



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

April 27, 2021

Hudson Community Center
12 Lion's Ave Hudson, NH 03051

Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE
4. PUBLIC INPUT
5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Nominations/Interviews

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

Marcus Nicholas (new applicant)

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

John Leone (incumbent member)
Rob Rainer (new applicant)

- 3) Cable Utility Committee - (4 member vacancies -3 to expire 4/30/24, 2 expiring 4/30/23)

Michael O'Keefe (incumbent member)
Flo Nicholas (new applicant)

6. CONSENT ITEMS

A. Assessing Items

- 1) Veteran Tax Credits: Map 182, Lot 0121, 44 Central Street; Map 154, Lot 024, 27 Sullivan Road
- 2) Disabled Exemption: Map 178, Lot 028, 71 Kimball Hill Road
- 3) Solar Exemptions: Map 157, Lot 047, 6 Raven Road; Map 242, Lot 048, 5 Glenview Drive; Map 191, Lot 073, 28 B Street
- 4) Elderly Exemption Denial: Map 116, Lot 086, 14 Stoney Lane
- 5) 2020 Property Tax Abatement: Map 129, Lot 6, 20 Adam Drive
- 6) Gravel Tax Warrant: Map 141, Lot 1-Brox Industries; Map 140, Lot 1- Brox Industries; Map 150, Lot 13- Brox Industries
- 7) Institutional Exemptions: Map 190, Lot 015 - Kiwanis Club of Hudson; Map 242, Lot 058 - The PLUS Company; Map 147, Lot 027 - Alvrine School Chapel; Map 106, Lot 006, Map 190, Lot 085 - Area Agency Properties Inc.; Map 168, Lot 122 - Hudson Grange #11; Map 182, Lot 022 and 030 - American Legion Post #43; Map 136, Lot 036 & Map 183, Lot 100 - Hudson VFW; Map 166, Lot 011 - St. Patrick's Cemetery; Map 166, Lot 017 - St. Casimir's Church and Cemetery; Map 182, Lot 129 - St. John the Evangelist Church; Map 235, Lot 009 - St. Kathryn Church; Map 210, Lot 010 - Sisters of the Presentation of Mary; Map 176, Lot 034 - First Baptist Church; Map 156, Lot 034 - United Pentecostal Church/Parsonage; Map 105, Lot 007 - Lighthouse Baptist Church; Map 182, Lot 49 - Hudson Community Church, UCC

B. Water/Sewer Items - None

C. Licenses & Permits & Policies

- 1) Raffle Permit - Dalton Shumsky Foundation (7/31/21)

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the April 13, 2021

F. Calendar

4/28 7:00 Planning Board - Hudson Community Center
5/5 7:00 Budget Committee - Hills Memorial Library
5/5 7:00 Planning Board - Hudson Community Center
5/10 7:00 Conservation Commission - Hudson Community Center
5/11 7:00 Board of Selectmen - Hudson Community Center

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 13, 2021

1) Selectman Morin made a motion, seconded by Selectman Gagnon to allow Jess Forrence to buyout 202.0925 hours of earned time. Carried 5-0.

2) Selectman McGrath made a motion, seconded by Selectman Morin to hire Connor Peterson as the Hudson Police Department Alvirne High School Student Maintenance Assistant with a total of 15 hours a week at a rate of \$10.30 per hour. Carried 5-0.

3) Selectman McGrath made a motion, seconded by Selectman Gagnon to hire Cindy Holton as the Hudson Recreation Department Women's League Softball Coordinator for the fee of \$600.00. Carried 5-0.

4) Selectman McGrath made a motion, seconded by Selectman Roy to hire David Foreman as the Hudson Recreation Department Men's League Softball Coordinator for the fee of \$600.00. Carried 5-0.

5) Selectman McGrath made a motion, seconded by Selectman Morin to hire Melina Shea for the position of Assistant Town Clerk/Tax Collector, at a rate of \$17.50 per hour, effective April 19, 2021. Carried 5-0.

6) Selectman Roy made a motion, seconded by Selectman McGrath to seal the nonpublic minutes of the April 13, 2021 meeting. Carried 5-0.

7) Motion to adjourn at 10:15 p.m. by Selectman Gagnon, seconded by Selectman Roy. Carried 5-0.

B. Request to Reconsider Green Meadow Golf Course Sewer Allocation

****THIS HAS BEEN DEFERED TO THE 5/11/21 Board of Selectmen MEETING****

8. NEW BUSINESS

- A. Bracket Lane Water Line Extension ****DEFERED TO 5/11/21 BOS MEETING**
- B. HFD - Squad Replacement

C. HFD- Refurbishment

9. REMARKS BY SCHOOL BOARD

10. OTHER BUSINESS/REMARKS BY THE SELECTMEN

11. 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. **(b)** The hiring of any person as a public employee.

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

12. ADJOURNMENT

Reminder...
Items for the next agenda, with complete backup, must be in the Selectmen's Office
no later than 12:00 noon on Thursday, May 6, 2021

*Nicolas
4-27-21*

Submission information

Form: Board & Committee Application [1]
Submitted by Visitor (not verified)
Wed, 04/14/2021 - 6:36pm
73.249.226.57

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APR 15 2021

TOWN OF HUDSON
SELECTMENS OFFICE

Date

Wed, 04/14/2021

First Name

Marcus

Last Name

Nicolas

Street Address

1 Scenic Lane

Home Phone

603-557-0093

Work Phone

E-mail Address:

marcusnicolas1@gmail.com

Education

Masters in Electrical Engineering

Occupation (or former occupation if retired)

Electrical Engineer

Special Interests

Professional/Community Activities

Reference

Elizabeth Young

Reason for Applying

I live in Hudson and love this city. I had a variance done to extend my garage to have a 3 bay garage almost 2 years ago. I understood the process from what I had to do to getting in front of the board to make my case. I would like to help the community in any way I can. I feel my background as an engineer and from other projects I have done can contribute to the town.

Please check the area in which you are interested in serving:

Member

Please select area of interest

Zoning Board of Adjustment

Areas of Expertise
Information Technology

Are you a Hudson, NH resident?
yes

Source URL: <https://www.hudsonnh.gov/node/42498/submission/20581>

Links
[1] <https://www.hudsonnh.gov/bc-bc/webform/board-committee-application>

Agenda
4-27-21

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APR 12 2021
TOWN OF HUDSON
SELECTMEN'S OFFICE

TOWN OF HUDSON
Nominations & Appointments/Talent Bank Application Form
(Hudson, NH Residents Only)

Date: 3/28/2021

5A-2

Name: John Leone Street Address: 30 Flying Rock Rd

Home Phone Number: (603) 978-337-5333 Work Phone Number:

Occupation (or former occupation, if retired): Program Manager

Education/Special Interests:

Professional/Community Activities: President, Friends of Benson Park

Reason(s) for applying: have been active member many years

Reference(s): Dave Morin, Roger Coutu

Please check area in which you are interested in serving, and return this form to
The Selectmen's Office, 12 School Street, Hudson, NH 03051

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Member | <input type="checkbox"/> Alternate | <input type="checkbox"/> Reappointment |
| <input checked="" type="checkbox"/> Benson Park Committee | <input type="checkbox"/> Building Board of Appeals | <input type="checkbox"/> Conservation Commission |
| <input type="checkbox"/> Cable Utility Committee | <input type="checkbox"/> Nashua Regional Planning Commission | <input type="checkbox"/> Recreation Committee |
| <input type="checkbox"/> Municipal Utility Committee | <input type="checkbox"/> Citizens Traffic Advisory Committee | |
| <input type="checkbox"/> Planning Board | | |
| <input type="checkbox"/> Sustainability Committee | | |
| <input type="checkbox"/> Zoning Board of Adjustment | | |

Area(s) of Expertise:

- | | |
|--|---|
| <input type="checkbox"/> Architecture/Construction | <input type="checkbox"/> Environmental Planning |
| <input type="checkbox"/> Information Technology | <input type="checkbox"/> Communications |
| <input type="checkbox"/> Finance | <input type="checkbox"/> Other _____ |

Information contained on this form is available to the public and will be given to the press. The Town of Hudson exercises affirmative action in its employment/appointment practices. Applicants must be Hudson, NH residents. For additional information, call 886-6024. Appointees are required to complete a Financial Interest Disclosure Form (FIDF) in accordance with the Town Code.

Circle One

Yes No Hudson Resident

John Leone
Signature of Applicant

JLeone95@yahoo.com
e-mail address



How may we help you?

Submission #42

[Print](#) [Resend e-mails](#)

[Previous submission](#)

[Next submission](#)

Submission information

Form: Board & Committee Application
Submitted by Visitor (not verified)
Sun, 02/07/2021 - 1:12pm
76.28.47.24

Date

Sun, 02/07/2021

First Name

Rob

Last Name

Rainer

Street Address

45 Cobblestone Drive

Home Phone

603-484-4184

Work Phone**E-mail Address:**

rob@4help.org

Education

Brandeis University, BA and Suffolk University Law School, JD

Occupation (or former occupation if retired)

Part time Professor, Business

Special Interests

Nonprofit and charitable work

Professional/Community Activities

North American Help Services Alliance, Inc., co-founder, see
hotlinedirectory.org and PostICU, Inc., co-founder - see posticu.or

Reference

Russ Boucher, 43 Cobblestone Drive Hudson 978.327.5327

Reason for Applying

We moved to Hudson about 3 years ago. Our home backs up with the Benson Park trails. We live in a small 55+ community, and residents can access the trail through our backyard. My wife, our dog and I have come to think of walking around the Benson's tells as our favorite community activity. We have a vested stake in keeping Benson's in top notch condition, as it is sort of a gateway to our neighborhood. Benson's was one of the primary reasons that we chose to buy a home in Hudson.

Please check the area in which you are interested in serving:

Member

Please select area of interest

Benson Park Committee

*1 alt. member vacancy
exp. 4/23.*

Areas of Expertise

- Communications
- Finance
- Information Technology
- Other

Are you a Hudson, NH resident?

yes

Previous submission

Next submission





How may we help you?

Submission #44

Print Resend e-mails

[Previous submission](#) [Next submission](#)

Submission information

Form: Board & Committee Application
Submitted by Visitor (not verified)
Tue, 03/23/2021 - 10:38am
73.249.226.57

Date

Tue, 03/23/2021

First Name

Flo

Last Name

Nicolas

Street Address

1 Scenic Lane, Hudson NH 03051

Home Phone

6035570297

Work Phone**E-mail Address:**

flonicolas1@gmail.com

Education

Juris Doctorate

Occupation (or former occupation if retired)

Counsel

Special Interests**Professional/Community Activities****Reference**

Nick Carkin

Reason for Applying

Thank you for your consideration. I have vast experience in the legal, technology, telecommunications industry, real estate, vendor management, project management, compliance, zoning/permitting land use, procurement, budget management and operations management. I have always wanted to be a board member but, the time was not right, but I am ready to be an active participant in my community. It would be my honor to utilize my diverse background for the benefit of my community. Being a home owner, a mother of 3 girls and a wife of a Air Force Veteran, giving back to the community where I live and my kids attend school is a priceless investment.

Please check the area in which you are interested in serving:

Member

Please select area of interest

- Building Board of Appeals
- Cable Utility Committee
- Planning Board

*5 available member positions
all expiring 4/23.*

Areas of Expertise

- Architecture
- Communications
- Construction
- Environmental Planning
- Finance
- Other

Are you a Hudson, NH resident?

yes

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APR 15 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

5A-3

TOWN OF HUDSON
Nominations & Appointments/Talent Bank Application Form
(Hudson, NH Residents Only)

Date: 4/13/21

Michael O'Keefe 57 Glen Dr.
Name Street Address

(603) 494-6684
Home Phone Number Work Phone Number

Software Engineer
Occupation (or former occupation, if retired)

Education/Special Interests

Professional/Community Activities
Continue working on the committee to advance MCTV
Reason(s) for applying

Reference(s)

Please check area in which you are interested in serving, and return this form to
The Selectmen's Office, 12 School Street, Hudson, NH 03051

- | | | |
|---|--|---|
| Member <input type="checkbox"/> | Alternate <input type="checkbox"/> | Reappointment <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Benson Park Committee | <input type="checkbox"/> Building Board of Appeals | |
| <input checked="" type="checkbox"/> Cable Utility Committee | <input type="checkbox"/> Conservation Commission | |
| <input type="checkbox"/> Municipal Utility Committee | <input type="checkbox"/> Nashua Regional Planning Commission | |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Recreation Committee | |
| <input type="checkbox"/> Sustainability Committee | <input type="checkbox"/> Citizens Traffic Advisory Committee | |
| <input type="checkbox"/> Zoning Board of Adjustment | | |

Area(s) of Expertise:

- | | |
|--|---|
| <input type="checkbox"/> Architecture/Construction | <input type="checkbox"/> Environmental Planning |
| <input type="checkbox"/> Information Technology | <input type="checkbox"/> Communications |
| <input type="checkbox"/> Finance | <input type="checkbox"/> Other _____ |

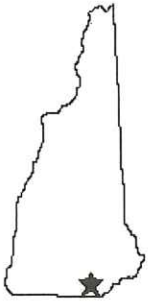
Information contained on this form is available to the public and will be given to the press. The Town of Hudson exercises affirmative action in its employment/appointment practices. Applicants must be Hudson, NH residents. For additional information, call 886-6024. Appointees are required to complete a Financial Interest Disclosure Form (FIDF) in accordance with the Town Code.

Circle One

Yes No Hudson Resident

Michael O'Keefe
Signature of Applicant

mokeefe@alum.mit.edu
e-mail address



TOWN OF HUDSON RECEIVED

Office of the Assessor

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

APR 22 2021

TOWN OF HUDSON
SELECTMEN
www.hudsonnh.gov



Agenda
4-27-21

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-598-6481

6A-1

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: April 27, 2021

FROM: Jim Michaud, Chief Assessor *JM*

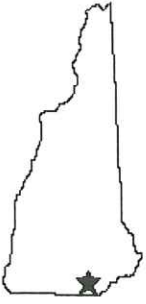
RE: Veteran Tax Credits:

44 Central St. – map 182/ lot 121
27 Sullivan Rd. – map 154/ lot 024

I recommend the Board of Selectmen sign the PA-29 forms granting Veteran Tax Credits to the property owners listed below. The residents have provided a copy of their DD-214 verifying that they qualify for the credit.

Jeff Hurley - 44 Central St. – map 182/ lot 121
Aaron Small - 27 Sullivan Rd. – map 154/ lot 024

MOTION: Motion to grant Veteran Tax Credits to the property owners referenced in the above request.



TOWN OF HUDSON
Office of the Assessor

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

www.hudsonnh.gov

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APR 22 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE



Agenda
4-27-21

6A-2

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: April 27, 2021

FROM: Jim Michaud, Chief Assessor

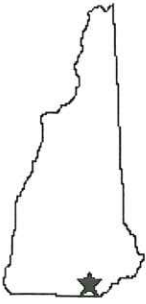
RE: Disabled Exemption:

71 Kimball Hill Rd. – map 178/ lot 028

I recommend the Board of Selectmen sign the PA-29 forms granting a Disabled Exemption to the property owners listed below. The residents have provided the proper documentation to show they qualify for this exemption.

Jennifer Nadeau - 71 Kimball Hill Rd. – map 178/ lot 028

MOTION: Motion to grant a Disabled Exemption to the property owners referenced in the above request.



TOWN OF HUDSON

Office of the Assessor

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

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Agenda
4-27-21

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-598-6481

6A-3

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: April 27, 2021

FROM: Jim Michaud, Chief Assessor 

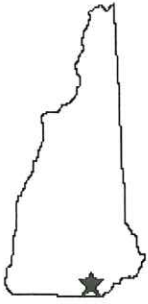
RE: Solar Exemptions:

6 Raven Dr. – map 157/ lot 047
5 Glenview Dr. – map 242/ lot 048
28 B St. – map 191/ lot 073

I recommend the Board of Selectmen sign the PA-29 form granting Solar Exemptions to the property owners listed below. The Assessing Department has verified that the property owners have solar panels.

Andrew Prout - 6 Raven Dr. – map 157/ lot 047
Sandra Goodwin - 5 Glenview Dr. – map 242/ lot 048
William Janoka & Shannon Baluta - 28 B St. – map 191/ lot 073

MOTION: Motion to grant Solar Exemptions to the property owners referenced in the above request.



TOWN OF HUDSON

Office of the Assessor

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

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TOWN OF HUDSON
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April
4.27.21

6A-4

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-598-6481

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: April 27, 2021

FROM: Jim Michaud, Chief Assessor

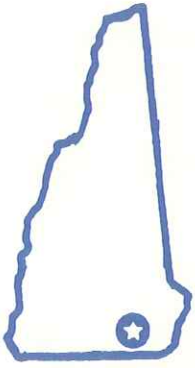
RE: Elderly Exemption Denial:

14 Stoney Lane – map 116/ Lot 086

I recommend the Board of Selectmen sign the PA-29 form denying an Elderly Exemption to the property owner listed below. The property owner has provided documentation showing that they are over the asset limit of \$160,000 for a married couple and do not qualify for the Elderly Exemption per RSA 72:39-a.

Darlene Parkhurst - 14 Stoney Lane – map 116/ Lot 086

MOTION: Motion to deny an Elderly Exemption to the property owner referenced in the above request.



TOWN OF HUDSON

Board of Selectmen

12 School Street Hudson, New Hampshire 03051 603/886-6024 FAX 603/598-6481



Darlene E. Parkhurst, Trustee
Parkhurst Family Trust
14 Stoney Lane
Hudson, NH 03051

April 27, 2021

Re: 2021 Elderly Exemption application
Map 116 Lot 86
14 Stoney Lane

Dear Mrs. Parkhurst:

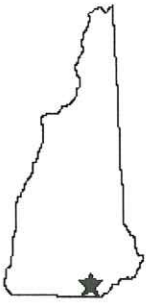
This will acknowledge your application for a 2021 Elderly Exemption on the above referenced property. The application has been denied by the Board of Selectmen. The Town has received advice from its Assessing Department that, upon review of the financial documents that you provided, you are over the asset limit for the Elderly Exemption for the 2021 property tax year. The BOS encourage you to reapply for the 2022 property tax year if your financial situation changes.

If you wish to appeal this decision, you may do so to the State Board of Tax and Land Appeals. The filing deadline for that next level of appeal is September 1, 2022.

Very truly yours,

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman



TOWN OF HUDSON

Office of the Chief Assessor

Jim Michaud
Chief Assessor, CAE
email: jmichaud@hudsonnh.gov
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TOWN OF HUDSON
SELECTMEN'S OFFICE




Agenda
4-27-21

6A-5

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-598-6481

To: Board of Selectmen
Steve Malizia, Town Administrator

April 27, 2021

From: Jim Michaud, Chief Assessor 

Re: 2020 property tax abatement - Pro-rated Assessment for Damaged Buildings
Map 129 Lot 6 - 20 Adam Drive

The property above suffered an unintended fire on 1/18/2021 that caused the property to be uninhabitable. A state law, RSA 76:21, mandates that as long as an applicant has filed their abatement application within 60 days of the fire event (or by March 1st whichever is later), and that the fire caused the property to be unoccupied, and that the fire was unintended, that the property owner is eligible for a pro-ration of property taxes (attributable to the building only) for that portion of the tax year. The Assessing Department mailed two notifications to the property owner in regards to this and did not receive an application, until April 20, 2021. There is a state law, RSA 76:16, that the BOS could employ to offer this prorated assessment on the damaged building in spite of the property owner not filing timely. Further, RSA 76:21 IV itself incorporates this cite as follows;

VI. Nothing in this section shall limit the ability of the assessing officials to abate taxes for good cause shown pursuant to RSA 76:16.

In regards to the other provisions of RSA 76:21, the property owner, and property, meet those other provisions, the proration goes from 1/18/2021 through 3/31/21, the end of the property tax year for 2020. If the BOS are so inclined, the attached abatement form tallies up the prorated property tax amount.

Motion: To approve an abatement for prorated 2020 property taxes for Map129 Lot 6 as per the attached abatement form, as recommended by the Chief Assessor.

76:21 Prorated Assessments for Damaged Buildings. –

I. Whenever a taxable building is damaged due to unintended fire or natural disaster to the extent that it renders the building not able to be used for its intended use, the assessing officials shall prorate the assessment for the building for the current tax year. For purposes of this paragraph, an unintended fire means a fire which does not arise out of any act committed by or at the direction of the property owner with the intent to cause a loss.

II. The proration of the building assessment shall be based on the number of days that the building was available for its intended use divided by the number of days in the tax year, multiplied by the building assessment.

III. A person aggrieved of a property tax for a building damaged as provided in paragraph I shall file an application with the assessing officials in writing within 60 days of the event described in paragraph I or by March 1, whichever is later.

IV. Proration of the assessment shall be denied if the assessing officials determine that the applicant did not meet the requirements of this section or acted in bad faith.

V. The total tax reduction from proration under this section for any city or town shall be limited to an amount equal to 1/2 of one percent of the total property taxes committed in the tax year. If the assessing officials determine that it is likely that this limit will be reached, the proration shall not be applied to any additional properties.

VI. Nothing in this section shall limit the ability of the assessing officials to abate taxes for good cause shown pursuant to RSA 76:16.

VII. Appeals of a decision under this section shall be to the board of tax and land appeals or the superior court as set forth in RSA 76:16-a or RSA 76:17.

Source. 2012, 169:2, eff. April 1, 2013. 2018, 282:8, eff. Jan. 1, 2019.

76:16 By Selectmen or Assessors. –

I. (a) Selectmen or assessors, for good cause shown, may abate any tax, including prior years' taxes, assessed by them or by their predecessors, including any portion of interest accrued on such tax; or

(b) Any person aggrieved by the assessment of a tax by the selectmen or assessors and who has complied with the requirements of RSA 74, may, by March 1, following the date of notice of tax under RSA 76:1-a, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

II. Upon receipt of an application under paragraph I(b), the selectmen or assessors shall review the application and shall grant, for good cause shown, or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a. The failure to respond shall constitute denial. All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The board of tax and land appeals shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.

III. The abatement application form shall be prescribed by the board of tax and land appeals. The form shall include the following and such other information deemed necessary by the board:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting tax abatements, including abatements for poverty and inability to pay pursuant to RSA 76.

(b) Sections for information concerning the person applying, the property for which the abatement is sought and other properties in the municipality owned by the person applying.

(c) A section concerning compliance with the RSA 74 inventory requirement.

(d) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or part.

(e) A section requiring the applicant to state with specificity the reasons supporting the abatement request with an explanation of what specificity means.

(f) A section for the applicant to list any comparable properties supporting an abatement request.

(g) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

(h) The statement: "If an abatement is granted and taxes have been paid, interest on the abatement shall be paid in accordance with RSA 76:17-a. Any interest paid to the applicant must be reported by the municipality to the United States Internal Revenue Service, in accordance with federal law. Prior to the payment of an abatement with interest, the taxpayer shall provide the municipality with the applicant's social security number or federal tax identification number. Municipalities shall treat the social security or federal tax identification information as confidential and exempt from a public information request under RSA 91-A."

IV. Failure to use the form prescribed in paragraph III shall not affect the right to seek tax relief.



TOWN OF HUDSON

Office of the Assessor

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

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APR 22 2021


TOWN OF HUDSON
SELECTMEN'S OFFICE



Agenda
4-27-21

6A-6

TO: Board of Selectmen
Steve Malizia, Town Administrator

FROM: Jim Michaud, Chief Assessor 

DATE: April 27, 2021

RE: Gravel Tax Warrant
Tax Map 141 Lot 1 – Brox Industries Inc.
Tax Map 140 Lot 1 – Brox Industries Inc.
Tax Map 150 Lot 13 – Brox Industries Inc.

I recommend the BOS sign the attached Gravel Tax Warrants in accordance with RSA 72-B.

Brox Industries Inc.
Map 141 Lot 1; Tax Map 140 Lot 1; Tax Map 150 Lot 13

ORIGINAL WARRANT

GRAVEL TAX LEVY
TAX YEAR: APRIL 1, 2020 - MARCH 31, 2021
THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

TO: Roger Ordway, Jr., Collector of Taxes for the

TOWN OF HUDSON, NH , in said county:

In the name of said State you are hereby directed to collect on or before thirty (30) days from date of bill from the person(s) named herewith committed to you, the Gravel Taxes set against their name(s), amounting in all to the sum of : **\$7,799.68** , with interest at eighteen (18%) percent per annum from the due date and on all sums not paid on or before that day.

Given under our hands and seal at the TOWN OF HUDSON, NH

Roger E. Coutu, Chairman

Marilyn McGrath , Vice Chairman

David S. Morin

Kara Roy

Brett Gagnon

DATE: April 28, 2020

NAME & ADDRESS	MAP & LOT	OPERATION #	GRAVEL TAX DUE
Brox Industries Inc. 1471 Methuen St Dracut, MA 01826	141-001	20-229-02-E	\$2,804.88
Brox Industries Inc. 1471 Methuen St Dracut, MA 01826	140-001	20-229-01-E	\$183.60
Brox Industries Inc. 1471 Methuen St Dracut, MA 01826	150-013	20-229-03-E	\$4,811.20

DATE DUE:

TOTAL DUE:

\$7,799.68

TOWN OF HUDSON, NH

OFFICE OF THE TAX COLLECTOR
12 SCHOOL STREET
HUDSON, NH 03051
(603) 886-6003

April 27, 2021

BROX INDUSTRIES, INC
1471 METHUEN ST
DRACUT, MA 01826

EXCAVATION TAX ASSESSMENT PER RSA 72-B

April 1, 2020 - March 31, 2021

PARCEL DATA	EARTH TYPE	CUBIC YARDS EXCAVATED	TAX PER CUBIC YARD	TAX DUE
PARCEL I.D./ TAX MAP NUMBER:	GRAVEL	13,334	\$0.02	\$266.68
141-001	SAND	0	\$0.02	\$0.00
OPERATION NUMBER:	LOAM	0	\$0.02	\$0.00
20-229-02-E	STONE PRODUCTS	126,900	\$0.02	\$2,538.00
ACCOUNT NUMBER:	OTHER	0	\$0.02	\$0.00
3075				
SERIAL NUMBER:				
#				
	TOTAL EARTH:	140,234	TOTAL TAX:	\$2,804.68

Per RSA 72-B:4 - Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed.

18% APR INTEREST WILL BE CHARGED AFTER _____ ON UNPAID TAXES

APPEAL: Pursuant to RSA 72-B:13, an owner may, within 90 days of notice of the tax, appeal to assessing officials in writing for an abatement from the original assessment, but no owner shall be entitled to an abatement unless he has complied with the provisions of RSA 72-B:8, RSA 72-B:8-a and RSA 72-B:9.

TAX OFFICE HOURS: Monday thru Friday - 8:00 a.m. to 4:30 p.m.

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April 27, 2021

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 1471 METHUEN ST
 DRACUT, MA 01826

EXCAVATION TAX ASSESSMENT PER RSA 72-B

April 1, 2020 to March 31, 2021

PARCEL DATA	EARTH TYPE	CUBIC YARDS EXCAVATED	TAX PER CUBIC YARD	TAX DUE
PARCEL I.D./ TAX MAP NUMBER:	GRAVEL	0	\$0.02	\$0.00
140-1				
	SAND	0	\$0.02	\$0.00
OPERATION NUMBER:				
20-229-01-E				
	LOAM	0	\$0.02	\$0.00
ACCOUNT NUMBER:				
3079	STONE PRODUCTS	9,180	\$0.02	\$183.60
SERIAL NUMBER:	OTHER	0	\$0.02	\$0.00
#				
	TOTAL EARTH:	9,180	TOTAL TAX:	\$183.60

Per RSA 72-B:4 - Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed.

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April 27, 2021

BROX INDUSTRIES, INC
1471 METHUEN ST
DRACUT, MA 01826

EXCAVATION TAX ASSESSMENT PER RSA 72-B

April 1, 2020 to March 31, 2021

PARCEL DATA	EARTH TYPE	CUBIC YARDS EXCAVATED	TAX PER CUBIC YARD	TAX DUE
PARCEL I.D./ TAX MAP NUMBER:	GRAVEL	0	\$0.02	\$0.00
150-013				
	SAND	0	\$0.02	\$0.00
OPERATION NUMBER:				
20-229-03-E				
	LOAM	0	\$0.02	\$0.00
ACCOUNT NUMBER:				
3074	STONE PRODUCTS	240,560	\$0.02	\$4,811.20
SERIAL NUMBER:	OTHER	0	\$0.02	\$0.00
#				
	TOTAL EARTH:	240,560	TOTAL TAX:	\$4,811.20

Per RSA 72-B:4 - Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed.

18% APR INTEREST WILL BE CHARGED AFTER _____ ON UNPAID TAXES

APPEAL: Pursuant to RSA 72-B:13, an owner may, within 90 days of notice of the tax, appeal to the assessing officials in writing for an abatement from the original assessment, but no owner shall be entitled to an abatement unless he has complied with the provisions of RSA 72-B:8, RSA 72-B:8-a and RSA 72-B:9.

TAX OFFICE HOURS: Monday thru Friday - 8:00 a.m. to 4:30 p.m.

- ◆ Map 235/ lot 009 – St. Kathryn Church -
- ◆ Map 210/ lot 010 - Sisters of the Presentation of Mary
- ◆ Map 176/ lot 034 - First Baptist Church
- ◆ Map 156/ lot 035 - United Pentecostal Church/Parsonage
- ◆ Map 105/ lot 007 - Lighthouse Baptist Church
- ◆ Map 182 / lot 49 – Hudson Community Church, UCC

Completed applications are available in the Assessor's office for your review.

MOTION:

Motion to grant the Institutional Exemptions listed to the property owners referenced in the above request.

Roger E. Coutu, Chairman

Marilyn McGrath, Vice Chairman

David S. Morin

Kara Roy

Brett Gagnon



Agenda
4-27-21

RECEIVED

APR 20 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

6C-1

RAFFLE PERMIT

Hudson, New Hampshire

Name of Organization: Dalton Shumsky Foundation

Address: 6 Linda St. Hudson, NH 03051

Raffle Benefit of: Camp Manasa (Boys & Girls Club - Nashua)

Date & Time of Raffle: Saturday 7/31/2021 (around Sunday 8/1/21) 11am

Raffle to be held at: White Birch Banquet Hall

Prizes: gift baskets, gift certificates, hair salon, restaurants, kids toys, fishing equipment

Date of Ticket Sales: 7/31/2021 (earn date 8/1/2021)
(must be after date of Board of Selectmen approval)

Applicant's Signature/Address/Phone Number

Michelle Gayette

Applicant's Signature

Michelle Gayette

Applicant's Printed Name

6 Linda St. Hudson, NH 03051

Address

(603) 566-7743

Phone Number

Approved on: _____ by _____

HUDSON BOARD OF SELECTMEN

Chairman _____

Selectman _____

Selectman _____

Selectman _____

Selectman _____

FAXED
4-20-21
emailed

(Fax completed form to 603-598-6481 or e-mail to lweissgarber@hudsonnh.gov, with Raffle Permit in subject line.)

HUDSON, NH BOARD OF SELECTMEN

Minutes of the April 14, 2021 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of April 14, 2021 at 7:00 p.m. in the Hudson Community Center.
2. PLEDGE OF ALLEGIANCE led by Selectman Morin
3. ATTENDANCE

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

Staff/Others: Town Administrator Steve Malizia; Bill Avery - Police Chief; Dave Cayot - Police Captain; Jess Forrence - DPW Director; Tad Dionne - Police Captain; Chrissy Peterson - Recreation Director; Lisa Nute - IT Director; Jim McIntosh - Dir. of Community Media; Jim Michaud - Town Assessor; Gary Gasdia- School Board Member; Jill Laffin - Executive Assistant

4. RECOGNITIONS

Selectman Morin was recognized and asked Chairman Coutu if we could go out of order of the agenda and recognize Sgt. Broderick before Public Input so that the members of the Hudson Police Department could get back to work sooner. The Chairman agreed that this was acceptable and asked Sergeant Patrick Broderick of the Hudson Police Department to come forward. Sergeant Patrick Broderick of Hudson Police Department receiving the Dept. of Justice Excellence in Pursuit of Justice Award. The Chairman read the citation sent from the Department of Justice to which was received with a standing ovation for Sergeant Broderick.

5. PUBLIC INPUT

Chairman Coutu said before we start public input we do have an agenda tonight that we do have to get to. The next item on the agenda is public input, and I know, as I said, there are several people here who might want it, who might wish to speak, and the microphone is open to them. We're going to do is we're going to allow each speaker five minutes at the end of four minutes. Doesn't mean you have to speak for five minutes. But if you wish to, we be willing to give you the five minutes. At four minutes, Selectwoman Marven will ring a bell. At four and a half minutes, and it won't be disturbing. It'll be loud enough that you can hear it at four and a half minutes. He will give you a second bell, knowing that you have 30 seconds at the end of your five minutes are at the end of a sentence. Whichever comes first, he'll ring the bell to let you know your time's up. If you're in the middle of a paragraph and you want to finish it, just let me know and I'll acknowledge that. But please don't take advantage of it. So with that, if there's anyone in the audience who wishes to speak to the Board of Selectmen on any matter in which we have control. Please signify by hand. And I will ask you to come to the microphone, state your name and address for the record, and please say your name clearly so that our executive assistant can grasp it easily when she's listening to the video for the transcript. So who is interested in coming up this evening?

James Crowley, 4 Fairway Drive, was the first resident to come forward. Mr. Crowley said, I'm hard of hearing. So ring your bell loud, please. OK. First, I want the Board of Selectmen to understand that I really appreciate the time, effort and caring you put into managing town business. I am what has been labeled as a member of the anonymous opponents and a member and a client of Attorney Manzelli. I want my chosen legal representative to be present to represent me in connection to the requests for reconsideration. I know she was diagnosed with covered this morning and cannot be here. Please defer until she is well enough to represent me on March 30. First I sent a letter to the Board of Selectmen members. I hope you take it into consideration. Any re-examination of the January 26th Hudson Logistics Center sewer allocation vote? My letter does not approach anything

is legally precise is what you would hear if my attorney was here to represent me. So again, please defer the request for reconsideration item seven B until a later date. So I am fully represented by my legal counsel and this important issue before the Board of Selectmen. No, I want to talk about another subject. However, I also do not want the Board of Selectmen to lose sight of another issue. I want to remind the town manager, Board of Selectmen, indirectly, the town council that collectively you need to address right to no issues.

Mr. Crowley went on to say, there is a definite need to develop or establish RSA 91-A, an acceptable system to handle, right to know request. It currently does not seem to exist to the degree required by New Hampshire legislation in this town. Additionally, the town doesn't seem to provide a training program for town personnel concerning right to no requirements. Please provide funding and a committee to address this issue along the same lines. On January 26, the Board of Selectmen reversed their previous HR allocation vote. The three approval justifications given were then were first afraid of earlier backroom deals and new information made available to him. Per governor's terminology, Hudson Logistics Center was considered an essential business and third need to save money and get to final plans for the project board of Selected Voter No. One approval justification vote alike. Talk about. I want to let everyone to know what good right to know procedures in place any backroom deals can be and will more likely be exposed. Current right to no legislation became effective in 1977, the time period the Board of Selectmen member worried about was between 1990 and 1998. If the town of Hudson had a more robust, efficient right to know mechanism, the Board of Selectmen member could have research from town right to know files to confirm or disprove his assumptions. A second allocation vote would not have been necessary.

He would have probably known whether any backroom deals had been made concerning them. He was going to make with the information he had available to him to January 12th meeting and then official our right to know database evaluating the second justification approval vote if everyone was there. Math. Sorry, I'm not wearing mine right. Oh practices social distancing and gets their Covid shot. The Hudson Logistics Center cannot be considered as essential in the near or long term. Evaluating the third justification vote as far as the planning board voting on final plans beyond sceptic vs. sewer service, the public has pointed out. Even now, numerous studies, reports and plans are not complete. It cannot even determine what will exactly be allowed to take place. And buildings see classified by the applicant as a non-facility. What specific guidelines or criteria will be in place to determine if a future site plan change of use has even possibly occurred? Nonsupport is a very open ended, nondescript answer to what will be approved and allowed in building. See, finally, a town wide right to know method of archiving records and providing an acceptable, acceptable and efficiently, efficiently operating procedures would better protect town officials. No clarification of what meetings they have attended or explaining that public meetings and handling of missing or mistakenly received historical official correspondence would be necessary. This is not a good time.

Mr. Crowley asked, can I have one last sentence? Go ahead. This is not a burden any individual town official should have to face alone or at any time to protect their integrity because of minimal operating right to know standards, procedures and protocols currently provided by the town. Thank you for giving me the extra time.

Dean Sakati, 11 Fairway Drive was the next resident to speak. OK, I'm speaking today to address some disturbing material and the Board of Selectmen reading packet. I'm particularly concerned about a memo from Tucker from Donahue Tucker and in law firm Undersigned by Justin Pasay, Christopher Hilson and John Smolack. I'm concerned about the repetitive behavior by Hillwood Enterprises and their phalanx of lawyers and public relations specialists to tarnish the reputation of town members. I'm truly disturbed by these lawyers making an assertion that a recently overwhelmingly elected Board of Selectmen is conflicted. This is unacceptable for them to use their position as a lawyer to try to intimidate a town officials. The only conflicts of interest is handing over influence of this process to an overzealous applicant and developer, Hillwood, the Green Meadows Golf Club Owners and the Globe and the Green Meadows Golf Club owners. They are the ones who would be unduly enriched by passing on the problems of this proposed development to the residents of Hudson. Unfortunately, this has become a well traversed path by Hillwood Enterprises, their

lawyers and public relations specialists. So I just want to remind the Board of Selectmen of a few of these instances that have created enormous distrust in this town. It all started with a naive proclamation that the project would break ground last September with a fast tracked for month approval process.

I mentioned to Attorney Pasay and the site visit in my yard last June that this is unrealistic and all it was doing was exciting and angering residents. He said he passed this back the Hillwood. His response, though, was we are doing things differently than the last developer. We're not touching the wetlands. It is with no pleasure that I remind him, the developer and the owner, that this type of proclamation was absolutely irresponsible and all it served was to create distrust in this town from residents to our elected officials. Then we had Attorney Pasay when pressed, admitting that Hillwood only needs to live up to the legal requirements of the process and lecturing the planning board on how to adhere to the rule of law as if they do not, as if our planning board members don't already know the rule of law. However, when it comes to topics like sewer allocation, the applicant wants all the rules changed or bent. As a consequence of these statements, residents assumed the approval was an inside job, and this was only reinforced by their actions. Letters from Scott Tranz maintain their public relations specialist to the governor's office. Mr. Bergeron, specifically reporting on which planning board members were being removed from office.

Mr. Sakati continued on saying, why the governor's office would even care or want to know is surprising to me. The infamous bull's eye maps that showed each neighboring resident who was in opposition to the project based on a statement they made, a letter they wrote further tarnished this, this, this process. And that was with the Friels self-proclaimed personal attorney Jay Leonard. You know, the governor put his finger on the scale by putting out letters to the Town to expedite the process. All these things created just trust. All these actions, just to name a few, illustrate sort of bullying by the applicant who is pushing on every possible unseemly lever to get its way. They seem to have no bounds. And what I'm appealing to the Board of Selectmen here is not to succumb to this type of pressure. You know, these irresponsible actions, again, have created enormous distrust in the town, a lot of cynicism that's probably largely unwarranted. But it's brought to us because of the pressure that this this applicant and their phalanx of lawyers and public relations specialists continue to put on the town. So all I'm asking is that the Board of Selectmen just put a stop to things that don't seem appropriate or. Right. Thank you.

Jim Dobens, 4 Eagle Drive, was next to speak. Mr. Dobens said, I appreciate everything that this board does for this town, you represent us and that's why we appear in front of you. I have five topics I would like the Board of Selectmen to consider and reconsider as it relates to the Hudson Logistics Center and its impact on the Town of Hudson, impacts that will have to be dealt with by this Board. One, I strongly recommend that the Board take up and reconsider the sorry allocation decision that was made. I understand this is being deferred to the fact that Attorney Manzelli has Covid and cannot be here to represent her clients. That was the right thing to do and they appreciate that. However, from my position, I want to say that when reconsidered, there was not any new evidence that was provided. This facility does not meet the requirements to receive saw allocation. This facility is not in the sewer district and there was no agreement for one, only a document for easement was provided. The reasoning and information provided for reconsideration after denial would never pass the smell test in the court of appeals to the impact of this facility to our town's emergency services. And this is key, as I have provided before. The evidence is readily available on what these type facilities cause and create to a town's emergency services and what they will have to deal with. Do you not use local comparisons? Real data on real facilities do not lie.

Mr. Dobens continued saying, do the due diligence before we are stuck with it. Traffic impact. This will be a mess. You as a board will have to deal with the issue on our roads, not just the immediate intersections they claim they will fix, but rather the entire Town's infrastructure degradation that will occur. Trucks and workers cars will be driving all over this town. Do not be a dumping ground for the New Hampshire Department of Transportation and the governor. This is our town and not the state. And certainly it's not Hillwood Town financial impact. Make no mistake, while we may get a one year

tax reprieve, we'll be right back in the tax increase train within two years. Here's a simple example, however. I can give you a few that will chew up the so-called tax relief fund. People say coming while a funded platform truck is nice and we would need it. We actually wouldn't need this facility wasn't here. Who's going to fund the additional firefighters and equipment that we're going to need? I did not hear anyone call that out. All I heard was \$8,000 - \$10,000 dollars of yearly maintenance. This piece of equipment will need four people 24/7, 365 or 672 hours per week. Sounds like we need to fund somewhere between eight and ten additional personnel to give us coverage. Never mind the equipment for each firefighter. We will need this additional equipment and staffing should this go in and probably more.

