morning. Selectman Morin: And to relieve some of the police officers we got Public Works out there, they got the roads closed for us because they were that thin on manpower. So, that's something we need to think about and I'm sure the chiefs, when the time comes. We need to look at that.

Selectman Roy: So I attended the Benson Park Committee meeting and just because I like it I think it's great. We're probably getting the lions back, the family that owns the two lions statues that's on Highland Ave. Chairman Guessferd: Those are from there? Selectman Roy: Yes, and they're donating them back to Benson's Park. There is still some logistics they have to work out about moving them and where they're going to put them so that they're safe from vandalism, essentially. But, it looks like we're going to get them back. I think that's kind of cool. They're also starting to look at mitigation plan for the erosion down to the dog park. It keeps washing away all the top soil that they put down there. But, there's some challenges there so, they're just in the beginning plan to try and figure that out. To get that water to not run down to the dog park. And the only other thing I have is tomorrow is Women's Veteran's Recognition Day so, if you know a female veteran, wish them a happy Veteran's Recognition Day.

Selectman Dumont: Light couple weeks for me. But, as you heard earlier, I'll make the plea again, our Zoning Board is extremely light. We're down a couple members and obviously down for alternates. So, I'll make a plea to the public to come down fill out a sheet to volunteer. If Zoning Board doesn't fit you there are plenty of other Boards with room for you. We definitely need some help and we could use it. Thank you.

Selectman Jakoby: I attended the Highway Safety Committee meeting and during that the committee is going to be looking at County Road and Lowell Road and that intersection and looking at some possible options for making that more safe and there'll be more to come with that. The Budget Committee, I attended and their concerns were how the default budget is calculated. They had a lot of questions about the interim Town Planner position and the expenses. And then against questions about the platform truck and how that money from Target is allocated when the truck is going to come and things like that. So, those were their main concerns coming. And, I want to thank the staff for preparing me very well for that meeting and I'll continue to try and be as prepared as possible. The School Board, I know Gary is here today, so I'll just give you my highlights of what I thought was fun. I actually really commend them on reviewing policy in a really orderly manner and continuous policy improvement. I really commend you guys on that. There was discussion about a classroom monitoring system for when you have a classroom with a whole bunch of pupils who are on their laptops doing work and how do you limit where they go and how to manage that. Fascinating really, I think that's a really tough situation, I give our teachers a lot of credit for trying to make that happen. They also approved a trip for the possibility for some students, but I'll let Gary take that. But, I just really appreciate the School Board and being a part of that. Then I just, a couple of questions for my colleagues as you go back to your committees, just still, one of my wonderings is for the Planning Committee. I know they tabled looking at public input, I just didn't know when that was coming back up at the Planning Board. And then, just for, last year when I, before I was elected I had some conversations around the ZORC Committee and the zoning ordinances and I just want to make sure, and I know Selectman Dumont you are on that, that there's some look at aquifers and aquifer protection 'cuz I know that was in the 2006 plan and that was brought up on the ballot. So, those were just little things I thought were important to mention. And then for us as a Board, just looking at when we might be doing some strategic planning, as there are many issues that have arisen and where the strategic planning board how and when we might be doing that. And then, when might we have the infrastructure study looked at by us or put on the agenda. So I just put those two items out there, not sure of the ebb and flow of the upcoming months. Chairman Guessferd: There are items we should talk a look at. But, I don't have answers for you tonight. Selectman Jakoby: I put them in the record. Selectman Dumont: I could answer one of those about the aquifers, it has already been a point of conversation, a gentleman from the Conservation Commission as well versed in that has brought that up and we are working on that. Selectman Jakoby: Wonderful. Thank you for sharing that.

Chairman Guessferd: There's been some activity. I am going to look at my rec first, the rec department. There is an event going on tonight, I'm not sure exactly what that is but, the big thing is they just had scholarship night, last night for the town. The rec because of all the things that they've been doing and the revenues they've brought in, awarded two \$1,500 scholarships last night at the Alvirne High School Scholarship Night to graduating seniors. So, that was very good. And I'm the School Board representative will tell us little bit more about last night. Both recipients grew up in our community-based program and entered into an essay contest. You had to actually write an essay and they evaluate it. So it was Max Francesco and Joey Allison who came up through the rec department and had a lot of participation there. The lacrosse, the rec lacrosse, the 14 youth lacrosse team finished their season and landed as the champions at the New Hampshire Youth State Lacrosse Tournament. So, we've come a long ways it seems in lacrosse, in a short time. That's the rec. We'll be having a sustainability meeting two weeks from last night. And I have a Planning Board, there's a lot of activity going on with the Planning Board right now. So tomorrow night the Planning Board will be presented with a new conceptual site plan for a proposed restaurant and 48 residential units. As well as a continuation of a previously submitted site plan and a new sub-division plan. So, we'll be going over three things mainly tomorrow night. Now, in addition to this I want to make a statement regarding an upcoming site plan review. I received many emails about it over the last two days with regard to this plan. Rather than address each email individually, I'd like to collectively thank all of you for your input, it is important to us. Having said that I want to make a couple points. First the Select Board does not review site applications. We don't participate in that. The Planning Board is an independent quasi-judicial body that reviews site applications of all shapes and sizes. Second, this particular plan is a change of use only. And therefore will be reviewed as a minor site plan. And let me be clear that the Planning Board does not prejudge plans and reviews them on the facts presented with the plan. No decisions or judgements have been made on this or any other particular upcoming plan. So I thank you again for your input. And I believe that's what I've got.

