



TOWN OF HUDSON

Board of Selectmen



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

BOARD OF SELECTMEN MEETING

November 09, 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

Board of Selectmen Meeting Room, Town Hall

Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE
4. PUBLIC INPUT
5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS - None
6. CONSENT ITEMS
 - A. Assessing Items - None
 - B. Water/Sewer Items - None
 - C. Licenses & Permits & Policies
 - 1) Tag Day Permit - Salvation Army Kettle Campaign
 - D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of October 14, 2021
- 2) Minutes of October 19, 2021
- 3) Minutes of October 21, 2021

F. Calendar

- 11/10 7:00 Planning Board - Hudson Community Center
- 11/10 7:00 Budget Committee - Buxton Meeting Room
- 11/11 Veteran's Day - Town Office's Closed
- 11/15 7:00 Traffic Advisory Committee - Buxton Meeting Room
- 11/16 7:00 Municipal Utility Committee - BOS Meeting Room
- 11/16 7:00 Budget Committee - Buxton Meeting Room
- 11/17 6:00 Library Trustees - Hills Memorial Library
- 11/17 7:00 Planning Board - Hudson Community Center
- 11/17 7:00 Budget Committee - Buxton Meeting Room
- 11/18 3:30 Trustees of the Trust Funds - Buxton Meeting Room
- 11/18 7:00 Zoning Board - Buxton Meeting Room
- 11/18 7:00 Benson Park Committee - HCTV Meeting Room
- 11/22 7:00 Sustainability Committee - Buxton Meeting Room
- 11/23 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on October 26, 2021

1) Selectman Morin made a motion, seconded by Selectman Guessferd to promote Master Patrol Officer Alan Marcotte to the position of Sergeant at \$39.57 per hour according to the Hudson Police Employee Association Contract (Step 6). This elevation in rank would be effective Wednesday October 27, 2021. Carried 5-0.

2) Selectman Roy made a motion, seconded by Selectman Gagnon to waive Attorney/Client privilege to discuss the Land Use Board Member Disqualification packet in public. Carried 5-0.

3) Selectman Guessferd made a motion, seconded by Selectman Gagnon to adjourn at 9:33 p.m. Carried 5-0.

8. NEW BUSINESS

- A. Land Use Board Member Disqualification
- B. Possible Warrant Articles - Revised Exemptions for Elderly, Disabled and Blind
- C. HPD - Proposed Amendment to Town Code Chapter 317 - Stop Intersections (Wentworth at Hampshire)
- D. DPW - Part Time Truck Drivers
- E. Voting Districts
- F. Change in Polling Hours - Warrant Article
- G. Voting Location Discussion
- H. IT Director Interview Committee
- I. Sustainability Committee Agreement Review
- J. Revenues & Expenditures
- K. MRI Manpower Study
- L. FY23 Deliberative Schedule Voting

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.

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, November 18, 2021

11-9-21



TAG DAY SALES

Hudson, NH

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.

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For Office Use Only

Organization The Salvation Army

_____ Approved _____ Denied by Board of Selectmen on _____

If denied, reason _____

Chairman, Board of Selectmen

BRIAN PEDDLE
GENERAL

MAJORS WAYNE & ELIZABETH BINK
CORPS COMMANDING OFFICERS



THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM AND CATHERINE BOOTH

ONE MONTGOMERY AVENUE
NASHUA, NEW HAMPSHIRE 03060
TEL. (603) 889-5151

LT. COL. WILLIAM BAMFORD
TERRITORIAL COMMANDER

MAJOR MARK MACKNEER
DIVISIONAL COMMANDER

RECEIVED

NOV 05 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

November 5, 2021

To The Town of Hudson Board of Selectmen:

The Salvation Army of Nashua is seeking approval from the Town of Hudson Board of Selectmen to hold our annual kettle campaign this Christmas season.

The locations requested are as follows:

Market Basket, 212 Lowell Rd - November 15, 2021 through December 24, 2021

Walmart, 245 Lowell Rd - November 20, 2021 through December 24, 2021

Sam's Club, 7 Walmart Blvd. - November 20, 2021 through December 24, 2021

The kettle campaign is The Salvation Army's largest fundraiser for the organization. Funds go towards running programs, social services, utility and rent assistance, and food for those in need. The Salvation Army serves those in Nashua, Hudson, and the surrounding towns.

Please contact Amie Groff at 603-889-5151 or amie.groff@use.salvationarmy.org with any questions or concerns, or if any additional information is required.

Sincerely,

Amie Groff
Administration Assistant

NH On my
Charitable
Organization for
LST
11-5-21

Amie Groff

From: Patricia James
Sent: Wednesday, October 20, 2021 9:38 AM
To: USE_NNECorpsOfficers
Cc: Sarah Clifford; Amie Groff
Subject: FW: Kettles

Good morning,

FYI

Please see important information regarding kettle permission at Market Basket.

We typically do not sign a formal agreement with Market Basket. Below is the email text agreeing to partner with us. They emailed all of their store managers. They ask that Corps contact their local stores and check in at the courtesy desk when they arrive. Thanks.

From: Demoulas Market Basket
Sent: Thursday, September 23, 2021 9:33 AM
To: Douglas Ferguson
Subject: 2021 Salvation Army Red Kettle Campaign

I AM CONTACTING YOU TO LET YOU KNOW THAT SALVATION ARMY HAS PERMISSION TO HOLD THEIR RED KETTLE CAMPAIGN AT MARKET BASKET LOCATIONS FROM NOVEMBER 15 THROUGH DECEMBER 24, 2021. WE ASK THAT YOUR VOLUNTEERS PRACTICE SAFETY POLICIES SUCH AS WEARING A MASK AND SOCIAL DISTANCING.

Crystal Dixon

Assistant Director, Corporate and Foundation Relations
The Salvation Army | Massachusetts Divisional Headquarters
25 Shawmut Road, Canton, MA 02021
Office 339-502-5858 | Cell 617-470-0905
www.salvationarmyma.org



DOING THE
MOST GOOD

SIGNATURES

WAL-MART STORES, INC.

SIGNATURE: Julie Gehrki DATE: October 19, 2021 | 13:45 CDT

PRINT NAME: Julie Gehrki

TITLE: Vice President Walmart Giving

SAM'S WEST, INC.

SIGNATURE: _____ DATE: _____

PRINT NAME: _____

TITLE: _____

THE SALVATION ARMY NATIONAL CORPORATION, A NEW JERSEY CORPORATION

SIGNATURE:  DATE: 10/13/21

PRINT NAME: Kenneth Johnson

TITLE: National Chief Secretary

THE SALVATION ARMY, AN ILLINOIS CORPORATION

SIGNATURE:

SM Howard

DATE:

10/18/21

PRINT NAME:

STEVEN M. HOWARD

TITLE:

VICE-PRESIDENT

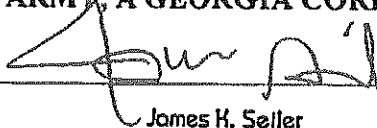
THE SALVATION ARMY, A NEW YORK CORPORATION

SIGNATURE:  DATE: 10-13-2021

PRINT NAME: Richard D. Allen

TITLE: Assistant Secretary - Legal


THE SALVATION ARMY, A GEORGIA CORPORATION

SIGNATURE:  DATE: OCTOBER 14, 2021

PRINT NAME: _____
James H. Sellar

TITLE: TREASURER

THE SALVATION ARMY, A CALIFORNIA CORPORATION

SIGNATURE:  DATE: OCT 13 2021

PRINT NAME: KELLY PONTSLER

TITLE: TREASURER

HUDSON, NH BOARD OF SELECTMEN

Minutes of the October 14, 2021 Budget Review Meeting

1. CALL TO ORDER - by Chairman McGrath for the meeting of October 14, 2021 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Director of Public Works, Jess Forrence
3. ATTENDANCE: Board of Selectmen: Marilyn McGrath, Bob Guessferd, David Morin, Kara Roy
Absent: Brett Gagnon

Staff/Others: Steve Malizia, Town Administrator; Lisa Labrie, Finance Director; Fire Chief Robert Buxton; Erika LaRiviere, HFD Exec. Coordinator; Jess Forrence, Public Works Director; Jim Lavacchia, DPW Supervisor; Lisa Nute, IT Director; John Beike, IT Specialist; Doug Bosteels, IT Specialist; Jill Laffin, Executive Assistant.

4. BUDGET PRESENTATIONS

Chairman McGrath introduced the Town Administrator to give an introduction to the budget. The Town Administrator started off by saying I'd like to introduce everybody to the fiscal year 2023 budget. This budget will start on July 1st 2022 and run through June 30th 2023. So this is the first meeting of the Board of Selectmen for this budget. For the folks at home if they would like to view or follow along, if you go onto the Town's webpage, on the front page on the left-hand side under public news there is a link Board of Selectmen Budget, I believe it says. Click on the link and you can go to the documents, the book that we're looking at. I just put that out there for anyone that wants to look. Typically I don't read things but I'm just going to read this briefly.

At the budget parameter meeting in August, the Board of Selectmen directed Department Heads to submit operating budgets with up to a 1.5% increase, exclusive of labor/benefits costs, with other major items or new initiatives identified separately for the Board's consideration either as a request outside the department budget or in the form of a warrant article. The Department Heads submitted an operating budget that equals \$38,582,683 which includes sewer, water and library budget requests. Offsetting non-property tax revenues have been budgeted in the amount of \$17,448,392. The operating budget as prepared by the Department Heads yields an estimated Town tax rate of \$6.77 per thousand. Which is a .13 cent increase compared to this years estimated Town tax rate of \$6.64 per thousand. There are also several warrant articles that have been submitted and at the current time they add an additional .38 to the tax rate per thousand.

A few other notes of importance. The budget, tax rate, assumes an estimated value of 3.2 billion dollars. According to the Assessor he believes we're going to pick up 50 million dollars' worth of new value, not the valuation, actual new value. New construction, garages, sheds, all that sort of stuff. It also includes the updated health and dental insurance rates. We got those early and its good news to report that our health insurance rates declined by one half of a percent. Considering that they go up by 6-8% a year a decline of a half a percent is good news. Dental went down 1.5% so very good news. That has been incorporated into the books so we have those numbers. Pension rates remain the same. We pay an employer share. Because it's a biannual assessment this year's rate is the same as last year's rate. So the rate didn't change. The cost may go up because of labor contracts but the pension rates remain the same. The other key thing is the solid waste contract that we approved, that they Board approved. That's into this budget too. Mr. Forrence will speak to that. But that's in the budget. That was about \$380,000 of additional costs. So just to set the scenario that's what's in the budget book. We can certainly talk more about it if you'd like. But I just wanted to give you an overview before you get started. I think that's all I have to start with unless there are questions. Seeing no questions for the Town Administrator the Chairman moved on to the departmental reviews starting with Fire.

Fire (5710 - 5770 & Warrant Article H)

Chairman McGrath recognized Fire Chief Rob Buxton. The Town Administrator reminded the Board, it's probably best to go through the budget for the actual department, come back to the outside the budget request and then got to the warrant article. So I'd recommend page three on this section of the book. Chief Buxton came forward and said who said good evening Madame Chair, members of the Board. Thank you for the opportunity

to be here to present the Fire Departments FY23 budget. I'd like to take a moment to just thank my administrative staff that gave me a hand pulling the budget together again this year and the operational staff that also had submissions to the budget. So with me this evening is my executive coordinator, Erika LaRiviere and certainly my go to person if I get tripped up this evening. When we review the Fire Department I just want to start off with a little bit of data as I normally do. When I reviewed the FY21 department responses we had over 20,000 contacts this year with the public. We answered 4,692 emergency calls. 2,796 of them were EMS just in Hudson alone. We had 1,450 fire responses. Our contracted service with the Town of Litchfield we answered 447 EMS calls in Litchfield. The Operational Division also responded to almost 1,800 service calls. So leaky faucet, those types of non-emergent type things for home owners. Lockouts that type of stuff. We also have a very robust burning permit process here locally. And we had over 9,000 burn requests in this community over the last year. So we continue to see that number continue to climb. Our Inspectional Services division constructed 1,099 construction permits and conducted over 2,100 actual inspections. So that number continues to go up.

Chief Buxton continued saying, I just want to start with just a brief reminder, in March 2020, this community was forced to activate the EOC due to the pandemic. And FY21, a good chunk of it, was actually throughout the pandemic. So as we go through the budget this evening we'll certainly highlight and make notations to things that were impacted because we were in response mode. We weren't in our normal budgetary mode. You had a budget but we were forced to do things differently or projects didn't get off the desk based on the fact that things weren't available. We were, at certain portions of the year, operating in lockdown. So those types of things had impacts across the budget and expenses when you start talking about vaccine clinics, testing sites, those types of things that we assisted the State of New Hampshire with, so want to just make sure we place that on the agenda this evening.

Additionally our goals for the FY23 budget remain the same. Prepare our people, developments important to us. Continue to have a proper risk management reduction program and offer efficient delivery of service. So that's really one of the big things that we do. This community has been very good to the fire service and the Fire Department. We have the new station on Lowell Road and a freshly renovated, in the last five years, station here at Central Station. You know a little over \$3 million so the reality is we've got a lot of preventive maintenance of this in this budget that will help us maintain those systems so that's very important to make sure we're keeping the investment that the community gave us.

Operating budget this evening has an increase of 1.46%, 1.5% operationally and 1.45% benefits and pay. We also generated a little over a million dollars in revenue this past year as our numbers for permitting and collection fees the really didn't fall off, even during the pandemic. That's kudos to staff that helped us keep Town Hall open and doing business throughout the pandemic. We have three outside the budget things that we'll get to at some point through our presentation. One is a warrant article for \$25,000 for our fleet apparatus repair and refurbishment account. The second is regarding a third administrative position of the deputy's rank. The fourth is the potential to upgrade our Telestaff software to go fully cloud based and cost in there. you will note this year that we will not be talking about Target Solutions. We decided to not pursue that moving forward this year and that comes from a review in the pandemic that we learned our IMC software system is reaching the end of life and really decided let's take a deep dive in what we're doing for asset management, incident reporting and what those upgrades were to make sure we're identifying the right software. So we did not bring that back because that was not ready. That will be ready for the following budget year. So that's really my opening, Madame Chair. If I could move on to 5710.

5710 - Fire - Administration

Chief Buxton started by saying Fire Administration, I think is on page 3. Sorry, I'm used to having KC do my page checks. I throw it out and she's like no it's page 4, you know, so page 3. We've got it down so here we are. This portion of the budget basically covers the administration in the Fire Department. There's five positions covering the salary and benefits line. The fire chief, the two deputy chiefs, the executive coordinator and one administrative aide. We also have one part time position, support services position that rolls up in 5710. This also covers all of our operational costs.

Lines reflecting increasing due to either the three year average or increased because of contracted services would be notices for newspaper ads. We had a little bump up there this year. Increase for our Souhegan Mutual Aid System. That's a contract that we have regarding the hazmat team. It's a \$300 increase. We did have an annual

increase for our awards recognition piece this year. Our contracted services for our four copiers and our encryption software for that had an increase and then medical exams for our operational staff also come out of this line and that was a contracted service with St. Joe's Business and Health that had an increase this year. We also had four additional firefighters that were added to that contracted service so we had an addition of people. And then we added \$100 for furniture replacement just some needed updates as we move forward.

Just a salary note as we look at FY21, you'll note that 5710-101 Full Time Salaries was overspent by \$20,000. That is directly reflective of earned time buyout for administrative staff. So we had \$20,000 in earned time buyout. And then our part time salary was overspent also and that's directly related to extra work through the pandemic. We budget out at approximately 1,248 hours and we utilized 1,300 hours this past year. Which averaged out to about 26 hours a week.

Chairman McGrath said before you move on from that page I have a question about line item 234 and 235. It's for lodging and registration fees. And I know it's a relatively small amount but it was zeroed out for years prior. There's no actuals that have been expended so can you just address that? Chief Buxton responded saying so we did not have anybody attending the executive fire officer program or the fire academy the two previous years. Then in the pandemic everything was shut down so I did not attend any conferences or anything over the last year because there was basically everything was moved to a remote platform. We brought that monies back because we've been informed that they'll be some additional National Fire Academy visits and conferences that we'd be looking at to go to this year. Chairman McGrath added I mean it's a relatively small amount but it just kind of stood out to me. To which the Chief replied, yes absolutely. Seeing no further questions on this section the Chief moved on to 5715.

5715 - Fire - Facilities

Chief Buxton explained 5715 is our facilities line and that is up approximately 1.4% this year. This is really the nuts and bolts of our facility money. So we look at maintaining those systems overhead doors and those sorts of things. All our heating and cooling systems. Areas that showed an increase this year, and there's one thing I want to pull your attention to. So large equipment was increased and I believe that was directly related to primal vent and generator maintenance. So we added it, obviously the generator down to the Lowell Road station on here and in the default that upgrade last year didn't stick. So it comes back and that rolls back to where we were for the FY22 budget originally, prior to the default. Chairman McGrath asked are we looking at 5715? Chief Buxton replied yes. Chairman McGrath replied, because I've got something highlighted that I want to go to at some point.

Chief Buxton then said 5715-207 water and sewer. You'll notice a \$3,000 upgrade in that line and that also was an adjustment that was attempted to be made in FY22 and basically we had two water feeds that were not accounted for in that line. We actually have five water services in three buildings. So you have your normal domestic water. Then you have fire service for Central Station and Lowell Road and then we have the three sewer connections at Lowell Road, Central and the Administrative building. So that's where that increase came.

Additionally this year we took some of that 1.5% to bring us back and put it into Building Maintenance. And basically the building maintenance money that was put in there was to start, as I talked about during our joint meeting with the School Board, to start a planning process to for looking at the Robinson Road Station. The Robinson Road Station was open in the early '80's and it is time to start looking at that facility and figuring out a long-term plan for maintenance and what that facility will look like long-term for this community. Basically what we're trying to do is identify a plan because there is a grant program that is on the cusp of coming out that may be available to us moving forward. So we want to be able to leverage grants to try to pay for some of those things. Chairman McGrath said that's the line item that I had highlighted. But I wanted to ask you about that as well. Because the actuals for '21 were almost \$68,000 and the budget for last year was \$42, I'm going to round up, \$42,000. For this year the budget is going to be \$47,000. Chief Buxton responded, so last year you had almost \$5,000 worth of GOFFER work that was done out of there. You had a replacement of an electrical panel that we lost at the Fire Administration building that was a \$2,000 cost. Then you had an \$18,000 overhead door replacement project at Central Station which was the back side of the addition that is behind Central. If you remember correctly we chose not to utilize the capital reserve fund and go have that out of the operating budget because where we were at in the budget year. So we had the opportunity to leverage that and pay for it out of the operating budget.

Selectman Guessferd was recognized and said I had a question regarding the utility accounts. Now they're all either equal or less. And so do we anticipate those rates, we hear about cost going up, utilities going up, and I just, my concern is making sure we have the right amount in there for it. Chief Buxton responded saying so we customarily have kept track of our utility lines and we've hit 95-96% so we feel very comfortable with the number we're pushing forward this year. In FY21 we actually came in 99% spent on all those lines. So we're hitting the number pretty good. We're hitting it budgetary. So we're comfortable with that.

5720- Fire - Communications

Chief Buxton explained 5720 is communications. That is 2.2% increase in payroll and we reduced the budget in there almost 9% and there's some adjustments that we made. Overall that budget comes in at about 1.6% increase. Couple of things that we did in there. This is the nuts and bolts of the radio system, right? So over the last two years we've been working through the town-wide update to the radio system in FY22 that project will be finalized and there will be some things coming off the budget. So for FY23 we could absorb those reductions that are in there that we're suggesting. We did have one increased line and that was regarding telephone lines. Basically that was just increased in the monthly cost. So that was the one area that we did bump that up. That's directly related to communications that's why it's carved out there and not in our facilities budget.

Chairman McGrath then said, so I have a couple of questions. What I do is go through each line item and I look at the actuals versus what you're budgeting and what you budgeted last year. So, and you may of already covered it, but I was looking at this and probably not paying enough attention. But line item 212. The radio repairs. The actuals were \$495. What was budgeted last year was \$4,000 and the same this year. Did you just cover that or? Chief Buxton replied we ended up covering that elsewhere and we actually had a good year for repairs. I'll tell you a portable radio is a couple thousand dollars. A mobile radio now is about \$5,000 so we didn't lose anything. Everything was repairable. Some of it was actually still under warranty. So we had some collar mics and stuff like that, batteries that were under warranty that ended up being replaced. So we ended up fortunately having a positive there.

Chairman McGrath then said, line item 325 and right behind it is 403. The actuals for 325 were 2.5 thousand and what was approved last year was 4.3 and what you're asking for this year is \$4,000. Chief Buxton responded so that line in 325 ends up being some of the repair stuff to the infrastructure itself. With the overlay of the new system coming in we should be through that and be on warranty for the next year. That's why you see that down a little bit. And we should be able to move forward. I'm not anticipating. There will be some legacy type stuff, like there's always disposables like desk mics and that type of stuff that are not warrantied past six months because of the wear and tear on them because they move them around all the time. We should be in good shape there.

Chairman McGrath said the next line item is 403 the small equipment. The actuals were \$23,800 and the budget last year was \$3,150. Chief Buxton replied saying last year we ended up replacing some mobile radios at the end of the year. I mean portable radios, excuse me, at the end of the year. Which was five radios. Chairman McGrath replied okay so that's why the actuals were higher. Chief Buxton added, we had four new employees coming on staff. We needed to provide them equipment and that's where that came from.

5730 - Fire- Suppression

Chief Buxton explained 5730, on page 15 that covers our operational division. This is the largest portion of our budget. So this is all the salary and benefits for our full time staff. Our fleet, our equipment and training. This is probably the biggest area of impact to the Covid incident last year. Lines that reflect increases either to three year averages or just price increases. So 5730-202, which is small equipment, so chainsaws and those types of things, we went to a three year average on that. Association dues went up a little bit last year. That was \$30.00. Uniform purchases went up \$3,915 that accounts for additional uniform costs that is contracted for the new firefighters that came on board and some of their Class A's and protective clothing. Oil and grease certainly went up. Small maintenance fees all went up a bit and under 5730-404 just a reminder that we had the lease purchase payment for the pumper that went in the budget last year. So that's where you see that.

Chief Buxton then said, I do want to draw your attention just briefly to 5730-105, which is the overtime line that

looks like whoa what happened there. But I want to remind folks of a couple of things. So we had \$4,982 hours of leave of absence time. People out on disability last year. So that overtime line to cover those openings comes out of that line. Additionally in the year we spent over \$100,000 supporting the State of New Hampshire vaccine and testing. So that was recovered on revenue on the backside. So we outlaid it and then the money came back in so when that line looks like it's up there's a revenue on the backside that brought that back down. We also on that line had \$119,000 worth of earned time buyouts. So that's where that increase comes from. That's my opening on 5730. I'm not sure if you have any additional comments.

Selectman Morin was recognized and said I know you talked about it but you talked about it real quick. Small Equipment two thousand and change. You went to six thousand and change and then later on down there Suppression-Small Equipment it was \$301 actual we're going up to 13? Chief Buxton replied yup we had the new SCBA's come out of warranty so we got to go to flow testing this year. And then we have the compressor maintenance that got added in on that 202 line. What was the other line? Selectman Morin replied, I get it for both lines. So the other one just tires. \$60.00 now almost \$6,000. Chief Buxton replied so you're going from \$7,000 in '22's budget down to \$6,000 and that is specific to you have some new administrative staff vehicles that are going to be coming in. The Town Administrator said I think he's referring to the \$60.00 actual. Selectman Morin said yeah you spent \$60.00. Chief Buxton said you're in the actual, I'm sorry. I'm on the wrong report. There was no cost last year. There just no...because we ordered three administrative vehicles that are on order so the tires we had are getting us through.

Chairman McGrath then said so I have some questions again. So line item 204 Large Equipment Maintenance the actuals were \$12,000 and the budget is \$28,000 for this year. Chief Buxton replied the actual last year was...Chairman McGrath said \$12,364 and what was budgeted last year was \$28,000 and the same this year. Chairman McGrath said I don't mean to be real picky but it's just things that jump out at me. Chief Buxton said 204 is Large Equipment, I'm sorry, so I believe we had a repair there last year that was covered by insurance.

Chairman McGrath then said so the next two line item 236 and 237 it's Education and then the second line is Training. The actuals for education was \$1,800. Training was \$1,500 and this year you're looking for \$8,000 for budget and \$8,500 for budget. Chief Buxton replied some of those are contractually obligated costs and last year through the pandemic there was no ability for us to go up to the Fire Academy and pay any training. We had to do in house on our own. So there was no availability to develop from that. We had to get creative about what we're doing.

The Chairman went on to say I've just got a couple more. Dave already covered the tires. Umm, Equipment Repairs parts line item 325. It's almost at the bottom of the page, of page 15. The actuals were \$93,600. You've dropped the budget down to \$2,100. Chief Buxton replied in that line last year you had an \$85,000 expense that was grant funded on the back side. But that was the line that was credited for the new compressor. So that's where that dollar figure came from. Chairman McGrath then said the very last thing, the last line, it's the Fire Suppression Trucks. The actuals were \$477,195 and the budget last year was \$270,322. This year it's up to \$337,415. Chief Buxton replied, yup so....The Town Administrator interjected saying if you recall last year we had the payment for the pumper. We put it in the budget but when the default came it had to come out. So that's why that was reflected lower. We actually transferred money to actually make that payment. So from a budget perspective it went to \$270,000 but he actually asked for closer to the \$337,000. Because of default I had to reset everything to default numbers which really skews some of these numbers.

5740 - Fire - Inspectional Services

Chief Buxton explained 5740 is our Inspectional Service line. Cover our staff upstairs that does the building and fire prevention area. Page 23, excuse me. So that covers the entire cost for our Inspectional Services area. Payrolls up approximately 2% and operational is down about 2%. And the biggest change in that line, there was a couple right. So you had subscriptions have gone up for the NFPA. We're expecting an update to the Building and Fire Code this year. So they'll be an increased cost for purchasing updated codes because we are required by state law to maintain a minimum of at least one hard copy here for the public to review. Association dues went up and there was an increase in the ICC New Hampshire Building Officials membership fee. That's an organizational fee. That's not an individual fee. They have access to all the ICC codes which is where the building code actually starts from.

We dropped a professional development piece because if you recall it's been five years now that we've had the joint department. We started out with a lot of certification training that needed to be done so we could cross train the staff upstairs. Their certifications are up so we moved some of that money back towards Educational Reimbursement for future development. So those aren't certifications that are required anymore. It goes back towards the development piece. In some of those lines, as Steve was talking about earlier, we had made some adjustments last year to that but then with default we end up a little bit back and forth. Okay.

Water Quality we're requesting to add to test Robinson Pond twice a month instead of once a month for the year so we can try to keep that open a little bit more than it was this year. The cost for water testing, the State of New Hampshire used to give us one test a month free, and they aren't doing that anymore. So we're required to pay for those now. Those are \$90.00 apiece.

You'll notice a reduction down in Public Education and that's not that we're not doing any public education. We're actually moving to different platforms. Right? So we're trying to make things available online. We used to do a lot with coloring books in schools. A lot of that stuffs gone to online stuff. We do our traditional coloring books and that type of stuff at Old Home Day with the little grab bags. But in the schools themselves it's really gone to a more online platform. Which is cost effective.

5765 - Fire Alarm

Chief Buxton explained the next line is the budget is Fire Alarms, page 26. Basically that line covers our master box system. There's 350 master box in this community. We manage 56 miles worth of cable. With 9 fire alarm circuits. So that comes in a little bit lower. We've been successful to leverage development. So what do I mean by that? Is developments are coming in and they need to upgrade as part of their agreement with us to their upgrading the wiring as we move forward because they need the expansion. So we've been able to do that.

5770 - Fire Emergency Management

The Chief went on to 5770 Emergency Management and said that is the cost of the Emergency Management System for the last year. Probably the biggest piece to highlight for you is underneath. 5770-403 sticks out like a sore thumb from \$60,000 to \$2,000. And that was we filtered all of the COVID costs through that line, right? So as we were covering moneys and stuff like that, we were able to filter that through one line instead of basically hitting each individual, trying to manage nine different departments and how that money was. We did it through one. So we did \$44,000 in GOFFER funds, and we did \$13,000 in the Department of Justice Grant that we had gotten received there.

The other piece is, is that certainly with the second year of the construction coming in, we'll be moving over to the full maintenance contract next year. We fell a little shy of that last year, so we had some money left over at the end of the year. But that is \$78,000 for the radio system infrastructure. That will be for maintenance there. Chairman McGrath asked is that the professional services? To which Chief Buxton replied yes it is.

Chief Buxton then said so that is my operational budget, certainly have a couple of outside the budget things to review and IT type stuff.

Selectman Morin was recognized and said first, I want to apologize because I'll tell you the truth. I meant to bring it up because I had talked to the Public Works Director about this last year and we were going to move forward with it. And when you brought up the emergency services, we actually had talked about it too. A light trailer where it can be used for emergency scenes. It can be used for public works. And we had discussed that. And again, I apologize because we had talked about it, said we're going to try to get that in the budget somewhere this year, and I forgot to bring it forward. But I think for the amount of uses that something to that effect could have between all the departments, police department to and I've been looking all the area towns have at least one, you know, I don't know what the cost is. Again, I apologize. Chief Buxton replied saying so I think Jess would agree with the statement. We are somewhat spoiled because at least I know from a Fire Department end of things If we have a trailer issue, lighting, trailer issue Charbonneau's have been very, very, very good to us over the years. And so Continental Paving has provided some support. I certainly agree with you 100% in regards to putting some money aside to get a light trailer. I think that's always good to have, whether they have a water break or whatever,

somebody needs it in the middle of the night or certainly not waking up Continental Paving, right? But the reality is, is that I think having something and we can develop a price on that and send that back to the Board for consideration, if that's where you'd like to go. Selectman Morin replied, I would like to see it. I mean, for all kinds of purposes in Town, I mean, we can even use it for public events. Chief Buxton replied yeah, Old Home Day. You know, there's a lot of and I'll and I'll actually take a couple of minutes to see if we can leverage something. If there's like an offshoot grant out there that maybe we can apply for and see if we can get that covered.

Selectman Guessferd and Chairman McGrath both said this is a good idea. Chief Buxton added, it's a great idea.

Chief Buxton then said so unless the Board has any consideration of how they'd like to go through it, I certainly would start with my warrant article first and then go to my outside the budget request if that's appropriate at this time. The Town Administrator said Article H. Simply put, I believe we're trying to add money to the existing Capital Reserve Fund for Fire Apparatus repair and refurb. We did that last year. As everybody knows, a couple of years ago, the state law changed any funding to a capital reserve established already needs to go on a warrant article. So it's a necessary evil. If we want to fund it, I believe its \$25,000 Chief? Chief Buxton replied \$25,000 for that. Yes. Selectman Roy asked what's the balance? Chief Buxton replied the balance, you had two projects you funded this year that are underway right now. So the balance when they're completed will be \$111,000. Any other questions on that warrant article?

Seeing no further questions from the Board, Chief Buxton continued saying, Ok, I have to outside the budget request that I'd like to review with the Board this evening. I'll start with the IT one first and kind of going that order. So basically, as the Board is aware, we operate the Telestaff scheduling software through what used to be. Kronos is now UKG. Through discussion with the IT Director we're recommending that we move that service completely to the cloud. Right now, we're split between the cloud and server maintenance here locally. This would afford the opportunity to achieve one of the goals that the IT Department has set in the strategic plan and expansion of some cloud based systems was also mentioned in their MRI report last year. So that's a deliverable that hangs out there. What we would do is we would need \$12,550 of additional funding, and then we were would reduce line 5777-269 by \$4,450 to add that together and make the \$17,000. We certainly wouldn't be paying for maintenance on a server here by them if they're hosting us, right? So we would attempt to do that all there with them. So if the Board has, we would like to request the additional \$17,000 and I don't know if the IT Director has anything she'd like to add if certainly a couple of seats.

IT Director, Lisa Nute spoke up saying I can discuss it more when I go up there. This is kind of a phase two, but I think when I'm in front of the microphone, I can just touch on a little bit more. Chief Buxton went on to say if you have any questions directly for me, it would put the maintenance of the system basically on Telestaff to continue. Ok?

Chief Buxton continued on saying, then the last piece that I have for your consideration this evening is basically asking to add a third administrative position within the Fire Department at the deputy chiefs rank. And we understand where that comes in with a costing this year. Total costing of \$107,000 salary wise, with \$31,000 in benefits and roll up costs. We basically department is broken down into three major areas. We have our preparation area or our risk management program, which are support type functions, and that program itself is basically tasked with program management, right? So they're managing our, our EMD stuff, they're managing our identification of risk, our analysis of risks, response type stuff and developing preventative maintenance programs. So that support area is really a big function there. Last year, we managed a little north of a million dollars in emergency management money. You know, certainly I'm kind of hopeful that we're not managing pandemics every year. You know, I don't think that anybody in their right mind thought that we would be managing a pandemic when we talked about health and emergency management in those types of things. But it was a reality, right? And so I think it was proven that those types of events are going to continue to come forward. So we need to be dealing with our ISO rating or after action reviews, incident management, you know, type stuff. So that's the first area that would get managed by one deputy fire chief. The second area would be our prevention area and that's our community risk reduction program. That's our five people upstairs and Inspectional Services. That area has been with the Fire Department just north of five years now. Well, actually longer than that. I think it's probably closer to eight years now, to be honest with you. And you know, they're managing, you know, 2,000 permits a year. Inspections are over 2,000 a year and their revenue generator of almost \$400,000 a year. I would tell you over time the effort that we have put into that has helped to create a very consistent application process, consistent code interpretation. Our customer complaints are pretty much nil now and that that wasn't always the norm up there, right? So what we've put in place works. But that area needs to be managed by somebody. And right now,

I have one deputy that's splitting their time between there and the operational division. So we feel that the need is there to potentially move that forward with some sort of supervisor in there.

And then the third piece really comes down to the emergency services group. That's the largest portion of the department. That's 48 people. Forty four in the fire and EMS staff. And then you have four and dispatch, they're answering 4,600 runs a year and there's a lot of work there between, you know, putting the plans together for response, maintaining the fleet, training requirements and additionally looking at the health and safety for the protective clothing and SCBA and then the dispatch operations. We also manage the contract for communications. One of the captains manages that as a collateral right now, and he'll continue to support the deputy. But that's really, you know, one of those contracted points that needs to be touched every day. So we believe that the need is there, but we're looking to open some dialogue with the Board and see where that that fits.

Selectman Roy was recognized and asked what would the timeline, what timeline are you looking for? Chief Buxton replied, well, so it depends on how we want to fund the position, right? Is this going to be a warrant article position or is this going to be something that gets put in the budget? That's one of the questions that I think we need to answer tonight. The second question is, is that you're looking at a three or four month period of just between advertisement, study, testing and those types of things. So if I'm understanding potentially where you're heading, you know, is there an opportunity to say, you know, it's going to be four months and you need us to fund it for the full year? Or is there an opportunity to fund it for a portion of the year? You know, that's certainly up for discussion point. I think you're definitely looking by the time you book a test and all those types of things, you're looking at three month period anyway, so a quarter of the year is gone.

Selectman Morin was recognized and asked what's the difference in costs with that four months? Chief Buxton replied reduced by \$25,000. Selectman Morin then asked and your presentation that includes uniforms and everything? That's everything? Chief Buxton replied, yup, roll up costs, yup. Selectman Roy then asked including any training that they would require or anything like that? Chief Buxton answered, that's a great question and that would be well, that's a great question, and that would be a point that we would attempt to do internal training to get them on boarded, right? So it would also depend if it's an internal hire or if the Board wishes us to post internal and external at the same time, you know, that's it's going to be a difficult spot to fill, I think. Because it goes from an operational position, which is on a rotating schedule to a five day a week position. But, you know, I think that that's where you try to leverage you know what, the candidate pool is available and let your best candidate float to the top. So we certainly have staff internally can do the job.

Chairman McGrath asked, anybody else? Seeing no further questions from the Board she asked the Chief so do you need an answer right this minute? Chief Buxton replied it's your budget process I'm just here. (laughter).

The Town Administrator addressed the Board saying what you may want to consider is you have some other outside budget request that you'll hear all that information. And perhaps on the last evening, you can look at a total of all out of the budget request and determine what you feel to be of value of the most value, what you want to do. You also have the option of doing a warrant article. Selectman Morin asked the how many positions do you know we have coming in people requesting positions? The Town Administrator replied, one. I believe just the one. We have some contract like for NRPC perhaps on the Planning side but we're not looking to hire somebody. But at this point in time I don't believe any of the warrant articles are for hiring anybody. To which the Finance Director agreed.

Chairman McGrath asked, Selectman Guessferd do you have something? You look like you're puzzled and that you want to say something. Selectman Guessferd said I think it's something that we need to really seriously consider the type of a position it is. Would that lend itself more to a warrant article or what are the thoughts about that? I mean, amongst the select board here, given that it's a department, not a department head, but a deputy chief.

Selectman Roy was recognized and said I would look at it as how critical it is, right? You know, quite frankly, if it's that critical, do we want to sort of take the risk by putting a warrant article. If the criticality is not there then you know, I'm a big proponent of letting the people decide. But if it's so critical, I wouldn't want to risk the operation of particularly the Fire Department, you know? Selectman Guessferd added yeah, I mean, it sounds like with the degree of work and increase involved in importance that I would I would tend to agree with that, that we might want to consider putting it in the budget.

The Town Administrator then said of course, then the concern is you get a default budget. That is a concern. Two, there was an advisory article back in the 90s that the Board generally has adhered to that stated any new positions, I believe we added to on the highway department, we've added police, we've added firefighters through grant programs. They've all gone into the warrant. That's been the practice, but that's been the Board has done it that way. I point that out just so you have all that information. You're not, it's not illegal to put it in the budget. It's not against the law. You can do that. But I just point out that that has been practiced based on an advisory warrant article from I think it was in the 90s, early 90s. And we we've gotten feedback, you know at different times about, you know, people using the term, you know, you're hiding it in the budget or whatever you want to call it. I mean, again, I believe that this is something that could go either way. But if we decide that we want to put it out there, if we decide on it as a warrant article I think that gives, well, obviously it gives more visibility. The Town Administrator commented saying yes, a warrant article is very visible because it stands alone. As I said before, you may wish to look at all of the budget, determine how much room you have or you feel you have, and you may make a decision based on, hey, we think we can accommodate that in the budget, in the budget reasonably. But I just point that out for conversation.

Chairman McGrath said but I think that your point that you made about the default budget and that we may be in the same position this year. The Town Administrator said that's a concern. Chairman McGrath said that's a real concern because you don't know. I don't think that any of us could have predicted that last year. I wasn't here for the budgeting process last year. But based on all of the years that I have been, everybody is really careful about, and I'm talking about the selectmen, when they go through the budget, they go through, as you can see, go through it line by line and make the best decisions that we can based on the needs of the department. And based on, you know, look at looking at the actual spending that we did. So to have a default budget I think that took the wind out of a lot of a lot of sails. And you know, it was, in my opinion, very unfortunate. And I think that whatever the aim was, it wasn't met. Because the people that suffered for it were the people. The residents of this Town, because certain things couldn't get done because we didn't have we the authority to spend any extra money. So I think that the goal that whoever, whatever group it was, I don't think they met their goal because I think the people really got hurt. And it wasn't just Department Heads. It was people that live in Town and pay the taxes. So in any event, I think that this is something that we should, you know, at the end of this budgeting process, make a decision about what we think are the top priorities and put that on a warrant.

Selectman Roy was recognized and said I guess I would say, yeah, it was unfortunate we had a default budget, but I also think that we might want to take something from that and advertise or sell the budget a little more. You know, quite frankly, I don't know that it was sold at all last year, I think. And, you know, the pandemic or whatever. But to put something out there on HCTV about what in the budget, what the warrant articles are, all those kinds of things. I think when people know what's in there, they're more comfortable voting for it. So that's just my two cents.

Selectman Morin was recognized and said I believe that we all agree that it's an important thing that we need to move forward with it in some manner. Yes, correct? Is there any other options? Chief Buxton replied, so I certainly like to think that I pay attention to the budget process in this community pretty well. I share everybody's concern in the room. So to answer the question, is there an opportunity for us to ladder into this instead of going for it in one fell swoop as an administrative position? The other option that I would potentially put in front of you is to reorganize the division upstairs and take one of the four positions up there and move back and put somebody in the position of fire marshal for the coming year and put them as a working supervisor in that department and then leverage that moving forward. You're not adding a head. You're looking at approximately \$12,000 worth of increase versus a whole salary and a head and benefits and all that. So there is an opportunity there, if that is the case, to reorganize the division you know, I would certainly want to move that sooner than later because we'll stick with the same number of people. So that would be something that I'd want to get, you know, put in the operating budget and then move on now. You know, just because it's going to take a little more time to get it up and running as we start, you know, basically having a working supervisor in there instead of just a full administrative position. Can we do it? We can do a lot of things, you know? Is it perfect? No, but it's certainly progressive. It's progression in the right direction, so it provides us some opportunity.

Selectman Morin asked is it going to meet your needs? I mean, because we're going from one....Chief Buxton said extreme to the other? Yeah. So I think the big deal is to make sure we're putting appropriate supervision in each of the three areas. And so at the end of the day, if you're asking me, am I willing to go there to start and be, you know, a team player? Yeah, I'm willing to do that to start. Yes, we can get it done and see how that goes and see, you know, I still think down the road, we're going to have to ladder into the full administrative position, but it's going

to provide opportunity for us to make progression. And I think that's what the budget process is about is kind of taking your singles and then you get your runs as you move forward, you know, so there's an opportunity there.

Chairman McGrath asked so are you willing to wait until we're at the end of this process next week to...Chief Buxton replied this is your budget process not mine. Chairman McGrath said I know but I think that we need to digest all of that and decide. The Town Administrator said perhaps if he brought that cost that he just talked about for the Board could at least have that as an option to look at warrant article, this number or this number? And if he could get that back to us for next week, that would be very helpful if I think that's where you're going. Chief Buxton said I guess my question is, do you want me to come back in this form or do you want me to forward that for your 26th meeting? Or will that be too late? The Town Administrator replied It's not too late because we can still do wrap up on the 26th, so the 26th could be the pieces that we still have left.

Selectman Morin was recognized and asked how much was it to make this transfer for a fire marshal? What was your cost? Chief Buxton answered it was \$12,000. Chairman McGrath asked so are you willing to wait until we're at the end of this process next week to...Chief Buxton replied this is your budget process not mine. Chairman McGrath said I know but I think that we need to digest all of that and decide.

The Town Administrator said perhaps if he brought that cost that he just talked about for the Board could at least have that as an option to look at warrant article, this number or this number? And if he could get that back to us for next week, that would be very helpful if I think that's where you're going. Chief Buxton said I guess my question is, do you want me to come back in this form or do you want me to forward that for your 26th meeting? Or will that be too late? The Town Administrator replied It's not too late because we can still do wrap up on the 26th, so the 26th could be the pieces that we still have left.

Selectman Morin said that's small money compared. Is that something that...Chief Buxton said we can manage that. To which Selectman Morin asked you could manage it this year? Chief Buxton replied we could manage that. I would find a way to leverage. We have an open position right now. I would save some monies there and benefits with saving some money in benefits right now and put that towards that as we manage the budget through the year. That's what you, you know, and kind of get that done.

Selectman Morin asked we had that position once before. Is that still somewhere in a contract or something? Chief Buxton replied it's still in the Supervisors contract. And that's why we picked that title. There's no other title that makes sense on how to get that leverage. It basically puts a there's no like code official or inspectional services supervisor. So we pick something that is in the supervisor's contract. So you don't have to open the contract, you're just repopulating a position that's already there. Selectman Morin then said basically, that position is what you're talking about. Chief Buxton said it would be a working supervisor. Chairman McGrath said okay so do we want to make a decision about that tonight or do you want to wait until the end of this budgeting process? Selectman Roy said I prefer we wait. Selectman Guessferd agreed. He then said it's one of those things where I don't I don't like that necessarily you know, that option of I'll call it a Band-Aid, but we're also dealing with what happened in this last election as well. And that's, you know, I certainly wouldn't want us to, you know, make a decision and have that kind of set us back. So that's my concern. But so I think maybe if we have more of the pieces in front of us next week, we can...Chairman McGrath replied, and I share that concern because I like I said, none of us could have seen that happening last year. Selectman Guessferd then said well, and I'll add that as a member of the Budget Committee, we didn't see it either. I mean, it was it was I think it was probably one of the most non-controversial, I'll say, you know, parts of the process. It was the budget. We looked at it. Everything made sense and then this happened. So it was a shock to us as well.

The Town Administrator said I will point out we've had back to back to fall budgets and in 2000's. It can happen. I'm not saying it's going to, but it's a concern we have to guard against. So what I'm hearing is if the Chief was able to give us some more information, he doesn't necessarily need to come back. You've got what you need from him. He would just relay the information back. The Board could look at whatever the cost would be twelve thousand, ten thousand, fifteen thousand and the Board could look at a warrant article, a large number in the budget or a more modest number in the budget. Am I hearing that correctly? Selectman Guessferd replied that's what I hear. Chief Buxton asked when would you like it for? The Town Administrator replied for next for next Thursday it would be nice just to have it in case we chunk through the budgets quickly. Chief Buxton asked any other questions for me? To which there were none.

Dept. of Public Works (5515, 5551 - 5556 & Warrant Article F)

The Town Administrator recognized Jess Forrence, Director of Public Works and Jim Lavacchia, Public Works Supervisor. The Town Administrator continued saying, just to set just to set the scenario Mr. Florence has won out of the budget request, which we'll take up at the end. He has one warrant article. I think it's one more article and his budget will start on page two.

Mr. Forrence started off saying That word default being thrown around here as much as it is, it scares the hell out of Public Works with a full almost \$400,000 increase that looks terrible at your bottom line, but we'll see where it goes. When the Selectmen gave me the guidelines 1.5% increase. We looked at it real quick and come up to about \$33,000. We were kind of happy with that. Looking across and then we get the cost for salt. It went up \$90,000 dollars from last year. The cost of fuel going up. It's like, okay, what do we do? Jim Lavacchia, myself, Jay Twardosky, the Street Foreman Jeremy, Eric, the Maintenance Foreman. We all sat down there and they pretty much hated me by the time we got done the budget. But we looked at a lot of things we could cut to take a lot out of the pain off of it instead of going back out for, you know, warrant articles for salt and so forth. We kicked a lot out of the salt account by cutting within so it wouldn't be so bad going out. Like I said, that \$400,000 scares the daylights out of me. But I if everything goes forward the way it should we can live with this budget that we're proposing. It's not what we like. We did away with a lot of things that I think would be nice to have. We can talk about that later if you like. cBackup generator, that's 22 years old. I think Kara talked to me on that before, but it's just one of the things we know when we need something and that's when we go after it. But I think getting by this budget, I think, is it's a tough one and a real necessity for us.

Any predictions on the weather for the winter? I mean, I know that they like the what is it, the Farmer's Almanac? I mean, I don't go buy it. But you know. Mr. Forrence said If we were seeing anything, I would like to see a lot of snow, but very cold. You know, cold weather isn't as expensive as warmer weather with ice. That's what cost money. Can we predict it? No. Do we take care of it when it comes? Yes. We have more vehicles, the cost of fuel and everything. Fire Department has more vehicles they fill up at our place. Not that it's taken out of our budget. They have their own. Some of the things we have to look at going forward. And like I said, these guys were sitting there going, you're kidding me, you're kidding me. And I told them, we go into the fall budget this \$400,000. We got to make up some place and then they kind of got it. So that's the beginning. So that's what we started with. right across the line, there was not much we did increase right? the building maintenance only for what it is fire alarm maintenance. All the costs are going up. We have sprinkler inspections, metal, the building at the transfer station that constantly needs upkeep. So we thought that that wasn't such a bad deal with the \$3,000. Chairman McGrath said so I have some questions. Are you done with your presentation? Yes, thank you. So I have a couple of questions. Line item 206, the electricity. So the actuals for 2021 were \$5,000 dollars. The budget for '22 two was \$10,500 and the same this year. That's double. I mean, is that is that a reasonable assumption? Mr. Lavacchia replied when you look back to '19 and '20 we were right around the \$10,000 mark in both those years, so we figured this was a safe number to go on where we were in the past. Chairman McGrath then said okay and then the only other line item that I'm questioning is the building maintenance line item 224. The actuals for '21 were \$81,000 dollars. The budget for '22 was \$7,000. This year, it's \$10,684. So there's quite a disparity there. Mr. Lavacchia replied last year we had a major expense with replacing the fire alarm panel. So we had to find that someplace. We don't anticipate that type of expense again. This year, however, we are in a '20 year old Building and we do anticipate some increases.

Selectman Guessferd was recognized and said follow up to that. I mean, even when you look at the years prior to that, the amounts were higher. So how do we believe that we're still going to be able to get by with less than half of any of the numbers, any of the actuals from the last three years? I'm just asking the question. Mr. Forrence replied you know, in years prior to this too, we were building to today's date. We were getting the time clock installed. We were getting, you know, the lifts came in. There was one year we bought the lifts. That was stuff that goes along with that we took out of building maintenance to get everything up to where we wanted to. Got a bigger oil tank at one point. So we had some of our own expenses, you know, in that line item to get to where we are today. Selectman Guessferd asked so these were all like onetime expenses? To which Mr. Forrence replied yes. Selectman Guessferd then said so you're confident in pretty confident if unless something dramatic happens. Mr. Forrence replied yes.

5551 - Public Works Admin.

The Town Administrator said I believe this is his administration. This is Jess himself and his full time operations person and his part time clerical person comprise this group. Mr. Forrence then said and it's coming with that part time person. I want to ask for a full time, but I will ask for more hours for her, the stuff we get into a transfer passes and all the other more paperwork she's got to do, 20 hours a week is just kind of tough. She won't do 40, but I'm trying to talk her into 30. That'll come in another date.

Selectman Morin was recognized and said 551-303 looks like it's gone up about \$1,000 bucks. Sorry, \$500 bucks. Mr. Forrence said yes that's just what we predict for the future going forward. Mr. Malizia added we find a lot of supply things are going up. Selectman Morin replied, Oh, no, no, I understand. I just looking at the actuals for the past years, I was just wondering why we went \$500. That's all. It's a throw of the dice. I get it. Mr. Forrence replied, well, I mean, we can do every line item and believe me, I wanted to say roll of the dice, but we did not do that. Selectman Morin replied, I mean, cost that you're going to have to spend how much stuff's going up, right? Mr. Forrence then said it'll come down to Jim's program on training. The stuff you have to buy for the training and so forth, then you copy for it. Selectman Morin said it's sitting on a boat, don't worry about it. Mr. Forrence replied, yeah, I heard the name on the side of that boat was Wal-Mart.

5552 - Public Works Streets

The Town Administrator said so one thing real quick on here when you go down to the street overlay account, there was a warrant article last year for \$200,000 of additional paving. It just hasn't been transferred into the approved budget. So just keep that in mind that this budget is really going to be \$200,000 dollars greater. We're going to get that entry in at some point. But just when you look, he didn't go up to \$990,000 on his own, it went by the voters approving a warrant article. Just when you look at the bottom line of this, I just want you to make sure you remember that.

Mr. Forrence added that makes the bottom line of the Public Works even better. He continue din the Streets line item saying this is all streets, traffic lights, everything else we try to maintain and everything the best we could. Like I said, gas and diesel, salt is the one that's really out there. Plow blades and everything. Signs, we'll probably get in trouble with it, but we'll work around. People ask for the damndest signs and we'll care if it. Mr. Lavacchia added so when we look at the gasoline in the fuel, those are all based on run rates from previous years. What we based a gallon and with the price increase that we're anticipating what we're been told that we're getting, those have been major factors in that increase. The Town Administrator added sust for the knowledge we budgeted, I think \$2.65 cents because we don't pay the taxes. We've gone up from \$2.50 to \$2.65 for fuel costs through every department, so we use a consistent number. Do we know if that's going to be the number? If I knew that it'd be in the commodities market. Mr. Forrence added you got that right. Mr. Forrence added that's accurate probably as much as we're willing to go up at this point in time, we're not there yet, but we're just anticipating we could be there. So, just so you know, everybody across the organization is using the same price per gallon. Chairman McGrath asked and you're talking about gasoline and diesel? Mr. Malizia replied correct. Chairman McGrath said I had them highlighted so. The Town Administrator said no It's something we look at, and again, if I could predict where it's going to be, I wouldn't be here. Mr. Forrence then said I call the supplier every year and ask them what they think and they laugh at me and they said, if we know it, we wouldn't be doing this either. So we take our best estimate at it. You know, with the prices coming up the last six, seven, eight months and you're going to take that into consideration. We've got to pay the bill. So we go with that.

Chairman McGrath asked so are you doing less brush cutting this year? Mr. Forrence replied we're doing less brush cutting only because we don't have a brush cutter. The one we do have, the old one, the new one hasn't come in yet. We gave them the PO in June, and that new one still hasn't come in. I think they said December. We'll have time to put it away. We bought the back on the same way in there, say, in December. Maybe for that, you know, everything needs a chip, you know? Chairman McGrath said well, that's the least of the worries. Mr. Forrence said you know, inVacCon, when you look at it, I'm sorry to get away from it. The VacCon is a trade in value. So we're still using it. We wanted this thing to go away before we put a lot of money into it. So we're using it sparingly. It's almost on demand. Mr. Lavacchia added we're using it exactly what it needs to be. Not the wants to be. The needs to be Mr. Forrence added because everything on that thing is so damn expensive and can't get

it, can't get anything. Nobody has anything on the shelf anymore. So the price they give us for a trade-in when they walk up and give us the keys to the one, we give them the keys to the old one, it's got to run and drive away. So that's our biggest concern with that. Just everything taken so long and we still have to do our job.

Selectman Morin was recognized and said I have a question on 552-401. It went from \$30,000 to \$52,000. That's a large equipment. Mr. Forrence replied remember last year was the default budget we got money out of town wide paving we put into that. So this year we have to cover that. And there is also just so there's nothing hidden here, was the fifth year on paying off the backhoe excavator we have. This year we put in the same amount of money. Same five year lease for new front end loader. Front end loader is a 2004. A lot of hours on it and it's a rust bucket. It needs to go. It's got to do one more winter, hopefully, and then we're going to get rid of that. The Town Administrator added so that's been a common practice in the Public Works to rotate that stock as they're coming off one piece of equipment they'll replaced it with another, but to keep the line constant. And it's problematic when you look at the default budget and you're trying to say, Oh, would you do that? Well, yeah, we budgeted it last year? It went away. You folks had to make adjustments when we had the warrant, default budget conversation. But I can't change the budget for last year. Mr. Forrence added you know that large equipment with the new loader coming in there is split between three other accounts. So we share the pain all through wherever we can.

Chairman McGrath said I have a question about sand. The actuals for '21 were \$43,000 and your budgeting \$60,000 this year. Mr. Forrence responded, that's just where we're going with it. Okay. You know, Brox has given us a call on information on where their prices are going. Everybody's going up on prices, so we're going to have to do it. We have to have a sand pile in the yard, especially for an ice storm. You know, like I said, I like it. I like the nice cold nights with snowstorms. It's a lot more manageable, but you get a warm night with a snowstorm or an ice storm or something like that. And then the sand comes out. We turn into Browntown, you know, and we don't want to do that. So but we still need it.

Mr. Lavacchia said we tried to keep everything as steady as we could here. The biggest increase is on the large equipment repairs. The main thing is trying to get parts. Getting parts and everything increased cost. Alternators, windshield wiper motors things you go through during a snowstorm. Chairman McGrath said but that's not a huge increase.

Mr. Lavacchia said it's not a huge increase in this amount. Mr. Forrence said well, what we found and what it's hurting us right now, and we've still got to go through a winter front of our 10 wheelers, you have the tire, you have the rim and then you have the hub. Well, I've checked with Continental Paving. I've checked with Hudson Paving. Where do we find hubs? They go bad. They get weak. They can't find them. So we've had to start this month, changing the front end of the trucks, from the old hubs to the new hubs like we have on our cars. That's \$3,000 a pop. So that's the only thing we can get. If we're in a snowstorm and somebody spins a hub or something like that we've got to replace it. So we've got to have this stuff in stock, you know, so we can take it out there and just fix it flat. So that's where we're going. It's just not easy getting any of this stuff anymore, and it costs more. It really does. I talked to Dave the other day how I'm having the Chief Mechanic right now buy windshield wiper motors, buy alternator, to get something on our shelf for the winter. To make it through the winter because we don't want a truck sitting on the side of the road because it doesn't have an alternator and dead batteries. So that's what we're trying to do now. It's tough. You know, it's looking. So the price increase does look it but believe me, it doesn't take much to get up to the \$10,000. The Town Administrator added you were able to save some money in your labor because you had a retiree that was at one rate and a new guy at a new rate. So it kind of worked out bottom line. It's not even, I think, 1.6% when you take everything into account, but you got to have the parts.

Selectman Morin was recognized and said the only question I got is drain registration fees? That looks like its new? Mr. Forrence replied it is new somebody brought up a couple of years ago that we should put some money in for training and registration and stuff like that. And basically, this is what it is. Jim covers the asbestos training, confined space training, a lot of that is done through Primex, and so it doesn't cost us a lot of money, but some of the other stuff isn't. So that's why we did some of that. You know, and the insurance company rules a lot of this, but you have to meet what they're looking for you to do. Jim has been right on top of that.

Mr. Lavacchia said so we're just trying to maintain we could. The main increases, like they've mentioned it was in the registration for the training and the classes and also in for the frames and grates in the pipes. Those are the commodities that are very expensive to get right now. Mr. Forrence added everything on the road wears out. And that's what these are. Selectman Roy asked the drain covers are you talking about the 203 is that the line where it goes up to \$4,000? Mr. Forrence replied 314 is where I thought it was. Frames and grates is 314. It went up

\$1,000. The Town Administrator added this departments benefited because I think he's had some turnover, some younger guys coming in. There's different insurance benefits. So sometimes that benefits us, it helps us. So this department bottom line is lower. Which is a good thing.

Selectman Roy said right but I was looking at 203. So actuals in '21 was \$468 and then '22 and '23 budgeted four thousand. Mr. Lavacchia said small equipment repairs. We were just able to get away with a lot less than at that point, but we do have some stuff that is in dire repair.

Selectman Guessferd said same thing, I guess on pipe 20%, but that just prices or there's more that needs to be done? Mr. Lavacchia said this was the first time that, we buy through the state contract. This is the first time that the pipe supplier actually pulled the state contract from the state and the state couldn't even buy it at the price that the contractor had promised. So we were kind of we've been kind of in limbo this summer of what we can buy.

5556 - Parks Division

Mr. Forrence said my favorite. It really is. I think our parks department does a fantastic job. Bringing Josh in to ask him what he could give up was like going to the dentist because he's so caring in everything he does. Not much of a change here. The only thing we did do on Josh because our numbers were worrying so much. He did have a mower to replace in here that we've done in the last couple of years for \$17,000. We ended up taking that out and put that to the good. It doesn't reflect here, for some reason, but we took it out. The other thing is the Board last year put it \$3,500 for Robinson Pond and then the asbestos removal at the train station. I left that in there to get it done because every year it's going to cost more and more money to take care of it. So if we can get it done this year, then I think we'd be ahead of the game. Selectman Morin asked you're talking the asbestos inside the train building? Mr. Forrence answered saying, correct. Selectman Morin then said just to give the rest of the Board that is still on the list for that rescue money. Just be aware of that. We haven't removed that yet. So that we'll have to wait on that to give you any answer on that. Mr. Forrence replied okay, that's fine.

Selectman Morin said I have a question. 556-224 it was approved \$250 dollars last year. It's up to 37 this year. That's the building maintenance. Yes, Parks Department. Selectman Roy asked isn't that the asbestos removal, right? Selectman Morin said oh that is the asbestos. Sorry about that.

Mr. Forrence said we've done good in the parks with the janitorial services. Don't ever get rid of them. My God, I thank them every time I see them, and I think I've shared some photos with you. Chairman McGrath said don't share any with me. Chairman McGrath then said so I have some questions about this department looking at the budget. So the line item 224 the building maintenance, the actuals were zero. You didn't spend anything but this year you're looking, and last year the budget was \$250 dollars and this year it's \$3,750. The Town Administrator said that's the asbestos we just talked about. That's the big piece right there. Chairman McGrath said okay so you can tell when my head was. Mr. Lavacchia said and you've also got to remember part of it was during COVID. So the buildings weren't open. So we weren't cleaning. Chairman McGrath replied, that's true.

Chairman McGrath went on to say and then other professional services, which is line item 252, and that the actuals were \$7,520 dollars and you budgeted last year and this year \$12,775. The Town Administrator replied, again, the bathrooms were closed so there really wasn't any need to clean them for a good part of the year. Mr. Forrence added and if I could say changing the times on the bathrooms, what we did has helped out quite a bit. It's really worked well. Selectman Roy asked when do you think close just out of curiosity. Mr. Lavacchia replied the last weekend in October. Mr. Forrence added we won't slam the doors the first. If it's still beautiful, you know, then we've put something up there, say the actual date it's going to.

Selectman McGrath moved on to page 25. The Town Administrator spoke up saying, no that's the IT which typically the IT Director covers on their behalf. But I think the one thing that's in there is the internet connection for the landfill. We put that back in reflected that back for the budget, as you recall, it came out. It's back in. That's kind of the big item that was there. We had talked about that. Again, we'll figure out how to do it this year, but we want a budget it for next year.

Selectman Roy asked what line is that in this? The Town Administrator replied 208. Selectman Roy then said yeah, but the second one, I just want to be clear, that's it's time clock? The Town Administrator said yes that wasn't

in the budget either, so again, the default budget really skews the numbers. Hopefully, we have to do this again next year. So if we flip and it's quite a flip, but it's you've got to go to the non-departmental section, it's going to be under department 5970....Selectman Roy asked can we circle back to something he said earlier before we move on to that...Chairman McGrath said sounds like you're listening to Jen Psaki circling back. Selectman Roy responded saying oh, I don't know who that is. Chairman McGrath replied she's Biden's press secretary. Selectman Roy went on to say so he talked about generators and would it be worthwhile to have a discussion about having a capital reserve fund for generators? We know they have a life cycle, right? I believe you told me it was 10 years. Mr. Forrence replied checking to get the pricing we did right now and they said 15 years and you better be looking to replace it. Selectman Roy said right. The Town Administrator added so we know that though we have a reserve for major repairs to town buildings, a generator will be a major repair to a town building. So that does.....Selectman Roy asked do we cycle them out on a regular basis? So like cuz it doesn't sound like we do? Again, we know they have a life cycle and I would presume there's at least six, five of them or six of them if you include the library. Mr. Malizia said I know the library has one. I know this complex with the fire station has one. I believe the other at least the Lowell Road doesn't have one. Rec doesn't have one. There's not one at the Community Center. Selectman Roy asked so would it be worthwhile to have again like a capital reserve fund just for that so that we get them on a rotation because that's a big risk operationally to have a 22 year old generator not work when we need it, right? Right. And it's and it's a large it's a large cost item, you know, they're not inexpensive, obviously. The Town Administrator replied so again, I presume under the major repairs to town buildings, which was established some number of years ago and matter of fact, last year, we added \$50,000 to it would be eligible for that. I mean, you can certainly do another, you'd have to establish it, which means you'd have to have a vote on establishing another capital reserve fund. Selectman Morin said but my question is, I understand where Selectman Roy's going. It's an emergency fund, so we have to wait till it breaks down before we can replace it. Selectman Roy replied Right, right. I think that's a huge risk. Selectman Morin added that's the question. The Town Administrator replied Yeah, I would think it says major repairs to equipment. So I would assume it means repairs, not proactive replacement. Selectman Morin replied saying okay so we would have to do what you want to do. Yes. Selectman Roy replied saying right And I guess again, my question is, is it worth the discussion to talk about that? Because, you know, if we have, say, an ice storm, they're an integral part of us recovering from that right? And if they if we're relying on a twenty two year old generator to work properly to support that effort. Mr. Forrence said go one step further. If we lose our town wide, hopefully this generator here will take care of the gas pumps here. But the pumps at public works is diesel and gas that we use during that storm. Selectman Roy said right, again...Selectman Morin said can put that on the agenda for our next meeting? Selectman Roy said Yeah, that's fine. That way we can. Yeah. Mr. Forrence then said and if you want to put a number in the back of your head, it's about \$35,000 dollars. I was just going to say, if you could get us some information, so we could, that would be great. Selectman Roy added although you might want to get it from all the departments because....Selectman Morin said because each fire station has them and they're the smaller stations are different. So yeah, the price. So yeah, if we could get that for. The Town Administrator asked so what are you trying to get to you trying to do an article to do to do that? Selectman Roy said yeah so then we can get into a replacement cycle so that we're not waiting to till they break down to replace them? We're proactively. Yeah. So because it's going to be in the middle of emergency that it breaks down, right?