Mr. Dobens went on to say, you would have to be naive to think taxes will go down, quality of life. Everybody has ignored this one and few people have talked about it. They only talk about the financial impacts and not the human and Town impacts. Hudson currently experiences a decent quality of life. However, we do have traffic issues. Can you imagine what this place will do? Just think what the additional traffic noise, air pollution, water and wetlands impact and light pollution will have on this Town's quality of life. The incessant tractor trailer noise will be more than you can imagine. The developers will be gone and you and the board will have you. The Board will be dealing with the aftermath. And we haven't even talked about other developments coming that will impact the same roadway. The developer is focused on a campaign of misinformation, deception and half-truths. They have ripped the fabric of our community, caused distrust between town and state officials, and forced residents to rise up and defend our quality of life. They have simply prepared to jam this through. What is facing this town is their responsibility. The one other thing that I will say is one good thing that will come out of this is you are now getting more residents involved at the town of Hudson. They are paying attention to what is going on. And obviously we will not let something like this occur within this Town in the future.

John Debuc, 11 Eagle Drive. Mr. Debuc started off saying, I want to reiterate, thank you very much for everything you do for us. And I really appreciate you sitting here and allowing the opportunity tonight. I want to begin by letting you know that a majority of the planning board members that you appointed did an incredible job, begin to really look into all the issues and questions surrounding the massive Hillwood Amazon project that's being proposed for the beautiful Green Meadows Golf Club. I bring this up because you appoint these members and look at how they handle themselves in the questions they asked. Are there tough decisions like this before you decide to appoint any of them, any of them to this important Board? I want to also let you know that Mr. Malley did a fantastic job allowing the Board members to ask some tough questions, and particularly for letting the developer know that the planning board will not be rushed and bullied into making a quick decision without well thought out questions and also conditions that are good for the Town of Hudson and our residents. I use the word bullied because they saw the attempt from this developer to rush this process and bully the planning board into a quick decision. I see Bully defined as seeking to harm, intimidate and chorus. And please remember that the person who was listening that determines if it's bullying, not the person who acts. I was one of the folks listening and it felt to me like this was bullying.

Mr. Debuc went on to say I've been frustrated with this developer not answering questions that residents have asked throughout the process and not listening to the residents views. I was especially troubled when we asked to make reasonable changes to the berm and sound while instead of addressing our concerns, we were told that the structure as a developer called it was reasonable. At the last planning board member, Selectman Coutu had a great exchange about the sound wall and why the residents will be seeing the tops of the buildings. I could not believe that the developer asked what would have more visual impact the fence or the buildings if Hillwood would have reached out and engaged with the abutters to work in a mutually beneficial solution for the neighborhood and the proposed development. Mr. Coutu would not have had to ask that question. I hope the planning board heard this will require a redesign of the berm and sound fence and the residents can answer the question. The developer asked. What do you want to see a fence or building? I know my answer would be a well-designed berm to block the buildings. I want to talk about the traffic and how this development's going to frustrate Hudson residents in their daily

commute. Developer stated they did not know about the ninety unit apartment complex and a little road that is close to being completed. Now that we do, why we allow in this traffic study that we know is wrong to still be used. I would hope that the town is requiring a new traffic study to be commissioned as a stipulation before any approvals are granted. I've stated this before. I'm still receiving my Amazon Prime shipments within two days of placing the order so we can all agree that there's no rush to get this project approved. An updated traffic study should be a requirement we need to update. The original study, the developer stated, did not include the traffic from the Hudson residents that will be living and commuting from these 90 apartments. We owe our newest residents. A roadway that will not be fraught with delays and frustrating traffic from all the tractor trailers, box trucks and workers travel on the back roads. Last thing I want to speak about is the sewer allocation that was given at the January 26th Select Board meeting. The vote to reconsider should never have been taken. All the information was available during the first vote and the developer presented what they wanted to and a vote was taken, denied the sewer information was not withheld from the developer and they chose what they presented on January 12th against state that the public works administrative assistant, the Town Engineer, Elvis Dhima and developer have all stated of the properties outside of the sewer district. Our ordinance is clear in how to allocate the development. It is not a community facility, such a hospital or public utility. It's not essential for the public health, safety and welfare of Hudson. I cannot see how any reasonable person would state that a distribution center is essential for the public health, safety and welfare of the town of Hudson. Please look at Amazon's website and ask yourself how patio furniture, outdoor equipment and rugs are essential for the public health, safety and welfare of the town of Hudson. It is not before you, before the town undertakes an expansion of its wastewater treatment system. Beyond the existing system boundaries, they must provide sewer to everyone else. The last thing I want to mention is to speak about the impact of an Amazon nonsupport distribution facility. A PSINet article of the Fall River facility, which is one point two million square feet or twenty six football fields, stated that they ship curtain rods, brooms and even javelins. And the manager facility stated that these are all shipped within two days. Mr. Hanna also said this is not so facility ships 80000 to 100000 boxes per day and that number could nearly double during the peak holiday season. I hope this clarifies a little for you when an Amazon non-store facility that ships large items will be shipping eighty thousand to two hundred thousand. Boxes per day, according to the Fall River general manager, Rich Hanna. Wow, that's not what I envisioned for Hudson. And I hope you all agree with me. Thank you very much for your time tonight.

Karen Nevin, 3 Eagle Drive. Ms. Nevin started by saying, thank you for all you do for our town. A great place to call home. Sewer decision. The Town Engineer stated that HLC land is not in the sewer district. The record failed to show that there was new evidence to vote on the sewer and therefore there was no cause to reconsider the vote. But they did. But that did not happen. It was even mentioned that the Town Attorney should be consulted and that was not agreed upon. Thank you for reconsidering the decision that was made on the sewer on January 26, Mr. Martin changed his position on the sewer vote made on January 12th. On January 12th, Mr. Martin's Facebook post clearly showed that Mr. Martin was in favor of this project and promoted the HLC project with a link to support the HLC project. Mr. Martin should have recused himself from voting on the sewer. I think that all of you would agree that this would be the right thing to do and to go back to the previous decision made on January 12th. Traffic and new apartment complex on Lowell road was approved on June 2019. HLC claimed that they were not aware of this complex additional traffic. HLC stated that they did had their traffic study on November 2019 and mentioned that the date on the meeting on March 7th, that the traffic from the apartments was not taken into consideration. A new valid traffic study needs to be done and included include the additional traffic of this project since it will have significant impact on the traffic on the road. Approximately 121 automobiles during rush hour. Town officials, you need to address the traffic issues that are coming to our Town and be ready to fix them before they are out of control. At the meeting on April 7th, the Planning Board member online mentioned he sat through four traffic lights on the road. This is this is normal traffic that doesn't include additional traffic from Amazon or the apartment complex. A new traffic study needs to be done and done prior to the approval of this project. Another Planning Board member asked HLC on

April 7th if they would pay a fine if the number of tractor trailer trucks, box trucks and employee automobiles exceeded the numbers. HLC never answered to the question and skirted around the issue. HLC are willing to monitor traffic on a three day weekend. Are you kidding me? HLC is stomping all over the Town of Hudson and calling the shots. It is time to take our town back and fight for it. Hudson needs to add that clause that they will decide when the traffic monitoring will occur several times during the year, maybe even every other month in HLC needs to pay for the service like the trees that are being planted.

Ms. Nevins continued on saying, HLC is going to provide a three year warranty for trees and the traffic is no different. They should provide three year guarantee on the traffic and have stiff penalties if the traffic numbers are not or at or below. The HLC stating 240 traffic trailer trucks, 40 box trucks, 2000 automobiles daily. Hillwood, it's time to come clean and provide the Town of Hudson the accurate data on everything, not only traffic, non-store facility and facility ships, anything that is 25 pounds or more, and items not small enough to add to a box. Items at this facility would deal with this. In the research I have done, this means 25 pound bag of dog food is ordered would be delivered by 40 Amazon box trucks to the thousands of people in the area that purchase dog food. Dog food is not the only thing that is 25 pounds. A case of cabbage, meat or other cases of food items weigh twenty five pounds or more. All of these items would be delivered by these forty bucks Amazon box trucks to Hudson surrounding towns building. There's a number of cooling systems HLC shows I'm building. This building is a smaller than the three buildings and has the most equipment on the roof. It would lead me to believe that HLC is aware of what the plans are for this building. In my opinion, it is to keep product cold, such as fruit, vegetables and meat. They would be why would a developer add units to a building if they are not going to be utilized? It is time to start asking the right questions and getting the right answers from the developer. Some of the other things that I had mentioned was jobs where at 3.3% and it's very low in New Hampshire and the town peer reviewer indicated that the jobs market could be coming from Hudson residents. Employees are not a must and employees are not allowed to take bathroom breaks and they relieve themselves in water bottles. Really? Is that what we want in our town? Bad proposal, publicity. Hudson will not be a place where anyone want to come, come and visit a good neighbor. As we all know, they are not good neighbors. They don't allow us to. They don't allow us to say what we are feeling. They delayed our post when we are. Questions and the only other thing I'd like to say is it's time for Western officials to not let anyone dictate to you what is right and reasonable for Hudson. What is right and reasonable for Hudson is to not approve this project. And HLC, Amazon go somewhere where it will not impact so many lives in a negative way. Let's keep Hudson a great place to call home. Thank you.

Seeing no further public input, Chairman Coutu moved on with the agenda.

6. Resignations, Interviews and Appointments

Conservation Commission - Resignation of Paula Hubert (member term to expire 12/31/23).
Selectman Morin made a motion, seconded by Selectman Gagnon to accept the resignation of Paula Hubert from the Conservation Commission with the Board's thanks and appreciation. Carried 5-0.

C. Nominations/Interviews

Cable Utility Committee - (5 member vacancies -all to expire 4/30/23)

Flo Nicolas (new applicant)

Chairman Coutu recognized Hudson resident, Florance Nicolas, applicant to serve on the Cable Utility Committee, and asked Ms. Nicolas to tell the Board about herself. Ms. Nicolas said, yes, thank you for the opportunity. My background is I'm actually a licensed attorney and for the past seven and

a half years I've been actually in the telecommunications industry. I work for Sprint, which recently merged with T-Mobile. I was in charge of overseeing our vendors and our modifications to our telecommunication systems, which, you know, 4G, 5G, which is the current project that's been worked on right now. I have experience and project management, all the regulations and compliance that that have to deal with the telecom industry. I the New Hampshire market was my market when I was overseeing the modifications to the cell towers in this area. So I think that background of the telecommunication industry, along with my legal background, having to deal with environmental compliance, historical compliance, FCC compliance, as well as negotiate in some of our license agreements. I have worked with some of our own cell phone tower owners like SBA, Crown Castle, AT&T. I've also done additional venture sharing projects with AT&T and Verizon. So I believe that the vast experience dealing with also the engineering team, our sales team, our financial team is in that background that I have, I think is definitely going to be sorry I'm so nervous.

Ms. Nicolas went on to say, all that talk about lawyers and stuff has me nervous. I'm a good lawyer. I promise I'm not the bad one. But that vast experience that I have in the telecom industry makes me a good fit. The reason why I decided to finally, I've always wanted to be part of a committee. My husband is retired in general. I disabled vet. He's finishing with his master's at UMass Lowell. He currently works a B.A. While he was going to school, I was dealing with three kids. So now that he's almost done, I'm like, yes, it's finally my time to be able to give back to the community. My schedule is a bit more flexible now. I don't have to worry about him being at school and me dealing with work and the kids. So this is a perfect opportunity to give back and utilize my background in the telecom industry, as well as my legal background to serve my community. And last point, when I put myself through law school, I actually work for Comcast, so I am familiar with the cable industry. So all that I'm hoping you guys will give me the opportunity to use, utilize my talents and serve the community.

Selectman Roy was recognized and she asked Ms. Nicolas where she got her degree. Ms. Nicolas replied, Massachusetts School of Law. She then asked, what made you want to volunteer. Ms. Nicolas responded saying, so I've always volunteered. I you know, whether it's working with vets, that's usually something I typically have done. And at one point when we used to live in Colorado Springs, that's one of the things that I use. My legal background was to help our vets in terms of legal advice and home sales and purchasing and selling. The other thing I think that has drawn me in is, is just trying to be more involved in the community. I you know, it's not sufficient to be in my house complaining about stuff, but I'm just stuck in the house and I'm not, you know, getting outside and actually being an active member of the community. I think to be able to make an impact, you need to be involved. Supporting indoors is great. But I think that actual physical and actively using the tools that I have, the education background that I have. What better way to do it and do it now? That was one of the things that I did this year for my New Year's resolution. And instead of saying, hey, I want to lose 20 pounds, it's hey, I want to be more active and I want to participate more.

The Chairman thanked Ms. Nicolas for coming before the board and explained that the Board would be voting on her nomination at their next meeting.

Cable Utility Committee incumbent member, Peter Lanzillo

Chairman Coutu said, Peter has been on the Selectman McGrath made a motion, seconded by Selectman Gagnon to reappoint Peter Lanzillo to the Cable Utility Committee with a term to expire 4/30/24. Carried 5-0.

Benson Park Committee - (3 member vacancies both with terms to expire 4/30/24, 1 alternate member vacancy with a term to expire 4/30/23)

Nancie Caron (incumbent member), Selectman Morin made a motion, seconded by Selectman McGrath to reappoint Nancie Caron as a member of the Benson Park Committee with a term to expire 4/30/24. Carried 5-0.

John Madden (incumbent member). Selectman Morin made a motion, seconded by Selectman Roy to reappoint John Madden as a member of the Benson Park Committee with a term to expire 4/30/24. Carried 5-0.

Recreation Committee - (2 member vacancies with a terms to expire 4/30/24)

Susan LaRoche (incumbent member) Selectman Roy made a motion, seconded by Selectman McGrath to reappoint Susan LaRoche as a member of the Recreation Committee with a term to expire 4/30/24. Carried 5-0.

Sean O'Neil (incumbent member) Selectman Roy made a motion, seconded by Selectman McGrath to reappoint Sean O'Neil as a member of the Recreation Committee with a term to expire 4/30/24. Carried 5-0.

Municipal Utility Committee - (1 member vacancy with a term to expire 4/31/24, 1 alternate member vacancy with a term to expire 4/31/22)

Dawn Lavacchia (incumbent member), Selectman McGrath made a motion, seconded by Selectman Roy to reappoint Dawn Lavacchia as a member to the Municipal Utility Committee with a term to expire 4/30/24. Carried 5-0.

Building Board of Appeals - (2 member vacancies 1 term to expire, 4/31/21 and 1 term to expire, 4/31/24)

Jeffery Emanuelson (incumbent member), Selectman Morin made a motion, seconded by Selectman McGrath to reappoint Jeffery Emanuelson as a member to the Building Board of Appeals with a term to expire 4/30/24. Carried 5-0.

Chairman Coutu went on to Consent Items and asked, does any Board member wish to remove any item for separate consideration on consent items? Seeing none, Selectman McGrath made a motion, seconded by Selectman Morin to approve consent items A, C, D, E & F as noted. Carried 5-0.

7. CONSENT ITEMS

Assessing Items

1) Elderly Exemptions: Map 157, Lot 006, Sub 077 11 Melissa Trail; Map 204, Lot 006, Sub 327, 327 Fox Hollow Drive; Map 148, Lot 040, Sub 067 32 Riviera Road; Map 131, Lot 065, 3 Brightside Drive; Map 165, Lot 030, 22 Campbello Street

- 2) Veteran Tax Credits: Map 157, Lot 066, Sub 108, 109 Barbara Lane; Map 203, Lot 132, 5 Cottonwood Drive; Map 165, Lot 050, 38 Campbello Street; Map 174, Lot 231, 46 School Street
- 3) All Veterans Tax Credits: Map 175, Lot 148, 47 Adelaide Street; Map 166, Lot 016, 49 Ledge Road; Map 154, Lot 013, 16 Harston Circle
- 4) Disabled Veteran Tax Credits: Map 203, Lot 132, 5 Cottonwood Drive; Map 248, Lot 060, 94 Dracut Road
- 5) Solar Exemptions: Map 185, Lot 021, 44 Flying Rock Road
- 6) Gravel Tax Warrant: Map 122, Lot 2 Nash Family Investment Properties
- 7) 2020 Property Tax Rescission of Supplemental Tax Bill: Map 168, Lot 14 - 12 Madison Drive
- 8) 2020 Property Tax Abatement: Pro-rated Assessment for Damaged Buildings Map 197, Lot 112 - 5 Cedar Street
- 9) 2020 Property Tax Abatement: Pro-rated Assessment for Damaged Buildings Map 147, Lot 11 205 Webster Street
- 10) Charitable Exemption Application: Map 237, Lot 5730 Richman Drive
- 11) 2020 Abatement Application: Map 228, Lot 4, 7 Wal-Mart Blvd
- 12) 2020 Abatement Application: Map 110, Lot 56, 12 Senter Farm Road

Water/Sewer Items - none

License, Permits, Policies

- 1) Raffle Permit - The Bar (April 18, 2021)
- 2) Raffle Permit - Hannah Dustin Quilters Guild (April 30, 2022)
- 3) Raffle Permit - Hudson Fish & Game Club (May 3, 2021)

Donations

- 1) 65" HD LED Monitor with a value of \$480.000
- 2) \$50.00 to Hudson Recreation Dept. in memory of Jay Mousseau

Acceptance of Minutes

Minutes of the March 23, 2021 Meeting

Calendar

- 4/14 7:00 Planning Board - Hudson Community Center
- 4/21 6:00 Library Trustees - Hills Memorial Library
- 4/21 7:00 Planning Board - Hudson Community Center
- 4/22 7:00 Zoning Board - Hudson Community Center

4/27 7:00 Board of Selectmen - Hudson Community Center

8. OLD BUSINESS

A. Votes taken after nonpublic session March 23, 2021

Selectman Roy made a motion, seconded by Selectman Roy to seal the nonpublic minutes of the March 23, 2021 meeting. Carried 5-0.

Motion to adjourn at 9:32 p.m. by Selectman Coutu, seconded by Selectman Roy. A roll call vote was taken. Carried 5-0.

B. Request to Reconsider

Chairman Coutu stated item, B, a request to reconsider, as you all know, that we have granted that request and we wish Amy Manzelli well and we look forward to seeing her at the next regular meeting. I would like to have a motion to defer this item to the next Board of Selectmen meeting on April 27th. Selectman Morin made this motion, seconded by Selectman Gagnon, Carried 5-0.

9. NEW BUSINESS

A. HPD - Acceptance of A.C.E. Grant

Chairman Coutu recognized Captain Dave Cayot of the Hudson Police Department. Captain Cayot said, I'm here to request the Board's authorization for the Hudson Police Department to accept the grant, which was awarded by the New Hampshire Division of Liquor Enforcement and Licensing. The grant was awarded in the amount of \$909.60. Chairman Coutu asked Cpt. Cayot to elaborate a little bit on the purpose of this grant. Cpt. Cayot explained, this grant allows us to work with the liquor enforcement division, to go to the different vendors in town, restaurants and different stores that sell alcoholic beverages and do compliance checks and educate them on that as well. Seeing no questions from the Board, Selectman McGrath made a motion, seconded by Selectman Morin to accept the Alcohol Compliance Education Grant (ACE) awarded by the New Hampshire Division of Liquor Enforcement and Licensing in the amount of \$909.60. Carried 5-0.

B. Rec Dept. - 2021 Spring Adult Softball

Chairman Coutu recognized Recreation Director Chrissy Peterson. Ms. Peterson said, sure. Well, thank you for inviting me the opportunity to come before you to seek approval for the recreation department to be able to offer adult softball to both men and women this spring, per the recommendation of the EOC, I did delay seeking approval to allow sufficient time for me to work on the logistics of what I don't talk I would look like during Covid-19 and given the fact that we didn't have it last season due to the pandemic. After a conversation with Chief Buxton regarding guidance as well as researching USA softball safety protocols, I blended the recommendations and put together a strong Covid-19 policy that would be subject to change in reflection of where we are with Covid. I've since received EOC approval for both this season as well as the Covid-19 policy that

would be implemented. So my hope tonight is to receive the Board's approval and be able to proceed with the 2021 one adult men and adult women in softball season. Selectman Morin asked, with all the sports starting up, how are we enforcing the Covid-19 policies? Ms. Peterson replied, I would like to hire softball field supervisors for both the men's and women's league. I've also put in there that I will be in contact with all of the coaches. I will do a Zoom meeting with them. They'll be made to understand that they are responsible for their teams to make sure that everything is compliant with it as well as the umpires. So I've already actually spoken to some of them remain for. Selectman Morin asked, what about the audience? Ms. Peterson answered, Spectators as well? Yep, they absolutely. Everything will be blasted out and everybody will be made, you know, very clear on the safety protocols. And they'll be made to understand that if they're not unfortunately, you know, the league will suffer. We take health and safety of everybody is top priority. Seeing no further questions, Selectman Gagnon made a motion, seconded by Selectman Morin to approve the 2-21 Spring Adult Men's and Adult Women's Softball Leagues. Carried 5-0.

C. DPW - Vector Truck Purchase

Chairman Coutu recognized DPW Director, Jess Forrence. Mr. Forrence explained, I'm sorry. It's a thick packet. It was. There's a lot of work behind it. And I'd like to thank Jim Lavaca for the time he put into this and all the leg twisting he did to increase the trade in value. If I remember a couple of years ago when I came back and there was very little trade. And one thing good about the cold weather slowed everything down and people were looking for machines so that that brought its value up quite a bit. So Jim did a great job putting that together. Public Works receives quotes from the back on and back to our companies for the replacement of the 2009 machine we have now. We went through a lot of different government agencies. We usually use the Sourcewell, go through there. Talking with the Fire Chief and Police Chief, he said try the Greater Boston. And we did that and we were pleasantly surprised on what we find on that thing. So as a station here, I would like to go forward with the purchase of a vector in the amount of \$405,000. And if you all read your package, you see that the funds are readily available. Selectman McGrath made a motion, seconded by Selectman Gagnon to waive the competitive bidding requirements as outlined in Town Code 98-1(C) and to purchase a 2022 Vector truck from Vector Industries at the price of \$392,079 as recommended by the Public Works Director and Finance Director. The truck is to be funded through the Capital Reserve Fund. Carried 5-0.

D. FY22 Default Budget

The Chairman said the voters have done something that they don't do too often. They denied our budget request and now we have to fall back to the default budget. And I believe you are going to address this issue this evening. The Town Administrator said, you are correct, sir, as you're well aware of the budget, the general fund operating budget did not pass the sewer and the water, which was separate because it did pass. So they are not in consideration here. We're only talking about the general fund, which includes the library. So that's part of this discussion. As you're well aware, the default operating budget is thirty million four hundred seventy nine thousand one hundred forty three dollars, which is seven hundred seventy three thousand six hundred twenty one dollars less than the proposed operating budget that was on the ballot last time this happened. In fiscal 2015, department heads got together and reviewed their operations and what they could and couldn't do. We basically did that this time. We had to do it on obviously some types of calls. We couldn't meet in person and departments reviewed their budgets and we prepared a list of items that were going to try to accomplish with the reduced budget. We have to move money around, transfer things, use capital reserve funds, and in some cases, we're not gonna be able to do things. We just can't simply manufacture money. There's a couple of projects on this list. And I think if I turn your attention to page seven, you'll see the list that I'm speaking about as you go down the left hand column, the numbers, that's the default reduction. That's the amount of money that basically is coming out of the

budget. If you look to the calm, to the right as fundamental, that's the amount that we believe we can either transfer or get from another resource to be able to accomplish these tasks into the column to the very far right tells you where it's basically coming from. So you can see there's a list here. It's basically sort of in department order. And again, some key priorities on this list were to perform the town wide, assessing the update that we need to do next year. We need to make a second payment on a fire truck that we purchased this year. And we have police gear, police equipment, Taser body cams that we feel is also an important item. A couple of things we're not going to be able to do and I can be able to do. The project overbuy. I think it's First Brook off of Lowell and Central Street. I we were going to start the design of that. That's a covered bridge that we would have to work on. We simply don't have the money. And we will also put money in the budget for planning assistance, which quite frankly, there's no place to get that money either. So this is for discussion for the board. This has been worked on with the department heads, the majority who are here. So if you'd like to ask questions, go through it. We're here to answer those questions and go through it. But this is how we think we can accomplish what we believe needs to be accomplished in the next fiscal year.

The Chairman said, one question just to get it out of the way. The library, it shows a default reduction of five thousand and fifty two. No action is needed. Is that because they'll absorb that within their budget? The Town Administrator said, they'll be ok. They will be able to accomplish that. Very good there. A million dollar plus budget for the five thousand dollars they'll be able to take care of. Chairman Coutu replied, Ok, good. They just want to get that one out of the way or every members of the board. You've all had an opportunity to review. We're on page seven or any part of the package. If you're going to go to another page, please identify the page. Any questions at this time?

Selectman Roy was recognized and asked, what is what is going to be the impact given the Hillwood Development Project on not having a part time planner? Because that comes out of the Town Planner's office, I would presume so Town Planner's, obviously a key staff member for the function and he is providing that service now. I believe we've been using some part time assistance from NRPC. Obviously, he's going to have a lot more of a workload the longer the project for the Hillwood goes on, because he has to obviously do that work and he has to do his regular planning. I mean, other plants come in all the time. So from the staff perspective, he's going to be busy. And I do have some concerns about that. I mean, I understand he's a hard worker who's a good worker. But, you know, The Town Administrator responded, Sometimes you have other things that probably take more precedence, like the fire truck, like the like the bodycam. Quite frankly, we looked at the assessing stuff and we believe that we can make those expenditures because we have capital reserve fund. We've gone through legal opinions from our attorney, from an HMO and our auditors that said, yes, you can spend out of that. We appropriated it in the budget. We also put a revenue offset in there. Come to find out, we can we can actually still spend that money. So that that's a significant chunk right there. I believe it says \$175,000. So we can accomplish that. That's just one example. But yes, there are things that are going to be difficult to do. The Town Administrator went on to say, Sometimes you have other things that probably take more precedence, like the fire truck, like the like the bodycams. Quite frankly, we looked at the assessing stuff and we believe that we can make those expenditures because we have capital reserve fund. We've gone through legal opinions from our attorney, from an HMO and our auditors that said, yes, you can spend out of that. We appropriated it in the budget. We also put a revenue offset in there. Come to find out, we can we can actually still spend that money. So that that's a significant chunk right there. I believe it says one hundred and seventy five thousand dollars. So we can accomplish that. That's just one example. But yes, there are things that are going to be difficult to do.

Selectman Morin was recognized and said, I want to make it clear before I start that Mr. Malizia and our Department Heads did their due diligence to make sure that the town was protected and had all the money that they need. But due to the way we've handled this in the past, I've got a lot of questions. First of all, this Board presented a zero budget to our department heads, which they did the best they possibly could to get there. And I think we did very well there. My problem is when we've run into this situation in the past, basically the route that we went to department heads talking to Malaysia took was would we find funds to take care of everything? But our residents have told us

that they want to keep the budget low and back to that. So basically, that's not happening. We're just finding other monies, talking to some of the department heads and what's being cut and where money's coming from. I'd like to call them up here and hear that so everybody gets to hear where some of this money's coming from other than what Mr. Malizia has discussed. Because I've got to tell you, I got some real issues with we're taking away from training. We're taking away from tires were taken away from a bunch of stuff like that when there's things in this town that we can do without them. And I'm just going to throw out a few and then I'm going to ask the department heads to come up. At this point, we don't need bark mulch. Yeah, it's a very little fun. But you know what? We take that, get rid of that. Is there a possibility of closing the Bensons bathroom this year? We can get rid of that. There's many things that we can cut to at least take away from that expense. I would much rather see our employees having the safety equipment. They need the training. They need cameras. For one thing, for the police department. We're going to have to we're going to have to fund that a different way. Well, you know what? That's more important than bark mulch. I got to tell you that right now, OK? Is it more important than Christmas lights on the common? Absolutely. So I'd like to hear from each of the department heads, what they're cutting and where the money's coming from. And however, you'd like to start it. Selectman Morin asked Chief Avery and Chief Buxton to come forward.

Chief Avery started the discussion by saying, So some of the areas that I think it's very, very important for the residents to understand the repercussions of this default budget for the police department standpoint, one of my major shortfalls is going to be at last year's budget, FY21. We transferred a forty hour part time, dispatcher into a full time position. Why did we do that? Help with coverage, reduction of overtime, help with staffing in safety of our dispatchers, ensuring we have two dispatchers in that building. 24 hours a day. Furthermore, in doing so and now being faced with a default budget, I did not. I was short \$55,000. And in no way, shape or form am I planning on furloughing or recommending furlough to this board of that night dispatcher that we hired. There were need there not a one. How am I going to get around that? Unfortunately, Officer Craig Hogue with the Hudson Police Department is being deployed overseas to Afghanistan or overseas someplace he has chosen to. His military pay while he is going to be overseas and forgo his Hudson police pay. I'm going to take the money from Officer Hogue's salary to offset the cost to that 9th dispatcher to come up with that \$55,000. I certainly don't want to lose an officer for a 10 month to a year deployment. However, this is one of the ways I'm going to be able to overcome that shortfall. Selectman Morin said certainly you're going to use that money to fill the dispatch position. I understand that. But what are you going to use to fill his position? You're going to run short? Chief Avery responded, we will be short while he is gone. We will not be able to fill that vacancy as an officer. That is Officer Hogue's position. And we will not be filling that vacancy when he returns from overseas. He will step right back into the patrol division. So one of the shifts will be short. We will make adjustments are to make sure we have the proper sectors on the street for the residents.

The next major shortfall we had, as the board knows, starting last June, I had to ask Captain Bianchi with research and looking into the body cam camera project. This is not, again, a want of the Hudson Police Department. This is an absolute need not only for the Police, but for the residents of Hudson and for anybody that traverses through this Town or works in this Town. It's a nationwide push. The governor put together a group of individuals that came up with recommendations, very high recommendations for all law enforcement agencies to adhere to. Out of all of the recommendations that they put forth through to the chiefs of police, the only one we were lacking in, thankfully, was body cameras. So we started this project before they came out with their recommendation. Captain Bianchi worked his tail off all summer long. We dealt with several vendors and then settled on utility or body one cameras. In the end, we entered in an agreement and that was my choice to make sure we entered very quickly. I don't want a tragic incident to happen in this Town, in the offices or the citizens if they're not protected. So as quickly as we could get these cameras into place, we did it. We entered into a contract, I believe, in November or December. We owed a sum of money, I believe was ninety three thousand dollars up front. How did I fund that? Through drug forfeiture money, the hard work of our narcotics division. As you heard tonight, Sergeant Broderick's dedication to combating the narcotics world. We had a lot of money in that account and I used the money to pay for it. That money also helps us moving forward with narcotics investigations and other equipment.

So I funded the first piece by that \$93,000 of drug forfeiture. We then go seventy thousand dollars for the next five years, next four years. Being in a default budget, I did not have the seventy thousand dollars in my budget, which we had previously planned for. However, your board in the Budget Committee board recommended to me and the Town Administrator in the Finance Department created a capital reserve fund for bulletproof vests, bulletproof shields and body cameras in the amount of \$50,000 that was approved. So I do have \$50,000 at my disposal to help offset some of these costs. Where are we falling short this year? We currently budgeted \$64,000 dollars for. Selectman Morin asked if you're going to use all this \$55,000 for the cameras, what are we going to lose out on for protection for our officers? Chief Avery replied Certainly, I'm not going to use all of it, but I am going to use a good majority of it. What we're going to miss out on is purchase a new portable radios for our officers. Over the last several years, we've been upgrading our portable radios. I will tell you, I have the oldest radio in the fleet. I will not let anybody on the street use my portable radio. It is just too old. We have spares in case we need it, so we are in OK shape. So we've been using money. We had \$56,000 budgeted to every year by a sum of portable radios in mobile radios. So we don't have any communication issues when we're dealing with an emergency. So we will forego that for this year. The other part we're not going to buy we are not going to be able to replace our radars in our vehicles. We have some aging radar units, but that's OK. If they break, we are simply going to have cruisers without radar guns. It's not a life or death situation. We can use other methods to slow people down. So in the end, I'm going to take that \$64,000 and put it towards the purchasing of the body cameras and the replacement Tasers. Why am I replacing the Tasers? The Tasers go out of spec, if you will, in November 2021. What does that mean? We will lose a ten million dollar insurance bond through Axon, which is the company that furnishes our Tasers for all the police officers. Chief Avery went on to say, Also, they do not guarantee that our Tasers are going to work after five years, there is no way, shape or form. I'm going to allow any police officer on the street without a Taser that I can almost guarantee is going to work when they need it. And a life and death situation. So I'm going to be taking the sixty four thousand dollars, I'll be taking thirty thousand sixty dollars out of that fund that I purchased, the portable radios and the radars and putting it towards the Tasers, the remaining balance out of that will go through the body cameras. And I will still have a little bit of a void that I will need to dip into the capital reserve account to offset that cost to the body cameras. I will have those major projects covered. There are other projects, and this may seem incidental to many residents, but I am not allowing police officers on the street with bad tires on their cars. We tried to increase this budget because the cost of tires have gone up due to the vehicles that we're driving and they need snow tires in the winter. They're not going out there with all-season tires. As you all see, the officers are out there morning, noon and night during all kinds of weather. We're going to lose out on replacing it. The cars that will be impacted by this will be my administration cars myself, my captains that are not out there on a daily basis, going to car accidents and going to calls for service. That is one way to offset this. I can get through a winter without snow tires. Yes. Or tires we can purchase I believe it's six for about a thousand dollars. Selectman Morin said, so we could get six tires for safety and not do bark. Bark mulch is what I'm trying to get at. That's what I'm trying to show here. Things that we don't need that aren't that aren't essential. We need to look at so we can buy these things that we're going to need for our people to keep them safe. Thank you.

Chief Avery went on to say, after talking about all that and it's probably confusing for a lot of people, this did not come to me overnight. I worked with the Town Administrator several times. And as it was mentioned earlier, the Department Heads met, I believe it was three times and talked about this at length. So it was a good team effort. Everybody worked well together. I'll have a remaining shortfall of \$46,263. How am I going to cover it? I'm going to pray that I don't go over the budget. Honestly, I'm going to manage the budget tightly. Hopefully you know that at the end of the year we get through the year that we have some money, some place, some pockets of money to offset that. \$46,000. Normally during the course of a year, we do inquire of acquire vacancies through people retiring, people leaving to go to other agencies or other means. So if that was to occur, we would hold off on hiring another body, whether it's sworn personnel or dispatch, our records clerk or any other civilian in the agency for a period of time to try to catch up and offset that cost. And that is my plan moving forward.

Selectman Morin asked, what else is included in that \$46,000? What's included in that? Chief Avery responded, cruiser tires is going to be the main one. I don't have the exact list right here in front of me, but we do have other areas that we're going to be short in. Selectman Morin then said, and if we're not, we just got up to staff pretty much where we need to be. And I know the officer who's been called up for military service, but then we're going to go right back again and we're going to spend or either we're going to run short on a patrol shift or we're going to spend more money on all the time, correct? Chief Avery replied, correct.

Selectman Roy was recognized and asked, I have a question about the cameras. Mr. Chairman, about the camera contract we signed that last year. Did that contract have a non-appropriation clause in it, meaning that if there was no appropriation, we could sever the contract? Chief Avery replied, it did not. We looked through it with a fine tooth comb. OK. OK, and just to elaborate on that, I think everybody saw the tragic events that just happened again and again, I do not want my officers on the street with our cameras. We have tried to get these. Covid has really set us back a couple of months. But starting in May, we will do a press release, probably middle to late May. You will see body cameras on every Hudson police officer. And I know I'm very proud of Captain Bianchi for his hard work on this project.

Chairman Coutu then said, Chief, let me ask you a question. Relative to the creation of all the time expenditures without getting into any detail, and I know you know better. We had a situation this weekend. You and I were going back and forth and I kept the remainder of the board aware of what was going on. In a situation like that, which is not an occurrence that happens very often, but it does happen and so do other similar instances. I was recounting since you and I last discussed this this problem we had this weekend, how many times I've received phone calls from a police chief about a lot of people being tied up on that situation. Would you estimate that there was a considerable amount of overtime that had to be utilized for that particular incident? Chief Avery replied, I can almost tell you exactly. Was between 42 and 45 hours of overtime for a three hour ordeal. OK, very, very costly situation. Chairman Coutu then said, I am aware and we are very grateful for the mutual aid we have outside of our agency, Nashua, the SWAT team and all of the people that were involved. But again, so your budget is so tight that, you know, it's I can assure our citizens, as I'm sure you would want to assure our citizens, public safety will not be jeopardized. We will do anything and everything. And yes, Selectman Morin, if we have to shut off the Christmas lights, if we have to make other sacrifices to make ends meet, especially on the side of public safety, I would rather air on the side of public safety. You've been there. You know what it's like, sir. You know how imperative the duties and responsibilities of public safety are, but there are other areas we can cut to make ends meet if we have multiple situations, both in Police and Fire, where we're going to need moneys over and above what has been identified. And we still haven't met all of the shortfall. Am I correct Mr. Malizia? How many, \$300,000 still short? Mr. Malizia replied, for the bottom line. Chairman Coutu went on to say, and we don't even know where we're going to find that. So if we're going to if we're going to claw and dig, we will air on the side of caution. We will make sure that public safety is taken care of and other such things. As you mentioned, as an example, we've had portable toilets, said Benson Park for quite a few years. We have to shut down the toilets and just rent portable toilets at a cost savings then these are the kinds of things going to have to be done. So thank you for bringing that to our attention. Do you have anything else, Selectman Morin? Selectman Morin said, I'd like to hear from Chief Buxton and I would still like to hear from the other department heads.

Selectman Coutu recognized Chief Buxton and asked, Chief Buxton, what are your shortfalls and how do you plan on compensating. Chief Buxton replied here, the FY22 budget proposal that was presented to the Board came in at approximately zero percent increase. What does that mean? That means that we work within the means that we had received in the 2021 budget to move monies around to offset projects. That also means that we see a consistent tightening of the budget each and every year because we're not seeing growth, OK? Originally, when we looked at it, our shortfall comes in at \$92,510. That is over one percent of our operating budget. As we sit here today, the Town Administrator asked us to look at our budgets and to see if we could come up with a proposal that would help with the offsetting. I offered him a memo which is on page 14 that outlines

approximately \$43,000 dollars' worth of cuts to our budget. That left us a delta of \$48,000. And I just want to review a few things that were on that list. As we look at the proposal that the Administrator gave you of that \$43,000 that would have meant that we were reducing facility preventative maintenance projects. The Town of Hudson has invested in the fire department greatly. In 2007, they put \$900,000 into Central Station and spent 2.9 million in the Lowell Road station. Chief Buxton went on to say, that would have had direct impact on the preventive maintenance programs for those two facilities, along with our other existing facilities. So that was one of the things that I was concerned about. Additionally, we would have had to defer \$26,000 worth of protective clothing, replacement and safety equipment maintenance programs. I use a sentence in this memo to the Administrator that I don't take lightly. I told them that I had grave concerns surrounding the reductions to the preventive maintenance equipment and was very concerned about the employee safety that suppression budget. All of our protective pulling has a 10 year shelf life. So as the equipment comes up by NFPA standard, we need to remove it no different than a bulletproof vest and that would had great impact on that budget. Additionally, we would have seen some training monies removed from administration and inspection services and we would not have done any maintenance on the municipal fire alarm system. As the bulk of you are aware from sitting on the Board, over time we run a \$100,000 master box system, one of the oldest alarm systems in the country, and we maintain approximately 311 master boxes in this community is one of the most reliable alarm systems that you can have even today. But that would remove any preventive maintenance on that budget. Additionally, we would remove some equipment repair money that was in the emergency management budget, if you recall, underneath the go for funds that we receive, the \$6,000 we were able to escalate some of those projects. So we felt comfortable with that cut that left us. A delta of \$48,000 that I informed the Administrator that we would not be able to cover within the Fire Department budget if we were forced to deal with that. That cut would have been devastating. We would have had to search out the potential for basically a reduction in force or those types of events. The biggest delta in there was the \$67,000 for the replacement payment for the 2008 Pierce. As you're aware of, last year we had a presentation that was done to the Board of Selectmen and talked about the needed escalation replacement of that truck due to the condition of the frame and the deterioration of that truck. The Administrator, Town Administrator looked at the operating budget and he has proposed the following adjustments to my list. He has proposed moving \$67,200 into the Fire Department budget. In that transfer, we come from accrued time contingency so that some money coming into the budget from outside the Fire Department budget because we will not be able to cover those costs. Additionally, the following programs will not be completed; We will not move forward with the training and education of the administration. That's basically any conference activities that the fire chief's office would take place. We additionally would not move forward with the \$11,000 training and education software package that the Board of Selectmen that was the only outside the budget request that the Board had authorized for next year, we additionally will not be will have some minor. It impacts also where we will not have a phone system upgrade at the cost of \$8,762. And we will defer, unfortunately, PC replacement in the Fire Department for an additional year. We will only purchase three PCs next year instead of the full five. So we're deferring some. Those cost one percent of our budget is very impactful, as you're aware, each and every year we try to come in at zero two years ago, the Board of Selectmen allowed us some growth and told us to come in at 2.5 percent. And those gains that we made during that budget process will now be removed because of the shortfall. That will be any growth that we had those couple of years. So certainly willing to answer any questions you may have, but that is the budget outlook from the Fire Department through the default.

Selectman Morin was recognized and asked, if you're going to have to remove personnel, where were you going to do that from? If we are forced to look at personnel costs? Chief Buxton replied, I will not remove from the emergency operations side of the business. I will be forced to look at the Inspection Services division. They service me one second, that division covers approximately 3,000 permits a year and consistently does. Over the last three years. The average is approximately 3,200 inspections in town. So that would be a direct impact to the community that we will not be able to service permitting activity as fast as we do now. Selectman Morin said, so between that and the NRPC thing, that would put us in a world of hurt. Chief Buxton responded, that will be very impactful

in that one area. Selectman Morin then said, the training that you're cutting out, what does that involve? Chief Buxton responded saying, so the training to the fire administration, that is for national conferences, if I was to attend. One of the pieces that I would remind everybody as we sit here today, it's \$3,000 in total. And right now we're unclear as to what that venue actually even looks like moving into the 2022 budget, because of ovid-19, the bulk of the conferences for the year have been postponed. So that was a reasonable request of the administrator to remove that money. Selectman Morin then asked, the software you were discussing? Chief Buxton replied, yup the software was a training and safety program to provide opportunities for our firefighters to receive training programs virtually and to attract them nationally. So we would be actually be able to put up programs and somebody in California would be able to grab our program and take it to their Fire Department. And we would have a library to basically go to and bring specialty trainings into the organization. Additionally, that would replace our platform for our training records retention, and that was the cost of that program. Selectman Morin then asked, and with that training, your plan was to keep the companies in their respective stations instead of everybody coming to Central, which delays response times. And now we can't do that, correct? Chief Buxton replied, correct. We will move forward with phase one, which will be the camera piece, but the online training portion will now be delayed. Selectman Morin said, I'm all set, sir.

