



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

February 28, 2023

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
6. CONSENT ITEMS
 - A. Assessing Items
 - 1) Veteran Tax Credit: map 197, lot 032, 3 Sunrise Drive
 - 2) All Veterans Tax Credits: map 156, lot 008, sub 027, 6 Amanda Drive; map 252, lot 015, 21 Winslow Farm Road
 - 3) Disabled Veteran Tax Credit: map 178, lot 013, sub 077, 72 Mobile Drive
 - 4) Disabled Veteran Tax Credit & Regular Veteran Tax Credit: map 223, lot 024, 46 Wason Road
 - 5) Blind Exemption: map 168, lot 068, sub 012, 212 Pheasant Run
 - 6) Certification of Yield Taxes/Timber Warrant: map 182, lot 003, 65 Central Street
 - B. Licenses & Permits & Policies - none
 - C. Donations
 - 1) Donation of \$2,100 from Murray & Mary Pitchman to Town Poor Fund
 - D. Acceptance of Minutes
 - 1) Minutes of February 14, 2023

F. **Calendar**

3/04 11:00am Supervisors of the Checklist - BOS Meeting Room
3/07 7:00 Board of Selectmen - BOS Meeting Room
3/08 7:00 Planning Board - Buxton Meeting Room
3/09 7:00 Zoning Board of Adjustment - Buxton Meeting Room
3/13 7:00 Conservation Commission - Buxton Meeting Room
3/14 Town Election - Polls are open 7:00am-8:00pm

visit www.hudsonnh.gov for more election info.

7. **OLD BUSINESS**

A. Votes taken after Nonpublic Session on February 14, 2023

1. Selectman Morin made a motion, seconded by Selectman Guessferd to approve settlement agreement covering BTLA Docket #30444-21PT for Map 228, Lot 6, 254 Lowell Road, as recommended by the Chief Assessor and Town's Legal Counsel. Carried 4-0.
2. Selectman McGrath made a motion, seconded by Selectman Morin to hire Nicole Clay as Police Prosecutor at \$100,021 in accordance with the Hudson Police, Fire and Town Supervisors Association Contract (step 6). Following a successful six-month probationary review, she would move to \$102,771 (step 7). Carried 4-0.
3. Selectman McGrath made a motion, seconded by Selectman Guessferd to promote Sergeant Patrick Broderick to Lieutenant at a salary of \$94,126.00 in accordance with the Hudson Police, Fire and Town Supervisors Association Contract (step 4). This elevation in rank would be effective Monday, March 13, 2023. Carried 4-0.
4. Selectman McGrath made a motion, seconded by Morin, to adjourn at 9:03 p.m. Carried 4-0.

B. Board of Selectmen Bylaw Review - Selectmen Guessferd/Morin - Decision

8. **NEW BUSINESS**

- A. Police Department Roofing - HPD - Discussion
- B. Request for Additional Sewer Allocation - Engineering - Decision
- C. DPW Fuel Pump Station Project Update - Engineering/DPW - Decision
- D. Request to Advertise for Town Treasurer - Finance - Decision
- E. Resignation of Firefighter/AEMT & Request to Advertise - HFD - Decision
- F. Resignation of Probationary Firefighter/EMT & Request to Advertise - HFD - Decision
- G. Request to Purchase Aerial Platform Truck - HFD - Decision
- H. Town's Position on NRPC Transportation Improvement Plan - Discussion

9. **BOARD LIASON REPORTS**
10. **REMARKS BY TOWN ADMINISTRATOR**
11. **REMARKS BY SCHOOL BOARD**
12. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

13. **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, March 2, 2023.



TOWN OF HUDSON
Office of the Assessor

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

www.hudsonnh.gov



Agenda
7-28-23

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

6A-1

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor *JM*

RECEIVED

RE: Veteran Tax Credit:

FEB 22 2023

3 Sunrise Dr. – map 197/ lot 032

TOWN OF HUDSON
SELECTMENS OFFICE

I recommend the Board of Selectmen sign the PA-29 form granting a Veteran Tax Credit to the property owner listed below. The resident has provided a copy of their DD-214 verifying that they qualify for the credit.

Gene Moscone - 3 Sunrise Dr. – map 197/ lot 032

MOTION: Motion to grant a Veteran Tax Credit to the property owner referenced in the above request.



TOWN OF HUDSON
Office of the Assessor

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

www.hudsonnh.gov



*Agenda
2-28-23*

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6A-2

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor *JM*

RECEIVED

RE: All Veterans Tax Credits:

FEB 22 2023

6 Amanda Dr. – map 156/ lot 008/ sub 027
21 Winslow Farm Rd. – map 252/ lot 015

TOWN OF HUDSON
SELECTMENS OFFICE

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

Arthur Cemorelis - 6 Amanda Dr. – map 156/ lot 008/ sub 027
Douglas Gilbert - 21 Winslow Farm Rd. – map 252/ lot 015

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



TOWN OF HUDSON

Office of the Assessor

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

www.hudsonnh.gov




Agenda
2-28-23

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6A-3

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor 

RECEIVED

RE: Disabled Veteran Tax Credit:

FEB 22 2023

72 Mobile Dr. map 178/ lot 013/ sub 077

TOWN OF HUDSON
SELECTMENS OFFICE

I recommend the Board of Selectmen sign the PA-29 form granting a Disabled Veteran Tax Credit to the property owner listed below. The resident has provided documentation verifying that they do qualify for this credit.

Raymond Dionne - 72 Mobile Dr. map 178/ lot 013/ sub 077

MOTION: Motion to grant a Disabled Veteran Tax Credit to the property owner referenced in the above request.

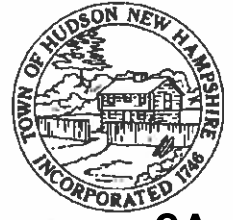


TOWN OF HUDSON

Office of the Assessor

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

www.hudsonnh.gov



6A-4

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

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor

RECEIVED

RE: Disabled Veteran and Regular Veteran Tax Credit:

FEB 22 2023

TOWN OF HUDSON
SELECTMENS OFFICE

46 Wason Rd. – map 223/ lot 024

I recommend the Board of Selectmen sign the PA-29 form granting a Disabled Veteran Tax Credit and a Regular Veteran Tax Credit to the property owner listed below. The resident has provided documentation verifying that they do qualify for both credits.

Richard Debreceni - 46 Wason Rd. – map 223/ lot 024

MOTION: Motion to grant a Disabled Veteran Tax Credit and a Regular Veteran Tax Credit to the property owner referenced in the above request.



TOWN OF HUDSON

Office of the Assessor

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

www.hudsonnh.gov



*Agenda
2-28-23*

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

6A-5

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor *JM*

RECEIVED

FEB 22 2023

RE: Blind Exemption:

TOWN OF HUDSON
SELECTMENS OFFICE

212 Pheasant Run – map 168/ lot 068/ sub 012

I recommend the Board of Selectmen sign the PA-29 form granting a Blind Exemption to the property owner listed below. The Assessing Department has verified that the property owner has the proper documentation from the State of NH to qualify for this exemption.

Ingrid Scott - 212 Pheasant Run – map 168/ lot 068/ sub 012

MOTION: Motion to grant a Blind Exemption to the property owner referenced in the above request.

Agenda
2-28-23



TOWN OF HUDSON

Office of the Assessor

Jim Michaud

Chief Assessor, CAE

email: jmichaud@hudsonnh.gov

www.hudsonnh.gov


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6A-6

TO: Board of Selectmen
Steve Malizia, Town Administrator

DATE: February 28, 2023

FROM: Jim Michaud, Chief Assessor 

RE: Certification of Yield Taxes Assessed/Timber Warrant:

65 Central Street – map 182/ lot 003

RECEIVED

FEB 22 2023

TOWN OF HUDSON
SELECTMENS OFFICE

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

Ricky Frenette, Kimberly Frenette, & Lauri Ripaldi
14 Tate St.
Hudson, NH 03051

CERTIFICATION OF YIELD TAXES ASSESSED
INTENT FILED DURING TAX YEAR: April 1, 2022 to March 31, 2023

TOWN / CITY OF: HUDSON, NH
COUNTY OF: HILLSBOROUGH
DATE OF BILLING: February 28, 2023

SEND SIGNED COPY TO: NH DEPARTMENT OF REVENUE ADMINISTRATION
MUNICIPAL AND PROPERTY DIVISION
PO BOX 487
CONCORD, NH 03302-0487
or E-mail to timber@dra.nh.gov

<u>Kara Roy, Chairperson</u>	Date
<u>Robert Guessferd, Vice-Chairman</u>	Date
<u>David S. Morin</u>	Date
<u>Marilyn E. McGrath</u>	Date
<u>Selectman/Assessor</u>	Date

# 1	# 4	# 5	# 6	# 6	# 7	# 8	# 9	# 10
NAME OF OWNER	SPECIES	NUMBER OF BOARD FEET (In Thousands)	NUMBER OF TONS	NUMBER OF CORDS	STUMPAGE VALUE	TOTAL ASSESSED VALUE	TAX AT 10 %	
RICKY FRENETTE & KIMBERLY FRENETTE & LAURI RIPALDI 14 TATE STREET HUDSON, NH	WHITE PINE	16.245			\$185.00	\$3,005.33	\$300.53	Subtotal of TAXES Due (Col. #9)
	HEMLOCK							
	RED PINE							
	SPRUCE & FIR							
# 2	HARD MAPLE	0.055			\$361.00	\$19.86	\$1.99	
DESIGNATED ON NOTICE OF INTENT TO CUT	WHITE BIRCH							\$430.65
	YELLOW BIRCH	0.075			\$223.75	\$16.78	\$1.68	
	OAK	2.375			\$455.00	\$1,080.63	\$108.06	
MAP & LOT NUMBER	ASH							Less bond or amount previously paid, if applicable
182-003-000	SOFT MAPLE	0.085			\$135.00	\$11.48	\$1.15	
	BEECH/PALLET/TIE LOGS							
	PINE BOX / PALLET							
	OTHER:							
# 3	OTHER:							
OPERATION NUMBER					TONS	CORDS		
22-229-04-T	SPRUCE & FIR				\$ -			Total Amount Due
	HARDWOOD & ASPEN				\$ -			
	PINE		2.83		\$ 0.43	\$1.20	\$0.12	
	HEMLOCK				\$ -			
ACCOUNT OR SERIAL #:	BIOMASS CHIPS		201.37		\$ 0.85	\$171.16	\$17.12	\$430.65
1820	HIGH GRADE SPRUCE				\$ -			
	CORDWOOD				\$ -			
						\$4,306.44	\$430.65	

**ORIGINAL WARRANT
YIELD TAX LEVY
February 28, 2023
THE STATE OF NEW HAMPSHIRE**

COUNTY OF: HILLSBOROUGH

TO: *Donna Melanson* , Collector of Taxes for Town of: HUDSON, NH , in said County.

In the name of said State, you are hereby directed to collect on or before thirty (30) days from the date of bill from the person(s) named herewith committed to you, the Yield Tax set against their name(s), amounting in all to the yield tax due, below, with interest at eighteen (18%) percent per annum from the due date and on all sums not paid on or before that day. We further order you to pay all monies collected to the treasurer of said town, or treasurer's designee as provided in RSA 41:29, VI, at least on a weekly basis, or daily when receipts exceed \$1,500.00, or more often when directed by the Commissioner of Revenue Administration.

Given under our hands and seal at *Hudson*,

Kara Roy, Chairperson Date

Robert Guessferd, Vice-Ct Date

David S. Morin Date

Marilyn E. McGrath Date

Selectman/Assessor Date

DATE OF BILLING: February 28, 2023

NAME & ADDRESS	TAX MAP & LOT	OPERATION #	YIELD TAX DUE
RICKY FRENETTE & KIMBERLY FRENETTE & LAURI RIPALDI 14 TATE STREET HUDSON, NH	182-003-000	22-229-04-T	\$430.65
DATE YIELD TAX DUE:			March 30, 2023

Agenda
2-28-23

RECEIVED

FEB 13 2023

TOWN OF HUDSON
SELECTMENS OFFICE

6C-1

From: Murray Pitchman pitchmur13@gmail.com
Subject: Fwd: Donation - Pitchman
Date: Feb 8, 2023 at 4:53:45 PM
To: pitchmur13@gmail.com

To: Town Administrators Office

Attention: Hudson NH Board of Selectman

Reference: Hudson NH Property Tax Office

Please except my payment of \$2100.00 (check enclosed) as a donation to "The Town Poor" fund.

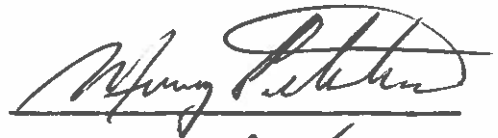
This donation is to recompense for all property tax Veterans Credits given to the property at 36 Westchester Court Hudson NH, from year 2018 to year 2021, inclusive.

This property was not qualified to receive the Veterans Credit due to a Homestead Property Tax Exemption received during the same period for a home also owned by the undersigned at 6677 Garde Road Boynton Beach FL.

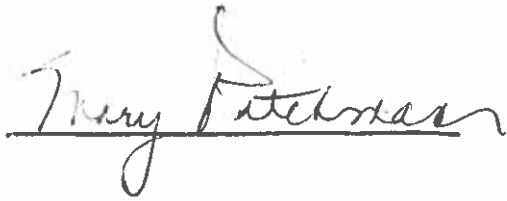
Please acknowledge your acceptance.

Respectfully.

Murray and Mary Pitchman



978-985-7570



HUDSON, NH BOARD OF SELECTMEN

Minutes of the February 14, 2023 Meeting

1. CALL TO ORDER - by Chairperson Roy the meeting of February 14, 2023 at 7:00 p.m. in the Selectmen Meeting Room at Town Hall
2. PLEDGE OF ALLEGIANCE led by Police Chief, Tad Dionne
3. ATTENDANCE

Board of Selectmen: Bob Guessferd, Marilyn McGrath, Dave Morin, Kara Roy

Staff/Others: Steve Malizia Town Administrator; Elvis Dhima Town Engineer; Tad Dionne Police Chief; Scott Tice Fire Chief; Jim Michaud Chief Assessor; Gary Gasdia School Board Chairman; Jill Laffin Executive Assistant

4. PUBLIC INPUT

John Dubuc, 11 Eagle Drive

Good evening. My name is John Dubuc. I live at 11 Eagle Drive. I want to start by thanking all of you for all you do for me, the residents that come to the meetings and for all of Hudson. I don't think anyone here understands the dedication and sacrifice you all make for all of us. Thank you. As a resident, I personally only ask a few things from you. I ask that you really listen to me when I'm speaking. Ask me questions. I'd be happy to clarify anything for you. I'm also asking that you endorse our ordinances and policies that are in place. If a policy or ordinance needs to be updated, as many do, then bring those forward to fix. But your duty is select board member to enforce what is in place now. You may be questioned after your decision, but know you have Hudson's ordinances and policies to back you up and justify your decisions. Don't make decisions based on fear. Make decisions with knowledge and facts. I want to restate something that I said to you a few weeks passed. You have an important role in obligation to the residents of Hudson to shape Hudson's future and take the time to research and understand decisions you make that they're right ones for Hudson's future. I see a great future for Hudson that comes from forward thinking and thoughtful planning and decisions. Be brave, be bold and being informed, independent thinker when you vote. I hope you're all with me tonight for this. Thank you again for everything you do for us and for the dedication that you put forward for this town. I appreciate it.

Attorney Thomas J. Leonard, Green Meadow Golf Club

Thank you, Madam Chair. My name is Thomas J. Leonard. And I'm here on behalf of Green Meadow Golf Club Inc., who is the owner of some property over an off Steel Road known as Green Meadow. And I'm here because I understand there's an item on the agenda Sewer Allocation Hillwood Project. We became aware of it last month and I took a moment to review the video to try to understand what was at issue here. And I have to say, I'm not exactly clear where we're headed here tonight. I think I understand from the video that the primary question is, is really a Board question on whether you want to release a particular information to the public. And we, of course, as landowners, it's totally up to you, and I appreciate that you're working on that. However, anything beyond that is very concerning to us. We as landowners, we as the landowner have a project that's been approved by the Planning Board, was unanimously approved. And to the best of my knowledge, anyway, there was no appeal filed. The appeal

period has expired. We were happy with the whole process at the Planning Board. It was a substantial process, substantial review, substantial detail. In any event, where we're most concerned, concerns if it goes beyond simply your question about releasing information I've listened to, I actually took the took a little bit of a review through the last couple of months and reviewed testimony primarily in the public input part of of these meetings from people who are opposed to the project. There have been people all along we heard it at the Planning Board. The Planning Board addressed it in detail each time a question was raised. So I went through the minutes and I recognize that some people are opposed. But I have to say that as landowner we definitely have a different point of view. We have a different point of view on the facts. We have a different point of view on the law. And I don't really want to get into all of that today unless you think it's necessary, but I do want that on the record. I also would like to point out that we we Green Meadow submitted a letter to the to the chair here, and I would like to be sure that that's part of the record. It requested that the history of this matter be part of the record. And I think that's important to have it recognize that really this goes back to January of 2021, and the record associated with those hearings ought to be a part of this whole thing.

Chairperson Roy then said, Mr. Leonard, if I could just interrupt you for one second. I saw that if you want to present that to the Board. So that letter and we can leave it up to the Board, whether they want to make it part of the public record or not, I don't I don't object to that, but. Attorney Leonard replied, well, I submitted it already. I don't actually have another copy here. I'm happy to submit it again. And really, I just want the Board to be aware that there's a lot of information as I know you are. There's a lot of information out there, and I don't believe we need to get into it today, but I certainly, certainly want the opportunity if that if that were to come up. I think my main comment here today is that this has been a Planning Board member, a Planning Board matter, thorough review. There's been all kinds of discussions on all kinds of fronts. We've gone through many steps. And as a landowner, we've relied on an awful lot of these steps. Our suggestion today is that this Board addressed the concern that I think is your primary concern. Do you want to release information and that you take no, no further steps beyond that. Any steps beyond that our worry, our concern is they affect our property rights. And that's and that's a big deal. So I appreciate your letting me speak tonight. And thanks very much.

Chairperson Roy replied, thank you. Does anybody else wish to provide? No, she was just deferring to deferring to the gentlemen. From the audience Ms. Jakoby said, they're sitting together, so I just.

Attorney Chris Hillson, Hillwood Enterprises

Good evening, everyone. Madam Chair, my name is Chris Hillson. As some of you probably know, I represent Hillwood Enterprises in connection with the Hudson Logistics Center. Hillwood has submitted a letter as well, and I like Jay, Attorney Leonard, I want to make sure it's it's made part of the record. I have a single copy to share with the Board, if you so prefer, but it has already been submitted last week. And so I'm happy to give you the singular copy of the letter that I have, but I want to make sure that that is part of the record. Chairperson Roy then said, actually, I believe we have both sets of. From the audience Attorney Leonard said, excuse me a second to I also have one singular one. Should I submit? Chairperson Roy replied, if you'd like. Thank you.

Attorney Hillson went on to say, so my comments are actually going to be far more truncated than Attorney Leonard. Not that he went on at some length. I have. I have some worry that perhaps Hillwood's concerns and my concerns may be the result of a of a misunderstanding or perhaps an overreaction. As you all know, you've touched the sewer allocation decision already three times, and you're being encouraged to take it up a fourth time. And you have been petitioned over the course of several months. And I think you prudently have not taken any action consistent with the history of this matter, consistent with the amended applications before the Planning Board and consistent with with the law. And Hillwood was very concerned, as would I when we when we saw this reappear on the the Select Board's agenda as Attorney Leonard ably articulated, maybe it's merely because you're attempting to grapple with whether or not to release some manner of attorney client privilege letter. That's your business. You know, Hillwood

has no interest in this, but when you see it, I think you would agree that there was understandably some concern given given how far down the road we are and the rather significant prejudice that would obtain to Hillwood if this were to be taken up again. And so you're all very familiar with this history and I, I viewed the video from the last meeting. You're all very much apprised and on top of this, I trust that you're going to do the right thing by my, by my estimation in, in my opinion, you're doing the right thing. You've declined to take any further action in this matter. And I think that's the appropriate step for this board to take. I'm happy to answer any questions either now or later on in this meeting that the board may have. But to be clear, your move tonight should be merely to take no further move. Thank you very much.

