

TOWN OF HUDSON, NH
CODE OF ETHICS COMMITTEE
PETITIONER INFORMATION FORM

This form to be prepared pursuant to Hudson Town Code, Chapter 53.

Name of Person Submitting Petition Brett Gagnon

Address 123 Wason Rd Hudson NH 03051

Home Telephone Number _____

Subject of Petition Slander, defamation of character, abuse of power against conservation efforts

Business Name (if applicable) _____

Address _____

Business Telephone Number _____

Hudson Town Code § 53-6.B(1) states:

"The person submitting the petition to the Town Clerk must complete a Petitioner Information Form. This person shall be notified of the date the Code of Ethics Committee will address the petition and shall be requested to attend this meeting."

I have read and understand the requirements of Hudson Town Code, Chapter 53 as stated above.


Signature

6/23/2020
Date

Adopted 3/95

Town Of Hudson NH

CODE OF ETHICS COMMITTEE COMPLAINT APPLICATION

*Per the authority of Hudson NH Town Code 53-1
and NH RSA of 31:39A*

March 2020

Filed on Behalf of

*Brett Gagnon
Of
123 Wason Rd
Hudson NH 03051 USA*

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Separate Documents for Reference:

- Attachment 1: Town Response to RSA91a**
- Attachment 2: Response to Planning Board Letter**
- Attachment 3: Response to Board of Selectmen Letter**

Introductory Letter

Chair of Ethics Commission,

A public letter was sent by Tim Malley (Chair of Planning Board) on February 27, 2020 to David Morin (Chair of Board of Selectmen). The Conservation Commission, Nashua Regional Planning Board, and Town Counsel were CC on the letter. The letter was not sent or copied to the individuals it identified and discussed. The letter identified two separate residents of Hudson, Jennifer Parkhurst and Brett Gagnon, connected them, and described how two separate examples constituted a pattern of interference and manipulation of the Master Planning process by the named individuals. The letter does not state that any law or regulation has been violated in either occasion. This letter is unethical, defamatory, and an action to intimidate Jennifer Parkhurst and Brett Gagnon, as it publicly discusses matters which adversely affects and defames their reputation. Matters which, by discussing in public, have adversely affected the reputation of Mr. Gagnon and Ms. Parkhurst. By making such a letter public, rather opting for a nonpublic route, the orchestrators of the letter *intended* to publicly defame the character of these individuals. The orchestrators even went as far to CC the Conservation Commission and place a copy in the commissions “correspondence” folder so that it could be publicly read during a Conservation Commission meeting, thus blindsiding the members involved to add to the embarrassment of their defamation. No other goal, than to defame and intimidate the character of these individuals, is transparent in the letter. The letter does not request any specific action be taken by Mr. Morin other than to ask that the members “refrain from interference”.

Aside from the unethical defamation and intimidating intent of the letter, the content of the letter itself is highly flawed.

First and most important flaw, neither Brett Gagnon nor Ms. Parkhurst, on either referenced occasion, represented the Conservation Commission. Both actors represented only themselves, their personal opinions, using their right of free speech as citizens. The Town of Hudson, elected officials, and/or appointed officials have no authority to prohibit residents from their right of free speech or admonish them publicly for it.

Second flaw, this letter inappropriately combines and connects the actions of *two different* town residents. Not only is it not the role of a Planning Board Chair to admonish a private citizen for sharing their opinion, it is inappropriate to connect actions of Mr. Gagnon on October 30, 2019 to the actions of Ms. Parkhurst on February 8, 2020. They are two unrelated events and have no connection to each other, especially with regards to the Conservation Commission. The letter should not have been composed at all, but if so, should never have combined two separate individuals as one.

The third and most unethical flaw, the letter is conceived of in a secretive manner, no record of its conception can be found anywhere. subversively orchestrated by someone other than Tim Malley to retaliate against Brett Gagnon for his outspoken efforts against the Circumferential Highway (aka Hudson Blvd). Evidence of this can be observed in email correspondence, obtained via a “Right To Know” request, where Mr. Malley responds to Town Planner Brian Groth, agreeing to send the letter, but voices a number of concerns over the legality of sending such a letter. Mr.

Malley writes to Mr. Groth, “After an evening to think about it, I like the letter and feel it should be sent”, then addresses the following concerns “Does the Chairman have the authority to send a letter that for all intents and purposes takes a position without the Boards approval and authorization of the Board as a collective?”. Mr. Malley goes on to say, “By sending without Planning Board knowledge and approval, aren’t we doing the same thing that a few members of the Conservation Commission are doing?” In conclusion, Mr. Malley was asked to send the letter by a town official, he nor Planning Board collectively came up with the idea to send the letter. The Town must comply with Right to Know Laws and supply the emails that show who conceived of the letter, who drafted it, what discussion or meeting took place where Mr. Malley was pitched the idea of letter? The secrecy and purposely omission of public record demonstrates secretive action by Town Officials to influence the Planner Board to send such an unusual and unprecedented letter.

To begin an ethical inquiry, I would suggest your investigation start with Roger Coutu. Roger Coutu and other town officials have publicly discussed their displeasure with Jennifer Parkhurst and Brett Gagnon. Roger Coutu has taken aim at Brett Gagnon for his work to educated the public about the destructive nature and non public goals of the Circumferential Highway (aka Hudson Blvd). Roger Coutu is also targeting Jennifer Parkhurst for her efforts to protect land around 70 Rangers Dr which could have an impact on the northern length of the Circumferential Highway. It can be inferred though his words and threats of action that Mr. Coutu orchestrated the idea of a letter to retaliate. Within two weeks of deliberative sessions, Brian Groth asked Tim Malley to sign a letter admonishing Jennifer Parkhurst and Brett Gagnon. It is not difficult to find evidence of Mr. Coutu’s lead involvement and motive for intimidation. Mr. Coutu states this himself, with his own words, during a Board of Selectmen meeting on February 25, 2020 (two day prior to Mr. Malley’s letter was signed and sent). Mr. Coutu, publicly states the following threat (in excerpts, the statement can be read in full of minutes or viewed on HCTV recording):

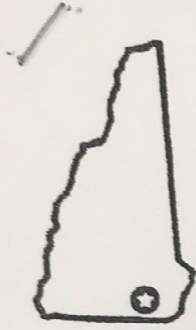
“They’re no benefit to this Town... I’m just forewarning the people that are doing it that we’re coming after you. I certainly am. I’m not going to let it go unanswered....It’ shameful, pitiful and they need to be called out and I’m going to start doing it tomorrow. And I’m going to be doing it on a weekly and regular basis. I’ll be watching for their postings and I’ll call them out and I’ll call the author out. They want to sue me, sue me.”

I believe Roger Coutu was principally involved in the orchestration of the letter, and in doing so, abused his role as board of selectmen to influence other town officials to issue this letter. Mr. Coutu does very little to veil his threat and intention. He even provokes legal action. Mr. Coutu clearly does not appreciate opposition and chooses intimidation and threats to combat it.

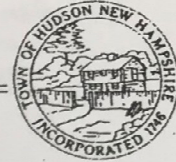
Unfortunately, this is not the first occasion Mr. Coutu has acted, on his own, to silence opposition, in March of 2019 he independently issued a letter of reprimand to both Mr. Gagnon and Ms. Parkhurst, in retaliation for their opposition to their sanctioned work on the Conservation Commission. Mr. Coutu falsely represented the letters from the Board of Selectmen, the letters were sent without the board’s knowledge or approval. Roger Coutu does not like to be opposed and uses his authority as Board of Selectmen in an unethical manner.

In conclusion, I am asking for the Board Of Ethics to investigate the events that transpired in connection with the letter from Tim Malley (on Feb 27th 2020) as well as the letter from Mr. Coutu, sent on March 18th 2019. I am asking that Roger Coutu's words and actions be investigated for abusing his authority as board of selectmen and leading an effort to retaliate and defame Ms. Jennifer Parkhurst and Mr. Brett Gagnon. I am requesting that the letter from Mr. Malley be retracted due to its inappropriate, incorrect and unlawful nature. I am asking for a formal apology that clarifies that Jennifer Parkhurst and Brett Gagnon did not act as a Conservation Commission members during the events listed in the Feb 2020 letter but as residents and repair the defamation to their character. I am also asking that Roger Coutu take accountability and apologize formally for his threatening and intimidating behavior. No resident of this town should be spoken of in a public forum without their consent or ability to defend themselves. No public official, elected or appointed, should be permitted to abuse their authority to limit free speech of a free citizen and defame their character.