Chairman Coutu said, I just want to ask Chief Avery, you don't have to get up. I hope that well, I'm sure you're doing it. But just as a friendly reminder, both Chiefs, I'm sure that you have staff assigned to research as many grants as we can apply for. And hopefully there'll be some generosity from the feds this year and granting additional monies and we might be able to cover some of these things. Thank you, Chief Buxton. We appreciate it, sir. He then asked Jess Forrence, DPW Director and Lisa Nute, IT Director, to come forward. He then said, Selectman Morin the floor is yours. Selectman Morin replied, thank you sir. He then said Jess if you just want to start where you're being cut and what you're cutting I'd appreciate that. Mr. Forrence started saying, well, first, I want to say public works doesn't deal with anybody either shooting back or are accidents or fire or anything like that. But some of the stuff we do is pretty important. One of the big losses that we had was in our guardrail account. That's something we need to keep up with and stay on top of, which is a concern with us. When Steve first brought it forward, when we had our first meeting, he said, you're going to have to find the money in your budget someplace. And I said, man, I can't take away from safety or public safety and for the guys or for the people out there. So I started looking at things and unfortunately, first site was Parks Department. And the hits that that thing took was the mulch, the mulch that we use at the playground in Bensons and in some of the other playgrounds. It's not regular mulch. Its bark chip they call it. To soften the blow when kids fall off of this that you know the thing. Selectman Morin said close Benson's bathroom. Not only we close that, but we save on water, sewer, and electricity. I'd put in a couple more porta potties in there and we'd make that do. The other thing in parks would be the flowers that you end up seeing, especially in the fall when all those get out and they look pretty with the scarecrows and everything else with them. That would be one of the things that we'd look at doing away with. So putting it together, there's a couple of things that that really would impact us. And I would like to go through with some of the other stuff, but that's the stuff that we do that hurts everybody. You know, some of the monuments or all the monuments, we would continue with all the flagpoles that have lights on them for the American flag we would continue with. It's just the little things that aren't really essential, but nice to have.

Selectman Morin then asked, what about road paving? Mr. Forrence replied, that's a line I went down with Steve and said, you know, this could happen if the money was transferred out of that, there would be three streets that we wouldn't put top on. Top is the street was paved the last year or the year before we just have not come back and put to wear coat on. It wouldn't hurt anything for a year. We'd like to clean up everything shortly after we put the base down, but that would be one of the ways that we could make up the deficit. Selectman Morin then said, and what would be the effect on your schedule for street paving and being without the top coat for so long? How much damage is going to take place between now and then? We're going to have to repair it before we do the final paving. Mr. Forrence responded saying,

I don't think. Looking at the streets that we they're not a lot of traffic on them, you know, School Street up in that area, Oakwood, so forth. So there's not a lot of traffic. So I'm not really concerned with letting it set for a year, but it would have to be done shortly after that. And what you're going to do to your schedule, it won't affect the schedule. Not doing something almost kind of helps us a little bit to get caught up on everything we need to do with paving. You know, there's buried sewer covers, drain covers, water gates out there now that we have to raise. But if this is done, we're going to put the brakes on all that stuff. Plows and stuff don't like sewer cover, sticking up an inch and a half in the road when you go to plow. So they would stay down for another year, which is not a problem. Selectman Morin then said, I've heard porta potties twice for Bensons. And, you know, that's been quite the issue over the years. If we closed the bathroom and put porta potties in there, how are we going to save money? Mr. Forrence replied, we did the cost analysis on what would cost for Mary Maids to come in every day, which we have now, and what it costs to have a company comes in once a week and there's a good savings there. What is it? Do you know? Mr. Forrence replied, It's \$275.00 a week for Merry Maids That's a week for the bathrooms and I think to clean the porta potties is \$175.00 a month. So if we didn't put any porta potties in there, either we'd save even more. Mr. Forrence replied, yeah.

Selectman Morin then asked Mr. Forrence, Manpower? No effect? Mr. Forrence replied, no effect on manpower. We can make everything work there. We're in good shape with that. You know the maintenance side of things, we looked at that when we lost some of the money. We can make some of that work. Selectman Morin asked, how? What are you going to take from to make that work? Mr. Forrence replied, the proposal that I gave Steve would be funding the steel that we're out there, how much that has gone up. Go to True Value and buy a 2x4 or Home Depot to go up, a two by four, we're feeling the same thing that's some of the concern. The other thing is education. Everybody goes to the transfer station. Everybody loves the transfer station. For us to work there, you have to be certified by state of New Hampshire. And so you have to go through a class. We've had new employees that lately we have to send them through before they can work there. So that's part of this stuff. We still have new guys coming in. We have to do asbestos training. We have to get them up on what it takes to clean up asbestos area, what to look for that'll come out of there. That's all funding that was done away with, with the budget not being passed. So things in there we're looking to continue with. The other thing is the roadside mower. That was a big one. That was \$27,000. That was the other thing we're looking to do, putting it off for another year. That means the one we have sitting in the yard won't go out. It's just in that bad a shape. Selectman Morin said, so I'm going to go down to a real touchy subject. Did you lose money in your overtime? Mr. Forrence asked, did we did we lose any money? Selectman Morin replied yes. Mr. Forrence responded no. Selectman Morin said so for some of the stuff you're talking about, if we went back to one day a month at the dump, at the landfill, what's that going to save you? Mr. Forrence said, that would save us a lot, yes. What it costs, I want to say that transfer station on to on any big Saturday, I want to say six guys, I bet to be close to \$700.00 bucks a month if we went down to the one day. Selectman Morin said, one day I'm all set sir. Chairman Coutu said can I ask you, Mr. Forrence in your budget this year and if you don't have to answer, I'm sure the Town Administrator could oblige. We had a very mild winter this year. We were blessed, thank God. And last year wasn't too bad either, correct. In anticipating your budget for the next fiscal year, did you budget on the safe side or did you play it close because we've had mild winters. Mr. Forrence replied, we've kept it consistent, not just because we've had mild winters. It's what we've done to change things. Going with more salt that was budgeted through the one year last year, we had an extra \$10,000 brought in. We went to a calcium system. We've cut way back on sand. We did very good this year. So I think we'll be all right going forward. OK, I mean, I mean, if the mother of all storms come in all bets aside.

Chairman Coutu then said, one of the things that you addressed when you prefaced your remarks at the beginning of your remarks, you mentioned guardrails sir. The cost has increased significantly. Mr. Forrence agreed. Selectman Coutu went on to say can you tell me, do you feel that at present we have an adequate supply to carry us through this summer without having to buy more guardrails or you anticipate having to buy more guardrails? Mr. Forrence replied, we're already looking at stuff that needs to be replaced. You know, this year. We'll be out there before July 1st. So replacing more

stuff. Selectman Coutu interrupted Mr. Forrence saying so depending what our needs are you may or may not have sufficient monies in the budget for guardrails. Mr. Forrence replied, I'm telling you right now, we won't have sufficient money in it, but we will still do it. If we have to do it. Selectman Coutu said, we have to do it because we have a matter of public safety. We have to cut somewhere else we'll somewhere else. You have public safety on your end. You work very closely with both the Police and Fire. Want to make sure that public safety needs are assured. I need assurance. We need assurance from our Department Heads that that will absolutely be top priority.

Selectman Morin was recognized and asked, the money for the guardrails, where you gonna get that? Mr. Forrence replied, we'll find it. Selectman Morin asked from where? Selectman Coutu Selectman Coutu said, paving. Mr. Forrence replied, you know that's the big bucket out there. This goes back as far as talking to Brox. They were just awarded the contract. You tell them you have a certain amount of money that we're going to work with and then you look at it and the number we're looking for is about \$54,000 and go back to Brox and say, hey, you know, we're going to back out, you know, \$54,000. They look at you, but they understand, you know, so that's why they're so great to work with you. You take another contractor and say, hey, you know, you're going to lose \$50,000 dollars out of this contract. Who knows? Selectman Morin then asked about the bridge that was supposed to get engineered with what's that do to us? Mr. Forrence replied well, if you ask public works, this past winter, we hit the joint that they're looking to take care of. If you're talking about the river bridge or if you're talking to Lowell Road. Selectman Morin replied Lowell Road. Mr. Forrence replied, Lowell Road won't affect me, I don't believe I was not under the bridge looking at it walking. That was Elvis, you know, he wants to get it done. But that's not something that I follow very closely. Selectman Morin then said the river, the river bridge, that's going to cost a lot more money. The Town Administrator was recognized and said, the bridge that you're referring to was there was a design budget put in for that. So there's no work for Mr. Forrence. It was all design. I'll raise this because we don't know the answer yet, but we'll find out there's money going to be coming to the Town of Hudson through the federal government that may cover some of these infrastructure things such as that bridge. That maybe quite possible we can use that several million dollars towards this project. But right now, we don't have enough information to tell us that we can or can't. We're not supposed to supplant things, in other words. But I think something like that may and I say may qualify because that's clearly an infrastructure type of project that I think this money is sort of targeted to, my understanding. So that may be something we can accomplish through that grant money now. Selectman Morin said and I appreciate that. But we just got to get out there that there is a bad side of this default budget and that, you know, in the past we've always just covered it a budget as a default budget. We should be making the cuts to meet that. Selectman Roy had her hand up.

Selectman Roy said I was just going to ask Mr. Malizia, is that the infrastructure bill that's gone before Congress? The Town Administrator replied, no, no. This is money that's already been allocated to the various states and then in turn to the various towns. We're waiting to get direction on how we may spend that, in other words, will be federal directives. You can do this. You can't do that. We have not got that yet. But we know that there's a pot of money out there.

Selectman McGrath was recognized and said, I have a question about the upcoming negotiations about the trash pickup. We haven't started those yet, have we know? Mr. Forrence replied, no we haven't, no. Selectman McGrath then asked, and is it anticipated that that's going to be a significant increase? Mr. Forrence replied yes. Selectman McGrath then said, ok, so we need to be aware of that. The residents need to be aware of that. And if we're in another default budget next year, we may not be able to afford trash pickup. Mr. Forrence replied Correct.

The Town Administrator said if I may, Fiscal 22 is still under this contract. It has an escalator clause that has all been factored into the default that it will be going into July 1st we will be okay. It's the subsequent year that we have to negotiate that will have the question. Selectman McGrath said, I Just wanted to point out that if we end up in another default budget next year, trash pickup may have to be affected. Mr. Forrence replied, bring it to the transfer station. Selectman McGrath said, just wanted to point that out because, you know, people need to think about those things. And, you know,

our first responders, they need the equipment that they know that we budgeted for. And when you when you go back to a default budget and you have to start cutting things, it's the essential things that you're cutting. It's not the, you know, the shiny objects somewhere else in the budget. It's the necessities. And that's the reality of it.

Mr. Forrence said the reality and I hate to say it this way, but Santa Claus show up the common wood in a fire truck, throws a switch and the lights don't go on, you know, I mean, that's reality. And that hurts. But there was a couple other things in the public works budget. Lisa (Nute) can explain it a little bit better than I do. My VCR at home is still blinking, so I'll give it to her.

Lisa Nute, IT Director started off saying, Mr. Chairman. The I.T. Corps, the IT department area has a deficit of \$12, starting July 1. One of the things that was affected with this have been security because it included some new penetration testing. I was trying to get in three different tests and internal network, external network in our Wi-Fi MRI had recommended this be done on an annual basis instead of you know, it's been and it's been a couple of years. So I'd like to try to get at least one of those done. To do that, I will need to forego PC replacements in the Town Clerk's office, Assessing, Land Use, elsewhere in town hall. What this does is pushes our replacement cycle out a whole nother year for most departments. And, you know, the older the equipment gets, the more then we're responding, the more downtime there is for the employee, therefore affecting service. It's mostly soft cost, you know, that people don't really see behind the scenes, but that's how it gets affected. We had a new contract going in the landfill for Internet connection there. We wanted to get the coupons out there. We wanted to get phone for the Police firing range out there. That contract does need to be paid. So to offset that, again, it's going to be PC replacements that get pushed aside in both Police and Fire pushing the cycle from five to six year replacements. We had a new time clock, as you know, in town hall that was not previously budgeted. So that was another new project that we lost the money for, did reach out to the vendor. And we have since unplugged that equipment on our end. They did so on the other end and we agreed it would sit idle for the year until we can pick back up on that lease and monthly payment. Chairman Coutu asked the time clock will be offset by paving? Ms. Nute replied that would be the time clock that is in the DPW. That one is crucial because it affects their way of doing payroll, which is very complicated. So that one is a really important one that we keep running. They've already been using that. So again, to offset that, no PC replacements at all in that department. If it comes down toward the end of the year where we just it's like we have to do PC's because we're having that many that are old, you know, as it was, I'm using some very old equipment for our home users because we had to double up a lot of equipment in Covid so that people can alternate between home and here in our Town facilities. So we already had taken stuff that was slated for auction and put it back online. So, you know, we definitely have to catch up. Next year. You're going to see a much bigger account for PC replacements, but that's one of the few places we can we can pull from that and I'll forgo some training for our staff once the subscription goes by the wayside. We do a lot of online training to keep up to date. Things like that is where we're going to have to have to what we'll have to forego. And then the last thing I don't think the Fire Chief mentioned was I had intended to upgrade all their desk phones with more modern technology. They have some of the oldest phones. He did mention that I didn't hear them. So that will be postponed for a year as well.

Selectman Morin was recognized and said with the PC's what are you looking for, a price increase by the time we get around to buying more than we should have had to? Ms. Nute replied Um. It's probably going to be well, it's probably going to be about, \$15,000 that were PC replacements that were doing away with this year, not including, you know, the new upgrades or new projects on the phone etc. Selectman Morin asked and how many do you have to catch up with? You've got to do this year plus next year. So how many total do you know? Ms. Nute replied, you know, I didn't bring my PC inventory with me here. Oh, probably, um, you know, 20, maybe 20 systems. In addition, you know, in addition to our usual 40.

Selectman Morin asked without giving too much away, what's the security going to do to us? The IT Director responded saying like I said, I'm going to do everything I can to find the money for at least one of those penetration testing, because that one's been a little bit you know, I can tell you that I think we're doing a terrific job. But until you get an outside person and you really need to do that, you

know, the things that we may not be seeing, you get somebody in there who is security and they, you know, try to hack us and do this and that. It's really important to know where we are and find any weaknesses that we just might be overlooking or we're not even aware of. But personally, I feel we're doing pretty good in our previous penetration tests have been, um, have been very good, actually. You know, it's good it's good to do and good to know. Selectman Morin asked, what is the cost of that? Ms. Nute replied each one is just over \$4,000. So I had budgeted just over \$12,000 to do all three. \$12,313. Selectman Morin asked and if you're going to find the money where you're going to find that from, you said PC's? Ms. Nute replied PC's and training. Selectman Morin asked and what's the training you losing? Ms. Nute replied once the subscription goes by the wayside, you know, comes to an end, I won't renew that. I'll try to, you know, as soon as the next July comes, I hope to get right back on it. So we'll do OK until I can re-subscribe.

Chairman Coutu asked, any other questions for Mr. Forrence or Ms. Nute?

Selectman Roy was recognized and said, um, what subscription for training? Can you explain that a little bit more? I don't know that I understand what you're talking about. Ms. Nute explained, there's a number of online training subscriptions. They specifically deal with technical training or on the user side of, you know, office or things like that. I generally don't do that. I'm talking about my own team. Things like every time we upgrade Server 2019 as the latest we're using right now, you know, my staff will go take these online trainings to see the differences to, you know, know how to configure. We've got a big project coming in SharePoint, which we purchased during with Covid funding. That's a huge project that I'm educating myself on right now with these online trainings. And one of my staff members who is here tonight also took some of that SharePoint training so that we know how to configure this, how to do it right the first time, and then we have to train all our users. So we'll kind of be training ourselves. And hopefully I can do a lot of that in-house is a way to, you know, compensate losing actual online training for our users.

Chairman Coutu said, Ms. Nute, I just want to highlight the importance of Internet security. I don't know if people have been watching the news of late. Again today, there was a story about Haverhill High School in Haverhill, Massachusetts, being hacked. And these are very sophisticated users and hackers from overseas who are trying to get into our municipal governments, school systems and various hospital networks and the like. Mrs. Nute, I did not forget the communication we had between us relative to a recent incident and how you had to utilize an outside source. He's an advisor, I understand, to your department. And can you give without going into great amount of detail what transpired and how, because when you say I feel very secure after having heard that story, I feel a lot more secure than I did four years ago when we had a major incident that shut our entire system down. If you recall. Ms. Nute responded saying, I will tell you, we have learned a lot since then and have, you know, done everything in our power that we possibly believe we can, you know, bouncing funds, et cetera, but it's a matter of, you know, when will that happen? I can't stop everything and I can't stop a user from inviting something in through email, et cetera. But we do our due diligence and we do the best we can with educating our users, with providing different layers. But Microsoft was affected most recently and in a lot of their packages, a lot of their applications, including their email that did affect us. It affected globally small and medium sized business businesses who mostly use in, you know, on premise exchange and absolutely. Government agencies. You know, we are the typical ones who use that. And we were able to use our consultant because we were at the latest version and just had him, you know, working with us. So he contacted us right away to make sure we saw that Microsoft had just released this news and worked with one of my IT specialists, Vin, very late at night and got our servers up and updated and patched immediately. When it came out a couple of days later or a day later, Microsoft then released, you know, tools to make sure that you think you're patched, but if you know, if they had already come in before, you're still not going to know. So running those tools, we, you know, verified we were, in fact, clean. So kudos to my IT specialist, Vin Guarino, who, with the help of our consultant, really thwarted something that could have really set us back time-wise and taken us down for, you know, until we could restore and rebuild. I mean, we definitely would have done that, but it would have been a tedious project that, you know, would have put all of us offline for a bit. So very grateful that, you know, he was there working

for us. And we went unscathed this time. But it's, like I said, it's been at least of 40 to 50 percent increase. And in cyber security issues since Covid alone, for government agencies, schools, medical in particular, they know that, you know, we generally have the lower budgets and, you know, less staff to do things. So it is very important. Thank you for recognizing that and for all of you doing your due diligence with your email.

Seeing no further questions for Mr. Forrence or Ms. Nute Chairman Coutu thanked them for their time. He then invited Jim Michaud, Town Assessor and Chrissy Peterson, Recreation Director forward. He then said, as was explained earlier, just let us know what the impact of the default budget will have on your departments and how you plan on adjusting accordingly. Mr. Michaud, we'll start with you.

Mr. Michaud starting saying, good evening Board members, the default budget totals about \$773,000. 38% of that amount was actually for items in the Assessing budget. We were lucky to identify through NHMA legal counsel, as well as our counsel, that the money that was in the budget for the reevaluation, we can actually take from the capital reserve account. And that's item one in my memo. That was very significant. The second item that we dealt with in terms of the list of default items is the replacement of

The second item was the replacement of the mass appraisal software, Lisa Nute and I went over this with the Board of Selectmen in the fall, the necessity of replacing this 20 year old plus software, we were partially able to find funding for that within the current fiscal year by also taking from that property reevaluation fund, a good chunk of the existing cyclical data collection contract. We do still have a shortfall in that for this current fiscal year if we were able to do that. The third item that we looked at was funding for specialty property appraisal for the Hudson Logistics Center. If it comes to fruition. In talking with Steve Malizia, he did identify that I was looking at a multiyear contract and that \$35,000 where we would only be paying one year at a time. He opined that, you know, if we had an appraisal for one year, for ten to twelve thousand dollars for 2022, we might be able to find that within the legal budget. Specifically, there's a defense of appraisal value portion of the legal budget. So that's how we looked at on the default budget side, how we're going to be able to try to accomplish the necessities. And the reevaluation really was the number one thing re-evaluation and the mass appraisal software.

Seeing no further questions for the Assessor, Chairman Coutu moved on to the recreation budget. He started by saying, Chrissy, do you see any avenues within your budget that you're going to have to adjust for? And if so, please let us know what they are. Ms. Peterson replied, sure. So the difference between the two budgets for the Rec department would be \$13,378. \$12,000 of that was planned to redo the ceiling tiles here in the community center so that just, you know, would be taken off the agenda, leaving me \$1,378, which would be going towards the tennis program that I'd like to keep going. So I would most likely remove that money, move that from lacrosse over to tennis, and that would outweigh the two. Selectman Morin asked, if you're moving the money from lacrosse you just don't have any participants' or? Ms. Peterson said, we do, we usually have money left over in lacrosse each year as well as soccer. So I just want to just make a small adjustment for that, if that's OK. Seeing no further comments for Ms. Peterson, Chairman Coutu thanked her for her update.

Chairman Coutu asked, Mr. Malizia, a comment was made relative To Mr. Michaud talked about the funds that we have in legal for defense on assessments. I've noticed of late, especially this past year, he's been able he and his team have been able to Settle without having to go through all kinds of arbitration, a lengthy legal scenario in order to satisfy their request vis a vis what Our tax assessment was for the property. Is that fund fairly stable fiscal year to fiscal year? The Town Administrator replied, we've been we've typically budgeted the same amount from fiscal year, fiscal year. We've used a little bit recently because I believe we have the PSNH appeals, but typically we put that money in as I use the term legal contingency, depending on what we get hit with. So it's been a consistent budget there. And it looked like an opportunity to me based on what we've done, that we would have some money there, too, if need be appraised or assessed, the potential Hudson Logistics Center if it comes to fruition.

The Town Administrator went on to say, I want to point out a couple more things that would kind of fall outside of these major departments, if you looked at the Town Clerk/Tax Collector, because we have a different individual in the position, the salary and benefit delta. In other words, we're saving money. It's about \$20,900. There's no action needed there because one person replaced another. Budget Committee when they did their deliberations after the budget left the Board of Selectmen, they budgeted, and they put in \$7,000 for laptops. Didn't pass the budget, so therefore, they'll probably be without laptops. So I just wanted to point that out that that's something that came out of the budget.

Selectman Morin was recognized and said where we're taking out this money from these different accounts and everything, because we have to make up these funds instead of finding it all the places that are already in the budget. What's that going to do to us in the future and how far is that going to put us back? Because we have to use it when we weren't expecting to. The Town Administrator replied, well, it's a bottom line budget, and every year you evaluate where you want to put the money. I don't know what next year's default budget is going to look like I mean, we certainly cover all the labor and all of that sort of stuff. So from a personal perspective, but, yeah, it's going to be probably a challenging budget season next year because you're really going to have to scrub things and say, hey, where are we going to have to make things up? Because we had a default budget this year, it might not necessarily be in next year's default budget. So this Board's going to have quite an effort, I believe, in the non-labor part of the budget. Remember the labors covered with a lot of the labor contracts and I believe we're in decent shape there. It's the stuff that that this Board added, the Budget Committee added, that typically are operational, not labor. So you can have some challenges, frankly.

Selectman Morin then said, Ok, so what I heard tonight, I heard we're going to run short on police officers on shifts. We're not going to get portable radios. Chief said his was pretty old, no radars. And as we heard tonight from our residents, traffic's a big situation and radar controls that. A lot. Tires, preventative maintenance, maybe an issue later on software for training. We got a whole list of things we're not going to make up in our budget for what we've lost. But there are things that we can do without to cover some of this. And I think we should take a look at that. I don't want the Department Heads coming in and feeling that they must cut stuff, but I know there's some stuff in the budget, especially working here all the years I did, that there is some stuff that can really be moved. And we've talked about some of it tonight. And I would like to at least look at that if we cut out twenty-thirty thousand dollars, that's twenty- thirty thousand dollars we can put somewhere else.

Chairman Coutu then said, depending on our workload if need be we will have a workshop to go over this or you can try to go through this with another fine tooth comb. There's only so much we can scrape. We're at the bottom of the barrel now. We're going to have to make sure, what did you say, almost at \$300,000 still in the hole? Mr. Malizia replied, I will tell you there's nowhere to manufacture that \$280,000 that's gone. I don't see how you're going to do it. The only possible piece, I think maybe the 50K that if we get money, if the federal government allows that sort of project to follow that 50K, you could potentially do that. But the rest of it is simply dropped out of the budget. I don't see how we're going to make that up. The Chairman said, I'm going to send Selectman Morin out there and sell some marriage licenses. The Town Administrator said, you can you can certainly add all the revenue you want, but that doesn't increase your competition. Unfortunately, that's what we're at with the appropriation. The Chairman said so short of making cuts, deliberate cuts in order to save money for priority items, priority being number one, public safety, we're going to have to look at where we can cut it. We can sit down. That's what this what this was going to be very difficult. Mr. Malizia said, this was an honest attempt to do that. The Chairman said, I know. I know you've been through it. And departments are telling us they've already made cuts.

Selectman Morin said, let me ask the question. Go ahead again. Do we need bark mulch? Do we need flowers? Do we need paving for a whole year? Right. Do we do we need to do to dump days? We've been told that we need to hold the line, so we got to hold the line. The Chairman replied all

right. Well, that will definitely come up at another meeting probably sooner rather than later. Any further discussion on the default budget?

Selectman Gagnon was recognized and said, as a new member here? This might be a little out of left field, but just listening to all this and trying to learn the only creative thought I had is, as Mr. Malizia said, revenues. Could we entice revenues that may have been anticipated for next fiscal year this year? Let me give an example. Like, you know, can we say we'll give you a 10% discount on your car registration if you pay it this year in advance? Is there any creative ways like that of working? Selectman Roy said, an appropriation that they tell you what you can spend, regardless of the revenues you take in, that's what you can spend in that particular line. Selectman Gagnon then responded Ok, understood. Thank you. Selectman Roy said so it really got nothing to do with revenue growth. The Town Administrator said this is our bottom line. The Chairman said you can't spend this year what you want to spend next year. Everything stays within the boundaries of the fiscal calendar. You can't say we'll cover that next year with this. That all goes into general revenue and it starts all over for the new year. Selectman Gagnon thanked the group for the explanation. Seeing no further questions, the Chairman moved on to the next new business item.

E. Revenues and Expenditures

The Town Administrator explained, so we are through the month of March, which is basically three quarters of the year. 75%. And as you can clearly look at, you can see the various budgets. We are in very decent shape. As I've repeatedly said before, we encumber money for certain contracts like trash, which those percentage off the bottom line. Looking at the budget, it appears that, you know, we are where we should be from, from an expenditure perspective, from a revenue perspective. We continue to do very well with automobiles. If you looked at it from a linear fashion, we should be at 35%. We're at 83% of our budget. I would expect us to go over the budget by maybe \$500,000-\$600,000. That revenue cannot be spent. It goes to the bottom line. It potentially could be used to offset taxes, increase our fund balance percentage or appropriate in the future year for some project. So automobiles continue to be strong, which helps to make up for the lack of interest. We very anemic interest this year. We're not making very much that like. But bottom line revenue looks to be in decent shape also. And that's what all these charts and figures represent.

The Chairman asked, have you been able to ascertain, there was a question about the interest earned on investments and there were some months missing. Has that ever been caught up? The Town Administrator replied, those have been caught up. It's just a very anemic interest environment right now. We are not making very much because we are very restricted as to what we can invest in its general taxpayer money. It is not capital, it is not, pardon me, Trustee money. They have a lot more leeway, latitude. We have to be very conservative pro law as to what we invest in and those investments are not doing very well.

F. Appoint of Board of Selectmen Liaison Assignments

The Chairman said, assignments for liaison and committee assignments. They were handed out this evening. I think Jill put a copy in front of everybody. I'm going to suggest to everyone that at the end of each meeting, we have a remarks are the remarks by the Board of Selectmen. And if you represent a department and you feel that something need be said, if you're a department head is not in that particular evening for something, please advise us. If you're attending a committee meeting and you feel that there's a matter that should be of interest to the Board and you want to bring to our attention, please bring it to us in your remarks. If there's an item you feel that you that the Board should be discussing, please notify me either through Jill or the Town Administrator that you would like me to consider adding it to as an agenda item for the next meeting. Please let us know and we'll do our best to accommodate everyone.

10. REMARKS BY THE SCHOOL BOARD -Mr. Gasdia was recognized and said, yes, thank you very much. So the big news from the school is earlier this month, as many are aware, the governor issued an executive order that said all schools must offer five day in-person education effective April 19th. So we've met over the past two weeks. Last one was last night and we do have a plan. So all of our students will have the opportunity to have five day in-person learning beginning next Monday for our elementary schools. Nothing has really changed. They've been in five days since September for our middle school. They'll be moving from a hybrid, which was every other day to five days. So it's basically exactly like it was prior to Covid with the exception of obviously masks and shields and at the high school. It's sort of a model where there will be cameras, there'll be the ability to zoom into the classrooms on every day. So we will keep the every other day cohort. The students will be expected to go in on the days they've been going in and on the days that they typically had an independent day. They have the choice to either stay at home and spend the day on Zoom watching the class live, or they can go in one of the and finally the RLJ, the remote learning students. Everything will stay the same. They can remain remote. Comment that has come up is how are you going to social distance with all of this? And according to the governor, that's a recommendation and guideline and his executive order trumps that. So in the classroom, we will pretty much be social distancing, but especially on inclement days, things like the cafe and buses and things like that, we will do our best, but there will be times when the kids will be less than three feet. But if you watch the meeting last night, everyone within the district did a really nice job. I think it's the schools are safe. There's plenty of protocols in place. And, you know, I think we did a lot to really do well. And I really want to thank you know, Chief Buxton and the town for the support getting all of the teachers vaccinated, because if that was not done, I don't know how we possibly would have done this and felt good about it.

Mr. Gasdia went on to say and then one thing, Mr. Chairman, if you allow me a little bit of latitude to stay out of my lane, you know, as a resident, I just want to thank the department heads, Mr. Malizia and all of you for the amazing job you're doing with that default budget. You know, when you say a no, it's just a no. But it was pretty sobering listening to each Department Head come up here and talk about all of the things that they're going to cut. And then we still have a long way to go. And so I know it's not easy and, you know, just my own personal thing. Thank you for all the work you've done with that.

The Chairman said, And I want to take this opportunity to express to you, Chairman Gasdia, that We are favorably impressed and I can't speak more to it than could Selectwoman Roy and Selectman Morin of the unification that all of this has brought about between the Town side and the School side. We are one town. We will work together and we will continue with the progress that we've made. I will have, as I discussed with you, I will be bringing up this evening in general terms what you and I have discussed and where we'd like to go

11. REMARKS BY THE TOWN ADMINISTRATOR - Just a couple of quick things. I just want to say. We know there's a rabies clinic this Saturday starting at nine a.m. at the Hudson Animal Control Facility, 6 Constitution Drive. If you're interested, please see the webpage for details. I'd also note that the first shipment of LED streetlights has been received about 275 street light heads. We're going to be replacing all the overhead street lights with LEDs. So that installation should be starting very soon. Just if you see the folks out and about, that's what the project is.

12. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Gagnon - Two quick things I'd like to do. A shout out to a nice woman I met by the name of Sue. She was doing some street trash cleanup this past Saturday. I just stopped by to thank her. It

was a nice gesture during that conversation. I also want to give a shout to Corey Bouton, who picked up over 20 trash bags on one of his local roads and then subsequently a thank you to Jess Florence for quickly sending one of his guys to pick all those trash bags up on the side of the road. So really good efforts by our residents. I really appreciate it. Thank you. That's all I have, Mr. Chairman.

Selectman Morin- all set tonight, thank you.

Selectman Roy - So I just have one thing. So I'm going to preface my comments here with I appreciate all the volunteers that give the time to this town. However, it's come to my attention that at the Planning Board meeting on April 7th, that did not seem to hold Mr. Ulery's full attention. Instead, he was looking at his phone and posting on Facebook. When challenged by one citizen, he responded, I can chew gum and walk. This is not about being able to walk and chew gum at the same time. It is about having respect for the forum you're in and about respect, having respect to the citizens you represent when you're sitting on that dais, if you don't have the ability or the desire to focus on the issue before you, then you should consider ceding your position. Mr. Chairman, that's all I have.

Selectman McGrath - I guess I'd like to comment on Selectman Roy's comment that she just made. I, too, got that email and I forwarded it off to Mr. Malzia and requested a legal opinion. And once that came, I forwarded that to the Chairman of the Planning Board and the Vice Chairman of the Planning Board. So I think we'll be having a conversation at the Planning Board level about use of cell phones in general, in meetings, because I'm from the old school. Mine is put away. It's shut off. If somebody is trying to reach me, they're going to have to wait until I get home. And I just think that it's impolite at best. And I think that it's probably open to other actions that that can be taken. So that's one comment in response to you.

And the other comment that I'd like to make is about the default budget. As most of you know, I wasn't here for part of the year and part of the budget review process, but had I been, I would have done the same thing that I did every other year. And that's what the department heads do and go through the budget line by line, item by item, looking at past practice, past expenditures and what they're requesting now. And if there's a change in it, I question that. And I think that that's the same. I can say I think safely for the rest of the Board that they do the same thing.

We don't take the budgets lightly, nor do the Department Heads take the budgets lightly. They work within the confines that we provide them. A couple of years ago, we were able to go up to two and a half percent. This year it was a zero percent increase in the budgets. The Department Heads didn't complain. They did what we asked them to do, and they came in with the budgets that they were requested to present to us. Sadly, the voters decided that we weren't strict enough or that we weren't we didn't, I guess expect enough, and that's sad, that's sad to me, because everybody and I'm not talking about this Board, although it applies to us too, I believe, but especially the Department Heads, that they didn't work hard enough and they don't work hard enough for the residents of this town. And I can tell you that over the last several years as a member of the Board of Selectmen, I have seen nothing but hard work from our Department Heads, from our employees. They all deserve our respect and our appreciation. And I think it's it was insulting that that they voted not to approve the budget at a zero percent increase from the previous year. And that's what us to live with. I just think it's sad. So those are my comments.

Chairman Coutu - Thank you Selectman. Appreciate it Just a couple of items, Recreation Director still? Maybe in a back room. I don't need her to come out. I just want to say the citizens, the seniors in Town who are members of the Senior Center were pleasantly surprised the recreation director, personally delivered packages of food to seniors who are members of the Senior Center. And the packages were provided by DCU, the local branch here in Hudson. And Chrissy took it upon herself to go out in her car. She may have had some help, but when I saw you, you were alone in the car and you were carrying these big trucks full of food, two of them for household, and they were huge

totes. So I want to thank you and I also want to thank you For the Creation of a new program, which is going to be the girls' lacrosse clinic. And it's going to be coached by Hudson's very own Officer, Jason Downey, Jr. I think every kid in Town knows who Officer Downey is. The days will be Wednesday at five thirty pm beginning mid-May. The registration fee is \$30.00. It's not due until the registration closes. This is for grades 3-6. The location of the activity will be at Hills Garrison Field. And they can get a hold of you, but I can go online and register. OK, so you can go on Line Hudson Recreation Department and you can register. So thank you very much for that question. On behalf of the citizens of Hudson seniors in Hudson thank you. And a shout out for delivering those food packages to our seniors.

I received a letter from Bob Everett. Bob Squadron Forty eight, the Hudson Post, American Legion. Bob and I have been on a phone and talking about whether or not we We're going to have a Memorial Day festivities for Hudson this year. So this letter was said to me on behalf of the Post Commander, Dave Mayopolis, and it has been decided that It would, it's unfortunate, but they've had to cancel their band, the American Legion band, because they haven't had much opportunity to practice the Alvrine band, the JROTC, because there's just been so much going on and there have been a lot of restrictions placed on marching and the like. However, there is going to be some activity. We're almost there. We're getting into the final stages on May 15th. If you remember the Field of Flags at Library Park where the gazebo is. We have a field of flags honoring veterans and that will be they will beginning to set up on the 15th of May the field of honor. And if it rains, it'll be the 16th of May with all the flags will be placed again this year. And to your knowledge, Selectman Morin, are they accepting applications for more flags? Anyone who wishes to have honor a veteran could be a family member or a friend. I know I have one from my dad. So that's just an example. If you have a brother or a father, aunt or uncle who served in the military and you can provide the American Legion with the information, you can purchase a flag and it goes up year after year. I guess Memorial Day itself, we're not going to have a parade this year. So on May 31, yes, we are going to have a Memorial Day ceremony at Library Park where we always hold it. We'll have speakers. This is the letter from Bob, they will have speakers, the Legion Band, maybe the firing squad. It'll be open to the public at 2:00 p.m. And if it rains, the ceremony will be moved to the Legion and they do a little dedication ceremony out in front of the American Legion. They won't be holding anything at Library Park. So the request that has been made from the American Legion is and if the Board would seed and we can do this by consensus, they would like to have the fire department set up the large flag that they normally set up every year And Have the Police and Fire Department honor guard if they are available to come to the Memorial Day ceremony. And then depending on the turnout on Library Street to Highland Street to Ferry Street, they know that the area is going to be impacted. We have a lot of people on foot who will be walking. They may need to have somebody out there or a couple of police squad cars placed out there to make sure that the public is safe. Is there any problem with doing that as a consensus to allow them to do that? Seeing a consensus, the Chairman said, thank you very much.

With that said, last but not least, School Committee chair Gary Gasdia and I had an opportunity to go out to lunch. He contacted me and we had a very good discussion relative to working together more closely than we ever have. And one of the things that Gary had suggested and he submitted to me is a joint meeting, we should have a joint meeting between the School Board and the Board of Selectmen, see how I can roll out school board without having to say school committee. And I can't even pronounce what we are here. So you've trained me well, Gary. So we're going to have a joint meeting. We would like to have a joint meeting. He laid out an agenda. I think it's a little on the school side, but heavy on the School side. So what I'm going to do Jill is I'm going to give this to you. And if you would make a copy for each board member and we will put it in their box and then you can peruse it and we'll put it on the agenda for the next meeting to see if anybody has any recommendations other than what's here. And so he's laid out a pretty good timeline. And a lot that we have in common is that both sides use public safety. So Fire Police are heavily involved in both the Town side and the School side. And between Selectman Moran and Selectman Roy, they've done an outstanding job the past two years and cementing the relationship with the administrative staff and the school department. And we want to keep that moving in a more positive direction. And

the purpose of the meeting, I think that what Gary and I have had many, many discussions over the past couple of years. And I think the thing that we want to achieve is that we want to have a thorough understanding of what each other's needs are and whether or not we can accommodate the school side and our side. Or do we help them one year? They help us the next, and we try to budget things out accordingly. And so there's a lot of discussion that's to be had. So I asked Gary yesterday if he would mind my bringing it out in general terms with you. And he's going to do the same thing next Monday evening with the school board. Correct. Anything you want to add, Gary?

Mr. Gasdia said, no, I just I think you outlined it fairly well. I think we've made a lot of strides over the past couple of years. And some of it, if we're being honest, is our nice ride. It's nice that Karen comes to our meeting. It's nice that we've had a school board member at your meeting and we've done some things behind the scenes. That's really good. But I think the silver lining of Covid is when push came to shove, we were. Together and got a lot of things that, frankly, if you ask me a year ago, could we have ever done them, I would have said no way. And we did them and we did them better than a lot of other towns in New Hampshire. And so I think we don't want to lose that momentum. So how can we find ways to come together, be more transparent to the town, be more transparent with each other and make it more than window dressing, make it actual actionable ways that we can work together? And, you know, I think we have the right Boards right now to do it. We'll see. And, you know, please look at that agenda. I'm going to ask the School Board the same thing. That's not a final agenda. That's a first draft. So if you don't like it and there's something a better way to approach it, that's great. It's the outcome that we want and it is working.

13. NONPUBLIC SESSION

The Town Administrator said, the Chairman will entertain a motion to go into non-public under RSA 91-A: 3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee.

Motion by Selectman McGrath at 9:45 p.m., seconded by Selectman Gagnon, to go into non-public session. A roll call vote was taken. Carried 5-0.

Chairman Coutu entered Nonpublic Session at 9:45p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu entered open session at 10:12 p.m.

Selectman Morin made a motion, seconded by Selectman Gagnon to allow Jess Forrence to buyout 202.0925 hours of earned time. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Morin to hire Connor Peterson as the Hudson Police Department Alvirne High School Student Maintenance Assistant with a total of 15 hours a week at a rate of \$10.30 per hour. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Gagnon to hire Cindy Holton as the Hudson Recreation Department Women's League Softball Coordinator for the fee of \$600.00. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Roy to hire David Foreman as the Hudson Recreation Department Men's League Softball Coordinator for the fee of \$600.00. Carried 5-0.

Selectman McGrath made a motion, seconded by Selectman Morin to hire Melina Shea for the position of Assistant Town Clerk/Tax Collector, at a rate of \$17.50 per hour, effective April 19, 2021. Carried 5-0.

Selectman Roy made a motion, seconded by Selectman McGrath to seal the nonpublic minutes of the March 23, 2021 Board of Selectmen meeting. Carried 5-0.

14. ADJOURNMENT

Motion to adjourn at 10:16 p.m. by Selectman Gagnon seconded by Selectman Roy. Carried 5-0.