Mr. Forrence added you know, and everything we have, whether it's a water booster station, sewer pump stations, the only time the generators come on, they exercise all the time, but the only time they go to work is...Selectman Morin asked so how many you have there? To which Mr. Lavacchia replied, five. The Town Administrator added most of those are fairly new though. Mr. Forrence added most of them are new with very little hours on them. Selectman Morin stopped Mr. Forrence saying oh no, I understand that. But. Selectman Roy cut in saying that's right now. But what happens? You know? Mr. Forrence then said then we'll come before you budgeting when we think it's time to replace it, that's what we do. We exercise, we don't let them start and let them run outside. We have a company come in. It's got a giant toaster, I call it. It opens up to get coils on it all over the place, and it actually puts a big load on it. And it shows its making electricity, but also shows the injectors are working good under a load because that's what you really want. You want the real shot when the time comes and we felt good about the one we have but it's starting. Selectman Roy added it's gonna age, that's just what happens. Selectman Morin said if you could, if we could get all the numbers for all the different generators. So we have an at least an idea how much we'd have to put in, so we could. Chairman McGrath added and where are they and where they are. Selectman Morin replied right, exactly .The Town Administrator jokingly told Mr. Forrence, you can do that tomorrow. You brought it up. You do it. Mr. Forrence laughed saying I opened my mouth.

So the solid waste you see, the first item, 217 is dues that we paid to Nashua on clean ups and the people that take our oils and things like that over there. The hazardous waste collection, that's usually an annual fee. We do that every year. The Town Administrator added it gives folks an opportunity so they don't dump it down a drain or in the trash. Mr. Forrence then said and of course, the big nugget solid waste. The Town Administrator added it's the trash contract you just entered into. Mr. Forrence added and that's the one that scares the daylight out of me when people were talking another default budget. What do we do? But bring it forward. That's all we can do. Chairman McGrath then said that's one of those items that if we have to go to a default budget again, that's one of the items that may be affected. And so then every resident in this Town that gets trash pickup is going to be affected by that. Selectman Morin added we talked about that the other day, but everybody's just going to drive to the dump and put it in a dumpster. He was talking about it yesterday just to make sure we had a plan. Chairman McGrath said except for me, because I'm not driving, at least at the moment. That's coming. The Town Administrator said I am going to at least ask the Attorney his opinion because you signed a contract, in my opinion, because you signed a contract. We have an obligation. So if we have an obligation, in my opinion, I'm going to double check this. It goes into default budget, right? Selectman Roy said and it would become like an encumbrance, right? The Town Administrator responded it's a default, but it would become just part of the default. You've made a commitment. You've signed a contract. Selectman Roy said it's no different than any other employment contract. The Town Administrator added one year at a time, and that's one year. So I'm going to ask that and if we can, I'm going to. I think I recommend we put it in a default budget because the alternative is we are not going to pick your trash up one week a month or we're not doing any recycling or something. So I think we have a credible argument to do it.

Mr. Forrence then said I did talk to our contractor and just gave him, Hey, have you ever? And he goes, I've never heard of anything like that, and I said so welcome Hudson, we'll test you. But he said there'd be all kinds of cooperation if that ever happened. I don't think it will. The Town Administrator said this number is the number you awarded. So just be aware we're just going with that. Selectman Morin added what you said makes sense. The Town Administrator said that's my argument. Selectman Roy added that's the argument I'd use in front of a judge. Because if we don't pay it, we signed a contract, and then they can turn around and sue us right?

The Town Administrator responded saying but we could be in breach, right? We promised X amount and we can only deliver y amount. So he has one out of the budget request. But let's do your warrant article first because we near the back of the book. So he is under Article F and again, this article, Selectman Morin will point out that this is under consideration for the ARPA money that we're talking about. This was on the list of projects for the American Rescue Plan Act money, so we may or may not have a recommendation under that program to maybe do this type of project. Selectman Roy asked, so Selectman Morin when might we see...Selectman Morin replied, we're meeting again on the 19th. We're having everybody that came in and requested something to give us a short presentation on why they need the money and what it will be used for. And then hopefully by the next meeting, we will hopefully have something. We're going to definitely have it here before we have to make our final decision. Selectman Roy replied Okay. I guess that would that would be my question.

So this is a similar article to the last year, but I think it's written, I say written, one has to be aware we're not just building a wall. We need to be in the transfer station or the drop off where you take your trash on trash weekend at the transfer station. We need to be in full compliance with these regulations and right now we need to do some repairs, renovation and upgrades to that to remain or to become in compliance with that. We need a concrete base. We need a stable wall. There's things we need to do from an environmental perspective to stay in compliance. This is the estimate of what that compliance is. So it's not just to build a wall. That is part of it, but it's to be in compliance with the rules. If we want to continue to use that on the weekends, we don't want to use it on the weekends. We don't have to do any of this. But I think the folks have come to really use that service.

Selectman Roy asked so is, is that a piece of a bigger project? Because I remember last year there was talk about transitioning that to an actual transfer station. Mr. Forrence replied saying we need this, the wall, to even stay where we are right now. But if you put a building in that we're look at, that would go along with that. The Town Administrator said the second page of this kind of shows...Selectman Roy then said right, but I guess my next question is there a phase? Do you have a phased out thing written down about like, this is the first phase? What? What might we be looking at next year for the next phase? Mr. Forrence added in, it won't be next year. It won't. Selectman Roy said well whatever year. Is there a written out full plan about it Mr. Forrence replied saying this wall is going to continue to what we're doing right now, making it more efficient for residents to get in there instead of the dumpsters. People that have been there it's lengthwise. You have one vehicle backing up to each one, and

everybody's seeing the line out to West Road. We're going to turn them sideways. We would have two cars and sometimes maybe even three cars, depending with what they're doing. But we need this to go forward if there was a transfer station. I've been contacted by a couple of people that would be interested in building it. The Town Administrator asked I thought you had something last year on the warrant article. I could be wrong, but I thought there was an information that kind of gave the phasing of what you might do. I think that's what you're looking for. Selectman Roy replied, yeah. The Town Administrator said I thought I saw that last year. You might want to forward that and we can...Selectman Roy said because I think it would be helpful if people knew that this is just one piece of the project and whether the next piece is the year after or three years after or whatever. They know that this one piece is done and there's more to come. The Town Administrator added this is critical to keep the operation as it currently exists. Mr. Forrence added this, if you will, phase one of a three phase plan or something like that. Selectman Morin added, I believe you talked about scales, and that's when you would start making some money on the land on the state will. Mr. Forrence said it will cut landfill costs dramatically.

The Town Administrator said I think you had something, though. I thought I saw something last year. Selectman Roy added, I remember a conversation about it. Maybe if you can just send a copy to us we can put it in. Mr. Forrence said we can do that. Mr. Lavacchia added we worked with Elvis on a conceptual map. Mr. Malizia said I remember the whole conversation. Mr. Forrence then said you know, we had gone to a couple of different communities that do have them. Keene was the one that really got me excited about this. It's solely paying for the solid waste contract up there themselves. They have a couple of three or four guys working there that's paid out of this. But sitting at the Keene facility and you see Waste Management come in and you see Allied coming in, all the rest of them, they're paying to dump there and they say it's very profitable. It's not going to go away. Trash is going to be here unless somebody can invent something better. Put it on that rocket that Will Shatner it just went on. But we're looking at going that way. Yeah, for sure. Selectman Morin asked do you need a motion for that time? I mean, this one's kind of a no brainer. Or do you want to just wait till the end? The Town Administrator asked well, to actually forward this? Yeah, but I think we're talking about the ARPA money, so it's a quite a possibility. This may not need to go there. Selectman Morin said I'm on that committee, so I'm sorry. The Town Administrator said I think you'd be prudent to wait. It's certainly there.

The Town Administrator then said so his other item that he has, it was back in his budget, but he spoke to you about the salt and basically the price per ton of salt has gone up dramatically. So in order to have a stockpile, I think you're asking for \$40,000. It's an outside the budget request. So again, you can wait till the wrap up night. But I think that's going to be an important item to have a sufficient stockpile and we do stock it at the garage. What's the's the per ton price? Mr. Forrence said it went up \$22.50 a ton. Mr. Lavacchia said it went up to \$72.00 a ton. Mr. Forrence said yeah it went from \$49.50 to \$72.00 a ton. Shocked us and we usually go with the state bid, but the state is actually paying more than we are. So it helps.

Chairman McGrath asked is that, where it's stored, is it protected? Mr. Forrence replied, yes, it's in a sort of a lean-to or so forth. The Town Administrator added some number of years ago we built that structure here because I think at one point either was uncovered or had tarps on it. The Chairman said I mean, protected from somebody coming along and filling their bucket. The Town Administrator said you can't get this facility is you can't get down the road. Selectman Roy said Yeah, the gates locked. The Town you could probably take a five gallon bucket and walk back and forth, but that's a lot of work. Mr. Forrence said we did have the resident we call the resident pile there, when somebody comes down, you can grab three pails of sand salt, we would leave the night, we come back the next day and the pile is gone and we were finding out that contractors were coming in after we left shoveling it into the back of the truck and then taking it to a business that they were charging to do treatment. So that's when we come up with the gate at the end of the day. So that's where that stands. Mr. Inderbitzen, Town Moderator started by saying if I may, one of the reasons I think that wall article lost last year is I don't think the people understood what it was. I heard that at voting. Selectman Roy added they thought it was just a retaining wall. I heard that too. The Moderator went on to say and they said, what? For that much money? Yeah, it really wasn't explained. I think we need to have for all our warrant articles, the good HCTV show on what the warrant articles are, what they mean. Oh, I think that would be a good idea.

The Town Administrator said one of the big things with this budget I believe, and Paul will confirm, you have three elections scheduled for this particular budget. The Moderator said we have a nice we have a nice 200% increase. The Town Administrator said versus the one that you have this year. So just it's exponential. Mr. Inderbitzen said as most of you know, accept the two new people, is that elections go on a four year cycle. You're one is one town election. That's it. Year two is a state election and a town election. So that's three. Year three is only a Town election, but there's a presidential primary. And then year four is another state election that includes a presidential

election. So the cycles, if you look back on the comparison budgets, you can see it jumps up and down only because it's a four year cycle. So we're going from one election this fiscal year FY22 to three elections in FY23 which would be a September primary and a November state election, and then a Town election in March of '23.

Chairman McGrath asked and this budget includes having it...Are we having it at two locations or just one? Mr. Inderbitzen replied we will have two locations. We're working on that. I'll be coming back to you about that. We have some recommendations from the committee of workers that I put together and getting some information and a little trouble getting some of the plans for the Alvrine cafeteria. We got them now and we're going to look at that as an option. And so I have adjusted my budget slightly. Most of the time we're going to split my staff into two places. Selectman Roy asked can I just ask a quick question that starts this March, though, right?

Moderator (5041)

The Moderator replied In March, yes. Selectman Roy said Ok. So we don't know what the second location is. The Moderator replied not yet. I'll be coming to the board to that because you have to make that determination. I'll have a recommendation. Selectman Roy then asked and then just so I'm clear who splits the voters like who says, you know. Mr. Inderbitzen said you do the Selectmen's job is to create the districts. The Town Administrator said so NRPC is working on that on our behalf. They've gotten the voter checklist, they have census data, they're working on that. So they'll be able to give you this is what we recommend based on population, what your districts may be just paraphrasing north of this and east of this and then west of this. That's one piece. The other piece is, OK, now what do you tell them to go to vote, right?

Selectman Roy asked do we know what the notification requirement is? Mr. Inderbitzen said yes, you have to send every voter, not just household, every voter, a card or a letter stating, your voting location is here. Selectman Roy then asked Is there a time frame for that? Mr. Inderbitzen said before the next election? The Town Administrator said I thought it was like a month before or something. It's like a 30 day notice. To which Mr. Inderbitzen added but you don't want to do before that anyway, because they'll forget.

Chairman McGrath said so but I'm surprised. Excuse me for interrupting, but I'm surprised to hear that Alvrine is being considered. I thought that it was going to be Memorial. Mr. Inderbitzen said Well, it's one of the things we were looking at was the Alvrine cafeteria. That's a big space for half of the voters, and it's one way in one way out. It's a level floor. Selectman Roy asked didn't they have some issues with ADA compliance? The Town Administrator said No, not on the first. No, we would have had problems in the gym. You'd walk right in. You got you've got a lot of parking. You've got the great traffic access egress. And if you think about the town elections, they're not that big. Selectman Roy said so has anybody talked to the school about the school calendar for that? The Moderator said well, the only one that would be affected would be March. And I'm going to meet with I'm going to ask for a meeting with the Superintendent and the school board chair to talk about that if we go. The question is, do we go with two schools? Because some of the people that work for us saying that perhaps the community center has outlived its uses as a voting place because of where it is in the middle of a neighborhood and the access. But it's up to this Board if you want to keep that as one of the locations and then ask the schools for a second or ask the schools for two locations. Selectman Guessferd said I think the geographic location of each one is going to be important. Selectman Roy added in right because I would presume that you'd want something in the south end of town, right? The Moderator replied we exhausted all the possibilities in the south end of Town, either parking or traffic access. St. Kathryn's was the only hall...Selectman Roy said do you understand what I'm saying? Chairman McGrath replied I certainly do. The Moderator then asked, Marilyn, do you want to put a tent up on your property? Chairman McGrath said I'd love to. I would absolutely love to because I could control the traffic.

Selectman Morin asked so what do you think he's going to help the split before he comes to us with a decision? The Town Administrator said I don't know what he's coming to you with the decision, but it's coming in. I reached out to them today but haven't heard back yet. Mr. Inderbitzen said I would like to also meet with them when they're looking at the possibilities. I would like to be involved in that. The Town Administrator said they'll give us data and then you can meet with whoever you'd like to. Selectman Morin said I just think you should have that before you come to the Board.

Mr. Inderbitzen Right. I would like to see what they recommend. They have the census data. They can do that. Selectman Roy said, I'm flabbergasted to which Chairman McGrath responded I know. The Moderator went on to say we looked at, you know, the different kind of commercial we'd have to rent, you know. VFW not enough

parking, right? St. Kathryn's difficulty accessing. The Chairman interrupted Mr. Inderbitzen at this point to say I think if you just if you locate the two voting places, whatever they are, whether they're in a church or a school or wherever it is and they're all in the same location, we're going to get first of all, we'll get hammered for making that kind of a choice and people aren't going to be happy because they want to see two separate locations. The Moderator responded saying Oh, yes, we're trying to get them as far apart as possible and the Police Chief's in agreement. Selectman Roy responded, right for lots of reasons. Selectman Guessferd closer to where those people on the edges live. Selectman Roy replied saying right.

Selectman Morin was recognized and asked did you look at PMA? The Moderator replied their parking is all separate, their new gym, their parking. There's some way over here on the other side of the building, some way over here, some way over here. It's a lot of walking. Not very conducive to. We looked at that before to see if when we were looking for the 2020 November election, we looked at that and it really was not feasible. Selectman Roy spoke up asking is St. Kathryn's where that young man's funeral was? Chairman McGrath replied, yes, the Phaneuff funeral. The Moderator said I'll be coming to you shortly with something from my group. Now that I have the other plans. Selectman Roy then said I would think that they could probably get traffic off that road fairly quickly into that St. Kathryn's parking lot. I just, I just think it's important that if we have two locations that they're spread out. So the voters, it's convenient to voters in all in both areas of Town. Selectman Guessferd said Yes, right? If you still bring the south and people all the way up to Community Center.

The Moderator said if you're considering purchasing land you might want to consider Teledyne. Selectman Morin then said let me make this statement. Didn't you say they will look in east and west? The Town Administrator said No, I just said, they have the voter. They have the voter checklist. I'm just I'm just throwing that out there. But I mean, at some point, somebody's going to be driving somewhere that they're not used to driving. The guy next to the Community Center may be going south. The Moderator the said what we looked at and what we feel is a better way to go and then discuss that with you or one of your meetings. Chairman McGrath then said so for those of you in this room or anybody that's watching this, that monitor Facebook, which I don't, you're going to you'll see a whole lot of reaction to this conversation. Selectman Roy said let's hope. The Moderator added the Town voted on it. Chairman McGrath replied saying well. The Moderator then said he Town voted for it, even though you weren't in favor in favor of it. Chairman McGrath then said I'm just saying, you know, like looking at putting one at Alvrine High School and then one not too far from Alvrine. The Moderator replied, no, it wouldn't be. Selectman Roy said yeah. I don't know that that was the spirit of the warrant article, quite frankly. You know, I think they were looking to have again. Selectman Guessferd said geographically separated. Selectman Roy responded saying Yeah, so that yeah. The Moderator replied oh, maybe a new 500,000 square foot buildings we could rent part of them for...At this point the Town Administrator spoke up saying, anyway, we should get back.

The Moderator replied, yes, that isn't any part of this budget so alright. Well, a little bit. The location is not, but I have my salaries. I've increased a little bit because I usually have a few people. We usually have eight stations for check in. So we'll have four and four and usually have two people to give other people a break. You know, when they for that. So I'll probably put two people at each location. So that increases my number of workers a little bit. We'll split the boxes, we'll split the assistant moderators. I will need an assistant moderator to work to be in charge of the second location, whichever how we decide it. Even the selectmen will split in their locations for the working of the process. So that's the only difference in that is a little bit up in the salaries, I have kept some money in police overtime only because I'm not sure where we're going. If you remember in, we had a lot of police overtime and DPW overtime in 2020. But some of that in the FY21 budget. But some of that was offset with revenue from the federal government that what was that first money that came out to help with elections. Cares Act. It was part of the Cares act. So there was some revenue involved in that. I don't know if that's reflected in this FY21 total. I don't think it is. I think this is. The Town Administrator said we gross budget here and revenue comes in over here. it's not netted So that would be your expense. That should be.

The Moderator continued on saying so if you look at FY23, it's about \$30,000 dollars for the election itself. Small increase. The only big thing I'm looking at and I sent you that letter explaining this would be the electronic poll books. I have yet to get a second. I wanted to have to compare, but the company that does the second one that Milford uses having trouble getting in touch with them. So even though he's been very happy with and they've been using it for a long time, how it works. Londonderry, Bedford are using the LHS E-Poll, the poll book. Poll Pads they call them. They've been very happy. Londonderry has been very happy. It's a local company, LHS. It's one we're familiar with are they're the ones that maintain our machines and print our ballots and all of that.

So I like working with them anyway. But I wanted to get a comparison because there aren't that many companies out there that are doing those. The reason I'm asking is because I think we need to be more efficient. The E-Poll, the Poll Pads, work very well. Everybody that's used them, they love it. Check in is quicker. You don't have A Line, B Line, you have, you go to the next one that's open, you have your Disney line...Selectman Roy interrupted asking and then they they just search your name. Right? The Moderator responded, yeah. And if you have your I think if we get these, I'm not sure this included in that quote, I have to ask them, if you have a New Hampshire driver's license, you can have a scanner that will read that and bring your name right up. But all you do is start typing the last name and it starts narrowing it down. So unless it's something like Smith, the only thing you would have problems with. Selectman Roy said flipping through a book. The Moderator continued on saying but they, they were much, much more efficient in checking people in. The people that use them, I thought I might have some trouble. I said, you know, how? How did your workers like it? They loved it. As long as you have adequate training and give them a chance to work at it, it was really good, everybody. The workers loved it because it was easier and quicker. Once you check somebody in, nobody else can because the units are all connected. I don't know whether it's Bluetooth. I have to. We'll have to do that. I've included IT in all of this. I had to talk with Lisa and I say, you know, anything I get from them when we get closer to that is we'll definitely include IT in this because this is it's an important issue. It just check in. It has nothing to do with the ballots or the voting counts. It's just checking people in. If you download your state checklist, which by the way, dropped about 5,000 people, our total checklist is about 15,668 when it was just over 20,300. Chairman McGrath asked and how many residents of voting age? The Moderator replied oh, how many residents are voting that? I don't know. We haven't have the I don't have the...Selectman Roy said Yeah, the census data just came out. Well, we should have the total censuses, but I don't know. By Hudson. Oh yes, you can go online. I did do that. I just don't remember what the number was, whether we're 25,000 or...Selectman Guessferd said it was close to 26,000. Selectman Roy added I thought it was around twenty six too. The Moderator said I did look at that. The Town Administrator said you've got to look at voting age. Selectman Guessferd added voting age that's yeah. The Moderator then said if we did use that 15,000 number in November, which is probably about right because all those people have moved out of Town because the cards all came back as undeliverable. And even though we had more people register, if we had used that 15,666 registered voters in November, we would have had a 93.4 turnout, which would have been very nice out of the 70 that we had because we had. All those voters who really weren't around.

The Moderator continued on with his Poll Book update saying so anyway, there's some advantages in that. I initially looked for 10, maybe 12. The nice thing about the poll pads because every four years I increase, I double the number of check-ins and we go from eight to 16. I put two people at every table. What was nice about these is if you need extra, you can lease them for a term. So if you don't have to buy them, you can lease from LHS's for a period. And so every four years, you may want to do that and have to figure that how much that is. But in terms of purchasing, you can't do a few here and a few next year. You can't split it. It'd be way too difficult. The other nice thing about this is we always know, and I checked with Merrimack when they had their multiple. They have three places now. I believe the first year when they had people show up at the wrong place. They were kind of kind to the voter and they say, OK, so they would call the moderator would call over to the other location and saying, Is that one on the checklist? Yes, check them off as voted and they would let them vote. But they said they only going to do that one year. With the Poll Pads, what's nice is because they all talk to each other, if someone goes to the wrong place and checks in, they can check in and vote. But where they're supposed to go will automatically be checked in. You can't do anything else. So you can't double vote by going to two different locations. So that's a nice thing. I wouldn't want to publicize that too much when if we if we go with this, but we want people to go where they're supposed to go because you don't want everybody go into one location unless there's another warrant article that comes in to go to one location, then we really have to really work at what we're doing. I think this will probably work out. It'll be a little different. I'm not sure about meals. I'm not sure how you know how that will...We're kind of all looking at that. So I'm working with a group of people. Then we're going to be meeting for a while now that the falls here.

Selectman Guessferd was recognized and said so, so one of the other things I guess, you know, when you go to the polls, it seems like every time, most of the time you go. Your line is the longest one. So this levels out those lines as well. The Moderator replied, definitely. Definitely levels out the line. What I also would like to do because the American Rescue Plan funds as soon as the committee is established, I'd like to apply for these to come out of those funds. Selectman Morin said you're a little late. Mr. Inderbitzen said wait I thought they haven't even had a committee yet. Selectman Morin replied, we've already met once. Mr. Inderbitzen asked oh, the money's already there? To which Selectman Morin replied if you're going to submit something, please get it in before Tuesday. The Moderator replied, Oh, okay. Selectman Morin said because we left it open. The

Moderator then said oh, I was waiting to see the committee form. Selectman Morin replied, the Committee is formed. The Moderator asked who's in charge? Selectman Morin said so get it in before Tuesday. Selectman Roy said Chief Buxton. Get it to Chief Buxton. The Town Administrator said so we had originally had been panned to after the election, but the Board accelerated and I think two meetings ago. The Moderator said I didn't know that. Only because I think because it will make it's more of an infrastructure piece that I think is covered under the American Rescue Plan, and it's not a whole lot of money, but at least would cover the costs of purchasing those and the training and everything. All right, I will do that. In fact I'll get that out. Selectman Morin told the Moderator send it to Chief Buxton. The Moderator replied, Ok, send it to the Chief. Ok, I will do that. I didn't know because I never got notified that maybe the Department Heads did, but I never saw anything that says, got to get them in. The money all gone? Selectman Morin replied nope, haven't even made any major decisions yet.

Chairman McGrath then said so I have a question for you about your budget and probably doesn't apply to this year's, but the police detail? If we're going to have two different locations and depending on where they are and how busy they are. Is that going to be enough for the police? Mr. Inderbitzen replied it should be because normally the only thing that affected last March's police detail was the mandatory mask. We were still in that. Normally we don't. We have the police check in in the morning. They don't spend somebody there all day. There was somebody there all day long at the last Town election and normally we wouldn't do that. That was this exception. Now I'm sure we're going to have to, you know, unless something changes, I'm hoping we're not going to revert back to what who knows, but we're hoping that's not the case. Chairman McGrath then said but on some of the bigger elections, whether it's the presidential election or maybe the state I don't, although we don't get we don't get a lot of them, but. The Moderator replied, the primary and the presidential, we get the biggest turnout. That's where I think you need a little bit more and I would budget for that. Chairman McGrath added well, and it's for two different locations to. So that means double of double the detail. I'm just thinking that I was just looking at the numbers and what pretty low to me. The Moderator said you have to remember, this is only overtime. This is not their regular if they're assigned to work that shift and they're assigned to there the only thing that I pay for is the overtime. So it's not quite the whole day that we're paying their whole salary, they're getting their regular salary. Selectman Morin said right because I believe a lot of the people during the day are the ones that are on during the day and that's who gets sent over there. So there is no extra cost on them. The Moderator said so it's just the overtime. That's why I marked it as and even DPW, I didn't they didn't even have any the last March, even though they had spent some time over there, they didn't. They didn't use any of the overtime or at least, Mr. Forrence said. He said its small enough that don't worry about it, we'll take care of it.

The Moderator continued with his budget review saying so those are the things the programming of the machines is up again. We're still waiting for the state to decide what machines we can replace those with because they're not being made anymore. ours have been maintenance, they did a maintenance. I was there for the whole time. They really cleaned them well because that was one of the things that came out of the Windham audit was the specs that were on the rollers was, it didn't cause any problems with the ballot, but it did cause some problems with the processing through the machine. So you have you have a copy of the LHC proposal, plus some some of the information on their Poll Pad. And I don't think that there's a whole lot of difference for a year with three elections from what we normally have. It's just going to be new because we're not sure. It's actually going to cost more for you to mail out those notices. And I will be coming back to you about the locations. One of your near meetings, we got to get ready on that.

Chairman McGrath asked anybody else have a question? Comments? Thank you Paul. Selectman Morin then said yeah, we're meeting a Tuesday afternoon. The Moderator replied Oh, I will get it in tomorrow.

5330 - IT, 5X77

IT Director, Lisa Nute, started off saying thank you Madam Chairman. Thinking back on when I started either assisting with or presenting budgets, I think it's been something like 24 years and this is my last one. Chairman McGrath asked are you excited about that? To which Ms. Nute replied, I feel like I should have baked a cake or something to share. Ms. Nute replied, no, not exciting. I'm not sure I'll miss this piece. The budget. Of course, I enjoyed being in front of all of you, but I'll be happy to put budgets to rest other than my own. Ms. Nute continued on saying all right, so I'd like to introduce my staff here tonight to my left is John Beike an IT

Specialist. And in the room I have Doug Bosteels, who of course we're thrilled to have back, and we have a second IT Specialist Vin Guarino and I am confident when I retire this coming December 1, that IT is in really good hands because you've got a great staff experienced. And, you know, I don't expect any blips when I walk out the door, so kudos to them for that.

So the IT Department manages approximately 600 devices that's, you know, phone switches, computers, servers, peripherals and things like that. We support between 280-300 users. We handle approximately 2,500 calls for service a year through our help desk. And in the past three years, we've experienced a 6-8% increase in those calls for service steadily. We are expected to be up by the end of this year, at least 3%. We maintain telephony and other technology and 12 Town owned buildings. All 12 facilities are connected by Town on fiber optic, and we have two data centers hosting our physical servers. That's those are connected with a 10 gig network, and we have several layers of security in place and are always improving where possible, just to try and keep one step ahead of the cybercriminal. But it's sometimes like shoveling you know what? Endless job. We do try to keep costs consistent year to year with replacement cycles for servers, workstations, printers, things like that. We run our printers actually into the ground. Any new printers are generally usually for the power users and then we, you know, move things around in that regard. Let's see. What else can I say? So the budget in front of you here is based on four and five year goals. Four year goals that we're set through collaboration with all Department Heads and our steering committee. And there's only one out of the budget requests, which Chief Buxton briefly mentioned. I can talk a little just a smidgen more on that at the end of my presentation here, and I have no warrant articles this year.

Selectman Morin was recognized and said question, 5330-203. You went from 6,015? Ms. Nute replied so if you look at the first line item, the maintenance on our crucial systems has always been pretty consistent year to year. What is new this year is the compellant, which is our storage array. That's a core piece of equipment. We have two of them, both data centers, one in each I mean, and that was on a three year warranty it was purchased, knew that manufacturer's warranty is now up. So I now need to maintain that. Pick up the maintenance on that. That's like a core piece of equipment we do need to maintain. So that's why the increase there.

Selectman Morin was again recognized and said and the second one 5330-403 small IT equipment, you went from twenty seven to eighteen. Ms. Nute replied saying yes. So there are a couple of N's in the left column there and the second are replacement and N stands for new. So this is one project that I'm trying to pick up on. This budget is the 1.5% increase that you've allowed us. Most of that went to the increases in software maintenance out of my control. But this is a second piece of that where we are, we'd like to outfit our fire dispatch center with IP phones so that we can have our two phone systems redundant of each other, the police and the fire one so that let's say one of those phone systems go down. Both those centers can be reverted to the other. And the second thing, a reason to make dispatch at a minimum IP is so that if they have to vacate that room in case of a fire, something like that, we simply unplug those phones and they don't lose their programming or anything. The second, the new pieces in that 403 are some storage. When we bought those components on each end that I was talking about is now out of warranty. We purchase something that can last us a very long time. All you do is add drives to it as you need it. And we didn't want to just, you know, go overkill initially and have to pay more upfront for it. So as we need it, we will add drives. We're getting to that point. The more and more that we store, we need to cover. So we've got a couple new cases where people are doing more video. We are now about to use a new web application where the sewer ties and videos and things like that, all their asset management that Land Use and DPW use will be partially stored in house.

Selectman Guessferd was recognized and said on the other side of that the computer equipment, you may have already covered it. That went down. Ms. Nute replied are you on 411? Selectman Guessferd replied yes. Ms. Nute said So basically, that is fewer systems now that COVID is, you know, kind of we still have several people

working from home and we still left several systems in place should we have to go back. But there have been a number of people who are not as critical and we're happy to get that equipment out of their living rooms. So that gives me less inventory that I have to replace. So my inventory replacement cycle has been reduced. So that's the main reason that has gone down. And then the second thing is, again, you know, default budget, I have to kind of go back a whole 'nother budget. There was a refresh on the Exicon recorders that are used. Both police and fire dispatch records the calls and we at the five year lease was up and we had a refresh. And so we had a bump up of money we required to update those servers at that time. That is no longer necessary, and that's why that went down.

Selectman Morin was recognized and said just to follow up. You said we ran out of warranty. Can we enter into a maintenance plan? Is that what you're doing or is it? Ms. Nute replied that's what it is.

Chairman McGrath said anybody else have any questions? I've got a couple. And you may have already gone over it. The IT training line item 237 the actuals for '21 were just about \$18,000 dollars. The budget for '22 was about \$18,000 and now this year it's dropped down to about \$15,000. Is there a reason for that or do you do you feel confident in that number? Ms. Nute replied yes. You know, this is something more likely. We'll go back up, but I'm OK with this. I had to stay within the 1.5%. That storage is crucial. Our warranty, obviously, I've got to cover that core equipment. So something had to give. I felt OK reducing this, at least for this one year because I still do have a subscription for the three people I'm leaving behind. It's quality training and we've had a number of new things all at once. We had our servers are up to date with the latest, our exchange, our email is up to the latest and we've brought in a new SharePoint piece of software. All of my staff have been trained on those now. So the biggest training we're going to have is for the employees now on how to use that SharePoint and Doug and I plan on starting that before I leave. So I'm OK with that. For now, I do think that they'll have to readjust that, you know, the next time and wiggle something else around, but we're OK for now. I really felt all right on that.

And then the outside service the actuals were a little over twenty three thousand. The budget for last year was forty eight hundred, which was quite a difference. And then this year it's up to seven thousand. Ms. Nute replied yes, you're talking about a count 252 for anybody following it. Yes, that's up 49%. And the reason is that I should have included a letter and in the left column there where it says penetration testing. I had attempted to get this in the budget last year and I talked about that and then default kicked that back out. But it is a recommendation that on an annual basis, you have somebody from outside come in and just see how secure we are and try to break into things or, you know, see what kind of vulnerabilities we may have. This is one of three tests that I'm looking to budget for. Just recently, John had an opportunity to talk with some people at Homeland Security, and we found that they offer some of this. So I'm currently working with them to see what you know, what level they offer. It may not be as detailed as this or, you know, as, you know, as much depth. I'm not sure, but we're going to start those conversations and see maybe if we can instead of doing, you know, maybe do an internal with them and keep this external, that kind of a thing. But we we're not able to do one last year. So we really need to do one and two, if necessary, if possible we can have Homeland Security maybe help us there.

Chairman McGrath went on to say then just two more line items. The small equipment line item 403. That went the actuals were just under two thousand dollars. Budget last year was twenty seven hundred, and this year it's up to eighteen thousand. The Town Administrator replied, those are where she was talking about before and the extra storage. So she covered that with Dave. Chairman McGrath replied Oh, OK.

Ms. Nute asked did you have any other questions on that? That was the storage. Chairman McGrath went on to say and then the next one is the next line down 411. Computer equipment. The actuals for 2021 one were \$70,000 a little more than seventy thousand. The budget for last year was \$57,156 and this year it's dropped down to \$38,000. Ms. Nute replied yes, 33% decrease was that refresh on the Exicom that I spoke of. We didn't

need that anymore and fewer systems because we have a handful of systems that came back from people's homes after no longer...Chairman McGrath said one of them was mine. Ok, Lisa, thank you, I don't have any other questions about that.

5077 Town Officers

Ok, in your packet. What we did is we re-copied each of just the IT pages from each of the other budgets so that you're not flipping back and forth in your book. So if you continue 5077 - IT Town Officers. And there is no change there. It's basically, you know, you'll find most of these are cartridge money that each department uses. Software that might be specific to them or hardware maintenance. And here it's just the same panic buttons and security things that we have in Town Clerk's office and cartridges that have not changed.

5177 Town Administration

The next one is 5177 Town Administration, and please stop me if you have any questions, otherwise I'll roll through. There is no change on this either. It's minimal budget on just cartridges, basically.

5277, Land Use

Next is 5277 Land Use. Again, no change. And this is the large format printer that we have maintenance on and cartridge use, and then they're due for one PC replacement in the cycle.

5377, IT Finance

The next account is 5377- Finance. This is down 8.9%, which is, you know, basically just a few hundred dollars, and it's because they're using the copier more upstairs, which I do try to encourage each department to do. Toner comes with that one versus their printers down below. So they've been very good about sending all their bills upstairs.

5477, Assessing

Next department is 5477, Assessing. Is everybody there? So this one really fluctuated, it's down 36.3% and that's because we're transitioning between Patriot Properties and Vision. So there's going to be a readjustment again next year and you're going to see that kind of balance out again. And it's going very well so far, by the way, the in working with Vision, and they're on top of things, and I think they're going to be a great company to work with.

5577, IT and Public Works

The next department is 5577 Public Works and this one is up 103.4% The Town Administrator added but because things are in the default budget, last year they got out. So it's back to where it would have been, where he should be with the connections he needs. Ms. Nute added yes, the landfill connection 208 got kicked out and then their time clock.

5677, Police IT

Next to count is 5677 Police. The accounts that fluctuated here is the first one listed 204, large equipment that is up slightly and again, that that is as Selectman Morin pointed out, is that compellant that's the second one. Data center is down there. So you're now picking up maintenance on that. And then that same thing that happened in DPW in 208.. It's the firing range connection, our Comcast internet up there that got kicked out, and now we had to put that back in here. The only other thing as a slight adjustment in 269 software maintenance, just a couple grand. And that's because I had I adjusted a couple of core, they call it in our, you know, our core piece of equipment is charged maintenance by the number of cores in it. And I had a couple that really should have been charged on the town hall side. So that went into my 5330 and was reduced here.

And then 235 equipment repair parts is a reduction by 75% and that is basically just I based it on what we've previously been spending. And you know, I could I could reduce that down. I'm comfortable with the things we've got covered under maintenance. I think we're going to be fine there. So overall, that's a 0.9 % increase, and the Chief is OK covering that in his bottom line.

5777, IT Fire

Moving on, unless someone has questions, is Fire at 5777. The slight fluctuation is in 269 software maintenance because they no longer are using that Fleetmate. So we got rid of the support on that. The biggest jump is more of those IP phones. And I apologize that I kind of made it sound like I'm double dipping here and I mentioned about the dispatch. Those are the phones that are listed here that we're going to make those IP. And then what I did on the other budget that I talked about in 5330, it's this building. So because like, if we need a phone system, if we need to jump over to another phone system, I want core people here to be able to also have a phone in an emergency. So like a few phones for administration, I did a couple of clerks. I did, I think one assessor person and like a water clerk, you know, and then eventually, as you know, budgets again, you know, kind of state, if we can stay consistent, I'll do some more of those and we'll kind of revert more and more to IP. So that's why the jump here.

The Town Administrator said this might be the time to talk about that outside the budget request, because it's a Fire IT item. That was to put the telescope on fully on the cloud. I figure it might make sense just if you want to talk about it while you're looking at this.

Ms. Nute replied saying yes, Chief Buxton did a good job explaining this briefly. I just wanted to explain that this is kind of like a second phase of what we already started. It was a no brainer to go with their cloud version because we were able to reduce equipment. So we got rid of four phone circuits, you know, at \$37.00 each per month and we got rid of a physical server. So I didn't have the maintenance on that anymore and I didn't have the replacement costs. But what happened is because we only did that partial, you know, phase. We have data being collected here in house and then we've got them going out Telestaff is the Fire scheduling and then they go out to the internet for another piece of that. So they're going back and forth and that's a bit of a security vector. So we'd be better off keeping our network more secure by just putting them totally in the cloud. And then we've got just the firewall between them and they're not going back and forth. So this is the second phase of that. Basically, as I was saying to my liaison Selectman Roy, we're very careful about what we do put in the cloud because it's expensive and it doesn't go down in price. And sometimes, you know, once you're out there, it's costly even to bring it back in, you know the data's out in their control. And even though they claim you own it and you know, we're still responsible for backups and everything else. So this is one of those that I feel confident moving them out. We didn't initially. That was another reason we only kind of partially did that to get rid of the equipment and

kept the data here because, you know, we weren't confident that they were a really good cloud vendor to have our data out there with. But over the few years we have seen that it's well built. They've done some good engineering and the layering and of the program and, you know, kudos to Vin Guarino. He did find a flaw in there in their database and their coding, I should say, and he was able to kind of, you know, ethically hack in where he shouldn't have been able to. They responded very quickly. They fixed that and, you know, we can see that they are a pretty secure company. So this is one I would recommend. We do move to the cloud. It would provide Fire, a little less dependency on IT. We have expertise in Vin with databases, even though Doug and I know some database as well. Vin is our expert in database and it requires some deep delving. So Erika does rely on Vin quite a bit. If he's on vacation and she needs something, you know that Doug or I can't do. I mean, she kind of has to wait for Vin to get back. So here, if the data is with this other vendor, she can get more immediate assistance there. So that's another plus there.

Chairman McGrath asked, is that it Linda? Lisa? I don't know what I was. I have a cousin. I have a cousin, Linda. Sorry. Anybody have any questions or comments? Seeing none the Chairman said thank you Lisa. Ms. Nute replied, you're very welcome. Thank you all. The Town Administrator said I think you had on Recreation just in case anybody had questions. There were no questions on the Recreation IT budget. Ms. Nute replied yes, it's a decrease and again that's more copier use. She's doing better at using copiers instead of printers. The Town Administrator added, there's no warrant articles for IT.

Chairman McGrath said thank you Lisa. Sorry it's your last time presenting. Ms. Nute replied, that's alright. Chairman McGrath replied but I'll hear you yelling Yahoo as you walk down the hall.

The Town Administrator addressed the Board saying I think that's what was on your schedule for this evening. So unless somebody has something else, I think that's where we're at.

5. ADJOURNMENT

Motion by Selectman Morin, seconded by Selectman Guessferd to adjourn at 9:30 p.m.

Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant

Marilyn McGrath, Chairman

Bob Guessferd, Vice-Chairman

Dave Morin, Selectman

Kara Roy, Selectman

Brett Gagnon, Selectman

DRAFT

HUDSON, NH BOARD OF SELECTMEN

Minutes of the October 19, 2021 Budget Review Meeting

1. CALL TO ORDER - by Chairman McGrath for the meeting of October 19, 2021 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Library Director Linda Pilla
3. ATTENDANCE:

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

Staff/Others: Steve Malizia, Town Administrator; Roger Ordway, Town Clerk/Tax Collector; Bruce Buttrick, Zoning Administrator; Elvis Dhima, Town Engineer; Linda Pilla, Library Director; Donna Boucher, Library Trustees Chairperson; Jill Laffin, Executive Assistant.

Absent: Brian Groth, Town Planner

BUDGET PRESENTATIONS

The Town Administrator started by saying as a matter of introduction, tonight is night two of the Fiscal Year '23 Budget Deliberations. The first meeting was last Thursday. You have a few documents in front of you. One document is a summary. We added a warrant article, Article L, I believe it is. Elvis Dhima will be speaking about that tonight. That's for a drainage project on Flagstone, I believe. So we just wanted to put that in front of the Board. It didn't make it into the book but you have it for this evening and Mr. Dhima will speak to it.

Article F is some information Board members asked for. So basically this is the transfer station and as you can see some drawings, some cost estimates. Basically I think the cost estimates are broken down somewhat into phases. This was information the Board wanted to at least have.

There was an out of budget request we received today from the Conservation Commission. They would like to add some money to the budget to do forest, I believe, management. Mr. Dhima will speak to that. I believe Mr. Collins is out on vacation but that's what I heard. When Conservation comes up we'll speak about that out of the budget request.

Tonight you basically have a lot of the smaller departments such as Trustee's, Cemetery Trustees, and Supervisors of the Checklist. You'll also deliberate on the Land Use, Administration, Finance, other expenses. Sewer Fund, Water Fund, and remember those funds are funded by those users. Conservation and then Library is here. A few items but most of the time it's a single department type of thing to look at. So without further ado I think we're starting with the Trustees of the Trust Fund....Selectman Roy spoke up saying Madam Chair, can I just make a suggestion maybe we go out of order so those folks that are here can go first and then we can do kind of the smaller things with Mr. Malizia after? Chairman McGrath replied, sure are you talking about Library....Selectman Roy interjected saying Library, the Town Clerk, Mr. Buttrick. You know. Then they can. The Town Administrator said I think probably the best, Mr. Ordway was at the beginning of the agenda because he's in Town Officers. So just take that area right there. It's 5030 under the Town Officers. Page six in the front section.

Town Clerk/Tax Collector (5030)

The Town Administrator started off saying so Mr. Ordway is here to speak about the Town Clerk/Tax Collector budget. Obviously Mr. Ordway was elected to the position this past March. He was previously appointed by the Board and this is his first budget.

Town Clerk/Tax Collector, Roger Ordway, started off by saying seems fairly easy for my department. Some of the other ones, maybe not so much. So I stayed within the realms of the 1.5%. I did move some money around from some things. What I did was I went back and I looked at the costs of certain things that I know

we do every year. Say dog tags. I said oh, we overspent dog tags. But I was underspent over here and I moved some money. An example of that you would see that I took the \$400 that was in there for notices and newspapers ads and I moved that down into our mailing budget. When I did the hiring for the new assistant clerk I found that it was \$560 I think for a newspaper ad so it was overspent as is. And I got one application out of that. Everything else came from Indeed. So I said well. And we were way over in mailing so I moved that money into the mailing. Beyond that I think I stayed within the 1.5%. I think that was the allotted increase, the most we could get. But I did stay within that. The Town Administrator added bottom line the budget is down its \$385,000 versus the budget this year of \$410,000. Mostly the savings is because we have a new Town Clerk, lower on the pay scale. And the benefit level for the people he has changed. So quite a bit of savings in the labor and benefit lines. A very modest, like he said, increase in the other operating expenses. And he's been very diligent on looking at saving money on mailing and trying to do things efficiently so I think it's a very responsible budget. And again it's down \$25,000.

Chairman McGrath said I just had a couple of questions about line items. But let's...does anybody else have any questions? Selectman Roy said Mr. Malizia just answered mine. Selectman Guessferd was recognized and asked what's the equipment rental? To which Mr. Ordway replied that is the, our copy machine in our office. I had not known that either, it's not even listed on the second page. I went and found out. The Town Administrator added we have a Town-wide contract for copiers and so whoever utilizes it, it gets utilized to their cost center. Given that they're in their office and it's usually customer based, they have a copier there.

Chairman McGrath then said so I had a similar question about that same line item. But I was questioning the actuals for 2021 were \$907 dollars. Budget last year was \$902 and this year it's \$1259. The Town Administrator said as we spoke about the default budget last year the budget should have been the \$1259, unfortunately we had to revert to the number from the year before because we had just entered into a renewed contract. Default budget created all kinds of havoc as I stated before. The default budget is \$902 but he's actually paying the \$1259.

Chairman McGrath then said the other thing I had was postage. Line item 238. The actuals were \$43,629 and the budget for again last year was \$33,250. This year it's \$33,650. Are you gonna have enough in this line item to cover your needs? Mr. Ordway replied I'm thinking we will. I think that when you look at that \$43,000 it was high that year but we had a lot of elections. And there was COVID and there was a ton of absentee ballots. And those weren't your standard shipping either. They had to get weighed and all that took into effect. They gave us more money through that fund but that still didn't cover what we did. Then we were closed a lot with the two people. A lot of stuff was being done online and through the mail. Now that we're open a lot of people choose to come in. so that should come down and that's why I took the \$400. I put it there just in case. Chairman McGrath replied, I was questioning because the actuals were a little bit higher. So. Great, thank you. Seeing no further questions from the Board the Chairman thanked Mr. Ordway for his time.

Zoning and Zoning Board of Adjustment (5581 & 5583)

The Town Administrator said I might suggest Mr. Buttrick next as I know he has a ways to drive home. Mr. Buttrick is under the Land Use tab which I believe is 5570, says Community Development Planning and Mr. Buttrick the budget for Zoning will start on page 10. This is the Zoning. Mr. Buttrick is the Zoning Administrator and he has an administrative aide budgeted in this budget too. Chairman McGrath said this is the one that I wanted to talk about.

Mr. Buttrick started off by saying thank you Chair and Board. I'm here to answer any questions you may have on the proposed budget. As the Town Administrator indicated it's actually two budgets. Zoning, Code Enforcements 5581 that's basically the department and administration for code enforcement as well as zoning. The other 5583 is the Zoning Board of Adjustment. That's why it's separated a little bit in that regard. There's not much administration that goes on there. That's really the Board and the function there of.

Chairman McGrath said I have no questions about your budget at all. Accept I was surprised not to see a request for an additional person within that department. Mr. Buttrick replied saying that's been floated around. Occasionally we've discussed it. We have our Monday meetings. Is it a want? It's definitely a want. It comes to the level of is it a need. Would it help me? It definitely would help. I can give you some

numbers for doing zoning determinations. 2018 156. 2019 139. 2020 146. This year, so far, I've had 176. That's only 10 months out of the 12. The Zoning Administration has been busy this year. So conversely, or adversely, code enforcement doesn't happen because my hours are dedicated to zoning. I will be honest with that.

Selectman Roy was recognized and asked so I was gonna actually bring this up a little later in the meeting. So we've talked a lot about what certain, like IT for the Fire Department. We've discussed on this Board HR Director, Zoning person, another Planning person. Do we think it's maybe worth money to like an organizational management study through MRI to see, to kind of quantify what our needs are based on using empirical data and models and tests and things like that? Do we think that that's? Chairman McGrath spoke up saying I would certainly agree with that because I can see needs in some departments in Land Use and not so much in others. And so I'm basing it just on my own experience. The number of years that I've been around here. But I think that that would be a really beneficial thing. Selectman Roy interjected saying then we can look at it strategically and prioritize what...because you know if it says we need seven new employees, you know, that's probably not a good idea in one shot. We could prioritize and do it that way. Chairman McGrath then said so I can share it with the rest of you, I talked to Steve this afternoon because I was concerned about that. And I've had that conversation with Bruce before where he was concerned about not being able to do code enforcement because he's spending so much time on zoning determinations. And I get a lot of complaints about code enforcement. People are concerned about the way the Town is looking because code enforcement can't get done. We can't spend any time on it. So yeah, I think that would be a really beneficial thing for the Town just to take a look and if the Town decides that they really don't care what things look like and they don't care what people are doing with their property then you know we won't be able to hire if they agree with that. But I think that that would be a good thing to do get that information and present it to the voters. Selectman Roy added right. We'd have something to present other than sort of our own observations and you know cuz I think we would probably, if we went around the room, could all have a different department that we would say needs this or needs that or whatever.

Selectman Guessferd was recognized and said thank you Madam Chair. So are we talking about kind of a more of a strategic kind of man power study essentially? Selectman Roy replied, yes. Selectman Guessferd went on asking across all the departments? To which Selectman Roy replied, Town Hall, I think. Cuz I know that in the past the Fire Department, Police Department, they've done their own. But I think to do Town Hall, Land Use, IT, umm, you know the Clerk's Office, the Assessor's Office just...Chairman McGrath said HR. Adding an HR person. Selectman Roy agreed with that comment. The Town Administrator said so you're probably looking not to do DPW, Fire and Police. And no offense Library, you have your own. That covers all the rest of sort of departments. Selectman Roy spoke up saying Recreation, I'm not sure if there's a need there but if you think there is maybe we discuss that but you know. The Town Administrator added, I don't think there is at this point. Selectman Roy replied, I was thinking more within the...The Town Administrator said I don't think there is at this point. You're right. I totally didn't think of Rec but I don't think there is. You're thinking more the core of what we do here without Fire, Police DPW. Chairman McGrath added and to go along with that, we'd have to determine whether or not, if we're going to propose to the voters that we're going to add staff, we need space. I mean all it takes is for anybody to walk into this building and you know that we don't have enough space. Selectman Roy agreed saying right. Chairman McGrath continued saying so that will go hand in hand with that I think. Selectman Roy replied I would agree.

Chairman McGrath said Bruce, I think...Selectman Roy said we got off track a little I apologize. Mr. Buttrick replied, no, I hear you. Plus, again, being in the Land Use and associated with Planning, Municipalities kind of lead/lag situation. For instance in Planning I'm speaking kind of for Brian, he got overwhelmed with the large Amazon project. One person it's hard to ramp up with a municipality saying hey, we need another half person because the regular job just got swamped with a huge project. So he probably was falling by the wayside to keep up to speed as well. But how do we...you can't forecast the economy. So we always seem, municipalities, will lag in that regard. All of a sudden everybody gets burned out and it's like how come everybody's leaving? Well because the positions aren't there. Then likewise when you have a contraction and there's a recession and everybody's like oh everybody's in Town doing nothing. So it's a hard thing. But I agree. I think you need to evaluate what do we need and what have we outgrown? Or need for positions.

Selectman Morin was recognized and said I agree with Selectman Roy and doing the study but you guys

got to tell us you need help. You know. Just because we had a default budget doesn't mean you can't bring it forward because if you're getting so far behind and we're not doing any code enforcement whatsoever that's an issue in itself. It should have been brought forward. Anyway I mean at least you did and brought it to us and we can make the decision. But that happens all the time here. I've seen it through my whole time here. It's like nobody wants to do it. You gotta bring it forward anyway. I mean look you did the fire station three times. You may not get it the first year, you may not get it the second year but at least it's there and we need to start doing that. Mr. Buttrick replied good point. The Town Administrator added we do, do code enforcement, just so everybody knows. The problem is if you have difficult cases they take a lot of time and they end up in court. Selectman Roy asked is there any like, within the, well I know in the Planning there is but Zoning is there any temporary help we can get through like NRPC? The Town Administrator replied funny you should ask. I reached out to them. I didn't get a response yet. But I did ask if that capability was there. I'm not sure that they're noted....Chairman McGrath interrupted the Town Administrator to say we had a lengthy discussion about this. The Town Administrator continued on saying, I'm not sure they're noted for that type of work but I did reach out, express what we potentially needed on a temporary or assistance basis, I'll see what I get for an answer.

Chairman McGrath said let me just add one thing. So I sort of disagree with you about Planning because Planning has the opportunity and the ability to utilize NRPC. And that's happening upstairs now. We've got a temporary person that comes in I think a couple of times a week, does things that would help Brian out, so you know, that need, although it may be there, at least there's some help. There's some ability to get some help in here. There isn't any ability to get help, at least as we know today. The Town Administrator added we don't know yet. The Chairman went on to say as we know today there's nothing available to get you help other than a warm body that's gonna stay in this building.

Mr. Buttrick replied and that "position" would have to go in front of the voters right because there's not a position that exists like a deputy whatever or assistant within Zoning Code Enforcement. So I don't think you could do it in the budget. Right? The Town Administrator said well we have a title. I'm pretty sure one of the union contracts covers the title. Because we've had somebody with that title, 15 years ago. So there is a title. The question becomes a debate among the Board, how does the Board want to handle it. Does the Board want to put money in the budget? Does the Board want to do a warrant article? You can go either way. It's not illegal to put money in the budget. For transparency perspective people like to put something out in front of the voters. For example if you did an HR person, we've never had that title. I would strongly recommend you put it in a warrant article. But if you're bringing in a code enforcement officer you could certainly have a debate about that. We talked about part time and I don't think you're going to get a part time person to do anything. We can't get people to work at Walgreens. Mr. Buttrick spoke up saying I was thinking if we were to satisfy my aspect of code enforcement, part time, the other part time could possibly do assistant planner and not necessarily have to rely on NRPC. That way we have a little more direct control of those hours. That's the thought. The Town Administrator added it may be too diverse of skills. They're not easy skills.

Selectman Morin was recognized and said the Town of Hampstead had the same issue we're running into now and they hired a retired lawyer, part time, and all his job is to handle that stuff and any kind of problem the town has. It goes to him. It takes a load off all the regular department heads and land use and things. You may want to call over there and see how they did that. The Town Administrator replied, yeah, I never heard of that. Selectman Roy said is it like an independent contractor? Cuz I would presume that would be less expensive cuz you're not paying benefits and stuff. The Town Administrator anything you get under 29 you're not paying benefits. Selectman Morin said and that's how they do it. If you call them and find out but that's how they do it. They were having the same issues we're talking about and that's how they fixed it. Chairman McGrath spoke up saying we really need to get Bruce help. Or that position help. Because he's been crying out for it for a couple of years now and I've known about it because I was the liaison to Zoning and Land Use so I've known about it and I thought it might be addressed in this budget. But in any event.

Selectman Morin was recognized and asked do you have any numbers of what it would be to have somebody hired to help you? Mr. Buttrick replied, I would start with a 30 hour or four day week. But a number for salary....Selectman Morin said is it something we can talk about because we still have time to put it in if it's that much of a need and things aren't getting done we can still. Mr. Buttrick said I'd have to look at what the prevailing. I really don't know what the salary would be. The Town Administrator added,

you're probably in the \$90,000-\$100,000 range by the time you put in the full benefit package and you look at the salary. You're not going to be much lower than that. Selectman Morin asked did you say you wanted 30 hours or less? Did you just say that? So more of a part time person. Mr. Buttrick replied I could do a full time right away to catch the backlog but I don't think you could do a full time, full time. if that makes sense. Chairman McGrath spoke up saying you need it to catch up on the past stuff. Selectman Roy spoke up saying so you need like a temp for a certain number of months. Mr. Buttrick said potentially but I could see a full time, part time as the Town Administrator indicated. The minute you set your eyes on....Selectman Morin said now I get you. Part time but hire them as a Town employee. Mr. Buttrick replied, right, right.

Mr. Buttrick explained once you go for it now you got to make the box clean if you're gonna go to court. Then it's okay don't distract me. I've got to get this ready for the court and it takes a lot of time to research it because you have to cross the T's and dot the I's because we're gonna go to court. It's not just a matter of sending a letter out and saying oh good they complied. Well they didn't then we got to ramp it up. So that's time consuming because then that's the hot fire that you're putting out is to chase that. In the meantime everyone else is complaining and it's like well I can't, I'm busy or whatever. I got the timelines. That's the unfortunate part.

Selectman Morin asked is this something that we want to at least get some numbers like we have on other things and take a look at it. Selectman Roy replied, yeah, I wouldn't mind seeing some numbers on that so just you know. Mr. Buttrick replied I can research some of the, you know surrounding communities what code enforcement officers salaries are and what kind of a work load they get.

Chairman McGrath then said for those people in Town that are complaining about the lack of enforcement they'll be jumping for joy over this. The ones that are in violation not so much. Mr. Buttrick laughed and said maybe they'll move out of Town. He then said I appreciate it. I do. Chairman McGrath then said okay, we'll have a discussion either later tonight or? The Town Administrator spoke up saying we don't have any numbers tonight. Selectman Morin said no, no but it will be a future budget meeting.

Selectman Gagnon was recognized and said thank you. Kind of quickly. I know we were talking about part time but you just said something that made me think. If we need a part time employee to just enforce the code but then you just said it if you actually find problems then that little I found a problem becomes a bigger core initiative. So that could balloon into full time position if you're finding more issues. That isn't the crux of the job. It would be arguing those issues.

Mr. Buttrick said I think initially there's going to be that bubble of there's a big slug of activity. The once the word gets out, hey there's enforcement going on, that's not going to be a lot of investigation because there's probably not going to be a lot to investigate. Hopefully. With the big hammer behind. You know carry the big stick. It could but hopefully not. There will definitely be a big slug. No doubt about it because it's got to get through the pipeline. But once its wow Hudson's serious about it. Selectman Gagnon replied very good point. Thank you.

Chairman McGrath asked, anyone else? No? Thank you Bruce. At this point the Town Administrator said he has the ZBA I don't know if you wanted to take a quick look at it because it is for the Zoning Board of Adjustment. This is the cost to take their minutes, post things, and do notices. Just wanted to point it out. Page 13. It's basically pretty much tracking right on line. Chairman McGrath replied, I had no questions. To which the Town Administrator said I just want to make sure we point it out. Mr. Buttrick added that's primarily statutorily driven by the required notices, the minutes and the record. If we get to court different situation but we have a complete record for the court to review. And I do want to thank the Board for the alternates. The public has heard the cry! We're getting a full complement which will start....Chairman McGrath said you may be getting an old member back. An old alternate may be interested in coming back. So. The Town Administrator joking added, former alternate, not old.

Library (5060)

The Town Administrator started off saying as you're well aware the Library Trustees are in charge of managing the Library. Pretty much they come to you to review their budget but they have the authority to put their budget together. They've done so to come to you but it's their budget.

Library Director, Linda Pilla was recognized and said good evening. I'm here tonight to present an FY23 budget for Rodgers Memorial Library. You requested a budget with an increase of no more than 1.5% on the operational side so that's what I've prepared. Per conversation with Mr. Malizia I have prepared the payroll side of the budget with a step program for the seven full time librarians. For the rest of the staff including myself and the facilities manager I have included a 3% COLA and that number is reflected on the salary line. I should also have potentially access to the detail of the staff numbers. Does anyone have any questions regarding the staff budget? Seeing none Ms. Pilla moved on.

Ms. Pilla said moving on to the operational side, if you'll do me a favor, first look at line 206. 206 is our electricity. There was a reduction in that line of \$7,000 which is 25% of the budget. The lights at Rodgers Library were upgraded at the end of FY19 to high efficiency LED and we have realized a real drop in the cost of our electricity since that upgrade. For that reason I have predicted our costs to be around \$21,000 for FY23. I have reallocated those funds to software maintenance which is 269. 269 is a line that purchases and maintains online resources and the software that directly benefits the community. So people looking for online resources. The only other line item that shows a significant increase, I know you may have questions about the other smaller increases, the only other one with a significant increase is line 412. That's computer software. This line reflects purchases and upgrades of software that operate in the background and enhance the patrons experience but do not offer a direct product that is available to them. For example our long overdue new website, including its support and upgrades are on this line. Along with the software that runs our servers and other support systems.

Ms. Pilla asked does anyone have any questions for me? Chairman McGrath replied I have one and you already touched on it. Line item 269 the software maintenance so I looked at the actuals and those were about \$17,000. And you've bumped it up to \$21,000. Can you just give me a brief explanation? Ms. Pilla replied right at the end of the financial year last year we added in the academic databases from EBSCO. To cut a very long story short the state library has purchased the EBSCO academic databases for the last 30 or 40 years. It's been a long, long time. Maybe not that long because computers haven't been along that. Been 20 years at least. Last year they decided to discontinue offering those databases and it's a long and convoluted story. Individual library organizations were offered the opportunity to purchase into that and that's what we ended up doing. That is the additional \$4,000 which this year will come out of line 269. Chairman McGrath replied saying thank you, that's the only question that I have concerning your budget. Chairman McGrath asked if there was anyone else with questions. To which there were none. Selectman Morin stated gee the state is bailing out of everything everywhere aren't they? Jeez.

Engineering (5585)

The Town Administrator introduced Elvis Dhima, Town Engineer. Mr. Dhima started by saying thank you Madam Chair. Good evening everyone. First one is engineering. The proposed budget is \$964 dollars for next year which represents 1.5%. Which is in line with what the Board requested. Its split up between fuel, fleet maintenance, certification and training needed for the staff. That's all I have. I'll take any questions you might have.

Selectman Roy was recognized and said 264 the water quality monitoring. Is that an outside contractor? Mr. Dhima replied, no that's internal. We do that in-house now thanks to the Board support a year ago. We hired someone, licensed professional engineer like myself. That was doing the landfills less transfer stations. So we can do that in-house. We do have some costs associated with doing the lab test outside because we can't do it in-house. But that's what that \$50,000 represents. Burns Hill and West Road. Selectman Roy replied, thank you. That's all I have.

Selectman Guessferd was recognized and said this is just something that made scratch my head. And I know there's not a lot we can do about it. It's on the insurance benefits line. We see increases but this was like a \$13,000 increase in insurance. Mr. Dhima replied, that's not operation so it's not something under my control. Chairman McGrath said it's under the salary and benefit line. Selectman Roy asked is that from hiring the new person maybe? The Town Administrator replied yes. Selectman Guessferd said alright because usually the increase is not that dramatic. Mr. Dhima replied no that's a new hire. He just completed the one year. The Town Administrator added the Civil Engineer.

Selectman Morin was recognized and asked what are we using for newspapers now? The Town

Administrator said we'll use the Telegraph because they publish weekly so we time it. We will use the Manchester Union Leader in addition to the Telegraph. Depends on timing and what we need to do. So pretty much those are the two publications from a newspaper perspective that we use for public notice types of things. Selectman Morin asked and it's only Sunday for the Telegraph? The Town Administrator replied the Telegraph is only Sunday so we have to look at things and make sure we time them so we have the appropriate 10 or 14 days depending on what it is. Mr. Dhima added sometimes we use the Lowell Sun too. The Town Administrator replied very rarely. Though it's mostly Telegraph and it will be Union Leader. Mr. Dhima added if it's a big contract we try to go but most of our contracts are something that can be handled in the state.

Selectman Roy then asked so umm is there, on the state side I guess, is there a removal to move away from newspapers because...the Town Administrator replied we're seeing language on certain things that you can't do it in a newspaper so you don't. But some of the language is still antiquated and dictates a publication. Selectman Roy asked do we have any Town code or Town ordinance that's kind of not connected to an RSA that we could change to not require newspapers or an alternative kind of notice. The Town Administrator replied off the top of my head I'm thinking about... I'm trying to think of which ordinance it is. Purchasing. But purchasing gives us some wiggle room where we direct mail it. But purchasing, the purchasing, when we go out to bid, they may have some old language in there that talks about newspaper. But again that's when we use the Manchester Union Leader. Selectman Roy replied saying right. Right. But that's unfortunately kind of becoming in the past. To have newspapers that are widely read. The Town Administrator added don't forget though, a lot of places have online stuff too. Selectman Roy replied, right do those notices get in online? To which the Town Administrator replied typically if we pay for a paper ad we get an online ad too. Selectman Morin added the Telegraph they do a daily online. The Town Administrator said we will typically put it in the Sunday edition. But the Union Leader will be whatever day it is and they'll also put it in the online edition for us. I know it's definitely going away. It's definitely not the same. But til they change some laws I have to try to comply. And we want to tell people too. There are probably some old people that are still looking at the paper. Selectman Roy replied I'm not suggesting that we don't provide notice I just...the Town Administrator said I know. It is still an avenue for some folks.

