



TOWN OF HUDSON

Board of Selectmen



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6024 • Fax: 603-598-6481

HUDSON, NH BOARD OF SELECTMEN

July 28, 2020 7:00 p.m.

BOS Meeting Room at Town Hall

Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE
4. PUBLIC INPUT

Any Hudson resident who wishes to submit public input can do so by emailing BOSpUBLICinput@hudsonnh.gov by 5:00 p.m. the day of the meeting. Please be sure to include your name & address with your public input. Also, please include a phone number that the BOS can reach you at should they wish.

5. RECOGNITIONS, NOMINATIONS, APPOINTMENTS AND RESIGNATIONS

A. Nominations

Zoning Board of Adjustment (4 alternate member positions: 1 expiring 12/31/20, 2 expiring 12/31/21, 1 expiring 12/31/22)

Ethan Severance (new applicant)

6. CONSENT ITEMS

A. Assessing Items

1) 2019 Abatement: Map 100, Lot 10 School Street

2) 2019 Abatement Settlement: Map 221, Lot 5, 6-8 Hampshire Drive

B. Water/Sewer Items - None

C. Licenses, Permits and Policies

D. Donations

\$1,200 donation from Lisa Avery - Benson Park tree donation

E. Acceptance of Minutes

1) Minutes of the July 14, 2020 Meeting

F. Calendar

7/29 7:00 pm Traffic Advisory Committee - Hudson Community Center

8/5 8:30 am Highway Safety Committee - Buxton Meeting Room

8/5 7:00 pm Budget Committee - Hudson Community Center

8/10 7:00 pm Cable Utility Committee - HCTV

8/10 7:00 pm Conservation Commission - Hudson Community Center

8/11 7:00 pm Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

- A.** Selectman Martin made a motion, seconded by Selectman Roy to exit nonpublic session at 10:31p.m. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the Article XIII Grievance Procedure: Grievant Matt Costa. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Martin to accept Chief Avery's recommendation to increase Lt. Steve McElhinney salary to \$89,811 in accordance with the Hudson Police, Fire, Town Supervisors Association Contract (Step 5). Lieutenant Steve McElhinney would forgo his step increase on his anniversary date of November 4, 2020 and would not receive an elevation in pay until July 1, 2021. We recommend that this increase would be retro to July 1, 2020. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to approve posting for the Recreation Director position. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to approve Chief Avery's request to buy back all of his earned time. Carried 5-0.

Selectman McGrath made a motion to adjourn at 10:34pm, this was seconded by Selectman Roy. Carried 5-0.

- B.** BOS Bylaws follow up - Cell Phone Use during Meetings

- C.** Hudson Speedway Operating License

8. **NEW BUSINESS**

- A. Public Hearing - Outdoor Water Ban Fines/Fees
- B. Town Moderator - Draft Plan for Fall Voting
- C. Covid-19 Update
- D. DPW - Purchase Two Six Wheel Dump/Plow Trucks
- E. Electronic Time Keeping System
- F. Impact Fee Ordinance - BOS Input
- G. Benson Park Kitchen Building Roof
- H. Recreation Director Interview Committee

9. **REMARKS BY SCHOOL BOARD**

10. **REMARKS BY TOWN ADMINISTRATOR**

11. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

12. **NONPUBLIC SESSION**

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.

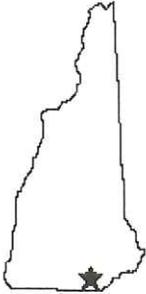
(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

THE SELECTMEN MAY ALSO GO INTO NON-PUBLIC SESSION FOR ANY OTHER SUBJECT MATTER PERMITTED PURSUANT TO RSA 91-A:3 (II)

13. **ADJOURNMENT**

Reminder ... Items for the next agenda, with complete backup, must be in the Selectmen's Office **no later than noon on August 6, 2020.**

Agenda
7-28-20



TOWN OF HUDSON

Office of the Assessor



Jim Michaud
Chief Assessor, CAE
email: jmichaud@hudsonnh.gov
www.hudsonnh.gov

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-594-1160

6A-1

RECEIVED

JUL 23 2020

TOWN OF HUDSON
SELECTMEN'S OFFICE

July 28, 2020

To: Board of Selectmen
Steve Malizia, Town Administrator

From: Jim Michaud, Chief Assessor *JM*

Re: Consolidated Communications NNE (formerly Fairpoint)
2019 Abatement – Tax Map 100 Lot 10

The Assessing Department is recommending an abatement on the above referenced property, reducing the 2019 assessed value from \$3,060,200 to \$2,873,919, a tax abatement amount of \$3,777.77. The taxpayer representative, their attorney, my office, as well as Attorney Dave LeFevre, offer the attached settlement document for the BOS consideration to approve. The Town had recently, at the end of 2018, settled a long-standing tax abatement case with the Taxpayer. The 2019 abatement was filed as there was some disagreement continuing as to the property valuation methodology for the assessment of the right-of-way value for 2019 and going forward. This settlement resolves that for 2019, and also resolves that for 2020 and going forward, until such time as the legislature arrives at a different methodology, and/or the NH judicial system arrives at a different methodology.

Draft Motion: To approve the settlement agreement, and corresponding 2019 tax abatement, on Consolidated Communication's property at Tax Map 100 Lot 10, as recommended by the Chief Assessor and legal counsel.

PROPERTY TAX ABATEMENT / ~~SUPPLEMENT~~
TOWN OF HUDSON, NEW HAMPSHIRE

ACCOUNT # 8974 (Finance Acct# 4101)

DATE: July 28, 2020

PROPERTY OWNER NAME(S): Northern New England Telephone LLC
d/b/a Consolidated Communications - NNE
770 Elm Street
Manchester, NH 03101

PROPERTY LOCATION: School Street, Hudson
MAP / LOT / SUBLOT: Map 100 Lot 10

REASON: As per settlement agreement

TO: PATTI BARRY, TAX COLLECTOR:

PLEASE ISSUE AN **ABATEMENT**, OF THE **2019** PROPERTY TAXES ON THE ABOVE-REFERENCED PROPERTY.

RECALCULATE AS FOLLOWS:

	<u>ORIGINAL VALUE</u>	<u>SETTLEMENT VALUE</u>
NET TAXABLE VALUE	\$3,060,200	\$2,873,919
GROSS TAX	\$62,060.86	\$58,283.09
NET TAX	\$62,060.86	\$58,283.09
PRINCIPAL ABATEMENT		\$3,777.77

NET ABATEMENT: \$3,777.77



HUDSON BOARD OF SELECTMEN

DAVID S. MORIN, Chairman

KARA ROY, Vice -Chairman

ROGER E. COUTU

MARLYN McGRATH

NORMAND G. MARTIN

NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC

v.

TOWN OF HUDSON

SETTLEMENT AGREEMENT

This settlement agreement (“Settlement Agreement”) is made and entered into by and between Northern New England Telephone Operations LLC d/b/a Consolidated Communications – NNE formerly d/b/a/ FairPoint Communications - NNE (“Consolidated”) and the Town of Hudson (“Hudson”), a municipality with an address of 12 School Street, Hudson, New Hampshire 03051. Consolidated and Hudson are referred to collectively hereinafter as the “Parties.”

WHEREAS, Consolidated has filed an abatement application with Hudson for the tax year 2019 involving Hudson’s property tax assessments of Consolidated’s telephone poles and conduit, and right of way use in Hudson, if any (“Property”);

WHEREAS, absent a resolution of Consolidated’s abatement request, Consolidated would be forced to initiate litigation against Hudson by September 1, 2020;

WHEREAS, the Parties have agreed to resolve their differences on the terms below;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. With respect to the total property tax on Consolidated’s Property for the tax year 2019, Hudson shall provide a refund in the total amount of THREE THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS AND SEVENTY SEVEN CENTS (\$3,777.77) (“Refund”) for the 2019 tax year. Hudson shall pay the Refund in full by paying within thirty days of execution of this Agreement.

2. For tax year 2020 and later, in addition to utilizing the pole and conduit valuation methodology directed by the Department of Revenue Administration, Hudson agrees to utilize the methodology for right-of-way valuation as set forth in the July 20, 2018 Order issued by Judge McNamara in the case captioned Northern New England Telephone Operations, LLC d/b/a FairPoint Communications, NNE v. Town of Acworth Consolidated and Lead Docket No. 220-2012-CV-100 (the “Order”) until such time as there is a Final Order, at which time Hudson shall employ the methodology for right-of-way valuation as set forth in the Final Order, beginning April 1st of the next tax year. Hudson agrees that utilizing the methodology for the right of way set forth in the Order for tax year 2019 results in an estimated right-of-way valuation of \$565,539 and this valuation is subject only to minor change based on the actual data utilized by the methodology for tax year 2020.

3. Hudson’s obligation to use the methodology for right-of-way valuation as set forth in Paragraph 2 shall cease as of the effective date of any superseding statutory change regarding the methodology for right-of-way valuation, in which case Hudson shall utilize said

methodology. Both parties hereby reserve all rights relative to the application, implementation, or interpretation of any such statutory change.

4. Consolidated does for itself and for its administrators, successors, and assigns, remise, release and forever discharge Hudson from and against any claims, demands, damages, actions, causes of action, costs, expenses and damages, appeals, or suits, at law or in equity, of whatever kind or nature, that were or could have been asserted with respect to municipal real estate taxes for tax year 2019. Hudson does for itself and for its administrators, successors, and assigns, remise, release and forever discharge Consolidated from and against any claims, demands, damages, actions, causes of action, costs, expenses and damages, appeals, or suits, at law or in equity, of whatever kind or nature, that were or could have been asserted regarding tax year 2019. All claims which are the subject of this Release are settled and resolved with prejudice.

5. Each Party shall bear its own costs and fees.

6. Nothing in this Settlement Agreement shall be construed as an admission of liability by Hudson. This settlement is the compromise of a disputed claim.

7. The undersigned certify that they have read this Settlement Agreement and fully understand its terms and voluntarily sign this Settlement Agreement for the purpose of making a full and final settlement of all released claims, counterclaims, and causes of action, as set forth more fully above.

8. This Settlement Agreement shall take effect as a contract immediately on execution by all the Parties.

9. This Settlement Agreement contains and constitutes the entire understanding and agreement among the Parties respecting their settlement and supersedes and cancels all previous negotiations, agreements, commitments and writings in connection herewith.

10. Each Party warrants and represents for itself that (a) it has full power, legal capacity and authority to enter into and perform this Settlement Agreement, (b) all proceedings required to be taken and all consents required to be obtained to authorize the execution and performance of this Settlement Agreement have been properly taken and obtained, and (c) this Settlement Agreement constitutes the legal, valid and binding obligation of that party, enforceable in accordance with its terms. Each individual signing this Settlement Agreement on behalf of a Party expressly warrants and represents that he or she has the full authority to sign on behalf of such party for the purpose of duly binding it to this Settlement Agreement.

11. This Settlement Agreement shall be governed by the laws of the State of New Hampshire, without regard to its choice of law principles.

12. This Settlement Agreement may be executed in counterparts, which shall then be read together and shall constitute for all purposes a single, binding agreement.

13. No representations or warranties have been made by either Party to the other or by anyone else except as expressly set forth in this Settlement Agreement, and this Settlement Agreement is not being executed in reliance upon any representation or warranty not expressly set forth herein.

IN WITNESS WHEREOF, the Parties hereto have set their hands:

**Northern New England Telephone Operations
LLC d/b/a Consolidated Communications – NNE
formerly d/b/a/ FairPoint Communications -
NNE**



By: Kevin J O'Quinn,
its duly authorized: Director

Town of Hudson

7/9/2020
Date

Date

By: _____,
its duly authorized _____

NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC

v.

TOWN OF HUDSON

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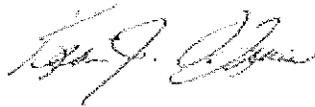
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LLC d/b/a Consolidated Communications – NNE
formerly d/b/a/ FairPoint Communications -
NNE**



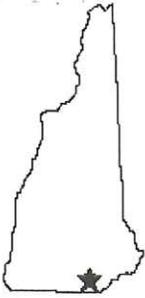
By: Kevin J O'Quinn,
its duly authorized: Director

Town of Hudson

7/9/2020
Date

Date

By: _____,
its duly authorized _____

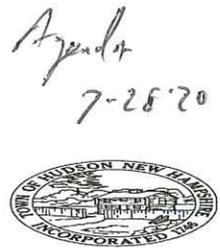


TOWN OF HUDSON

Office of the Assistant Assessor

Jim Michaud
Chief Assessor, CAE
email: jmichaud@hudsonnh.gov

www.hudsonnh.gov



12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-594-1160

6A-2

To: Board of Selectmen
Steve Malizia, Town Administrator

July 28, 2020

From: Jim Michaud, Chief Assessor

RECEIVED

JUL 23 2020

Re: 2019 Abatement Application
6-8 Hampshire Drive

TOWN OF HUDSON
SELECTMEN'S OFFICE

The Assessing Department is introducing a proposed abatement settlement that has been successfully negotiated between the property owner and the Assessing Department on this 2019 property tax abatement appeal. The Subject property is located at 6-8 Hampshire Drive, a 147,000 SF +/- industrial building on 13.979 AC +/- site, it was assessed for \$7,311,000 for 2019, an equalized market value estimate of \$8,261,017, or \$56 per SF +/- . The property owner's taxpayer representative opined a market value of \$6,800,000, \$46 a SF, for the property in their abatement application

The property is of rather significant size, as such, there are not very many comparable properties that sold in the Greater Nashua region by which to estimate the fair market value of the property. Further, with the Town's annual assessment ratio declining each year, as the residential market has continued to increase in value, the Town's existing assessment from the 2017 revaluation has had its equitable relationship to the market eroded over that timeframe. The taxpayer representative and I had substantive discussions on the sales that were presented in their analysis, and we also conducted an on-site review the Subject property. The result of reviewing the analysis presented, searching for any and all other sales that could be used to verify the properties market value, I am of the opinion that this property is over assessed.

The property owner has agreed to a settlement assessed value of \$6,372,000 for the 2019 abatement year purposes, which equates to a market value of \$7,200,000, and a subsequent reduction in assessed value to \$6,018,000 for the 2020 tax year, which equates to a market value of \$6,800,000. This step down approach serves to limit the amount of the abated taxes, and allows for the further assessment reduction to take place in the 2020 property tax year, and no abatement for the 2020 property tax year

The attached recommended settlement details as follows;

1. The property owner has agreed to not pursue further appeal of the property to Superior Court/BTLA; owner is barred from pursuing an appeal of the property

thru the next revaluation, barring any appeals resulting from good-faith adjustments to the assessed value in the intervening years

This negotiated proposal contains benefits to both the Town and/or the taxpayer that include:

- Risk avoidance of further litigation costs;
- Risk avoidance of appraisal consulting fee;
- Risk/cost avoidance of ongoing and future abatement overlays;

The settlement proposal is recommended as being in the best interest of the Town as it is proactive in nature and has substantiated financial benefits (avoidance risk) to the Town. I have attached the applicable abatement form to be considered for signing, as well as the attached settlement document to be considered for signing.

Draft Motion:

Motion to approve the attached abatement and settlement for property taxes, for the 2019 property tax year, for Map 221 Lot 5, 6-8 Hampshire Drive, as recommended by the Chief Assessor.

PROPERTY TAX ABATEMENT / ~~SUPPLEMENT~~
TOWN OF HUDSON, NEW HAMPSHIRE

ACCOUNT # 3902 (Finance Acct# 4101)

DATE: July 28, 2020

PROPERTY OWNER NAME(S): Prestigious Investment Properties LLC

PROPERTY LOCATION: 6-8 Hampshire Drive
MAP / LOT / SUBLOT: Map 221 Lot 5

REASON: adjustment as per settlement

TO: PATTI BARRY, TAX COLLECTOR:

PLEASE ISSUE AN **ABATEMENT** OF THE **2019** PROPERTY TAXES AND ANY INTEREST ON THE ABOVE-REFERENCED PROPERTY.

RECALCULATE AS FOLLOWS:

	<u>ORIGINAL VALUE</u>	<u>CORRECTED VALUE</u>
LAND	\$2,112,700	\$1,643,150
BUILDING	\$4,849,800	\$4,380,250
YARD ITEMS / FEATURES	\$348,600	\$348,600
EXEMPTIONS	\$0	\$0
TOTAL VALUE	\$7,311,100	\$6,372,000
NET TAXABLE VALUE	\$148,269.12	\$129,224.16
VETERANS TAX CREDIT	\$0	\$0
NET TAX	\$148,269.12	\$129,224.16

NET ABATEMENT: \$19,044.96



HUDSON BOARD OF SELECTMEN

DAVID S. MORIN, CHAIRMAN

KARA ROY, VICE-CHAIRMAN

ROGER E. COUTU

MARILYN E. McGRATH

NORMAND G. MARTIN

AGREEMENT AND RELEASE

THIS AGREEMENT, made July 28, 2020 by and between the Town of Hudson (hereinafter "Town") and Prestigious Investment Properties LLC (hereinafter "Taxpayer").

WHEREAS, the Taxpayer has appealed before the Town of Hudson a petition for abatement of real estate taxes on the following property located at: 6-8 Hampshire Drive (said property being more particularly described as Assessors Tax Map 221 Lot 5) in said Hudson for tax year 2019.

WHEREAS, both parties wish to fully and finally resolve said pending 2019 tax appeal,

NOW, THEREFORE, the parties agree as follows:

(1) The 2019 assessed value on 6-8 Hampshire Drive shall be adjusted from \$7,311,100 to \$6,372,000. The Town will, within 30 days of Board of Selectmen approval, issue a property tax abatement check, with statutory 6% interest back to the date the final 2019 property tax bill was paid, corresponding to the above reduction for the 2019 property tax year.

(2) The 2020 assessed value will decrease further to \$6,018,000 effective for the final property tax bill of 2020, no abatement refund will be issued.

(3) In consideration of the mutual promises and agreements hereinbefore set forth, the taxpayer and their assigns hereby releases and discharges the Town from all claims, rights, causes of action relating to or arising out of real estate taxes assessed on the above property for the 2019 and 2020 tax years. The Taxpayer and their assigns agree to not further appeal their 2019 property taxes to either the Board of Tax Land Appeals nor Hillsborough County Superior Court; no appeal of the 2020 assessment will be filed by the Taxpayer nor their assigns as long as the assessed value is at \$6,018,000; no appeal of the 2021 assessment will be filed by the Taxpayer nor their assigns as long as the assessed value remains at \$6,018,000, barring any good faith adjustments as per RSA 75:8.

(4) The parties agree that this is a settlement, it is not an admission

of market value by either property, it will not be relied upon by either party as an indication of market value in any court proceedings nor other venues.

IN WITNESS WHEREOF, the parties hereto have caused their hands and seals to be set hereto by their duly authorized representatives as of the date first hereinabove set forth.

Town of Hudson Board of Selectmen

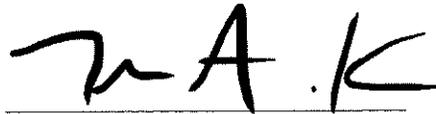
David S. Morin, Chairman

Kara Roy, Vice-Chairman

Roger E. Coutu

Marilyn McGrath

Normand G. Martin



Todd Kratt,
Ducharme, McMillen & Associates
Authorized taxpayer rep for
Prestigious Investment Properties LLC

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Town of Hudson Board of Selectmen

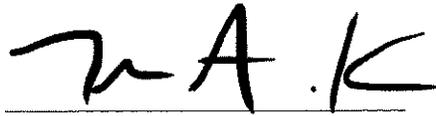
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Todd Kratt,
Ducharme, McMillen & Associates
Authorized taxpayer rep for
Prestigious Investment Properties LLC

TOWN OF HUDSON

Public Works



2 Constitution Drive, Hudson, New Hampshire 03051 603/886-6018 Fax 603/594-1143



6D

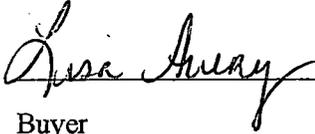
Hi Kathy

If you could add this to the agenda for the Selectmen to accept a donation of \$1,200 and be placed into the Benson's Park Memorial Tree fund.

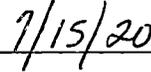
Thanks
Jess Forrence 
Public Works Director

Application for a Memorial Tree

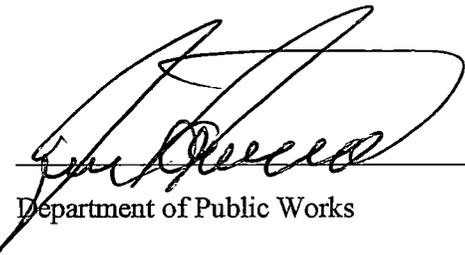
Upon receipt of \$1200.00, the Department of Public Works will purchase, plant and maintain one tree, according to the Tree Donation Policy, in the location selected by



Buyer



Date



Department of Public Works



Date

Check should be made out to the Town of Hudson Department of Public Works and the memo line should state "For Memorial Tree at Benson Park Only".

HUDSON, NH BOARD OF SELECTMEN

Minutes of the July 14, 2020 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of July 14, 2020 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE

3. ATTENDANCE

Board of Selectmen: David Morin, Marilyn McGrath, Kara Roy, Normand Martin, Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Rob Buxton, Fire Chief; Elvis Dhima, Town Engineer; Jess Forrence, DPW Director; Bill Avery, Police Chief; Jill Laffin, Executive Assistant; Sgt. McStravick, HPD

4. PUBLIC INPUT

There was no public input this evening.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

Recognitions

The Board recognized Firefighter James Bavaro and Firefighter James Lappin for 20 years of service to the Hudson Fire Department. Firefighter Bavaro was present and graciously accepted his certificate and longevity check. Firefighter Lappin was not present. Chairman Morin stated he'd deliver FF Lappin's certificate and longevity check after this evening's meeting.

Appointments

Municipal Utility Committee

Selectman McGrath made a motion, seconded by Selectman Coutu to suspend the rules and nominate and appoint, David Shaw as a member to the Municipal Utility Committee with a term to expire 4/30/23. Carried 5-0. Selectman McGrath also noted that Mr. Shaw is the current Chair of the MUC and he's done a tremendous job.