Town Of Hudson Planning Board Letter



TOWN OF HUDSON PLANNING BOARD



12 School Street

Hudson, New Hampshire 03051

603/886-6008

To: David Morin, Chairman, Board of Selectmen

From: Tim Malley, Chairman, Planning Board

CC: Conservation Commission, Nashua Regional Planning Commission, Town Counsel

Subject: Master Plan 2020

Date: February 27, 2020

Chairman Morin,

On two recent occasions, members of the Conservation Commission have interfered with the Planning Board's process of updating the Master Plan through misinformation and mischaracterization of town documents and community input:

1. **October 30, 2019 – Master Plan Outreach Session:**

Brett Gagnon (Vice-Chairman of C.C. at the time) distributed a document titled "A Residents Guide to Understanding the Circumferential Highway, aka Hudson Boulevard", written by Mr. Gagnon and Jen Parkhurst with support from the Hudson NH Conservation Commission. Further, the opening paragraph states: *"The statements to follow represent a majority opinion of the Commission, as well as its recommendations and proposed alternative uses for this land. The goal of this report is to protect and preserve the corridor designated for CH in accordance with recommendations set forth in both the Open Space and Master Plan Reports created by Hudson Town Officials."*

Neither the Master Plan nor the Open Space Report recommend the preservation of the Circumferential Highway corridor.

To the contrary, the 2012 Open Space Report identified the circumferential highway land as a *low priority* for conservation. Furthermore, the Master Plans of 1987, 1996 and 2006 all indicate *substantial support* for the Circumferential Highway. There are many other mischaracterizations and inaccuracies throughout this document, but one needs not read beyond the first paragraph to see its disingenuous intent.

A Master Plan is an embodiment of the various needs and goals of a community, balanced across many subject areas, including transportation and conservation. Furthermore, a community's Master Plan is a comprehensive view of the past, present and goals for the future that is directly informed by the input of its citizenry. The document distributed by Mr. Gagnon attempts to undermine that purpose and has undermined the voice of Hudson residents.

2. **February 8, 2020 – Deliberative Session:**

During a presentation in support of Article 25, an effort to expand Rangers Town Forest, Jennifer Parkhurst, a Conservation Commission alternate member, falsely quoted the results of the Master Plan Outreach Session published by the Nashua Regional Planning Commission.

Specifically, Ms. Parkhurst's presentation slide said:

"The most recent results of the 2020 Hudson Master Planning Session stated that; Many participants identified Hudson's natural resources as one of its most valuable assets citing the following goals: Build on existing successes from 2019."

In reference to the "Build on existing successes from 2019" bullet-point, Ms. Parkhurst opined that this referenced Rangers Town Forest and 68 Pelham Road. In doing so, Ms. Parkhurst not only misrepresented what residents actually said at these outreach sessions, but she also falsely quoted NRPC's report. The actual bullet point states:

"Build on existing successes such as Benson Park and Robinson Pond."

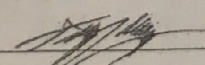
Not:

"Build on existing successes from 2019," as quoted in Parkhurst's presentation.

A critical component of any community's Master Plan is the input of its residents. Ms. Parkhurst explicitly changed not only the content of a Planning Board document, but the actual voices of Hudson residents themselves, to serve her individual agenda.

As demonstrated, some Conservation Commission members have exhibited a pattern of actively attempting to misinform the public during our Master Plan process for their individual purposes with complete disregard for transparency and honesty. The Planning Board respectfully requests that Conservation Commission members refrain from: further interference in the Master Plan process; further manipulation of community input; and, further mischaracterizations of Planning Board documents.

Respectfully,



Tim Malley, Chairman, Planning Board

2-27-2020
Date

Note: Please reference [attachment 2](#) for a detailed response from Mr. Gagnon regarding the validity of this letter

RSA91a Request By Brett Gagnon

Note: Soon after the planning board letter was received by Mr. Gagnon, the following request was made.

3/10/20
Steve Malizia
Town Administrator
Town Of Hudson NH
12 School Street
Hudson, NH 03051

RE: Right to Know Request per RSA-91A

Dear Mr. Malizia:

On February 27, 2020 a letter was sent from Tim Malley, Chair of Planning Board, to David Morin, Chair of Board of Selectmen. The letter contained information that described personal actions of a town resident, Brett Gagnon. The letter also CC the Conservation Commission, Nashua Regional Planning Commission, and Town Counsel. I have reviewed the posted minutes, agenda's and packets online through the Town of Hudson website, however I am unable to find any reference or record of this letter, or the discussion related to its contents.

Pursuant to the Right to Know Law (RSA. 91-A), I am requesting public access, within 5 business days, to the governmental records reasonably described as follows:

- Public and Non Public minutes from Planning Board Meetings, specifically where discussion was held pertinent to Brett Gagnon or in reference to the letter from February 27, 2020 (specifically 2/12/20 and 2/26/20 meeting dates).
- Public and Non Public Minutes from Board of Selectman Meeting, specifically where discussion was held pertinent to Brett Gagnon or in reference to the letter from February 27, 2020 (specifically 2/8/20, 2/20/20 and 2/25/20 meeting dates).
- Record of any formal or informal meetings, phone calls, discussion, or email correspondence, occurring before, during or after meetings referenced above, that included reference to Brett Gagnon or in reference to the letter from February 27, 2020.
- Any related record of information that support the sequence of steps and the public individuals that were involved in discussing, deciding, drafting and issuing the 2/27/20 letter about Brett Gagnon.

Please include all documents, no matter what form, including but not limited to, printed documents, electronic documents, e-mails, informal discussions or any other form of documents regarding Brett Gagnon and/or the identified February 27, 2020 letter to David Morin, From the Planning Chair Tim Malley for the period from 02/07/2020 to 03/10/2020.

If you deny any portion of this request, please cite the specific exemption used to justify the denial to make each record, or part thereof, available for inspection. If photo copying incurs a cost I can be available within 5 business days to come in personally to inspect the records.

If this communication needs to be directed to an individual(s) specifically, please advise me. Otherwise, please confirm that you are in receipt of this request and forwarding it to the appropriate individuals.

Thank you for you assistance in fulfilling this request for public record under RSA-91A.

Sincerely,
Brett Gagnon
123 Wason Rd
Hudson NH 03051

Note: Please reference Attachment 1 for complete response from Mr. Malizia

Legal References to Enact Action

Contrary to popular belief, New Hampshire is not a home rule state. Despite our political tradition of local control, New Hampshire's Constitution does not grant any power directly to municipalities.

Our municipalities only have authority to act if the state legislature gives it to them through a statute.

"Towns only have such powers as are expressly granted to them by the legislature and such as are necessarily implied or incidental thereto." *Girard v. Allentown*, 121 N.H. 268 (1981).

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

Hudson NH Code of Ethics By-Laws:

Clause 53-4 Prohibited Acts

A. It is a violation of this chapter for any member to;

10. Knowingly give false information concerning dealing, interests, relationships and possible conflicts to the various supervisors, boards, commissions and committees and the selectmen

D. No town official or employee shall claim to act on behalf of the selectmen, boards or departments without prior authorization from said body or department

NOTE: Also reference Title LXII Criminal Code Chapter 641 Falsification in Official Matters:

641:3: Unsworn falsification Clause 1(b)(1); A person is guilty of a misdemeanor if, with a purpose to deceive a public servant in the performance of his or her official function, he or she; makes an written or electronic false statement which he or she does not believe to be true

Meeting minutes for the Planning Board on Feb 26th state:

“The Board reviewed a letter put forth by the Chairman that stated concerns with interference in the public outreach process for the Master Plan update by two members of the Conservation Commission. It cited instances where it appeared that the community’s input was altered to suit their personal agenda”

This statement in and of itself has not been proven and should be considered false information until factually proven otherwise. The letter from the Planning Board provides no definitive examples of how community input was altered. Furthermore, the word “appeared” is used, meaning that the author wasn’t even sure the statement was correct. This shows doubt even in the authors words about the possibility of malice based on a “personal agenda”. For an author to write such a statement without providing a burden of proof, is at a minimum a lack of due diligence, and at a maximum it is reckless.

By providing a pre-generated letter from Mr Groth for the Planning Board to review, without factual evidence to support such statements, is in itself “providing false information concerning dealings”.

Meeting minutes from Feb 25th 2020 recorded Mr. Coutu saying the following during a long winded statement;

“I’m going to also do a separate program relative to these pages. . They are not webpages, they’re Facebook pages. People read this and they take it as bible. I resent and I cant say it emphatically enough, I resent people who extrapolate information that’s provided, public documents.”