Mr. Dhima added I know you still read the newspaper Mr. Malizia. Mr. Malizia replied I do. I look at the obits and I look at the real estate. When you get to my age that's what you're looking at.

Chairman McGrath said I have a question before you move on. Under engineering fees, line item 225. The actuals were...god I can't even see with these glasses on. Selectman Guessferd said \$42,900? Chairman McGrath continued on saying \$43,000 and it's now just about \$41,000. Are you cutting yourself short there? I know it's not a lot of money but...Mr. Dhima replied no, we adjust things as we need them obviously. I'm looking at the \$40,750 right, is that correct? To which Mr. Malizia and Selectman Roy agreed. Mr. Dhima went on to say nope that seems what we actually need. We're pretty good about not asking for things we don't need. There's a projection. Obviously if something comes up but I think that's reasonable for what we need looking forward. Chairman McGrath then said I'm just you know, making sure you're covered. Mr. Dhima replied, no thank you for that. We try to do a lot of stuff in house as well. We have some capabilities. This is for something if we need a second opinion on things. I feel comfortable with that.

Mr. Dhima went on to say I do have one outside of the budget request. Mr. Malizia added that will be on page one of this section. Mr. Dhima went on to say the next item is Lowell Road bridge design phase. This particular bridge is rated a four right now. It was on the budget last year. Was included it in Engineering budget. Unfortunately the budget didn't pass so therefore we were not able to do that work. The intent is to do the design on the first year and do the construction on the next one. The culvert/bridge, it's culvert but it's rated as a bridge because it's more than 60 feet long. It's something that needs to be take care of. Not tomorrow but in the next few years. The intent is to line the bottom of it without getting into a \$2 million dollar project without closing the road. Similar to what we did on Central Street. Line the bottom and buy the Town somewhere between 15-25 years. Basically deal with a full replacement of that when we really need to. Chairman McGrath asked so is this the bridge underneath where we were talking about the property at the last Board of Selectmen meeting that's up for sale? The Town Administrator replied, no. this is over by the Firefighter Memorial. The corner of Central as you come down the hill on Lowell Road. It's down there. Not the other property. Chairman McGrath replied okay cuz there's two bridges on Lowell Road. The Town Administrator said this is specific and this as you recall was a greatest hit from last year.

The Board put it in the budget. Default budget kicked it out. So he's brought it back for consideration. It is under consideration with the ARPA money. Just so you know. You don't have to decide on it tonight. They'll be a recommendation coming forward which may take some of this stuff and put it on that plate. Just so you know. But it's a need. No doubt about it. He is re-identifying it as a need. Chairman McGrath asked so do all of you understand the Red List? Selectman Roy replied mmhmm. Chairman McGrath replied you do? Okay. Mr. Guessferd you do as well? And I know Mr. Morin does. I just wanted to....Mr. Dhima added it's the only one in Town. We've been pretty good about being off the red list but unfortunately we do have infrastructure that's coming close to the 30-40 year mark. So back to full cycle again. Unfortunately they used to cost 50 grand and now it's gonna have to put a zero behind it. That's basically what we're looking at. Trying to be proactive. Trying to do the most financially feasible solution. It's not a patch but it's a fix for 15-20 years. It's a good fix. Just small steps. Design first, construction later. We've done it in the past. We were successful. We'll be applying the same technique.

Selectman Gagnon was recognized and said and seeing that you spoke earlier today with me about the federal funds, and I have your information here as well, you talk about the design process being \$50,000 and then you kind of estimated about \$650,000 for the construction. Where did you get the \$650,000 from? Is that kind of a rough estimate is that a pretty good estimate? Have you poked around? Mr. Dhima replied so we hired a consultant that did the work for Central Street about two years ago and they evaluated this and Speare Road. So we got an assessment based on their values a year ago. I think that numbers still good. It was a very conservative number. I feel comfortable with it. But we did an assessment for two critical infrastructures that we were dealing with two years ago. Speare Road was one of them. We lined that and basically took care of a half a million dollar project through a \$30,000 lining approach. Public Works and Engineering worked together on that. It worked out very well. This one was a second one. So we got an estimate from them but this is an estimate that we got from an engineering firm. One of our consultants. So it's not an exact number but it's a rough estimate based on similar projects that they've done in other communities close to ours. Selectman Gagnon said the reason I ask that because \$50,000 I figured you were probably more secure on but if the \$650,000 was variable by twenty, thirty, fifty thousand dollars, then let's say it was funded by the American Rescue Plan and we gave, you know, the Town allowed \$700,000 for the whole project but it came in higher I was curious if you should do a hybrid approach maybe you ask the voters for some, the design fees, then take the American Rescue Plan money and pay for the actual building of it just so you're sure you get both portions. Mr. Dhima replied well the intent is exactly what you said. Do the design through this. Finish that up and then do the construction later. If we can do it through ARPA money, do the whole thing under one. That would be a design-build approach. What we're looking at right now through the budget is do the design first, get the construction, make sure the numbers and then...do the design first, cost, and then the construction. If we do the ARPA approach it will be design, build. Someone will go and do the design, do the construction under one phase. You'll be saving a little bit of money. We're carrying \$700,000. We could be lucky and get the whole thing done under \$600,000 probably. Or \$650,000 depending on....

Selectman Gagnon then said so that goes to my last question, if you had a choice would you rather a hybrid approach for securing the money or do you think it's better to do it in one shot, if possible, through the federal money? Is there one that stands out? Mr. Dhima replied, I will pick whatever gets us there first. I will say that because to your point, time is equal to money when a structure has a failure. So when I walked that two years ago I saw holes at the bottom of that pipe about, I don't know, about an inch. I guarantee you if I do that next year that will probably be 2" or 3". Then that's when the water gets behind the pipe. Erosion, things of that sort. I can tell you that when Central Street was investigated and I walked it before we did the work I could put my foot through the pipe. So that's when you get into, you lose the road. And you get the call saying you got a sink hole here that there's no end to it. I don't think we're there yet. I think it can wait a little bit...Selectman Gagnon replied, understood. Mr. Dhima replied it's one of those, you get a lot of salt out there and phosphor and that thing is going right through the galvanized pipe. The pipe is compromised now and it's not going to get better. So if we can get this soon, great. If not I think we can wait a little bit. I am willing though to move forward with doing the design first and doing construction the following year. I think that's very reasonable. Selectman Gagnon added and then maybe get the salt out of the river because it will erode the pipes would be another good idea. That's all I have thank you very much.

Conservation Commission (5586)

Mr. Dhima started off by saying the Chairman of the Conservation Commission can't make it tonight. I did talk to the Vice-Chair, he had a commitment related to work, his personal work, so he's not going to be able to attend either. But the budget is ready for you tonight. It does represent 1.5% increase and it is 100% related to small equipment Kiosk updates, small trail equipment, things of that sort. And that represents about \$773.00. That's their 1.5% increase and they do have one out of budget request as well for the Board to consider tonight. I will go over that if there's no questions for this. Chairman McGrath said I don't think I...are there any questions from anyone? To which Selectman Roy replied, no.

Selectman Gagnon was recognized and said can you just remind me Mr. Dhima, what's the grant that we usually get for the lake host program? Cuz I know that's a big part. That's a \$50,000 line item but we get a grant for most of that, correct? Mr. Dhima replied we get a grant about 40% of that from the state. So the state scaled down that about two years ago to 25% but I think a lot of municipalities are were not participating so somehow we end up getting 40% still and we still have. So we have a reimbursement program for that. So that's the total number. We pay that up front. Then we get compensated back. It is run by the state. We just kind of do the leg work in the field. It's happening right now. I think it's been very successful. We're maintaining so things are not getting worse out there in our ponds. But it's something that we have to deal with every year. I don't think it will every go away. Mr. Dhima replied, thank you very much that's all I had.

Mr. Dhima went on to say, they have respectfully requested an outside of the budget request for \$8,000 related to professional services for forest management, plant and invasive species within the conservation land. What they're dealing with is they're trying to do something every year but as the conservation land district expands, if you want to say that, and they continue to purchase property or request to purchase more property, is becoming, it's becoming more difficult for them to maintain all this land. So they're asking the Board to consider to put \$8,000 towards professional services for some third party to come and help out with things that need to be done in the forest but also address any growth related to poison ivy, poison oak. Things that they're trying to maintain right now but they're getting it all over themselves. And I don't think that's right. These are volunteers that they're doing their fair share. They shouldn't have to pay money now to get treated for poison ivy, poison oak. We should get a third party out there to treat it chemically. So that's what the \$8,000 is.

Selectman Morin said so basically they had the discussion last night one of the members used a weed whacker and was covered with poison ivy for the next week or two. What they're looking for is somebody to come in to chemically treat it but then you have to get permits and things like that cuz of the wetlands so that's why they need a professional to do it instead of them just weed whacking every couple of weeks and that would be part of this. Chairman McGrath said I know someone that actually burnt poison oak, poison ivy and they did get it in their lungs. Mr. Dhima added it can be very dangerous. Chairman McGrath then said fortunately I'm not allergic to it. But I also don't go near it so. Mr. Dhima said I personally look at it and I get it. Just one of those...Selectman Guessferd said I used to have to get shots for it when I was a kid. Mr. Dhima replied, no way! So steroid shots yeah?

Selectman Gagnon was recognized and said so don't get me wrong, obviously I completely support the Conservation Commission, what they do and this line items specifically...But with that said, I do remember that you guys, or they, have a forestry fund that's revenues from timber harvesting and if I'm reading this correctly, for Town Forest management, those funds are perfectly suited for this. So instead of paying \$8,000 from tax payers you would have to use a warrant article to ask the voters to expend the revenues generated from the Town Forest harvesting but once they do that, they could use the \$12,000 for this and a few other things. So I support it but I would believe that would be the best use of the funds available. Mr. Dhima replied so Mr. Malizia brought this up too during our discussion today. They have that and they also have the bigger pot of money which is related to anything conservation, purchasing land as well. It is definitely an option. I don't believe that was what they were requesting. I can bring that back obviously. I think they just wanted to get a feel to you know, where the Board was on this. But I don't believe their intent is to pursue a warrant article at this time. But I can go back with some feedback from the Board to say use Conservation money. The Town Administrator said there's actually a Conservation fund. As you're all aware I think $\frac{3}{4}$ of the land use change tax money goes into that. So the fund is constantly being

replenished. The fund can be used to purchase land, easements, whatever. And it's also for other things like this. They can do this with just a vote of the Conservation Commission. It doesn't burden the tax payer, per say because it's a fund dedicated to this sort of effort.

Selectman Gagnon replied, true but if I may you know, contradicting to that is, you know yes, I personally think the Conservation fund should be used for land purchases and bigger items and not to be nitpicked for things like this when we have funds literally dedicated to taking care of the Town Forest that already has been generated that's sitting there. If we don't use it for something like this, which is a prime example, what are we gonna do, leave \$12,000 just sitting there forever? I think it just takes the initial get the ball rolling, get used to how to get a warrant article to expend those funds, and it becomes a normal practice. I just don't see it being necessary to have tax payers pay for it out of the budget. The Town Administrator said I'm not arguing I'll have to look into it because I'm just trying to remember all the particulars about that fund. Selectman Gagnon said we can talk later. Mr. Dhima said so it's the timber harvesting. Any revenue that they receive from timber harvesting which is triggered by having a forest management plan to what you can cut, cannot cut. So that again is a service, they go out from a third party to evaluate what you can, cannot support cutting and then get a third party to actually do the cutting and then refund the Town. There's not a lot of that and they could buy a year, absolutely, but I think they're looking more for a consistent service or an item number moving forward. Because they've identified a need for it. But what I can do is I can go back to them and basically tell them please see if you can utilize Conservation money for this either the forest, or the regular or a hybrid. It doesn't matter. Because at this time the Board doesn't feel that the taxpayers should pay for it. I don't have a problem with that. I just need some direction from the Board to where you stand on that. That's all.

Selectman Roy was recognized and said well I think that if there's an alternate means other than putting it on the taxpayers than that's something that we certainly should pursue. Right? Whether it's through the Conservation fund or the forestry fund umm, you know, to Selectman Gagnon's point to just have money like that just sitting there with sort of no purpose, right, unless we make a purpose, is kind of fool hardy. Right? We're collecting this money for no reason, you know? If we're not using it. I understand that there's a purported reason but if we're not using it in reality, we're just collecting money, you know? Mr. Dhima said yeah, I have not seen them utilize it in any way. Obviously I've seen them utilize the money they're utilize for purchasing land. That I've seen the other one I have not seen being utilized yet. As I said I'm not sure how much money's in there and I don't know for how long they can do that but I can definitely bring that feedback back to them. I don't have a problem with that at all.

Chairman McGrath asked anyone else? Mr. Dhima started to say if everyone feels the same way I'll...Chairman McGrath interrupted saying no I've got something to say about it but anybody else have anything that they want? Chairman McGrath then said so for this type of use, for, do they feel that they need professional services because of the invasiveness of the whether it's poison oak, poison ivy, there's some other what is a weed or something that's engulfing the forest. Everywhere. I think I've got it in my yard and I don't know how the heck I got it. But in any event are they concerned about their own health and safety if they go out to try and cut these branches back or? Mr. Dhima replied I think their intent is to treat anything along the trail so it doesn't impact them or anyone utilizing the trails or the Town Forest or conservation land. So it's not just for them it's for anyone that uses them. Chairman McGrath replied, right, but by the same token they're trying to go out, from my understanding, I can tell you I haven't been on any of these trails. The likelihood of me ever being on them is about as remote as can possibly be. But if they feel it's within their duty of being a Conservation Commission member, of going out and cleaning the trails and doing whatever it is that they're doing, and by doing that they're endangering their own health, I think that we have, WE this Board, the Town has a duty to protect those individuals that are dedicating and donating their time. They're not being paid. We're not paying them a salary. They're doing that out of the goodness of their own hearts. And it's something that they, let me just back up a little bit. I think I know one person on the Board. I know Bill Collins. I don't know if I know any of the other people on that Board. So I'm not sitting here talking about people that I know and people that I care about. But these are people that are working on behalf of the Town. And they're working on behalf of a project that they take enjoyment out of and if they think that they're endangering their health I think we have a duty to protect them.

Selectman Morin was recognized and said we do do a duty and I don't believe that's what Selectman Roy and Gagnon are saying. It's just there are funds that are available. You know they can use those up and it

can be readdressed next year. I mean if we've got the funds this year use them and then next year they can come again. I can see, \$8,000 is really not a great thing but it is a savings and I agree with that. And if they got the money and it's just sitting there and what have they ever used timber money for in the past? Do you know when they did that? Mr. Dhima replied, I don't I think it's just been a revenue, something that can be utilized in the future. The Finance Director spoke up saying it's a fairly new fund so nothing's been used out of it yet. There's actually \$15,000 in the account right now. But it doesn't have its own checking account so it's not like we can just write a check from it. Selectman Morin said right, but I agree, I mean we are helping them. They've got their own money. That's what it was for and I didn't realize that last night when we were talking about it. Mr. Dhima replied, I knew about the big one but it could be \$4,000 from the forest. It could be \$4,000 from the regular and that will buy at least two-three years before they can come up with something else. Selectman Roy said or like Selectman Morin said it could be the whole \$8,000 this year and then next year we revisit it and we look at what the balance is of that. Mr. Dhima replied, I do not have a problem bringing that back to them. I hear you. This is something they requested. I had ask. I don't have a problem reporting back.

Selectman Guessferd was recognized and said I think we're all in agreement that this is a need. That it really needs to be done. It's just a question the source of the funds. Selectman Roy agreed. Selectman Guessferd went on to say does use of that fund not involve a warrant article? Mr. Dhima replied, those funds, I don't believe you have to ask for a warrant article. It's something that they have there. I think the forestry can be used for the forest management plan. The rest, invasive species, poison ivy, I think they can be from...The Town Administrator spoke up saying the Conservation Fund does not further require an appropriation or a warrant article. They have the authority. Mr. Dhima again said, I don't have a problem brining that back. Selectman Morin then said and if they need it next year we'll just revisit it. Mr. Dhima replied saying, I agree. Thank you.

Selectman Gagnon was again recognized and said so I certainly don't want to drag this out but just a quick clarification we're talking about two different things. The Conservation Commission fund, I believe they can expend at their leisure with our approval. The Forestry Fund, which gets its revenue through logging, selective logging, because it's a revenue source I believe they actually need a warrant article to expend from the Forestry Committee. The Town Administrator said they very well may. We'll have to look into that. But I know...remainder of sentence inaudible as Selectman Gagnon spoke over the Town Administrator saying that's the difference. So that's why I feel like it's not always activated because, because it takes a little extra step to make that warrant article to expend the fund. From my understanding how a fund works is you can usually, at the beginning of the year put in a warrant article to say I want to spend \$15,000 from that forestry fund and you can have multiple line items for this and many other things. Mr. Dhima said, I don't know if you want to put a warrant article for \$4,000. Selectman Gagnon said that's the thing. So you do it for ten (grand) and you have a budget associated with it. And every year you ask for a warrant article to expend it. Mr. Dhima replied but still it's, I personally wouldn't recommend to them to do a warrant article for \$8,000. I wouldn't. I would just say use the Conservation money and call it a day and then use the forest money for whatever comes in the future for something big. I don't know. That's just me though. Selectman Gagnon said if the funds used correctly it should be a self-sustaining project where you make a town forest, you harvest the forest, you make revenue and those revenues are used for exactly this. Building bridges and everything else. The property should maintain themselves without any taxpayer money. That's the intent. But again *inaudible*. Mr. Dhima replied saying in theory right? Selectman Gagnon replied takes a little effort.

Selectman Guessferd then said as a warrant article you do run that risk that it gets voted down. Selectman Morin added that and if you throw too many warrant articles at them they're not gonna pay attention. Mr. Dhima added that is my concern. You start putting in for four grand. Does it really need to be there? But I will bring that back and if we can do a warrant article, we'll put the \$8,000 out of the Conservation money and then they can figure something out next year. That's good enough. I've got my marching orders.

Chairman McGrath said I have a question for Mr. Malizia. So if they Conservation Commission members, whether it's one of them or all of them, or some of them, they go out and they work on these trails in this area and they get sick or get hurt or get you know poison ivy, poison oak and it goes into their lungs it causes a severe problem, does the Town cover them? Mr. Malizia replied we would put in an insurance claim. I believe it covers volunteers that are doing work like that on behalf of the Town. From my

understanding. Chairman McGrath replied, okay so we should be prepared for that. I would think. I mean if they're working to clear hazardous material. I mean I remember a few years ago they came in and they needed equipment but the equipment was I think old or they had a problem with it. We addressed that. Mr. Dhima added they got all brand new equipment. They replaced everything. Safety everything, training...Chairman McGrath interjected saying they didn't have safety gear at the time but we have a duty to protect them if they're doing hazardous work. Okay. Next item.

The Town Administrator said do you want to talk about the warrant article L the drainage article? I'm just thinking it's probably easy because you have it right in front of you. Mr. Dhima asked which one the Transfer Station or Flagstone? To which the Town Administrator replied Jess spoke about the Transfer Station so I think you're just speaking about introducing the drainage project. Which we've called it article L just because of the order. Jess was here the other night. He did the Transfer. Mr. Dhima then said I was just thinking as we were discussing earlier about the project, I think I'm missing a warrant article about the bridges. The Twin Bridges to as well. I don't know why that's not in my packet. The Town Administrator said that's warrant article E so we can talk about that too. Mr. Dhima so okay I'll go over it.

Mr. Dhima went on to say so Flagstone Drive, the first one, infrastructure repair. This is about a 30" pipe that was installed in the 80's....Chairman McGrath recognized Selectman Morin who said can just save you a couple minutes? That seems to be a priority for the rescue funds through the whole group so this is, at this point....Selectman Roy interjected saying do we want to wait until we have that list before....Selectman Morin answered that's why I'm saying it. because when we left today that seemed to be like the number one that we wanted to get in and maybe get that done this winter. Mr. Dhima replied that works for me.

The Town Administrator then said he has warrant article E also. Which is one of the bridges. Mr. Dhima replied correct. So in 2014 we were notified that our rating was a six and a seven. Six going to Nashua. Nashua to Hudson that's another bridge that was rated a seven. So we started working with Nashua doing an evaluation and assessment. We got that done with a contract between Nashua and Hudson. We moved to the design phase which is taking place right now. That's approved by the Board and the Mayor. And we're pretty much done. They have identified the need for approximately just under one million dollars per bridge. To do what we need to do to make sure conditions of the bridge do not deteriorate beyond what we can afford to do. Our portion will be \$475,000. Just under half a million. That would require or consist of removing the asphalt. Removing the membrane. Getting to have a look at what the deck looks like. Any concrete, rehab, any assessment of that any replacement portion of it. Put the membrane back. Put the asphalt back. Fix the sidewalks. Take care of the guardrail. Takes anything related to the lights that are mounted on the edge of the sidewalk as well. The assessment of that bridge happens two years. There's a special assessment that the state does with special truck that they go under. They check above and below. We're waiting for that. I'm hoping it's still a six. That it has not deteriorated. But the intent is get it fixed to a point that it's a six or a seven and it stays there for a long time. The asphalt is compromised. What that means is the salt can go through now and get into the concrete. Once the concrete is done here goes the deck. So we're trying to do a rehab to keep everything at seven. Nashua has been pretty good so far working with us. They like to spearhead the construction phase because we've been doing the design phase. I don't have a problem with that. I would recommend it to the Board. They are in the process of raising the same amount of money on their end as well. So the intent is to have \$475,000 in Hudson. \$475,000 in Nashua. We go out for an RFP. We get a contractor willing to do the work and we get that bridge done. The following year we go through the same exercise and take care of the other bridge. And we don't have to worry about those for the next 20-30 years. That is pretty much that warrant article. So we're done with the eval. We're pretty much done with the design. We're gonna get into the construction phase, again, trying to do small pieces, be proactive. A little bit at a time. Now we're at the finish line hopefully. Chairman McGrath asked if anyone had any questions. Mr. Dhima said I just want to bring up too this was brought up at the ARPA as well. It was discussed. It's in the cue. I'm not sure where that's gonna land but again we're trying to run two different....Selectman Roy interjected saying but we're not voting on warrant articles at this point anyways, right? The Town Administrator said at this point you're listening to what everybody has to say. You still have some time to forward warrant articles. Theoretically you have all the way through December. I'm not saying you should wait that far but things evolve when we come with the ARPA money so we need to kind of see where that comes out, what the Board wants to do with that and then what's leftover. Selectman Roy asked can we

withdraw warrant articles. Say like we, we you know we put this out there and then we find out the ARPA money's....The Town Administrator replied, you could. It's kind of better if you don't but you could. Selectman Roy replied, no I understand that but you know like I don't wanna...The Town Administrator said you're looking at 50 year old bridges here. Obviously it's a critical piece of infrastructure state said it's not us, it's you guys. Just to put it in context he references numbers. So the scale is 10. 1-10. 10 is perfect shape. One is don't drive on this thing it's gonna fall in. we're at about a seven on one and a six on another. So time is important. They're not going to fall into the river right now. Again. We're just trying to be proactive because it's a lot cheaper now than if you have to do it when it's failed.

Selectman Morin was recognized and said what we're hoping to do is come up with a list so we can have a November 2nd workshop to discuss all that so we can get moving on it. Mr. Dhima added the one thing to keep in mind is unlike the bridge on Lowell Road where you can wait a year or two and that number will only fluctuate 5, 10, 20%, this bridge, which is a superstructure can go from \$475,000 to 4.75 million once certain things go beyond repair such as start replacing sections of the deck. You're closing the road. You're pushing everyone through Lowell Road. That's basically it. So we're at that point. That's what we're told in 2014 you're better off starting the process now and taking care of this before it gets to a five or a four because that, I understand, is beyond our reach financially. And the state already told us get in line because we don't even have the money for the ones already in the ten year plan. And by then....the Town Administrator said we're the last resort folks. Mr. Dhima laughed and said we're it. We're looking at the solution. There's no help coming from the outside. This is it. The Town Administrator added this is it. We have to take care of our critical infrastructure. That takes us all to the hospital so we've got to deal with that. Mr. Dhima added you could go to Sagamore but you don't want to add 10 minutes to that ride.

The Town Administrator said if you're all set with that I think we flip to the Sewer....Mr. Dhima asked does anyone have any questions about the Transfer Station that was spoken yesterday? Any questions related to that? Selectman Roy said I think probably for the public's edification can you go into why it's just not a retaining wall? Mr. Dhima replied, absolutely. So the transfer station upgrades consist of what we relate to the first phase is compliance, safety and a better operation out there. Right now you have a setting that was done from 30 years ago blocks. There's no concrete pads down there so imagine if you're out throwing away a lawn mower and you're supposed to empty the fuel and the oil and you have a bad actor there that says I don't have time for this and off it goes. Typically that would be on a concrete slab, it will be collected, that is not the case. It goes into dirt it gets flushed away. That said the crews have to go out there, remove the dirt, which is contaminated things of that sort. We do not have storm water management out there at all. So water, rain, does its own thing goes everywhere, there's no containing it. There's none of that. The safety related to the retaining wall, there's a block wall that the DPW put together, their own efforts, trying to get it. There's no guardrail over there. The stone wall/block wall that's been put there is shifting which means that the Town is at the point now that either you have to rebuilding that or buying yourself a little bit of time, even though it's not in compliance, or plan for something that's going to take care of this site for the next 30 years. That is phase one.

Phase two consists of putting a scale out there and start getting some revenue about all the stuff that comes to the transfer station so a resident is not paying the same as a contractor that's brining all this stuff in. trash removal, recycling, it's gonna become more expensive. So our intent is to do the scale, show that this could be profitable for the Town and then move into phase three, which is final phase. Build out a transfer station that can handle your current needs, your future needs or any needs related to distribution, strategic place for the entire communities around us. In case an operator would like to run that facility for us. In return get a break on your rates as far as you pay for recycling, collection, things of that sort. Look at it like the water utility. The rate hasn't changed in 22 years. It will be something like that. You set it up. You build it. You own it but you're having someone else run the day to day operation in return you get a consistent rate on that service. That's basically it. This warrant article that you see is phase one. I'll take any questions.

Selectman Gagnon was recognized and said I just want to say that was an excellent short presentation. I took some couple notes. So there's an environmental issue so a lot of people think one, it's just a retaining wall. Or I don't go to the dump so what do I care? But you just hit all the nails on the head and I think everyone can take part in. Environmental issue. There's a safety issue of people who use it. And in the long run a potential for revenue and the plan that you just laid out is very innovative like the water utility. So you did a fabulous job and I'm definitely in support of that presentation, that project for sure.

Sewer Fund (5561, 5562, 5564)

The Town Administrator started by saying just to set the stage as we always say, sewer is paid for by the sewer users. So if you're a sewer user you're paying for the sewer through the rate. If you're not a sewer user you're not paying for that service. I believe the sewer rate, it's been at least a dozen years that it's been the same rate. So we're able to operate the sewer in Town without any sort of rate increase. The crew over at the highway does a fantastic job of maintaining things. They do a lot of the service work themselves. And I think that's reflected in the cost structure there.

Mr. Dhima then said just to give an overall big picture of what we're dealing with at this time, all our booster stations or lift stations have been up to date. Our last one is Federal Street. That's currently taking place right now. So once that project has been completed all our infrastructure related to moving sewer will be up to date. Including the backup generators for the next 30 years. We are putting state of the art equipment in there. Everyone is very excited about it. We are setting up controls that we communicate with or we can get an update on what's going on every day. So that's in place as well. Another big piece that we completed recently was lining of the syphon, which is basically our way of discharging from Hudson to Nashua. So that's been done as well. Sewer, moving forward, will be focused on infiltration and inflow projects and lining. So once we find where the issues are we're going to go in and we're gonna do probably three to four thousand feet a year. And basically start removing this water that we don't want to come into our pipes. Groundwater, illegal discharges, things of that sort. So once our assets are taken care of and our commitment to Nashua for the upgrades are done now we focus on what are we gonna do with the pipes. We don't believe that replacing pipes is the way to go. Most of them are in good conditions but some of them have been compromised. We do see holes, things of that sort. The other thing that the sewer is doing as well, the utility is we are incorporating this year an asset management that we're going to utilize the GIS and start pushing work orders out or have the crews from the field start pushing work updates inside and start creating a database of what we have done through the years. What the needs are, including associating video feed with every single segment that we do out there. so when you click on things you're not only going to see information where the tie sheets for things are but also the footage DPW has down with their cameras to show where the weaknesses are and what needs to be recorded. So setting this up for the next person in line. So they have something to work with instead of here it is see you later. So it's been set up the proper way. Sewer and Water will be done this year. We're hoping to expand to drainage and other assets as well. That can be fleet that can be anything. There's so much that can be done with asset management these days. So that's in place. Sewer is in a good place. It's very comfortable where we are right now.

Chairman McGrath asked, anyone have any questions? She then said, I do. I have one. Line item 252, on page 2. Billing Collection Services. And the actuals for 2021 were \$2,662. Last year's budget was \$4,000 and this year's is \$7,000. The Town Administrator said so the asset management he just spoke of is the \$3,000 addition to that line item specifically so there's a cost to that system. That's in that line item. If you look at the detail you can actually see the \$3,000 spelled out. Selectman Roy then said and that's still covered by the revenue that's generated? The Town Administrator replied this is all covered by the sewer. Mr. Dhima added 100% by the sewer utility. Correct. So once it's set up every year we have a maintenance of that license. Basically allows us to get access to it. Get feedback and start building on the database. The Town Administrator added it will be borne by the sewer utility who's benefiting from that.

The Town Administrator went on to say there's the operation line which is 5562. That's sort of the meat and potatoes of the day to day operation that the Public Works Department manages. If you recall they have a crew that's dedicated to drainage and to sewer. It's a cost allocation share. I think it's 60/40. So we use the same people for drainage that we use for sewer. Same basic crew. Chairman McGrath said so I have a couple of questions on this one. Anyone else have any questions first? Selectman Guessferd was recognized and said thank you Madam Chair. Just sewage treatment line 239 looks like we had a dip in '21. The Town Administrator responded, that's the cost we pay to Nashua. So depending on what Nashua does for expenses. We budget high because we don't know with Nashua sometimes. Selectman Guessferd said yeah the actuals two years before that were in the \$400,000 range. It seems like a good year. Mr. Dhima replied saying, it was a good year! So what has happened too in the past couple years is every year we try to meet with them and go over everything and what the projections are. Unfortunately due to COVID we haven't had a chance to go out there, have a sit down and go over every single item. So

that's why you might see a little inconsistency there but yeah. We haven't had a chance. They've still been pretty good about providing us with information but a sit down is much better than just here it is. I don't know if I said this but we do own 12.58% of the sewer treatment facility in Nashua. So because you own that portion you also have now obligations related to that 12.58. So every time they do a \$100,000 project you have that 12.58. So it's great that we own 12.58% of the flow. In return there's a responsibility for all the projects that they do there. That relationship has been pretty good.

Selectman Gagnon was recognized and asked line item, I believe its 252, it just seems all over the Board. We see a past of \$5,200, then \$45,000, then \$14,000 and then you're budgeting \$51,000. How do you estimate since those line items seem to be all over the place? Mr. Dhima replied saying so, you got the \$10,000 for testing the generators. So that's something Mr. Forrence spoke of the other night. So every so often they go in and do a life test for the generators. So you got that going. Then you got the infiltration and inflow that we do. That's about \$30,000. That's us going out and saying we want to do this subsystem. We have about nine subsystems in Town. So we're doing one at a time. Once identified we start doing the lining. We've been pretty aggressive, and you're gonna see this that we're gonna be pretty aggressive on that line particular task once all the booster, all the lifting stations have been taken care of. And then man lift repair, asset management the four grand that we talked about. Things of that sort. So yeah it varies depending on the need. And as I said once we got to a good point with the lift stations we basically switching back to that now. So, you'll probably see that being consistent moving forward. Selectman Gagnon asked so more in the \$50,000 range versus the \$5,000 range? Mr. Dhima replied, correct. The \$10,000 for the generators will not go away. The \$30,000 you're gonna see for subsystems might be \$30,000-\$40,000. But it will be related to that. And you're gonna have minor things related to software, asset management, things of that sort. But I think you might see some consistency moving forward because I think that I & I study will not go away moving forward. it will be our focus for the next five years. Selectman Gagnon then said, and just to clarify, cuz I see \$45,000 from 2020. It went to \$14,000 2021. Is that COVID related or did you stop utilizing those funds? Mr. Dhima replied, I don't see that. Am I looking at something else here? What page are you looking at? The Executive Assistant said page five, line 252. Selectman Guessferd said on the actuals sheet. Selectman Gagnon said so I see 2019, 2020, 2021. The Town Administrator said it could just be less aggressive during the COVID year. They're outside contractors and we were just not being as aggressive with some of the outside. Mr. Dhima added or you simply couldn't get any one. Cuz you know the whole sewer thing become an issue when the whole COVID thing, where you can get it from. Wastewater became a big, handling trash, or that, so maybe we went out and couldn't get anyone. I don't know. I'm not sure. Wasn't much going on in 2019 I'll tell you that much. That will be the theme moving forward. I & I, taking care of the treatment facility in Nashua and lining.

Chairman McGrath asked, anyone else with a question? I have one. Line item 403 Small Equipment Maintenance. In 2021 the actuals were \$76,000. Almost \$77,000. Then the budget last year was \$41,000 and this year it's \$12,000. Are you cutting yourself short here? The Town Administrator spoke up saying no that would be Jess, the only thing they have remaining, they make a payment, a percentage of a payment of a pickup truck he has in his fleet. That's the only thing he has left in that budget. The other things he's paid off. His equipment, be it the sewer trailer. I think we did some camera upgrade work through that through the years. Mr. Dhima replied that doesn't mean that the following year that will be the same but. The Town Administrator said next year he might come forward with something else. But right now the only thing he has left is the 4th out of five years for pickup truck payment. Mr. Dhima then said I could be wrong here but the sewer has a little bit of wiggle room if something ever happens. For example there's an account set aside for emergencies or things of that sort. It's a little different than a taxpayer account when it's like that's the fixed number there's nothing you can do about it. We try not to and we haven't but. Just like the water. There's a little bit of wiggle room. Mr. Dhima then said that's it.

The Town Administrator said there's one more. One of the bigger accounts, I don't have the page number. Its account 5564 I believe, Lisa? The Executive Assistant spoke up saying its page 11. The Town Administrator said yes, it's basically it's sort of the construction types of things. The larger capital type projects that they like to try to spell out. Which I think includes the lining of the pipe Elvis was talking about. We see Nashua STP. That's the sewer treatment plant. Nashua typically identifies we're gonna be doing this, this and this. Your 12.58% is X so that's where that flows through so we make, you know, our capital commitments to Nashua through basically this line item. Again you can see money for Inflow & Infiltration that's gonna be on here. Just wanted to point out that that's sort of the key capital things. The

bigger ticket covers the plant and then our internal infrastructure. Again all covered by the sewer rate. All covered by the sewer users without an increase to the sewer rate. You're getting a pretty good deal.

The Town Administrator said I think they have a modest warrant article. I think it's letter I. if you recall we have a VaCon truck. We've ordered a truck. It hasn't come in yet. Everything is taking time. But we've done that through the capital reserve fund. We've put money in. so there's a warrant article here requesting an addition or putting \$30,000 into that fund so that we can begin putting money in for the next truck which will be somewhere 8, 9, 10 years out. So the sewer, municipal utility put forward a warrant article pretty standard, coming every year. I think it's from the sewer fund if I'm not mistaken so it won't be a taxation thing. But it's nonetheless a warrant article to fund that capital reserve. As you recall all capital reserve funds have to be put on a warrant article. And that was I if you have any questions on it.

Selectman Roy said it says \$15,000 from the sewer fund and then \$15,000 from the Town general fund. The Town Administrator replied, so drainage, the truck is used, it takes care of our drainage system and our sewer system. So if that's what it says that's what they intended to do. So that's that. I think if that section is done the next section would be the water section.

Water Fund (5591-5594)

The Town Administrator started by saying again, the water utility is paid for 100% by the users. So if you're a water customer you're paying for the system. If you're not a water customer, you don't get a bill. Pretty simple stuff. I think we've owned it since 1998. And we haven't had a rate increase. Mr. Dhima said well you dropped the rate 10%. The Town Administrator said well 10% when we first bought it so it's been a pretty stable utility. Mr. Dhima added but it is getting challenging. The Town Administrator said it's getting more challenging you know you hear the news about PFOA's that's trickled into one of our wells so that well is offline right now which necessitates us buying more water. We are currently doing a cost of service study with Pennichuck who provides that water to us to get it at a more discounted price. If you can guarantee a certain amount of flow we get a better rate. So we are currently working on that study now. We've kind of made some assumptions in this budget that we'd be buying water from Pennichuck. We're also going to be speaking to the industry that polluted, it seems to be where a lot of the PFOA's are emanating from looking for assistance from them from a financial perspective. I don't want to say too much more but there is also activity going on because quite honestly DES has said anything in this area we believe emanated from this facility and that facility has a responsibility to help mitigate this situation. So just kind of big picture. Right now we're able to keep the utility at the same rate. But if for some reason we need to do something different we'll have to talk to the Board about some sort of treatment facility potentially. Might not be paid for by us. Might be paid for by the other industry. Mr. Dhima added, and we are pursuing grants related to funds related to treatments caused by PFOA's so that's in the works as well. We're looking at different options. What can be done either grants, loans or forgiveness programs related to certain things. The state is pursuing certain programs we're involved with other things like Mr. Malizia said. But we've been very much in sync of what's going on since 2017 when this whole thing started. So we got our arms around it and we're just we're very much involved.

Selectman Gagnon was recognized and said Elvis, I'm curious, if this is a water issue, water clarity issue, why didn't you present this to our federal fund committee? Wouldn't that come under those fund possibilities? Mr. Dhima laughed and said the ARPA wouldn't even be close. It's, let's just say whatever we're entertaining for ARPA money you need to put another zero behind it to get close to one of the things we need to take care of. So I didn't want to waste the Committee's time on that. Selectman Gagnon replied saying fair enough. Mr. Dhima then said but we are locked in on a few things, we're talking about 20 million dollars. The Town Administrator added there's still a bunch of moving parts too. I mean DES is involved. They are spearheading efforts that will benefit us. Mr. Dhima added, we are in the queue. We did rate 13 out of 180 projects out there. So they know we have an issue. They've take notice and we're on the list. How that works out, we'll see how that plays out. The Board has to have the final say on what's what but we are pursuing other things as well, as Mr. Malizia said. So as I said, we're very much involved. We've got our hands around this. But it is impacting us financially. There's no doubt about it. And operation-wise. So it's a reality we have to deal with and we are.

Mr. Dhima went on to say, projects we've been focused on in the past is getting the new well online. Getting all the booster stations about ground. I consider above ground assets taken care of. We have one last asset we need to take care of which is the Marsh Road booster station. Selectman Roy gets service out of that. I got bad news I did not get good feedback from the Committee. The second they heard that they were like nah... (laughter in the room). But once that's completed, and the other project we're gonna be focused on that's listed tonight is communications. How we get our assets to communicate to each other. We have the wireless, we have the underground lines, the copper lines, which is gonna be disconnected at some point. So we're trying to have a backup plan which is you know a radio. And we'll be able to switch back and forth. So in case the roosters get into the wireless we can switch and still be able to run our water facilities with no problem. So we are in a much better shape than we were. We are going in the right direction. Asset management will be kicking in this year as well with all the assets that we have. We are purchasing more water from Pennichuck and that's something we have to deal with, but we have the infrastructure and the means to continue to provide the services without an impact. At least for another year or so. So overall I think we're still in good shape. Every community, municipality utility has been impacted by this. I think you're going to see an impact on the sewer as well because the wastewater treatment will be the next thing for PFOA's. You can't drink it but you can't also have it in the wastewater treatment either. It's gonna be interesting to see where it goes. It's gonna be very interesting. But nevertheless think about you pay a \$1.50 for that 16 ounce bottle and we charge \$3.30 for seven hundred and forty eight gallons. Still a pretty good deal if you take in consideration you just probably paid about \$1.50 for that one. Which is 16 ounces. Can't beat it.

The Town Administrator then said one of the things on the horizon is, we bought the utility in 1998 and took out a 30 year bond. So in approximately six years the bond for the purchase will be paid off. Which will free up about two million dollars a year. So you'll be to, prospectively down the road, have money to do whatever infrastructure things you need to do. Whatever treatment plants you need to do. A few more years and we'll be there. So through the years we've managed to update most of the assets you recall, you been around for a while, we did the Gordon Street tank for example. That whole thing. We relined all the booster stations. Mr. Dhima added all the generators at the wells. Mr. Malizia continued saying everything's backed up with emergency generator power. The one last asset is the Marsh Road station. It's in the ground. That is not how they do things now a days. That is a safety risk. It needs to come above ground. I think we put something in for that. Mr. Dhima said yes, there is an item there for that. That's currently been designed right now. So that's again something that we planned last year. \$100,000 to do the design. We're doing under \$70,000 so we're taking care of design. This coming year if the water passes we'll be doing the construction phase. If there's ARPA money there's room for that. I'd like to get that done right away because it's something that we need to take care of. But I think we're in good shape. The issue over there too is that we cannot separate the tank from the pressure system. They went cheap on that in the seventies - eighties and they combined them together so we cannot separate the two million gallon tank from the pressure booster station service area. Which is an issue. So there would be identified once we take all the components from the booster station and create its own facility on the side.

Mr. Dhima went on to say the money that we're carrying is pretty tight for that. I'm hearing all kinds of numbers. I'm having a hard time coping with that but I feel comfortable what we have is going to get the work done. So I feel comfortable with what we have on the books right now for that project. Once it's done I will feel better. It will be less stuff underground. They'll still be a vault there for the tank for shutoff and on, which is standard, but at least it will not be any electrical component in it in case that gets flooded. That's what makes me nervous. It's one way in, one way out. It's not what you would do today. So it's something we have to cope with cuz the Town obviously inherited it. It wasn't something the Town did. It's something the company did. Private company. Tells you how much they care. But we're gonna deal with it. We have a plan. That's one of the two big projects we have lined up for next year. Again, small steps. Consistent. Trying to get this stuff above ground and then start focusing on pipe replacements moving forward. Again, water something to be proud of. Good shape. Could be in better shape, absolutely, but we got the water losses really low. We've been working on that. We do get grants for doing leak detections. So we do about 100 miles a year now. State gives us the money. Provides us with a contractor they pay directly and we have someone out there, third party, that tells us where they leaks are and what we need to do. Once we identify those we go in and take care of it. Then we have less and less losses out there, known losses. So it's going in the right direction.

The Town Administrator then said we have an administration, the clerks. We have two water utility clerks. We, the Town, does our own billing. And is also customer service focal points. So when somebody calls they're speaking to a Hudson person. They'll get referred to a Whitewater who we hire as the contractor out in the field. But we have a presence here, we do the billing here, cause it's Hudson and it's our utility. So that's administration. Again, nothing major changed there. I think a couple of minor things on the budget.

The Town Administrator said I'm not sure what page Operations and Maintenance is, 5592. As I mentioned this is where the Whitewater, I think the Whitewater contractor is under here? Mr. Dhima replied correct, other professional services, 525. The Town Administrator said we have a contract with them. This is where, I believe, the Marsh Road booster station construction cost is. I believe you've got that budgeted in here. Mr. Dhima said yes, so that will be 401, the Marsh Road Booster station 375. The Town Administrator continued on to say so when we think about it this cost center is pretty much the assets inside of Hudson. The next cost center is basically the assets, the wells, and the water supply assets. So inside Hudson, then 5593 is kind of outside Hudson. When we bought the utility we bought the wells and the wells are in Litchfield. Mr. Dhima then said as the joke goes that's all their good for is the water there. Mr. Dhima then said not a change there. As I said, as Mr. Malizia mentioned earlier, we lost one of the wells June 30th this year due to concerns about the PFOA's levels. We decided not to continue operating that well. After consulting with the state, being proactive about it, we didn't think it was going to get any better so we just really isolated that. It's there in case it needs to be brought up for treatment but we are only operating one well at this time which is Weinstein. We're in compliance, obviously. But we did lose about 750,000 gallons a day because of the PFOA's issues. The Town Administrator added in the summer time there's obviously a lot more water use. In the wintertime we typically don't have the same volume because people just aren't doing what they do in the summertime. But when we looked at this we said okay, what's the average, how much do we think we need for the year. So we built in a number to procure the water from Pennichuck to come over. Again, we're working to negotiate a lesser rate, a better rate, so that it's better for us. It's never going to be as cheap as pumping it out of the ground. But it's as good as we're gonna do. Mr. Dhima added, we, from preliminary numbers, it appears that we are gonna be saving significantly if we lock that in and it becomes a five year contract. Whatever that number might be. The Town Administrator said if we can guarantee them, them being Pennichuck, a certain amount of water, for example the Anheusser-Bush plan guarantees them a certain flow. They do Milford, I think they get a certain flow. They give you a much better price because they can predict, they have a model, and they know it just makes more sense for them from a business perspective. We are looking at that right now and we'll have data and come back to the Board and say here's where we're at. But right now they're doing a study and it's being paid for by the state which is great. Mr. Dhima said we got the state to help us out about \$40,000 so they're helping out.

Selectman Roy was recognized and said so that, what you were just talking about, is the increase in 293 right? From \$548,000 to about one million dollars? So then what is the increase on 411 the computer equipment. It increases about \$140,000. Mr. Malizia said I think Elvis briefly mentioned but they're upgrading to the wireless and to the radio read because the copper lines are going away. So we need to have two systems so we have redundancy. So I think he presented, if I'm not mistaken, to the grant program today, but that's basically our assets need to communicate so that we can diagnose and know what's going on and we need to flip this switch and do this and we need to be able to do that from a central command center. Mr. Dhima then said so the way everything is set up is the tanks talk to the wells. The booster stations talk to the rest of the assets. We get alarms, communications, we get what's going on throughout that. Back in the old days someone had to go in, figure out what's what, took forever. Respond time was horrible. Now everything goes through a station set up at Town Hall in my office and the second facility on Candy Lane which is basically Whitewater. They run independent. If one fails we have another. In addition we're doing backups for that. But the rate of communication is the big, one of the two major projects that we're gonna take next year. Which is we need a backup plan in case internet goes down.

The Town Administrator said I think I mentioned the bond payment, every year the interest declines so we save a little bit of money. So while that kind of fits in when you look at the bottom line. We've been saving interest as the years go by as the bond is getting older. We actually have a second bond we took out in 2011, in three more years that will be paid for. We did some infrastructure work. Gumpas Point booster station, ended up looping a circuit of water line down the south end. At one point if we had a water break

past Lowell Road, where Market Basket is everybody was out of water. Now we have it so that if this breaks, we've done a lot of redundancy, and a lot of looping so everybody doesn't lose water. Think about the industrial park there. That's helped their ISO rating, which helps their insurance rating. That's the sort of infrastructure things we've done. Mr. Dhima added, we continue to do that every time we see, you mentioned earlier, any way we can have a developer do certain things when they do projects. So that comes up all the time. When we have a project and there's a way or the means to go further out and connect A to B now because of additional work we require that from a private developer that's doing a water line extension. The most recent case we did, we had Lowell Road and Executive Drive completely separated through one transmission line going to the park. When they did the extension on the Friary Drive we required them to go from Lowell Road with a 12" all the way down to the Friary and connect that dead end. Now that allows us to isolate certain portions of that park without us shutting down the entire area. So we always look for things like that. So far so good. I think when we're all caught up at some point and there's additional money we will start identifying areas they went to the left or the right and stopped for some reason over 100' to connect. Don't ask me why but those will be the things next in the cue to do. We'll get there. The Town Administrator said we can't speak to the utility company that ran it before but we can tell they did things, kind of cut corners. We fixed a bunch of sins, let's put it that way. I think the people are getting a good deal on that too. In my opinion. Mr. Dhima added steady for 22 years. That says something.

Trustees of the Trust Fund (5020)

The Town Administrator said now we can go back to the beginning. If you go back to the Town Officers tab. These are a lot of the more modest committees that don't have very large budgets. So it shouldn't take too long to go through most of these. Trustees of the Trust Funds they basically have some clerical assistance they have an individual that assists them but other than that a pretty modest budget. They handle jeez, I don't know what the trust funds are up to but millions of dollars of investment. They're three elected trustees and they basically, like I said, manage and invest all the capital reserve funds, all kinds of money. Millions. So very responsible and they do it very well.

Cemetery Trustees (5025)

Mr. Malizia explained, again, very modest budget. There are three elected Cemetery Trustees. There are four or five Town cemeteries. Frequently what they'll do is identify if there's some headstones that need to be replaced or something repaired. I know the DPW crew works with them. Helps to clean some of the cemeteries out. If I recall we took over the Sunnyside, the one on Central Street. DPW and a lot of volunteer work really cleaned that cemetery up. Not all the cemeteries in Town are Town owned. But there are a few that are.

Selectmen Gagnon said line item here, \$1,200 seems pretty low. That covers mowing and maintenance...The Town Administrator said no that covers things like headstone repairs. The DPW in the Parks Division and they do all that. It's under their budget. This is sort of like the Committee budget. They don't really do a lot. I don't mean that disrespectfully. They don't have to do all the mowing. They don't have to do all that. Jess' crew does that.

We talked about the Town Clerk's so I don't have to go through all those pages. And you had the pleasure of speaking to the Moderator the other evening. So we can go through those pages.

Supervisors of the Checklist (5025)

The Town Administrator said we have three elected Supervisors. The budget is down. This year they did a voter checklist purge. They're required, I think it's every ten years. They have to go through the voter checklist. Then purge. There's a mailing requirement. You have to reach out to folks. I forget how many names they actually purged off the list but there are people that are deceased, that have moved. There's no obligation to tell us you moved. So we have to go through this process. They have one of budget request. They are requesting some sort of laptop type device so when they go to the polls, when they're

working here they can bring something home. They're asking \$1,500 for three devices. Ms. Nute is aware of that. So it's an out of the budget request. It seems pretty modest but they did ask me to include it so I'm putting it here for your consideration. Again, it was on the list that you got in the book last week. You can take that up at the end if you'd like, but I just wanted to point out that there is a request to get some common laptop devices.

Selectman Gagnon asked that was Supervisors of the Checklist? To which the Town Administrator replied, correct. Selectman Gagnon then asked does that cross what the Moderator presented to us at our meeting earlier? Mr. Malizia replied, no. Supervisors are different. So the Moderator is looking at some sort of tablet type device that the checklist goes on so when you check in. I think that's a different technology and different type of device. The Supervisors have to register people to vote. You can register at the polls. They have a lot of requirements with the state. The state is ever more demanding because everybody wants to make sure elections are clean, fair and honest. So they have a lot of work load. They want the ability to be able to take some of that workload home or do it at the polls more readily or even do it here. Selectman Gagnon said I just didn't know if those assets could be used, you know if you buy ones that are laptops or iPad and have the trust fund trustees have them most of the year then have the Moderator have them. Just didn't know if there was any crossing of those. Mr. Malizia replied I'm not aware that there is in this case. Selectman Roy added, correct. I think there's some legal requirements for these folks. Mr. Malizia added I'm not aware there's any way to. It's a nice thought but I don't think you can do it.

Treasurer (5050)

Mr. Malizia said this is now an appointed position. Formerly elected. This is the stipend that's been set by the voters. This is for the Treasurer. Basically if it's not a trust fund the Treasurer handles it. From a possession of our bank accounts. No change in that.

Sustainability Committee (5055)

Again this is the Committee, not sure who the liaison, you? Selectman Gagnon replied yes. The Town Administrator went on to say Sustainability Committee, you're obviously familiar with them. They look to find opportunities for energy savings and other efficiencies. I took the liberty of preparing a warrant article for them because last year, let me back up. Two years ago there was an article to establish and energy capital reserve fund. Energy efficiency. Initial funding went in. nothing went in last year. So I had made a commitment to Linda Kipnes that I would remember to put in a warrant article for this year. I put in warrant article J, \$25,000 which is what the initial financing was. So again, I made a commitment. I think it's reasonable to do. Because it's a capital reserve fund you have to put it on the warrant. So like I said, I made that commitment to them.

Selectman Gagnon spoke up saying in one of the recent projects they just did was changing all the lights, LED lights. The Town Administrator added the Highway garage. Mr. Gagnon said that's what I was saying the Sustainability Committee kind of brought that idea but it was the Highway who paid for all those light changes? The Town Administrator said right now it's gone through the DPW budget but it will be reimbursed from this capital reserve fund. That was the intention. Selectman Gagnon replied, ohhh, okay. The Town Administrator said we pay, then we get it back. So I'd like to put money in there so if we do another project we can do the same. As opposed to the LED lighting project which was done a different way. That was actually done, we were able to finance that through the savings we're going to see from the overhead light bills. I know it's a little convoluted but we're paying \$160,000 in overhead light bills, it's gonna go down to probably \$100,000. So that \$60,000 for the first couple of years we're not going to see the savings. We're going to be paying the cost of paying it off over time. But after year three we're going to be saving money. Selectman Gagnon said perfect example is what they Library Director said to us tonight. Excellent. Selectman Roy said that was a separate project that they did earlier than the Town did but it's the same concept. Over time there's a realization of real savings. The Town Administrator said but it's nice to have money in there to be able to do it. Like I said we didn't get anything in last year. So I made a commitment to Linda to put it in. so I put it in. Chairman McGrath said so she'll be smiling down.

Benson Park Committee (5063)

The Town Administrator explained that's simply the cost for the Benson Park Committee. They normally do clean up days. There's usually they provide water, some sort of pizza. Something to eat for the volunteers. They have a very modest budget. Again, that's Benson Park Committee, as opposed to the Parks budget which is under Jess' prevue.

Budget Committee (5070)

The Town Administrator said Budget Committee, pretty modest budget. Last year there was a request to put in money for laptops. It went in and came out because of the default budget. I didn't want to presume because there's different people on the Budget Committee. I spoke to the Chairman, actually today. I believe that the Budget Committee will deliberate if they want to put laptops in they'll have the ability to do that when they do their deliberation. Again we have different folks. I don't know what the needs are going to be this year. I don't want to presume something. They didn't direct me to do anything so I spoke to him and they'll deal with that when they get the budget.

Ethics Committee (5080)

The Town Administrator said Ethics Committee, very modest budget. It's typically used for notices and minute taking when required. That's the Town officers. Pretty basic.

BOS/Town Buildings (5110, 5115, 5120 & Warrant Article H)

The Town Administrator explained we start with the BOS/Administration budget. That's us. You, me. Our area. Selectman Roy asked so if we were going to do a manpower study is that where this would be? The Town Administrator replied more than likely you would have to transfer the money from somewhere, but I'd probably transfer it into here. Depending what a study costs. I have to get it from somewhere. Selectman Roy replied, right. The Town Administrator said I have to identify an area but I would expense it out of here. Selectman Roy then said so I guess my question is are we gonna add it to this budget that we're talking about now? Mr. Malizia replied or you could do it this year if we can identify where the money is coming from. I assumed you'd want to do it sooner rather than later. Selectman Roy replied, I would but you know I guess I'd like to see where we're getting it from. Cuz we're already in a default budget, right? Mr. Malizia replied so some of the areas I would suggest is the contingency line item which is typically a line item that we don't have identified specifically. That's one area. Normally I would say legal but not this year. I'm not comfortable making that recommendation. But other area where we had some cost savings was the summer rec program for example. We didn't do one so depending on what we got for a number, ten-twenty thousand that might be a bucket of money that we could look at repurposing. Those are just thoughts if you are wondering. But it's not in here, currently. Selectman Roy replied, okay.

Selectman Gagnon asked do you know what a study like that costs. To which the Town Administrator replied yes ten to twenty thousand. Selectman Roy asked do you know how long one takes, out of curiosity. The Town Administrator replied it depends how big the scope of the effort is. I would assume at least a month. Because they got to talk to people. It's gonna take some time. Through the years there's been one in the Fire Department, just before I got here, I don't know how long that one took. There was one on community development some number of years ago. That took a couple of month's maybe. We did an IT one that took at least probably a month to six weeks. So you're probably looking a month, two months, depending. They have to talk to people. They probably might talk to some of you folks. They'll talk to staff. They have to look at data. But bottom line this is the budget for Board of Selectmen for the Town for us. Again, we try to be careful with it. Mostly labor driven. Operating budget was actually down a little bit. I tend to print less Town reports each year because we don't need as many paper copies. People still like them but I try to cut that back every year. People don't take as many. So just one area I save. Selectman Roy added and it's online. So if you're looking for a specific thing. Mr. Malizia added some people like that paper copy though. They like brining it home and going wow we pay these guys what?

First thing everybody goes to. Nobody ever looks at the boring financial stuff. (laughter in the room).

Oakwood (5115)

Mr. Malizia said Oakwood, this is the old rec building. We still maintain record storage up there at the current time. It's fairly modest. I don't think there's any changes there. Again it's basic utilities. Chairman McGrath asked we still using that for storage? To which the Town Administrator replied yes, we have Town records up there. Chairman McGrath asked is there security on that building? To which the Town Administrator replied yes. Codes, locked. I don't know if has cameras but I know it has security when Rec was up there.

Town Hall

That's the maintenance of this building this particular facility. Pretty similar number. You'll see some big actual numbers in '21. Don't forget that's the grant money we got to retro fit the Clerk's office, the Assessing office, the Land Use office and those types of things. That was the hardening of the facilities for the COVID. That's the appropriate the grant money came in. I don't get to net it. It's just gross numbers. I don't expect to do that again. That seems to work fairly well. Those areas. I think the people are happy with what they got.

Town Poor (5151)

Mr. Malizia stated I did speak to Kathy Wilson, does our Town assistance program, what we call welfare. We have an obligation of assistance to Hudson residents who need assistance who qualify. We have guidelines that have been adopted. Kathy Wilson manages this program for us. I spoke to her looking at the trends, we've been budgeting \$80,000. But we've been spending quite a bit less. Kathy has resources in the area that she can direct people to. Whether they be the soup kitchen, the Front Porch Agency. Some housing agencies. So upon discussing with her I think we're safe putting the number down to \$65,000. At least trying to put some sort of modest reduction in. I have an ace in the whole. I have some money in a donation account that at least one former selectman donated be used for Town Poor. So if I needed to I have like \$10,000 I can draw on. We can draw on. But I think this is reasonable based on the numbers we've been looking at. Surprisingly didn't go crazy during COVID. You have to qualify. We are the first stop. We're not the only stop. They may qualify for some state benefit. But we typically help people with a month of rent. We might help people with a utility bill. We might help with a grocery bill for a week or two or direct them to the pantry. But she does a very good job at managing that and knows the area, knows the assets that are in the area that can assist. So I'm reasonably comfortable with somewhat of a reduction. I know we had a conversation at the Budget Committee last year. There were questions why do you keep it at \$80,000? So again, I spoke to her, her being Kathy. She was okay with it. And again, if we needed to we have some other resources. I will say this, we are required to provide assistance. Whatever it costs. So you can't make this zero and tell a judge oh we need money. No you have to budget something. This seemed like a reasonable number for this year.

Selectman Gagnon asked how do residents know about this? How would they know if they wanted to take advantage of this? The Town Administrator replied they can typically look either on the webpage or they can call 211. 211 may send them here. A lot of times people just walk in and say hey I don't know where else to go. They come here. We're the Town. It's amazing how many folks walk in. and I think sometimes when they approach these other agencies they may tell them first you need to go to the Town. Selectman Roy added they may get referred by the School or something like that. Mr. Malizia added Kathy works with the School folks because there's folks at risk over there. So there's a lot of cooperation and a lot of folks get referred here. She does a really good job managing it. It's a lot of effort. I think she's done a good job through the years. Chairman McGrath added Kathy does do a good job. The Town Administrator said it's a lot to deal with folks who are down on their luck or have situations that are difficult. She's got the right temperament for it. She knows when she's being fed a story and when someone truly had a need.

Legal (5200)

The Town Administrator explained this covers our general legal counsel. It also covers when we have labor issues, if they be grievance or other issues we need to confer with the labor attorney because we're certainly not experts. We will be negotiating two contracts next fiscal year. The Public Works group and the Town Supervisors Association. So what does that mean? That means we sit down with them, we negotiate, we are required by code to have a professional negotiator work with us that is in the collective bargaining line. And we continue to budget for value defense. In other words the utilities in particular love to argue their assessed value. So we have money in to defend in court whatever necessary court of land tax appeals. Our valuations as you're well aware, but it's worth it to the utility to do. Selectman Roy asked and we do that with other Towns, right? Like this is just a portion? Mr. Malizia replied, yes we were in a collective group with I forget how many other Towns, against I think it was Fairpoint at one point in time and PSNH too. It depends sometimes you do that because it's a bigger picture issue and other times it's very specific to Hudson. But none the less we've managed to leverage some of it by participating with other communities but sometimes we have to go it alone. So we put money in to defend our values. Because we think we're right. The Assessing world is, there's more argumentative stuff in that because it affects everybody. It affects everything. Your tax bill, your valuation, so utilities hire, have people that's what they do all day and we have to defend ourselves. Chairman McGrath said we're lucky we have Jim Michaud. Mr. Malizia added Jim is a very detailed, very passionate, very educated individual when it comes to this work. If you think about it this way it's a critical piece of our tax because you have an expenditure, all the appropriations you have revenue that offset it and it's all divided by the base. And you know our base is our assessed value. We're at 3.2 billion dollars. People don't realize but 3.2 billion in Hudson. That's the assessed value. That's a pretty big number and there's a lot of detail that goes into that. So it's something that we have to constantly treat people fairly and equitably and there's a lot that goes into that effort.

Finance (5310, 5320)

Lisa Labrie, Finance Director, explained so the first one is the 5210. A Modest deductions in the salary lines based on my predecessor versus what I'm making and the benefits related to that person. I thought I had taken out the \$600.00 for the telephone so I need to look at that but that should be zero. Chairman McGrath said but that's not megabucks. Ms. Labrie said right, that's true. But I don't anticipate getting a phone so we're gonna take that out. Equipment rental went up a little. Some of it had to do with the default budget. It came down and it's gone back up. I try to pick a number, somewhere in between, closer to '19 and '20. The Town Administrator said this is the big copier that is utilized by just about everybody.

Our audit, same thing. It's gone up from '21 to '22 and '23. It's billed the year after it actually happens. And we've had a single audit related to grant money. If you hit the threshold of \$750,000 or more you have to have a separate audit. So that costs more money. Then there's something called an OPEB which is Other Post-Employment Benefits. Which has to do with retirees and it's a separate company that does that work for us. It's \$4,000 just for that report. So that's included in that number and the single audit for this past fiscal FY21 should be happening within the next week or two.

I reduced the mileage and registration and training due to COVID I haven't been attending a lot of, and I also haven't had time to go to a lot of seminars. It hasn't been my primary focus. Any questions on that? Selectman Gagnon said 121, just for my own knowledge, what is flex-cash benefit? Ms. Labrie replied flex benefits is money that's received for not taking the insurance. In this case the employee gets part of the savings. I'm grandfathered in as a single person I get a small amount every week. Selectman Gagnon replied gotcha. Okay. Ms. Labrie said it wasn't in there before because my predecessor didn't, she took the insurance.

Ms. Labrie continued saying moving on to 5320 that's the rest of the department. We added the part time salary line where I came before you for permanent part time employee. So that's that increase. The salaries line came down because of the person replacing the Town Accountant makes less than the one before. Then the benefits related to that based on percentage. The only other bigger change would have been the office supplies and our shredder is on its last leg. Whether or not I'll be able to wait til FY23 but I wanted to put that in the budget because our shredder is in tough shape. That's the difference there.

Selectman Gagnon asked can we get an office dog to replace it? Ms. Labrie replied, I'd love to. Good stress reliever. I think the IT portion was covered by Lisa Nute. The Town Administrator added she did the comprehensive review of all that. Chairman McGrath said that was easy Lisa.

Planning & Planning Board (5571-5572)

Mr. Malizia said let's go to the Land Use tab on our way to the back of the book. Mr. Groth wasn't here tonight, he has a head cold. I would offer to answer any questions. But basically the Planning budget is basically the Town Planner and the Administrative Aide. NRPC dues are in this. They've held the line, NRPC, the dues are from what I believe the number is the same. We utilize, we're part of that Nashua Regional Planning Commission. They do, in my opinion, some pretty interesting projects for us. They are currently working on the voting district project for us. That's the type of project that they'll do. I think they provided a pretty good service to the Town. Others may disagree, but I think they've been a resource that the Town can call on pretty readily. That's in this budget but there's been no change to that line item. Selectman Roy said I think they served us well. In my experience with them and I think we might underutilize them a little bit. Chairman McGrath said I would tend to agree. The Town Administrator said but they are there and like I say we've been a member of NRPC now for as long as I've been here. It's all the communities in the Nashua region area. I think they've made a concerted effort to pay more attention to us. So people will ask what have they done for us, well, I think they're making much more outreach and trying to help us more.