Benson Park Committee

Selectman Coutu made a motion, seconded by Selectman Roy to appoint Kevin Cormier as a member of the Benson Park Committee with a term to expire 4/30/23. Carried 5-0.

Selectman Roy made a motion, seconded by Selectman Coutu to appoint Judy Brouillette as an alternate member of the Benson Park Committee with a term to expire 4/30/23. Carried 5-0.

Chairman Morin stated that there was one correction to the Consent Items. The Library Trustees meeting will be held at the Hills Memorial Library on 7/15, not at the Hudson Community Center just so everybody knows. Selectman Martin was recognized and he asked, is that approved by the Chief, the Fire Chief? I thought all meetings were supposed to happen at the Community Center? Chief Buxton, who was in the audience responded saying, I have had no conversation with them. The Town Administrator then said, they are an independent body, like the School Board. I believe they can pick where they want to meet. Chairman Morin added, they've got their own Board like Schools. Selectman Martin replied saying, okay, I get it.

Chairman Morin went on to say, Consent Items. Does any Board member wish to remove any items for separate consideration? Seeing none Selectman Coutu made a motion, seconded by Selectman Roy to approve Consent Items A, B, C, D, E, F as noted and appropriate. Carried 5-0.

6. CONSENT ITEMS

A. Assessing Items

- 1) All Veterans Tax Credit: Map 116, Lot 070 - 23 Stoney Ln
- 2) Veterans Tax Credit: Map 148, Lot 060 - 11 Cardinal Dr.
- 3) Elderly Exemptions: Map 203, Lot 077 16 Sycamore St.
- 4) Disabled Exemption: Map 198, Lot 132, Sub 002 - 3 ½ Belknap Ter.
- 5) Elderly & Disabled Exemption Denial: Map 167, Lot 87 - 8 Jackson Drive

B. Water/Sewer Items - None

C. License, Permits, Policies - St. Kathryn's Parish Raffle Permit

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the June 16, 2020 Meeting
- 2) Minutes of the June 23, 2020 Meeting
- 3) Minutes of the June 30, 2020 Meeting

E. Calendar

- 7/15 6:00 pm Library Trustees - Hills Memorial Library
- 7/16 7:00 pm Benson Park Committee - HCTV
- 7/20 7:00 pm Conservation Commission - Hudson Community Center
- 7/21 7:00 pm Municipal Utility Committee - Hudson Community Center
- 7/22 7:00 pm Planning Board - Hudson Community Center
- 7/23 7:00 pm Zoning Board of Adjustment - Hudson Community Center
- 7/27 7:00 pm Sustainability Committee - TBD
- 7/28 7:00 pm Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 30, 2020

Selectman McGrath made a motion, seconded by Selectman Coutu to approve salary increases for non-union personal as the Board agreed upon. A roll call vote was taken Carried 3-2. With Chairman Morin and Selectman Roy opposed. Selectman Roy asked the record note she agreed with all increases except the DPW Directors.

Selectman Martin made a motion to adjourn at 7:57 pm, this was seconded by Selectman Roy. Carried 5-0.

B. BOS Cell Phone Policy - deferred from 6/23/20 BOS Meeting

Chairman Morin recognized Selectman Martin who said, thank you Mr. Chairman. I came in last Wednesday and worked with Jill and what you see crossed off on the updated page is what we came up with. And I believe Steve, you sent to. The Town Administrator responded saying, I was asked to send it to the Attorney just to make sure it was compliant. I believe he gave us something back that was. Selectman Martin said, he did, that's on page 3 of those bylaws. That's actually better wording so I think we'll discuss it now and adopt it at the next meeting. That's per the bylaws, so, that's all I have. Chairman Morin then asked anyone have any comments? To which Selectman Coutu said, Mr. Chairman, under the revised policy, item G, highlighted in red which is to replace what was removed from organization B1, it states "during meetings cell phones must be turned off or placed on silent mode. Members are prohibited from using personal cell phones during meetings unless the use is readily apparent to the public and pertains directly to the Board meeting." Selectman Coutu went on to say, so it appears to me there's two problems here. One you can answer a phone call if you feel the person is going to talk to you about what's going on in the meeting and I was criticized because I was telling the Board when I was at home that a message appeared on my screen and asked a question. And I asked the question, I shared what it was. And now if I know that somebody's calling me, and I'm using me as an example, it could be Normand, it could be Marilyn, any one of us, somebody calls and you know that person has a connection to what you're discussing you can pick up your phone and talk to them? That's basically what this is saying. I don't agree with that at all, that you should be answering calls about the meeting. Do it after the meeting. Not during the meeting. That's the first problem. The second problem I've had is that in the 12 years, I'm on my 13th year, that I've served on this Board, with the exception I know Marilyn, I can't think of any other case, maybe Steve you might recall one or two, where there was something going on at home and they needed access to their phone in case something happened. I mean I have that condition at any given time at my house, so I have no way of receiving that call in case of emergency. I would hope that somebody would come in here from public safety to tell me that there's an issue. Marilyn's case was similar to mine. More critical. This doesn't allow us to do that. I know that if I received a phone call and somehow or another it appeared on the screen and it was my wife's phone number, I would get up and leave the room and answer that call. There's no way I would not answer that call and I think you would do as well. So there's no provision for that. And the other one like I said, number one, basically it says I can talk to somebody if they're going to talk to me about what's going on during the meeting. I don't care to do that. I'm done, thank you.

Chairman Morin said, I'll yield to Selectman Martin first if, Selectman Martin said, I think my intent was to not be sitting here while everybody else is talking about a subject and you be here on willy-nilly tweeting out I don't agree with this, I don't agree with that. Something like that. But if you get a phone call on your screen and you need to take it, and I expect that I would too, jump up and leave the room to take it. My intent is to have you, as we all always are, focused on the meeting and the people speaking at the meeting. Not to discourage personal phone calls.

Chairman Morin recognized Selectman McGrath who said, so I had requested what was submitted for the bylaw change, go to Town Attorney to ensure that it was compliant with the RSA's and the Right to Know Law. Because if we take, whether it's a text message or if it's a telephone call, which I would think none of us would do that unless, in case of emergency. Those are privy to a request under the Right to Know Law to get access to those and we'd have to comply with that. I think it's

personally, it doesn't matter where I am or who I'm with unless I look at it and the phone is ringing and I know it's an emergency, I'll take that call. I've done that when Gary was dying because I got plenty of those calls when he was in dire straits and I needed to either talk to the nursing staff or the doctor at the hospital or actually get there in a hurry. So, in cases of family emergencies that's understandable. And I think that there isn't one person in this room, in this Town that would object to that. If you get a message from your wife or one of your children that there's an emergency, that's acceptable. It's when you're getting messages from people that are watching the meeting from home or sitting up in the back of the room, because that's happened in the past. Sending a text message to one of the members wanting them to take action on something that's being discussed, that's inappropriate. So, the reason for this, and the reason why I raised the question is purely because it's not the right thing to do, but in cases of family emergencies and you've got a situation where you need to be accessible, that's understandable. But you can put your phone on a low ringtone. You can put it on vibrate. I turn mine off before I even leave the house so that no one can get a hold of me. I don't have that emergency situation anymore, he passed away, so that issue is not part of my life anymore. But I don't answer my phone. It doesn't matter where I am or who I'm with, unless I think it's an emergency because I think it's rude first of all. So I think that the way this is written, Dave Lefevre wrote this so that it's compliant with the RSA's under the Right to Know Law. Unless you want to question Atty. Lefevre further. Chairman Morin then said, well, I can tell you first of all, if it's an emergency we've told each other in the past that I may be looking at my phone. There have been several instances, I know Selectman Martin's done it, I've done it a couple times, where we had to look something up and again, we talk to everybody. I've had a situation I was in one of my committee meetings and I actually had a police officer come to the meeting and stand at the door and do this because I had an emergency because my phone was off. I understand the situation. My only concern is like Selectman Coutu's concern, is this kind of validates, if I'm reading it correctly, what you did, because you did say on TV that I've got a question and it was pertaining to what we're talking about and I understand that, but do we want to let that in because it says we can. Do we want to question from the Attorney before we make any decisions because this does open a large door I see. Selectman McGrath replied saying, I would agree with that. I would agree that we should get clarification and make the language stronger or clearer. Chairman Morin replied, right this is just a, what's the Boards? Okay, we'll do that, we'll take it up again next meeting.

8. NEW BUSINESS

A. Covid-19 Follow Up Items

Chief Buxton was recognized and he started off by saying, good evening Mr. Chairman, and members of the Board. We're here this evening to follow up on a couple items from our June 30th meeting regarding revisiting basketball courts, playgrounds and the dog park. I provided you a quick memo basically with a couple of opinions. We have not any large changes from the State regarding any of these three. The amateur youth sports still stays in effect as it was. Which was the last time we visiting we pretty much said we were going to continue to limit the basketball courts because we're concerned about group sizing. Group sizing has shifted and increased but regarding the playgrounds and those types of things there's been no shift in regards to cleaning. I actually don't know that we could quantify that the playground is sanitized. When I think about staff whether it's Public Works, the Fire Department, Police Department, whoever, we don't have the staff to go around and sanitize every two hours. So basically the suggestion I gave you tonight, which is not perfect, is basically to create some signage that would go around these areas and basically say, park is open but not sanitized, use caution at your own risk, and then go on to talk about an additional message regarding the stay at home piece is still valid from the State of New Hampshire. They're recommending that you stay home, but masking, social distancing, large groups and hand washing, continue with that message that we consistently put out. It's not perfect but it provides an opportunity that if I, as a resident in Town, decide that I want to use the playground, the signage is there. I make that determination my own and I go use that. This is a similar format to what the City of Nashua for their parks and several other communities have taken for their parks. Steve forwarded me a couple

of signs from different areas of the State. I think one was Conway and the other one was Sunapee. So these are things that are happening around the State because the calling for kids to have the ability to get outside is there. You can't keep them cooped up inside forever. So how do we protect ourselves as a community but at the same token provide them that options?

The third piece tonight was regarding the Dog Park. Had some brief conversations with the Police Chief and he had some conversations with the Animal Control Officer who believes that although there is some risk in her going there, she doesn't believe that the risk, her call volume there is not as such that it's overwhelming. So, we offer basically the same suggestion that basically we could do the similar signage and get that open. But this is something that is within your prevue. I bring that to you for your consideration this evening and see where you want to go with those areas. Selectman Coutu was recognized and he asked how long would it take to have the signs made, Chief? Chief Buxton responded, probably a week to spin it around. You know we could get them printed up and done. You could go with a pretty simple temporary sign to get started. I would think because they're an outdoor area we should go with something a little more sturdy, so maybe a metal sign for long-term usage? Because I don't unfortunately, see this going away anytime in the near future. So we'd put some signage maybe permanently in those areas. Selectman Coutu then asked, could it be open by next Monday? To which Chief Buxton said, give me a date and we'll get it accomplished. Not tomorrow please, but if you give me until next week (laughter). Selectman Coutu chuckled and said, the 15th sounds good to me. To which the Chief laughed and said, Elvis will be out there with a sign like the guy for the insurance company. (Laughter in the room).

Selectman McGrath was recognized and said so, I know throughout the Country the numbers are escalating at a scary rate, and I've read where it's affecting younger people. There's been a couple of smaller children that have been, I don't know if they've managed to live through it or not. It gets overwhelming with all of the news. Have we gotten any indication from the State about the rising numbers in the State of New Hampshire and whether or not it's affecting children? Chief Buxton responded so the States numbers have consistently stayed stable. Again this month they're reporting that our hospitalization numbers are down, which is good. Case number is staying flat. If you look at our cumulative data over the last three months, we've really hit a plateau where it's just straight. It's not going down but it's not going up either. So that is certainly good news. I do, give me one second here I think I have a chart on age breakdown, the one thing when I looked at this today and I pulled it on purpose, the one thing that caught me regarding State numbers today was if you remember over the four months we've been talking about covid, the population number that they were really concerned about was over 60 years old. The highest number of cases in the State of New Hampshire right now are 50-59 at 16.6%. Your next highest case number is 20-29 is at 15%. 10-19 years 4.6% of the number of the cumulative number in the State of New Hampshire. So we are seeing younger children get exposed to this. Is it at the same rate, no. usually it's the population that's getting out in the night activity that's catching everybody and that is exactly what is happening in the southern part of the country regarding Florida and Texas. The outdoor areas they're going to and lack of social distancing and mask wearing. Regarding playgrounds, I can't find anything as we attempted to look today that connected anything to an actual playground. So, I think we need to move in a direction one way or the other. We are getting a little bit of calls. Selectman McGrath said, I understand that but also scary numbers throughout the country so to try and make a decision where you think you're going to put children at risk or in harm's way, that's difficult to do. Chief Buxton replied, yup, not my intention. Selectman McGrath said, oh no, I'm not saying that. Just from my own perspective.

Chairman Morin asked, anyone else? Selectman Coutu made a motion, seconded by Selectman Martin to open the basketball courts, the playground and the dog park on Monday, July 20th with the appropriate covid-19 signage. Carried 5-0.

Selectman Coutu asked, can I ask the Chief one more question? He then went on to say, I happened to watch the Governor's report this afternoon. As you know he's recommending that schools may open and we got further clarification later, after the press briefing, that he's going to allow each district to act on their own. Have you had any conversation with the staff at the SAU that would indicate that they're going to rely on your for guidance and advice before they make this decision? Chief Buxton replied saying I'm an active participant in their reopening taskforce. I have been for the

last four weeks. I know Superintendent Russell certainly leans out and reaches out to seek my guidance regarding the health side of the house as they look at protective clothing issues, sanitation issues, cleaning issues. I serve on their logistics committee currently and I'm part of the bigger task force also so as they look at things we're seeing that come across. I know that he is well aware that the Governor has termed it as it is a district by district decision. That is starting to trickle out. It started last night with 3-4 different communities looking at different models. I know he is preparing to meet with the School Board to make a recommendation. Selectman Coutu said, I just wanted to make the citizen's aware Mr. Chairman and they couldn't partner with a better person to help them and guide them along the way so that whatever they do I'm sure they're going to take the appropriate steps. The children that are attending the school, if they're going to allow them to, are safe and I'm sure they're going to allow people to do it from their homes as well because it's the law they have to. Thank Chief, I appreciate your answer.

B. Outdoor Water Usage Ban

Chairman Morin recognized Town Engineer, Elvis Dhima. Mr. Dhima started off by saying good evening everyone. The first item I have for you tonight is the revision related to the outdoor water ban. As you recall on the last meeting relating to this a Board decision was to move forward with a policy and procedure related to this. If the Board moves forward with this item. What you have in front of you tonight is a breakdown to how we can handle this. In a nutshell it breaks down to three tiers. The first one is exactly what we have in place, a volunteer ban. The second one is exactly as the first one but it would be mandatory and that's where the fines kick in. Tier 2 would require Board of Selectmen action as recommended by the Town Engineer and the Water Operator. Tier 3 is a total ban which is another option which is basically absolutely no outdoor water usage. Again, this item will have fines in place and it will require Board of Selectmen action as recommended by the Town Engineer and the Operator. The one thing that you have in front of you tonight is also a mechanism for this Board, if you wish to proceed, is have three volunteers similar to different volunteer groups out there that will be basically going around taking notes on people that violated. They will not have any interaction with the residents. They'll simply be reporting back to the Town. This kind of mechanism is right now being applied in Merrimack and it works. It's there, you don't have to execute it but if you need to, it's there if you need to go that way. One thing we're doing different than most communities is the notifications. Tier 1 would be through regular notification at the beginning of the season which is May 1 to October 1. Tier 2 and Tier 3 would be through Red Code which is similar to reverse 911 but it's a different way of doing it to let everyone know that this is taking place right away. We think that that's the best way to let people know instead of just through email or mail or anything of that sort. There are an exemption list including businesses related to washing cars. One of them is also charity and community events. We have to show that we are conservative but also have a heart. So as long as they go through the proper channel and have permission by the Board and also the Town Engineer, I think we'll be having special events. If that's the case it comes down to it. With that said, I want to say that even if the Board decides to move forward with this right now I don't see us getting elevated to Tier 2, so I don't want anyone to freak out just yet. Just to give you an idea of what we're dealing with. As of last month last year in June the customers were billed for 38 million gallons a day. Compared to last month at 71 million gallons. Almost twice as much consumption last month compared to a year ago. We are into a D1 per State of New Hampshire which is a moderate drought. We were going through a D4 compared to 2016. It's not as bad but it's enough for them to have a task force now. It's where we're at. I'll take any questions you may have.

Selectman Roy was recognized and she said, so I have two questions. You're only going to use one form of notification? Mr. Dhima replied, so the first notification would be basically the beginning of each season April 1, Selectman Roy interrupted asking, like it is now? To which Mr. Dhima replied, correct. Selectman Roy went on to ask but if you're going to go to Tier 2 you're only going to use one mechanism to notify? Mr. Dhima replied well, we'll have the Town website, Facebook, obviously the reverse 911. We could go mail but we find that most times people throw everything away except the bill. Selectman Roy replied saying, no, I misunderstood. I thought that you were only going to do the Code Red. Mr. Dhima said there will be other notifications as well. We're just trying to avoid notifying people by mail again because we find usually people don't read anything except the bill itself. But it

can be edited. It's up for discussion. We feel that's the most efficient way through basically social media, website, and obviously the phone call. Selectman Roy said, I think that's probably more efficient than mail. But I just wanted to make sure it's just not going one thing.

Selectman Roy went on to say, then my other question is about the volunteer thing. There's no way that you can tell by, there's no report you can run and say this address is using an exorbitant amount of? Mr. Dhima responded, we looked into different tiers as consumption. We know what people use average through the year. It would be a nightmare on our end trying to set it up that way because residents use different than commercial, use different than industrial. So the usage is completely different. So unless we do a breakdown on consumers to what they are such as businesses, residential, commercial, industrial there is some businesses out of residential areas. It would be, it's tough. That kind of goes in line with different rates for different tiers of usage and it can get very messy. It can be done. We've heard of them but we feel like this is the easiest and simpler way to explain to someone what the mechanisms are in place. Selectman Roy then said, I'm just not sure about putting people on. You know what I mean? Mr. Dhima said, no, I understand. And you don't have to. Just because you have a mechanism to appoint someone you don't have to appoint someone. You can get rid of that altogether but we feel like Town staff can't do it obviously. The water operator can do it during the day but if you wish to appoint someone to do additional, depending what the needs are at the time. Again, that's only Tier 2 or 3, you would not need volunteers for Tier 1. It's there. As I said you don't have to appoint anyone but it's there if you wish to. If you don't wish to you can either remove it or simply not appoint anyone.

Selectman Martin was recognized and he said, so you said that last year we used 38 million and then last month we used 71 million. How many of those millions was purchased from across the pipe from Pennichuck? Mr. Dhima replied, 44 million. Selectman Martin went on to say, so, hearing that, why would we, I know we pay for it right? That's a big increase. That's a really big increase. Why wouldn't we be on a total outside water usage ban right now? That's not saving. Why wouldn't we initiate a total ban on outside water usage? To which Mr. Dhima responded we're not losing money right now. We buy for a certain rate. Selectman Martin interrupted saying, well I understand that so why can we? Mr. Dhima then replied, so why cut it if you don't have to? That's a PR issue. We were talking about what would trigger a Tier 2, Tier 3 or total ban. We are in discussions with Pennichuck weekly about the operation and what we're doing and not doing. What I would say is along the lines of your question, if Nashua doesn't have a ban I don't see us having a ban. Because if we have the water we'll sell it. We're not losing any right now. If we buy we sell it for a higher rate. In addition, just because that water come through Hudson doesn't mean that it's all staying here either. There's quite a bit going outside as well. So there is that we, us, wheeling water to Pelham, Windham, and Londonderry. Selectman Martin said, but they're paying for it. Mr. Dhima replied, they're paying for it and then there's a 20% surcharge to the current rate because it's basically the tax that we charge them to get the water to their system. So, we're not losing any money. I can tell you that right now. So the idea is, if it's there, and it can be handled, there's no restriction. What you're dealing with right now, we have contingency plans for increasing production. But we don't have any contingency plans to cut consumption. This mechanism will allow you to do that. Basically a combination between production and consumption we can't go wrong. You're setting up the system for a good position moving forward. This is not just now. It's for something that's going to be in place moving forward. Selectman Martin was recognized. He said, just one further question. So, I understand that Pennichuck is in the position to sell because they have the water. But we're in a phase 2 of the drought stage. Mr. Dhima said, D1. Selectman Martin said Tier 1, Mr. Dhima replied D1. Selectman Martin said, so we're getting rain but it's not enough rain to replenish it so I would think that we would be proactive to slow down the usage of water so we can conserve it. That's my opinion and I think the easiest thing to do is go right to the businesses because I see the sprinklers going and its pouring rain! I know it's on the timer but. I'd like to have a nice green lawn but unfortunately I can't because I like to conserve water. But I think we should be on a total outside ban of water usage on outside watering. Mr. Dhima then said, I had a conversation with Selectman Roy about this and the technical part is basically production consumption. Then you have the PR issue which is what is everyone else doing, what are we doing? I get it. I totally do. As you see the numbers on the attachment there are municipalities out there on bans. Mandatory bans and total bans. Then there's us, Nashua and 20 other municipalities or systems out there that simply don't have it. I get it. I'm looking at the technical

aspect. For as long as we can handle it's safe. Our tanks are replenished at night and we can accommodate the consumption. I don't see why we need to go to Tier 2 or Tier 3. That's just me as the Town Engineer. If everyone around us goes on a total ban including Nashua, it may be worth reconsidering. That's why you have the mechanism in place where you make the final decision, as recommended by the Town Engineer and the Water Operator. I don't want to be in a position to say well everyone else that doesn't have water around us is cutting down, we should too. We don't have that limitation. These municipalities and utilities are doing it because they don't have it or they can't maintain it. We made some adjustments and we're accommodating that. But yeah, it's a good question. Selectman Martin said, thank you.

