



# 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

May 11, 2021

Attorney-Client Session, pursuant to RSA 91-A:2 I

(not open to the public)

6:30 p.m.

Regular meeting will begin immediately after Attorney-Client Session

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. Recognition

HPD - Civilian Service Award

#### B. Nominations, Interviews & Appointments

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

Marcus Nicholas (appointment)

- 2) Sustainability Committee (4 member vacancies. 3 expire 4/30/24, 1 expiring 4/30/22. 3 alternate vacancies to expire 4/30/22, 4/30/23, 4/30/24)

Sarah Repeta (new applicant interview)

- 3) **Benson Park Committee** - (1 member vacancy with a term to expire 4/30/23, 1 alternate member vacancy with a term to expire 4/30/22)

Judith Brouillette (incumbent, appointment)  
Rob Rainer (new applicant interview)

- 4) **Municipal Utility Committee** - ( 1 member vacancy to expire 4/30/24)  
Brian Prindiville (incumbent reappointment)

- 5) **Planning Board** - (1 alternate member vacancy to expire 12/31/21)

Bill Cole (nomination)

6. **CONSENT ITEMS**

A. **Assessing Items**

- 1) Veteran Tax Credits: Map 156, Lot 006, Sub 057 1 Wickford Lane; Map 246, Lot 054, 5 Muldoon Drive  
2) Elderly Exemption Denial: Map 156, Lot 6-57, 1 Wickford Lane  
3) Tax Deferral Application: Map 151, Lot 005, Sub 002, 38B Barretts Hill Road  
4) Timber Warrant: Map 122, Lot 2

B. **Water/Sewer Items** - None

C. **Licenses & Permits & Policies**

- 1) Brox Industries, Inc. - Night Trucking Permit -  
2) Knights of Columbus - Raffle Permit  
3) NH Teen Challenge - Tag Day Permit

D. **Donations** - None

E. **Acceptance of Minutes**

- 1) Minutes of the April 27, 2021

**F. Calendar**

5/12 7:00 Planning Board - Hudson Community Center  
5/19 6:00 Library Trustees - Hills Memorial Library  
5/20 3:00 Trustees of the Trust Funds - Buxton Meeting Room  
5/25 7:00 Board of Selectmen - Hudson Community Center

**7. OLD BUSINESS**

**A. Votes taken after Nonpublic Session on April 27, 2021**

1) Selectman McGrath made a motion, seconded by Selectman Roy to hire Michael Lewis for the position of Firefighter/AEMT in the Fire Department, at the contracted salary of \$21.17 per hour (step 1). Carried 5-0.

2) Selectman Roy made a motion, seconded by Selectman McGrath to hire Patrick Kelly to the position of Firefighter/EMT in the Fire Department, at the contracted salary of \$16.93 per hour (step 1). Carried 5-0.

3) Selectman Roy made a motion, seconded by Selectman McGrath to bring Leo Bernard back from furlough status to maintain Jette & Sousa softball fields, at 12 hours a week, effective 5/1/21. Carried 5-0.

4) Selectman Gagnon made a motion, seconded by Selectman Roy to seal the nonpublic meeting minutes of 4/27/21. Motion Failed 2-3. Selectmen Morin, Coutu and McGrath opposed.

5) Motion to adjourn at 8:27 p.m. by Selectman McGrath, seconded by Selectman Morin. Carried 5-0.

**B. Request to Reconsider Green Meadow Golf Course Sewer Allocation**

**8. NEW BUSINESS**

- A. Bracket Lane Water Line Extension
- B. HPD - Acceptance of Court Ordered Vehicle
- C. EOC Recommendations
- D. Nashua Region Electricity Supply Aggregation
- E. Revenues and Expenditures
- F. Selectmen Liaison Assignments
- G. Board of Selectmen Nonpublic Session of 4/27/21

9. REMARKS BY TOWN ADMINISTRATOR

10. REMARKS BY SCHOOL BOARD

11. OTHER BUSINESS/REMARKS BY THE SELECTMEN

12. NONPUBLIC SESSION

**RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. **(d)** Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

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

13. ADJOURNMENT

Reminder...

Items for the next agenda, with complete backup, must be in the Selectmen's Office  
no later than 12:00 noon on Thursday, May 20, 2021

**Laffin, Jill**

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**From:** Xenophon Vurgaropoulos <xen.vurgaropoulos@gmail.com>  
**Sent:** Tuesday, May 4, 2021 4:36 PM  
**To:** Planning; ~BoS; BOSpublicInput  
**Subject:** Re: Hudson Logistic Center - Amazon, will they really be a "Good Neighbor"?

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

Good afternoon Hudson Planning Board and Hudson Board of Selectman,

I have just reviewed the Packets for both the upcoming Planning Board (5/6) and the Board of Selectman (5/11) meetings and I did not see my attached email that was sent on 4/30/21 included.

I respectfully request that my public comments please be included in upcoming meeting packets.

Thank you,  
Xen Vurgaropoulos  
5 Muldoon St, Hudson, NH 03051

On Fri, Apr 30, 2021 at 5:30 PM Xenophon Vurgaropoulos <[xen.vurgaropoulos@gmail.com](mailto:xen.vurgaropoulos@gmail.com)> wrote:  
Good afternoon Hudson Planning Board and Board of Selectman,

Over the last year, we have heard from Hillwood Enterprises, Amazon, and Langan Engineering & Environmental on how great and successful this project will be, but there are many residents that feel their concerns are not being heard or are being rushed past.

I respectfully ask that the Planning Board and the Board of Selectman please review the Traffic Impact to Hudson with the "Common Sense" view rather than Computer Models and Promises from the Applicant.  
**(Remember all they want to do is make money regardless of the impact on our town.)**

Please do not rush the deliberation process, from the public perspective it appears that Hillwood is being very forceful and threatening (bullying) to the town during public meetings in order to try and make the Planning Board rush the decision.

Remember the Hudson Planning Board is the one in the position to dictate to them "The Applicant" when the deliberations will be completed regardless of how long the process takes.  
The Town does not owe them anything, they are the ones seeking permission to change the Hudson forever.

**The length of time the Planning Board takes does not mean the Town is now indebted or owes them approval for the project or any aspect of it.**

Whether the town approves or denies the project, the applicant should respect the deliberation process and stop trying to tell the Town how it is going to conduct business as they are the guest and the ones who are seeking approval for a project that will most likely make it into the record books.

The people of the town appreciate the hard work you are putting into this process, and we do know it a very hard and complicated project.

Thank you,  
Xen Vurgaropoulos

**Please review some of the issues below that other Amazon Facilities are experiencing even though they were following their "Expert" Peer Review Consultants and the "Promises" made by Amazon.**

**Northborough, Massachusetts is experiencing some serious issues with Accidents and Traffic, please look at this news article from Channel 5 WCVB dated April 26, 2021.**

<https://www.wcvb.com/article/northborough-massachusetts-frustrated-with-truck-traffic-using-local-streets/36256788>

## Northborough residents frustrated with truck traffic using local streets

240  
Shares



WCVB 5

Updated: 6:29 PM EDT Apr 26, 2021

Infinite Scroll Enabled



Ted Wayman  
Reporter



**NORTHBOROUGH, Mass. —**

Residents in the town of Northborough are expressing concerns about the frequency of large Amazon tractor-trailers passing through the small, neighborhood roads in the Worcester County community.

The Amazon facilities in Northborough encompass two buildings comprising approximately 600,000 square feet of warehouse space.

They welcomed the company and the 500 jobs it added in 2020.

In the past year, residents have documented how drivers for the retail giant often ignore rules to stay away from the town's high school on Bartlett Road.

Residents say jackknifed tractor-trailers have turned into road closures, school buses have been squeezed down roads, and some of the big trucks have run over parts of front lawns. "I don't see fighting against (commercial properties), but asking them to be good neighbors is reasonable," resident Rachel Jackson says.

Amazon agreed to keep its trucks on the Interstate 495 end of Bartlett Road, but trucks often find themselves on the wrong side of the road.

The high school's track team is no longer allowed to run on the road due to the truck traffic.

The issue has been raised with the town administrator.

"One of the issues was a lack of signage, directing the trucks to the appropriate routes, and a lack of driver training," John Coderre says. "Those are two things we've worked on for the last month or two."

## Milford, Massachusetts admits that they are less than good neighbors.

<https://www.wcvb.com/article/amazon-trucks-creating-traffic-headache-in-milfordmassachusetts-town-officials-say/31008010>

**MILFORD, Mass.** — Many Amazon customers said they appreciate the ease and expedience of ordering from the online retail giant.

**But people who live in Milford would argue that living in a town with a distribution facility is an entirely different story because of the traffic congestion it is creating. "It's just consistent, backed up traffic. If we knew it was going to be like this, I don't think we would've allowed it in the town," said resident Michael Rooney.**

Town officials also believe the volume of delivery vehicles traveling to and from the distribution and transportation centers in Milford is overwhelming.

**Bill Buckley, the chairman of the Milford Board of Selectmen,** is also frustrated about how Amazon's employees drive.

"The drivers will caravan through intersections; blowing through red lights, creating unsafe situations," Buckley said.

Amazon is using the parking lot of an old shopping center off East Main Street to park its vehicles, about a mile away from its distribution center.

**Buckley said the plaza where the vehicles are parked was not designed for the high level of commercial traffic.**

**"You can imagine what happens when you have a small town police force," Buckley said. "It can be overwhelming to always be there, to always be at these intersections."**

The town's issues with Amazon have come up at meetings of the Board of Selectmen and in separate conversations with the company's representatives.

**"Typically, what they'll say is, 'Go talk with our contractors. Cite them if they're not driving properly,'" Buckley said.**

**"The benefit to taxes and revenue is far less than the (negative) impact that they're having on our community and quality of life."**

In a statement, Amazon said it is working with Buckley and other town officials to help solve the problems.

**"We are committed to being a good neighbor** and having open and consistent dialogue in Milford," the statement reads. "We are working directly with the Milford officials to address their concerns."

<https://www.milforddailynews.com/news/20200214/milford-turns-to-state-for-help-with-amazon-troubles>

## Milford turns to state for help with Amazon troubles



**TOPLINE:** Milford officials call ongoing conflict with Amazon executives “a David and Goliath-type situation,” and remain dissatisfied with the online retail company’s response to town criticism of the impact from their Industrial Drive warehouse and hundreds of delivery vehicles.

**A LITTLE BACKGROUND:** For months, residents have been reporting what several have characterized as dangerous behavior on the east side of town, from the drivers of cars, vans and tractor-trailers delivering packages for Amazon. Officials have publicly shamed the company, which has sent representatives to a couple of public meetings. At the beginning of January, the Board of Selectmen demanded information from the company on its operations in town, as well as an action plan to deal with the problems, and a community impact plan to help recoup what local police and building departments have spent or will need to spend to try to keep the drivers in check.

### **FOUR NEW DEVELOPMENTS:**

Milford turns to the state Legislature. Selectmen voted to ask their elected state representatives to file a bill requesting Amazon agree to community impact plans with any city or town with which the retail giant works. That directive is expected to appear on a Town Meeting warrant for a broader resident vote.

Not all Amazon parking got the town’s green light. In a unanimous vote, the Milford Planning Board “adamantly disagrees” with zoning opinion letters from lot owners regarding parking at three addresses in town. The board only approved one of those sites, Quarry Plaza on 196 East Main St., and called the others – at 300 Fortune Boulevard and 9 Industrial Road – zoning violations.

Officials take ride-alongs. Town officials and Amazon representatives conducted a pair of “ride-alongs,” in which they observed traffic on the east side of town together. Town Administrator Richard Villani called the rides “enlightening,” and said he saw fire lanes blocked and red lights ignored.



Amazon responds. An Amazon representative answered some of selectmen's questions, but board Chairman William Buckley said he felt the responses were incomplete and dismissive. Selectman William Kingkade Jr. called the representative's count of 268 "Amazon-branded vans" in town "cute," and wondered how many unbranded vans there are.

**CRUCIAL QUOTES FROM THE CHAIRMAN:**

**"It seems like now they're just throwing up their hands and leaving a very small police force the issue of dealing with all of the violations that Amazon drivers are displaying," Buckley said, adding that Amazon representatives told local police to cite vehicles violating traffic laws. "I keep saying it. Somebody's going to get hurt. I hope I'm wrong, but it's a matter of time."**

**"Through their contractors, they flaunt our planning process and bylaws with complete disregard for our residents," Buckley said. "This process is not by accident, but part of a corporate culture that's designed to shield them from responsibilities for terminals (parking lots) and drivers."**

**"We know there are many, many more than that," Buckley, responding to an Amazon representative's claim that there are 268 Amazon-branded vans registered and garaged in Milford.**

**The sole parking lot to get Planning Board approval was expected to give 500 parking spots to Amazon subcontractor vehicles, though that number also included personal cars of drivers.**

**TANGENT:** There are two more parking lots and a distribution facility on the horizon in Milford.

**Milford's Planning Board approved, reluctantly and with conditions,** a 400-plus-space parking lot north of the Interstate 495 ramps called Platinum Way, while another pair of lots off Beaver Street have started the permitting process. Read more about those projects here and here.

Last week, representatives for the new owners of a former glass bottle factory on National Street said the renovated property could very well become another distribution facility.

**Town officials appeared worried such a facility could bring truck traffic to a new part of town.**

**Laffin, Jill**

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**From:** Malizia, Steve  
**Sent:** Thursday, May 6, 2021 9:10 AM  
**To:** Laffin, Jill  
**Subject:** FW: Selectmen meeting May 11 2021 / sewer allocation/connection

Jill,

For the public comment portion of the agenda. Could you also forward this to Chairman Coutu so that he is aware of the request.

Thanks.

Steve

-----Original Message-----

From: Thomas J Leonard <tjleonard@lawyersnh.com>  
Sent: Wednesday, May 5, 2021 8:38 PM  
To: Malizia, Steve <smalizia@hudsonnh.gov>  
Cc: Israel Piedra <ipiedra@lawyersnh.com>; Thomas J Leonard <tjleonard@lawyersnh.com>  
Subject: Selectmen meeting May 11 2021 / sewer allocation/connection

---

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

Dear Mr Malizia, This office represents Greenmeadow Golf Club, inc. ("GMGC"). Please accept this email as formal request and notice that I or my colleague Attorney Israel Piedra would like to make comments on behalf of GMGC at the public comment section of the above referenced meeting. We also ask that all of our prior submissions on the sewer matters be made a part of the record regarding the sewer allocation and connection decision. Thank you for your assistance. Please keep me informed regarding meeting changes. Best Regards, Jay Leonard

Sent from my iPhone

**Laffin, Jill**

---

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**To:** Laffin, Jill  
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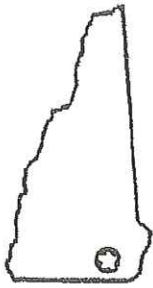
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Sent from my iPhone



# TOWN OF HUDSON

## Police Department

*Partners with the Community*

1 Constitution Drive, Hudson, New Hampshire 03051  
Voice/TTY (603) 886-6011/Crime Line (603) 594-1150/Fax (603) 886-0605

RECEIVED

MAY 06 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE



*Agenda 5-11-21*

5A

*William M. Avery, Jr.  
Chief of Police*

*Captain Tad K. Dionne  
Operations Bureau*

*Captain David A. Cayot  
Special Investigations Bureau*

*Captain David A. Bianchi  
Administrative Bureau*

To: The Board of Selectmen  
Steve Malizia, Town Administrator

From: William M. Avery, Chief of Police *WMA*

Date: 06 May 2021

Re: Agenda Item – Public Comments

**Scope:**

The Police Department would like to meet with the Board of Selectmen at their meeting on Tuesday, 11 May 2021 to present an item of interest to both the Board of Selectmen, and the public:

I would like to present a Hudson Police Department Civilian Service Award to Mr. Bruce Coburn for his heroic actions by assisting a juvenile that was in distress.

Thank you for your time. Should you have any questions or concerns, please feel free to contact me.



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

*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

**RECEIVED**

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>

RECEIVED  
APR 26 2021  
TOWN OF HUDSON  
SELECTMEN'S OFFICE  
5B-2

TOWN OF HUDSON  
Board & Committees Vacancy Application  
(Hudson, NH Residents Only)

Date: 4/26/2021

Sarah Repeta 37 Standish Ln  
Name Street Address

(603)714-1442  
Home Phone Number Work Phone Number

Corporate Trainer/ Inside Sales MRO Supply Chain  
Occupation (or former occupation, if retired)

SNHU- 3 years complete towards BA  
Education/Special Interests

See attached  
Professional/Community Activities

See attached  
Reason for applying

Reference(s)

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

- |  |  |  |
|--|--|--|
| Member <input checked="" type="checkbox"/>                   | Alternate <input type="checkbox"/>                           | Reappointment <input type="checkbox"/>           |
| <input 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 checked="" 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 checked="" type="checkbox"/> Communications              |
| <input checked="" type="checkbox"/> Finance        | <input type="checkbox"/> Other <u>Supply chain, fundraising</u> |

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.

Sarah Repeta  
Signature of Applicant

Hudson Resident:  Yes  No

Sarah.repeta@me.com  
e-mail address

Professional Activities

- Future Leaders Program- Chair 2015-2018

Community and Volunteer Activities

- Event Volunteering with the following organizations
  - Brides Against Breast Cancer- 2014 & 2015
  - Honor Flight New England- 2009-2017
  - United Way Day of Caring- semi annual opening prep/ closing clean up at Camp Allen in Bedford NH- 2013-2018
  - Ride 2 Recovery- 2015-2018
  - Seacoast Salutes- 2015 & 2016
  - Special Olympics- 2010 - 2018
  - Making Strides Against Breast Cancer- 2014
- Committee Chair- Making Strides Against Breast Cancer- Planning Committee 2015
  - Fundraising
  - Social Media
  - Entertainment
  - Sponsorship

Reason for applying:

I am interested in joining the committee because I believe it is important to make a positive impact in our community and for our planet. I have volunteered for many organizations in the past and enjoy seeing others get excited about an opportunity to help other people and the planet.



Agenda 5-11-21

TOWN OF HUDSON  
Board & Committees Vacancy Application  
(Hudson, NH Residents Only)

RECEIVED

MAY 04 2021

Date: 4/29/2021  
TOWN OF HUDSON  
SELECTMEN'S OFFICE

5B-3

Judith Brouillette 183 Highland St.  
Name Street Address

603-883-4606 603-673-6709  
Home Phone Number Work Phone Number

Teacher  
Occupation (or former occupation, if retired)

BA Business, Teachers Certificate 5-12 Social Studies  
Education/Special Interests

Assistant Coach HYB, Coach Karate Demo Team - Toyko Joe's  
Professional/Community Activities

Currently an alternate and secretary - would like to move  
Reason for applying over to a permanent position.  
(member)

Dick Empey  
Reference(s)

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

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

Area(s) of Expertise:

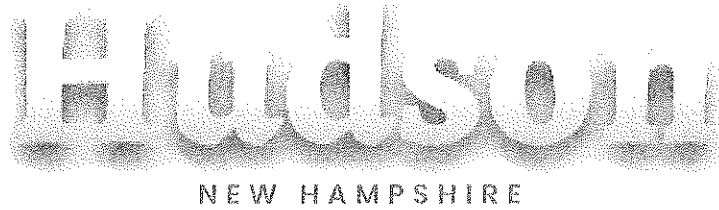
- |  |   |
|--|---|
| <input type="checkbox"/> Architecture/Construction | <input type="checkbox"/> Environmental Planning |
| <input type="checkbox"/> Information Technology    | <input type="checkbox"/> Communications         |
| <input type="checkbox"/> Finance                   | <input type="checkbox"/>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

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Hudson Resident:  Yes  No

Judith Brouillette  
Signature of Applicant

Jbrulett@comcast.net  
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



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

Agenda  
 5-11-21  
**RECEIVED**

Date: 5/2/21 **MAY 05 2021**

TOWN OF HUDSON  
 SELECTMEN'S OFFICE

5B-4

Brian Prindiville  
 Name

6B April Ct  
 Street Address

(603) 361-6573  
 Home Phone Number

N/A  
 Work Phone Number

Engineer  
 Occupation (or former occupation, if retired)

Chemical Engineering/Water Treatment  
 Education/Special Interests

Water/Wastewater Treatment, Youth Outreach  
 Professional/Community Activities

Reappointment, general interest  
 Reason(s) for applying

Chelsea Prindiville  
 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 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 checked="" 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 checked="" 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

Brian Prindiville  
 Signature of Applicant

prindiville.brian@gmail.com  
 e-mail address

*Agenda*  
5-11-21

5B-5



**RECEIVED**

MAY 03 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE

How may we help you?

# Submission #46

Print   Resend e-mails

[Previous submission](#)

[Next submission](#)

Submission information

Form: Board & Committee Application

Submitted by Visitor (not verified)

Thu, 04/22/2021 - 1:37pm

73.89.33.246

**Date**

Thu, 04/22/2021

**First Name**

William

**Last Name**

Cole

**Street Address**

12 Fairway Dr 03051

**Home Phone**

16038818106

**Work Phone**

6038096658

**E-mail Address:**

bcfairway@msn.com

**Education**

BA: English / MA: History / MA: Int'l Relations

**Occupation (or former occupation if retired)**

Project Manager (USAF/Air Defense Systems)

**Special Interests**

Family & Community

**Professional/Community Activities**

Hudson Town Council (Member/President); Hudson Board of Selectmen (Member/Chairman); HEDCorp: :President

**Reference**

(Senator) Robert Clegg 39 Trigate, Hudson, NH

**Reason for Applying**

In addition to my cureent position as Vice Chairman of the Hudson Budget Committee, favorable consideration of this application (Planning Board / Alternate Member) will enhance my ability to significantly contribute to the near and long term well being of the Hudson community.