Chairman McGrath said well Jay is there now. Mr. Malizia added, yes, Mr. Minkarah is a very good director. Very in tune to the community and the area needs and realizes that just because it says Nashua at the front doesn't mean it's just Nashua. This whole region.

Mr. Malizia then said Planning Board is another piece of the budget. There was one issue that was brought to my attention. Minutes in this area here. If you look at the ZBA we're using a professional minute taker to prepare and take the minutes. That's about \$12,000 for that in the ZBA. This Planning Board professional services only has \$2,000. We may want to think about utilizing the same individual to do both sets of minutes. As our minutes become, I don't want to use the word more complicated, but as the matters in front of the Planning Board become more complex and more maybe subject to legal issues, I think having detailed minutes might be something we want to consider. I didn't have an opportunity to put anything in here but if I was to suggest maybe adding another \$10,000 in this line, I can put it on that other sheet for us. I think we should think about it because again there's a lot of legal action that comes from these things and minutes are getting to be more and more important. For those old timers we used to have the Seabury's doing minutes. They did very detailed minutes. Definitely an art. There's not a lot of people that do them. So we have someone who's doing an excellent job for the ZBA. We should consider for the Planning Board. Chairman McGrath asked has Bruce approached her about doing Planning? Mr. Malizia replied, yes, my understanding is there's been some conversation. Chairman McGrath added yes, and I would agree. Mr. Malizia said they're just critical if you go to adjudicate something. Or you're looking for very specific information. Chairman McGrath said well not only that we've had, first of all the Hillwood project, which is monumental in just about every possible way. And I don't know that it's over yet. And then I don't know if it's going back to Planning or not but we've got the other one Friary Lane or Drive or whatever and then the temple, the Indian temple in the south end that's gonna be another monstrous project and we've got, that's two more on top of the Hillwood and god knows what else is coming our way. The Town Administrator added, given that we've professionalized the Zoning Board minutes, it's certainly something to consider. But again, I didn't have an opportunity to put it in here yet but I'll put it on that list for your consideration.

Selectman Gagnon said for the sake of asking we obviously publicize or videotape these meetings so I mean if we didn't have minutes wouldn't the court use the visual? The Town Administrator replied still required to have minutes. Selectman Roy added yeah the RSA still requires. The Town Administrator continued saying that's great but we're still required to have minutes. Now we can have minimum minutes. Selectman Gagnon said I guess that's what I was getting at is, I initially totally understand where you're coming from. On the other hand why spend that kind of money ten, thirty thousand dollars between multiple boards if we just have it on recording. Is that money actually necessary? The Town Administrator replied, the recording does not count as minutes. You can certainly look at it but you have to physically

have minutes. And again, it's up to the Board, you don't want detailed minutes? Okay. I'm just looking at, I think when we get into situations from a legal perspective it's certainly beneficial to every party, to everybody. Selectman Gagnon said they reference the minutes over the actual video. Okay. Chairman McGrath asked Selectman Roy what would you say Kara? Selectman Roy said I would agree with Steve. That we, I think it would be an idea of kind of being pennywise and pound foolish, you know? We might save money on this end but if it comes down to it a judge isn't gonna watch a three hour video of the Planning Board to get this one line that somebody's purporting that somebody said. Right? So again, I just think it would be money well spent to have quality minutes.

Mr. Malizia added, you know the Benson Park Committee they probably don't need to have detailed minutes because they're not in any kind of situation where it's litigious. When you're getting into Land Use we can see the stakes that are out there. They just seem to be getting bigger and bigger. Again, don't be pennywise, pound foolish.

Chairman McGrath spoke up saying and, I can attest to developers coming in or abutters coming in and saying I want the minutes and I don't want a tape, I want the minutes. So you know. The Town Administrator then said it is a legal requirement you don't have to get explicitly detailed on everything but I'm just concerned. I think it's something that would protect the Town.

Mr. Malizia then said there was one out of the budget request. As you're probably aware we utilize the services of NRPC. That's an extra service. We've been doing it now. There's a request in there to continue to do it. It was on your list. If we don't use it, we don't use it. Selectman Roy added but it's available. Mr. Malizia added it's available to use. Again, depending on the project may be again, the friary project or temple project or if we have to go back through the Hillwood project it just gives us some wiggle room as far as keeping other projects. It might be smaller but keeping that flowing. So I just point out that that was identified there. Chairman McGrath said oh I think that they're a valuable asset to the Town. The Town Administrator said they seem to have been so I just wanted to point that out. And that was the last piece of Land Use if I could direct you now to non-departmental which is the tab 5900 towards the back of the book.

Insurance (5910)

The Town Administrator said these are sort of the catch all. The first is insurance. We have workers comp insurance and we have property liability insurance. We also basically self-fund unemployment insurance. We've been pretty fortunate that we didn't really have that last year but we still have to fund unemployment insurance should we get rid of someone. Surprisingly they go to unemployment bureau and even if we're justified sometimes they still get unemployment benefits and we might get tagged for them. I was comfortable cutting it from the budget of ten to five. Nonetheless I think we need to have something there to defend ourselves.

The workers comp and property liability. Those are sort of out of our control. Workers comp is based on our payroll so that's gonna go up. It's also based on experience, i.e.; your claim rate. It was pretty good last year but you know that's because we were in a COVID year and we were rotating folks and less opportunity to get injured. It happens but it was less.

Property liability insurance again that was a lower number but less driving, less mileage, less liability. Looking at prospectively the numbers are a reasonable increase for next year. It's more than 1.5% but that's insurance. If there aren't any questions on that we'll go to community grants.

Community Grants (5920)

As everybody is aware, and we get requests from various agencies. I brought the book of requests. There's a list on actually the third page, Chairman McGrath asked what department are we looking at? The Town Administrator helped Chairman McGrath find the right tab and then he went on to say, page five you'll see a list of agencies that we provide community grants to. We had a request for \$175,000 worth of community grants. But given the Board's parameters and given our economy I kept the number the same. The Board can certainly move money around if they see fit. We've done it in the past. I think we bumped up the Food Pantry, we put that up. I think we added Saint Gianna's. The Board's done some

maneuvering here but going into it, what I did I kept it whatever you're getting funded this year, you're getting funded next year. These are support agencies that provide service to Hudson residents. They've identified we service this many Hudson folks for whatever the need is. They work in conjunction with our welfare. So when I say you look at the welfare these agencies provide a lot of assistance that we maybe don't have to provide. So there's a list, I think it's the very far right hand column is the number that has been allocated to each of these agencies. The second from the right is what they asked for. I don't think you want to fund double what you've been funding.

Selectman Gagnon was recognized and said Mr. Malizia, some of these have lines crossed through them. Just for my own knowledge, you know, Harbor Homes, Healthy at Home, looks like they haven't been funded in a little while. Mr. Malizia replied, I believe there's a note at the bottom, Harbor Homes, Healthy Homes, Keystone Homes and Southern New Hampshire HIV merged to form one agency. So from a historical perspective we had it on there, just so you know they were all coming out of the same building they're just different agencies. Now they've consolidated to be one agency and we've funded that one agency. Selectman Gagnon then said and just to recap, you and I had a conversation about this, because I asked I said during a default budget you know, although I love funding projects like this, don't get me wrong, but would we consider not funding this but you made a great point, which you made just recently, that I want to recap on it's been known that these agencies do actually help our residents do things for Hudson so we're kind of sharing their costs because they directly help our residents. The Town Administrator added, some of them are mental health resources for folks. Some of them are addiction resources for folks. The Food Pantry's a prime example. That's a critical piece of our Towns' assistance to folks who need the assistance. Saint Gianna's place. So the Fish and Game puts on their Thanksgiving dinner. They didn't send a request, but I know they're gonna do it this year. They didn't do it last year but I put the money in presuming I know they're gonna call and say hey, can we have money? So I made sure there's money in there for that. That specifically provides Thanksgiving dinner to shut-ins, to folks that reach out, folks that need that Thanksgiving dinner.

Selectman Gagnon then asked how would you add or subtract corporations, businesses from this list. Oh, this is a great business, I do believe it helps the residents of Hudson, how would I go about requesting that maybe it be thought about? The Town Administrator replied, let's be careful, some of these aren't businesses. They're nonprofits, they're agencies. I just want to be careful with the wording, business a lot of them aren't businesses. If you wanted to add someone it's typically we like to get a request from someone. So I know it hasn't always happened that way. Sometimes a member of the Board would identify gee, there's this agency I heard about, I think we should consider funding them. So typically someone asks for something. Again, if you don't ask for it, I don't know you need it. But you as Board members could come in and say hey, I want to be able to donate, or give money to, X agency and you could make a proposal or you could say I'd like to add money and to make up I'd like to take it away from Y agency. It's simply up to this Board how you'd like to allocate these monies. Selectman Gagnon then said, and to that point, thank you for that, does anyone look, other than I know you (Selectman Morin) work with the soup kitchen and stuff and the pantry, I believe so you have personally experience how well they do. Do we have anyone who actually looks at some of these and actually asks the question, how much value are you giving for the money we're providing? Selectman Roy said so it becomes a community interaction. So it might be an interaction between the Police Department or the Fire Department or the School Department or a church. You know what I mean? So I don't know that it's necessarily tracked like that. You know? Selectman Guessferd added they have a reputation. The Town Administrator said each agency submits a funding request that typically outlines the services they do for the community. Typically we'll say we served 500 residents. They'll actually tell you what they're doing and who they're serving. You may get, you know, CHIPS, Children Interacting with Police Services. We fund them so they do this year they're doing the drive through at the track. In past we've done Fright Night at the Community Center. We provide a majority of funding for that. That's a community event for the children of Hudson. I look at Family Promise, that's the agency that helps the families in transition. And it's typically families, matter of fact my wife was there volunteering tonight, but they typically do families in transition and Hudson families. This is to reach out for them. Salvation Army, that's a big organization. We give them a modest \$1,000 because they do provide some level of service to folks in the Hudson community. Saint Joseph Community Service, that's meals on wheels. Selectman Gagnon said, no, no, I appreciate you taking the time to explain it to me. I'm purely curious. Mr. Malizia said I brought the book if anyone wants to take it home, all the justification is in the book. But again, it's up to you. As you see fit. If you see there's something we need to change it's up to you to propose it. again, what I did was took the

request we got, looked at the parameters of the Board and said looks to me like it's gonna fit into this parameter best and that's what I did. You're free to move money as we have in the past on occasion.

Patriotic Purposes (5930)

The Town Administrator explained, we, the Town, contribute to the American Legion Memorial Day parade and observation. Obviously in the COVID year there wasn't any of this. There wasn't Old Home Days. There wasn't fireworks so we give them a modest amount to support Old Home Days. A modest amount to support Old Home Days fireworks and a modest amount to support the Memorial Day parade and observation. Again, if you look at the actuals there wasn't any. But this has been a longstanding practice of the Board. Selectman Guessferd said you can see the actuals in 2019.

Other Expenses (5940)

Mr. Malizia said I'll use the term "catch all" but these are expenses that aren't directly allocated maybe necessarily through department like supplies for the postage machine. We'll expense postage but sometimes there's just supplies we buy globally. This is where the contingency for the Board of Selectmen is. Contingency is money that if you need to allocate it somewhere you have it without taking it from that department to give it to that department. It's your control and it's a modest \$75,000.

Selectman Roy said so my question about that would be there's an actual 2019 then there's zero in 2021. '20 and '21, which I understand was probably COVID related then it jumps to \$75,000. The Town Administrator said that's the budget. Selectman Roy replied, yup. And then the next line down contingency accrued there's no actuals. The Town Administrator explained so we have an earned time program here when folks leave employment or when they retire from employment, they get paid the time they have on the books. Typically the departments can absorb that time. In other words, Fire Department, Police Department, folks leave, it gets put to their budget. But in the rare case that we need extra money, because we can't absorb it, we put a line item in for that. But it doesn't get spent if we don't need to spend it. Does that explain it enough? Selectman Roy said it explains what it's for which is kind of my question. The Town Administrator replied so we have not hit that because we've been able to absorb it in the department budgets. From a bottom line. Selectman Roy said but the jump from \$16,000 in 2019 to \$75,000....The Town Administrator said so it's been budgeted at \$75,000. If we utilize contingency is what we typically do is we make a transfer for example, this year, we transferred some money out from contingency to help pay for the fire truck payment. Expensing that payment in the Fire Department. I'm not expensing it against contingency. This doesn't show the transfers. It only shows if I directly spent it in a contingency line. Which I don't typically do. So when you look at an actual, it's difficult to look at the actuals, but we actually make transfers to we can expend it in the appropriate line. So you'll see zeros. That's not uncommon. But rest assured, the budgets been \$75,000. Which is pretty modest when you think we have a \$30 million dollar budget. That's not a lot of wiggle room. Selectman Roy said I agree. Mr. Malizia then said, but, you know what, it seems to have served us. I'm not promoting more. I think that's reasonable.

Hydrant Rental (5960)

The Town Administrator then said so there's a system of fire hydrants in Town. This is the cost that's charged to the tax payer for having that hydrant system. Because once we put on a hydrant, we don't charge anybody for using that hydrant. Back in the day when the water company was owned privately they used to charge the Town for every hydrant. So when we took over the utility company, we tried to keep the tax payer and the water customer whole. The water utility was also paying property taxes to the Town. We don't pay property taxes because we're the water utility. So what we ended up doing to keep everybody even, we had a line item in the budget for property payment in lieu of taxes and hydrant rental. We actually, this is a long story, but we actually reduced the hydrant rental down to this number. But it basically pays to keep the system charged and operating. With all the maintenance on it. Back in the day this number was about \$600,000. And going up. I think there's approximately 1,000 hydrants in Town now that are public. It's a pretty big number. As developments come into Town we require them to put the hydrants in but once it's in, we own it. Because we want to make sure it works. So that's a critical piece.

Mr. Malizia then said so I think that's the end of that. Chairman McGrath said solid waste association dues. To which Mr. Malizia replied, pardon? Chairman McGrath again said solid waste association dues. The Town Administrator replied we covered the solid waste budget under Jess Forrence' s budget. Chairman McGrath replied so this is the last one then. The Town Administrator said that's the last one. So that is what you had scheduled for tonight. Your highlights for Thursday...Assessing, Police, and Recreation. So those will be your big ticket items. I think that's it. Then we can continue next Tuesday, it looks like the agenda isn't too heavy. So you can maybe look at if you liked, if we have time Thursday we can work on it but if you want we can do it Tuesday. Looking at the outside the budget requests. If there are any warrant articles you think you want to forward now. Some of these capital reserve funds we can make a decision on those. You don't need to wait for anything else.

Chairman Morin asked is everybody good for November 2nd workshop for the rescue money? That's gonna be related to the budget. Selectman Guessferd replied, I'm gonna be out of town. Chairman McGrath said as far as I know I'm gonna be here. I can't guarantee anything anymore. The Town Administrator said but that will be the plan. To which Selectman Morin replied, okay. The Town Administrator then said so with warrant articles like I say you have time. Again. You do have some time. It's certainly better to have them wrapped up earlier than later but you can go into December. I don't like to go into December but you could. Selectman Morin said I think once we get the rescue we can start making decision on those. Mr. Malizia said I definitely think a lot of the small capital reserve fund ones you could do because that's going to be exclusive of the rescue. I do not have, we haven't, and I'm waiting on the union to get back to us on scheduling the negotiation session. That will be one labor contract we expect to have on the ballot. That would be for the support folks. So I'm not aware of any other warrant articles at this point in time but I know that one will be coming should we negotiate the contract. Chairman McGrath asked who's the liaison to that? The Town Administrator replied Selectman Morin has stepped forward as the retired member (laughter in the room).

4. ADJOURNMENT

Motion by Selectman Morin, seconded by Selectman Gagnon, to adjourn at 9:31 p.m.

Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant

Marilyn McGrath, Chairman

Bob Guessferd, Vice-Chairman

Dave Morin, Selectman

Kara Roy, Selectman

Brett Gagnon, Selectman

HUDSON, NH BOARD OF SELECTMEN

Minutes of the October 21, 2021 Budget Review Meeting

1. CALL TO ORDER - by Chairman McGrath for the meeting of October 21, 2021 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Captain Tad Dionne
3. ATTENDANCE: Board of Selectmen: Marilyn McGrath, Bob Guessferd, David Morin, Kara Roy, Brett Gagnon
Staff/Others: Steve Malizia, Town Administrator; Jim Michaud, Town Assessor; Bill Avery, Police Chief; Tad Dionne, Police Captain; Dave Bianchi; Police Captain; Dave Cayot, Police Captain; Chrissy Peterson, Recreation Director; Jill Laffin, Executive Assistant.

4. Budget Presentations

The Town Administrator was recognized and began by saying tonight is night three of the budget discussions with the Board of Selectmen. Tonight you'll be discussing the Assessing, Police and Recreation budgets.

On your table you have a pile of documents. Just a quick run through those. The first one is outside the budget requests. This has been updated for the things we've talked about already. Again, these are the outside the budget requests.

The second information, we had a discussion about Zoning and Code Enforcement. I reached out to NRPC, they reached back and said yes, they could provide service to us for code enforcement. So I just took an estimated \$30,000. Seemed reasonable but this is for your discussion. This would be for outside the budget but they did tell me they could provide us with that service on a contract basis.

You had asked Chief Buxton to provide some information visa vie his request for the deputy, I think we talked deputy or fire marshal. He has prepared this packet for your review and consideration. Again this relates to his outside the budget request.

We had a conversation regarding perhaps starting a capital reserve fund for generators. We have 21 generators it looks like. Including water and sewer. So I basically prepared a warrant article which is the next document, Article M, for your consideration to start and establish a capital reserve fund. So I updated this sheet to put it on here as M. Again, these are to you to forward, up to you to decide whether you want to do it. Selectman Roy asked it did to me, but I just want to make sure, does the wording provide for a cycle of replacement generators before they age out. The Town Administrator replied, so we're establishing it so at this point in time basically it's pretty simple language just trying to establish the fund to replace or repair them. I don't think capital reserves typically get into that level of detail when we establish an article. Selectman Roy asked, but the language, it doesn't preclude us from doing that? The Town Administrator replied no, not at all. The whole intent is to do that. It says replace or repair because there may be cases, and it says emergency generators and associated equipment. So if you have a panel or some other. Now the other thing I did if you read the article, I split it up between General Fund, Water Fund and Sewer Fund. Because quite frankly the generators are across different spectrums of our operation. Tax payers shouldn't pay for the water and shouldn't pay for the sewer and vice versa. Very simply put a \$30,000 warrant article on. Why? Because that's typically the numbers we tend to start with to get it passed. But I divvied it up \$10,000, \$10,000, \$10,000. I included a list of the generators so you can see that there are 21 generators across Town. Again, sewer, all the sewer facilities, the water facilities have them and various buildings have them. So that just kind of tied out with this. I think we had a conversation. I just wanted to give you the information. Selectman Gagnon asked are we going to talk about this later or should I ask questions now? The Town Administrator replied we certainly can talk about it later. I just wanted to give you at least a briefing of what's here. After we get through with these folks we can talk about warrant articles and you may be able to decide this evening whether you want to forward some or not forward some. So that would be an appropriate time to have a conversation.

The Town Administrator said we're also going to discuss revenue this evening. I changed revenue because when I'm monies for capital reserve funds I have make sure it's accounted for in the revenues. So I just updated the revenue sheet. I do plan on talking about this tonight at the end of the information

that you get from these folks.

We've also provided you with, we received this late. The Finance Director received this from the bond bank today. We have some bond schedules for the proposed Police renovation/expansion. We will talk more in-depth when we get to the Police budget. But I just wanted to tell you that we have schedules. There are three kind of basic options which the Chief will walk through so we've got three basic options here from a bond perspective. I don't want to get too much detail. I just wanted to point out that's what this is.

With that, I think I'm done speaking. Unless somebody has any questions. Again we'll probably go over some of this material later on in the meeting.

Assessing (5410 & Warrant Article G)

Chairman McGrath recognized Town Assessor Jim Michaud. Mr. Michaud started off by saying good evening Board members. Glad to be here tonight. Jim Michaud, Chief Assessor for the Town. The budget that's in front of you is fairly flat. I believe it's actually down 1%. That's coming off the default budget that we're currently in. I also have a warrant article to keep funding the capital reserve for property revaluation. In regards to the budget itself I'm here to answer questions as they come up. It's fairly consistent with what I've done in the past. There's been some pluses and minuses but the overall is within 1%.

Chairman McGrath asked anyone have any questions? Selectman Morin was recognized and asked line 410-252, professional services, looking at it, it was \$96,000, \$77,000 and \$86,000 now it's \$107,000. Mr. Michaud explained so, in that line I have, we have a five year contract with George Sansoucy for public utility valuation maintenance. That contract is \$26,100 a year. Beyond that the Eversource cases that we're still continuing with, we have non-legal expenses associated with that. Legal expenses would be coming out of Administration and we would have a contract with George Sansoucy and we're anticipating between \$10,000 - \$15,000 for that. That's for the remainder years of that court case. That hasn't been scheduled yet. As you know we just went through '14, '15 and '16 and we have remaining years. Then in last year's budget that didn't happen, I'd asked the Board for \$35,000 for expert appraisal, for an appraisal group to start off the basis for the valuation of the Hudson Logistics Center. So I'm putting that \$35,000 in line 252 that leaves us at approximately \$31,000 in the balance. And when we have some significant commercial industrial properties, if we had a BAE, a Hannaford shopping center, if we had significant commercial industrial properties that appealed we had to go to court, we usually use an outside appraiser for that and that's \$4,000-\$6,000 for the appraisal and their consulting fees showing up in court. So \$31,000 divided by \$5,000 if you want to split the difference so that covers a potentiality and we've been doing that for years to try to cover something that might happen. That's the balance. It comes out to \$107,000. Chairman Morin thanked Mr. Michaud for his response.

Chairman McGrath asked, anyone else? The Town Administrator added he has no outside the budget requests. So this is the cost center as Jim reference he does have one warrant article. I believe its Article G and this is to continue funding the capital reserve fund that's been established for property revaluation. We put some aside every year so that when we get to that fifth year we have the funds sufficient to do the assessment upgrades. Mr. Michaud added Steve is correct. And we've traditionally been asking for \$15,000 per year for that. And I crunched the numbers, I see what we have left for after next year's re-val. If we continue with \$15,000 we most likely wouldn't have enough to do a re-assessment at the fifth year. We certainly wouldn't have enough in there if we had to react to a significant market decline after the '22 re-val. So I'm asking the Board if they would entertain moving that up to \$25,000. It doesn't get us all the way there for an updated values three years from 2022 but it gets us a good part of the way there. So, I'm trying to make sure we have ammunition to pull the trigger and do a reassessment before those five years are up. I joke and I hope it doesn't happen that, I know when the market is gonna go down. As soon as we send out the reassessment notices next summer. The day after. So you know it's funding to make sure that we have enough in there to get us most of the way there towards a reassessment. The Town could do a reassessment every year if it decided. It can't go beyond five years. So that's our window. You know if you put too high a number, doesn't pass. If you put too low a number it doesn't really get us there.

Selectman Roy was recognized and said so what number would get us there? Mr. Michaud replied, ahh, I

believe in the middle of that really long run-on paragraph that I like to write, \$32,667. If my estimates are accurate. Right? I'm taking what our reassessment cost is for next year. I'm adding 3% CPI adjustment in there and that would get us there. You know at \$25,000 we're short \$7,000 a year thereabouts. We usually get towards the end of the fiscal year. What looks better a two or a three when you're voting? Just trying to be careful. It's just not very popular words to see, let's raise money to do what?

Seeing no further questions from the Board, Chairman McGrath said Jim, I think you're done. That was quick. Mr. Michaud replied, thank you Board members.

Police (5610-5673 & Warrant Article D & K)

Chairman McGrath welcome Chief Avery and Captain Dionne. The Chief said I don't think I'm going to be that quick. Chairman McGrath said probably not cuz I have a few questions. Chief Avery laughed and said I may answer them before you start. I'm going to try. Chief Avery then said, thank you Board of Selectmen. It's obviously an honor for myself and my Captains to be here. Before I start I'd like to thank Steve Malizia and Lisa Labrie for their outstanding efforts through the budget process as always. I know Lisa was new to this, this year, but was right there every time we had questions. Every time we sent emails we got prompt responses which is very important as we're moving through this process. I think you all know that. The Chief continued on saying, I'd also like to recognize Sherrie Kimball, my executive assistant and my three captains; Captain Dionne, Captain Cayot and Captain Bianchi who worked diligently on this budget. We juggle a lot of things throughout the weeks and during the day and there are times we simply can't all get together but these three managed to pull through for me and did a lot of hard work.

Chief Avery then said so this is where I'm going to try to answer Chairman McGrath's questions on some ups and downs. In about early March 2021 I recognized that we were going way over our budget and immediately discretionary funding to all staff. So anything in our budget that we were going to be expending, had to come through me and close look at it with Sherrie Kimball before we allow any purchasing. The reason that we were over, we had a large amount of earned time buy-outs on our police departments. There were for retirements, couple we'll call them resignations and so the dollar amount that was cashed out that I had to accrue, and I believe the Town maybe helped me up towards the end, was \$305,595. So as you can see if we're spending roughly \$162,000 a week, as we were coming down in March I recognized we were going over. So we froze a lot of things. In comparison in 2020 we had \$90,851 which is kind of manageable. But when we started going up that route in December of earned time buy-outs, so there were a lot of freezes.

A brief overview of 2020 statistics. The Police Department answered 31,066 calls for service. Which is a huge number of calls for service if you break it down by how many people are assigned to the Patrol Division and Detectives and School Resource Officers. Our arrests for 2020 were down dramatically. They were down to 450. A lot of that had to do with COVID-19 and people were restricted from going out or some of the stores or restaurants were closed or what have you. Traffic was down. Just to give in comparison, we are already at 745 arrests for 2021 compared to the whole calendar year of 450 for 2020. And we had 541 motor vehicle accidents. Those are reportable motor vehicle accidents. We had other minor fender benders that didn't require a police report.

Chief Avery went on to say, so right now, currently, the Police Department is involved in an onsite through the CALEA process. We have one assessor going through all of our files soup to nuts. Lt. McElhinney has been tasked with dealing with that. And in December we have to go through another comprehensive CALEA assessment. It will be two members of the CALEA team that will be going through everything we have done over the last four years. I was briefed on Tuesday by Lt. McElhinney, we are doing outstanding thus far in the process. There are no hiccups. We should pass this with flying colors and I anticipate, I had a conversation with one of the assessors that's going to be honing in on us in December and he already knows that we are a top notch agency and we do everything by the book. So I do not anticipate any issues at all when it comes to that CALEA assessment coming up.

Chief Avery went on to say, the goals set forth for 2021, obviously our primary goal is to keep every employee healthy during COVID-19. That was first and foremost. Make sure everybody stays healthy. Moving on was to implement, as you know now, the body camera program. So every officer has now been assigned a body camera. This was very expensive but we were able to get that task accomplished.

Chief Avery continued with saying a minor goal, I'll call it minor, but it was for freeing up much needed space in our records department was to purge files. We're constantly having to purge legal files as Selectman Roy knows, some files we simply cannot purge. We need to hold them for a period of years. But the Records Department along with Dispatcher Colleen Jefferson that assisted them getting this process done. We've already accomplished that. The Narcotics Unit, as the five of you know, has been an outstanding unit that we implemented in July of 2020. They continued to work and never cease to amaze me the amount of work they're putting in and the amount of drugs they're taking off the streets.

Chief Avery then said, also, we have in our goals, this year, in coming up we'll talk about the Police Facility, will be two live tours at the Hudson Police Department. We're going to use virtual tours for people to see online but we're also going to open up the doors to have two tours during the week, evening hours, if we have to run it from 5:00PM to 11:00PM at night, so be it, to accommodate the citizens of Hudson so they can come in and see for themselves, what our building is like and the conditions that we're working in. again, when I say conditions, they're clean. Not saying they're not clean, they are immaculate because of Dan Clark. However, it's the space we're looking at that we want the residents to be able to see. And they're more than welcome to bring their kids in to be able to see the jail cells or all the fun things that young kids like to see, or see our police cars.

Chief Avery then said, the last one was obviously a top goal for us was dealing with motor vehicle enforcement. One of the things that was identified in the surveys that we put out to the residents of Hudson is I've been inundated with request to run directed patrols throughout this Town. I told you I contracted every single person that wrote in on a survey with their name on it. Was in direct contact with them, especially the motor vehicle complaints and I've received nothing but 100% praise back on all of the officers. That's not because of me. The people have wrote back, we cannot believe you guys have come out here and targeted the speeding vehicles on our street. So I'm very proud of the Patrol Division that is commanded by Captain Dionne. So fantastic job.

That's my opening, Madam Chair and I'm ready for any questions. If you want me to go through each area. The Town Administrator said so what the Board has traditionally done is start it. So I guess we'll start with the 5610. This is the Administration area. This is the administration of the Police Department. Chairman McGrath asked, does anybody have any questions? Selectman Morin was recognized and said 5610-231 Meals? Chief Avery replied yes, those are meals both the in-town one and the out of town one. We obviously have a budget line item for this. Do I use this? No. do we use it during the CALEA assessment? Absolutely when we have the assessors come in. but I'm not taking people out to lunch. I simply don't do it. If I do I do it's on my own tab. The Town Administrator asked you also do it for prisoners too don't you buy them Burger King. The Chief replied the practice has stopped. Unless we're in a jam and somebody obviously needs food. But most of the time, because of the bail reform, they're getting out on bail or they're going right to Valley Street Jail. Selectman Morin replied, all set thank you.

Chairman McGrath asked, anyone else? She then said, okay, so I have a couple. Line item 219 the damage settlements. The actuals for '21 were, I'm going to round up, \$8,500 and your budgeting \$4,000 this year. Do you think that's enough? Chief Avery replied, I believe that's enough. It's a crap shoot, right. You just never know. We harp, and most of those are cruiser accidents that we have had. We're doing great right now. We harp on the officers, and the Captains probably all nodding their heads behind me, how much we preach about safety driving. It's like spilling a coffee at your desk or spilling water at your desk. They're in these cars 24/7, long periods of time. So right now I believe that's enough. Chairman McGrath replied, I'm just highlighting. I've gone through and I've marked up a couple of things. And it's not really a concern for me. It's just to make sure that you've got enough. Chief Avery replied thank you.

Chairman McGrath then said line item 223 the uniform cleaning. Chief Avery replied yes that's contractual. Chairman McGrath went on to say so the actuals were \$6,700 and your budgeting \$11,600. Are they getting messier or? Chief Avery replied a lot of people don't understand that we have a cleaning service and the officers get their uniforms cleaned. A lot of officers just choose to do it on their own at home. Because they come Monday, Wednesday, Friday and if you're working a weekend they just take it home and get it cleaned. Detectives are going to use a lot more when they're wearing their suit and ties. But yeah, it's all contractual.

That's how that is budgeted. Chairman McGrath replied, okay. That's all I have for page five. That's all I have for that budget. But I do want to make a comment about CALEA. I think, from my perspective, my

advice would be to really highlight that because I don't know if a lot of people understand what CALEA is and what it means to this Town and to this Department. This is a real, again, my perspective, a real selling point for our Police Department. What you have to go through and what you have to prove that you're capable of doing and what you actually perform, it's remarkable. So I think that you should focus on that when you're taking people on a tour. New selectmen that are here, there's two of them, they may not know all of what CALEA is and what it entails. So that's my advice. Chief Avery replied saying thank you.

The Town Administrator went on section 5615, page 10, in his facilities account. Selectman Gagnon was recognized and said line item 206, electricity, this is just more I guess for my own knowledge. We heard from the Library that they did some energy efficiency upgrades and whatnot and that actually had a significant savings. Where do you stand with that kind of work? Chief Avery replied, in the progress. It's already started. We had older lightbulbs in our inventory. Now we're slowly moving towards changing them all over. But yeah, we had to up our electricity bills. I know the rates for Eversource went up, and I guess it was 21%, I believe. Somewhere around there. So Dan Clark, is in the process of switching over.

Selectman Gagnon went on to say, I had a couple more, if I may, Madam Chair. Let's see here. 208 I just said why 208, telephone, is so high. I mean we're seeing fifty or sixty thousand dollars. It seems to pretty stable. Just curious why that line item is so high to me. Chief Avery replied, certainly. So if you look over on your, what I call your bible, do they have that Steve? What the breakdown is? The Town Administrator replied they have all the backup, yes its page 11. Chief Avery went on to say so if you look down that we have a lot of air cards. The business lines. Merrill Hill Trigate for our radio system. We have a lot of telephone usage. It is high, absolutely, and I agree with you. I don't see any way that I could cut anything out of that telephone. Selectman Gagnon replied, no, I appreciate that. It was actually just more for my knowledge. The laymen understanding. You have radios and so forth. So I was just curious why telephone was so high.

Selectman Gagnon continued on saying, lastly, 252 professional services, I just saw a random bump in 2020 to \$30,000 where every other year is \$14,000 to maybe \$16,000. Can you explain what that \$30,000 bump was and why we shouldn't expect it again cuz you're only asking for \$16,000? Chief Avery responded to Selectman Gagnon saying so that \$30,000 was for me to hire MRI to do a comprehensive study of our building facility. When they came in, I don't think it was \$30,000, I don't remember exactly what that price was. I don't know if anyone in here remembers. The Town Administrator said probably in the \$15,000 range. Chief Avery replied, yeah it was about \$15,000. But that was specifically put in there so we could hire MRI to come in and look at our building. Chairman McGrath then said but that number that he just talked about, the \$30,000 that's an actual number that we spent. The Town Administrator replied, that's correct. Selectman Gagnon replied that's all I had, thank you.

Selectman Morin was recognized and asked the Merrill Hill, will the new radio system take care of that phone line? Chief Avery replied I believe so but I can't be 100% on that. Cpt. Bianchi added it's going to go to microwave. The Chief added, we'll get a little bit of savings there.

Selectman Roy was recognized and said this is just out of curiosity, you don't use diesel fuel anymore? Chief Avery asked diesel fuel? To which Selectman Roy replied yeah you don't have line item 305. Chief Avery replied the only diesel we use is from Jess Forrence, Public Works Director for our generator. Selectman Roy replied oh, okay, okay. Chief Avery then said that's the only time we need diesel. Selectman Roy then asked but that's where you get it? Over at Jess'? Chief Avery replied, yes, they actually bring it over to our generator. Selectman Roy replied, that was all I had.

Chairman McGrath then said I have one and that's line item 224 the building maintenance. The actuals for '21 were \$67,419. You've dropped the budgeting request to \$46,000. Chief Avery replied, correct, so last year, I don't know if you'll remember, I came in for a request from the Board of Selectmen for and I'm gonna guess, rough numbers \$56-\$57,000 for all of the repairs. Last year repaired, and I have it on my notes, we used from the Town capital reserve fund that Mr. Malizia and I had brought before you, so were repaired our chiller system, fire alarm system, the HVAC system over at the building across the street. Circulatory pump bearing assemblies. So we did a lot of fixing with that money. They weren't working basically. The only thing we have left is our fire suppression system in our building. We're replacing leaks, we're putting gum on it to stop leaks. Why am I holding off on that? I don't know if it's a smart move going and spending that money now or wait and let's see if the addition and renovations come through and then just handle it at that time. Chairman McGrath replied, thank you.

The Town Administrator said next would be the dispatch 5620. Page 14. Selectman Gagnon was recognized and said you may explain this probably the same way you did the last one but I'll bring it up just for my own knowledge. I'm looking at line 221 sir and I'm seeing numbers of \$1,500, \$1,000, and \$1,000 and then a budget of \$5,500 which is a small number overall but a big jump. I'm looking at the next page to see that breakdown. Can you explain that a little bit? Chief Avery replied, yes, absolutely can explain it. So the New Hampshire State Police Online Telecommunications system, the SPOT system that we run all of our checks and whatnot through the state and FBI checks. They haven't charged us the \$4,500 to use that. Okay, so we have not ever received a bill. However, we keep it in there because it could come in at any time. Their practice has been, over the last few years, not to charge the police departments. But it is contractual. If you see in there we have a contract with them to use their system. They just haven't billed us. Selectman Gagnon then said so thank you for that. You know, is there anything more official, other than just kind of a back scratch or someone in the upstairs office kind of threw the paperwork away, is there any other logical explanation why you're not being charged that? Because if it's not being charged that and it's consistent then budget less maybe? Just purely curious. Chief Avery replied, I would love to be able to but that would be the year, Selectman Gagnon that my secretary walks in and says surprise that they did. I'll give you an example. We weren't being charged for the phlebotomist blood draws over at the hospital. So we had actually lowered that over the years. We had a line item. When we bring a DWI over there to get their blood drawn we never got charged. All of a sudden, out of the blue, we started getting whacked with charges. Every time we bring somebody there now we get a charge from Southern New Hampshire. Selectman Gagnon said no rhyme or reason that you could know of its just luck as of right now with the line item. Chief Avery replied like I said I knocked on the table. It just hasn't come in. I don't know the reason behind it. Selectman Gagnon replied, okay, alright. Thank you.

Selectman Roy was recognized and said okay, so it's just interesting you brought that up because it kind of jumped out at me. And I know it's the next one over but you didn't budget anything for blood alcohol tests. Selectman Guessferd added, I noticed that. Chief Avery replied, thank you. Case in point. So we took money out of there for blood alcohol, because we were never charged, and now it started in about March or April, they started charging us. So we have fixed that problem. We will be going over to Saint Joseph's Hospital now to kind of go around it. We have a quarterly meeting with the President of Saint Joseph's Hospital with their Head of Security and the President of the hospital and the Captains and myself meet with them. Great relationship. We have been assured that they will take care of it for us.

Selectman Guessferd was recognized and said I'd like to equate, I think you're \$4,500 contract cost to like in a business you have a commitment that you have to leave on the books. So I see that. Selectman Roy agreed saying right. Selectman Guessferd went on to say, I see the understanding there. Whereas I would think the blood draw isn't necessarily a contract. Cpt. Dionne said it's per diem. Selectman Guessferd said it's a per diem, okay.

Seeing no further questions Chairman McGrath said we'll move on to 5630 page 17. Selectman Roy was recognized and said so 256, the canine supplies and materials. Is that offset by donations? Chief Avery replied, yes some of it is. Selectman Roy replied, okay, okay. Selectman Roy then said, 325 equipment repair parts. It jumped significantly from past years. Chief Avery explained what is encompassed in the equipment repairs is first aid equipment, CPR equipment, flairs, fire extinguishers, AED batteries, mannequins for CPR training. I froze that. That was one of the areas I froze in March not to replace. Obviously not the AED pads and whatnot but the things we can hold off on we froze. Officer Jason Downey is in charge of that for my department and he was told we're gonna hold off on any more spending. That was in March. Chairman McGrath asked do you have Narcan in that? Chief Avery replied we do not carry Narcan. Chairman McGrath replied oh you don't? Chief Avery then said quick simple answer to the reason we don't carry Narcan it is the response time by our fellow Fire Department. They are there within...Selectman Roy interjected asking and they do carry it? To which Chief Avery replied, they carry it, yes. And they use it religiously. Their response time is so quick, I would guess, we could ask Chief Buxton, three to four minutes max...Chairman McGrath interjected saying I just saw something on the news. About a month ago and I don't remember where it was but there was a police officer and they were doing an arrest and one of the officers got exposed to fentanyl. Fell right over. Luckily they had Narcan with them. They administered it to him. Then he experienced another lapse. I think it happened...do you know what I'm? Chief Avery replied yes it was in Los Angeles. Chairman McGrath replied, was it? It happened three times and he I think coded again in the ambulance on the way to the hospital. They finally got him back but. Chief Avery replied, it's a great point but we just have such a close relationship with our Fire Department. We rely on them obviously. I know Selectman Morin was out in the field with us all the time. We take every precaution possible with narcotics. We just did a whole training at

our department meeting back the first week of October, of how to safely search and deal with narcotic drugs because the chance of getting exposed is very, very high. We have masks, gloves, eye protection. They have it all now. Cpt. Dionne added we don't even test anymore in the field. We used to field test everything. We don't field test anything to avoid the exposure. Chief Avery added it goes right to the state lab. Cpt. Dionne added or a couple of our narcotics units taking *inaudible* then to the lab. Chairman McGrath then said you know normally I wouldn't know any of this stuff. But I watch, as you all know, I watch the news and I was stunned by that. Because this was a young, I mean this was a young officer. I don't know how long he had been working for the police department but very young. I'm not implying anything about it's just he was a young man and it could have been a deadly in one fell swoop. Chief Avery agreed saying absolutely.

Selectman Guessferd was recognized and said we're on patrol here, right? Chief Avery replied, yes. Selectman Guessferd then said last year we saw, gasoline 304, so I know gas is more expensive now. Chief Avery said we went \$2.50 last year a gallon. Selectman Guessferd said we're looking at \$90,000. The budget this past year as \$92,000. Then the actuals last year were \$52,000. So I mean are we experiencing that sort of usage of gas right now that that kind of warrants that increase? Chief Avery replied so we actually decreased our budget down \$2,000. Why did we have not a lot of gas usage? Couple reasons. One is we were at minimum staffing during continuity of operations plan. We had sent home a great deal of staff. The other thing is and my coming up on three years tenure as Chief of Police, I had to hire I think its 19 police officers. So we've been short all the time. People at the police academy. We have two in the academy right now. When the younger officers get on the street, Selectman Guessferd, they put 110, 120 miles a shift on their car. The veterans getting it down 35, more manageable. But the young officers they're just going. I'm afraid to bring that back. I'm open to it, and I know we have a contingency fund, Mr. Malizia, if we were to run close to it? Mr. Malizia replied we have contingency. Chief Avery then said I don't know where the gas prices are going. Mr. Malizia added we also bumped the gas prices up to \$2.65 a gallon because that's the evidence that we have. Selectman Guessferd then said so it's more usage than price in terms of the increase you put in the last two years. Chief Avery replied, I really look at the gallons that we used. So in FY21 we used 29,537 gallons of fuel. So right now we have budgeted 36,400 gallons of fuel. Is that enough? I believe it's gonna be enough. I'm just, I mean we reduced it down to 34,000. So we're 3,000 gallons give or take in the plus.

Selectman Gagnon was recognized and said and this is a little bit more theoretical, being the tree hugger in the room, but kind of going on my last point about energy efficiency. I know it's more of a long term goal but is there any eyesight on an electrified fleet? Or is that even a potential? Any of that in the works for five, ten years? Chief Avery replied, it's gonna be quicker than that. And we looked at them to purchase them two years ago I believe I was in front of this Board. And I'm really glad we didn't at the time. We were gonna be the first department and they ran into a lot of issues with those cars. You never want to be the first one to jump on board. I would guess within three years, you're starting to see a lot more of them coming around. I'm gonna guess three to four more years. Obviously there's a cost associated with that. They're way more money and I don't know mechanically. Is our cost to keep these cars on the street gonna go up because the mechanic we use may not be able to work on these cars and we have to bring them all back to the dealership. We don't go to the dealership unless it's covered under warranty. Just because of the sheer cost to maintain our fleet. Selectman Gagnon said so you're keeping an eye on it but you haven't actually like looked at some numbers to really start. Chief Avery replied we did and it was dramatically more to buy these cars. Selectman Gagnon stated to buy them but as like would you look at the lifespan, like you just said maintenance, gas and include that all in and see. Chief Avery responded saying there are some departments that are running them now so we should have a closer look. I'm guessing another year or two before I would feel comfortable going to them. Chairman McGrath asked what kind of car is that? I didn't hear you. Selectman Gagnon said forgive me. I was just asking if there were thinking about electric vehicles at some point just hearing about other fleets going that way. Knowing personal people who have some of them, I'm just looking at. I know it's not now and they are expensive to onboard up front, Chief Avery added initially. Selectman Gagnon went on to say yeah, but I didn't know if you actually dove into the numbers to see what cost savings, if any, there could be. Chief Avery replied, we did in fact I wanted to get three of them and we didn't have enough money when we first started looking at them. Selectman Gagnon replied okay, thank you sir. Thank you.

Chairman McGrath then said okay, anybody else? No, we'll move on. The Town Administrator said 5640 which is police investigations. Chairman McGrath said I have a nice clean page. No marks no anything. She then recognized Selectman Roy who said, so I know it's only \$250 but we still use film? Selectman Roy said, oh, I'm sorry maybe we should just change it because it's recording media now that I'm looking

at it. Cpt. Dionne replied, yup, recording media. We do use a lot of that. Selectman Roy said, okay, I just, the film kind of caught me off guard. Chief Avery replied, that's been zeroed out.

Selectman Guessferd was recognized and said just inquiring about 325 it looks like that's narcotic kits I think I saw. Chief Avery replied in that is gonna be our lifters, our powders for fingerprints, evidence bags, crime scene processing, safety suits, narco text kits. We have three people who are highly trained in dealing with the drugs. If they need to one of them is certified in....Cpt. Dionne added a clandestine lab certified detective. Chief Avery continued saying he knows how to handle them if we need him. So we do keep them on site. Selectman Guessferd added so doing more of that than we were say two years ago. Chief Avery replied, absolutely.

Seeing no further questions Chairman McGrath said let's move on to page 24, animal control. Selectman Guessferd was recognized and said veterinary services 245. Big increase but I noticed in years passed they were in that range. We only expended \$657 last year. Chief Avery replied that's another unknown. We had a huge investigation here in Town before you were put on the Board that this Town accrued a great deal of money and cost. We seized animals from a house and Jana...Selectman Guessferd said I remember that, as a citizen. Chief Avery continued saying we had to pay for services out of that. We like to keep a little buffer in there because if we get a stray dog that's injured, we care about animals, right. We're gonna bring that dog to the vet but we are responsible if we do that and they can't find an owner. So we do like to keep money in that.

Seeing no further questions Chairman McGrath moved on to page 27 information system. This is a clean page too. No questions anyone? Seeing none the Chairman moved on to page 30 support services. Selectman Gagnon said I don't think I see the same page numbers that you do, but I'm looking at line 5671-246 is that what you're on? Selectman Roy replied yup. Selectman Gagnon went on to say this is more of kind of taking a pulse a little bit, I'm looking at psychiatric services it obviously kind of went up. Obviously 2020 was crazy for everyone and now it's gone back down. Is that a sign that you're department is in good health and doing well? Chief Avery answered, so that's psych services for our pre-employment, new hires. The Town Administrator added we had a lot of new hires. Chief Avery went on to say we switched doctors, I know several of the veterans selectmen in here were here when I switched psychiatrists and went to Dr. Nicole Sawyer that you've all met. Her cost is, you get what you pay for, right. It's \$500 per pre-employment psych. So it is more. Selectman Gagnon replied saying alright so it was going up and then you're budgeting \$1,500 is that enough? Chief Avery replied if you see our actuals that's when we've been having to hire six and seven officers at a time. Hopefully those days are done. Selectman Gagnon replied gotcha, thank you for that sir.

Chairman McGrath asked anyone else? Selectman Guessferd was recognized and said looking at 303. That looks to be the DARE supplies and obviously last year there was none. So before that there was like maybe couple \$3,000, \$4,000 so we're anticipating a nice healthy year? Chief Avery replied hopefully we get that thing going again right? We don't know.

Chairman McGrath then asked anyone else? She then said I have one. Line item 256 comfort dog support. It's zeroed out. The actuals for '21 were \$6,000 so. Chief Avery replied, I believe that was the year of the purchase. Lisa? The Finance Director responded yes. Chief Avery went on to say that was the year of the purchase and now it's purely on donations. Chairman McGrath replied, okay. I'm an advocate for that program so. Chief Avery replied, saying thank you.

Chairman McGrath then said page 32, crossing guards. That's another clean page. Anyone have any questions? Seeing none she went on to page 35, prosecutor, saying that's another clean page for me. Anyone have any questions? No. we're just whipping right through this. The Town Administrator added we've already covered the IT with the IT Director so unless the Chief has anything to say I think she covered it already.

The Town Administrator then said so he has an outside the budget request which is at the beginning of his section I believe. Maybe he wants to speak to that, Chief Avery? Chief Avery said which one, the outside the budget request? The Town Administrator said yes, start with the outside the budget it's at the front. Just explain it. Chief Avery began by saying the first outside the budget request is for \$105,246.96. That outside the budget request is for the contracts that we are in for the Tasers and the body cameras. Last year we tried to put it in the budget, if you remember, as well as start a capital reserve fund. The capital reserve passed. As you know the budget failed. We had \$50,000 in there. If I project forward now five

years and we keep putting \$50,000 into that account that's not going to help us. It's not going to get us to where, we'll probably have to...if we can't fund it through the budget, be able to keep the body cameras going. The costs right now was \$393,000. I'm guessing in five years from now it's gonna be north of \$500,000-\$600,000. And it's mostly storage. Right? Up in the cloud. So my suggestion would be to add \$100,000, \$105,000 in the budget to cover it. As well as do the warrant article like we did last year. That would cover both for the body cameras and our Tasers. So our Tasers are on a five year term. And our body cameras are a five year term and unfortunately they expire at the same time. They're gonna be expiring the same year. So that's an expense that we're gonna have to deal with moving forward. The other part of that capital reserve allows us to also replace our bulletproof shields which also expire. Which I don't know how but the manufacturer, I don't feel comfortable putting them on the street if the manufacturer is saying they're not gonna guarantee they're gonna work after five years. It blows my mind but risk and liability here. Trying to protect the Town and protect the officers. That's my recommendation. I'm open to any discussion or questions.

Selectman Gagnon was recognized and said actually you said at the beginning of your talk there one of the biggest expenses to the body cameras was the cloud storage. Can you kind of give me a number breakdown, is it like 60% of the cost is cloud storage versus the hardware? Chief Avery replied so they own the hardware. They own all the hardware. We're basically leasing the hardware and when you look at the cost, it's a high tech body camera. This is not a GoPro. Lot of features in there that we have discussed in the past that this body camera system has. I don't have the exact breakdown of where it goes, how much is it costing for storage, but everything we've heard from all the companies that we had in to the building to look at their equipment, all their costs came from storage. Selectman Gagnon then said, with that said, is there any ability if we said similar to the car situation, where we take on an initial hit to actually build a local storage system rather than doing cloud? Is that even a possibility or is part of the contract there's nothing to do? Chief Avery replied, I would think its part of the contract and to speak on those technical terms I don't even know if that's possible. Selectman Gagnon then said, lastly, is there any grants? I thought we've discussed in passing that there were grants for body cameras so forth. Are you expecting any of that money? Chief Avery replied Selectman Roy's laughing. Chief went on to say so we applied. We are on that list to get it. I would highly doubt we will see a cent because it was all, a lot of it was based on the poverty level of the community. We're not going to qualify. Cpt. Bianchi did draft a grant to pay for these. I don't think we're gonna see a cent. Selectman Gagnon replied, okay, that's all I had. Thank you.

Chairman McGrath asked, anyone else? Selectman Guessferd was recognized and said so, Budget Committee last year, I know, put in additional funds. We wanted to make sure we got everybody taken care of. Everybody has the body cameras? Chief Avery replied, yes. Selectman Guessferd went on to say okay, so everybody has all these. So this is really maintaining that over this contract time, this five years. But obviously we went to a default budget. Chief Avery replied, right. So how I cleaned that up is I had \$64,000 set aside to replace our radars and our radios. Portable and mobile radios. I took that \$64,000 to help offset it, as well as the \$50,000 out of the capital reserve fund that we had established last year that passed in the vote. That was my plan proposed to the Board when we went into the default. The Town Administrator followed up saying, so now he's trying to get back on track by putting the \$100,000 back in which we did last year but it didn't stay in. Selectman Guessferd replied, exactly. I was just trying to make sure I understood the sequence of events here.

Selectman Morin was recognized and said so I got to ask the question. You used that money for your radar and portables and with all the complaints you're getting with speed in Town, are we good with radar units? Chief Avery replied so the answer to that is no. yes, we have radar units. Are they old? Are some of them malfunctioning? Yes. So then they got to go out and there's a cost associated. So our goal is to replace all of those. More importantly than radars were the radios. So when we get this new infrastructure up and running, my portable radio, I believe, is from 2000. Maybe older. I call it Will It. Will it work? Will it not? I just never know if that thing is going to work. So we're trying to get, I have all first line officers on the street, and supervisors, in good radios. We need to keep cycling that through to get everybody in good radios. Obviously the officers on the street have the best of the best. We just haven't been able to get through everybody in the agency just yet. I think probably three or four more years we'll have it completely done. But it's expensive. You're looking at \$5,000 for a mobile radio. \$3,000 for portables.

Chairman McGrath then asked anyone else? She then said I'm just gonna make a comment about the cloud and the cost of it. I would suspect that that's probably related to, they probably have a double storage of what's on those cameras so that if one fails you've got the backup. I don't know that I'm

guessing that because those would be critical in any kind of a lawsuit. Any kind of a whether it's to protect the police officers. Whether it's for family members. Something. But I would suspect that they're probably doubling up on the storage and putting it somewhere. Chief Avery added I don't know if body cameras are going to be a fad. Right? Is it because of the tragic incidents did they make a quick snap decision to get every officer in body cameras? The other side, defense side may come back and say we're losing all these cases, we don't like these things. So I don't know what the future holds with body cameras. I know the west coast has been using them for years. We were a little behind on the east coast getting them. I just don't know. But I think we have to plan like the Governor is going to make it a mandate here. He's already highly recommended it. The State Police it's mandated. But obviously you can't do an unfunded mandate. The Town Administrator added, well you can, but you shouldn't. Laughter. Chief Avery added they did it in another state. Selectman Morin added they do it all the time. The Town Administrator added they shouldn't, but...Chairman McGrath then said personally I think it's a good idea. Only because it saves the police officers a lot of grief and you know something happens out in the field you need to be protected.

Selectman Roy was recognized and said cuz I just gotta say it I am not against body cameras but I think that this was done rashly and I think it's to the detriment of the tax payers. I think we could have probably done a better job getting a contract. Doing some investigation. Taking some time. But what's done is done. So. Chief Avery then said what us purchasing these body cameras? Selectman Roy replied saying yeah, yeah, I think it yeah. Chief Avery then said well Nashua's about to cut a check for 1.6 I believe. I don't know how to get around it. Selectman Roy replied, well how, what's the comparison of police officers? How many more police officers does Nashua have to Hudson? Chief Avery replied, they're writing a check for it though. They're not getting all grant funded they're...Selectman Roy interjected saying that's not what I'm suggesting. I'm just suggesting that, that was done too quickly for my liking. And then there was no non-appropriation clause as you know in there. Chief Avery then said I can say for the public we spent eight months meeting with these vendors. Every vendor possibly. Before we made the purchase. Chairman McGrath said I think you did a good job.

The Town Administrator then said, so he does have a warrant article letter K, this is to talk about the capital reserve fund. That was previously established last year. This simply would put money into the fund so in the future it would help lessen the impact to the tax rate. So that's letter K. it's pretty short and sweet. Again this was the fund that the voters established last year. Chairman McGrath said that's way in the back. The Town Administrator said way in the back. It's pretty simple but I just wanted to point out that wasn't outside the budget. It's a warrant article request. Chairman McGrath asked, anyone have any questions? To which there were none.

The Town Administrator then said, the other request I believe we should talk about is we didn't get the language yet because Chief just got the numbers but it will be under D. there's nothing there. But basically the police station renovation and expansion. I think you can probably give them an idea of the numbers. You've got some bond payment schedules but I think Chief will speak to it more completely. Chief Avery then said I'm gonna give three options open for discussion here.

Option one which would include both carports if you will off the back which we originally talked about. Last year we had pulled them off. So if we were to get both carports attached with the addition and renovation the number would be \$5,928,980 for round numbers. If we remove one of the carports it would drop it down to 5,732,180. And if we were to remove both carports from the construction it would go all the way down to 5,339,180. The Town Administrator then said so the number last year was 4.9 million or approximately thereof. Chief Avery said 4.8 million. The Town Administrator then said so you can see the price going up. Chief Avery added we were told about a 26% increase in construction. The Town Administrator asked you haven't changed anything in the parameters of the design? Chief Avery answered nothing else has changed.

Selectman Roy was recognized and said as part of that renovation the fencing was in that right? Chief Avery replied, correct. Selectman Roy then said do you know what the cost of that is? Chief Avery replied, I can get you that number. I don't have that...Selectman Roy interjected saying because I guess my question would be why wouldn't you make that an out of budget request for the fencing given that the situation that you have. Chief Avery replied saying absolutely. I would love to. Because of the other needs I just think it is going to be pricey, right? To put a fence around that building. But if you guys give me the green light I can give you...Selectman Roy interjected again saying well I'd be curious about what that number is. Chief Avery replied I have that in my book at work. Selectman Roy then said it's just it would close a gap right? Chief Avery replied it absolutely would. Chief Avery then said the other thing I will bring

up that other monies that we talked about through the federal government coming into Town, Chief Buxton and I have spoken that the HVAC system for this project could possibly come out of that chunk of 2.1 total money. Is it Steve? The Town Administrator replied it's closer to 2.5. Chief Avery went on to say closer to 2.5. so that would be about \$600,000 if the Board decided to go that route to come off of this as we move forward with the project or the group discussion. So it's something to think about. Selectman Guessferd asked how much was that again? To which Chief Avery replied about \$600,000 roughly.

Selectman Gagnon was recognized and said I'm actually gonna step back to the warrant article I have in front of me. The \$100,000 for police safety equipment. You know that obviously seems steep. I know it is what it is. Can you kind of run me through, is there any other way to fund something like that? Any other potentials? Let me put it this way. If this doesn't pass what do you do? Chief Avery asked in the warrant? Selectman Gagnon replied yes sir, so the \$100,000 warrant to put into the capital reserve fund for safety equipment. If it doesn't pass, where do we go? Chief Avery replied, well, I've used our drug forfeiture account to help pay for the body cameras. I made the initial payment out of that. We could dip into that. We could have to look at other funding here in Town. I don't have the answers to that. We need, those are tools that we really can't go without. Not the body cameras because we could be done with the body cameras. But those Tasers, we were told at the end of, beginning of November our old Tasers had to be done. Or we lose a 10 million dollar liability insurance. And they will not guarantee that they're going to work. So they kind of have us handcuffed. No pun intended. Our backs against the wall dealing with Axon the Taser company. There's no other Taser companies out there that will suit our police needs. You know obviously you can buy them at your mom and pop stores but you're not getting what we use. I don't have a contingency plan. Selectman Gagnon replied, fair enough. Chief Avery then said I mean I would do what we did this year with a default. Let's start looking at what else we're gonna have to do away with and then deal with it. Selectman Gagnon replied, thank you sir.

Selectman Roy was recognized and said I guess I just have a comment. I would support the entire project as it was with the two carpools. I just think that if we don't eventually we're gonna have to add them we're just kicking another cost down the road right. Make it so it's gonna last as long as it possibly can before we have to do something else. That's my, kind of my own, for the sake of \$200,000 on a six million dollar project. Right?

Selectman Morin was recognized and said to Selectman Roy's point that's why we are here today talking about this. Because if they had built it originally like they were supposed to we wouldn't be talking about it this year. Selectman Roy agreed saying absolutely. Selectman Guessferd said, exactly and then went on to say, I mean what is the difference? I mean I think we talked about this before the difference in response with the police cars if you have to shovel them out. Chief Avery replied, I'm telling you it takes us some storms it could take us...Cpt. Dionne added it's a while with the big storms. The cars are buried. We're moving them over. Putting them in a place that had to get cleaned out first of all, then we've got to clean them back out again when the storm ends. Move them back again. So you're actually doing it like four times during the course of the storm. Chief Avery added it's probably a six hour project on an 8-10 storm. Cpt. Dionne added it's usually on a busy shift too. Chief Avery added Public Works does an unbelievable job clearing our lots, it's just the cars get buried. Selectman Guessferd added they can't plow that. I mean it's a safety issue. Chief Avery replied it is a safety issue. It's a response time. You know the citizens of this Town expect, and they should expect, an immediate response from Police and Fire. We talk about it all the time that's our goal. Make sure the citizens are safe and that our officers can respond quickly. To help them. It's our job. Chairman McGrath added especially during a storm when there's a lot of accidents. Whether it's falling. Whether it's car accidents. I mean there's all sorts of....Cpt. Dionne replied it's definitely when we have a commute that it becomes more dangerous because we may actually have to bring in new officers that weren't on the shift while we have other ones holding on already handling calls and now we're bringing in officers and they're going to cruisers that haven't been cleaned off yet. Haven't been touched and they're stuck out there. So it takes a while to get those on the road if that happens. Usually it's a commute type of storm. Chief Avery then said I think last year, correct me if I'm wrong, we had talked about that and keeping that number under five million was our reasoning for taking it off. I know I heard from several residents asking why did I do that. We wanted to get this thing through the voters in hopes that maybe in the future we would have to come back and the Town would agree to do this. But I know we tried to keep it under five million dollars. With a 26% it's simply not going to happen. The Town Administrator said keep it under six million now. Actually the difference is about a penny. If you look at the bond schedules. The repayment over the 20 years, the tax rate impact delta for most years is about a penny. So you could go the high route and pay a penny more per thousand than you do if you go the low route. So you could put it in that context.

Selectman Gagnon was recognized and said you know what I think I just actually lost my question so never mind.

Chairman McGrath asked, anyone else? Seeing no further questions she then said I think we're done. Chief Avery added we'll be in front of you obviously before we do the open house and I'll be in touch with Selectman Roy to go on TV and to talk about it again to really advertise this open house. We did it before COVID hit. It was a fantastic time. A lot of people showed up. I would like to have 500 people come in through that building. If we have to do it for a week straight, we do it for a week straight at night. That's okay. Chairman McGrath said I think families that haven't gone through it and they don't know what's there, if they take advantage of a tour. Selectman Guessferd added and what's not there. Chairman McGrath then said but that's the point. You get to see the actual inside of the police station and what conditions they have to work under and they're pretty cramped. Selectman Roy added and the situation is not going to get any better, right? It's just gonna keep deteriorating I guess. And eventually it will cause catastrophic issues. Chief Avery replied, I think that MRI report speaks volumes. If you really go through that report that's on our website and really read into what they're looking at. I remember telling you they kept asking me what's that girl doing? All day long, every time we're in the hallway interviewing employees, she's just walking down the hallway with files in her arms like this. Oh, that's Leanne Hewitt, she works down the other end of the building but all her legal files are way up by the front of the building. They said you gotta fix this. I said give me an idea how to fix it. Seriously, that's why you're here to help us fix it. It's not fixable. They're spread out everywhere. We talk about it a lot. Our victim witness advocate, one of our very, very key employees in our department, she deals with victims all day long and she's sharing an office with three other people and they're not even part of the legal division. They're in the service division. So no privacy. That's important to citizens to respect their privacy when they come in. Chairman McGrath added especially when they've been a victim of a crime, whatever the crime is, very emotional and we need that space. Selectman Guessferd added it also goes to retention. If they're working in those kind of conditions and they don't see an end to it, you know. You're gonna lose people.

Chief Avery asked, any other questions? Chairman McGrath said I don't think so. You did a good job.

Recreation (5810-5839)

The Town Administrator said so Recreation is the 5800 tab. Sort of near the back of the book and she'll have one outside the budget request. We'll go to that at the end so let's just go through the budget. I think you're on page two maybe for the regular budget. Recreation Administration 5810. Chrissy Peterson, Recreation Director started off by saying thank you for providing me the opportunity to present you the budget tonight. As Steve said I do have an outside the budget request to present at the end. Should I just go through each cost center? Chairman McGrath said we'll go through it, see if anybody has any questions because we can maybe kind of blow through this.

Chairman McGrath then said page two, cost center 5810. Selectman Roy was recognized and said so 122 jumps out at me. I know its insurance benefit but it's like \$1,600 for actual in '21 and jumped to \$29,000 in '22. The Town Administrator answered saying so when we did the budget for '21 we had a different Rec Director so different benefit levels for people. Selectman Roy then said \$28,000? The Town Administrator said somebody doesn't take the insurance. Ms. Peterson said I'm not taking the insurance. The Town Administrator then said so the previous Rec Director, I believe, did. Selectman Roy then said but it went up I guess. So in 2021 the actuals \$1,674. '22 the approved budget was \$29,026. That's a huge increase for insurance benefits. The Town Administrator said well don't forget we had default budget too. When we were budgeting we didn't know who the rec director was going to be. We put the full benefits in. Chairman McGrath then said but look at what's '23 it's dropped down to \$2,000. Selectman Roy replied, I just, okay. Selectman Guessferd added it kind of sticks out. Selectman Roy said yeah I'm not really sure I understand what happened there. The Town Administrator replied it's that wicked default budget too though. When we try to correct it, because we didn't have a rec director, as you recall the previous director retired. When we were putting this budget together I'm not sure we had hired our current rec director so we have to put in the maximum benefit. Selectman Roy replied okay. The Town Administrator but luckily she doesn't take it so there's quite a bit of savings there.