Selectman Coutu was recognized and he said, Mr. Dhima, you said, well, we know that we just installed the latest pipeline was to Londonderry going up 102 and feeding them and giving them access to our water. Have you any indication or any numbers to suggest that perhaps that a lot of the extra usage are to the other entities that we're supplying the water to? Mr. Dhima replied saying, yeah, absolutely. Selectman Coutu said and they have increased significantly with the construction going on in Londonderry and a lot of new businesses there I would assume that consumption would increase significantly. And we have had several new homes built within water districts in our own Town and these people are also paying. Like you say, we're not losing money at present. I'm very concerned about the PR. I've received several emails. I want to make it very clear, this also does not pertain to well water users. If they want to drain their aquifer the neighbors will have to fight it out amongst themselves. So I agree with you. I think that right now we have, we're paying more for water but we're also receiving more money for water. So I'm not saying that we're breaking even. We're not losing any money. We haven't raised the rates since 1998. I agree with you that I think we should stay at Tier 1 presently. Let's wait and see what others do. Let's look at the numbers a month from now and I would expect that if that's the direction the Board is going to that you would agree that on a monthly basis you'll come in or if you see a real spike you'll come in when you feel it's necessary to tell us and give us advice to do other than what we're doing. If Nashua's going to go in a different direction we have to do deal with our numbers, not Nashua's. So I don't care where they're going. That's Jim's problem, not ours. Thank you Mr. Chairman.

Chairman Morin said, I've got two questions for you. If we go into a shutdown, what happens to all the surrounding towns we're sending water to? Do they also have to go to a shutdown? Mr. Dhima asked a water ban? Chairman Morin said if we do a water ban do they have to do a water ban since we're giving them water? Mr. Dhima replied saying, Litchfield already is in a mandatory water ban by Pennichuck. Most of the subsystem run by Pennichuck, including Litchfield for example, and Pelham and Windham as well, they're on some kind of ban already. Nashua is the only one that's a volunteer. So they're already ahead of us as far as the subsystems. What Pennichuck is doing is having different setups for subsystems that they, except Nashua obviously has got different rules. Usually that's when you know things are bad, if Nashua is struggling. Because we're kind of hooked up to them through two systems Tyler Falls and the Merrimack Crossing that's feeding Litchfield, it's usually that's our benchmark. If something happens there because that impacts us as well. If they have maxed out and they can't push more to feed their systems and us. But that's why we have open channels at all times and we talk to them weekly. We have access to their systems. We know exactly what they're pushing and we make the calls every day. In return they have access to our tank readings. So there's multiple stations that we cross reference. It's a good system in place that we check each other's work basically. What we need or don't need and we have to make adjustments to accommodate this. But they're already ahead of us on that subsystems. Mr. Malizia added, we have a surge valve going into Pelham too I believe. You can control the flow going in that direction. So if for some reason it got exacerbated we'd protect ourselves and let them know you have to deal with it. Mr. Dhima went on to add, to your point, we had an issue with the Windham substation where we had people complaining about that. The Board made a decision to put a surge valve right at Sullivan. What that means is in the morning when there's a huge surge that valve basically closes to make sure that people at the top of the hill in Hudson get the water. There might be complaints in Pelham but they're not our customers. We did that two years ago. We haven't had an issue ever since. Same thing if there's a fire here in Hudson and there's a fire in Pelham, depending on how much waters available, it's going to go to Hudson first before that valve closes. They're aware of it they need to put a tank there to accommodate that fire protection but Hudson comes first for lack of a better term.

Chairman Morin then said, second question, after the volunteers do their thing, how's the enforcement go after that? Mr. Dhima replied saying, the way we have it is there's two attachments here. Basically what we'll do is we'll have the documentation from the volunteers or even Town staff by the location. Basically a letter gets sent out saying we're on Tier 2 you were found in violation on this date. First one's a warning. Second ones a \$100 fine then \$250, \$500 and a shut off. Hopefully people get it after the first time. You'd think that everything is automatic now. Once you set it up on days you need to. Odd/even is pretty straight forward but there will be some people out there the way it's set up right now is we're telling everyone to do it between midnight and 7:00 a.m. so if you see someone during the day. Doesn't matter if it's odd/even days you know it's kind of like you shouldn't see it during the day. If it's Tier 2 or 3. That's kind of it. I tried to keep it simple. I tried to keep it to be not too far to the right and just kind of keep it in the middle. We looked at other systems out there. They don't have anything like this but they have bits and pieces to what they can do and not do. I think this is somewhere in the middle.

Selectman Roy was recognized and made a motion to approve the proposed amendments to the Town of Hudson Water Utility Rules and Regulations mandatory outdoor water ban and forward them to a Public Hearing on July 28, 2020. This was seconded by Selectman McGrath. Chairman Morin asked if there was any further discussion. Selectman Coutu was recognized and asked, in laymen's terms what does this mean? Selectman Roy said, it means we're going to have a public hearing whether we're going to change the rules. Selectman Coutu asked, which rules? There's three recommendations. We're going to ask the people to come in and comment on all three recommendations? Mr. Dhima replied, no. the only thing you're going to be discussing at the public hearing is the fines. This becomes, all three tiers, the whole policy basically becomes part of the water utility ordinance. But the thing you'll be discussing, at my understanding, is just the fees and the fines. If the people have an issue with the fines associated with the tiers. Selectman Coutu asked, what kicks in the fees and the fines? Selectman Roy said, whether we take it to the next tier. So we're at Tier 1 now so there would be no fines or anything. If Mr. Dhima came before us and said I recommend we move to Tier 2 we the Board would have to approve that then fines would kick in and then Tier 3 would do the same. Selectman Coutu said thank you. Chairman Morin asked if there was further discussion. Selectman Martin was recognized and he said just no questions for the engineer. I just want to make a comment that I'm not comfortable with Tier 2 and Tier 3 with volunteers. I know that it says they're not going to interact with the offender and whatnot but now they got to report it back and somebody has to fill this out and mail it to the customer and we only have two water clerks right? They have probably other job duties, I don't know. But I'm not going to support the motion only because I can't support a volunteer going out there and Selectman Coutu interjected saying ratting on people to which Selectman Martin replied, exactly! The Chairman asked Selectman Martin, do you suggest anything? That was my question how does it get enforced after the volunteers because that was my concern also. The Town Administrator said, they're only reporting it back to us and then we're responsible, the water utility, to mail out any notice if that makes any sense. Don't forget the water operator is also out there too, looking around. As well as Mr. Dhima and any other code enforcement or staff people. If they see something they can report it too, into our office here, we'll send them a courtesy letter. Hey you were this. Somebody wants to say, I have a well, show me something, we're good. We'll leave you alone. But if you're going to water when it's raining out in the middle of the day that might be an issue, if we're at Tier 2 or Tier 3.

Selectman Roy asked, have we ever done this before? Because I was going to ask what the volume was. I don't know if it would overwhelm the water clerk's office or not. Mr. Dhima said, I'm going to be honest with you. It's going to be more work for staff. It says water and I think engineer. I forget the language now. There's no way to sugar coat it. Selectman Roy said, but there's a difference doing two a month and doing 100 a month. Mr. Dhima said, I don't see 100 a month because I don't see us having staff just drive around. We don't have it. That's why the mechanism is in there. What I envision is the water operator going around doing day to day operations, they notice something, they'll let us know. But that comes with it. If you don't have a way to write people up there's no point in having a mandatory ban. So it comes with it. You know the more you think about, why we even bother if we're not going to have a mechanism in place to implement that. Selectman Roy said, I get that. Again, there's a difference. I didn't know if we had any data on what the volume would be. Mr.

Dhima replied saying, I can tell you driving through Town I see 5-10 a day that basically. But again, that's why it's really important for this Board and the staff to make the proper recommendation because you don't want to trigger a Tier 2 or Tier 3 unless you really need to. Because there's consequences for that for the customers but also for the staff and the Town. I said earlier that I don't expect us to move to Tier 2 or Tier 3 because I think we're accommodating that right now in a safe way. Yeah, that decision is going to be a big decision when you move from A to B because it has consequences for everyone. Not just the customers but the Town as well. But it needs to be in place. Again with the volunteers I totally understand what Selectman Martin is saying. But that's why I said because they are there doesn't mean you have to appoint anyone. You or the next Board can choose not to do that. But it's there if you need to. That's all.

Selectman McGrath was recognized and she asked, Elvis does White Water go out on grounds on a regular basis? Mr. Dhima replied daily basis, yes. Selectman McGrath went on to say, so they could be the volunteers because they're in control of the water system. Mr. Dhima replied, they're required right now. It's not even up to for volunteers. They'll be required to do it. But yes, they have 3, 4, 5 people depending on the tasks. So will Town staff if someone sees anything. Selectman McGrath went on to say, so my thought about this, and I think I mentioned it when we talked about it last time, I know what it's like to lose water. My well has gone dry two or three years ago. What a heck of a time I had getting that taken care of. It went dry a number of years before that. It's a dug well. It's been there for years. So when classify it as a Tier 2, I would expect that most reasonable people, most people that want to be considerate of others, including themselves that they're going to try and put a restraint on their water usage. Because if they lose it they're not going to like it. It's beyond your control at that point. So I think that trying to get the message out that we're in a, and the message has gotten out that we're in a drought situation, do you think I'm being more careful about my water usage? You bet I am. So if you elevate it to a Tier 2 or Tier 3 I would expect most people to adhere to the recommendations that they cut back on watering their lawns and doing things like that. Mr. Dhima said I agree 100% and part of a taskforce that was set up by the State that they're getting a lot of calls about wells going dry. The problem is while they would provide grants for development of a well they will not do for fracking or anything else. There's a lot of people that might be in a financial situation that they might not be able to accommodate a \$7,500 expense to have another well. So it impacts everyone. Not just municipality water system but also the private wells. I would caution everyone, being one myself on a well, to be careful. Take it easy on the well. Selectman McGrath then said, just too go one step further White Water they can monitor it. You're going to give them that direction that we expect them to do that? And notify that if they're seeing excessive water usage that doesn't conform to this? Mr. Dhima replied saying when it goes to Tier 2 or 3, yes. That's already built into the language. Selectman McGrath said, thank you.

Selectman Coutu said, Mr. Dhima, may I make a friendly suggestion, that you get ahold of Brenda at the Chamber and ask her if she would send out an email to all of the businesses in Town and notify them to what we're doing. A lot of businesses are on an automated system. I've spoken to several of them in past years about the odd day/even day. They said there's no way we can set our system that way. It's just set to go on at 7:00 a.m., 5:00 p.m. seven days a week. So if there'd be a friendly reminder to the businesses that we may change the ordinance because we're going to go to a public menu and at least gave them a heads up. What the potentiality could be of infractions of the rules. Mr. Dhima replied, you got it. Chairman Morin said, any more discussion? Seeing none, motion the floor, all those in favor? Carried 4-1 with Selectman Martin opposed.

C. Mansfield Drive Sewer Main Acceptance

Chairman Morin recognized Mr. Dhima again. Mr. Dhima started by saying Mansfield Drive is an eight lot sub-division that was approved about a year ago by the Planning Board. It's serviced by

Town water, Town sewer. For the developer to connect to the water and the sewer they need acceptance of the sewer and the water, and that's what you have in front of you tonight. The first item is the sewer maintenance. We're talking about 900 linear feet of 8" sewer main and six sewer man holes. All the tests were passed, everything is done when it comes to the Town code and it's ready to consider for acceptance as recommended by myself and the DPW Director. Chairman Morin recognized Selectman Coutu. Selectman Coutu made a motion, seconded by Selectman McGrath to accept Mansfield Drive sewer main as recommended by the Town Engineer and DPW Director. Carried 5-0.

D. Mansfield Drive Water Main Acceptance

Chairman Morin recognized Mr. Dhima who said, thank you Mr. Chairman, this is exactly the same story. This is related to water. It cannot hook up until the Board of Selectman takes ownership of this. With that said, I recommend, myself and the Public Works Director recommend acceptance of this. It was done in accordance with our rules and regulations and passed all the tests. Selectman Coutu made a motion, seconded by Selectman McGrath to accept Mansfield Drive water main and fire hydrant as recommended by the Town Engineer and DPW Director. Carried 5-0.

E. Taylor Falls/Veteran's Bridge Update

Chairman Morin again recognized Mr. Dhima who said, thank you Mr. Chairman. As you you're well aware these two bridges, I refer to them as the twin bridges. They're in need of repair. We've been working with the City of Nashua since 2018 to do an evaluation. That worked out very well. We have an agreement in place. That was spearheaded by the Engineering Department in Hudson. Now we're ready to go out on the design of both bridges. The intent is to basically have a design in place. There's some legislation by Washington about design built or ready to go projects it could be one of these projects to be considered. That's the intent. We've been in touch with Nashua. Prior to covid-19 we decided that the Engineering Department in Hudson will spearhead this. Now that's still the case because they're still working from home. So we'll be the ones running this project, if that's okay with the Board. We'll also be reviewing our 2018 Municipality Agreement with Nashua that's basically going to switch from evaluation to design and basically say we're going to be working together splitting the bill 50/50. The decisions are 50/50 between Hudson and Nashua. But we'll be the people to go to for the RFP. With that said, you have two items in front of you tonight for your consideration first one is to authorize the Town Engineer to move forward with the RFP which is ready. It's been reviewed by both parties and is ready to go. The second one is to put the agreement in place. With that said I'll take any questions you might have.

Selectman Coutu was recognized and he said, Mr. Dhima, when we first discussed this our major concern was whether or not Nashua would be willing to work with us cooperatively so that we could not have to do one side of the bridge and have a problem on the other side of the bridge. I noticed in the proposed timeline when I was reading this, that this is subject to an agreement by both sides that apparently that we're working on the same timeframe, same dates and it would be a cohesive project where both parties, Town of Hudson, City of Nashua, will be working cooperatively to achieve it all at once within the timeframe set for both sides. Is that correct? Am I misreading this? Mr. Dhima replied saying we will be doing both bridges at the same time and we will be running the contract. They are going to agree to basically pay us for what we do. We're going to make the decisions together to pick the engineering firm to do it. Selectman Coutu then said, if we're estimating the cost is \$100,000 for each side, what about administrative costs for the Town of Hudson? How do we absorb those from the City of Nashua? I think that should be seriously considered in the contract. If we're going to handle it, we're administering it, we're entitled to administrative costs. I would suggest to you. Mr. Dhima said, I understand, and it's a fair statement. We did not bring that up when we did the evaluation and it is more time on our end. But I guess we continue to be a good neighbor. Selectman Coutu said, they are not a good neighbor, so I don't want to hear about good neighbors. I'm not saying we should be a bad neighbor, we've tried to be good neighbors. They're not a good neighbor. They wouldn't have inundated with what they're building over there on a weekly basis. Jim says to

me, well I inherit it from the previous administration. Well the previous administration was three years ago and he's still complaining that he inherited all of that. While they're signing contracts with these people day in and day out. Every parcel of land. Yeah, you can put a 50 story building there. Yeah you can put in 200 units. And we're absorbing a lot of that traffic crossing that bridge and the wear and tear is mostly from them or their side, not ours. Then we have to deal with their trains crossing their railroad tracks. They ought to spend money putting in overhead rails and resolve that situation. I'm uncomfortable agreeing to administer a project. Who's going to put up a liability bond if something goes wrong? Mr. Dhima said, the liability will be covered by both towns, whoever the engineering firm is going to be. All the liability. Basically we cover each other. That's how it's built in the agreement. Selectman Coutu signed this as the Chairman back in 2018. So the mechanism will be the same.

Mr. Dhima went on to say, I don't know how to say this so I'm just sort of going to kind of say it, we need to get this done. Selectman Coutu added in, I agree, but right is right. If you have a clerk of the works or somebody managing a project there are administrative costs to do that. Your time is not free. What if something happens and you start getting inundated with other things and you overlook something over there? Mr. Dhima answered, I agree with you 100%. Again, I have to go back to, we need to get this done. I think the most efficient way to do this, taking into consideration they're working from home right now, they're going to be very limited and they don't have a comeback date. I've taken upon myself I guess to say, let's get it done. I totally agree and maybe the next item will address some of that concern. Selectman Coutu said, if the next time takes care of the concern then we ought to discuss it with this item so that I can feel better. I don't want to be put in a situation where it's take it or leave it. Mr. Dhima said, no, it's not like that. Selectman Coutu said, why isn't the City of Nashua volunteering to do the project? More sidewalks to do? Mr. Dhima said, we can go back to that. I'm just concerned about the costs, the timeframe and again, I'm just trying to look at. I had this conversation with Mr. Malizia many times. I totally understand where you're coming from, I do. I go back to, we need to get this done and I feel that maybe the best way to get this done at the timeframe we're looking to do this is us spearheading it. I get it. I'm not looking for more work I've said that in the past. But, it's something that needs to get done. Selectman Coutu said, can I have my question answered? What is it in the second par that's going to make me feel better about the first part? Mr. Dhima said, well the next time will be something the Board of Selectman to authorize the Town Engineer and I don't want to jump to that.

Selectman McGrath was recognized and she said, I happen to agree with Selectman Coutu. I think that there should be cost sharing between the two communities. Nashua has not been a good neighbor. All of the development that they've done in Nashua and they're continuing to do, has a tremendous impact on our roadways, the bridges. They haven't deemed those projects regional impact projects so therefore we have no say in how it's affecting us. I think its borderline, I'm not even going to say what I'm thinking because it's really not neighborly and I'd question the legality of it. So, I understand. I remember the conversation we've had before about the bridges. They're in need of repair. We each own a share of them, but Nashua is sticking it to the Nashua residents in a big way and I'm fed up with it to be honest. Mr. Dhima responded saying, all I can say is maybe you need to take comfort in the fact that maybe if we run it, it might be a little cheaper than if they run it because there's headaches that go with dealing with the City of Nashua. Selectman McGrath said, I'm going to take comfort when I see a wall installed on the Hudson side of the bridge that limits the traffic that they're sending over our way, that our police department, our fire department, our employees have to deal with that. That's a message to them. They're not doing us any favors at all. Selectman Coutu said, Mr. Chairman I make a motion we build a wall and Nashua pays for it (laughter in the room). Mr. Dhima said, we might have to. The bridge is collapsing.

Selectman Roy was recognized and asked, have we entered into any agreement similar to the copy of the one you gave here? Mr. Dhima said, so I sent a draft of the markup and it's being reviewed right now. Selectman Roy asked, sent it to who? Mr. Dhima replied Nashua's side, DPW over there but I can't officially have them execute it until the Board tonight makes a decision. Selectman Roy said well, but we don't have a copy of that. So was any of those costs discussed within that agreement? Mr. Dhima responded, no, tonight you're only being asked to move forward with drafting the agreement. You'll be making the decision on the agreement when the RFP comes in front of you. Which could be 2-3 months from now. So that night you'll be approving the contract will be done but

also the 50/50 as well. Because you can't agree on a price if you don't have an RFP in place. Selectman Coutu said, 60/40. Selectman Roy said, no but you can agree on terms. You can agree on 50% of the cost of the actual cost of the actual building and 50% of administrative and carrying costs right. That can be language in that agreement. Doesn't have to be a price tag in there. A definite sum. Right. So I mean I would be concerned if that was not part of that draft that you sent over to Nashua. Mr. Dhima said, you would not need an agreement in place if you don't have a proposal in place either. If the Board wishes to execute the municipality agreement prior to having an RFP out, that can be done. We can ask for that in the next meeting. That can be done and then go out for the RFP. My understanding was the Board agrees to have the same mechanism in place that we did in 2018, which we did, we gave them the bill and they took it back. As far as the admin... Selectman Roy interrupted saying and they also agreed in that, because I'm reading it, that we would absorb all the administrative costs. I would imagine the next phase of that is going to be significantly more. Mr. Dhima answered, I don't know how much more. For me to start keeping track for how much time I'm going to put for that I'm not sure. If that's what the Board's wish is, I can put it back on them saying we, or the Board feels that you need to do this because we did the evaluation, that's fine. But I'm not sure if it's going to get done. Selectman Roy then said, I think I want to defer to either Selectman Coutu or Selectman McGrath may have a little more experience with this. But it absolutely doesn't make sense to me that we would agree to something before we get to read it or see it. Mr. Dhima replied saying, you're not agreeing to anything tonight. You're simply agreeing to move forward to put an agreement in place. That agreement is not in place yet.