Heidi Jakoby, 94 Gowing Road

Thank you. My name is Heidi Jacoby. I live at 94 Gowing Road. I want to thank the Board for having the Town Assessor at a previous meeting. It really got me and I'm sure others to look closely at their tax assessment and I hope that going forward, as I know, the deadline for abatements is March 1st, that people look closely at their assessment as I see some abatements today with some errors. I just wanted to share that I was surprised that I found on mine that I had an outbuilding that was actually my neighbor's that's both on my tax assessment and his tax assessment. I'm being assessed at \$3,800 and he's being assessed at \$2,800. So I will be putting in an abatement form as well. But the other one was that there was a math error on the square footage of my home as well. So I just asked the Board that once all the abatement, the abatement requests come in in March to really look at what type of errors were made, because I have a feeling that there was some disconnect in some of the work that was done. But I really appreciate that. And I wanted to remind everyone that March 1st is the deadline. Thank you.

Chairperson Roy then said anybody else for public input? So before we move on, though, I just want to kind of poll the Board. Does anybody have any objection to these being added to the record, these letters from Hillwood or? Selectman McGrath then said I would like to see them and I'm surprised that they weren't...The Town Administrator said they were emailed. But if you want to pass this down. Selectman McGrath then said I don't have any objection to them being added to the record, but I want to see what they are. Chairperson Roy asked Selectman McGrath do you want me to give you a minute, or can I move on to? Selectman McGrath responded, No, you can move on. I can read and listen at the same time.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS - none

6. CONSENT ITEMS

Chairperson Roy asked, does anyone have anything they'd like removed for separate consideration? Selectman Guessferd asked to pull item 6B-1.

Selectman Guessferd made a motion, seconded by Selectman Morin to approve consent items A, C, D, E & F. Carried 4-0.

Selectman Guessferd was then recognized and said this is for the Kiwanis Ice Fishing Derby, which has been officially canceled. So that's why I'm requesting that it be taken off. We don't need, we don't need to approve that. Chairperson Roy said, okay. All right. So there is no. Kiwanis Ice Fishing Derby this year. To which Selectman Guessferd replied no, no. The temperatures are way too high and there's not enough ice. It's unfortunate because it's a children's event. It's for the children.

A. Assessing Items

- 1) 2022 Property Tax Abatement: map 243, lot 19, 27 Richman Drive
- 2) 2022 Abatement Application: map 183, lot 54, 3 Marshall Street
- 3) 2022 Abatement Application: map 246, lot 16, 4 Par Lane
- 4) Currant Use Lien Release: map 206-001-002, 134 Wason Road

- 5) Current Use Lien Releases: map 187, lot 10-4, 244 Standish Lane; map187 lot 10-16, 259 Standish Lane; map 187, lot 10-17, 255 Standish Lane
- 6) Disabled Exemption Re-qualification: map 152, lot 005,107 Barretts Hill Road
- 7) Elderly Exemptions: map 149, lot 001, sub 103, 2 Scottsdale Drive; map 157 lot 013, 12 Megan Drive
- 8) Solar Exemption: map 177, lot 045, 59 Bear Path Lane
- 9) Veteran Tax Credit: map 177, lot 005, sub 039, 16B Canterbury Court

B. Licenses & Permits & Policies

- 1) Outdoor Gathering Permit - Hudson Kiwanis Club - Ice Fishing Derby

C. Donations - none

D. Acceptance of Minutes

- 1) Minutes of January 24, 2023

F. Calendar

- | | | |
|------|------|--|
| 2/15 | 7:00 | Library Trustees - Hills Memorial Library |
| 2/16 | 7:00 | Benson Park Committee - HCTV Meeting Room |
| 2/20 | | President's Day - Town Hall Closed |
| 2/21 | 7:00 | Municipal Utility Committee - BOS Meeting Room |
| 2/22 | 7:00 | Planning Board - Buxton Meeting Room |
| 2/23 | 7:00 | Zoning Board - Buxton Meeting Room |
| 2/23 | 6:30 | Candidates Night - Hudson Community Center |
| 2/27 | 7:00 | Sustainability Committee - Buxton Meeting Room |
| 2/28 | 7:00 | Board of Selectmen - BOS Meeting Room |

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on January 24, 2023

1. Selectman McGrath made a motion, seconded by Selectman Morin to authorize a non-precedent setting earned time buyout for Firefighter/AEMT Benjamin Savage in the amount of 290 hours. Carried 4-0.
2. Selectman Morin made a motion, seconded by Selectman Guessferd to authorize the appointment of Christine Strout-Lizotte as Deputy Town Clerk/Tax Collector beginning on January 24, 2022. Carried 4-0.
3. Selectman Guessferd made a motion to adjourn at 9:46 pm. This was seconded by Selectman McGrath. Carried 4-0.

B. Serious Incident Reporting Policy - Second Read

Chairperson Roy recognized the Town Administrator who said, this was on the last agenda per year, recently adopted policy. This is a two-step adoption of a policy. I believe you've all had sufficient time to look at it. This had been vetted by the Attorney and I believe it met everybody's satisfaction. So in essence, what you're doing this evening is approving this policy. Again, you had the first reading at the last meeting. This is the second meeting. It's up for your approval. Seeing no discussion from the Board, Selectman McGrath made a motion, seconded by Selectman Morin to approve the Serious Incident Reporting Policy effective February 14, 2023. Carried 4-0.

C. Board of Selectmen Bylaw Amendments

Selectman Guessferd was recognized and said so, it's been a while, and I apologize for that, since we started talking about revising these bylaws. They do get revised periodically. Typically, it's around every year, year plus. We are on the I think revision number three. This should be actually probably revision four would be this one. So I'll change, I would change that. And so I went and made some made some what I think were recommended changes. We'll walk through them and then provide them to Selectman Morin. We agreed that these were what we thought were some worthy revisions. Some of them are really merely cleanup. Others are are things that I think we should address. And I understand that you may have some additional comments and what we'll do tonight, I think I feel like if there's additional comments and we basically concur on those, then I'll incorporate them and send them back out so that we can then look at them again at the next meeting and and hopefully approve after the first and second readings of these.

Selectman Guessferd went on to say so to move down the the actual bylaw document, the second article officers, we talk about vacancies created during the year being filled by special election of the Board as soon as practicable. Right now it says at the next regularly scheduled meeting. But I think we all know based on the process that has occurred, at least the last process that was occurred, that's not always practical. We like to have people come in, submit applications. We want to take a look at them, interview them. And so it's really not and it's really not possible, I guess I'll say, to do them at the next meeting, unless we all have some level of concurrence because we don't have a specific process that that's written down in terms of. But we've just kind of come I think what I've seen is in to a particular sort of process, the same we use for, for elected, for having other members appointed to different committees that are appointed committee. So I just changed it to as soon as practicable, ideally as soon as the agreement can be reached on an appointee. Chairperson Roy then said so I just I just want to make sure that we're in compliance. Does does the RSA state at a time? The Town Administrator replied no. Selectman Guessferd said no it doesn't. Chairperson Roy replied, okay, and then I don't I think this is more workable than what's...Selectman Guessferd interjected saying right. It gives us some flexibility as one way or the other, whether we decide to do it at the next meeting using a different process than we have or whatever. It leaves it broad enough where we can we can work with it. So the next one and during also as part of article two. 2b just it was just a self-explanatory edit in the absence of the chairman and the vice chairman, the next senior member of the Board shall assume all duties and responsibilities of the Chairman for that meeting. I just thought it was it was worth saying for that meeting. It may be redundant.

Selectman Guessferd went on to say but when we go down to operation really more had a question here. Not so much a change, but do we think that we want to spell out the actual RSA or just refer to it? I think we can refer to it, but. Chairperson Roy replied I think that we can just refer to it. But I also think that we should add language that whatever section of that RSA we're using has to be stated within the motion to enter nonpublic, if that makes sense. Selectman Morin replied, yes. Selectman Guessferd replied, yes, absolutely. Yeah. And so we'll add that language that which section of the RSA. I will add that for the next draft.

Moving on. I didn't really I had some bold there, but I think that's fine under G. I do agree that there are exceptions, right, with the cell with the cell rule. And I think it's these are these are these are good exceptions. But we really need to limit because a lot of times what'll happen. I've seen it during different meetings, whether it's here or Planning Board, where somebody will look up at, say, while we're having a discussion. So, you know, these are to me, legitimate reasons to utilize a cell phone. But and of course, if there's an emergency, that sort of thing. So I think this is fine. Selectman Morin jokingly said and all your paperwork blowing off the roof when I have to use my phone for this. So, yes, we need to leave that in. Selectman Guessferd laughed saying, yeah, I would think so. Yeah. Okay. All right.

So next down, a schedule of meetings. I think we've discussed this during the year and as we were discussing the things that we were going on with the Budget Committee and and we've also talked about the representative, the Budget Committee shall ask the Board how they wish him or her to vote. We don't.

We really the last time we talked about that was like, no, we're not going to do that. When we vote on a committee that is our vote, our individual vote. So I wanted that struck. Okay?

Selectman Guessferd went on to say, okay. So when we when we talk about evaluations on the Town Administrator, Mr. Malizia, the first thing I noticed is that we really haven't done that. Chairperson Roy agreed saying Yeah, that's, that's my bad. Selectman Guessferd went on to say no, you know, it's not and I'm not trying to point fingers or anything. So if we indeed follow this, are we going to be able to get this done? Probably not for this year. I'm thinking the timing is going to be tough, but I think it's something that we ought to keep our minds on. Chairperson Roy said so I think isn't it typically done in like the June time, June. Selectman Morin added, June. That's when the department heads get theirs Correct? The Town Administrator replied, that's correct. Selectman Morin added it was all done at the same time. Chairperson Roy said after he does the department heads. Yeah. So I don't know if we want to specify that in there. Either as a as a month or as...Selectman Guessferd said as it says here, the current seated Board of Selectmen must complete the final evaluation document prior to the next annual election. I mean, I guess if you're doing it in June, it's prior to the next election. So. Chairperson Roy said and it gives him again, it gives him an opportunity to do the department heads we. Selectman Morin then said and the thing with that when I read that is prior to the election, if you go prior to the election, you've got budget, you've got all the town meeting. So if we keep it in June, it will take that off our plate. Selectman Guessferd said June's a good timeframe because it's the end of the fiscal year as well. So we'll leave that in then the way it is. Just wanted to discuss it and make sure that we were we had some level of consensus. All right.

Moving on to the next page role of the vice chairman, I just felt it was a little bit better to just kind of spell out a little bit, just to say in the absence of the chairman, the role is identical to those set forth in Section three above. So all of those things just instead of just saying please see above. So that's really just more of an editorial scenario.

Moving on, we have a couple more pages here, G and this is one that it says, I also thought that we should use the word liaisons, selectman liaisons, because we are liaisons to certain committees. I mean, it's more of a terminology issue. I don't think we have a historic district commission, do we? Chairperson Roy replied no I don't believe we do. Selectman Guessferd said so I figured we'd take that out. And I added the Budget Committee because because the way it says land use board says land use boards, Planning Board, Conservation Commission and Zoning Board. And then and then then we added and I added and the Budget Committee shall be for one year or until next town meeting, whichever is sooner. The Town Administrator said, they're not voting members on the Zoning Board, you're only a liaison. You have to be careful with the wording there. Chairperson Roy agreed with the Town Administrator. She then added and that's the other thing is, is the Planning Board ex-officio member is elected from the, from the Board, if I'm not mistaken. Right. That's not just a straight appointment. Selectman Morin asked what do you mean, elected? The Town Administrator said I think you all voted on...Chairperson Roy said yeah, that's what I mean. The Town Administrator said like you get appointed to the Benson Park Committee. That's a vote. Chairperson Roy then said so then I guess the question comes, if we want it to remain that way, we might want to expand on that so that it's clear to. Selectman Guessferd replied, yeah. I mean, it's one of those things where you could have it or not additional language. We could just add in there that the Planning Board lays on will be elected. Did you want to say that? Chairperson Roy said Yeah, by the Board. Selectman Guessferd added, because this really is more of a general statement that would encompass that too. It just doesn't say that we're electing them. So if you want, I can add that language just to say that, you know, in addition, the Planning Board lays on will be elected by the Select Board. The Town Administrator corrected Selectman Guessferd saying, ex-officio member. Chairperson Roy agreed with the Town Administrator.

I took out zoning board on here as well because those are just examples here, but Planning Board, Conservation Committee. Chairperson Roy said I just think it's important for both the public and then for future boards to know what process we were using. Selectman Guessferd replied saying, okay. Yeah. Planning Board elected by the BOS. All right, I'll add that language in. I'll try to get this out in the next two days.

Selectman McGrath was recognized and said before we move on. Item G. Number one. Second line Selectmen's representative/liaison. Then you change it in item number two to take out the word representative. So I think you need some consistency there. Selectman Guessferd replied, okay, so what do we want to say? Do we want to leave the word representative in? Selectman McGrath said I think liaison is the word we use all the time. So take out the word representative in paragraph one. Selectman Guessferd replied representative in paragraph one. yeah, that's a good catch. Thank you. Selectman McGrath replied, you're welcome. See, I read all of these. To which Selectman Guessferd replied I know you do. And that's really the end of my edits. Did you have anything additional, Madam Chair, or anybody else?

Chairperson Roy said so I do. And I know I texted you some of this. Selectman Guessferd replied, right I had some feedback. Chairperson Roy then said the discussion about the chair setting the agenda, not not necessarily developing it, but some kind of process where. Because at the end of the day, it's the chair's agenda, right? So I guess, how do we want to handle that right now the way it happens is Jill sends it to me on Thursday I look over it and say yes or no, or I want to change something or add something or whatever, and then I send it back to her and then she makes the changes and puts it out. Or if it's fine, I just say it's fine and then it goes out. So I don't know if we want to use that process or if we even want to spell out a process. Selectman Morin replied we have a process if it's working, why? Selectman Guessferd said I have to admit I you all have it, you know, more experience than me on this board with that particular scenario. Selectman Morin said I mean, as long as it's getting sent to the Chairman, you're getting to review it so you can make your changes or additions right there. Chairperson Roy replied, right. So do we just want to add language that will be reviewed before by the chair, before it's published, I guess something to that effect? Selectman Morin jokingly said unless you want to take it off Jill and just send it everything to the Chairman? Chairperson Roy laughed and said That'd be nice. But you'd never get an agenda cuz.

Selectman Guessferd then asked where do you want to say that, under C? Chairperson Roy said Officers B, duties. review and approve the agenda before publication or something like that. Selectman Guessferd replied, before posting. Okay.

Chairperson Roy went on to say, and then I think that we need to, because it is authorized by the RSA, we we we need to address remote attendance. If a, if a member is going to attend remotely. Selectman Guessferd replied, yeah, we've had that happen and it. Chairperson Roy replied, right, because I think a couple of things are important. One, I think that the town folks need enough time to be able to set up whatever they need to so that can happen. And then it does change the way we vote because we're required to take a roll call vote on every vote. If somebody is attending remotely. Selectman Guessferd responded saying, we could put that as like a paragraph H under one 1, we could add a paragraph for that. The Town Administrator said you might want to just vet it with our attorney just to make sure it complies with whatever it needs to comply with. Chairperson Roy responded, yup, I know. Selectman Guessferd replied, okay, I'll put some words in there. I'll send it to you and we can have them review the whole thing. The Town Administrator replied just to make sure it complies. Selectman Guessferd added and that roll call vote, we'd have to do that by roll call vote. Chairperson Roy replied, right. Which is actually the other. The other note I have here is if we put in language is what's required for roll call votes. so so to go into nonpublic is required and then if we have remote attendance and then the other thing is it is my understanding and somebody can correct me if I'm wrong, is that any member can call for a roll call vote. So I think that language should be in there somewhere. Selectman Guessferd replied, okay, so a roll call vote. I'm trying to think of where we put that rules of order. I think it's got to go under rules of order. And Conduct the meetings recording of votes under six Article six? Chairperson Roy replied yeah. where it talks about shall be verbal or by roll call. Selectman Guessferd then said and the two instances I'm hearing is that when we have remote attendance and when when, when we go into nonpublic. Chairperson Roy replied, correct. The Town Administrator added and when somebody, a Board member, asks for it. Selectman Guessferd replied let me just write this down. Okay. All right. What I will do is I will make these changes and I will send them out to the...do you want me to send them out to the Board or just

send them to you? Chairperson Roy replied to the Board. I'll take a look at them. The Town Administrator said or send them to Jill to send to the Board. Chairperson Roy replied that's probably the cleaner way. The Town Administrator responded we'll run them by the attorney. Selectman Guessferd added and at the same time, we'll have everybody look at them. But it doesn't seem like there's much controversial here. So I'll go ahead and make the changes in the next couple of days and get them to everybody as quick as I can. Chairperson Roy replied, cool. Okay. Thank you for the work. And again, I want to recognize former Selectman Martin for kind of starting the ball rolling on that, because before this, we never had bylaws. Selectman Guessferd replied it's interesting that we went that long without bylaws.

D. Sewer Allocation - Hillwood Project

Chairperson Roy began by saying so I have, so what's what I'm going to do is I'm going to read a statement. I'm going to open up discussion within the Board, so we'll all have our chance to have our say, and then I'll close it with another statement.

So the question's been presented to the board whether or not Hillwood has to apply for a new sewer allocation for the Hudson Logistics Center. This issue has come up because people have asked whether the original approval was expired or not in light of the fact that Hillwood filed an application to amend its plan and that amended, amended plan has now been approved. The Board of Selectmen did not respond to inquiries earlier because the amended plan was not approved and this issue was basically moot until the Planning Board approved the amended plan. The way the town's regulations are written, the sewer allocation remains valid as long as the Planning Board approval remains valid, and that is true in regard to the original approval, as well as any amendments to the original approval. So that's the I guess, the introduction to this discussion. So does anybody have any any comments they want to make about this? Selectman McGrath replied, not at this moment. Selectman Guessferd responded, Um. No, I don't have any comments at this point either.

Chairperson Roy went on to say so then the question becomes, and it's not going to be a motion, it's not going to be a vote. But the question becomes is how do we want to handle it? This I will read the rest of the statement now or most of the rest of the statement. And then and then I guess we can all answer the question if there was a specific change as far as the allocation was concerned, meaning either an increase in required capacity or a change in the nature of the waste water, such as an industrial discharge, that would be different. But that is not the case here. Essentially, there's not a material change of circumstances to warrant us revisiting this. And in regards to those members of the public who believe that the amended approval is a new approval that requires a new, that that requires a new allocation approval, we recognize and acknowledge that position. And we also understand why people may think that. But town code is clear that it's not it's not a new it's not a new approval. It's just an approval of, an approval of an amended plan. So. I guess, do we want to take any action on this? Can somebody answer out loud?

Selectman Guessferd replied I do not think we need to take action on this. I do want to bring up a point. Being the Planning Board liaison. There was some there was some discussion that that the that it was mentioned during one of the one of the hearings that when we started talking about it, that this plan was following a process, the same process, an amended plan follows the same process as a new plan. It doesn't mean it's a new plan, but it follows the same process. And the idea was there was some concern that the board, the Planning Board, was pushing this through and not considering all the aspects of the amended plan. And and going through a kind of a I think I think the term was fast track. It was not fast tracked. It was not. It was considered as any other amended plan that we've received. But it does go through the same review process. We did the same thing recently with other plans. So as far as I just want to make sure that that was clear, that that was not what that it was never said that this was a new plan. I just want to go on record with that.

Chairperson Roy replied, understood. Okay. So do you believe that we should take any action? Selectman Guessferd replied no. Selectman Morin replied, no. Selectman McGrath replied no. Chairperson Roy then said and I will say that after input from several citizens, it pains me to say that I come to the same conclusion. There is just, I just can't get to where a new, I guess a demand for a new sewer application would be warranted. So since there's no vote or decision of the Board of Selectmen required there's no change to the Board's prior approval. So hopefully we can put that issue to bed for now.