Chairman McGrath asked anybody else have any questions? Seeing none the Board moved on to the facilities cost center, 5814. The Chairman asked, anyone have any questions? To which there were none.

Chairman McGrath then said, that's easy, page 10. That's a zero budget so. The Town Administrator then said that's because when the last actual goes by it goes away. Selectman Roy said, oh, okay. The Town Administrator said see we had actuals in '19. Next year you won't see this at all. Selectman Roy said that switched over to the DPW right for the park? The Town Administrator replied all parks switched over to the DPW. But from a history perspective we've always kept it in til the cost disappears from the last actual year.

Chairman McGrath went on to page 11, supervised play. The Town Administrator said as you recall the last year was COVID. Selectman Guessferd was recognized and said I just want to make sure the people that see this I think it's pretty obvious but we didn't have a Rec program last summer. And that's the difference. The budget is pretty much the same but you just don't want people to look at it and say oh man look at that based on the actuals last year. There just wasn't a program so. Mr. Peterson added two years in a row.

Chairman McGrath went on to page 14, ball fields and asked anybody have any questions? Selectman Roy said no it's pretty flat. Chairman McGrath said I have one. Line item 252, professional services. The actuals in 2020 were \$4,000. I know last year wasn't really a good year to compare it to but the budget for this year is \$8,400. So that's quite a jump. I kept it in the same spot that the former director had kept it and that was due to the empire fee. Their fees went up as well as the amount of games that we offer as well. So we have the men's league and the women's league so. And it actually crosses over in fiscal year as well. The season begins in May but ends in August.

Selectman Guessferd asked do you also handle the ump's for the coed league in the fall? Ms. Peterson replied, no Cindy Holton takes care of that one.

Chairman McGrath went on to page 17, tennis. This budget hasn't changed much either. Ms. Peterson said so that's new. The tennis one. The Town Administrator added, it was new in '21. That was a program because it was outside and we were able to offer it. We attempted to put it in the budget, default took it to zero, she's still gonna run the program. So it's doing this but it's been a very popular outdoor program.

Chairman McGrath said next is lacrosse, page 19. Anyone have any questions about that? Selectman Morin said I do have a comment. He then said I gotta tell you, with the amount of stuff that you do I was expecting a lot different budget. With all the programs that you started since you took over and things like that, seriously. I was expecting a lot higher. Well done because people are really enjoying what's going on. All the posts you send of what you're doing it's a total difference. Ms. Peterson replied, thank you, I really appreciate that. I do, thank you.

Chairman McGrath went on to say next up, page 19 lacrosse. The Town Administrator said we did that one. Chairman McGrath replied, we did? To which the Town Administrator and Selectman Roy replied, yes we did that one.

Chairman McGrath then said, page 22, basketball. The Town Administrator said we weren't really able to run the basketball because of the COVID so, the lost season. Selectman Gagnon then said just really quickly on that one, basketball. I see 2019, 2020 looking at \$26,000, \$22,000 obviously '21 was gone but then you're jumping to \$31,000. I'm assuming just an increase in costs or? Ms. Peterson replied saying yes, again that's the fees for the referees. Their prices have jumped significantly and we also offer more games. This year with the late start I can't say for sure, but as far as FY23 it would be a full season. Selectman Gagnon replied, okay, thank you. The Town Administrator added, very popular program too, by the way. Very popular.

Chairman McGrath then said next one is soccer, page 25. Selectman Gagnon said great program. Selectman Roy then said I'll just comment that based on the pictures I see on that's a big bang for the buck. It seems, there seems to be a lot of kids involved and that's yeah, that's pretty little money for what appears to be the kids that play. Selectman Guessferd added that's a great program. Ms. Peterson then said we actually started a new division in that program, which Selectman Gagnon can attest to, the three and four year old program. That was a huge success. There's 72 kids in that. Definitely a good deal. The Town Administrator said a lot of volunteer coaching too.

Chairman McGrath then said page 25, soccer. The Town Administrator replied we did that. Selectman Roy said that's the one we just did. The Chairman apologized and went on to page 28, Senior Center.

Selectman Guessferd then said back up and running. Chairman McGrath asked anyone have any questions? She then said I have one and that's senior activity programs, and I know that's been dormant for the last couple of years but the actuals for 2019 were \$1,300. Then they've jumped up to this year to \$2,900. Is there a reason for that? Is there more people involved? Ms. Peterson replied yes there's also the plan, we plan to open full status five days a week and my goal is to add new programs and different things. More of a variety there. So we definitely need the funds to do so. So I actually took, we have the copier so I took the copier fund because she really wasn't using the copier up there. She utilizes the one at the Community Center more so I just kind of moved the line a little bit there. I think it would be better used. We just recently did a canvas painting for the seniors which was a good hit. There's actually another one next Friday. So that gives us more wiggle room to be able to do stuff like that.

Chairman McGrath then said page 31, teen dances. The Town Administrator was recognized and said I've chaperoned them. Believe me it's the longest three hours of your life. (laughter in the room). Ms. Peterson added we're adding a fourth dance in so that's why that went up a little bit. But they love it. They absolutely love it. The Town Administrator added, they love it. The kids love it. Selectman Roy added part of growing up, right?

Chairman McGrath went on to page 33, community activities. Anybody have any questions, comments, complaints? The Town Administrator said this is the area where she's done the special things like the Easter Bunny parade and whatnot. So I think that's been a real big hit with the community. During COVID I think she really stepped up and kept people engaged with the Rec Department or the Rec Department engaged and I know kids loved it. There were some great programs coming out of here.

Chairman McGrath went on to page 35. The Town Administrator replied, the IT Director covered the IT needs for the department. He then said at the very front of this section she has the outside the budget request which she'll speak to. Selectman Gagnon then said Mr. Malizia I was just looking at the community grants. I think that's still with the Rec Department is it? The Town Administrator replied, no. Selectman Gagnon asked it's not? The Town Administrator replied to Selectman Gagnon saying 5920. Selectman Roy said we already did that. Selectman Gagnon replied, forgive me.

The Town Administrator continued on saying back to page one on this section, which is the outside the budget request Ms. Peterson then explained so the Senior Center Council of Aging they have committed to donating a 14 passenger, handicapped accessible bus. And as we head towards looking to open full time, five days a week, I think it would be nice to be able to add the option of transportation. I have spoken to DPW Director, Jess Forrence and I've also leaned on the Pelham Senior Center for advice with budgeting for line items. I think that this would be the cost effective way to start implementing a bus driver. It would be four days a week. The salary would be \$18.00. I think that's kind of it. Selectman Roy was recognized and said, so a couple questions. Conceptually how is, are there like places where they would gather for the bus to go get the seniors and then to just go to the Senior Center or is there? Ms. Peterson replied they would pick them up at their house. They would do two runs a day. North side and south side of Town. Morning and afternoon. And it would be to bring them to the Center to attend the programs. So it wouldn't be used for trips to Walmart, doctor appointments. Anything like that. Not right now to start anyway. Selectman Roy then said and my other question, would this require them to have any kind of special license? Mr. Peterson replied, so it actually doesn't. Once it hits a 16 passenger then they need a different, I can't remember the endorsement that they would need, but after speaking to Pelham and Jess I think it might be the way to go to require a class C CDL endorsement just to be safe. I think that would be best.

Selectman Gagnon was recognized and said so this is interesting to me. My mother being the Chairman of the Council on Aging I hear a lot about this. And talking with NRPC about this as well. So for my own knowledge, based on what you're presenting here is this just a local bus just to shuttle around Town? Ms. Peterson replied, yes. It would just be offered to the Hudson residents that are members of the Senior Center. Selectman Gagnon replied to that saying okay, in and around Town only. So no events. You're not gonna go to Foxwoods at this time. Ms. Peterson replied, nope. Nothing like that. Selectman Gagnon then said okay the other question is in passing I was talking to Jay Minkarah from NRPC and he was very passionate about a program where he's actually working with Pelham as well, you might be aware of, where they're doing a regional kind of example of this where they're gonna get a couple towns together and try to do regional senior transportation. Are you aware, have you talked? Ms. Peterson replied I'm not. Selectman Gagnon then said maybe to look into. Talk to Pelham. So they're obviously invested and they've talked with NRPC. But you may want to get in on that conversation to see if it's something that we

can all group in together for cost saving reasons. I think that's all I had. Phenomenal job by the way. To Mr. Morin's point, obviously my daughter's in some of your stuff. You do a great job. The logistics are difficult, there's people everywhere, everyone's having a good time and the volunteers as soccer coaches, even if they are free, they're excellent. They're very good people. Good with the kids. I'm very proud to be able to work with you. Ms. Peterson replied, great, thank you very much.

Selectman Morin was then recognized and said I just got one question. With the bus news, how's Lucille? Ms. Peterson laughed and replied, I saw her yesterday, and she's good. She's doing great and very eager to get this up and running. Seeing no further question Chairman McGrath thanked Ms. Peterson for her time.

5. Revenue Review and Forwarding Operating Budgets

The Town Administrator said at this point it seems to make sense that we maybe take care of some other items. I think the first item we should look at is the offsetting revenue. You've got the sheet tonight for revenue. These are the revenue estimates that help reduce the tax rate. So bottom line these are things like motor vehicles, building permit fees. You can read all the descriptions. But this is the bottom line revenue that helps offset what we're raising and appropriating for taxation purposes.

Selectman Roy said I just have a question, and I know we do it every year, but the fund balance thing. So it's been stagnant for the last three years. Is it based on something? Is it like a percentage of the fund balance? The Town Administrator replied not particularly though we've been trying to keep into kind of a continual number. I wouldn't say it's based on percentage. Our fund balance typically runs between the high four million to the low six million. So it's just a number that we've used to try to be consistent from year to year as far as using a fund balance. There is no particular science beyond that. Selectman Roy then said okay and would you have any recommendation to change that. The Town Administrator replied now that's why I'm putting this in front of you. Selectman Roy replied okay. The Town Administrator went on to say one thing I did change, I'll just highlight a couple of changes, if you look at motor vehicles on the first page 4201, I bumped it up by about \$80,000. We've been running \$600,000 above. I don't want to go that much because I think that's too optimistic but I think, you know, I figured rounding it up by about \$80,000 is probably a reasonably safe bet.

The Town Administrator continued on saying, on the second page under 4841 shared revenue - meals and rooms tax, the state, so years ago there was the rooms and meals tax the state was supposed to share 60/40. They got 60% we got 40%. We've only been getting like 25%. There was some legislation that came in this year that forced them to bump that number up. So the estimates we've gotten going forward indicate a better than typical rooms and meals tax. So the number we saw was the 1793 number for next fiscal year. That's the number I've been given. That's the number I'm using. Chairman McGrath asked where are you? To which the Town Administrator replied, I'm on the second page here. It's right over here, shared rooms and meals tax. The Town Administrator then said you can see the Highway Block grant. I have not received any information that would be different. That's based on gas tax and whatnot. Bu the rooms and meals, it's not that there's more rooms and meals. The percentage is now being more closely funded to that 40%. It's still not at 40% but they've moved it up and they've told us, expect to get this sort of number. So use that number. With revenue you always want to try to be a little conservative so any surprises going up, not going down. So this tends to be conservative. But again I thought those were reasonable fixes, changes. Then the rest of it is basically one time revenue types of things. We've still got the SAFFER grant for the firefighters that we're still running through. I think that's \$302,000. Water and Sewer are included in this because it's just the total revenue even though there's a cost for those. We still account for it in the revenue. So my recommendation would be to have a revenue in the amount of \$17,468,392 based on the data I see right now. Chairman McGrath asked anyone have any questions, comments? Seeing none, the Town Administrator said you can certainly approve a motion to that. That way it formalizes it if you'd like. I can repeat the number. Selectman Roy made a motion, seconded by Selectman Morin to approve the FY2023 Revenue Detail. Carried 5-0.

The Town Administrator then said, as there were no outside of the budget requests for Sewer and Water I think it's probably safe to forward those budgets forward so if they Board would entertain a motion to forward the Sewer Fund Operating Budget in the amount of \$2,138,465 to the warrant. Again, we didn't make any changes. There was no outside the budget. Those costs are all borne by the sewer user. So it makes sense to forward that to the warrant. Selectman Gagnon made this motion, seconded by Selectman Guessferd. Carried 5-0.

The Town Administrator then said similar for the Water I recommend because the water fund, there was no outside the budget request. Again those are all borne by the water users. I would recommend forwarding the Water Fund Operating budget in the amount of \$4,622,588 to the warrant. Selectman Morin made this motion, seconded by Selectman Gagnon. Carried 5-0.

6. Review of Warrant Articles

The Town Administrator then said so you have quite a few warrant articles. What I would recommend is the articles that are for the infrastructure types of things we're gonna come forward with some recommendations through the American Rescue Plan Committee. I think we defer any action on those right now. That doesn't make any sense. But you have some warrant articles for, particularly capital reserve funding that if you'd like to you can discuss and dispose of tonight. Either forwarding it to the warrant, asking for more information or not forwarding it. So I introduce that.

Selectman Morin made a motion, seconded by Selectman Guessferd to forward Warrant Article G - Property Revaluation CRF Funding to the FY23 warrant. Carried 5-0.

Selectman Guessferd made a motion, seconded by Selectman Gagnon to forward Warrant Article H - Fire Apparatus Refurbishment/ Repair Capital Reserve Funding to the warrant. Carried 5-0.

Selectman Morin made a motion, seconded by Selectman Roy to move Warrant Article I - VacCon Truck Replacement Capital Reserve Funding to the warrant. The Town Administrator explained this is coming half from sewer, half from taxation because it's drainage. So it's a 50/50 split. \$30,000. \$15,000 to each. Carried 5-0.

The Town Administrator explained article J was for the Energy Efficiency Capital Reserve Funding to the warrant. This would fund \$25,000 into that established fund. Selectman Gagnon made a motion, seconded by Selectman Roy to move Warrant Article J - Energy Efficiency Capital Reserve Funding to the warrant. Carried 5-0.

The Town Administrator explained, as you heard this evening the Chief of Police has requested that police safety equipment capital reserve funding. This was a fund established last year. This would put, I believe, \$100,000 into the fund. Selectman Guessferd made a motion, seconded by Selectman Morin to move Warrant Article K - Police Safety Equipment Capital Reserve Funding to the warrant. Carried 5-0.

The Town Administrator then explained I presented to you tonight an article to fund, to establish a capital reserve fund for generator repair. Article M - Establish Capital Reserve Fund for Generator Replacement and Repair. Again, we have 21 generators in Town, including the Library, Sewer, and Water. So what I propose is starting a fund with \$30,000 which would be divided up \$10,000 to the water fund, \$10,000 to the sewer fund and \$10,000 to the general fund because basically these generators are across the different parts of our organization. So if the Board wants to make a motion to forward Warrant Article M - to establish a Capital Reserve Fund for Generator Replacement and Repair to the warrant. Selectman Gagnon was recognized and said thank you. Just for my own knowledge here, I know we talked about this at the top of the meeting. You're combining \$10,000, \$10,000, \$10,000 into one. You know that's kind of merging everything and then you'll be spending out of that pot back to three different sectors. Would it make sense to have three different funds to be a little bit, to have traceability? The Town Administrator replied so I'll just harken back to the VaCon truck where we take half the money from the taxpayer, half the money from the sewer user because we're covering the drainage, which is a taxable, and we're covering the sewer. I think that's a lot of accounting. That's three funds. I don't think we need to complicate it. But that's my opinion. Selectman Gagnon replied saying just purely curious. It makes sense.

Selectman Roy said there's only one really that affects the tax rate right? Like the general fund. The Town Administrator said the \$10,000, the general fund. So I would presume in future years you'll see future warrant articles that will be probably in proportion again going forward. Because, again, they run across the gamut of the organization. I don't know which ones going to go first.

Selectman Gagnon then said so the only other question I had is does all of the different departments have similar or the amount of generators? I mean is there? Selectman Roy said we have a list here. The Town Administrator said I have a list. Selectman Gagnon said sorry. Selectman Roy said I have a question. And it's about the amount. I look at this list and we have two generators that jump out at me. One that was installed in 1999 and one that was installed in 1995. Both of those are more than \$30,000 to replace and I would think we would have to do that sooner rather than later. Particularly the 1995 one which is at the Police Station. The Town Administrator then said so it's always a fine line when you're establishing a reserve fund. Sometimes we tend to be conservative. We start with a lower number so that's its more sellable to the voters. You can certainly change the number. I put \$30,000 because it seemed like a sellable number. But if you want to put \$50,000, if you want to put \$60,000 it's certainly up to the Board. Again looking at where we are, where the economy may be going I'm just trying to get it going. It's certainly up to this Board. Selectman Morin said and one of those is the Public Works one which he told us he didn't know how long it's gonna last. Selectman Roy added, yeah the DPW one is 1999 and the Police Station's 1995. Those are the two oldest ones. The Town Administrator said I don't know if in the Police Station renovation they're actually going to account for that. I'm not sure. Selectman Roy said right. And I understand that. It's kinda like one of those. I'm presuming because I'm presuming they're gonna need something more than what they have. The Town Administrator said one would presume. So I will tell you that under the major repairs to Town buildings capital reserve, which is already previously established, if something went this year it could be covered out of that to be frank because there's no reason we couldn't. We have a reserve fund. This is just getting more specificity taking all of the generators and putting it in one place. But we have a repair fund if I needed it this year. Selectman Morin added and knowing the cost of a replacement of a generator it's gonna be a couple of years unless we put that exact amount in. so we're gonna have to use that emergency fund. The Town Administrator said if push came to shove. Again, the goal is to try to get it established and sometimes voters bock at large numbers. Been around a long time. It's the proverbial penny on the tax rate. Because for every \$30,000 it's a penny on the tax rate. Selectman Morin asked did anybody give you an idea what a generator costs right now to get installed? Selectman Roy said well somebody did an estimated replace cost. The Town Administrator said Jess gave me some of these numbers. Selectman Roy then said the larger ones. The Town Administrator said the more kilowatts, the more money. Until you look and say geez we've got 21 of them. You kind of forget about the sewer and water ones. But those are critical to put those assets, push the water, and definitely push the sewerage. You don't want that to go down in a power failure. I think it was reasonable for the Board to put forward. Again, I got this data and Jess gave me numbers.

Selectman Gagnon said one last question if I may. I see, I answered my own question here that there's you know seven generators for Town and there there's another 14 for water and sewer. The Town Administrator added actually one for the library so it's actually 13 for the water and sewer. Library is part of the Town even though they have a fund. It's still part of the taxpayer. Selectman Gagnon replied, got it, got it, got it. he went on to say so then what came to me is looking at the numbers, looking at the Town owned ones anywhere from \$8,000 to \$100,000. But you see some of the big ticket items down in sewer and water almost two different \$200,000 pumps, or generators, sorry. I guess my thought is should more come from the sewer and water fund because their generators are vastly more expensive. The Town Administrator replied a lot of them are much newer too so it will probably be quite a few more years before they get replaced. So I think as you go forward you could look at that every year and say gee, what's likely, but when looking at the water and sewer a lot of those assets are newer. So I think you're further out to repair them. So again, its' very simple. Very simple to explain to the public. Ten, ten, ten. Selectman Gagnon replied understood. Okay thank you. Selectman Guessferd added I'm thinking with the other things we have on the warrant this year and the Police facility again, transfer station, we had of course hoped maybe some of this will be coming off. The Town Administrator added that may not be on the warrant. Selectman Guessferd said but I think to get it going \$30,000 is probably a good number. Especially since we can cover something this year if something breaks.

Selectman Morin made a motion, seconded by Selectman Guessferd to move Warrant Article M - Establish Capital Reserve Fund for Generator Replacement and Repair to the warrant. Carried 5-0.

The Town Administrator then said I'm putting an item on the agenda for Tuesday to do wrap up. You've gotten some information tonight from PD and Recreation for outside the budget requests. They're on the list, they're updated but I didn't know if you wanted to take some time and then Thursday look at, you know, you've been through the budget now what do you want to put forward from an outside the budget request. So it's up to this Board. You can sit here and do that tonight or you can do it Tuesday. I just thought given that you just heard these two things you might want to think about it. But that's entirely up to the Board. Other than that you've gone through all of the budget. You've gone through the revenue. You passed the water and the sewer. So now you're just down to the general fund and the general fund as it exists is a number and now you have some outside the budget requests. It's up to this Board how you want to handle it.

Selectman Morin asked the Finance Director, can you just give us a number right now what we're looking at so far with what we've talked about and moved forward? Is that a possibility? Ms. Labrie asked for the outside the budget requests? The Town Administrator said so right now you're at a tax rate of \$6.77 for the budget. If you added the outside the budget, everything is .15 cents. There's a sheet here. Is that what you're looking for? Selectman Morin said I'm looking at that right now in front of me actually. The Town Administrator said this document that comes with the out of the budget requests this takes into account how much tax rate impact this has. So if you were to say, put everything, and I just say that, you'd now be at a .15 cents to the currently existing \$6.77 before warrant articles. Selectman Morin agreed saying right. That's what I was looking for. The Town Administrator said instead of \$6.77 all of this would be \$6.92 if my math is right. Selectman Guessferd said yeah it is. The Town Administrator said again you know, I took the liberty of adding the Zoning quote that I got from NRPC onto here and you can all read this, I don't have to read it to you. But I believe these are the items that you heard through the various department presentations.

Selectman Morin said Town Forrest management plan, we're still waiting back for an answer for that? Right? Selectman Gagnon replied, I believe so, I haven't heard. Selectman Morin said Elvis was gonna go back and ask that they use the money they had. Selectman Roy agreed saying yeah. Selectman Gagnon added they need a warrant article to use it but it doesn't affect the tax. Selectman Morin said that's no real impact anyway but. Mr. Malizia said again, that's why I thought that maybe you'd want to just make sure. Take a step back, take a deep breathe, go through this and finish that budget. Selectman Roy said then there's things to me like road salt, I don't know how we cannot do that. The Board agreed. Selectman Guessferd asked the third deputy chief position that was the original proposal? The Town Administrator replied yes sir then you got some additional documentation that you got handed tonight which I don't think you had a chance to probably. Selectman Guessferd and Roy said he did send it to us. Selectman Guessferd said it sounded like he... Selectman Roy interjected saying kind of leaning towards. Selectman Morin said that's the way I understood it. Selectman Guessferd said me too. So he's gonna recommend the fire marshal position so this would go down. Selectman Roy said like sixteen or seventeen and change. Selectman Gagnon said just to highlight here warrant article E, F, and L we've talked about a few times, but are all on the docket for discussing the American Rescue Plan so. Selectman Roy said yup so we're holding off on that. The Town Administrator said you're not deliberating on any of those at this point in time. We will have, we haven't negotiated but we've got it scheduled at least, we will be negotiating one labor contract with the support staff folks. So just keep that in the back of our minds. I don't have numbers for it yet. But typically that is not a large group like a police or fire contract. It's a more modest size group. But it will be coming in sometime in the later part of November. I put that out there so you know that will be there. I have not been informed of any other warrant articles.

Selectman Morin was recognized and said if the Board don't mind to make Tuesday night a little shorter I'll make a motion to move forward the road salt, the increase in the budget. This was seconded by Selectman Roy. Carried 5-0.

Selectman Morin made a motion seconded by Selectman Roy to move laptops for the Supervisors of the Checklist to the budget. Carried 5-0.

7. Adjournment

Motion by Selectman Guessferd, seconded by Selectman Morin to adjourn at 8:44 p.m.

Marilyn McGrath, Chairman

Bob Guessferd, Vice-Chairman

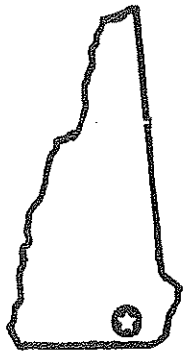
Dave Morin, Selectman

Kara Roy, Selectman

Brett Gagnon, Selectman

DRAFT

Agenda 11-9-21



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



8A

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

To: Board of Selectmen
From: Steve Malizia, Town Administrator
Date: October 20, 2021
Re: Land Use Board Member Disqualification

Chairman McGrath has asked that the attached information from Town Attorney Lefevre be placed on the Board's agenda for discussion and possible distribution to all members of Town Board and Committees.

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


**TARBELL
& BRODICH, PA**
ATTORNEYS AT LAW

October 8, 2021

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

RE: Land Use Board Member Disqualification

Dear Chair McGrath and Members of the Board of Selectmen:

At the request of the Chair, I have been asked to provide the Board with some general information regarding conflicts of interests or other related grounds which could disqualify a member of a land use board from participating in or voting on a particular case.

I will start by saying that a board member (or alternate) who is a direct abutter must recuse themselves. The case is *Trotty v. Grantham*, 120 N.H. 388 (1980) (“[O]wnership of land abutting a proposed subdivision by a planning board member presents a conflict of interest and requires that the member be disqualified from voting thereon. The legislature has recognized the substantial interest of abutters in subdivision approval proceedings by requiring that all abutters receive notice and an opportunity to participate in a hearing before the board. RSA 36:23. Abutters are in effect made necessary parties to the proceedings thereby. In our opinion, the fact of being an abutter is sufficient to disqualify a board member from voting without a showing of actual prejudice.”).

The statutory standard for recusal is under RSA § 673:14, which I have set forth below:

- I. No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, historic district commission, agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a **judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.** Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties. (my emphasis).

Eaton W. Tarbell, Jr.
Nicholas Brodich
Shane R. Stewart
Eaton W. Tarbell, III
*Friedrich K. Moeckel**
David E. LeFevre
Caroline K. Brown
Mary A. Hakken-Phillips

*All Attorneys admitted
in New Hampshire
or as otherwise designated.*

**Also admitted in Massachusetts*

Reply to:
Concord, NH Office
45 Centre Street
Concord, NH 03301

1-877-898-1135
603-226-3900 Tel
603-225-5398 Fax

- II. **When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1. (my emphasis).**
- III. If a member is disqualified or unable to act in any particular case pending before the board, the chairperson shall designate an alternate to act in the member's place, as provided in RSA 673:11.

A member of a land use board can be disqualified for both personal or pecuniary reasons. In other words, it does not have to be a financial reason. I would think that protecting property values would reflect a pecuniary reason, but there could also be non-pecuniary reasons arising out of property ownership that could require disqualification.

It is worth noting under RSA § 673:14 that if the board votes that a member should be disqualified, that is advisory only.

The "juror standard" for disqualification, referenced above in RSA § 673:14, is set forth in RSA 500-A:12, which would require recusal of a member who:

- (a) Expects to gain or lose upon the disposition of the case;
- (b) Is related to either party;
- (c) Has advised or assisted either party;
- (d) Has directly or indirectly given his opinion or has formed an opinion;
- (e) Is employed by or employs any party in the case;
- (f) Is prejudiced to any degree regarding the case; or
- (g) Employs any of the counsel appearing in the case in any action then pending in the court.

It should be noted that the Town's Code of Ethics may be implicated and should be reviewed in the event of any potential conflict of interest.

Lastly, there are common law principals surrounding conflicts and disqualification that also apply. I will add that these same concepts apply to other boards and agencies of the Town, such as the Board of Selectmen or the Conservation Commission.

Someone who has to recuse themselves because of a conflict of interest or other disqualification cannot participate in the matter. They cannot, for example, participate in deliberations or discussion, but just not vote. The reason being that any participation could influence the board.

Of course, a disqualified person would be allowed, for example, as an abutter, to speak in favor or in opposition to the application. In other words, recusal from participating on the board does not mean they cannot speak at a public hearing as a property owner, abutter, or someone effected by the development.

There are not many cases, but there are a few, which provide some examples of what would be, and what would not be, considered grounds for disqualification:

Person that appeared before a planning board and spoke in favor of an application, who subsequently became a member of the Planning Board, was disqualified from participating in the decision of the board involving that same case. *Winslow v. Town of Holderness Planning Board*, 125 N.H. 262, 268 (1984).

Social media posting which indicated that a member of the planning board “will vote against the proposal,” which posting was made prior to the board’s deliberations on the case, was found to constitute a conflict of interest which required recusal. *Z-1 Express, LLC. V. Manchester* Docket No. 216-2018-CV-00275 (October 30, 2019).

A member of the planning board that provided advice to an applicant regarding how to submit a legally compliant application was not found to have prejudged the case. *City of Dover v. Kimball*, 136 N.H. 441 (1992),

Fact that planning board member made the motion to deny the application, which motion was adopted by the board, was not grounds for disqualification. *Webster v. Town of Candia*, 146 N.H. 430 (2001), mere

Planning board member who was a former employee of person who paid the applicant’s filing fee and was affiliated with the applicant was not disqualified. *Taylor v. Town of Wakefield*, 158 N.H. 35 (2008).

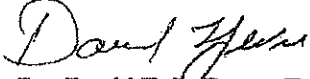
If someone is disqualified and refuses to recuse themselves, the risk is that the entire action of the board will be invalidated. “[P]articipation by one member [is] sufficient to invalidate the tribunal’s decision.” *Winslow v. Town of Holderness Planning Board*, 125 N.H. 262, 268 (1984). The reasoning is based on the premise that “it is impossible to measure the influence that one member may have on his associates,” and therefore, the proper remedy is to invalidate the decision. *Id.* Thus, it is extremely important that anyone who is disqualified voluntarily recuse themselves from participating in the case.

In terms of the “builder’s remedy,” I am not aware of any New Hampshire case in which a builder’s remedy has been granted due to the participation of a member who was otherwise disqualified. A builder’s remedy is when a court allows a development to proceed without further interference from the Town. Generally this remedy available in affordable housing cases, *see e.g. Soares v. Atkinson*, 129 N.H. 313 (1987), or other public interest cases, *see e.g. Community Resources for Justice, Inc. v. Manchester*, 157 N.H. 152 (2008). However, it is not beyond the realm of possibility that a builder’s remedy could be granted under the right set of circumstances.

Lastly, on the topic of attorney fees, the general rule is that attorney fees are not awarded to the prevailing party. There are exceptions to the general rule, which generally involve bad faith, frivolous conduct, or unconstitutional abuses of power. *See Keene v. Burrows*, 121 N.H. 590 (1984). As above, I am not aware of any New Hampshire case in which attorney fees have been awarded due to the participation of a member who was otherwise disqualified. Although unlikely, I would not foreclose the possibility of an award of attorney fees.

Sincerely,

TARBELL & BRODICH, P.A.

A handwritten signature in cursive script, appearing to read "David E. LeFevre".

By: David E. LeFevre, Esq.

e-mail: dlefevre@tarbellpa.com

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

October 30, 2019

FILE COPY

Case Name: **Z-1 Express, LLC v City of Manchester**
Case Number: **216-2018-CV-00275**

You are hereby notified that on October 29, 2019, the following order was entered:

RE: FINAL ORDER:

See copy of Order attached. (Messer, J.)

W. Michael Scanlon
Clerk of Court

(923)

C: Gregory E. Michael, ESQ; Roy W. Tilsley, ESQ; Brett William Allard, ESQ; Peter R. Chiesa, ESQ;
Gregory T. Muller, ESQ

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
NORTHERN DISTRICT

SUPERIOR COURT

Z-1 Express, LLC

v.

City of Manchester

Docket No. 216-2018-CV-00725

ORDER

Plaintiff appeals the decision of the City of Manchester Zoning Planning Board denying its application for a conditional use permit. The Court held a hearing on September 9, 2019. For the reasons that follow, the decision of the Planning Board is VACATED and the matter is REMANDED.

On January 8, 2018, Plaintiff submitted an application for a conditional use permit allowing it to construct a convenience store and gas station on property it owns in Manchester. (Certified Record ("CR") Vol. I, Tab 2.) The Board held public hearings on February 1 and 15, 2018, at which there was vigorous opposition to the project from the residents in close proximity to the site. (CR Vol. III, Tab 2 at 1-47.) During those hearings, Manchester Alderman Joseph Levasseur sat as a primary member of the Planning Board. (*Id.*)

On February 20, 2018, before the Board held its final deliberative session, Manchester Alderman Elizabeth Moreau, an alternate member of the Planning Board who did not attend the public hearings, posted a message on a Facebook group called

"Wellington Hill Area Residents," a group that Plaintiff represents was created for the sole purpose of opposing the conditional use permit application. (Case index # 16.) The post read as follows:

Just an update for when the station goes to vote. Both myself, and Alderman Levasseur are in agreement that it does not fit that neighborhood and should not go through. As we are on the planning board as primary and alternate we will vote against this proposal.

(Id.) Both Aldermen Moreau and Levasseur were also members of the Facebook group.

(Id.) On February 26, 2018, Plaintiff filed a letter with the Board requesting that Aldermen Moreau and Levasseur both recuse themselves based on the Facebook post, arguing it demonstrated that they had prejudged the application. (Id.)

On March 1, 2018, the Board met again to conduct deliberations on Plaintiff's application. (CR Vol. III, Tab 2 at 49.) Prior to deliberating, Alderman Levasseur addressed Plaintiff's assertion that he should recuse himself or be disqualified. (Id.) Alderman Levasseur stated that the posting was made after the public hearings and he had not prejudged the issue. (Id.) He explained that he only spoke to Alderman Moreau about the case because he believed he may not be able to vote because he was going away on vacation, and therefore asked Alderman Moreau to sit in for him. (Id.) He then stated he returned from his vacation early to vote himself because he was concerned that Alderman Moreau would not be able to vote as a result of the Facebook post. (Id.) Ultimately, Alderman Levasseur stated he did not believe that he had prejudged the case and was within his rights to vote, and declined to recuse himself. (Id. at 50–51.)

The Planning Board then entered into deliberations. (Id. at 51.) A member of the Board immediately moved to deny the application, and Alderman Levasseur seconded the motion. (Id.) At the close of deliberations, the Board took a vote, which resulted in a

3-3 tie, with one member abstaining. (*Id.* at 56.) The Board tabled the matter and reconvened on March 15, 2018. (*Id.* at 56, 58.) After a brief discussion, the Board voted again, resulting in 4-3 vote in favor of denying Plaintiff's application. (*Id.* at 61.)

On appeal, Plaintiff argues that Alderman Levasseur ought to have recused himself from deliberations as he prejudged the application. "Our State Constitution demands that all judges be as impartial as the lot of humanity will admit." Winslow v. Town of Holderness Planning Bd., 125 N.H. 262, 267 (1984). "This applies similarly to members of boards acting in a quasi-judicial capacity." *Id.* "No member of a . . . planning board . . . shall participate in deciding or shall sit upon the hearing of any question . . . if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law." RSA 673:14, I. "If it appears that any juror is not indifferent, he shall be set aside on that trial." RSA 500-A:12, II.

"The reality that a juror may hold an opinion at the outset of deliberations is . . . reflective of human nature." People v. Allen and Johnson, 264 P.3d 336, 346 (Cal. 2011). "[The court] cannot reasonably expect a juror to enter deliberations as a *tabula rasa*, only allowed to form ideas as conversations continue." *Id.* However, "[w]hat [the court can] . . . require is that each juror maintain an open mind, consider all the evidence, and subject any preliminary opinion to rational and collegial scrutiny before coming to a final determination." *Id.*

At the March 1, 2018 hearing, Alderman Levasseur indicated that he did not believe he needed to recuse himself in part due to his reading of a specific New Hampshire Supreme Court opinion. While the minutes do not name the case, it appears Alderman Levasseur was referring to New Hampshire Milk Dealers' Association v. New

Hampshire Milk Control Board, 107 N.H. 335 (1966). In that case, the plaintiff appealed a decision of the Milk Control Board to eliminate milk price controls, arguing, in part, that the Board should have disqualified its chairman, William Craig, from participating in the underlying proceedings. N.H. Milk Dealers' Ass'n, 107 N.H. at 337. Prior to becoming chairman of the Board, Craig was a member of the State legislature and had co-sponsored a bill to eliminate the authority of the Milk Control Board to fix resale prices of milk.

The Court found that "[i]t is a well-established legal principle that a distinction must be made between a preconceived point of view about certain principles of law or a predisposed view about the public or economic policies which should be controlling and a prejudgment concerning issues of fact in a particular case." Id. at 339. "There is no doubt that the latter would constitute a cause for disqualification." Id. "However[,] bias in the sense of crystallized point of view about issues of law or policy is almost universally deemed no ground for disqualification." Id. Ultimately, the Court found no evidence that Craig had prejudged the case. Id.

While the Court understands how Alderman Levasseur read this case in a manner to support his conclusion that he did not need to recuse himself, the Court finds that Alderman Levasseur did more than generate an opinion on general policies or principles. In the Facebook post, which occurred prior to deliberations, Alderman Moreau stated that she and Alderman Levasseur not only agreed that the project did not fit the neighborhood, but that they "*will vote against this proposal.*" (Case index # 16 (emphasis added).) When permitted to respond to Plaintiff's accusation of prejudgment, Alderman Levasseur did not challenge the contents of the post, or claim that Alderman

Moreau mischaracterized his position. In fact, the only comment he made about the post was that he thought it would be an issue “because [Alderman Moreau] had not taken the time to listen to the two hearings and deliberations that were presented by all parties.” (CR Vol. III, Tab 2 at 49.) Further, Alderman Levasseur “reiterated that he did not prejudge this or predetermine anything *until he heard all of the evidence*.” (*Id.* at 50.)

The foregoing strongly indicates that Alderman Levasseur made up his mind about his vote—either individually or through *ex parte* communications with Alderman Moreau, an alternate member who had not attended or listened to the public hearings—not only based upon the specific facts of the case, but before deliberations took place. In other words, the deliberative process, a key part of the quasi-judicial function of the Planning Board, was undermined by Alderman Levasseur’s conduct. The New Hampshire Supreme Court has consistently noted the importance of the deliberative process in jury trials by protecting it from outside influence. See, e.g., State v. Chapman, 149 N.H. 753, 757 (2003) (“A trial court’s aid to the jury deliberation process is not *per se* impermissible provided the court does not set the tone of the deliberations by directing the jury down a path toward a guilty verdict; any such direction to the jury, however subtle, denies the defendant an impartial jury.”). “The jury room is sacrosanct, and a just verdict cannot be reached if there is an inappropriate interference with or intrusion upon the deliberative process.” State v. Sullivan, 157 N.H. 124, 137 (2008). “[T]rial courts must scrupulously avoid interrupting the natural flow of deliberations without just cause.” *Id.* at 138. A threat to the integrity of jury deliberations poses a threat to the verdict. See State v. Rideout, 143 N.H. 363, 368 (1999) (finding juror’s contact with State witness “may well have contaminated the jury with extraneous

information, threatening the integrity of its deliberations, and hence, its verdict.”).

While there is nothing to indicate that Alderman Levasseur prejudged the case prior to hearing the evidence at the public hearings, the Court finds his failure to enter and participate in deliberations with an open mind achieves the same result. His actions in this case not only threaten the integrity of the deliberative process, and thus the ultimate decision of the Board, but also undermine the public trust in the overall function of the Planning Board. Further, Alderman Levasseur’s mere membership in the Facebook group, which Plaintiff represents exists solely to oppose the instant application, creates the appearance of impropriety. See State v. Bader, 148 N.H. 265, 268 (2002) (“The Code of Judicial Conduct requires disqualification of a judge in a proceeding in which the judge’s impartiality might reasonably be questioned and to avoid even the appearance of impropriety.”). Accordingly, upon consideration of all of the foregoing, the Court finds Alderman Levasseur improperly prejudged the case, and should have recused himself.

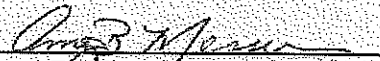
The Court now turns to the question of the appropriate remedy. Plaintiff argues that because the initial vote of the Board was 3-3, the Court should simply remove Alderman Levasseur’s vote and reverse the decision, given that its application would have thereby passed by a 3-2 vote. The Court disagrees. In Winslow, the Supreme Court adopted the standard set out in Rollins v. Connor, 74 N.H. 456 (1908), that “mere participation by one disqualified member was sufficient to invalidate the tribunal’s decision because it was impossible to estimate the influence one member might have on his associates.” 125 N.H. at 268. “In view of the important property rights involved, and the State constitutional mandate for judicial impartiality, we consider this rationale

sufficient to justify the application of the Rollins rule to this case." Id. The Court therefore concluded that "the requirement of impartiality demands application of the Rollins rule to planning boards." Id. at 269.

The Court finds Winslow governs this case. Given the concerns identified by the Supreme Court and the standard set forth therein, this Court finds that the proper course of action is to vacate the decision of the Planning Board and remand for further proceedings without the participation of Aldermen Levasseur or Moreau.¹ Accordingly, the decision of the Planning Board is VACATED and the matter is REMANDED for further proceedings consistent with this order.

SO ORDERED.

10/29/2019
Date


Amy B. Messer
Presiding Justice

¹ While not addressed in this order, Alderman Moreau engaged in much of the same conduct as Alderman Levasseur, but is further tainted by forming her opinions without attending or listening to the public hearings.

CHAPTER THIRTEEN

ETHICAL ISSUES, CONFLICTS OF INTEREST, AND INCOMPATIBILITY OF OFFICE

I. ETHICS

A. What Are 'Ethics'?

It may seem like a simple question but ask several people "what are ethics?" and you are likely to get several different answers. When the question involves the ethical behavior of local government officials and employees, the answers might include things such as:

- Avoiding conflicts of interest (separating public and personal interests)
- Disclosing financial interests and other relationships
- Avoiding criminal behavior, following state law, and abiding by local ordinances
- Keeping confidential information confidential
- Properly using authority and acting cooperatively
- Treating people fairly and equally
- Honesty, integrity, and trustworthiness

The ethical behavior of all public officials and employees is of significant concern to everyone. Not only is it critical for officials and employees to act ethically, it is also important to avoid even the *appearance* of unethical behavior. If citizens begin to doubt the ethics and good intentions of local officials, it is difficult to govern effectively and even more difficult to overcome the perception that "something is going on."

Is this really a problem in local government? At the time this publication went to print, a Google search for "ethics and local government" yielded over 315,000,000 results. It is not a new problem, either. Adlai Stevenson, then Governor of Illinois, wrote in 1952 that "[p]ublic confidence in the integrity of the government is indispensable to faith in democracy. When we lose faith in the system, we lose faith in everything we fight and spend for."

Although New Hampshire is quite different from most other states because our local government primarily consists of volunteers rather than career politicians, we are not immune from ethical dilemmas. It is easy for officials to get caught up in day-to-day issues and lose sight of the larger picture. Questions about "who is right" and "who is in charge" often take precedence over the reason people should be in local government: serving the community.

At its core, local government is about service. The most successful and effective governmental officials and employees are those who consider what they do as "service to the public." Do people make mistakes? Of course. What matters is (a) actions were taken in good faith, (b) officials and employees take responsibility for those actions, and (c) lessons are learned so that the public can maintain confidence in its government.

It is understandable, given these concerns, that towns and cities want to take appropriate steps to maintain the highest level of ethical behavior. Society has been trying to legislate civility

and morality for thousands of years. The questions for today's local government is what can municipalities do, and how does the law already address issues of ethics?

B. Home Rule? Not Really

Contrary to popular belief, New Hampshire is not a home rule state. Despite our political tradition of local control, New Hampshire's Constitution does not grant any power directly to municipalities. Our municipalities have authority to act only if the state legislature gives it to them through a statute. "Towns only have such powers as are expressly granted to them by the legislature and such as are necessarily implied or incidental thereto." *Girard v. Allentown*, 121 N.H. 268 (1981).

This means that when a town or a local board or official wants to take a certain action, they must find a law that grants them that authority. It is not enough to conclude that there is no law prohibiting the action; silence in the law is usually a prohibition against that particular municipal action.

Within this framework, what may a municipality legally do to enforce ethical behavior among its employees and officials? Perhaps surprisingly, no single statute authorizes a town or city to adopt a broad "ethics ordinance" addressing every aspect of ethics, binding both employees and officials, and authorizing a local ethics board to remove an official from office. Instead, there are several different statutes (discussed more fully below) that allow towns and cities to enact certain specific kinds of ordinances. There are also specific statutes prohibiting certain conflicts of interest, such as RSA 673:14, which prohibits land use board members from participating in matters when they have a direct personal or pecuniary interest in the outcome or when they would be disqualified from sitting as a juror at a trial upon the same matter. Several other statutes make certain behavior by officials and/or employees illegal, and there are various circumstances in which a municipal board or a court may remove an official from office for violations of those statutes.

Before enacting an "ethics ordinance," then, local officials should become familiar with the limits of municipal authority and the full range of options available for controlling, directing and suggesting ethical behavior for municipal officials and employees.

In the course of reviewing the various options open to municipalities regarding ethical behavior, it is also important to bear in mind the idea that *just because something is legal doesn't mean it is a good idea*.

C. Conflicts Distinguished from Incompatibility

Conflicts of interest and incompatibility create the most frequent ethical issues for municipal officials. It is important to understand the difference between the two issues. A conflict of interest issue involves whether an official is disqualified from making a particular decision. An incompatibility issue, on the other hand, asks whether a person is disqualified from holding office at all. For example, is it proper for a real estate broker to be on the planning board? If a real estate agent represents a developer, he or she obviously cannot vote on that developer's application before the planning board. But the real estate agent certainly is not ineligible to be a member of the planning board simply because he or she is a realtor. The conflict question focuses on specific decisions or matters, whereas the incompatibility question focuses on whether one person may hold two particular offices at the same time. Both topics are discussed separately below.

II. INCOMPATIBILITY OF OFFICES

A. Statutory Incompatibility

1. GENERAL STATUTE

RSA 669:7, I lists pairs of offices that cannot be held by a single person:

No person shall at the same time hold any two of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any two of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA chapter 32.

Furthermore, RSA 669:7, I-a states: "No person shall at the same time file a declaration of candidacy for any 2 or more elected offices that are incompatible under paragraph I." Therefore, if it would violate the incompatibility statute to hold two offices, it also violates the incompatibility statute to file candidacy for those two offices, even if the candidate will choose to hold only one of those positions if elected to both.

2. WHAT IS "FULL-TIME"?

Under RSA 669:7, no full-time employee can be a selectperson. Also, RSA 32:15 says no full-time employee of a municipality that has an official budget committee can be a member-at-large. The term "full-time" is not defined. It clearly does not apply to someone who just gets a small annual stipend. However, it is recommended that anyone whose decisions on budgets might be influenced by his or her personal or pecuniary interest should not serve in these positions.

3. WHO IS A TOWN EMPLOYEE?

In *Littleton v. Taylor*, 138 N.H. 419 (1994), the New Hampshire Supreme Court held that a full-time town librarian was not a full-time town employee and could therefore be legally elected a select board member. The Court said that under RSA 202-A, the library trustees have such independence from select boards that library employees are not town employees.

4. PLANNING BOARD MEMBERS

In addition to the general statute discussed above, RSA 673:7 limits the ability of elected or appointed planning board members to serve on other municipal boards or commissions. In a city or a town, only one appointed or elected member of the planning board member may serve on the conservation commission, the local governing body, the historic district commission, building code board of appeals, zoning board of adjustment, heritage commission, agricultural commission, and housing commission. Up to two planning board members may serve at the same time on any other city or town board or commission.

5. BUDGET COMMITTEE MEMBERS

RSA 32:15 provides: "No selectman, town manager, member of the school board, village district commissioner, full-time employee, or part-time department head of the town, school district or village district or other associated agency shall serve as a member-at-large. Every member-at-large shall be domiciled in the town or district adopting this subdivision and shall cease to hold office immediately upon ceasing to be so domiciled."

B. Common Law Incompatibility

Two positions might be incompatible even though they are not listed in RSA 669:7 or any other statute. Whenever two positions bear a special relationship to each other, one being subordinate to and interfering with the other, with inconsistent loyalties or responsibilities, then one person cannot legally hold both positions. See McQuillin, *Municipal Corporations*, §12.67. For example, in the case of *Cotton v. Phillips*, 56 N.H. 220 (1875), the Court said one person couldn't be both school committee member and auditor because he would, in effect, be sitting in judgment over his own acts. That's incompatibility, not a conflict of interest.

III. CONFLICTS OF INTEREST

A. Introduction

One of the most troubling situations to face as a municipal official is when an angry citizen claims that the official should not participate in a vote because of a conflict of interest. A charge of conflict of interest often implies unethical behavior, yet it is not always easy to distinguish an actual conflict of interest from an unsubstantiated allegation. It is a charge that goes to the heart of the people's trust in their government and questions the personal motives of elected and appointed officials. After all, in this context, conflict of interest involves an official who has a conflict with the *public* interest. It is often easy for the angry citizen to claim conflict of interest. In fact, it is not unheard of for an applicant before a municipal board, or the applicant's attorney, to charge conflict of interest as a way of intimidating municipal officials who may not look favorably on an application to step down. But it is often not easy for a local official to determine if he or she does, in fact, have a conflict that requires disqualifying oneself from a decision. There are several New Hampshire Supreme Court cases which offer guidance, but the determination of an actual conflict of interest relies heavily on the specific facts of the situation.

B. Conflict Defined

Conflict of interest has proven difficult for courts and legislatures to define in a way that applies in all situations. The particular circumstances and facts of each case must be factored into the determination of whether an official should be disqualified from acting on a matter. However, the general rule is that a conflict of interest requiring disqualification will be found when an official has a direct personal or pecuniary (financial) interest in the outcome. That interest must be "immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative." *Atherton v. Concord*, 109 N.H. 164 (1968). As the Court in *Atherton* explained, "The reasons for this rule are obvious. A man cannot serve two masters at the same time, and the public interest must not be jeopardized by the acts of a public official who has a personal financial interest which is, or may be, in conflict with the public interest."

C. Difference Between Legislative and Judicial Functions

A stricter standard of fairness is often applied by the courts in cases where a board is acting in a judicial, as opposed to a legislative, capacity. Consequently, it can be helpful to understand in which capacity the board is acting when deciding whether to disqualify oneself. It is not always easy to tell the difference. It depends on the type of decision the board is making, not on which board is making the decision.

1. LEGISLATIVE CAPACITY

Legislative acts are those that set policy, establish or amend ordinances or procedural rules, set budgets, or involve other actions that do not directly affect the rights of a specific person. Generally speaking, a court will only invalidate the action of a board if the person with a disqualifying conflict of interest cast the deciding vote. *Michael v. Rochester*, 119 N.H. 734 (1979).

In a case involving a city council decision, the Court refused to invalidate the decision despite one member's conflict of interest because "no judicial function was involved." *Michael v. Rochester*, 119 N.H. 734 (1979). A city councilor paid the city to extend a water line to his property. The councilor then voted for an agreement that required future lot purchasers connecting to the line to pay the councilor so that he would recoup a portion of his investment. The council voted unanimously in favor of the agreement. The councilor clearly had a personal financial interest in the council's action and a conflict of interest, but the remedy was not invalidation of the council decision. The Court said, "Though a judicial or quasi-judicial act of a municipal body may be voided because of a conflict of interest ... an administrative or legislative act by such a body need not be invalidated if the conflicting interest did not determine the outcome." In *Appeal of Cheney*, 130 N.H. 589 (1988), the Court said a legislative action will not be voided because of a conflict of interest unless that vote was the deciding vote.

In *Merrimack v. McCray*, 150 N.H. 811 (2004), the select board (a five-member board) voted to terminate litigation against the defendant, Mr. McCray, a fellow selectperson. Three voted in favor of the settlement, including Mr. McCray, and two abstained. The Court concluded that Mr. McCray's participation did not determine the outcome of the vote. The Court reasoned that, even without his vote, there were two in favor and none against. The Court impliedly reasoned that an abstention is akin to an acquiescence to the will of the board. The Court stated: "So long as a majority of the board is present, only a majority of the votes actually cast is necessary to support an action."

In *Quinlan v. Dover*, 136 N.H. 226 (1992), the Court held that the mere fact that a city councilor had spoken out on one side of an issue (rezoning) in advance (prejudgment), in a legislative context, did not disqualify him from voting on the issue. The Court added that if the councilor had a financial conflict of interest and his vote determined the outcome, the council's decision would be invalidated.

2. JUDICIAL CAPACITY

"An act is judicial in nature if officials are bound to notify and hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties chose to lay before them." *In re Bethlehem*, 154 N.H. 314 (2006); *Appeal of Keene*, 141 N.H. 797 (1997), quoting *Sanborn v. Fellows*, 22 N.H. 473 (1851). The Court has said that a municipal body is acting judicially when it decides matters that affect the rights of a specific petitioner with respect to a specific parcel of land. *Ehrenberg v. Concord*, 120 N.H. 656 (1980).

Part I, Article 35, of the New Hampshire Constitution says, “it is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.” This is the standard of impartiality that the courts apply to the judicial or quasi-judicial decisions made by board members.

The stakes are considerably higher when a judicial action is at issue. The New Hampshire Supreme has held more than once that “mere participation by one disqualified member was sufficient to invalidate the tribunal’s decision because it was impossible to estimate the influence one member might have on his associates.” *Winslow v. Holderness Planning Board*, 125 N.H. 262 (1984).

3. QUASI-JUDICIAL CAPACITY

Sometimes the courts refer to municipal boards as quasi-judicial, rather than judicial, because they are not required to provide all the same procedural safeguards required by a court of law. *Winslow v. Holderness Planning Board*, 125 N.H. 262 (1984).

D. Cases Involving Judicial Decisions

When considering the holdings in New Hampshire Supreme Court opinions below, it is important to bear in mind that, even when a court finds that no disqualifying conflict existed, the public perception of a conflict may have been an issue regardless of the outcome of the case. By avoiding the appearance of conflicts when it makes sense, local governments can reduce the risk of litigation over what might otherwise have been small matters with little public attention.

1. PREJUDGMENT

An official who had voted in favor of a project as a member of the planning board was *not disqualified* from voting on the same project as a member of the city council. His participation as a planning board member “does not prove that he had an interest in the project other than that of any other citizen.” *Atherton v. Concord*, 109 N.H. 164 (1968). However, a man who had spoken in favor of a project at a public hearing on a subdivision application before the planning board was *disqualified* from voting on the same project when he later became a board member because he had “prejudged the facts of the case before joining the board.” *Winslow v. Holderness Planning Board*, 125 N.H. 262 (1984).

2. ABUTTERS

Anyone who owns land abutting property that is the subject of an application before a municipal board is *disqualified* from acting on that application. *Totty v. Grantham Planning Board*, 120 N.H. 388 (1980).

3. FINANCIAL INTEREST IN THE OUTCOME

A public officer is *disqualified* if he has “a direct personal and pecuniary interest” in the decision. *Preston v. Gillam*, 104 N.H. 279 (1962). However, the interest must be “immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that men of ordinary capacity and intelligence would not be influenced by it.” *Atherton v. Concord*, 109 N.H. 164 (1968).

4. EMPLOYMENT

An employment relationship with an interested party *might* be grounds for disqualification. However, the following cases indicate that the rule has exceptions, and it is possible for an employment relationship to be so remote that the employee, in fact, has no interest different from that of the general public.

- A zoning board of adjustment member who was a former employee of a party was not disqualified from voting on a matter before the board because there was no evidence that she was “not indifferent” to the outcome of the case. *Taylor v. Wakefield*, 158 N.H. 35 (2008).
- An attorney who had formerly been employed by the Concord Housing Authority and who had been paid for those services stated, without any contradicting evidence, he had no bias. The Court held that he was not disqualified from voting on an application submitted by the Housing Authority. *Atherton v. Concord*, 109 N.H. 164 (1968).
- An employee of a Rockingham County food surplus program was not disqualified from sitting on the zoning board of adjustment in a case in which the county was the applicant for a nursing home expansion. He had testified that he was free of bias, and the Court found he had no pecuniary interest in the outcome. If a private company instead of a governmental unit had employed the ZBA member, the result of the case may have been different. *Sherman v. Brentwood*, 112 N.H. 122 (1972).
- A county commissioner, deciding on the necessity of taking land for airport purposes (a quasi-judicial function), was disqualified when it was discovered that his law partner had represented a party to the dispute in question. *Appeal of Keene*, 141 N.H. 797 (1997). In this case, disqualification of the county commissioner voided the decision because of the inherent difficulty in estimating the influence one member of the tribunal may have had on the others.

5. FAMILY RELATIONSHIPS

There has yet to be a New Hampshire case that has considered in depth the extent to which a family relationship may constitute a conflict of interest on municipal boards. However, consider the following:

In *Webster v. Candia*, 146 N.H. 430 (2001), the Court found no error by the trial court for failing to find bias on the part of a member of a planning board hearing a cluster housing application, even though the plaintiff alleged that the board member’s wife was the leading proponent of an effort to repeal the cluster housing ordinance in an attempt to block the project. The Court said, “Administrative officials who serve in an adjudicatory capacity are presumed to be of conscience and capable of reaching a just and fair result. The burden is upon the party alleging bias to present sufficient evidence to rebut this presumption.” In addition to claiming bias due to the activities of the board member’s wife, the plaintiff also alleged that the board member came to the board meeting with a memorandum he had prepared detailing reasons to deny the application and that the board member had made the motion to deny the application. The Court said, “His motion was not evidence of ‘prejudgment,’ but of judgment exercised at the appropriate time and place. Nor was there evidence of ‘bias.’”

In a case involving a judge, *Rochester v. Blaisdell*, 135 N.H. 589 (1992), a taxpayer was in a dispute with the city. One of the partners in the law firm of the attorney representing the city, who hadn’t actually participated in the case, was an uncle of the judge hearing the case, although they had not seen each other in 20 years. The Court held, based on the New Hampshire Code of Judicial Conduct, the judge at least had a duty to inform the parties of the family relationship so they could request him to step down.

6. OTHER RELATIONSHIPS

A member of a church that owned land abutting a project and who had previously been a member of the church building committee before taking public office was not disqualified to vote on the project. *Atherton v. Concord*, 109 N.H. 164 (1968).

IV. STATUTES GOVERNING CONFLICTS OF INTEREST

A. Municipal Charters

Former RSA 49-A:82, which formed the basis for many of the charters still in effect in cities, says that no city official shall take part in a decision in which he or she has a financial interest “greater than any other citizen or taxpayer.” This standard applies to legislative as well as judicial actions in cities in which this statute or charter provision is still in effect. RSA chapter 49-C replaced RSA chapter 49-A in 1991. RSA 49-C:33, I(c) simply permits cities the option of including a conflict of interest provision in their charters.

B. Local Conflicts of Interest Ordinances

One of the challenges with conflicts of interest is that the existence of a conflict is, to a great extent, a question of degree to be determined on a case-by-case basis. Towns and cities may wish to adopt a conflicts of interest ordinance to provide more certainty. However, as with any exercise of municipal authority, a municipality can only enact a valid, enforceable ordinance if a law grants it the authority to do so. In addition to the authority in RSA 49-C:33, I(c) for cities to include a conflict of interest provision in their charters, the legislative body of a city or town (town meeting, town council, city council or mayor and aldermen) may adopt a conflict of interest ordinance under RSA 31:39-a. An ordinance adopted under this statute may apply to both municipal officials and employees. A concise, carefully drafted ordinance can clarify what behavior is reasonably expected of people, whereas poor drafting can have the opposite effect.

RSA 21-G:21 – :27 contains a code of ethics for the executive branch of State government, which can be a source of ideas for local legislation. A simple example is RSA 21-G:22, which clarifies the limit of the “personal and pecuniary interest” that must be avoided: “Executive branch officials shall not participate in any matter in which *they, their spouse or dependents*, have a private interest which may directly or indirectly affect or influence the performance of their duties.” RSA 21-G:29 – :30 creates an Executive Branch Ethics Committee, which is authorized to issue written advisory opinions upon request of officials in specific situations. These opinions, edited to maintain confidentiality, may be found at <https://www.doj.nh.gov/ethics-committee/>.

Significantly, however, because municipalities may only take those actions authorized by statute, a conflicts of interest ordinance adopted under RSA 31:39-a may address only the issues listed in the statute and those that are necessarily implied or incidental to those issues. See *Girard v. Allenstown*, 121 N.H. 268, 271 (1981). Those subjects which may be addressed are:

- definitions of conflicts of interest;
- regulations of conflicts of interest;
- provisions requiring disclosure of financial interests for specified officers and employees;
- establishment of incompatibility of office requirements stricter than those otherwise established by law; and
- establishment of conditions under which prohibited conflicts of interest will require removal from office.

Despite the clear limits of this statute, local ethics ordinances often include unauthorized provisions. For example, many ordinances authorize the creation of a local ethics board or committee with the authority to investigate complaints and to punish or remove employees and officials for violations. Legally, a local ethics committee could be established to offer non-binding advice to the select board or other officials regarding alleged ethics violations, but *not* to

remove municipal officials. Although a town or city may establish the conditions under which a prohibited conflict of interest will require removal from office, RSA 31:39-a is quite clear in providing that only the superior court can remove an official under these provisions.

The termination of an employee, in contrast, does not usually require action by a court, but this is a step that should be taken after careful consideration and only by the governing body or designated official, not by an ethics committee. There may be other significant factors to consider before removing an employee, such as any procedural or other rights that the employee may have under law (such as a police or fire chief) or under a collective bargaining agreement or individual employment contract.

Another unauthorized provision that has found its way into local ordinances is a declaration that certain operations of an ethics committee are exempt from disclosure under RSA chapter 91-A, New Hampshire's Right-to-Know Law. Municipalities may not change the scope of RSA Chapter 91-A or declare that certain activities or records will not be available to the public. The ability to enter a nonpublic session during a public meeting must in each instance meet the specific conditions set forth in RSA 91-A:3. In addition, exemptions regarding the public availability of governmental records are construed narrowly and are often decided under RSA 91-A:5 on a case-by-case basis based on the facts and circumstances of each matter. The activities and records of an ethics committee must be considered individually under the same standards as all other municipal activities and records.

It is also common to find a local ethics committee charged with investigating ethical complaints about employees or officials. However, although a committee of this nature may be very helpful in addressing thorny conflicts of interest questions, the referral of certain matters to the committee could result in exposure to even greater liability for the municipality. For example, referral of an employment harassment claim to an ethics committee may result in a breach of confidentiality because the employer likely owes the employee certain confidentiality measures. Likewise, the referral of a matter regarding fraud or misappropriation of funds may result in a charge that the municipality has interfered with a criminal investigation. The key to the success of any such committee, therefore, will be the quality of its membership and an understanding of the legal limits of its authority. Members should be respected members of the community who are willing and able to meet on relatively short notice, to provide timely, thoughtful responses, and to refer matters to legal counsel as appropriate. One area in which an ethics committee could truly help is education. If an ethics committee organized training on ethics and conflicts of interest and helped make the information available to local officials and employees, it might help to reduce the number and severity of ethical issues.

To address issues outside the scope of an ordinance under RSA 31:39-a, any municipal board is free to adopt its own, non-binding set of guidelines to help members understand the ethical standards the board wishes to uphold. These policies are not binding, and no board (including the select board) has the authority to enact ethical guidelines to bind members of other boards. However, the exercise of creating a policy can be helpful, and educating new members about the standards to which all board members should aspire can provide much-needed guidance.

It is also important to distinguish between the regulation of municipal *officials* and the supervision of municipal *employees*. Since municipal employees are subject to the supervision of the department heads and/or the governing body, the governing body (like any other employer) may adopt personnel policies to govern employees. Personnel policies may address virtually every aspect of the employment relationship, including expectations regarding ethics and behavior, and the discipline and termination consequences of violating those expectations. Therefore, even if some of the provisions of a local "ethics" policy go beyond the permissible subjects in RSA 31:39-a and thus would not be enforceable against municipal officials, those requirements might be enforced against its employees if incorporated into the municipality's personnel policies.

C. Land Use Boards

All planning boards, zoning boards of adjustment, building code boards of appeals, heritage commissions, historic district commissions, agricultural commissions, and housing commissions are subject to RSA 673:14, which prevents a member from sitting on a case:

if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.

Equally important in RSA 673:14 is the procedure it authorizes. Any person on the board can ask for a vote on whether he or she, or any other member, is disqualified in a case. The vote must be taken prior to the public hearing in the case. The vote is non-binding, meaning the decision to step down or not belongs to the individual member. Although this statute requires a member of the land use board to ask the board to vote on his/her or another member's possible conflict of interest, the statute does not prevent an applicant or other interested party to the proceeding from raising issues of conflict of interest involving a board member. In *Bayson Properties, Inc. v. Lebanon*, 150 N.H. 167 (2003), the Court said an applicant was required to raise a claim of bias against a member of the planning board "at the earliest possible time in the proceedings before the board." *Fox v. Greenland*, 151 N.H. 600 (2004).