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

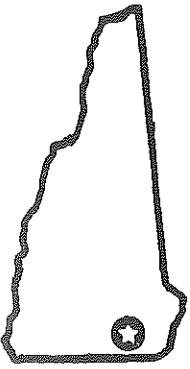
Roger E. Coutu, Chairman

Marilyn E. McGrath, Vice-Chairman

David Morin, Selectman

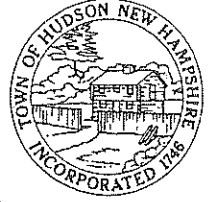
Kara Roy, Selectman

Brett Gagnon, Selectman



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

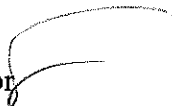
Agosta
4-13-21



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

7B

To: Board of Selectmen

From: Steve Malizia, Town Administrator 

Date: April 7, 2021

Re: Hudson Logistics Center Request for Reconsideration – Sewer Allocation

At their meeting on March 23, 2021, the Board of Selectmen deferred discussion of a request for reconsideration of the Hudson Logistics Center sewer allocation that was filed by Attorney Manzelli on behalf of her clients until members of the Board could review the information presented by Attorney Manzelli. I am attaching a copy of the request for reconsideration from Attorney Manzelli along with the documents that she provided to support her request so that the Board can discuss Attorney Manzelli's request for reconsideration.

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

Via Email
Town of Hudson – Board of Selectmen
bos@hudsonnh.gov

April 20, 2021

Re: Support for Reconsideration and Denial of New Sewer Allocation

Dear Chair Coutu and Members of the Hudson Selectboard:

Thank you for graciously granting my 4/13/21 request to defer taking up my 2/5/21 request for reconsideration (“Reconsideration Request”) because that morning I had been diagnosed with COVID (along with my youngest). I had planned to submit this letter on 4/13/21, but the illness waylaid me. This letter responds to the submissions from Hillwood Enterprises, L.P. (“Applicant”) and Green Meadow Golf Club, Inc. (“Owner”) published online on 4/9/21. Please make this letter a part of your record in this matter.

In summary, this letter covers the following points:

1. The Selectboard has not yet deliberated on or made findings on Section 270-17(B)(1) of the Sewer Use Ordinance, the key legal standard.
2. Because of the legal error noted in number one, and because of the legal error of reconsidering this matter on 1/26/21, when it was not ripe for reconsideration, this matter is now ripe for reconsideration to correct the two legal errors.
3. The Greeley Street Sewer allocation is not a precedent because that applicant proved providing residences is essential for the public health, safety, and welfare of the Town of Hudson and this Applicant has not proven the logistics center is.
4. The Applicant and Owner make numerous land use law arguments without any legal support or the law they cite does not actually support their points.
5. The Applicant has not made the case, or even come close, to a claim of detrimental reliance against the Town.
6. The Applicant and Owner raise a number of other issues, which are merely distracting sideshows, but I address them anyhow in an effort to move past them.

In conclusion, the Selectboard’s record in this matter and applicable law supports the Selectboard, first, moving and voting to reconsider; and second, moving and voting to deny. On behalf of my clients, I respectfully request that the Selectboard do both.

The remainder of this letter provides further detail on each point.

Selectboard Has Never Deliberated or Made Findings on the Key Legal Standard

As noted in detail in my prior letters, the legal standard requires the Applicant to prove that the proposed project is essential for the public health, safety, and welfare of the Town of Hudson. Town of Hudson Sewer Use Ordinance Section 270-17(B)(1). Despite the Selectboard having considered the Applicant's request at its meeting on 1/12/21 and reconsidering it at the meeting on 1/26/21, the Selectboard has not considered or made findings on this standard. In the remainder of this section, I identify when the legal standard has come up and why it is not enough.

During the meeting on 1/12/21, current Selectboard Chair Coutu asked about the legal standard and one of the Applicant's lawyers addressed it, but mostly in error. First, the lawyer misinterpreted the standard by extolling the virtue of the environmental benefits of public sewer systems as opposed to private septic systems. That is immaterial because the legal standard is about the proposed use, meaning the proposed logistics center. The legal standard is not about whether sewer is better for the environment than septic. Second, the lawyer advocated that the project would generate revenue for the Town. Again, nothing in the legal standard speaks to revenue generation. The attorney did belatedly state that the tenant may provide items like generators, but the Selectboard never took that up and no one ever provided any information about how that would be essential to the benefit of the health, safety, and welfare of the Town of Hudson. So, at the 1/12/21 meeting, the Selectboard did not deliberate on or make findings on the key, required legal standard.

The Owner perpetuated the misinterpretation of the legal standard in its recent 4/7/21 letter. Though the *Meredith* decision is irrelevant to this case, the letter cited to it, quoting that the "proposed connection is essential for public health, safety and welfare." See *Meredith v. State Bd of Health*, 94 N.H. 123, 132 (1946) (attached). First, that language is not from the *Meredith* decision, so it is unclear why it was quoted when it should not have been. More importantly, the *Meredith* decision has nothing to do with whether the proposed use in this case is essential for the public health, safety, and welfare of the Town of Hudson. The *Meredith* decision is a 75-year-old decision that contains language that suggests that requiring sewer systems is constitutional. The constitutionality of requiring sewer systems is not an issue here.

During the meeting on 1/26/21, in connection to reconsideration, then Selectboard Chair Morin referenced an emergency order which included logistics centers as essential. Upon information and belief, Mr. Morin was referring to Governor Sununu's Emergency Order # 17 Pursuant to Executive Order 2020-04 regarding "closure of non-essential businesses and requiring Granite Staters to stay at home." That Order contained an exhibit of "essential" business that were not required to stay at home. (Both the Order and the exhibit are attached.)

On that exhibit, in the category of “Health Care/ Public Health / Human Services” is an entry that read, “Manufacturers, technicians, logistics and warehouse operators, and distributors of or necessary to the supply chain of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.” Also on that exhibit, in the category of “Transportation and Logistics” is an entry that reads, “Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.”

The Governor of New Hampshire declaring a business as exempt from an emergency stay-at-home order to manage an emerging global viral pandemic is entirely distinct from the legal standard at issue in this case, which requires that the Selectboard find that the proposed use is essential to the public health, safety, and welfare of the Town of Hudson. The proposed use does not fall squarely within any use on the exhibit. Moreover, the Governor’s Order is a temporary measure for an emergency situation, whereas the Town law requires consideration of whether the proposed use is essential for the public health, safety, and welfare of the Town of Hudson both during the current pandemic and after it, when the emergency has passed.

One question from Mr. Coutu and one reference to a Governor’s Order from Mr. Morin is not enough. The Selectboard is required to deliberate on whether it believes, based on the evidence before it, that the proposed use is or is not essential for the:

1. public health of the Town of Hudson
2. public safety of the Town of Hudson; and
3. public welfare of the Town of Hudson,

and then to make findings on that to support its vote. Not having done so is legal error.

Reconsideration affords the Selectboard an opportunity to correct this error by deliberating and rendering findings that the Applicant has not satisfied the required legal standard.

Ripe for Reconsideration Now, but Not Previously

The sewer allocation is ripe for reconsideration now because the Selectboard has made two errors: (1) deciding that it should reconsider its denial when there was not actually anything new; and (2) granting the sewer allocation when the Selectboard had not deliberated or found that the Applicant met the key legal standard (as discussed above).

The Applicant and Owner admit that the Selectboard acts in a quasi-adjudicative capacity when it decides whether the Applicant has satisfied the legal standards such that it should be granted a sewer allocation. When the Selectboard acts in a quasi-judicial capacity, the Selectboard should get the first opportunity to correct its own errors through the process of reconsideration, just like any other quasi-adjudicatory administrative

agency. Put another way, the doctrines of administrative exhaustion and judicial economy favor the Selectboard having the opportunity to correct its error as a prerequisite to judicial review. This represents a valid justification to reconsider in these circumstances.

The Applicant provides no support for its assertion that the Selectboard's discussions about reconsideration constitute the law of the case. In fact, the law of the case provides, "Questions once decided on appeal to [the New Hampshire Supreme Court] are not ordinarily reexamined in the same case upon a subsequent appeal. The question decided on the first appeal is known as the law of the case and becomes binding precedent to be followed in successive stages of the same litigation." *Saunders v. Town of Kingston*, 160 N.H. 560, 566 (2010). The Saunders decision continued, "Thus, where an appellate court states a rule of law, it is conclusively established and determinative of the rights of the same parties in any subsequent appeal or retrial of the same case." *Id.*

Here, no appellate court has reviewed the Selectboard's decision to establish any law of the case. Also, statements about procedural rules made by individual Selectboard members do not represent any action or decision of the Selectboard. So, it is immaterial what individual Selectboard members said about reconsideration. Lastly, as I have detailed in prior letters in your record in this matter, Roberts Rules do not bind the Selectboard. The Selectboard may use them or may not.

While reconsideration is ripe now, to give the Selectboard the opportunity to correct legal errors, it was not ripe to reconsider previously. At the Selectboard's meeting on 1/12/21 when it voted to deny, the Selectboard's record already contained the information that was allegedly provided anew for reconsideration. This includes:

1. there is a small portion of the property that contains a sewer main;
2. the intentions in the early 1990s to extend sewer onto the property;
3. the increase in the sewer main pipe size for that purpose;
4. the owners' financial contribution for that purpose; and
5. the sewer easement.

Accordingly, not one of the seven exhibits the Applicant and Owner submitted after-the-fact, all of which are approximately three decades old, actually amounted to anything new. Those decades-old, publicly available exhibits contained exactly the same information that was already in the Selectboard's record and which the Applicant and Owner should have provided in the first instance. Because of that, the Selectboard was wrong when it voted to reconsider.

Logistics Center Different than Greeley Street Residences

This matter is distinct from the Selectboard's recent decision to allow the Greeley Street connection to the main sewers. While both projects are primarily outside of the sewer district, only the Greeley Street project meets the legal standard pursuant to Section

270-17(B)(1) of the Sewer Use Ordinance, that the project is essential for the public health, safety, and welfare of the Town of Hudson.

The essentiality of the residences the Greeley Street project provides is documented in the Selectboard's record. As recorded in the 12/8/2020 meeting, Elvis Dhima answered multiple questions about the residential use of the property that necessitates connection to the sewer system. A member of the public also stated in the 1/12/2021 meeting that they support the Greeley application because it was for residential use. The Selectboard was correct and justified in concluding that the residential housing is essential for the public health, safety and welfare of the Town of Hudson.

As discussed previously, the Applicant in this case has not met the legal standard that would authorize allowing them to establish this sewer connection specifically because they have not proven the proposed use of a logistics center is essential for the public health, safety, and welfare of the Town of Hudson. Therefore, the granting of the Greeley application cannot be used as precedent for granting this Application as well.

Land Use Law Corrections

The Applicant and Owner make numerous arguments without any legal support or the law they cite does not actually support their points, as noted throughout this letter.

Another important problem is misrepresentation. For example, the Owner wrote in its 4/7/21 letter, "As Attorney Manzelli acknowledges, the Board by-laws do not allow non-Board-members to petition for reconsideration or rehearing." What I actually wrote, in my 3/23/21 letter, was "The Town of Hudson Selectboard Bylaws are silent on how to appeal a decision of the Selectboard." Saying the bylaws are silent is fundamentally different than saying that they do not allow non-Board-members to petition for reconsideration.

The *CBDA* decision the Applicant cited does not apply. It involves the very specific "subsequent application" doctrine and stands for the proposition established in *Fisher v. Dover*, essentially that an applicant cannot apply for the same project twice. *CBDA Dev. v. Town of Thornton*, 168 N.H. 715, 721 (2016) (attached). It has nothing to do with the question of whether evidence is "new" for purposes of reconsideration. The *Fisher v. Dover* subsequent application doctrine was not designed for, has not been used for, and should not be extended by this Selectboard to apply to situations of reconsideration. Doing so would be completely unsupported in New Hampshire law.

The Applicant cited two other laws that were not designed for, have not been used for, and should not be extended by this Selectboard to apply to situations of Selectboard reconsideration of sewer allocations. Those are RSA 43, governing specific public hearings

by Selectboards, and RSA 677, governing appeals involving zoning ordinances (in pertinent part). Again, such a stretch of these laws would be legally unsupported.

Also in this category of corrections is the Applicant's open threat against the Town that the Town will be liable to the Applicant if the Selectboard reconsiders and/or denies the sewer allocation. As the Selectboard and its counsel must know, the general rule in New Hampshire is that each party pays its own legal fees. Generally speaking, even if a party wins a lawsuit, that winning party still has to pay its own legal fees.

A limited number of exceptions applies. The one that could technically come into play here is if the Selectboard were to act "in bad faith, vexatiously, wantonly, or for oppressive reasons, where the litigant's conduct can be characterized as unreasonably obdurate or obstinate, and where it should have been unnecessary for the successful party to have brought the action." *Harkeem v. Adams*, 117 N.H. 687, 690 (1977). The Selectboard's record on this matter justifies reconsideration again and justifies denial upon reconsideration.

The worst-case scenario for the Selectboard (and my clients) would be if the Selectboard reconsiders and denies and then the Applicant appeals in court and wins. Even if that unlikely worst-case scenario occurred, the most likely outcome with respect to legal fees is that the judge would not award them. It would be extremely likely that a reviewing judge would conclude in those circumstances that the Selectboard made an honest mistake, not an act of bad faith, oppression, obduration, or obstinance as discussed in the *Harkeem* decision.

No Town Liability for Detrimental Reliance

The Applicant has not made a case for detrimental reliance. To do so, the Applicant needs to prove that it would have proceeded differently had the Selectboard acted differently. The Applicant has provided nothing to demonstrate that.

Instead of granting reconsideration and then approving, the Selectboard could have: (1) not reconsidered its denial; (2) reconsidered and then denied it again; or (3) deferred action. Had the Selectboard opted for any of those alternates, the record indicates very strongly that the Applicant would not have proceeded any differently at all. Because the Applicant has so steadily pursued approval from the Planning Board for approaching a year or more now, the bulk of those efforts prior to even seeking any approval from the Selectboard, it would be exceedingly difficult for the Applicant to show that it would have proceeded differently.

Additionally, even if the Selectboard ultimately votes to reconsider and then to deny, the Applicant still does not have any case for detrimental reliance. A new sewer allocation is not an automatic right; it is a conditional right. That means certain legal

standards must be satisfied before the right may be granted and that certain appeal processes must be completed or expired before any decision is final. As discussed more in the beginning of this letter, the Applicant has not met the legal requirements and the appeal process is not complete.

Lastly, the caselaw the Applicant cited in no way supports a case for detrimental reliance here. In fact, in the *Socha* decision the Applicant relied on, the court actually found the municipality made no legal errors when it undertook a process to consider and then eventually adopted the state statute that prohibits the building inspector from issuing building permits for uses that would not be allowed for zoning changes that have been the subject of a public notice and which, if passed, would prohibit the use. *Socha v. Manchester*, 126 N.H. 289 (1985) (attached). Importantly, in the *Socha* decision, no party made or succeeded on a claim of detrimental reliance.

Eliminating the Sideshows

The Applicant and Owner raise numerous issues which serve only to muddy the issues and create distracting sideshows. However, to clarify the record, I address some of them briefly here. I emphasize that none of this information is required to be provided. Instead, I provide it in hopes we can move past these issues and focus on the key legal standard.

I reaffirm that my firm does not represent any regular or alternate member of any Board or Commission or employee of the Town of Hudson.

Those individuals previously named who are my clients include: Jerome J. Bento, James Crowley, Heidi P. Jakoby, Christopher Thatcher, Angela M. and Phil Volk, and Scott Wade. Many of my clients are direct abutters. Almost the entirety of the remainder of my clients are very near abutters. The vast majority of my clients have a “direct interest” as that phrase is used in RSA 676:4(I)(e). None of my clients have ever included any competition of the Applicant or of the Applicant’s intended tenant.

If the standard to establish a conflict of interest is having stated positions about the Applicant and/or the proposed project online, most of the Selectboard and the Planning Board would be conflicted out.

Lastly, my clients’ objection to the sewer allocation is not a referendum to the proposed project. Not once have I ever advocated against the project as whole in connection to my advocacy against the sewer allocation. To the contrary, as emphasized by the Applicant, I have surgically focused on the key legal standard and my clients’ positions that the Selectboard has made the two legal errors, first in reconsidering because there was not actually anything new, and second in granting the sewer allocation after reconsideration because the Applicant had not actually satisfied the legal standard.

Thank you for your attention to my clients' positions on these issues. In closing, I respectfully repeat my request on their behalf that the Selectboard:

1. Move and vote to reconsider to correct the legal errors, with the two legal errors being:
 - a. reconsidering on 1/26/21 despite there being no grounds to reconsider because the allegedly "new" information was not actually new; and
 - b. granting the allocation without deliberating on the key legal standard; and
2. Move and vote to deny the sewer allocation, after deliberating and finding that the Applicant's proposed use of a logistics center is not essential for the public health, safety, and welfare of the Town of Hudson.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

March 23, 2021

Via Email & Hand Delivery
Town of Hudson Board of Selectmen
bos@hudsonnh.gov

Re: Further Support for Request for Reconsideration of New Sewer Allocation

Dear Members of the Selectboard,

I write again on behalf of more than fifty Hudson households about the Selectboard's 1/26/21 decisions to reconsider and then to approve a new sewer allocation. In summary, the Selectboard made legal errors in its actions on 1/26/21 when it allowed reconsideration and when it voted to grant a new sewer allocation. The first error was that the Applicant did not provide anything new or argue any legal error, so the Selectboard should not have granted reconsideration. The second error was that the Applicant did not prove the legal requirements, so the Selectboard should not have voted to approve the new sewer allocation. Please make this letter a part of your record in this matter.

Procedural History

By way of background, this matter involves a request from Hillwood Enterprises, L.P. ("Applicant") (and of the Friel Family) for the Selectboard to approve the Applicant's 1/5/21 request for a new sewer allocation ("Sewer Request"). Applicant made the Sewer Request in connection to Applicant's proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 ("Property"), into the proposed Hudson Logistics Center ("Proposed Project"). On 1/12/21, the Selectboard denied the Sewer Request. On 1/26/21, the Selectboard granted the Applicant's request to reconsider the Selectboard's 1/12/21 denial. Upon reconsideration that same evening, the Selectboard then voted differently on the merits, voting to approve the Sewer Request ("Decision"). By my letter to the Selectboard of 2/5/21, my clients respectfully requested that the Selectboard reconsider the Selectboard's 1/26/21 vote to approve the new sewer allocation and then, upon reconsideration, vote to deny the new sewer allocation. These requests from 2/5/21 are the requests now pending before you.

Notice & Tonight's Agenda

I note that this matter is not on the published agenda for your meeting tonight (https://www.hudsonnh.gov/sites/default/files/fileattachments/board_of_selectmen/meeting/47021/bos-a2021-03-23.pdf). In reliance on that agenda, I will plan to not participate in your meeting tonight. As I have requested previously, please provide me with advance notice of when the Selectboard plans to take up my request so that my clients and I may participate in the meeting.

Summary of Legal Argument & Materials

I summarize here the content of the materials I have submitted to date to ease your consideration of this matter based on the totality of information I have presented on behalf of my clients. A copy of each of these is also attached to this letter.

1. January 12, 2021 letter from me to the Selectboard:
 - a. Request for new sewer allocation lacks sufficient information, please deny:
 - i. Hudson law: new sewer allocations generally not allowed but may be granted only in narrow exception: when doing so is essential for the public health, safety, and welfare of the Town of Hudson;
 - ii. No supporting evidence that 195,800 gallons per day of sewer allocation currently available;
 - iii. No information about long-term maintenance costs to the Town;
 - iv. No information about a Main Line Extension Agreement, which ought to be required and provided as part of the process;
 - v. Expectations claimed to be developed on the part of the Friel family in the early 1990s do not supersede current Town of Hudson laws;
 - vi. No information to support all three parts of the legal requirement: public health, safety, *and* welfare of the Town of Hudson;
 - vii. Provision of goods (proposed use requiring new sewer allocation) is not essential for the public health, safety, and welfare of the Town of Hudson; and
 - viii. No information about alternatives, such as handling sewer on-site.
2. January 26, 2021 letter from me to the Selectboard:
 - a. Requested the Selectboard affirm its January 12, 2021 decision to deny a new sewer allocation:
 - i. Applicant provided no new information in its request for reconsideration, only documents corroborating information it already provided;
 - ii. Selectboard made no error;
 - iii. The Property being outside of the sewer system boundary is a final, unappealable determination from last September;
 1. Enclosed Town records that Property is outside of the sewer boundary;
 - iv. New sewer allocation for the Property is not a vested right; and
 - v. Applicant requests a new sewer allocation but still does not meet the requirements.
3. February 5, 2021 letter from me to the Selectboard (“Request for Reconsideration”):
 - a. Requests reconsideration of the Decision:
 - i. The prior decision that the Property is outside of the sewer system boundary is a final, unappealable determination from last September;

- ii. New sewer allocation for the Property is not a vested right;
 - iii. The Applicant requests a new sewer allocation but still does not meet the requirements; and
 - iv. Incorporates by reference and encloses copies of my prior letters of January 12 and 26, 2021.
4. March 19, 2021 letter from me to the Selectboard:
- a. Requests action on the Request for Reconsideration; and
 - b. Argues that the Selectboard is authorized to reconsider the Decision.

Reconsideration Authorized for Either New Evidence or Legal Error

With respect to the standard for reconsideration, the Selectboard is authorized to reconsider its 1/26/21 Decision. As analyzed in my 1/26/21 letter to the Selectboard, the Town of Hudson Selectboard By-Laws do not address requests for reconsideration. Looking to other legal sources, generally, reconsideration “should be granted only if the petitioner can demonstrate that the board committed technical *error or* that there is *new evidence* that was not available at the time of the first hearing.” 15 Land Use Planning and Zoning § 21.18 (citing New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials*, at 56-57 (1997)) (emphasis added.) Based on the Selectboard’s record, it appears that the Selectboard uses this “error” or “new evidence” standard with respect to requests for reconsideration. Use of this standard is legally correct.

By definition, “new” means evidence that evidence that has recently come into existence. *See* Merriam Webster Dictionary, <https://www.merriam-webster.com/dictionary/new>, visited 3/23/21. When the Applicant requested reconsideration, the Applicant provided no “new” information. Instead, the Applicant belatedly provided documents it should have provided earlier but did not. The documents it provided when it requested reconsideration are the very antithesis of recently having come into existence. They are not new. In fact, in some cases, they were approaching half a century old. The Applicant showed no good cause why it could not have obtained and provided them earlier. Moreover, those documents only corroborated information from 1991 that the Applicant provided already in connection to the Selectboard’s original consideration of the Sewer Request. Accordingly, through its course of conduct, the Selectboard has set a low bar for this threshold for reconsideration, very loosely (indeed perhaps unlawfully) interpreting the requirement for “new.”

As an aside, I note that at the 1/26/21 meeting some Selectboard members thought what the Applicant submitted in support of reconsideration amounted to nothing new, while others claimed that it did amount to new evidence. At least one member claimed that he himself found the so-called “new information”. *See* attached Facebook post from former Selectboard member Martin. My position is that nothing the Applicant submitted amounted to anything new. Plus, the record reflects that the Applicant, not former Selectboard Martin, requested reconsideration and provided the claimed “new” information. But, as discussed next, the pending Request for Reconsideration is

based on claim of legal error, not based on new evidence. So, these considerations of whether what the Applicant submitted was or was not new, and whether what I have submitted is or is not new, these are mostly immaterial to the pending Request for Reconsideration.

More to my point, the requirement of “new” evidence is not the only valid basis upon which the Selectboard is authorized to grant reconsideration. As an alternative, the Selectboard is also authorized to grant reconsideration upon a claim, such as I make, that the Decision was in error. The key conjunction in the legal standard for reconsideration is new evidence *or* error. One need not claim both new evidence *and* error. A claim of legal error alone suffices to confer authority in the Selectboard to grant reconsideration.

Appellate Process

I also wanted to address the process for my clients to challenge the Decision. Since the Selectboard’s 1/26/21 Decision, my clients have diligently pursued challenge of the Decision based on claims of legal error. First, I requested reconsideration on 2/5/21. Next, on 3/8/21, I inquired when the Selectboard would take up the request because I had received no response. Next, on 3/19/21, I sent a formal letter to the Selectboard urging the Selectboard to act on the Request for Reconsideration. Now, I write again in furtherance of my efforts to move this matter forward.

The Town of Hudson Selectboard Bylaws are silent on how to appeal a decision of the Selectboard. However, other sources and administrative law in general indicate that the correct process is as follows:

1. Request reconsideration from the decision-maker because the decision-maker is in the best position to correct any errors; and
2. Appeal to court or further administrative processes only after the original decision-maker has been given an opportunity to correct its decision.

The state’s general act on administrative procedure calls for this type of process:

1. RSA 541:3 – Within 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.
2. RSA 541:4 – Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the commission shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have

been made, no ground not set forth therein shall be urged, relied on, or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

3. RSA 541:6 – Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the supreme court.

Accordingly, my clients will be entitled to file an appeal to superior court within thirty days if the Selectboard either declines to grant reconsideration, or, grants reconsideration but then votes again to approve the Sewer Request. On the other hand, should the Selectboard, as we urge it to, grant reconsideration and then vote to deny the Sewer Request, the Applicant would have the right to appeal to court within thirty days of those decisions. Should the Selectboard continue to refuse to act on the Request for Reconsideration, my clients may seek judicial relief that they are not required to seek reconsideration and that they can pursue an appeal in court without the Selectboard acting on the Request for Reconsideration.

Conclusion

I urge the Selectboard to take this matter up at its earliest opportunity, following duly published notice, which appears as if it may be the Selectboard's meeting scheduled for 4/13/21 (because 4/6/21 is a workshop meeting). When the Selectboard takes this up, I urge the Selectboard to first move and vote in favor of granting reconsideration. The Selectboard is authorized to do this because the standards for reconsideration are met by my clients' claim that the Selectboard's 1/26/21 Decision was in error. After granting reconsideration, I urge the Selectboard to consider again the Sewer Request and note the deficiencies I have identified on behalf of my clients. Namely, the Applicant has fallen woefully short of satisfying the legal requirements to prove that the Proposed Project is "essential" for the public health, safety, and welfare of the Town of Hudson.

Accordingly, and on behalf of my clients, I respectfully request that the Selectboard then move and vote in favor of denying the Sewer Request. Thank you for your attention to my clients' requests and for your work on behalf of the Town of Hudson.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc: Clients



Normand Martin

I have to agree with Terry Stewart Bouchard that the cost to connect to the sewer is really a lot of money. Now the cost to extend the sewer to all neighborhoods in Town would be even more, however since the Town of Hudson does not own the sewer treatment plant in totality there is no way the entire Town would be hooked to the sewer. Remember I did not say the Town of Hudson does not own some of the sewer, I said they do not own it out right and that is of course because the City of Nashua owns the sewer treatment plant. I do not think in any of our life time there would be sewer to the entire town. Now my decision to reconsider was based on NEW INFORMATION that was not in my packet when I originally denied the request. So between meetings I found new information and had it submitted into the packets of all the BOS at the time and that is why I voted to allow the connection. Look it up it is on the website of the Town.

18h Like Reply



January 12, 2021

Via Email Only
Town of Hudson
Board of Selectmen
bos@hudsonnh.gov

Re: Hillwood Request for Sewer Access and Allocation

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households that I represent in connection to concerns with the January 5, 2021 request of Hillwood Enterprises, L.P. to extend Hudson's sewer line in connection with a pending proposal to convert the Green Meadows Golf Course into a logistics and distribution center for Amazon (and another, unknown, tenant) ("Request"). My clients respectfully request that the Selectboard deny the Request. Please make this letter a part of your record in this matter.

Overall, the Request lacks sufficient information to demonstrate that it should be granted. The Hudson law makes clear that the general rule is that the sewer line should not be extended. It then sets forth a narrow exception to allow extension only when doing so is essential for the public health, safety, and welfare of the Town of Hudson. It is important to note that any application must prove essentiality for all three parts of the law: public health, and safety, and welfare, each of which has a different meaning. The Applicant has not done that.

Turning to specific insufficiencies, there is no supporting evidence from any third-party peer reviewer or otherwise that there is 195,800 gallons per day of sewer allocation currently available. There is no information about the potential likelihood of long-term maintenance costs to the Town. There should be a written and detailed Main Line Extension Agreement between the Town and the Applicant that the Selectboard would consider as part of the request. Nothing of this nature is included in the Selectboard's packet associated with the Request.

The alleged expectations of the Friel Family resulting from apparent cooperation with the Town in the early 1990s do not supersede Hudson law. If there was a legally enforceable entitlement that resulted from those efforts, that would have been provided to the Selectboard. Nothing having been provided demonstrates that there is no legally enforceable right to this access or allocation. If this expectation was as universally understood, relied-upon, and presumed as has been claimed, the Friel Family should have, before the sewer district boundary was established, undertaken efforts to make sure that the Friel Family's land was fully included inside the sewer district. Having slept on those rights for years, the Friel Family has no claim to this entitlement now.

The Applicant has not provided specific evidence or any information to support its six purported reasons why granting the request would be essential for the public health, safety, and

welfare of the Town of Hudson. The Applicant seems to conflate the provision of goods (which the proposed use would do) with the provision of services which are truly essential, such as police, emergency medical services, fire fighters, and teachers. While easing the flow of goods may be helpful, it does not rise to the level of “essential” as used in Hudson law.

In particular, the Applicant has not, but should have, provided engineering and other analysis to show what it would be like if sewage were managed on-site. This should not be ruled out as an option without any information about it. It does not matter if the Applicant is requesting only 20% of what might be allowed if the use really was “essential”. The threshold question is whether the proposed use is essential, and because it is not, the Applicant is entitled to no sewer access and allocation. Of course, in general, tax revenue and jobs are essential to the public welfare of the Town of Hudson. But the Applicant has provided no specific evidence or supporting information as to why the particular tax revenue and jobs of this proposed use, as opposed to others, are essential. So long as there are tax revenue and jobs, which there already are, the public welfare is already met.

In conclusion, my clients respectfully request that you deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:
Clients
Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

January 26, 2021

Via Email Only
Town of Hudson
Selectboard
bos@hudsonnh.gov

**Re: Hillwood Request for Sewer Access and Allocation
Request to Affirm Denial**

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households about the request of Hillwood Enterprises, L.P. (“Applicant”) (and of the Friel Family) for the Selectboard to reconsider its January 12, 2021 denial of the Applicant’s January 5, 2021 request for a new sewer allocation (“Request”). Applicants made the Request in connection to Applicant’s proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 (“Property”), into the proposed Hudson Logistics Center (“Proposed Project”). My clients respectfully request that the Selectboard affirm its decision to deny the Request. Please make this letter a part of your record in this matter.

As a summary of this letter, the Selectboard should affirm its decision to deny, which was the correct decision, for the following reasons:

1. The Applicant has provided no new information, only documents corroborating information the Applicant already provided, and the Selectboard made no error.
2. That the Property is outside of the system boundary is a final, unappealable determination from last September.
3. New sewer allocation for the Property is not a vested right.
4. The Applicant requests a new sewer allocation but still does not meet the requirements.

Additionally, before taking up the Request, please poll all members of the Selectboard to determine whether any member should recuse himself or herself. Upon information and belief, members of the Selectboard have been promoting the proposed Hillwood Logistics Center on social media, including on Facebook, which appears to indicate a conflict of interest due to bias, prejudice, or similar issue.

Standard for Reconsideration Not Met

No provision appears in the Town of Hudson Selectboard By-Laws for a request for reconsideration of a decision of the Selectboard. In fact, the By-Laws state that “[n]o action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.” Town of Hudson Selectboard By-Laws at 6. This section appears to say the Request cannot even be considered by the Selectboard without such a vote.

Looking to other legal sources, generally, reconsideration “should be granted only if the petitioner can demonstrate that the board committed technical error or that there is new evidence that was not available at the time of the first hearing.” 15 Land Use Planning and Zoning § 21.18 (citing New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials*, at 56-57 (1997)). In this case, the Applicant has demonstrated nothing new. Instead, the Applicant has belatedly provided documents it should have provided earlier, but did not, and those documents only corroborate the information from 1991 that the Applicant provided already. Those documents do not provide any new factual information.

Consequently, the Selectboard should not reconsider the Request because the Applicant has not provided anything new and, as explained in the subsequent sections, the Applicant has not identified any error on the part of the Selectboard.

It is Final and Unappealable that the Property is Not Inside the System Boundary

The Applicant requested on September 3, 2020 that the Town of Hudson complete a “will serve” letter so that a new sewer allocation would be permitted for the Property. Town employees had internal communications about the Property not being inside the system boundary. *See* Emails attached as **Exhibit A**. Upon information and belief, the Town determined in September of 2020 that the Property is not inside the system boundary.

That determination represents an “order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16” that is appealable to the Zoning Board of Adjustment within thirty days. *See* RSA 674:33, I(a)(1) (conferring authority on Zoning Boards of Adjustment to hear such appeals); RSA 676:5, I (requiring such appeals to be taken “within a reasonable” time); Town of Hudson Zoning Board of Adjustment Rules of Procedure, Section 143.8(1)(b) (setting the “reasonable time” as thirty days). To my knowledge, no such appeal was filed.

As a consequence of no appeal having been made, the September 2020 determination that the Property is not inside the system boundary constitutes the legally binding and final word on this matter.

Nothing suggests that the determination is erroneous in any way. However, assuming for the sake of argument there was a legal or factual error, the determination would still remain final and unappealable. Such is the nature of the doctrine of judicial finality; whether a decision is right or wrong, if a decision is not appealed by the deadline, the decision stands.

Accordingly, the Property is not subject to the provisions of Section 270-17(A)(3) regarding “land uses within the presently served region.”

New Sewer Allocation is Not a Vested Right

No New Hampshire law vests any right to develop any aspect of any subdivision or site plan that was approved, but not substantially and actively begun before the approval expired, or that was never even requested. Subdivision and site plan approvals expire after five years without active and substantial development or building, among other requirements. RSA 674:39, I. Upon expiration, the right to construct any previously approved but now-expired improvements are extinguished. *See* RSA 674:39, I.

In this case, the 1991 subdivision and site plan approvals related to the subdivision of land so that Walmart Stores, Inc. could develop a Sam's Club on unimproved land. The improvements applied for were constructed, namely Sam's Club, its parking lot and accessway, and other ancillary features. So, those improvements now enjoy certain vested right pursuant to RSA 674:39, II.

As was common in 1991 and remains common now, the approvals required that the terminus of the sewer line that would serve Sam's Club be sized to accommodate any future development. That in no way represents any type of request or approval — especially not of any new sewer allocation — of any future development. No future development beyond Sam's Club was requested or approved in 1991. Simply put, neither the proposed Hillwood Logistics Center, nor any of its ancillary features such as the requested new sewer allocation, were requested or permitted by any action taken in 1991.

Imagine if every time a board required the terminus of utility line to be prepared for future development, that automatically meant that all such future development, including extension and allocations for all utility lines, were approved without any further application, not even submission of a site plan. That interpretation would detrimentally divest the Town of its regulatory authority and violate many laws.

It is telling that the Applicant cited no legal support for its proposition that the sewer allocation requested now for a sewer line that was never requested, never approved, and never built was somehow already granted in 1991.

Because there is no vested right pursuant to RSA 674:39 (or otherwise) to a new sewer allocation, the Applicant is also not exempt from the "new allocation system" pursuant to Town Code Section 270-17(C)(1)(a). That section uses similar language as the state statute. Only improvements that "commenced active and substantial construction at the project site within one year of the date of approval and must have completed substantial improvements within four years of the date of approval and recording at the Registry of Deeds; or still be within the four year period of exemption pursuant to RSA 674:39 after commencement of substantial improvements." Again, because no new sewer allocation to serve a sewer line across the Property was requested, and therefore was not actively and substantially completed, none is exempt pursuant to Section 270-17(C)(1)(a).

Applicant Requests a New Sewer Allocation But Does Not Meet Requirements

The Applicant makes much of the distinction between sewer extension versus sewer connection, arguing that it merely requests a sewer connection and not a sewer extension. In fact, the correct terminology pursuant to the Sewer Use Ordinance is that the Applicant requests a new sewer allocation.

By contract, the Town of Hudson is allowed to send up to 2,000,000 gallons per day to the City of Nashua's wastewater treatment facility. The vast majority of that capacity has already been allocated. Of whatever amount is available to be allocated, which is not adequately documented in the Application or the Selectboard's record of the Request, the Applicant seeks a new allocation of 36,900 gallons per day.

New sewer allocations are expressly governed by Chapter 270 "Sewers" of the Town's code, Section 270-1 through 270-17. Neither the 5/03/99 Town of Hudson Sewer Utility Policies and Procedures, nor anything contained in them, applies anymore because of the adoption of revisions to Chapter 270 subsequent to them. Plus, the Policies and Procedures, by their very terms, never constituted a law and are therefore not binding or enforceable.

Moreover, in the Applicant's original submission and during presentations on January 12, 2021, the Applicant argued strenuously that it satisfied the requirements of Section 270-17(B)(1) of the Sewer Use Ordinance. The represents an admission on the Applicant's part that Section 270-17(B)(1) is the operative regulatory provision. The Applicant may not now claim that other laws or legal theories permit it to the requested new sewer allocation.

For reasons more fully discussed in my January 12, 2021 letter, the Request lacks sufficient supporting information. Further, any narrow exception that may exist to the general rule in Hudson that new sewer allocations are not given does not apply to this project. The Applicant has not proven their requested new sewer allocation is essential for public health, *and* safety, *and* welfare and has provided so little information to support its position that the only conclusion can be reached is that the Applicant has not met this burden. Because the proposed use is not essential, the Applicant is not entitled to any sewer access or allocation.

The Applicant argues that the current Selectboard should impute to the 1991 Planning Board an intention on the part of the 1991 Planning Board to determine that the new sewer allocation requested in 2020-21 would satisfy the current legal requirements. Such an imputation is entirely inappropriate. No part of the 1991 record demonstrates a finding by the 1991 Planning Board that the Hillwood Logistics Center being given a new sewer allocation in 2021 would be essential for public health, and safety, and welfare. The laws the Applicant cited do not support that proposition.

My January 12, 2021 letter also points out numerous deficiencies that the Applicant has not filled. In addition to those problems, Section 270-15 sets forth limitations on various

substances to be discharged into the system, which is another body of information the Applicant has not provided, but which is required.

In conclusion, my clients respectfully request that you affirm your previous, correct decision to deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

Dhima, Elvis

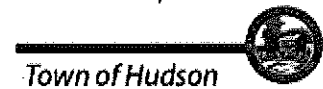
From: Staffier-Sommers, Donna
Sent: Thursday, September 03, 2020 4:05 PM
To: Dhima, Elvis
Subject: FW: Hudson Logistics Center Sanitary Will Serve
Attachments: 001L - Sanitary Will Serve.pdf; 2020-09-01 Hudson Overall Utility Plan DRAFT.pdf

Forwarding this to you.

I don't know what the intent is in regards to sewer for this project. This address doesn't have access and is outside the sewer district.

Thanks,

Donna Staffier-Sommers
Sewer Utility Administrative Aide



Town of Hudson NH - 12 School Street - Hudson, NH 03051
Phone - 603-886-6029 Fax - 603-598-6481

From: Casey Raczkowski [mailto:craczkowski@langan.com]
Sent: Thursday, September 3, 2020 3:51 PM
To: Staffier-Sommers, Donna <dsommers@hudsonnh.gov>
Cc: Timothy O'Neill <toneill@langan.com>; Nathan Kirschner <nkirschner@Langan.com>
Subject: Hudson Logistics Center Sanitary Will Serve

Good Afternoon Ms. Staffier-Sommers,

We are working on the proposed Hudson Logistics Center project located at 59 Steele Road in Hudson. We'd like to start the conversation for getting sanitary sewer service to the site.

Can you please fill out the attached will serve letter and return to us at your earliest convenience?

Please let me know if you have any questions or if I can provide any additional information.

Thank you,

Casey Raczkowski
Staff Engineer

LANGAN
Celebrating 50 years in business | 1970-2020

Direct: 203.784.3064
[File Sharing Link](#)

Via Email Only
Town of Hudson Selectboard
bos@hudsonnh.gov

February 5, 2021

**Re: Hillwood Request for Sewer Access and Allocation
Request to Reconsider Approval**

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households to request the Selectboard to reconsider its decision to approve the Hillwood Enterprises, L.P. (“Applicant”) request for a new sewer allocation (“Request”) on reconsideration. Applicants made the Request in connection to Applicant’s proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 (“Property”), into the proposed Hudson Logistics Center (“Proposed Project”). My clients respectfully request that the Selectboard reconsider its approval and deny the Request. Please make this letter a part of your record in this matter.

As a summary of this letter, the Selectboard should reconsider its approval and deny, which was the original, correct decision, for the following reasons:

1. The decision that the Property is outside of the system boundary is a final, unappealable determination from last September.
2. New sewer allocation for the Property is not a vested right.
3. The Applicant requests a new sewer allocation but still does not meet the requirements.

The Property is Not Inside the System Boundary

The Applicant requested on September 3, 2020 that the Town of Hudson complete a “will serve” letter so that a new sewer allocation would be permitted for the Property. Town employees had internal communications about the Property not being inside the system boundary. *See* Letter dated 1/26/21 attached as **Exhibit A**. Upon information and belief, the Town determined in September of 2020 that the Property is not inside the system boundary.

That determination represents an “order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16” that is appealable to the Zoning Board of Adjustment within thirty days. *See* RSA 674:33, I(a)(1) (conferring authority on Zoning Boards of Adjustment to hear such appeals); RSA 676:5, I (requiring such appeals to be taken “within a reasonable” time); Town of Hudson Zoning Board of Adjustment Rules of Procedure, Section 143.8(1)(b) (setting the “reasonable time” as thirty days). To my knowledge, no such appeal was filed.

As a consequence of no appeal having been made, the September 2020 determination that the Property is not inside the system boundary constitutes the legally binding and final word on

this matter. Accordingly, the Property is not subject to the provisions of Section 270-17(A)(3) regarding “land uses within the presently served region.”

New Sewer Allocation is Not a Vested Right

Subdivision and site plan approvals expire after five years without active and substantial development or building, among other requirements. RSA 674:39, I. Upon expiration, the right to construct any previously approved but now-expired improvements are extinguished. *See* RSA 674:39, I. The 1991 subdivision and site plan approvals related to development of a Sam’s Club that has been constructed and now enjoys certain vested right pursuant to RSA 674:39, II.