Mr. Coutu declares that he will be doing one or two television programs “relative to these pages”. During the broadcast, Mr. Coutu is publicly labeled as a Selectmen. This then leads the listener to think he is speaking for the selectmen. Does Mr. Coutu have the permission of the board to make such a program on HCTV?

TITLE LXII CRIMINAL CODE CHAPTER 640 CORRUPT PRACTICES

640:3 Improper Influence. –

I. A person is guilty of a class B felony if he:

- (a) Threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; or
- (b) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the purpose of influencing that discretion on the basis of considerations other than those authorized by law; or

II. "Harm" means any disadvantage or injury, to person or property or pecuniary interest, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested, provided that harm shall not be construed to include the exercise of any conduct protected under the First Amendment to the United States Constitution or any provision of the federal or state constitutions.

Meeting Minutes from Hudson NH Selectmen Feb 25th 2020

“There are two or three pages that are managed by citizens in the town of Hudson that are dedicated to activities and gossip about the town of Hudson. I’m doing a couple of TV programs tomorrow after captain Ryan Phaneuf is brought to the funeral home, Ill be at the HCTV and ill be doing programs with the police Department on two valid (ballot) questions and I’m going to also do a separate program relative to these pages.”

The Facebook pages that Mr Coutu speaks of would most likely be;

<https://www.facebook.com/HIKEHUDSON>: A Facebook page dedicated to reaching out to Hudson Town Residents and bringing them out for walks on conservation and recreational trails and properties. The website also helps promote the protection of conservation land and environmental resources in the region.

<https://www.facebook.com/Supporters-Of-The-Hudson-Conservation-Commission>: A Facebook page dedicated to following the actions, discussion and conservation property updates of the Hudson NH Conservation Commission. The page also helps inform citizens of conservation warrant articles, global conservation topics and general environmental topics.

<https://www.facebook.com/HudsonAllianceRD>: A Facebook page dedicated to following Conservation and Zoning efforts in Hudson. Helping to provide pro’s and con’s on various topics that revolve around the growth of Hudson. The goal of this page is to educate followers about the current situations and discussions in Hudson today, and provide examples of what Hudson could do for tomorrow. It emphasizes the balance between growth and conservation in order to make a more stable future for Hudson NH.

These entities (Facebook pages) in which voters are interested in based on the large number of followers, cannot and should not be labeled as “gossip”. All statements are backed with references and links to the original sources. Publicly describing these webpages as such puts them at a disadvantage to grow and be respected by their current and future followers. With this in mind, Mr. Coutu’s statements will certainly cause harm to both the Facebook pages and their organizers.

*“...We have people that serve, when I say people, I mean **one or two, maybe three people who serve on some of our boards and commissions who are not a benefit to the town of Hudson. They’re of no benefit to this town. there harmful in the way they operation and the way they cut and paste to make it look like its information that’s official and comes directly from us...**”*

*“...information that we gathered from citizens was hijacked by them. They took over the posting pages and kept inserting their own information and flooded it and now there claiming that an overwhelming majority of the citizens support their ideas. They’ve been brainwashing people for a long time with misinformation and its got to stop and if the people who manage the pages are not going to take the responsibility to remove the pages I will make every attempt to contact Facebook because they are not, they have made a pledge, as did twitter that they’re going to start shutting down pages where we can prove or anybody can prove that they’re providing misinformation. They want to get out of the business of publishing lies. **And so, I’m just forewarning the people that are doing it that we are coming after you. I certainly am. I’m not going to let it go unanswered...**”*

*“...one or two people undermine the work of everybody. **It’s shameful, pitiful and they need to be called out and I’m going to start doing it tomorrow. And I’m going to be doing it on a weekly and regular basis. Ill be watching for their postings and ill call them out and I’ll call the author out. They want to sue me, sue me.**”*

Within the first paragraph Mr. Coutu speaks of “one or two people” “who serve on some of our boards and commissions”. This statement clearly corresponds to the two people addressed in the Planning Board letter; Mr. Gagnon and Ms Parkhurst.

Furthermore, it is implied that these statements are aimed at Mr Gagnon and Mrs. Parkhurst because after an official RSA 91A request by both Mr Gagnon and Mrs Parkhurst (as seen above), Mr. Malizia (Hudson NH Administrator), sent the Selectmen’s meeting minutes from Feb 25th 2020. This shows that Mr. Malizia clearly knew that the statement in which Mr. Roger Coutu made, were specifically aimed at Mr. Gagnon and Mrs. Parkhurst and therefore Mr Malizia provided said statements in the RSA 91a request.

For a Hudson NH Selectmen to describe dedicated volunteers in their community as “Not a benefit”, “Not a benefit to the town of Hudson” and “Harmful in the way they operate” it most certainly harms those individuals character and respect thus putting them at a disadvantage to continue their volunteering work in town.

Mr. Coutu goes on to state that “I’m just forewarning the people that are doing it that we are coming after you”. He backs up this threat with examples of actions he will be taking, while also tarnishing the individual’s character with insults. This is a clear and public threat during a public town meeting while sitting in their official duties for a town office. These statements must not be allowed to continue and should be taken extremely seriously. For this type of statement to go unchecked would set a precedent for all future selectmen that intimidation is acceptable.

Libel and Slander Reference for Consideration

Another check on unethical or improper behavior of local officials and employees is the tort (or civil wrong) of defamation, which includes both oral (slander) and written (libel) defamation.

A “defamatory” statement tends to lower a person in the esteem of any substantial and respectable group, even if that group is quite a small minority. **Touma v. St. Mary’s Bank, 142 N.H. 762, 766 (1998).**

It occurs when a person fails to exercise reasonable care in publishing (in print or by speaking) a false and defamatory statement of fact about someone to a third party without any valid privilege. **Pierson v. Hubbard, 147 N.H. 760, 763 (2002).**

A statement of opinion is generally not actionable as defamation unless it is reasonably understood that the opinion is based upon defamatory facts. *Duchesnaye v. Munro Enterprises, Inc.*, 125 N.H. 244, 249 (1984).

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

However, there is no specific privilege for municipal officials conducting town business, so they generally are not protected from liability for making any defamatory statements about other people during committee meetings. It is possible, therefore, for an official or employee to be sued by someone claiming that the official or employee has defamed them.

Past Actions to Further Support the Malintent of Leadership

Note: This letter is addressed to Ms. Parkhurst, but Mr. Gagnon Received the same exact letter.



TOWN OF HUDSON

Board of Selectmen

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



March 18, 2019

Ms. Jennifer Parkhurst
21 Roy Drive
Hudson, New Hampshire 03051

Dear Ms. Parkhurst:

As you are aware the Board of Selectmen appoint all regular and alternate members to the Conservation Commission pursuant to RSA § 36-A:3. As the appointing authority, the Board of Selectmen are further authorized to remove any such appointed regular or alternate member of the Conservation Commission.

It has come to the attention of the Board of Selectmen that you sent an e-mail on March 11, 2019 to a majority of the members of the Conservation Commission. The e-mail addressed a substantive matter pending before the Conservation Commission, and was likely a violation of RSA 91-A:2-a, which provides that, "[c]ommunications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1." The Selectmen note that this communication happened notwithstanding the fact that recent Right-to-Know law training was provided to the Conservation Commission by the NH Municipal Association.

Compliance with the Right-to-Know law is a responsibility of all public officials. The purpose of this letter is to let you know that the Board of Selectmen consider violations of the Right-to-Know law to be cause for removal from the Conservation Commission. Any future violations of the Right-to-Know law may be deemed grounds for your removal. As such, it is of the utmost importance that you make sure that your communications with Conservation Commission going forward are in compliance with the Right-to-Know law.

In this case, the better practice would have been for you to send that email **only** to town staff who would have then distributed your e-mail and any attachments to the members of the Conservation Commission for consideration at the next meeting. The concern is not regarding the substance of

Ms. Jennifer Parkhurst
March 18, 2019
Page Two

your e-mail, but rather, that you elected to engage in this communication with the Conservation Commission outside of a public meeting.

The Selectmen recognize that compliance with the Right-to-Know law may appear burdensome at times and that it is sometimes difficult for people to be mindful of their duty to comply with the Right-to-Know law, particularly with e-mail. Nonetheless, it is your responsibility as a public official to make sure that your communications are compliant.

If you have any questions regarding the Right-to-Know law, please let us know.

Sincerely,

Hudson Board of Selectmen

A handwritten signature in black ink, appearing to read "Roger E. Coutu", written over a faint circular stamp or seal.