Selectman Coutu then said, and I get that Mr. Dhima. I'm going to vote to support this because I believe two things. Number one, cost. We put this off and we don't get an RFP in our hands and we wait another six months for an RFP the cost may be well above the \$200,000 that's being allocated. We could reach the \$300,000, especially with steel not readily available at this time. And I don't know whether or not the conduits are going to be steel or if we're only doing fabrication work. The cement and the barriers and the wiring, the grid inside the cement. I don't know exactly what's. I think the pipes are fixed so that we have good water flow back and forth. Mr. Dhima said, the water main. Selectman Coutu went on to say, we're concerned about the structure and the structural defects. There's a hole in the other side obviously it's covered with a plate, no cars are going in it. I heard what you said. I've read this. I agree with you that this doesn't preclude, this is not agreeing to sign an agreement. This is giving you permission to go forward. Request the request for a proposal so that we can get what the work is going to be. Until we get that, until we get the RFP, there's no way you could estimate how much time you're going to put into it because it's going to depend on the engineering firm that we hire, they may want to undertake it all themselves and you may not have to put anything in. I'd have to see that in writing. But when it comes down to doing an RFP, I would suggest that you, the Town Administrator and perhaps the Chairman of the Board or anyone of us, go to Nashua and negotiate the contract so that it's very clear to them where we stand. What's the hesitation? Mr. Dhima replied, what if they say no, we're going to do it? Put it in the que. Selectman Coutu said, okay, you do it and we're not going to give you any money because you're the problem. I'm not bashful. Mr. Dhima then said, that's fine, I just don't see us winning by having a \$200,000 project being \$250,000 next year. I think we'd lose either way. I understand what you're saying. I do. And I agree with you 100% but we need access to the hospital, they don't need access to us. That's the way I see it. And the bridge going to Nashua is in worse condition than the one coming to Hudson. Because that was the first one that was built. The other one is three years younger. So that's a six right now and the bridge coming from Nashua to Hudson is a seven. Right now I think might be close to a million dollars to fix it. If we wait a year or two it could be \$2.5 and it goes from 1-5 very easily. I get it. I agree with you 100%. At the end of the day it comes to a simple fact, we need to get this done. Chairman Morin said, I don't think anyone is telling you to wait. Okay. We have some concerns about some administrative fees which could, we have some concerns about your time and we've already said. And we already said, if they don't want to play, we will fix our bridge and they can do what they want with their bridge as long as our people can get into Nashua. That's their problem getting people to Hudson. They can deal with it. We're going to fix our bridge and we've already talked about that and said that. That if they don't want to play, that show we'll do it. And on top of that I fully support what you got. I understand too that you need to get the price and you made the statement about the next one may help you. Be careful how you present that because I don't want to hire somebody that's going to do all their work. Okay, and that show I saw that coming. You

know what I mean? Selectman Coutu then added, I glanced at the next item Mr. Chairman and said, I see what he wants to do. Chairman Morin added, you need that. I understand that but let's not sell it to do their work. Cuz we'll fix our bridge and if they don't want to fix their bridge it's their problem. Selectman Coutu added, agreed. Selectman Coutu made a motion, seconded by Selectman McGrath to authorize the Town Engineer to work with the City of Nashua to complete the 2020 Municipality Agreement. Chairman Morin asked if there was any further discussion. To which Selectman McGrath said, just a comment. Elvis, we're not, I'm not trying and I don't think anyone else is to give you a hard time about this. There's a level of frustration dealing with the City of Nashua and it goes back a long time. it's their lack of respect for the residents of this town that end up having to pay, pay a lot of money, whether it's through the Police Department, the Public Works Department, your department and they keep giving us, the Town, the proverbial middle finger and it's unfair, it's uncalled for. We don't do that to them and we're considerate of them and other municipalities that are surrounding us and they need to get that message loud and clear. I don't know how to get that across but their priorities are as I've already discussed, multiple developments across the bridge that they're dumping the traffic into Hudson. Plus they're creating I'll call it a concert hall or whatever it is, where Alec's Shoe Store used to be and they have no parking. I don't know where they're going to put the cars. I don't know if they're going to put them on the roofs of buildings but they don't have the parking for it, but they're marching ahead. Just not giving any, their priorities are askew. That's my rant, at least for now. Chairman Morin asked if there was any further discussion. Seeing none, the vote was taken. Motion carried 5-0.

Selectman Coutu made a motion, seconded by Selectman Roy to advertise for the Taylor Falls and Veteran's Memorial Bridge design. That would be the RFP. Carried 5-0.

F. Request to Advertise Civil Engineer Position

Mr. Dhima was again recognized by the Chairman and he said, thank you Mr. Chairman. This position was proposed for this budget cycle. This was an existing position back then that got removed. It's been put back. I would ask the Board respectfully to allow me to advertise for this. Hudson, through the pandemic, has been very fortunate that most of the construction did not stop and we did what we had to do to accommodate that. We had only two projects that had basically slowed down during that and they've picked up already. So as you can almost see driving around town, things are back to normal and then some as far as construction goes. We're doing everything we can but we continue to grow and try to provide the services to the contractors to keep afloat. With that said, I'll ask you to authorize the Town Engineer to advertise for this position. Chairman Morin said, we've got hands around the room.

Selectman Roy was recognized and she asked, are you also going to advertise on Indeed or LinkedIn or any of those? Mr. Dhima responded, right now we have the Union Leader and HMA, Town website. If we have an account with all those. The Town Administrator added, we've done Indeed. We can certainly do it. We'd just caution everybody that you get every interior designer in the world and every cabinet maker and every bus driver. You literally get a stack that. We will do it but you're not going to get the pool you think you're going to get. There are also engineering associations he can reach out to and put it on there. Selectman Roy said, if we can expand it to at least the engineering associations that's all I have. Mr. Malizia said, we'll take care of that. Mr. Dhima said, can do.

Selectman McGrath was recognized and she said I'm ready to make a motion. Selectman McGrath made a motion to authorize the Town Engineer to advertise for the Civil Engineer position. This was seconded by Selectman Martin. Carried 5-0.

G. Zach's Field Update

Chairman Morin started by saying, this next one you won't see. You guys all got the pictures of Zach's Field that I sent out. That all the rock was being removed and that was moving along. I spoke with Selectman Coutu because he was on that committee and he asked to put this on the agenda tonight so we could talk about it. So maybe we could get this moving forward. I'll recognize Selectman Coutu. Selectman Coutu said, thank you. So we're taking Item P up while the Engineer is here. Elvis, after I spoke with the Chairman I went out and spent a considerable amount of time on the field. I think we talked about it over the phone. I'm impressed and I extend my sincerest. You know I was on the original board for the Zach Field and I still communicate with some of the family. I'm very impressed with the work that was done there. It's now very palatable when you look at it to see once you get the piles out of there, and they should be almost done now, we have plenty of room to accomplish the kinds of things that we now have a vision for. We have a couple of problems that we're going to have to deal with and I'm hoping that the Board will give some direction this evening and I'm willing to take it upon myself, Mr. Chairman, with the Town Administrator because we've worked together on this in the past, and I thank the Town Administrator for his assistance. And I liked a lot of the recommendations you made Steve, relative to using that field as a passive recreation area for this time. And you had lot of great ideas like community garden, set a section aside for a community garden. People can rent a space and do their own plantings. We can have walking trails. We can probably put another pickle ball court in for exterior use. I'm finding now with your compadre upstairs, Brian Groth, who's now doing pickle ball on a more competitive level than the 80 year olds are. I wouldn't play pickle ball with him, he'd kill me! But some of the younger generation are getting involved in that. We can have half-court basketball. There's a lot of things we can do. We can make that and dedicate a lot of green space and we can really fix this up well. We'd have to look and see what's in the reserves and donation accounts for recreation and deal with how we would fund it but the first leg is accomplished. Which was cleaning it out, breaking up the rock that was used. Some of those boulders were almost the size of this room. And now it looks like it can be leveled or it's fairly level now. And they're still digging, or they were digging on the backside giving full access to almost all of the property. So we have the parking lot is already there. Everything has been capped, sealed and approved. The Federal Government has invested a million dollars and I will say this. When there was a you in cry, by especially me, to ask Nashua, to assist us, of course we had a different mayor then, it was Donna Lee, she found an extra \$200,000 that she let us have to help us complete the project. In the past we've had a pretty good relationship with Nashua but I had a relationship, a friendship, I had a friendship with the mayor. So Elvis, thank you so much. I know you've overseen this. I know it bothered you for a long time. You got it done. Mr. Chairman, I would like to ask this Board, it doesn't have to be in the form of a motion, to work with the Town Administrator, the first obstacle we have is we have a lease on that land and the lease is owned by the Hudson Youth Football, the Hudson Bears and we're going to have to deal with them and see if we can get them to release the lease unless they're willing to develop it and build a football field then we'll honor that lease. We have the voters approved that lease. We're not trying to take it away from them, but if they're not going to do it or they don't have the financing to do it then I want to know if the Board is willing to allow us to one, if they're willing to release the lease, to further explore our options for that land and come in with a plan for the Board of Selectmen's approval for the use of that land for a passive recreation area. The only contingency would be probably, because we discussed this in the last meeting we had with the Tompkins Family, that we would dedicate a small portion of the park so we could put a monument in Zach's memory. I hate to think that I've been wearing this band since a month after Zach died, all this time and we're going on our sixth anniversary, I believe, since Zach passed away. Billy you remember that well, we were there together. So, that's what I'm looking for. Direction from the Board, thank you.

Chairman Morin asked, when you say a monument, you saying, I would like to make sure that piece of land is called Zach Park, Zach Field, The Administrator said, Thompkins Memorial Field, Selectman Coutu agreed with this. Chairman Morin went on to say, so there already was. Okay. Selectman Coutu then said, again, all of this would be contingent on the Board's approval. I bring it in the Board says no, we don't want to name it. Chairman Morin said, we can get there when we get there. So is that a motion? Mr. Malizia said, I think he's looking for a consensus. Selectman Coutu said, I think it's the Town Administrator and I will work with the Thompkins Family and the Bears. The

Town Administrator said we've had conversations with them, we need to ascertain where they want to be. What do they want to do? And if they want to allow us to do something then we need to explore that and come back to this Board. If they want to develop it, they have the lease. They have the right to do that. Chairman Morin asked if there was any other discussion. Selectman Roy said, I think that the first step before we decide to do anything else is figure out what's going on with the lease.

Chairman Morin said, so consensus to let them take care of it? He went on to say, you have anything else you want to add Mr. Dhima?

Mr. Dhima said, we're good. I just want to remind the Board that the contract we have in place right now is until October 30th. Everything is going in the right direction but there's quite a bit to be moved out of there. It's happening every day but as you recall from the site visit, it's a lot. It was something you couldn't really see when there was a pile of dirt until everything got crushed and put in. it's huge. A massive amount. Selectman McGrath said, Mr. Chairman, just a comment and she addressed Mr. Dhima, so after all of the abuse that you took, over Zach's Field, about six years ago, you've done a great job and you should be commended for that and thanked for that and not be the subject of any abuse from any of the former individuals. Mr. Dhima replied saying, I would miss it if I didn't get it a little bit here and there, but thank you! (Laughter in the room). Have a great night, thank you very much!

H. Vibratory Roller Purchase

Chairman Morin said, I recognize DPW Director, for a vibrating roller purchase. Mr. Forrence started by saying I'm going to read off the memo I sent on July 6th to the Board. Public Works is requesting permission to purchase a 2020 Caterpillar CB 1-8 Vibratory Roller, which was approved in the FY21 budget. This roller will be used for trench work, asphalt work, roadside shoulder work. It will be funded from the following accounts 5552 Street, 5592 Water, and 5562 Sewer totaling \$27,500.00. This will be purchased through the municipal association Sourcewell Municipal Contracting Agency. This is going to help out water utility a lot with patching some of their existing holes. We couldn't quite do the big patches with the little roller we had. Stepping up to this we'll be able to cover a lot of the big patches saving some money with Elvis. This will be a good step forward for us. The Town Administrator added, the budget for this was \$35,000 through the various accounts. Through this purchasing consortium, you can get this for \$27,500. If you want to do this I have a motion as you need to waive the bid process. So if you're interested I can read that motion. The motion would be to waive the competitive bidding requirements as outlined in Town Code 98-1(C) and to purchase a 2020 Caterpillar Vibratory Roller from Sourcewell National Municipal Contracting Agency at an estimated cost of \$27,500 as recommended by the Public Works Director. Selectman Roy said, I'll make that motion. This was seconded by Selectman McGrath. Selectman Coutu asked Mr. Forrence, the \$27,500 that is the amount, it won't exceed that? To which Mr. Forrence replied, yes, it will not exceed that. Carried 5-0.

I. Police Utility Vehicle Purchase

Chairman Morin recognized Police Chief Avery. Chief Avery started by saying thank you Mr. Chairman, members of the Board. When I came into the Board of Selectmen in May, I made a giant mistake. I put on the paperwork that we were purchasing three vehicles and asked the Board to waive the bid process for three vehicles. My intention was to buy a fourth vehicle. I will recognize the Town Administrator who saved me after I submitted the paperwork he picked up on it and gave me a call and brought this to my attention. So that was a mistake on my part. My intention was to purchase a fourth Ford Explorer for our fleet. And again to waive the bid process. Unfortunately, as we talked about at the last meeting, cruisers were running out very quickly. Well, they're all gone. We will have one ordered and will not be able to get this one until probably late October. But because we got that order in early, we got the three and the fourth one will be a little bit delayed. Selectman Coutu asked is this coming out of the 2021 budget? The Town Administrator replied, yes sir. Selectman Coutu then asked, nothing out of 2020? To which the Administrator and the Chief replied 2021. The Town Administrator said, the motion that you'd be making would be to waive the competitive bidding requirements as outlined in Town Code 98-1 (C) to purchase one police utility vehicle from the

Colonial Municipal Group of Plymouth MA in the amount of \$33,756.60. Selectman McGrath said, so moved. This was seconded by Selectman Coutu. Carried 5-0.

J. Police Telecommunications Position

Chief Avery started by saying, at the last Board of Selectmen meeting the Town Administrator, Steve Malizia, asked permission on my behalf to go ahead and advertise for two positions. I was watching the meeting at home. Some discussion was made about me converting that 40 hours of part time dispatcher hours into a full time position. I will recognize the Finance Director, Kathy Carpentier, who crunched the numbers for me. It's going to be a cost of about \$3,079 on top of what we already have budgeted for that 40 hours. So, how am I going to make up that money is through taking away the overtime. There will not be as much overtime once we get that next position. Can I afford it in my budget? Yes I can afford it. How will this work? I know Selectman Coutu and Chairman Morin are aware of this during the discussion of having combined dispatchers, one of the big reasons that we looked at this several years ago was currently we have dispatchers that are in the building by themselves on the midnight shift. This will alleviate that dispatcher from being alone at all. There will always be at least two people in our building. Most nights you may have a lieutenant in the building doing paperwork but we all know, emergencies happen and they're out in the street. They could be gone for the whole eight hour shift and that person's in there alone. I don't love that idea of having a dispatcher in there by themselves. We have had medical emergencies while I've been on the Police Department in dispatch. Thankfully there were two members in there at the time. My recommendation is to convert this 40 hours of part-time dispatcher position to a full time position. Now that dispatcher Gladys MacDonald has retired officially from the Hudson Police. Selectman McGrath made a motion, seconded by Selectman Coutu to accept Chief Avery's request to change the part time Police Telecommunications position to a full time position. Selectman Martin asked, are you going to be advertising for this position or you going to take it from what you already advertised? Chief Avery replied, we're going to be working off of what Mr. Malizia presented to you last week. We have already began. Officer Rachele MacGowen realized that we can use our police app that we use to recruit police officers to do so with the dispatchers. I was briefed this afternoon. We now have 42 applicants for this position so we have plenty of candidates coming in. We're also getting a lot of, I'll call them, certified dispatchers, out of Massachusetts and New Hampshire that are already dispatchers for police departments, that want to now work for us. Chairman Morin asked for further discussion. Seeing none, vote was taken. Carried 5-0.

K. Police Employee Resignation

Chief Avery explained, unfortunately this is not a great discussion I want to have with the Board. I'm losing a valuable member of the Hudson Police Department, Alec Golner. He's been with us for two years and four months. He has been an outstanding police officer, mentor to now our younger guys on the Department. Detective Sgt. McStravick could speak about him, the kid is second to none. Why is Alec Golner leaving? Alec is only leaving because his father is the Deputy Chief of the Lowell Police Department and he has an opportunity to go down there and work. I believe his resignation letter is attached to their packets, so you've all had a chance to review that. He speaks very highly. I've met with him about our Department. It is a very difficult decision. He has a lot of close friends now with the Hudson Police. This is purely for family reasons that he's going to be leaving us. Disappointing, I'm upset. I love the kid and I know he's going to do a great job for the City of Lowell. Selectman Coutu said, he'll be in Lowell one week and he'll be reapplying here. Do we typically send a letter thanking him? The Chairman said, no, he'll be back. Selectman Coutu made a motion to accept the resignation of Alec Golner. Seconded by Selectman Martin. Carried 5-0.

L. Police Grant Application

Chief Avery recognized Detective Sargent Pat McStravick. Sgt. McStravick started by saying, thank you sir. Members of the Board, I'm here to present a \$1,000 grant from Walmart to the Hudson Police Department. I'm asking tonight for permission to apply for the grant. Det. Adam Lischinsky has worked really hard on this. We had the grant last year or the year before and it is written up. You have to present it to Walmart for exactly what you want it for. Adam put it in as "all training and equipment". To paint it kind of with a broad stroke so we can use it for what we need. Either backing detectives or any of the divisions that need this money. So we work very closely with Walmart in Town, as you know. Every year when grants or any opportunities arise they always bring them to our attention. They brought this to our attention. Adam took it right away and approached the Chief about it. I'm here tonight asking for permission to apply for this grant. Selectman Coutu was recognized and said, I noticed in Adam's application he's requesting \$2,000, correct? To which Det. Sgt. McStravick replied, \$2,000, yes, I apologize sir. There's a range from \$1,000-\$5,000. We went with the \$2,000. Selectman Coutu made a motion, seconded by Selectman McGrath. To authorize the Hudson Police Department to apply for a local giving community grant through Walmart. Selectman McGrath made the comment, after all of the calls that you get to visit Walmart, they should be giving you the \$5,000. Selectman Coutu said, they give you a lot of other stuff throughout the year. Det. Sgt. McStravick said, yes, especially with the covid stuff going on, them and Sam's Club both bent over backwards for us. Chief Avery added, they have been a great partnership. While he is here, I will recognize him and his staff for an outstanding weekend. I know I briefed the Board, I will not discuss the specifics of the investigation on TV but Sgt. McStravick and your crew did an unbelievable job. Congratulations. Selectman McGrath and Coutu both thanked Det. Sgt. McStravick for his outstanding job. Vote was taken, motion carried 5-0.

M. Police Detail Rates

Chief Avery started by saying, again, I will recognize the Finance Director for bringing this to my attention. Due to the HPA contract, and the adjustment to the detail rate, we will need to change our paperwork and what we're billing our vendors when we work a police detail. Our current fees are \$70 an hour without a cruiser and if they were to request a cruiser we add an additional \$15 per hour if the cruiser is requested. Again, HPA contract became effective July 1, 2020, with this for the bargaining unit employee from \$50.37 an hour to \$56.85 an hour, which is the overtime rate for the top step master patrolman. We would be moving this to \$90 an hour from the current and \$135 for overtime or holidays. The Administrator said, that covers the cost of the detail officer and any benefits and the administrative fee to process it. Which is when we looked at it, I believe, is pretty typical for the area. We are not the forerunners on this. Chief Avery added, no, we are not. He went on to say, this again is recommended by the Finance Director to accept this changes. Selectman Coutu made a motion, seconded by Selectman Martin, to increase the Police Detail consumer charge from \$70.00 to \$90.00 per hour and an overtime rate of \$135 per hour for details over eight hours or on holidays. Carried 5-0. Selectman Coutu asked if we had any jobs that were done that would now need to be retroactively adjusted. Chief Avery explained that we already gave our vendors one rate, we can't go back and change that now. We'll use the new rate moving forward.

N. Recreation Director Position

Chairman Morin recognized Town Administrator Malizia. Mr. Malizia explained, our Recreation Director, Mr. Yates has submitted his retirement or his resignation from the position. I thought it was appropriate for the Board to have a discussion about posting for that position. Right now Mr. Yates has been on furlough. The department, most of the activity has been pretty minimal, quite frankly because all the programs are not currently running. But at some point in time I anticipate we're going to start things back up. It will probably take a while to go through a process of hiring someone so I put this in front of the Board if the Board wants to approve starting the process. Selectman Coutu was recognized and he said, Mr. Chairman, if there would be no objection, I'd like to take this matter up in non-public please. Chairman asked if there was any objection from anyone. There was not.

Chairman Morin asked, do you want to take up the second motion that's related to that for now or do you want to wait? Selectman Coutu responded saying, no, I don't have a problem with that because he's due to retire July 25, so I'm good with the second motion. Selectman Coutu made a motion to reinstate Recreation Director David Yates from furlough status, effective July 20, 2020- July 24, 2020. Selectman Roy seconded the motion for purpose of discussion.

Mr. Malizia added, if I may, it's 20, 21, 22, 23, 24 inclusive. It would be a week. Selectman Coutu said, okay well I want to hear what other discussion is. Selectman Roy said, so, I guess, and Selectman Martin and I spoke about this, what specifically does Chrissy need to get from? The Town Administrator replied, I want to make sure she has access to all the files, what he uses for scheduling, because he did a lot of the scheduling, I just want to make sure there aren't any loose ends that need to be tied up. If you recall, Mr. Yates was, the Board had a conversation to furlough him in Tuesday and he was furloughed on Wednesday. So there was no time to transfer files, I'm not sure, again, this is up to this. Selectman Coutu asked this is an administrative transitional period for. Mr. Malizia said, I want to make sure that anything that's in his computer, any sort of documentation, any sort of schedules that it's going to someone that can then have that information.

Selectman Martin was recognized and said, I understand that, um, but, couldn't once he's retired and he no longer has access to the system. So IT could give all that information over to the assistant. Mr. Malizia responded, I would think they'd want to be some sort of more explanation and/or, I understand what you're saying. You could look at stuff I have on file but maybe if you don't know what it all is or you haven't worked with it, I'm just trying to make sure we don't miss something. That's really what I'm concerned about. Because his furlough was somewhat abrupt and there just hadn't been an opportunity. Again, I just want somebody to be able to have the ability to know where everything is and to be able to access it and to understand what it may be. That's what I was thinking. Selectman Coutu said, an administrative transition period. Makes sense. The Town Administrator replied, that's it. That's all I'm looking for. Chairman Morin said, motion on the floor if there's no more discussion. Vote was taken. Carried 5-0.

O. School Impact Fees

Chairman Morin recognized the Town Administrator who said, there was a request from the School Business Administrator, who I think has since retired, but none the less she submitted it. It was basically to release \$250,000 from the School Impact Fee account. The School uses this for the bond payment, I believe, on the Hills Garrison. So that's going to be running out. They have the ability to use impact fees to make part of that payment. It's gone through the Planning Board as required. The Planning Board approved it. You are the last step to approve it. So it's got Planning Board approval. Once you approve it we cut a check over out of the School Impact Fee which is basically what the money is collected for. Selectman Coutu said, standard procedure Mr. Chairman. Selectman Coutu made a motion to release \$250,000 from School Impact Fee account 09-2000-2080-000-051 per the request from Karen Burnell, Business Administrator for the Hudson School District, dated April 29, 2020 and approved by the Planning Board June 24, 2020. The funds will be used to offset this fiscal year's School District bond payment. This was seconded by Selectman Roy. Carried 5-0.