8. NEW BUSINESS

A. Amendment to Motion to Hire - Hudson Fire Dept.

Chairperson Roy recognized Fire Chief Scott Tice. Chief Tice began by saying thank you, Madam Chair. Good evening. So, on January 10th, the Board authorized me to hire three firefighters. So we extended conditional offers to those three. All three accepted. And then during the hiring process or the pre-employment process, Aaron Martin has backed out of the position. So I'm now looking for the Board to rescind the conditional offer and that position will remain open. Selectman Guessferd said no, it's unfortunate. Chairperson Roy asked, do you have anyone else in the pipeline? Chief Tice replied no. we're going to be running another process. So the physical agility test is going to be its April, May and June, which also will coincide with graduation from the Tech in Laconia. One of the conditional offers is a student at the Tech in Laconia. So hopefully he's up there showing off to his friends and he's got a conditional offer and passing the word that we're hiring. So we're just starting another hiring process and we're hoping to line it up with those because after CPAP tests there'll be a new pool of candidates that pass that test that will be eligible at that time.

Selectman Guessferd was recognized and said I'm not sure we could we can address this, but did was there feedback on why this occurred? Chief Tice replied pretty much he got cold feet. He's from northern Vermont. He's working in St. Johnsbury, Vermont for the fire department. Owns a house there. So this is quite of quite A move, both Distance and type of area. So I think he's just getting cold feet. This is the second time. He went through the process last summer and we were moving them forward to a Chiefs interview with Rob. And I think the day before that he called and said he was going to want to stay in Vermont. And now this time he made it all the way through the physical. And we actually had uniforms for him. And and he decided he wanted to stay and stay in St Johnsbury and try to make, try to make that department work better. Selectman Guessferd said so hopefully we won't see his name again. Yeah. Chief Tice replied no, no, no you won't see his name again. Seeing no further questions Selectman Guessferd made a motion, seconded by Selectman Morin to amend the motion made at the Board of Selectmen meeting of January 10, 2023 - motion made by Selectman Guessferd, seconded by Selectman Morin to, carried 3-0 to hire Aaron Martin for the position of Firefighter/AEMT in the Fire Department at the contracted salary of \$22.23 per hour (step 1). This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154. Adding that, after the conditional offer was made, Mr. Martin reconsidered and was no longer interested in the position, therefore creating an open position. Carried 4-0.

B. 12 School Street (Town Hall) HVAC Replacement

Chairperson Roy recognized Town Engineer, Elvis Dhima. Mr. Dhima began by saying, Chairperson Roy Good evening, everyone, and Happy Valentine's. First item for you tonight is the HVAC.

As you know, this building has is in need of some replacement of some of the units indoors and outdoors. Last time we spoke about needs like this was when we did HVAC for the Community Center, which is currently underway. We did put on the bid that we wanted the units at least indoors to be star rated. They are going to be high efficiency, but the units inside will be star rated. We went out, our budget was 200 grand and we got two bids \$99,600 and \$99,690, which is right on target. The project will include replacement of two units on the roof that currently service the administration side and the land use side. There will be two additional units above the assessor's office that serve the assessor side and the clerk office, and also will be this unit that serves Board of Selectmen and portion of the finance and also the heat pump that serves the Planning Board/common area and maybe a little bit of IT department as well. In addition to that, there will be filter systems introduced to the first floor, 300 cubic feet and there will be basically introducing fresh air from the outside to the indoors. Right now everything is recycled indoors. The only time we get fresh air is when we open up the windows, which is not a lot during the year.

Mr. Dhima went on to say, you have a second item there for an additional energy recovery ventilation. The folks in the basement heard about it and they wanted fresh air as well. So we had the air of spring all of a sudden, it's Steve's office. We want fresh air, too. So there's a second motion for you tonight to consider. If you want to add two additional energy recovery systems, those two units will be serving the Planning Board area/ IT department and the Board of Selectmen room, plus the finance department as well. We spoke to the consultant, the low bid, and they said that for an additional \$5,000 per unit labor and we can add that. So that's why the second motion there for you tonight to consider.

With that said, the low bid is the same one as one at the Community Center. So we got that consistency going. And I'll take any questions you might have. The Town Administrator added, just as a reminder, these are ARPA funds that we have talked about. Just to put it out there that this is ARPA money. And a lot of the purpose of that was for these kind of ventilation and upgrades in these systems.

Chairperson Roy asked, so how much was allocated for this project? To which Mr. Dhima replied \$100,000. Chairperson Roy then said so we're with the second motion. And I'm not saying I'm opposed. I'm just saying the second motion puts us over that. The Town Administrator replied by \$4,650. Don't forget, we left about \$150,000 on the table. Chairperson Roy replied okay. That was my next question. I just I just want to make sure we're all clear about where that is and where it's coming from. Mr. Dhima responded you got it, yes. We have some money set aside.

Seeing no further discussion Selectman McGrath made a motion, seconded by Selectman Guessferd to approve the contract for construction services for the HVAC System replacement at 12 School Street to North Shore Home Energy, LLC for the amount of, not to exceed \$94,650 and to charge the costs to 7206. Recommended by the Town Engineer and Finance Director. Carried 4-0.

Selectman Morin made a motion, seconded by Selectman Guessferd to approve the purchase and installation of two (2) additional energy recovery ventilators for the lower level of Town Hall to North Shore Home Energy, LLC for the not to exceed amount of \$10,000 and to charge the costs to account #7206 as recommended by the Town Engineer and Finance Director. Carried 4-0.

Selectman Guessferd then said I just want to ask being with ARPA we're going to go ahead and document our ARPA plan. The Town Administrator replied yeah, you'll have this, you'll have PO's. ARPA doesn't specifically tell us what we can do. Chairperson Roy said but it's accounted for. Selectman Guessferd added just so there's a record. Selectman Guessferd said I'm more making the statement so everyone understands both here and watching that this isn't something we're just doing.

Selectman Morin asked when are they gonna start? Mr. Dhima replied They will be provided with the green light tomorrow and soon after that we will be looking into the shop drawings. I can tell you that the other ones took about a month to get the shop drawings, but the parts for the Community Center have been ordered and we're hoping to get them in about 6 to 8 weeks before it was about 12 weeks. So we kind of got just in line. These units will be smaller except the units there on the roof. They're pretty

significant. They'll need a crane to come down. The other ones are pretty, split systems are pretty small. So I'm hoping, I'm hoping to get it within three months by the time we.

Selectman Morin replied just the concern with everything else we've seen lately, we tried to get making sure that we're going to get it this year. Mr. Dhima replied, the good news is that everything seems to be working here so far. I mean, yeah, there's a bit of here and there, but overall we have still a working system here, even though it needs to be replaced versus the Community Center that the AC it's very Stable. So that's, that's the piece. But yeah, we're hoping.

Chairperson Roy asked how long does it think it'll take to install it once it, once they get everything on the ground. Mr. Dhima replied, so this is going to be an interesting one because some of the units, like the ones above the clerk, the assessor's office, are basically above the ceiling. So that particular area will have to be closed. So I'm hoping to maybe do a hybrid between doing some of the work during the weekend without impacting the area and maybe working something out like maybe for a day or two, they stay out of there. The other units, depending on how things go, you know, on the roof, we can carry on with day to day operations here while they do the work. And I'm hoping like less than a week, to be honest, depending if all goes well and again, they'll probably do one system at a time because I don't want the entire system to be down. And then we don't have services, but probably about 7 to 10 business days.

C. Lowell Road Bridge Repair Over Second Bridge & Melendy Road Bridge Over First Brook Design Phase

Town Engineer Elvis Dhima was recognized and said Thank you. The design for both bridges is being funded by the one-time payment with that we currently receive by the state. As you recall, about \$680,000. We dedicated about \$125,000 of that for these two bridges. The reason we combine both bridges is to have a better chance to receive bids because we felt that putting two bids out there at \$62,000, it's not a good it's not a good approach. It's getting harder to get bids in. As you can see, we went out, we had three different parties attend a mandatory pre-bid meeting, but only had one party submit a bid. Wright Pierce probably looks familiar. It's the same one that we awarded the contract for the county road recently. So source. And there were the low bid for Lowell Road. So they successfully submitted a bid that basically can get the work done. With that said, my recommendation is to move forward with this project and award the contract to them for both bridges for the design and permitting phase. We budgeted \$125,000. We're about to spend about \$118,500, so we're right in there.

Selectman Guessferd then said I think we said you said that this is the same company that's doing the other? Mr. Dhima replied correct. Yeah. They're doing, they did the Lowell and First Brook and then this is the one that we move forward to sole source of \$17,500 for the County Road. Selectman Guessferd asked did we, did we get any additional bids on that first one? I thought we might have. Mr. Dhima replied the first one we had two bids on the first one. These guys were the low ones by a little bit. I think it was \$28,000 and \$32,000. That was a small job. On the second one, we just simply sole source, because it was \$17,000, we decided not to go out to bid for that small portion. But the feedback that I'm getting and I reached out to a couple of people because they're companies we work with is they're booked for the next six months. They're being very careful pushing staff to hire the ones they have because they're having a hard time hiring people and they don't want to burn out the ones they already have. So they felt that between the budget being tight, schedule being very aggressive and simply just don't have the resources to get this done in the next six months that they had to pass. Selectman Guessferd replied so the other company did consider it, but they know bid it. Mr. Dhima responded saying yes, they came in, they looked at it, they run the numbers and they just simply couldn't make it. We're trying to get this thing done in four months so we can put it in the queue to see what we get for funding for the construction phase. I would like to have federal or state funds do the construction piece while we do the design ourselves. That seems to be the approach these days. The most successful approach, but it's still going to take about four months to get this thing done. So we can't wait too long. We've got to get in line.

Selectman Guessferd replied I hear you. I know my concern is always, you know, I mean, we do we do waive the bidding requirement, the multiple bid requirements. Sometimes I just like to make sure and it sounds like this is what we're doing. We're doing our due diligence to make sure that we're considering everybody out there who could possibly do it. You know, in this particular case, we had a no bid on the other one. Essentially, we only have one bid come in. So that's given this scenario, I think it's reasonable.

Mr. Dhima then said and we've seen it everyone just with the, you know, the design, even with the HVAC, the previous item we had five or six parties attend, we had two-hour pre-bid meeting. It was great. Everyone had a lot of questions. But then at the end of the day, only two parties submitted it. It's just, you know, I think funding is tight. I mean, we run it very tight here. We're very conservative schedule is obviously, you know, we'd like to get things done quick and it all comes in play. But everyone is busy, everyone is busy, everyone's hurt. Selectman Guessferd replied and documenting that process is important, right? That we did have people that came in for the bids, you know, cuz, cuz we get criticized sometimes for not having multiple bidders. But sometimes the scenario presents itself in that way and there's not a lot you can do about it even though you try. So that's that's my concern is just making sure that we're giving it due diligence every time and documenting the fact that, you know, like we did a pre award, you know, a pre RFP bid our conference and and that this was the scenario we had five only to bid only one vote that sort of thing.

Mr. Dhima said nope and a lot of people, as I said on the last meeting, they're kind of setting up short lists for things because you know that the RFP process is just not as successful as it used to be. But we're still following the same process where before even on things are getting tougher. So we continue to do the same thing we've been doing in the past. Hopefully things got better, but our take on it is as long as we can get the work done and as long as within the budget. Sometimes all you need is one good bid. So far, so good. But I don't know what the future holds. It's getting scary out there.

Seeing no further discussion *Selectman McGrath made a motion, seconded by Selectman Guessferd to approve the contract for design engineering services for the Lowell Road Bridge over Second Brook (125/082 and Melendy Road Bridge over First Brook (114/083) to Wright Price Inc. for the amount of not to exceed \$118,500 and to charge the cost to account # 6211-501 in the amount of \$59,250 and #6211-502 in the amount of \$59,250 recommended by the Town Engineer and the Finance Director. Carried 4-0.*

D. Sample Ballot Mailer/Warrant Article Explanations

I believe the Chair asked for this on here to talk about the potential of adding plain language explanations for the warrant articles. So for the last several years, we've sent out a mailer, a mass mailer to the voting...actually, to every household in Hudson. It's been a collaborative effort with the School in the Town. And basically we sent out sample ballots for both school and town with some other information about where to vote. Sort of kind of a highlight. And it was suggested that we put some plain language in these. As part of this mailer, sometimes you read a warrant article written in legalese or, you know, RSA speak. So I've also provided you with a copy of what plain language looks like. We had done this many years back. It's been a few years. It's in the packet. Oh, okay. This is just a sample of last year's mailer. I just did it just for reference. So plain language is a brief explanation. In this case I got it to two pages. I believe the School probably has two pages, so it would be adding four pages to the to the mailer. Basically, it's the sheet and here and it's just an attempt to try to plan language, synopses and articles. Again, we can't get I'm not going to get overly verbose. We don't have page after page after page. Chairperson Roy added, right. I also think we have to be neutral, right? The Town Administrator replied we are not allowed to politic or campaign. So if you read right, we have to be new. I did take the liberty of running this by Lefevre just to make sure. I always do that. So these are nonpolitical. They're just basically statements of fact trying to put it in words that the maybe person who's not familiar with how we write articles understands it a little bit better. I believe the School did the same thing. Mr. Gasdia added yeah, we're looking to do the same thing.

The Town Administrator went on to say so I just took the liberty of doing this because I'd already done this many years back and this is following the templates we've worked with in the past. It looks like if we include plain language in the school includes plan language, it'll probably add about \$400 to the cost total. So our share will be about \$3,200, which is I think we paid \$3,000 last year or something like that. So it's a little bit of an additional cost, but it's public information. We no longer have a regular distribution of a newspaper. It's just another way to try to reach every household in Hudson.

Selectman Morin asked, do you think this will take care of the question we had last year reference to the tax rate where people were confused? I was just looking at that zero per \$1000. I think that's pretty self-explanatory. The Town Administrator added if I look at the if I look at the one that was confusing to people, which was a general fund budget, the statement on here says tax impact is \$0.42 per \$1000 of value, estimated tax rate of \$4.97 per 1000. It's pretty basic. Chairperson Roy said right, that as a concern last year. The Town Administrator added, it's also written that way I believe on the ballot are very similar to that on the ballot. So that eliminated that confusion because people thought the tax impact was \$5.00 and something cents and it wasn't. All the other ones, though, are expressed as a, you know, a tax impact because quite frankly, you know, they're all new articles. They add X, right.

Chairperson Roy then said so can I just ask that why we don't have. Something for the zoning articles and is there any way to overcomplicate those? Those seem to be the ones that the public sort of struggles with the most. Right? And I understand that on the actual ballot, where restricted to what what wording we can use. Right? But is there? The Town Administrator said I'm not going to be able to write it. So somebody else is going to have to write it. Chairperson Roy added, well, see, but if you I guess that becomes my point. The Town Administrator replied, no, because I'm an expert. I'm very well versed in this. Right. Right. I'm not sure how to parse that to try to get it to a format that's. In keeping with this like these. I'm very good at condensing those. I wouldn't want to lead the discussion the wrong way. Chairperson Roy said and I and I understand that too. But those at least the people, the folks I talk to, those that warrant articles, they struggle with the most to understand what they actually need. Selectman Guessferd added, oh the zoning? Absolutely. Yeah. When I first moved to town, I was it was like a foreign language, right? You know, it took me a while to figure it out. Selectman McGrath asked so how many? The Town Administrator replied, one's a petition, so we don't try to explain petition. so it's just one zoning article sponsored by the Planning Board. Selectman McGrath asked what is that entitled? To which the Town Administrator replied, I don't have a copy in front of me. it had to do, I think with industrial warehouses. Selectman Guessferd added it's basically breaking up the uses in the G and G one zones. Chairperson Roy added Yeah. Right. But it defines, I think where they can go with G and you want whatever it was. Selectman Guessferd added whereas we had them all lumped in one, we breaking them out now so they're separate within the use. So that's clear whether it's a, it's a warehouse, if it's a self-storage, those are separate items rather than just kind of putting them all together into one line. I think it's basically the gist of what we did. Chairperson Roy asked so do you think that maybe? To which the Town Administrator replied it's up to the Board. Whatever the Board's pleasure is we'll try to do something. Selectman McGrath replied well either.... I wouldn't suggest the Town Planner, but maybe the Zoning Administrator. The Town Administrator replied or maybe a group of us can look at it. But again, maybe just trying to not get...Chairperson Roy added right. Because we do, again, I think that we. We absolutely have to be neutral. So I don't want to start swaying anything. But also, again, I think that's those the warrant articles people struggle with the most. So I agree. Do we want we want to approve this with the addition of the zoning, since there's only one, zoning warrant article? Selectman McGrath responded and I would suggest again contacting Bruce. I'll be coming into town hall, I think on Friday this week, and I can talk to him as well. The Town Administrator replied we'll be done before that.

Chairperson Roy then said so I guess the other question I guess is when do we want to get this out? To which the Town Administrator replied, well, we have to coordinate that with the School. So they take the lead on when they go to the to the mailer. I delivered to them. I don't know where they are in their part of the process.

Mr. Gasdia spoke up saying, can we just meet with that, I think the format should be somewhat similar, if not exact. The Town Administrator replied I mean, I mailed it to Ms. Wolfe. And I showed her what I was doing, so. Selectman Morin made a motion, seconded by Selectman Guessferd to include the plain language explanations for the Selectmen's Warrant Articles and Zoning Article with this year's sample ballot mailer. Carried 4-0.

E. January 2023 Revenues & Expenditures

The Town Administrator was recognized and said we're basically 58% of the way through the year, which is seven months. We got five months to go. Knock on wood, it's been a somewhat mild winter, so we really are not burning through all of that quickly and everything else looks to be on track at this point. We certainly have encumbrances for legal we have encumbrances for the trash. So always skews a little bit. But overall, the mild winter has helped us. So we're not spending all our time. And I spent on the materials. I think we had a couple of dust ups that we had to get out for. But and as we get later in the year, anything we do get tends to melt quicker and it tends to not be as burdensome. We don't have to move it around as much, so we should be okay there.

And obviously sometimes you have vacancies, you don't have people in the position, you do expend some overtime, but you save all the benefit costs. So right now we're holding our own in a default budget year. Motor vehicles continue to do well there at 63.5%, which is, I think, \$400,000 ahead of where we were last year at the same time. I don't know where everybody's getting all these cars, but. I don't know where they're coming from. But we continue to do well. Selectman McGrath said they're probably rushing to buy cars that they can drive as opposed to the electric cars that are gonna cost a clean fortune for them.

The Town Administrator then added, it's been discussed at some of the deliberative session. I think that, you know, people talk about when we have unassigned fund balance or surplus, that it all comes from our taxes. It also comes from this. So when we get more car registrations than we anticipate or budget, when we have more building permits than we budgeted and anticipate that money flows to that account also. So it's not just we raise taxes and we put it in there. That's true, if we don't spend money that goes back to the surplus. But when we take in these extra revenues that goes into the surplus, just to put that out there, then people understand that when this happens, that contributes to it also.

So at this point, I don't see any real issue or concern. I think we're still on track. And again, it's a default budget here, but vacancies, mild winters really favoring us.

9. Board Liaison Reports

Selectman Morin: Conservation met last night. The only real thing they got going at this point is they are planning a tree harvest at the Rangers Drive property. They are working on notifying all the abutters at this point and they will be moving on that maybe the end of April, beginning of May, and they will be possibly coming to this Board looking for a waiver on the timber tax that's still being worked on.

And then the other thing they're doing is they're putting I believe it's wood duck houses out in the middle of Musquash Pond and the fire department's going to assist them with one of their small boats so nobody falls in.

Bensons is Thursday. We haven't had a meeting yet. Sorry. And Budget Committee is all wrapped up, too, with the deliberative school on Saturday.

Selectman McGrath: I don't have anything.

Selectman Guessferd: Okay, I'll start with Recreation. We have another comedy night this Saturday night, this coming Saturday. Once again, it's sold out really, really quickly. Great community event. And it should be another fun night for for folks.