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

Alternate

**Please select area of interest**

Planning Board

**Areas of Expertise**

Other

**Are you a Hudson, NH resident?**

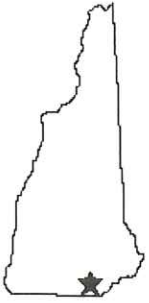
yes

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



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12 School Street | Hudson, NH 03051 | (603) 886-6000



# TOWN OF HUDSON

Office of the Assessor

Jim Michaud  
Chief Assessor, CAE  
email: [jmichaud@hudsonnh.gov](mailto:jmichaud@hudsonnh.gov)

[www.hudsonnh.gov](http://www.hudsonnh.gov)

RECEIVED  
MAY 06 2021  
TOWN OF HUDSON  
SELECTMEN'S OFFICE



Approved  
5-11-21

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: May 11, 2021

FROM: Jim Michaud, Chief Assessor

RE: Veteran Tax Credits:

1 Wickford Ln – map 156/ lot 006/ sub 057  
5 Muldoon Dr. – map 246/ lot 054

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.

James Giosmas - 1 Wickford Ln – map 156/ lot 006/ sub 057  
Xenophon Vurgaropulos - 5 Muldoon Dr. – map 246/ lot 054

***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](mailto:jmichaud@hudsonnh.gov)

[www.hudsonnh.gov](http://www.hudsonnh.gov)

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RECEIVED

MAY 06 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE




Agenda  
5-11-21

6A-2

TO: Board of Selectmen  
Steve Malizia, Town Administrator

May 11, 2021

FROM: Jim Michaud, Chief Assessor 

RE: Elderly Exemption Denial  
Map 156 Lot 6-57 - 1 Wickford Lane

Please approve the denial of the elderly exemption application, and letter from the BOS Chair, denying an application for an elderly exemption on the above referenced property. The Assessing Department has reviewed applicable financial documents received and we have determined that the applicants are over income for the elderly exemption program for the 2021 property tax year. The applicant has the right to appeal this decision to the Board of Tax and Land Appeals by September 1<sup>st</sup> 2021.

***Draft Motion:***

***Motion to deny an Elderly Exemption for Map 156 Lot 6-57, 1 Wickford Lane, as recommended by the Chief Assessor.***

2021ElderlyExemptionDeny1WickfordLane





# TOWN OF HUDSON

Office of the Assessor

Jim Michaud  
Chief Assessor, CAE  
email: [jmichaud@hudsonnh.gov](mailto:jmichaud@hudsonnh.gov)

[www.hudsonnh.gov](http://www.hudsonnh.gov)

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6009 · Fax: 603-594-6481

RECEIVED


MAY 06 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE



6A-3

**TO:** Steve Malizia, Town Administrator  
Board of Selectmen

**FROM:** Jim Michaud, Chief Assessor 

**DATE:** May 11, 2021

**RE:** Tax Deferral Application:  
38B Barretts Hill Rd. - map 151/ lot 005/ sub 002

Please grant and sign the attached Tax Deferral Application for the property owner listed below:

Adrienne Monestere – 38B Barretts Hill Rd. - map 151/ lot 005/ sub 002

The total of the respective tax liens on this property does not exceed 85% of the assessed value (per RSA 72:38a). There is no mortgage on this property so no further approval is required.

***MOTION:***

***Motion to grant a Tax Deferral for the property owner referenced in the above request***

**PLEASE SIGN IN BLACK INK**

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
**ELDERLY AND DISABLED TAX DEFERRAL APPLICATION**

<b>WHO MAY FILE</b>	Under the provisions of RSA 72:38-a, I, any resident property owner may apply for a tax deferral if they: <ul style="list-style-type: none"> <li>• Are either at least 65 years of age or eligible under Title II or Title XVI of the Federal Social Security Act for benefits for the disabled;</li> <li>• Have owned the homestead for at least five consecutive years if elderly or at least one year if disabled; and</li> <li>• Are living in the home.</li> </ul>
<b>WHEN TO FILE</b>	The completed Form PA-30 shall be filed by March 1 following the date of notice of tax. Example: If you are applying for a tax deferral from your 2014 property taxes, which are due no earlier than December 1, 2014, then you have until March 1, 2015 to file this form.
<b>WHERE TO FILE</b>	Once completed and signed in ink, this form shall be filed as follows: Original: Register of Deeds Copy: To the Selectmen / Municipal Assessing Officials of the municipality of your primary residence Copy: Property Owner
<b>TAX DEFERRAL PROVISIONS</b>	The municipal assessing officials may annually grant a person qualified under this paragraph a tax deferral for all or part of the taxes due, plus annual interest at five percent, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property. The total of tax deferrals on a particular property shall not be more than 85 percent of its equity value.  A tax deferral shall be subject to any prior liens on the property and shall be treated as such in any foreclosure proceedings.  If the property is subject to a mortgage, the owner must have the mortgage holder's approval of the tax deferral. Such approval does not grant the town a preferential lien.
<b>APPEALS</b>	The municipal assessing officials shall send written notice advising the taxpayer of their decision to grant or deny the request for exemption by July 1. Failure of the municipal assessing officials to respond shall constitute a denial of the application.  If an application for a property tax deferral is denied, an applicant may appeal in writing on or before <b>September 1</b> following the date of notice of tax under RSA 72:1-d, to the New Hampshire Board of Tax and Land Appeals (BTLA) or the County Superior Court in the county where the property is located. Example: If you were denied a deferral from your 2014 property taxes, you have until September 1, 2015 to appeal.  Forms for appealing to the Board of Tax and Land Appeals may be obtained from the New Hampshire Board of Tax and Land Appeals, 107 Pleasant Street, Concord, NH 03301, by calling (603) 271-2578 or by visiting their website at <a href="http://www.nh.gov/btla">www.nh.gov/btla</a> . Be sure to specify that you are appealing the Elderly or Disabled Tax Deferral application denial.
<b>ADA COMPLIANCE</b>	Individuals who need auxiliary aids for effective communication in programs and services of the New Hampshire Department of Revenue Administration are invited to make their needs and preferences known. Individuals with hearing or speech impairments may call TDD Access: Relay NH 1-800-735-2964.
<b>NEED HELP</b>	Contact your local municipality or the Municipal and Property Division at (603) 230-5950; or visit the department's website at <a href="http://www.revenue.nh.gov/forms">www.revenue.nh.gov/forms</a> .

**LINE-BY-LINE INSTRUCTIONS**

<b>STEP 1</b>	Enter the complete name and address of the property owner(s) requesting a tax deferral under RSA 72:38-a.
<b>STEP 2</b>	Enter the location, street address, municipality, county, number of acres, tax map, block and lot numbers, and book and page numbers of the property for which the RSA 72:38-a, deferral is requested.
<b>STEP 3</b>	(a) Enter the tax year for which the deferral is requested. (b) Enter the amount of the requested tax deferral. (c) Enter the amount of the tax bill for the year of this application. (d) Check the appropriate boxes to indicate that all of the qualification requirements have been met.
<b>STEP 4</b>	<b>ALL</b> property owners of record must type or print their full name, sign and date in ink, acknowledging that they understand and agree to the obligation incurred against the property by electing a deferral of taxes under RSA 72:38-a. If there are more than four owners, submit a supplemental list of names and signatures.
<b>STEP 5</b>	Enter the name of the mortgage holder and obtain the signature of an authorized agent for the mortgage holder.
<b>STEP 6</b>	The municipal assessing officials shall complete this step. (a) Enter the amount of taxes deferred in prior years. (b) Enter the amount of tax requested for deferral in the current year. (c) The total amount of the tax deferral (Step 6(a) plus Step 6(b)).
<b>STEP 7</b>	The municipal assessing officials shall complete this step. (a) Enter the percentage of the total equity value encumbered under RSA 72:38-a in prior years. (b) Enter the percentage of the total equity value encumbered under RSA 72:38-a in the current year. (c) The percentage of the total equity value encumbered for all years combined (Step 7(a) plus Step 7(b)). <b>If the result of Step 7(c) exceeds 85 percent, this application will be denied pursuant to RSA 72:38-a, I.</b>
<b>STEP 8</b>	The municipal assessing officials shall complete this step. Check applicable box for type of tax deferral. Check whether tax deferral was granted or denied. If granted, enter dollar amount granted. Enter date tax deferral was granted.
<b>STEP 9</b>	Signatures of a majority of the local Selectmen or municipal assessing officials on the lines provided indicates approval.



# TOWN OF HUDSON

Jim Michaud  
Chief Assessor, CAE  
email: [jmichaud@hudsonnh.gov](mailto:jmichaud@hudsonnh.gov)

[www.hudsonnh.gov](http://www.hudsonnh.gov)

6A-4


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

**RECEIVED**

MAY 06 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE

TO: Board of Selectmen  
Steve Malizia, Town Administrator

FROM: Jim Michaud, Chief Assessor 

DATE: *May* 11, 2021

RE: Certification of Yield Taxes Assessed/Timber Warrant

I recommend the Board sign the attached Certification of Yield Taxes Assessed and the Timber Tax Warrant:

**Nash Family Investment Properties  
c/o Q. Peter Nash  
91 Amherst Street  
Nashua, NH 03064  
Map 122 Lot 2**

**ORIGINAL WARRANT  
YIELD TAX LEVY  
May 11, 2021  
THE STATE OF NEW HAMPSHIRE**

**Hillsborough**

TO: COLLECTORS NAME, Collector of Taxes for Town of Hudson, 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 Yield Tax set against their name(s), amounting in all to the sum of : **\$31.50**, with interest at eighteen (18%) percent per annum from the due date and on all sums not paid on or before that day. We further order you to pay all monies collected to the treasurer of said town, or treasurer's designee as provided in RSA 41:29, VI, at least on a weekly basis, or daily when receipts exceed \$1,500.00 or more often when directed by the Commissioner of Revenue Administration.

Given under our hands and seal at Hudson

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

**DATE SIGNED:      May 11, 2021**

NAME & ADDRESS	MAP & LOT	OPERATION #	YIELD TAX DUE
Nash Family Inv. Prop c/o Q. Peter Nash 91 Amherst St Nashua NH 03064	Map 122 Lot 2	02-229-002-T	\$31.50

**TAX DUE DATE:      June 10, 2021      TOTAL YIELDTAX:      \$31.50**

TIMBER CUT FOR INTENTS FILED DURING: April 1, 2020 to March 31, 2021

**CERTIFICATION OF YIELD TAXES ASSESSED**  
**INTENT FILED DURING TAX YEAR: April 1, 2020 to March 31, 2021**

**TOWN / CITY OF:** Hudson  
**COUNTY OF:** Hillsborough  
**CERTIFICATION DATE:** May 11, 2021

**SEND SIGNED COPY TO:** DEPT. OF REVENUE ADMINISTRATION  
MUNICIPAL AND PROPERTY DIVISION  
P.O. BOX 487  
CONCORD, NH 03302-0487

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

\_\_\_\_\_  
(Selectmen/assessor)

# 1	# 4	# 5	# 6	# 6	# 7	# 8	# 9	# 10
NAME OF OWNER	SPECIES	NUMBER OF BOARD FEET IN THOUSANDS	NUMBER OF TONS	NUMBER OF CORDS	STUMPAGE VALUE	TOTAL ASSESSED VAL.	TAX AT 10 %	
Nash Family Inv. Prop c/o Q. Peter Nash 91 Amherst St Nashua NH 03064	WHITE PINE	0.000			\$0.00	\$0.00	\$0.00	
	HEMLOCK	0.000			\$0.00	\$0.00	\$0.00	
	RED PINE	0.000			\$0.00	\$0.00	\$0.00	<b>TOTAL TAX</b>
ACCOUNT OR SERIAL #: 6259	SPRUCE & FIR	0.000			\$0.00	\$0.00	\$0.00	<b>DUE ON THIS</b>
	HARD MAPLE	0.000			\$0.00	\$0.00	\$0.00	<b>OPERATION</b>
BY WHICH LOT WAS DESIGNATED IN NOTICE OF INTENT  MAP & LOT NUMBER Map 122 Lot 2	WHITE BIRCH	0.000			\$0.00	\$0.00	\$0.00	<b>(TOTAL OF COL. # 9)</b>
	YELLOW BIRCH	0.000			\$0.00	\$0.00	\$0.00	
	OAK	0.000			\$0.00	\$0.00	\$0.00	
	ASH	0.000			\$0.00	\$0.00	\$0.00	
	SOFT MAPLE	0.000			\$0.00	\$0.00	\$0.00	
	BEECH/PALLET/TIE LOGS	0.000			\$0.00	\$0.00	\$0.00	
	OTHERS :	0.000			\$0.00	\$0.00	\$0.00	
	OTHERS :	0.000			\$0.00	\$0.00	\$0.00	
					<b>TONS</b>	<b>CORDS</b>		<b>\$31.50</b>
# 3  OPERATION NUMBER  02-229-002-T	SPRUCE & FIR		0.00		\$ -	\$0.00	\$0.00	
	HARDWOOD & ASPEN		0.00		\$ -	\$0.00	\$0.00	
	PINE		0.00		\$ -	\$0.00	\$0.00	
	HEMLOCK		0.00		\$ -	\$0.00	\$0.00	
	BIOMASS CHIPS		0.00		\$ -	\$0.00	\$0.00	
	HIGH GRADE SPRUCE		0.00		\$ -	\$0.00	\$0.00	
	CORDWOOD			21.00	\$ 15.00	\$315.00	\$31.50	
						\$315.00	\$31.50	

# TOWN OF HUDSON

12 School Street

Hudson NH 03051

603-886-6003

Nash Family Inv. Prop  
c/o Q. Peter Nash  
91 Amherst St  
Nashua NH 03064

## YIELD TAX ON TIMBER CUT

TAX ACCOUNT & SERIAL I.D. NUMBER: 6259  
TAX MAP & LOT NUMBER: Map 122 Lot 2  
YIELD TAX OPERATION NUMBER: 02-229-002-T  
DATE OF YIELD TAX BILL: 5/11/2021  
AMOUNT COMMITTED TO ME  
FOR COLLECTION PER RSA 79: **\$31.50**

**\*\*\* 18% APR INTEREST WILL BE CHARGED AFTER 6/10/2021 ON UNPAID TAXES \*\*\***

APPEAL: 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 79:10 and 11. (RSA 79:8)

**TAX OFFICE HOURS:** MONDAY - Friday 8 AM - 4:30PM

Sincerely,

Roger Ordway  
Tax Collector



**BROX INDUSTRIES, INC.**

1471 Methuen Street • Dracut, MA 01826-5439  
(978) 454-9105 FAX:(978) 805-9719  
www.broxindustries.com

*Agenda  
5-11-21*

6C-1

**RECEIVED**

**MAY 04 2021**

TOWN OF HUDSON  
SELECTMEN'S OFFICE

May 3, 2021

Chairman,  
Board of Selectmen  
Town of Hudson, NH  
12 School Street  
Hudson, New Hampshire 03051

Re: Night Trucking Permit

Dear Chairman:

The attached application and associated \$200.00 fee (check #3286) is made referencing Town Code Chapter 317 titled "Vehicles and Traffic". More specifically, §317-13. Trucks, commercial vehicles and heavy vehicles.

Accordingly, Brox Industries, Inc. (Brox) requests eight (8) permits to haul construction materials between the evening hours of 7:00 P.M. – 6:00 A.M. It is our understanding these permits are valid for 30 days.

Our proposed route would be Barrett's Hill Road to Greeley Street to Rte. 111.

If approved, Brox will provide 24 hours' notice to the Police Department, Road Agent and Town Administrator before the commencement of any night trucking.

If you have any questions, please call me at 978-805-9744.

Sincerely,

Erik Stevenson  
Real Estate Manager

Enc.

Cc; Chief Avery  
J. Forrence  
S. Rielly - BII



# TOWN OF HUDSON

## Board of Selectmen



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

Application Fee: \$25.00 per vehicle

Amount Paid: \_\_\_\_\_

### APPLICATION FOR PERMIT TO OPERATE COMMERCIAL TRUCK PRIOR TO RESTRICTED HOURS AND/OR ON RESTRICTED STREETS

Name of Firm: Brox Industries, Inc. Date: May 3, 2021

Address: 85 Greeley Street

Telephone Number: 603-889-6174 Number of Vehicles: 8

Explain, in detail, your need and necessity for exemption: \_\_\_\_\_

As a manufacturer and supplier of construction materials (asphalt & crushed stone products)  
the requirement to be able to supply these products during the evening hours is a common  
condition found in contracts issued by the NH State DOT as well as some local cities and towns. Exact  
dates and times of when we anticipate the need to use these permits is not known at this time.

Recommendation of Police Chief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above application is \_\_\_\_\_ approved \_\_\_\_\_ denied. Permit \_\_\_\_\_ may \_\_\_\_\_ may not be issued.

Date: \_\_\_\_\_

APPROVED BY BOARD OF SELECTMEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Agenda  
5-11-21

6C-2

RECEIVED

APR 23 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE

RAFFLE PERMIT

Hudson, New Hampshire

Name of Organization: Knights of Columbus

Address: PO Box 42 Hudson, NH 03051

Raffle Benefit of: Charitable work of K of C Council 5162

Date & Time of Raffle: 4pm Mass Saturday and 8:30am, 10:30am and 6pm Masses Sunday during May and June 2021

Raffle to be held at: St. Kathryn and St. John parishes, in Hudson, NH during weekend Masses.

Prizes: 1st prize \$700, 2nd prize \$200 and 3rd prize \$100

Date of Ticket Sales: May 1 thru June 27

(must be after date of Board of Selectmen approval)

Applicant's Signature/Address/Phone Number

Applicant's Signature

Applicant's Printed Name

Address

Phone Number

*[Handwritten Signature]*  
Jerrold T. Jagers  
5 COOLIDGE DR. Tyngsboro, MA 01879  
978-319-0327

Approved on: \_\_\_\_\_, by

HUDSON BOARD OF SELECTMEN

Chairman \_\_\_\_\_

Selectman \_\_\_\_\_

Selectman \_\_\_\_\_

Selectman \_\_\_\_\_

Selectman \_\_\_\_\_

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



# TAG DAY SALES

## Hudson, NH

6C-3

### RSA 31:91

### Soliciting Funds

The right to grant permits for soliciting funds for charitable purposes and for the sale of tags, flowers or other objects for charitable purposes shall be vested in the mayor, aldermen of a city or the selectmen of towns.

Instructions to obtain Tag Day Permit:

1. **Submit a letter to the Board of Selectmen** at 12 School Street, Hudson, NH 03051, stating the date, time and location that the collection of funds will take place (or fax to 603-598-6481).
2. **Indicate how the collected funds will be used/distributed** or to whom it will benefit or to whom the funds will be collected on behalf of.
3. **Include verification of being properly registered** with the NH Attorney General's Office, Division of Charitable Trusts, unless exempt, i.e., governmental subdivisions or religious organizations, who shall provide verification they are the bona fide representative of an exempt entity (RSA 7:19, ct scq).
4. **Include name, address, phone number and e-mail** of a contact person in case there are questions, concerns or if additional information is required.
5. **Include a signed letter of permission** from the establishment where the collection of funds will take place.

.....

**For Office Use Only**

Organization Teen Challenge New Hampshire

\_\_\_\_\_ Approved \_\_\_\_\_ Denied by Board of Selectmen on \_\_\_\_\_

If denied, reason \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Selectmen



# Teen Challenge New Hampshire

Freedom from addiction starts here

Dear Lorrie,

4/22/21

I am writing this letter in order to obtain a permit for our End Addiction Team (EAT) to fundraise and do outreach at 7-Eleven in Hudson July 15-17 and October 7-9, 2021.

Teen Challenge New Hampshire is a non-profit, 15 month residential facility for the treatment of drugs and alcohol, for the state of New Hampshire. We are located at 147 Laurel Street in Manchester. Since we are in Manchester, it's very important for us to reach out to people in other communities throughout the state and make sure they know Teen Challenge is an option for those that are struggling with addiction.

One of the ways we do that is by sending our EAT (End Addiction Team) out to different stores to raise funds and raise awareness. We sent teams of 2-3 people, depending on the location, the amount of room out front, etc. We are typically there for about 8 hours. We have pamphlets we hand out and a box on the table where those that feel led to give can make a donation.

While fundraising is important, as this is one of the main ways we keep our doors open, the main goal is to raise awareness. Many of the people in our program found out about Teen Challenge by encountering our men out at stores.


I am the Assistant Director for Teen Challenge New Hampshire, which oversees the EAT. I am involved personally with the training and preparing of the men who go out on EAT. I am always available by cell phone for any other questions or concerns anytime.

Our 501 (c)(3) non-profit tax id # is 04-2401399.

Thank you for your time and consideration. Please let me know if you need any other info or have any questions/concerns anytime.

Sincerely,

Hector Andujar Jr.  
Assistant Director  
Manchester, NH 03103  
(603) 765-7331 – cell  
[handujar@tcnewhampshire.org](mailto:handujar@tcnewhampshire.org)

ON ml  
Charitable  
Organization  
INST  
  
5-3-21



RECEIVED

APR 22 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE

Dear Sushil,

4/12/21

Teen Challenges' End Addiction Team (EAT) has a goal of being a presence in every community throughout the state of New Hampshire this year, as we have been in years past. We currently set up outside many stores across the state of New Hampshire and are hoping we can add the following dates to your store this year: **April 29-May 1, July 15-17, and October 7-9.**

Our goal of the End Addiction Team is twofold; first and foremost to raise awareness. Many of the people in our program find out about Teen Challenge because they, or a family member, meet our men in the community. Secondly, to raise funds to continue bringing people into the program that otherwise couldn't afford it. We are very rare in the fact that we don't turn anyone away due to lack of funds. Our mission is to offer life-giving hope to addicts and families.

Our End Addiction Team usually goes to stores in teams of two, Thursday-Saturday. We typically visit a few times a year, if our schedule allows. This allows people an opportunity see us more than once and maybe be comfortable enough to ask for help, whether it's for them or their loved ones. We have pamphlets we hand out and a box on the table where those that care to make a donation.

We are hoping we can add you to our schedule this year. I am attaching a EAT Etiquette Packet that each EAT member receives and is trained on prior to going out on EAT, along with a Teen Challenge overview.

I am the Assistant Director for Teen Challenge New Hampshire, overseeing the EAT program, and am involved personally with the training and preparing of the men who go out in the communities, and am personally a success story of this incredible program. I am always available by cell phone for any other questions or concerns anytime.