D. Other Officers

Other officials who are called upon to hear quasi-judicial matters in certain cases specified by statute are also subject to the "juror" standard by virtue of RSA 43:6, which says:

No selectman or other officer shall act, in the decision of any such case [a case "affecting the conflicting rights or claims of different persons" per RSA 43:1] who would be disqualified to sit as a juror for any cause, except exemption from service, in the trial of a civil action in which any of the parties interested in such case was a party.

E. The Juror Standard

RSA 673:14 and 43:6 both require officials to be as impartial as a juror. This juror standard was also cited in the *Winslow* case (noted previously), even before RSA 673:14 applied to planning board members.

Some citizens' attorneys have cited this standard and succeeded in intimidating board members, by implying that the juror standard is more strict and absolute than the standard in the *Atherton* case—disqualification is required when a member has a "direct personal and pecuniary (financial) interest" in the outcome that is "immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative." But, it seems unlikely that the law would require "purer" jurors than judges. Case law involving jurors and judges suggests that the juror standard is no stricter than the "quasi-judicial" standard.

1. INDEPENDENT KNOWLEDGE

Knowledge of facts concerning an application independently learned by a land use board member, without more, does *not* disqualify him. *Dover v. Kimball*, 136 N.H. 441 (1992). The Court held that a planning board member's discovery of obvious inconsistencies in submitted documents and a subsequent statement to an applicant explaining why such inconsistencies would preclude approval of the application did not show that the

application had been prejudged. “Municipal officials must be free to advise applicants of whether their applications conform to statutory requirements and make suggestions on how to bring the applications into compliance. If an application does not conform and will not be accepted, the officials should be able to communicate this information without being accused of prejudging the application.” *Id.* at 447. This obligation to provide assistance to citizens, found in the New Hampshire Constitution, was reaffirmed in *The Richmond Company, Inc. v. Concord*, 149 N.H. 312 (2003), where the Court held that “it is their [the planning board’s] function to provide assistance to their citizens [which] includes informing applicants not only whether their applications are substantively acceptable but also whether they are technically in order.”

2. ORDINARY BUSINESS

A person who had regularly run an ad in the *Union Leader* was not disqualified from sitting as a juror on a case in which the newspaper was a party: “It is not any and every business relation that disqualifies a juror and if it did the newspaper subscriber, the telephone user, the electric and water consumer and those who engage in a host of other common everyday habits of ordinary commercial and domestic life would be eliminated from the average jury panel.” *McLaughlin v. Union Leader Corp.*, 99 N.H. 492 (1955).

A member of the zoning board of adjustment who was a former employee of a party to an appeal before the board was not disqualified from voting on the appeal. *Taylor v. Wakefield*, 158 N.H. 35 (2008). The Court explained that the juror standard “does not disqualify former employees *per se*, but only those who appear ‘not indifferent.’” There was no evidence in this case to indicate that the board member was “not indifferent” to the outcome of the appeal, so the board member was not disqualified.

3. IMPARTIALITY

In a case involving a slip and fall on a sidewalk, the Court refused to disqualify three people as jurors. One was employed by the company that had sanded the defendant’s parking lot and driveway, but which was not, however, a party to the case. A second was related to an employee of the defendant. A third had been a client of the defendant’s attorney at some prior time. The Court said the trial judge had the authority, using the *voir dire* questioning procedure, to take these factors into account and still find these people were impartial. In other words, none of these relationships was disqualifying *per se*. *Matthews v. Jean’s Pastry Shop, Inc.*, 113 N.H. 546 (1973).

4. PRIOR OPINION

A judge in a probation violation case was not necessarily disqualified merely because he had formed an opinion prior to trial, so long as he was able to “set aside” his opinions and “decide the case on the evidence[.]” The Court said that a pecuniary interest in the outcome or a family relationship to a party *would* constitute *per se* grounds for disqualification, but not a prior opinion. *State v. Aubert*, 118 N.H. 739 (1978).

F. Criminal Statutes

Many state laws prohibit certain unethical behavior by public officials and impose civil and/or criminal penalties.

- RSA chapter 640 (Corrupt Practices) prohibits all state and local public officers or employees from offering, accepting, or failing to report bribery, or engaging in improper influence (threatening harm to a person to influence someone’s actions). These offenses are Class B felonies. The same statute also prohibits the offer or acceptance of gifts in return for a

particular action, improper payments for action, and the purchase of public office. These offenses are all misdemeanors (which are still crimes).

- RSA 643 (Abuse of Office) prohibits two actions which are both misdemeanors. The first is “official oppression,” defined as knowingly committing an unauthorized act or failing to carry out a duty, while purporting to be acting officially, with the purpose of benefitting oneself or others. The second is the “misuse of information,” which is speculation, acquisition, or sale of property with inside knowledge obtained by virtue of public office (the governmental equivalent of “insider trading”).

V. OTHER STATUTES GOVERNING ‘ETHICAL’ BEHAVIOR

A. Libel and Slander

Another check on unethical or improper behavior of local officials and employees is the tort (or civil wrong) of defamation, which includes both oral (slander) and written (libel) defamation. A “defamatory” statement tends to lower a person in the esteem of any substantial and respectable group, even if that group is quite a small minority. *Touma v. St. Mary’s Bank*, 142 N.H. 762, 766 (1998). It occurs when a person fails to exercise reasonable care in publishing (in print or by speaking) a false and defamatory statement of fact about someone to a third party without any valid privilege. *Pierson v. Hubbard*, 147 N.H. 760, 763 (2002). A statement of opinion is generally not actionable as defamation unless it is reasonably understood that the opinion is based upon defamatory facts. *Duchesnaye v. Munro Enterprises, Inc.*, 125 N.H. 244, 249 (1984). In addition, the statement must be about a specific person rather than a generalized group.

Defamatory statements might be privileged in certain situations. For example, statements made in the legislative process (such as during town meeting) or during judicial proceedings are absolutely privileged. Other statements during quasi-judicial proceedings (such as planning board hearings) might be protected by a qualified privilege if they are published on a lawful occasion, in good faith, for a justifiable purpose, and with the belief, founded upon reasonable grounds, that the statement is true. *Voelbel v. Bridgewater*, 144 N.H. 599, 600 (1999); *Pickering v. Frink*, 123 N.H. 326, 329 (1983).

However, there is no specific privilege for municipal officials conducting town business, so they generally are *not* protected from liability for making any defamatory statements about other people during committee meetings. It is possible, therefore, for an official or employee to be sued by someone claiming that the official or employee has defamed them. [(See, however, *McCarthy v. Manchester Police Department*, 168 N.H. 202 (2015), in which the Court explained, in detail, the applicability of immunity statutes (RSA 507-B and RSA 541-B) in the context of a defamation suit and found that those statutes protected both the police department and an officer in that department)]. It is also possible for citizens to commit libel or slander against other members of the public during public meetings, or against a local official. The bar is a bit higher, however, because public officials are expected to deal with a certain amount of criticism when they take on the office.

Given the expansive and complicated law surrounding defamation claims, municipal counsel should be consulted regarding any specific instances of concern. However, municipal officials should note that defamation can serve as a check on unethical or improper behavior of both local officials and municipal employees.

B. RSA Chapter 91-A, New Hampshire's Right-to-Know Law

Frequently, charges of “unethical behavior” involve the allegedly improper handling of sensitive information. Many of these issues are already governed by RSA chapter 91-A, which exists “to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.” RSA 91-A:1. Municipal boards, commissions, and other “public bodies” are subject to this law, as are almost all records pertaining to municipal business.

With limited exceptions, meetings of all public bodies must be open to the public, with proper notice at least 24 hours before the meeting and publicly available minutes within five business days afterward. RSA 91-A:2, II. A public body may only meet in a nonpublic session for the narrow list of reasons provided in RSA 91-A:3, II, and even minutes of a nonpublic session will become publicly available unless they are properly sealed. RSA 91-A:2-a clarifies the legal limits of communications among members of a public body outside a public meeting, whether in person, by electronic communication, or by any other method. It is now much clearer that e-mail, instant messaging, and other forms of communication that occur outside of the public eye (or ear) legally cannot be used to circumvent the spirit and purpose of the law. RSA 91-A:2-a.

Governmental records are similarly regulated under this statute. All governmental records must be made available to the public upon request for inspection and copying during regular business hours. RSA 91-A:4. The only categories of records that do not have to be disclosed are those listed in RSA 91-A:5. The New Hampshire Supreme Court construes these exceptions “restrictively,” presuming that records should be disclosed to further the purpose of the law. *Goode v. N.H. Office of the Legislative Budget Ass't*, 145 N.H. 451 (2000).

It is particularly important for all local officials and employees to understand the requirements and limitations of this law because there are serious consequences when it is violated. When someone's access to public meetings or public records is wrongfully denied, the municipality may be required to pay that person's attorney's fees and costs. When a specific official or employee acts in bad faith in refusing to allow access, the court may require the individual official or employee to pay those attorney's fees and costs. When an official or employee acts in bad faith, the court is now required to assess a civil penalty against that individual between \$250 and \$2,000. In addition, a court may invalidate any action taken by a public body in a meeting that violates the open meeting requirements of the law. Finally, if any municipal official discloses confidential information that he or she knows or should know is protected from disclosure under RSA 91-A, that official may be removed from office by a court for violating his or her oath of office. RSA 42:1-a.

For a more detailed discussion of the Right-to-Know Law, see Chapter 5.

C. Noninterference

In towns with a charter and in cities, the elected body (select board, town council, city council, or mayor and aldermen) is also governed by a statute prohibiting interference with the actions of the chief executive officer:

The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member [who does so], as determined through procedures established in the charter, shall forfeit his office.

RSA 49-C:19 (*city charters*); RSA 49-D:4 (*town charters*).

In other words, no single member of a governing body in a municipality with a charter has the authority to direct or interfere with the official activities of the chief executive officer of the municipality or other officials. Furthermore, it should be noted that even in towns without a charter, the select board members are authorized to act only as a board by majority vote. RSA 41:8. Although there is no statute authorizing removal of a selectperson for improper interference, the old saying that “one selectperson cannot do anything” is still valid. Only the board may act.

VI. DISQUALIFICATION

A. Recommendations

Officials exercising judicial or quasi-judicial authority, such as planning and zoning board members, must be impartial. Yet, though the above cases provide some guidance, there are few clear rules. What should you do when the answer is unclear?

1. DISCLOSE

Reveal the potential conflict to the parties. It gets the issue out in the open and no one can claim surprise. If nobody objects at that time, they have waived their right to object later. *Taylor v. Wakefield*, 158 N.H. 35 (2008); *Fox v. Greenland*, 151 N.H. 600 (2004);

Bayson Properties, Inc. v. Lebanon, 150 N.H. 167 (2003). Under RSA 673:14, citizens don't have a right to insist on a board vote on whether a member is disqualified, but the board should listen to their concerns if they attempt to raise them.

2. DOUBT

When in doubt, step down. Under the rule of the *Winslow* and *Keene* cases, a court will overturn a board's decision if a disqualified person participated, whether or not he or she influenced the outcome. See *Appeal of Keene*, 141 N.H. 797 (1997); *Winslow v. Holderness Planning Board*, 125 N.H. 262 (1984). Usually, is not worth risking having a decision overturned because of a conflict of interest. Conflicts usually have nothing to do with the merits of a decision, and the board's hard work should not be put to waste. A board member can always step down if he or she does not feel right about sitting on the case, even if the potential conflict does not fit any of the court-created rules. On the other hand, however, there may be times when accusations of a conflict of interest are clearly an attempt to take advantage of a difficult situation and force an official to recuse himself or herself rather than risk a lawsuit. In such a situation, a board member may prefer to participate rather than recuse himself or herself to help prevent further abuse of the concept of conflicts of interest.

3. ORDINANCE OR POLICY

Consider a conflict of interest ordinance under RSA 31:39-a. As discussed more fully in section III, B (above), this type of ordinance may address only the specific subject matters listed in that statute and must be voted upon by the legislative body. However, it can be binding upon all officials and employees of the municipality. Such an ordinance can be particularly helpful in establishing some procedural rules regarding conflicts. For example, it often frustrates everyone when someone with a blatant conflict refuses to step down.

If an ordinance is difficult to pass, it may be worth considering a non-binding ethics code or policy. A non-binding policy can be adopted by the governing body and can bind

municipal employees as part of a personnel policy, but it does not bind officials (even the governing body that enacts it). It can be worthwhile, however, because such a policy can provide clear guidance to all board members about what the board expects.

B. Replacing a Disqualified Member

1. LAND USE BOARDS

The law allows alternate members of a land use board to fill the shoes of a disqualified regular member. RSA 673:11 says that whenever a member is disqualified, the chair shall designate an alternate. It is in everyone's interest to identify conflicts as early as possible so that alternates can be notified before the meeting. A planning board does not lose any jurisdiction if the full membership is not present, as when a disqualified person steps down, so long as a quorum is still present. A simple majority of that quorum is sufficient to pass any vote over which the board has authority. In the case of a zoning board of adjustment, RSA 674:33, III, the concurring vote of any 3 members of the board shall be necessary to take any action on any matter on which it is required to pass.

2. SELECTPERSONS AND OTHER OFFICERS

Unlike land use boards, there are no alternates for selectpersons. However, in RSA chapter 43, which covers hearings held by the select board and other officials for highway layouts and certain other proceedings specified by statute "for the purpose of deciding any question affecting the conflicting rights or claims of different persons" — meaning quasi-judicial matters as discussed above — there is a provision for appointing an alternate on a case-by-case basis. RSA 43:7 says that if any of the select board members or other officials is disqualified from participating in a specific matter, the remaining members of the board should appoint a replacement for the limited purpose of hearing that matter. The replacement should be "a qualified person who has theretofore holden the same office in the town, or, in the case of committees, by a new appointment." The word "committees" refers to committees appointed by the select board. The replacement for a disqualified select board member must be a person who has previously held the position of select board member.

VII. REMOVAL FROM OFFICE

A. Appointing Authority

It should be emphasized that the power to appoint an official does not necessarily include the power to remove that official. In certain instances, such as in a town with a town manager, the power to appoint municipal employees under RSA 37:6, II carries with it the power of removal of such employees. *Marsh v. Hanover*, 113 N.H. 667 (1973). In other instances, the removal of appointed or elected officials is governed by statute. Such statutes include RSA 105:2-a (police chief); RSA 154:5 (fire chief); and RSAs 41:16-c, 41:26-d, and 41:40 (removal of town clerk, treasurer, and tax collector, respectively, by the governing body), among several others.

B. Land Use Boards

Appointed land use board members can be removed under RSA 673:13 by the board that appointed them for "inefficiency, neglect of duty, or malfeasance in office." Elected land use board members

may be removed by the governing body, using the same legal standard. Any member of a Conservation Commission may be removed for cause by the appointing authority after a public hearing if requested. RSA 36-A:3. In *Williams v. Dover*, 130 N.H. 527 (1988), a member of the Dover Planning Board allegedly violated city land use ordinances in his private capacity as his employer's representative. The city council removed him. The New Hampshire Supreme Court held that the removal was improper, noting that he had not, at any time, referred to or attempted to take advantage of his position on the planning board. The Court said:

Malfeasance sufficient under our law to warrant removal from office must have direct relation to and be connected with the performance of official duties. It does not include acts and conduct which, though amounting to a violation of the criminal laws of the state, have no connection with the discharge of official duties.

C. Select persons

There is no law specifically involving the removal of a select board member. However, any official can be removed for violation of the oath of office, under RSA 42:1-a. A violation of the oath of office includes a breach of confidentiality. The proper procedure for removal is by a petition to superior court. RSA 42:1-a.

D. Any Official

Under RSA 95:1, public officials are prohibited from making a contract with the municipality they serve to buy real estate or to sell or buy goods, commodities or other personal property if the value of the contract is more than \$200, unless the contract was subject to open competitive bidding. Violation is a misdemeanor, and upon conviction the official is removed from office pursuant to RSA 95:2.

VIII. SOCIAL MEDIA

Ethics and conflicts of interest have always been issues for local government. In the modern age, however, a whole new set of land mines have been created: social media. Never in history has it been so easy to make so many ethical mistakes, with such speed, in such a public way. New social media technologies provide dynamic, accessible ways for municipalities to communicate with the public. However, as with all communication, social media presents a number of legal issues municipalities need to recognize. It may be dressed up as something new, but most social media technologies present similar challenges for local officials as their more traditional counterparts.

A. Draw a Parallel

Compare new technologies to older, more familiar methods of communication. Blogs are informal online journals, similar to a municipal newsletter or a letter to the editor or column in a newspaper. Some authors permit the public to post comments on a blog as well, which is a bit like an electronic listserv or e-mail messaging board. Twitter is, essentially, a microblog limited to 280 characters. Social networking sites such as Facebook and LinkedIn are like a combination of many traditional communication methods: messaging (like e-mail), online chatting (like instant messaging), and posting comments on others' pages (like a message

board). YouTube, Instagram, Tik Tok and Flickr are places to post videos (like a cable channel) and photos (like a website or bulletin board).

Most municipalities have some experience with the legal issues involving traditional media. New communication methods are really no different, with one exception: speed. Therefore, it is important to consider potential pitfalls of these exciting new tools *before* jumping into the quick-moving stream of social media.

B. Public v. Personal

No matter what the medium, municipal communication should be limited to official municipal business, such as notices, minutes, forms, information, alerts, contact information and ordinances. For example, a tweet might alert citizens that a snow emergency has been declared, that the polls have opened for elections, or that the town meeting warrant has been posted. Video of select board meetings might be posted on YouTube. A blog might keep the public informed of the progress on a bridge reconstruction.

However, when officials and employees begin using these technologies for personal commentary, the unintended consequences can be significant. If an official discloses confidential information on a website, blog, social networking site or any other way, he or she may face removal from office (RSA 42:1-a) and may expose the municipality to liability as well. If comments are defamatory (described in Section VII above), they may also result in liability for the municipality. Even comments that are merely inaccurate or misleading can tend to erode public confidence in municipal government and compromise a board's ability to govern effectively.

In addition, personal comments by any official can affect the legality of a board's decisions. The planning board and ZBA, for instance, are each required to hear testimony and to gather information at a public hearing on all applications before them. Each board member is supposed to remain impartial, and the board is not supposed to decide the case before it reaches the deliberation stage after the hearing has closed. This impartiality is required by statute and, in fact, any board member who has prejudged the case or who is unable to set aside personal bias is disqualified from participating in the hearing or decision for that matter. *See* RSA 673:14, I. If a disqualified member participated in a case, a court could vacate that decision and the board would have to start all over again. *See Appeal of Keene*, 141 N.H. 797 (1997). Even if the decision is upheld, the town or city may have to defend a costly legal challenge in court. Statements made by any official on a chat, blog, e-mail, website or other forum about individual applications or even general matters of interpretation of the zoning ordinance or local regulations can lead to real or perceived problems with prejudice and bias. This can result in the unnecessary waste of the municipality's money, time and resources to defend and sort out those problems. Comments by a single member of a municipal board or committee could also create confusion about whether those comments belong to the member or to the entire board. Boards and committees act only by majority vote. *See, e.g.*, RSA 41:8 (a majority of select board is required to act). A single member should be very careful in expressing opinions, answering questions or providing explanations for official matters when he or she purports to do so on behalf of the entire board. Unless great care is taken to clarify when a person is speaking for a board and when that person is speaking solely for him- or herself as an individual, these comments can create confusion among the public and be very misleading. On the other hand, as noted by the N.H. Supreme Court in an unpublished opinion *W. Robert Foley, Trustee of the W. Robert Foley Trust v. Town of Enfield*, No. 2017-0294 (decided February 2, 2018) an inquiry posted by a ZBA member on an electronic list serv that asked about whether a ZBA ruling might create a binding precedent for future cases was not found to be prejudicial to the interests of an applicant whose case was under consideration at the time of the list serve posting.

In a recent N.H. Superior Court decision, *Z-1 Express, LLC v. City of Manchester*, Hillsborough Superior Court – Northern District, Docket Number 216-2018-CV-00275, October 29, 2019, an application was pending before planning board for a conditional use permit for a gas station/ convenience store. After the final evidentiary hearing, but before the board deliberated and made a final decision, two members voiced opposition to the project on a social media site established by residents opposing the project. At the meeting where the board voted one of the members who voiced opposition on social media was asked to recuse himself, he refused, and he voted at a later meeting to deny the application.

The Superior Court ruled that the member's failure to enter into and participate in deliberations with an open mind threaten the integrity of the deliberative process, and also undermined the public trust in the overall function of the planning board. The Court applied the *Winslow v. Holderness* rule and vacated the decision and remanded the matter back to the planning board for a new decision.

C. Is It Defamatory?

In New Hampshire, the tort of false light or defamation includes both oral (slander) and written (libel) defamation. Libel and slander are defined and discussed in Section V above. For purposes of social media, it is critical to note that *there is no specific privilege for local officials conducting town business*, so they generally are not protected from liability for making any defamatory statements during meetings or over the internet. However, it is important to note that a defamatory statement must be *about* the plaintiff, rather than just a generally insulting or politically incorrect statement. Comments of a more general nature, referring to broad groups of people rather than any person in particular, are probably not “defamatory” although they may tend to harm the credibility of the person making them.

Furthermore, when the public is permitted to comment or post on a blog, website or other medium, those comments might also be defamatory. The citizen who makes the comment may be liable, but the municipality might, too! By “publishing” these statements (that is, posting them on YouTube, Facebook, a blog, or a website) or, possibly, by failing to remove them, the municipality may also become liable for the defamatory statement in the same way it could be liable for rebroadcasting the video on the municipal cable channel.

D. Free Speech?

Some forms of social media involve exchanges of information between municipalities and citizens. A blog might be set up to accept public comments on an issue, or officials might have email or chat exchanges with citizens. These exchanges may need to be edited to avoid publishing defamatory statements, to keep the posts on the topic at hand or to avoid obscenity or vulgarity.

Editing and deleting posts by the public may inadvertently violate the First Amendment rights of free speech. When the federal First Amendment right to free speech applies, the inclusion of one viewpoint without equal opportunity for all other viewpoints, or the editing or rejecting of citizen articles based on content, might expose a town or city to liability. *See, e.g., State v. Hodgkiss*, 132 N.H. 376 (1989) (municipalities may regulate protected speech only in a content-neutral manner); *see also Bonner-Lyons v. School Committee of City of Boston*, 480 F.2d 442 (1973) (city distribution system may not be used to support and promote views of only one group, must provide equal opportunity for all groups to avoid violating free speech rights). A blanket prohibition of the views of any private citizens on a municipal blog or website is not likely to violate any citizen's First Amendment right to free speech. The First Amendment to the U.S. Constitution protects the rights of citizens to express their views in a “public forum” such as a commercial newspaper, a

personal blog or website, a parade, or a sign. However, a town website, blog, or Facebook page is not ordinarily a public forum.

“[T]he First Amendment does not guarantee access to property simply because it is owned or controlled by the government.” *United States Postal Service v. Council of Greenburgh Civic Ass’ns*, 453 U.S. 114, 129 (1981). “The crucial question is whether the manner of expression is basically compatible with the normal activity of a particular place at a particular time.” *Grayned v. City of Rockford*, 408 U.S. 104, 116 (1972). This means that some government sites are simply not open for expression the way that others are. See, e.g., *Adderley v. Florida*, 385 U.S. 39 (1966) (jails); *United States Postal Service v. Council of Greenburgh Civic Ass’ns*, 453 U.S. 114 (1981) (private mail boxes); *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37 (1983) (interschool mail system).

A website or blog is not a physical “location,” but if the same logic is applied, it seems unlikely it would be considered a public forum unless public expression were “basically compatible with the normal activity” of that medium. A municipal website or blog is a tool of the municipal government that should be intended to facilitate municipal business and would be limited generally to public purposes. When a town sets up and controls a website and chooses to refuse to allow hyperlinks from an opposing point of view this constitutes government speech that was exempt from First Amendment scrutiny under the government speech doctrine. *Sutcliffe v. Epping Sch. Dist.*, 584 F.3d 314 (1st Cir. 2009)

On the other hand, once a municipality intentionally opens the forum up for public expression, it may be a “designated” or “limited” public forum. See, e.g., *Del Gallo v. Parent*, 557 F.3d 58 (1st Cir. 2009). A blog might ask for public suggestions about saving energy in municipal buildings or feedback about the efficiency of a municipal service. It would be appropriate in that case to limit the public comments only to the stated subject. However, if comments opposing the governing body’s preferred plan were always edited out or, if negative feedback were always rejected, a court might find that the municipality had discriminated based on the content of the speech, which is not permissible. See, e.g., *State v. Hodgkiss*, 132 N.H. 376 (1989) (municipalities may regulate speech only in a content-neutral manner). The municipality could, of course, still limit comments to a certain length, to a certain number per day or by any other content-neutral method. Permitting comments from the public on government social media outlets is something that should be considered carefully to balance the benefits with the possible ethical conundrums it may create.

E. Advocacy and Electioneering

One potential use of social media is to distribute information regarding local government initiatives, suggestions, proposals and plans. Background information regarding warrant articles and other issues is likely to be of interest to voters, of course, and may be communicated in a variety of ways. However, the direct advocacy for or against a particular warrant article, candidate, or other measure should be avoided, regardless of the media through which it is communicated.

The extent to which local governments may use public funds and resources to advocate on behalf of a specific proposal or action is not yet clear. The U.S. Supreme Court has determined that, under the U.S. Constitution, the government may use tax dollars to endorse its own policy measures without violating the First Amendment. *Johanns v. Livestock Marketing Ass’n*, 544 U.S. 550 (2005). A September 2009 decision of the U.S. District Court for the District of New Hampshire found that, in certain circumstances, it is permissible for a municipality to use its communication channels to express its own views through “government speech” which is exempt from the First Amendment. It may even be possible for the government to “speak” by selecting only certain speech of third parties to present and communicate through its website or other channel. See *Sutcliffe v. Epping*, 584 F.3d 314 (1st Cir. 2009).

However, this area of the law is not yet fully settled in New Hampshire. A significant body of case law suggests that some government advocacy may go too far. When local officials spend tax dollars to persuade the legislative body (that is, town meeting voters) to establish a policy in the first place, the answer from *Johanns* is much less clear. In addition, a variety of state and federal courts have long held that government officials may not spend public funds advocating or opposing a ballot measure unless they offer an opportunity for opposing views to be heard. See, e.g., *Bonner-Lyons v. School Committee of City of Boston*, 480 F.2d 442 (1st Cir. 1973); *Greenberg v. Bolger*, 496 F. Supp. 756 (E.D.N.Y. 1980); *Citizens to Protect Public Funds v. Board of Ed. Parsippany-Troy Hills TP*, 98 A.2d 673 (N.J. 1953). Even the Court in *Sutcliffe* observed “there may be cases in which a government entity might open its website to private speech in such a way that its decisions on which links to allow would be more aptly analyzed as government regulation of private speech.”

It is also important to note that RSA 659:44-a prohibits any town employee from electioneering while in the performance of his or her official duties, or to use government property, including but not limited to, telephones, facsimile machines, vehicles and computers, for electioneering. “Electioneering” is defined in RSA 652:16-h as:

... visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted. Electioneering includes, but is not limited to:

- I. Wearing clothing or paraphernalia that displays a candidate’s name, likeness, or logo, a ballot measure’s number, title, subject, or logo, a political party’s name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure, provided that a person eligible to vote or register to vote in the voting district who is unable to remove or cover clothing that explicitly advocates for or against any candidate, political party, or measure, may wear such clothing in the polling place while actively engaged in the process of registering to vote or while actively engaged in the process of voting.
- II. Distributing or posting a card, handbill, poster, placard, picture, pin, sticker, circular, or any other form of communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure.

Violation of RSA 659:44-a is a misdemeanor. Therefore, no municipal employee should take part in publishing anything with municipal funds, property or equipment that would be considered electioneering under this statute. RSA 659:44 also prohibits an election officer, defined in RSA 652:14, from electioneering while in performance of his official duties. RSA 659:43, I prohibits the wearing at a polling place of any pin, sticker, or article of clothing that is intended to influence the action of any voter within the building where the election is being held. Although RSA 659:43, I has not been addressed by the New Hampshire Supreme Court in light of *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876 (2018), NHMA recommends that RSA 659:43, I be narrowly interpreted to only prohibit the wearing of an item of political paraphernalia in a polling place that advocates for or against any candidate or measure on the ballot for that election. For instance, although a person could not wear a shirt that said “Vote for Bob Jones for State Representative” where Bob Jones was on the ballot, a voter could wear a shirt that says, “I support Good Education for Our Children.”

F. Administrative Burdens

One additional concern that should not be overlooked is the administrative burden that the use of social media can create. For example, if the select board creates a blog to correspond with the public, that correspondence should be limited to municipal business. Someone would have to review every posting in advance to determine whether and to what extent the comments included

personal or off-topic matter that should not be posted. This might be time-consuming and would almost inevitably raise legal questions requiring consultation with an attorney. Furthermore, to the extent the First Amendment right to free speech applied, the editing or rejecting of postings based on content might expose the municipality to liability under the First Amendment. *See, e.g., State v. Hodgkiss*, 132 N.H. 376 (1989) (municipalities may regulate speech only in a content-neutral manner).

G. Suggestions:

Maintain Control. Unless the legislative body votes to vest control of social media in another board or official, the select board has ultimate responsibility for the use of social media. This responsibility includes decisions regarding which technologies to use, policies that will apply, and how to spend the money appropriated for this purpose. Municipal employees or officials who are delegated responsibility or permitted to use such technologies should be required to follow all policies established by the governing body.

Develop a Policy. While no law requires the governing body to create policies regarding the use of social media, it is highly advisable to do so. Websites, blogs, and all other social media can expose a municipality to liability. The best way to avoid these pitfalls is to have a carefully written policy for everyone to follow. Any such policy should be reviewed by the municipal attorney before it is formally adopted by the governing body, and then periodically reviewed with the attorney to see if adjustments need to be made. Don't be afraid to adjust the policies as appropriate.

Disclaimers Aren't a Silver Bullet. While a disclaimer may be informative, it is generally ineffective in reducing or eliminating a municipality's risk of liability. A website, blog, Facebook account or other networking tool will be run or endorsed by the municipality and funded with municipal money. Since all these communication channels will be under the control of the governing body, and they will remain ultimately responsible for content and distribution, it is hard to see how a municipality could disclaim responsibility for that content. If a municipality wishes to include disclaimers, those disclaimers should be reviewed by the municipal attorney before they are posted to determine whether they will, in fact, be helpful.

Agenda
11-9-21



TOWN OF HUDSON

Office of the Assessor



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

www.hudsonnh.gov


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8B

To: Board of Selectmen
Steve Malizia, Town Administrator

November 4, 2021

RECEIVED

From: Jim Michaud, Chief Assessor 

NOV 04 2021

Re: Possible Warrant Articles
Possible - Revised Exemptions for Elderly, Disabled, and Blind

TOWN OF HUDSON
SELECTMEN'S OFFICE

The last time the elderly/disabled/blind property tax exemptions were adjusted (the actual exemption amounts themselves were changed) was for the 2007 property tax year. The last time the income/asset limits were changed for the elderly/disabled exemptions was quite recent, in 2018. That property tax year, 2007, the exemption amounts were raised due to assessed values being increased to reflect market value increases from the last reassessment to that, which had been accomplished in 2004, as well as looking at similar neighboring community's exemptions programs. In 2022 the community will be undergoing another reassessment and at the present time it is expected that assessed values could increase by 40% +/- . This anticipated value increase +/- is due to the actions of the real estate marketplace, and the reassessment is a constitutional and statutory requirement for the community to achieve full market value reassessments at least once every 5 years, 2017 having been the last full reset of assessed values.

The attached spreadsheet covers area municipalities and their exemption amounts for the elderly, disabled and blind. In the past, in addition to looking at area comparable communities, we also looked at what percentage of assessed value is exempted in the various elderly categories as well as blind and disabled exemption categories, currently that is as follows.

Elderly 1 – 65-74 years of age – on average/median the current exemption represents 47% of the average home assessed value that is in that category, there were 68 properties at this exemption level for 2021;

Elderly 2 – 75-79 years of age – on average/median the current exemption represents 52% of the average home assessed value that is in that category, there were 55 properties at this exemption level for 2021;

Elderly 3 – 80 years of age and above – on average/median the current exemption represents 64% of the average home assessed value that is in that category, there were 100 properties at this exemption level for 2021;

Disabled – on average/median the current exemption represents 47% of the average home assessed value that is in that category, there were 42 properties with this exemption for 2021;

Blind – on average/median the current exemption represents 44% of the average home assessed value that is in that category, there were 17 properties with this exemption for 2021.

The anticipated assessed value increase of 40% +/- would also result, assuming all things being equal as far as municipal/school/county spending as well as stabilized revenue from other sources like motor vehicles and state aid, in a significantly lowered tax rate in 2022. Therefore, assuming a 40% +/- net tax base increase in assessed value just for discussion purposes, if the tax rate goes down by a similar percentage, then that would be an argument to keep the exemption amounts where they are, there would be no significant net property tax impact to those receiving those exemptions.

On the other hand, history has shown us that it is not a 1-1 relationship between net tax base assessed value increases, and a corresponding 1-1 tax rate decrease. This would be an argument to introduce warrant articles to increase the amount of the exemptions.

In reviewing the above as well as the attached exemptions survey, a moderate approach might be to introduce warrant articles (three of them) for each of the exemption category amounts to increase them by 10% for 2022. In turn, a second review could occur after the assessed values are finalized for 2022 and look at leaving them where they are for 2023, or possibly adjusting them again based on additional facts as they come to be.

The current total amount of all of these exemptions, for 2021, is \$35,210,000. If the amounts suggested are put into effect, the amount of the exemptions (based on current # of qualified exemptees) would be \$38,822,000, an increase of \$3,612,000 in exempted value.

The BOS have time to review this as warrant articles are not due to be placed on the town warrant until later in 2021. The Assessing Department introduces this information as it is timely to consider this, especially so in light of the pending 2022 reassessment. I have attached sample draft wording for all three (3) warrant articles. The following draft motions are offered for the BOS to decide upon. Thank you for your continued support.

Draft Motion #1 : To recommend that the exemption amounts for each of the three (3) Elderly Exemption categories be increased by 10%, in accordance with the draft warrant article presented, and that the article is forwarded to the ballot for the 2022 Annual Town Meeting, subject to Town Counsel review for legal content.

Draft Motion #2 : To recommend that the exemption amount for the Disabled Exemption category be increased by 10%, in accordance with the draft warrant article presented, and that the article is forwarded to the ballot for the 2022 Annual Town Meeting, subject to Town Counsel review for legal content.

Draft Motion #3 : To recommend that the exemption amount for the Blind Exemption category be increased by 10%, in accordance with the draft warrant article presented, and that the article is forwarded to the ballot for the 2022 Annual Town Meeting, subject to Town Counsel review for legal content.

(1) Revised Property Tax Exemption For The Elderly

“Shall we modify the elderly exemptions from property tax in the Town of Hudson, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, \$116,000; for a person 75 years of age up to 80 years, \$138,000; for a person 80 years of age or older, \$165,000? To qualify, the person must have been a New Hampshire resident for at least 3 years, own the real estate individually or jointly, or if the real estate is owned by such person’s spouse, they must have been married for at least 5 years. In addition the taxpayer must have a net income of not more than \$45,000 or, if married, a combined net income of not more than \$55,000; and own net assets not in excess of \$160,000 excluding the value of the person’s residence. (If approved this article shall take effect for the final property tax bill of the 2022 property tax year.)

(2) Revised Property Tax Exemption For The Disabled

“ Shall we modify the exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be \$116,000. To qualify, the person must have been a New Hampshire resident for at least 5 years, and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than \$45,000, or, if married, a combined net income of not more than \$55,000; and own net assets not in excess of \$160,000, excluding the value of the residence. (If approved, this article shall take effect for the final property tax bill of the 2022 property tax year.)

(3) Revised Property Tax Exemption For the Blind

“Pursuant to RSA 72:37, shall we modify the exemption for the blind from the assessed value of residential real estate for property tax purposes? This statute provides that every inhabitant who is legally blind shall be exempt each year, for property tax purposes, from the assessed value on a residence to the value of \$116,000. (If approved, this article shall take effect for the final property tax bill of the 2022 property tax year)

Disabled, Blind,
Elderly Exemptions Survey

Municipality	Median Family Income	Elderly								Blind			Disabled						
		RSA 72:39-a									RSA 72:37		RSA 72:37-b						
	American Community Survey - Latest	65-74 Amount Granted	75-79 Amount Granted	80+ Amount Granted	Income Limit, Single	Income Limit, Married	Asset Limit, Single	Asset Limit, Married	Year Most Recently Amended	Exemption Adopted YN	Blind Exemption	Year Most Recently Amended	Exemption Adopted YN	Disabled Exemption	Income Limit, Single	Income Limit, Married	Asset Limit, Single	Asset Limit, Married	Year Most Recently Amended
Amherst	\$138,995	\$76,000	\$114,000	\$151,000	\$41,760	\$57,000	\$150,000	\$150,000	Unk.	Yes	\$37,000	Unk	Yes	\$65,000	\$41,760	\$57,000	\$150,000	\$150,000	Unk.
Bedford	\$135,021	\$90,100	\$96,000	\$141,600	\$51,040	\$68,960	\$150,000	\$150,000	2021	Yes	\$35,000	Unk	Yes	\$52,000	\$51,840	\$68,960	\$150,000	\$150,000	Unk.
Derry	\$76,536	\$85,000	\$125,000	\$165,000	\$35,000	\$45,000	\$150,000	\$150,000	2008	Yes	\$40,000	2006	No	\$0	\$0	\$0	\$0	\$0	N/A
Goffstown	\$83,485	\$50,000	\$67,500	\$90,000	\$37,500	\$55,000	\$150,000	\$150,000	2018	Yes	\$15,000	State min.	No	\$0	\$0	\$0	\$0	\$0	N/A
Hudson	\$104,597	\$105,000	\$125,000	\$150,000	\$45,000	\$55,000	\$160,000	\$160,000	Assets Income 2018 (other = 2007)	Yes	\$105,000	2007	Yes	\$105,000	\$45,000	\$55,000	\$160,000	\$160,000	Assets Income 2018 (other = 2007)
Litchfield	\$110,893	\$85,000	\$140,000	\$190,000	\$45,500	\$55,000	\$300,000	\$300,000	2020	Yes	\$15,000	State min.	No	\$0	\$0	\$0	\$0	\$0	N/A
Londonderry	\$107,868	\$123,625	\$154,500	\$206,000	\$40,800	\$50,300	\$137,000	\$137,000	Unk.	Yes	\$50,000	Unk	Yes	\$123,625	\$40,800	\$50,300	\$137,000	\$137,000	Unk.
Manchester	\$60,711	\$156,000	\$210,000	\$280,000	\$41,000	\$55,000	\$100,000	\$130,000	2021	Yes	\$156,000	2021	Yes	\$156,000	\$41,000	\$55,000	\$100,000	\$130,000	2021
Merrimack	\$107,232	\$75,000	\$100,000	\$125,000	\$45,000	\$60,000	\$200,000	\$200,000	2002	Yes	\$15,000	State min.	Yes	\$75,000	\$50,000	\$67,500	\$200,000	\$200,000	2002
Milford	\$79,647	\$83,000	\$124,000	\$165,000	\$38,600	\$46,000	\$100,000	\$100,000	2019	Yes	\$30,000	2020	No	\$0	\$0	\$0	\$0	\$0	N/A
Nashua	\$74,995	\$194,000	\$224,000	\$280,000	\$50,000	\$50,000	\$150,000	\$150,000	Income Assets 2017 Exemption Amount 2018	Yes	\$94,000	2018	Yes	\$194,000	\$50,000	\$50,000	\$150,000	\$150,000	2019
Pelham	\$106,686	\$78,400	\$112,000	\$145,000	\$35,000	\$45,000	\$130,000	\$130,000	2019	Yes	\$15,000	State min.	No	\$0	\$0	\$0	\$0	\$0	N/A
PROPOSED FOR 2022		\$106,000	\$152,000	\$196,000	\$44,000	\$54,000	\$250,000	\$250,000	2022	Yes	\$15,000	State min.	No	\$0	\$0	\$0	\$0	\$0	N/A
Salem	\$86,587	\$82,000	\$122,900	\$163,800	\$36,150	\$48,200	\$72,400	\$72,400	Unk.	Yes	\$90,000	Unk.	Yes	\$24,000	\$36,150	\$48,200	\$72,400	\$72,400	Unk.
Windham	\$148,549	\$160,000	\$190,000	\$500,000	\$45,000	\$55,000	\$160,000	\$160,000	2010	Yes	\$15,000	State min.	Yes	\$160,000	\$45,000	\$55,000	\$160,000	\$160,000	2013

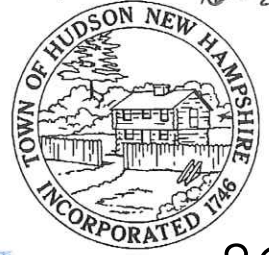


TOWN OF HUDSON

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



Ayala 10-26-21

8C

William M. Avery, Jr.
Chief of Police

Captain David Cayot
Special Investigations Bureau

RECEIVED

OCT 20 2021

Captain Tad Dionne
Operations Bureau

TOWN OF HUDSON
SELECTMEN'S OFFICE
Captain David Bianchi
Administrative Bureau

To: The Board of Selectmen Public Hearing 11-9-21
 Steve Malizia, Town Administrator

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

Date: October 26, 2021

Re: Town Code Chapter 317 Vehicles and Traffic

§ 317-9 Stop intersections: The intersections described in Schedule III (§ 317-30), attached to and made a part of this chapter, are hereby designated as stop intersections, and any vehicle approaching such intersections on the first-named streets shall come to a full stop before entering said intersections.

§ 317-30 Schedule III: Stop Intersections: As provided in § 317-9, § 317-30 describes intersections that are designated as stop intersections, at which vehicles approaching such intersections shall come to a full stop before entering such intersections, and that such stop signs shall be installed.

The Highway Safety Committee has recommended adding a stop sign on Hampshire Drive at Wentworth Drive approaching easterly and adding a stop sign on Wentworth at Hampshire, approaching southerly. We are requesting that these stop intersections be added to § 317-30, the schedule of listed stop intersections, for Hampshire Drive at Wentworth Drive, east bound and Wentworth Drive at Hampshire Drive, south bound.

We are further requesting that a stop sign be installed at both of these locations listed above.

Motion:

To forward the above-listed change proposal of § 317-30 to a public hearing.



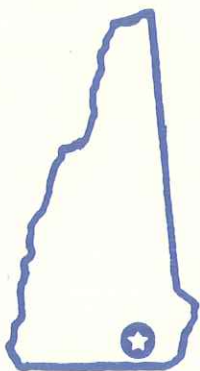
A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

TOWN OF HUDSON

Public Works

Agenda
11-9-21

8D



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



To: Board of Selectmen

From: Jess Forrence Public Works Director

Date: November 4, 2021

Re: Part time truck drivers

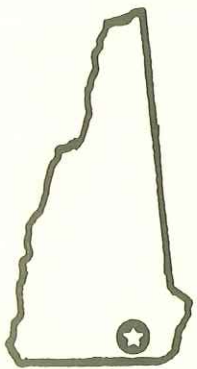
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NOV 02 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

Public Works is looking to re-advertise from the part-time winter maintenance truck driver program with drivers starting at a rate of \$25.00 hr working on an on-call basis without any benefits.

Thank you



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



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

8E

To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: November 4, 2021

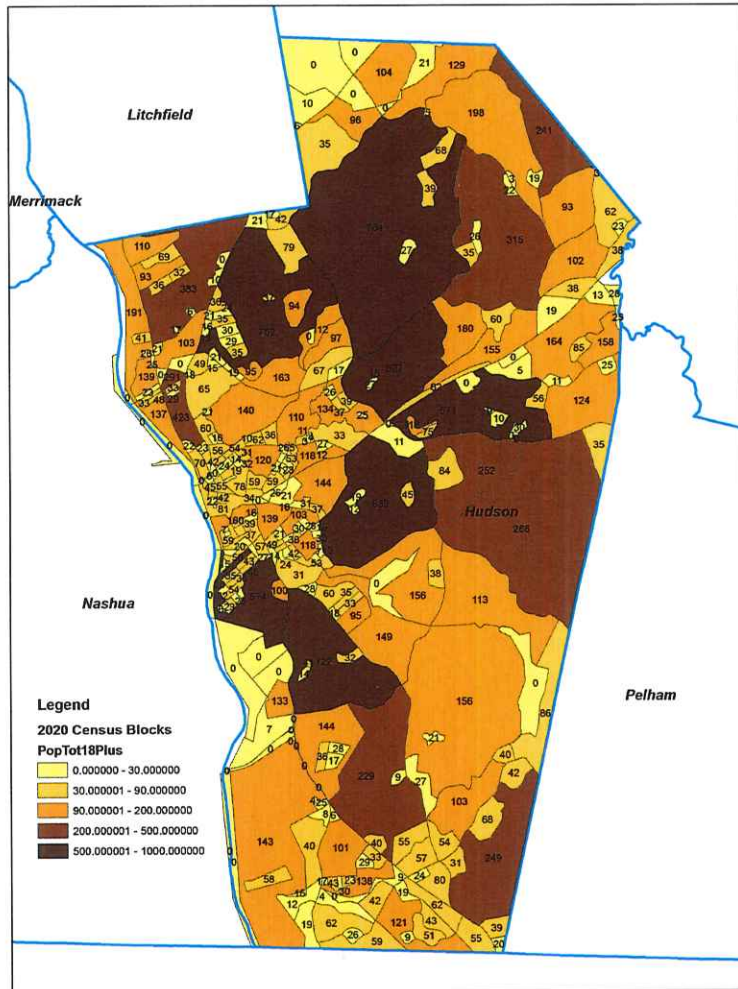
Re: Voting Districts

At the March 9, 2021 Town Meeting, the voters approved warrant article 18 which authorizes the Selectmen to provide an additional polling place and determine the boundaries of the voting district to be served by the additional polling place in accordance with RSA 658:10. This article requires the establishment of two (2) voting districts for the Town of Hudson. I contacted the Nashua Regional Planning Commission for assistance in reviewing Hudson's 2020 population census data and the list of current registered voters to determine the boundaries for two, roughly equal, voting districts. NRPC reviewed the data and has provided three (3) possibilities for voting districts. Scenario #1 establishes voting districts using census tract population data. This provides for very evenly distributed voters. This will be the most difficult to communicate to the voters as the boundaries are streets so the assignment to a district must be made on address range. Scenario #2 uses Central Street as the boundary, the number of voters in each district is a little less evenly distributed compared to Scenario #1 but it will be easier to communicate the districts to the voters. Everyone on the north side (even number addresses) of Central Street will be in one district and everyone on the south side of Central Street (odd number addresses) will be in the other district. Scenario #3 provides a good voter balance between districts and simplifies the communication to voters. If you live on or north of Central Street you are in one district. If you live south of Central Street, you are in the other district. I would recommend that the Board either use Scenario #2 or Scenario #3 for the establishment of the two (2) voting districts. I think Scenario #3 will be easier to communicate to the voters so I think this is the preferred option. Should the Board of Selectmen agree, the following motion is appropriate:

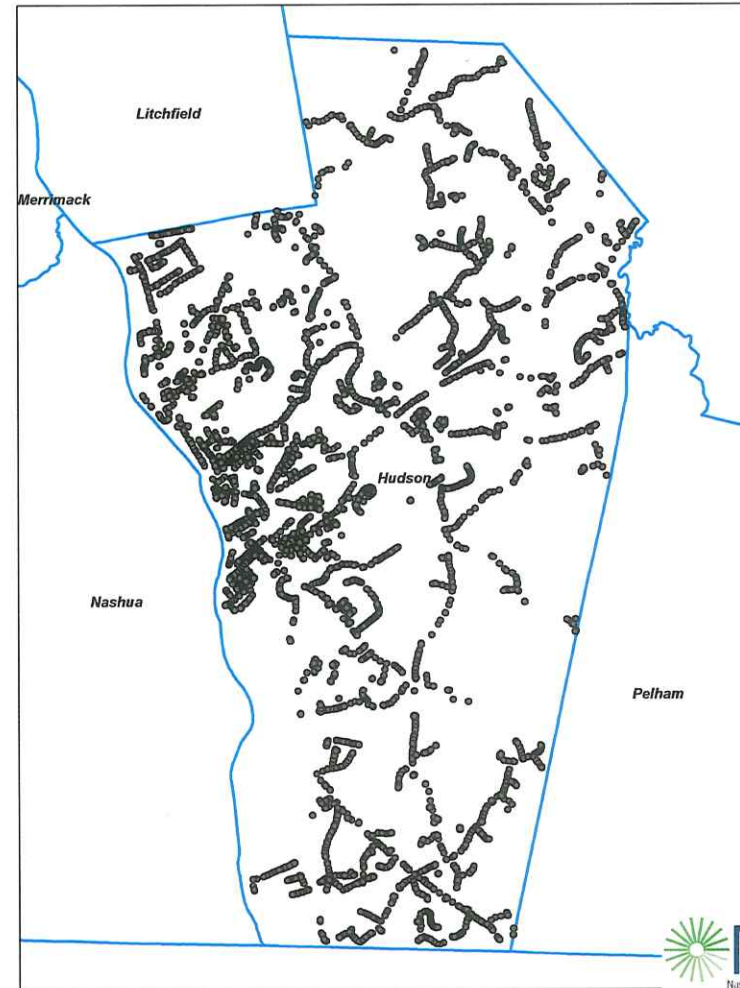
Motion: To establish two (2) voting districts for all future elections. Voters south of Central Street will be assigned to District 1 and voters on or north of Central Street will be assigned to District 2.

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

Census 2020 18+ Population by Block
n = 20,472

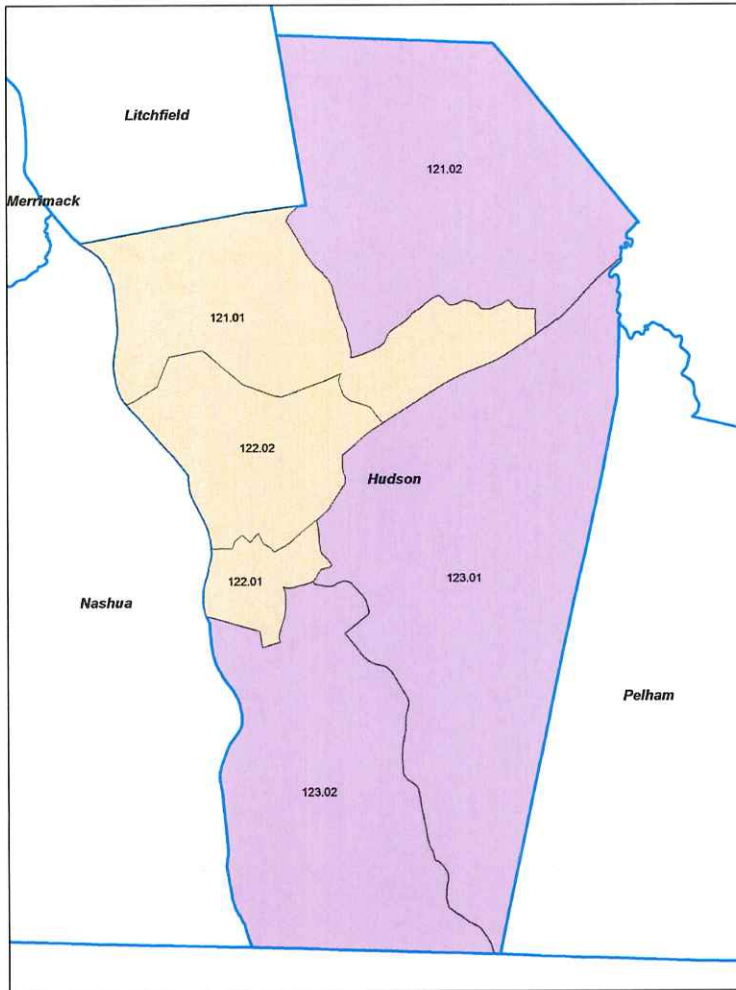


Current Registered Hudson Voters
n = 15,666



Synopsis

- Town has outgrown its single voting location
- Two voting districts will be sufficient
- Second polling location TBD; for now, it shall not influence delineation of new district
- Voting district criteria:
 - Approximately the same number of voters in each district
 - No other demographics need be considered
- Voting district assignment will need to be communicated to each registered voter before next town election in March 2022



Scenario #1 Census Tract (CT) Grouping

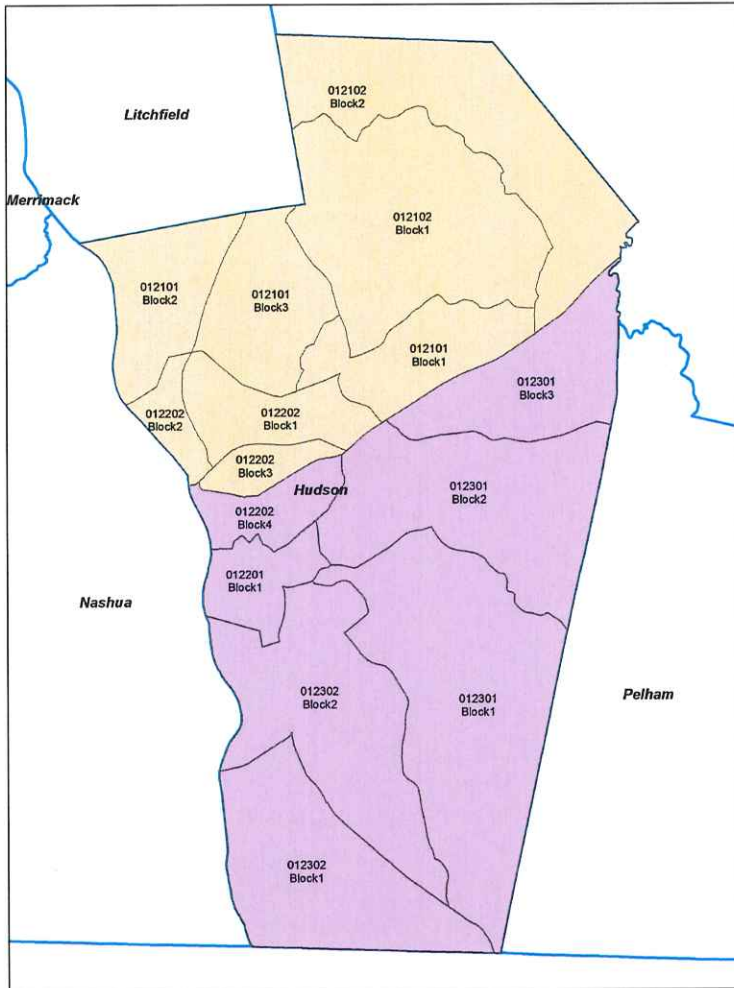
	CT	Registered Voters	Total Age 18 Plus Pop (2020 Census)
District 1	121.01	3425	4233
	122.02	3125	4605
	122.01	1167	1547
		7717	10385

District 2	121.02	2014	2541
	123.01	3334	4271
	123.02	2601	3275
		7949	10087

District 2 has **232 more voters** (1.5% of total voters) than District 1

District 2 has **298 fewer voting age adults** (1.5% of total voting age adults) than District 1

- Very evenly distributed both by voters and voter pop
- Complicates communication: CT boundaries are streets, so assignment to district must be made on address range.



Scenario #2 Census Block Group (BG) Grouping

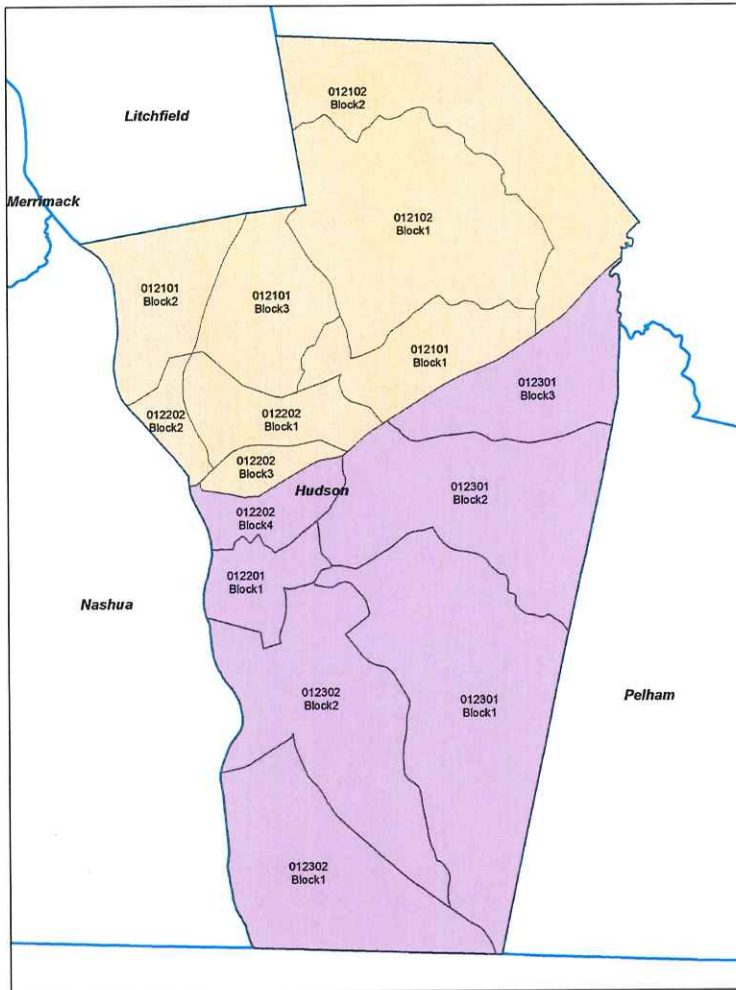
	Tract	BG	Registered Voters	Total Age 18 Plus Pop (2020 Census)
District 1 North Side of Central Street	12101	2	1109	1325
	12101	3	1371	1701
	12101	1	945	1207
	12102	1	1091	1314
	12102	2	923	1227
	12202	2	703	1170
	12202	1	813	1087
	12202	3	638	947
			7593	9978

District 2 South Side of Central Street	12201	1	1167	1547
	12202	4	971	1401
	12301	2	1105	1363
	12301	3	1104	1516
	12301	1	1125	1392
	12302	1	1108	1338
	12302	2	1493	1937
			8073	10494

District 2 has 480 (3% of total) more voters than District 1	District 2 has 516 (2.5% of total) more voting age adults than District 2
---	--

- Greater imbalance between districts compared to Scenario #1
- Minimizes the communication issues, limited to only Central Street boundary

Scenario #3 Modified Census Block Group (BG) Grouping



	Tract	BG	Registered Voters
District 1 Includes all Addresses along 111 (Central Street) plus all Areas North	12101	2	1109
	12101	3	1371
	12101	1	945
	12102	1	1091
	12102	2	923
	12202	2	703
	12202	1	813
	12202	3	638
	Add additional Central St addresses		+45
			7638

District 2 Areas South of 111 (Central Street)	12201	1	1167
	12202	4	971
	12301	2	1105
	12301	3	1104
	12301	1	1125
	12302	1	1108
	12302	2	1493
	remove Central Street addresses		-45
			8028

District 2 has **390 (2.5% of total)** more voters than District 1

- Good balance between districts
- Simplest to communicate – whole streets
- Any sensitivities?



**ABSENTEE BALLOT AND OFFICIAL BALLOT
ANNUAL TOWN ELECTION
HUDSON, NEW HAMPSHIRE
MARCH 9, 2021**

BALLOT 2 OF 2

Roger Shadway Jr.
INTERIM TOWN CLERK

ARTICLES CONTINUED

Article 12 Property Revaluation Capital Reserve Fund Funding

Shall the Town of Hudson raise and appropriate the sum of \$15,000 which will be added to the Property Revaluation Capital Reserve Fund as previously established in March 2008? (Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 10-0) Tax Rate Impact is \$0.00

YES
NO

Article 13 Major Repairs to Town Buildings Capital Reserve Funding

Shall the Town of Hudson raise and appropriate the sum of \$50,000 which will be added to the Major Repairs to Town Buildings Capital Reserve Fund as previously established in March 2014? (Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 10-0) Tax Rate Impact is \$0.02

YES
NO

Article 14 Establish Police Safety Equipment Capital Reserve Fund

Shall the Town of Hudson vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing new and replacement Tasers, Bullet Proof Shields and Body Cameras to be known as the Police Tasers, Bullet Proof Shields and Body Camera Capital Reserve Fund, and to raise and appropriate the sum of \$50,000 to be placed in this fund, and to designate the Board of Selectmen as agents to expend from said fund? (Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 10-0) Tax Rate Impact is \$0.02

YES
NO

Article 15 Establish Hills Memorial Library Capital Reserve Fund

Shall the Town of Hudson vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of maintaining, improving and renovating the building, exterior signage, grounds, driveway and parking areas, and for replacing or repairing capital equipment at the Hills Memorial Library Building and to raise and appropriate the sum of \$25,000 to be placed in this fund, and to designate the Library Trustees as agents to expend from said fund? (Recommended by the Board of Selectmen 5-0) Recommended by the Budget Committee 10-0). Tax Rate Impact is \$0.01

YES
NO

Article 16 Revised Veteran's Tax Credits

Shall the Town of Hudson vote in accordance with RSA 72:27-a to modify the provisions of RSA 72:28, II, previously adopted, for an Optional Veteran's Tax Credit of \$600.00 per year? If adopted, the All Service Veteran's Tax Credit, previously adopted, will also be \$600.00 per year, the same amount as the Optional Veteran's Tax Credit. If approved, this article shall take effect for the final tax bill of the 2021 property tax year. (Recommended by the Board of Selectmen 5-0) Tax Rate Impact is \$0.03

YES
NO

Article 17 Revised Disabled Veteran's Tax Credits

Shall the Town of Hudson vote in accordance with RSA 72:27-a to modify the provisions of RSA 72:35, previously adopted, for an optional tax credit of \$3,000.00 for a Service Connected Total Disability? If approved, this article shall take effect for the final tax bill of the 2021 property tax year. (Recommended by the Board of Selectmen 5-0) Tax Rate Impact is \$0.02

YES
NO

Article 18 Additional Polling Place

Shall the Town of Hudson vote authorize the Selectmen to provide an additional polling place and determine the boundaries of the voting district to be served by the additional polling place in accordance with the provision of RSA § 658:10? Once established, the voting district and polling place shall continue to be such for successive state elections until the Town shall vote to discontinue same, but the Selectmen may from time to time increase or diminish the boundaries thereof to effectively accommodate the voters. (Recommended by the Board of Selectmen 5-0) Tax Rate Impact is \$0.00

YES
NO

Article 19 Discontinue Caldwell Road

Shall the Town of Hudson vote to discontinue Caldwell Road as an open highway, at a point 100 feet from the current Spere Road right of way, as provided in RSA 231:43? (Recommended by the Board of Selectmen 5-0) Tax Rate Impact is \$0.00

YES
NO

TURN BALLOT OVER AND CONTINUE VOTING

TITLE LXIII ELECTIONS

CHAPTER 658 PRE-ELECTION PROCEDURE

Additional Polling Places

Section 658:10

658:10 In Towns. – If any town shall so vote, the selectmen shall provide one or more additional polling places in such town and shall, at least 30 days before the next following general election, determine the boundaries of the voting district to be served by each such additional polling place.

Source. 1979, 436:1, eff. July 1, 1979.



TOWN OF HUDSON MODERATOR



Agenda
11-9-21

8F

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

RECEIVED

NOV 04 2021

TOWN OF HUDSON
SELECTMEN'S OFFICE

MEMORANDUM

November 3, 2021

To: Board of Selectmen

From: Paul Inderbitzen
Moderator

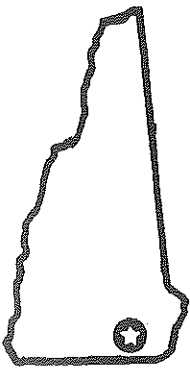
RE: Change in Polling Hours Warrant Article

As we move to two voting locations, it will be necessary to move the voting machines and ballots to a central location for tabulation of the results and write-ins at the end of the evening. I propose that the Town change its hours of voting from 7 AM to 7 PM. This will allow us to get the results out without extending an already long day. Of course, if voters are in line the polls can always be extended as we have done in the past. In recent elections, except for a few instances, there are usually low numbers of voters checking in between 7 and 8 PM.

The process to change the polling hours requires a ballot vote at a Town Election. If the article passes, the Secretary of State is required to place the question on the next State Ballot for the Town. If that passes, the hours are changed. While this seems overly regulated, the procedure is codified in the RSA's. The Board of Selectmen do have the ability to set the polling hours for Town Elections in the Warrant (RSA 669:25). However, having two different hours for Town and State Elections would be confusing to voters.