They had a waffle breakfast, Valentine's Day for the seniors this morning, and there was a great turnout. So so we're getting a lot of a lot of folks coming in to the Senior Center and and enjoying those events. Basketball's ongoing. The youngest league concluded on Saturday. This past Saturday, they they did kind of a little redesign of the league and they've got a lot of good feedback. So the way they do things, their design of the of the of the season but the other leagues are still going. And while that's happening, signups for softball are starting this week. So with warmer weather coming up so it's a lot of good things happening over there. They continue to do excellent work.

As far as the Planning Board is concerned, we have a rather light kind of season application season right now. So we're focusing very hard on the master plan. So the last meeting that we had, we put a schedule together for reviewing the chapters of the master plan and we're going to do it essentially chapter by chapter. We've got our session next week is we're going to be looking at a couple of the chapters. The way we're basically going to be doing it is we're going to finalize the chapter after we do the review of it and then have a public hearing for those chapters. And the goal is to complete the entire master plan update by June. We're really trying to focus hard and not and not delay this any longer, and then we can really have something new or newer to put into place and work to. So, so that's the that's the plan. And I think it's a good plan to do now because we don't know what's going to happen.

Selectman McGrath then said can I ask a question? So did you do any visioning sessions with the public or I know that there was some done a while ago. Selectman Guessferd replied, there was some done last fall. We had a couple then we saw not a great turnout, Selectman McGrath interjected saying it was about 40 people right? Selectman Guessferd replied yeah, but then we had the previous visioning sessions. And then before that, as you know, a couple of years back we had some other visioning sessions. But but they, yeah, we've incorporated a lot of that feedback and, and so we're we're going to, we're going to see what what the public has to say once we have... Some of the chapters are easier to review than others. There's not a lot of changes. Things like historic resources, community facilities. There's not a lot of change and update to that. But other things like transportation, economic development, they'll require more review. You know, for example, with transportation, we're expecting a lot of people have been asking about this, the town-wide traffic study. When is that going to be completed? Because we authorized this past year, it is going to be complete by the end of February. So we're on April 12th. We're going to be reviewing that chapter and incorporating NRPC and is going to be helping incorporate the results of that into the chapter. We're going to get public input, and that'll be one I think that's going to have a lot of a lot of input.

Selectman Guessferd went on to say the thing is, let's see. So next week we have historic resources and community facilities. I think this is going to be posted if it isn't already up on the planning website. The next one after that is going to be natural resources, which we're coordinating with the Conservation Committee on that, asking them to review that chapter as well before we review it, get their comments. That's on March 8th. April 12th is transportation and economic development and population and housing will be on May 10th. Right now, these are those last two are tentative. A lots going to depend on if we get applications that we're going to have to review. But right now, we're not seeing, I think I think there's two in the pipeline right now. So now's the perfect time to get this done. So that's pretty much where we are with that. I think it's a I'm really looking forward to kind of working this, getting it in place and then working to it.

Chairperson Roy said so just out of curiosity, is part of that discussion going to be how you integrate that master plan into the Planning Board process, review process. Selectman Guessferd replied yeah. And part of that is also the review that we're doing are the regulations, and we haven't really hit that recently with some of the applications we've had coming through. But that's going to be we're going to be reviewing those two as well. The actual application process, all those documents that and that folks have to follow to walk through the process. Right now, they're kind of, I'll say, jumbled a bit. You know, it's been kind of cobbled together here. We add this here, we add that here. And, you know, that's going to be done

separately as well. I mean, well, I can see maybe not at the same time, but we're going to be we're going to be incorporating this into that process as well. And looking at you know, making zoning amendments as we move forward, like for next year, I think we're going to see more zoning, zoning petition, you know, article, warrant articles that are going to move forward. This one that we have this year is kind of the first step. And it's gonna to take a process. And you know, the general. Use the word general. The general goal here for is to get is to rezone eventually these all those G and G one areas and what we're going to do with those and how we're going to rezone. And it's a process and we're looking to not try to again, slow roll that process. But at the same time, it is a process.

Chairperson Roy then said so, I guess, I guess I just want to follow up that, has there been discussion about how we're going to keep that the master plan a living breathing. Selectman Guessferd replied yes. Well, we did have a discussion about that last meeting. And right now, it's really kind of a discussion to say. I mean, we don't have any specifics on that. But the idea and the Town Planner specifically said it. This is you know; this is not the end game here. This is not put the plan together and put it in a drawer and not do anything with it for another 15 years. This is a living, breathing document. And as we as we read zone plays things, as we change things, that's going to be incorporated into the plan to recognize where we are and continue the view of where we want to be. Chairperson Roy replied, okay. All right. Thanks.

Selectman McGrath then said so I just have a couple more questions along with the master plan, and you were talking about traffic, traffic improvements. Have they contacted or do they anticipate contacting DOT to find out what if they have any plans in the in the process? Because they've got, they own the land for the circumferential highway and they're planning, we turn down a grant excuse me to take a, to do a feasibility study for that. The state has taken it over and they're going to be doing their own feasibility study and we're not going to be included in it. So that should be considered. At least they need to contact DOT and find out if they've got something that's going to be impacting the Town of Hudson. Selectman Guessferd replied I think we've there hasn't been a lot of specific discussion on that, but I agree with you that we need to incorporate that into what we're doing and contact them so that we have a complete picture. Selectman McGrath replied and Jordan Ulery, I think he's still on the Board, at least for the time being, He's a good resource, and he he'd be able to get the information. The other question that I have is whether or not you're taking a look at capital improvements that the Planning Board normally works with like the School Department to find and they rate them. Have they done that yet? And if not, when are they planning to do that? Selectman Guessferd replied well, I know we have the capital improvements plan that we did a couple of years back. We had a subcommittee, a committee for that. And that is part of the process of reviewing the master plan and incorporating into that. Now, you know, we've kind of that committee has kind of disbanded for now. I think the plan would be that that at some point here and again I'm not sure exactly when. But I would think that anything we do with that capital improvement plan would be part of this update as we move forward. Selectman McGrath replied well, it may, but it may need to be updated because of the ARPA funds that have been used for some of the projects that may have been on that capital improvements program. So that's something to take into consideration as well.

Selectman Guessferd replied, yeah. And I think like I said, well, you know, the capital improvement plan we did. Yes. And anything we've done since then, right. With those projects, I know that we've we're considering those things as being part of again, what do we have now? And like I said, there's going to be some minor changes to facilities and things like that in the plan, but it's going to incorporate anything that we've done since the capital improvement plan was originally put together, as well as plans for the future, right? So what we want to do and when we want to do it if possible. Selectman McGrath then said but I think the most important thing is DOT. To which Selectman Guessferd replied that's a very, yeah. And that's a great point. And I know we talked a little bit about it, but I think it's good to emphasize that. And like you said, we have a good resource on the committee on the board to perhaps liaison with DOT. So I'll bring that up. Selectman McGrath replied thank you. Selectman Guessferd replied, good points. That's it. I think that's all I got. I think that's enough.

Chairperson Roy: All right. The only meeting I had was actually the School Board meeting. We did discuss the plain language for the for the warrant articles. And then it was kind of a cool discussion about the new Air Force Aviator that's working for the JR ROTC program and the simulator they have that the kids can use and get some flying hours on. So I thought that was pretty cool.

10. Remarks by Town Administrator

The Town Administrator was recognized and said oh, just a couple of public service things here. Town Hall is closed Monday, February 20th for President's Day. I believe the schools are open, but town hall will be closed. And also, I don't think anybody mentioned yet, but Candidates Night is next Thursday, February 23rd at 6:30 p.m. at the Community Center. So it's the season and I believe 6:30 p.m. Community center.

11. Remarks by School Board

School Board Chairman Gary Gasdia was recognized. Mr. Gasdia said Thank you. So the school deliberative was this past Saturday. A lot of really good discussion. I would encourage folks to watch it that weren't didn't attend on HCTV because there's a real good review of all the warrant articles. And as we've said many times, this is where your money goes, so you might as well know what's on there before you before you go. But a week and a half ago, Senator Maggie Hassan visited the CTE center. Got to see all of the great things that we have there, and we've got some really good local coverage. There was a nice article in the Union Leader. There was a nice article in the Nashua Telegraph. And over the years since we've put on the renovation especially, we've seen a marked increase in the number of students that are in there up to just under about 600, I believe, in the last count. So it's really full and of course it ebbs and flows with different things. But culinary welding, things like that have waiting lists. So it's really a lot there. And she did, I believe, did see the simulator. I don't know if she tried it or not. But just to piggyback on that, not only did the students get to do the simulator, they actually got up to actually fly planes out of Nashua Airport as part of the program. So if they want to go, they can actually get to be ready to get a pilot's license. And then there will be, if they want, they can apply for a scholarship. And last year, one of our students, Tommy Peaslee, won the scholarship and actually went down to North Carolina for the summer and came back and licensed pilot. So it's a pretty cool program they have there. So other things going on there. This past weekend, our DECA group, which is our basically our business team, went to the state competition. We had several folks come in first, second and third place, and I'm sure they'll be coming to either this School Board meeting or the next School Board meeting to ask to go to the Nationals in Florida. And hopefully they do pretty well there. And then just public service, if you're looking for something to do on Friday night, there is Pastapalooza at Alvirne. It's a fundraiser for the Music Honor Society. \$10 at the door. There's some music and some pasta. If you want to go. And so that is it.

12. Other Business/Remarks by the Selectmen

Selectman McGrath: I have nothing.

Selectman Morin: Saturday morning, 7:30-11:30 at the Barnyard Cafe, The Future Farmers of America will be holding a pancake breakfast, and all the proceeds will go towards the Berube family.

Selectman Guessferd: A couple of things. This is the time of year where our citizens can really make a difference. We have Candidate's Night; it was mentioned next week. We have a slate of candidates that is probably one of the largest that we've had. I had a discussion with the HCTV director, Jim McIntosh, on Saturday. I just happened to talk to him. He showed me the plan for candidates in terms of the tables, I mean, it's taken to take up a good part of the Community Center. So there's a lot of candidates for the positions. There's two selectmen positions open. There's Budget Committee positions, open Planning

Board, so and others and other areas and Library Trustees have to say that. But it's a really good opportunity to get out there and find out what these candidates are about, ask questions, be a part of the process of electing them, not just going to vote, go to vote and know who you're going to vote for and understand why. So Candidate's Night next Thursday really important. And then, of course, the vote itself on the 14th. So I encourage everybody to get involved. There'll be a lot of things on HCTV as well. A lot of the candidates will be putting up kind of messages to the public in terms of what they're about, why they're running, that sort of thing. And there'll be some interviews as well by Diane Cannava. She does every year. So there's going to be a lot of resources to be able to kind of understand what's going on and really make informed decisions. So I'm I'm excited about that. And I'll be doing a lot of that myself, trying to figure all this out beyond that. The other thing I wanted to mention, and we got a good start on that because last Saturday at the Deliberative Session, I probably saw the most people I've ever seen for the school deliberative session. They had to bring out additional chairs in the back. And, you know, it's it's great to see people involved in the political process here in town because the voting you know, the voting body is those are the ones that are making the decisions. So and again, it was very good, very good debate. I think both deliberative sessions went well beyond that I just say enjoy the rest of your Valentine's night. You know, for anybody out there who's hasn't celebrated yet or is going to celebrate tonight before the end of the day. So thanks a lot.

Chairperson Roy: So I'm just going to piggyback a little bit on what selectmen have said. So as you said, Candidate's Night is next Thursday, February 23rd in the Community Center. If you want to ask questions, you submit those questions. You can either submit them that night if you're in person to members of the, I will screw this up. Greater Women's Federal Ration. Women's Club, FWC Women's Club. So those folks will typically walk around and they'll collect, they'll collect your questions and give them to the Moderator or I think it's still an option for you to be able to email your questions in. And if we can post that, if it's not already, post that information about the email address they would send questions to on the on the town website that that would be helpful. The Town Administrator replied we can do that but it's not our, we're not sponsoring the event.... Chairperson Roy replied and I understand that. I understand it. It's just. The Town Administrator said if that's what the Board wants. Chairperson Roy went on to say so I encourage you to ask questions to come out and watch and watch Candidate's Night or watch it on TV. And then, of course, last March, we had approximately 4,000 voters come out for the town election. And then in November, we had 10,000 voters come out for the midterm federal elections. So I would hope we can at least beat the number of 4000 on March 14th. And you either vote at Alvirne or the Community Center and you can find all that information on the website.

13. Nonpublic Session

Motion by Selectman Morin at 8:27p.m., seconded by Selectman McGrath to go into non-public session under RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee. (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. A roll call vote was taken. Carried 4-0.

Nonpublic Session was entered at 8:27 p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public was asked to leave the room.

The Board entered open session at 9:03 p.m.

Motions made after nonpublic session

1. Selectman Morin made a motion, seconded by Selectman Guessferd to approve settlement agreement covering BTLA Docket #30444-21PT for Map 228, Lot 6, 254 Lowell Road, as recommended by the Chief Assessor and Town's Legal Counsel. Carried 4-0.
2. Selectman McGrath made a motion, seconded by Selectman Morin to hire Nicole Clay as the Police Prosecutor at \$100,021 in accordance with the Hudson Police, Fire and Town Supervisors Association Contract (step 6). Following a successful six-month probationary review, she would move to \$102,771 (step 7). Carried 4-0.
3. Selectman McGrath made a motion, seconded by Selectman Guessferd to promote Sergeant Patrick Broderick to Lieutenant at a salary of \$94,126.00 in accordance with the Hudson Police, Fire and Town Supervisors Association Contract (step 4). This elevation in rank would be effective Monday, March 13, 2023. Carried 4-0.
4. Selectman McGrath made a motion, seconded by Morin, to adjourn at 9:03 p.m. Carried 4-0.

14. ADJOURNMENT

Motion to adjourn at 9:03 p.m. by Selectman McGrath seconded by Selectman Morin. Carried 4-0.

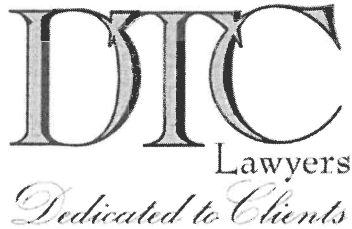
Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant.

Kara Roy, Chairperson

Bob Guessferd, Vice Chairman

David Morin, Selectman

Marilyn McGrath, Selectman



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

February 9, 2023

Via Email (smalizia@hudsonnh.gov) and via first class mail)

Kara Roy, Chair
Board of Selectmen
c/o Steve Malizia
Town of Hudson
12 School Street
Hudson, NH 03051

Re: Hudson Logistics Center

Dear Chairperson Roy and Other Members of the Board of Selectmen:

As you are aware, this firm represents Hillwood Enterprises, LP (“Hillwood”) in connection with the Hudson Logistics Center (the “Project” or the “HLC”) on property known as Greenmeadow Golf Course (the “Property”). As you may know, the Project, as amended, obtained unanimous Planning Board approvals for both an Amended Wetlands Conditional Use Permit and an Amended Site Plan Decision within the past few months (the “Amended Approvals”).

This correspondence is filed on behalf of Hillwood ahead of the February 14, 2023 Board of Selectmen meeting, whereby the Board of Selectmen (“the Board”) is scheduled to discuss the sewer allocation for the Project, as amended. Hillwood understands that, over a number of months, the Board of Selectmen’s (the “Board”) reconsideration of Hillwood’s paid-for and vested sewer allocation was requested by a small group of individuals (who, for purposes of this letter, will be referred to as the “Opposing Individuals”). As this Board knows, the Opposing Individuals have been vocal opponents to the Project, with at least one suing the Town and seeking to derail the lawful Planning Board process.¹

¹ We want to bring to the Board’s attention as a preliminary matter, a letter from Attorney Amy Manzelli dated November 16, 2022, which letter indicates that the individuals who she represents, which are “more than thirty-five Hudson residents, ...many, though not all, [who] reside in the residential neighborhood to the south, directly abutting the Proposed Project ... will not oppose the applications.” Attorney Manzelli’s letter is enclosed herewith.

Despite final resolution of Hillwood's sewer allocation for the Project by this Board in January 2021, the now dwindling number of Opposing Individuals continue to protest the Project and abuse this forum in their efforts to hinder Hillwood's progress with the HLC. This letter registers our objection to this matter being taken up and reconsidered yet again.

Executive Summary

The Opposing Individuals are requesting the Board to reconsider its January 2021 approval of the sewer allocation for Hillwood's Project. The thrust of their argument is that because Hillwood applied for and received amended Site Plan Review approval, Hillwood must now seek a new sewer allocation from this Board. The Opposing Individuals assert that because there is a new tenant for the Project, there is a change in use of the site that requires a new sewer allocation. The Opposing Individuals misunderstand the amendment process for Site Plan Review and conflate change in tenant with change in use. As you are all aware, the scale of the Project was significantly reduced. The use and intent of the site, however, remains the same. The only significant change to the Project is a reduction in the Project footprint and impact, and the identity of the tenant, changes that have no bearing on the previously approved sewer allocation in this matter. We also note that amendments to a previously approved Site Plan are clearly authorized under Section 276-5 of the Town of Hudson, NH, Land Use General and Administrative Requirements and Definitions, and are the regular practice in Hudson.

Further, and importantly, in April of 2022, Hillwood advised the Town that Amazon, the prospective tenant for Buildings A and B of the originally approved HLC, had withdrawn from the Project. Thereafter, in early September of 2022, Hillwood formally advised the Town that it would be filing amended Site Plan Review and Conditional Use Permit Applications for the HLC. Hillwood filed its amended applications on September 12, 2022. After the September notice was provided and after Hillwood filed its amended applications with the Planning Board, Hillwood paid, and the Town deposited and accepted, the fee for the sewer allocation in the amount of \$130,257.00.² On October 12, 2022, the Planning Board unanimously voted to accept the application for the amended site plan as a complete application pursuant to RSA 676:4. As such, it would be unreasonable, unjust, and untimely to reconsider the Project's approved sewer allocation, and the only non-pretexual purpose for such consideration would be to inappropriately interfere with Hillwood's vested rights and the approved development of the Property. In short, the Opposing Individuals, having been unsuccessful in halting the Project through other means, now attempt to conscript this Board in an ill-conceived attempt to deny Hillwood its vested right to its sewer allocation award.

Hillwood respectfully requests this Board reject any further reconsideration of sewer reallocation at its February 14, 2023 meeting and decline to entertain any motions regarding same, because to do so would be improper, totally unprecedented, beyond the scope of the Board's authority, and because the Project has taken substantial steps forward in reliance of this Board's original approval of the sewer allocation.

² Hillwood's check was processed by the Town on September 15, 2022.

Brief Factual Review

This brief factual review is included to provide context and to demonstrate that this matter has previously been considered and resolved by the Board. In order to avoid any ambiguity, we incorporate by reference the entire record on this issue when it was decided over two (2) years ago.³

On January 5, 2021, Hillwood applied to the Board of Selectmen for sewer access and capacity allocation under Hudson Ordinance §270-17. A group of anonymous opponents (the “Anonymous Opponents”), comprised of third parties who were not then and are not now affected by Hillwood’s request, and who were represented by Attorney Manzelli, submitted a letter on January 12, 2021 setting forth all their arguments regarding why the Board should not grant approval. Those arguments included that (1) an internal Town email from an administrative aide that was never sent to Hillwood somehow constituted an “administrative decision” under the law; (2) Hillwood had no right to a sewer allocation (ignoring the Greenmeadow Golf Club 1991 Subdivision and attendant Planning Board conditions, the public sewer easement conveyed to the Town, and the presence of the public sewer within that easement on the Property, among other things, all of which reflect the Property’s presence within the sewer district and Hillwood’s right to the requested allocation); and (3) Hillwood did not meet the criteria under Hudson Ordinance §270-17. That same day, the Board of Selectmen had a public hearing to address Hillwood’s sewer access request. Opposition to Hillwood’s application appeared and opposed sewer allocation during the meeting’s public comment portion. Ultimately, the Board voted by a vote of 3-2 to deny Hillwood’s sewer allocation request but in doing so, there was considerable confusion by members of the Board and an express request for additional information and context from Hillwood.