Those approvals required the sewer line be sized to accommodate any future development, but that represents no request or approval of any future development. Nothing about the proposed Hillwood Logistics Center or its new sewer allocation were requested or permitted by any action taken in 1991. The Applicant cited no legal support for its proposition that the sewer allocation requested now was already granted in 1991.

The Applicant is not exempt from the “new allocation system” pursuant to Town Code Section 270-17(C)(1)(a). That section uses similar language as the state statute. Only improvements that “commenced active and substantial construction at the project site within one year of the date of approval and must have completed substantial improvements within four years of the date of approval and recording at the Registry of Deeds; or still be within the four year period of exemption pursuant to RSA 674:39 after commencement of substantial improvements.” Again, because no new sewer allocation to serve a sewer line across the Property was requested, and therefore was not actively and substantially completed, none is exempt pursuant to Section 270-17(C)(1)(a).

Applicant Requests a New Sewer Allocation But Does Not Meet Requirements

The Applicant makes much of the distinction between sewer extension versus sewer connection. However, the correct terminology under the Sewer Use Ordinance is a new sewer allocation. By contract, the Town of Hudson is allowed to send up to 2,000,000 gallons per day to the City of Nashua’s wastewater treatment facility. The vast majority of that capacity has already been allocated. Of whatever amount is available to be allocated, the Applicant seeks a new allocation of 36,900 gallons per day.

New sewer allocations are expressly governed by Chapter 270 “Sewers” of the Town’s code, Section 270-1 through 270-17. None of the 5/03/99 Town of Hudson Sewer Utility Policies and Procedures (“Policies”) applies anymore. The adoption of revisions to Chapter 270 supercedes them. Moreover, the Policies never constituted law and are therefore not binding or enforceable. Finally, the Applicant has argued strenuously that it satisfied the requirements of Section 270-17(B)(1) of the Sewer Use Ordinance, which is an admission that the Policies are irrelevant.

For reasons more fully discussed in my January 12, 2021 letter, the Request lacks sufficient supporting information. *See* Letter dated 1/12/21 attached as **Exhibit B**. Further, no exception that may exist to the general rule in Hudson that new sewer allocations are not given applies here. The Applicant has not proven their requested new sewer allocation is essential for public health, *and* safety, *and* welfare and has provided too little information to have met this burden. Because the proposed use is not essential, the Applicant is not entitled to any sewer access or allocation.

My January 12, 2021 letter also points out numerous deficiencies that the Applicant has not filled. In addition to those problems, Section 270-15 sets forth limitations on various substances to be discharged into the system, which is another body of information the Applicant has not provided, but which is required.

In conclusion, my clients respectfully request that you reconsider your approval and deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:
Clients

January 26, 2021

Via Email Only
Town of Hudson
Selectboard
bos@hudsonnh.gov

**Re: Hillwood Request for Sewer Access and Allocation
Request to Affirm Denial**

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households about the request of Hillwood Enterprises, L.P. (“Applicant”) (and of the Friel Family) for the Selectboard to reconsider its January 12, 2021 denial of the Applicant’s January 5, 2021 request for a new sewer allocation (“Request”). Applicants made the Request in connection to Applicant’s proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 (“Property”), into the proposed Hudson Logistics Center (“Proposed Project”). My clients respectfully request that the Selectboard affirm its decision to deny the Request. Please make this letter a part of your record in this matter.

As a summary of this letter, the Selectboard should affirm its decision to deny, which was the correct decision, for the following reasons:

1. The Applicant has provided no new information, only documents corroborating information the Applicant already provided, and the Selectboard made no error.
2. That the Property is outside of the system boundary is a final, unappealable determination from last September.
3. New sewer allocation for the Property is not a vested right.
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Additionally, before taking up the Request, please poll all members of the Selectboard to determine whether any member should recuse himself or herself. Upon information and belief, members of the Selectboard have been promoting the proposed Hillwood Logistics Center on social media, including on Facebook, which appears to indicate a conflict of interest due to bias, prejudgment, or similar issue.

Standard for Reconsideration Not Met

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Consequently, the Selectboard should not reconsider the Request because the Applicant has not provided anything new and, as explained in the subsequent sections, the Applicant has not identified any error on the part of the Selectboard.

It is Final and Unappealable that the Property is Not Inside the System Boundary

The Applicant requested on September 3, 2020 that the Town of Hudson complete a “will serve” letter so that a new sewer allocation would be permitted for the Property. Town employees had internal communications about the Property not being inside the system boundary. *See* Emails attached as **Exhibit A**. Upon information and belief, the Town determined in September of 2020 that the Property is not inside the system boundary.

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In this case, the 1991 subdivision and site plan approvals related to the subdivision of land so that Walmart Stores, Inc. could develop a Sam's Club on unimproved land. The improvements applied for were constructed, namely Sam's Club, its parking lot and accessway, and other ancillary features. So, those improvements now enjoy certain vested right pursuant to RSA 674:39, II.

As was common in 1991 and remains common now, the approvals required that the terminus of the sewer line that would serve Sam's Club be sized to accommodate any future development. That in no way represents any type of request or approval — especially not of any new sewer allocation — of any future development. No future development beyond Sam's Club was requested or approved in 1991. Simply put, neither the proposed Hillwood Logistics Center, nor any of its ancillary features such as the requested new sewer allocation, were requested or permitted by any action taken in 1991.

Imagine if every time a board required the terminus of utility line to be prepared for future development, that automatically meant that all such future development, including extension and allocations for all utility lines, were approved without any further application, not even submission of a site plan. That interpretation would detrimentally divest the Town of its regulatory authority and violate many laws.

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Very truly yours,

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Cc:

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Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

Dhima, Elvis

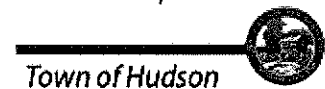
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Attachments: 001L - Sanitary Will Serve.pdf; 2020-09-01 Hudson Overall Utility Plan DRAFT.pdf

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Thanks,

Donna Staffier-Sommers
Sewer Utility Administrative Aide



Town of Hudson NH - 12 School Street - Hudson, NH 03051
Phone - 603-886-6029 Fax - 603-598-6481

From: Casey Raczkowski [mailto:craczkowski@langan.com]
Sent: Thursday, September 3, 2020 3:51 PM
To: Staffier-Sommers, Donna <dsommers@hudsonnh.gov>
Cc: Timothy O'Neill <toneill@langan.com>; Nathan Kirschner <nkirschner@Langan.com>
Subject: Hudson Logistics Center Sanitary Will Serve

Good Afternoon Ms. Staffier-Sommers,

We are working on the proposed Hudson Logistics Center project located at 59 Steele Road in Hudson. We'd like to start the conversation for getting sanitary sewer service to the site.

Can you please fill out the attached will serve letter and return to us at your earliest convenience?

Please let me know if you have any questions or if I can provide any additional information.

Thank you,

Casey Raczkowski
Staff Engineer

LANGAN
Celebrating 50 years in business | 1970-2020

Direct: 203.784.3064
[File Sharing Link](#)

January 12, 2021

Via Email Only
Town of Hudson
Board of Selectmen
bos@hudsonnh.gov

Re: Hillwood Request for Sewer Access and Allocation

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households that I represent in connection to concerns with the January 5, 2021 request of Hillwood Enterprises, L.P. to extend Hudson's sewer line in connection with a pending proposal to convert the Green Meadows Golf Course into a logistics and distribution center for Amazon (and another, unknown, tenant) ("Request"). My clients respectfully request that the Selectboard deny the Request. Please make this letter a part of your record in this matter.

Overall, the Request lacks sufficient information to demonstrate that it should be granted. The Hudson law makes clear that the general rule is that the sewer line should not be extended. It then sets forth a narrow exception to allow extension only when doing so is essential for the public health, safety, and welfare of the Town of Hudson. It is important to note that any application must prove essentiality for all three parts of the law: public health, and safety, and welfare, each of which has a different meaning. The Applicant has not done that.

Turning to specific insufficiencies, there is no supporting evidence from any third-party peer reviewer or otherwise that there is 195,800 gallons per day of sewer allocation currently available. There is no information about the potential likelihood of long-term maintenance costs to the Town. There should be a written and detailed Main Line Extension Agreement between the Town and the Applicant that the Selectboard would consider as part of the request. Nothing of this nature is included in the Selectboard's packet associated with the Request.

The alleged expectations of the Friel Family resulting from apparent cooperation with the Town in the early 1990s do not supersede Hudson law. If there was a legally enforceable entitlement that resulted from those efforts, that would have been provided to the Selectboard. Nothing having been provided demonstrates that there is no legally enforceable right to this access or allocation. If this expectation was as universally understood, relied-upon, and presumed as has been claimed, the Friel Family should have, before the sewer district boundary was established, undertaken efforts to make sure that the Friel Family's land was fully included inside the sewer district. Having slept on those rights for years, the Friel Family has no claim to this entitlement now.

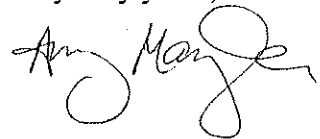
The Applicant has not provided specific evidence or any information to support its six purported reasons why granting the request would be essential for the public health, safety, *and*

welfare of the Town of Hudson. The Applicant seems to conflate the provision of goods (which the proposed use would do) with the provision of services which are truly essential, such as police, emergency medical services, fire fighters, and teachers. While easing the flow of goods may be helpful, it does not rise to the level of “essential” as used in Hudson law.

In particular, the Applicant has not, but should have, provided engineering and other analysis to show what it would be like if sewage were managed on-site. This should not be ruled out as an option without any information about it. It does not matter if the Applicant is requesting only 20% of what might be allowed if the use really was “essential”. The threshold question is whether the proposed use is essential, and because it is not, the Applicant is entitled to no sewer access and allocation. Of course, in general, tax revenue and jobs are essential to the public welfare of the Town of Hudson. But the Applicant has provided no specific evidence or supporting information as to why the particular tax revenue and jobs of this proposed use, as opposed to others, are essential. So long as there are tax revenue and jobs, which there already are, the public welfare is already met.

In conclusion, my clients respectfully request that you deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

MAR 22 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

March 19, 2021

Via Certified Mail, Return Receipt Requested,
US Mail, and Email
Town of Hudson Board of Selectmen
12 School Street
Hudson, NH 03051
Phone: (603) 886-6024
Email: bos@hudsonnh.gov

Re: Prior Request for Reconsideration; Request for Action

Dear Members of the Selectboard,

I write on behalf of my clients to express two points about my pending request that the Selectboard reconsider its 1/26/21 decision to approve a new sewer allocation for Hillwood Enterprises, L.P. ("Decision")

First, my clients and I are extremely concerned about the absence of any response, action, or acknowledgement of receipt of my request for reconsideration. By letter dated 2/5/21, I wrote to the Selectboard to request reconsideration of the Decision. I submitted that letter to the Selectboard's official email address, bos@hudsonnh.gov, which is the address listed on the Selectboard's website and the address which I and many of my clients have successfully used over these past several months. Having had no response of any kind after a month, I inquired by email on 3/8/21, but have also received nothing in response to that inquiry. I enclose copies of my original 2/5/21 request, along with my 3/8/21 inquiry, so I can be sure the Selectboard has received them. I respectfully request that the Selectboard promptly take up this pending request and provide me advance notice of when it will take it up so that I may participate.

Second, the Selectboard is empowered to take up this request. There may be some question about when the Selectboard is empowered to reconsider its decisions. An important distinction is when someone outside of the Selectboard requests reconsideration versus when a Selectboard member requests reconsideration, each of which I address in turn.

The first scenario, which is what we have here, is when someone outside of the Selectboard requests reconsideration. In that case, the Selectboard is duty-bound by RSA 41:8 to take up the request. It is part of the prudential affairs of the town and performing the duties which the law prescribes. RSA 41:8. Selectboards do not have the discretion to ignore requests made to them. Of course, Selectboards have the discretion to deny, approve, or take other actions in response to requests. But, the key point is that taking no action does not comport with the Selectboard's statutory duties and is therefore not an option available to this Selectboard in these circumstances.

The Selectboard's duty to take up a request for reconsideration applies regardless of whether the Selectboard has already taken up a request for reconsideration on the same issue.

The Selectboard taking up this request is an important, and possibly required, administrative step to allow my clients to appeal the Decision in court. All of the Town of Hudson's laws appear to be silent on the process to follow in order to appeal the Decision. To take the most conservation approach and in keeping with the procedural process used in this matter to date, we have sought reconsideration instead of filing an appeal in Superior Court directly. Administrative law strongly favors giving an opportunity to the decision-maker, in this case the Selectboard, to correct any mistakes before involving the courts. Without the Selectboard acting on the request, my clients may be stuck in a procedural legal limbo and/or may have to seek court relief without the Selectboard having had the benefit of reconsidering its Decision.

The second scenario, irrelevant here, is when a Selectboard member requests reconsideration, that request *may* be subject to Robert's Rules of Order. Those rules set forward a number of considerations, including that only someone who voted on the prevailing side of the decision is empowered to request reconsideration. The Selectboard is not governed strictly by Robert's Rules of Order. Section D(5) of the Selectboard's Bylaws requires meetings to "be conducted in accordance with generally accepted practices of order and decorum." They continue to say that if members of the Selectboard disagree about how to proceed regarding procedural matters "Robert Rules of Order shall serve as a *guideline* with a vote of the Board being the final deciding authority." (Emphasis added.) So, the Selectboard is free to follow Robert's Rules of Order, or not.

Circling back to the scenario we have here, where someone outside of the Selectboard has requested reconsideration, none of the considerations above (the ones that come into play when a Selectboard member requests reconsideration) come into play. When someone outside of the Selectboard makes the request, the law requires the Selectboard to take it up.

Thank you for your time and attention to this letter and its enclosures.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

cc: Clients

Via Email Only
Town of Hudson Selectboard
bos@hudsonnh.gov

February 5, 2021

**Re: Hillwood Request for Sewer Access and Allocation
Request to Reconsider Approval**

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households to request the Selectboard to reconsider its decision to approve the Hillwood Enterprises, L.P. (“Applicant”) request for a new sewer allocation (“Request”) on reconsideration. Applicants made the Request in connection to Applicant’s proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 (“Property”), into the proposed Hudson Logistics Center (“Proposed Project”). My clients respectfully request that the Selectboard reconsider its approval and deny the Request. Please make this letter a part of your record in this matter.

As a summary of this letter, the Selectboard should reconsider its approval and deny, which was the original, correct decision, for the following reasons:

1. The decision that the Property is outside of the system boundary is a final, unappealable determination from last September.
2. New sewer allocation for the Property is not a vested right.
3. The Applicant requests a new sewer allocation but still does not meet the requirements.

The Property is Not Inside the System Boundary

The Applicant requested on September 3, 2020 that the Town of Hudson complete a “will serve” letter so that a new sewer allocation would be permitted for the Property. Town employees had internal communications about the Property not being inside the system boundary. *See* Letter dated 1/26/21 attached as **Exhibit A**. Upon information and belief, the Town determined in September of 2020 that the Property is not inside the system boundary.

That determination represents an “order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16” that is appealable to the Zoning Board of Adjustment within thirty days. *See* RSA 674:33, I(a)(1) (conferring authority on Zoning Boards of Adjustment to hear such appeals); RSA 676:5, I (requiring such appeals to be taken “within a reasonable” time); Town of Hudson Zoning Board of Adjustment Rules of Procedure, Section 143.8(1)(b) (setting the “reasonable time” as thirty days). To my knowledge, no such appeal was filed.

As a consequence of no appeal having been made, the September 2020 determination that the Property is not inside the system boundary constitutes the legally binding and final word on

this matter. Accordingly, the Property is not subject to the provisions of Section 270-17(A)(3) regarding “land uses within the presently served region.”

New Sewer Allocation is Not a Vested Right

Subdivision and site plan approvals expire after five years without active and substantial development or building, among other requirements. RSA 674:39, I. Upon expiration, the right to construct any previously approved but now-expired improvements are extinguished. *See* RSA 674:39, I. The 1991 subdivision and site plan approvals related to development of a Sam’s Club that has been constructed and now enjoys certain vested right pursuant to RSA 674:39, II.

Those approvals required the sewer line be sized to accommodate any future development, but that represents no request or approval of any future development. Nothing about the proposed Hillwood Logistics Center or its new sewer allocation were requested or permitted by any action taken in 1991. The Applicant cited no legal support for its proposition that the sewer allocation requested now was already granted in 1991.

The Applicant is not exempt from the “new allocation system” pursuant to Town Code Section 270-17(C)(1)(a). That section uses similar language as the state statute. Only improvements that “commenced active and substantial construction at the project site within one year of the date of approval and must have completed substantial improvements within four years of the date of approval and recording at the Registry of Deeds; or still be within the four year period of exemption pursuant to RSA 674:39 after commencement of substantial improvements.” Again, because no new sewer allocation to serve a sewer line across the Property was requested, and therefore was not actively and substantially completed, none is exempt pursuant to Section 270-17(C)(1)(a).

Applicant Requests a New Sewer Allocation But Does Not Meet Requirements

The Applicant makes much of the distinction between sewer extension versus sewer connection. However, the correct terminology under the Sewer Use Ordinance is a new sewer allocation. By contract, the Town of Hudson is allowed to send up to 2,000,000 gallons per day to the City of Nashua’s wastewater treatment facility. The vast majority of that capacity has already been allocated. Of whatever amount is available to be allocated, the Applicant seeks a new allocation of 36,900 gallons per day.

New sewer allocations are expressly governed by Chapter 270 “Sewers” of the Town’s code, Section 270-1 through 270-17. None of the 5/03/99 Town of Hudson Sewer Utility Policies and Procedures (“Policies”) applies anymore. The adoption of revisions to Chapter 270 supercedes them. Moreover, the Policies never constituted law and are therefore not binding or enforceable. Finally, the Applicant has argued strenuously that it satisfied the requirements of Section 270-17(B)(1) of the Sewer Use Ordinance, which is an admission that the Policies are irrelevant.

For reasons more fully discussed in my January 12, 2021 letter, the Request lacks sufficient supporting information. *See* Letter dated 1/12/21 attached as **Exhibit B**. Further, no exception that may exist to the general rule in Hudson that new sewer allocations are not given applies here. The Applicant has not proven their requested new sewer allocation is essential for public health, *and* safety, *and* welfare and has provided too little information to have met this burden. Because the proposed use is not essential, the Applicant is not entitled to any sewer access or allocation.

My January 12, 2021 letter also points out numerous deficiencies that the Applicant has not filled. In addition to those problems, Section 270-15 sets forth limitations on various substances to be discharged into the system, which is another body of information the Applicant has not provided, but which is required.

In conclusion, my clients respectfully request that you reconsider your approval and deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:
Clients

January 26, 2021

Via Email Only
Town of Hudson
Selectboard
bos@hudsonnh.gov

**Re: Hillwood Request for Sewer Access and Allocation
Request to Affirm Denial**

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households about the request of Hillwood Enterprises, L.P. ("Applicant") (and of the Friel Family) for the Selectboard to reconsider its January 12, 2021 denial of the Applicant's January 5, 2021 request for a new sewer allocation ("Request"). Applicants made the Request in connection to Applicant's proposal to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 ("Property"), into the proposed Hudson Logistics Center ("Proposed Project"). My clients respectfully request that the Selectboard affirm its decision to deny the Request. Please make this letter a part of your record in this matter.

As a summary of this letter, the Selectboard should affirm its decision to deny, which was the correct decision, for the following reasons:

1. The Applicant has provided no new information, only documents corroborating information the Applicant already provided, and the Selectboard made no error.
2. That the Property is outside of the system boundary is a final, unappealable determination from last September.
3. New sewer allocation for the Property is not a vested right.
4. The Applicant requests a new sewer allocation but still does not meet the requirements.

Additionally, before taking up the Request, please poll all members of the Selectboard to determine whether any member should recuse himself or herself. Upon information and belief, members of the Selectboard have been promoting the proposed Hillwood Logistics Center on social media, including on Facebook, which appears to indicate a conflict of interest due to bias, prejudice, or similar issue.

Standard for Reconsideration Not Met

No provision appears in the Town of Hudson Selectboard By-Laws for a request for reconsideration of a decision of the Selectboard. In fact, the By-Laws state that "[n]o action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting." Town of Hudson Selectboard By-Laws at 6. This section appears to say the Request cannot even be considered by the Selectboard without such a vote.

Looking to other legal sources, generally, reconsideration “should be granted only if the petitioner can demonstrate that the board committed technical error or that there is new evidence that was not available at the time of the first hearing.” 15 Land Use Planning and Zoning § 21.18 (citing New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials*, at 56-57 (1997)). In this case, the Applicant has demonstrated nothing new. Instead, the Applicant has belatedly provided documents it should have provided earlier, but did not, and those documents only corroborate the information from 1991 that the Applicant provided already. Those documents do not provide any new factual information.

Consequently, the Selectboard should not reconsider the Request because the Applicant has not provided anything new and, as explained in the subsequent sections, the Applicant has not identified any error on the part of the Selectboard.

It is Final and Unappealable that the Property is Not Inside the System Boundary

The Applicant requested on September 3, 2020 that the Town of Hudson complete a “will serve” letter so that a new sewer allocation would be permitted for the Property. Town employees had internal communications about the Property not being inside the system boundary. *See* Emails attached as **Exhibit A**. Upon information and belief, the Town determined in September of 2020 that the Property is not inside the system boundary.

That determination represents an “order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16” that is appealable to the Zoning Board of Adjustment within thirty days. *See* RSA 674:33, I(a)(1) (conferring authority on Zoning Boards of Adjustment to hear such appeals); RSA 676:5, I (requiring such appeals to be taken “within a reasonable” time); Town of Hudson Zoning Board of Adjustment Rules of Procedure, Section 143.8(1)(b) (setting the “reasonable time” as thirty days). To my knowledge, no such appeal was filed.

As a consequence of no appeal having been made, the September 2020 determination that the Property is not inside the system boundary constitutes the legally binding and final word on this matter.

Nothing suggests that the determination is erroneous in any way. However, assuming for the sake of argument there was a legal or factual error, the determination would still remain final and unappealable. Such is the nature of the doctrine of judicial finality; whether a decision is right or wrong, if a decision is not appealed by the deadline, the decision stands.

Accordingly, the Property is not subject to the provisions of Section 270-17(A)(3) regarding “land uses within the presently served region.”

New Sewer Allocation is Not a Vested Right

No New Hampshire law vests any right to develop any aspect of any subdivision or site plan that was approved, but not substantially and actively begun before the approval expired, or that was never even requested. Subdivision and site plan approvals expire after five years without active and substantial development or building, among other requirements. RSA 674:39, I. Upon expiration, the right to construct any previously approved but now-expired improvements are extinguished. *See* RSA 674:39, I.

In this case, the 1991 subdivision and site plan approvals related to the subdivision of land so that Walmart Stores, Inc. could develop a Sam's Club on unimproved land. The improvements applied for were constructed, namely Sam's Club, its parking lot and accessway, and other ancillary features. So, those improvements now enjoy certain vested right pursuant to RSA 674:39, II.

As was common in 1991 and remains common now, the approvals required that the terminus of the sewer line that would serve Sam's Club be sized to accommodate any future development. That in no way represents any type of request or approval — especially not of any new sewer allocation — of any future development. No future development beyond Sam's Club was requested or approved in 1991. Simply put, neither the proposed Hillwood Logistics Center, nor any of its ancillary features such as the requested new sewer allocation, were requested or permitted by any action taken in 1991.

Imagine if every time a board required the terminus of utility line to be prepared for future development, that automatically meant that all such future development, including extension and allocations for all utility lines, were approved without any further application, not even submission of a site plan. That interpretation would detrimentally divest the Town of its regulatory authority and violate many laws.

It is telling that the Applicant cited no legal support for its proposition that the sewer allocation requested now for a sewer line that was never requested, never approved, and never built was somehow already granted in 1991.

Because there is no vested right pursuant to RSA 674:39 (or otherwise) to a new sewer allocation, the Applicant is also not exempt from the "new allocation system" pursuant to Town Code Section 270-17(C)(1)(a). That section uses similar language as the state statute. Only improvements that "commenced active and substantial construction at the project site within one year of the date of approval and must have completed substantial improvements within four years of the date of approval and recording at the Registry of Deeds; or still be within the four year period of exemption pursuant to RSA 674:39 after commencement of substantial improvements." Again, because no new sewer allocation to serve a sewer line across the Property was requested, and therefore was not actively and substantially completed, none is exempt pursuant to Section 270-17(C)(1)(a).

Applicant Requests a New Sewer Allocation But Does Not Meet Requirements

The Applicant makes much of the distinction between sewer extension versus sewer connection, arguing that it merely requests a sewer connection and not a sewer extension. In fact, the correct terminology pursuant to the Sewer Use Ordinance is that the Applicant requests a new sewer allocation.

By contract, the Town of Hudson is allowed to send up to 2,000,000 gallons per day to the City of Nashua's wastewater treatment facility. The vast majority of that capacity has already been allocated. Of whatever amount is available to be allocated, which is not adequately documented in the Application or the Selectboard's record of the Request, the Applicant seeks a new allocation of 36,900 gallons per day.

New sewer allocations are expressly governed by Chapter 270 "Sewers" of the Town's code, Section 270-1 through 270-17. Neither the 5/03/99 Town of Hudson Sewer Utility Policies and Procedures, nor anything contained in them, applies anymore because of the adoption of revisions to Chapter 270 subsequent to them. Plus, the Policies and Procedures, by their very terms, never constituted a law and are therefore not binding or enforceable.

Moreover, in the Applicant's original submission and during presentations on January 12, 2021, the Applicant argued strenuously that it satisfied the requirements of Section 270-17(B)(1) of the Sewer Use Ordinance. The represents an admission on the Applicant's part that Section 270-17(B)(1) is the operative regulatory provision. The Applicant may not now claim that other laws or legal theories permit it to the requested new sewer allocation.

For reasons more fully discussed in my January 12, 2021 letter, the Request lacks sufficient supporting information. Further, any narrow exception that may exist to the general rule in Hudson that new sewer allocations are not given does not apply to this project. The Applicant has not proven their requested new sewer allocation is essential for public health, *and* safety, *and* welfare and has provided so little information to support its position that the only conclusion can be reached is that the Applicant has not met this burden. Because the proposed use is not essential, the Applicant is not entitled to any sewer access or allocation.

The Applicant argues that the current Selectboard should impute to the 1991 Planning Board an intention on the part of the 1991 Planning Board to determine that the new sewer allocation requested in 2020-21 would satisfy the current legal requirements. Such an imputation is entirely inappropriate. No part of the 1991 record demonstrates a finding by the 1991 Planning Board that the Hillwood Logistics Center being given a new sewer allocation in 2021 would be essential for public health, and safety, and welfare. The laws the Applicant cited do not support that proposition.

My January 12, 2021 letter also points out numerous deficiencies that the Applicant has not filled. In addition to those problems, Section 270-15 sets forth limitations on various

substances to be discharged into the system, which is another body of information the Applicant has not provided, but which is required.

In conclusion, my clients respectfully request that you affirm your previous, correct decision to deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

Dhima, Elvis

From: Staffier-Sommers, Donna
Sent: Thursday, September 03, 2020 4:05 PM
To: Dhima, Elvis
Subject: FW: Hudson Logistics Center Sanitary Will Serve
Attachments: 001L - Sanitary Will Serve.pdf; 2020-09-01 Hudson Overall Utility Plan DRAFT.pdf

Forwarding this to you.

I don't know what the intent is in regards to sewer for this project. This address doesn't have access and is outside the sewer district.

Thanks,

Donna Staffier-Sommers
Sewer Utility Administrative Aide



Town of Hudson NH - 12 School Street - Hudson, NH 03051
Phone - 603-886-6029 Fax - 603-598-6481

From: Casey Raczkowski [mailto:crackowski@langan.com]
Sent: Thursday, September 3, 2020 3:51 PM
To: Staffier-Sommers, Donna <dsommers@hudsonnh.gov>
Cc: Timothy O'Neill <toneill@langan.com>; Nathan Kirschner <nkirschner@Langan.com>
Subject: Hudson Logistics Center Sanitary Will Serve

Good Afternoon Ms. Staffier-Sommers,

We are working on the proposed Hudson Logistics Center project located at 59 Steele Road in Hudson. We'd like to start the conversation for getting sanitary sewer service to the site.

Can you please fill out the attached will serve letter and return to us at your earliest convenience?

Please let me know if you have any questions or if I can provide any additional information.

Thank you,

Casey Raczkowski
Staff Engineer

LANGAN
Celebrating 50 years in business | 1970-2020

Direct: 203.784.3064
[File Sharing Link](#)

January 12, 2021

Via Email Only
Town of Hudson
Board of Selectmen
bos@hudsonnh.gov

Re: Hillwood Request for Sewer Access and Allocation

Dear Chairman Morin and Members of the Hudson Selectboard,

I write on behalf of more than fifty Hudson households that I represent in connection to concerns with the January 5, 2021 request of Hillwood Enterprises, L.P. to extend Hudson's sewer line in connection with a pending proposal to convert the Green Meadows Golf Course into a logistics and distribution center for Amazon (and another, unknown, tenant) ("Request"). My clients respectfully request that the Selectboard deny the Request. Please make this letter a part of your record in this matter.

Overall, the Request lacks sufficient information to demonstrate that it should be granted. The Hudson law makes clear that the general rule is that the sewer line should not be extended. It then sets forth a narrow exception to allow extension only when doing so is essential for the public health, safety, and welfare of the Town of Hudson. It is important to note that any application must prove essentiality for all three parts of the law: public health, and safety, and welfare, each of which has a different meaning. The Applicant has not done that.

Turning to specific insufficiencies, there is no supporting evidence from any third-party peer reviewer or otherwise that there is 195,800 gallons per day of sewer allocation currently available. There is no information about the potential likelihood of long-term maintenance costs to the Town. There should be a written and detailed Main Line Extension Agreement between the Town and the Applicant that the Selectboard would consider as part of the request. Nothing of this nature is included in the Selectboard's packet associated with the Request.

The alleged expectations of the Friel Family resulting from apparent cooperation with the Town in the early 1990s do not supersede Hudson law. If there was a legally enforceable entitlement that resulted from those efforts, that would have been provided to the Selectboard. Nothing having been provided demonstrates that there is no legally enforceable right to this access or allocation. If this expectation was as universally understood, relied-upon, and presumed as has been claimed, the Friel Family should have, before the sewer district boundary was established, undertaken efforts to make sure that the Friel Family's land was fully included inside the sewer district. Having slept on those rights for years, the Friel Family has no claim to this entitlement now.

The Applicant has not provided specific evidence or any information to support its six purported reasons why granting the request would be essential for the public health, safety, *and*

welfare of the Town of Hudson. The Applicant seems to conflate the provision of goods (which the proposed use would do) with the provision of services which are truly essential, such as police, emergency medical services, fire fighters, and teachers. While easing the flow of goods may be helpful, it does not rise to the level of “essential” as used in Hudson law.

In particular, the Applicant has not, but should have, provided engineering and other analysis to show what it would be like if sewage were managed on-site. This should not be ruled out as an option without any information about it. It does not matter if the Applicant is requesting only 20% of what might be allowed if the use really was “essential”. The threshold question is whether the proposed use is essential, and because it is not, the Applicant is entitled to no sewer access and allocation. Of course, in general, tax revenue and jobs are essential to the public welfare of the Town of Hudson. But the Applicant has provided no specific evidence or supporting information as to why the particular tax revenue and jobs of this proposed use, as opposed to others, are essential. So long as there are tax revenue and jobs, which there already are, the public welfare is already met.

In conclusion, my clients respectfully request that you deny the Request. Thank you for your time and attention to my clients input.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc:
Clients
Elvis Dhima, Town Engineer, via email only to edhima@hudsonnh.gov

Nicole Manteau

From: Amy Manzelli
Sent: Monday, March 8, 2021 10:46 AM
To: 'bos@hudsonnh.gov'
Subject: RE: Request to Reconsider Approval of Hillwood Request for Sewer Access and Allocation

Good Morning,

I'm just checking in briefly to inquire as to when the Selectboard will take up the request for reconsideration I filed on 2/5?

Thank you,
Amy

Amy Manzelli, Esq.
Offices in Concord, New Hampshire and Portland, Maine
manzelli@nhlandlaw.com
Phone 603.225.2585



NOTICE OF CONFIDENTIALITY: This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy it and notify manzelli@nhlandlaw.com immediately.

From: Amy Manzelli
Sent: Friday, February 5, 2021 9:19 AM
To: 'bos@hudsonnh.gov' <bos@hudsonnh.gov>
Subject: Request to Reconsider Approval of Hillwood Request for Sewer Access and Allocation

Good Morning,

Please see attached a request for reconsideration.

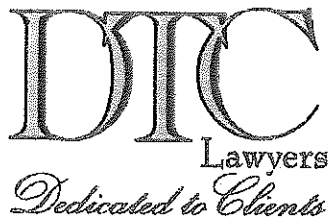
Kindly advise me of when the Selectboard will take up this request and the connection information for me to participate in the meeting online.

Regards,
Amy

Amy Manzelli, Esq.
Offices in Concord, New Hampshire and Portland, Maine
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April 8, 2021

Roger E. Coutu, Chair
Board of Selectmen
Town of Hudson
12 School Street
Hudson, NH 03051

Dear Chairman Coutu and Other Members of the Board of Selectmen:

As you are aware, this firm represents Hillwood Enterprises, LP (“Hillwood”) pursuant to its efforts to permit the Hudson Logistics Center on property known as the Greenmeadow Golf Course (the “Property”). This correspondence is filed on behalf of Hillwood in response to the “Request for Reconsideration” filed by Attorney Amy Manzelli on February 5, 2021 on behalf of unidentified opponents of Hillwood’s (hereinafter “the Anonymous Opponents”), and re-filed on March 19, and March 23, 2021, all with regard to the Board of Selectmen’s approval of Hillwood’s request for sewer access and capacity allocation on January 26, 2021 (the “Sewer Approval”). This correspondence incorporates all of Hillwood’s previous filings on the issue of sewer to the Board of Selectmen, and those of Attorney Thomas Jay Leonard, representing the Friel family.

Executive Summary

The Anonymous Opponents are inappropriately urging the Board of Selectmen to overturn the Sewer Approval in contravention of the law of New Hampshire and of the clear procedural law of this case regarding reconsideration by the Board, as discussed at length by the Selectmen on January 26, 2021. The Anonymous Opponents’ request violates basic notions of administrative finality and fairness and unnecessarily exposes the Town to significant legal liability.

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Hillwood reasonably relied on the finality of the Town's Sewer Approval and is on the cusp of a decision in the Planning Board's nearly year-long review of Hillwood's proposed Hudson Logistics Center site plan, and corresponding applications. The Anonymous Opponents are not presenting any new evidence and the Board of Selectmen already considered and rejected every one of the Anonymous Opponents' arguments.¹ The Board of Selectmen has no duty, obligation, or authority to reconsider its Sewer Approval at this time. To the extent the Anonymous Opponents wanted to contest the Sewer Approval, the only avenue for relief, if any, was via a writ of certiorari to the Superior Court. As the Anonymous Opponents did not file that appeal², the Sewer Approval is the law of this case and cannot be reversed at this late juncture due to well-settled notions of administrative finality and other considerations outlined below. We urge the Board of Selectmen to decline to take up or deny the Anonymous Opponents' request.

Finally, Selectmen Gagnon has a clear conflict of interest and should recuse himself from consideration of any potential reconsideration of the Sewer Approval and any other matter concerning Hillwood's Project.

Factual Context

Review and consideration of the discussions at the January 12, January 26 and March 23, 2021 Board of Selectmen meetings is critical to appreciating the context of the Board's original reconsideration and the procedure the Board must follow in this matter moving forward.

On January 5, 2021, Hillwood applied to the Board of Selectmen for sewer access and capacity allocation under Hudson Ordinance §270-17. The Anonymous Opponents, who are third parties who are not directly affected by Hillwood's request, submitted a January 12 letter setting forth all their arguments regarding why the Board should not grant approval.³ That same day, the Board of Selectmen had a public hearing to address Hillwood's sewer access request. Opposition to Hillwood's application appeared and opposed sewer allocation during the meeting's public comment portion.

Thereafter, the Town Engineer presented the basis of Hillwood's sewer allocation request to the Board of Selectmen.⁴ A discussion then ensued between members of the Board of Selectmen, the Town Engineer and legal representation from Hillwood regarding the nature of Hillwood's request, the nature of the public sewer line on the Property and its history, and the

¹ The Anonymous Opponents' latest filings merely repeat their meritless arguments previously advanced that: (i) an internal town e-mail from an administrative aide that was never sent to Hillwood somehow constitutes an "administrative decision" under the law; (ii) Hillwood had no right to a sewer allocation (ignoring the Greenmeadow Golf Club 1991 Subdivision and attendant Planning Board conditions, the public sewer easement conveyed to the Town, and the presence of the public sewer within that easement on the Property, among other things, all of which reflect Hillwood's right to the requested allocation); and (iii) Hillwood did not meet the criteria under Hudson Ordinance §270-17. The Board was fully aware of and rejected these previously-raised arguments when the Board granted Hillwood Sewer Approval on January 26, 2021.

² There are several likely reasons for the Anonymous Opponents' neglect to file such an appeal: as a threshold matter, any such petition for a writ of certiorari would require the Anonymous Opponents to discard their veil of anonymity.

⁴ See Board of Selectmen Meeting Video, January 12, 2021, at 1:43:45

issue of whether the Property was inside or outside of the Sewer District.⁵ During that discussion, Selectmen Martin asked the Town Engineer the below paraphrased questions⁶:

- Do we have any documentation ... any copy of this easement, and any agreement to give this allocation to this property?
- The reason why I ask is Is there any promise from the Town in any agreement to say that the Town would do this?
- Why does this property not now ... if we already have sewer on the property?"⁷

In response to Selectmen Martin's last question, the Town Engineer stated "It's a good question, why wasn't the whole thing included? I don't know." Selectmen Martin responded "It should be included."⁸

Later in the discussion, and in response to a question directed to her by Chairman Morin regarding what Selectwoman McGrath's recollection was about the public sewer easement over the Property at the time it was conveyed to the Town, Selectwoman McGrath stated that she did "not have a recollection about that."⁹ Moments later, Selectwoman McGrath stated:

I would recommend that a good research of the historical documents that are in the town, that you can go back and look at meeting minutes, you can determine whether or not the Friel family ever talked about being put in the sewer district...¹⁰

A few minutes later, Selectwoman McGrath made a motion to deny Hillwood's request.¹¹ Rollcall was then taken, which led to a 3-2 vote to approve Selectwoman McGrath's motion to deny Hillwood's request.

Thereafter, a discussion between Hillwood's legal representative and the Board of Selectmen ensued. Specifically, after Selectwoman McGrath's motion to deny was approved, Attorney John Smolak requested that the Board reconsider the vote to look at the history of the Property and avoid making the sewer allocation vote a referendum on the Project.¹² In response, Selectwoman McGrath made a motion to deny Attorney Smolak's "request for reconsideration."¹³ Selectmen Coutu then noted the following in a point of order:

The representative from Hillwood didn't make any motion, he's not entitled to make any motion, we are denying a motion that was never made.
Reconsideration at this point Mr. Chairman, on a point of order. Parliamentary

⁵ *Id.* at 1:43:45 – 1:59:17.

⁶ Hillwood notes that all quotes provided herein are as close to verbatim as possible acknowledging that a stenographic transcript of the underlying hearings was not produced.

⁷ *Id.* at 1:59:18.

⁸ *Id.* at 2:00:49.

⁹ *Id.* at 2:05:32.

¹⁰ *Id.* at 2:07:39.

¹¹ *Id.* at 2:12:38.

¹² *Id.* at 2:14:00.

¹³ *Id.* at 2:14:30.

procedure ... The majority vote was “no.” Any one of them would have to make a motion to reconsider, [Chairman Morin] and I cannot make the motion. So to take a vote now on reconsideration is moot, is out order, there is no motion on the floor to reconsider.¹⁴

The Town Administrator, Steve Malizia, then opined that “you have to wait until the next meeting before you can even take such a vote.¹⁵ Mr. Malizia then reiterated that “the prevailing side would have to raise that for reconsideration[,]” a statement Selectmen Coutu agreed with by stating “somebody on the prevailing side would have to move to reconsider because ... they want to hear more evidence or maybe they changed their mind in the meantime.”¹⁶

Critically, Selectman Martin then stated:

Just to clarify. If there was available information to persuade me to make that motion, then I would make that motion at the next meeting. If the information came to me and I said ‘oh, wait a minute, we made some kind of agreement’ ...¹⁷

Echoing Selectmen Martin’s invitation for additional information, Chairman Morin stated:

And I understand what you’re saying. But, you know the records of this Town in the past, you know what I’m saying. So, it’s kind of unfair because we didn’t do our job on our side with the information we should have had to give us a clear answer to make a good decision. And that’s been a problem numerous times in the past for us. If anybody wants to bring up next meeting a reconsideration or if [Hillwood] comes up with some new information that the Town Engineer forwards to us we can make that decision and someone can go for reconsideration at the next meeting and we’ll take it from there at this point.¹⁸

In response to the Board of Selectmen’s invitation for more information and potential reconsideration at its next meeting, Hillwood compiled a substantive analysis with seven (7) exhibits and filed same with the Board on January 20, 2021. Hillwood’s filing complimented that of Attorney Jay Leonard on behalf of the Property owners, who filed a formal Request for Reconsideration on the same day with additional information. On January 26, 2021, the Anonymous Opponents filed another letter that repeated and extensively detailed the arguments previously raised in their January 12th letter.

The Board of Selectmen’s next meeting occurred on January 26, 2021. For nearly 40 minutes several members of the public spoke in opposition to Hillwood’s sewer allocation reiterating many of the arguments raised by the Attorney Manzelli in her letters to the Board.¹⁹

¹⁴ Id. at 2:14:50.

¹⁵ Id. at 2:15:50.

¹⁶ Id. at 2:16:00.

¹⁷ Id. at 2:16:17.

¹⁸ Id. at 2:16:29.

¹⁹ See Board of Selectmen Meeting Video, January 26, 2021, at 00:04:00 – 00:41:16.