P. Revenues and Expenditures

The Town Administrator started by saying this is through the end of June. I will caution this is not audited and these results aren't final. There's going to be at least a payroll adjustment for I think three days in June that we paid out in July. There's still an open manifest at least you signed one of them tonight. Just to catch all the stragglers. In essence I think from an expenditure side on the General Fund you'll probably end up about \$475,000 under expended. Which will flow to your fund balance. Remove we, you, put the brakes on discretionary funding so we got that cushion. I got to tell you, automobiles, I've never seen a month like that. I think it was \$750,000 in one month. There's a lot of deals out there but there are a lot of folks who because they couldn't easily process their registration and the State had allowed them sometime, they all came in in June. So automobiles look

like we're \$450K over budget, which is fantastic. Which helps make up for the \$99K shortfall in interest. Ambulance I expect to hit around 820. We have at least last month's billing and if you look at the run rate it will be about \$20,000 shy but it could be different. That's just if I look at the run rate. Overall, we did well. I think we've collected 94% or 95% of the first half taxes. Patti had given us some statistics which is typically what we collect. It's not any different than last year, just looking year over year as a percentage, we basically are right on target to date. But it appeared that we're over that hump. What I'm seeing or what I'm starting to hear is the real impacts will be next year. Because the State is showing a lot less. They're predicting that. All our other numbers that the State gave us, we hit them. But next year, we could have to really look carefully what we're budgeting and what we're looking at for revenue because again, right now everyone was making their mortgage payment or the escrow companies paid but we'll see what happens in a year or so. So just a word of caution. But again, these are not audited, these are subject to change. Not radically, but they will. There will be some adjustments. At least you've got some idea that we ended up in a decent direction.

Selectman Martin added, I just want to point out, I very rarely watch the news but I happen to be watching the news when I saw the Manchester mayor, the Nashua mayor, the Portsmouth mayor, all the mayors, talking about a revenue shortfall for property taxes. And I was like cry, cry, cry, cry. And I know it was a concern of ours but with that information right there, that's not bad. I think we owe it to staff and our decision making to a good process. Thank you.

Mr. Malizia went on to say being a fairly conservative community when it comes to budgeting and whatnot, really helped us in a situation like this obviously. We're very careful as to what we do and we're very fortunate that our residents, businesses and our tax payers really came through. I don't expect to see another car month like that. That was just unbelievable. Selectman Coutu said, if I might Mr. Chairman, to go on that. We do have a great community. My church and you, Saint Kathryn's, we have a budget it's \$11,900 a week to run our church. Through the entire four months that our church has been closed, we've collected almost that every single week. We have been very, very successful. If it wasn't for the community and there's even some people from outside who have donated some money to the church so we could do other things. Because we're always beautifying the land and whatnot. So it doesn't surprise me on the Town side. People are aware that we need money to run our municipality on the service end. You and I, you said to me on the first day I met you, you said, Roger, this Town expects a few things and we have to deliver a police officer when they're looking for one, a fire truck when they're looking for one and they want their garbage picked up. Then we undertook through the next 2-3 years a program where we could bring what was going to be a 50 year recycling of our roads back to a 20 year cycle. We refinanced and looked at that very carefully. Jess and his crew have done an outstanding job staying on top of that. It was started by his predecessor and they've always done an outstanding job. Kudos to everyone in our town. Even the citizens. Especially our citizens. They're footing the bill.

9. REMARKS FROM THE SCHOOL BOARD - no School Board member present

10. REMARKS BY THE TOWN ADMINISTRATOR - I really don't have any. I just wanted to say, it was a great year.

11. OTHER BUSINESS/REMARKS BY SELECTMEN

Selectman Roy - I'm all set tonight.

Selectman Martin - Thank you Mr. Chairman. I don't have much. Except to say that we have a Budget Committee meeting coming up and we still I don't know where we are with the presentation they asked for. I'll have to ask KC. And then tomorrow night is the Library Trustees which I will be attending. That's all I have.

Selectman McGrath - I have a couple of things. I want to comment about the retirement of the Recreation Department Director. I didn't really know Mr. Yates well. I didn't participate in any of the recreation programs. I don't have children. But I do have friends that did participate and he had an, according to them, a remarkable reputation. I'd like to recognize him for that. They appreciated the programs that he had for the children and for the adults too. So, I just wanted to make mention of that.

I've got two other things and I've written them down so that I don't misspeak. So, I'm going to comment about, this is in relation to his retirement, but I know that we're facing some potential losses and I think that we're in danger of losing valuable, long-term employees who have worked for the best interest of the Town of Hudson. Most, if not all, are residents. Every person in theory can be replaced, but the loss of their historical and institutional knowledge is irreplaceable. We should value that knowledge and their devotion to the citizens. I urge my fellow Board members to contemplate the anticipated seismic impact to the Town if we lose these valuable employees. As elected officials, who are elected to serve for the best interest of our Town and fellow residents, we should and must act on accurate and truthful information versus mean-spirited and self-serving gossip and complaints. So that's number one.

Number two, and I've gotten authorization from the person that I'm going to speak about next. Not the name but the position. So I'm going to ask that because of action that we're anticipating taking up in non-public, I'm going to ask that we defer for a period of four weeks, the performance evaluation for the Town Administrator in order to have all Department Heads, the Town Engineer, Town Planner, Zoning Administrator and Town Clerk, provide an evaluation for us to review and consider when preparing our own. That will help to guide us in providing a meaningful evaluation based on the interactions with those employees so that we can properly and fairly evaluate his performance. He and every other employee deserves that. That's all that I have. I do have handouts for the Board. I had Jill make copies of the organizational chart that I don't know if any of you have seen and also Title III Chapter 37 concerning Town Managers and Town Administrators and their function in relation to Towns. I don't know if any of you have seen that but I have copies for each of you. Thank you that's all that I have.

Chairman Morin said, I'll comment in non-public about that Statement. Selectman Martin added, I will also.

Selectman Coutu - Okay, I'm taken aback here. First I'd like to suggest or talk to you about, the Board, not just you, I had a discussion with Brenda Collins, Executive Director of the Chamber of Commerce. She suggested to me, well she didn't suggest that I do this, I'm doing it because I think it's an idea that maybe we want to explore and maybe we don't want to explore. If you're willing to explore it then we'll see where we go with it. Brenda brought to my attention that the Town of Londonderry the municipality, set aside \$50,000 and offering their business a grant to cover costs associated with covid-19 up to \$1,000 they could apply for. It came out of their municipal funds. They issued a press release. They posted it on their webpage. I don't know if the Londonderry business community has, they may be affiliated with a couple of other surrounding towns for a chamber of commerce. I know we're the Greater Hudson Chamber of Commerce now. She was wondering if the Board would consider doing something like that. I'm sure that if the Board is willing to have a discussion, I'm sure that I could convince Brenda to come before the Board at our next regularly scheduled meeting to have a discussion, explain and bring copies of the flyers that Londonderry sent out to their business community. If there's no interest in doing that, that's fine. I'd probably feel bad because I'm a strong advocate for our business community. And over the years as you know, Mr. Chairman, we deal with the business community at least annually for the food pantry, they've been very responsive to our requests. I know that the top of my head and conversation I've had with people, other than Brenda, there are a couple of businesses that could conceivably not open. They're really hurting. I don't know how much \$1,000 could do. If we want to have the conversation, I'm sure Brenda would work with us on getting out the applications and helping us make the right decision. She knows the business community a lot better than most people do in Town because that's her job. I just want to get a feel from the Board that's all.

Selectman Roy said, I'd be more than willing to listen to what Ms. Collins has to say. The business community, as well as the citizens, have been so supportive of us through this whole covid-19. If

there's' a mechanism to help give back to them, I would. Selectman Coutu said, that's appreciated thank you. Selectman McGrath asked, can she provide a copy of what Londonderry has done. Selectman Coutu said, yes, I'll ask her to email what she emailed me. I tried to copy it to get it out to all of you and for some reason it's not an attachment, it's part of the email. I couldn't isolate that. Couldn't copy and paste it. I will make sure she provides, Steve, I'll speak with Brenda but if you could reach out to her as well and ask if she will send you a flyer so that all the Board members will have it in their packet. Chairman, you want to do it for next meeting? Okay.

Selectman Coutu went on to do is extend my sincerest to you, Chief and to your staff for an outstanding cookout and for the courtesy as you extended us, as you like to say, my five bosses. I'd like to think that I'm a little more than a boss with you. We play golf. I thought that what a way to show recognition to your employees, and then extend beyond that to invite not only the five of us, but the highway department staff because you work so well together, you're like a cohesive unit when there's a demand put upon you in a traffic situation and you need to call them out. Whether it's the wintertime is even worse because we have more fallen trees. We have ice jams, roads that are icy that cause cars to skid off the road. Whatever, you work together cohesively when there's a serious water pipe burst somewhere in the middle of the night. You reached out to them and you allowed them to come. You also reached out to a structure of our government that is sometimes forgotten. But certainly has not been forgotten by the Chairman and the Vice Chair, Dave and Kara, relative to what they have done during. I think that's why you reached out to him Chief. Conversation I had relative to the covid-19 crisis and that is the Hudson Community Television staff. The Chief extended an invitation to them, I was very pleased. They came late, but they did come. I'm glad to see that the entire staff was there and they were very grateful to us, in my conversation with them. We had furloughed a couple of employees there. They understood it. They bare no animosity. Again, chief, that was awesome. Thank you so much. You and the girls did an outstanding job. The food was good. Marilyn left without eating so I ate her portion, I took care of that.

I also want to take this time, Dave Yates has been with us, 30 years now? Town Administrator Malizia & Selectman McGrath said, 22 years. Selectman Coutu went on to say I've been here 13. We've had a good working relationship. I served on the Recreation Committee for many years as a liaison, not on the Committee itself. I know that Mr. Yates went above and beyond on many occasions. There are times that we didn't agree on certain things and we managed to work our way through them. We probably have one of the best, I think it's well recognized even by other surrounding communities who are very envious of our recreation programs. We have one of the best run recreation programs at least certainly in the southern part of the state. When you look at all of the activity. The summer program, the basketball program, the soccer program, the tennis program. It goes on and on and on. The swimming. The kids get to go out to go bowling and go on outings. Well organized, well structured, well managed and even though we hire managers for these various activities, he is ultimately responsible for the whole operation. So if one piece of the puzzle is missing he's responsible for finding that piece and putting it back. And he's done so, admirably. He's going to be a big loss to the Town of Hudson. But like everything else things move on. I don't think Dave's moving out of the community. We'll see him around. I'm sure he might even be volunteering now and then for a father daughter dance or whatever. Mr. Malizia, I'm sure you know. You worked well with him and understand the complexity of that job. It's not an easy job for anyone. So Dave Yates if you're out there I echo the remarks made by Selectman McGrath and I thank you for your dedicated years of service. We're going to miss you. I wish you the best, stay in touch.

Chairman Morin - You all received the plan for the polls from the Moderator? There's a lot of questions related to that so he will be coming in next meeting so we can have that discussion. I've also invited Chief Buxton to participate in that meeting due to the covid. So if you guys have any questions related to that, can you get those to the Chief so he can get the answers that he may have to research before next meeting?

Also, I attended a meeting last night at the Community Center. I know we had a lot of problems with the audio and back noise. IT and the HCTV did a real nice job and they have fixed that problem. It

went very well last night. There were no problems whatsoever. So we should be good with further meetings there.

The last thing if Lisa Nute hasn't contacted you yet, she will be. Due to the covid situation and having to do meetings from home, there have been computers purchased for each of the Board and she will be providing training for everybody on how to use those. You'll be contacted by her very shortly. Laptops.

12. NONPUBLIC SESSION

Motion by Selectman Roy seconded by Selectman Martin, 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. & (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. A roll call vote was taken. Carried 5-0.

Chairman Morin entered Nonpublic Session at 9:05 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Morin entered open session at 10:31 p.m.

Selectman Martin made a motion, seconded by Selectman Roy to exit nonpublic session at 10:31p.m. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the Article XIII Grievance Procedure: Grievant Matt Costa. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Martin to accept Chief Avery's recommendation to increase Lt. Steve McElhinney salary to \$89,811 in accordance with the Hudson Police, Fire, Town Supervisors Association Contract (Step 5). Lieutenant Steve McElhinney would forgo his step increase on his anniversary date of November 4, 2020 and would not receive an elevation in pay until July 1, 2021. We recommend that this increase would be retro to July 1, 2020. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to approve posting for the Recreation Director position. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to approve Chief Avery's request to buy back all of his earned time. Carried 5-0.

13. ADJOURNMENT

Motion to adjourn at 10:34 p.m. by Selectman McGrath seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

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

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Roger E. Coutu, Selectman

Normand G. Martin, Selectman

**Town of Hudson, NH
BOARD OF SELECTMEN
BY-LAWS**



By-Laws	Revision Number:
Approved By: Board of Selectmen	Revision Dates: 7/8/2020
Origination Date: 05/14/2019	Review Frequency: As Needed

7B

A. PURPOSE:

These By-Laws describe the duties and methods of operation of the Hudson Board of Selectmen.

B. ORGANIZATION:

1. Responsibilities of Members:

All members shall make every effort to attend each scheduled meeting. Members shall make every effort to notify the Chairman if they are going to be absent from a meeting as soon as possible.

Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any action or statement of any individual Board member, except when such statement or action is at the direction of the Board.

~~Cell phone use during meetings is prohibited unless the member is looking something up that pertains directly to that Board meeting.~~

2. Officers:

(a) Election - A Chairman, and Vice-Chairman shall be elected at the first regularly scheduled meeting following the election of Selectman that are elected at the annual Town Meeting. Election shall be by a majority vote of those present at the Board meeting.

Vacancies created during the year shall be filled by special election of the Board at the next regularly scheduled meeting.

- (b) Duties - The Chairman shall preside at all meetings of the Board and perform all duties required by law.

In the absence of the Chairman, the Vice-Chairman shall preside and assume all duties and responsibilities of the Chairman.

In the absence of both the Chairman and Vice-Chairman the next senior member of the board shall assume all duties and responsibilities of the Chairman

- (c) Selectmen wishing to place an item on the agenda must notify the Executive Assistant to the Board of Selectman before Thursday at 12:00 p.m. prior to a Tuesday meeting. Citizens wishing to place an item on the Selectmen's agenda and plan to make a presentation must provide a copy of all presentation material and documentation to be included in each selectman's "packet" before Thursday at 12:00 p.m. prior to a Tuesday meeting.

C. OPERATION:

1. Meetings:

- (a) Organizational Meetings - An organizational meeting to elect officers shall be held in accordance with B, 2(a). The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these by-laws. The Board shall establish a schedule for meetings.
- (b) Regular Meetings - A more formalized meeting of the Board generally conducted in accordance with the order of the "Agenda" contained herein.
- (c) Workshop Meetings - A formalized meeting of the Board that is generally conducted for the purpose of providing the Board the opportunity to meet with other committees and boards, department heads, and the School Board to get a better understanding of any issues that other committees and boards may be having and to work to help them resolve those issues. This meeting is not generally used to conduct regular business of the Board.
- (d) Non-Public Meetings - A meeting of the Board held for town legal and personnel issues in accordance with RSA 91-A:3. All non-public meetings requested by a member of the Board of Selectman will follow the Non-Public Meeting Requests & Rules of Procedure as adopted by the Board of Selectman.

- (e) Special Meetings - May be called by the Chairman in accordance with RSA 91-A: 2, II; upon demand of three (3) members of the Board; or at the request of the Town Administrator through the Chair. The Chairman shall notify each member in accordance with RSA 91-A: 2, II.
- (f) Attorney/Client sessions are not considered meetings and therefore do not have to be posted.
- (g) During meetings, cell phones must be turned off or placed on silent mode. Members are prohibited from **reading or sending e-mail or text messages to or from the public using on their personal cell phones** during meetings, ~~unless~~ **if** the use is readily apparent to the public and pertains directly to that Board meeting, **e.g. use of a cell phone to access the internet for information relative to a matter being discussed. This policy shall not prohibit a Member from receiving calls, e-mail, or text messages, regarding urgent personal matters which require the Member's immediate attention, in which case the Member shall excuse themselves from the meeting prior to responding.**

2. Schedule of Meetings:

Shall be published annually. Each meeting shall be posted in accordance with RSA 91-A.

- 3. Reports of Liaisons':** All members of the Board that are liaisons' to any board, committee or commission shall give report to the Board of Selectman at the next regular meeting of the BOS or as necessary. The representative to the budget committee shall ask the board how they wish him/her to vote on matters of warrant articles that are presented to the budget committee during the budget deliberations.

4. Review of Audit Reports:

The Board shall review the audit report as soon as the report is made available and take any action related thereto.

5. Water & Sewer Commissioners

As part of their responsibilities as Water & Sewer Commissioners, the Board shall conduct an annual review of the Unreserved Water and Sewer Funds with the Town Administrator and Finance Director each year. The Board shall then vote to set Water and Sewer Rates no later than April for billing the following July. A vote shall be recorded even if the determination is made that the rate(s) should not change.

6. Town Administrator

Annually, the Board of Selectmen are responsible for evaluating the job performance of the Town Administrator. It is the Chairman's responsibility to coordinate the evaluation, including obtaining input from the other members of the Board, aggregating that information, and presenting to the Board a comprehensive draft of the evaluation document. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election.

The final evaluation document shall remain on file in the Human Resources Department.

D. RULES OF ORDER:

1. **Quorum** - A quorum shall consist of three (3) members of the Board.
2. **Agenda** - Shall be published with meeting notice, and included in the minutes. A suggested agenda is provided below. It may be changed by the chair or by vote of the board.

AGENDA

- Call to Order
- Pledge of Allegiance
- Nominations and Appointments
- Public Input
- Consent Items
- Old Business
- New Business
- Remarks by Selectman
- Adjournment/Non Public Session RSA 91

3. Role of the Chairman:

The Chairman's duties are as follows:

- To open the session at the time at which the Board is to meet by calling the members to order;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;

- to maintain decorum during meetings;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if the Chairman thinks it advisable;
- to restrain the members by gaveling he/she out of order when engaged in debate within the rules or order;
- to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board;
- to inform the Board on a point of order or practice pertinent to pending business;
- to authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board. This is when we are sending correspondence to an outside agency as a Board.

The Chairman shall vote as a member of the Board.

Discussions which are not addressing the business before the Board, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chairman shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

4. Role of the Vice-Chairman:

Please see section 3 above.

5. Conduct of Meetings:

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters Robert Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority.

6. Recording of Votes:

Votes shall be verbal or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.

7. Requests for Information:

- (a) Should it become apparent to the Chairman or an individual Board member, in the interim between meetings, that additional information relative to a specific item may be needed for the Board's use at the next regularly scheduled meeting, a request for this information shall be submitted to the Town Administrator before the agenda is set. All members of the Board shall receive copies of the information being requested.

E. EMPLOYEES:

1. Duties:

The Executive Assistant shall be the official recorder of the minutes of the Board of Selectmen and an official copy of the records are to be filed in the Selectmen's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Executive Assistant to keep a roll of members present and to call the roll when required. The Executive Assistant shall record the essentials called "the minutes" of the proceedings as follows:

- (a) The kind of meeting - regular, special, work session, or recessed.
- (b) Time of meeting and place of meeting
- (c) The presence/absence of Board members
- (d) Whether the minutes of the previous meeting were approved or amended.
- (e) All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- (f) The time of adjournment.

The Executive Assistant shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

F. AMENDMENT PROCEDURE:

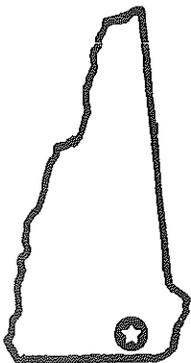
An amendment to these By-Laws may be moved at one Board meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Town Clerk for inclusion in the Town Records.

G. APPOINTMENT TO BOARDS AND COMMISSIONS:

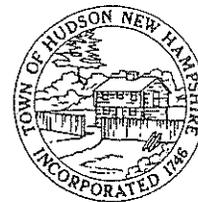
1. The Chair shall request from members their choices of committees, boards and commissions they wish to serve on as Selectmen's Representative. The Chairman shall distribute to the Board all choices and set a meeting date as to when the Chair shall make appointments.
2. The term of all appointments of Selectmen Representatives, including the terms of any ex-officio members (voting members) of the Board of Selectmen serving on local land use boards (i.e., Planning Board, Conservation Commission, and Historic District Commission) shall be for one (1) year, or until next Town Meeting, whichever is sooner.

H. E-MAIL COMMUNICATION

1. When sending correspondence to the entire Board, blind copy (bcc) all members of the Board. If any member replies to the e-mail, they will not reply to all the other members it will only go to the original sender and therefore avoid an open communication to the entire Board making the e-mail compliant with RSA 91-A.



TOWN OF HUDSON
Office of the Town Administrator
12 School Street
Hudson, New Hampshire 03051



Agenda
7-28-20

Stephen A. Malizia, Town Administrator – smalizia@hudsonnh.gov – Tel: 603-886-6024 Fax: 603-598-6481

7C

To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: July 23, 2020

Re: Hudson Speedway Operating License

The owner/operator of the Hudson Speedway, Ben Bosowski, met with the Board of Selectmen on June 23, 2020 to discuss amending Town Code Chapter 264-4 A, Racetracks, Regulations and Chapter 158-4 Alcoholic Beverages, Restrictions to allow for the serving and consumption of alcohol (specifically beer and wine) in a confined area of the Hudson Speedway. The Town Code, as it is currently written, does not allow for the sale or consumption of alcoholic beverages at the Hudson Speedway. After meeting with the Board of Selectmen, Mr. Bosowski met with Police Chief Avery and they discussed what Mr. Bosowski needed to do in order to have a Beer Garden at the Speedway. Mr. Bosowski has provided the attached letter and packet of information for the Board's review. Chief Avery has reviewed the information provided and finds it to be acceptable. Should the Board of Selectmen vote to act on Mr. Bosowski's request to allow for the sale and consumption of alcohol at the Hudson Speedway, two (2) public hearings are required in order to change the Town Code. The following motion would be appropriate:

Motion: To schedule two (2) public hearings on August 11, 2020 and August 25, 2020 to discuss amending Town Code Chapter 264-4 A, Racetracks, Regulations and Chapter 158-4 Alcoholic Beverages, Restrictions, to allow for the sale and consumption of alcoholic beverages in a confined area at the Hudson Speedway.