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

The Board of Selectmen’s next meeting occurred on January 26, 2021 and Hillwood’s sewer allocation was approved. On May 5, 2021, based in part on the sewer approval, the Planning Board approved Hillwood’s site plan for the Project.⁴ Despite an organized campaign on the part of the Opposed Individuals and other anonymous objectors, this Board prudently (and consistent with applicable law) declined to reconsider Hillwood’s sewer allocation decision in

³ Hillwood observes that the Property owner provided the entire Certified Record from the sewer allocation award in 2021. Rather than repeat that effort, and to manage the volume of materials before the Board, Hillwood merely incorporates that record by reference.

⁴ See SP# 04-20, issued May 5, 2021.

the spring of 2021. With both Boards' approvals, Hillwood moved forward with its development plans for the Project.

The Board's sewer allocation decision was the subject of an appeal to the Hillsborough County (South) Superior Court in the matter docketed Dubuc, et al v. Town of Hudson Selectboard, HCSSC Docket No. 226-2021-CV-00286. Hillwood, the Town and the Property owners all moved to dismiss the matter on various grounds. The Superior Court quickly dismissed the case while it was still in its procedural infancy. This sewer allocation lawsuit was filed in addition to Planning Board appeals that were taken from Hillwood's Site Plan Review and Conditional Use Permit approvals in April and May of 2021.

In the months after Hillwood's spring 2021 Planning Board approvals, Hillwood actively worked to finalize design and align for construction of the HLC while simultaneously litigating the appeals and negotiating with the named and unnamed plaintiffs of those appeals for resolution. Ultimately, all pending litigation and appeals were either resolved or settled as of March 1, 2022, at which time Hillwood aggressively engaged the Town to align on critical path items such that it could break ground on the HLC in the summer of 2022.

In an email dated April 7, 2022, Hillwood's counsel alerted the Town that Amazon had withdrawn from the Project, but that Hillwood was actively reviewing options and opportunities moving forward and remained committed to the Project. Thereafter, Hillwood quickly identified Target as a prospective tenant for the HLC, and actively worked to amend the site plan to suit Target's needs.

On September 9, 2022, after working with Target to amend the HLC design to suit Target's needs, Hillwood's counsel again emailed the Town's administration to notify them that Hillwood would be filing amended Site Plan Review and Conditional Use Permit Applications with regard to a proposed amended Project. Amended applications were filed on September 12, 2022. The amended site plan relies upon the sewer allocation issued by the Board to the Project in January of 2021. After Hillwood filed its amended applications, the Town accepted a sewer allocation check in the amount of \$130,257.00 from Hillwood in connection with the sewer allocation. The Town then endorsed same, and deposited the money into the Town's accounts. On October 12, 2022, the Planning Board unanimously voted to accept the application for the Amended Site Plan as a complete application pursuant to RSA 676:4, and the Planning Board's review of the amended Project began.

After several Planning Board meetings, on January 11, 2023, the Planning Board approved the amended Site Plan, "SP# 12-22 'Hudson Logistics Center Amended Site Plan.'" The purpose of the meeting was as follows:

TO PROPOSE REDEVELOPMENT OF PROPERTY FOR A WAREHOUSE AND DISTRIBUTION FACILITY, REPRESENTING A REDUCTION OF THE SCOPE OF THE APPROVED HUDSON LOGISTICS CENTER ORIGINALLY APPROVED BY SITE PLAN DECISION (SP# 04-20) ISSUED ON MAY 5, 2021, FOR REDEVELOPMENT OF THREE (3) BUILDING [SIC] HAVING A FOOTPRINT COLLECTIVELY CONSISTING OF 2,614,984 S.F., TO A SINGLE BUILDING

HAVING A FOOTPRINT OF APPROXIMATELY 1,393,822 S.F. FOR WAREHOUSE, DISTRIBUTION, AND ASSOCIATED USES AND STRUCTURES ON A SINGLE 375.37 – ACRE LOT, ALONG WITH ACCESS DRIVEWAYS, PARKING, STORMWATER/DRAINAGE, AND OTHER UTILITY INFRASTRUCTURE, ALONG WITH LIGHTING, LANDSCAPING, AND OTHER IMPROVEMENTS SHOWN ON THE PLANS.

See P.B. Notice of Approval, dated January 17, 2023 (emphasis added).⁵

The amended Site Plan clearly contemplated the use of municipal sewer via the sewer allocation award. See, Site Plan at sheets CU100 (“Overall Utility Plan”), including “Gravity Sewer” notes 1 through 10 describing connections to the existing gravity sewer on the Property, and CU102 (“Utility Plan II”). The Planning Board did not express any concern that the Project did not have the benefit of the sewer allocation; instead, on more than one occasion, members of the Planning Board inquired about whether Hillwood was seeking amended approval, or not. Hillwood responded unequivocally that its applications were amended applications in accordance with The Town’s land use regulations.⁶ The clear implication of these exchanges were that Hillwood was not pursuing a new site plan and did not need a new sewer allocation. Thereafter on January 17, 2023, the Planning Board sent a Notice of Approval that included the following:

Site Plan Approval:

On January 11, 2023, the Planning Board granted approval for the Amended Site Plan Application (SP# 12-22) for the Hudson Logistics Center prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P, 5050 W. Tilgham St., Suite 435, Allentown, PA 18104; and Greenmeadow Golf Club, Inc., c/o Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated September 9, 2022; last revised December 19, 2022 (the “Amended Plan” or the “plan”); subject to, and revised per, the following conditions subsequent, many of which are stipulations of the Original Approval which are amended and restated herein for consistency:

1. All stipulations of approval shall be incorporated into an Amended Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds (the “HCRD”), together with the Amended Plan, and shall amend and restate the conditions contained within the Original Development Agreement which is that Development Agreement, dated September 7, 2022, including the conditions pertaining to the original Wetlands Overlay District Conditional Use Permit (CU# 02-20), the original Site Plan Waivers, the stipulations contained within the Original Approval (SP# 04-20) including Attachment A, as well as the general provisions under Articles I through XVIII of the Original Development Agreement, which is recorded with the HCRD in Book 9650, Page 470. The Amended Plan shall also be recorded at the HCRD at the same time as the Amended Development Agreement and

⁵ The Planning Board approved Hillwood’s Amended Conditional Use Permit Application at its December 14, 2022 hearing. That approval was not appealed.

⁶ See Planning Board Meeting Minutes, December 14, 2022, pg. 2.

shall amend the original Site Plan which consists of eleven (11) sheets and is recorded as Plan # 41557 (the “Original Site Plan”).

The Planning Board did not condition approval on an application or award of sewer allocation to the Project. Instead, throughout the Planning Board proceedings, Hillwood’s design for the amended Project, and its presentations regarding same, relied on the already vested and paid-for sewer allocation, and the Planning Board relied on the allocation in reaching its decision. At no time during the public hearings did any party, including the Selectboard’s liaison on the Planning Board, suggest that the approval was subject to an additional allocation decision by the Board. Similarly, the Board gave no indication that it would require Hillwood to re-approach the Board for further consideration of the sewer allocation during the several months that Hillwood’s amended plans were pending before the Planning Board.⁷

It should not be lost on the Town that any reconsideration of its sewer allocation award, even if ultimately re-granted, will be extraordinarily harmful to Hillwood. Hillwood and Target have expended extraordinary amounts of resources in reliance upon the allocation award, and the carrying costs alone of such committed capital are enormous. Beyond that, delay associated with the Board’s revisiting of a vested allocation may have broader ramifications to Hillwood’s

⁷ The Board was clearly aware of this issue given the Opposing Individual’s frequent (and often legally and factually erroneous) petitions to the Select Board throughout the fall and early winter of 2022. Despite those petitions, the Selectboard does not appear to have taken any formal action on the matter until after Hillwood received its approvals through the Planning Board process. To state the obvious, it is inconsistent with a municipality’s duties to an applicant to confront an applicant with such a momentous change in position after depositing Hillwood’s sewer allocation fee and after the applicant’s long-standing and obvious reliance on the Town’s grant of entitlement. Indeed, through fall of 2022 and into the early months of 2023, the same small vocal group of people consistently showed up to Board of Selectmen meetings to insist that Hillwood be required to get a new sewer allocation. See Board of Selectmen Meeting Minutes, October 11, 2022, pg. 2 (comments of Heidi Jacoby: “... And I urge you to continue your due diligence on this matter and bring the sewer question back before this board for a new vote), pg. 6 (comments of John Dubuc: “I would urge the board to disapprove the sewer allocation it was given to Amazon and the HLC and begin discussions on whether a non-essential business that is outside the sewer district ... is allowed to connect to your sewer ... I am hopeful that you and the Planning Board will fight for Hudson’s future and do the right things regarding sewer and treating this as a new project”); Board of Selectmen Meeting Minutes, November 1, 2022, pg. 3 (comments of John Dobens: “Doesn’t the Board of Selectmen need to vote on granting sewer for the proposed Target warehouse distribution site plan that is outside our sewer district? It is, I believe, a new site plan being proposed ... the sewer allocation provided to the Amazon site ... should no longer be valid. I’d like to understand where the Board stands on this”); Board of Selectmen Meeting Minutes, November 22, 2022, pg. 4 (comments of Heidi Jacoby: “I hope you have taken my earlier letter concerning the sewer allocation into consideration and I hope to be hearing more about that in the future”); Board of Selectmen Meeting Minutes, December 13, 2022, pgs. 3-5 (comments of Heidi Jacoby: “I also wanted to just share with the public the letter I wrote as a follow up to the sewer allocation for [the HLC] [proceeded to read letter in its entirety] ... I want to reiterate that I believe the Board of Selectmen owe it to the town and to the developer to make sure that they clearly do or do not have a sewer allocation for the Target site plan, which is significantly distinctively different from the Amazon site plan. I look forward to understanding your decision”); Board of Selectmen Meeting Minutes, January 10, 2023, pg. 4. (comments of Heidi Jacoby: “Would you please consider putting on your agenda a time to discuss the issues raised by the public, including, but not limited to the sewer allocation for the Target Hudson Logistics center...”); Board of Selectmen Meeting Minutes, January 24, 2023, pg. 1-3 (comments by Heidi Jacoby: “And let me be clear, it makes no difference to me whether you grant sewer or not for the site plan as I am well outside of ever getting sewer in the Town of Hudson. I just want it to be a clear decision made by the Board and not a default decision”), (comments of Dean Sakati: “I’ve lived in Hudson for over 30 years without town sewer would love it if there is an allocation of sewer beyond the health, safety and welfare of residents, it probably should go to residents first”).

business interests as interest rates and building costs continue to rise. Of course, if the Town wrongfully overturns its allocation granted more than 2 years prior, Hillwood's damages will be far more extensive.

Discussion

1. Hillwood's sewer allocation is a vested right.

The Hudson Ordinances do not require a reapplication for sewer allocation award where an applicant files for an amended plan, especially where such amended plan shrinks the proposed project and results in less impacts. As a threshold matter, Hillwood can find no occasion where the Board has ever asked an applicant to reapply for an allocation of sewer capacity, especially where the amended project results in no increase in sewer design flow needs. Simply put, requiring Hillwood to re-approach the Board for a new allocation would be unprecedented, and if required, is a clear pretext to overrule the Planning Board relative to an approval the Board does not agree with. Moreover, Hudson's Ordinances, read together, clearly provide for a continued right to the sewer allocation awarded to Hillwood, especially in this scenario where the Project results in no change to sewer disposal usage. This conclusion makes common sense. In all cases, but particularly in this case, the applicant made significant capital expenditures in reliance on the municipal approvals they obtained while permitting the Project and as a result, such approvals cannot be arbitrarily revoked.

Hudson's Ordinance specifically contemplates applications for amendments to site plans. In particular, Section 276 of Hudson's Administrative Requirements and Definitions, specifically Section 276-5, Hearings on Applications, states in pertinent part as follows:

"Prior to the PLANNING BOARD's approval of an application for a PERMIT *or an application for an amended permit*, a public hearing shall be held at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements below."

Hudson Ordinance Section 276-5 (emphasis supplied).

Under Hudson's Ordinance, "permit" is defined to include site plan review: a permit is "[a] written permission given for a particular activity, such as DRIVEWAY installation or modification, EXCAVATION or stormwater management." Ordinance at Section 276-2.⁸

Hudson's sewer allocation ordinance provides specific contingencies where allocations will expire: the Ordinance provides that the allocation will expire when no site plan application "for the same use" is accepted by the Planning Board within 90 days of the allocation. Ordinance at Section 270-17(d)(2). The allocation will also expire if the site plan approval becomes invalid as prescribed by Section 289-41. Section 289-41 of the Hudson Town Ordinance refers the reader back to Section 276-9. Section 276-9 provides that a site plan becomes invalid two years after approval, unless extended. Section 276-9.

⁸ Other sections of the Ordinance, including other definitions in Section 276-2 and Section 276-3, clearly contemplate that the term "permit" includes an application for site plan and subdivision approval.

None of these scenarios detailing allocation expiration obtain. When the Board awarded Hillwood's its sewer allocation, the Planning Board had already accepted the original application. The original Planning Board approvals were recorded at the Hillsborough County Registry of Deeds. Almost immediately, Hillwood filed for amended approval, the application for which was accepted (and ultimately approved by) the Planning Board.

In sum, the sewer allocation is a property right associated with the Property and the HLC, as proposed by Hillwood. There is no merit to any suggestion that Hillwood has filed a "new" application with a different "use" such as to require an additional application. Instead, it is beyond dispute, particularly in light the manner in which Hillwood's amended Planning Board applications were filed, reviewed and approved, that Hillwood filed for an amended "permit", and that the use is identical, excepting that the amended Project is smaller. The sewer allocation in favor of Hillwood remains a vested right which cannot be taken away.

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

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

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

In advance of the next Board meeting, Hillwood extensively explained its arguments regarding why the Board should approve Hillwood's sewer request. Similarly, the Anonymous Opponents submitted a letter on January 26, 2021 that repeated and extensively detailed their arguments opposing the Board's approval. On information and belief, that letter was quoted at length by Selectwoman Roy during the hearing on January 26, 2021. The Board extensively discussed the procedure for reconsideration and appeared to agree that motions for reconsideration may only be raised by members of the prevailing side, and at the meeting after the original vote. Ultimately, the Board took into consideration the supplemental information Hillwood provided, took into consideration Hillwood's arguments and the arguments of the Anonymous Opponents, and voted to approve Hillwood's sewer request, which approval was, by virtue of the additional filings and context provided in response to the Board's request, tantamount to a decision that the Property was within the sewer district and entitled to a connection. By making a decision following a request for reconsideration, the Board's decision

became a final administrative decision. The Board properly decided not to rehear the matter later in the spring of 2021 despite the opposition's insistence that they do.

Thereafter, a number of residents, some of whom are connected to the current Opposing Individuals, sued the Town, seeking to overturn this Board's allocation award. Judge Colburn of the Hillsborough County Superior Court dismissed that suit in its procedural infancy. The Town, presumably at the direction of this Board, defended that suit and asked, along with Hillwood and the Property owner, to dismiss that suit.

Having lost their appeal, and despite the passage of almost a year and a half following the Superior Court's dismissal, a small, but vocal handful of opponents are yet again asking this Board to revisit its decision. This scenario perfectly encapsulates the policy reasons behind the doctrine of administrative finality exists: multiple parties, including the Planning Board, relied upon the finality of the sewer allocation award and the dismissal of the appeal of same, and for good reason. Among other things, the Town accepted, processed and deposited a large sewer connection check *after* Hillwood filed amended Planning Board applications for an amended HLC. The Town cannot (and should not) continue to entertain petitions in perpetuity seeking to dislodge the settled decision of the Town on this matter.

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

The Board granted Hillwood its sewer allocation in January 2021. Since that time, Hillwood has invested considerable financial resources in reliance on the same. This includes a check given to the Town in September 2022 for \$130,257.00 as full payment for the sewer allocation, which amount the Town deposited on or after September 15, 2022.

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

In this case, Hillwood reasonably relied on the sewer allocation as a final administrative decision and through that reliance, has expended substantial resources. Further, the Town has acquiesced in the Board's decision, as evidenced by its acceptance of a check in connection with the sewer allocation approval *after* Hillwood filed amended applications with the Planning Board. Hillwood has been encouraged by both Boards' approvals and the Town's acceptance of funds to progress in its development of the Project. If the Board improperly reviews or revokes Hillwood's sewer allocation, Hillwood would incur millions of dollars in damages based on its detrimental reliance on the Board's approval, and the Town would be unnecessarily exposed to significant legal liability.

4. The Board cannot review its January 2021 decision because there has been no change in circumstances.

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

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

In this case, over two years have elapsed since the sewer allocation. The Opposing Individuals arguments fundamentally rest on the suggestion that a new tenant, even a tenant having the same type of use, constitutes a change in use, thus necessitating a new decision on sewer allocation. The only changed circumstance are a new tenant and a smaller project contemplating the same use: for the purposes of this Project, the tenants are interchangeable given the identical use, and the reduction of size has no bearing on the issue of sewer allocation. There are no legitimate grounds for reconsideration.

As noted above, the Town was made aware as early as April 7, 2022 that Amazon had withdrawn from the Project, but that Hillwood was actively reviewing opportunities and options and remained committed to the Project. On September 9, 2022, the Town was made aware that Hillwood would be filing amended Site Plan Review and Conditional Use Permit Applications with regard to a proposed revised Project, which Hillwood did on September 12, 2022. After those filings, the Town deposited Hillwood’s sewer allocation check. The amended site plan relied upon the previous sewer allocation.

If the Town felt there was a change in circumstances, the Board has had at least five months to air its concerns, as well as ample opportunity through its Selectman’s liaison on the Planning Board. During this period, the Opposing Individuals continually attempted to engage the Board on this topic, with this Board appropriately demurring.⁹ However, there has been no mention of reconsidering the sewer allocation in connection with the revised Project by the Planning Board. In fact, the Town accepted payment for the sewer allocation *after* they were made aware of the revised Project and Hillwood’s filing of the amended Site Plan Review and Conditional Use Permit Applications. Surely the Town would not have accepted such a large remittance if there was a possibility of a pending reconsideration or if it was contemplating readdressing the sewer allocation matter.

⁹ See footnote 7, above.

5. The Opposing Individuals' repeated requests for reconsideration implicate broader issues of due process and fundamental fairness.

The Opposing Individuals' repeated requests for reconsideration which, according to the most prominent among them are mere academic objections¹⁰, are in actuality, attempts to purposefully frustrate the evolution of the Project, without reason or legal justification to do so. In their attempts to eviscerate and/or delay the Project, the Opposing Individuals have inappropriately commandeered the requisite governmental process in order to do so. This is unfair, unjust, and implicates broader notions of due process.

“At its most basic level, the requirement to afford due process forbids the government from denying or thwarting claims of statutory entitlement by a procedure that is fundamentally unfair.” Appeal of Nguyen, 170 N.H. 238, 243 (2017). “Fundamental fairness requires that government conduct conform to the community's sense of justice, decency and fair play.” Id. (citation and quotation omitted).

The Board and its processes may not be used as a weapon to intimidate or frustrate the purposes of development, solely because there are individuals who disagree with said development. Hillwood has met all of the requirements of Site Plan Review Regulations and has received approval of same, including sewer allocation. The Opposing Individuals have failed to present a valid reason why reconsideration of the sewer allocation is appropriate in this instance.

Preservation Demand

Given the lack of any good-faith basis to revisit the sewer allocation award, as well as the tremendous prejudice that will befall Hillwood if (1) the Project is delayed by virtue of the reopening of the allocation or (2) the sewer allocation is reversed, Hillwood respectfully insists that the Town, its officials and agents take all necessary steps to preserve all documents or materials that would either be relevant to this matter or which may lead to relevant information. This shall include, but not be limited to, all text messages, emails and communications with any party, and on any medium (i.e., either municipal or personal accounts) concerning Hillwood and/or the sewer allocation. This shall include, but not be limited to, any electronically stored information and metadata.