Roger E. Coutu, Chairman

cc – Randy Brownrigg, Chairman Conservation Commission

Note: Please reference attachment 3 which proves the letters inaccuracy

“The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member [who does so], as determined through procedures established in the charter, shall forfeit his office." **RSA 49-C:19** (city charters); **RSA 49-D:4 (town charters)**.

In other words, no single member of a governing body in a municipality with a charter has the authority to direct or interfere with the official activities of the chief executive officer of the municipality or other officials. Furthermore, it should be noted that even in towns without a charter, the selectmen are only authorized to act as a board by majority vote. **RSA 41:8**.

TITLE LXII CRIMINAL CODE CHAPTER 643 ABUSE OF OFFICE

643:1 Official Oppression. – A public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

For additional details on the historical Timeline, please see:

<https://hudsonallianceforresponsibledevelopment.home.blog/2020/01/30/hudson-town-officials-undermine-conservation-efforts/>

Did Mr. Coutu have permission of the board to send this letter?

Was his intent to block the official and legally authorized actions of two Conservation Commission Members?

Are the actions highlighted in the link above a clear history of Mr. Couto's personal intent to minimize conservation commission efforts and further propel the Circumferential Highway project?

Malizia, Steve

From: Br G <gagnon.brett@gmail.com>
Sent: Tuesday, March 10, 2020 2:28 PM
To: Malizia, Steve
Subject: Right to Know Request per RSA-91A

3/10/20

Steve Malizia
Town Administrator
Town Of Hudson NH
12 School Street
Hudson, NH 03051

RECEIVED

MAR 10 2020

TOWN OF HUDSON
SELECTMEN'S OFFICE

RE: Right to Know Request per RSA-91A

Dear Mr. Malizia:

On February 27, 2020 a letter was sent from Tim Malley, Chair of Planning Board, to David Morin, Chair of Board of Selectmen. The letter contained information that described personal actions of a town resident, Brett Gagnon. The letter also CC the Conservation Commission, Nashua Regional Planning Commission, and Town Counsel. I have reviewed the posted minutes, agenda's and packets online through the Town of Hudson website, however I am unable to find any reference or record of this letter, or the discussion related to its contents.

Pursuant to the Right to Know Law (RSA. 91-A), I am requesting public access, within 5 business days, to the governmental records reasonably described as follows:

- Public and Non Public minutes from Planning Board Meetings, specifically where discussion was held pertinent to Brett Gagnon or in reference to the letter from February 27, 2020 (specifically 2/12/20 and 2/26/20 meeting dates).
- Public and Non Public Minutes from Board of Selectman Meeting, specifically where discussion was held pertinent to Brett Gagnon or in reference to the letter from February 27, 2020 (specifically 2/8/20, 2/20/20 and 2/25/20 meeting dates).
- Record of any formal or informal meetings, phone calls, discussion, or email correspondence, occurring before, during or after meetings referenced above, that included reference to Brett Gagnon or in reference to the letter from February 27, 2020.
- Any related record of information that support the sequence of steps and the public individuals that were involved in discussing, deciding, drafting and issuing the 2/27/20 letter about Brett Gagnon.

Please include all documents, no matter what form, including but not limited to, printed documents, electronic documents, e-mails, informal discussions or any other form of documents regarding Brett Gagnon and/or the identified February 27, 2020 letter to David Morin, From the Planning Chair Tim Malley for the period from 02/07/2020 to 03/10/2020.

If you deny any portion of this request, please cite the specific exemption used to justify the denial to make each record, or part thereof, available for inspection. If photo copying incurs a cost I can be available within 5 business days to come in personally to inspect the records.

If this communication needs to be directed to an individual(s) specifically, please advise me. Otherwise, please confirm that you are in receipt of this request and forwarding it to the appropriate individuals.

Thank you for your assistance in fulfilling this request for public record under RSA-91A.

--

Sincerely,

Brett Gagnon

123 Wason Rd

Hudson NH 03051

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TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Roger Coutu, Selectmen Liaison

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

MINUTES/DECISIONS OF THE PLANNING BOARD MEETING DATE: FEBRUARY 12, 2020

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Tim Malley Chair <u> X </u>	Jordan Ulery (7:54pm) Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charlie Bracket Member <u> X </u>
Dillon Dumont Member <u> X </u>	Ed Van der Veen Member <u> X </u>	Elliott Veloso Alternate <u> E </u>	Roger Coutu Select. Rep <u> X </u>
Marilyn McGrath Alt. Select. Rep. <u> X </u>	Brian Groth Town Rep. <u> X </u>		

-
- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
 - II. PLEDGE OF ALLEGIANCE
 - III. ROLL CALL
 - IV. ELECTION OF OFFICERS

Mr. Coutu moved to nominate Mr. Malley as Chairman. Motion seconded by Mr. Bracket. All in favor – motion carried.

Mr. Coutu moved to nominate Mr. Van der Veen as vice-Chairman. Motion seconded by Mr. Bracket. All in favor – motion carried.

Mr. Bracket moved to nominate Mr. Collins as Secretary. Motion seconded by Mr. Coutu. All in favor – motion carried.

- V. MINUTES OF PREVIOUS MEETING(S)

- 22 January 20 Meeting Minutes – Decisions

Mr. Coutu moved to accept the 22 January 20 Meeting Minutes (as written/amended).

Motion seconded by Mr. Collins. All in favor – motion carried.

VI. NEW BUSINESS

- A. Verizon Wireless Small Cell Wireless Antenna 2 North Ridge Road
CU# 01-20 Map 139/Lot 012

Purpose of Plan: to propose the installation of a small cell wireless antenna to be mounted atop an existing utility pole. Application Acceptance & Hearing.

Mr. Van der Veen moved to accept the conditional use permit application for Verizon Wireless Small Cell Antenna adjacent to 2 North Ridge Road.

Motion seconded by Mr. Brackett. All in favor – motion carried.

Mr. Collins moved to approve the conditional use permit for Hudson NW SC06 NH; prepared by: Hudson Design Group, LLC, 45 Beechwood Drive, N. Andover, MA 01845; prepared for: Verizon Wireless c/o Structure Consulting Group, 49 Brattle Street. Arlington, MA 02474; consisting of 3 sheets and Notes 1-2 on Sheet 2; last revised December 20, 2019; subject to the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. The applicant shall provide a structural assessment and certification that the existing utility pole is capable of supporting the additional weight, satisfactory to the Engineering Department.
3. This plan is subject to final engineering review.
4. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

- B. Adelaide Street 4-Lot Subdivision 12 Adelaide Street
SB# 05-19 Map 182/Lot 196

Purpose of Plan: to depict the subdivision of Map 186, Lot 196, into four (4) residential lots. Application Acceptance & Hearing.

Mr. Collins moved to defer the subdivision plan for 12 Adelaide Street, Map 182/Lot 196, date specific, to the March 11, 2020 Planning Board Meeting. This will allow time to negotiate an agreement on a newly created property line between existing Map 182/Lot 179, and proposed new Map 182/Lot 196-003, which was deemed to be necessary information to take jurisdiction over the application.

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$5,850.00 per single-family residential unit, or \$5,335.00 per residential unit within a duplex (or two-family structure) shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
4. Approval of this plan shall be subject to final engineering review.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
6. A 25-foot No Cut Buffer will be provided along the lot line abutting Map 135/Lot 032.

Motion seconded by Mr. Brackett. All in favor – motion carried.

G. Granite Heights Subdivision Plan SB# 05-20	334 Central Street Map 161/Lot 029
--	---------------------------------------

Purpose of Plan: to depict an amended subdivision plan that proposes 19 residential lots in an Open Space Development (OSD). The previous project was approved under the name “Vista Knoll Estates”. Application Acceptance & Hearing.

Mr. Collins moved to accept the open space subdivision application for 334 Central Street, Map 161/Lot 029.

Motion seconded by Mr. Dumont. All in favor – motion carried.

WAIVERS APPROVED

1. §289-18.B(2) – Roadway Length

Mr. Van der Veen moved to grant the requested waiver of §289-18.B(2) – Roadway Length, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Ulery. All in favor – motion carried.

2. §289-37(A) – Plan schedule and form

Mr. Van der Veen moved to grant the requested waiver of §289-37(a) – Plan schedule and form, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Dumont. All in favor – motion carried.