**Our 501 (c) (3) non-profit tax id # is 04-2401399.**

Thank you for your time and consideration. Please let me know if you need any other info or have any questions/concerns anytime.

Sincerely,

**Hector Andujar Jr.**  
Assistant Director  
(603) 765-7331 – cell  
[handujar@tcnewhampshire.org](mailto:handujar@tcnewhampshire.org)

7-Eleven Store # 33226  
230 Central Street  
Hudson, NH 03051

## HUDSON, NH BOARD OF SELECTMEN

## Minutes of the April 27, 2021 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of April 27, 2021 at 7:00 p.m. in the Hudson Community Center.

2. PLEDGE OF ALLEGIANCE led by Chairman Coutu. After the Pledge Chairman Coutu asked the group to remain standing. He then said as many of you know, in the hall, we lost a valuable asset to the town of Hudson this past week. We will take this time to memorialize Linda Kipnes. He then read her obituary. The Chairman went on to say, anyone who knew Linda knew she was a beautiful person. She served our community well. We are proud of. All of her accomplishments. We've honored her on several occasions, never enough, because she just couldn't do enough for our town. Let's take a moment to remember her in silence, please. I thank you, Mike, if you will, please, we have you may be seated. If you look at the screen and those of you at home television sets, ACTV put a little piece together with showing pictures of Linda at her best. As you saw in that video, Linda had a genuine smile that touched and affected everybody around her, and many of you got to see her on Election Day or at a Town Meeting where she would be down on the table serving and selling refreshments and pastries in order to raise funds for the greater woman's club. Selectman Roy made sent me a message immediately upon her hearing that Linda had passed. I had received a phone call earlier in the day and I know that Selectman Roy was on the Library Committee. She knew her well. And if you would, Selectman Roy, if you have something you'd like to share, please do so.

Selectman Roy said, so when I think about Linda, two words come to mind, kindness and pure heart. Whether she was volunteering at the soup kitchen or at the election with a great women's club or bringing energy and environmentally friendly projects to the board through the sustainability committee or advocating for the library, particularly advocating for fair pay for the employees of the library. She did it wholeheartedly. She did it with kindness and she did it with compassion. I can only strive to be more like her. She will be sorely missed. I, I really have a difficult time thinking of someone who was given so much to our community and asked for so little. So if we could all strive just to be a little bit more like Linda Kipnes, I think we would be better off. Thank you

3. ATTENDANCE

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

Staff/Others: Rob Buxton - Fire Chief; Jim McIntosh - Dir. of Community Media; Gary Gasdia-School Board Member; Jill Laffin - Executive Assistant

4. PUBLIC INPUT

Chairman Coutu said At this time, I will open the floor to public input as anyone in the audience wish to address the board or any matter which the board has control of at this time. And if you do so, please state your name, your address, and know that you will be limited to five minutes before

At this time Selectman Morin was recognized and said, before we get started. If I could have the floor for a minute. So I'd like to answer some questions from last week's public input and maybe we'll put something to rest. I like to talk a little bit about the misconceptions about the tower ladder that there is a possibility of the town getting. First of all, if this project goes through, we will not be purchasing this tower ladder. It will be purchased for the town. The versatility of this truck goes way beyond any of the trucks that we now have. It is not specifically for this construction site as although if there is an emergency, there will be a great asset if they need it for any type of rescue or anything to that matter, it can be used below grade, above grade. It's much safer for the fire firefighters to work out of. It gives them safety when they're on the roof. They don't have to stand on the roof. They can work from the bucket. It can perform all kinds of rescues. It can be used by the police if they had to if they needed a

large scale view of something or the police need to take pictures of the crime scene because it's such a safe platform to work on. Another thing that we've heard a lot about is Manning of this truck. I got to tell you, the residents of this town get the bang for their buck for the firefighters we have with the staffing that Chief Buxton does now.

Selectman Morin continued saying, and you take the NFPA requirements that the department should follow. But due to financial concerns, we don't we should have 26 firefighters on duty every shift. We have 11. You get your bang for your buck. What the firefighters do, if you look at Central Station, there's an engine, an ambulance, a squad, a ladder truck and a tanker. There's five firefighters there. They man all those trucks, they cross staff. Those trucks run depending on what the emergency is. They don't all come in. They don't take those all one guy in one truck. They put on a crew so that truck can do their job. At the Low Road and Robinson Road Station, there's an ambulance, an engine and a forestry. Same thing there. Three firefighters, man, those apparatus. So whatever type of call comes in, those firefighters go on those trucks and the other trucks remain on staffed. We will not be hiring any firefighters because we can operate with the firefighters that we have with that truck because it is a specialty truck. And I'm sure the chief will put that on the appropriate dispatches and the firefighters will be told and directed when to respond in that truck. And I just wanted to clarify that, because we've heard that numerous times. Thank you.

Chairman Coutu thanked Selectman Morin for his comments and then said Thank you. All right, at this time, I'm opening up to public input. You may rise, sir, please step to the microphone, state your name and address for the record, please.

Ed Thompson, 22 Burns Hill Road. I guess also I wanted to say a couple of words about Linda before I get started, I'll never forget the time I turned on to Burns Hill Road one time and she was set up in the parking lot of the fire department and they were collecting trash on my road. I hopped out of the car and said, how can I help? Because I didn't know what they were doing. So she gave me a bag. She gave me a shirt and we went to town. And I'll tell you, from that day that was probably two or three years ago. I've been picking up trash on my street religiously twice a year, probably two or three hours at a time. And she's in my head every time I do it. So I just want you to know that she made a big impact on me and I'll be before this Board in the near future to try and get on that committee. You have my word. Thank you. So the HLC project. Here we go. We thought that this sewer allocation. Proposal was going to be back on the agenda. Obviously, it's not. It's unfortunate that somebody got Covid and hopefully they make a full recovery and hopefully nobody else got it in the town hall. I know that I have a lot of respect for everybody on this board as well as the planning board, and I fully understand how much work goes into evaluating a giant project that's been in front of the town for over a year. I read through the packet last night, all 185 pages, as I've done, I've been to every single one of these meetings, both the Planning Board, Conservation Board of Selectmen.

I came tonight because I didn't want to miss my track record. The town, I'm afraid. Is there a crossroads, aren't we? We're at a position now where I'm my biggest question tonight is how does this how does this deferral of the consideration of the silver allocation, how does that affect the vote, knowing full well that the planning board could and probably will vote on this project either at the next meeting or the meeting after that? Doesn't the whole air of the sewer being, although it's been decided on, there's so much of it in the air right now, doesn't it make sense to at least discuss it before that planning board decisions made? That's my biggest question. I read through the packet. I read Attorney Parsay's letter at length. I'm not and I'm not an anonymous opponent. I'm not at all. I'm a abiding resident that cares a great deal about this town. And it pains me to watch information go unnoticed that has been presented by myself and other members of this group, Savehudsonnh.org, and I saw that glowingly at the last meeting as our liaison tried to get more information and discuss the traffic, which is my all-time number one concern, was shut down for further discussion and moved aside. I just couldn't believe it. And I, along with a lot of other people in this town, we see so many unsolvable problems that this project is going to bestow upon our town. And again, we've tried to shine the light and I don't know where this is going to wind up, but I implore you to take to get this

sewer at least up for discussion again before the next Planning Board meeting, if at all possible. Thank you so much.

Chairman Coutu then said to Mr. Thompson, just for your edification, please note that yes, indeed, one of our employees, one we think is critical to the issue of, which is our Town Engineer needed to be here to address any technical questions that we might not have full knowledge of or something that may be being presented. That is correct and assure us that the information is correct or if the information is inaccurate and to provide us with the documentation. So we wish him well. We wish he was here. I didn't want to postpone this another two weeks and but a similar situation arose last week with Attorney Manzelli. We extended her this courtesy two weeks ago. So I felt it was imperative that we extend the courtesy to our Town Engineer right now.

Mr. Thompson replied saying, Ok, obviously to the direction that the last Planning Board meeting was going, it was obvious to me that if this didn't come up before a vote was made, it look like this or reconsideration may never come up. It could drop off the agenda. And that that was that was what I was afraid of. Chairman Coutu replied, it doesn't go away until it's finalized. OK, it doesn't go away until it's finalized. That's what I assure you of, that I've been involved in municipal court action so it doesn't get resolved until it goes away. Mr. Thompson said, that's what I was looking for. Chairman Coutu replied, thank you. Thank you. Yep. Anyone else, please?

Jim Dobbins, 4 Eagle Drive in Hudson for the last 38 years. I am a concerned Hudson resident as I have been here for 38 years and I am concerned of what's going on. I do have a few things I'd like to board to still consider moving forward. But I will preface this by saying, over the course of the last 12 months, as I've Become more involved with the Town, I see the fabric of this town getting ripped. And that really bothers me. There's been there's been a divide that's been created because of what's being discussed in the South and the Hudson, which is just too bad. But several of things I'd like the board to consider. One is ground traffic is unfortunate. It was shut down. I believe this board in this town is not prepared with what will be hitting us should this project be approved. What is this town's plan going to be to handle it and all? If anybody watched the news last night with Amazon made the news once again in the new facilities in Northborough, Massachusetts, every major network carried the story last night. Developer says they're not responsible and Amazon doesn't care. 18 wheelers, well, they shouldn't be. Even though ordinances were put in, agreements were made, they now have 18 wheelers and trucks driving all over town. In fact, they had to shut down the high school track teams from running on the roads. Now, within that town, we're not going to be immune to that, especially in our back roads. And you don't want an 18 wheeler on our back roads safety to our residents, our roads will become more dangerous. That bothers me, especially the accident that occurred not too long ago. We don't need to create dangerous situations in our town. I don't want to be a dumping ground for the state of New Hampshire, which appears we are through the super allocation. I believe that should be reconsidered and denied. The decision that was made back in January to me makes zero sense. So I strongly urge the board to make sure that we do reconsider that to select one moron on the platform truck.

Mr. Dobens went on to say, I agree with you, sir. We need to have one. I also believe we need to have more firefighters. And I, for one and many other citizens, would easily pay more taxes to add more firefighters to this town 11 on a shift is not enough. Frankly, I'm concerned for their safety. And if we're going to have a platform truck, you know, you can't operate one with less than three to four people, three people to run it. And you don't have to have an officer there to run things. So I am concerned. I have no issues and spending tax money on the safety and welfare of the residents of Hudson. And most people would agree with me. So let's make sure we don't leave it at 11 firefighters if we had equipment, because that facility is going to need more than eleven firefighters if something happens. So to sum it up, let's not be naive. This developer will be gone and they won't care. They won't care what they leave behind. And you will find out that Amazon isn't going to care either. Protect your town for us before it's too late. Thank you.

James Crowley, 4 Fairway Drive. I thought I was going to have to spend more time plugging for the sewer allocation, but I appreciate the Board's concern on how to handle it correctly. And I believe the Town Engineers and your very good call on your part. I want the Board of Selectmen and any listening Planning Board to keep reminding themselves. The proposed Hudson Logistics Center will be a major 24/7, 365 operation with the sound walls too low. I have no relief from the 24/7 365 noise pollution. Planning Board members seem to put their complete trust in studies supplied by the applicant and peer reviews. This is even after knowledgeable public testimony, both written and verbal, have pointed out flaws in various reports and peer review analysis. At the last April 21st, Planning Board meeting applicant's engineers requested to investigate and report back on increasing the height of the sound wall and visual protection to the public. Please encourage the Planning Board to err on the side of the public and their deliberations and decisions. Again, I hope all board members remember whatever decisions are made many members of the public will be subjected to 24/7, 365 and will not get any relief if any of these proved to be detrimental decisions. There are no 24/7, 365 comparisons in the Hudson to unknowns presented by this massive project. So hopefully remember 24/7, 365.

John Debut, 11 Eagle Drive. I just wanted to mention I did not know Linda, but I loved what you said about the volunteers and volunteering is very important in my family. We volunteer, you know, quite often. I'm in the military right now. When I finally retire from the military, I'll be able to hopefully volunteer for one of your boards and use the skills that I have to give back to the Town. I want to begin by stating, you know, it's sometimes difficult to speak at these meetings and not be heard many times. Nevertheless, I know the importance of repeating how horrible this HLC project will be for the town of Hudson. The residents from the traffic nightmare with trucks traveling the back roads, the unknown concentration of pollutants, they'll be floating over our neighborhoods, the unsightly sound wall and buildings that my neighbors will be looking at until they sell their homes for possible loss and the change in the character of the town I raise my boys in. At the last Planning Board meeting, I felt I left feeling that the concerns of the residents have never had any impact on make any change to the project. Yet all the requests and variances from Hillwood are voted on positively. They talked about the sound while in the berm.

It was discussed were good questions about raising the height of the sound wall. I was shocked when a board member did state that the developer only needed to add screening. How is that taking the concerns of the residents seriously? I want to thank the board members are speaking about the need to build a better wall, but in the end, I feel that the neighbors' concerns were dismissed. How does a board grant less parking spots, a second driveway and a narrow driveway, but can't add requirements to fix this under design sound wall? The material, the sound wall was also discussed in developer again stated that Woods inappropriate material. I did send an email to the board. The sound study clearly states appropriate materials for the fence include acoustical metal panels or other hybrid systems specifically manufactured for the purpose. What is not an acoustical metal panel or a hybrid system? The traffic discussion was also shut down the planning board meeting when there was still outstanding issues. The discussion about having crossing lights went nowhere because it may interfere with the traffic study. Is Hudson more concerned with the flow of traffic than with the residents crossing the low road superhighway? Please look into the plans for the river. Please project that were road improvements planned all the way to town hall and beyond.

Mr. Debut went on to say, the DOT also would allow ramps directly into the project. They stated access off the Sagamore Bridge Road was feasible so long as the developer showed a benefit. We know the developer does not want the ramps. They told us that on many occasions Hudson needs to require ramps for this project. The DOT does not tell this Town what to require for a project. You need to require the ramps and tell both the DOT and Hillwood that this is necessary for approval. The Fall River Amazon facility has a ramp leading directly in and out of their Amazon facility that the developer paid for. Why is it good for Fall River and not for Hudson?



Mr. Debut continued saying, I want to also talk about the sewer vote. I have three points to make that are clear. And I think if we use our common sense, we allow you to fix this mistake. Number one, the HLC project is not in the sewer district. Number two, the HLC project is not essential for public health, safety and welfare for the town of Hudson. It will never be a number three. Hillwood in Amazon were well aware from the start of this project that this property is outside of the sewer district and should not have access to the sewer. Their plan should have included a septic design from the beginning, and they can now include it to provide septic to this development. This project is ripping at the fabric of our town. I know our boards and residents were trying to do everything that's right for Hudson. I can tell you that every big project does not do this to a town. The River Place Project had a team that came to my neighborhood to work in a berm solution that would benefit both the project and, more importantly, the residents. I have not seen this interaction with this development. They have not tried to unite the Town I was and I'll use this word lightly. I was disgusted when I read the Selectmen package today when the developer called out anonymous residents and even a sitting Board member. Is no one safe from their bull's eyes. When we bring up concerns, instead of engaging with the residents, we are told that this meets the minimum standard or it's reasonable. I hope you understand why the residents are frustrated and vocal. It's our right to be involved in this process. I'm not a silent majority that's lurking in the shadows. I've been come to these meetings for a year alongside all these folks in all of you sitting on these boards. I have concerns, have been asking questions many times, are ignored, brushed aside and told I am wrong by this developer. I am on your side. I am with the Select Board and the Town officials. I'm not enemy, but sometimes I have made to feel that way. A great project would unite Hudson, but HLC is dividing us and we need to fix this. A great project team would work with the residents. I have not seen this and I have witnessed the developer being snappy with Board members when difficult questions are not answered by the Board, I'm going to finish up. Mr. Chairman, I want to thank all of you for the opportunity to speak tonight. I hope I've made a difference. And you can see all the issues that are still outstanding with the HLC. As the former Town Engineer Michael Gosper stated in 1991 regarding the Sam's Club project, can it be expected that a decision that could affect the town of Hudson for the next 50 years be made in three weeks? We are not much further than those three weeks in this project decision making process. I hope the next week is not the final decision. Mr. Gosper's words ring as true today as did 20 years ago. A three week decision to impact a town for over 50 years is too fast. Thank you again for your time.

Chris Mulligan, 5 Fairway Drive. Thank you, Mr. Chairman. I didn't prepare anything and I wasn't even sure what was going to speak tonight, but I just wanted to bring attention to a letter that I sent to both this Board and the Planning Board yesterday. It was about the Northborough facility in Massachusetts and the article that was written. What caught my eye in that article, obviously, was the traffic issues as traffic is a major concern for everybody, I believe. But what caught my eye is the specific comments from Mr. Greggs from Amazon. Mr. Gregg stood before the town of Hudson, the planning board, and told us specifically that their facilities run at 40 percent utilization. And that is what all our traffic numbers are based upon. It's funny because in that article, he said that that facility maybe is the one facility that does runs at 80 percent, 80 percent utilization. It's double that will have a severe impact on traffic numbers. So as everyone has been saying from the start of this, there are numbers, I suspect, and I believe they're completely wrong. So anything you guys can do, I don't know what you can do, to be quite honest with you. But anything you can do to ask questions of the planning board to reconsider that, get additional studies, get a different additional traffic study and get Amazon and Hillwood to use the proper numbers in their studies would be beneficial to this whole town. Thank you.

5. Resignations, Interviews and Appointments

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)

Chairman Coutu recognized Hudson resident, Marcus Nicholas, My name is Marcus Nicholas. I live at 1 Scenic Lane. So the reason I applied for this position is because I had a about two years, I believe it was. We had a situation in my garage where we needed to extend it and we're able to come before the board and make our case and they got accepted. But the bigger reason I would say is because from being in the military, my whole mantra is to serve. I could give you a simple example. I just finished my last final today, actually, to get my masters in engineering. Good for you and thank you. Before that, a couple of classes before that, I spoke with my professor and I was telling him how I would love to volunteer at the school because I remember so many classes I took was challenging, you know, and I wouldn't mind just being there just to help those students who are who are who are in the same situation as I was to help. And I told myself, I don't I don't want to get paid. I just want to help them because I just want to give back as a as it seems. I'm going to be starting an adjunct as an adjunct professor in the fall. And, you know, the fact that I'm done with school, I'm done with studying, I have a lot more time, my hands and the way I mean, I love the city. My my wife and I, we moved here like about four or five years ago and love Hudson totally. And I just would like to give back to the community, you know, as a way of sorry, continuing service.

Selectman Gagnon was recognized and said, I'll make this very quick. No questions as a fellow electrical engineer, getting a master's in electrical engineering hat off to you, sir, that's difficult. Thank you. And also what you said I'd like to highlight is I'm very impressed that you stated you wanted to do something and that you then you're going to be the adjunct professor. That's it's impressive to say I'm going to do this and get it done. So I really appreciate that. That's all I had. Thank you, Mr. Chair.

Chairman Coutu asked Ok, other than in reading your application, you mentioned what you said about having to apply for a three bay garage. What is it specifically about that process that evening? What was it about that meeting that struck out at you that that resonated to a point where you say, you know, I might want to volunteer to do something like this?

Mr. Nicholas replied, so we had to get plans and a whole bunch of documents together. Right. And I'm, of course, being an engineer. I'm used to reading schematics and things of that nature. Well, I noticed that there were other people who probably didn't have quite the paperwork they needed to get things done. And so, you know, I I was just just listening to what with what was going on with them and some of some of the requests, you know, to me seemed reasonable. And I felt bad for someone because there was somebody else, you know, I'm a disabled vet and there was somebody else who at the time who was disabled as well. And I don't know if they were a veteran or not, but they were disabled. And my heart went out to the individual because they needed another type of access into their home, but they were not able to be granted that. But and I believe had a lot to do with the paperwork. And so, you know, I would love to help as much as I can. You know, in case of somebody doesn't have something together properly, I can at least turn out, say, hey, look, you know, here's what you need to do. You know, not to say that I want to guarantee anybody's going to get anything because that's, you know, far from it. But I would like to help, you know, people who need who have an actual need. I would like to be there to help them if I can, as I can, as a way of giving back to the community.

Chairman Coutu said, I want to make you aware of just one thing. Sure. When you if you should receive an appointment to the Zoning Board of Adjustment, you are swearing to take an oath. And that oath, besides abiding by the Constitution of the United States and that of the state of New Hampshire, you also taken an oath that you will apply the rules and regulations that apply to the town

of Hudson. So I know what you're saying, but you can't bend the rules at the meeting. But you have a right as does as would any other member, whether you're an alternate member of full ZBA member, to recommend certain things to be done. And they can come back with a cleaner application. Right. So you can recommend those things, but you can't bend the rules. Mr. Nicholas replied, Ok, by no means. The Chairman said, we're going to make a decision two weeks from tonight on the appointments of those persons who are new applicants. And you will be notified by our executive assistant and she'll let you know. I thank you so much for coming forward and thank you for volunteering to help your community. Thank you.

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)

Selectman McGrath made a motion, seconded by Selectman Gagnon to reappoint John Leone to the Benson Park Committee with a term to expire 4/30/24. Carried 5-0.

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

Michael O'Keefe (incumbent member)

Selectman Gagnon made a motion, seconded by Selectman McGrath to appoint Mike O'Keefe as a member to the Cable Utility Committee with a term to expire 4/30/24. Carried 5-0.

Flo Nicholas (new applicant)

Selectman McGrath made a motion, seconded by Selectman Roy to appoint Florence Nicholas as a member to the Cable Utility Committee with a term to expire 4/30/24. Carried 5-0.

Chairman Coutu went on to Consent Items and said next items up for consideration are the consent items. I want to bring one thing to your attention because it has been corrected so we won't have to stall the project on your minutes. Page one public input segment. My friend was misidentified that as the second year of the motion, I believe, or as the person ringing the bell. So that has been corrected. The name has been properly changed. 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.