Conclusion

In sum, the Opposing Individuals have made multiple attempts to undermine this Project throughout the duration of the approval process. At each juncture, the larger Anonymous Individuals and now the smaller Opposing Individuals, have failed to succeed because there is no justifiable legal argument or legitimate authority to disapprove any element of the amended Site Plan Approval or sewer allocation. The Opposing Individuals inappropriately seek to use this Board and its processes as a tool in furtherance of its opposition to the Project while completely

¹⁰ See Board of Selectmen Meeting Minutes, January 24, 2023, pg. 1-3 (comments by Heidi Jacoby: “And let me be clear, **it makes no difference to me whether you grant sewer or not for the site plan** as I am well outside of ever getting sewer in the Town of Hudson. I just want it to be a clear decision made by the Board and not a default decision”) (emphasis added).

disregarding any potential liability exposure to the Town and its taxpaying citizenry. Given the backdrop of this matter, the lack of any good faith basis for reconsideration, and the significant damages that would accrue to Hillwood in connection with such an improper decision, the Board should resist the Opposing Individuals' invitation that the Town shoulder such liability and elevate their selfish priorities over those of the whole Town. The Board should decline such a foolhardy action.

The issue of reconsideration of the sewer allocation has been asked and answered. The Opposing Individuals' attempts to obfuscate the approval process and to continually stand in the way of the Project is unfounded; the Board has agreed. As such, Hillwood respectfully requests this Board reject any further reconsideration of sewer reallocation at its February 14, 2023 meeting and put this issue to bed permanently, because it is improper, beyond the scope of the Board's authority, and the Project has taken substantial steps forward on reliance of this Board's original approval of the sewer allocation.

Very Truly Yours,

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February 9, 2023

**VIA HAND DELIVERY
AND EMAIL**

Kara Roy, Chairperson
Hudson Board of Selectmen
Town of Hudson
12 School Street
Hudson, NH 03051

RE: Hudson Logistics Center / Sewer Allocation / Hillwood Project

Dear Chairperson Roy:

This office represents Greenmeadow Golf Club, Inc., as owner of property located off Steele Road (the "Property") which is under agreement for sale to Hillwood Enterprises, LP ("Hillwood") and proposed for development as the Hudson Logistics Center. We have become aware that the Agenda for the January 24, 2023 Board of Selectmen meeting included an item: "Sewer Allocation – Hillwood Project". While we understand that no decisions were made regarding the agenda item, the purpose of this letter is to urge the Board of Selectmen to take no action on this matter, because the sewer allocation for the Hudson Logistics Center has already been decided and should not be reopened.

We have become aware that opponents of the Hudson Logistics Center have made comments to the Board of Selectmen during the open comment periods provided at the regular Selectmen meetings. We are aware that the public comments began in September 2022 and have continued with comments at many regular Selectmen meetings since September 2022. In reviewing the comments made at the January 24th Selectmen meeting, and some of the comments made at other Selectmen meetings, it is our view that there have been misstatements of fact, misstatements of law, and unsupported statements of expertise.

We expressly incorporate into our submission on the matter, and we request that the Board of Selectmen incorporate as part of the present record for the pending new agenda item, the certified record in the matter of Banatwala et al v. Town of Hudson, et al, Docket Number 226-2021-CV-00286 as provided by Attorney David E. LeFevre on behalf of the Town of Hudson. I have

attached a copy of the contents of the Certified Record as prepared by Attorney LeFevre. In that certified record, please review and consider:

- minutes of the 1/12/21 Selectmen meeting, together with submissions which include a letter from Welts, White & Fontaine, P.C. ("WW&F") dated 1-4-21 and a letter from Donahue Tucker & Ciandella ("DTC") dated 1-5-21;
- minutes of the Selectmen meeting dated 1-26-21, together with submissions which include a letter dated 1-20-21 from DTC and a Request for Reconsideration dated 1-20-21 provided by WW&F;
- minutes from the Selectmen meeting dated 4-13-21;
- minutes from the Selectmen meeting dated 5-11-21 together with submissions.

In addition, please include the minutes of the 5/12/2020 Selectmen's meeting in which the Board determined the sewer capacity available for future allocations (New Business Item C). The minutes, submissions and attachments provide factual information, as well as comments, which are relevant to your present agenda item. We respectfully request that they be incorporated in your discussions and made a part of your record on the 'Sewer Allocation – Hillwood Project'.

Pursuant to the sewer ordinance and regulations, the Selectmen allocated sewer for the Hudson Logistics Center. The proposed use was, and is, for a warehouse/distribution center. The original layout of the Center was designed for a proposed tenant that did not complete the deal. In September 2022, Hillwood presented plans for an amendment to the site plan layout previously approved. Amendments to Site Plans are clearly authorized under Section 276-5 of the Town of Hudson, NH, Land Use General and Administrative Requirements and Definitions. The application to amend the previous site plan layout was made by the same developer for the same use on the same land. Soon thereafter, Hillwood paid, and the Town deposited and accepted, the fee for the sewer allocation in the amount of \$130,257.00. On October 12, 2022, the Planning Board unanimously voted to accept the application for the amended site plan as a complete application pursuant to RSA 676:4. The plans to amend the previous site plan clearly included a private connection to the public sewer, in the same manner as approved for the first layout of the project. Throughout the planning review process, both my client and Hillwood relied upon an understanding that the sewer allocation was for the project, as amended.

Through the process, the Planning Board was aware that the amended site plan relied upon a connection to public sewer. After extensive discussion and detailed review, the Planning Board unanimously approved, by a vote of 7-0 in favor, the plan which clearly depicted a connection to the public sewer. In our view, the issue of sewer allocation was considered at the Planning Board's meeting of December 14, 2022 by virtue of the Board's vote to approve the site plan decision. The Board discussed the concept of an amended site plan, and the Board had the benefit of a closed session with Town Counsel. In addressing the Planning Board, Attorney Pasay noted that the application relied upon the existing sewer allocation for the Hudson Logistics Center.

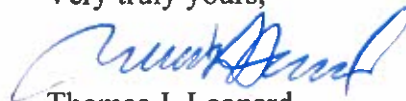
We are very concerned that opponents of the project are attempting to have the Selectmen reopen the issue when in fact the sewer allocation is clearly a final decision for connection to on site public sewer associated with the Hudson Logistics Center on the Property. We see that many of those who made public comments this past fall are the same individuals who made comments at earlier hearings in 2021. They are also the same individuals that the NH Superior Court concluded had

no standing. In our view, the individuals now raising the matter are attempting to prod the Selectmen into taking actions in an attempt to delay or derail this Project after having a court previously determine that they have no rights to participate in the sewer allocation process or challenge the Town's sewer allocation.

The matter of sewer allocation is a diversion being raised by opponents of the Hudson Logistics Center. For decades, the Town Engineers in the Town of Hudson have recommended sewer whenever there was capacity. Town ordinances actually require connections to a public sewer when a building is within 100' of the public sewer. Past and present Town Engineers have consistently stated that sewer is better than septic, and important to the health and welfare of the community. None of the opponents claim this sewer allocation will harm them or prevent access to sewer for their properties. They are objecting in hopes of prodding the Town to assume the liability exposure for, and the defense of, any effort to remove this vested sewer right as a political stunt. To our knowledge, a reconsideration of a vested sewer allocation, well over two years after voting to approve the allocation, is unprecedented in the Town of Hudson, especially after the matter has already been litigated.

As attorneys for Greenmeadow Golf Club, Inc., we are asking the Board of Selectmen to take no action regarding the sewer allocation for the Hillwood Logistics Center. Our firm position is that the matter should not be reopened or reconsidered, and that there is no need for a vote of any kind. The sewer allocation for use by the Hudson Logistics Center is final, vested and paid for. No further action is necessary or appropriate.

Very truly yours,



Thomas J. Leonard

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

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
Southern Judicial District

SUPERIOR COURT

Banatwala et al.
v.
Town of Hudson et al.

Docket No.: 226-2021-CV-00286

CERTIFIED RECORD

1	Statement of Certification	I
2	Selectmen's Meeting of January 12, 2021 – Agenda	2-5
	Selectmen's Meeting of January 12, 2021 – Minutes	6-31
	Selectmen's Meeting of January 12, 2021 – Submissions	32-40
3	Selectmen's Meeting of January 26, 2021 – Agenda	41-43
	Selectmen's Meeting of January 26, 2021 – Minutes	44-63
	Selectmen's Meeting of January 26, 2021 – Submissions	64-138
4	Selectmen's Meeting of April 13, 2021 – Agenda	139-142
	Selectmen's Meeting of April 13, 2021 – Minutes	143-172
	Selectmen's Meeting of April 13, 2021 – Submissions	173-236
5	Selectmen's Meeting of April 27, 2021 – Agenda	237-240
	Selectmen's Meeting of April 27, 2021 – Minutes	241-253
	Selectmen's Meeting of April 27, 2021 – Submissions	254-326
6	Selectmen's Meeting of May 11, 2021 – Agenda	327-330
	Selectmen's Meeting of May 11, 2021 – Minutes	231-358
	Selectmen's Meeting of May 11, 2021 – Submissions	359-430

CERTIFICATION

I hereby certify that a true and accurate copy of the foregoing has been forwarded to all attorneys and other parties who have entered electronic service contacts (e-mail addresses) in this case.

Dated:

/s/ David E. LeFevre

David E. LeFevre

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



By-Laws	Revision Number: 3
Approved By: Board of Selectmen	Revision Dates: See Below
Origination Date: 05/14/2019	Review Frequency: As Needed

A. PURPOSE:

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

B. ORGANIZATION:

1. Responsibilities of Members:

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

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

No official position, decision, opinion, etc. of the BOS and/or Town of Hudson shall be conveyed by any member of the Board without prior discussion and vote of the BOS.

2. Officers:

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

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Vacancies created during the year shall be filled by special election of the Board ~~at the next regularly scheduled meeting, as soon as practicable,~~ ideally as soon as agreement can be reached on an appointee.

(b) Duties - The Chairman ~~shall~~ shall:

1 Review and approve the agenda before posting.

(b)2 Preside at all meetings of the Board and perform all duties required by law.

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

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

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

C. OPERATION:

1. **Meetings:**

- (a) Organizational Meetings - An organizational meeting to elect officers shall be held in accordance with B, 2(a). The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these by-laws. The Board shall establish a schedule for meetings.
- (b) Regular Meetings - A more formalized meeting of the Board generally conducted in accordance with the order of the "Agenda" contained herein.
- (c) Workshop Meetings - A formalized meeting of the Board that is generally conducted for the purpose of providing the Board the opportunity to meet with other committees and boards, department heads, and the School Board to get a better understanding of any issues that other committees and boards may be having and to work to help them resolve those issues. This meeting is not generally used to conduct regular business of the Board.

(d) Non-Public Meetings - A meeting of the Board held for legal and personnel issues in accordance with RSA 91-A:3. All non-public meetings requested by a member of the Board of Selectman will follow the Non-Public Meeting Requests & Rules of Procedure as adopted by the Board of Selectman and will reference the specific portion of the RSA under which the non-public meeting is being requested.

(e) Special Meetings - May be called by the Chairman in accordance with RSA 91-A: 2, II; upon demand of three (3) members of the Board; or at the request of the Town Administrator through the Chair. The Chairman shall notify each member in accordance with RSA 91-A: 2, II.

~~(f)~~ Attorney/Client sessions are not considered meetings and therefore do not have to be posted.

~~(g)~~ Remote attendance at Meetings – Remote attendance by an individual Member is allowed in the event that the Member cannot attend in person. When a member is attending remotely, voting may only be conducted by roll call vote.

~~(h)~~ During meetings, cell phones must be turned off or placed on silent mode. Members are prohibited from reading or sending e-mail or text messages to or from the public using on their personal cell phones during meetings. **The exception is if the use is readily apparent to the public and pertains directly to that Board meeting, e.g. use of a cell phone to access the internet for information relative to a matter being discussed is permissible.** This policy shall not prohibit a Member from receiving calls, e-mail, or text messages, regarding urgent personal matters which require the Member's immediate attention, in which case the Member shall excuse themselves from the meeting prior to responding.

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2. Schedule of Meetings:

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

3. Reports of Liaisons':

~~3.~~ All members of the Board that are liaisons' liaisons to any board, committee or commission shall give report to the Board of Selectman at the next regular meeting. ~~Report the items published by the committee for the next budget.~~

Commented [RG1]: Given recent experience with the Budget Committee, I suggest that this language be struck. The way that the liaison votes is a product of their own opinion and does not necessarily represent the will of the board.

4. Review of Audit Reports:

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

5. **Water & Sewer Commissioners**

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

6. **Town Administrator**

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

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

D. **RULES OF ORDER:**

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

AGENDA

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

Members that want to add an item to the agenda must do so in writing; providing a synopsis of the issue and including supporting documents, if any. All agenda

items must be received by the Executive Assistant no later than noon on the Thursday before the meeting.

3. Role of the Chairman:

The Chairman's duties are as follows:

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

The Chairman shall vote as a member of the Board.

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

4. **Role of the Vice-Chairman:**

~~_____~~ In the absence of the Chairman, the role is identical to those set forth in ~~Please see s~~Section 3 above.

5. **Conduct of Meetings:**

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

6. **Recording of Votes:**

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

- _____
- (a) When a member is attending remotely;
 - (b) When entering Non-Public Sessions; or
 - (c) When a roll call vote is called for by any Member.

7. **Requests for Information:**

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

~~(a)~~

E. **EMPLOYEES:**

1. **Duties:**

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

- (a) The kind of meeting - regular, special, work session, or recessed.
- (b) Time of meeting and place of meeting

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

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

F. AMENDMENT PROCEDURE:

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

G. APPOINTMENT TO BOARDS AND COMMISSIONS:

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

~~2.~~

H. E-MAIL COMMUNICATION

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

I. EMPLOYEE PERFORMANCE REPORTING

1. Any Board of Selectmen member desiring to address an issue dealing with any aspect of a Town employee's job performance shall bring those concerns to the attention of the Town administrator, who will investigate the matter and advise the Board of Selectmen if Board action is necessary.
2. Any Board of Selectmen member contacted by a Town of Hudson employee or a member of the public regarding the job performance of a Town employee will advise the employee/member of the public to report the issue to the Town Administrator. If the employee raises an issue regarding the job performance of the Town Administrator, the employee should be advised to report the issue to the Board of Selectmen Chair.

Document History

Adopted May 14, 2019
Amended July 28, 2020
Amended July 27, 2021
Amended February 8, 2022
[Amended February 28, 2023](#)



Tad K. Dionne
Chief of Police

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) 594-1162



8A

Captain David A. Cayot
Special Investigations Bureau

Captain David A. Bianchi
Administrative Bureau

Captain Michael P. Davis
Operations Bureau

RECEIVED

FEB 23 2023

TOWN OF HUDSON
SELECTMENS OFFICE

To: The Board of Selectmen
Steve Malizia, Town Administrator

From: Tad K. Dionne, Chief of Police

Date: 23 February 2023

Re: Public Meeting – 28 February 2023

Purpose:

Request to meet at the next scheduled Board of Selectmen meeting on Tuesday, 28 February 2023 to discuss the repairs or replacement to the existing roof on the Hudson Police Facility.

Scope:

As you know, the Hudson Police Department is being expanded and renovated. Our original request for proposal (RFP) did not ask for replacement of the existing metal roof. While in the design phase, through continued value engineering, a discussion began as to whether the new roof should be metal or asphalt.

I am aware the existing metal roof has had a number of issues through its 27 year existence. We have made numerous repairs due to leaks resulting in thousands of dollars in costs. Due to the cost saving for 30 year asphalt versus metal roofing, I requested North Point provide a price as well to include replacing the existing metal roof with 30 asphalt shingles. I did this to see what the margin would be in placing a metal roof on the expansion, or placing 30 year asphalt shingles over the expansion and existing building. The margin between a metal roof for the expansion and 30 year asphalt roof for the entire building to include the expansion \$50,000 - \$60,000 more. This margin may not be available in the funding awarded with the approved appropriation. If I knew it was, I would absolutely request it done in the spirit of stewardship. I wanted to have a discussion with the Board of Selectmen so you are aware of maintenance issues over the years, and our now also aware of the cost to have the existing roof replaced to essentially get two to three more decades of roof, matching or exceeding the life of what we are hoping the expansion and renovation gives in space for our police department. This discussion may lead to some further advice or direction from the Board of Selectmen.



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

Agenda
2-28-23

RECEIVED

FEB 22 2023

TOWN OF HUDSON
SELECTMENS OFFICE



8B



TOWN OF HUDSON

Engineering Department

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

INTEROFFICE MEMORANDUM

TO: Steve Malizia, Town Administrator

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

DATE: February 21, 2023

RE: Request for Additional Sewer Allocation
GT Advanced Technologies
5 Wentworth Drive
Map 215, Lot 001

The current sewer allocation for the subject property is 6,930 gallons per day (GPD) average. Due to the business expansion, the owner is requesting an additional 4,304 GPD average sewer allocation, for a total of 11,234 GPD.

Our current sewer allocation balance is 137,500 GPD and this request could be granted. This request is recommended by the Town Engineer.

Motion:

To approve the request for an additional 4,304 GPD of sewer flow allocation for 5 Wentworth Drive, Map 215, Lot 001, as recommended by Town Engineer, for the amount of \$15,193.12

Agenda
2-28-23



TOWN OF HUDSON

Engineering Department



8C

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

TO: Steve Malizia, Town Administrator
Board of Selectmen

FROM: Elvis Dhima, P.E., Town Engineer
Jess Forrence, Public Works Director

DATE: February 23, 2023

RE: Public Works Fuel Pump Station Project Update – Generator Contract Award

RECEIVED

FEB 23 2023

TOWN OF HUDSON
SELECTMENS OFFICE

We are currently finalizing the design of the new fuel pump station at the Public Works facility, which is being funded by American Rescue Plan Act (ARPA) funds. At this time, the facility has a 50kW diesel generator which will need to be replaced with a bigger generator to accommodate the current needs and the new pump station.

To reduce the cost of the upgrade we will be replacing the existing diesel generator with a new 60kW natural gas generator. We have received an official quote for labor and material for the amount of \$37,500, which will also include a block heater and battery warmer.

The Town Engineer and Public Works Director’s recommendation to the BOS is to approve the contract for the purchase and installation of the new generator.

First Motion:

To waive the bid process and sole source this work to Brian Mason Electric, LLC, Hudson, NH for the following reasons:

1. They have been the low bidder for the past three generator proposals.
2. They have performed similar services for the town in the past.

Second Motion:

To approve the contract for purchase and installation of the new generator to Brian Mason Electric, LLC, for the amount of, not to exceed \$37,500, using Account #: 4909-7207-000.

Brian Mason Electric, LLC
46 Campbello St
Hudson, NH 03051 US
603-235-8630
brianmasonelectric@comcast.net



Estimate

ESTIMATE # 2022-101
DATE 02/23/2023

ADDRESS

60 KW Generator - Highway
Facility
Town of Hudson
Elvis Dhima - Town Engineer
12 School St.
Hudson, NH 03051

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

ACTIVITY	QTY	RATE	AMOUNT
New 60 KW Kohler Generator			
Hudson Highway Dept. 2 Constitution Dr. Hudson, NH 03051			
* Remove and replace existing generator			
* New Generator sized to pick up additional load - Fueling facility			
* 208/120 volts, 3-Phase			
* Natural gas fired			
* Block heater and battery warmer			
* Connect to existing generator transfer switch			
Labor and materials for this project:	1	37,500.00	37,500.00

DELIVERY - ESTIMATED 8 - 12 Weeks (NO GUARANTEE based on current conditions)

NOTES:

1. Highway Department to prepare pad as required
2. Highway to remove old generator and place new generator on it's pad
3. Gas piping not included

Thank you for considering Brian Mason Electric!

TOTAL

\$37,500.00

Accepted By

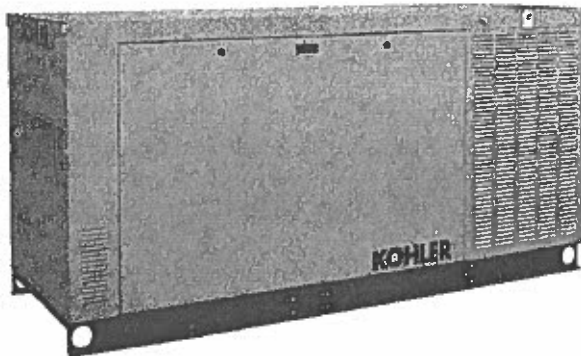
Accepted Date

KOHLER.