Should you have any questions or need additional information, please feel free to contact me. Thank you.

RECEIVED

JUL 23 2020

TOWN OF HUDSON
SELECTMEN'S OFFICE



**40 Temple Street
Nashua, NH 03060
(603)882-2702**

July 15, 2020

Board of Selectmen
Town of Hudson, NH

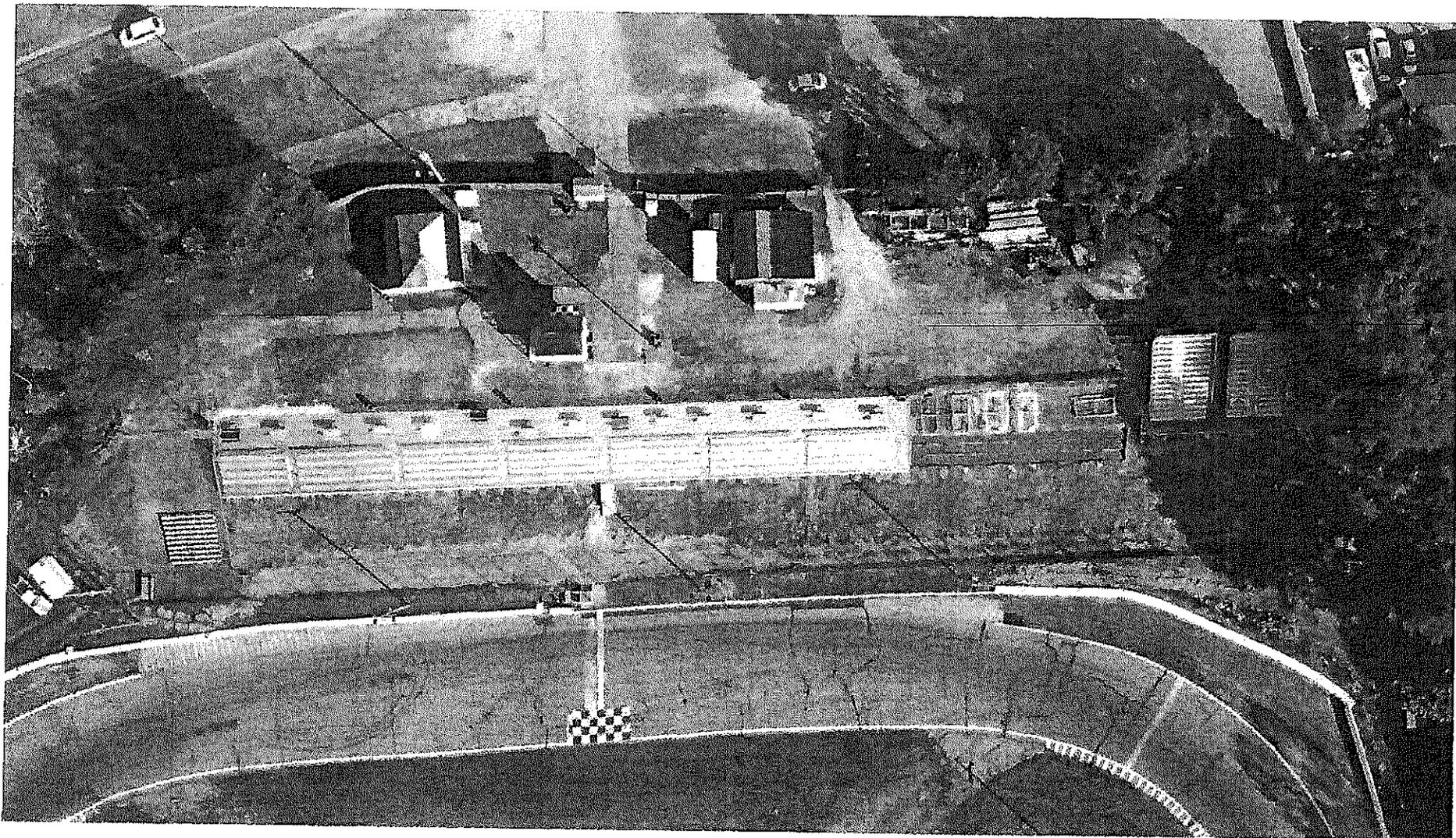
Per request of the Board of Selectmen, Chief of Police, and Fire Chief, Hudson Speedway will perform the following duties on race days at the Beer Garden:

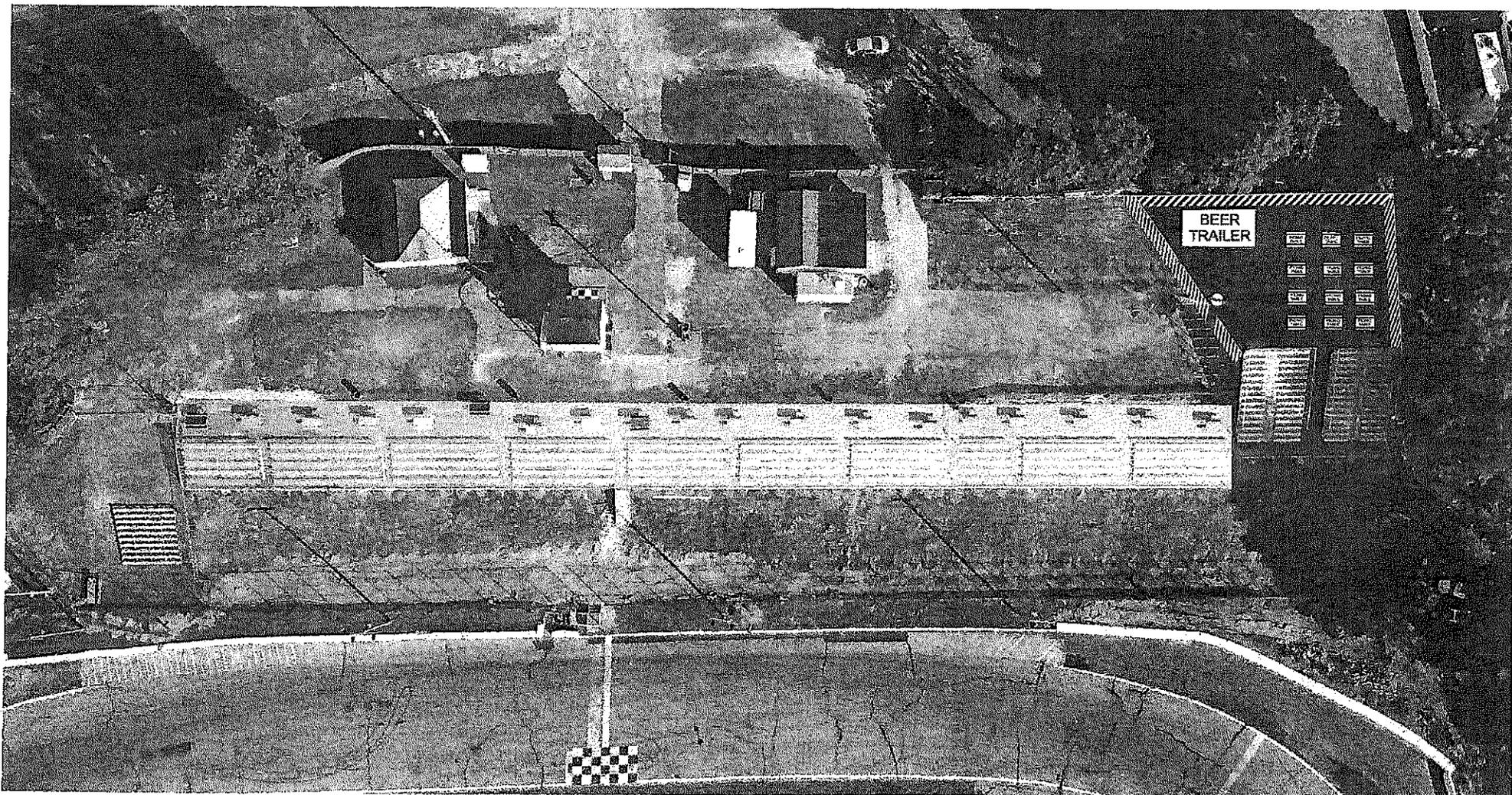
- There will be a bouncer checking ID's before entering
- Once patrons enter the beer garden they will be given a wrist band to let the bartenders know they are the legal age for alcohol consumption
- There will be a Manager on site who has taken the Alcohol Course required by the State of New Hampshire
- We will have professionally trained bartenders on staff
- Proper signage will be displayed
- Security cameras will be installed in and around the beer garden area

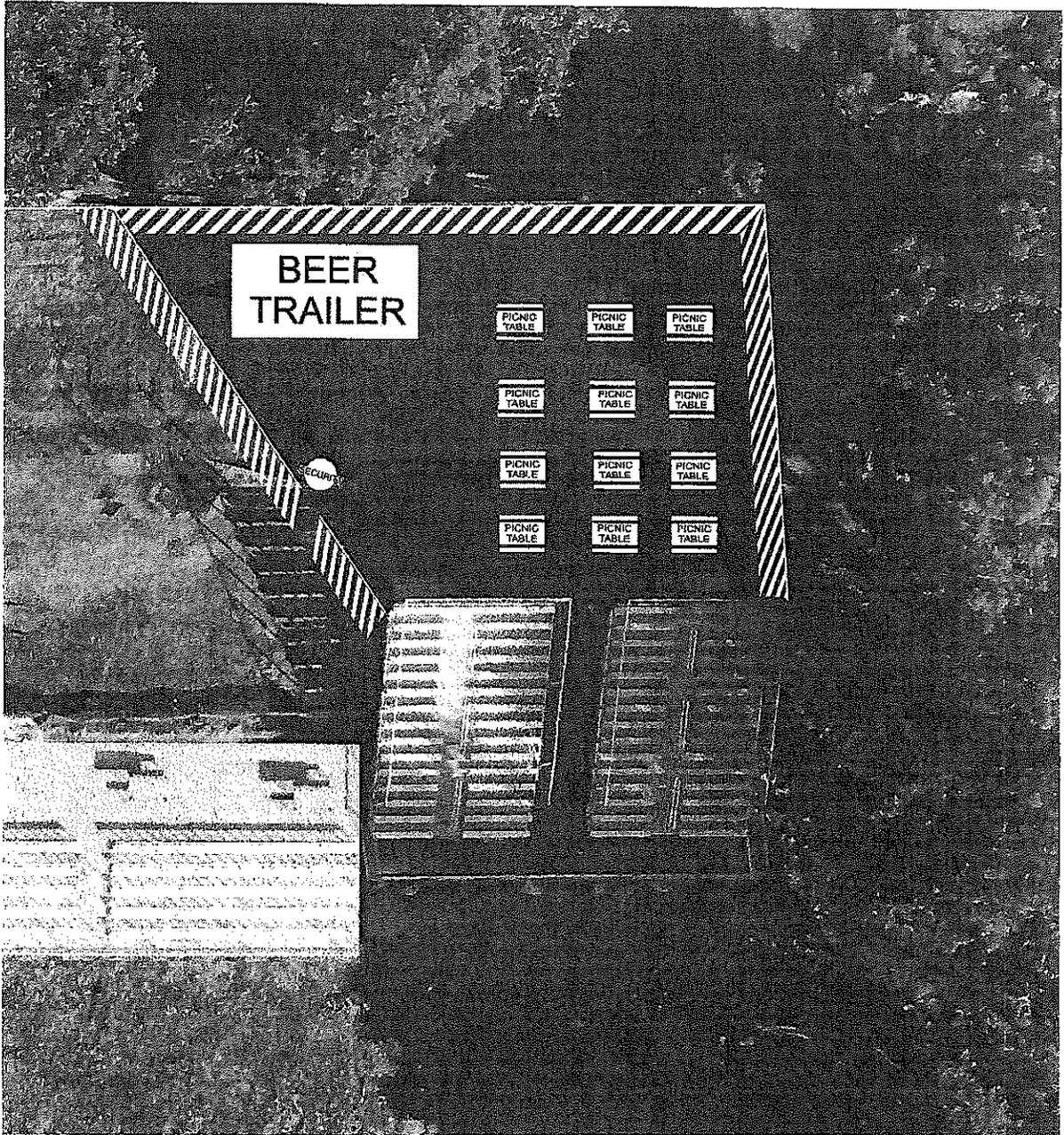
Hudson Speedway will comply with all state statues regarding the sales of alcohol.

Sincerely,

Ben Bosowski
Owner







TITLE XIII

ALCOHOLIC BEVERAGES

CHAPTER 178

LIQUOR LICENSES AND FEES

Section 178:22

178:22 On-Premises Cocktail Lounge Licenses. –

I. The commission may issue a license to the types of businesses listed in RSA 178:22, V in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license issued shall entitle the licensee to serve beverages, by the glass, by the bottle with cap removed or in any other suitable container, wines by the glass, by the bottle with the cork or cap removed or in any other suitable container, or liquor by the glass or other suitable container.

II. No person under the age of 18 shall be in the cocktail lounge unless accompanied by a parent, legal guardian, or adult spouse.

III. Except as provided in this paragraph, no beverages or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

IV. No beverages or liquor may be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. The commission may authorize the following types of businesses as they are defined in RSA 175:1 to sell beverages and liquor in cocktail lounges:

(a) Airports. The commission may issue a cocktail lounge license to any operator of an airport or designee. Such cocktail lounge license shall allow the licensee to serve liquor and beverages in such rooms as may be designated by the commission. Food and coffee shall be available without requiring a minimum or cover charge.

(b) [Repealed.]

(c) Ballrooms.

(1) The commission may issue a cocktail lounge license to any ballroom which has seating accommodations for at least 500 patrons. The cocktail lounge license shall allow the licensee to sell liquor and beverages to patrons but only at such times as "live entertainment," as defined in RSA 175:1, is being provided by the licensee.

(2) Any ballroom may open its facilities to the public for functions of a limited duration during which time liquor and beverages shall not be available to patrons and during which time all liquor and beverages shall either be removed from the area open to the public or locked and unaccessible to persons other than employees approved by the commission. Any licensee of a ballroom may so open the facilities upon notice in writing to the commission at least 5 business days prior to the function. If the facility is open for special functions at which time liquor and beverages are not available to patrons, the commission shall not impose any conditions as to who may attend such functions or whether or not live entertainment is provided so long as local fire and building code requirements are met.

(3) Any licensee of a ballroom may receive a supplemental license from the commission to close all or part of the ballroom facilities to the public for special social functions at which only bona fide members of a social club or organization or persons who have been invited to a family social function shall be admitted. The commission shall issue such a license to allow the licensee to sell liquor or beverages to persons attending such social functions if the licensee applies for one at least 5 business days prior to the function and pays a fee for each such function. If only part of the ballroom facilities are used for such a function, the licensee may operate the remaining facilities under his license issued under subparagraph (c)(1).

(d) [Repealed.]

(e) Caterers, On- and Off-Site.

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen

facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor and beverages with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor and beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:22, V(e)(1)(A), unless such premises which have been approved by the commission are capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year. The fee charged for such license shall be \$5 for 18, 36, or 52 events. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:22, I-IV. The caterer shall request the commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer's supplemental license without affecting any other license issued for the premises.

(2) The commission may issue a license to any person operating an off-site catering service or any person holding a full service restaurant license, hotel full service restaurant, brew pub, or convention center license to conduct an off-site catering business on the premises of other licensed establishments or the premises of any public building approved by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where liquor and beverages are sold. A license issued under the provisions of this paragraph shall allow the licensee to serve liquor and beverages with or without meals to members of a private party contracting for such service. Such caterers shall notify the commission not less than 5 days in advance of a function specifying the date, time, and location of the scheduled function. New premises and locations shall be approved by the commission at least 10 days before the scheduled event.

(3) For the purposes of subparagraph (e):

(A) "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation and shall in no way be construed to mean the general public.

(B) "Public building" means any building maintained and available for any person, group, or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical, unmovable barrier between the licensed business and the catered area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A public building shall not be construed to mean a private residence.

(4) Premises restrictions:

(A) The holder of a caterer's on- or off-site license shall ensure, at every function, that all state laws are complied with and that any entertainment provided shall be approved by the commission.

(B) On-site caterers and off-site caterers shall file, between January 15 and February 15 of each year, a certificate form with the commission covering food and beverage and liquor sales for the previous calendar year. All catered sales shall be noted on the certificate form which shall be furnished by the commission.

(f) College Clubs. A college or university club may be entitled to a license for the sale of beverages and liquor to members and guests in a room or rooms approved by the commission.

(g) Military Club. An operator or designee of a military club may be entitled to a license for the sale of liquor and beverages to members and guests in a room or rooms approved by the commission.

(h) Veterans' Clubs, Private Clubs, and Social Clubs.

(1) The commission may issue cocktail lounge licenses to private, social, or veterans' clubs incorporated under the laws of the state and which may be affiliated with any national fraternal organization, for the sale of liquor

and beverages to members and guests in a room or rooms approved by the commission. A licensee under this subparagraph shall sell for convenience and for a reasonable profit to be determined by the commission. Each licensee shall make a sworn report to the commission for each month on or before the fifteenth of the following month, in such form as the commission may require, showing the income from liquor and beverages sold and the expenses properly chargeable to the business for the month. The cost of the cocktail lounge license shall be considered an expense chargeable to the business. Veterans clubs which qualify as "club-veterans" under RSA 175:1, XXII shall be exempt from the requirements of subparagraphs V(h)(6)-(8), V(h)(9)(B)-(C), and V(h)(10)-(12).

(2) No person under the age of 18 shall be in any room where liquor and beverages are sold, except persons under the age of 18 shall be allowed in rentable rooms approved by the commission when beverages and liquor are served without a parent or guardian present at such times the club is using a supplemental license.

(3) The commission may issue to a club licensed under subparagraph (h)(1) a supplemental license to set up a separate bar facility to serve liquor and beverages to private groups in a rental hall approved by the commission. This supplemental license shall allow the club to hold up to 18 events, 36 events, or 52 events for the fees established in RSA 178:29, I. The club shall be responsible for compliance with this title and any rules adopted under it. The club shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any other license in effect on the club premises.

(4) Clubs may allow private groups to bring in or sell their own liquor and beverages in approved rental facilities provided there is a complete separation between the club area and the rental area.

(5) Every member of a club, affiliated with a national fraternal organization and licensed under subparagraph (h), shall be entitled to canteen privileges at every club with which his or her club is affiliated in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his or her person, and displays upon request, a current membership card of the national fraternal organization. A veterans' club licensed under subparagraph V(h) is authorized to permit, if approved by a majority of the members, the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges as if the members of the approved group or groups are members of the club.

(6) No licensee corporation shall enter into a contract with any person to provide services, equipment, or any other thing of value if that person is also a director, officer, or employee of the licensee corporation.

(7) No licensee corporation shall permit a person, either elected or appointed, to hold multiple corporate offices or permit an officer to hold the position of director.

(8) No licensee corporation shall permit a director or officer of the club to be an employee of the licensee corporation.

(9) All clubs shall annually provide written documentation to the commission which shall include:

(A) A certificate from the secretary of state which shall demonstrate that the nonprofit corporation holding a license under this subparagraph is registered and in good standing with the secretary of state;

(B) Minutes of all membership meetings, meetings held by officers and directors, and any special meetings;

(C) Copies of all contracts entered into between the licensee corporation and any director, officer, or manager of the licensee corporation, as well as any provider of services to the club.

(10) For the purposes of subparagraph (h):

(A) "Minutes" means detailed written memoranda of a transaction, proceedings, or club operations.

(B) "Contract" means any oral or written agreement between the licensee corporation and any other person, to do or not do a particular thing. The definition of a contract for the purposes of this section shall not be limited by its enforceability.

(11) No director, officer, or employee of a licensee corporation shall engage in any undertaking that shall place the personal interests of a person ahead of the interests of the membership of the club.

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by the enforcement division of the liquor commission and directed to the department of justice for examination of issues unrelated to this title.

(i) Convention Centers. The commission may issue a cocktail lounge license to any convention center. Such license shall allow the licensee to sell liquor and beverages in rooms approved by the commission, to persons within the convention center. Liquor and beverages shall be sold with meals in the public dining rooms. Persons under 18 years of age shall be accompanied by a parent, legal guardian, or adult spouse when in convention rooms where liquor or beverages are being sold. Patrons of any age may be allowed in the dining rooms.

(j) [Repealed.]

(k) **Hotel.** The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:21, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate 2 hours before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to a hotel.

(l) **One Day Licenses for Voluntary Nonprofit Organizations.**

(1) Notwithstanding the provisions of RSA 178:2, I, the commission may issue a limited license to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Such license shall authorize the licensee to sell, on premises approved by the commission, beverages and liquor on the approved premises.

(2) No license shall be issued under subparagraph (l)(1) unless the organization's representative obtains:

(A) Official approval of the chief of the local fire department as to the safety of the premises.

(B) Official approval of the local health department concerning sanitary accommodations.

(C) Official approval of the chief of police as to accessibility of the premises.

Written statements from such officials shall accompany the application for the license. Such application shall be filed with the commission 15 days before the date on which the license is needed.

(3) No person under the age of 18 shall be allowed in those areas where liquor and beverages are served, unless accompanied by a parent, legal guardian, or adult spouse. The selectmen of the town in which such licenses are held may, at their discretion, assign police officers to the premises where liquor or beverages are being served.

(4) No license shall be issued under subparagraph (l)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission or its investigators may suspend without warning any license issued under subparagraph (l)(1) if, in their opinion, such sale of liquor and beverages is contrary to the public interest.

(m) **Performing Arts Facility.** The commission may issue a cocktail lounge license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The cocktail lounge license shall allow the licensee to sell liquor and beverages to patrons in any rooms designated by the commission.