Later in the meeting, Hillwood's sewer allocation request was addressed.²⁰ After remarks by Selectwomen McGrath and Roy, Selectmen Martin stated the following in relevant part:

Thank you Mr. Chairman. The reason why this is front of this board again is because of me. Ok? Me . . . The reason why I did not vote to approve the allocation was because I thought, and no ill will towards anybody, that it was a backdoor deal, a backroom deal done in 1991 where people shook hands in a meeting and said 'Yep, we'll guarantee this.' But I found out, and if you look at the Board's packet online, there is documentation submitted. And I asked for that documentation. I didn't vote 'no' to stop a project, I voted 'no' because I thought it was a backdoor deal . . . If you look at the documentation, don't even read the letter, look at the documentation submitted . . . This is from a Planning Board meeting July 24, 1991, 7:00 PM. 'Proposal to consolidate Map 7, Lots 39, 40, 41 and 42 and part of Tax Map 7, Lot 5' . . . If I go down to this next exhibit it says 'notes' . . . it says 'owners of record are, Lot 7-5, Greenmeadow Golf Course.' I heard people say that it was never mentioned in any of the meetings, tonight, I heard people say that . . . And number five specifically on this document says 'the intent of this plan is to consolidate five parcels of land totaling 367.829 acres, and then resubdivide this new parcel into seven parcels . . . and the remaining 331.847 acres to remain as Lot 7-5.' Now, remember I just said, Lot 7-5, Greenmeadow Golf Course. Ok? . . . Number seven, 'site is to be served by municipal sewer and water. Sewage pump station is required.' Remember I said, 'I thought it was a backdoor deal.' Well here's somebody, some people went together and had a meeting and put plans together for future development of Greenmeadow Golf Course. And I believe that in 2002, was the last year they made the payment to the Town with regards to that sewer pump station. And then, low and behold, here we are in 2021 saying that the Town accepted money for the . . . 18 inch pipe and Greenmeadow property gave the Town an easement, but yet, 'wait a minute, we'll take the money but we're not going to allow you to connect?' I think that's highway robbery Mr. Chairman. And in my mind, because I asked for more evidence, I'm ready, when the discussion is over, to make a motion to reconsider because this documentation . . . I read what I needed to read to make up my mind. . . So, it was me that requested it, it's me that's here and it's me that neither voted to deny it to hold up a project or am voting to overturn my vote to get it going. It's the right thing to do . . . and that's why I'm voting the way I'm voting.²¹

Thereafter, Selectmen Coutu reminded the public that a "few weeks ago" a developer came to the Board of Selectmen requesting sewer access and the Board of Selectmen gave it to him.²² Mr. Coutu stated that that project was "distinctly out of the district." Elaborating, Selectmen Coutu stated the following with regard to the Board's decision:

²⁰ *Id.* at 1:03:15.

²¹ *Id.* at 1:03:15.

²² *Id.* at 1:16:20.

We didn't want to prohibit his ability to have access. The pipes were readily available immediately adjacent to the property as is the pipe coming down the Circumferential Highway towards the Friel property.²³

Thereafter, Chairman Morin made a few comments before Selectwoman McGrath raised an issue and directed a question to Selectmen Coutu.²⁴ Specifically, Selectwoman McGrath asked:

After reviewing the plans . . .if after the Planning Board reviews [Hillwood's] plans and decides that the sewer allocation isn't appropriate for that project, would you reconsider the vote that's taken tonight if it's a positive vote to allow them to go ahead and present to the Planning Board that they have the sewer allocation?²⁵

In response, Selectman Coutu stated:

I want to make sure I understand the question . . . if there is a motion to reconsider, you can only reconsider a motion once. This would be the end of it. If it fails . . . if the motion to reconsider fails then the Board is voting . . . by majority either way. Then it's a moot point. Hillwood . . . would . . . have several options available at that point. They can take legal action to get an interpretation from the Court. They can appeal to the Board of Selectmen who are sewer commissioners or an allocation directly. And they have other avenues to pursue . . . I think you're asking if a majority of the members of the Planning Board felt that sewer allocation was not deemed legal, would I change my vote? . . . If they say they don't feel it's appropriate, and there's a majority voting to support that statement? Legally, that's not binding. The decision made here is what's binding. We are the sewer commissioners.

Clarifying her question to Selectman Coutu, Selectwoman McGrath stated:

You had mentioned in your comments that . . . the Planning Board hasn't seen the plans, the full plan set yet, and if at that time, they think that the Board of Selectmen made a premature, or, a premature decision, or one that probably wasn't in the best interest of the Town, would that be something that we could reconsider and bring it back before the Board of Selectmen, and then deny the request again?²⁶

²³ Id. at 1:20:15.

²⁵ Id. at 1:22:00

²⁶ Id. at 1:23:00.

Selectmen Coutu's response was unequivocal:

No. You can only reconsider once, and if a motion is made this evening . . . it would be the final reconsideration.²⁷

Thereafter, Selectwoman McGrath stated "I think that we need get some good legal advice about whether or not if we made a decision in haste that we couldn't reconsider it in the future."²⁸ The Board then discussed obtaining legal advice from the Town Attorney on the issue of reconsideration and the idea of waiting to take up a reconsideration after the Planning Board took action on the matter. In that context, Selectmen Coutu stated:

I don't believe . . . that this board has ever formally adopted Robert's Rules. From my understanding . . . it's just been used as a guide for us. Because typically, the rules of order are, if a motion is made, and somebody on the prevailing side wishes to have it reconsidered because they acquired new information, or they discovered that someone gave them false information initially to . . . make a vote one way or the other . . . we can reconsider, but it has to be done at the next official meeting of the body in which this pertains too . . . Planning Board, Board of Selectmen, ZBA, or other boards.²⁹

Selectman McGrath then made a duly seconded motion to defer action until the next Board meeting so that the Board could hear from the Town Attorney "whether or not we can defer this until after the plans have been submitted to the Planning Board . . ."³⁰ Selectwoman McGrath's motion to defer did not pass.

Selectman Martin then made a duly seconded motion to reconsider the sewer allocation vote. A substantive rebuttal to Hillwood's filing was made by Selectwoman Roy which consisted in large part of reading quotes from Attorney Manzelli's letter to the Board.³¹ In a discussion between the Town Engineer and Chairman Morin, Chairman Morin confirmed that the Town Attorney had received and reviewed the entire package for the Board's meeting, had offered no substantive comment, and had provided draft motions to the Board for their consideration. Chairman Morin stated "I'm comfortable that we went through our proper channels with our Attorney . . ."³² Finally, confirming the context of the meeting and the process that had been undertaken regarding same, the Town Engineer stated to Selectwoman Roy "remember, most of the information that's being presented to you tonight, the exhibits, were produced by the Town of Hudson, after the last meeting . . . at Selectmen Martin's request . . ."

Selectman Martin's motion to reconsider the sewer allocation vote passed by a vote of 3-2. Selectmen Coutu then made a motion to grant Hillwood's sewer allocation request and the Town Engineer summarized the intent, meaning and obvious finality of the vote when he said

²⁷ *Id.* at 1:23:41.

²⁸ *Id.* at 1:25:15.

²⁹ *Id.* at 1:32:40.

³⁰ *Id.* at 1:39:00.

³¹ *Id.* at 1:41:00.

³² *Id.* at 1:49:10.

“[i]t would be easier for the Planning Board to know or for the applicant to know which way they need to go . . . it’s my understanding they were trying to get a decision tonight from the Board of Selectmen, if they can connect to sewer or not. So I think that would serve them and you better, and the Planning Board better, to understand which way this is going to go.”³³ Selectman Coutu’s motion to grant Hillwood’s sewer allocation request then passed 3-2.

The issue of Hillwood’s Sewer Approval came up again at the Board of Selectmen’s March 23, 2021 hearing at which time, Chairman Morin stated:

When we originally did a reconsideration on this project, it was due to the fact that we received a letter from the lawyer representing Greenmeadows with new information. Where we have received a letter from Attorney Manzelli, asking us again to do a reconsideration, I think its only fair that this Board look at it again . . . This has to be looked at under the same rules that we did the first reconsideration . . . There must be new information to present. It’s not opinions, it’s not ‘do I believe this, do I believe that,’ there must be new information to present to the Board for us to take this up.³⁴

These discussions by the Board of Selectmen memorialize the context of this issue and establish the law of this case regarding the notion of reconsideration as follows:

- The Board’s original reconsideration was the result of express invitations extended to Hillwood by the Board of Selectmen to provide supplemental context and information for potential reconsideration vote by the Board.
- Motions for reconsideration may only be made by a member of the prevailing party.
- Motions for reconsideration may only be raised once, at the meeting after the original vote was taken.
- Motions for reconsideration cannot be reconsidered.
- The Select Board does cannot to reconsider the Sewer Approval at a later date.
- At a minimum, if the Board of Selectmen does take up a request for reconsideration, there must be new evidence.

Discussion

1. The Board of Selectmen has no obligation to act.

The Anonymous Opponents wrongfully suggest that this Board is compelled to review and reconsider the Sewer Approval pursuant to 1) RSA 41:8, which has nothing to do with review of decisions, and 2) RSA 541:6, which is only applicable to certain State agencies, not the Town’s Board of Selectmen. On the contrary, the Board’s decision regarding sewer allocation implicates RSA 43:1, which governs hearings by Selectmen. RSA Chapter 43 provides no procedural mechanism for further review of final Board decisions, and, as the Board of Selectmen discussed at great length during the January 26, 2021 meeting, motions for reconsideration may only be raised by a member of the prevailing side, at the meeting after the

³³ Id. at 1:58:20.

³⁴ See Board of Selectmen Meeting Video, March 23, 2021, at 00:30:00.

original vote, and votes may only be reconsidered once. These parameters are rooted in the doctrine of administrative finality, discussed below, and in notions of fundamental fairness.

The Anonymous Opponent's only avenue for relief from an RSA 43:1 final decision, particularly to avoid implicating the very administrative finality considerations discussed at the January 26 Board meeting, was to file a writ of certiorari.³⁵ The Anonymous Opponents failed, refused or neglected to so file such a petition.³⁶ The Anonymous Opponent's failure to pursue their only legal remedy potentially available is not a legal justification for the Board to reverse its well-founded and openly discussed procedural interpretation regarding the doctrine of reconsideration, particularly where, as here, the result of a reversal of the original decision would be so damaging.

The Board of Selectmen is not compelled or required to take up the Anonymous Opponent's request for reconsideration and should disregard the same for the same reasons it previously rejected their arguments.

2. The Board of Selectmen's Sewer Approval is a final administrative decision not subject to review.

New Hampshire Courts have repeatedly recognized the need for finality in administrative decisions, especially where an administrative agency or board is acting in a judicial or quasi-judicial capacity. *See, e.g., CBDA Dev. v. Town of Thornton*, 168 N.H. 715, 721 (2016). Finality in municipal decisions is "essential" and "prevents repetitive duplicative applications" thereby conserving the resources of the Town and "interest third parties that may intervene." *Id.* Administrative finality further "limits arbitrary and capricious administrative decision-making" and thereby generally prevents revisiting decisions. *Id.*

Although the Board initially denied Hillwood's request, Selectmen Martin and Selectman Morin specially invited additional information from Hillwood to clarify the history of the Property vis-à-vis the existing public sewer pipe that traverses the same, for a potential vote for reconsideration at the next Board meeting. Hillwood and the Property owner submitted the requested supplemental information along with a request for reconsideration. *Cf. CBDA Dev.*, 168 N.H. at 725 (stating that it is proper for a municipal body to review its decision to account for new information that the body requested).

Hillwood also extensively explained its arguments regarding why the Board should approve Hillwood's sewer request. Similarly, the Anonymous Opponents submitted another letter on January 26 that repeated and extensively detailed their arguments opposing the Board's approval. On information and belief, that letter was quoted at length by Selectwoman Roy

³⁵ An analogy would be a motion for reconsideration or rehearing filed with a Planning Board. Filing such motion does not absolve the applicant from complying with the statutory appeal period delineated in RSA Chapter 677.

³⁶ Hillwood registers here its belief that the Anonymous Opponents would not have standing to prosecute such a lawsuit. Among other things, the Anonymous Opponents may not proceed anonymously were they to file a petition for writ of certiorari, as their identities will be central to whether they can establish standing for such an action. The Anonymous Opponents clearly made a choice, preferring their anonymity; this underscores the inappropriateness of repeatedly entreating this Board to exercise authority the Board does not enjoy, where the Anonymous Opponents themselves chose not to pursue their own avenues for relief.

during the hearing on January 26. The Board extensively discussed the procedure for reconsideration and appeared to agree that motions for reconsideration may only be raised by members of the prevailing side, and at the meeting after the original vote. Ultimately, the Board took into consideration the supplemental information Hillwood provided, took into consideration Hillwood's arguments and the arguments of the Anonymous Opponents, and voted to approve Hillwood's sewer request. By making a decision following a request for reconsideration, the Board's decision became a final administrative decision.

Without providing Hillwood any notice, ten days later the Anonymous Opponents requested reconsideration via letter dated February 5, 2021. However, the Anonymous Opponents' letter merely reiterates the exact same arguments they had already raised, and the Board had already considered and rejected. By the Anonymous Opponents' own admission, they have not raised any new arguments. Similarly, in their March 23, 2021 letter, the Anonymous Opponents list the exact same arguments raised in their January 26 and February 5 letters. In other words, the Anonymous Opponents simply continue to repeat the same arguments that the Board has already rejected.

This is precisely the situation that the doctrine of administrative finality seeks to avoid. Administrative decisions need finality. The parties need finality. The Board's decision cannot be repeatedly reconsidered based on the same arguments simply because the Anonymous Opponents do not like the result, particularly where Hillwood has relied on the Sewer Approval to its detriment, as discussed below.

3. Hillwood justifiably relied on the Board's approval.

The Board granted Hillwood its sewer access and capacity two and a half months ago. Since that time Hillwood has invested considerable financial resources in reliance on the same. The process through which Sewer Approval was obtained, outlined above, clearly delineated the effect of Board of Selectmen's vote, that no additional votes for reconsideration would be authorized because reconsideration of votes can only happen once, and only after a motion from the prevailing side. Attorney Manzelli and the Anonymous Opponents were clearly aware of these circumstances. Further, the Board of Selectmen declined to adopt a motion that would have deferred its meeting to get guidance from the Town Attorney on this issue, presumably because Selectman Morin suggested the Town Attorney had received and reviewed the entire package for the Board's meeting, had offered no substantive comment, and had provided draft motions to the Board for its consideration as noted above.

New Hampshire has recognized that a person may maintain a claim against a municipality for detrimental reliance on a permit or approval. See Socha v. Manchester, 126 N.H. 289, 291 (1985). Thus, a person who justifiably relies upon a final municipal permit or approval has a vested right to that approval. Id. If the person relies upon an approval and has incurred substantial liabilities relating to that approval, the municipality can be liable for the person's damages if the municipality subsequently seeks to revoke the approval. Id.

In this case, Hillwood reasonably relied on the Sewer Approval as a final administrative decision and through that reliance, has expended substantial resources. If the Board improperly

reviews or revokes Hillwood's Sewer Approval, Hillwood would incur significant financial damages based on its detrimental reliance on the Board's approval, and the Town would be unnecessarily exposed to significant legal liability.

4. The Board cannot review its decision because there has been no change in circumstances.

The Board issued a final decision granting Hillwood's Sewer Approval. No circumstances, surrounding Hillwood's sewer approval, aside from the composition of the Board of Selectmen, have changed in any way.

State Courts have repeatedly warned municipal officials that they cannot act arbitrarily in bad faith. See, e.g., *Guarrancino v. Beaudry*, 118 N.H. 435, 437 (1978) (Courts will overturn the decisions of officials if they were made "arbitrarily or in bad faith."). Recognizing the importance that municipal officials adhere to their duty to act in good faith, the State legislature specifically authorized suits against officials in their individual capacity when the officials have acted in bad faith. RSA 491:24.

In this case, nearly two and half months have elapsed since the Sewer Approval. The Anonymous Opponents' most recent letter of March 19 merely reiterates the exact same arguments raised in their previous letters to the Board and already rejected by the Board. The only changed circumstance is the composition of the Board of Selectmen itself after the March election. There are no legitimate grounds for reconsideration.

The Anonymous Opponents' requested course of action unnecessarily exposes the Town to significant liability.

5. The Anonymous Opponents' request for reconsideration implicate broader issues of due process and fundamental fairness in light of their anonymity.

The Anonymous Opponents' request for reconsideration implicates a broader problem that is permeating Hillwood's application process: anonymous individuals or entities are desperately attempting to derail the permitting process, often by repeating rejected arguments or otherwise advancing fundamentally untrue facts to oppose the application.³⁷

The anonymous nature of Hillwood's opponents creates core problems for Hillwood and this Board. It was already revealed that a former Planning Board alternate was represented in connection with Hillwood's application, along with his wife, by Attorney Manzelli, counsel for the Anonymous Opponents. When this issue came to light, the former Planning Board alternate declined to recuse himself from the proceedings and was ultimately removed from his position

³⁷ Hillwood notes that four (4) individuals sued the Town by a complaint filed March 24, 2021, expressly seeking to halt all proceedings on Hillwood's applications before all municipal boards on the allegation that the Town violated RSA 91-A, et seq by not providing documents. In that complaint, the plaintiffs admit that they are part of the collective represented by Attorney Manzelli, but also reveal that their group includes "more than 50 families." As such, while the identity of four (4) individuals were recently revealed, the identities of Anonymous Opponents remain overwhelmingly shrouded.

by the Board of Selectmen. Connections such as these underscore the problem with allowing opponents to the project to proceed anonymously: any number of inappropriate connections, biases or disqualifications may exist with no true way for this Board, the Planning Board, or Hillwood to meaningfully address (or even know about) same.

Furthermore, there is no way for this Board (or the Planning Board) to know whether the Anonymous Opponents are residents of the Town, the members' constituents, or can even establish an aggrieved status. Indeed, the Anonymous Opponents could include economic competitors of Hillwood or its end user: neither Hillwood nor this Board have any way to assess the standing, bias or aggrieved status of the Anonymous Opponents given their insistence on anonymity.

This issue implicates whether the proceedings before this Board and those before the Planning Board meet the requirements of due process and fundamental fairness. As a threshold matter, it cannot be determined whether all members of the Anonymous Opponents have, at minimum, a "direct interest" in the application. See, RSA 676:4(I)(e). This is not speculative: in connection with Hillwood's local permitting efforts there was already colorable concerns regarding a Planning Board alternate. This is underscored here where the Board of Selectmen is asked by an anonymous group of individuals and/or entities to take action contrary to applicable fact and law, as set forth at length above.

To that end, and for the sole reason of the Anonymous Opponents' anonymity, the request for reconsideration should be denied.

6. Board of Selectmen Member Brett Gagnon's extensive conflicts of interest prohibit him from participating in any discussion regarding the Sewer Approval or Hillwood.

Member Brett Gagnon's lengthy history of vocal, public opposition to Hillwood's development of the Property, including his leadership of a group that has vocally and publicly opposed the Hillwood Project, make him ineligible to participate in any decisions regarding the Sewer Approval or Hillwood.

When a public official is acting in a judicial or quasi-judicial capacity, such as voting on permit or approval applications, that official's participation must satisfy the strict conflict of interest "juror standard." See Appeal of City of Keene, 141 N.H. 797 (1997); see also N.H. Const. Pt. I, Art. 35 ("It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.").

The juror standard requires officials to be as impartial as a juror, meaning indifferent. In other words, an official that has given the appearance of having pre-judged an issue is not "indifferent" and therefore must be disqualified from participating in any decisions regarding that issue. See State v. Anaya, 131 N.H. 330, 331 (1988) (Any juror who is not indifferent shall be excused.").

An objective standard is used to determine whether a person is qualified to judge an issue. Cf. Sherryland, Inc. v. Snuffer, 150 N.H. 262, 268 (2003). This means that even the appearance of impropriety is sufficient for disqualification. If an “objective, disinterested observer, fully informed of the facts, would entertain significant doubt” that the person can be as indifferent as a juror, then that person cannot participate. Id.

Here, Selectmen Gagnon’s lengthy, public history of opposition to Hillwood’s development of the Property demonstrate that he is not as “impartial as the lot of humanity will admit.” N.H. Const. Pt. I, Art. 35. Selectmen Gagnon co-lead a group that opposed Hillwood’s development of the Property. On information and belief, the Hudson Alliance for Responsible Development (“HARD”), established itself on or about July of 2019. Selectmen Gagnon was an early supporter and commenter on HARD’s Facebook posts from the outset and throughout 2019.

HARD expressly and publicly declared its opposition to Hillwood’s Project in late April of 2020, just after the project was announced to the public. Despite being a member of the Town’s Conservation Commission, Selectmen Gagnon inappropriately supported HARD’s Facebook posts as well as comments from people opposing Hillwood’s Project (while intentionally hiding the fact that he was a leader of HARD). Selectmen Gagnon’s actions included liking and sharing numerous HARD posts and comments opposing Hillwood’s Project. Significantly, HARD issued a “Call to Action” in May of 2020 that urged the public to voice their opposition of the Hillwood Project to Town leaders and provided a template opposition letter. HARD also publicly supported the group “Save Hudson,” whose purpose is to oppose the Hillwood Project.

After Selectmen Gagnon was not re-nominated to the Conservation Commission in December 2020, HARD officially announced on January 6, 2021 that it would be co-led by Brett Gagnon. Moreover, Selectmen Gagnon admitted in a Facebook post that same day that he had been co-leading HARD all along. In response to a comment stating: “Everyone already knew that HARD was run by Jennifer and Brett,” Selectmen Gagnon stated “I giggled a bit to be honest. Can’t really disagree but now it’s more officially. We don’t need to side step, hide, or cover our work because it may cause waves with those who adamantly support for these big projects.”³⁸ In other words, Selectmen Gagnon publicly admits that he has been hiding his affiliation and leadership role with HARD from the outset to avoid “causing waves.” It is particularly troubling that Selectmen Gagnon’s comments demonstrate that he intentionally hid his leadership of this group while he was a member of another Town board—the Conservation Commission. It comes as no surprise then, that when provided the opportunity to recuse himself from participation in the Sewer Approval discussion at the March 23, 2021 Board of Selectmen meeting, Selectmen Gagnon declined to do so.³⁹

³⁸ See Enclosure 1.

³⁹ See Board of Selectmen Meeting Video, March 23, 2021 at 00:33:45.

This lack of candor erodes public trust that Town officials will act impartially, and it is sufficient basis alone to prove that Selectmen Gagnon cannot act impartially with respect to Hillwood's Project.

Further, HARD, under Selectmen Gagnon's leadership, issued a strong, public rebuke of the Hudson Board of Selectmen for its vote to reconsider and approve Hillwood's sewer allocation. Mr. Gagnon liked the post and posted a "wow" emoji. Mr. Gagnon also liked Hudson NH Democrats "share" of HARD's rebuke.

In sum, from the moment Hillwood's Project was announced publicly, Selectmen Gagnon has been affiliated with and/or leading HARD, which has been publicly and vocally opposing the Hillwood Project. Moreover, it is clear that Selectmen Gagnon has prejudged the specific issue of sewer allocation because under his leadership and with his public support, HARD expressly and publicly criticized the decision of the Hudson Board of Selectmen for its vote to reconsider and approve Hillwood's sewer allocation. It would be impossible for Selectmen Gagnon to impartially weigh a new decision regarding sewer allocation, to the extent the Board of Selectmen decide to take it up, as he is required to under the law.

Selectmen Gagnon's lengthy history of organizing and opposing Hillwood's Project prohibit him from acting on any Board of Selectmen decisions with regard to the Hillwood Project because Selectmen Gagnon is clearly not as "impartial as the lot of humanity will admit." N.H. Const. Pt. I, Art. 35. Therefore, Mr. Gagnon must not participate in any decisions relating to Hillwood's sewer allocation, including any decisions regarding whether to grant rehearing or to reconsider the final Sewer Approval.

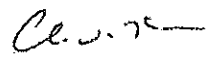
Conclusion

The Anonymous Opponents have not provide a single compelling or legitimate reason for why reconsideration of the Sewer Approval is proper and such reconsideration is not proper in light of the law of this case. The Board has already rejected the few arguments the Anonymous Opponents actually raise and Hillwood has reasonably relied on the Sewer Approval. As a result, there is no basis to reconsider the Sewer Approval and doing so unnecessarily exposes the Town to significant legal liability. We appreciate the Board's review and consideration of this letter.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

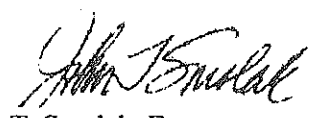


Justin L. Pasay, Esq.



Christopher T. Hilson, Esq.

SMOLAK & VAUGHAN, LLP



John T. Smolak, Esq.

January 6, 2021 - Brett Gagnon shared the HARD statement of his co-leadership. Mike Coumas posts that "everybody already knew that HARD was run by Jennifer and Brett." Gagnon admits to it.



Brett Gagnon shared a link.
22h · 🌐

...

HARD would like to publicly highlight its dedicated leaders behind the research, efforts and passion. Even more so now, these two individuals are dedicated to listening to the community and pushing for a better quality of life for all.



HUDSONALLIANCEFORRESPONSIBLEDEVELOPMENT.HOME.BLOG

Former Hudson Conservation Commission Members Drive H.A.R.D. Forward

👍❤️ 6

7 Comments 3 Shares



Mike Coumas
Everyone already knew that HARD was run by Jennifer and Brett. Did you think it was not known?



Brett Gagnon
Mike Coumas I giggled a bit to be honest. Can't really disagree but now it's more official. We don't need to side step, hide, or cover our work because it may cause waves with those who adamantly support for these big projects. The work HARD has done was being used against us to threaten expulsion from our volunteer positions but now since that threat no longer exists we can work without chains and really start to do big things.

Like Reply Share · 22h

👍 1



Brett Gagnon

And for the record, I know we don't always see eye to eye on things but keeping critics around is always good to solidify an idea. I appreciate your feedback and hope we have more respectful discussions to come.



Mike Coumas

Brett Gagnon well not really a critic because I agree conservation is important... but I am more a realist and see a common ground between growth, conservation and development. I know development will occur and understand that common ground can be achieved between conservation and development. Looking forward to see your active involvement in Hudson conservation activities.



Brett Gagnon

Mike Coumas well then I stand corrected and we agree on more than I realized sir.

Jan 31, 2021 – HARD FB post on its rebuke of BOS over sewer allocation vote. Gagnon ‘wows’ and ‘likes’ it.

facebook.com/HudsonAllianceRD

Search Facebook

Hudson Alliance for Responsib... Learn More Like Message

About See All

Hudson, NH 03051

Hudson Alliance for Responsible Development (HARD) believes our town's true wealth lies in its unique rural character, natural beauty and sense of community.

492 people like this including 1 of your friends

524 people follow this


3 people checked in here

<https://hudsonallianceforresponsibledevelopmenthome.blog/home-page/>

Send Message

Hudson Alliance for Responsible Development
January 31 · 🌐

A residents point of view recapping the most recent Hudson Board of Selectmen meetings regarding the sewer connection request by the Hudson Logistics Center



HUDSON ALLIANCE FOR RESPONSIBLE DEVELOPMENT.HOME.BLOG
HLC Sewer Connection Request: Residents send strong words to Hudson Select Board

👍❤️👍 6 4 Shares

Like Comment Share

https://hudsonallianceforresponsibledevelopmenthome.blog/2021/01/31/hlc-sewer-connection-request-residents-send-strong-words-to-hudson-select-board/?fbclid=IwAR1cY4LUS_HZ-6-zOB3i3RVC6dSW10bVPkP1vM0zbFut0RWwmyz2K1g0

Gagnon responds to post with ‘wow’ emoji.

Hudson Alliance for Responsib... Learn More Like Message

Photos See All



HUDSONALLIANCEFORRESPONSIBLEDEVELOPMENT.HOME.BLOG
HLC Sewer Connection Request: Residents send strong words to Hudson Select Board

Videos See All



6
Wow
Bianca Gravel
Bret Gagnon
Comment Share
Write a comment

Hudson Alliance for Responsible Development
January 26 · 🌐
INFORMATION: 2019 HLC Municipal Land Use Regulation Comm...



WELTS, WHITE & FONTAINE, P.C.
Attorneys at Law

THOMAS J. LEONARD
tjleonard@lawyersnh.com

RECEIVED

APR 08 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

April 7, 2021

Board of Selectmen
Town of Hudson
12 School Street
Hudson, NH 03051

RE: Sewer

Dear Members of the Board:

As you know, this office represents Greenmeadow Golf Club, Inc., and the Friel family as owners of property located off Steele Road presently used as Greenmeadow Golf Course (the "Property"). As you know, Hillwood Enterprises, LP ("Hillwood") has a contract to acquire the Property and redevelop the Property into the Hudson Logistic Center.

I write relative to the "Request for Reconsideration" letter submitted by Attorney Amy Manzelli on February 5, 2021, and her most recent follow-up letter dated March 23, 2021.

In sum, the Board need not respond to Attorney Manzelli's request. Certainly, the Board need not act upon it. And in any event, Attorney Manzelli has not supplied any information justifying reconsideration of the Board's January 26, 2021 decision.

A. No response from the Board is required.

As Attorney Manzelli acknowledges, the Board by-laws do not allow non-Board-members to petition for reconsideration or rehearing. While the Applicant *did* request reconsideration following the Board's initial sewer decision on January 12, it did so at the express invitation of a Board member who was contemplating moving for reconsideration himself. The Board did not vote directly upon the Applicant's request, but rather voted on reconsideration only when a Board member made a formal motion himself. No such situation is currently before the Board, and there is no requirement that the Board act upon Attorney Manzelli's request.

1. Background

The minutes of the January 12, 2021 Board meeting provide the following information. Selectman McGrath made a motion to deny the sewer allocation request, which carried. SELECT BOARD MINUTES (Jan. 12, 2021), at 19.¹ Following the Board's vote, a representative of Hillwood (Attorney Smolak) "asked for a request for reconsideration." *Id.* After some discussion, the Board determined that the "representative from Hillwood [is] not entitled to make any motions. . . . [O]ne of [the members on the prevailing side] would have to make a motion to reconsider." *Id.* The Town Administrator also opined that "you have to wait [un]til the next meeting before you can take such a vote." *Id.*

Thereafter, one of the members of the prevailing side (Selectman Martin) stated that "if there was available information to persuade me to make that motion [to reconsider], then I would make that motion at the next meeting." *Id.* The Chairman agreed with this course of action. *Id.*

Further information was indeed provided by the Applicant. Thereafter, at the Board's next meeting (January 26, 2021), Selectman Martin made a motion to reconsider the sewer permit denial. SELECT BOARD MINUTES (Jan. 25, 2021), at 16.² The motion passed. *Id.* at 18. The sewer permit was then approved by the Board. *Id.*

2. The Board is not required to act.

Attorney Manzelli has not supplied adequate support for her assertion that "the Selectboard is duty-bound . . . to take up the request" for reconsideration. MANZELLI LETTER (Mar. 19, 2021). The only citation provided is to RSA 41:8. That statute simply states: "Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases."

Attorney Manzelli apparently suggests that the Board must act upon her request because the statute provides that the "selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed." RSA 41:8. However, the statute only obligates the selectmen to "perform the duties by law prescribed": that is, those duties imposed by statute. *Gordon v. Town of Rye*, 162 N.H. 144, 150 (2011). Attorney Manzelli has not pointed to any statute or other legal authority requiring the Board to act upon or consider every request received from a member of the public. *Cf. Cronin v. Town of Amesbury*, 895 F. Supp. 375, 389-90 (D. Mass. 1995), *aff'd* 81 F.3d 257, 261 n.4 (1st Cir. 1996) ("The right to petition government does not create in the government a corresponding duty to act."). As such, the Board need not respond to her request, let alone act upon it.³

¹ https://www.hudsonnh.gov/sites/default/files/fileattachments/board_of_selectmen/meeting/46971/bos-m2021-01-12.pdf.

² https://www.hudsonnh.gov/sites/default/files/fileattachments/board_of_selectmen/meeting/46981/bos-m2021-01-26.pdf

³ This is especially true because the identities of Attorney Manzelli's clients are unknown. She identifies her clients

3. There is no appeal available.

The March 23 letter from Attorney Manzelli asserts that her “clients will be entitled to file an appeal to superior court within thirty days if the Select board either declines to grant reconsideration, or grants reconsideration but then votes again to approve the Sewer request.” In support, she cites to RSA ch. 541.

This assertion is simply incorrect. By its express terms, chapter 541 applies only to requests for rehearing at “state departments.” RSA 541:1. It does not apply to municipal boards.

If Attorney Manzelli had an opportunity for an “appeal” it was probably in the form of a writ of certiorari. Thirty days is generally considered reasonable. *Wilson v Personnel Commission* 117 N.H. 783 (1977). The time for filing such an “appeal” has passed. She cannot extend the time for filing by simply remaking requests for reconsideration. *In Re Ellis* 138 N.H. 159 (1993) Administrative bodies may reconsider their own decisions during the time period allotted for appeal. *74 Cox street LLC v Nashua* 156 N.H. 228 (2007)

Attorney Manzelli and her clients were on notice that the Board is not required to act upon petitions from non-Board-members. This was clearly discussed at the January 12, 2021 Board meeting described above. *See* SELECT BOARD MINUTES (Jan. 12, 2021), at 19. Further, Attorney Manzelli was on notice that the Board would only vote on a reconsideration request if a member of the Board (who voted on the prevailing side) made such a motion at the next meeting. *Id.*

While Attorney Manzelli and her clients were certainly permitted to petition the Board (the same as any other members of the public), doing so did not suspend the timeframe for an appeal of the Board’s decision. The Board conducted several hearings since Attorney Manzelli’s reconsideration letter without taking any action upon it. Having received no response from the Board — and being on notice that no response was required — Attorney Manzelli had an opportunity to file an “appeal” with the Superior Court. But she did not, and now more than two months have elapsed since the Board’s decision. Any opportunity to appeal has now expired.

By voting on Attorney Manzelli’s request at this late date, the Board could re-open the possibility of legal challenge to its decision. By refusing to act at all, the Board would simply confirm its previously stated policy that it is not obligated to take a formal vote upon every petition proffered by opponents to a project.

B. Reconsideration is not warranted.

only as “more than fifty Hudson households.” Attorney Manzelli has not even demonstrated to this Board that she (or her clients) has the standing to challenge or appeal the Board’s decisions. She has not offered any explanation about how her clients will be directly impacted by “wrongful” allocation of sewer capacity. *See Nautilus of Exeter v. Town of Exeter*, 139 N.H. 450, 452 (1995) (discussing standing requirements for land use appeals); *see also Exeter Hosp. Med. Staff v. Bd. of Trs. of Exeter Health Res.*, 148 N.H. 492, 495 (2002) (plaintiff’s burden to demonstrate a right to sue).

Even if the Board takes up Attorney Manzelli's request, there are no grounds for reconsideration.

1. The Board has already considered and rejected the exact arguments now raised by Attorney Manzelli.

In her letters, Attorney Manzelli complains that “[w]hen the Applicant requested reconsideration, the Applicant provided no ‘new’ information.” MANZELLI LETTER (Mar. 23, 2021). Ironically, she now requests reconsideration herself while presenting the exact same arguments previously rejected by this Board.

In her letter *objecting* to the Applicant's request for reconsideration, Attorney Manzelli argued: (1) “That the Property is outside of the system boundary is a final, unappealable determination from last September,” (2) “New sewer allocation for the Property is not a vested right,” and (3) “The Applicant requests a new sewer allocation but still does not meet the requirements.” MANZELLI LETTER (Jan. 26, 2021). In her February 5, 2021 letter *requesting* reconsideration, Attorney Manzelli argued: (1) “The decision that the Property is outside of the system boundary is a final, unappealable determination from last September, (2) New sewer allocation for the Property is not a vested right, (3) The Applicant requests a new sewer allocation but still does not meet the requirements.” MANZELLI LETTER (Feb. 5, 2021).

In short, the arguments made in support of the current request for reconsideration are —verbatim— the exact grounds advanced in Attorney Manzelli's previous letters to the Board. These arguments have already been considered and rejected by the Board. “Reconsideration is not a vehicle for rehashing the same argument.” *FDIC v. O'Flahaven*, 857 F. Supp. 154, 167 (D.N.H. 1994). Rather, a valid motion for reconsideration must be based upon some genuinely new fact or legal argument. Without such a standard, “there would be no finality to the proceeding, and the first decision would be capable of change at the whim of the agency or, worse still, through improper influence exerted on its members.” *Fiorilla v. Zoning Board of Appeals*, 129 A.2d 619, 621 (Conn. 1957). Thus, where a party “fails to show that any controlling authority or facts have actually been overlooked, and merely offers substantially the same arguments he offered on the original motion, the motion for reconsideration must be denied.”⁴ *Alzamora v. Vill. of Chester*, 534 F. Supp. 2d 436, 439 (S.D.N.Y. 2008).

2. The Board's decision was correct.

Lastly, reconsideration is not warranted because the Board's decision was correct.

The purpose of the Sewer Ordinance is to fairly allocate sewer capacity. The ordinance states that the goal is to provide sewer to all land uses in the “presently serviced region”. The Board's decision was consistent with the purposes of the ordinance. Further, the decision did not adversely

⁴ When a board reverses itself without adequate justification, it acts in an unlawfully arbitrary manner. *See Appeal of Bd. of Trustees*, 129 N.H. 632, 536 (1987) (“The common meaning of ‘arbitrary’ is a decision based on random or convenient selection or choice rather than on reason, or one made without adequate determining principle; nonrational; capriciously.” (cleaned up)).

impact any other sewer user, or potential user. It was a reasonable decision made by the Select board – the Board charged with allocation.

A public sewer main already exists on the Property. The sewer main was placed there upon the review and approval of the Town. Both the Town and the property owners understood that the purpose of the sewer main was to allow for future development on the Property, and as a result the property owners upsized the sewer pipe at considerable expense and granted an easement to the Town for public use and maintenance.

Since a sewer main already exists on the Property, no extension of the current sewer system is required. The Property is within the “existing system boundary” and thus “the Town must . . . provide sewer” to the Property. HUDSON CODE, § 270-17, A (3). Also, the Property is a lot established by a subdivision plan and approval that required sewer for all lots shown on the plan and which plan was recorded as an approved subdivision plan in 1990 – an exempt subdivision plan under the Sewer Ordinance. HUDSON CODE, § 270-17, C. In fact, to deny a property owner access to an on property public sewer line (which has ample capacity) in this context would be contrary to the Hudson Sewer Ordinance and would be an unlawful restriction of the owner’s property rights. *See UniFirst Corp v. Nashua*, 130 N.H. 11, 14-15 (1987); *Dow v. Town of Effingham*, 148 N.H. 121, 124 (2002). Furthermore, the proposed connection is “essential for public health, safety and welfare.” *See Meredith v. State Bd. of Health*, 94 N.H. 123, 132 (1946). For all these reasons, the Board’s decision was correct.

C. Conclusion

The Board should decline Attorney Manzelli’s offer to once again take up this sewer issue. A final decision has been made and no member of the prevailing side has timely moved to reconsider the decision. Further, any applicable appeal period has now passed. The matter is closed and the only consequence of re-opening it now would be to subject the Board to further legal challenge.

Even if the Board were to consider Attorney Manzelli’s latest arguments, they should be rejected. The grounds for reconsideration proffered are the exact grounds already considered and rejected by the Board. It would be arbitrary and capricious for the Board to reverse itself based on the exact arguments it has already rejected. The Board’s decision to grant the sewer permit was legally proper and should not be disturbed.

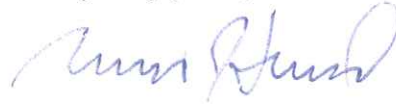
At bottom, the present push for reconsideration is clearly an effort to force a “referendum” on the Hillwood Project. Attorney Manzelli is urging Select Board members to take actions which are arbitrary and capricious. It is arbitrary and capricious to change a decision to allocate sewer when there are no allegations of adverse impact to the sewer system or other sewer users. This decision is about sewer capacity, not zoning, planning, or politics. What should have been a routine matter has now become a political referendum on the use of private property.

The Board should refuse Attorney Manzelli’s invitation to treat a sewer permit as a referendum on the project itself. That is a job for the Planning Board. It is improper to use the Sewer Ordinance for zoning or planning purposes, or as a means to stop growth or otherwise interfere with permitted

development. The Board should resist any attempts to subvert or circumvent the lawful land use permitting process.

Thank you for your consideration.

Very truly yours,



Thomas J. Leonard

cc: Steve Malizia, Town Administrator
Elvis Dhima, P.E., Town Engineer
David Friel
Tom Friel
Philip Friel

H:\tjleonard\Clients\FRIEL MATTERS\GreenMeadow Golf\Hillwood\Board of Selectmen\Final Selectman Letter 4-7-2021.docx

Agenda
4-27-21



TOWN OF HUDSON

Engineering Department

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142



8A

INTEROFFICE MEMORANDUM

RECEIVED

APR 22 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

TO: Steve Malizia, Town Administrator
Board of Selectmen

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

DATE: April 20, 2021

RE: Bracket Lane - 8" Water Main Extension

Mr. Malizia,

The Planning Board in 2004 approved a site plan for a 55 plus community off Webster Street, currently known as the Sparkling River Community. The last phase, which will accommodate 18 units on Bracket Lane, is scheduled for construction this year. This phase, similar to the previous ones, will be served by municipal water and the proposed main consists of approximately 1,300 linear feet of proposed 8 inch main connecting to an existing 8 inch main located on site. The work includes the following:

1. Installation of 1,300 linear feet of 8 inch main along Bracket Lane.
2. Installation of three fire hydrants.

The proposed 8 inch water main extension is adequate for domestic requirements and fire protection.

This application was received on April 20th and due to the current Emergency Situation, this application was not processed through the advisory Municipal Utility Committee.

This project will be at no cost to the Town and my recommendation is to approve this waterline extension.