2/23/23

Model: **60RCLB**

HUDSON HIGHWAY

**Multi-Fuel
LPG/Natural Gas****9001**
KOHLER.
NATIONALLY REGISTERED

The Kohler® Advantage

- **High Quality Power**
Kohler generators provide advanced voltage and frequency regulation along with ultra-low levels of harmonic distortion for excellent generator power quality to protect your valuable electronics.
 - **Extraordinary Reliability**
Kohler is known for extraordinary reliability and performance and backs that up with a 5-year/2000-hour limited warranty.
 - **Aluminum Enclosure**
Attractive aluminum enclosure allows installation as close as 18 inches from your home or small business. Optional 291 kph (181 mph) wind-load-rated enclosure door kit is available for field installation.
 - **Fast Response**
Kohler's Fast-Response® X excitation system delivers excellent voltage response and short-circuit capability using a rare-earth permanent magnet (PM)-excited alternator.
 - **Quiet Operation**
Kohler home generators provide quiet, neighborhood-friendly performance.
- **Standard Features**
 - Kohler Co. provides one-source responsibility for the generating system and accessories.
 - The generator set and its components are prototype-tested, factory-built, and production-tested.
 - The generator set accepts rated load in one step.
 - A standard 5-year/2000-hour limited warranty covers all systems and components.
 - Quick-ship (QS) models with selected features are available. See your Kohler distributor for details.
 - GFCI service outlet installed on the junction box.
 - RDC2 Controller
 - One digital controller manages both the generator set and transfer switch functions (with optional Model RXT ATS).
 - Designed for today's most sophisticated electronics.
 - Electronic speed control responds quickly to changing demand.
 - Digital voltage regulation protects your valuable electronics from harmonic distortion and unstable power quality.
 - Engine Features
 - Powerful and reliable Kohler 6.2L liquid-cooled engine
 - Electronic engine management system.
 - Simple field conversion between natural gas and LP vapor fuels while maintaining emission certification.
 - Innovative Cooling System
 - Electronically controlled fan speeds minimize generator set sound signature.
 - Approved for stationary standby applications in locations served by a reliable utility source.
 - Certifications
 - The 60 Hz generator set engine is certified by the Environmental Protection Agency (EPA) to conform to the New Source Performance Standard (NSPS) for stationary spark-ignited emissions.
 - cUL/UL listing, CSA certification standard are available.
 - Accepted by the Massachusetts Board of Registration of Plumbers and Gas Fitters.
 - Meets NFPA 37 requirements for 18 in. offset for installation.

Generator Set Ratings

Alternator	Voltage	Ph	Hz	Standby Ratings			
				Natural Gas		LPG	
				kW/kVA	Amps	kW/kVA	Amps
4P10X	120/240	1	60	58/58	242	60/60	250
	120/208	3	60	60/75	209	60/75	209
	127/220	3	60	60/75	197	60/75	197
	120/240	3	60	60/75	181	60/75	181
	277/480	3	60	60/75	91	60/75	91
4Q10X	120/240	1	60	58/58	242	60/60	250

* 50 Hz options available. Contact your Customer Service representative.

RATINGS: All three-phase units are rated at 0.8 power factor. All single-phase units are rated at 1.0 power factor. **Standby Ratings:** Standby ratings apply to installations served by a reliable utility source. The standby rating is applicable to varying loads for the duration of a power outage. There is no overload capability for this rating. Ratings are in accordance with ISO-8528-1 and ISO-3046-1. Obtain technical information bulletin TIB-101 for ratings guidelines, complete ratings definitions, and site condition details. The generator set manufacturer reserves the right to change the design or specifications without notice and without any obligation or liability whatsoever. Availability is subject to change without notice. Contact your local Kohler generator distributor for availability.

Alternator Specifications

Specifications	Alternator
Manufacturer	Kohler
Type	4-Pole, Rotating Field
Exciter type	Brushless, Rare-Earth Permanent Magnet
Leads: quantity, type	
4P10X	12, Reconnectable
4Q10X	4, 110- 120/220- 240
Voltage regulator	Solid State, Volts/Hz
Insulation:	NEMA MG1
Material	Class H
Temperature rise	130°C, Standby
Bearing: quantity, type	1, Sealed
Coupling	Flexible Disc
Amortisseur windings	Full
Voltage regulation, no-load to full-load	± 1.0% RMS
Unbalanced load capability	100% of Rated Standby Current
One-step load acceptance	100% of Rating
Peak motor starting kVA:	(35% dip for voltages below)
480 V, 400 V 4P10X (12 lead)	275 (60 Hz), 220 (50 Hz)
240 V, 220 V 4Q10X (4 lead)	144 (60 Hz), 132 (50 Hz)

- The unique Fast-Response® X excitation system delivers excellent voltage response and short-circuit capability using a rare-earth, permanent magnet (PM)-excited alternator.
- Brushless, rotating-field alternator.
- NEMA MG1, IEEE, and ANSI standards compliance for temperature rise and motor starting.
- Sustained short-circuit current of up to 300% of the rated current for up to 10 seconds.
- Sustained short-circuit current enabling downstream circuit breakers to trip without collapsing the alternator field.
- Self-ventilated and dripproof construction.
- Windings are vacuum-impregnated with epoxy varnish for dependability and long life.
- Superior voltage waveform from a two-thirds pitch stator and skewed rotor.
- Total harmonic distortion (THD) from no load to full load with a linear load is less than 3.5%.

Application Data

Engine

Engine Specifications	60 Hz	50 Hz
Manufacturer	Kohler	
Engine: model, type	KG6208 6.2L Natural Aspiration	
Cylinder arrangement	V-8	
Rated rpm	1800	1500
Displacement, L (cu. in.)	6.2 (378)	
Bore and stroke, mm (in.)	101.6 x 95.25 (4.00 x 3.75)	
Compression ratio	10.5:1	
Max. power at rated rpm, kW (HP)	77.0 (103)	64.3 (86)
Cylinder head material	Cast Aluminum	
Piston type and material	High Silicon Aluminum	
Crankshaft material	Cast Iron	
Valve (exhaust) material	Forged Steel	
Governor type	Electronic	
Frequency regulation, no-load to full-load	Isochronous	
Frequency regulation, steady state	±1.0%	
Frequency	Fixed	
Air cleaner type	Dry	

Engine Electrical

Engine Electrical System	
Ignition system	Electronic
Battery charging alternator:	
Ground (negative/positive)	Negative
Volts (DC)	12
Ampere rating	130
Starter motor rated voltage (DC)	12
Battery, recommended cold cranking amps (CCA):	
Qty., rating for -18°C (0°F)	One, 630
Battery voltage (DC)	12
Battery group size	24

Exhaust

Exhaust System	60 Hz	50 Hz
Exhaust manifold type	Dry	
Exhaust flow at rated kW, m ³ /min. (cfm)	16.4 (580)	13.6 (480)
Exhaust temperature at rated kW, dry exhaust, °C (°F)	649 (1200)	
Maximum allowable back pressure, kPa (in. Hg)	10.2 (3.0)	
Exhaust outlet size at engine hookup, mm (in.)	76 (3.0) OD	

Fuel

Fuel System		
Fuel type	LP Gas or Natural Gas	
Fuel supply line inlet	1 in. NPT	
Natural gas fuel supply pressure, kPa (in. H ₂ O)	1.2-2.7 (5-11)	
LPG vapor withdrawal fuel supply pressure, kPa (in. H ₂ O)	1.2-2.7 (5-11)	
Fuel Composition Limits *	Nat. Gas	LP Gas
Methane, % by volume	92 min.	—
Ethane, % by volume	4.5 max.	—
Propane, % by volume	1.0 max.	87 min.
Propene, % by volume	0.1 max.	5.0 max.
C ₄ and higher, % by volume	0.3 max.	2.5 max.
Sulfur, ppm mass	25 max.	
Lower heating value, MJ/m ³ (Btu/ft ³), min.	33.2 (890)	84.2 (2260)

* Fuels with other compositions may be acceptable. If your fuel is outside the listed specifications, contact your local distributor for further analysis and advice.

Lubrication

Lubricating System	
Type	Full Pressure
Oil pan capacity, L (qt.)	5.7 (6.0)
Oil pan capacity with filter, L (qt.)	7.1 (7.5)
Oil filter: quantity, type	1, Cartridge

Application Data

Cooling

Radiator System	60 Hz	50 Hz
Ambient temperature, °C (°F)	45 (113)	
Radiator system capacity, including engine, L (gal.)	21.3 (5.6)	
Engine jacket water flow, Lpm (gpm)	131 (34.6)	109 (28.8)
Heat rejected to cooling water at rated kW, dry exhaust, kW (Btu/min.)	54 (3070)	49 (2790)
Water pump type	Centrifugal	
Fan diameter, mm (in.)	qty. 3 @ 356 (14)	
Fan power requirements (powered by engine battery charging alternator)	12VDC, 18 amps each	

Operation Requirements

Air Requirements	60 Hz	50 Hz
Radiator-cooled cooling air, m ³ /min. (scfm)†	62.2 (2200)	62.2 (2200)
Air over engine, m ³ /min. (cfm)	31.1 (1100)	31.1 (1100)
Combustion air, m ³ /min. (cfm)	5.5 (195)	4.6 (162)

† Air density = 1.20 kg/m³ (0.075 lbm/ft³)

Fuel Consumption‡

Natural Gas, m ³ /hr. (cfh) at % load	60 Hz	50 Hz
100%	28.7 (1013)	24.9 (878)
75%	21.6 (761)	18.7 (660)
50%	14.0 (493)	12.1 (427)
25%	7.0 (248)	6.1 (215)

LP Gas, m ³ /hr. (cfh) at % load	60 Hz	50 Hz
100%	10.1 (357)	8.8 (309)
75%	7.2 (255)	6.3 (221)
50%	5.4 (191)	4.7 (166)
25%	3.2 (113)	2.8 (98)

‡ Nominal Fuel Rating: Natural gas, 37 MJ/m³ (1000 Btu/ft³)
LP Vapor, 93 MJ/m³ (2500 Btu/ft³)

LP vapor conversion factors:
8.58 ft.³ = 1 lb.
0.535 m³ = 1 kg.
36.39 ft.³ = 1 gal.

Sound Enclosure Features

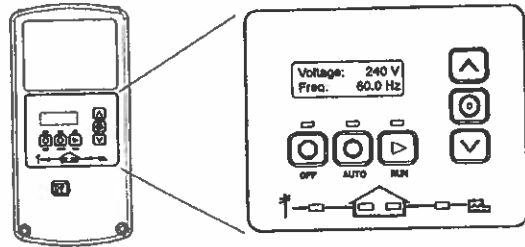
- Sound-attenuating enclosure uses acoustic insulation that meets UL 94 HF1 flammability classification and repels moisture absorption.
- Internally mounted critical silencer.
- Skid-mounted, aluminum construction with two removable access panels.
- Scratch- and corrosion-resistant Kohler® cashmere powder-baked finish.

Sound Data

Model 60RCLB sound levels are 62 dB(A) during weekly engine exercise and 63 dB(A) during normal operation.

All sound levels are measured at a distance of 23 ft. (7 m) from the generator set. Actual sound levels may vary based on installation parameters.

RDC2 Controller



The RDC2 controller provides integrated control for the generator set, Kohler® Model RXT transfer switch, programmable interface module (PIM), and load shed kit.

The RDC2 controller's 2-line LCD screen displays status messages and system settings that are clear and easy to read, even in direct sunlight or low light.

RDC2 Controller Features

- Membrane keypad:
 - OFF, AUTO, and RUN pushbuttons
 - Select and arrow buttons for access to system configuration and adjustment menus
- LED indicators for OFF, AUTO, and RUN modes
- LED indicators for utility power and generator set source availability and ATS position (Model RXT transfer switch required)
- LCD screen:
 - Two lines x 16 characters per line
 - Backlit display with adjustable contrast for excellent visibility in all lighting conditions
- Scrolling system status display
 - Generator set status
 - Voltage and frequency
 - Engine temperature
 - Oil pressure
 - Battery voltage
 - Engine runtime hours
- Date and time displays
- Smart engine cooldown senses engine temperature
- Digital isochronous governor to maintain steady-state speed at all loads
- Digital voltage regulation: ±1.0% RMS no-load to full-load
- Automatic start with programmed cranking cycle
- Programmable exerciser can be set to start automatically on any future day and time, and to run every week or every two weeks
- Exercise modes
 - Unloaded exercise with complete system diagnostics
 - Unloaded full-speed exercise
 - Loaded full-speed exercise (Model RXT ATS required)
- Front-access mini USB connector for SiteTech™ connection
- Integral Ethernet connector for Kohler® OnCue® Plus
- Built-in 2.5 amp battery charger
- Remote two-wire start/stop capability for optional connection of a Model RDT transfer switch

See additional controller features on the next page.

Additional RDC2 Controller Features

- Diagnostic messages
 - Displays diagnostic messages for the engine, generator, Model RXT transfer switch, programmable interface module (PIM), and load shed kit
 - Over 70 diagnostic messages can be displayed
- Maintenance reminders
- System settings
 - System voltage, frequency, and phase
 - Voltage adjustment
 - Measurement system, English or metric
- ATS status (Model RXT ATS required)
 - Source availability
 - ATS position (normal/utility or emergency/generator)
 - Source voltage and frequency
- ATS control (Model RXT ATS required)
 - Source voltage and frequency settings
 - Engine start time delay
 - Transfer time delays
 - Fixed pickup and dropout settings
 - Voltage calibration
- Programmable Interface Module (PIM) status displays
 - Input status (active/inactive)
 - Output status (active/inactive)
- Load control menus
 - Load status
 - Test function

Generator Set Standard Features

- Aluminum sound enclosure with enclosed silencer
- Battery rack and cables
- cUL/UL 2200 listed, CSA certified
- Electronic, isochronous governor
- Engine-generator set is designed and manufactured in facilities certified to ISO:9001.
- Flexible fuel line
- Gas fuel system (includes fuel mixer, electronic secondary gas regulator, two gas solenoid valves, and flexible fuel line between the engine and the skid-mounted fuel system components)
- GFCI service outlet (120/240 V) for customer connections
- Integral vibration isolation
- Line circuit breaker
- NEC prime mover shutdown switch
- Oil drain extension
- OnCue® Plus Generator Management System for remote monitoring (see specification sheet G6-140)
- Operation and installation literature
- RDC2 controller with built-in battery charger
- Standard 5-year/2000-hour limited warranty

Available Options

Electrical System

- Battery
- Battery Heater
- OnCue® Plus Wireless Radio Kit

Available Options (continued)

Enclosure Option

- 291 kph (181 mph) wind load rated enclosure

Starting Aids §

- Block Heater, 120 V
- Block Heater, 240 V

§ Recommended for ambient temperatures below 0°C (32°F)

Controller Accessories

- Lockable Emergency Stop (lockout/tagout)
- Programmable Interface Module (PIM) (provides 2 digital inputs and 6 relay outputs)

Automatic Transfer Switches and Accessories

- Model RXT Automatic Transfer Switch
- Model RXT Automatic Transfer Switch with combined interface/load management board
- Model RDT Automatic Transfer Switch
- Load shed kit for RDT or RXT
- Power relay modules (use up to 4 relay modules for each load management device)
- Other Kohler® ATS

Miscellaneous

- Rated Power Factor Testing
- Maintenance kit (includes air filter, oil, oil filter, and spark plugs)

Literature

- General Maintenance Literature Kit
- Overhaul Literature Kit
- Production Literature Kit

Warranty

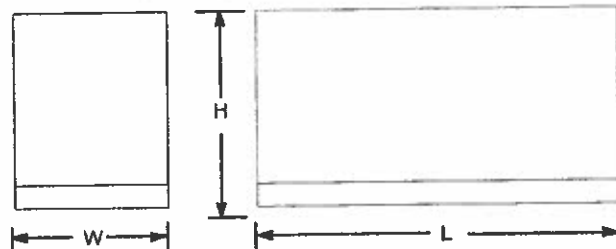
- Extended 5-Year/2000 Hour Comprehensive Limited Warranty
- Extended 10-Year/2000 Hour Comprehensive Limited Warranty

Dimensions and Weights

Overall Size, L x W x H, mm (in.): 2280 x 836 x 1182
 (89.8 x 32.9 x 46.5)

Shipping Weight, wet, kg (lb.): 859 (1894)

Weight includes generator set with engine fluids and 4Q10X alternator, sound enclosure, and silencer.



NOTE: This drawing is provided for reference only and should not be used for planning installation. Contact your local distributor for more detailed information.

DISTRIBUTED BY:



TOWN OF HUDSON

Finance Department



Agenda
2-28-23

8D

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

To: Board of Selectmen
Steve Malizia, Town Administrator

From: Lisa Labrie, Finance Director *LL*

Date: February 22, 2023

Subject: **Permission to Advertise for a Town Treasurer**

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

Information:

Our Town Treasurer has given notice that she will be ending her employment with the Town. Her intention is to bring the reconciliations needed up to date before her departure. The goal to complete and transfer these reports to Finance is March. The Treasurer's signature is needed on all checks and, therefore, we shouldn't delay in getting a replacement.

As this is an appointed position, I am requesting permission to advertise and interview potential candidates.

Attached you will find a job description, the backup of RSAs regarding this position and the advertisement to be posted, should the Board agree to this request, the following Motion would be appropriate:

Motion 1: To approve the advertisement and interviewing for a Town Treasurer as recommended by the Finance Director.

Treasurer Job Description

Job Summary:

The Treasurer is responsible for the Town's cash management program, for the gathering of information necessary to determine cash needs, borrowing, depositing, disbursement, including payroll, receipt and accountability of municipal funds (cash flow). Timely, submission of reports, vouchers and statements to the Finance Department on a monthly basis and to the Selectmen and to the Town auditors whenever requested. The person is also responsible for the maintenance of related records and reports. This job description is meant to be illustrative and is not all-inclusive.

Supervision Received:

The Treasurer will take direction from the Finance Director but ultimately reports to the Board of Selectmen. Duties are performed in accordance with Federal, State and Town laws, codes, ordinances and regulations. Refer to RSA 41:29 for additional details.

Duties:

Each week the Treasurer will receive deposit backup from various departments and Funds. All checks are cut in the Finance Department with a MICR printer and the Treasurer's name is electronically printed on the checks. The manifests for Payroll and Accounts Payable are reviewed and copies given to the Treasurer. The Treasurer reconciles all deposits and credit card transactions to the bank statements on a monthly basis.

The Treasurer is responsible to invest the monies over a specific amount needed to ensure that maximum interest and growth can be achieved in accordance with the Town's Investment Policy. An example of one investment would be certificates of deposits (CDs).

The Treasurer will provide a written year-end report to be included in the Town Report published in the January timeframe each year. This report should include balances for accounts held.

Appointed position with the following qualifications preferred:

- 1.) Background in accounting practices and reporting.
- 2.) Experience with reconciliations.
- 3.) Working knowledge of banking procedures.
- 4.) Working knowledge of office software applications (such as Excel).
- 5.) Able to work with other departments in a timely manner.
- 6.) Computer skills are a must.
- 7.) Background in simple investments is desirable.
- 8.) Organization skills are a must.

2022 New Hampshire Revised Statutes

Title III - Towns, Cities, Village Districts, and Unincorporated Places

Title 41 - Choice and Duties of Town Officers

Section 41:29 - Duties of Elected and Appointed Town Treasurers.

Universal Citation: NH Rev Stat § 41:29 (2022)

41:29 Duties of Elected and Appointed Town Treasurers. –

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only as follows:

(a) Upon orders of the selectmen in a public meeting or by a noncontemporaneously signed manifest signed by a majority of the board; or,

(b) In the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission; or

(c) In the case of a heritage fund established pursuant to RSA 674:44-d upon the order of the heritage commission; or

(d) In the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent; or

(e) In the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission; or

(f) In the case of fees deposited by the town clerk pursuant to RSA 41:25, upon the invoice of the town clerk, or other board or body designated by the town to expend such a fund.