10. Remarks by Town Administrator: I have nothing to share this evening. I think Selectman Morin talked about some of the traffic things and that was about all I would have brought up.

11. School Board Liaison Gary Gasdia: Well first, it's been a few meetings since I've been here, it's good to be back. I want to thank our Grace Kennedy for stepping in in my absence. As Selectman Jakoby said, she's our School Board rep this year, it's been nice having you there. You're definitely taking better notes than me I couldn't remember what we did at the last meeting. But, no she did mention that we got a recap of the Washington D.C. trip, which is our annual trip for our 8<sup>th</sup> graders. We also approved the music departments looking to go to England next year, so that's a big trip that they're planning which is exciting. You know it's that time of year where it's really the end of the year, I'll get into some of those events. But, one thing that I do want to make sure I highlight is the end of the year event happen with a lot of help from the town. I know we had, our seniors had their bonfire the other night. I know our fire department was very involved there making sure it was safe and then making sure we got to get that thing down and out soon. And then for those of you who were on Kimball Hill Road tonight wondering why there was so much traffic getting to Benson's, it was prom. And again, thank the HPD for making sure that that is always safe. We had scholarship night last night which is a phenomenal, event it's hosted by the Lions Club in collaboration with the Alvirne guidance department where they collect all of the scholarships that the students win and then do it in one big event. Last night over 60 students received over \$130,000 worth of scholarships. It really is a great event. Graduation is this Thursday up at the SNHU arena. Again with all of these events, everything that is done is streamed live on HCTV, it is amazing. I've been to so many events the past two weeks and they are always, always there which is great. And then there's a lot of events that are non-high school. So eighth grade is having their step up day or their end of year celebration on Friday. There's been concerts, there's been field days, there's been all sorts of fantastic events. Last day of school is the 14<sup>th</sup>. There is a concert at Benson's on Saturday morning for any one that wants to go to that. And it wouldn't be an update from me if didn't mention we're always hiring, so go to [sau81.org/careers](http://sau81.org/careers). Whether you want to be a teacher, a para, someone in our food service or anything in between, we have openings. Good to be back, thank you again to Grace Kennedy and Ms. Jakoby and everyone else. That's it.

Chairman Guessferd: Thank you very much. OK, at this point without additional items, well will, I'll entertain a motion to enter non-public session.

Nonpublic Session

Motion by Selectman Morin at 8:40 p.m., seconded by Selectman Dumont 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. Motion carried 5-0.

Nonpublic Session was entered at 8:40 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 into public session at 9:26 p.m.

Motions made after nonpublic session:

1. Selectman Dumont made a motion, seconded by Selectman Morin to promote James Martorana effective June 17, 2024, at \$25.56 per hour Grade XII, Step 1 in accordance with Teamsters Local #633 agreement. Motion carried, 5-0.
2. Selectman Morin made a motion, seconded by Selectman Dumont to advertise for a truck driver/laborer position unit filled. Motion carried, 5-0.
3. Selectman Morin made a motion, seconded by Selectman Jakoby, to promote Lieutenant/Paramedic Kyle Levesque to the position of Fire Training Captain, a non-exempt position, in accordance with the Hudson Police, fire and Town Hall supervisors Association, Step 3, with an annual salary of \$97,026. Motion carried, 5-0.
4. Selectman Morin made a motion, seconded by Selectman Jakoby to promote Lieutenant/AEMT Dennis Haernick to the position of Fire Captain/AEMT, a non-exempt position, in accordance with the Hudson Police, Fire and Town Hal Supervisors Association, Step 1, with an annual salary of \$92,423. Motion carried, 5-0.
5. Selectman Morin made a motion, seconded by Selectman Dumont, to promote firefighter/AEMT Corey Girard to the position of Lieutenant/AEMT, a non-exempt position, in accordance with the International Association of Firefighters Local #3154, at the appropriate rate and step in accordance with the wage scale. Motion carried, 5-0.
6. Selectman Morin made a motion, seconded by Selectman Jakoby, to promote Firefighter/AEMT Eric Hackett to the position of Lieutenant/AEMT, a non-exempt position, in accordance with the International Association of Firefighters Local #3154, Step 1, with an hourly rate of \$32.93. Motion carried, 5-0.

13. ADJOURNMENT

Motion to adjourn at 9:30 p.m. by Selectman Morin, seconded by Selectman Dumont. Carried, 5-0.

Recorded by HCTV and transcribed by Lorrie Weissgarber, Administrative Aide.

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Bob Guessferd, Chairman

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Dillon Dumont, Vice-Chairman

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Dave Morin, Selectman

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Heidi Jakoby, Selectman

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Kara Roy, Selectman