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 - Alvirne 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

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 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 was deferred to the May 11, 2021 Board of Selectmen meeting agenda due to Covid-19

8. NEW BUSINESS

- A. Bracket Lane Water Line Extension - this item was deferred to the 5/11/21 meeting due to Covid-19.
- B. HFD - Squad Replacement

Chairman Coutu recognized Fire Chief, Rob Buxton. Chief Buxton said, Good evening, Mr. Chairman. Members of the Board this evening, we're here to work through the process of awarding the warrant article that was put forward in March of 2020. This will be to purchase a new squad chassis for a value of \$170,000 to have the body put on the new chassis for that truck. The money for this project will be removed from the capital reserve fund for fire apparatus. It was approved by the voters at the March 10th meeting. And we've work through the process, through Covid doing the engineering portion and the scope and the review, because it's not just as simple as taking one piece off and putting another piece on. Right. So we had to work through those pieces and we were delayed three times because of Covid outbreaks. So we're a bit behind in awarding this, we would like to once again work with Alexis Fire Apparatus, who was the original manufacturer of this piece of apparatus, and that would be remounting the body portion of the truck and the new chassis and adding and inspecting the entire body prior to returning it to us. If you remember, seven years ago, we put the rapid response vehicle in place. And as of today, that vehicle is actually responded to 7,835 five calls in the community. So we're certainly getting our money's worth out of that. This money will come out of the capital reserve fund. The Finance Director has provided you with a letter of support for our request to use source spending through Alexis Fire Apparatus. So I'm asking for your support this evening to waive the bidding process and then authorize the new vehicle purchase.

Selectman Gagnon was recognized and said, quick question for you, Chief. For my own knowledge, being a kind of self-taught mechanic, what's the price of a brand new vehicle? So you're talking here about taking the body and putting on our new chassis. There's savings, of course. Chief Buxton replied, Yeah, the estimated cost, because we did the cost comparison was \$300,000 for the new squad vehicle. And when the original plan was put in place, which we had adopted, was a 10 year lifespan on the body itself. So at the five year period, we would purchase a new chassis, put the original body on it to achieve those cost savings. So we're in that process right now.

Seeing no further questions for the Chief, the Chairman said, I'll entertain a *motion to waive the competitive bidding requirements as outlined in town code 98-7, and to purchase a squad vehicle from Alexis Fire Equipment at the price of \$170,000, as recommended by the Fire Chief and Finance Director. The truck is to be funded through the Capital Reserve Fund. A motion made by Selectman McGrath, second by Selectman Roy discussion. Carried 5-0.*

Chief Buxton said, Mr. Chairman, there was two motions for that vehicle unless you pulled them into one. I think the second to award that to Alexis Fire Apparatus.

The Chairman said, I'll entertain *a motion to authorize the Fire Chief to allow the Fire Chief to purchase the new squad vehicle through Alexis Fire Apparatus for the cost of \$170,000. Selectman Roy made this motion, seconded by Selectman McGrath. Carried 5-0.*

#### C. HFD - Refurbishment

Chief Buxton was again recognized and explained, So the second project this evening is to buy a brush unit module and have that installed on top of the old chassis that is coming from the squad. The plan was to get into a rotation of our medium size fleet and not buy new pickup trucks to utilize this brush trucks. So we are looking to utilize capital reserve money again this year for refurbishment and repair. It was created in 2008. Currently, there is a balance of \$209,474. Then we're requesting to remove \$139,781. So the unit would be refurbished if we wish and we will continue to move forward with our medium size fleet replacement program and the current skid that is in our brush unit would be made available for Public Works. So the Director of Public Works and I, he would take our old skid unit and put that into play. I believe the plan was to use it at the landfill. So we're certainly look forward to giving that to him to utilize and move forward. So once again, we'll look into while the truck is out in Illinois having the work done to it, it makes sense to have the new module put on top of it there and move forward that project. The Finance Director agrees with us and has made a recommendation to again waive the bidding process and award the contract to Alexis Fire apparatus. The Chairman asked and we purchased that originally from Alexis, right? Chief Buxton responded, We purchased originally. Yes. Chairman Coutu said, Ok, all right. Any questions from the Board seeing none, I entertain *a motion to waive the competitive bidding requirements as outlined in Town code 98-7 and to refurbish a squad vehicle with the work to be done by Alexis Fire Equipment and a price of 139,781 as recommended by the Fire Chief and Finance Director. The restoration of the squad vehicles to be funded through the fire apparatus refurbish capital reserve fund Selectman Roy made this motion, seconded by Selectman Gagnon. Carried 5-0.*

Chairman Coutu then said, before you leave, Chief, I have two things. Number one, could you give us an overview so the public would know what your department went through this weekend?

Chief Buxton replied, Will do. OK, so the state of New Hampshire has been operating underneath the red flag warning since approximately the middle of last week. And that is a forestry term that basically signifies the high risk for brushfires in the area. Starting on Saturday, the Town of Hudson started responding to multiple, multiple mutual aid requests for a response, four brush units to assist other

communities. The largest event that we responded to started on Saturday, approximately 1:30 in the Town of Pelham on the Gumpus Pond Conservation area, where we spent the remainder of Saturday and the bulk of the day on Sunday, working a 32 acre brushfire in that area in the conservation area. So I'm very proud of the work that our department did and the support that we're able to give. We were one of probably 10 communities that provided support over there. And I know even as late as today, the Pelham Fire Department is still out there checking hot spots because of the weather we continue to have. And on Sunday, we did receive some rain, but it was certainly not enough to really give the ground a good soaking. So that's pretty much how we handled our weekend. The Chairman said, and it was complicated by the wind. Yeah. And it's my understanding that they had mutual aid from as far away as Concord, correct? The Chief replied, Correct.

The Chairman then went on to say, the other thing I would like to discuss with you, and I brought it up on our phone, one of our phone conversations today. We had a few Old Home Days Chairman Malley. He's the Chairman of the Old Home Days Committee, called me today and he was hoping that he could renew Old Home Days. I think it would, from my perspective, anyway, bring life back to our community that we're not just thinking about opening up. We're going to open up. And obviously, I would never entertain such a thing. And I told Mr. Malley that I would certainly open it up for discussion, but not until I had an opportunity to have an extensive discussion with the Fire Chief, which we did. And he concurred with me. So if you would just talk a little bit about your views on Old Home Days?

Chief Buxton responded, Sure. So, as the Chairman stated, he brought forward to me the opportunity to potentially see Old Home Day brought back. Last year, we canceled all home day due to the Covid-19 pandemic. And looking at where we are today, seeing the State open up our outdoor venues, I believe that it's certainly within the scope of where we're headed for reopening. As I express to the Chairman, I'd be more than happy to work with Chairman Malley and basically give them a hand, putting together a Covid-19 plan for that event. You know, certainly social distancing and masking, especially with the new CDC guidance documents coming out from today, by the time we get to August, should be much better and more easily accomplished. So we certainly would give them the support that they need to put together a safe event and bring back that highlight to our community.

Chairman Coutu said ok, thank you, Chief. And I'd like to ask the Board at this time, for a consensus. Obviously did not want to go through the process of putting all the paperwork together. If this Board was not amenable to agreeing to open up Old Home Days to the public. Seeing a consensus from the Board, the Chairman said thank you very much. Thank you, Chief. I'll tell him and I'm meeting with him Saturday anyway, so I'll have a further discussion with him. And he has been made aware of certain compliance issues. And I advised him and maybe you can work with them on drafting a memo to all of the vendors that they also have to be compliant and maintain the six foot rule. No problem. Thank you. Thank you, sir.

9 REMARKS BY THE SCHOOL BOARD - Mr. Gasdia said So the schools are on vacation this week, but last week we did go back full time at the middle school and the high school, you know, great job by the administrators, the teachers, the staff there, things like traffic, buses, lunches, things like that, all needed to be looked at. And they pulled it off. They did a nice job. I think the students are actually happy to be back. Someday they'll look back and say, why did we want to go back to school full time? But for now, they're happy, which is great. Spring sports are going well and now parents can visit the away games as well. And we're allowing visiting parents at home. So we're starting to get back to normal there. And then finally, hats off to Chief Buxton. The partnership with him strikes again. The students 16 years of age or older will all be able to get vaccinated. This coming Tuesday will be their first shot on 5/4 and then follow up second shot on May 25th. And that's open to all the

students. Again, 16 plus and also we opened it up to Litchfield. So again, thank you for the partnership. Really appreciate that.

10. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman McGrath - I have nothing this evening

Selectman Gagnon - Just quickly, this week or last week, I take it I met with the library committee. A couple quick things that they were discussing as they're looking to stop the book Quarantine, where books come in and get quarantined for so long. But based on CDC guidelines, they're thinking that, you know, touch points is not as it's not as a high risk. So they're going to stop that book quarantine. And they're also discussing a blood drive come this summer in the working out the details of that. That's all ahead. Thank you.

Selectman Roy - I just have to talk a little bit about what Chief Buxton talked about over the last couple of weeks. Our public safety folks have been excessively busy. So I'm just going to ask the public, please be careful and careful when you're driving. Put your cell phones down. You know, it's been very, very dry. Do not have, you know, open fires and all those kinds of things. At this point, they're not permitted. But please help give our public safety folks a little break and be careful. That's all

Selectman Morin - First of all, I'd like to congratulate Selectman Roy for being nominated and recognized by the New Hampshire Woman's Foundation for all her work she's done in Town. Congratulations. And the second thing I got tonight is the Town Collectors Tax Collectors Office is going to be very short handed next week, we believe, due to some illnesses. And we just want to remind everybody that it's the end of the month. It's the busiest time in that office. Please be patient. There's probably going to be some time that you're going to be standing in line. We're doing the best we can. I know Chief Buxton, the Chairman, have put together a plan to make this as easy as possible, that we can make it, but there will be delays and just ask everybody for their patience and understanding. Thank you. That's all I have.

Chairman Coutu - I one thing I want to bring to everyone's attention so that we don't forget, if there's no objection, we'll add Linda Kipnes to the list of having an honor page in our annual 2021 Town Report

11. NONPUBLIC SESSION

The Chairman said, I 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 Morin at 8:06 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 8:06 p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu entered open session at 8:22 p.m.

Motions made after nonpublic session

Selectman McGrath made a motion, seconded by Selectman Roy to hire Michael Lewis for the position of Firefighter/AEMT in the Fire Department, at the contracted salary of \$21.17 per hour (step 1). Carried 5-0.

Selectman Roy made a motion, seconded by Selectman McGrath to hire Patrick Kelly to the position of Firefighter/EMT in the Fire Department, at the contracted salary of \$16.93 per hour (step 1). Carried 5-0.

Selectman Roy made a motion, seconded by Selectman McGrath to bring Leo Bernard back from furlough status to maintain Jette & Sousa softball fields, at 12 hours a week, effective 5/1/21. Carried 5-0.

Selectman Gagnon made a motion, seconded by Selectman Roy to seal the nonpublic meeting minutes of 4/27/21. Motion Failed 2-3. Selectmen Morin, Coutu and McGrath opposed.

12. ADJOURNMENT

Motion to adjourn at 8:27 p.m. by Selectman McGrath seconded by Selectman Morin. Carried 5-0.

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

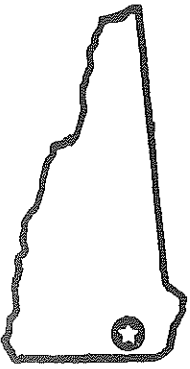
\_\_\_\_\_  
Roger E. Coutu, Chairman

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Marilyn E. McGrath, Vice-Chairman

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David Morin, Selectman

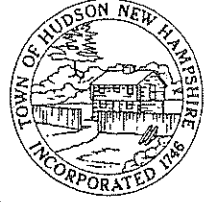
\_\_\_\_\_  
Kara Roy, Selectman

\_\_\_\_\_  
Brett Gagnon, Selectman



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

*Agosta*  
4-13-21

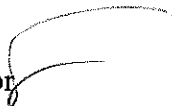


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Stephen A. Malizia, Town Administrator – [smalizia@hudsonnh.gov](mailto:smalizia@hudsonnh.gov) – Tel: 603-886-6024 Fax: 603-598-6481

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.

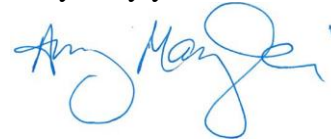
If the standard to establish a conflict of interest is having stated positions about the Applicant and/or the proposed project online, most of the Selectboard and the Planning Board would be conflicted out.

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](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](mailto: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](mailto:manzelli@nhlandlaw.com)

Cc:  
Clients  
Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto: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](mailto:manzelli@nhlandlaw.com)

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)

**Dhima, Elvis**

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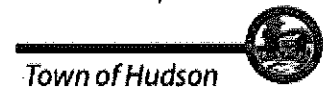
**From:** Staffier-Sommers, Donna  
**Sent:** Thursday, September 03, 2020 4:05 PM  
**To:** Dhima, Elvis  
**Subject:** FW: Hudson Logistics Center Sanitary Will Serve  
**Attachments:** 001L - Sanitary Will Serve.pdf; 2020-09-01 Hudson Overall Utility Plan DRAFT.pdf

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](mailto: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, prejudgment, 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](mailto:manzelli@nhlandlaw.com)

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)



**Dhima, Elvis**

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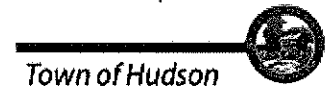
**From:** Staffier-Sommers, Donna  
**Sent:** Thursday, September 03, 2020 4:05 PM  
**To:** Dhima, Elvis  
**Subject:** FW: Hudson Logistics Center Sanitary Will Serve  
**Attachments:** 001L - Sanitary Will Serve.pdf; 2020-09-01 Hudson Overall Utility Plan DRAFT.pdf

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](#)

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.

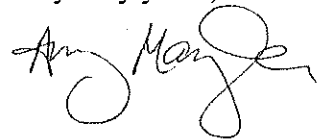
The Applicant has not provided specific evidence or any information to support its six purported reasons why granting the request would be essential for the public health, safety, *and*

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](mailto:manzelli@nhlandlaw.com)

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto:manzelli@nhlandlaw.com)

Cc:  
Clients



January 26, 2021

Via Email Only  
Town of Hudson  
Selectboard  
[bos@hudsonnh.gov](mailto: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](mailto:manzelli@nhlandlaw.com)

Cc:

Clients

Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto: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

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**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](mailto:manzelli@nhlandlaw.com)

Cc:  
Clients  
Elvis Dhima, Town Engineer, via email only to [edhima@hudsonnh.gov](mailto: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](mailto:manzelli@nhlandlaw.com)

Phone 603.225.2585



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**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.

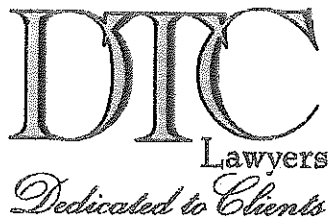
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ROBERT D. CIANDELLA  
NICHOLAS R. AESCHLIMAN

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.

DONAHUE, TUCKER & CIANDELLA, PLLC  
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833  
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801  
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253  
83 Clinton Street, Concord, NH 03301

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.<sup>1</sup> 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 appeal<sup>2</sup>, 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.<sup>3</sup> 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.<sup>4</sup> 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

---

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>4</sup> 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.<sup>5</sup> During that discussion, Selectmen Martin asked the Town Engineer the below paraphrased questions<sup>6</sup>:

- 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?"<sup>7</sup>

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."<sup>8</sup>

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."<sup>9</sup> 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...<sup>10</sup>

A few minutes later, Selectwoman McGrath made a motion to deny Hillwood's request.<sup>11</sup> 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.<sup>12</sup> In response, Selectwoman McGrath made a motion to deny Attorney Smolak's "request for reconsideration."<sup>13</sup> 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

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<sup>5</sup> *Id.* at 1:43:45 – 1:59:17.

<sup>6</sup> 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.

<sup>7</sup> *Id.* at 1:59:18.

<sup>8</sup> *Id.* at 2:00:49.

<sup>9</sup> *Id.* at 2:05:32.

<sup>10</sup> *Id.* at 2:07:39.

<sup>11</sup> *Id.* at 2:12:38.

<sup>12</sup> *Id.* at 2:14:00.

<sup>13</sup> *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.<sup>14</sup>

The Town Administrator, Steve Malizia, then opined that “you have to wait until the next meeting before you can even take such a vote.<sup>15</sup> 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.”<sup>16</sup>

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’ ...<sup>17</sup>

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.<sup>18</sup>

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 12<sup>th</sup> 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.<sup>19</sup>

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<sup>14</sup> Id. at 2:14:50.

<sup>15</sup> Id. at 2:15:50.

<sup>16</sup> Id. at 2:16:00.

<sup>17</sup> Id. at 2:16:17.

<sup>18</sup> Id. at 2:16:29.

<sup>19</sup> 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.<sup>20</sup> 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 its 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.<sup>21</sup>

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.<sup>22</sup> 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:

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<sup>20</sup> *Id.* at 1:03:15.

<sup>21</sup> *Id.* at 1:03:15.

<sup>22</sup> *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.<sup>23</sup>

Thereafter, Chairman Morin made a few comments before Selectwoman McGrath raised an issue and directed a question to Selectmen Coutu.<sup>24</sup> 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?<sup>25</sup>

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?<sup>26</sup>

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<sup>23</sup> Id. at 1:20:15.

<sup>25</sup> Id. at 1:22:00

<sup>26</sup> 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.<sup>27</sup>

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."<sup>28</sup> 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.<sup>29</sup>

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 . . ."<sup>30</sup> 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.<sup>31</sup> 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 . . ."<sup>32</sup> 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

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<sup>27</sup> *Id.* at 1:23:41.

<sup>28</sup> *Id.* at 1:25:15.

<sup>29</sup> *Id.* at 1:32:40.

<sup>30</sup> *Id.* at 1:39:00.

<sup>31</sup> *Id.* at 1:41:00.

<sup>32</sup> *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.”<sup>33</sup> 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.<sup>34</sup>

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

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<sup>33</sup> Id. at 1:58:20.

<sup>34</sup> 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.<sup>35</sup> The Anonymous Opponents failed, refused or neglected to so file such a petition.<sup>36</sup> 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

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<sup>35</sup> 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.

<sup>36</sup> 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.<sup>37</sup>

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

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<sup>37</sup> 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.”<sup>38</sup> 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.<sup>39</sup>

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<sup>38</sup> See Enclosure 1.

<sup>39</sup> 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.

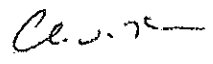
### **Conclusion**

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**

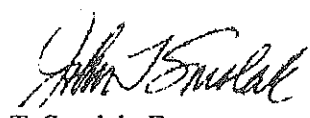


Justin L. Pasay, Esq.



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**

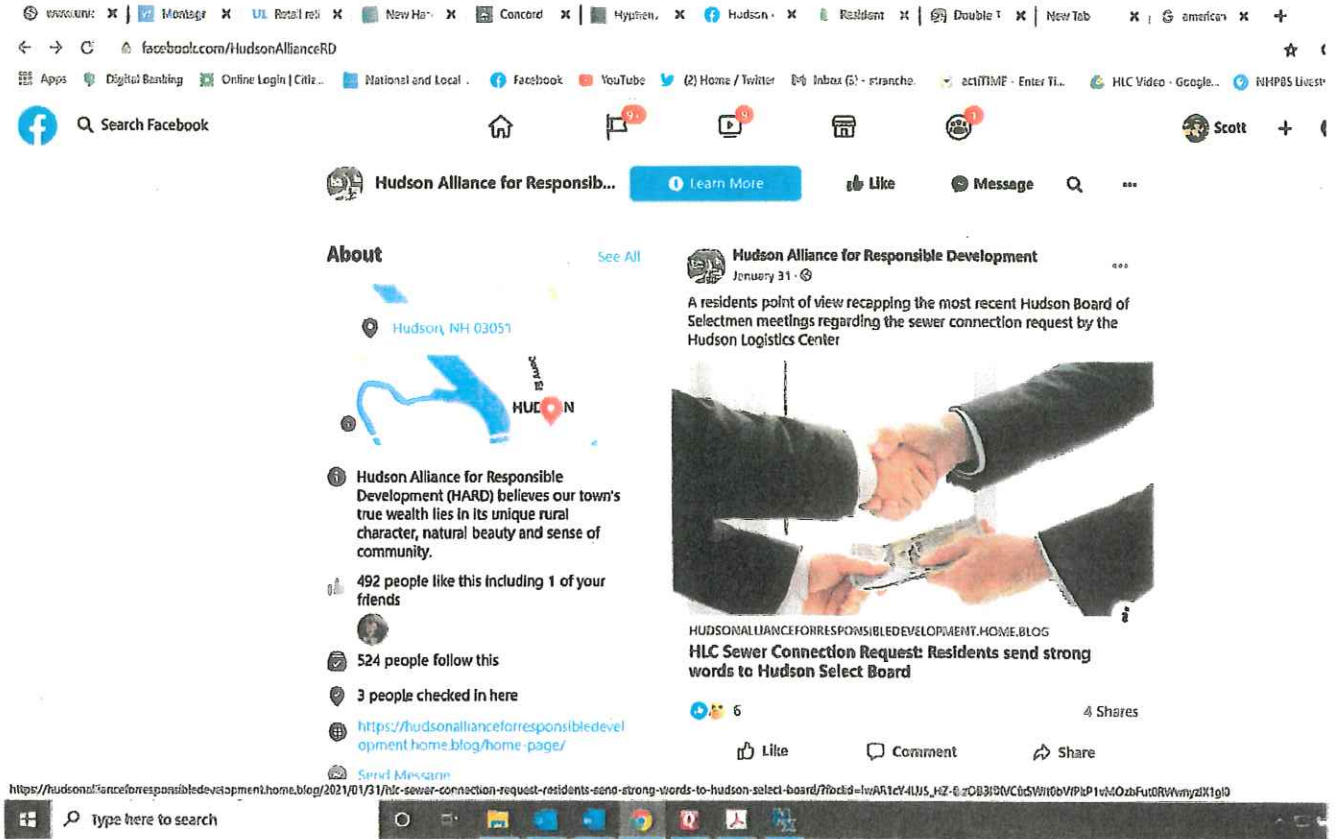
**Brett Gagnon** well not really a critic because I agree conservation is important... but I am more a realist and see a common ground between growth, conservation and development. I know development will occur and understand that common ground can be achieved between conservation and development. Looking 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

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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.

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524 people follow this


3 people checked in here

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**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**

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Gagnon responds to post with ‘wow’ emoji.