Mr. Van der Veen moved to approve the open space subdivision application for Granite Heights Subdivision Plan; prepared by: Keach-Nordstrom Associates, Inc., 19 Commerce Park North, Suite 3B, Bedford, NH 03110; prepare for: K&M Developers, LLC, 46 Lowell Road, Hudson, NH 03051; dated December 6, 2019 and last revised January 6, 2020; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$5,850.00 per single-family residential unit, or \$5,335.00 per residential unit within a duplex (or two-family structure) shall be paid prior to the issuance of a Certificate of Occupancy for the new unit.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
4. Approval of this plan shall be subject to final engineering review.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
6. The applicant will erect a chain link fence along the rear lot lines of the proposed lots, or along the portion of the open space lot that abuts Central Street to prevent debris from entering Central Street.
7. Wetland Conservation markers will be placed along the Wetland Conservation District Boundaries.
8. A note shall be added to the Plan-of-Record stating that the development will be either all Single-Family Residential Units, or all Duplex Residential Units.
9. Blasting and ramming activities for the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 5:00 P.M., Monday through Friday.

Motion seconded by Mr. Ulery. All in favor – motion carried.

VII. OTHER BUSINESS

- A. Regulation Amendment: §276-5 Hearing on Amendment; to revise this regulation in accordance with state law for notification of public hearings and clarification of direct and indirect abutters.

Mr. Dumont moved to adopt the amendment, as presented, to §276-5 – Hearing on Application, of Administrative Requirements and Definitions of The Town of Hudson’s Land Use Regulations.

Motion seconded by Mr. Ulery. All in favor – motion carried.

VIII. ADJOURNMENT

Motion to adjourn by Mr. Coutu. Seconded by Mr. Van der Veen. All in favor – motion carried.

Meeting adjourned at 9:43 p.m.

William Collins, Secretary

These minutes are in draft form and have not yet been approved by the Planning Board.



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Roger Coutu, Selectmen Liaison

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

MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: FEBRUARY 26, 2020

In attendance = X Alternate Seated = S Partial Attendance = P Excused Absence = E

Tim Malley
Chair X

Jordan Ulery (7:54pm)
Vice-Chair X

William Collins
Secretary X

Charlie Bracket
Member X

Dillon Dumont
Member X

Ed Van der Veen
Member X

Elliott Veloso
Alternate E

Roger Coutu
Select. Rep X

Marilyn McGrath
Alt. Select. Rep. X

Brian Groth
Town Rep. X



- I. CALL TO ORDER BY CHAIRPERSON AT 7:01 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF PREVIOUS MEETING(S)

- 8 January 20 Meeting Minutes – Decisions

Mr. Ulery moved to accept the 8 January 20 Meeting Minutes (as written/amended).

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

V. CORRESPONDENCE

- A. Request for Lee Way Bond Reduction by Elvis Dhima, Town Engineer.

Mr. Ulery moved to reduce the bond for Lee Way to \$28,018.35 in accordance with the recommendation of Elvis Dhima, Town Engineer.

Motion seconded by Mr. Coutu. All in favor – motion carried.

- B. Request to Release Corridor Impact Funds by Elvis Dhima, Town Engineer.

Mr. Ulery moved to recommend to the Board of Selectman the release of \$9,767.21 from Impact Fee Account 2070-000-915, Corridor – Lowell Rd/Pelham Yards Improvements for the Lowell and Birch Intersection Project in accordance with the

Motion seconded by Mr. Dumont. All in favor – motion carried.

Chairman Malley opened the Public Hearing at 7:07 p.m.

Mr. Thomas Smith, 3 Gibson Road – inquired about widening the easement granted to him in the approved site plan from 25 feet to 40 feet.

Mrs. Paula Hubert, 9 Kara's Crossing Drive – asked if the proposed house lots were 1 acre, how close they would be to wetlands, and whether or not the houses to be built on lots 10-14, 10-15, and 10-16 were located in the flood zone.

Mr. Roger Hubert, 9 Kara's Crossing Drive – asked if there would be additional blasting during construction of the new homes for the proposed additional lots.

Mr. Raymond Lafortune, 18 Hawkview Road – inquired about road improvements to Hawkview Road to handle the additional traffic, and installation of sidewalks.

Mr. Dominic Jarry, 5 Jarry Way – asked about having an easement granted from Map 194, Lot 9-2, to his land parcel ID 194-008-000.

Chairman Malley closed the Public Hearing at 7:57 p.m.

Mr. Coutu moved to continue the public hearing for the lot line adjustment application & subdivision application for Map 194/Lots 009-002, 010-009, and Map 186/Lot 024.

Motion seconded by Mr. Bracket. All in favor – motion carried.

VII. OTHER BUSINESS

A. Mansfield Drive Subdivision Plan – Storm Water Retention Basin (Adjustment to approved Subdivision Plan).

Mr. Collins moved to approve the change to the approved stormwater retention basin without requiring an additional Planning Board hearing on the matter.

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

B. Discussion on interference with Master Plan update.

The Board reviewed a letter put forth by the Chairman that stated concerns with interference in the public outreach process for the Master Plan update by two members of the Conservation Commission. It cited instances where it appeared that the community's input was altered to suit their personal agenda. The letter is meant to request that these members refrain from further interference, as it is critical to protect the voices of residents and participants of outreach efforts in the development of the Master Plan. This letter is proposed to be sent to the Board of Selectman, with copies to the Conservation Commission, NRPC and Town Counsel.

Mr. Dumont moved to have the letter sent to the Board of Selectmen.

Motion seconded by Mr. Ulery. Motion carried 5/0/2 (Collins & Coutu abstained, as they are members of boards/committees that are named recipients of the letter).

VIII. ADJOURNMENT

Motion to adjourn by Mr. Collins. Seconded by Mr. Dumont. All in favor – motion carried.

Meeting adjourned at 8:58 p.m.

William Collins, Secretary

These minutes are in draft form and have not yet been approved by the Planning Board.

Groth, Brian

From: Timothy Malley <tmalley@tjmalleyelectric.net>
Sent: Thursday, February 20, 2020 8:45 AM
To: Ed VanDerVeen; Groth, Brian
Subject: RE: Memo from PB to CC

So, after an evening of thing about it, I like the letter and feel it should be sent.

Couple of things I think we should confirm first:

- 1.) Does the Chairman have the authority to send a letter that for all intensive purpose takes a position without Boards approval and authorization of the Board as a collective?
(My thought process is, by sending the letter from the Chairman of the Planning Board, this seems to imply that it is from the Planning Board. Without the Board voting to move this forward, does the Chairman have that authority? By sending this letter without Planning Board approval or knowledge, are we doing the same thing that a few members of the conservation commission are doing? My thought process might be wrong, but I think this a questions that should answered, with a media world talking about abuse of power and over stepping not only on a national level but a local level (Example of Mike Drouin meeting with applicants with Con Com approval) I think we need to verify from town council that we can do this.)
- 2.) The town attorney review of the letter to make sure it does not create any legal issue for the Planning Board.

Thanks,
Tim
[603-595-2970](tel:603-595-2970)

www.malleyelectric.com

We would love to hear your thoughts and receive your review.
Google Review

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From: esvanderveen <esvanderveen@comcast.net>
Sent: Wednesday, February 19, 2020 8:37 PM
To: Groth, Brian <bgroth@hudsonnh.gov>
Cc: Timothy Malley <tmalley@tjmalleyelectric.net>
Subject: RE: Memo from PB to CC

I agree.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Groth, Brian" <bgroth@hudsonnh.gov>
Date: 2/19/20 4:35 PM (GMT-05:00)
To: Ed VanDerVeen <esvanderveen@comcast.net>
Cc: Timothy Malley <tmalley@tjmalleyelectric.net>
Subject: Memo from PB to CC

Ed,

Tim and I discussed the attached memorandum today. Please review and offer your comments if you have any. Let either of us know if you have any questions.

Brian

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Groth, Brian

From: Timothy Malley <tmalley@tjmalleyelectric.net>
Sent: Thursday, February 27, 2020 2:00 PM
To: Groth, Brian
Subject: RE: Memo to BOS

Yup when is good

Thanks,
Tim
[603-595-2970](tel:603-595-2970)

www.malleyelectric.com

We would love to hear your thoughts and receive your review.
[Google Review](#)

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From: Groth, Brian <bgroth@hudsonnh.gov>
Sent: Thursday, February 27, 2020 1:32 PM
To: Timothy Malley <tmalley@tjmalleyelectric.net>
Cc: Dubowik, Brooke <bdubowik@hudsonnh.gov>
Subject: Memo to BOS

Hi Tim,

Do you have a chance to come to town hall to sign the memo to the BOS as discussed at last night's meeting?