Motion:

To approve and sign the proposed water line extension agreement for the Bracket Lane 8" Water Main Extension.

AGREEMENT

BRACKETT LANE WATER SYSTEM EXTENSION

THIS AGREEMENT is made 20th day of April, 2021, by and between K&M Developers LLC, with an address of 46 Lowell Road, Hudson, New Hampshire 03051 (“the Applicant”), and the Town of Hudson, a municipal corporation of Hillsborough County, New Hampshire, with offices at 12 School Street, Hudson, New Hampshire 03051 (the “Town”).

RECITALS:

- 1.01 The Applicant is the owner or owner’s representative of certain real estate situated in the Town of Hudson, Hillsborough County, New Hampshire, with an address of Brackett Lane, shown as Map 156, Lot 6 on the Town of Hudson Tax Maps, (the “Premises”).
- 1.02 Presently, the Town’s water system extends along Weymouth Court, Bracket Lane and within the Premise.
- 1.03 The Applicant desires to extend the Town’s water system within the Premises and then further extend the Town’s water system through the Premises by installing an 8 inch ductile water main as shown on the Plans for the purpose of providing domestic water and fire protection to the Premises.

Agreement to do Work

- 2.01 The parties agree that the recitals set forth above are true, accurate and complete.
- 2.02 The Applicant shall cause the following work to be undertaken and completed the (project) “Work”:
 - 2.02.1 The installation of an 8 inch ductile water main from the end of the existing town water main located along Brackett Lane and the Premises. Such 8 inch water main shall be located on the Premises, within a future Access and Utility Easement, established prior to the water line acceptance.
 - 2.02.2 The Applicant shall undertake all necessary work within Brackett Lane and on its Premises to install the 8 inch water main, gate valves, service lines, with gates, and fire hydrants. The scope of work and limits of construction shall be approved prior to the

commencement of construction by the subdivision. All such work shall be undertaken in coordination with the K&M Developers LLC and the Town of Hudson Town Engineer. All such work shall be approved as to quality and workmanship by Town of Hudson Engineering and Public Works Department.

Inspections

- 3.01 The Applicant shall pay all applicable fees and inspection costs related to the Work.

Certain Fees/Bonding

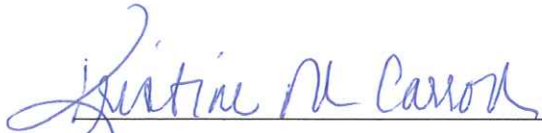
- 4.01 The Applicant shall pay any and all hook-up assessments or extension fees including capital assessment fees for the Work.

General


- 5.01 The Town represents to the Applicant that its Board of Selectmen are duly authorized to approve this Agreement on behalf on the Town and bind the Town hereto.
- 5.02 This Agreement is a complete and accurate statement of the agreement between the parties and any and all prior agreements, representations, understandings, oral or written by and between the parties with respect to the subject matter hereof, are hereby expressly superseded, and this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereto.
- 5.03 This Agreement shall be governed by and construed in accordance with the law of the State of New Hampshire without regard to its conflict of law rules or principles.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed by their respective representatives the date first set forth above.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed by their respective representatives the date first set forth above.



Witness

By: 

K&M Developers LLC,
46 Lowell Road, Hudson, NH 03051

Town of Hudson its Board of Selectman

Witness

By: _____
Its: _____
Duly Authorized Selectmen

Witness

By: _____
Its: _____
Duly Authorized Selectmen

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By: _____
Its: _____
Duly Authorized Selectmen

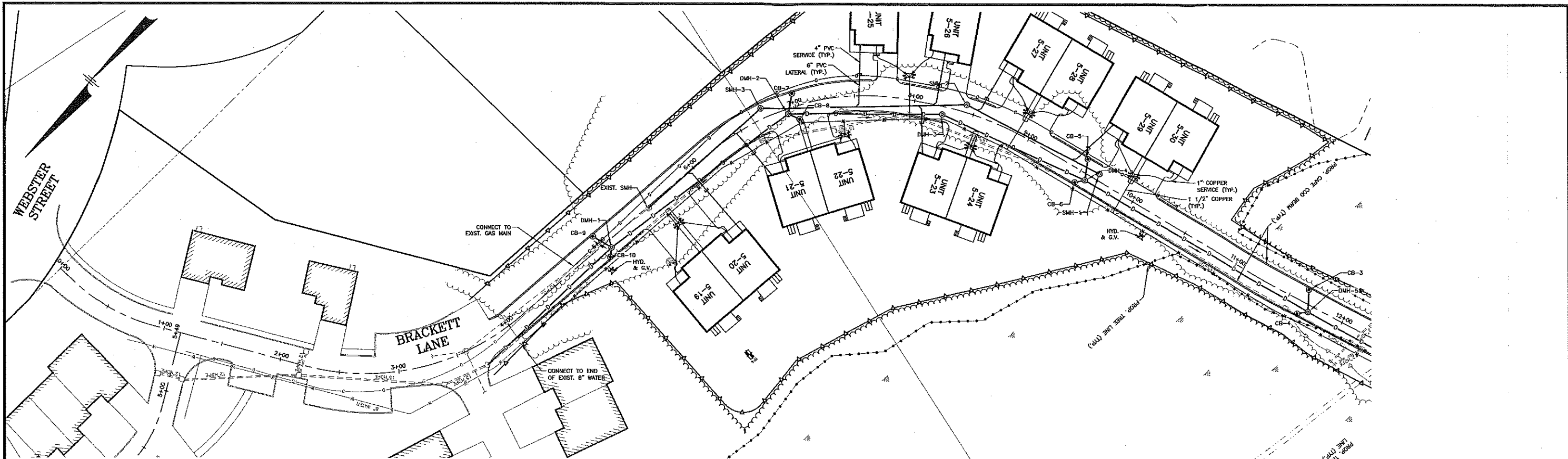
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Duly Authorized Selectmen

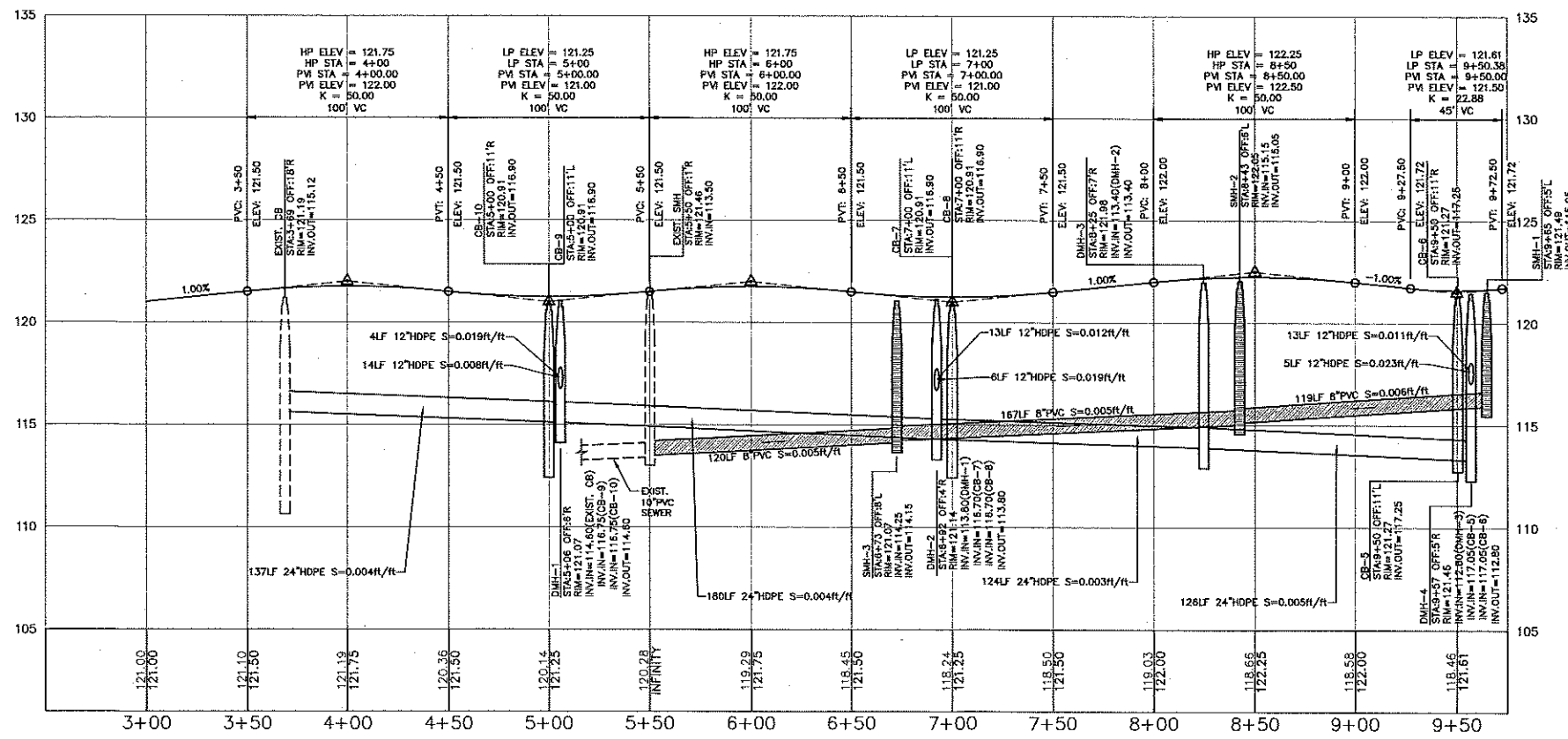
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Duly Authorized Selectmen

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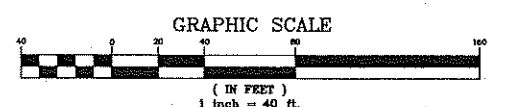
PLAN
SCALE: 1"=40'



PROFILE
SCALE: 1"=40'H/4'V

LEGEND

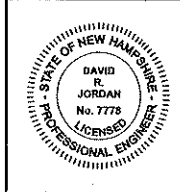
	VERTICAL GRANITE CURB		UTILITY POLE
	BITUMINOUS CONCRETE LIP CURBING		DRAIN MANHOLE
	BITUMINOUS CONCRETE BORE		SEWER MANHOLE
	OVERHEAD SERVICE WIRES		TELEPHONE MANHOLE
	SIGN		CATCH BASIN
	TEST PIT		WATER VALVE
	TRESTLE		FIRE HYDRANT
	WETLAND LINE		GAS VALVE
	SOIL LINE		GAS LINE
	SPOT ELEVATION		UNDERGROUND ELECTRIC AND TELEPHONE
	CONTOUR ELEVATION		



NO.	DESCRIPTION	BY	DATE
3	ADD SEWER & WATER SERVICES, UPDATE TITLE BLOCK	DRJ	4/15/21
2	MISC. REVISIONS	DRJ	11/1/18
1	REVISE FOR AOT SUBMITTAL	DRJ	8/16/16

BRACKETT LANE PLAN & PROFILE

SPARKLING RIVER CONDOMINIUM
OFF WEBSTER STREET
HUDSON, NEW HAMPSHIRE
PREPARED FOR:
K&M DEVELOPERS, LLC
46 LOWELL ROAD
HUDSON, NH 03051



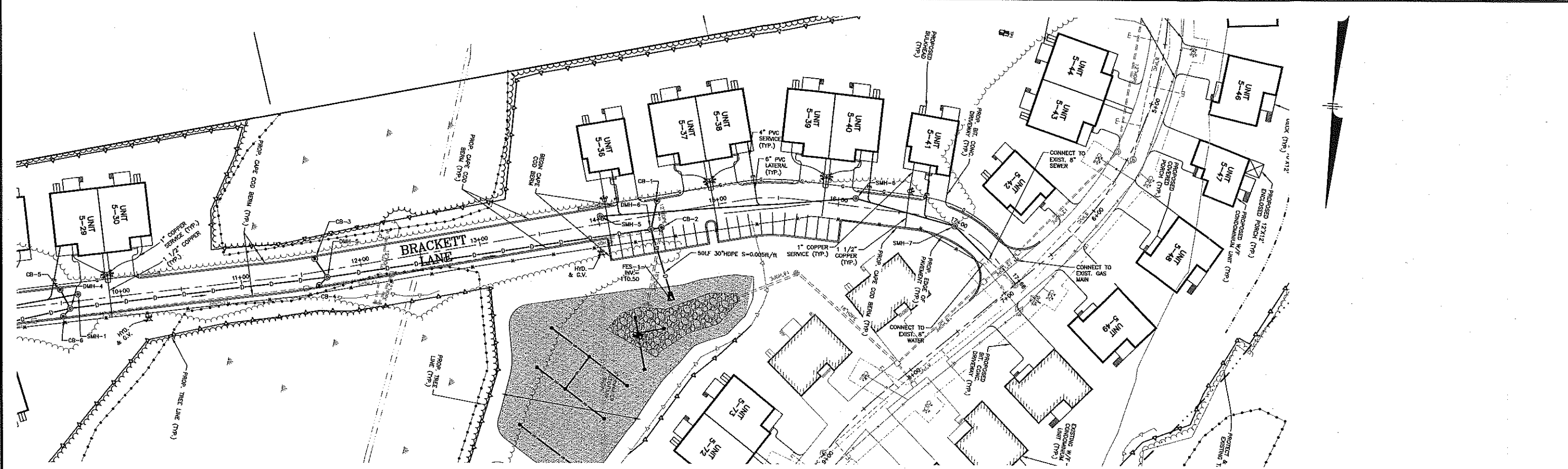
MHF Design Consultants, Inc.

44 Stiles Road, Suite One
Salem, New Hampshire 03079
(603) 893-0720
ENGINEERS • PLANNERS • SURVEYORS
www.mhfdesign.com

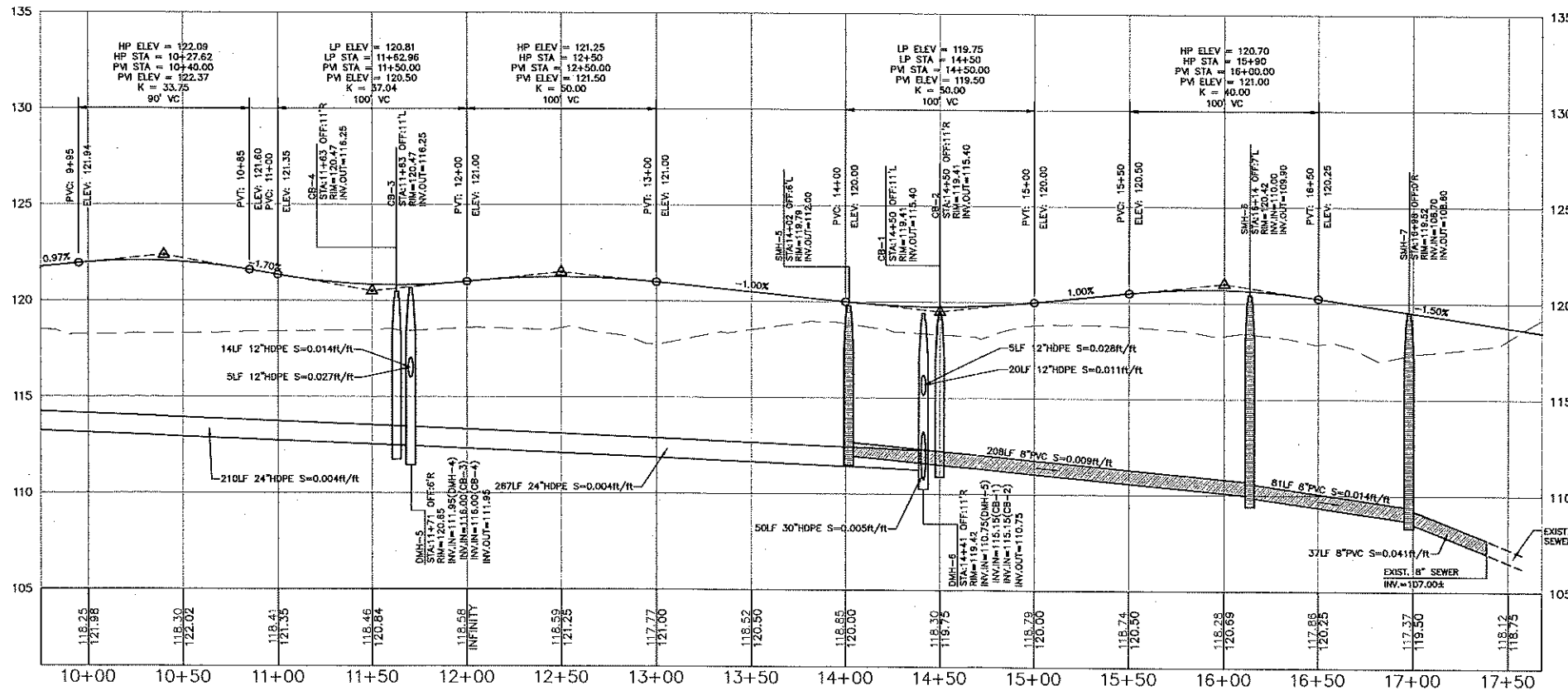
SCALE: 1"=40'H/4'V	DATE: AUGUST 2, 2018	DRAWING NO. 4340SP.DWG
DRAWN BY: CCC	CHECKED BY: DRJ	PROJECT NO. 434017
		SHEET NO. 10 OF 14



F:\Projects\NH-2021088 - Hudson, NH - K&M Developers, LLC\Cad Files\21088SP.dwg Brackett Profile - (2) 4/15/21 3:26pm sbm/cant



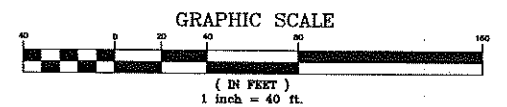
PLAN
SCALE: 1"=40'



PROFILE
SCALE: 1"=40'H/4'V

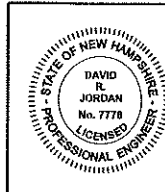
LEGEND

	VERTICAL GRANITE CURB		UTILITY POLE
	BITUMINOUS CONCRETE LP CURING		SEWER MANHOLE
	BITUMINOUS CONCRETE BERM		TELEPHONE MANHOLE
	OVERHEAD SERVICE WIRES		CATCH BASIN
	SIGN		WATER LINE
	TEST PIT		WATER VALVE
	TREELINE		FIRE HYDRANT
	WETLAND LINE		GAS VALVE
	SOIL LINE		GAS LINE
	SPOT ELEVATION		UNDERGROUND TELEPHONE LINE
	CONTOUR ELEVATION		UNDERGROUND ELECTRIC AND TELEPHONE



NO.	DESCRIPTION	BY	DATE
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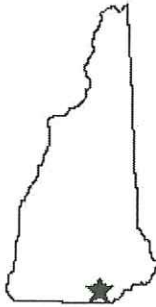


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SCALE: 1"=40'H/4'V	DATE: AUGUST 2, 2018	DRAWING NO. 4340SP.DWG
DRAWN BY: CCC	CHECKED BY: DRJ	PROJECT NO. 434017
		SHEET NO. 11 OF 14



Agenda
4-27-21



TOWN OF HUDSON FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



8B

Emergency 911
Business 603-886-6021
Fax 603-594-1164

Robert M. Buxton
Chief of Department

RECEIVED

APR 22 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

TO: Roger Coutu
Chairman

FR: Robert M. Buxton **8B**
Fire Chief

DT: April 21, 2021

RE: April 27, 2021 BOS Public Agenda - Squad Replacement

During the March 10, 2020 Town of Hudson Election the Fire Department had several warrant articles for the public to consider. Warrant Article 15 represented the purchase of a new squad vehicle, for a value of \$170,000. This article was supported by the Board of Selectmen, Budget Committee and ultimately, the citizens of Hudson who supported the article with a vote of 2,654 yes votes and 1,393 no votes. We have attached a copy of the signed ballot results along with the highlighted warrant article.

Throughout FY21 we have been working diligently with the vehicle vendor to identify the appropriate level of review, engineering and scope of work. Due to several COVID-19 related delays, we have found ourselves delayed in the finalization of this project.

We are asking the Board of Selectmen to allow the Fire Department to move forward with this project utilizing the original manufacture of this piece of apparatus. As we will be remounting the body portion of this truck to a new chassis it is imperative to the overall success of the project, that it return to the original vendor for this work. We have enclosed a copy of the scope of work and a rendition of the final product. The work to this unit is specific to this manufacturer we have treated this project as a sole source project that needs to be completed by the original vendor Alexis Fire Apparatus.

We are happy to report that we will be able to contract this service for the estimated value that was established for the warrant article at a value of \$170,000. As a reminder, the funding for this project comes from the Fire Apparatus CRF so there are no additional monies being raised by general taxation.

Motion #1:
To waive Chapter 98-7 Bidding Procedure of the Hudson Town Code for the purpose of purchasing the new Squad vehicle through Alexis Fire Apparatus.

Motion #2:
To authorize the Fire Chief to purchase the new Squad vehicle through Alexis Fire Apparatus for a cost of \$170,000.

TOWN OF HUDSON BALLOT
MARCH 10, 2020

Total Ballots Cast	4156
---------------------------	-------------

Selectman (3 Yr. Term) (1)	Votes
Caitlin Chiquelin	1227
David Morin	1838 *
Jonathan Simoneau	505
Write-Ins	17
Town Clerk/Tax Collector (3 Year Term) (1)	Votes
Patti Barry	3429 *
Write-ins	11
Budget Com. (3 Yr. Term) (3)	Votes
Nichole DeJesus	2528 *
Jose Alejandro Urrutia	2478 *
Richard J. Weissgarber	2529 *
Write-ins	18
Budget Com. (1 Yr. Term) (1)	Votes
Richard J. Weissgarber	2883 *
Write-ins	18
Cemetery Trustee (3 Yr. Term) (1)	Votes
David J. Alukonis	3241 *
Write-ins	29
Code of Ethics (3 Yr. Term) (2)	Votes
Michael MacDonald	2798 *
Todd Terrien	2544 *
Write-ins	20

Library Trustee (3 Yr. Term) (2)	Votes
Barbara A. Blue	2817 *
Mimi (Mary) Guessferd	2643 *
Write-ins	15
Moderator (2 Yr. Term) (1)	Votes
Paul Inderbitzen	3206 *
Write-ins	10
Supervisor of the Checklist (6 Yr. Term) (1)	Votes
Kathleen A. Leary	3193 *
Write-ins	10
Supervisor of the Checklist (4 Yr. Term) (1)	Votes
Lana Paliy	3081 *
Write-ins	16
Treasurer (3 Yr. Term) (1)	Votes
Rachael Burnell	3149 *
Write-ins	26
Trustee of the Trust Fund (3 Yr. Term) (1)	Votes
Harry A. Schibanoff	3110 *
Write-ins	16

* Elected

Declared by the Town Moderator: Paul E. Inderbitzen 3/11/20
Paul E. Inderbitzen

TOWN OF HUDSON BALLOT
MARCH 10, 2020

Total Ballots Cast	4156
---------------------------	-------------

ARTICLE	DESCRIPTION	AMOUNT	YES	NO	DECISION
2	Wetland Conservation Overlay District Zoning Amendment	0	2976	866	Passed
3	Duplex Zoning Amendment	0	2533	1285	Passed
4	BAE Building Height Zoning Amendment	0	2936	961	Passed
5	Police Expansion and Renovation Bond (3/5 vote required)	\$ 4,900,000	2208	1815	Failed (2414 required)
6	General Fund Operating Budget	\$ 28,232,697	2384	1573	Passed
7	Sewer Fund Operating Budget	\$ 2,110,633	2348	1601	Passed
8	Water Fund Operating Budget	\$ 3,802,291	2576	1354	Passed
9	Hudson Police Employees Association Contract	\$ 377,464	2781	1269	Passed
10	Hudson Public Works Local 1801 Union Contract	\$ 88,209	2570	1447	Passed
11	Hire Two (2) Truck Driver/Laborers	\$ 148,148	2452	1572	Passed
12	Hire Four (4) Firefighter/AEMT	\$ 363,568	2844	1215	Passed
13	Town of Hudson Communication System	\$ 810,000	2665	1339	Passed
14	Taylor Falls and Veterans Memorial Bridge Rehabilitation	\$ 125,000	3023	975	Passed
15	Purchase a New Fire Squad Vehicle	\$ 170,000	2654	1393	Passed
16	Fire Apparatus Refurbishment/Repair CRF Funding	\$ 25,000	2939	1000	Passed
17	Property Revaluation Capital Reserve Fund	\$ 15,000	2127	1737	Passed
18	VacCon Truck Replacement CRF Funding	\$ 30,000	2317	1555	Passed
19	Library Improvements CRF Funding	\$ 25,000	2261	1659	Passed
20	Establish an Energy Efficiency Capital Reserve Fund	\$ 25,000	2260	1623	Passed
21	Tax Rate Impact on Ballot	0	3305	603	Passed
22	Appoint Town Treasurer	0	2028	1882	Passed
23	Allow Sports Betting in Hudson	0	2185	1780	Passed
24	Accept the Deed to Sunnyside Cemetery	0	3243	732	Passed

TOWN OF HUDSON BALLOT
MARCH 10, 2020

25	Expand Ranger Town Forest (by Petition)	0	2556	1437	Passed
26	Increase Conservation Commission Membership (by Petition)	0	1674	2267	Failed
27	Replace Roof of Kitchen Building at Benson Park (by Petition)	\$ 80,000	1763	2252	Failed
28	Repeal ID Requirement for Volunteers (by Petition)	0	773	3185	Failed

Declared by the Town Moderator: *Paul E. Inderbitzen* 3/11/20
 Paul E. Inderbitzen



ALEXIS SALES AND SERVICE

April 21, 2021

Town of Hudson, NH
39 Ferry Street
Hudson, NH 03051

Chief Buxton,

We are pleased to submit our proposal for **Remounting Hudson Squad 1 onto a new Ford F-550 2-Door Chassis with Upgraded Stainless Steel Body**. The price of the proposed vehicle, with payment terms as provided in the attached "Specifications", is **\$170,000**.

The specifications herein attached shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations do not materially affect the cost of the construction of the apparatus.

Note that the prices above are valid for 30 days and are all-inclusive – they include shipping, dealer prep, lettering and striping, operator's manuals and schematics as well as four (4) apparatus familiarization sessions for your members. There are no hidden costs or surprises.

Alexis Fire Equipment is committed to customer service before, during and after the sale. Warranty repairs will be handled locally by *Fleetmasters Inc.*'s full-service shop located at 71 Glenn Street, Lawrence, MA and will provide you with convenient service either at the shop or via mobile service vehicles.

We look forward to working with you and providing the Hudson, NH Fire Department with a dependable *Alexis Fire Apparatus*.

If you have any questions, please feel free to contact me.





Thank you,

C. Nigzus

Charles Nigzus

Sales Representative



 Alexis Fire Equipment
 109 East Broadway / Alexis, IL 61412
 800-322-2284  sales@alexisfire.com
 AlexisFire.com

Hudson Fire Department
Hudson, NH

Gentlemen:

We hereby propose to furnish, after your acceptance, approval, and proper execution of the accompanying contract, the fire apparatus as follows:

Remount Squad 1 Body w/New Ford 2 Dr Chassis

As per specifications attached herewith.

TOTAL\$ 170,000.00*

* Does not include any applicable taxes. Any local or state tax, if applicable, must be added to the above price.

his proposal is made subject to your acceptance within thirty (30) days from date of same. If acceptance is delayed beyond that period, we will, upon request, advise you of any increase in said amount which may be occasioned by causes beyond our control.

Respectfully submitted,
ALEXIS FIRE EQUIPMENT COMPANY

By: _____

"QUALITY HAS NO SUBSTITUTE"

ALEXIS
AS SOLD

Date _____
Customer Init. _____
Sales Rep. Init. _____



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PAYMENT TERMS

The chassis payment shall be made within ten (10) days of invoicing.



The balance of the contract plus any contract alterations shall be payable upon the delivery of the finished unit.

Upon payment, the Alexis Fire Equipment Company shall furnish the purchaser a "Statement of Origin" or the necessary validated documents required for title application.

Additional payment terms available upon request.

ALEXIS
AS SOLD
Date _____
Customer Init. _____
Sales Rep. Init. _____



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ISO 9001:

Alexis Fire Equipment Company operates a Quality Management System under the requirements of ISO 9001. These standards, sponsored by the "International Organization for Standardization (ISO)," specify the quality systems that shall be established by the manufacturer for design, manufacture, installation and service.



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DIGITAL PHOTOGRAPHS:

Digital photographs of apparatus under construction are taken on a weekly basis and emailed to a department supplied email address. Additionally, these photos are uploaded to our website at www.alexisfire.com allowing those department members who may not have access to the emailed photos to track the progress of the unit.



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DELIVERY:

The finished apparatus shall be picked up by the dealer organization at the plant site of the Alexis Fire Equipment Company in Alexis, Illinois.

To insure proper break-in of all drive train components while under warranty, the finished apparatus shall be delivered to the purchaser under its own power.

The apparatus shall be covered by comprehensive and liability insurance during the delivery period. The purchaser shall assume the insurance obligation on acceptance, and at that time shall present to the manufacturer's agent a certificate of verification, showing liability, comprehensive and collision insurance coverage.



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ALEXIS
AS SOLD

Date _____

Customer Init. _____

GENERAL INFORMATION:

LOCATION

The Alexis Fire Equipment facilities are located at 109 East Broadway, Alexis, Illinois 61412. We maintain a complete stock of parts and services available around-the-clock. We also propose to maintain parts and service for a minimum period of twenty (20) years on all apparatus which is manufactured.

NOTATION

To further assure the customer of our ability to manufacture quality fire apparatus, we are proud of the fact that Alexis Fire Equipment Company is family-owned and has been in the fire apparatus business since 1947.

PERSONNEL CAPACITIES

To meet the spirit of N.F.P.A. 1500 paragraph 6.3.1, this apparatus has been designed to transport not more than two (2) people.

6.3 Riding in Fire Apparatus

6.3.1 All persons riding in fire apparatus shall be seated and belted securely to the vehicle by seat belts in approved riding positions and at any time the vehicle is in motion. Standing or riding on tailsteps, sidesteps, running boards or in any other exposed position shall be specifically prohibited.

CHASSIS MODIFICATIONS:

The chassis frame rails shall be prepped for the installation of the remounted rescue body.

PRELIMINARY INSPECTION:

Prior to any work being performed on the apparatus, a full preliminary inspection shall be performed. "Before" digital photographs shall be taken of the complete unit, inside and out, thereby providing a point of reference for any questions that may arise during the refurbishment process.

All loose equipment shall be removed by the fire department, (radios, hoses, ladders, extinguishers, fittings, etc.) prior to receipt of apparatus by Alexis Fire Equipment Company.



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STAINLESS STEEL NERF BARS 2-DOOR:

One (1) set of Luverne stainless steel nerf bars, Model 548850, shall be installed under the chassis cab doors. Nerf bars shall be 18 ga. stainless steel with 6" x 24" step pads at the vehicle's entrance.

TRAILER HITCH REAR - TRAILER - WINCH - 550 CHASSIS:

The **original** Reese type trailer hitch shall be remounted at the rear tail step area of the apparatus. The hitch assembly shall utilize a Reese Titan Class V receiver, (Reese # 45014), with a 2-1/2" square receiver opening. The assembly shall include a removable ball mount draw bar with a 3" drop. Male socket (car end) receiver for trailer electrical shall be provided. The 7 way plastic connector incorporates vinyl inserts to keep out dirt and moisture. Interior design prevents internal short-circuiting, safety latch prevents damage from accidental pull-away. Color-coded to RVI standards. Interchangeable with other well known RV types.

12-volt electrical connections for a portable winch shall also be provided.

REAR FRAME EXTENSION:

The rear chassis frame shall be extended as needed to accommodate the rescue body. A full C-section of frame with a cross section matching the OEM frame rails shall be welded to the rear of the chassis. The chassis shall be repainted in this area once the welding and grinding is complete.

HELPER LEAF:

A helper leaf shall be provided on each side of the rear suspension on the new Ford chassis.

INTERCONNECTED PUMP FUEL:

The pump fuel system shall be interconnected with the chassis fuel system.

HEATED PTRANSVERS COMPARTMENT:

The transverse compartment and R4 compartment shall be heated by the cargo area heater. Vented openings shall be provided in both areas for heated air flow.

BODY:

BODY REMOVAL AND REMOUNT:



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The rescue body shall be removed from the original chassis. The body and sub-structure shall be inspected for any damage, excessive wear, corrosion, and rust damage. The new chassis frame rails shall be prepped for installation of original body and a new tow eye mounting system behind the rear axle. The body shall be remounted on the new chassis in the same manner as original. New fasteners and rubber frame rail isolators shall be utilized.

If any hidden damage is found an estimate shall be provided for customer approval before repairs are completed.

REAR TOW EYE- RESCUE:

Two (2) 3/8" thick steel tow eyes shall be securely fastened to the rear frame rails, one (1) each side.

DOOR RETAINERS-DOUBLE SPRING SLIDE TYPE:

The existing door retainers shall be replaced.

Each vertically hinged side compartment door shall be retained with stainless steel double spring slide type retainers (Hansen 5 EZ style). The retainers shall be designed to hold the door in the open position.

RUB RAILS:

Bolt on aluminum rub rails shall be installed, below the compartment doors. Said rub rails will be fabricated of a polished "C" channel aluminum, mounted to the body surface utilizing 1/4" plastic spacers. The channel designed rub rail shall incorporate a highly reflective red and fluorescent yellow green reflective stripe to aid in apparatus protection.

The rub rails shall incorporate the LED ground lights and LED lower warning lights. Each light strip shall run the full length of each rub rail.

Rub Rail with full width warning and undercarriage lights shall also be installed on the rear tail step full width

Vertical Unistrut Tracking shall be provided at each side door opening of the transverse compartment

Two (2) reduced depth adjustable shelves shall be provided in the transverse module, one (1) each side

Two (2) full depth adjustable shelves shall be provided in the transverse module, one (1) each side

RETENTION WEBBING:



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Die Cut black Hypalon retention webbing shall be installed over the door opening of the specified compartment. The webbing shall be utilized to retain the stored equipment in the compartment and shall include shock cord and nylon clips.

LOCATION: L2

TRANSVERSE COMPARTMENT:

There shall be a transverse storage compartment located ahead of the body. The compartment shall be manufactured of 14 gauge 304 #4 stainless steel material and incorporate one (1) door opening on each side. The floor of each compartment shall be manufactured of 12 gauge 304 #4 stainless steel material.

The storage module shall have a door opening on each side of approximately 17" wide x 55" high x transverse deep.

The transverse module exterior will be painted to match the body - PPG FBCH 74047 ALT Red. The interior will remain natural finish stainless steel.

LED Krystal-Lite tube lighting to illuminate the entire area. The lights shall run the entire height of the compartment on each side of each door opening. The compartment lighting color shall be BLUE.

UPPER STORAGE COMPARTMENT:

One (1) upper storage compartment shall be located transverse across the front of the transverse module, over the L1/R1 compartments. The compartment shall be accessible from the right side only with a lift-up beveled lap door. The door finish shall match the side of the body, and the door shall incorporate a single point latch and stainless steelhinge. The door opening shall incorporate gas shocks to retain the door in the open position for ease of access. The comparment shall be utilized to store the tripod and various long handled tools.

12 VOLT ELECTRICAL:

12 VOLT ELECTRICAL SYSTEM

The apparatus shall utilize the existing 12 volt elecctrical system.

AUTO EJECT:

The existing auto eject shall be tested for proper operation. An estimate shall be provided should the eject need repair or replacement.



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MASTER SWITCH:

An ignition activated master switch shall be provided. When the ignition is in the OFF position, the master switch system shall isolate all electrical power from the apparatus. It shall not interrupt any primary battery/starter wiring originally furnished by the chassis manufacturer.

An audible alarm shall be located in the driving compartment. The audible alarm shall be activated automatically whenever the apparatus parking brake is not fully engaged and any side/rear equipment compartment door is open that creates a hazard or is likely to cause damage to the apparatus if the apparatus is moved.

FLOOR MOUNTED CONSOLE FOR EMERGENCY SWITCHES:

One (1) 12 volt floor mounted console shall be installed in the apparatus. The console shall be manufactured of aluminum material and finished to accent the cab design.

Two (2) Havis Shield console arm rests #C-ARM-102 and two position cup holder C-CUP2-E-C shall be mounted to the top of the new console.

MAP/BINDER STORAGE:

There shall be a map/binder storage area incorporated into the console at the rear. The storage area shall incorporate one (1) divider, providing two (2) slots for map/binder storage.

RADIO PROVISIONS:

One (1) customer supplied single head radio provision shall be provided in the chassis cab. The cutout shall accommodate the radio make and model specified

RADIO WIRING:

Radio wiring shall be provided for the customer supplied and installed radio. The wiring shall include power and ground leads, battery direct and master switched.

ANTENNA:

Two (2) Alexis Fire Equipment supplied antenna base, for use with an NMO type antenna, shall be mounted on the cab roof. The antenna base shall be a Motorola base designed for either thick or thin roof material as appropriate for the application and shall include a custom length of RG58 A/U cable with no connector at the radio end of the cable. The cable shall terminate at the center console area.



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One (1) for MDT antenna and one (1) for radio antenna

The radio make and model shall be a Motorola Astro remote head radio.

LOCATION: Center Console

EMERGENCY WARNING LIGHTS:

The original body mounted warning lights, service lights, driving lights shall be utilized unless specified otherwise.

For the purpose of defining and measuring the required optical performance, the apparatus shall be divided into four warning zones. The four zones shall be determined by drawing lines through the geometric center of the apparatus at 45° to a line lengthwise of the apparatus through the geometric center. The four zones shall be designated A, B, C, and D in a clockwise direction with zone A to the front of the apparatus. Each zone shall have an upper and lower warning level.

Effective coverage of all four zones, both upper and lower, as required by the latest NFPA Edition shall be provided.

LED LIGHTBAR:

One (1) Whelen Model FN55VLED 55" LED lightbar shall be mounted on the cab roof. The lightbar shall be switched from the in cab switch panel. This lightbar fills the requirements of Zone A Upper, Zone B Upper, and Zone D Upper.

WARNING LIGHTS (FRONT):

Six (6) Whelen Model M4RC red LED warning lights shall be mounted on the front cab face, two (2) on each side, and the front bumper forward facing, one (1) each side. These lights shall be switched from the in cab switch panel. These lights fill the requirements of Zone A Lower.

WARNING LIGHTS (SIDE):

The two (2) Whelen Model N4RC red LED lights shall be mounted on each side of the front fender cowl. The two (2) Whelen Model M4RC red LED lights shall be mounted on each side of the front bumper. These lights are placed inside chrome flanges. These lights shall be switched from the in cab switch panel.

The side rear wheel well warning lights shall remain as is. These lights shall be switched from the in cab switch panel.



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WARNING LIGHTS (SIDE):

The side lower body mounted lights in the rear wheel well shall be upgraded to Whelen M6RC red LED warning lights. Each light shall be mounted utilizing a Whelen M6FC900 chrome flange. These lights shall be switched from the in cab switch panel.

The rub rails on each side of the body shall incorporate integral outward facing Red LED strip lights. In addition to the Red LED strip light, the rub rail on each side ahead of the rear wheels shall incorporate one (1) Whelen Model MCRNTRR Red Micron LED light. These lights shall be switched from the in cab switch panel.

WARNING LIGHTS (SIDE):

The rear side upper body mounted lights shall be upgraded to Whelen M6RC red LED warning lights. Each light shall be mounted utilizing a Whelen M6FC900 chrome flange. These lights shall be switched from the in cab switch panel.

WARNING LIGHTS (REAR):

The rear upper body mounted lights shall be upgraded to Whelen M9K red/amber LED warning lights with clear lenses. Each light shall be mounted utilizing a Whelen M9FC900 chrome flange. These lights shall be switched from the in cab switch panel.

The left side shall be red/amber and the right side shall be amber/red

WARNING LIGHTS (REAR):

The rear lower body mounted lights shall be upgraded to Whelen M6*C LED warning lights. Each light shall be mounted utilizing a Whelen M6FC900 chrome flange. These lights shall be switched from the in cab switch panel.

The left shall be an M6RC red light and the right shall be an M6BC blue light.

REAR DRIVING SIGNALS- WHELEN:

The original rear driving lights shall remain as is.

HEADLIGHT FLASHER:

There shall be an Electronic Flasher Unit installed in the 12V Distribution Box, and connected to the



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headlights to facilitate an intermittent flash between the left and right headlight. The effect will be that of a wigwag.

FEDERAL E-Q2B SIREN:

One (1) Federal Model E-Q2B electronic siren shall be installed. The e-Q2B combines Digital Signal Processor (DSP) technology with a true 200 watts of speaker output to reproduce genuinely and accurately the distinctive sound of the "Q" siren.

The e-Q2B is a modular system comprised of a 200 watt speaker, an Amplifier / DSP, and a Digital Output Controller. These components work together to generate the characteristic sound of Federals "Q" siren.

BACKUP ALARM:

One (1) Federal Model 210339, 12 volt electronic backup alarm shall be incorporated on the apparatus. The backup alarm shall be a minimum of 97db and switched with the backup light circuitry.

ICC LIGHTING:

All of the body mounted ICC lights shall be remain as is.

LED COMPARTMENT LIGHTS:

The compartment lights shall remain as is.

DOME LIGHT(S):

Two (2) Weldon 1010 series additional dome light(s) shall be installed in the apparatus cab. Each light shall be switched at the light location.

HAZARD LIGHT:

A red, LED flashing light located in the driving compartment shall be illuminated automatically whenever the apparatus parking brake is not fully engaged and any passenger or equipment compartment door is open, any ladder or equipment rack is not in the stowed position, a stabilizer system is deployed, a powered light tower is extended, or any other device is opened, extended, or deployed that creates a hazard or is likely to cause damage to the apparatus if the apparatus is moved. The light shall be marked "Do Not Move Apparatus When Light Is On".

UNDER CARRIAGE LIGHTING - LED:



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A 5" 12-volt LED light, Tecniq T-41 series, shall be located under each area designed for personnel to climb onto the apparatus or descend from the apparatus to the ground level. Lighting designed to provide illumination on areas under the driver and crew riding area exits shall be activated automatically with the parking brake.