(n) **Race Tracks.**

(1) The commission may issue to any operator of a race track or designee a cocktail lounge license which shall allow the licensee to serve liquor and beverages to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission. Liquor and beverages sold by a licensee under this subparagraph need not be consumed with meals, provided that suitable food services, approved by the commission, are available for patrons. A licensee under this subparagraph may sell beverages and liquor on dates other than those on which races take place.

(2) Notwithstanding the requirements of RSA 178:22, II and V, a commercial motor vehicle racetrack facility with a paved course of at least 1/4 mile may elect to have an exception to the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:22, V(n)(1) to sell beverages only, from commission-approved beverage service facilities located in areas approved by the commission within the commercial motor vehicle racetrack facility and allow patrons to carry beverages, not exceeding 2 containers at any time as approved by the commissioner, to approved grandstand seating, other seating accommodations, or areas approved for alcoholic beverage consumption by the commission under such rules as the commission may adopt pursuant to RSA 541-A.

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed under this section may allow patrons to carry beverages into the facility for on-premises consumption with approval of the commission.

(o) [Repealed.]

(p) **Rail Cars.** The commission may issue a cocktail lounge license to any railroad or rail car corporation, or their designees, operating rail cars authorizing the licensee to sell liquor and beverages in such cars to be consumed in such cars. The license shall be good throughout the state in both license and non-license territory, and only one license shall be required for all cars operated on the same line by the same owner.

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

(r) [Repealed.]

(s) Vessels.

(1)(A) Watercraft. The commission may issue a cocktail lounge license to any owner or operator of a passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor and beverage in any area of the vessel approved by the commission.

(B) Any licensee may open its vessel to school groups, youth organizations, or other gatherings of persons under the age of 18 years, for functions of a limited duration during which time all liquor and beverages shall not be made available to patrons and during which time all liquor and beverages shall either be removed from the vessel or be locked and inaccessible to persons other than employees approved by the commission. Any licensee who opens its vessel to groups under age 18 shall give written notice to the commission of such function at least 5 business days prior to the function. The provisions of RSA 178:22, II shall not apply during these functions.

(2) [Repealed.]

(t) [Repealed.]

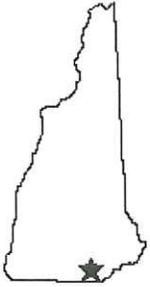
(u) Sports/Entertainment Complex.

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

(2) The commission may issue to any sports/entertainment complex licensed under subparagraph (u)(1) a supplemental license to set up a separate bar facility to serve liquor and beverages to private groups in any area approved by the commission. The supplemental license shall allow the sports/entertainment complex to hold up to 9 events, 18 events, 36 events, and 52 events for the fees established in RSA 178:29, I. The sports/entertainment complex shall be responsible for compliance with this title and any rules adopted under it. The sports/entertainment complex shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any license in effect on the sports/entertainment complex premises.

(v) Sports Recreation Facility. The commission may issue a cocktail lounge license to any operator of a sport recreation facility or its designee. The license shall allow the licensee to serve liquor and beverages to patrons in designated drinking areas as approved by the commission.

Source. 2003, 231:13. 2006, 109:1. 2007, 20:2; 36:2, 5, I-VI. 2009, 88:1, eff. June 11, 2009. 2015, 211:1, eff. Sept. 4, 2015. 2016, 313:5, eff. Aug. 23, 2016. 2018, 197:5, eff. Aug. 7, 2018.



TOWN OF HUDSON

Engineering Department



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-

RECEIVED

JUL 23 2020

TOWN OF HUDSON
SELECTMEN'S OFFICE

8A

INTEROFFICE MEMORANDUM

TO: Steve Malizia, Town Administrator
Board of Selectmen

FROM: Elvis Dhima, P.E., Town Engineer

DATE: July 20, 2020

RE: Public Hearing Related to Outdoor Water Usage Ban

Mr. Malizia,

Attached please find the Policy and Procedures regarding the Outdoor Water Usage Ban Fines and Fees, for the July 28, 2020 Public Hearing.

The Public Hearing was posted and advertised in the Union Leader on July 17, 2020 and on the Town's webpage, HCTV and Facebook regarding the Water Ban fines and fees schedule

Motion:

To open the Public Hearing for the Outdoor Water Usage Ban proposed fines and fees schedule.

Motion:

To approve the Town of Hudson Water Utility Rules and Regulations, Outdoor Water Usage Ban fines and fees schedule.

TOWN CODE: CHAPTER 274
TOWN OF HUDSON WATER
UTILITY
Rules and Regulations

IX. Outdoor Water Ban

Objective:

The water ban is in place to protect the integrity and ensure availability for domestic use, public health and fire protection. Our priority is to maintain adequate storage tank levels and system pressure throughout the Hudson Water Utility area of service.

Reporting Agents:

Town employees and Water Operation staff are the reporting agents authorized to implement and execute the water ban.

The Town will also have three volunteer residents of Hudson appointed by the Board of Selectmen with one year term. The term will start annually April 1st and end November 1st. They will coordinate their effort, schedule, findings and report to the Engineering/Water Department. The volunteers will only report violations and will not interact with offenders. They will be required to wear Town issued ID.

Enforcement of Water Restriction:

First time violators will receive a written warning for non-compliance from the Water Department, and further instances that violate outside usage restrictions will result in fines and/or disconnection of service.

Water Ban Tier Classifications:

Tier 1: Voluntary Odd/Even Days - Lawn Restrictions

All residents and businesses with odd numbered addresses may use outdoor water on odd numbered days.

All residents and businesses with even numbered addresses may use outdoor water on even numbered days.

Lawn watering is recommended from 12 AM to 7AM only.

Tier 2: Mandatory Odd/Even Days - Lawn Restrictions

All residents and businesses with odd numbered addresses may use outdoor water on odd numbered days.

All residents and businesses with even numbered addresses may use outdoor water on even numbered days.

All water customer's activities outside of the exception list below shall comply with the ban.

Washing of vehicles including automobiles, trailers, trucks, etc., by hand held hose will not be allowed.

Lawn watering will only be allowed from 12 AM to 7AM.

Tier 3: Total Ban on Outside Water Usage

All outside water usage is banned with the exception of:

Hand held water cans for use in vegetable and flower gardens on any day.

Annual Outdoor Water Usage Restriction Schedule:

Outdoor Water Usage Restriction will be in effect each year, from May 1st through October 1st.

Implementation of the Water Bans:

Tier 1: This restriction is automatically in effect each year, starting May 1st

Tier 2 & Tier 3: These restrictions shall require Board of Selectmen approval, per Town Engineer and Water Operator's request and recommendation.

Exceptions to the Water Ban, Tier 2 & 3:

- A. Watering by hand held hose is allowed for incidental use only, such as filling watering cans, children's pools of no greater than 100 gallons, and vegetable gardens.
- B. Businesses related to commercial car washes, cash crops, farms, flower shops or garden centers.
- C. Water usage required to sustain animal life.
- D. Properties that obtain water from other sources than the Hudson Water Utility i.e. private wells.
- E. Water customers who can prove that they have an irrigation well and their irrigation system is disconnected from the Town Water Utility.
- F. All town facilities with activities associated with vehicle maintenance.
- G. Charity or community events with special permission by Board of Selectmen and Town Engineer.

Fee/Fine Structure for Tier 2 & 3 Violations

1st Offense: Written warning hand delivered to site of violation by Town employees or Water Operation staff.

2nd Offense: \$100 fine

3rd Offense: \$250 fine

Each Subsequent offense: \$500 fine and shut off water service

All current fees will be applicable in addition to fines including, but not limited to, fees for water shut-off and turn-on. Fines shall be included on the regular monthly bill and the same rules shall apply to regular billing requirements and be delivered by the Water Department. All applicable

fee/fines timeline resets each year on May 1st and does not carry over from year to year.

Reporting of Violations by Residents:

All reports of violations from residents shall be in writing and submitted to:
HUDSONWATERBAN@HUDSONNH.GOV

The reporting must include the following:

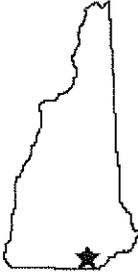
Address of the property in violation of the ban
Time of the violation
Date of the violation
Pictures related to the violations

All violations shall be reported on the same business day of the violation.

Notifications:

All water customers shall be notified about the **Tier 1** water ban, before each season and information will be included with their regular water bill. In addition, the **Tier 1** water ban will be posted on the Town website, Hudson Cable Television, and the Town's Facebook page.

All water customers shall be notified by **Code Red** about the **Tier 2 and 3** water ban. In addition, the **Tier 2 and 3** water ban will be posted on the Town website, Hudson Cable Television, and the Town's Facebook page.



TOWN OF HUDSON

Water Department



12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6002 · Fax: 603-816-1291

Annual Water Ban in Effect May 1st through October 1st

Dear Valued Water Customer:

You are receiving this notice because we are entering the Water Ban Season starting on May 1st and running through October 1st.

Please find below the Tiers related to the water ban going into effect.

Water Ban Tier Classifications

Tier 1- Voluntary Odd/Even Days Lawn Watering Restrictions, takes effect May 1st.

Tier 2- Mandatory Odd/Even Days Outdoor Water Usage Restrictions, not in effect at this time.

Tier 3- Total Ban on Outside Water Usage, not in effect at this time.

For further information please visit the Town website (www.hudsonnh.gov) or Town Facebook page.

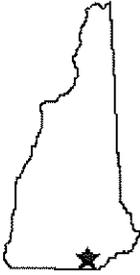
Your cooperation during this time is key to protect the integrity and ensure availability of water for domestic use, public health and fire protection. Our priority is to maintain adequate storage tank levels and system pressure throughout the Hudson Water Utility area of service. Please plan accordingly during this time to comply with the water ban.

Outside Watering is recommended between 12:00 AM - 7:00 AM, for Tier 1, **Mandatory** for Tier 2 and **NOT Allowed** for Tier 3.

There are exceptions made and you may contact the Hudson Water Department for more information or visit the Town website or Town Facebook page.

Should you have any questions or need additional information, please feel free to contact the Water Department at (603) 886-6002.

The Hudson Water Department would like to thank all of its valued customers in advance for your cooperation in this matter.



TOWN OF HUDSON

Water Department



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6002 • Fax: 603-816-1291

Water Ban Violation

Dear Valued Water Customer:

You are receiving this notice because you were found in violation of the water ban **Tier 2 or 3**, currently in place. The date of the most recent violation is _____.

Water Ban Tier Classifications:

Tier 2- Mandatory Odd/Even Days Outdoor Water Usage Restrictions

Tier 3- Total Ban on Outside Water Usage

The outside watering restriction is **mandatory for Tier 2** and outside water usage is **not allowed for Tier 3.**

Fee/Fine Structure for Tier 2 & 3:

1st offense: Written warning hand delivered to site of violation. Date: _____

2nd offense: \$100 fine Date: _____

3rd offense: \$250 fine Date: _____

Each Subsequent offense: \$500 fine and shut off of water service. Date: _____

The fine amount, if applicable, will be added to your next monthly bill.

Your cooperation during this time is key to protect the integrity and ensure availability for domestic use, public health and fire protection. Our priority is to maintain adequate storage tank levels and system pressure throughout the Hudson Water Utility area of service.

Should you have any questions or need additional information, please feel free to contact the Water Department at (603) 886-6002.

Town of Hudson
Public Hearing

Pursuant to RSA 38:26, I and II, the Board of Selectmen shall hold a Public Hearing on July 28, 2020, in conjunction with its regularly scheduled meeting starting at or around 7:00 p.m., in the Selectmen's Meeting Room at Town Hall, 12 School Street, to receive input from town residents on amending Hudson Town Code, Chapter 274, Town of Hudson Water Utility, Water Ban, Fees/ Fines:

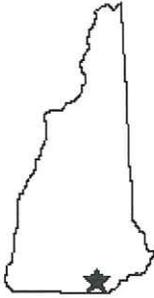
§ 274-Proposed Mandatory Outdoor Water Ban- Fee/Fine Structure for Tier 2 & 3

1st Offense: Written warning hand delivered to site of violation by Town employees or water operation staff.

2nd Offense: \$100 fine

3rd Offense: \$250 fine

Subsequent offense: \$500 fine and shut off water service



TOWN OF HUDSON MODERATOR

RECEIVED
JUL 15 2020
TOWN OF HUDSON
SELECTING OFFICE



Agenda
7-28-20

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6024 • Fax: 603-598-6481

8B

DRAFT PLAN FOR VOTING ACCESS AND SAFETY SEPTEMBER 8TH PRIMARY AND THE NOVEMBER 3RD PRESIDENTIAL ELECTION

Assuming that the current Emergency Guidance in response to the COVID-19 pandemic will be in place for the Fall Elections, I recommend the following procedures for voting:

- All Hudson voters will be encouraged to register and vote by Absentee Ballot as allowed by guidance from the Secretary of State's and Attorney General's Offices.
- Notice of the ability to vote and register absentee will be sent to every home/voter in Hudson (this will probably be sent State-wide by the SOS). I will follow-up with multiple public service announcements and reminders on HCTV and public notices throughout Town.

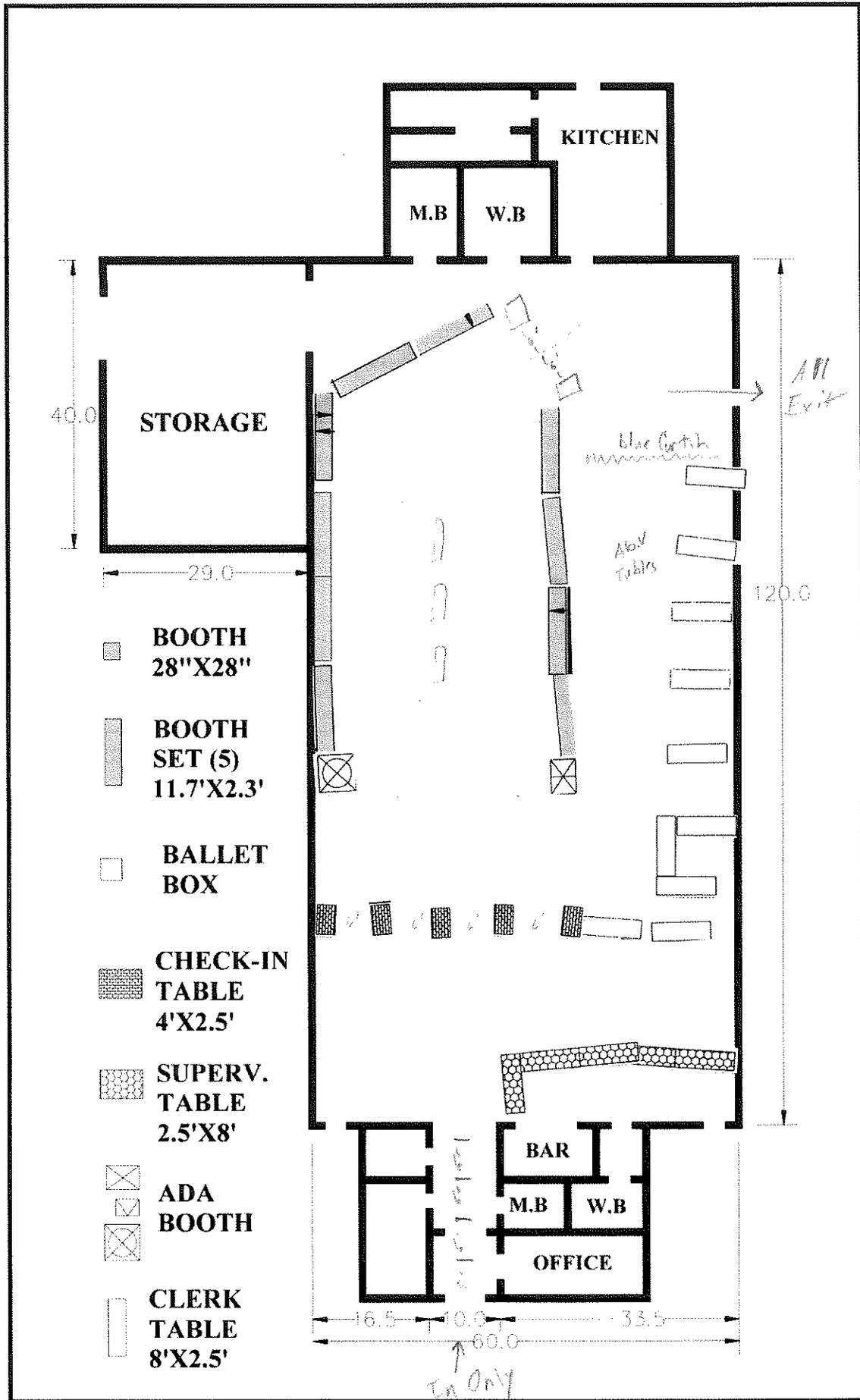
In-person voting and same-day registration will occur as follows:

- Entry to the Community Center Polling place will require face masks to be worn at all times and 6 foot social distancing will be maintained. Masks will be provided for those without. I will request one Police Officer at the door to assure compliance.
- Hand sanitizer stations will be available after the ballot boxes. Additionally, gloves and sanitizers will be available to the staff as well as wipes for the registration and check-in tables.
- Registration area and Check-in Tables will have plexiglass shields for the safety of the Ballot Clerks. All staff will wear face masks.
- After check-in, the voter will be given a ballot, a pen, and a paper mat to be used in the voting booth.
- Voting Assistants will attempt to have voters use every other or third booth to maintain as much distance as possible. This will require a limitation on the number of voters allowed in the polling place at a time.
- The Ballot Boxes will be situated 12 feet apart at the exit to allow for distance when voters place the ballot in the machines. Assistant Moderators at the boxes will wear face shields along with the face masks. A recycle bin will be available at the Ballot Boxes for discarding the paper mats.
- All voters will exit out the rear side door of the Community Center. There will be no refreshments available.

This plan will be flexible as conditions change. A decision on the location for the Nov. 3rd election will depend on the number of requests for Absentee Ballots.

Estimated voters based on historical totals and 70% absentee ballots:

Sept Primary – 3000 voters	2100 absentee	900 in-person	69/hour
Nov. Presidential – 13,500 voters	9450 absentee	4050 in person	312/hour





TOWN OF HUDSON

Finance Department



Agenda
7-28-20

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603 881-3944

8D

To: Steve Malizia, Town Administrator

From: Kathy Carpentier, Finance Director 

Date: July 23, 2020

Subject: Recommendation—Purchase Two Six Wheel Dump/Plow Trucks

RECEIVED

JUL 23 2020

TOWN OF HUDSON
SELECTMEN'S OFFICE

Please accept this recommendation to be put on the Board of Selectmen's next agenda.

Recommendation:

I agree with the recommendation of Public Works Director Jess Forrence to purchase two (2) six wheel dump/plow trucks from the lowest bidder, Freightliner of NH, in the amount of \$269,216 and enter into a 5 year lease for this purchase.

Bid Information:

The project was advertised in the Telegraph, Lowell Sun, on the Town website, on the NHMA website, Facebook and Twitter. The request for proposal was directly mailed to three (3) vendors and emailed to other vendors as requested. Three (3) sealed bids were received and opened at a formal bid opening on Wednesday, July 15, 2020 at 10:00am.

Budget Information:

In the fiscal year 2021 Public Works budget there is \$64,000 budgeted with 25% in four departments: Streets (5552-401), Drains (5554-401), Parks (5556-401) and Sewer (5562-401) for the first year lease payment.

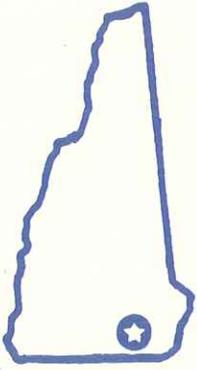
Motion:

To award the bid to purchase two (2) six wheel dump/plow trucks to Freightliner of NH, the lowest bidder, in the amount of \$269,216 and enter into a five (5) year lease purchase as recommended by the Public Works Director and the Finance Director.

Cc: Jess Forrence, Public Works Director

TOWN OF HUDSON

Public Works



2 Constitution Drive Hudson, New Hampshire 03051 603/886-6018 Fax 603/594-1143



To; The Board of Selectmen

From; Jess Forrence Public Works Director

Date; July 21, 2020

RE: Truck Lease Purchase

The Public Works Department has completed the bid process for a 5 year lease purchase for two (2) new (6) wheeled dump/plow truck and did receive (3) three very complete bids with the low bid going to Freightliner of NH. I am recommending awarding the low bid to Freightliner of NH and requesting funding that was approved in the FY 21 budget. These trucks will be used in all department within the public works, streets, drain/sewer, parks and a big help with winter maintenance. The first years funding will be paid from the following accounts, Streets 5552- 401 \$14,245.77, Drains 5554- 401 \$14,245.77, Sewer 5562- 401 \$14,245.77 and Parks 5556-401 \$14,245.77 with the first annual payment of \$56,983.08 being made upon delivery.

Thank you.

Cc; Kathy Carpentier, Finance Director

Office of the Town Clerk/Tax Collector
 6 Wheel Dump Trucks with Snow Removal Equipment
 Wednesday, July 15, 2020 @ 10:00am

Name & Address		Received		Bid Price
		Date	Bid Price	
Freightliner of NH	Fairfield	15-Jul-20	134,987 per unit	269,974
8 Horizon Dr, Londonderry, NH 03053	Dowson *	9:40am	134,608 per unit	269,216
New England Kenworth		15-Jul-20	143,664 per unit	287,328
24 Hall St, Concord, NH 03301		9:41am		
Liberty International	Fairfield	15-Jul-20	138,796 per unit	277,592
	Dowson	9:42am	139,917 per unit	279,834
Respectfully Submitted: 				
				
cc: Selectmen				
Finance				
Highway				

BID FORM

BID: 6 Wheel Dump Trucks with Snow Removal Equipment

Town of Hudson
Public Works Department
2 Constitution Drive
Hudson, NH 03051

BID DUE DATE: Wednesday July 8, 2020

BID SUBMITTED TO:

Town of Hudson
Public Works Department
2 Constitution Drive
Hudson, NH 03051

BID PROPOSAL:

Bid Price per unit	\$ <u>134,608</u>
Total Bid Price	\$ <u>269,216</u>
Delivery Date	\$ <u>180 Days</u>

w/ Donover Equipment

Bid specifications must be attached to this bid form.