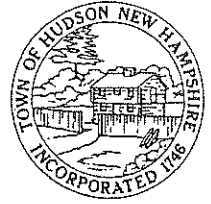
I request that the Board place the following question on the warrant for the March 2022 Election. The wording is specified in RSA 659:4-a.

"Polling hours in the Town of Hudson are now 7:00 AM to 8:00 PM. Shall we place a question on the state election ballot to change polling hours so that polls shall open at 7:00 AM and close at 7:00 PM for all regular state elections beginning in 2023?"



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

Agenda
11-9-21



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

8H

To: Board of Selectmen

From: Steve Malizia, Town Administrator

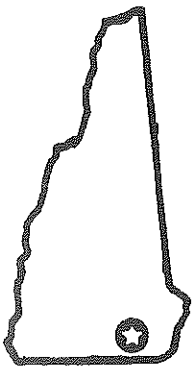
Date: November 4, 2021

Re: IT Director Interview Committee

The job posting deadline for the IT Director position is November 8th. I am recommending that the Board form an interview committee consisting of two (2) Selectmen, the current IT Director and myself to vet the applicants, conduct a preliminary interview of the candidates and recommend final candidates for the full Board to interview. Should the Board accept my recommendation, two (2) Board members will need to be appointed by the Board. The following motion would be appropriate:

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

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



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

Agard
11-9-21



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

81

To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: November 4, 2021

Re: Sustainability Committee Agreement Review

At their meeting on October 26, 2021, the Board of Selectmen reviewed a presentation by the Sustainability Committee regarding Community Choice Aggregation. As part of the presentation, three (3) agreements were submitted for consideration. The Board requested that Attorney Lefevre review the three (3) agreements and provide the Board with a recommendation regarding the agreements. Attorney Lefevre does not recommend that the Selectmen sign either the MOU with Standard Power or the Consulting Agreement with Colonial Power Group. The MOU with Standard Power has no meaningful substance, and contemplates a later Service Agreement. The Consulting Agreement with Colonial Power Group actually contemplates the Town retaining Colonial as a consultant, which Attorney Lefevre thinks is a bit premature. Attorney Lefevre thinks that the Joint Agreement with the Community Power Coalition is the preferred choice. There is no financial obligation to join and the Town can withdraw at any time. Attorney Lefevre thinks that the Joint Agreement gives the Town a resource to gather information and a way to participate without any financial commitment. If the Joint Agreement turns out to not be best for Hudson, the Town could always withdraw and pursue the consultant option as presented in the other agreements. Attorney Lefevre notes that if the Town pursues aggregating power, the Town will likely need an Electric Aggregation Committee which is contemplated under RSA 53-E, and Town Meeting approval will be required. Should the Board accept Attorney Lefevre's recommendation the following motion would be appropriate:

Motion: To approve the Joint Powers Agreement of Community Power Coalition of New Hampshire to authorize the Town Administrator to sign the agreement on behalf of the Town.

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

Town of Hudson

Joint Agreement Community Power
Coalition

Recommended by Attorney Lefevre

**JOINT POWERS AGREEMENT
OF
COMMUNITY POWER COALITION OF NEW HAMPSHIRE**

Effective October 1, 2021

Among the Following Parties:

City of Lebanon, Town of Hanover, City of Nashua, Cheshire County, Town of Harrisville,
Town of Exeter, Town of Rye, City of Dover, Town of Warner, Town of Walpole,
Town of Plainfield, Town of Newmarket, Town of Enfield, and Town of Durham

This Joint Powers Agreement (“Agreement” or “JPA”) is made and entered into pursuant to the provisions of New Hampshire Revised Statutes Annotated (“NH RSA”) 53-A:3, as it may be amended, providing for the joint exercise of powers among the parties set forth in Attachment B (“Parties”). The term “Parties” shall also include a municipality, county, or a group of such entities operating jointly pursuant to RSA 53-E:3, II(b) added to this Agreement in accordance with Article IV, Section 4. Parties to this Agreement shall also be known as “Members.”

RECITALS

WHEREAS, the Constitution of New Hampshire declares that “Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it”;

WHEREAS, in 1996, the New Hampshire General Court enacted NH RSA 374-F, the Electric Utility Restructuring Act to “to reduce costs for all consumers of electricity by harnessing the power of competitive markets . . . for wholesale and retail electricity services”;

WHEREAS, in 1996, the NH General Court also enacted NH RSA 53-E, “Aggregation of Electric Customers by Municipalities and Counties” and in 2019, the General Court enacted SB 286 (Chapter 316, NH Laws of 2019) to better enable municipalities and counties to create Community Power Aggregations (“CPAs”) as a competitive means for local governments to achieve their local policy goals and assume the responsibility of providing electricity service to their residents and businesses that do not choose an alternative supplier;

WHEREAS, electric aggregation will allow communities to promote renewable and distributed energy development, energy efficiency programs, price stability, access to innovative energy products, services, and rates, and local economic benefits through local control;

WHEREAS, local communities have substantial responsibilities and authority for land use planning, including adoption of master plans that may address transportation, utility and energy planning among other needs pursuant to NH RSA 674:2, zoning, development review, building and fire code administration, adoption of “stretch” codes pursuant to NH RSA 155-A:2, V, and creation of energy commissions pursuant to NH RSA 38-D for the study, planning, and utilization of energy resources and making recommendations on sustainable practices;

WHEREAS, the Members desire to establish a separate legal entity, known as Community Power Coalition of New Hampshire (“CPCNH” or the “Corporation”), under the provisions of NH RSA 53-A, in order to jointly support the implementation and operation of their respective CPAs and related energy programs and to offer membership on the same mutually-advantageous terms to all municipalities and counties throughout the State of New Hampshire; and

WHEREAS, by establishing the Corporation, the Members seek to create an independent enterprise that is financially sustainable, mutually beneficial, responsive to local priorities, well managed, and overseen by both elected officials and members of the public to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter set forth, it is agreed by and among the Members as follows:

ARTICLE I DEFINITIONS AND ATTACHMENTS

SECTION 1. Definitions. Capitalized terms used in the Agreement shall have the meanings specified in Attachment A, except when defined in context (such as where the term is set off by quotation marks or is part of the section or article heading that defines the term) or where the context requires otherwise.

SECTION 2. Documents Included. This Agreement consists of this document and the following attachments, all of which are hereby incorporated into this Agreement:

Attachment A: Definitions

Attachment B: Articles of Agreement of the Corporation

Attachment C: Corporation By-Laws

Attachment D: List of Members

Attachment E: Signatories

Attachment F: List of Project Contracts

Attachment G: Notices to Corporation

SECTION 3. Revision of Attachments. The Members agree that Attachments D, E, F, and G to this Agreement describe certain organizational and administrative matters that may be revised from time to time upon approval of the Board or Membership, without such revision constituting an amendment to this Agreement. The Corporation shall provide written notice to the Members of revision of any such attachment.

ARTICLE II FORMATION OF CORPORATION

SECTION 1. Creation of Corporation. The Corporation will be formed by the filing of the Articles of Agreement of the Corporation in the form set forth in Attachment B with the New Hampshire Secretary of State.

SECTION 2. Purpose. The purpose of this Agreement is for Members to make the most efficient use of their powers on a basis of mutual advantage through a corporation separate from, and for which, the Members are not liable for the debts, liabilities, or obligations of the Corporation, except to the extent they may have contracted with the Corporation to be liable thereafter. The Members will form the Corporation to regulate and manage the affairs of the Corporation not inconsistent with the laws of New Hampshire or the Articles of Agreement, in order to study, promote, develop, conduct, operate, and manage energy-related programs, and to exercise all other powers necessary and incidental to accomplishing this purpose. Without limiting the generality of the foregoing, the Members intend for the Corporation to jointly exercise certain powers, privileges, and authorities granted to municipalities and counties pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D (and by reference NH RSA 33), all in accordance with NH RSA 53-A; to assist Members in exercising their authorities under, and complying with, the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs, known as CPAs; to provide supportive services and technical assistance to CPAs serving member municipalities and counties; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of CPAs in advancing such policies and actions for the common good. The Corporation will be a non-stock, non-profit voluntary corporation.

ARTICLE III POWERS

Powers under this Agreement shall be the same as provided for the Corporation as reflected in the Articles of Agreement of the Community Power Coalition of New Hampshire, with the initial text as set forth in Attachment B.

ARTICLE IV MEMBERSHIP

SECTION 1. Members to Agreement. Each Member certifies that it intends to, and does, contract with every other Member and, in addition, with such other Members as may later be added. Each Member also certifies that the withdrawal or termination of any Member from this Agreement does not affect this Agreement, each Member's obligations under the Agreement, and each remaining Member's intent to contract with the other Members then remaining. Members acknowledge that membership in the Agreement may change by the addition and/or withdrawal or termination of Members. Prior to the initial Members Annual Meeting, each eligible entity upon delivery of a certified authorization of participation in, and an executed, Agreement shall become a Member as provided for in Sections 2 and 3 below.

SECTION 2. Membership Eligibility. Membership in the Agreement will be pursuant to the same terms for Membership in the Corporation as reflected in the By-Laws.

SECTION 3. Additional Members. Any eligible entity may become a Member of the Agreement pursuant to the same terms for Membership in the Corporation as reflected in the By-Laws.

SECTION 4. Voluntary Withdrawal of Member. Voluntary withdrawal of a Member from the Agreement shall be pursuant to the same terms for voluntary withdrawal of membership in the Corporation as reflected in the By-Laws.

SECTION 5. Involuntary Termination of Member. Involuntary Termination of Member from the Agreement shall be pursuant to the same terms for involuntary termination of membership in the Corporation as reflected in the By-Laws.

SECTION 6. Continuing Obligations. Any withdrawn or terminated Member shall continue to be liable for its obligations under any Project Contract and Cost Sharing Agreement(s) for the remaining term of any such Project Contract or Cost Sharing Agreement . The Member's equity or deficit position while a participant in any Project Contract will continue to be reflected in the records and reports of the Corporation. The Corporation may withhold funds otherwise owing to the Member or may require the Member to deposit sufficient funds with the Corporation, as reasonably determined by the Board, to cover the Member's liability for the costs described herein. Any amount of the Member's funds held on deposit with the Corporation above that required to pay any liability or obligation shall be returned to the Member.

ARTICLE V COST SHARING PRINCIPLES

SECTION 1. Fiscal Year. The fiscal year shall be the calendar year, subject to the Board's discretion to amend the Fiscal Year. Before changing the Fiscal Year, the Board shall confer with the Treasurer and may confer with the auditor.

SECTION 2. Budget. The budget will be established pursuant to the terms reflected in the By-Laws.

SECTION 3. Cost Sharing Agreements. An agreement shall be entered into between the Corporation and each respective Member, uniform in all material respects, except with regard to the scope of Member services and Project Contracts that each Member selects to participate in and pay for, to ensure that the costs, expenses, debts, and liabilities ("Costs") directly or indirectly incurred by the Corporation on such Member's behalf are recovered through said Member's CPA revenues, or from revenues from grants or other third-party sources. Such Costs shall be classified as:

- (a) **CPA Member Services Costs:** Costs incurred to provide the Complete Service Bundle, or such services that CPCNH offers, shall be recovered directly from Member(s) for the period they contract to receive such service(s). The Complete Service Bundle will include those services CPAs will require to undertake and provide Electric Aggregation Plans and Programs, such as: power supply procurement and management, data and billing, and customer service;
- (b) **General and Administrative Costs:** Costs described in Article V, Section 4 are incurred for the common objectives of all Members of the Corporation, and are not incurred specifically in connection with a particular Project, Project Contract, or Member Service and shall be allocated to, and recovered from, each Member on a *pro rata* basis in accordance with the

following formula: Member CPA's Annual Retail Electricity Load divided by all Member CPAs' Annual Retail Electricity Load; and

- (c) **Direct Project Costs:** Costs incurred for a particular Project pursuant to a Project Contract shall be recovered directly from the Member(s) that participate in a particular Project or pursuant to the Project Contract that governs Member cost responsibility for the Project.

SECTION 4. General and Administrative Costs. General and Administrative Costs include those that have been incurred for the general operation and administration of the Corporation, and other expenses of a general character, including but not limited to Costs relating to: administrative offices that serve the Corporation; Corporation-wide financial management, business services, budget and planning, and personnel management; operations of the Corporation's central management information systems; general management of the Corporation, such as strategic direction and member affairs, Board functions, accounting, procurement, and legal services; operation and maintenance expense; depreciation and use allowances; and interest costs.

General and Administrative Costs do not include Costs that relate solely to, or are incurred by, the Corporation for CPA Member Services or as a result of any specific Project or Project Contract. The intent of the Members is to ensure that all Costs incurred by the Corporation that are directly related to CPA Member Services will only be paid by the Members receiving such services or for any specific Project will be paid only by the Project Participants of that specific Project. As such, when an activity or cost generally included within the General and Administrative Cost category benefits CPA Member Services, a specific Project or Project Contract, or is performed or budgeted for a specific Project or Project Contract, an appropriate adjustment shall be made to assure that the proper portion of the Cost of such activity is categorized and allocated as CPA Member Services costs to a Member receiving such service, or as a Direct Project Cost to the Project Participants, subject to Cost allocation under the applicable Project Contract. The Members intend that all Costs of the Corporation that are not directly assigned for recovery to CPA Member Services, a specific Project or Project Contract will be recovered as General and Administrative Costs.

SECTION 5. Member Advances, Contributions and Repayment. Upon the request or approval of the Board, any Member may make payments, advances, or contributions to the Corporation for any and all purposes set forth herein, and may contribute personnel, equipment or property, in lieu of other contributions or advances, to assist in the accomplishment of one or more of such purposes. All such payments, advances or contributions, whether in cash or in kind, shall be made to, and may be disbursed or used by, the Corporation. Except as otherwise specified in contracts with Members by the Board, the approved advances will be treated as indebtedness of the Corporation and shall be payable and repaid as such.

SECTION 6. Refunds. No Member that withdraws or is terminated shall be entitled to a refund of any payments made in connection with General and Administrative Costs.

SECTION 7. Funding of Initial Costs. Any Members that have funded activities necessary to implement the Corporation may request that the Board consider reimbursing said Members for said costs over a reasonable time period and shall provide such documentation of costs paid as the Board may request.

**ARTICLE VI
MEMBERSHIP MEETINGS**

SECTION 1. Annual Meeting of the Members. Membership meetings in the Corporation as reflected in the By-Laws shall substitute for, and fully satisfy, all membership meeting requirements under this Agreement.

SECTION 2. Expenses. Each Member shall bear its own expenses, including the expenses of its designated representative (s), for attendance at all regular and special meetings.

**ARTICLE VII
BOARD OF DIRECTORS**

SECTION 1. Powers and Duties. The business and affairs under the Agreement shall be managed by a Board of Directors of the Corporation, which shall have and may exercise all the powers of the Corporation, except as otherwise provided by law, by the Articles of Agreement, by the Corporation By-Laws, or by this Agreement. All matters pertaining to the Board of Directors shall be as specified in the Articles of Agreement, the Corporation By-Laws, and this Agreement.

SECTION 2. Compensation. There shall be no compensation of participating Members under the Agreement as provided in the Corporation By-Laws.

**ARTICLE VIII
EMPLOYEES AND AGENTS**

SECTION 1. Chief Executive Officer. The Board of Directors shall appoint a Chief Executive Officer, or such other position as determined by the Board, in accordance with the terms of the Articles of Agreement and the Corporation By-Laws.

SECTION 2. Employees and Other Agents. The Board of Directors may appoint, from time to time, such employees and other agents as it shall deem necessary, in accordance with the terms of the Articles of Agreement, the Corporation By-Laws, and this Agreement.

**ARTICLE IX
COMMITTEES**

SECTION 1. Establishment. The Board of Directors may, by resolution adopted at any meeting, create any standing committee. The Board of Directors or Executive Committee may establish any special or ad hoc committee. A majority of members of any committee shall constitute a quorum. Unless the Board otherwise designates, committees shall conduct their affairs in the same manner as provided in this Agreement and the By-Laws for the Board to the extent applicable.

SECTION 2. Appointment. Except as otherwise provided in this Agreement, the Chair shall appoint the members and chairs of each committee, subject to approval or modification by the Board, or, in the case of a special or ad hoc committee, by the Executive Committee. Appointments to standing committees shall be for one-year terms, with each term beginning at the conclusion of the Annual Meeting, or as close to thereof as practicable, and ending at the conclusion of the following year's Annual Meeting.

SECTION 3. Committee Meetings. Meetings of committees may be called at any time by the

respective chairperson of each committee, or by the Chair, provided that notice is given to all members of the committee in person, by telephone, or by electronic mail at least 24 hours in advance of the meeting. All committee meetings shall comply with New Hampshire's Right-to-Know Law, NH RSA 91-A, and as it may be amended. Reports of committee meetings shall be presented to the Board at its next regular meeting, and each committee shall furnish copies thereof to the Secretary to be maintained with the records of the Corporation. Any committee member may participate in a meeting of the committee by means of a conference telephone, video or similar communications equipment allowing all persons participating in the meeting, including the public, to hear each other at the same time, to the extent allowed by NH RSA 91-A, and participation by such means shall constitute presence in person at a meeting. Unless the Board shall otherwise provide, the standing committees shall have the power to establish their own rules of procedure and to determine the time and place of their meetings.

SECTION 3. Executive Committee. At such time as Membership in the Corporation exceeds 11 (eleven) Members, there shall be an Executive Committee consisting of the Chair, the Vice Chair, the Treasurer, the Secretary, and the Immediate Past-Chair. If there is no Immediate Past Chair or the Immediate Past-Chair is no longer a Director of the Board or declines to serve on the committee, another Director may be appointed to serve on the committee. The Chair, Vice Chair, Treasurer, and Secretary shall serve on the committee during their terms in office. Other members shall be appointed for one-year terms and may serve consecutive terms. The Executive Committee shall have authority to exercise all powers of the Board between meetings of the Board but shall exercise such authority only when action is required before the next scheduled Board meeting. All actions taken by the committee shall be reported to the Board at the next meeting of the Board. Further, the committee shall have no authority to take any of the following actions:

- (a) Elect or remove any Director or officer, including the filling of a vacancy.
- (b) Terminate, hire, or take any other action with respect to the employment status of the Chief Executive Officer.
- (c) Adopt or materially amend the Corporation's budget.
- (d) Amend or terminate the Agreement.
- (e) Repeal or adopt any amendment to the Corporation's Articles of Agreement or By-Laws; or
- (f) Approve any merger, reorganization, liquidation, dissolution, or disposition of substantially all the Corporation's assets.

SECTION 4. Finance Committee. There shall be a Finance Committee consisting of at least two Directors or alternates, one of whom shall be the Treasurer, who shall serve as chairperson of such Committee. The committee shall advise the Treasurer and the Board as to the investments, budget, and general fiscal policy of the Corporation.

SECTION 5. Audit Committee. There shall be an Audit Committee consisting of no fewer than two and no more than six Directors or alternates. The committee shall oversee the quality and integrity of the Corporation's accounting, auditing and reporting practices, shall cause an independent financial report of the accounts and records of the Corporation to be made by a certified public accountant or public accountants each fiscal year, which shall be provided to Directors and to Members at the Annual Meeting. The Corporation shall consider the budget amount necessary for such financial reports as determined by the Audit Committee. The specific

powers and responsibilities of the Audit Committee shall be specified in an Audit Committee Charter, which shall be adopted from time to time by the Members at the Annual Meeting.

SECTION 6. Regulatory and Legislative Affairs Committee. There shall be a Regulatory and Legislative Affairs Committee consisting of no fewer than two Directors along with a number of Members determined at the Annual Meeting. The committee shall be responsible for monitoring and advising the Corporation and Members in regard to regulatory and legislative engagement and shall have specific powers and responsibilities as specified in a Regulatory and Legislative Affairs Committee Charter, which shall be adopted from time to time at the Annual Meeting. This committee shall also appoint representatives of the Corporation to serve on statutory commissions, study commissions, and other boards and commissions created by the state legislature.

SECTION 7. Risk Management Committee. There shall be a Risk Management Committee consisting of the Chair, the Treasurer, and such other Directors and members as the Board determines. The committee shall develop and recommend to the Board within one year of the Effective Date of this Agreement, and at least biennially thereafter, an Enterprise Risk Management Policy, and shall perform such tasks as, reviewing major risk exposures and monitoring the steps taken to control said exposures. The Risk Management Committee shall commission an independent agent to conduct and deliver to the Board and to the Members at the Annual Meeting an evaluation of the operational performance of the Corporation relative to the Enterprise Risk Management Policy and as otherwise requested by the Board. The Corporation shall budget an amount necessary for the evaluation as determined by the Risk Management Committee, which shall cause to be hired a firm or individual that has no other direct or indirect business relationship with the Corporation. The evaluation shall be conducted at least once every two years, starting within three years of the initial provision of electricity supply to a Member and no individual or firm may be hired to conduct more than two consecutive evaluations. The Risk Management Committee shall act upon a majority vote of the Member Directors of the Committee.

SECTION 8. Governance Committee. There shall be a Governance Committee consisting of no fewer than three and no more than six Directors or alternates. The committee shall assist the Members in recruitment of Board Directors; determine eligibility of nominees for consideration of Directorship; monitor the effective functioning of the Board and committees; conduct regular Board orientations and evaluations; periodically review and recommend amendments to this Agreement; and advise the Board and Members, through the Annual Meeting, on governance issues. The Governance Committee shall be comprised of at least one Director each from a city, a town, and a county.

SECTION 9. Other Committees. Other committees may be established and abolished as necessary by the Board and given such authority as the Board determines appropriate, subject to the provisions of this article, and except that the authority of the Board itself shall not be delegated to any committee other than the Executive Committee. In the case of such committees established by the Board, it shall not be necessary for a committee member to also be a Member or a Director.

SECTION 10. Project Committees. The power to oversee implementation of Projects is delegated to Project Committees as set forth in this Agreement.

ARTICLE X PROJECTS

SECTION 1. Projects. The Board may establish Projects and Study Projects (collectively, for purposes of this Article X only both are referred to as “Projects”) within the purpose and power of the Corporation and to adopt general policy guidelines for their implementation. “Project Contracts” means contracts between and among the Corporation and its Members for the Projects. Nothing contained in a Project Contract shall obligate non-participating Members in any respect with the Project.

SECTION 2. Right to Participate in Projects. The Board shall provide at least thirty (30) days prior written notice to all Members, unless such notice is otherwise waived, before any Project may be considered for adoption by a vote of the Board. Once a Project is approved by the Board, all Members shall have the right, but not the obligation, to participate in a pro rata share in the Project in relative proportion to the electric load of each Member. If a Project is not fully subscribed, the unsubscribed portion may be divided among the participating Members in the Project that seek a greater participation share in the same proportion as the original allocation until a project is fully subscribed. A Project that is fully subscribed or for which the initial time to participate has closed may remain open to new Members to join subject to, and under the terms of, the Project Contract.

SECTION 3. Project Participation and Terms. Each Member’s participation share allocation for the Project shall be based on the financial commitments made by the participating Members or as otherwise may be agreed by the participating Members in a particular Project. Once the Project is fully subscribed or the time to participate has closed, (i) the Treasurer will calculate the number of Project Votes each Member has in the Project, and (ii) the Chief Executive Officer, at the direction of the participating Project Members, will lead the negotiation of the agreements with the Project’s vendors, developers and/or consultants and assist with coordinating the Project Contracts amongst the participating Members and the Corporation. All expenses, rights, and obligations to any specific Project as among the participating Project Members will be as provided through Project Contract that will be separate and distinct from this Agreement.

SECTION 4. General Project Voting Guidelines. The following guidelines apply to all Projects established by the Corporation:

- (a) The Members that participate in a Project will all collectively agree, in Project Contract(s), separate from this Agreement, to what extent they will assume any obligations, debts and liability incurred in connection with the formation and/or implementation of such Projects. Nothing in this Agreement requires joint and several liability or imposes any liability on any Member with respect to any Project or Project Contract. The impact of a defaulting Member to any Project Contract shall be solely limited by, and governed according to, the terms for default covered in the Project Contract for the applicable Project.
- (b) Once a Project is fully subscribed or the time to participate has closed, as set forth in Section 2 herein above, and unless otherwise agreed to by the participating Members in a particular Project, all Project Matters regarding the Project shall be decided by 80% of the Project Votes cast thereon; provided that if one party controls more than 80% of the vote, then another party shall be required to vote in the affirmative for any action to be taken to prevent one party from controlling the outcome of the vote, and each Director shall be

entitled to cast all or any portion of the number of such Director's Project Votes.

SECTION 5. Transfer of Participating Member Project Contract Interests. Subject to the terms of any financing for a Project, a Project Contract may provide for a Member's transfer of an interest in a Project to other Members participating in the Project Contract and, if such transfer is not fully subscribed by such participating Members, to other Members. Project Contracts shall not permit the transfer of a participating Member's participation interest in a Project Contract to any entity that does not qualify for membership in the Corporation or that would adversely affect the tax status of the Corporation.

SECTION 6. Project Committees. There will be a Project Committee for each Project consisting of one Director or alternate from each participating Member, which shall adopt procedures for the committee to follow as deemed appropriate for the Project.

ARTICLE XI BONDS AND NOTES

The Corporation shall have the power to facilitate for Projects or directly issue, sell, and deliver bonds in accordance with the provisions of NH RSA 33-B, RSA 53-E, RSA 53-F, and RSA 374-D, for the purpose of acquiring, financing, performing or constructing one or more Projects and to issue notes for the purpose of financing one or more Study Projects and for the purpose of providing temporary financing of costs of development, construction or acquisition of one or more Projects. The terms and conditions of the issuance of any such bonds or notes shall be set forth in such resolution, indenture, or other instrument, as required by law and as approved by the Board, provided that any such bond or note issuance is approved by participating Members' governing and legislative bodies as required by statute and all such debts, liabilities and obligations shall be non-recourse to any and all of the Members except as expressly agreed to by such Members through a Member's Cost Sharing Agreement or Project Contract or by the terms of legislative body approvals required by statute.

ARTICLE XII LIMITATION ON LIABILITY OF MEMBERS

No debt, liability, or obligation of the Corporation shall be a debt, liability, or obligation of any Member unless otherwise specified and agreed to by individual Members under a Cost Sharing Agreement or Project Contract under this Agreement.

ARTICLE XIII ACCOUNTS AND REPORTS

SECTION 1. Establishment and Administration of Funds. The Corporation is responsible for the strict accountability of all funds and reports of all receipts and disbursements. The Board is authorized to select such depositories as it shall deem proper for the funds of the Corporation and will comply with every provision of law relating to the establishment and administration of funds, provided that all funds of the Corporation shall be held in separate accounts in the name of the Corporation. The Corporation shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of any resolution, indenture or other instrument of the Corporation securing its bonds or notes, except insofar as such powers, duties

and responsibilities are assigned to a trustee appointed pursuant to such resolution, indenture or other instrument. The books and records of the Corporation shall be open to inspection at all reasonable times to each Member and its representatives. All the books, records, accounts and files referred to in this Article XIII shall be open to the inspection of holders of bonds or notes of the Corporation to the extent and in the manner provided in the resolution, indenture or other instrument providing for the issuance of such bonds or notes.

SECTION 2. Checks, Notes and Contracts. The Board shall determine who shall be authorized on behalf of the Corporation to sign bills, notes, receipts, acceptances, endorsements, checks, releases, contracts and documents.

ARTICLE XIV TERM; TERMINATION; LIQUIDATION; DISTRIBUTION

This Agreement shall become effective (the "Effective Date") when at least two Members execute this Agreement. This Agreement shall continue in full force and effect until terminated by dissolution and liquidation of the Corporation, and distribution of any net proceeds, as provided for in Article XI of the By-Laws.

ARTICLE XV INDEMNIFICATION AND INSURANCE

Indemnification and insurance shall be as provided for in Article XIII of the By-Laws.

ARTICLE XVI AMENDMENTS, SUCCESSORS AND ASSIGNS

SECTION 1. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Members. No Member shall assign its interest in this Agreement to an entity that is not a Member or that is not eligible to become, and demonstrates an intent to become, a Member. No Member may assign any right or obligation hereunder without the consent of all other Members, provided that such consent shall not be unreasonably withheld. The immediately preceding sentence shall not affect, in any respect, any right of the assignment under any Project Contract between any Member and the Corporation.

SECTION 2. Amendments. Subject to any requirements of law or indenture authorizing the issuance of Bonds, this Agreement may be amended at any time and from time to time by a written amendment approved by at least 2/3 (two-thirds) of the votes cast at an Annual Meeting at which a quorum is present, provided that no amendment shall be adopted upon the dissenting vote of two or more Members totaling 50% (fifty percent) or more of the population of all Members as based upon the most recent population census. This Article XVI Section 2 and Articles XII, XIV and XV may not be amended unless such amendment is approved by the governing body of each Member. Attachments B and C, the Articles of Agreement and By-Laws, may be amended by a vote of at least 2/3 (two-thirds) of the votes cast by the Members at a Membership Meeting at which a quorum is present pursuant to the terms specified in Article IX of the By-Laws.

ARTICLE XVII GENERAL PROVISIONS

SECTION 1. Breach of Agreement. If a Member defaults in any undertaking contained in this Agreement, such default shall not excuse such Member from fulfilling its obligations under this Agreement, Cost Sharing Agreement, or Project Contract(s) and each Member shall continue to be liable for the performance of all conditions herein and therein contained. Each Member hereby declares that this Agreement is entered into for the benefit of the Corporation created hereby and each Member hereby grants to the Corporation the right to enforce by whatever lawful means the Corporation deems appropriate all of the obligations of each of the Members hereunder. Each and all of the remedies given to the Corporation hereunder or by any law now or hereafter enacted are cumulative and the exercise of one right or remedy shall not impair the right of the Corporation to any or all other remedies.

SECTION 2. Dispute Resolution. The Members and the Corporation shall make reasonable efforts to settle all disputes arising out of, or in connection with, this Agreement. Before exercising any remedy provided by law, a Member or Members and the Corporation shall engage in nonbinding dispute resolution or in a manner agreed upon by the Member or Members and the Corporation. The Members agree that each Member may specifically enforce this provision, Article XVI, Section 2, Dispute Resolution. In the event that dispute resolution is not initiated or does not result in a resolution within 60 days after a written request for dispute resolution, any disputing Member or the Corporation may pursue any remedies provided by law.

SECTION 3. Notices. Any notice given pursuant to this Agreement shall be in writing and shall be dated and signed by the Member giving such notice. Notices to the Corporation shall be delivered to the Corporation's principal place of business, as identified in Attachment E. Notice to each Member under this Agreement is sufficient if mailed to the Member and separately to the Member's Director to their respective addresses on file with the Corporation. All written notices sent in the prescribed manner will be deemed given to a Member or the Corporation on whichever date occurs first: (1) the date of personal delivery; (2) the third business day following deposit in the U.S. mail, when sent by "first class," postage prepaid, or faster delivery method; or (3) the date of transmission, when sent electronically, including by email or facsimile.

SECTION 4. Severability. Should any portion, term, condition, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law of the State of New Hampshire, or be otherwise rendered unenforceable or ineffectual, each and all of the remaining portions, terms, conditions, and provisions of this Agreement shall not be affected thereby and shall remain in full force and effect to the maximum extent permitted by law.

SECTION 5. Section Headings. The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section to which they refer of this Agreement.

SECTION 6. Governing Law. This Agreement is made and to be performed in the State of New Hampshire, and as such New Hampshire substantive and procedural law shall apply.

SECTION 7. Execution by Counterparts. This Agreement may be executed in any number of counterparts, and upon execution by the Corporation and Member, each executed counterpart shall have the same force and effect as an original instrument and as if all Members had signed the same instrument. Any signature page of this Agreement may be detached from any counterpart of this

Agreement without impairing the legal effect of any signatures thereon and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more signature pages.

Attachment A: Definitions

1. “Annual Retail Electricity Load” means the annual amount of metered electricity delivered to retail consumers and supplied through the Member CPA during the most recent 12 whole months, or if less than 12 whole months of load have been supplied the calculation of a Member’s Annual Retail Electricity Load for the allocation of General and Administrative Costs under Article V, Section 3(b) shall be as provided for under the terms of the Cost Sharing Agreement.
2. “Articles of Agreement” means the Articles of Agreement of Community Power Coalition of New Hampshire, a New Hampshire Nonprofit Corporation to be formed pursuant to NH RSA 292:2 as initially set forth in Attachment B.
3. “Board” means the Board of Directors of the Community Power Coalition of New Hampshire as described in Third article of the Articles of Agreement prior to adoption of the By-Laws and thereafter as described in Article V of the By-Laws.
4. “By-Laws” means the by-laws of the Corporation as initially set forth in Attachment C.
5. “Corporation” means Community Power Coalition of New Hampshire and may be referred to as CPCNH.
6. “Cost Sharing Agreement(s)” means an agreement between CPCNH and each Member pursuant to Article V, Section 3 regarding how Costs of CPCNH will be shared.
7. “CPA” means a Community Power Aggregation, which is the same as a municipal or county aggregation authorized by RSA 53-E.
8. “Directors” means the members of the Board of Directors of CPCNH as referenced in Article VII of this JPA and detailed in Article V of the By-Laws.
9. “Direct Project Costs” means Costs for activities or services that benefit specific Projects as defined in one or more Project Contracts as provided for in Article V, Section 3(c).
10. “Electric Aggregation Plans and Programs” means such services municipalities and Counties undertake pursuant to NH RSA 53-E.
11. “Enterprise Risk Management Policy” means a Board policy framework to enable CPCNH to identify, mitigate, and manage financial, operational, and strategic risks in a holistic, methodical, and transparent manner to support the mission and financial sustainability of CPCNH. Regarding energy portfolio risk management, the policy will identify risks associated with the procurement of the power supply, identify those responsible for administering the various elements of the risk management policy from procurement operations to oversight, set parameters and methodologies for managing risk associated with procuring and hedging the power supply portfolio including the specification of authorized products, terms and transaction limits, and provide for the accrual of reserve funds for the purpose of satisfying all financial obligations and objectives associated with management of the power supply portfolio.
12. “Member Directors” means Directors appointed by a Member of this Agreement.
13. “Members Annual Meeting” means the Annual Membership Meeting of CPCNH as referenced in Article VI, Section 1 of this JPA and described in Article IV of the By-Laws.
14. “Member Services” means services provided by CPCNH to Members as referenced in Article V, Section 3(a) of this JPA.

15. "Membership" means all of the Members of CPCNH as described in Article III of the By-Laws.
16. "Project" means any of the following activities as approved by the Board pursuant to Article X: (i) the design, development, contracting for, lease, acquisition, transfer, construction, financing, operation, maintenance, and/or ownership of facilities for generation, storage, and/or distribution of electrical energy, including but not limited to electric meters, meter communications, microgrids, and electric vehicle charging infrastructure, and any related transactions, services, and goods that may be necessary or convenient to acquire, construct, and/or finance such facilities; (ii) the bulk purchasing and/or use of Member funds to finance retail customer technologies, including, but not limited to, distributed energy resources such as solar photovoltaics, battery storage, heat pumps, electric vehicle chargers, energy efficiency and/or demand response technologies; and/or (iii) activities as may otherwise be defined by the Board within the powers of Corporation.
17. "Project Contract" means a contract by and among the Corporation and its participating Members for a Project.
18. "Project Matter" means a matter for decision by the Members subscribed to a Project or Study Project involving a question or matter pertinent to considering, entering, studying, planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, bettering, operating and/or maintaining the Project or Study Project as to which there shall be one or more Project Contracts.
19. "Project Participants" means the Members that choose to participate in any particular project pursuant to Article X, Section 2 of this JPA.
20. "Project Votes" means the number of votes a Member shall be entitled to cast with respect to a Project Matter. Unless otherwise agreed by the Project Participants each Member shall be entitled to cast that number of votes, with respect to a Project Matter, computed as follows: That number of votes (rounded to the next higher whole number) equal to 1000 multiplied by the result of dividing (i) the amount of the Member's financial commitment in the Project or Study Project to which the Project Matter relates, by (ii) the aggregate amount of all Members' then existing financial commitments in such Project or Study Project. In the event that such a calculation is being made with respect to a Project (other than a Study Project) prior to the date of commencement or commercial operation of the Project, as applicable, such calculation shall be made as of the anticipated date of commencement or commercial operation of such Project.
21. "Regular Meeting" means a regularly scheduled meeting of the Membership, or the Board, as established at a prior meeting of the Membership, or the Board, respectively.
22. "Special Meeting" means a meeting of the Membership, or the Board, as called by the Board, or its Chair, respectively, or by request of other Members, or Directors, respectively, pursuant to Article 4 or Section 5.8 of the By-Laws.
23. "Study Project" means one or more proposed Projects as to which the Corporation undertakes to make studies or to acquire options or permits and to incur other preliminary Costs prior to the undertaking of the solicitation, construction or acquisition of such proposed Project.

Attachment B: Articles of Agreement of the Corporation

The State of New Hampshire

Recording Fee: \$25.00

RSA 292:2

**ARTICLES OF AGREEMENT
OF
COMMUNITY POWER COALITION OF NEW HAMPSHIRE
A NEW HAMPSHIRE NONPROFIT CORPORATION**

THE UNDERSIGNED, being persons of lawful age, associate under the provisions of the New Hampshire Revised Statutes Annotated, Chapter 292 by the following articles:

FIRST: The name of the corporation shall be "Community Power Coalition of New Hampshire" (abbreviated "CPCNH").

SECOND: The purpose of CPCNH is to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities by enabling municipalities and counties to support and jointly exercise authorities granted to them pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D (including by reference NH RSA 33), all in accordance with NH RSA 53-A; to assist member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs known as Community Power Aggregations ("CPAs"); to provide supportive services and technical assistance to community power aggregations serving member towns, cities, counties, unincorporated places, and village districts; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of CPAs in advancing such policies and actions for the common good. This voluntary corporation is formed to carry out the objectives and purposes of the Community Power Coalition of New Hampshire Joint Powers Agreement executed on or before its effective date of October 1, 2021 pursuant to RSA 53-A (the "JPA").

THIRD: The provisions for establishing membership and participation in the corporation are as follows:

Pursuant to NH RSA 53-E members of CPCNH may include counties, cities, towns, unincorporated places, and village districts within the state and any grouping of such entities operating pursuant to NH RSA 53-E:3, II(b). Any of the foregoing may become a Member upon complying with the requirements established by the CPCNH Board of Directors.

Each Member shall have one vote at all Member meetings.

Attachment B: Articles of Agreement of the Corporation

The initial board of directors shall be the incorporators. The board of directors shall establish a code of by-laws not inconsistent with these Articles of Agreement or the provisions NH RSA 292 as amended, for the governance of the corporation.

These Articles of Agreement may be amended by a vote of the two-thirds of the Members at a Member meeting.

FOURTH: The provisions for disposition of the corporate assets in the event of dissolution of the corporation including the prioritization of rights of shareholders and members to corporate assets are:

In the event of dissolution, all net proceeds from the liquidation of the assets and property of CPCNH and any remaining assets shall be conveyed to its Members that remain at the time of dissolution as is determined by the Board in accordance with law. No Director, Officer, committee member, employee, or individual connected with CPCNH shall be entitled to share in the liquidation or distribution of any of the assets of CPCNH upon its dissolution.

FIFTH: The New Hampshire principal address at which the business of this corporation is to be carried on is: City Hall, City of Lebanon, 51 N. Park Street, Lebanon.

Principal Mailing address is: CPCNH c/o Sustainability Director, Town of Hanover, 41 S Main Street, Hanover, NH 03755.

Business Email is info@cpcnh.org.

Please check if you would prefer to receive the courtesy Nonprofit Report Reminder by email.

SIXTH: The amount of capital stock, if any, or the number of shares or membership certificates, if any, and provisions for retirement, reacquisition and redemption of those shares or certificates are: There is no capital stock, shares, or membership certificates.

SEVENTH: The powers of the Corporation shall include the following:

7.1. Receive contributions and donations of property, funds, services, and other forms of assistance from any source;

7.2 Employ agents and employees;

7.3 Lease real or personal property as lessee and as lessor;

Attachment B: Articles of Agreement of the Corporation

7.4 Acquire, contract, manage, maintain, sell, or otherwise dispose of real and personal property and operate any buildings, infrastructure, works, or improvements;

7.5 Receive, collect, invest, and disburse moneys;

7.6 Make and enter into contracts;

7.7 Sue and be sued in its own name;

7.8 Establish, operate, maintain and/or fund energy-related programs;

7.9 Make and enter into service agreements relating to the provision of services necessary to plan, implement, operate, and administer CPCNH's affairs;

7.10 Apply for, accept, and receive all licenses, permits, grants, loans, or other aids from any federal, state, or local public agency;

7.11 Submit documentation and notices, register, and comply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs;

7.12 Acquire, purchase, finance, offer, arrange, construct, maintain, utilize and/or operate one or more Projects as that term is defined in the JPA;

7.13 Incur debts, liabilities, and obligations, provided that all debts, liabilities and obligations shall be non-recourse to any and all of the Members unless expressly agreed to by such Members through a Member's Cost Sharing Agreement or Project Contract as those terms are defined in the JPA;

7.14 Issue revenue bonds, and incur other forms of indebtedness including but not limited to loans from private lending sources, pursuant to NH RSA 33-B, RSA 53-E, RSA 53-F, and RSA 374-D, provided that any such bond or debt issuance is approved by participating Members' governing and legislative bodies as required by statute;

7.15 Form subsidiary or independent entities to carry out energy supply, energy conservation and other energy-related programs that may be conducted by CPCNH;

7.16 Intervene in germane regulatory proceedings on behalf of itself and its Members;

7.17 Engage in germane legislative activity, but shall not under any circumstance directly or indirectly participate or intervene in any political campaigns on behalf of or in opposition to any candidate for public office;

7.18 Assign, delegate, or contract with a Member or third party to perform any of the duties of the Board, including, but not limited to, acting as administrator of the Corporation;

7.19 Carry out other duties as required to accomplish other responsibilities as set forth in the JPA; and

7.20 Exercise all other powers necessary, proper, and lawful to carry out the Articles of Agreement.

Attachment B: Articles of Agreement of the Corporation

7.21 Defend, hold harmless, and indemnify, to the fullest extent permitted by law, each Member from any liability, claims, suits, or other actions.

EIGHTH: Provision eliminating or limiting the personal liability of a director, an officer or both, to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, an officer or both is as follows:

There shall be no personal liability of a director, an officer, or both, to the corporation for monetary damages for breach of fiduciary duty as a director, an officer, or both, except with respect to:

1. Any breach of the director's or officer's duty of loyalty to the corporation.
2. Acts or omissions which are not in good faith or which involve intentional misconduct or a knowing violation of law.
3. Any transaction from which the director, officer, or both, derived an improper personal benefit.

NINTH: Signatures and post office address of each of the representatives of the governmental entities associated together to form the corporation:

Signature and Name	Post Office Address
1. _____ Signature	25 Perley Ave. _____ Street
<u>Clifton C. Below</u> Name (please print)	<u>Lebanon, NH 03766-1816</u> City/Town/State/Zip
2. _____ Signature	_____ Street
_____ Name (please print)	_____ City/Town/State/Zip
3. _____ Signature	_____ Street
_____ Name (please print)	_____ City/Town/State/Zip

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4. _____
Signature Street

Name (please print) City/Town/State/Zip

5. _____
Signature Street

Name (please print) City/Town/State/Zip

6. _____
Signature Street

Name (please print) City/Town/State/Zip

7. _____
Signature Street

Name (please print) City/Town/State/Zip

8. _____
Signature Street

Name (please print) City/Town/State/Zip

Note: At least five signatures are required.

DISCLAIMER: All documents filed with the Corporation Division become public records and will be available for public inspection in either tangible or electronic form.

Attachment C: Corporation By-Laws

**BY-LAWS
of the
COMMUNITY POWER COALITION
OF NEW HAMPSHIRE**

**ARTICLE I
NAME**

The name of the corporation shall be the Community Power Coalition of New Hampshire ("CPCNH").

**ARTICLE II
PURPOSE AND POWERS**

Section 2.1 Purpose

The purpose of CPCNH is to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities by enabling municipalities and counties to support and jointly exercise authorities granted to them pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D (including by reference NH RSA 33), all in accordance with NH RSA 53-A; to assist member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs known as Community Power Aggregations; to provide supportive services and technical assistance to community power aggregations serving member towns, cities, counties, unincorporated places, and village districts; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of community power aggregations in advancing such policies and actions for the common good.

Section 2.2 Community Power Coalition of New Hampshire Joint Powers Agreement

This voluntary corporation is formed to carry out the objectives and purposes of the Community Power Coalition of New Hampshire Joint Powers Agreement effective on October 1, 2021 (the "JPA").

Section 2.3 Powers

CPCNH is authorized, in its own name, to do all acts permitted under NH RSA 53-A, as amended from time to time, such other provisions of New Hampshire law not inconsistent with NH RSA 53-A, as well as any act necessary, consistent with New Hampshire law, to fulfill the purposes set forth in Section 2.1 above, including but not limited to, each of the following:

Attachment C: Corporation By-Laws

2.3.1 Receive contributions and donations of property, funds, services, and other forms of assistance from any source;

2.3.2 Employ agents and employees;

2.3.3 Lease real or personal property as lessee and as lessor;

2.3.4 Acquire, contract, manage, maintain, sell, or otherwise dispose of real and personal property and operate any buildings, infrastructure, works, or improvements;

2.3.5 Receive, collect, invest, and disburse moneys;

2.3.6 Make and enter into contracts;

2.3.7 Sue and be sued in its own name;

2.3.8 Establish, operate, maintain and/or fund energy-related programs;

2.3.9 Make and enter into service agreements relating to the provision of services necessary to plan, implement, operate, and administer CPCNH's affairs;

2.3.10 Apply for, accept, and receive all licenses, permits, grants, loans, or other aids from any federal, state, or local public agency;

2.3.11 Submit documentation and notices, register, and comply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs;

2.3.12 Acquire, purchase, finance, offer, arrange, construct, maintain, utilize and/or operate one or more Projects as that term is defined in the JPA;

2.3.13 Incur debts, liabilities, and obligations, provided that all debts, liabilities and obligations shall be non-recourse to any and all of the Members unless expressly agreed to by such Members through a Member's Cost Sharing Agreement or Project Contract as those terms are defined in the JPA;

2.3.14 Issue revenue bonds, and incur other forms of indebtedness including but not limited to loans from private lending sources, pursuant to NH RSA 33-B, RSA 53-E, RSA 53-F, and RSA 374-D, provided that any such bond or debt issuance is approved by participating Members' governing and legislative bodies as required by statute;

2.3.15 Form subsidiary or independent entities to carry out energy supply, energy conservation and other energy-related programs that may be conducted by CPCNH;

2.3.16 Intervene in germane regulatory proceedings on behalf of itself and its Members;

2.3.17 Engage in germane legislative activity, but shall not under any circumstance directly or indirectly participate or intervene in any political campaigns on behalf of or in opposition to any candidate for public office;

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2.3.18 Assign, delegate, or contract with a Member or third party to perform any of the duties of the Board, including, but not limited to, acting as administrator of the Corporation;

2.3.19 Carry out other duties as required to accomplish other responsibilities as set forth in the JPA; and

2.3.20 Exercise all other powers necessary, proper, and lawful to carry out the Articles of Agreement and these By-Laws.

2.3.21 Defend, hold harmless, and indemnify, to the fullest extent permitted by law, each Member from any liability, claims, suits, or other actions.

ARTICLE III MEMBERSHIP

Section 3.1 Members

The initial Members of CPCNH shall be the towns, cities, and counties that entered into the JPA on or before its effective date of October 1, 2021. Pursuant to NH RSA 53-E, the following shall be also eligible to become members of CPCNH:

Section 3.2 Municipalities

Any city, town, unincorporated place, or village district within the state. Any such entity (hereinafter "*Municipality*") shall be eligible for membership in CPCNH.

Section 3.3 Counties

Any county within the state. Any such entity (hereinafter "*County*") shall be eligible for membership in CPCNH.

Section 3.4 Joint Powers Authority Any group of municipalities and counties that have chosen to jointly operate a community power aggregation in accordance with NH RSA 53-A and RSA 53-E shall be eligible for membership in CPCNH as a Joint Powers Authority in lieu of individual municipal or county memberships.

Section 3.5 Manner of Becoming a Member

Any city, town, unincorporated place, village district, county, or joint powers authorities may become a Member at any time upon an affirmative vote by the governing body of the proposed new Member to approve and join the Community Power Coalition of New Hampshire Joint Powers Agreement and by an affirmative vote of a majority of the Board of Directors to approve the new Member.

Section 3.6 Designation of Member Representatives; Voting

The governing body of each Member shall designate in writing to the Chief Executive Officer, or Chair of the Board in the absence of a Chief Executive Officer, an elected or appointed official as a Member representative who shall attend CPCNH meetings and vote on behalf of the Member. The governing body of each Member may also designate in writing an alternate to serve when the primary representative is

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unavailable. The designated representative or alternate may also be employees or volunteers of the Member. Each Member shall be entitled to one vote on the election of Directors and all other matters submitted to a vote of the membership.

Section 3.7 Voluntary Withdrawal of Membership

A Member's membership with CPCNH may be withdrawn by the Member's governing body upon notifying the Chair of the Board of Directors in writing and complying the provisions of Section 3.9.

Section 3.8 Involuntary Termination of Membership

A Member's membership with CPCNH may be terminated by a two-thirds (2/3) vote of the entire Board of Directors, with the exception of the terminated Member's representative if they are also a Director, for reasons deemed good and sufficient by the voting Directors. Default under a Project Contract, failure to satisfy the material terms of its Cost Sharing Agreement, as defined in the JPA, with the Corporation, and material non-compliance with the provisions of the JPA are each ground for terminating membership.

Section 3.9 Continuing Obligations

Any withdrawn or terminated Member shall execute all reasonable and necessary documents to effectuate such withdrawal or termination and such Members' continuing obligations shall be pursuant to the same terms for continuing obligations as provided for under Article IV, Section 6 of the JPA.

ARTICLE IV

MEMBERSHIP MEETINGS

Section 4.1 Annual Membership Meeting of CPCNH

Each April there shall be an annual meeting ("Annual Membership Meeting") of the Members at a specific date, time, and place established by the Board of Directors ("Board"). Written notice thereof shall be sent to the principal executive officers of each Member by the Chief Executive Officer or Chair of the Board not less than thirty (30) days prior to the Annual Membership Meeting date. The notice shall set forth the number of Directors to be elected by the Members, as well as any other items of business to be conducted at the Annual Membership Meeting. Only those items set forth in the notice shall be acted upon at the Annual Membership Meeting.

Section 4.2 Regular Meetings of CPCNH

The Members may vote to hold periodic meetings. An annual schedule for such meetings may be established by a majority vote of the Members. Written notice for each such meeting shall be given not less than ten days prior to the date of the meeting. The notice shall set forth the items of business to be conducted at each meeting. By a majority vote of the Members present at the meeting, items of business not identified in the meeting notice may be transacted at such meeting.

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Section 4.3 Special Meetings

Special meetings of CPCNH may be called by the Board or at the written request of twenty-five percent (25%) of the Members. Written notice of a special meeting shall be given not less than five (5) days prior to the date of said meeting. Only such business stated in the notice shall be transacted at the said meeting.

Section 4.4 Quorum

Not less than twenty-five percent (25%) of the total number of Members shall constitute a quorum for any meeting of the Members of CPCNH.

Section 4.5 Vote Necessary to Take Action

A plurality vote of the Members in attendance at a Membership meeting shall be necessary to elect any Director. A majority vote of the Members in attendance at a Membership meeting shall decide any other matter, except as otherwise provided in these By-Laws. Attendance at a meeting may be in the manners specified in Section 5.10 of these By-Laws.

Section 4.6 Meetings Subject to Right-to-Know Law

All meetings of CPCNH shall comply with New Hampshire's Right-to-Know Law, NH RSA 91-A, as amended from time to time.

ARTICLE V

BOARD OF DIRECTORS

Section 5.1 Management

The affairs, activities, and property of CPCNH shall be managed, directed, and controlled by, and its power exercised by and vested in a Board of Directors, which shall have all powers enumerated in the Articles of Agreement, the laws of the State of New Hampshire as amended from time to time, and all other powers conferred by these By-Laws and the JPA. Each year the Board shall establish the budget for CPCNH.

Section 5.2 Board Duties

In addition to those duties outlined briefly in Section 5.1 above, the Board may appoint a Chief Executive Officer and authorize such other positions as it shall deem necessary to conduct the work of the organization.

Section 5.3 Composition

5.3.1 Initial Board Subject to the provisions of Section 5.3.2, below, the initial Board of Directors shall consist of one designated representative, or alternate, from each Member. At any point in time that there are less than five (5) Members, the Members, through their representatives to the Board of Directors, may elect additional voting Directors by majority vote, such that there is always a minimum of five (5) voting

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Directors. The term of such additional voting Directors shall end when there are at least 5 Members with representation on the Board of Directors.

5.3.2 Subsequent Boards

Until such time as there are a total of twenty-one (21) Members, all Member representatives or their alternates shall serve as Directors. At such time as there shall be more than a total of twenty-one (21) Members, members of the Board ("Directors") shall be selected from the representatives and alternates of Members of CPCNH, and such other persons as provided in Section 5.4 of these By-Laws. At such time, to ensure the broadest support for the goals of CPCNH, the organization shall seek Board members who reflect the qualifications and diversity determined by the Board in its policies. Among these considerations the Board shall at all times, so long as there are sufficient Member representatives from each of the following designations, include the following: not less than two Directors from cities, not less than two Directors from towns, and not less than two Directors from counties or joint powers authorities. There shall not be two or more Directors that represent the same city, town, county, or joint powers authority. Every reasonable effort shall be made to assure geographic diversity on the Board.

Section 5.4 Non-Voting Directors

The Board, by majority vote, may appoint non-voting persons to serve on the Board based on their expertise in areas valuable to the operations of CPCNH and as liaisons with other related organizations.

Section 5.5 Terms of Office

Starting with the first election of Directors by the Membership pursuant to paragraph 5.3.2. Directors shall serve three (3) year terms, staggered so that approximately one-third (1/3) of the Directors will be elected each year. There shall be no term limit.

Section 5.6 Election

Directors of CPCNH shall be elected by a plurality vote of the Members in attendance at each Annual Membership Meeting. Attendance at the Annual Membership Meeting may be in the manners specified in Section 5.10 of these By-Laws. Vacancies on the Board may be filled by majority vote at any Regular Meeting or Special Meeting of the Board, and those so elected shall fill the unexpired term of their predecessors in office.

Section 5.7 Number

The initial Board shall consist of all the Member representatives or their alternates, plus such additional Directors as may be elected pursuant to paragraph 5.3.1 until such time as there are more than twenty-one (21) Members. When there are more than twenty-one (21) Members the Board shall consist of not less than eleven (11) Directors and not more than twenty-one (21) Directors. The number of Directors to be

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elected shall be established by the Board of Directors each year prior to the Annual Membership Meeting and included in the notice for such Meeting in accordance with Section 4.1.

Section 5.8 Meetings

The Chair may call meetings of the Board at any time, and a Special Meeting must be called when requested in writing by twenty-five percent (25%) of the Directors. Notice for a Special Meeting of the Board must be provided to each Director in writing at least five (5) days prior to the Special Meeting and shall specify the purpose of the Special Meeting. Only the items indicated in the Notice shall be acted upon at a Special Meeting.

Section 5.9 Annual Meeting of the Board

The Annual Meeting of the Board Directors shall be held immediately following the Annual Membership Meeting, or at such other time as may be established by the Board, for the purposes of electing officers, receiving reports on the financial fitness and activities of CPCNH, and determining the direction of the organization for the coming year. The specific location and time of the Annual Meeting of the Board and the Membership shall be held at such place as may be designated from time to time by the Board.

Section 5.10 Electronic Participation at Meetings of the Board

To the extent permitted by RSA 91-A the Directors or the members of any committee may participate in, and act at any meeting, using any means of communication so long as all persons participating in the meeting can communicate with each other concurrently. Such communication includes video, audio, electronic, and telephonic conferencing. Participation by telephone or other electronic means shall be equivalent to presence in person at a meeting for the purposes of determining if a quorum is present. All Directors attending meetings by audio or electronic conferencing shall be entitled to vote as if they were personally and physically present at the meeting and their votes shall be recorded by the Secretary as completed via audio or electronic attendance. E-mail is not considered a proper form of electronic participation at a meeting. Only those attending a meeting in-person may vote to break a tie.

Section 5.11 Record of Meetings

The Secretary or, in the absence of the Secretary, one of the Directors designated by the Chair and participating in the meeting, shall keep a record of Board meetings.

Section 5.12 Quorum

At all meetings of the Board, twenty-five percent (25%) of the Directors then serving shall be necessary and sufficient to constitute a quorum for the transaction of business. The act of a majority of the Directors present at any meeting at which there is a quorum shall be considered the act of the Board, except as may be otherwise

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specifically provided by the laws of the State of New Hampshire or these By-Laws. No business shall be transacted at any meeting of the Board at which the required quorum is not present, and the only motion, which the Chair shall entertain at such meeting, is a motion to adjourn.

Section 5.13 Removal of Directors

Any Director may be removed at any time, with or without cause, by a vote of two-thirds (2/3) of all of the Directors, with the exception of the Director subject removal, at any Regular Meeting or Special Meeting of the Board called for that purpose. In addition, any Director who fails to attend three (3) Regular Meetings of the Board in a fiscal year may be asked to resign unless the Chair of the Board has excused the absences.

Section 5.14 Manner of Acting

The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of the greater number is required by law or these By-Laws.

5.14.1 To the extent permitted by RSA 91-A the Board may also act without a meeting on any action required or permitted to be taken at a meeting if:

5.14.1.1 Written consent setting forth the action taken thereto is signed by all the Directors and filed with the minutes of the meetings of the Board. Written consents may be executed in any number of counterparts, all of which when taken together shall constitute a single original consent.

5.14.1.2 Consent by electronic mail setting forth the action taken thereto is submitted and received by all the Directors and filed with the minutes of the meetings of the Board. Such consents shall be treated as a vote of the Directors for all purposes.

Section 5.15 Compensation

Board positions are voluntary, and Directors shall not receive any compensation for their service as Directors from CPCNH. Compensation by a Member of its representative is not precluded by these By-Laws. The Board may adopt policies providing for reasonable reimbursement of Directors for incidental expenses incurred in conjunction with carrying out their duties as Directors, such as extraordinary travel expenses to attend Board meetings.

Section 5.16 Director Serving as Chief Executive Officer, Employee Serving as Director

In no event may a Director serve as a Chief Executive Officer until six months after his or her term as a Director or resignation from the Board. In no event may an employee of CPCNH serve as a Director until six months after the termination of their employment.

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ARTICLE VI COMMITTEES

Section 6.1 Committees

Article IX of the JPA provides for committees that shall be established and other committees that may be established by the Board, including special or ad hoc committees, as the Directors deem necessary and appropriate to carry on or oversee the work of the organization and goals and purposes of the JPA.

The Board shall strive to maintain diversity in the membership of each committee to include consideration of the size and location of the various Members.

In addition, the Board shall strive to appoint committee members with specialized knowledge in the areas for which each committee shall have responsibility.

Section 6.2 Limitations

Any committee whether established under the JPA or by the Board, to the extent provided in a resolution of the Board, shall have all the authority of the Board, except that no committee, regardless of Board resolution may:

6.2.1 Take any final action on matters that also requires Board approval;

6.2.2 Fill vacancies on the Board or any committee which has the authority of the Board;

6.2.3 Expend CPCNH funds, except as authorized by the Board;

6.2.4 Appoint other committees of the Board or the members of committees; and

6.2.5 Approve any transaction to which CPCNH is a party, and one or more Directors have a material financial interest.

ARTICLE VII OFFICERS

Section 7.1 Officers

The Officers of CPCNH shall consist of a Chair, the Immediate Past-Chair, a Vice-Chair, a Secretary, a Treasurer, and such other officers ("*Officers*") as shall be determined by the Board, all of which shall be elected by the Board. All Officers shall be members of the Board.

Section 7.2 Election and Term of Office

The Board shall elect the Officers of CPCNH by majority vote of the Directors in attendance at each Annual Meeting. Between Annual Membership Meetings, vacancies in any Officer position may be filled by a majority vote of the Directors present at any regularly or specially scheduled meeting of the Board. The Officers of CPCNH shall

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hold office for a term of one (1) year and shall not serve more than three (3) consecutive one (1) year terms in any office.

Section 7.3 Chair

The Chair shall preside at all meetings of the Board and shall have and exercise general charge and supervision over the affairs of CPCNH and the Chief Executive Officer. The Chair shall perform such other duties as may be assigned by the Board. He or she or the Chief Executive Officer shall, unless otherwise ordered by the Board, execute all written agreements and contracts in the name of CPCNH, subject to the approval of the Board or the Executive Committee.

Section 7.4 Immediate Past-Chair

Upon completing a final term as Chair, the person in that position shall automatically move into the position of Immediate Past-Chair. The Immediate Past-Chair shall remain a full voting member of the Board, even if his or her term has expired, and the Board has reached its quota, provided that the Immediate Past-Chair remains a designated representative or alternate of his or her Member. This position will be a one (1) year position. The Immediate Past-Chair shall serve as an adviser to the Board Chair.

Section 7.5 Vice Chair

The Vice Chair shall perform such duties as prescribed by the Board or the Chair and shall act for the Chair in his or her absence.

Section 7.6 Secretary

The Secretary shall be present at all meetings of the Board and keep or cause to be kept minutes of all meetings of the Board and maintain custody thereof. The Secretary shall perform all other duties incident to the office, and such other duties as may be assigned by the Board.

Section 7.7 Treasurer

The Treasurer shall oversee the collection and receipt of all money due CPCNH and shall have supervision of CPCNH monies and regular books of accounts. He or she shall oversee the deposits, expenditure, or investment of such funds according to the direction of the Board. He or she shall oversee the full and accurate recordation of receipts, deposits, investments, and expenditures. The Treasurer shall submit periodic reports of financial transactions to the Board at least quarterly, and more often if so requested. In conjunction with the Chief Executive Officer, he or she shall prepare the annual budget for approval of the Board.

Section 7.8 Removal

Any Officer may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds (2/3) of the Board at any Regular Meeting or Special

Attachment C: Corporation By-Laws

Meeting of the Board called expressly for that purpose, or whenever, in its judgment, the best interest of CPCNH would be served thereby.

ARTICLE VIII

CHIEF EXECUTIVE OFFICER

The Chief Executive Officer shall be engaged by the Board in such manner as it determines. The title for the Chief Executive Officer be part of the negotiations with the Board. The Chief Executive Officer serves at the pleasure of the Board. The Executive Committee shall review compensation and annual performance evaluation in a process conducted by the Chair of the Board.

In general, the Chief Executive Officer shall be responsible for the administration and management of CPCNH. The Chief Executive Officer shall participate in all Regular Meetings of the Board and shall be responsible for carrying out the objectives of the organization; subject to such written policies, directions and procedures as may be established from time to time by the Board. The Chief Executive Officer shall be responsible for the day-to-day operation of CPCNH, and is empowered to hire additional staff, who report to the Chief Executive Officer, when the Board votes to authorize a position and a budget line to support it.

A position description (for the Chief Executive Officer and any other staff) with specific responsibilities will be drafted and reviewed as part of the annual performance evaluation process.

Prior to hiring a Chief Executive Officer or in the absence of a Chief Executive Officer the Board may retain such consultants and interim staff, such as an acting manager, as it may determine is appropriate.

ARTICLE IX

AMENDMENTS

Section 9.1 Amendment of By-Laws

Except as otherwise provided by law, these By-Laws may be amended by a vote of not less than two-thirds (2/3) of the Members in attendance at the Annual Membership Meeting, any Regular Meeting, or any Special Meeting, provided that written notice of the proposed amendments are distributed to each Member at least fourteen (14) days prior to such meeting at which it is to be acted upon.

Further, all amendments must be consistent with the Articles of Agreement and the JPA, and this Article IX, Article XI, and Article XIII may not be amended unless such amendment is approved by the governing body of each Member.

The Board shall, as may be required by law, report to the New Hampshire Attorney General, Charitable Trust Unit, a copy of any By-Laws Amendments.

Attachment C: Corporation By-Laws

ARTICLE X

FISCAL YEAR, FINANCIAL REPORTS, AND AUDITS

Section 10.1 Fiscal Year

As provided for under the JPA, the fiscal year shall be the calendar year, subject to the Board's discretion to amend the Fiscal Year.