FIRETECH 12-VOLT LED SCENE LIGHT(S):

Two (2) FireTech Model FTp-GSM 12-volt LED surface mounted scene light(s) mounted in the specified location(s). The lights shall be switched from the in-cab switching console.

LOCATION: Rear

GLOVE BOX HOLDER:

Two (2) 3-box glove box holders manufactured of 14 gauge stainless steel shall be provided and mounted. The mounting locations shall be determined, either in the cab on the back of the console or in the transverse module compartment.

The glove box holders shall remain natural finish stainless steel

FINISH:

APPARATUS BODY FINISH:

The final finish of the apparatus shall conform to fire apparatus standards, exhibiting excellent gloss durability and color retention properties.

PREPARATION:

After the dismantling process, the apparatus body shall be prepped for new paint. The body will be thoroughly cleaned with a wax and grease remover. All painted surfaces shall be sanded to remove gloss, and smooth imperfections. Sand blasting or soda blasting shall be utilized to remove heavy substrates, rust, and corrosion. All damaged, dented, cracked, and corroded areas on the body will be repaired as needed.

PRETREAT AND PRIMERS:

The pretreat and primer applications shall be made in two (2) independent steps. A application of a combined pretreat/primer product will not be allowed as a substitute.



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The prepared substrate shall be pretreated with Acid Curing 2 Component Transparent Primer. This pretreat shall be designed to provide corrosion protection and to create an adhesive bond between the substrate and the surface applications.

To enhance adhesion and top coat gloss, a 2 component epoxy primer shall be applied.

All the primed surfaces shall be sanded smooth, thus removing all texture and surface imperfections and creating a finish base that will meet the rigid requirements of the fire and emergency services.

TOP COATS:

Two (2) coats (0.5 - 2.0 mils) urethane base coat shall be applied in a professional manner. After the base coats have cured properly, two (2) coats of a high solids urethane clear coat shall be applied.

All surface imperfections shall be removed by buffing and polishing.

COMPARTMENT INTERIOR FINISH:

The interior of the compartments shall be natural finish aluminum

APPARATUS COLOR:

The color of the apparatus shall be as follows:

COLOR: PPG FBCH 74047 ALT Red

CHASSIS FINISH:

The Ford Race Red chassis cab shall be painted to match the department's fleet - PPG 74047 ALT Red.

GRAPHICS:





The cab and body lettering and reflective striping shall be completed by the dealer.

REFLECTIVE STRIPING IN THE CAB:

Two-inch red and white striped retro-reflective material shall be placed on the inside of each opening cab door. The material will be at least 96 square inches, meeting current NFPA standards.

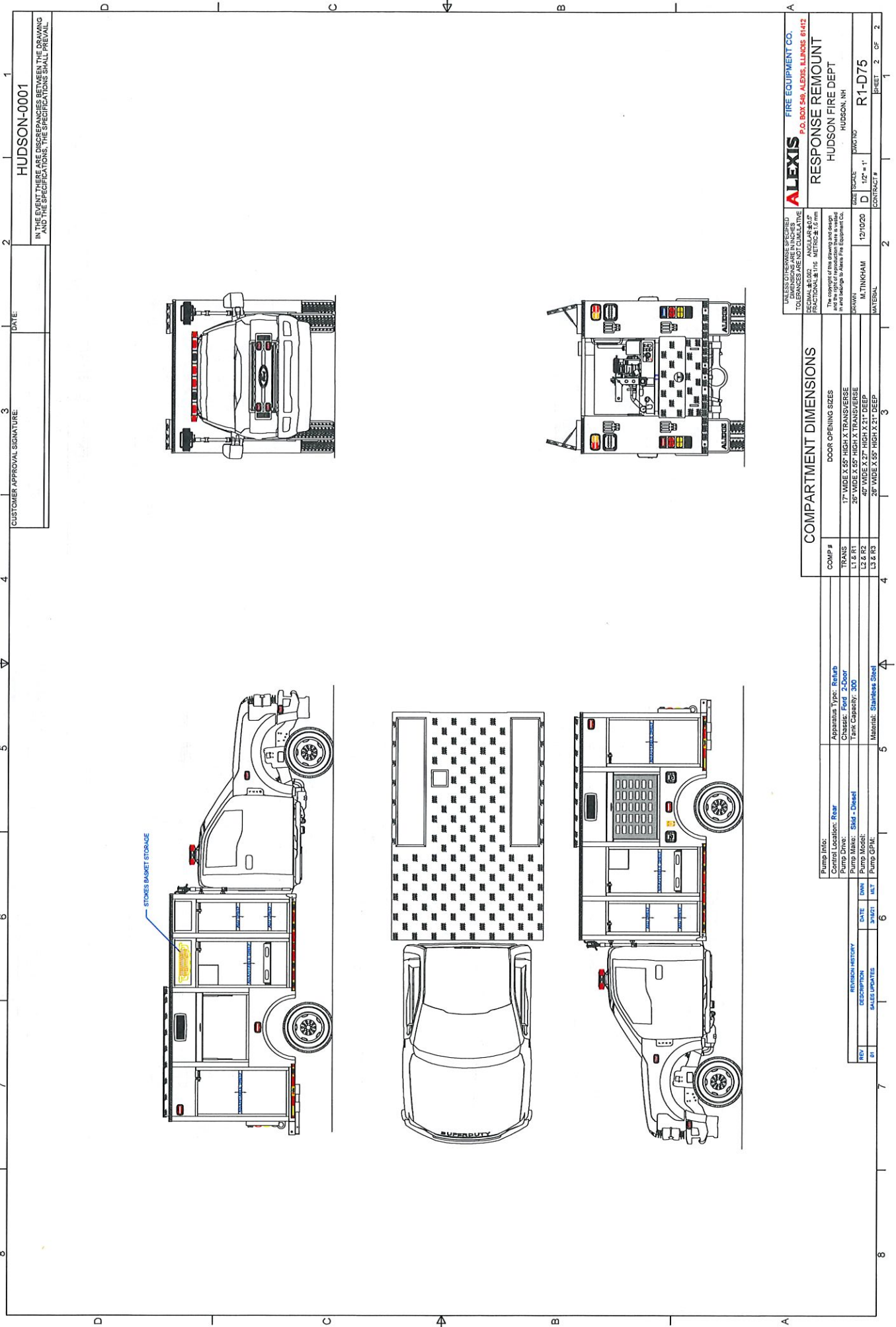
DIAMOND GRADE CHEVRON STRIPING:



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The rear of the apparatus shall be striped with Diamond Grade retro-reflective striping. The striping shall be applied in a chevron pattern sloping downward and away from the centerline of the apparatus at a 45° angle. The striping shall be single color alternating between red and yellow.

The striping shall be applied in the following locations: vertical surfaces of the body at the rear, outboard of the rear compartment door.



DATE: _____

CUSTOMER APPROVAL SIGNATURE: _____

HUDSON-0001

IN THE EVENT THERE ARE DISCREPANCIES BETWEEN THE DRAWING AND THE SPECIFICATIONS, THE SPECIFICATIONS SHALL PREVAIL.

COMPARTMENT DIMENSIONS	
COMP #	DOOR OPENING SIZES
TRANS	17" WIDE X 55" HIGH X TRANSVERSE
L1 & R1	25" WIDE X 55" HIGH X TRANSVERSE
L2 & R2	45" WIDE X 27" HIGH X 21" DEEP
L3 & R3	28" WIDE X 35" HIGH X 21" DEEP

Pump Info:	Apparatus Type: Rehab
Control Location: Rear	Chassis: Ford - 2-Door
Pump Drive:	Tank Capacity: 300
Pump Make: Siid - Diesel	Material: Stainless Steel
Pump Model:	
Pump GPM:	

REVISION HISTORY	
REV:	DATE
01	DESCRIPTION
02	SALES UPDATES

UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES. TOLERANCES ARE NOT COMPLICATED.	
FRACTIONAL ± 1/16" METRIC ± 0.5 mm	
THIS DRAWING IS THE PROPERTY OF ALEXIS FIRE EQUIPMENT CO. and the right of reproduction here in whole or in part is reserved to Alexis Fire Equipment Co.	
DATE	12/10/20
DRAWN	M. TIMMHAM
SCALE	D 1/8" = 1"
CONTRACT #	
MATERIAL	R1-D75
SHEET	2 OF 2

ALEXIS FIRE EQUIPMENT CO.
P.O. BOX 549, ALEXIS, ILLINOIS 61412

RESPONSE REMOINT
HUDSON FIRE DEPT
HUDSON, NH

DATE: 12/10/20
DRAWN: M. TIMMHAM

SCALE: D 1/8" = 1"

CONTRACT #
MATERIAL: R1-D75

COMPARTMENT DIMENSIONS

COMP #	DOOR OPENING SIZES
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REVISION HISTORY	
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FRACTIONAL ± 1/16" METRIC ± 0.5 mm

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DATE: 12/10/20

DRAWN: M. TIMMHAM

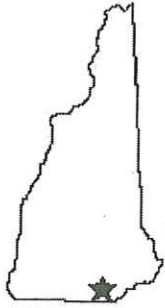
SCALE: D 1/8" = 1"

CONTRACT #

MATERIAL: R1-D75

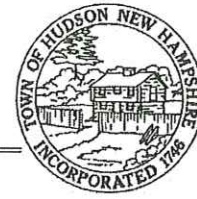
SHEET 2 OF 2

Agenda
4-27-21



TOWN OF HUDSON FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



8C

Emergency 911
Business 603-886-6021
Fax 603-594-1164

Robert M. Buxton
Chief of Department

TO: Roger Coutu
Chairman

FR: Robert M. Buxton *(RMB)*
Fire Chief

DT: April 21, 2021

RE: Refurbishment BOS Meeting 4/27/21 Public Agenda

RECEIVED

APR 22 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

With the purchasing of the new chassis for Squad 1, it is the intention of the Fire Department to maintain ownership of the original chassis and move it to a support vehicle for the Fire Department. It is further our intention to utilize the Fire Apparatus Refurbishment and Repair CRF to refurbish this chassis and outfit it with the associated removable brush unit.

In March 2008, the Town of Hudson created this account for the purpose of refurbishing and repairing fire apparatus. Further, the Board of Selectmen are the agents to expend of these funds. The current balance of this fund is \$209,474 as of July 1, 2021.

We are requesting to remove \$139,781 for the purpose of refurbishing this chassis and outfitting it with the associated brush module. This will leave a balance of \$69,693.

A scope of the work associated with this project is attached. This module will have a few different benefits for the Fire Department;

- This unit will be remountable. We are now seeing the benefit of the squad program as we have reduced overall costing for our rapid response program. With the utilization of one vendor, we are remounting the bodies from one chassis to another.
- We are also creating a rotation to our chassis for our mid-sized fleet. This will allow us to rotate our chassis from front line emergency response to support vehicles so we can leverage the longevity of these units.

The current bush unit will be removed from service with the skid unit being transitioned to the Public Works department.

We are requesting this work be completed by Alexis Fire Apparatus who will be completing the modular remounting project from this chassis to the new Squad unit.

Motion #1:

To waive Chapter 98-7 Bidding Procedure of the Hudson Town Code for the purpose of the brush vehicle refurbishment through Alexis Fire Apparatus.

Motion #2:

To authorize the Fire Chief to refurbish a brush vehicle through Alexis Fire Apparatus for a cost of \$139,781.



ALEXIS SALES AND SERVICE

April 21, 2021

Town of Hudson, NH
39 Ferry Street
Hudson, NH 03051

Chief Buxton,

We are pleased to submit our proposal for a **Custom Designed Brush/Squad Interface Platform installed onto Squad 1's Ford F-550 4-Door Chassis**. The price of the proposed vehicle, with payment terms as provided in the attached "Specifications", is **\$139,781**.

The specifications herein attached shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations do not materially affect the cost of the construction of the apparatus.

Note that the prices above are valid for 30 days and are all-inclusive – they include shipping, dealer prep, lettering and striping, operator's manuals and schematics as well as four (4) apparatus familiarization sessions for your members. There are no hidden costs or surprises.

Alexis Fire Equipment is committed to customer service before, during and after the sale. Warranty repairs will be handled locally by *Fleetmasters Inc.*'s full-service shop located at 71 Glenn Street, Lawrence, MA and will provide you with convenient service either at the shop or via mobile service vehicles.

We look forward to working with you and providing the Hudson, NH Fire Department with a dependable *Alexis Fire Apparatus*.

If you have any questions, please feel free to contact me.

Thank you,

C. Nigzus

Charles Nigzus

Sales Representative



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 800-322-2284  sales@alexisfire.com
 AlexisFire.com

Town of Hudson Fire Department
Hudson, NH

We hereby propose to furnish, after your acceptance, approval, and proper execution of the accompanying contract, the fire apparatus as follows:

One (1) Alexis Flatbed Brush Truck on Existing Chassis

As per specifications attached herewith.

TOTAL APPARATUS.....\$ 139,781.00*

* Does not include any applicable taxes. Any local or state tax, if applicable, must be added to the above price.

Shipment of completed apparatus shall be made within 330 calendar days after our approval of properly signed contract, subject to causes beyond our control. This proposal is made subject to your acceptance within thirty (30) days from date of same. If acceptance is delayed beyond that period, we will, upon request, advise you of any increase in said amount which may be occasioned by causes beyond our control.

Respectfully submitted,
ALEXIS FIRE EQUIPMENT COMPANY

By: _____

"QUALITY HAS NO SUBSTITUTE"

ALEXIS

AS SOLD

Date _____

Customer Init. _____

Sales Rep. Init. _____



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PAYMENT TERMS

The balance of the contract plus any contract alterations shall be payable upon the delivery of the finished unit.

Upon payment, the Alexis Fire Equipment Company shall furnish the purchaser a "Statement of Origin" or the necessary validated documents required for title application.

Additional payment terms available upon request.

ALEXIS
AS SOLD
Date _____
Customer Init. _____
Sales Rep. Init. _____



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ISO 9001:

Alexis Fire Equipment Company operates a Quality Management System under the requirements of ISO 9001. These standards, sponsored by the "International Organization for Standardization (ISO)," specify the quality systems that shall be established by the manufacturer for design, manufacture, installation and service.



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🌐 AlexisFire.com

DIGITAL PHOTOGRAPHS:

Digital photographs of apparatus under construction are taken on a weekly basis and emailed to a department supplied email address. Additionally, these photos are uploaded to our website at www.alexisfire.com allowing those department members who may not have access to the emailed photos to track the progress of the unit.



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SERVICE CENTER:

The Alexis Priority-One service team is staffed with factory trained mechanics ready to meet your service requirements. Our staff is continually working on maintaining updated EVT and ASE certification.

The Alexis Service Team is available 24 hours a day, 7 days a week for your service emergencies. We use the latest paging system for fast, efficient and reliable service.

Our service facility covers an area of approximately 14,000 square feet.

The Alexis Service Team can assist you in fire apparatus service, ambulance service, aerial device maintenance, generator and rescue tool maintenance and service, and air pack inspections. Our staff can provide our customers with a complete apparatus training program, meeting the latest training requirements.

Alexis is a single source warranty center for the following manufacturers: Spartan Motors, Darley, Hale, and Waterous.

Our service team has over 50 years of cumulative experience in the fire service industry. In addition, they are backed by our fabrication, electrical, and paint and finish departments. This combination of training and hands-on experience offers true reliability and dependability.

Alexis keeps detailed documentation of all repair, maintenance, and inspection performed by our personnel. With time and manpower at such a premium among many fire departments, why not allow the Alexis Service Team to set up and maintain records for your fleet?

The Alexis Service Team is committed to providing prompt and courteous service, quality products and fair pricing.

Business: Alexis Fire Equipment Company
Contact Person: Barb Lafferty
Location: 109 East Broadway Alexis, IL 61412
Phone: 800-322-2284



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DELIVERY:

The finished apparatus shall be picked up by the dealer organization at the plant site of the Alexis Fire Equipment Company in Alexis, Illinois.

To insure proper break-in of all drive train components while under warranty, the finished apparatus shall be delivered to the purchaser under its own power.

The apparatus shall be covered by comprehensive and liability insurance during the delivery period. The purchaser shall assume the insurance obligation on acceptance, and at that time shall present to the manufacturer's agent a certificate of verification, showing liability, comprehensive and collision insurance coverage.



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 AS SOLD
 Date _____
 Customer Init. _____
 Sales Rep Init. _____

GENERAL INFORMATION:

LOCATION

The Alexis Fire Equipment facilities are located at 109 East Broadway, Alexis, Illinois 61412. We maintain a complete stock of parts and services available around-the-clock. We also propose to maintain parts and service for a minimum period of twenty (20) years on all apparatus which is manufactured.

NOTATION

To further assure the customer of our ability to manufacture quality fire apparatus, we are proud of the fact that Alexis Fire Equipment Company is family-owned and has been in the fire apparatus business since 1947. All apparatus manufactured by Alexis Fire Equipment are designed and built to meet the requirements of the latest edition of NFPA 1901.

PERSONNEL CAPACITIES

To meet the spirit of N.F.P.A. 1500 paragraph 6.3.1, this apparatus has been designed to transport not more than two (2) people.

6.3 Riding in Fire Apparatus

6.3.1 All persons riding in fire apparatus shall be seated and belted securely to the vehicle by seat belts in approved riding positions and at any time the vehicle is in motion. Standing or riding on tailsteps, sidesteps, running boards or in any other exposed position shall be specifically prohibited.

INFORMATION TO BE PROVIDED:

Alexis Fire Equipment Company shall supply, at the time of delivery, the following documents:

- A) The manufacturer's record of apparatus construction details, including the following information:
 1. Owner's name and address
 2. Apparatus manufacturer, model, and serial number.
 3. Chassis make, model, and serial number.
 4. GAWR of front and rear axles.
 5. Front tire size and total rated capacity in pounds.
 6. Rear tire size and total rated capacity in pounds.

7. Chassis weight distribution in pounds with water and manufacturer mounted equipment.
 8. Engine make, model, serial number, number of cylinders, bore, stroke, displacement and compression ratio, rated horsepower and related speed, and no-load governed speed.
 9. Type of fuel and fuel tank capacity.
 10. Electrical system voltage and alternator output in amps.
 11. Battery make and model, capacity in CCA.
 12. Transmission make, model, and type.
 13. Pump to drive through the transmission (yes or no)
 14. Engine to pump gear ratio used
 15. Pump make, model, rated capacity in g.p.m., serial number, number of stages, and impeller diameter in inches.
 16. Pump transmission make, model, and serial number.
 17. Priming device type.
 18. Type of pump pressure control system.
 19. Auxiliary pump make, model, rated capacity in g.p.m., serial number, number of stages, and impeller diameter in inches.
 20. Water tank certified capacity in gallons.
 21. Aerial device type, rated vertical height in feet, rated horizontal reach in feet, and rated capacity in pounds.
 22. Paint numbers
 23. Company name and signature of responsible company executive.
- B) If the apparatus has a fire pump, the pump manufacturer's certification of suction capability.
- C) If the apparatus has a fire pump, a copy of the apparatus manufacturer's approval for stationary pumping applications.
- D) If the apparatus has a fire pump, the engine manufacturer's certified brake horsepower curve for the engine furnished, showing the maximum no-load governed speed.
- E) If the apparatus has a fire pump, the pump manufacturer's certification of hydrostatic test.
- F) If the apparatus has a fire pump, the certification of inspection and test for the fire pump.
- G) If the apparatus has an aerial device, the certification of inspection and test for the aerial device.
- H) If the apparatus has an aerial device, all the technical information required for inspections to comply with NFPA.
- I) Weight documents from a certified scale - showing actual loading on the front axle, rear axle(s), and overall vehicle (with the water tank full but without personnel, equipment, and hose) - shall be supplied with the completed vehicle.
- J) Written load analysis and results of the electrical system performance tests.
- K) If the apparatus is equipped with a water tank, the certification of water tank capacity.
- L) If the apparatus has a fire pump, two (2) copies of the pump operation and maintenance manual.
- M) Two (2) destination effective wiring diagrams.
- N) Copies of electrical and mechanical component manuals for equipment purchased on or with the apparatus.



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- O) A sketch of the booster tank indicating all dimensions and baffle locations.
- P) If the apparatus has a pump, one (1) certification of third party test

WARRANTY:

Alexis Fire Equipment Co., Inc. warrants each new piece of Alexis fire and rescue apparatus to be free from defects in material and workmanship under normal use and service. Our obligation under this warranty is limited to repairing or replacing, as the company may elect, any part or parts thereof which shall be returned to us with transportation charges prepaid, and as to which examination shall disclose to the company's satisfaction to have been defective, provided that such part, or parts shall be returned to us not later than one year after delivery of such vehicle. Such defective part or parts will be repaired or replaced free of charge and without charge for installation to the original purchaser. All water tanks will be warranted as stated herein and may have extended warranty as explained elsewhere in the Alexis Fire Equipment Co. Proposal.

This warranty will not apply:

1. To normal maintenance services including, but not limited to, electrical lamps, valve seals, normal lubrication and/or proper adjustment of minor items.
2. To any vehicle which shall have been repaired or altered outside of our factory, in any way so as, in our judgment, to affect its stability, nor which has been subject to misuse, negligence, or accident, nor to any vehicle made by us which shall have been operated at a speed exceeding the factory rated speed, or loaded beyond the factory rated load capacity.
3. To the chassis and associated equipment furnished with chassis, signaling device, generators, batteries or other trade accessories. These are warranted separately by their respective manufacturers.
4. To work performed by an outside service without prior authorization obtained from Alexis Fire Equipment.
5. To costs incurred from an outside service for non-warranty related items.

This warranty is in lieu of all other warranties, expressed or implied, and all other representations to the original purchaser and all other obligations or liabilities, including liability for incidental or consequential damages on the part of the company. We neither assume nor authorize any person to give or assume any other warranty or liability on the company's behalf unless made or assumed in writing by the company.

LENGTH AND/OR HEIGHT LIMITATIONS:



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OVERALL HEIGHT:

There shall be no overall height restrictions.

OVERALL LENGTH:

There shall be no overall length restrictions.

CHASSIS MODIFICATIONS:

STATEMENT OF EXCEPTIONS – CHASSIS SYSTEMS:

The chassis to be utilized for this apparatus shall incorporate the OEM seat belt system and as such is not designed to comply with NFPA 1901-2016 Section 14.1.3 regarding seat belt design, seat belt web length, and the color requirements of the seat belts.

The chassis is supplied with an OEM installed seat belt indicator system; however, it will not specifically comply with requirements of NFPA 1901-2016 Section 14.1.3.9.

In addition, the chassis manufacturer will not allow an apparatus manufacturer to access any of the data from its electrical system to comply with NFPA 1901-2016 Sections 4.11 and 14.1.3.9; Vehicle Data Recorder and Seat Belt Indicator System.

Unauthorized access to the chassis electrical system voids all warranties and transfers all liability away from the chassis manufacturer. Due to this restriction, a Vehicle Data Recorder and a Seat Belt Indicator System will not be supplied or installed by Alexis Fire Equipment Company with this vehicle.

We hereby certify by the following signatures that we have read, understand and accept that upon delivery, the vehicle supplied by Alexis Fire Equipment Company will not specifically comply with NFPA Standard 1901-2009 Sections 4.11, 14.1.3, and 14.1.3.9.

ALEXIS FIRE EQUIPMENT COMPANY

FIRE DEPARTMENT

Signature

Signature

Printed Name

Printed Name



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 800-322-2284  sales@alexisfire.com
 AlexisFire.com

Title

Title

Date

Date



MUD FLAPS:

Each rear fender shall be extended with a black rubber mud flap, thus preventing splash and road debris from damaging the apparatus body.

WHEEL FINISH:

The chassis supplied wheels will be painted to match the apparatus.

COLOR: Black

FUEL TANK:

The chassis shall incorporate a rear fuel tank installed by the chassis manufacturer. The fill and vent shall be installed behind the left rear wheel. The fill shall be labeled with the type of fuel intended.

DIESEL EXHAUST FLUID TANK:

The chassis shall incorporate a DEF Fluid tank installed by the chassis manufacturer. The fill shall be installed in the left rear wheel area. The fill shall be labeled with the type of fluid intended.

TRAILER HITCH REAR- 550 CHASSIS:

One (1) Reese type trailer hitch shall be incorporated in the rear tail step area of the apparatus. The hitch assembly shall utilize a Reese Class V receiver, (Reese # 45341), with a 2" square receiver opening. The assembly shall include a removable ball mount draw bar with a 4" drop.

Male socket (car end) receiver for trailer electrical shall be provided. The 7 way plastic connector incorporates vinyl inserts to keep out dirt and moisture. Interior design prevents internal short-circuiting, safety latch prevents damage from accidental pull-away. Color-coded to RVI standards. Interchangeable with other well known RV types.

HELMET STORAGE:

To meet the intent of NFPA 14.1.8.4.1, the helmet for each occupant shall be stored in an exterior compartment.

PUMP AND PIPING:



WATEROUS PB18-3030LE 20HP PUMP:

CAPACITY

60 g.p.m. @ 115 p.s.i.
120 g.p.m. @ 110 p.s.i.
180 g.p.m. @ 95 p.s.i.
280 g.p.m. @ 60 p.s.i.
360 g.p.m. @ 30 p.s.i.

PUMP TYPE

The pump shall be a direct drive centrifugal pump with a closed hydraulically balanced impeller. It is to be bolted directly to the engine.

VOLUTE HEAD and BODY

The volute head and body shall be constructed of high strength aluminum alloy. They are to be anodized for superior corrosion resistance, with fully machined internal waterways for peak performance.

IMPELLER

The impeller is to be constructed of high strength, corrosion resistant bronze. It shall be fully enclosed, double hubbed to balance hydraulic thrust, mechanically balanced to eliminate vibration.

WEAR RINGS

The wear rings shall be constructed of long wearing bronze. They must be easy to replace when it becomes necessary in order to restore original pump efficiency.

IMPELLER SHAFT SLEEVE

The impeller shaft sleeve shall be constructed of high strength stainless steel.

IMPELLER SHAFT SEAL

The impeller shaft shall be of a spring-loaded mechanical type. It shall be maintenance free because it does not require adjustment.

PRIMER

The primer shall be a combination spark-arresting muffler and exhaust primer. It will be fast and simple to use. There will be a quarter turn bronze priming valve. The "Super" Lo-Tone muffler is extremely quiet.

KOEHLER 21 HP DIESEL ENGINE:



ENGINE

The engine shall be a Kohler 21 HP liquid cooled diesel engine. The engine shall be 4-cycle, 3 cylinder with a 54.8 cu in displacement.

FUEL TANK

The fuel system shall include a fuel tank.

CONTROLS

An illuminated control panel shall be provided at the rear of the unit. The control panel shall include the following controls: throttle, choke, start and stop, along with a discharge pressure gauge.

VALVING:

Each valve shall be ball type, full flow and so designed as to allow easy removal from the line without disturbing the piping. The valve shall be tested to 500 p.s.i. by the valve manufacturer.

INTERCONNECTED PUMP FUEL:

The pump fuel system shall be interconnected with the chassis fuel system.

STAINLESS STEEL PIPING - NATURAL FINISH:

A stainless steel welded pipe suction manifold shall be attached to the suction side of the pump. The manifold plumbing shall utilize a Victaulic coupling for ease of removal from the pump for service and maintenance requirements. The manifold shall be in a Ramshorn design to help reduce friction loss and shall be designed to accept a Scotty Around the Pump foam system, if applicable.

The discharge system shall incorporate a 4" x 4" stainless steel distribution system. The manifold shall be fed from the 4" piping system. The discharge system shall incorporate a victaulic coupling to allow ease of access for maintenance or removal of the pumping system. Each discharge shall be fed from above the manifold system.

The discharge manifold shall incorporate the following standard ports: one (1) 1", four (4) 1½", two (2) 2", and one (1) 2½". All unused discharge ports shall be capped. Provisions shall be provided in the discharge manifold to accept an Around the Pump foam system if applicable.

PUMP COOLER:

The pump shall incorporate a 1/4" line installed from the pump discharge to cool the pump gearbox during pumping.



2½" DISCHARGE:

One (1) 2½" discharge with valve, cap, and chain shall be provided at the rear of the skid unit. The discharge shall utilize an Akron valve.

One (1) 2½" NSTF x 1½" reducer with cap and chain shall be provided on the discharge.

One (1) 2½" NSTF x 1½" NSTM chrome plated reducer with cap and chain.

One (1) 1½" NSTF x 1½" NPSHM chrome plated rocker lug adapter shall be provided on each 1½" preconnect discharge elbow.

1½" DISCHARGE:

One (1) 1½" discharge shall be located on the rear of the unit. The discharge shall utilize an Akron valve.

2½" GATED SUCTION:

A 2½" gated suction shall be located at the rear. The plumbing shall include a 2½" quarter turn ball valve with a female chrome plated swivel. The piping shall be incorporated with the tank to pump piping. A total of two Akron valves shall be included, one (1) tank valve and one (1) suction valve.

RECYCLE/FILL:

The 1" recycle/fill valve shall go from the pressure side of the pump to the booster tank. It shall consist of a 1" hose with aeroquip fittings and a 1" full flow quarter turn Akron ball valve.

PIPING CERTIFICATION:

Upon final apparatus delivery, a certification sheet shall accompany the unit stating that all piping and the pump have been hydrostatically tested to 250 psi.

TANK:

SKID FRAME:

The frame shall be constructed of polypropylene to prevent corrosion of the system. The frame unit shall be constructed to cradle the tank and act as a mounting platform for the pump.

BOOSTER SKID TANK:



The tank is constructed of ½" polypropylene material. It shall have the capacity of 300 gallons, and is to be baffled in four (4) compartments. The tank shall be a Defender 1 Custom skid tank manufactured by UPF and carry a Lifetime Warranty.

Tank to pump opening 3".

Tank to pump recycle opening 1½".

The Defender 1 Custom Skid Tank comes standard with built-in level site gauge, booster reel mounting blocks, a sump, suction and tank fill.

CONSTRUCTION:

The skid type booster and/or foam tank shall be of a standard configuration and shall be so designed to have complete modular slide-in capability. The passenger side rear wall of the tank shall have a standard built-in sight gauge 2" wide.

FILL TOWER & TANK COVER:

The tank shall be equipped with a combination vent/overflow and manual fill tower. The fill tower shall be constructed of ½" UPF PT2E polypropylene and shall have a standard dimension of 8" x 12" x 8" high with a polypropylene dowel hinged shoe box cover. The tower shall be located in the right rear corner of the tank and shall have a removable polypropylene screen with handle.

OVERFLOW:

The vent overflow pipe shall exit **below** the body decking.

SUMP:

There shall be one (1) sump as standard per tank. The sump shall have a 1" N.P.T. threaded outlet on the bottom outside wall as a drain.

OUTLETS:

There shall be two (2) standard tank outlets located in the same vertical plane on the driver side rear wall of the tank. One (1) 3" female N.P.T. Tank to Pump Suction fitting and one (1) 1½" N.P.T. Female Tank Fill fitting with flow deflector.

MOUNTING:



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The UPF Defender 1 Custom Skid Tank shall have provisions on the tank for mounting both front and rear.

BODY:

ALUMINUM BODY:

There shall be a custom fabricated flatbed body measuring approximately 96 inches wide by 111 inches long installed on the chassis. The body subframing system shall be independent of the chassis frame and be constructed with 3" extruded aluminum I-beam crossmembers spaced at 12" on center. The bed rail shall be 4" extruded aluminum channel thereby providing a complete lift off body for later body transfer. The flatbed shall be attached to the chassis frame utilizing "U" bolts.

There shall be a heavy duty headache rack installed at the front of the flatbed. Heavy Duty Louvers shall be installed in the headache rack window opening.

There shall be a skirt at the rear of the flatbed constructed from formed .125" smooth aluminum material, in preparation for Chevron striping.

There shall be one (1) treadplate guard located below the flatbed on each side, ahead of the rear tires. The guard shall be manufactured of .125" aluminum treadplate to help protect the undercarriage from debris off the tires.

The flatbed shall be decked with .125 inch smooth aluminum material. The flatbed floor shall include a cutout to allow the water tank overflow to exit below the floor.

POLY HOSE TRAY:

One (1) poly hose tray shall be provided in the bed area behind the left side compartments. The tray mounting shall incorporate a frame on the floor of the flatbed to retain the tray during travel.

DUNNAGE COMPARTMENT:

There shall be an aluminum treadplate open dunnage compartment approximately 47" wide x 44" long x 12" deep located on top the booster tank behind the water and foam towers. The dunnage compartment shall maximize the available space on top of the tank to the rear of the fill towers. The finished height shall match the side and front hose tray for a uniform appearance.

PIKE POLE TUBE:



Three (3) pike pole tube(s) shall be installed on the apparatus.

LOCATION: Upper rear wall of the left side compartments/hose trays

COMPARTMENTS:

There shall be two (2) compartments located one (1) on the left side and one (1) on the right side of the apparatus body. Each compartment shall be manufactured of .125" aluminum treadplate material.

Each left side compartment shall incorporate two (2) horizontally hinged drop down doors with rubber bumpers.

The right side front compartment shall incorporate one (1) horizontally hinged lift up door with over center gas shocks. Each door shall open past 90°

The right side rear compartment shall incorporate two (2) horizontally hinged doors. The upper lift up door shall incorporate over center gas shocks to open past 90°. The lower drop down door shall incorporate rubber bumpers and cables for retention when opened.

The side compartment doors shall be manufactured of aluminum tread plate. The doors shall be a double pan door design

Each compartment door outer shall be manufactured of .125" aluminum treadplate and each inner pan shall be manufactured of .090" smooth aluminum. The door assembly shall be designed to prevent condensation buildup within the door interior.

Each door shall be supported with stainless steel hinges. Each hinge shall be secured to the door perimeter and door casement with stainless steel fasteners, thereby facilitating door replacement. The door openings shall have closed cell automotive type seals to prevent water and dirt entry.

There shall be a seal applied to the outer perimeter of the door.

Each door shall incorporate a single point "T" style latch assembly.

LEFT SIDE COMPARTMENT DIMENSIONS:

The left side compartment shall be approximately 107" wide x 24" high x 20" deep

Each door opening on the left side compartment shall be approximately 48" wide x 19" high x 17" working depth.



HOSE TRAY - ALUMINUM TREADPLATE:

There shall be one (1) hose tray located over the left side compartments. Each tray shall be manufactured of .125" aluminum treadplate. The tray shall be divided into two (2) hose lays, one (1) upper and one (1) lower. A red die cut Hypalon webbing end flap shall be provided to retain the hose.

The upper hose lay shall be open on top and incorporate an aluminum treadplate lift up lid hinged on the inboard side.

The lower hose tray shall incorporate a full length aluminum treadplate drop down door on the outboard side. The door shall incorporate push button latches.

CAPACITY:

COMPARTMENT LIGHT:

One (1) 5" T44 Series LED light shall be installed in each apparatus compartment. The compartment lights shall be switched automatically with the doors. The lighting shall meet the requirements of NFPA 13.10.5

RIGHT SIDE COMPARTMENT DIMENSIONS:

The right side compartment shall be approximately 107" wide x 40" high x 20" deep

Each door opening on the right side compartment shall be approximately 48" wide x 35" high x 17" working depth.

COMPARTMENT LIGHT:

One (1) 5" T44 Series LED light shall be installed in each apparatus compartment. The compartment lights shall be switched automatically with the doors. The lighting shall meet the requirements of NFPA 13.10.5

COMPARTMENT LAYOUT:

The compartment interiors shall be as follows:

L1:

L2:



R1:

R2:

Unistrut Tracking

One (1) full depth adjustable shelf (ves)

UNDERBODY COMPARTMENTS:

There shall be one (1) underbody compartment located on each side of the apparatus body ahead of the rear wheels. Each compartment shall have a door opening of 30" wide x 16" high x 18" deep. Each compartment shall incorporate a horizontally hinged drop down door with single point latch. Each compartment and door shall be manufactured of .125" aluminum treadplate material.

12 VOLT ELECTRICAL:

ELECTRICAL WARRANTY:

Alexis Fire Equipment Co., Inc. warrants each new piece of Alexis fire and rescue apparatus to be free from defects in material and workmanship under normal use and service. Our obligation under this warranty is limited to repairing or replacing, as the company may elect, any part or parts thereof which shall be returned to us with transportation charges prepaid, and as to which examination shall disclose to the company's satisfaction to have been defective, provided that such part, or parts shall be returned to us within five (5) years or 40,000 miles after delivery of such vehicle. Such defective part or parts will be repaired or replaced free of charge and without charge for installation to the original purchaser.

Prior to any warranty work being performed on the unit, a Warranty Authorization Number must be obtained from Alexis Fire Equipment.

Items specifically covered are:

- Electrical harnesses and harness installation
- Printed circuit board
- Switches, circuit breakers and relays

Items excluded are:

- Chassis electrical systems and components installed by chassis manufacturer
- Separately manufactured items installed by Alexis Fire Equipment including, but not limited to; batteries, sirens, battery chargers, inverters, lightbars and similar equipment. (These are covered by warranties supplied by the manufacturer of the components).
- Periodic tightening and cleaning of connection terminals as this is considered routine maintenance



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- Normal wear, abuse, accident, negligence or un-approved alteration of original parts. Should repairs become necessary under the terms of this warranty, the extent of that repair shall be determined solely by Alexis Fire Equipment and shall be performed solely by Alexis Fire Equipment or a repair facility designated by Alexis. The expense of any transportation to or from such repair facility shall be that of the purchaser and is not an item covered by this warranty.

Alexis Fire Equipment reserves the un-restricted right at any time to make changes in design of and/or improvements on its products without thereby imposing any obligation on itself to make corresponding changes or improvements in or on its products theretofore manufactured.

12 VOLT ELECTRICAL SYSTEM:

The electrical system shall be engineered to provide many years of dependable, trouble free service.

The 12-volt apparatus wiring shall be completely independent of the chassis electrical system. The system shall incorporate a state-of-the-art electrical distribution center

The existing floor mounted console, switches, master switch, hazard light with audible warning, and chassis items (lightbar, warning lights, siren, speaker, etc.) shall be utilized.

MASTER SWITCH:

The existing master switch shall be utilized.

WARNING LIGHTS (SIDE):

One (1) Whelen Model M4RC red LED light shall be mounted on the right (officer's) side of the vehicle. The light shall be placed inside chrome a flange. The light shall be switched from the in cab switch panel. The light fills the requirements of Zone B Lower.

One (1) Whelen Model M4RC red LED light shall be mounted on the left (driver's) side of the vehicle. The light shall be placed inside a chrome flange. The light shall be switched from the in cab switch panel. The light fills the requirements of Zone D Lower.

WARNING LIGHTS (REAR UPPER):

One (1) Whelen Model M6RC red and one (1) Whelen Model M6BC blue LED lights shall be mounted on the upper rear area of the vehicle. These lights shall be placed inside chrome flanges. These lights shall be switched from the in cab switch panel. The lights fill the requirements of Zone C Upper.



WARNING LIGHTS (REAR):

One (1) Whelen Model M6BC blue and one (1) Whelen Model M6AC amber LED lights shall be mounted on the lower rear area of the vehicle. These lights shall be switched from the in cab switch panel. These lights fill the requirements of Zone C Lower.

LED REAR DRIVING SIGNALS:

The rear driving signals shall consist of four (4) lights; two (2) on each side of the apparatus. They shall be Tecniq LED T66 Series and are to be recess grommet mounted on the rear of the brush truck. Each shall be color-coded as follows: LED Red-Stop/Tail/Turn and LED White-Backup.

ICC LIGHTING:

Tecniq S34 Series LED Clearance lights shall be installed on the apparatus. They shall be hermetically sealed cartridge lights for ease of service and durability.

LED REAR LICENSE PLATE BRACKET:

There shall be a Cast Products LED license plate bracket provided at the rear of the apparatus.

HAZARD LIGHT:

The existing hazard light shall be utilized.

FIRETECH 12-VOLT LED SCENE LIGHT(S):

Three (3) FireTech FT-MB-2.18-FT-W Double Stack 21" 19,008 lumen LED bar scene light(s) shall be mounted in the specified location(s). The lights shall be switched from the in-cab switching station.

LOCATION: One (1) each side and one (1) rear on the dunnage on top the tank

12 VOLT GRILLE LIGHT - LED:

One (1) 21" FireTech Model FT-MB-2.18-FT-W 19,008 lumen LED light bar shall be mounted below the center of the grille. The light shall be switched from the in-cab switching console.

PIKE POLE TUBE:

Three (3) pike pole tube(s) shall be installed on the apparatus.



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LOCATION: Transverse on the rear face of the headache rack ground accessible

FINISH:

REFLECTIVE STRIPING:

The finished apparatus shall be striped white with 4" reflective Scotchlite striping.

DIAMOND GRADE CHEVRON STRIPING:

The rear of the apparatus shall be striped with Diamond Grade retro-reflective striping. The striping shall be applied in a chevron pattern sloping downward and away from the centerline of the apparatus at a 45° angle. The striping shall be single color alternating between red #3992 and fluorescent yellow-green #3983.

The Chevron striping shall be applied in the following locations: on the rear apron, below the flatbed deck.

EQUIPMENT:

NFPA EQUIPMENT CLARIFICATION:

Any equipment specified in the “Minor Equipment” section (e.g. hose, nozzles, adapters, AED, traffic cones, traffic safety vests, etc.) of NFPA 1901 for each apparatus classification (see below) which is not specified in this proposal shall be considered to be customer supplied and installed.

Apparatus Type	NFPA Section
Pumper	5.8
Initial Attack	6.7
Mobile Water Supply	7.7
Aerial	8.8
Quint	9.8
Special Service	10.5
Mobile Foam	11.9

MOUNTING:

The skid unit shall be mounted in the pick-up truck bed by Alexis. To balance the loaded unit, it shall be installed as far forward as possible, squared with the bed and bolted in place. The electrical system incorporated on the unit shall be wired to the chassis battery utilizing the Anderson quick disconnect.