The undersigned bidder agrees, if this Bid is accepted, to furnish the Town all items indicated in the bid specifications, for the bid amount, within the time frame indicated.

Submitted on: 7/15/20
Date:

By: Mike Marsden Sales
Name and Title:

Company: Freightliner of N.H. inc.
Corporation's Name

P Horizon Drive Londonderry N.H. 03053
Address

603-724-3502
Phone number

Freightliner of New Hampshire

July 15, 2020

FORMAL PROPOSAL

OBLIGOR: TOWN OF HUDSON, NH

- ✓ This is a finance/ownership contract. No residual value.
- ✓ Fixed interest rate for the five (5) year term.

EQUIPMENT: (2) NEW 6 WHEEL DUMP TRUCKS WITH PLOW

OPTION 1

Acquisition Cost:	\$269,216.00	Term:	Five (5) years	First Payment Due:	One Month from Close
Down Payment:	\$ 0.00	Payment Mode:	Annual in Advance	Payment Amount:	\$56,983.08
Trade In:	\$ 0.00	Interest Rate:	2.790%		
Principal Balance:	\$269,216.00	Rate Factor:	0.211663		

OPTION 2

Acquisition Cost:	\$269,216.00	Term:	Five (5) years	First Payment Due:	One Year from Close
Down Payment:	\$ 0.00	Payment Mode:	Annual in Arrears	Payment Amount:	\$58,432.52
Trade In:	\$ 0.00	Interest Rate:	2.790%		
Principal Balance:	\$269,216.00	Rate Factor:	0.217047		

- **This is a proposal only and is not a commitment to finance. This proposal is subject to credit review and approval and proper execution of mutually acceptable documentation.**
- Failure to consummate this transaction once credit approval is granted and the documents are drafted and delivered to Obligor will result in a documentation fee being assessed to the Obligor.
- This transaction must be credit approved, all documents properly executed and returned to Freightliner of New Hampshire and the transaction funded on ALL proposals on or before August 14, 2020. If funding does not occur within that time-frame, or there is a change of circumstance which adversely affects the expectations, rights, or security of Obligee or its assignees, then Obligee or its assignees reserve the right to adjust and determine a new interest rate factor and payment amount, or withdraw this proposal in its entirety.
- This transaction must be designated as tax-exempt under Section 103 of the Internal Revenue Code of 1986 as amended.
- **OBLIGOR'S TOTAL AMOUNT OF TAX-EXEMPT DEBT TO BE ISSUED IN THIS CALENDAR YEAR WILL NOT EXCEED THE \$10,000,000 LIMIT, OR THE INTEREST RATE IS SUBJECT TO CHANGE.**

FREIGHTLINER OF NEW HAMPSHIRE

TOWN OF HUDSON, NH

Signature

Title

Signature

Title

Date

Date

PUBLIC NOTICE

INVITATION TO BID

TWO (2) Six (6) WHEEL DUMP/PLOW TRUCKS

The Town of Hudson, New Hampshire, Public Works Department is requesting sealed bids for the lease purchase of Two (2) Six (6) Wheel Dump / Plow Trucks.

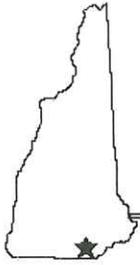
Bid specifications, or additional information, may be obtained from Jim Lavacchia, Public Works Department Supervisor, at 2 Constitution Drive, Hudson, NH at 886-6018, Monday through Friday from 7:00 a.m. to 3:00 p.m. or at jlavacchi@hudsonnh.gov

Bids must be submitted to the Town of Hudson, Office of the Town Clerk, 12 School Street, Hudson, NH 03051, by 10:00 a.m. Wednesday July 15, 2020 in a sealed envelope clearly marked “ **SIX WHEEL DUMP / PLOW TRUCKS: BID**”, on the outside of the envelope.

The Town of Hudson reserves the right to waive any informalities, or to accept or reject any or all bids, to require test proving of proposed equipment by whatever means deemed necessary or to accept such bids as deemed in the best interest of the Town.

The Town of Hudson is an Affirmative / Equal Opportunity Employer and encourages proposals from all qualified firms

Agenda
7-28-20



TOWN OF HUDSON

Information Technology Department



8E

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000, ext 1229 • Fax: 603-881-3944

To: Board of Selectmen
From: Lisa Nute, IT Director *Lisa Nute*
Date: July 21, 2020
Subject: Technology to support the process of tracking employee work time
Re: **Motion by BOS June 23, 2020:**

RECEIVED
JUL 23 2020
TOWN OF HUDSON
SELECTMEN'S OFFICE

For IT to explore a computerized time keeping system for employees of Town Hall, Rec Center, Senior Center and HCTV, we should have something in writing for the second meeting in July.

Currently there is only one department in the Town of Hudson with a true time clock system. That is DPW and they are just now setting up payroll codes into this new system called CheckMate by Kronos. Each user will carry a wallet-sized card they swipe across a reader upon entering or exiting DPW and it records that time. I have included the cost of this system as item #3 below should the Board of Selectmen wish to have some uniformity between departments in the future.

The following are possible solutions to help supervisors in their process of keeping their department member's payroll accurate. These are in order of least cost.

Solutions for an Employee Check-in Process

1. Utilize Microsoft Excel, already familiar to many employees

This first solution is "free" and utilizes applications we already have in-house but we will need to work around a security risk. We would use an Excel document which records a user's "punched" time. The employee logs in to their own PC, opens the document from

a shortcut on their desktop, and clicks the "Check In" or "Check Out" button. Their time is recorded based on the time of the PC they're logged into. Managers would have access to reporting for their employees but we also must ensure we can work around a security concern.

- Pros:**
- a. Simple to use for users and their supervisor.
 - b. Requires no additional hardware.
 - c. This could be filled in from an employee's home if they have access, such as employees currently working remotely during the COVID pandemic.
 - d. Reporting on subordinates can be limited to just one department due to separate installations.

- Cons:**
- a. If a user does not have an opportunity to log in right away, they may appear to be late any amount of time. For instance, if they forgot their password after vacation and need time to reset that, or if they were approached in the parking lot or hallway to tend to a matter of concern, they would not "punch in" on time.
 - b. Only one user at a time can use the system. Therefore, if someone checks out and forgets to close the program before leaving, the program is locked out. The first employee in cannot get in. To minimize this problem, we will install separate programs for each department. If someone has tied up the program, members can check with the handful of people in their own office and have their fellow employee close it out. (Separate installations also keep reporting on subordinates contained to the one supervisor in that department).
 - c. Supervisors of more than one department will need access to each individual program. The Town Administrator, for instance, will need to log in to each database if he wishes to review the reports for all employees. We will give him seven different shortcuts to each program rather than one.

Work-arounds:

- d. In order to capture the time the employee clicks, a small program called a macro is set off and runs. We currently block macros from running on our network because this is a vector for malicious content to be included in an executed Microsoft Office document attached to email. To get around this security concern, we will set up individual accounts for each department or computer and configure their logins to allow this macro to run. We believe we can make it secure in this manner.

2. Expand upon a system we already have in place at the Senior Center.

Currently, senior citizens check in and out of their activities. This is accomplished through software called "People Track" and is tied in to an ID system where pictured ID cards are issued to each member with a bar code.

The software came with three licenses for the People Track software. If IT used spare systems we have in surplus, four additional kiosks could be set up in Town Hall, HCTV and Hudson Community Center for employees to use.

Pros: a. Cost is minimal. I would need a small PC and touch screen monitor (electricity, network required) wherever the employees were expected to check in. For each PC, there is a People Track license required but we already own three.

b. Employees carry one ID/access card. We already carry Town ID's and the same card is used for this system, printed with a bar code on it.

c. We already have card printers/ID systems in place at both Town Hall and the Senior Center for this purpose.

Cons: a. This solution cannot be accessed remotely as we currently use it. However, there is a cloud-based solution that would cost an additional \$400-\$600 per year for us to migrate to that model if desired.

b. Soft costs are involved regarding a users' time to create a new form for the check-in/out process to include appropriate payroll codes, and to include a bar code on each user's Town ID. The ID card is swiped in order to be recognized on the system.

c. There is hardware and licensing costs to set up 5 locations. Costs are one-time except for maintenance on the scanners if desired and annual license renewal. There is no recurring subscription per user or to lease equipment.

d. Supervisors could call up reports on departments other than their own.

EQUIPMENT COST

a. Small PC for check-in	QTY 4 @ \$980	N/A if we use old spares*
b. People Track license	QTY 4 @ 147 ea	\$588
c. Kiosk software license	QTY 4 @ 14 ea	<u>\$56</u>
d. Bar code scanners	QTY 4 @ 224 ea	\$896

e. Touch screen monitor QTY 4 @ 300 ea \$1200

TOTAL COST FOR FIVE LOCATIONS: \$2,740

*Electricity and network connection would need to be available at the site of the kiosk.

3. Kronos CheckMate Workforce software (DPW)

Lease additional licenses and card readers for each location. This is the system that DPW will begin using soon. The employee carries a small card that fits in a wallet. They will swipe the card reader at the entrance of the building. Reports can be run from a web interface and the software is a subscription online.

Pros: a. Remote users may punch in using their cell phone or a home PC.

b. Reporting may be accessed remotely by supervisors.

c. GIS option allows supervisors to verify that employees punched in from the facility and not on the way to the facility, or from their house and not the local pub ☺.

Cons: a. Cards can be lost or stolen.

b. A recurring annual lease per employee and equipment costs.

Cost: \$800 one-time setup fee per system	5 locations = 4,000
\$4/mo subscription per active employee	40 employees = 1,920/yr)
\$3 per employee card. First 30 are free.	10 cards = 30

TOTAL COST FOR FIVE LOCATIONS: \$5,950 -- First Year
\$1,920 --- Annually thereafter



TOWN OF HUDSON



Agenda
7-28-20

Planning Department

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

8F

TO: Steve Malizia, Town Administrator
Board of Selectmen

FROM: Brian Groth, AICP, Town Planner

CC: Timothy Malley, Chairman, Planning Board

DATE: July 23, 2020

RE: Impact Fee Ordinance – BOS input

I am requesting input from the Board of Selectman regarding the application of our Impact Fee Ordinance, specifically as it applies to the proposed Greenmeadow project. I have attached our Impact Fee Ordinance with specific passages highlighted for discussion purposes. Under standard collection methods, impact fees for commercial development may only be used for roadway capacity or safety improvements. By utilizing the provisions of §334-74.3, there is an opportunity to give the Town flexibility in how a particular impact fee may be used. Examples of how impact fees may be used include recreational amenities, energy efficiency projects, building improvement and facility upgrade projects, etc. These must be done during the Planning Board review process. If the Board of Selectmen are interested in possibly expanding what the impact fees collected for the proposed Greenmeadow project could be used for, now is the appropriate time to discuss if the Board of Selectmen would like the Planning Board to consider this when discussing impact fees during their review process.

Article XIV
Impact Fees

[Amended 3-12-1996]

§ 334-74 (Reserved)

[[1]§ 334-74.1 **Applicability of article.**

- A. This article, as well as regulations and studies adopted by the Planning Board consistent with and in furtherance of this article, shall govern the assessment of fees imposed upon development, including subdivision, building construction or other land use change, in order to meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; waste water treatment and disposal facilities; sanitary sewer; stormwater, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. This article is authorized by New Hampshire RSA 674:21, as an innovative land use control.
- B. The Town of Hudson's Master Plan and Capital Improvements Program have incorporated Town-wide transportation, library, school and recreation expansion plans which identify corresponding capital improvement needs. New development shall be assessed a proportional share of the municipal capital improvement costs which are reasonably related to the capital needs created by the development referenced above and to the benefits accruing to the development from the capital improvements financed by the fee. New development shall be assessed a proportional share of new improvement costs, insofar as new growth places an increased burden on the municipality's capital facilities, including library, school, recreation and transportation facilities. In the future, the Hudson Planning Board may adopt studies and regulations which provide for the assessment of an impact fee upon development with respect to any of the other enumerated capital facilities owned or operated by the municipality for which an impact fee is not presently assessed, but upon which a fee may be lawfully assessed.

§ 334-74.2 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

FEEPAYER

The person, whether individual or corporate, who pays an impact fee in conjunction with the issuance of a building permit or occupancy permit.

NEW DEVELOPMENT

The subdivision, building construction or other land use change which results in:

- A. A net increase in the capital facilities service demands as identified in the Planning Board's

impact fee schedules; or

- B. The conversion of a legally existing use to another use or activity which created an increase in capital facilities service demands.

§ 334-74.3 Imposition of roadway improvement impact fee.

- A. Any person who seeks to commence new development in the Town of Hudson shall pay an impact fee in the manner and amount set forth in § 334-74.4.
- B. A person may request a full or partial waiver of impact fee payments from the Planning Board if the Board agrees to accept as equivalent value, proposed contributions of land, easements or other improvements. The value of on-site or off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer regardless of the impact fee regulations, shall not be considered eligible for waiver under this article.
- C. Impact fees shall be computed on a fair-share basis, public share and private share.

§ 334-74.4 Computation of impact fee.

- A. The amount of the impact fee shall be determined by an Impact Fee Schedule prepared in accordance with the methodology adopted by the Planning Board.
- B. In the case of new development created by the conversion or modification of an existing use, the impact fee shall be based upon the net increase in capital facilities service demands arising from the new use as compared to that which was or would have been assessed upon the previous use.

§ 334-74.5 Assessment and payment of impact fee.

[Amended 3-8-2005 by Amdt. No. 1]

Impact fees shall be assessed by the Planning Board at the time of subdivision or site plan approval, and shall be stated in the Board's Notice of Decision. When no Planning Board approval is required, impact fees shall be assessed prior to, or as a condition for the issuance of, a building permit or other appropriate permission to proceed with development. Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. The Planning Board and the developer or feepayer may agree on an alternate, mutually acceptable schedule of impact fees payments. If an alternate schedule of payment is established, the Town may require the posting of a bond or issuance of a letter of credit to guarantee future payment of the assessed impact fees.

§ 334-74.6 Appeals.

- A. If a feepayer elects to dispute the amount of the impact fee, the feepayer may prepare and submit to the Planning Board an independent fee calculation study for the new development activity which is proposed. The Planning Board shall review such study and render a decision. All costs incurred by the Town for the review of such study shall be paid by the feepayer.

- B. The decision of the Planning Board may be appealed to the Superior Court as provided by RSA 677.15.

§ 334-74.7 Administration of funds collected.

- A. All funds collected shall be properly identified and promptly transferred for deposit in individual impact fee accounts for each of the projects for which fees are assessed and shall be used solely for the purpose specified. Impact fee accounts shall be special revenue funds accounts and under no circumstances shall such revenues accrue to the general fund.
- B. The Town Finance Department shall have custody of all fee accounts and shall pay out the same only upon written approval of the Board of Selectmen.
- C. The Town Finance Department shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership, Tax Map and lot reference number of properties for which fees have been paid under this article for a period of at least six years.

§ 334-74.8 Refund of fees paid.

For plans which received application acceptance after July 1, 1993, and in conjunction therewith had an impact fee imposed as a condition of Planning Board approval, the person who paid the impact fee shall be entitled to a refund of that fee, plus accrued interest where:

- A. The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the complete payment of the fee; or
- B. The calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the municipality, and the legislative body has failed to appropriate the municipality's share of the capital improvement costs within six years from the complete payment of the impact fee.

§ 334-74.9 Credits.

- A. Land and/or public capital facility improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board. The Planning Board may authorize the feepayer an impact fee credit in the amount of the value of the contribution.
- B. Any claim for credit must be made prior to the Planning Board vote on subdivision/site plan approval or disapproval.
- C. Credits shall not be transferable, and run only with a specific subdivision or site plan approval.
- D. Credits shall not be transferable from one type of the public capital facilities impact fee to any other impact fee type.

E. Determinations made by the Planning Board pursuant to the credit provisions of this section may be appealed to the Superior Court in accordance with RSA 677:15.

§ 334-74.10 **Additional assessments.**

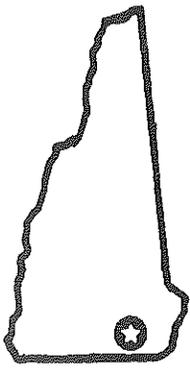
Payment of an impact fee does not restrict the Town or the Planning Board from requiring other payments from the feepayer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and facilities specifically benefiting the development which are required by the subdivision or site plan review regulations or as otherwise permitted by law.

§ 334-74.11 **Premature and scattered development.**

Nothing in this article shall be construed to limit the existing authority of the Hudson Planning Board to deny new proposed development which is scattered or premature, to require an unbudgeted expenditure of public funds or to otherwise violate the Town of Hudson Zoning Ordinance or the Hudson Planning Board Site Plan Review Regulations or Subdivision Regulations.[2]

§ 334-74.12 **Review of schedule.**

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, using the methodology established. Such review may result in recommended adjustments in one or more of the fees based on the most recent available data regarding current construction cost information.



TOWN OF HUDSON
Office of the Town Administrator
12 School Street
Hudson, New Hampshire 03051



Stephen A. Malizia, Town Administrator – smalizia@hudsonnh.gov – Tel: 603-886-6024 Fax: 603-598-6481

8G

To: Board of Selectmen
From: Steve Malizia, Town Administrator
Date: July 21, 2020
Re: Benson Park Kitchen Building roof

Attached please find correspondence from Richard Empey, Chairman of the Benson Park Committee recommending that the temporary roof on the Kitchen Building at Benson Park be replaced with another temporary roof. Mr. Empey has provided a quote in the amount of \$4,000 to strip the existing roof and replace it with a temporary asphalt shingle roof. This is not a budgeted expense, so a line item transfer will be necessary should the Board of Selectmen vote to replace this roof. I would recommend that funds be transferred from the Recreation Supervised Play account (5821-104) Seasonal Salary account to the Parks Division, Building Maintenance account (5556-224). Should the Board of Selectmen vote to replace the roof on the Kitchen Building at Benson Park, the following motion is appropriate:

Motion: To replace the temporary roof on the Kitchen Building at Benson Park with another temporary roof with the funds to be transferred from the Recreation Supervised Play, Seasonal Salaries account, 5821-104 to the Parks Division, Building Maintenance account 5556-224.

Should you have any questions or need additional information, please feel free to contact me.

July 17, 2020

Steve,

This is a quote for a "temporary" roof on the kitchen at Benson Park. It has a life expectancy of 30+ years. The existing temporary roof, which has been on the building since 2004, is in poor condition and is beginning to leak around the edges. Selectman Morin will be in to discuss presenting this proposal at the July 28 meeting of the BOS.

Dick Embrey

PROPOSAL

ANDERSON ROOFING
 Dave McGarry
 453 Mammoth Road
 Pelham, NH 03076

PROPOSAL NO.
SHEET NO.
DATE

PROPOSAL SUBMITTED TO:

NAME <i>Senson Park</i>
ADDRESS <i>19 Kimball Hill Road</i> <i>Hudson, NH 03051</i>
PHONE NO. <i>883-0230</i>

WORK TO BE PERFORMED AT:

ADDRESS <i>19 Kimball Hill Road</i> <i>Hudson, NH 03051</i>
DATE OF PLANS
ARCHITECT

We hereby propose to furnish the materials and perform the labor necessary for the completion of *Kitchen roof*

- Strip roof
- install synthetic paper to cover ~~roof~~ ~~of~~ plywood roof deck
- install new brown 7 inch aluminum drip edge
- install certain teed pro shingle
- install new rake trim
- fix lead on chimney

- Clean and remove debris

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work, and completed in a substantial workmanlike manner for the sum of _____ Dollars (\$ *4000⁰⁰*)

with payments to be made as follows: *paid on completion*

Respectfully submitted *David McGarry*

Per _____

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

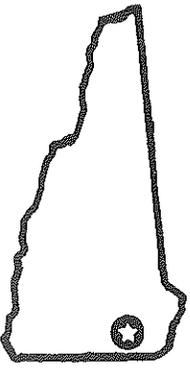
Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date _____ Signature _____



TOWN OF HUDSON
Office of the Town Administrator
 12 School Street
 Hudson, New Hampshire 03051



Agenda
 7-28-20

Stephen A. Malizia, Town Administrator – smalizia@hudsonnh.gov – Tel: 603-886-6024 Fax: 603-598-6481

8H

To: Board of Selectmen

From: Steve Malizia, Town Administrator 

Date: July 23, 2020

Re: Recreation Director Interview Committee

The job posting deadline for the Recreation Director position is August 11th. The Town has received over twenty (20) resumes for the position so far. I am recommending that the Board form an interview committee consisting of two (2) Selectmen and myself to vet the applicants, conduct a preliminary interview of the candidates and recommend final candidates for the full Board to interview. Should the Board accept my recommendation, two (2) Board members will need to be appointed by the Board. The following motion would be appropriate:

Motion: To appoint Selectman _____ and Selectman _____ to the Recreation Director interview committee along with the Town Administrator.

Should you have any questions or need additional information, please feel free to contact me. Thank you.

RECREATION DIRECTOR

The Town of Hudson, NH is accepting resumes for the position of Recreation Director. Working under the general direction of the Board of Selectmen and Town Administrator, the Recreation Director is responsible for planning, directing, supervising and administering all functions of the Hudson Recreation Department. Must possess a service orientated attitude and be well organized and able to perform independently in a busy, fast paced environment. Associates degree in Recreation or a related field with a minimum of three (3) years relevant work experience or any equivalent combination of education and experience which demonstrates possession of the required knowledge, skills and abilities. Must be computer literate. Possession of a valid driver's license required. Must pass a criminal background check. Salary commensurate with experience plus excellent benefits. A complete job description is available upon request. Submit resume by August 11, 2020 to: Town Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051 or via email to jlaffin@hudsonnh.gov.

The Town of Hudson is an Equal Opportunity Employer.