II. The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

(a) United States government obligations;

(b) United States government agency obligations; or

(c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, the

treasurer shall make a report to the town and to the department of revenue administration, giving a particular account of all his or her financial transactions during the year and account balances at year end. The treasurer shall furnish to the selectmen statements from the treasurer's books, and submit the books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in accordance with the investment policy adopted by the selectmen under RSA 41:9, VII. The treasurer may invest in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks authorized to accept deposits under RSA 6:8, I and I-a, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

V. (a) The treasurer shall insure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally insured bank shall make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral.

(b) As an alternative to the option of collateralization for excess funds provided in subparagraph (a), the town treasurer may also invest public funds in interest-bearing deposits which meet all of the following conditions:

(1) The funds are initially invested through a federally insured bank authorized to accept deposits under RSA 6:8, I and I-a, selected by the treasurer.

(2) The selected bank arranges for the redeposit of funds which exceed the federal deposit insurance limitation of the selected bank in deposits in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(3) The full amount of principal and any accrued interest of each such deposit is covered by federal deposit insurance.

(4) The selected bank acts as custodian with respect to each such deposit for the account of the treasurer.

(5) On the same date that the funds are redeposited by the selected bank, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

VI. The treasurer may delegate deposit, investment, recordkeeping, or reconciliation functions to other town officials or employees provided such delegation is in writing and includes written procedures acceptable to the selectmen, or in the case of a town operating under RSA 37, to the town manager, and is agreeable to all parties involved.

However any such delegation shall only be made to a town official or employee bonded in accordance with RSA 41:6 and rules adopted by the commissioner of revenue administration under RSA 541-A. Such delegation shall not eliminate the responsibility of the treasurer to comply with all statutory duties required by law.

VII. The treasurer shall ensure that all moneys remitted shall be deposited at least on a weekly basis, or daily whenever funds remitted from all departments collectively totals \$1,500 or more. Such deposit function may be delegated pursuant to paragraph VI.

However, failure to ensure that funds are being deposited on a timely basis as required by this paragraph shall be cause for immediate removal from office pursuant to RSA 41:26-d. In any municipality where there is either no bank or other depository institution within the municipality the treasurer shall make deposits consisting of funds remitted from all departments and collectively totaling \$1,500 or more on a weekly basis or more frequently as directed by the board of selectpersons in the investment policy adopted pursuant to RSA 41:9, VII.

TOWN TREASURER

The Town of Hudson is accepting resumes for the position of Town Treasurer. This position is responsible for the custody, deposit and disbursement of Town funds in compliance with detailed statutory standards (RSA 41:29). The Treasurer invests excess funds in accordance with the Board of Selectmen's investment policy. The Treasurer submits reports, vouchers and statements to the Finance Department on a monthly basis and to the Selectmen and Town auditors whenever requested.

Knowledge of state statutes regarding the Treasurer's duties and responsibilities would be beneficial (refer to RSA 41:29). Experience with accounting principles, office practices and procedures would be valuable. Must be proficient in Excel spreadsheets and have reconciliation skills. This job primarily reconciles 10 bank statements each month.

Must be a resident of the Town of Hudson. Stipend for the position is \$7,500 per fiscal year. Submit resumes by March 15, 2023 to: Finance Director, Town of Hudson, 12 School Street, Hudson, NH 03051. EOE

Town of Hudson, NH



Policies and Procedures

Section: Investment Policy

Policy Number:	Revision Number:
Approved By: Board of Selectmen	Revision Dates: 06/28/2016
Origination Date: 3/9/1992	Review Frequency: Annually

INVESTMENT POLICY

I. PREFACE

The Town of Hudson's investment policy establishes a framework for the safe and prudent investment of public funds. This policy provides guidance and direction for the Town of Hudson to conduct the daily investing activity in addition to improving consistency, creating and defining accountability and in ensuring that laws are followed.

II. SCOPE

The investment policy applies to all financial assets in the custody of the Treasurer of the Town of Hudson. These funds are accounted for in the Town of Hudson's annual audited financial reports and include the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Agency Funds
- Any new funds created by the Town of Hudson, unless specifically exempted by the governing body, in accordance with the law.

Furthermore, the investment policy applies to all transactions involving the financial assets and related activity of all the foregoing funds.

Except for cash in certain restricted and special funds, the Town of Hudson will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation in accordance with generally accepted accounting principles.

III. OBJECTIVES

The investment policy objectives are stated below:

- To ensure the preservation of capital and the protection of investment principal.
- To maintain sufficient liquidity to meet operating requirements.
- To satisfy all legal requirements.
- To attain market-average rate of return on investments taking into account risk, legal constraints and cash flow considerations.
- To assure assets will only be invested in obligations of the United States Government, the public deposit investment pool established pursuant to RSA 383:22 (Appendix C), deposits or certificates of deposits in solvent banks incorporated under the laws of the State of New Hampshire or in banks recognized by the State Treasurer (RSA 6.7) (Appendix B).

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

The Town of Hudson will minimize interest rate risk by investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting the average maturity of the portfolio in accordance with this policy.

The investment policy shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

IV. DELEGATION OF AUTHORITY

Authority to manage the investment program is granted to Town Treasurer and derived from and in accordance with chapter 41:29 of the Revised Statutes Annotated (RSA), (Appendix A).

- No person may engage in an investment transaction except as provided under the terms of this policy and the internal procedures and controls hereby established.
- Responsibility for the operation of the investment program is hereby delegated to the Treasurer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy.
- Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Town of Hudson.
- No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for

all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

V. PRUDENCE

The investment policy will be conducted in accordance with the "prudent person" standard which requires that:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict (or appear to conflict) with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials shall disclose to the Board of Selectman any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of this jurisdiction's portfolio.

Employees and officers shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

VI. INTERNAL CONTROLS

The internal controls for the Town of Hudson shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, and imprudent actions by employees of the Town of Hudson.

The internal controls structure shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Dual authorization of wire transfers
- Development of a wire transfer agreement with the lead bank and the third-party custodian

Accordingly, the Treasurer shall establish a process for an annual independent review and said compliance should be assured through the Town of Hudson's annual independent audit.

VII. INVESTMENT INSTRUMENTS

The Town of Hudson shall invest its funds in accordance with RSA 41:29 (Appendix A).

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll and accounts payable) as well as anticipated revenue inflows.

VIII. POLICY CONSIDERATIONS

Any investment currently held that does not meet the guideline of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

IX. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

Before the Town of Hudson invests any excess funds in investment instruments, with the exception of United States Treasury securities maturing in less than one year, a competitive bid process shall be conducted by the Treasurer.

Bids shall be requested from qualified financial institutions for various options with regards to terms and instruments. The Treasurer will accept the bid(s) which provide(s) the highest rate of return, within the maturity required, and within the parameters of this policy, taking into consideration all associated costs, requirements and capabilities.

X. QUALIFIED INSTITUTIONS

The Town of Hudson will abide to RSA 41:29 (Appendix A) and RSA 383:22-24 (Appendix C) as the source and foundation of its qualified institution criteria.

XI. SAFEKEEPING AND COLLATERALIZATION

Deposits shall be fully collateralized with the delivery of US government obligations, US government agency obligations, or obligations of the State of New Hampshire in market value at least equal to 100% of the cash deposit in each case. Collateral shall be wired to the municipality's joint custody account at the Federal Reserve Bank of Boston or Federal Reserve Bank of New York no later than the day cash deposits and/or investments are wired/transferred.

Safekeeping procedures shall be reviewed annually by the Town of Hudson's independent auditors.

XII. ACCOUNTING

All cash bank balances will be reconciled monthly by the Treasurer and reported to the Town of Hudson Accountant under the direction of the Finance Director on a monthly basis. General ledger entries will be posted to the general ledger system at said time in order to accurately reflect the Town of Hudson's cash position.

XIII. PERFORMANCE EVALUATION

The Town of Hudson shall require, from any institution in which investing activity is conducted, sufficient routine reports/documentation to enable an accurate evaluation to be made as to the results of the Town of Hudson's investment program as it relates to the their stated objectives, guidelines and policies, and to assist in revealing areas for potential improvement.

XIV. APPROVAL OF INVESTMENT POLICY

This policy shall be reviewed at least annually by the Board of Selectmen, or its designee, with changes made as warranted, followed by re-adoption by the Board of Selectmen in accordance with RSA 41:9 Financial Duties (Appendix D)

APPENDIX A

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS,
AND UNINCORPORATED PLACES**

***CHAPTER 41
CHOICE AND DUTIES OF TOWN OFFICERS***

Town Treasurer

Section 41:29

41:29 Duties of Elected and Appointed Town Treasurers. –

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, or in the case of fees deposited by the town clerk pursuant to RSA 41:25, upon the invoice of the town clerk, or other board or body designated by the town to expend such a fund.

II. The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, the treasurer shall make a report to the town, giving a particular account of all his or her financial transactions during the year and account balances at year end. The treasurer shall furnish to the selectmen statements from the treasurer's books, and submit the books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in accordance with the investment policy adopted by the selectmen under RSA 41:9, VII. The treasurer may invest in the public deposit investment pool established pursuant to RSA 383:22, in deposits, including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in

the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U. S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

V. The treasurer shall insure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally insured bank shall make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

VI. The treasurer may delegate deposit, investment, recordkeeping, or reconciliation functions to other town officials or employees provided such delegation is in writing and includes written procedures acceptable to the selectmen, or in the case of a town operating under RSA 37, to the town manager, and is agreeable to all parties involved. However any such delegation shall only be made to a town official or employee bonded in accordance with RSA 41:6 and rules adopted by the commissioner of revenue administration under RSA 541-A. Such delegation shall not eliminate the responsibility of the treasurer to comply with all statutory duties required by law.

VII. The treasurer shall ensure that all moneys remitted shall be deposited at least on a weekly basis, or daily whenever funds remitted from all departments collectively totals \$500 or more. Such deposit function may be delegated pursuant to paragraph VI. However, failure to ensure that funds are being deposited on a timely basis as required by this paragraph shall be cause for immediate removal from office pursuant to RSA 41:26-d.

APPENDIX B

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 6
STATE TREASURER AND STATE ACCOUNTS

State Treasurer

Section 6:7

6:7 Bank Deposits. – The treasurer may deposit any portion of public moneys, in the treasurer's possession, in such national banks, trust companies, and savings banks within the United States having a branch within the state of New Hampshire, as shall be approved at least once each year by the governor and council. At the discretion of the treasurer, balances may be collateralized if those balances are deemed to be significant in relation to the equity position of the bank, trust company, or savings bank. Other conditions being equal, those banks, trust companies, or savings banks shall receive preference which allow interest on balances. As used in this section the term "public moneys" shall include the general funds of the state and any funds of which the state treasurer acts as custodian or agent.

APPENDIX C

**TITLE XXXV
BANKS AND BANKING; LOAN ASSOCIATIONS; CREDIT UNIONS
CHAPTER 383
BANK COMMISSIONER**

Public Deposit Investment Pool

Section 383:22

383:22 Public Deposit Investment Pool. –

I. The commissioner shall, with the assistance of the advisory committee created under RSA 383:24, establish and operate, beginning on January 1, 1992, a public deposit investment pool, for the purpose of investing funds of the state, and funds under the custody of governmental units, pooled risk management programs established pursuant to RSA 5-B, agencies, authorities, commissions, boards, political subdivisions and all other public units within or instrumentalities of the state.

II. The public deposit investment pool shall be operated under contract with a private investment advisor, approved by the bank commissioner and advisory committee. The commissioner and advisory committee shall choose an investment advisor by requesting proposals from advisors and reviewing such proposals based on criteria adopted by rule under RSA 383:23.

III. The commissioner shall make available to prospective depositors detailed information on the public deposit investment pool, similar to that information generally contained in a securities prospectus. The commissioner shall also ensure that periodic statements of accounts and reports on holdings are provided to pool participants relative to their proportionate share of the pool.

IV. The commissioner shall cause an independent audit of the pool to be conducted on an annual basis. The auditor shall be selected by the advisory committee.

APPENDIX D

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 41
CHOICE AND DUTIES OF TOWN OFFICERS

Selectmen

Section 41:9

41:9 Financial Duties. –

I. The selectmen shall pay all sums of money received by them in behalf of the town to the town treasurer immediately after receipt, and state to him from whom and for what received.

II. They shall draw orders upon the treasurer for the payment of all accounts and claims against the town allowed by them, and take proper vouchers therefore.

III. They shall keep a fair and correct account of all moneys received, all accounts and claims settled and all orders drawn by them, and of all their other financial transactions in behalf of the town.

IV. They shall publish in the next annual report, or post at the annual meeting, the general fund balance sheet from the most recently completed audited financial statements or from the financial report filed pursuant to RSA 21-J:34, V.

V. In the case of an accumulated general fund deficit, the selectmen shall insert an article in the warrant recommending such action as they deem appropriate, which may include, but is not limited to, raising a sum of money for the purpose of reducing that deficit.

VI. The selectmen shall be responsible for establishing and maintaining appropriate internal control procedures to ensure the safeguarding of all town assets and properties.

VII. The selectmen shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies.

VIII. The selectmen shall be responsible for establishing procedures to ensure that all funds paid to the town from any department shall be remitted to the treasurer at least on a weekly basis or daily whenever such funds total \$500 or more. Remittances to the treasurer from the tax collector shall be in accordance with RSA 41:35 and remittances from the town clerk shall be in accordance with RSA 261:165.

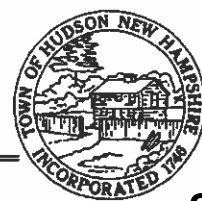
Source. 1869, 26:3. 1874, 85:1. GL 40:9. PS 43:7. PL 47:14. RL 59:13. RSA 41:9. 1993, 181:1. 1994, 147:2. 2007, 246:2, eff. Aug. 27, 2007.

Agenda
2-28-23



TOWN OF HUDSON FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



RECEIVED

FEB 22 2023

TOWN OF HUDSON
SELECTMENS OFFICE

Scott J. Tice
Chief of Department

8E

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

TO: Kara Roy
Chairperson, Board of Selectmen

FR: Scott J. Tice *ST*
Fire Chief

DT: February 21, 2023

RE: February 28, 2023 BOS Public Agenda

Please place the following item on the above-indicated agenda from the Fire Department.

Attached you will find a letter of resignation email from Firefighter/AEMT Demitri Venetos effective March 4, 2023.

Firefighter Venetos joined the department in June 2019. We thank him for his service over the past 3 ½ years and appreciate his contributions during his tenure with us.

We ask the Board of Selectman to accept his letter of resignation and we wish him all the best as he continues his career with Nashua Fire Rescue.

Motion #1:
To accept the letter of resignation from Firefighter/AEMT Demitri Venetos effective March 4, 2023 with the Board's thanks and appreciation.

Motion #2:
To authorize the Fire Chief to advertise the Firefighter position.

LaRiviere, Erika

From: Tice, Scott
Sent: February 21, 2023 11:42 AM
To: LaRiviere, Erika
Subject: FW: two week resignation notice

From: Venetos, Demitri <dvenetos@hudsonnh.gov>
Sent: Sunday, February 19, 2023 6:48 PM
To: Tice, Scott <STice@hudsonnh.gov>
Cc: Blinn, Kevin <kblinn@hudsonnh.gov>
Subject: two week resignation notice

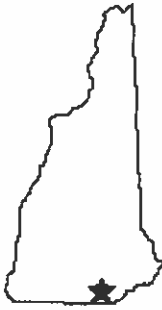
Dear Chief Tice,

I am writing to notify you that I am providing two-week notice and will be resigning from my position as a FF/AEMT with Hudson Fire Department. My last shift will be March 4, 2023. Thank you for the opportunity to be a part of the Hudson Fire family.

Best Regards,

Demitri Venetos

Agenda
2-28-23



TOWN OF HUDSON

FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



8F

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


RECEIVED

FEB 22 2023

Scott J. Tice
Chief of Department

TOWN OF HUDSON
SELECTMENS OFFICE

TO: Kara Roy
Chairperson, Board of Selectmen

FR: Scott J. Tice 
Fire Chief

DT: February 22, 2023

RE: February 28, 2023 BOS Public Agenda

Please place the following item on the above-indicated agenda from the Fire Department.

Attached you will find a letter of resignation from Probationary Firefighter/EMT William Nizgus effective February 21, 2023.

We ask the Board of Selectman to accept his letter of resignation and we wish him well in his future endeavors.

Motion #1:

To accept the letter of resignation from Probationary Firefighter/EMT William Nizgus effective February 21, 2023 with the Board's thanks and appreciation.

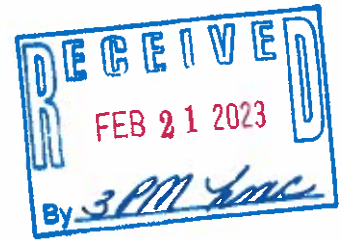
Motion #2:

To authorize the Fire Chief to advertise the Firefighter position.

Resignation Letter

February 21st, 2023

Scott Tice
Fire Chief
Hudson NH Fire Department
39 Ferry St
Hudson, NH 03051



To whom it may concern,

I am writing this letter to serve as notice of my resignation from the Hudson Fire Department as of February 21st, 2023.

I found that the Hudson Fire Department was not an appropriate fit for me and decided to seek employment elsewhere. My last day will be effective immediately as of this date.

Thank you for the opportunity to work at the Hudson Fire Department. I wish the department success moving forward.

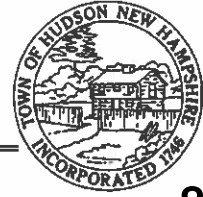
Sincerely,
William Nigzus



TOWN OF HUDSON

FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



8G

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

Scott J. Tice
Chief of Department

RECEIVED
FEB 23 2023
TOWN OF HUDSON
SELECTMENS OFFICE

TO: Kara Roy
Chairperson, Board of Selectmen

FR: Scott J. Tice
Fire Chief *ht*

DT: February 23, 2023

RE: February 28, 2023 BOS Public Agenda

Please place the following item on the above-indicated agenda from the Fire Department.

As you are aware, as part of the Hillwood project, the Applicant has voluntarily offered to provide funding to the Town as set forth in the Scope and Schedule – Impact Mitigation and Exactions, to be assessed as exactions and as a condition of approval. The Planning Board assessed said fees in the total amount of \$7,750,000.00, which shall be paid by the Applicant to offset the impacts caused by the development.

Section E of the Scope and Schedule – Impact Mitigation and Exactions states as follows:

Fire Department Platform Truck: \$2,100,000

Intent: To procure a platform truck needed to service the proposed buildings.

Payable: prior to issuance of building permit for Main Building. Timing of this deliverable may be modified with the Hudson Fire Chief's approval. In the event manufacturing is not complete at the time of application for Certificate of Occupancy, alternative coverage may be negotiated with the Fire Chief's approval. Any remaining funds shall be contributed to Item (a) STEM Program for CTE.

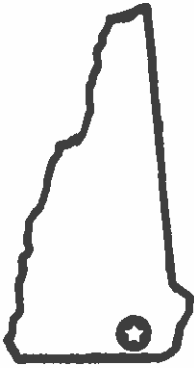
At the time we request to move forward with this purchase. Once funding has been secured from Hillwood we would sign the contract with Seagrave.

Motion #1:

To waive Chapter 98-7 Bidding Procedure of the Hudson Town Code for the purpose of purchasing a Seagrave Marauder 95' Aerial Platform Truck.

Motion #2:

To authorize the Fire Chief to enter into a contract with Seagrave Fire Apparatus, LLC for the purchase of one Seagrave Marauder 95' Aerial Platform Truck in the amount not to exceed \$2,100,000.00 upon receipt of funds from Hillwood.



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

Agenda
2-28-23



8H

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: February 16, 2023

Re: Town Position on Transportation Improvement Plan

Chairperson Roy has requested that an item be added to the Board of Selectmen's February 28, 2023 agenda so that the Board can discuss the Board's position on the Transportation Improvement Plan that was recently reviewed at the Nashua Regional Planning Commission.

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