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**HLC Sewer Connection Request: Residents send strong words to Hudson Select Board**

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Wow  
Write a comment  
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**Hudson Alliance for Responsible Development**  
January 26 · 🌐  
INFORMATION- 2019 HLC Municipal Land Use Regulation Comm...



WELTS, WHITE & FONTAINE, P.C.  
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THOMAS J. LEONARD  
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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> [https://www.hudsonnh.gov/sites/default/files/fileattachments/board\\_of\\_selectmen/meeting/46971/bos-m2021-01-12.pdf](https://www.hudsonnh.gov/sites/default/files/fileattachments/board_of_selectmen/meeting/46971/bos-m2021-01-12.pdf).

<sup>2</sup> [https://www.hudsonnh.gov/sites/default/files/fileattachments/board\\_of\\_selectmen/meeting/46981/bos-m2021-01-26.pdf](https://www.hudsonnh.gov/sites/default/files/fileattachments/board_of_selectmen/meeting/46981/bos-m2021-01-26.pdf)

<sup>3</sup> 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.**

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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.”<sup>4</sup> *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

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<sup>4</sup> 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.

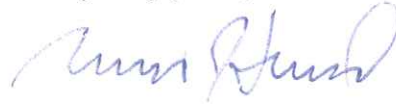
At bottom, the present push for reconsideration is clearly an effort to force a “referendum” on the Hillwood Project. Attorney Manzelli is urging Select Board members to take actions which are arbitrary and capricious. It is arbitrary and capricious to change a decision to allocate sewer when there are 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,

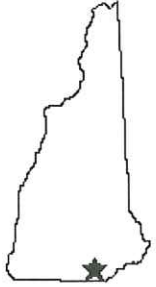


Thomas J. Leonard

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

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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 20<sup>th</sup> 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 20<sup>th</sup> 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

**AUTHORIZATION**

To: Town of Hudson, NH  
From: Sparkling River Condominium Association, Inc.  
Date: April 23, 2021  
Re: K & M Developers, LLC

Town of Hudson:

Please be advised that the Sparkling River Condominium Association, Inc. (the "Association") hereby authorizes K & M Developers, LLC, a New Hampshire limited liability company with an address of 46 Lowell Road, Hudson, New Hampshire, 03051, and its agents, representatives, and contractors, to work on the Association's property with respect to finishing the condominium project.

SPARKLING RIVER CONDOMINIUM  
ASSOCIATION, INC.



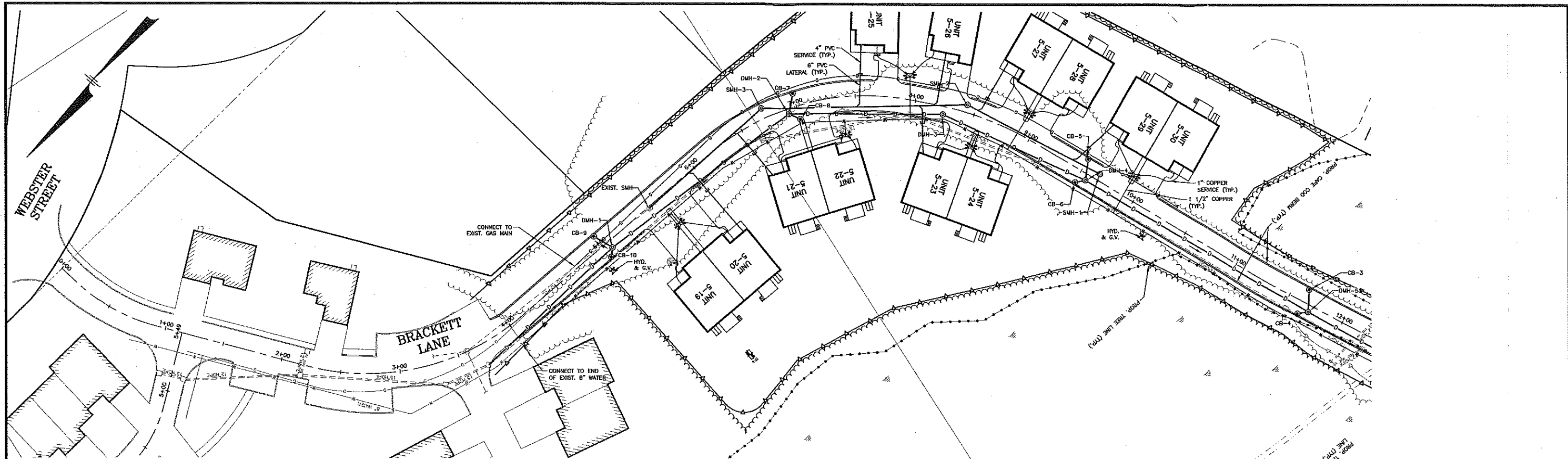
Robert Fresura, President  
14 Doveton Lane  
Hudson, NH 03051

Signed before me on 23 day of April, 2021 by Kristine Carroll

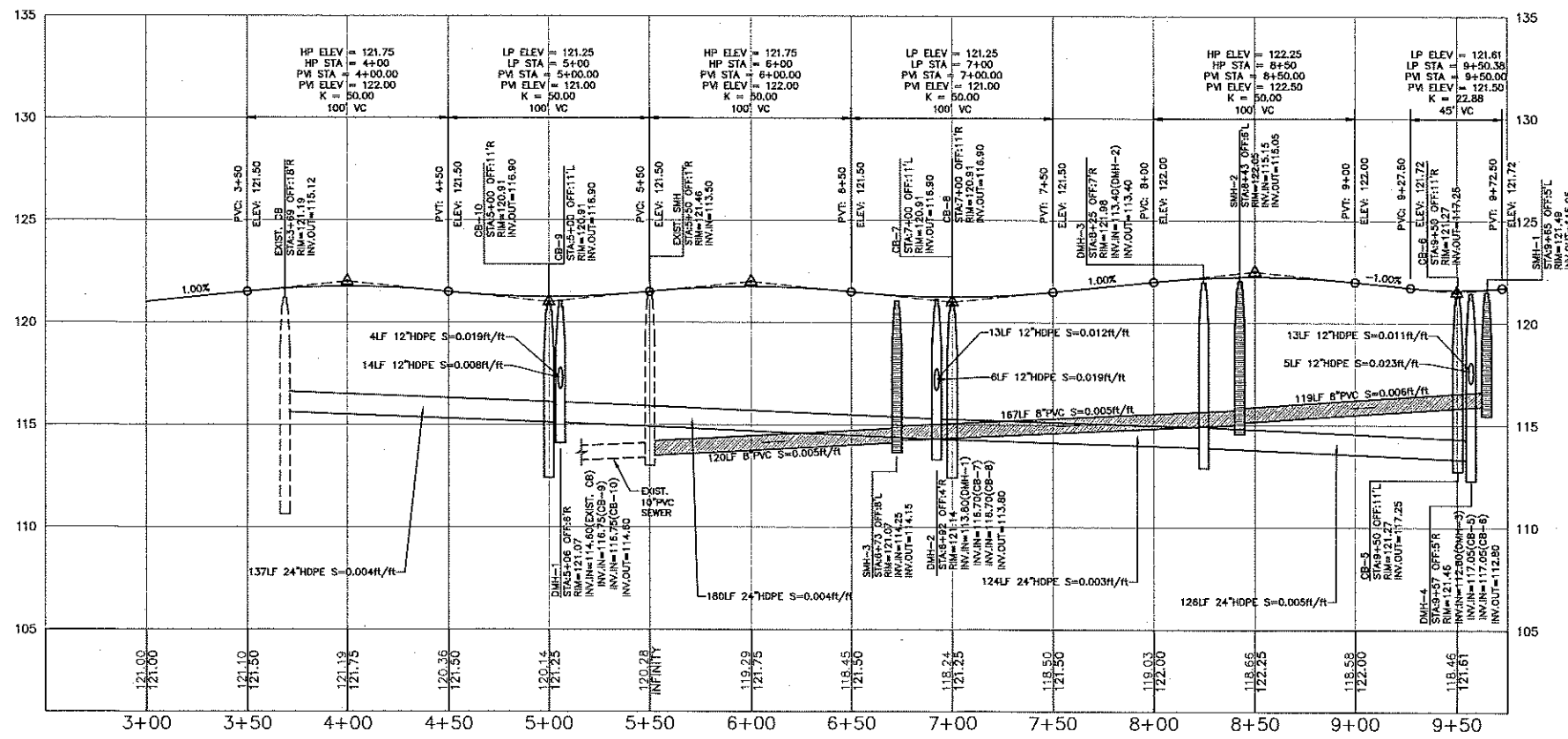


NOTARY NAME, Notary Public  
My Commission Expires

KRISTINE M. CARROLL  
Notary Public - New Hampshire  
My Commission Expires August 8, 2023



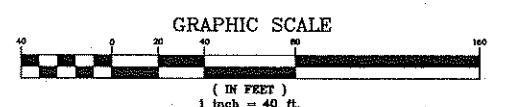
PLAN  
SCALE: 1"=40'



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		

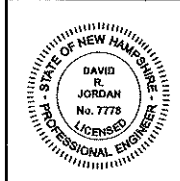


NO.	DESCRIPTION	BY	DATE
3	ADD SEWER & WATER SERVICES, UPDATE TITLE BLOCK	DRJ	4/15/21
2	MISC. REVISIONS	DRJ	11/1/18
1	REVISE FOR AOT SUBMITTAL	DRJ	8/16/18

**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

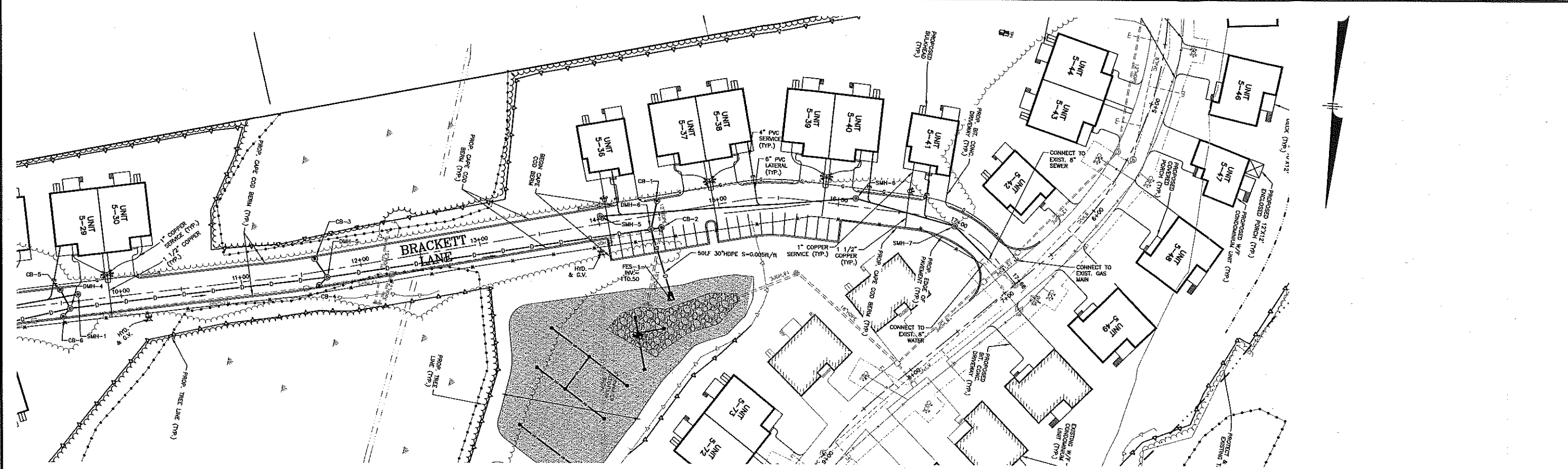
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DRAWN BY: CCC	CHECKED BY: DRJ	PROJECT NO. 434017
		SHEET NO. 10 OF 14

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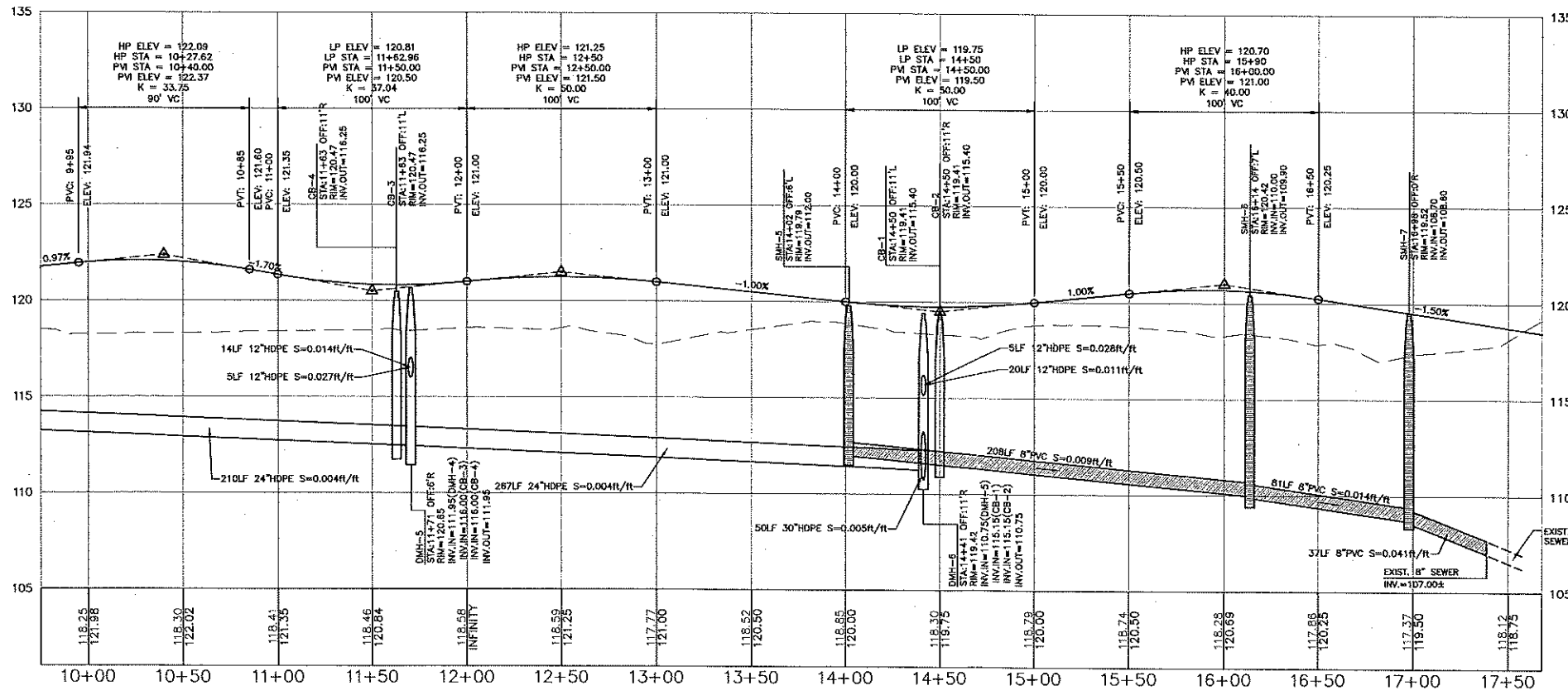




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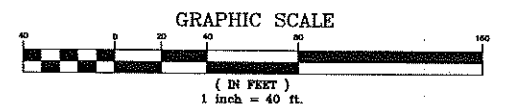
**PLAN**  
SCALE: 1"=40'



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

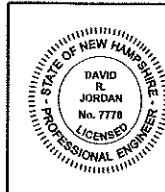
**LEGEND**

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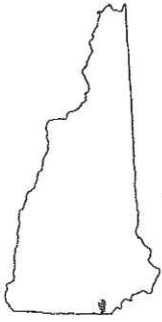
**BRACKETT LANE PLAN & PROFILE**  
SPARKLING RIVER CONDOMINIUM  
OFF WEBSTER STREET  
HUDSON, NEW HAMPSHIRE  
PREPARED FOR:  
**K&M DEVELOPERS, LLC**  
46 LOWELL ROAD  
HUDSON, NH 03051



**M&E**  
MHF Design Consultants, Inc.  
44 Silas 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. 11 OF 14





# TOWN OF HUDSON

## Police Department

Partners with the Community

1 Constitution Drive, Hudson, New Hampshire 03051  
Voice/TTY (603) 886-6011/Crime Line (603) 594-1150/Fax (603) 886-0605

RECEIVED

MAY 06 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE



Agenda  
5-11-21

William M. Avery, Jr.  
Chief of Police

Captain Tad K. Dionne  
Operations Bureau

Captain David A. Cayot  
Special Investigations Bureau

Captain David A. Bianchi  
Administrative Bureau

8B

To: The Board of Selectmen  
Steve Malizia, Town Administrator

From: William Avery, Chief of Police *WMA*

Date: 06 May 2021

Re: Agenda Item – 11 May 2021

**Scope:**

The Hudson Police Department would like to meet regarding obtaining a vehicle which was granted to the Hudson Police Department by the 9<sup>th</sup> Circuit Court – Nashua District Division through a motion. The vehicle, a 2014 Land Rover Range Rover, would be used by the Special Investigations Bureau or used as a trade in to assist with the purchase of a vehicle. The cost to the town would be the routine maintenance of the vehicle.

**Recommendation:**

The Hudson Police Department is recommending the Board of Selectmen accept the vehicle that has been granted by the court through a motion.

**Motion:**

To accept the 2014 Land Rover Range Rover which has been granted to the Hudson Police Department via court order.



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

THE STATE OF NEW HAMPSHIRE  
9<sup>th</sup> CIRCUIT COURT - NASHUA DISTRICT DIVISION

RECEIVED  
NH CIRCUIT COURT  
9TH CIRCUIT NASHUA

2021 APR -6 P 3:36

HILLSBOROUGH, SS.

APRIL 2021 TERM

IN RE: 2014 LAND ROVER RANGE ROVER, VIN #SALWR2WF1EA323071

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MOTION TO DISPOSE OF PROPERTY

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The State, by and through the Hudson Police Prosecutor, Attorney Joseph D. Tessier Esq., and Captain David Cayot in support of its Motion to Dispose of Property, pursuant to RSA 595-A:6, states as follows

FACTS

1. On September 5<sup>th</sup>, 2020, at approximately 11:58 PM a 2014 Land Rover Range Rover was pulled over for operating on Central Street with no headlights or tail lights.
2. A motor vehicle stop was performed, however the PA registration displayed on the vehicle did not come back in the system. A VIN check was performed and the vehicle came back as stolen out of Bloomington, IL in 2018.
3. The Bloomington, IL Police Department forwarded a copy of the report which showed State Farm Bank as the owner/reporting party.
4. On September 11, 2020, Officer Horton of the Hudson Police Department left a message for Jason Edmunds, the manager of the Security and Theft Division of State Farm Bank.
5. On September 17, 2020, Officer Horton made another attempt to contact Jason Edmunds asking him to contact Officer Horton.

APR 19 2021

A True Copy Attest:

*Sherry L. Bissan*

*Kimberly A. Chabot*  
Kimberly A. Chabot

Regional Clerk

6. On September 21, 2020, Captain Cayot of the Hudson Police Department attempted to contact Jason Edmunds and a message was left asking him to contact Captain Cayot to determine what should be done with this vehicle. On this same day, Captain Cayot received an email from Jason Edmunds advising he just needed the VIN and location of the vehicle so a repossession vendor could retrieve the vehicle. The requested information was sent to Jason Edmunds.

7. On December 1, 2020, Captain Cayot had still not heard from Jason Edmunds regarding the status of the vehicle so a message was left asking Jason Edmunds to contact Captain Cayot. The phone call was followed up with an email to Jason Edmunds from Captain Cayot.

8. On December 8, 2020, Captain Cayot received an email from Jason Edmunds asking about the storage location of the vehicle. This information was again supplied to Jason Edmunds.

9. As of January 4<sup>th</sup>, 2021, the Hudson Police Department had still not received any further contact from Jason Edmunds or State Farm Bank so Captain Cayot left another message asking Jason Edmunds to contact him.

10. On or around January 19, 2021, evidence custodian Detective Marcotte received a message from "Janet" who advised they were a repossession agent for State Farm. The only information the person left was a first name and a general phone number. When Captain Cayot called the number the person advised they did not know of a "Janet" who worked there. Captain Cayot was then told he would be transferred to someone who could help and the phone was then disconnected.

11. Captain Cayot sent an email to Jason Edmunds inquiring about this and who he should contact. Captain Cayot's message was forwarded to Jodi Egle of State Farm asking if she could be of assistance. Later in the day, Captain Cayot received an email from Janet Michael of FIS

**A True Copy Attest:**

2 *Sherry L. Bissan*

Regional Clerk

Global advising she was the one who had left the message. Janet Michael included the following information in her email: *In regards to this vehicle; I have no information in my system regarding it. So at this point we will not be assigning a repo vendor to retrieve the vehicle. Please let me know if you have any other questions. Thank you*

12. On January 20, 2021, Captain Cayot forwarded the message from Janet Michael to Jason Edmunds and Jodi Egle of State Farm. Jodi Egle replied that she would be looking into this.

13. As of February 16, 2021, Captain Cayot had not received any information regarding this vehicle so a voice message was left and an email was sent to Jason Edmunds. Jason Edmunds responded on February 17, 2021, advising he was no longer with the bank portion of State Farm, but advised he had reached out asking them to contact me and to find out what it would take to release the lien on the vehicle.

14. On March 1, 2021, Captain Cayot emailed Jodi Egle advising her it has been 6 months since the Hudson Police Department took custody of this vehicle and State Farm Bank has not removed the vehicle as requested. Jodi Egle was advised the Hudson Police Department would be motioning to dispose of this property pursuant to RSA 595-A:6.

15. On March 8, 2021, Captain Cayot received an email from Angela Sutton of FIS Global. Sutton advised she could send a tow agent to pick up the vehicle, they would just need a location to pick up the vehicle. A response was sent to Sutton the same day and she was advised an appointment would need to be made with Detective Marcotte and there may be fees associated with the release of the vehicle. Sutton was provided with Detective Marcotte's contact information as well as the storage location of the vehicle.