Brian

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HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 8, 2020
Special Meeting of the Board of Selectmen
Immediately following Deliberative Session

1. CALL TO ORDER - by Chairman Morin the meeting of February 8, 2020 at 1:40 p.m. in the Hudson Community Center.
2. ATTENDANCE
Board of Selectmen: David S. Morin, Kara Roy, Roger E. Coutu, Marilyn McGrath, Normand G. Martin
Staff/Others: Steve Malizia, Town Administrator
3. CONSIDERATION OF RE-DESIGNATION OF WARRANT ARTICLE RECOMMENDATIONS
No members wanted to reconsider any articles.
4. ANY OTHER BUSINESS - No other business.
5. ADJOURNMENT

Motion to adjourn at 1:41 p.m. by Selectman Martin, seconded by Selectman Roy, carried 5-0.

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Roger E. Coutu, Selectman

Marilyn McGrath, Selectman

Normand G. Martin, Selectman



TOWN OF HUDSON

Board of Selectmen



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

PUBLIC HEARING

February 20, 2020
6:30 PM

1. Call to Order
2. Chairman Morin called the meeting to order at 6:30p.m.
3. Attendance

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

Staff/Others: Jon Conforti, Chief Compliance Officer of the NH Lottery
Jill Laffin, Executive Assistant

4. Pledge of Allegiance

Chairman Morin recognized Mr. Jon Conforti, Chief Compliance Officer of the NH Lottery. Mr. Conforti was present to answer any questions that Town residents may have. Mr. Conforti gave an overview of RSA 287-1:6 I (b) - Sports Betting.

The Board did not have any questions for Mr. Conforti but Selectman Coutu did ask Mr. Conforti to explain the difference between Fantasy Sports and what is being proposed under title 24, which Mr. Conforti did. Selectman McGrath asked Mr. Conforti if he could specify exactly what the funds raised from The Lottery are to be used for in regards to education. Mr. Conforti replied that The Lottery does not have a say in what time of educational funding Lottery revenues goes to, whether it be adequacy grants or other types of education funding. He did confirm that our legislators would be able to give the Board more detailed information. Upon no further questions, the Chairman thanked Mr. Conforti for being present this evening.

Chairman Morin opened the Public Hearing on Sports Book Retail Locations within the Town at 6:43p.m. Upon no one present to comment or ask questions, the Chairman closed the Public Hearing at 6:44p.m.

Chairman Morin stated that there was one additional item for the Board to discuss as it is time sensitive and came up after the agenda was posted.

Selectman Roy explained that at the School Board meeting the night before they were talking about mailing out sample ballots. Obviously we've lost a service with the HLN closing as they used to put the sample ballots in the newspaper. The School was talking about mailing out their sample ballot to every household in Hudson. They were looking to print on cardstock for about a thousand dollars and then postage for them was about another nineteen hundred dollars. So what they asked me was did we sort of want to "piggyback" on that. The problem is it becomes almost cost prohibitive because they have one page and we'll have five pages. We can reduce the cost a little bit by not using cardstock and all that but I still think it would be cost prohibitive. So there's been some other things. I know the Chairman has had some discussions about how we could get those sample ballots out there. One of the ways is that we print however many we decide to print and in bulk bring them to businesses, to the library to the Community Center, we have some here so that we can start to distribute it. It obviously would cost us some money to print those but I think we would have to spend that anyway because I'm sure we did the printing when they went to the HLN. So, it's just how we get those out without that service.

Chairman Morin said, so basically the posters that we had made up, I went around Town visiting businesses and put them in all the public buildings, post office and the businesses that I visited were very understanding why we need to put the posters up because they realize we don't have a paper anymore either. So I think if we went back to some of them where they have a register maybe we can put some on the counters so when people are there they can pick them up and take them. And again, Town Hall, they're going to post them on the website and the Town's Facebook page, all the Town buildings, the School buildings. Does the Board want to take some time to print some up and get them out there for the people?

Selectman Coutu stated, my question would be, we have three pages right? The Chairman said, ours is going to be close to five pages. Selectman Coutu then asked, can we do a tri-fold with the engineering printer. Which would be three pages across, two backside and fold it into thirds. Jill Laffin, executive assistant, replied that she didn't know if the engineering plotter had the capability to print something like that in bulk. She also informed the Board that the sample ballot is not ready yet.

Chairman Morin said, so we have some time, but we need to make a decision as soon as possible. He said that one of the biggest things they're hearing is that people don't know and they want to have time to look at stuff.

Selectman Coutu said I'm all for whatever we can do to distribute it at a minimal cost. Mailing it would be cost prohibited. Chairman Morin said, so we don't want to do the same amount that was in the Hudson News because they went to every resident, right? Selectman Coutu said, yes, every residence and every business. Chairman Morin asked if there was a motion of how many or how much to spend up to.

Selectman Roy said the only baseline I have is their (schools) price. I think they were printing 18,000 of them on cardstock. I don't know that's the route we want to go. Maybe do something that is not cardstock and is a little more cost effective. But, is 18,000 too many? Chairman Coutu said that's way too many. We should get the voting list of how many voted in the primary and print that many. We could mail to those directly people directly. Ms. Laffin said, if we were mailing to just those specific people we'd need addresses for those people. Selectman McGrath said, initially it sounds like a great idea but then you're leaving people out that may intend to vote but they haven't registered yet. Or they haven't voted in the last few elections but they're planning to. Because we're facing so many costly items on this ballot. I think the idea of putting them in strategic places, posting it on our website, telling people where they can pick up a ballot, whether it's at Town Hall, the Library, maybe the Schools, Senior Center, Community Center.

Chairman Morin asked Ms. Laffin if she knew when the sample ballots would be ready. She explained that she did not but would ask the Town Clerk, as the first draft came back from the printers with some errors. Chairman Morin said, my reason for asking is if we could then finish this discussion off on Tuesday, because then we'll have a better idea and can get some pricing to talk about. Selectman McGrath said Staples or someplace that could do printing in bulk we could check with them on pricing too.

Chairman Morin asked is that acceptable to everyone? Everyone agreed that we'd bring it back for discussion on Tuesday at the Board of Selectmen meeting.

Selectman Martin made a motion to adjourn at 6:55p.m. This was seconded by Selectman Roy. Carried 5-0.

Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Roger E. Coutu, Selectman

Normand G. Martin, Selectman

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 25, 2020 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of February 25, 2020 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Debra Putnam, Chairman of the Sustainability Committee

After the Pledge of Allegiance, Chairman Morin read a statement and held a moment of silence honoring Hudson Retired Hudson firefighter,

3. ATTENDANCE

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

Staff/Others: Diana Lamothe, School Board Member; Terri Wolf, SAU Marketing Coordinator; Paul Inderbitzen, Town Moderator; Elvis Dhima, Town Engineer; Jess Forrence, DPW Director; Police Chief Bill Avery; Jill Laffin, Executive Assistant

4. PUBLIC INPUT

Chairman Morin asked does anyone in the audience wish to address the Board on any issue which the Board has control of at this time. Seeing none.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

Zoning Board of Appeals - (5 alternate terms 4 of which expire 12/31/21, 1 of which expires 12/31/25,)

Svetlana Paliy was present. Chairman Morin asked Ms. Paliy to tell us a little about herself and why she is interested in serving on the Zoning Board of Appeals. Ms. Paliy explained that she recently relocated to Hudson. She has a background in finance and served for almost 17 years on the Zoning Board in Pelham.

Selectman McGrath asked Ms. Paliy if she has attended or watched any of the Hudson ZBA meetings to which Ms. Paliy answered she has not.

Selectman McGrath made a motion, seconded by Selectman Martin, to suspend the rules and nominate and appoint Svetlana Paliy as an alternate member to the Zoning Board of Appeals with a term to expire 12/31/21. Carried 5-0.

6. CONSENT ITEMS

Chairman Morin asked does any Board member wish to remove any item for separate consideration.

Motion by Selectman Coutu, seconded by Selectman Martin, to approve consent items A, B, C, D, E and F as noted or appropriate, carried 5-0.

- A. Assessing Items

1) All Veterans Tax Credits: map 183, lot 053 - 5 Marshall St.; map 184, lot 027, sub 003 - 13 Cobblestone Dr.

2) Veterans Tax Credits: map 147, lot 004 - 214 Webster St.; map 131, lot 027 - 1 Springwood Circle; map 242, lot 060 - 8 Gowing Rd.

3) Solar Exemption: map 131, lot 027 - 1 Springwood Cir.

4) Elderly Exemption: map 179, lot 015, sub 002 - 134B Kimball Hill Rd.

5) Elderly Exemption Denial: map 147, lot 022, sub 039 - 11 Berkeley Dr.