Section 10.2 Financial Reports and Audits

As provided for under the JPA, an independent financial report by a professional accounting firm of the books and records of CPCNH shall be conducted each fiscal year, and a copy of such financial report shall be submitted to each Director and the Members. A copy of such financial report may also be provided to others as directed by the Chair. The Board shall determine when it is appropriate for audits to be performed by professional accounting firms.

ARTICLE XI

DISSOLUTION, LIQUIDATION, AND DISTRIBUTION

CPCNH shall not be dissolved until such time as all principal of, and interest on, bonds and other forms of indebtedness issued by CPCNH are paid in full or adequate provision for such payment shall have been made in accordance with the instruments governing such bonds and other forms of indebtedness. Thereafter CPCNH may be dissolved upon the unanimous vote of all of the Members taken at a meeting of the Membership called for that purpose; provided, however, that CPCNH shall continue to exist after termination for the purpose of discharging or disposing of all claims and obligations, liquidating and distributing all assets and property, and conducting all other functions necessary to conclude the obligations and affairs of the CPCNH. In the event of a vote for dissolution, the Board shall liquidate the business and assets and the property of the Corporation as expeditiously as possible and distribute any net proceeds and any remaining assets to any remaining Members in such manner as is determined by the Board in accordance with law. The Board is vested with all powers of the Corporation for the purpose of concluding and dissolving the business affairs of the Corporation. No Member representative, Director, Officer, committee member, employee, or individual connected with CPCNH shall be entitled to share in the liquidation or distribution of any of the assets of CPCNH upon its dissolution.

ARTICLE XII

CONFLICT OF INTEREST

Section 12.1 Duty to Disclose and Voting Requirements

Any possible conflict of interest on the part of any Director or Officer of CPCNH, shall be disclosed in writing to the Board and made a matter of record through an annual procedure, and also when the interest involves a specific issue or transaction

Attachment C: Corporation By-Laws

before the Board. Where the transaction involving a Director or Officer exceeds five hundred dollars and no cents (\$500.00) but is less than five-thousand dollars and no cents (\$5,000.00) in a fiscal year, a two-thirds (2/3) vote of disinterested Directors approving the transaction is required. Where the transaction involved exceeds a value of five thousand dollars and no cents (\$5,000.00) in a fiscal year, then a two-thirds (2/3) vote of disinterested Directors approving the transaction after publication of a legal notice in a newspaper of general circulation in the community in which the principal office of CPCNH is located (or if there is no such office, then in a newspaper of general circulation throughout the state), and after written notice to the Office of the Attorney General, Director of Charitable Trusts. Neither the interested Director nor any other Director who had a pecuniary benefit transaction with CPCNH in the same fiscal year shall be present for or participate either in the discussion or the actual vote concerning the transaction and the minutes shall reflect the fact as well as the disclosure of the Director's interest and the vote. Every new member of the Board will be advised of this policy upon entering the duties of his and her office, and shall sign a statement acknowledging, understanding and agreement to this policy. CPCNH shall keep a log of the pecuniary benefit transactions occurring between it and Board Members.

Section 12.2 Other Statutory Requirements

The Board will comply with all applicable requirements of New Hampshire laws dealing with pecuniary benefit transactions (NH RSA 7:19-a, II and 292:6-a) and all such laws are incorporated in full into and made a part of this policy statement. These requirements include, but are not limited to, (1) the absolute prohibition of any loans to any Director or Officer of CPCNH; and (2) prohibition of any sale or lease (for a term greater than five (5) years) or conveyance of real estate to or from a Director or Officer, without the prior approval of the probate court. These requirements extend to both direct and indirect financial interests.

ARTICLE XIII

INDEMNIFICATION AND INSURANCE

Section 13.1 Indemnification

Each Member (including its governing body), Member representative, Director, Officer, committee member, employee, assignee, or agent of CPCNH, (and their respective heirs, executors and administrators), shall be indemnified and held harmless by CPCNH against any and all claims, demands, losses, costs, penalties, expenses (including attorneys' fees), judgments, damages and liabilities reasonably incurred by, or imposed upon them in connection with any action, suit or proceeding to which they may be made a party or with which they shall be threatened, by reason of their being, or having been, a Member, Member representative, Director, Officer, committee member, employee, assignee, or agent of CPCNH (whether or not they continues to be a Member, Member representative, Director, Officer, committee member, employee, assignee, or agent of CPCNH at the time such action, suit or proceeding is brought or

Attachment C: Corporation By-Laws

threatened), arising in whole or in part, directly or indirectly from conduct in which such Member, Member representative, Director, Officer, committee member, employee, assignee, or agent has engaged in good faith. However, no such indemnification shall apply in relation to any matter involving (i) a breach of their duty of loyalty to CPCNH; (ii) acts or omission which are not in good faith or which involved intentional misconduct or a knowing violation of law; or (iii) a transaction from which the Director, Officer, Member representative, committee member, employee, assignee, or agent derived an improper personal benefit.

In the event of settlement of any such action, suit or proceeding brought or threatened, such indemnification shall be limited to matters covered by the settlement as to which CPCNH is advised by counsel that such Member, Member representative, Director, Officer, committee member, employee, assignee, or agent is not liable for misconduct as such. The foregoing right of indemnification shall be in addition to any rights to which any Member (including its governing body), Member representative, Director, Officer, committee member, employee, assignee, or agent may otherwise be entitled.

Section 13.2 Insurance

CPCNH shall self-provide or acquire insurance coverage as is necessary to protect the interests of the CPCNH, the Members, employees, agents, and the public and to indemnify such persons in instances in which they may be indemnified pursuant to Section 13.1 in this Article XIII.

These By-Laws were adopted by a 2/3 majority action of the signers of the Articles of Agreement constituting the initial Board on October 1, 2021.

Attachment D: List of Members

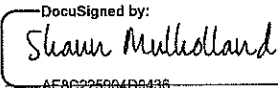
The following entities are Parties to the Joint Power Agreement of Community Power Coalition of New Hampshire:

1. City of Lebanon
2. Town of Hanover
3. City of Nashua
4. Cheshire County
5. Town of Harrisville
6. Town of Exeter
7. Town of Rye
8. City of Dover
9. Town of Warner
10. Town of Walpole
11. Town of Plainfield
12. Town of Newmarket
13. Town of Enfield
14. Town Durham

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executive this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: 
Name: Shaun Mulholland
Title: City Manager
Date: 9/29/2021

City of Dover, NH

By: _____
Name: Christopher Parker
Title: Deputy City Manager
Date: _____

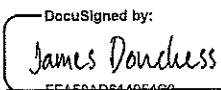
Town of Hanover, NH

By: _____
Name: Julia Griffin
Title: Town Manager
Date: _____

Town of Harrisville, NH

By: _____
Name: Andrea Hodson
Title: Select Board Chair
Date: _____

City of Nashua, NH

By: 
Name: James W. Donchess
Title: Mayor
Date: 9/30/2021

Town of Exeter, NH

By: _____
Name: Russ Dean
Title: Town Manager
Date: _____

Cheshire County, NH

By: _____
Name: Chris Coates
Title: Administrator
Date: _____

Town of Rye, NH

By: _____
Name: Becky Bergeron
Title: Town Administrator
Date: _____

Attachment E: Signatories

Town of Warner, NH

City of _____, NH

By: _____

By: _____

Name: Clyde Carson

Name: _____

Title: Select Board Chair

Title: _____

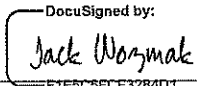
Date: _____

Date: _____

Town of Walpole, NH

Town of ^{Enfield} _____, NH

By: _____

By:  _____
F1F5C5FCF3284D1...
Jack Wozmak

Name: Cheryl Mayberry

Name: _____

Title: Select Board Chair

Title: Interim Town Manager

Date: _____

Date: 9/30/2021

Town of Plainfield, NH

Town of _____, NH

By: _____

By: _____

Name: Eric R. Brann

Name: _____

Title: Select Board Chair

Title: _____

Date: _____

Date: _____

City of Newmarket, NH

Town of _____, NH

By: _____

By: _____

Name: Steve Fournier

Name: _____

Title: Town Manager

Title: _____

Date: _____

Date: _____

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: _____
Name: _____
Title: _____
Date: _____

City of Dover, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Hanover, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Harrisville, NH

By: _____
Name: _____
Title: _____
Date: _____

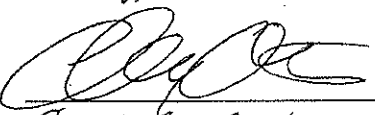
City of Nashua, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Exeter, NH

By: _____
Name: _____
Title: _____
Date: _____

Cheshire County, NH

By: 
Name: Christopher Coates
Title: Cheshire County Administrator
Date: 9-3-21

Town of Rye, NH

By: _____
Name: _____
Title: _____
Date: _____

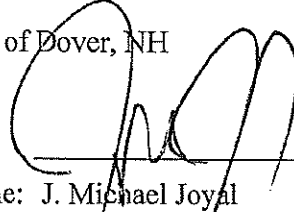
Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: _____
Name: Shaun Mulholland
Title: City Manager
Date: _____

City of Dover, NH

By:  _____
Name: J. Michael Joyal
Title: City Manager
Date: 9/22/21

Town of Hanover, NH

By: _____
Name: Julia Griffin
Title: Town Manager
Date: _____

Town of Harrisville, NH

By: _____
Name: Andrea Hodson
Title: Select Board Chair
Date: _____

City of Nashua, NH

By: _____
Name: James W. Donchess
Title: Mayor
Date: _____

Town of Exeter, NH

By: _____
Name: Russ Dean
Title: Town Manager
Date: _____

Cheshire County, NH

By: _____
Name: Chris Coates
Title: Administrator
Date: _____

Town of Rye, NH

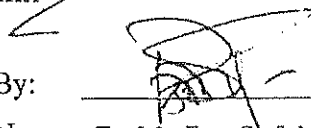
By: _____
Name: Becky Bergeron
Title: Town Administrator
Date: _____

Attachment E: Signatories

Town of Warner, NH

By: _____
Name: Clyde Carson
Title: Select Board Chair
Date: _____

Town
~~City~~ of Durham, NH

By:  _____
Name: Todd I. Selig, Administrator
Title: _____
Date: September 28, 2021

Town of Walpole, NH

By: _____
Name: Cheryl Mayberry
Title: Select Board Chair
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Plainfield, NH

By: _____
Name: Eric R. Brann
Title: Select Board Chair
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

City of Newmarket, NH

By: _____
Name: Steve Fournier
Title: Town Manager
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: _____
Name: Shaun Mulholland
Title: City Manager
Date: _____

City of Dover, NH

By: _____
Name: Christopher Parker
Title: Deputy City Manager
Date: _____

Town of Hanover, NH

By: _____
Name: Julia Griffin
Title: Town Manager
Date: _____

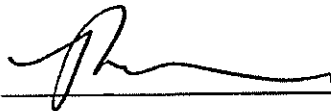
Town of Harrisville, NH

By: _____
Name: Andrea Hodson
Title: Select Board Chair
Date: _____

City of Nashua, NH

By: _____
Name: James W. Donchess
Title: Mayor
Date: _____

Town of Exeter, NH

By:  _____
Name: Russ Dean
Title: Town Manager
Date: 9/28/21

Cheshire County, NH

By: _____
Name: Chris Coates
Title: Administrator
Date: _____

Town of Rye, NH

By: _____
Name: Becky Bergeron
Title: Town Administrator
Date: _____

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

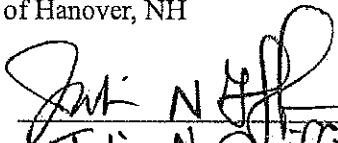
Cheshire County, NH

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Town of Hanover, NH

Town of _____, NH

By: 
Name: Julia N. Griffin
Title: Town Manager
Date: 9/13/21

By: _____
Name: _____
Title: _____
Date: _____

City of Nashua, NH

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: _____
Name: Shaun Mulholland
Title: City Manager
Date: _____

City of Dover, NH

By: _____
Name: Christopher Parker
Title: Deputy City Manager
Date: _____

Town of Hanover, NH

By: _____
Name: Julia Griffin
Title: Town Manager
Date: _____

Town of Harrisville, NH

By: Andrea Hodson
Name: Andrea Hodson
Title: Select Board Chair
Date: 2 September 2021

City of Nashua, NH

By: _____
Name: James W. Donchess
Title: Mayor
Date: _____

Town of Exeter, NH

By: _____
Name: Russ Dean
Title: Town Manager
Date: _____

Cheshire County, NH

By: _____
Name: Chris Coates
Title: Administrator
Date: _____

Town of Rye, NH

By: _____
Name: Becky Bergeron
Title: Town Administrator
Date: _____

Attachment E: Signatories

Town of Warner, NH

By: _____
Name: Clyde Carson
Title: Select Board Chair
Date: _____

City of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Walpole, NH

By: _____
Name: Cheryl Mayberry
Title: Select Board Chair
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

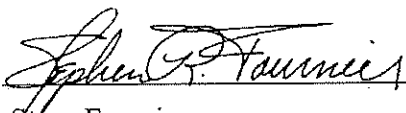
Town of Plainfield, NH

By: _____
Name: Eric R. Brann
Title: Select Board Chair
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

City of Newmarket, NH

By: 
Name: Steve Fournier
Title: Town Manager
Date: September 2, 2021

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Attachment E: Signatories

Town of Warner, NH

By: _____
Name: Clyde Carson
Title: Select Board Chair
Date: _____

Town of Walpole, NH

By: _____
Name: Cheryl Mayberry
Title: Select Board Chair
Date: _____

Town of Plainfield, NH

By: Eric R Brann
Name: Eric R. Brann
Title: Select Board Chair
Date: 9/15/21

City of Newmarket, NH

By: _____
Name: Steve Fournier
Title: Town Manager
Date: _____

City of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Attachment E: Signatories

IN WITNESS WHEREOF, the Parties have executed this Joint Power Agreement for Community Power Coalition of New Hampshire.

City of Lebanon, NH

By: _____
Name: Shaun Mulholland
Title: City Manager
Date: _____

City of Dover, NH

By: _____
Name: Christopher Parker
Title: Deputy City Manager
Date: _____

Town of Hanover, NH

By: _____
Name: Julia Griffin
Title: Town Manager
Date: _____

Town of Harrisville, NH

By: _____
Name: Andrea Hodson
Title: Select Board Chair
Date: _____

City of Nashua, NH

By: _____
Name: James W. Donchess
Title: Mayor
Date: _____

Town of Exeter, NH

By: _____
Name: Russ Dean
Title: Town Manager
Date: _____

Cheshire County, NH

By: _____
Name: Chris Coates
Title: Administrator
Date: _____

Town of Rye, NH

By: Becky Bergeron
Name: Becky Bergeron
Title: Town Administrator
Date: 9.29.2021

Attachment E: Signatories

Town of Warner, NH

City of _____, NH

By: _____
Name: Clyde Carson
Title: Select Board Chair
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Town of Walpole, NH

Town of _____, NH

By: *Cheryl Mayberry*
Name: Cheryl Mayberry
Title: Select Board Chair
Date: 9/9/2021

By: _____
Name: _____
Title: _____
Date: _____

Town of Plainfield, NH

Town of _____, NH

By: _____
Name: Eric R. Brann
Title: Select Board Chair
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

City of Newmarket, NH

Town of _____, NH

By: _____
Name: Steve Fournier
Title: Town Manager
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Attachment E: Signatories

Town of Warner, NH

By: Diane Ricciardelli
Name: Diane Ricciardelli
Title: Town Administrator
Date: 9-14-2021

City of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of Walpole, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

City of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Town of _____, NH

By: _____
Name: _____
Title: _____
Date: _____

Attachment F: List of Project Contracts

The following is the List of Project Contracts entered into by Community Power New Hampshire:

1. [Project Contact No. 1: Reserved]
2. [Project Contact No. 2: Reserved]

Attachment G: Notices to Corporation

All notices to the Corporation shall be provided to its current corporate address, as follows:

CPCNH c/o Sustainability Director

Town of Hanover

41 S Main Street

Hanover, NH 03755

Town of Hudson

MOU Standard Power

Not Recommended by Attorney Lefevre

MEMORANDUM OF UNDERSTANDING
between
GOOD ENERGY, LP/STANDARD POWER
and

1. Parties. This Memorandum of Understanding (“MOU”) is made and entered into by and between Good Energy, LP/Standard Power (collectively the “Consultant”) with offices located at 17 Technology Way, Nashua, NH 03060 and the _____ (“Municipality”) with offices located at _____

2. Purpose. The purpose of this MOU is to establish the terms and conditions under which the Consultant will perform the Services as herein defined and desires to be so engaged and the Municipality desires to become a “Municipal Aggregator,” as described in New Hampshire RSA 53-E:2, which provides electric power services for the residential and non-residential customers of the Municipality located within the geographic boundaries of the Municipality and desires to engage the Consultant to perform professional consulting services for Municipality focusing primarily on the creation, authorization, implementation and management of its community power plan (the “Plan”), as defined by, and in compliance with, all applicable provisions of RSA Chapter 53-E of the New Hampshire Statutes, as amended, and other applicable statutes, regulations and precedent.

It is the intention of the Consultant to develop and implement a community power program for a group of municipalities and conduct a competitive bid for electricity supply by the end of May 2022.

3. Term and Termination. This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect until terminated by the parties. This MOU may be terminated, without cause, by either party upon written notice, which notice shall be by email or by certified mail to the address listed above.

4. Responsibilities of the Consultant. The Consultant, at the discretion of the Municipality and at no cost to the Municipality, shall perform any or all activities and services (collectively, the “Services”) for municipalities of any size and level of municipal participation with reasonable care and in accordance with the best practices established for electrical aggregation program consulting services that are required to design, develop, implement, manage and monitor a community power plan. A detail of these services will be provided in a formal Services Agreement at a later date.

5. Responsibilities of the Municipality. The Municipality shall obtain all required authorizations, use reasonable efforts to secure release of data, provide all public information necessary to the Consultant for performance of Consultant services and cooperate with the development and implementation of the Plan. A detail of these responsibilities will be provided in a formal Services Agreement at a later date.

6. Summary of General Provisions

A. Amendments. Either party may request changes to this MOU.

B. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of New Hampshire.

C. Entirety of Agreement. This MOU represents the entire and integrated agreement between the parties.

D. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect.

7. Signatures. In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU. The effective date of this MOU is the date of the signature last affixed to this page.

Municipality

Signature Date

Printed Name and Title

Standard Power

Signature Date
Robert Hayden, President

Good Energy, LP

By: Good Offices Technology Partners, LLC, its General Partner

Signature Date
Maximilian Hoover, Manager

Town of Hudson

Consulting Agreement Colonial Power

Not Recommended by Attorney Lefevre

**CONSULTANT AGREEMENT
FOR MANAGEMENT OF THE COMMUNITY CHOICE AGGREGATION PROGRAM
AND ENERGY-RELATED SERVICES FOR
TOWN OF HUDSON, NEW HAMPSHIRE**

This Consultant Agreement is made and entered into this _____ day of _____, 20___, by and between the **Town of Hudson, New Hampshire** (“Municipality”), a municipal corporation having its principal place of business at 12 School Street, Hudson, NH 03051 as represented by [*name & title of Governing Body’s designee*], acting for and on behalf of the Municipality who signs these presents in his/her official capacity and incurs no liability in his/her individual capacity, and **Colonial Power Group, Inc.**, having its principal place of business at 5 Mount Royal Avenue, Marlborough, MA 01752 (“Consultant”). It is agreed between the parties hereto as follows:

SCOPE OF SERVICES: The scope of services to be performed by the Consultant shall be all of the services required for the Municipality under RSA 53-E to (i) develop and obtain regulatory approval for an aggregation plan (“Aggregation Plan”) and (ii) implement and operate a municipal electric aggregation program (“Program”) and contained in and reasonably inferable from this Agreement, including Attachment A appended hereto and made a part hereof. Consultant shall perform its services using its best efforts, and with reasonable diligence and reasonable care.

The Consultant represents and warrants that it is approved by the Commission as a provider of electric aggregation service (DM 21-086); that it is thoroughly familiar with all laws and regulations of the State of New Hampshire addressing the aggregation of electricity consumers by municipalities; and that it shall perform all services under this Agreement in accordance with all applicable laws and regulations.

CONTRACTUAL RELATIONSHIP: The Consultant shall provide services described in the Scope of Services which are incorporated herein and made a part hereto, including all addenda issued prior to execution of this Agreement. While performing the services under this Agreement, the Consultant and the Municipality agree, understand and recognize that the Consultant is an independent contractor, and, therefore: (1) the Consultant is free from the Municipality’s control and direction in connection with the performance of the service, both under this Agreement and in fact; (2) the service is performed outside the usual course of the business of the Municipality; and, (3) the Consultant is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the execution of the services to be performed by Consultant hereunder.

APPLICABLE LAW: This Agreement shall be subject to and construed in accordance with all applicable laws and regulations, which are incorporated herein by reference and shall control in the event of a direct, irreconcilable conflict between the provisions of such laws and regulations and the provisions of this Agreement.

PAYMENT TERMS AND SCHEDULE: The Consultant shall, during the term of this Agreement, receive a price of \$0.001 per kilowatt hour (kWh) for each kWh purchased by a participating consumer under the Municipality's Aggregation Program. Said price per kWh shall be the complete price for all services furnished and all expenses incurred by the Consultant and shall be paid directly to the Consultant by the supplier providing power supply service to the Aggregation Program ("Competitive Supplier"). The Municipality shall not have any liability with respect to such payment, including without limitation in the event of any failure of the Competitive Supplier to make such payments. Notwithstanding the foregoing, the Municipality may, before the execution of any contract with any Competitive Supplier, and in its sole discretion, elect to discontinue, at any time and for any reason, its Aggregation Program, and in such event, terminate this Agreement without any liability. In the event the Municipality enters into a contract with a Competitive Supplier, nothing in this Agreement shall prevent the Municipality from terminating such contract with the Competitive Supplier and, thereafter, this Agreement without any liability.

DEBARMENT; NON-COLLUSION: The Consultant certifies under penalty of perjury that it is not presently debarred from entering into a public contract in the state of New Hampshire; and that its bid or proposal, if any, submitted in response to any solicitation culminating in this Agreement was made and submitted in good faith and without collusion or fraud with any other person (as used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals).

INDEMNIFICATION: In addition to all other rights and remedies available to the Municipality, Consultant agrees as follows: The Consultant, at its expense, shall to the maximum extent permitted by law, indemnify and hold harmless the Municipality, its officers, agents and employees from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs, and expenses (including reasonable attorney's fees) for any personal injury or property damage or other damages that the Municipality may sustain which arise out of or in connection with the performance of this Agreement by the Consultant, its employees, agents or other persons acting on Consultant's behalf or for whom Consultant is responsible, including but not limited to negligence and/or reckless or intentional conduct of the Consultant, its agents, officers, employees, sub-consultants, or subcontractors. The existence of insurance shall in no way limit the scope of this indemnification obligation. The Consultant further agrees to reimburse the Municipality for damage to the Municipality's real or personal property caused by the Consultant, its employees or agents, unless damage is caused by the Municipality's gross negligence or willful misconduct. After prompt notification of a claim by the Municipality, the Consultant shall have a reasonable opportunity to participate in the defense of such claim and any negotiated settlement agreement or judgment. The Municipality shall not be liable for any costs incurred by the Consultant arising under this paragraph.

INSURANCE: The Consultant shall maintain, during the full term of this Agreement, the insurance set forth below. Such insurance shall be written on an occurrence basis, be primary and non-contributory, and shall provide by endorsement that the Municipality is added as an additional insured to the General Liability policy, that Consultant waives rights of subrogation, and that the Municipality shall receive advance written notice of any cancellation of any such insurance policy.

General Liability

\$2,000,000 per occurrence

\$4,000,000 aggregate

Workers' Compensation Insurance

\$1,000,000 employer's liability limit

Professional Liability Insurance

Minimum Coverage \$1,000,000 per occurrence

Prior to commencement of any work under this Agreement, the Consultant shall provide the Municipality with Certificates of Insurance which include the Municipality as an additional named insured and which include a thirty-day notice of cancellation to the Municipality.

ASSIGNMENT PROHIBITED: The Consultant agrees that it will not be permitted to assign, subcontract or underlet the Agreement, nor assign either legally or equitably, any monies hereunder, or its claim thereto, without the previous written consent of the Municipality's governing body or its designee.

AMENDMENTS OR CHANGES: Any amendments or changes to this Agreement must be in writing and signed by officials with authority to bind the Consultant and the Municipality.

ABANDONMENT OF WORK OR OTHER DEFAULT: The Consultant agrees that any failure of the Consultant to perform, timely and properly, all services required by this Agreement, such as, without limitation, Consultant's abandonment or delay of services, or Consultant's failure to supply required reports after the date of execution of this Agreement, shall be a breach of this Agreement for which the Municipality may terminate the Agreement under the provision for termination below. The Municipality may, in the event of such termination, or in lieu of termination but without waiver of its right to terminate the Agreement, and by whatever legal remedies are available to it, complete or cause to be completed, the work or services not performed (or not properly or timely performed) by Consultant, and the Consultant shall be responsible for the entire cost of the Municipality's completion of such work or services. Consultant shall forthwith pay such costs to the Municipality, as well as any and all losses, damages, costs and expenses, including attorney's fees, sustained or incurred by the Municipality by reason of completing such work or services. In such event, except as may be required by law, the Municipality shall have no obligation to have such work and services performed at the lowest price.

PROCUREMENT ERRORS: If errors in the procurement or bidding laws or regulations of the state, whether said errors were made by the Consultant or the Municipality, are found to exist by any agency of the state or by any court of competent jurisdiction, this Agreement may be voided by the Municipality without liability. The Municipality makes no representations concerning the applicability or inapplicability of any procurement or bidding laws to this Agreement.

TERMINATION: This Agreement shall expire on the date specified in this Agreement, unless this date is properly amended in accordance with all applicable laws and regulations prior to this

date, or unless terminated earlier under this section upon prior written notice to the Consultant, or in accordance with any other provision of this Agreement allowing for termination, or as may otherwise be permitted by law; provided however, that it is further agreed by the Consultant that any breach by the Consultant of the provisions of this Agreement shall be sufficient cause for the Municipality to terminate this Agreement five (5) calendar days after the date of a written notice to the Consultant, which five-day period shall not constitute a cure period.

SEVERABILITY: The provisions of this Agreement are severable. If any provision of this Agreement is held invalid or if any court of competent jurisdiction holds any provision unlawful or not legal, the remaining provisions shall remain in effect, unless such invalidity materially and adversely affects an essential purpose of this Agreement, in which event the entire Agreement shall be deemed invalid.

ENTIRE AGREEMENT CLAUSE: The Municipality and the Consultant agree that this Agreement and its attachments constitute the entire Agreement between the Municipality and the Consultant, and no other binding agreement exist other than those incorporated herein.

DURATION OF CONTRACT: It is agreed the duration of this Agreement shall be five years with options to renew/extend for an additional five years. These options are exercisable solely at the Municipality's discretion. It is understood and agreed that there is no financial contractual obligation of the Municipality in this Agreement or in any years subsequent to the fiscal year in which this Agreement is executed.

IN WITNESS WHEREOF, the Consultant, and the Municipality hereto set their hands and seals.

**FOR THE CONSULTANT
BY:**

Mark Cappadona, President

Date: _____

**FOR THE TOWN OF HUDSON, NEW
HAMPSHIRE
BY ITS [DESIGNEE'S TITLE]:**

[*designee's name, title*]

Date: _____

ATTACHMENT A

SCOPE OF SERVICES

1. DEVELOPMENT OF AGGREGATION PLAN

The Consultant shall fully cooperate with and assist the Municipality and its agents in connection with the preparation of an electric aggregation plan pursuant to RSA 53-E ("Aggregation Plan"). The Aggregation Plan shall describe in sufficient detail the structure, operations, objectives, rate setting, and policies and procedures of a municipal aggregation program for the benefit of consumers located in the Municipality ("Program").

Consultant's services to support development of the Aggregation Plan shall include meeting with representatives of the Municipality and the Municipality's consumers at such times and with such frequency as reasonably necessary; preparing the Aggregation Plan in consultation with the Municipality; soliciting approval of the Aggregation Plan from the New Hampshire Public Utilities Commission ("Commission") and the Municipality's governing body or its designees; and preparing and helping to disseminate public education materials regarding the Aggregation Plan for the Municipality's consumers.

2. PROCUREMENT AND PRODUCT STRATEGIES

After obtaining all necessary approvals for the Aggregation Plan, the Consultant shall obtain and analyze the electrical load data for all consumers of electricity in the Municipality. The Consultant will evaluate market conditions and advise the Municipality on the timing of Program launch. The Consultant will continually monitor market conditions and make recommendations on supply and energy service decisions (timing, product options) following initial launch. The Consultant will consult with and advise the Municipality on options and strategies for formulating Program product offerings.

3. PREPARATION AND ISSUANCE OF RFP'S FOR POWER SUPPLY

The Consultant shall develop Requests for Proposals ("RFPs") for all power supply solicitations for review and approval by the Municipality. In general, such RFPs will include several components:

1. consumer account information, including historical kWh usage and ICAP Tag if provided by local distributor;
2. services, products, and potential term lengths desired by the Municipality;
3. qualification criteria for supplier selection;
4. standard form energy services agreement between the chosen supplier and the Municipality on behalf of eligible and participating consumers; and
5. such other information as required by the Municipality.

The Consultant shall assist the Municipality with the review and analysis of all responsive bids from suppliers and shall recommend any bid(s) that best meet the goals and objectives of the

Aggregation Program. The Consultant will evaluate each supplier's bid based on price, the supplier's modifications to the Aggregation Plan's standard and preferred contract terms and conditions, reputation of supplier, previous experience serving municipal aggregation programs, demonstrated ability to accurately and responsively manage a program with large numbers of consumers and consumer accounts, and such other criteria set forth in the RFP. The Consultant shall conduct a reasonable investigation of the qualifications and responsibility of each bidder, including verifying references for similar supply contracts, if available.

4. BROKER SERVICES AND CONTRACT NEGOTIATIONS

The Consultant shall, in consultation with the Municipality, act as the Municipality's broker during any procurement process. The Consultant shall, at the direction of the Municipality, negotiate final terms and conditions of any contract with prospective suppliers.

5. CUSTOMER ENROLLMENTS AND TRANSITIONS

After approval and execution of an energy services agreement between the Municipality and a supplier, the Consultant shall take all measures necessary to effectuate a seamless consumer enrollment into the program or transfer between suppliers, as applicable. In the case of initial Program launch, the Consultant will obtain requisite customer data from the local distributor for consumer enrollment. In cases where the Municipality selects a new supplier for its Program, the Consultant shall facilitate a seamless transition from one supplier to another. Whenever applicable, the Consultant shall, lead and manage any consumer opt-out and enrollment process in coordination with the Municipality's supplier.

The Consultant shall have established procedures to promptly respond to:

1. consumer queries and problems;
2. supplier problems;
3. local distributor problems; and
4. media queries.

6. PUBLIC EDUCATION

The Consultant shall, in consultation with the Municipality, prepare or cause to be prepared all informational and educational materials to be made available to all prospective Program participants, and to the media if applicable.

7. LEGAL ASSISTANCE

The Consultant shall prepare all reports and filings as may be required by the Commission, and any other state agency if applicable.

8. PROGRAM MANAGEMENT

The Consultant will administer and provide oversight of the Aggregation Program including, without limitation:

1. monitor suppliers' compliance with all contract terms and conditions;
2. resolution of contract issues;
3. oversee and coordinate consumer opt-ins and opt-outs with Municipality's supplier(s);
4. help to resolve any issues between suppliers and the Local Distributor;
5. prepare and submit to the Municipality written quarterly updates on Program operations;
6. provide a toll-free phone number and host a website where consumers of the Municipality can seek information about the Program; and
7. provide updates to and attend meetings with Municipality officials, Municipality Committees, and the public as needed.

Agenda
11-9-21

8J

Town of Hudson

8J

Revenues and Expenditures

Through October 31, 2021

Town of Hudson, NH
 Appropriations and Revenue Summary
 Month Ending: October 31, 2021

State #	Dept #	Department	Budget FY 2022	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
01	General Fund									
						2,875	1,348	0	1,527	47%
4199	5020	Trustees of Trust Funds	2,875	0	0	1,250	7	0	1,243	1%
4195	5025	Cemetery Trustees	1,250	0	0	410,019	120,142	10,880	278,997	32%
4140	5030	Town Clerk/Tax Collector	410,019	0	0	15,059	0	0	15,059	0%
4140	5041	Moderator	15,059	0	0	8,786	2,433	0	6,353	28%
4140	5042	Supervisors of The Checklist	8,786	0	0	8,074	2,691	0	5,383	33%
4199	5050	Town Treasurer	8,074	0	0	1,300	118	0	1,182	9%
4199	5055	Sustainability Committee	1,300	0	0	1,100	76	0	1,024	7%
4520	5063	Benson Park Committee	1,100	0	0	800	0	0	800	0%
4199	5070	Municipal Budget Committee	800	0	0	4,170	375	1,048	2,747	34%
4140	5077	IT - Town Officers	4,170	0	0	100	10	0	90	10%
4199	5080	Ethics Committee	100	0	0	453,533	127,201	11,928	314,404	31%
		Town Officers	453,533	0	0					
						391,769	112,314	2,911	276,545	29%
4130	5110	Board of Selectmen/Administra	391,769	0	0	2,275	779	400	1,096	52%
4194	5115	Oakwood	2,275	0	0	97,324	31,497	359	65,468	33%
4194	5120	Town Hall Operations	97,324	0	0	80,000	10,042	0	69,958	13%
4442	5151	Town Poor	80,000	0	0	800	140	106	554	31%
4130	5177	IT - Town Administration	800	0	0	572,168	154,771	3,776	413,621	28%
		Administration	572,168	0	0					
						136,560	44,375	22,352	69,833	49%
4153	5200	Legal	136,560	0	0					
						204,957	59,847	7,485	141,624	32%
4150	5310	Finance Administration	204,957	4,000	0	307,650	102,165	1,418	204,067	34%
4150	5320	Accounting	304,123	3,573	(45)	2,250	71	530	1,649	27%
4150	5377	IT - Finance	2,250	0	0	518,857	162,083	9,434	347,340	33%
		Finance	511,330	7,573	(45)					
						742,103	250,994	11,730	483,934	35%
4150	5330	Information Technology	742,103	4,555	0	746,658	250,994	11,730	483,934	35%
		Information Technology	742,103	4,555	0					
						469,428	198,634	188,578	126,042	75%
4152	5410	Assessing Department	469,428	43,826	0	17,081	1,316	1,363	14,401	16%
4152	5477	IT- Assessing	14,650	2,431	0	530,335	199,950	189,941	140,443	74%
		Assessing	484,078	46,257	0					
						59,903	37,889	3,627	18,387	69%
4312	5515	Public Works Facility	59,903	0	0	290,872	94,319	428	196,124	33%
4312	5551	Public Works Administration	290,872	0	0	2,979,725	1,391,363	825,360	763,003	74%
4312	5552	Streets	2,980,123	0	(398)	498,793	163,355	11,244	324,193	35%
4312	5553	Equipment Maintenance	498,793	0	0	685,775	193,756	1,401	490,618	28%
4312	5554	Drainage	685,775	0	0	254,754	73,473	10,137	171,144	33%
4522	5556	Parks Division	254,254	0	500	4,290	3,289	189	812	81%
4312	5577	IT - Public Works	4,290	0	0	4,774,112	1,957,444	852,387	1,964,281	59%
		Public Works	4,774,010	0	102					
						6,300	2,121	3,467	712	89%
4191	5277	IT - LUD	6,300	0	0					

Town of Hudson, NH
Appropriations and Revenue Summary
Month Ending: October 31, 2021

State #	Dept #	Department	Budget FY 2022	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
4191	5571	LUD - Planning	258,020	18,488	0	276,508	99,504	16,967	160,037	42%
4191	5572	LUD - Planning Board	8,350	2,311	0	10,661	1,943	1,389	7,329	31%
4191	5581	LUD - Zoning	215,721	0	0	215,721	69,281	3,178	143,262	34%
4191	5583	LUD - Zoning Board of Adj	16,500	0	0	16,500	3,897	10,642	1,961	88%
4311	5585	LUD - Engineering	415,589	796	0	416,385	124,568	19,438	272,379	35%
		Land Use	920,480	21,595	0	942,075	301,314	55,081	585,680	38%
4210	5610	Police Administration	351,939	0	0	351,939	93,146	13,250	245,543	30%
4210	5615	Police Facility Operations	287,854	0	0	287,854	99,841	9,657	178,356	38%
4210	5620	Police Communications	800,766	0	0	800,766	281,880	927	517,959	35%
4210	5630	Police Patrol	7,089,062	25,004	(110)	7,113,956	2,222,586	142,002	4,749,368	33%
4210	5640	Investigations	14,420	0	4	14,424	3,001	2,205	9,219	36%
4414	5650	Animal Control	130,089	0	0	130,089	44,380	1,000	84,709	35%
4210	5660	Information Services	187,189	0	0	187,189	59,976	8	127,205	32%
4210	5671	Support Services	88,023	0	799	88,822	15,020	7,375	66,427	25%
4210	5672	Crossing Guards	58,755	0	0	58,755	10,283	0	48,472	18%
4210	5673	Prosecutor	364,372	0	0	364,372	91,737	1,485	271,150	26%
4210	5677	IT - Police	93,629	0	0	93,629	54,239	17,869	21,522	77%
		Police	9,466,098	25,004	693	9,491,795	2,976,087	195,778	6,319,930	33%
4220	5710	Fire Administration	772,075	0	(45)	772,030	232,521	21,904	517,605	33%
4220	5715	Fire Facilities	142,009	5,000	0	147,009	36,673	19,311	91,025	38%
4220	5720	Fire Communications	428,054	0	0	428,054	137,445	7,663	282,946	34%
4220	5730	Fire Suppression	5,894,216	156,797	171,761	6,222,774	2,172,192	210,073	3,840,508	38%
4220	5740	Fire Inspectional Services	501,925	0	0	501,925	154,492	2,208	345,225	31%
4220	5765	Fire Alarm	3,746	0	0	3,746	7	0	3,739	0%
4220	5770	Emergency Management	86,368	22,000	0	108,368	3,646	27,459	77,263	29%
4220	5777	IT - Fire	36,506	0	0	36,506	21,919	990	13,598	63%
		Fire	7,864,899	183,797	171,716	8,220,412	2,758,895	289,608	5,171,909	37%
4520	5810	Recreation Administration	178,081	0	0	178,081	41,047	2,372	134,662	24%
4520	5814	Recreation Facilities	66,122	0	0	66,122	17,000	284	48,838	26%
4520	5821	Supervised Play	120,063	0	0	120,063	237	0	119,826	0%
4520	5824	Ballfields	12,242	0	0	12,242	2,730	0	9,512	22%
4520	5825	Tennis	0	0	0	0	1,720	0	(1,720)	#DIV/0!
4520	5826	Lacrosse	12,366	0	0	12,366	0	0	12,366	0%
4520	5831	Basketball	52,604	0	0	52,604	150	2,000	50,454	4%
4520	5834	Soccer	13,314	0	0	13,314	9,598	0	3,716	72%
4520	5835	Senior Activities Operations	62,629	0	0	62,629	9,692	718	52,219	17%
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	671	177	6,212	12%
4520	5877	IT - Recreation	7,065	0	0	7,065	1,353	0	5,712	19%
		Recreation	533,046	0	0	533,046	84,198	5,551	443,297	17%
4196	5910	Insurance	541,000	0	0	541,000	396,250	0	144,750	73%
4199	5920	Community Grants	90,484	0	0	90,484	82,484	0	8,000	91%

Town of Hudson, NH
Appropriations and Revenue Summary
Month Ending: October 31, 2021

State #	Dept #	Department	Budget FY 2022	Prior Year Encumbered	Budget and FY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
4583	5930	Patriotic Purposes	5,600	0	0	5,600	4,100	0	1,500	73%
4199	5940	Other Expenses	161,569	0	(67,207)	94,362	8,935	1,274	84,153	11%
4220	5960	Hydrant Rental	276,971	0	0	276,971	69,243	0	207,728	25%
4321	5970	Solid Waste Contract	1,710,384	0	0	1,710,384	434,372	1,277,483	(1,470)	100%
		Non-Departmental	2,786,008	0	(67,207)	2,718,801	995,383	1,278,757	444,661	84%
General Fund Appropriation Subtotal			29,244,313	288,780	105,258	29,638,351	10,012,696	2,926,322	16,699,333	43.7%
Warrant Articles										
4194	6012	Major Repairs to Town Bldings	50,000	0	0	50,000	0	0	50,000	0%
4901	6015	Widening Lowell Rd from Was	0	1,345,283	0	1,345,283	870	1,344,413	0	0%
4152	6040	Future Prop. Revaluation CRF	15,000	0	0	15,000	0	26,100	(11,100)	174%
4220	6057	Fire Apparat Refub & Repr CR	25,000	0	0	25,000	0	0	25,000	0%
4210	6073	Estab. Police Safety Equipment	50,000	0	0	50,000	0	0	50,000	0%
4326	6095	Vaccon Truck Cap Rsrv Fund	30,000	0	0	30,000	0	0	30,000	0%
4909	6099	Town Wide Paving	200,000	0	0	200,000	0	0	200,000	0%
4550	6100	Hills Memorial Library CRF	25,000	0	0	25,000	0	0	25,000	0%
4902	6200	Fire Squad Vehicle	0	119,096	0	119,096	0	119,096	0	100%
4915	6201	Commun Equip & Infrast CRF	0	725,400	0	725,400	381,000	344,400	0	100%
4909	6212	Taylor Falls & Veteran Bridge I	0	61,824	0	61,824	20,876	40,948	0	100%
0000	6434	Operating Transfer to Library	0	0	0	0	235,985	0	(235,985)	100%
0000	6436	Operating Transfer to Cons Co.	0	0	0	0	0	0	0	100%
General Fund Warrant Articles			395,000	2,251,603	0	2,646,603	638,731	1,874,957	132,915	95%
General Fund Total Budget			29,639,313	2,540,382	105,258	32,284,954	10,651,426	4,801,279	16,832,248	48%
02	Sewer Fund									
4326	5561	Sewer Billing & Collection	165,643	0	0	165,643	85,978	17,165	62,500	62%
4326	5562	Sewer Operation & Maintenan	1,207,182	0	(2,530)	1,204,652	444,416	288,625	471,611	61%
4326	5564	Sewer Capital Projects	870,000	5,639	0	875,639	1,807	605,107	268,725	69%
4326	6086	Vaccon Truck Purchase	400,000	0	0	400,000	0	0	400,000	0%
4326	6095	Vaccon Truck Cap Rsrv Fund	30,000	0	0	30,000	0	0	30,000	0%
		Sewer Fund	2,672,825	5,639	(2,530)	2,675,934	532,202	910,897	1,232,836	54%
03	Water Fund									
4332	5591	Water - Administration	299,122	0	0	299,122	143,770	21,102	134,250	55%
4332	5592	Water - Ops & Maintenance	1,529,042	0	0	1,529,042	387,910	653,494	487,638	68%
4335	5593	Water - Supply	794,174	0	0	794,174	491,085	152,616	150,473	81%
4332	5594	Water - Debt Service	1,249,656	0	0	1,249,656	117,328	0	1,132,328	9%
		Water Fund	3,871,994	0	0	3,871,994	1,140,093	827,212	1,904,689	51%
Total General, Sewer, Water Funds			36,184,132	2,546,022	102,728	38,832,882	12,323,721	6,539,388	19,969,773	49%
			Budgeted Revenue		Supplemental Budget	Adjusted Revenue	Revenues	Use of Fund Balance	Balance	

Town of Hudson, NH
Appropriations and Revenue Summary
 Month Ending: October 31, 2021

State #	Dept #	Department	Budget FY 2022	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
		General Fund Revenue	32,210,013		105,852	32,315,865	2,907,156	0	29,408,709	9%
		Sewer Fund Revenue	2,242,825		0	2,242,825	753,378	0	1,489,447	34%
		Water Fund Revenue	3,871,994		0	3,871,994	1,366,810	0	2,505,184	35%
Total General, Sewer, Water Funds Revenue			38,324,832	0	105,852	38,430,684	5,027,344	0	33,403,340	13%
Other Funds										
State #	Dept #	Department	Budget FY 2022	Prior Year Encumbered	Budget and PY Adjustmts	Available Appropriation	Expended To Date	Encumbered	Balance Available	% Expended
04	5060	Library	1,182,077	0	0	1,182,077	336,213	2,195	843,669	29%
05	5598	Land Use Change Tax Fund	0	0	0	0	0	0	0	100%
06	5586	Conservation Commission	52,753	12,830	0	65,583	11,787	14,605	39,191	40%
14	5630	Police Forfeiture Fund	0	0	0	0	607	0	(607)	0%
35	5845	Senior Activities Revolving Fund	0	51,244	0	51,244	2,918	51,244	(2,918)	106%
45	5045	Community TV Revolving Fund	0	4,954	0	4,954	104,470	1,092	(100,609)	100%
46	8901	Grants	0	0	0	0	0	0	0	100%
50	5750	EMS Revolving Fund	422,997	0	0	422,997	28,415	41,577	353,005	17%
		Other Funds	1,657,827	69,028	0	1,726,855	484,411	110,713	1,131,731	34%
			Budgeted Revenue		Supplemental Budget	Adjusted Revenue	Revenues	Use of Fund Balance	Balance	
		Senior Activities Revolving Fund	0			0	7,042		(7,042)	0%
		Community TV Revolving Fund	0			0	75,660		(75,660)	0%
		EMS Revolving Fund	423,322			423,322	106,796		316,526	0%
Total Expenditures All Funds			37,841,959	2,615,050	102,728	40,559,737	12,808,131	6,650,101	21,101,504	48%

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coil
General Fund						
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	21,316,634.00	0.00	0.00	21,316,634.00	0.000
01-3110-4101-000-000	Overlay	-185,000.00	-424.02	-8,902.27	-176,097.73	4.812
01-3185-4120-000-000	Yield Taxes and Interest	1,500.00	116.79	12,505.66	-11,005.66	833.711
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	37.00	1,139.64	5,860.36	16.281
01-3190-4203-000-000	Charges on Property Taxes	5,000.00	82.36	1,148.89	3,851.11	22.978
01-3190-4204-000-000	Interest on Property Taxes	160,000.00	4,435.94	18,714.82	141,285.18	11.697
01-3220-4201-000-000	Motor Vehicle Permits	5,420,000.00	504,692.50	1,877,733.00	3,542,267.00	34.645
01-3230-4216-000-000	Certificate of Occupancy Permit	15,000.00	1,600.00	4,100.00	10,900.00	27.333
01-3230-4218-000-000	Building Permits	275,000.00	14,834.25	72,912.65	202,087.35	26.514
01-3230-4381-000-000	Septic Inspection Fees	6,000.00	500.00	1,600.00	4,400.00	26.667
01-3290-4209-000-000	Excavation Permits	5,000.00	525.00	3,600.00	1,400.00	72.000
01-3290-4214-000-000	Driveway Permits	2,000.00	250.00	1,250.00	750.00	62.500
01-3290-4217-000-000	Health Permits	0.00	0.00	80.00	-80.00	0.000
01-3290-4221-000-000	Pistol Permits	4,000.00	120.00	464.00	3,536.00	11.600
01-3290-4233-000-000	Oil Burner/Kerosene Permits	0.00	0.00	0.00	0.00	0.000
01-3290-4238-000-000	Police Alarm Permit	2,800.00	120.00	725.00	2,075.00	25.893
01-3290-4239-000-000	Fire - Place of Assembly	2,000.00	230.00	690.00	1,310.00	34.500
01-3290-4254-000-000	Fire Alarm Permits	1,500.00	469.50	1,368.00	132.00	91.200
01-3290-4312-000-000	Zoning Application Fees	3,000.00	1,068.59	1,738.29	1,261.71	57.943
01-3290-4313-000-000	Planning Board Fees	120,000.00	256.78	49,618.49	70,381.51	41.349
01-3290-4315-000-000	Sewer Service Permit	3,000.00	375.00	1,650.00	1,350.00	55.000
01-3290-4321-000-000	UCC Filings	7,000.00	0.00	2,025.00	4,975.00	28.929
01-3290-4322-000-000	Vital Statistics	7,000.00	754.00	6,580.00	420.00	94.000
01-3290-4323-000-000	Police Fines, Forfeit, Court	0.00	456.25	456.25	-456.25	0.000
01-3290-4325-000-000	Animal Control Fines/Fees	8,000.00	594.50	11,040.46	-3,040.46	138.006
01-3290-4326-000-000	Notary Fees	100.00	0.00	0.00	100.00	0.000

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01-3290-4327-000-000	Parking Violation Fees	2,000.00	0.00	0.00	2,000.00	0.000
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	1,831.87	17,087.87	-2,087.87	113.919
01-3290-4335-000-000	Animal Boarding Fees	1,100.00	50.00	150.00	950.00	13.636
01-3290-4343-000-000	Copy Fees and Sale of Books	1,500.00	6.75	54.75	1,445.25	3.650
01-3290-4347-000-000	Bad Check Fees	2,500.00	227.84	601.58	1,898.42	24.063
01-3290-4356-000-000	Police False Alarm Fines	10,000.00	350.00	1,500.00	8,500.00	15.000
01-3290-4421-000-000	Marriage Licenses	4,000.00	-281.00	171.00	3,829.00	4.275
01-3290-4422-000-000	Hawker/Peddler License	1,000.00	0.00	0.00	1,000.00	0.000
01-3290-4427-000-000	Articles of Agreement	0.00	0.00	0.00	0.00	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	0.00	0.00	0.000
01-3290-4450-000-000	Animal Control Licenses	18,000.00	353.00	4,010.00	13,990.00	22.278
01-3290-4451-000-000	Drain Layers License	1,000.00	0.00	250.00	750.00	25.000
01-3351-4840-000-000	Shared Revenue - Municipal Aid	0.00	0.00	0.00	0.00	0.000
01-3352-4841-000-000	Shared Revenue - Meals and Rental Tax Distribution	1,291,333.00	0.00	0.00	1,291,333.00	0.000
01-3353-4610-000-000	Shared Revenue - Highway Block Grant	539,910.00	0.00	161,182.16	378,727.84	29.854
01-3359-4656-000-000	Grants - Police	26,000.00	3,115.29	16,598.44	9,401.56	63.840
01-3359-4657-000-000	Grants - Fire	590,463.78	106,553.78	191,067.57	399,396.21	32.359
01-3359-4659-000-000	Grants - Other	10,000.00	25,574.76	25,574.76	-15,574.76	255.748
01-3359-4660-000-000	Grants - Pandemic	0.00	0.00	57,231.92	-57,231.92	0.000
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	685.00	2,660.00	4,340.00	38.000
01-3401-4342-000-000	Sale of Checklists	500.00	0.00	25.00	475.00	5.000
01-3401-4708-000-000	Welfare Reimbursement	1,000.00	29.65	118.60	881.40	11.860
01-3401-4716-000-000	Cash Over/Short	0.00	0.00	0.00	0.00	0.000
01-3401-4720-000-000	Police Outside Detail	150,000.00	12,323.76	62,905.53	87,094.47	41.937
01-3401-4729-000-000	Contracted Services - Litchfield	30,000.00	8,246.41	8,246.41	21,753.59	27.488
01-3401-4730-000-000	Ambulance Billings	422,000.00	0.00	117,168.41	304,831.59	27.765
01-3401-4731-000-000	Charges on Ambulance Receivables	-22,000.00	0.00	-6,618.36	-15,381.64	30.083

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01-3401-4732-000-000	Fire Incident Reports	500.00	15.00	202.00	298.00	40.400
01-3401-4745-000-000	Cable Franchise Fees	77,000.00	0.00	18,915.03	58,084.97	24.565
01-3401-4746-000-000	Police Testing and Application Fees	0.00	0.00	0.00	0.00	0.000
01-3401-4748-000-000	Insurance Reimbursement	90,000.00	0.00	325.00	89,675.00	0.361
01-3401-4756-000-000	Misc Rev - Police	500.00	0.00	1,910.70	-1,410.70	382.140
01-3401-4757-000-000	Misc Rev - Fire	500.00	15.00	145.00	355.00	29.000
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	433.75	433.75	66.25	86.750
01-3401-4761-000-000	Rec Rev - Basketball	38,720.00	0.00	0.00	38,720.00	0.000
01-3401-4762-000-000	Rec Rev - Supervised Play	141,825.00	0.00	0.00	141,825.00	0.000
01-3401-4764-000-000	Rec Rev - Soccer	20,000.00	0.00	-475.00	20,475.00	-2.375
01-3401-4765-000-000	Rec Rev - Tennis	4,950.00	0.00	-225.00	5,175.00	-4.545
01-3401-4766-000-000	Rec Rev - Teen Dances	4,400.00	0.00	0.00	4,400.00	0.000
01-3401-4767-000-000	Rec Rev - Adult Softball	8,840.00	1,000.00	1,000.00	7,840.00	11.312
01-3401-4768-000-000	Rec Rev - Lacrosse	7,500.00	0.00	0.00	7,500.00	0.000
01-3401-4769-000-000	Rec Rev - Community Activities	11,000.00	0.00	0.00	11,000.00	0.000
01-3501-4704-000-000	Sale of Town Property	55,000.00	4,674.56	42,905.08	12,094.92	78.009
01-3502-4702-000-000	Bank Charges	-10,000.00	-375.00	-2,787.20	-7,212.80	27.872
01-3502-4703-000-000	Interest on Investments	261,000.00	350.50	838.41	260,161.59	0.321
01-3503-4373-000-000	Rents of Town Property	3,000.00	0.00	200.00	2,800.00	6.667
01-3508-4556-000-000	Donations - Police	798.55	0.00	5,295.00	-4,496.45	663.077
01-3508-4557-000-000	Donations - Fire	0.00	0.00	5,050.00	-5,050.00	0.000
01-3508-4558-000-000	Donations - Recreation	0.00	0.00	0.00	0.00	0.000
01-3508-4559-000-000	Donations - Other	500.00	1,200.00	1,200.00	-700.00	240.000
01-3914-4996-000-000	Voted from Surplus	0.00	0.00	0.00	0.00	0.000
01-3915-4922-000-000	From Capital Reserve Fund	575,000.00	0.00	0.00	575,000.00	0.000
01-3939-4999-000-000	Use of Fund Balance	600,000.00	0.00	0.00	600,000.00	0.000
Totals	General Fund	32,315,865.33	697,475.36	2,907,156.29	29,408,709.04	8.996

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Sewer Fund						
02-3190-4180-000-000	Interest on Sewer Utility	20,000.00	60.65	9,028.99	10,971.01	45.145
02-3190-4181-000-000	Sewer Betterment Interest	728.00	0.00	0.00	728.00	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	560,000.00	140,420.46	280,299.93	279,700.07	50.054
02-3403-4781-000-000	Sewer Consumption Charges	581,086.00	152,800.82	310,203.48	270,882.52	53.383
02-3409-4783-000-000	Sewer Capital Assessment Other Chg	100.00	0.00	0.00	100.00	0.000
02-3500-4773-000-000	Otarnic Pond Betterment Assessment	24,911.00	0.00	0.00	24,911.00	0.000
02-3500-4782-000-000	Sewer Capital Assessment	50,000.00	101,310.00	154,236.90	-104,236.90	308.474
02-3502-4702-000-000	Bank Charges	-3,000.00	0.00	-391.69	-2,608.31	13.056
02-3508-4561-000-000	Donations - Sewer	0.00	0.00	0.00	0.00	0.000
02-3509-4786-000-000	Sewer - Other Income/(Expenses)	0.00	0.00	0.00	0.00	0.000
02-3915-4922-000-000	From Capital Reserve Fund	870,000.00	0.00	0.00	870,000.00	0.000
02-3939-4999-000-000	Use of Fund Balance	124,000.00	0.00	0.00	124,000.00	0.000
02-4915-4915-000-000	To Capital Reserve Fund - Sewer	15,000.00	0.00	0.00	15,000.00	0.000
Totals	Sewer Fund	2,242,825.00	394,591.93	753,377.61	1,489,447.39	33.591

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Water Fund						
03-3190-4794-000-000	Interest on Delinquent Accounts	10,000.00	0.00	1,569.29	8,430.71	15.693
03-3290-4394-000-000	Backflow Testing Fees	25,000.00	1,710.00	3,895.00	21,105.00	15.580
03-3290-4395-000-000	Water Hookup Fee	25,000.00	2,000.00	11,750.00	13,250.00	47.000
03-3290-4396-000-000	Water Service Fees	12,000.00	570.00	2,520.38	9,479.62	21.003
03-3290-4397-000-000	Shutoff/Reconnect Fee	8,500.00	250.00	1,125.00	7,375.00	13.235
03-3401-4716-000-000	Cash Over/Short	0.00	0.00	0.00	0.00	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	64,000.00	5,356.47	21,425.88	42,574.12	33.478
03-3402-4391-000-000	Rental Fee - Public Hydrant	78,000.00	6,496.20	25,984.80	52,015.20	33.314
03-3402-4392-000-000	Public Fire Protection	224,000.00	19,097.94	76,391.76	147,608.24	34.103
03-3402-4790-000-000	Water Base Charges	960,000.00	81,625.99	324,336.54	635,663.46	33.785
03-3402-4791-000-000	Water Usage Charges	2,173,994.00	179,318.70	831,809.96	1,342,184.04	38.262
03-3402-4792-000-000	Fire Access Charges	204,000.00	16,584.67	66,338.68	137,661.32	32.519
03-3402-4799-000-000	Water Sales to Pennichuck	80,000.00	0.00	0.00	80,000.00	0.000
03-3502-4702-000-000	Bank Charges	-2,500.00	0.00	-1,137.11	-1,362.89	45.484
03-3509-4793-000-000	Other Income - Water	10,000.00	125.00	800.00	9,200.00	8.000
03-3915-4922-000-000	From Capital Reserve Fund	0.00	0.00	0.00	0.00	0.000
Totals	Water Fund	3,871,994.00	313,134.97	1,366,810.18	2,505,183.82	35.300

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Sr Activities Revolving Fund						
35-3401-4735-000-000	Misc Rev - Senior Activities	0.00	632.00	3,702.00	-3,702.00	0.000
35-3401-4736-000-000	Membership Fees	0.00	120.00	3,340.00	-3,340.00	0.000
Totals	Sr Activities Revolving Fund	0.00	752.00	7,042.00	-7,042.00	0.000

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Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
	Community TV Revolving Fund					
45-3401-4745-000-000	Cable Franchise Fees	0.00	0.00	75,660.11	-75,660.11	0.000
Totals	Community TV Revolving Fund	0.00	0.00	75,660.11	-75,660.11	0.000

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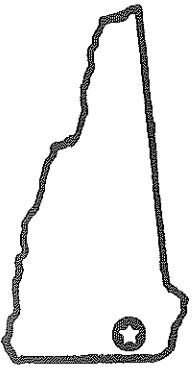
Account Number		Est Rev	MTD Rev	YTD Rev	Balance	%Coll
EMS Revolving Fund						
50-0000-4729-000-000	EMS - Contracted Services	15,000.00	8,246.42	8,246.42	6,753.58	54.976
50-0000-4730-000-000	EMS - 50% Ambulance Billings	430,322.00	0.00	105,168.42	325,153.58	24.439
50-0000-4731-000-000	EMS - 50% Charges on Amb Billings	-22,000.00	0.00	-6,618.37	-15,381.63	30.084
Totals	EMS Revolving Fund	423,322.00	8,246.42	106,796.47	316,525.53	25.228

**TOWN OF HUDSON
AUTOMOBILE REGISTRATION BY MONTH
FISCAL YEARS 2017, 2018, 2019, 2020, 2021, 2022**

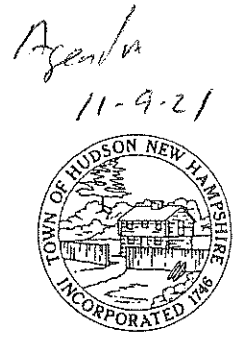
	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>1st half Fiscal Year</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>2nd half Fiscal Year</u>	<u>Actual Fiscal Year Total</u>	<u>Budget Fiscal Year Total</u>
FY2017	\$327,635	\$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	\$523,883	\$518,796	\$571,111	\$3,285,953	\$6,119,060	\$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%	102.4%	112.9%	60.6%	vs. Budget	112.9%
FY2022	\$433,575	\$488,988	\$450,479	\$504,693			\$1,877,734							\$0	\$1,877,734	\$5,420,000
vs. Budget	8.0%	17.0%	25.3%	34.6%			34.6%							0.0%	vs. Budget	34.6%

**TOWN OF HUDSON
GENERAL FUND INTEREST BY MONTH
FISCAL YEARS 2017, 2018, 2019, 2020, 2021, 2022**

	<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>
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	\$204	\$198	\$142	\$1,365	\$17,417	\$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%	6.6%	6.7%	0.5%	vs. Budget	6.7%
FY2022	\$147	\$147	\$195	\$350			\$838							\$0	\$838	\$20,000
vs. Budget	0.1%	0.1%	2.4%	4.2%			4.2%							0.0%	vs. Budget	4.2%




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



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

8K

To: Board of Selectmen

From: Steve Malizia, Town Administrator 

Date: November 4, 2021

Re: MRI Study

Selectman Roy has requested that the attached item regarding an MRI study be placed on the Board's November 9, 2021 agenda.

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

RE: MRI Manpower Study

At our October 19, 2021 Board had a discussion about contracting with MRI to do a Manpower Study for town hall to establish if the current staffing levels still meet the needs of the Town.

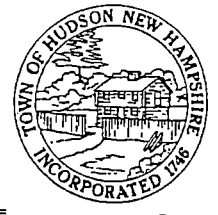
I, mistakenly, thought we had come to a consensus to move forward and where the funding would come from.

I am requesting we close the loop on this issue and come to a consensus on this issue.



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

Agenda
11-9-21



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

8L

To: Board of Selectmen

From: Steve Malizia, Town Administrator

Date: November 4, 2021

Re: FY 23 Deliberative Schedule Voting

Attached please find correspondence from Budget Committee Chair Richard Weissgarber requesting a response from the Board of Selectmen to a motion made at the Budget Committee meeting on November 3, 2021. The motion is requesting that the Board of Selectmen and School Board direct their ex officio appointed members of the budget committee to abstain from voting during the FY23 Deliberative Schedule. According to our Town Attorney, the designated ex officio member is a full voting member of the Budget Committee and the Selectmen cannot restrict the ability of the ex officio member to vote as a member of the Budget Committee. Should the Board of Selectmen concur with this opinion, the following motion is appropriate:

Motion: To deny the request from the Budget Committee to direct the Selectmen ex officio member of the Budget Committee to abstain from voting during the FY23 Budget Committee deliberations.

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

Malizia, Steve

From: Richard Weissgarber <budgetweiss@gmail.com>
Sent: Thursday, November 4, 2021 9:25 AM
To: McGrath, Marilyn; Gary Gasdia
Subject: FY23 Deliberative Schedule Voting

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

Chairman McGrath and Chairman Gasdia,

Ref: 3 Nov 2021 Budget Committee Meeting

During the final segment of the 3 Nov 2021 budget committee meeting (Agenda Item I. Other Business/Comments) Vice-Chairman Cole brought a motion to the floor which read:

- Motion to request the Board of Selectmen and School Board direct their ex officio appointed members of the budget committee to abstain from any voting during the FY23 Deliberative Schedule (paraphrasing a bit but that was the intent). Watching the video will provide you Vice-Chairman Cole's exact words.

The above motion, which was seconded by Mr. Trost, passed 5-4-0. This was not a roll-call vote.

There were (2) excused members from the 3 Nov meeting (Mr. Murray and Selectman Gagnon). There was no Selectman representation at the meeting.

There was much discussion on the motion related to possible conflict of interest, voting on a budget or warrant article twice, etc. and to be honest I would have preferred this be a specific agenda item. However, we voted on the subject last night and would request a response in writing from both Boards **NLT: 9 Nov 2021** prior to the start of the Deliberative Schedule with SAU 81 on 10 Nov.

I have read through RSA 32 in total and I am unable to find where the (2) ex officio appointed members are specifically empowered to vote the same as the (9) elected member-at-large; it also does not specifically prohibit their voting. I believe the lack of prohibition is what has enabled the accepted practice of these two positions as voting members for years but need to have the Town and SAU 81 provide the current budget committee a formal answer and reference on this.

I also saw that there was an HB 1276 (2020) that was specifically meant to prohibit ex officio members of the budget committee from voting. I am not sure of the disposition of this Bill but would appreciate any assistance understanding this as well.

Vr,
Rich
Richard Weissgarber
Chairman, Hudson NH Budget Committee