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*Sherry L. Bussan*

Regional Clerk

16. To date, no one from State Farm Bank or FIS Global has made an effort to remove the **2014 LAND ROVER RANGE ROVER, VIN #SALWR2WF1EA323071** from the Hudson Police Department impound lot or to contact Detective Marcotte. The Hudson Police Department has limited space in the impound lot and has been storing this vehicle for 7+ months.

17. Pursuant to N.H. R.S.A. 595-A:6 Seizure, Custody, and Disposition of Articles; Exceptions.- a police officer who is empowered to take property shall seize it and keep it under the discretion of the court so long as necessary to permit them to be produced or used in evidence at a trial. Further, upon application of the Prosecutor, the Court may direct disposition of the property as the court or justice orders, which may include forfeiture and either sale or destruction as the public interest requires, in the discretion of the court or justice, and in accordance with due process of law.

18. Given the above facts and law, the State respectfully requests that the District Court enter an order that the **2014 LAND ROVER RANGE ROVER, VIN #SALWR2WF1EA323071** be forfeited to the Hudson Police Department for official use and disposition.

WHEREFORE, the State respectfully requests that this Honorable Court,

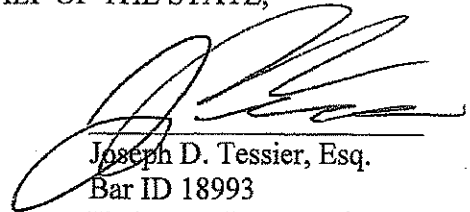
- A. Grant the State's Request and enter an order that the **2014 LAND ROVER RANGE ROVER, VIN #SALWR2WF1EA323071** be forfeited to the Hudson Police Department for official use and disposition., OR
  - B. If the Court is not willing to grant this request on its face, hold a hearing on the matter
- AND;
- C. Order such other relief as may be just.

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*Sherry L. Besson*

Regional Clerk

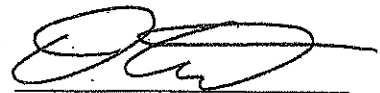
RESPECTFULLY SUBMITTED  
ON BEHALF OF THE STATE,



Joseph D. Tessier, Esq.  
Bar ID 18993  
Hudson Police Department

CERTIFICATION OF SERVICE DISCLAIMER

The owner of this vehicle is State Farm Bank. The most current contact at State Farm Bank has been Jodi Egle. All contact has been through email so a copy of this motion was sent to Jodi.egle.p107@statefarm.com as well as a certified letter to Jodi Egle's attention at Investigations Manager – State Farm Bank Financial Crimes, 3 State Farm Plaza South N-2, Bloomington, IL 61791



Captain David Cayot  
Hudson Police Department

AFFIDAVIT

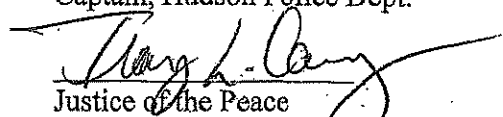
I, David A. Cayot, hereby certify under the pains and penalties of perjury that the facts set forth in the motion are true and correct to the best of my knowledge and belief.

4/6/2021  
Date

4/6/2021  
Date

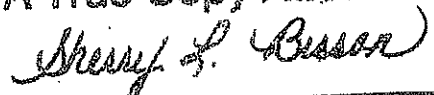


David A. Cayot  
Captain, Hudson Police Dept.

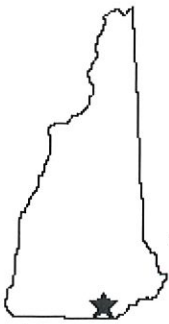


Justice of the Peace  
**TRACY L. CARNEY**  
Justice of the Peace - New Hampshire  
My Commission Expires March 27, 2024

A True Copy Attest:



Regional Clerk



# TOWN OF HUDSON

## FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



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

Robert M. Buxton  
Chief of Department

8C

TO: Roger Coutu  
Chairman

FR: Robert M. Buxton   
Fire Chief

DT: May 7, 2021

RE: May 11, 2021 BOS Public Agenda – EOC Recommendations

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The Emergency Operations Center (EOC) would like to review the following with the Board of Selectmen for consideration:

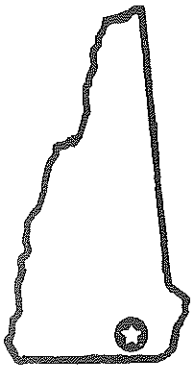
At the April 28, 2020 Board of Selectmen's meeting the board passed a motion advising that during the State of Emergency or any subsequent extension of the current State of Emergency by the Governor due to the COVID-19 pandemic, the Board of Selectmen are directing that all Town Board and Committee meetings, other than the Board of Selectmen, be canceled during the State of Emergency to protect the health and safety of the public, employees and member of the Boards and Committees.

With the new guidance documents in place, we feel it is the appropriate time to allow non-statutory groups and committees to begin meeting again as of June 1, 2021. The Buxton Meeting Room at Town Hall and HCTV would be utilized for these groups to meet considering attendance by the public at these meetings are minimal. This will also allow custodial staff to properly clean and disinfect the areas between meetings.

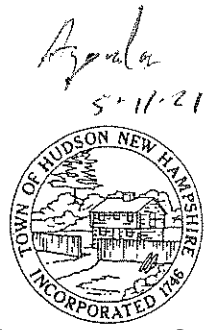
At the March 24, 2020 Board of Selectmen's meeting, the Continuity of Operations Plan (COOP) was presented and put into effect town wide. With transmission and cases continuing to decrease, and the ability for staff to be fully vaccinated, we recommend that effective June 1, 2021 that the COOP end and all staff return to their regular work schedule. Should conditions revert and deteriorate, we would request to have the ability to pivot back and re-active the COOP.

The EOC has been meeting virtually twice weekly since October 27, 2020. At this time, we recommend that the EOC move to a monitoring status effective May 13, 2021. The group will continue to share any vital information and work together to ensure effective communication between the town and school. Should the need arise, we have the ability to assemble the EOC group back together within 24 hours. We would continue to utilize our COVID-19 dashboard and monitor and communicate any concerns.





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



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

8D

To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: May 5, 2021

Re: Nashua Region Electricity Supply Aggregation

Attached please find a packet of information from the Nashua Regional Planning Commission (NRPC) regarding the Nashua Region Electricity Supply Aggregation program. The program is an aggregation of 15 towns and school districts in the Nashua area formed for the purpose of procuring electricity from a competitive supplier. The Town of Hudson has been a participant in this program since 2012 and has saved hundreds of thousands of dollars on the supply portion of our electric bills. The Town of Hudson's current electricity supply contract will expire in November 2021. NRPC is offering the Town the opportunity to participate in the successor program. As the Nashua Region Electricity Supply Aggregation will be going out to bid in July, the NRPC has asked that interested participants return their signed Memorandum of Understanding by May 3, 2021. Included in the packet of information for the Board's review is a copy of the Memorandum of Understanding, a Project Overview and Project History fact sheet, a Frequently Asked Questions document as well as the Timeline for the program. Based on the Town's savings from this program, I recommend that the Town continue to participate in the Nashua Region Electricity Supply Aggregation. Should the Board agree with my recommendation, the following motion is appropriate:

***Motion: To authorize the Town Administrator to sign the Memorandum of Understanding between the Town of Hudson and NRPC in order to participate in the Nashua Region Electricity Supply Aggregation program.***

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



April 5, 2021

Mr. Stephen Malizia, Town Administrator  
Town of Hudson  
12 School Street  
Hudson, NH 03051

**Re: Nashua Region Electricity Supply Aggregation**

Dear Mr. Malizia:

In 2011, the Nashua Regional Planning Commission began working with 9 towns and 6 school districts to form an aggregation to procure electricity from a competitive supplier. Since that time, the aggregation has completed nine contract rounds and has saved members \$1,941,319; Hudson has saved \$563,070.

The goal of the Nashua Region Electricity Supply Aggregation is to purchase electricity as a group from a competitive supplier at a lower rate than each member could receive on its own. By purchasing as an aggregation, municipalities and school districts can offer electricity suppliers a larger demand than if they each tried to purchase electricity individually. The larger demand, in turn, allows suppliers to offer a better rate to the aggregation than it could to individual members. The aggregation also makes it possible for members to share the costs of documenting load data, organizing a RPF process, selecting a supplier, conducting negotiations, and managing energy contracts.

The Town of Hudson's current electricity supply contract expires in November 2021. If the Town does not sign a new competitive electricity supply contract your accounts will automatically go back to Eversource at the end of your current contract.

The Nashua Region Electricity Supply Aggregation will go out to bid this summer and we hope you will participate in the process once again. If you wish to participate in the Aggregation, please read the information packet carefully and **return your signed MOU by May 3, 2021**. Please do not hesitate to contact me at 417-6575 or [masont@nashuarpc.org](mailto:masont@nashuarpc.org) if you have any questions.

Sincerely,

***Mason D. Twombly***

Regional Environmental Planner  
Nashua Regional Planning Commission

## NASHUA REGION ELECTRICITY SUPPLY AGGREGATION

### Project Overview

The goal of the Nashua Region Electricity Supply Aggregation is to purchase electricity as a group from a competitive supplier at a lower rate than each member could receive on its own. By purchasing as an aggregation, municipalities and school districts can offer electricity suppliers a larger demand than if they each tried to purchase electricity individually. The larger demand, in turn, allows suppliers to offer a better rate to the aggregation than it could to individual members.

The Nashua Regional Planning Commission serves as an aggregator to facilitate a bid process among competitive electricity suppliers licensed with the NH Public Utilities Commission. Each aggregation member signs its own contract with the supplier for a fixed electricity supply rate. Rates and contracts are identical for each member within a given electric distribution territory.

In 2011, NRPC utilized funding from the Energy Technical Assistance and Planning (ETAP) program to work with 9 towns and 6 school districts to form an aggregation to procure electricity from a competitive supplier. Since that time, the aggregation has completed the following contract rounds:

#### 2012 Bid Process

- Contract period—12 month contract, February 2012-January 2013
- Total savings for aggregation members = \$420,185 (27% savings vs utility)

#### 2013 Contract Renewal

- Contract period—12 month contract, February 2013-January 2014
- Total savings for aggregation members = \$276,049 (21% savings vs utility)

#### 2014 Bid Process

- Contract period—9 month contract, February 2013-November 2014
- Total savings for aggregation members = \$197,259 (23% savings vs utility)

#### 2015 Contract Renewal

- Contract period—8 month contract, March 2015-November 2015
- Total savings for aggregation members = \$221,627 (28% savings vs utility)

#### 2016 Contract Renewal

- Contract period—12 month contract, November 2015-October 2016
- Total savings for aggregation members = \$242,402 (21% savings vs utility)

#### 2017 Bid Process

- Contract period—12 month contract, November 2016-October 2017
- Total savings for aggregation members = \$251,409 (40% savings vs utility)

#### 2018 Contract Renewal

- Contract period—12 month contract, November 2017-October 2018
- Total savings for aggregation members = \$268,342 (estimate based on default utility rates set through June 2018)

### Total Aggregation Savings

(2012-2020)

# \$1,941,319

### 2012-2020 Savings Breakdown by Participant

Amherst* = \$108,456
Brookline* = \$46,539
Hollis* = \$75,192
Hudson* = \$563,070
Litchfield* = \$66,809
Lyndeborough* = \$15,827
Mason* = \$6,230
Mason Schools* = \$28,843
Milford = \$302,282
Milford Schools = \$280,156
Mont Vernon* = \$19,070
Pelham* = \$53,395
Pelham/Windham Schools = \$66,089
SAU 41 = \$77,144
Wilton* = \$16,317
Wilton-Lyndeborough Schools = \$49,702
Windham Schools = \$146,721
* = 2017 member

For more information, please contact  
Mason Twombly,

[masont@nashuarpc.org](mailto:masont@nashuarpc.org).



**USING A COMPETITIVE SUPPLIER**

**Q—If I switch electricity suppliers, will my service be affected?**

**A—No.** By law, the utility is not allowed to provide different care levels to customers that have chosen an alternate supplier. You will continue to receive the same level of electricity delivery, emergency response, and meter reading from your current utility. Your utility will not change, just the supplier of your electricity.

**Q—How do I know if a competitive supplier is legitimate?**

**A—The New Hampshire Public Utilities Commission (PUC) maintains a list of Licensed Competitive Power Suppliers.** The Nashua Regional Planning Commission will only request proposals from licensed suppliers. Bidders will also be required to demonstrate their history of providing reliable electricity supply to municipal customers.

**Q—Will I see a change to my electricity billing?**

**A—No,** you will not see a change in your billing. Each municipality and school district will continue to be billed through its current distributor and will receive a single bill for supply and distribution charges.

**Q—Will I need to make capital or other investments in order to change suppliers?**

**A—No,** this is entirely a paper transaction.

**JOINING THE AGGREGATION**

**Q—Why should I participate in the Nashua Region Electricity Supply Aggregation?**

**A—The goal of the Nashua Region Electricity Supply Aggregation is to purchase electricity as a group from a competitive supplier at a lower rate than each member could receive on its own.** By purchasing as an aggregation, municipalities and school districts can offer electricity suppliers a larger demand than if they each tried to purchase electricity individually. The larger demand, in turn, allows suppliers to offer a better rate to the aggregation than it could to individual members. The aggregation also makes it possible for members to share the costs of documenting load data, organizing a RFP process, selecting a supplier, conducting

**Q—Is there a cost to participate?**

**A—Yes.** The cost will be included in the energy pricing.

**Q—Can school districts participate or is it just limited to municipal buildings?**

**A—Yes,** school districts can participate.

**BID PROCESS**

**Q—How will the winning bidder be selected?**

## Nashua Region Electricity Supply Aggregation

### Frequently Asked Questions

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**A**—The NRPC will issue a Request for Proposals (RFP) for electricity supply that includes accounts from all of the municipalities and school districts that have signed MOUs. The aggregation’s consultant, Standard Power of America, will provide the expertise to interpret the results and advise the aggregation. Bidders will submit pricing and qualifications packages, which will be used to select up to two bidders for further evaluation. The primary method of evaluation will be price, followed closely by the bidders’ contract terms and prior experience serving municipalities. Some bidders may take exception to certain portions of the RFP; those will be evaluated on a case-by-case basis.

The process is completely transparent - bid results and due diligence research is available to all aggregation members.

#### **PRICING**

**Q**—Will the price municipalities and school districts pay for electricity change during the contract period?

**A**—No. The price will be fixed during the contract period.

**Q**—What will the electricity rate be?

**A**—Until proposals are received, it is unknown what the electricity rate will be. Our energy advisor Standard Power will also be enrolling the group in hydroelectric net metering which will further reduce the energy price by around .002 kWh.

**Q**—Is it possible that the aggregation could end up paying a higher electricity rate than the default utility?

**A**—No. While it is possible to go through the bid process and not get a lower price than the default utility rate, the aggregation members would simply exercise their right to reject all proposals and choose not to pursue the project.

**Q**—Will each member of the aggregation receive the same pricing?

**A**—Yes. Rates and contracts will be identical for each member within a given electric distribution territory.

#### **CONTRACTS**

**Q**—How long would the electricity purchase contract last?

**A**—The exact terms will be determined by the aggregation members, however, it is expected to be no longer than 12 months, (Depending on the outlook of energy market longer contract periods may be advantageous)

**Q**—Will each member of the aggregation sign its own contract with the supplier?

**A**—Yes. Each aggregation member will sign its own contract with the supplier for a fixed electricity supply rate. Contracts will be identical for each member within a given electric distribution territory.

Frequently Asked Questions

**Q—Who signs the electricity supply contract on behalf of the municipality or school district?**

**A—**Most often this is signed by a person who has had this authority delegated to them, such as the Town Administrator.

**Q—What does an electricity supply contract consist of?**

**A—**Most suppliers have a 2-part contract. The first part contains the general terms and conditions. It does not have pricing and is less time-sensitive than the pricing addendum. The second piece is the pricing addendum, which needs to be executed on the same day it is generated.

**MOU & COMMITMENT TO THE AGGREGATION**

**Q— I'm currently working with a broker. Can I still participate in the aggregation?**

**A—**If you have signed an agreement giving a supplier, broker, or aggregator the exclusive right to provide you with electricity pricing and/or access your billing data, that agreement would have to be rescinded in order for you to participate in this aggregation.

**Q—Why do I need to sign a MOU that contains an exclusive agreement clause?**

**A—**It is necessary for each participating municipality and school district to agree to an exclusivity clause for two reasons. First, committing to the Aggregation assures bidders that the total annual electricity load for the group will not change from what is included in the RFP. This allows them to provide the group with the most competitive pricing possible. Second, if a member drops out of the aggregation and thereby reduces the overall load, it invalidates the quoted pricing and likely raises prices for the remaining members.

**Memorandum of Understanding**  
**between the**  
**Nashua Regional Planning Commission**  
**and the**  
**Town/School District of \_\_\_\_\_**

THIS MEMORANDUM OF UNDERSTANDING entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021 ("Effective Date"), by and between the Town/School District of \_\_\_\_\_ (hereinafter referred to as "Contracting Entity") and Nashua Regional Planning Commission (hereinafter referred to as "NRPC").

WHEREAS many of the municipalities and school districts in the Nashua Region are seeking ways to reduce their budgets and operating costs;

WHEREAS, switching to a competitive electricity supplier can result in reduced electricity rates and a decrease in operating costs for municipalities and school districts;

WHEREAS, the NRPC desires to assist municipalities and school districts in the Nashua Region to obtain the most competitive pricing and contract terms for electricity supply;

WHEREAS, the NRPC is a registered aggregator with the NH Public Utilities Commission and has successfully administered an electricity purchasing aggregation for municipalities and school districts in the Nashua Region since 2012;

NOW, THEREFORE, NRPC has developed a process for aggregating electricity loads throughout the Nashua Region and competitively bidding on the supply of electricity for the aggregation, based upon the expressed interests and needs of our member communities and their school districts.

**1.0 Scope of Performance by Nashua Regional Planning Commission**

Specifically, the NRPC shall perform the following tasks on behalf of the Contracting Entity:

**1.1 RFP Development and Issuance**

NRPC will work with Standard Power of America to develop and issue a Request for Proposals (RFP) to seek qualified and experienced firms to supply electricity for all members of the aggregation. The RFP will be issued to all competitive electricity suppliers registered with the NH Public Utilities Commission. The following tasks are anticipated:

Task 1—NRPC summarizes electricity account data for all contracting entities signing this MOU.

Task 2—NRPC works with Standard Power of America to develop an RFP for electricity supply.

Task 3—NRPC issues RFP to all competitive electricity suppliers registered with the NH Public Utilities Commission.

Task 4—NRPC answers questions and provides additional account information as requested by bidders.

**1.2 Supplier Selection and Contract Negotiation**

NRPC and Standard Power of America will evaluate bids and make a recommendation to contracting entities about the most competitive bidder. NRPC and Standard Power of America will serve as liaisons for contract negotiations between winning bidder and contracting entities. NRPC will

coordinate legal review of the standard contract and the negotiated contract from the selected bidder. The following tasks are anticipated:

Task 5—NRPC coordinates contract negotiations between winning bidder and contracting entities.

Task 6—NRPC coordinates legal review of contracts with selected attorney.

Task 7—NRPC requests updated pricing from winning bidder and assists contracting entities in executing their contracts.

### **1.3 New Supplier Transition**

NRPC will assist all contracting entities that execute a contract with the winning bidder selected through this aggregation process in the transition to that new electricity supplier. The following task is anticipated:

Task 8—NRPC assists contracting entities that have executed a new contract with the winning bidder through this aggregation with any customer service issues that arise with the new supplier.

### **1.4 Limitations**

This Agreement does not authorize NRPC to enter into any supply agreement on behalf of the contracting entity. Any supply agreement shall be between the contracting entity and a supplier. The contracting entity has sole discretion to determine whether to execute a contract with an electricity supplier.

The contracting entity understands and acknowledges that NRPC is not a generator, transmitter, or distributor of energy, and that NRPC assumes no responsibility under this Agreement or otherwise for the provision of energy or energy services or for the performance of the terms of any contract entered into between the contracting entity and any supplier or distributor of energy.

## **2.0 Scope of Performance by Contracting Entities**

### **2.1 The Contracting Entity shall perform the following tasks:**

Task 1—upon signing this MOU, assign a contact person within the contracting entity to work directly with NRPC on the following tasks.

Task 2—confirm electricity account accuracy at the outset of the data collection process and again prior to executing the electricity supply contract.

Task 3—provide NRPC with 12 months of electricity bills for all accounts beginning in 800 (large accounts)

Task 4—grant NRPC permission to access the contracting entity's electricity accounts electronically through the Eversource website as needed throughout the terms of this agreement in order to obtain timely account information.

Task 5—work with NRPC to sign data release forms and provide additional account information as requested by bidders.

Task 6—terminate present electricity supply contract at the end of the current contract period according to the details of the contract.

Task 7—thoroughly document any customer service issues arising from the competitive electricity supplier selected through this aggregation and report them to NRPC in a timely manner.



### **3.0 Aggregation Governing Rules**

#### **3.1 Exclusive Agreement**

NRPC will be the exclusive agent for all electricity accounts serving the contracting entity's facilities. The contracting entity grants to NRPC the exclusive right to solicit electricity supply pricing and bids on behalf of the contracting entity. The contracting entity will refer any utility suppliers, brokers, or aggregators who may solicit the contracting entity to NRPC in its capacity as the contracting entity's exclusive consultant for such matters.

If the contracting entity is currently entered into a signed agreement giving a supplier, broker, or aggregator the exclusive right to provide the contracting entity with electricity pricing and/or access its billing data, that agreement must be rescinded prior to signing this Agreement.

#### **3.2 Costs**

Standard Power's fee for the Services shall be \$0.001/kWh (the "Fee") and shall be included in the cost for energy that the NRPC's members pay to the energy supplier or utility, as applicable. The budget covers consultant costs for Standard Power of America and legal review of contracts by a selected attorney. Standard Power may also help in data collection of bills and utility forms, as needed. Standard Power will also enroll the NRPC's members into a hydroelectric group net-metering agreement, providing additional energy cost savings of \$0.002/kWh.