B. Water/Sewer Items - None at this time

C. Licenses & Permits & Policies

- 1) Outdoor Gathering Permit & Raffle Permit - British Cars of New Hampshire
- 2) Raffle Permit - Hudson Fish and Game Club, Inc.
- 3) Tag Day Sales - American Legion Post 247
- 4) Tag Day Sales - Girl Scouts of the Green and White Mountains
- 5) Tag Day Sales - Girl Scouts of the Green and White Mountains
- 6) Tag Day Sales - Girl Scouts of the Green and White Mountains

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the February 4, 2020 Meeting
- 2) Minutes of the February 8, 2020 Deliberative Session

F. Calendar

- 2/26 7:00 Planning Board- Buxton Meeting Room
2/27 7:00 Zoning Board of Adjustment - Buxton Meeting Room
3/3 7:00 Board of Selectmen - Workshop - BOS Meeting Room
3/4 7:00 Budget Committee - CANCELLED
3/5 6:30 Recreation Committee - BOS Meeting Room
3/9 7:00 Cable Utility Committee - HCTV
3/9 7:00 Conservation Commission - Buxton Meeting Room
3/9 7:00 Board of Selectmen (note this meeting is on Monday as Tuesday,
3/10 is Town Voting Day)
3/10 7:00am - 8:00pm - Voting Day - Hudson Community Center

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on February 4, 2020

Selectman Roy made a motion, seconded by Selectman McGrath, to promote Master Patrol Officer Derek Lloyd to the position of Sergeant at \$35.53 per hour according to

the Hudson Police Employee Association Contract (Step 5). This elevation in rank would be effective on Sunday, March 15, 2020. Carried 4-0.

Selectman Roy made a motion, seconded by Selectman McGrath, to promote Master Patrol Officer Michael Corey to the position of Sergeant at \$35.53 per hour according to the Hudson Police Employee Association Contract (Step 5). This elevation in rank would be effective on Sunday, March 15, 2020. Carried 4-0.

Selectman Martin made a motion to adjourn at 8:23p.m., seconded by Selectman McGrath. Carried 4-0.

8. NEW BUSINESS

A. Town and School Sample Ballots

Chairman Morin recognized Theresa Wolf, Community Engagement Officer for the Hudson School District. Ms. Wolf thanked the Chairman for having her here to talk about the printing of sample ballots. She proceeded to say, I'm here to talk about a town-wide mailer for sample ballots that would include both the Town and the School District. So, as you know in the past, ballots were inserted in the HLN and went to every household in Hudson. We paid for that. The Town paid for it and the School District paid for it. There was a fee for copying and then the Town paid a fee to insert it. And then the School District also paid for it. So, that was information that I hadn't fully been aware of as we were going through this process. So we were under the impression that the Town did not want to do a mailer the last few weeks. I think partly was the cost that was associated with it, postage and the just cumbersome process of bundling and permitting and sending it out. So when we approached the School Board last week about just doing a mailer just for us, the School Board said they didn't want to do a mailer without the Town. They just didn't feel like that was good optics. And so, we went back to the drawing board. I re-bid the mailer with all of the ballots. There was definitely some concern because you have a pretty long warrant article this year. Where we have six items, there are 28. So I did rebid it and we were pleasantly surprised by the results. It wasn't as scary as we thought it would be. So, I got a new quote with the ballots. Diving the printing cost proportionately, so you have three sheets of paper, we have one, and then diving the postage in half, we would actually spend less money than we did last year inserting it into the HLN for each group. So, with that, I have samples for you with numbers. I just didn't want to give them to you right away because I know when you hand out paper everybody starts to read and doesn't necessarily hear everything.

So, the costs that are down at the bottom. As you can see the total cost is at the bottom half of the page of the proposed. Up above is mostly history. The proposed cost divided for the School District would be around \$1700 for the Town would be around \$2300 total. And that includes the printing, the postage and the preparation for getting it to the post office. So the post office has a relatively new program you might be familiar with you had to permit before and you had to divide things up. They have something called Every Day Mailing. And I think it's to encourage entities to use the mailing system more. And also, the printer does this as a service so they would just bundle it up and send it out. They also said when I talked to them earlier, try not to think of it in a way of individual mail pieces but as routes. So they're just having the drivers kind of be carriers and distribute each route. So that pretty much covers the cost. There are two variables. Right now I'm estimating 10,600 would be sent out. It could be a little bit less. I think that includes the post office boxes and I didn't know if people would want to mail to post offices boxes or not. Not sure how that works here. And it could vary a little bit either up or down I'm estimating by \$100 either way, it could go down if we do print less or it could go up if we might need to print a little more. But I don't see it going higher than that. And with that I'm happy to answer any questions.

Chairman Morin recognized Selectman Coutu. Selectman Coutu said first of all I want to express, I'm sure on behalf of the Board, our sincere appreciation for you doing this work for us. There was a

concern in the community and there exists a concern in the community as to whether or not sample ballots would be available and we sought alternative measures of getting them, like dropping them off at convenience stores and things of that nature. I'm very much impressed with the design of the ballot it's easy to read, the print is small, but these ballots are available online and when I went to print them the printed , the paper was too small. I forgot to print it to fit and when you print it to fit this is what I got, the same thing. In any event, considering what we paid in the past to have the insert, even if there's a fluctuation of \$100 one way or another, we're still going to end up on the saving end, so I again thank you for the work that you did, and I personally, Mr. Chairman, wholeheartedly endorse getting the ballots out to every single home. I think we can find the \$2,372.28 give or take a hundred dollars.

Chairman Morin replied, I actually looked into it already and we have that in the account that we used last year for the newspaper. Any other questions? Chairman recognized Selectman McGrath who said, questions for Jill (Laffin), did you check the number of households? Ms. Laffin replied, we have 10,686 residential addresses in Town and that includes post office boxes as well. To which Ms. McGrath replied, so that's just a little more than what they've got calculated. Ms. Laffin asked Ms. Wolf, what is the turnaround time for the project? Ms. Wolf replied the estimate would be to drop it in the mail on Wednesday, March 4th, I think if it dropped on Thursday that would be okay. So if this gets approve, I'm emailing it at 8:00 a.m. tomorrow morning. They're kind of cued up. I know that everybody is concerned that people aren't going to receive this information. So, they're cued up, they've been extremely cooperative through multiple versions of estimates so I think they're going to be ready to go. So then a proof would come back to me, I'm hoping Friday or Monday and then it would go out.

Selectman McGrath asked, is this going to be the fold? To which Ms. Wolf replied, nope, it's going to be exactly as it is. Exactly as you have it. It will come in the mail just like this. Which I was hoping. I think the ballot side, a ballot is very distinguished. People who vote will see it. And then we had this extra blank page, so that's when I put the note in here. So it will come exactly like this with maybe very slight modifications on the layout. Selectman McGrath asked, so all of the work will be done by whoever is printing and then it's just a matter of delivering them to the post office? Ms. Wolf replied yes. She went on to say, I did bring that quote if you're interested. But it also includes they have to print out slips and divide it up, and that's included in all of this.

Selectman Coutu made a motion to approve sending the ballots via mail to all of the legal residential addresses in the Town of Hudson in an amount not to exceed \$2,500. Selectman Roy seconded this motion. Carried 5-0.

When asked if there was any further discussion. Selectman Martin replied I just want to say, I'll echo Selectman Coutu's comments that this is a project that usually takes a little time. You've pulled it off. Thank you to the School Board for considering the Town. It's an important thing for all of our citizen's to be informed and I wholeheartedly support this project.

Selectman McGrath was recognized by the Chairman and said just to point out that when the people open up this ballot the first one they're going to see is the School Board. School Ballot and the next is the Town. So, just wanted to point that out.

Ms. Wolf asked, may I ask a clarifying questions? When you said all the legal addresses did you mean that to include the post office boxes? Selectman Coutu said, that includes the post office boxes because a lot of residents do use them.

Ms. Wolf stated that I just want to share one thing with you. We've heard a lot at the SAU about this School Board wanting to be cooperative with the Town and so if you go to our website the very first thing, even on your mobile device you will see a button that says March Election. And click on that and at the very top of that I have the School District ballot and the Town ballots right there. And you'll notice the website addresses were on this mailer and we're going to try to keep doing that stuff. So I just wanted to share that so that you can direct people with one stop shopping.

Selectman Coutu said, for the record Mr. Chairman if I might, we also have it on our Town page.