#### **3.3 Supplier Selection Procedures**

A summary and evaluation of the bids that are submitted through the RFP process will be presented to the contracting entities on September 13, 2021. After comparing the proposals, contracting entities will vote on the winning bidder. Each contracting entity may cast 1 vote. The winning bidder must receive 2/3 of the vote.

### **4.0 Term**

4.1 The Term of this Agreement shall begin on the Effective Date and shall end on November 30, 2021. Either party may terminate this agreement in writing, at any time by giving thirty (30) days written notice. However, if the contracting entity terminates this Agreement it remains responsible for its financial obligations outlined in Section 3.2.

### **5.0 Termination**

5.1 This Agreement may be terminated by the parties hereto under the following circumstances:

- a. The mutual written agreement of the parties;
- b. Automatically by the petition by one of the parties for bankruptcy or reorganization under bankruptcy laws or any assignment for the benefit of creditors;
- c. By one party if the other party commits a material breach or is in default of the provisions hereof, which material breaches and events of default shall include: (i) failure to perform agreed upon services or work, (ii) failure to pay promptly any amounts which may be owed by one party to the other.

- d. As provided for in Section 4.
- 5.2 Upon a material breach or default of the provisions as provided herein, the injured party may give written notice to the party in breach or default of intent to terminate this Agreement, specifying the breach or default, and if the breach or default is not cured within thirty (30) days after giving such notice, then the injured party may terminate this Agreement forthwith by written notice to such effect to the breaching or defaulting party.
- 5.3 Upon the termination of this Agreement, the parties shall continue to be obligated to divide and pay all commissions and fees accrued to the date mutually agreed by the parties even though it may be later than the date of termination in accordance with the terms of this Agreement.
- 6.0 Assignment**
- 6.1 This Agreement, and the rights and obligations of the parties hereunder, may not be assigned to any other party, without the express prior written agreement of the other party hereto. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties hereto.
- 7.0 Entire Agreement**
- 7.1 This Agreement represents the entire agreement of the parties hereto, and all previous agreements, whether oral or written, are expressly superseded hereby and merged herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the effective date first above written.

TOWN/SCHOOL DISTRICT OF \_\_\_\_\_

NASHUA REGIONAL PLANNING COMMISSION

By: \_\_\_\_\_  
Authorized Representative

By: \_\_\_\_\_  
Jay Minkarah, Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

***Please return signed MOU to:***  
Jay Minkarah, Executive Director  
Nashua Regional Planning Commission  
30 Temple Street, Suite 310  
Nashua, NH 03060

*Appendix*  
5-11-21

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# Town of Hudson

## Revenues and Expenditures

Through April 30, 2021

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Town of Hudson, NH										
Appropriations and Revenue Summary										
Month Ending: April 30, 2021										
State #	Dept #	Department	Budget FY 2021	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
01	General Fund									
4199	5020	Trustees of Trust Funds	2,818	0	0	2,818	972	0	1,846	34%
4195	5025	Cemetery Trustees	1,250	0	0	1,250	137	0	1,113	11%
4140	5030	Town Clerk/Tax Collector	400,467	0	49,468	449,935	357,491	2,867	89,576	80%
4140	5041	Moderator	32,762	0	2,934	35,696	24,425	0	11,271	68%
4140	5042	Supervisors of The Checklist	6,286	0	0	6,286	3,805	404	2,077	67%
4199	5050	Town Treasurer	8,074	0	0	8,074	6,728	0	1,346	83%
4199	5055	Sustainability Committee	1,300	0	0	1,300	220	0	1,080	17%
4520	5063	Benson Park Committee	1,100	0	0	1,100	301	0	799	27%
4199	5070	Municipal Budget Committee	800	0	0	800	11	0	789	1%
4140	5077	IT - Town Officers	4,170	0	0	4,170	3,557	16	597	86%
4199	5080	Ethics Committee	100	0	0	100	43	0	57	43%
		<b>Town Officers</b>	<b>459,127</b>	<b>0</b>	<b>52,402</b>	<b>511,529</b>	<b>397,690</b>	<b>3,288</b>	<b>110,551</b>	<b>78%</b>
4130	5110	Board of Selectmen/Administration	392,579	2,500	30,758	425,837	354,756	1,521	69,561	84%
4194	5115	Oakwood	2,275	0	0	2,275	3,731	0	(1,456)	164%
4194	5120	Town Hall Operations	104,633	0	243,650	348,283	329,675	1,024	17,584	95%
4442	5151	Town Poor	80,000	0	0	80,000	29,653	0	50,347	37%
4130	5177	IT - Town Administration	800	0	2,737	3,537	10,826	24	(7,313)	307%
		<b>Administration</b>	<b>580,287</b>	<b>2,500</b>	<b>277,145</b>	<b>859,932</b>	<b>728,640</b>	<b>2,569</b>	<b>128,723</b>	<b>85%</b>
4153	5200	<b>Legal</b>	<b>136,560</b>	<b>0</b>	<b>(2,737)</b>	<b>133,823</b>	<b>86,524</b>	<b>17,316</b>	<b>29,983</b>	<b>78%</b>
4150	5310	Finance Administration	196,214	0	0	196,214	156,420	5,868	33,926	83%
4150	5320	Accounting	286,671	0	0	286,671	214,969	10,201	61,500	79%
4150	5377	IT - Finance	2,350	0	816	3,166	1,765	273	1,127	64%
		<b>Finance</b>	<b>485,235</b>	<b>0</b>	<b>816</b>	<b>486,051</b>	<b>373,154</b>	<b>16,343</b>	<b>96,553</b>	<b>80%</b>
4150	5330	Information Technology	751,454	0	475	751,929	666,076	15,033	70,819	91%
		<b>Information Technology</b>	<b>751,454</b>	<b>0</b>	<b>475</b>	<b>751,929</b>	<b>666,076</b>	<b>15,033</b>	<b>70,819</b>	<b>91%</b>
4152	5410	Assessing Department	444,911	0	0	444,911	291,609	56,123	97,179	78%
4152	5477	IT- Assessing	14,650	0	0	14,650	13,904	0	746	95%
		<b>Assessing</b>	<b>459,561</b>	<b>0</b>	<b>0</b>	<b>459,561</b>	<b>305,513</b>	<b>56,123</b>	<b>97,925</b>	<b>79%</b>
4312	5515	Public Works Facility	99,903	800	(150)	100,553	113,241	2,538	(15,227)	115%
4312	5551	Public Works Administration	272,461	0	5,518	277,979	242,642	179	35,159	87%
4312	5552	Streets	2,836,891	0	99,577	2,936,468	2,608,395	77,511	250,562	91%
4312	5553	Equipment Maintenance	474,079	0	6,489	480,568	352,895	23,430	104,243	78%
4312	5554	Drainage	531,385	0	82,304	613,689	494,239	3,385	116,065	81%
4522	5556	Parks Division	237,327	0	6,716	244,043	147,055	9,107	87,881	64%
4312	5577	IT - Public Works	5,240	0	0	5,240	7,478	387	(2,625)	150%
		<b>Public Works</b>	<b>4,457,286</b>	<b>800</b>	<b>200,454</b>	<b>4,658,540</b>	<b>3,965,945</b>	<b>116,538</b>	<b>576,057</b>	<b>88%</b>

**Town of Hudson, NH**  
**Appropriations and Revenue Summary**  
**Month Ending: April 30, 2021**

State #	Dept #	Department	Budget FY 2021	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
4191	5277	IT - LUD	6,300	0	0	6,300	6,741	784	(1,225)	119%
4191	5571	LUD - Planning	245,819	0	0	245,819	218,448	23,683	3,687	98%
4191	5572	LUD - Planning Board	8,350	0	0	8,350	1,123	0	7,227	13%
4191	5581	LUD - Zoning	202,221	0	0	202,221	163,309	1,067	37,845	81%
4191	5583	LUD - Zoning Board of Adj	16,500	0	0	16,500	14,226	2,772	(498)	103%
4311	5585	LUD - Engineering	390,578	0	0	390,578	281,036	89,344	20,198	95%
		<b>Land Use</b>	<b>869,768</b>	<b>0</b>	<b>0</b>	<b>869,768</b>	<b>684,882</b>	<b>117,650</b>	<b>67,235</b>	<b>92%</b>
4210	5610	Police Administration	333,864	0	16,052	349,916	297,727	8,544	43,645	88%
4210	5615	Police Facility Operations	287,732	30,690	0	318,422	270,445	20,507	27,470	91%
4210	5620	Police Communications	685,916	0	39,462	725,378	635,119	297	89,962	88%
4210	5630	Police Patrol	6,233,526	3,554	300,957	6,538,037	5,452,197	80,653	1,005,187	85%
4210	5640	Investigations	13,820	0	0	13,820	8,407	673	4,740	66%
4414	5650	Animal Control	120,509	0	1,480	121,989	88,796	1,056	32,137	74%
4210	5660	Information Services	154,488	0	14,335	168,823	148,991	8	19,824	88%
4210	5671	Support Services	88,023	0	2,786	90,809	71,106	9,510	10,193	89%
4210	5672	Crossing Guards	58,755	0	0	58,755	41,245	0	17,510	70%
4210	5673	Prosecutor	321,692	0	13,030	334,722	287,026	(323)	48,019	86%
4210	5677	IT - Police	93,629	0	0	93,629	83,908	384	9,337	90%
		<b>Police</b>	<b>8,391,954</b>	<b>34,244</b>	<b>388,102</b>	<b>8,814,300</b>	<b>7,384,968</b>	<b>121,308</b>	<b>1,308,024</b>	<b>85%</b>
4220	5710	Fire Administration	726,510	0	31,941	758,451	611,766	12,558	134,127	82%
4220	5715	Fire Facilities	141,635	0	4,705	146,340	118,203	14,267	13,870	91%
4220	5720	Fire Communications	384,845	0	0	384,845	348,360	5,468	31,017	92%
4220	5730	Fire Suppression	5,265,180	7,103	623,210	5,895,493	4,909,794	59,860	925,839	84%
4220	5740	Fire Inspectional Services	513,274	0	0	513,274	384,993	2,681	125,601	76%
4220	5750	Fire Emergency Medical Services	0	0	(33)	(33)	0	(62)	28	186%
4220	5765	Fire Alarm	3,746	0	0	3,746	5,837	0	(2,091)	156%
4220	5770	Emergency Management	86,368	0	57,239	143,607	77,157	1,370	65,080	55%
4220	5777	IT - Fire	45,506	0	0	45,506	39,738	653	5,115	89%
		<b>Fire</b>	<b>7,167,064</b>	<b>7,103</b>	<b>717,062</b>	<b>7,891,229</b>	<b>6,495,848</b>	<b>96,794</b>	<b>1,298,587</b>	<b>84%</b>
4520	5810	Recreation Administration	160,645	0	0	160,645	60,121	1,146	99,378	38%
4520	5814	Recreation Facilities	77,384	0	0	77,384	55,168	6,811	15,405	80%
4520	5821	Supervised Play	120,063	0	(53,991)	66,072	3,001	0	63,071	5%
4520	5824	Ballfields	12,242	0	0	12,242	337	125	11,780	4%
4520	5825	Tennis	0	0	0	0	1,750	1,840	(3,590)	0%
4520	5826	Lacrosse	12,366	0	0	12,366	0	0	12,366	0%
4520	5831	Basketball	52,604	0	(4,000)	48,604	650	0	47,954	1%
4520	5834	Soccer	13,314	0	0	13,314	7,516	0	5,798	56%
4520	5835	Senior Activities Operations	60,150	0	0	60,150	1,879	370	57,901	4%
4520	5836	Teen Dances	1,500	0	0	1,500	0	0	1,500	0%
4520	5839	Community Activities	7,060	0	0	7,060	1,747	0	5,313	25%
4520	5877	IT - Recreation	7,065	0	0	7,065	6,010	0	1,055	85%
		<b>Recreation</b>	<b>524,393</b>	<b>0</b>	<b>(57,991)</b>	<b>466,402</b>	<b>138,178</b>	<b>10,293</b>	<b>317,932</b>	<b>32%</b>

**Town of Hudson, NH**  
**Appropriations and Revenue Summary**  
 Month Ending: April 30, 2021

State #	Dept #	Department	Budget FY 2021	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
4196	5910	Insurance	519,000	0	0	519,000	500,807	0	18,193	96%
4199	5920	Community Grants	90,508	0	0	90,508	76,008	0	14,500	84%
4583	5930	Patriotic Purposes	5,600	0	0	5,600	0	0	5,600	0%
4199	5940	Other Expenses	165,460	0	0	165,460	27,603	637	137,220	17%
4220	5960	Hydrant Rental	276,971	0	0	276,971	230,809	0	46,162	83%
4321	5970	Solid Waste Contract	1,677,130	0	0	1,677,130	1,272,082	377,210	27,837	98%
		<b>Non-Departmental</b>	<b>2,734,669</b>	<b>0</b>	<b>0</b>	<b>2,734,669</b>	<b>2,107,309</b>	<b>377,847</b>	<b>249,513</b>	<b>91%</b>
<b>General Fund Appropriation Subtotal</b>			<b>27,017,358</b>	<b>44,647</b>	<b>1,575,727</b>	<b>28,637,732</b>	<b>23,334,728</b>	<b>951,103</b>	<b>4,351,901</b>	<b>84.8%</b>
<b>Warrant Articles</b>										
4901	6015	Widening Lowell Rd from Wason to Sag	0	1,406,338	0	1,406,338	39,957	1,366,381	0	100%
4152	6040	Future Prop. Revaluation CRF	15,000	0	0	15,000	15,000	0	0	100%
4220	6054	Hire Four Firefighters/AEMTs	363,568	0	(363,568)	0	0	0	0	100%
4220	6057	Fire Apparat Refub & Repr CRF	25,000	0	0	25,000	25,000	0	0	100%
4210	6058	Police Union Contract	377,464	0	(377,464)	0	0	0	0	100%
4312	6062	Public Works Union Contract	85,493	0	(85,493)	0	0	0	0	100%
4902	6089	Communication Systems	0	131,800	(32,950)	98,850	98,850	0	0	100%
4326	6095	Vaccon Truck Cap Rsrv Fund	15,000	0	0	15,000	15,000	0	0	100%
4902	6200	Fire Squad Vehicle	170,000	0	0	170,000	0	0	170,000	0%
4915	6201	Commun Equip & Infrast CRF	810,000	0	0	810,000	158,750	476,250	175,000	78%
4915	6208	Library Improvements CRF	25,000	0	0	25,000	25,000	0	0	100%
4909	6212	Taylor Falls & Vet Bridge Rehabilitation	125,000	0	0	125,000	0	0	125,000	0%
4312	6213	Hire Two Truck Driver/Laborers	111,111	0	(111,111)	0	0	0	0	100%
3319	6319	Establish an Energy Efficiency CRF	25,000	0	0	25,000	25,000	0	0	100%
0000	6434	Operating Transfer to Library	0	0	0	0	230,283	0	(230,283)	100%
0000	6436	Operating Transfer to Cons Co.	0	0	0	0	0	0	0	100%
<b>General Fund Warrant Articles</b>			<b>2,147,636</b>	<b>1,538,138</b>	<b>(970,586)</b>	<b>2,715,188</b>	<b>632,839</b>	<b>1,842,631</b>	<b>239,717</b>	<b>91%</b>
<b>General Fund Total Budget</b>			<b>29,164,994</b>	<b>1,582,785</b>	<b>605,141</b>	<b>31,352,920</b>	<b>23,967,567</b>	<b>2,793,734</b>	<b>4,591,619</b>	<b>85%</b>
<b>02 Sewer Fund</b>										
4326	5561	Sewer Billing & Collection	159,899	0	0	159,899	137,807	1,464	20,628	87%
4326	5562	Sewer Operation & Maintenance	1,165,734	120,000	34,873	1,320,607	864,015	236,328	220,264	83%
4326	5564	Sewer Capital Projects	785,000	0	0	785,000	464,627	13,274	307,100	61%
4312	6062	Public Works Union Contract	2,716	0	(2,716)	0	0	0	0	100%
4312	6213	Hire Two Truck Driver/Laborers	37,037	0	(37,037)	0	0	0	0	100%
4326	6095	Vaccon Truck Cap Rsrv Fund	15,000	0	0	15,000	15,000	0	0	100%
<b>Sewer Fund</b>			<b>2,165,386</b>	<b>120,000</b>	<b>(4,880)</b>	<b>2,280,506</b>	<b>1,481,448</b>	<b>251,066</b>	<b>547,992</b>	<b>76%</b>
<b>03 Water Fund</b>										
4332	5591	Water - Administration	285,543	0	0	285,543	244,697	926	39,920	86%
4332	5592	Water - Ops & Maintenance	1,409,742	0	0	1,409,742	873,147	213,358	323,237	77%
4335	5593	Water - Supply	809,000	41,537	0	850,537	545,135	295,692	9,710	99%
4332	5594	Water - Debt Service	1,298,006	0	0	1,298,006	1,298,006	0	1	100%
<b>Water Fund</b>			<b>3,802,291</b>	<b>41,537</b>	<b>0</b>	<b>3,843,828</b>	<b>2,960,985</b>	<b>509,976</b>	<b>372,867</b>	<b>90%</b>
<b>Total General, Sewer, Water Funds</b>			<b>35,132,671</b>	<b>1,744,322</b>	<b>600,261</b>	<b>37,477,254</b>	<b>28,410,001</b>	<b>3,554,776</b>	<b>5,512,478</b>	<b>85%</b>

Town of Hudson, NH  
 Appropriations and Revenue Summary  
 Month Ending: April 30, 2021

State #	Dept #	Department	Budget FY 2021	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
			<u>Budgeted Revenue</u>		<u>Supplemental Budget</u>	<u>Adjusted Revenue</u>	<u>Revenues</u>	<u>Use of Fund Balance</u>	<u>Balance</u>	
		General Fund Revenue	30,383,049		1,298,402	31,681,451	28,427,835	0	3,253,616	90%
		Sewer Fund Revenue	2,162,670		0	2,162,670	970,839	0	1,191,831	45%
		Water Fund Revenue	3,802,291		0	3,802,291	3,218,329	0	583,962	85%
<b>Total General, Sewer, Water Funds Revenue</b>			<b>36,348,010</b>	<b>0</b>	<b>1,298,402</b>	<b>37,646,412</b>	<b>32,617,003</b>	<b>0</b>	<b>5,029,409</b>	<b>87%</b>
<b>Other Funds</b>										
State #	Dept #	Department	Budget FY 2021	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
04	5060	Library	1,162,586	0	0	1,162,586	901,866	470	260,251	78%
05	5598	Land Use Change Tax Fund	0	0	0	0	0	0	0	100%
06	5586	Conservation Commission	52,753	40,204	(24,368)	68,589	31,510	32,830	4,249	94%
14	5630	Police Forfeiture Fund	0	40,220	0	40,220	143,803	387	(103,969)	100%
35	5845	Senior Activities Revolving Fund	0	51,244	0	51,244	0	51,244	0	100%
45	5045	Community TV Revolving Fund	0	0	7,904	7,904	355,149	121,889	(469,135)	100%
46	8901	Grants	0	0	0	0	0	0	0	100%
50	5750	EMS Revolving Fund	423,322	0	270	423,592	189,002	16,062	218,527	48%
		<b>Other Funds</b>	<b>1,638,661</b>	<b>131,668</b>	<b>(16,195)</b>	<b>1,754,135</b>	<b>1,621,330</b>	<b>222,883</b>	<b>(90,078)</b>	<b>105%</b>
			<u>Budgeted Revenue</u>		<u>Supplemental Budget</u>	<u>Adjusted Revenue</u>	<u>Revenues</u>	<u>Use of Fund Balance</u>	<u>Balance</u>	
		Senior Activities Revolving Fund	0			0	(5,808)		5,808	0%
		Community TV Revolving Fund	0			0	235,547		(235,547)	0%
		EMS Revolving Fund	423,322			423,322	320,945		102,377	0%
<b>Total Expenditures All Funds</b>			<b>36,771,332</b>	<b>1,875,991</b>	<b>584,067</b>	<b>39,231,389</b>	<b>30,031,331</b>	<b>3,777,659</b>	<b>5,422,400</b>	<b>86%</b>



Revenue Report  
Month End Revenue  
Town of Hudson, NH  
As Of: April 2021, GL Year 2021

Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
<b>General Fund</b>						
01-0000-4913-000-000	Transfer from Land Use Change Fund	0.00	0.00	0.00	0.00	0.000
01-0000-4914-000-000	Library Revenue	9,675.00	0.00	0.00	9,675.00	0.000
01-3110-4100-000-000	General Property Taxes	19,509,486.00	0.00	18,946,575.57	562,910.43	97.115
01-3110-4101-000-000	Overlay	-185,000.00	-37,281.75	-69,971.95	-115,028.05	37.823
01-3185-4120-000-000	Yield Taxes and Interest	1,500.00	0.00	0.00	1,500.00	0.000
01-3186-4115-000-000	In Lieu of Taxes	12,816.00	0.00	0.00	12,816.00	0.000
01-3189-4121-000-000	Excavation Activity Tax	3,000.00	0.00	0.00	3,000.00	0.000
01-3189-4127-000-000	Boat Tax	7,000.00	1,641.92	5,716.91	1,283.09	81.670
01-3190-4203-000-000	Charges on Property Taxes	5,000.00	1,559.37	-458.33	5,458.33	-9.167
01-3190-4204-000-000	Interest on Property Taxes	160,000.00	13,147.14	115,023.28	44,976.72	71.890
01-3220-4201-000-000	Motor Vehicle Permits	5,420,000.00	523,816.00	5,029,085.80	390,914.20	92.788
01-3230-4216-000-000	Certificate of Occupancy Permit	15,000.00	700.00	9,900.00	5,100.00	66.000
01-3230-4218-000-000	Building Permits	275,000.00	39,528.73	286,104.37	-11,104.37	104.038
01-3230-4381-000-000	Septic Inspection Fees	6,000.00	1,000.00	7,400.00	-1,400.00	123.333
01-3290-4209-000-000	Excavation Permits	5,000.00	150.00	450.00	4,550.00	9.000
01-3290-4214-000-000	Driveway Permits	2,000.00	350.00	2,850.00	-850.00	142.500
01-3290-4217-000-000	Health Permits	0.00	0.00	0.00	0.00	0.000
01-3290-4221-000-000	Pistol Permits	4,000.00	162.00	1,984.00	2,016.00	49.600
01-3290-4233-000-000	Oil Burner/Kerosene Permits	0.00	0.00	350.00	-350.00	0.000
01-3290-4238-000-000	Police Alarm Permit	2,800.00	315.00	2,795.00	5.00	99.821
01-3290-4239-000-000	Fire - Place of Assembly	2,000.00	0.00	1,080.00	920.00	54.000
01-3290-4254-000-000	Fire Alarm Permits	1,500.00	129.00	1,512.00	-12.00	100.800
01-3290-4312-000-000	Zoning Application Fees	3,000.00	330.75	4,590.85	-1,590.85	153.028
01-3290-4313-000-000	Planning Board Fees	120,000.00	14,104.40	103,230.24	16,769.76	86.025
01-3290-4315-000-000	Sewer Service Permit	3,000.00	125.00	975.00	2,025.00	32.500
01-3290-4321-000-000	UCC Filings	7,000.00	0.00	6,885.00	115.00	98.357
01-3290-4322-000-000	Vital Statistics	7,000.00	1,130.00	24,330.25	-17,330.25	347.575
01-3290-4323-000-000	Police Fines, Forfeit, Court	0.00	0.00	0.00	0.00	0.000
01-3290-4325-000-000	Animal Control Fines/Fees	8,000.00	0.00	9,814.00	-1,814.00	122.675
01-3290-4326-000-000	Notary Fees	100.00	0.00	0.00	100.00	0.000

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
01-3290-4327-000-000	Parking Violation Fees	2,000.00	0.00	1,080.00	920.00	54.000
01-3290-4328-000-000	Street Acceptance/Opening Fee	0.00	0.00	0.00	0.00	0.000
01-3290-4334-000-000	Construction Inspection Fee	15,000.00	5,350.00	12,215.00	2,785.00	81.433
01-3290-4335-000-000	Animal Boarding Fees	1,100.00	0.00	415.00	685.00	37.727
01-3290-4343-000-000	Copy Fees and Sale of Books	1,500.00	10.00	452.25	1,047.75	30.150
01-3290-4347-000-000	Bad Check Fees	2,500.00	75.00	1,168.46	1,331.54	46.738
01-3290-4356-000-000	Police False Alarm Fines	10,000.00	800.00	7,750.00	2,250.00	77.500
01-3290-4421-000-000	Marriage Licenses	4,000.00	-108.00	2,049.00	1,951.00	51.225
01-3290-4422-000-000	Hawker/Peddler License	1,000.00	174.00	991.00	9.00	99.100
01-3290-4427-000-000	Articles of Agreement	0.00	0.00	30.00	-30.00	0.000
01-3290-4428-000-000	Pole Licenses	0.00	0.00	0.00	0.00	0.000
01-3290-4430-000-000	Scrap Metal License	0.00	0.00	50.00	-50.00	0.000
01-3290-4450-000-000	Animal Control Licenses	18,000.00	6,418.00	27,300.00	-9,300.00	151.667
01-3290-4451-000-000	Drain Layers License	1,000.00	500.00	3,500.00	-2,500.00	350.000
01-3351-4840-000-000	Shared Revenue - Municipal Aid	268,277.00	0.00	262,412.93	5,864.07	97.814
01-3352-4841-000-000	Shared Revenue - Meals and Rental Tax Distribution	1,291,333.00	0.00	1,291,077.46	255.54	99.980
01-3353-4610-000-000	Shared Revenue - Highway Block Grant	539,910.00	0.00	431,927.67	107,982.33	80.000
01-3359-4656-000-000	Grants - Police	26,000.00	1,426.95	34,076.06	-8,076.06	131.062
01-3359-4657-000-000	Grants - Fire	705,815.96	39,531.00	302,843.72	402,972.24	42.907
01-3359-4659-000-000	Grants - Other	10,000.00	6,481.06	22,691.93	-12,691.93	226.919
01-3359-4660-000-000	Grants - Pandemic	419,116.64	754.57	538,904.03	-119,787.39	128.581
01-3379-4300-000-000	Sewer Utility Admin Fee	44,000.00	0.00	44,000.00	0.00	100.000
01-3379-4301-000-000	Water Utility Admin Fee	66,000.00	0.00	66,000.00	0.00	100.000
01-3401-4324-000-000	Police Record Fees	7,000.00	799.00	6,381.00	619.00	91.157
01-3401-4342-000-000	Sale of Checklists	500.00	0.00	162.00	338.00	32.400
01-3401-4708-000-000	Welfare Reimbursement	1,000.00	26.36	2,367.93	-1,367.93	236.793
01-3401-4716-000-000	Cash Over/Short	0.00	10.00	74.03	-74.03	0.000
01-3401-4720-000-000	Police Outside Detail	150,000.00	24,332.06	221,015.91	-71,015.91	147.344
01-3401-4729-000-000	Contracted Services - Litchfield	30,000.00	13,722.00	44,918.31	-14,918.31	149.728
01-3401-4730-000-000	Ambulance Billings	422,000.00	0.00	338,566.30	83,433.70	80.229
01-3401-4731-000-000	Charges on Ambulance Receivables	-22,000.00	0.00	-17,370.90	-4,629.10	78.959

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01-3401-4732-000-000	Fire Incident Reports	500.00	60.00	1,061.00	-561.00	212.200
01-3401-4745-000-000	Cable Franchise Fees	77,000.00	0.00	58,886.73	18,113.27	76.476
01-3401-4746-000-000	Police Testing and Application Fees	0.00	0.00	1,490.00	-1,490.00	0.000
01-3401-4748-000-000	Insurance Reimbursement	107,236.22	426.92	183,896.95	-76,660.73	171.488
01-3401-4756-000-000	Misc Rev - Police	500.00	120.00	2,750.95	-2,250.95	550.190
01-3401-4757-000-000	Misc Rev - Fire	500.00	175.00	2,673.41	-2,173.41	534.682
01-3401-4758-000-000	Misc Rev - Recreation	0.00	0.00	0.00	0.00	0.000
01-3401-4759-000-000	Misc Rev - Other	500.00	25.51	2,671.51	-2,171.51	534.302
01-3401-4761-000-000	Rec Rev - Basketball	0.00	0.00	0.00	0.00	0.000
01-3401-4762-000-000	Rec Rev - Supervised Play	0.00	0.00	1,800.00	-1,800.00	0.000
01-3401-4764-000-000	Rec Rev - Soccer	20,000.00	0.00	-150.00	20,150.00	-0.750
01-3401-4765-000-000	Rec Rev - Tennis	4,000.00	0.00	0.00	4,000.00	0.000
01-3401-4766-000-000	Rec Rev - Teen Dances	1,500.00	0.00	0.00	1,500.00	0.000
01-3401-4767-000-000	Rec Rev - Adult Softball	13,000.00	80.00	80.00	12,920.00	0.615
01-3401-4768-000-000	Rec Rev - Lacrosse	12,000.00	0.00	0.00	12,000.00	0.000
01-3401-4769-000-000	Rec Rev - Community Activities	5,000.00	0.00	0.00	5,000.00	0.000
01-3501-4704-000-000	Sale of Town Property	55,000.00	0.00	1,892.25	53,107.75	3.440
01-3502-4702-000-000	Bank Charges	-10,000.00	0.00	-6,512.86	-3,487.14	65.129
01-3502-4703-000-000	Interest on Investments	261,000.00	0.00	16,872.93	244,127.07	6.465
01-3503-4373-000-000	Rents of Town Property	3,000.00	0.00	0.00	3,000.00	0.000
01-3508-4556-000-000	Donations - Police	5,785.04	0.00	13,485.00	-7,699.96	233.101
01-3508-4557-000-000	Donations - Fire	0.00	0.00	7,100.00	-7,100.00	0.000
01-3508-4558-000-000	Donations - Recreation	0.00	50.00	1,365.80	-1,365.80	0.000
01-3508-4559-000-000	Donations - Other	0.00	0.00	1,200.00	-1,200.00	0.000
01-3914-4996-000-000	Voted from Surplus	935,000.00	0.00	0.00	935,000.00	0.000
01-3915-4922-000-000	From Capital Reserve Fund	170,000.00	0.00	0.00	170,000.00	0.000
01-3939-4999-000-000	Use of Fund Balance	600,000.00	0.00	0.00	600,000.00	0.000
<b>Totals</b>	<b>General Fund</b>	<b>31,681,450.86</b>	<b>662,146.99</b>	<b>28,427,834.75</b>	<b>3,253,616.11</b>	<b>89.730</b>

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<b>Sewer Fund</b>						
02-3190-4180-000-000	Interest on Sewer Utility	21,000.00	126.46	14,702.80	6,297.20	70.013
02-3190-4181-000-000	Sewer Betterment Interest	500.00	0.00	0.00	500.00	0.000
02-3401-4716-000-000	Cash Over/Short	0.00	0.00	0.00	0.00	0.000
02-3403-4780-000-000	Sewer Base Charges	555,500.00	0.00	418,913.89	136,586.11	75.412
02-3403-4781-000-000	Sewer Consumption Charges	628,259.00	0.00	448,936.83	179,322.17	71.457
02-3409-4783-000-000	Sewer Capital Assessment Other Chg	500.00	0.00	0.00	500.00	0.000
02-3500-4773-000-000	Otarnic Pond Betterment Assessment	24,911.00	0.00	24,911.00	0.00	100.000
02-3500-4782-000-000	Sewer Capital Assessment	50,000.00	1,535.55	35,537.17	14,462.83	71.074
02-3502-4702-000-000	Bank Charges	-3,000.00	0.00	-1,879.74	-1,120.26	62.658
02-3508-4561-000-000	Donations - Sewer	0.00	0.00	30,000.00	-30,000.00	0.000
02-3509-4786-000-000	Sewer - Other Income/(Expenses)	0.00	0.00	-282.55	282.55	0.000
02-3915-4922-000-000	From Capital Reserve Fund	745,000.00	0.00	0.00	745,000.00	0.000
02-3939-4999-000-000	Use of Fund Balance	125,000.00	0.00	0.00	125,000.00	0.000
02-4915-4915-000-000	To Capital Reserve Fund - Sewer	15,000.00	0.00	0.00	15,000.00	0.000
<b>Totals</b>	<b>Sewer Fund</b>	<b>2,162,670.00</b>	<b>1,662.01</b>	<b>970,839.40</b>	<b>1,191,830.60</b>	<b>44.891</b>

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
<b>Water Fund</b>						
03-3190-4794-000-000	Interest on Delinquent Accounts	10,000.00	0.00	4,881.61	5,118.39	48.816
03-3290-4394-000-000	Backflow Testing Fees	25,000.00	6,650.00	31,445.00	-6,445.00	125.780
03-3290-4395-000-000	Water Hookup Fee	20,000.00	1,950.00	12,605.00	7,395.00	63.025
03-3290-4396-000-000	Water Service Fees	12,000.00	380.00	7,943.00	4,057.00	66.192
03-3290-4397-000-000	Shutoff/Reconnect Fee	8,500.00	0.00	1,625.00	6,875.00	19.118
03-3401-4716-000-000	Cash Over/Short	0.00	0.00	11.03	-11.03	0.000
03-3401-4748-000-000	Insurance Reimbursement	0.00	0.00	0.00	0.00	0.000
03-3402-4390-000-000	Rental Fee - Private Hydrant	61,000.00	5,356.47	53,564.70	7,435.30	87.811
03-3402-4391-000-000	Rental Fee - Public Hydrant	78,000.00	0.00	51,969.60	26,030.40	66.628
03-3402-4392-000-000	Public Fire Protection	224,000.00	19,097.94	188,829.40	35,170.60	84.299
03-3402-4790-000-000	Water Base Charges	955,000.00	80,122.97	803,747.50	151,252.50	84.162
03-3402-4791-000-000	Water Usage Charges	2,122,291.00	133,221.00	1,869,943.63	252,347.37	88.110
03-3402-4792-000-000	Fire Access Charges	199,000.00	23,080.87	178,839.10	20,160.90	89.869
03-3402-4799-000-000	Water Sales to Pennichuck	80,000.00	0.00	10,948.27	69,051.73	13.685
03-3502-4702-000-000	Bank Charges	-2,500.00	0.00	-233.89	-2,266.11	9.356
03-3509-4793-000-000	Other Income - Water	10,000.00	225.00	2,210.20	7,789.80	22.102
03-3915-4922-000-000	From Capital Reserve Fund	0.00	0.00	0.00	0.00	0.000
<b>Totals</b>	<b>Water Fund</b>	<b>3,802,291.00</b>	<b>270,084.25</b>	<b>3,218,329.15</b>	<b>583,961.85</b>	<b>84.642</b>

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
<b>Sr Activities Revolving Fund</b>						
35-3401-4735-000-000	Misc Rev - Senior Activities	0.00	0.00	-5,808.00	5,808.00	0.000
35-3401-4736-000-000	Membership Fees	0.00	0.00	0.00	0.00	0.000
<b>Totals</b>	<b>Sr Activities Revolving Fund</b>	<b>0.00</b>	<b>0.00</b>	<b>-5,808.00</b>	<b>5,808.00</b>	<b>0.000</b>

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
	<b>Community TV Revolving Fund</b>					
45-3401-4745-000-000	Cable Franchise Fees	0.00	0.00	235,546.92	-235,546.92	0.000
<b>Totals</b>	<b>Community TV Revolving Fund</b>	<b>0.00</b>	<b>0.00</b>	<b>235,546.92</b>	<b>-235,546.92</b>	<b>0.000</b>

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
<b>EMS Revolving Fund</b>						
50-0000-4729-000-000	EMS - Contracted Services	15,000.00	0.00	0.00	15,000.00	0.000
50-0000-4730-000-000	EMS - 50% Ambulance Billings	430,322.00	0.00	338,566.30	91,755.70	78.677
50-0000-4731-000-000	EMS - 50% Charges on Amb Billings	-22,000.00	0.00	-17,620.92	-4,379.08	80.095
<b>Totals</b>	<b>EMS Revolving Fund</b>	<b>423,322.00</b>	<b>0.00</b>	<b>320,945.38</b>	<b>102,376.62</b>	<b>75.816</b>

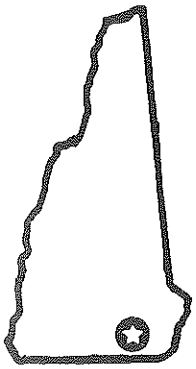


**TOWN OF HUDSON  
AUTOMOBILE REGISTRATION BY MONTH  
FISCAL YEARS 2016, 2017, 2018, 2019, 2020, 2021**

	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>1st half Fiscal Year</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>2nd half Fiscal Year</u>	<u>Actual Fiscal Year Total</u>	<u>Budget Fiscal Year Total</u>
FY2016	\$355,622	\$375,666	\$396,497	\$432,624	\$383,736	\$331,951	\$2,276,095	\$464,698	\$434,255	\$466,096	\$378,514	\$463,070	\$492,415	\$2,699,048	\$4,975,135	\$4,200,000
vs. Budget	8.5%	17.4%	26.9%	37.2%	46.3%	54.2%	54.2%	65.3%	75.6%	86.7%	95.7%	106.7%	118.5%	64.3%	vs. Budget	118.5%
FY2017	\$327,635	\$400,991	\$435,251	\$400,872	\$390,525	\$422,355	\$2,377,628	\$527,661	\$425,856	\$464,481	\$397,461	\$521,282	\$460,464	\$2,797,204	\$5,174,832	\$4,550,000
vs. Budget	7.2%	16.0%	25.6%	34.4%	43.0%	52.3%	52.3%	63.9%	73.2%	83.4%	92.2%	103.6%	113.7%	61.5%	vs. Budget	113.7%
FY2018	\$345,710	\$427,939	\$416,805	\$443,016	\$371,576	\$453,830	\$2,458,875	\$582,567	\$460,122	\$473,141	\$402,980	\$543,706	\$507,592	\$2,970,108	\$5,428,983	\$4,700,000
vs. Budget	7.4%	16.5%	25.3%	34.8%	42.7%	52.3%	52.3%	64.7%	74.5%	84.6%	93.1%	104.7%	115.5%	63.2%	vs. Budget	115.5%
FY2019	\$429,067	\$457,722	\$389,685	\$464,888	\$471,953	\$454,133	\$2,667,448	\$531,274	\$504,668	\$444,548	\$561,605	\$513,577	\$511,323	\$3,066,993	\$5,734,441	\$5,000,000
vs. Budget	8.6%	17.7%	25.5%	34.8%	44.3%	53.3%	53.3%	64.0%	74.1%	83.0%	94.2%	104.5%	114.7%	61.3%	vs. Budget	114.7%
FY2020	\$437,974	\$485,183	\$410,994	\$530,162	\$446,610	\$470,237	\$2,781,159	\$638,551	\$515,784	\$416,309	\$331,136	\$452,398	\$745,339	\$3,099,517	\$5,880,675	\$5,420,000
vs. Budget	8.1%	17.0%	24.6%	34.4%	42.6%	51.3%	51.3%	63.1%	72.6%	80.3%	86.4%	94.7%	108.5%	57.2%	vs. Budget	108.5%
FY2021	\$516,858	\$430,094	\$461,725	\$494,524	\$440,822	\$489,084	\$2,833,106	\$542,186	\$502,930	\$627,048	\$523,816			\$2,195,979	\$5,029,086	\$5,420,000
vs. Budget	9.5%	17.5%	26.0%	35.1%	43.2%	52.3%	52.3%	62.3%	71.6%	83.1%	92.8%			40.5%	vs. Budget	92.8%

**TOWN OF HUDSON  
GENERAL FUND INTEREST BY MONTH  
FISCAL YEARS 2016, 2017, 2018, 2019, 2020, 2021**

	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>1st half Fiscal Year</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>2nd half Fiscal Year</u>	<u>Actual Fiscal Year Total</u>	<u>Budget Fiscal Year Total</u>
FY2016	\$2,934	\$0	\$2,630	\$417	\$1,262	\$990	\$8,232	\$1,703	\$2,866	\$2,296	\$2,094	\$2,444	\$2,881	\$14,284	\$22,516	\$5,000
vs. Budget	58.7%	58.7%	111.3%	119.6%	144.8%	164.6%	164.6%	198.7%	256.0%	301.9%	343.8%	392.7%	450.3%	285.7%	vs. Budget	450.3%
FY2017	\$6,112	\$0	\$5,786	\$4,242	\$3,440	\$2,256	\$21,836	\$0	\$5,991	\$9,498	\$16,578	\$6,333	\$7,235	\$45,635	\$67,471	\$19,000
vs. Budget	32.2%	32.2%	62.6%	84.9%	103.1%	114.9%	114.9%	114.9%	146.5%	196.4%	283.7%	317.0%	355.1%	240.2%	vs. Budget	355.1%
FY2018	\$14,877	\$14,656	\$7,236	\$4,331	\$9,647	\$6,947	\$57,694	\$16,560	\$18,741	\$14,208	\$15,488	\$19,596	\$16,919	\$101,512	\$159,206	\$25,000
vs. Budget	59.5%	118.1%	147.1%	164.4%	203.0%	230.8%	230.8%	297.0%	372.0%	428.8%	490.8%	569.1%	636.8%	406.0%	vs. Budget	636.8%
FY2019	\$0	\$45,557	\$38,553	\$27,494	\$0	\$46,686	\$158,289	\$45,246	\$52,094	\$42,049	\$0	\$66,149	\$19,534	\$225,072	\$383,361	\$120,000
vs. Budget	0.0%	38.0%	70.1%	93.0%	93.0%	131.9%	131.9%	169.6%	213.0%	248.1%	248.1%	303.2%	319.5%	187.6%	vs. Budget	319.5%
FY2020	\$0	\$42,580	\$39,013	\$33,695	\$24,052	\$13,649	\$152,989	\$6,066	\$35,128	\$32,541	\$8,141	\$5,937	\$21,179	\$108,992	\$261,981	\$361,000
vs. Budget	0.0%	11.8%	22.6%	31.9%	38.6%	42.4%	42.4%	44.1%	53.8%	62.8%	65.1%	66.7%	72.6%	30.2%	vs. Budget	72.6%
FY2021	\$0	\$0	\$12,143	\$0	\$0	\$3,909	\$16,052	\$0	\$611	\$210	\$0			\$821	\$16,873	\$261,000
vs. Budget	0.0%	0.0%	4.7%	4.7%	4.7%	6.2%	6.2%	6.2%	6.4%	6.5%	6.5%			0.3%	vs. Budget	6.5%



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



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To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: May 5, 2021

Re: Liaison Assignments

Chairman Coutu has requested that an item be placed on the Board of Selectmen's next agenda to discuss Board of Selectmen liaison assignments.

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

# Hudson Board of Selectmen

## Liaison Assignments



4/13/2021

### Board & Committee Liaison Assignments

<u>Coutu</u>	<u>McGrath</u>	<u>Morin</u>	<u>Roy</u>	<u>Gagnon</u>
Cable Utility	Planning Board <b>Alt.</b>	Benson Committee	CTAP	Budget Committee
Chamber of Commerce	Zoning Board <b>Alt.</b>	Budget Committee <b>Alt.</b>	HazMat	Library Committee
LEPC		CIP	NRPC	Municipal Utility Committee
Emergency Preparedness		Chamber of Commerce	School Board	Recreation Committee
Nominations & Appointments		Conservation	Zoning Board	Sustainability Committee
Planning Board (through BOS term)				
State Liaison				

### Department Liaison Assignments

<u>Coutu</u>	<u>McGrath</u>	<u>Morin</u>	<u>Roy</u>	<u>Gagnon</u>
HCTV	Assessing	Public Works	Fire, Inspectional Services, Health	Library
Recreation	Finance & Water	Town Clerk/Tax Collector	IT	Sewer Utility
	Land Use (Engineering, Planning, Code Enforcement)			
	Police			