B. Matthew Izzo - Eagle Scout Project

Chairman Morin recognized Matthew Izzo, Eagle Scout candidate from Troop 610. Matthew handed out copies of the PowerPoint presentation that he had presented to the Conservation Commission. These were the same slides in the Board meeting packet. Mr., Izzo thanked the Board for the time to present his idea tonight and said, my name is Matthew Izzo and I'm proposing an idea for my Eagle Project which would be to put six signs with maps on them in the Musquatch Trails to help guide the residents who are going on the trails so they don't get lost. While pointing to the photos he handed out Mr. Izzo stated as you can see that the six spots are marked on the map on the first page and there are corresponding pictures in sequence. My plan is to make a plaque about the size of a piece of paper 8x11 and put the map almost exactly what's on the first page on it with the locations of the other maps where they are on the trails and the trail names. Just so people can see where they are and see where other places were.

Chairman Morin asked if there were any questions. Selectman Coutu asked. Matt, in researching this project, and talking to the members of the Conservation Commission, did they allude to anything about their presently being some signs there and the conditions of those signs? Mr. Izzo replied, I don't believe they did. I believe there are some posts with an arrow and the trail name but this would be with a map in the six locations. Selectman Coutu said, as I understand it, John Collins is working with you from the Conservation Commission to assist you with the project. Selectman Coutu was corrected, that it is Bill Collins from the Conservation Commission. Selectman Coutu went on to say, Matt, I'm very proud of you. I've known you since, I wasn't there when you were born, but I've known you since then. You were a handful in church. I applaud you for wanting to do this, it's going to be beneficial to the Town and to the people who use the Musquatch Trails. There are quite a few. They are pretty sporadic but there are a lot of people who enjoy walking through the trails a lot of bird watchers who go out there and I think that would be a tremendous benefit to the Town of Hudson. Matt, I'm proud of you bud, as always.

Upon no further questions from the Board Selectman Coutu made a motion, seconded by Selectman Roy, to approve the project presented by Matthew Izzo from Troop 610 to place signage at Musquatch Trails. Carried 5-0.

C. Zach's Field Update

Chairman Morin recognized Elvis Dhima, Town Engineer. Mr. Dhima stated, most of you already know, this project started somewhere in 2012-13 the intent was to remove a significant amount of asbestos from one place to another. Unfortunately it ended up being way more than they thought, the people involved at the time. So while the site is sealed now and everything by the State has been approved, the site is sealed and was done in accordance with the plans so it was a significant amount of boulders during the excavation process. At the time of my arrival these boulders were at the site and it was unclear if that was a responsibility of the foundation or the responsibility of the Town and it's been an ongoing issue ever since. A local contractor at this time is in need of a site to crush some additional rocks and he's looking to utilize this site and in return he would basically crush the boulders at the site and remove them at no cost to the Town or the foundation. And with that said there's a contract in front of you tonight to basically trade services for the site to be used for six months. I'm here to ask if you're willing to entertain that or not and what your wish is. I'll take any questions you might have.

Chairman Morin asked if there were any questions. Selectman Coutu asked, Mr. Dhima, initially when we were in the process of excavating the property after we did the capping and the parking lot was put into place, I believe you looked into the project of having to crush this stone because obviously for us to be able to do anything constructive with the property with it's original intent to be Zach's Stadium, this whole area here with all of the rocks and stones and we're talking some stones

of considerable size, they're boulders, bigger than this table in some instances. Was going to be quite an expensive project. I believe you went out and got a quote. What was the approximate amount of money that they wanted to do what this gentleman is offering to do for nothing? To which Mr. Dhima replied, two years ago an unofficial quote was \$75,000. Selectman Coutu said, just to crush that stone. Here we have a company that's willing to come in and do it and remove it and then all we have to do after that is grade it, seed it and decide whether we want to have a passive recreation area or go to the football club, the Hudson Bears and see if they're going to build a stadium and if not then we'd ask them to release the lease back to us so we could do something with the land. Thank you Mr. Dhima. That's a good stroke of luck for us on this one.

Selectman McGrath was recognized by the Chairman. Selectman McGrath asked are they willing to sign some sort of an agreement that they'll leave the space as they found it with the acceptance of understanding that they'll be crushing these boulders. Mr. Dhima replied part of the contract in front of you tonight specific work is basically removal of all the boulders identified by Engineering and Department of Public Works, removal from the site of all access material from the crushing operation. Operation will be from Monday through Friday 8:00a.m. - 4:30 p.m. transportation operation will be allowed from Monday through Saturday but there will not be any crushing Saturday. Contractor shall be using the site from March 1-30th. Contractor shall leave the site satisfactory of the Engineering and Public Works Departments. So Public Works and Engineering will be involved in this project and will be keeping an eye on it. But we will make sure to keep it to our satisfaction. There's also liquidated damages in there as well, if they don't get out of there on time, if it's not to our satisfaction, there is an umbrella insurance for one million dollars that will be part of that as well. Also the contractor has a drain layers license with a \$10,000 bond in place with the Town of Hudson. So we have all this in place as well to protect Town interests.

Selectman McGrath said, just a comment, I think that you deserve an awful lot of credit and thanks for identifying this contractor and working through it to get this field back to where it should be. You've taken a lot of grief about this particular project, undeservedly so. The Town owes you its gratitude. Mr. Dhima said, we've been trying to take care of this for a long time, there's been a lot of discussion behind doors, even though publicly we haven't been able to do anything. I hope when it's done it will be a clean slate at least to figure out of if it's going to be the foundation or the Town that does something with this. The site is sealed, it's clean, and hopefully we can move forward. But I think it's a great opportunity and it will be no cost to the Town or the foundation.

Seeing no further comments Selectman Coutu made a motion, seconded by Selectman McGrath, to approve the agreement between TTD Earth Tech Inc. and the Town of Hudson to remove the excess material at 9 Industrial Drive as per the memo presented to us by Elvis Dhima our Town Engineer on February 19, 2020. Carried 5-0.

D. Sustainability Committee Roadside Cleanup

Chairman Morin recognized Deb Putnam, Chairman of the Sustainability Committee. Ms. Putnam said, good evening Board. The Sustainability Committee is pivotal in this proposed project, in working with Jess Forrence and then Jess working with Chief of Police, Bill Avery, to find a path to finally do a road that is a disgrace to the community. Wason Road has sections that seem to be places where drivers seem to throw anything and everything out of their windows. It's been a road that the Sustainability Committee has been wanting to do for a long time but we definitely recognize the very serious safety concerns. So when Jess Forrence came up with the idea, let's work with the Police Department, the DPW, and with the Sustainability Committee. We came together with a proposal that we feel will be safe in that a DPW truck with personnel will be escorting the volunteers. We will be staying together with at least one cruiser and potentially a second cruiser, should it be necessary, to assure safety. We will work only one side, the worst side, of Wason Road. The Sustainability Committee purchased, working through the Town Administrator, safety vests last fall. A quantity of I believe, 50. We are also voted last evening to have new, what people usually call lawn signs, but we call them our roadside signs, and in a sufficient quantity, that I was sort of thinking perhaps the DPW earlier that Saturday morning, could identify this section has to be done and put one of our lawn signs at the beginning of that section and at the end of that section. So that when we

get started that morning we know exactly which sections we're going. So the police officers know this is our stop point. We're going from here to 30 feet down the road. Then we're going on to the next point. The Police Chief, earlier this evening before this meeting started, suggested something that the Sustainability Committee did do once before and that was, when we publicize the roadside cleanup, which we'd like to do starting the March 10th voting day in the Community Center, and I had communicated with Mr. Inderbitzen about having a display table there. Is to have residents email HudsonSustainabilityCommittee@gmail.com and indicate their interest in participating so we know ahead of time how many people will be involved potentially but also so that we can manage that group of individuals and so we can inform them appropriately again with a proposed meeting point open parking lot of the Burns Hill Fire Station. As that has been decommissioned and that lot is available for parking. But obviously how we actually go about it will be up to Jess Forrence and the Police Chief.

Selectman Coutu asked what is the proposed date of the cleanup? To which Ms. Putnam replied, April 18th. The meeting time would be about 9:30 a.m. at the Burns Hill Fire Station. The time slot for the cleanup would be only two hours, 10:00 a.m. to 12 noon.

Selectman Coutu made a motion, seconded by Selectman McGrath to approve the roadside cleanup on Wason Road as proposed by the Sustainability Committee Chairperson. Carried 5-0.

Selectman Coutu stated, I just want to express our sincere appreciation for working out the logistics with the Police Department and I want to thank both our Police Chief and our Public Works Director, Jess Forrence for assisting you and continuing to assist you during this project. Being a frequent user of Wason Road, it's a mess, I can't wait to see it cleaned up.

E. Town Moderator Update

Chairman Morin recognized Town Moderator, Paul Inderbitzen and Police Chief Bill Avery. Mr. Inderbitzen started off by Thanking the Board. He went on to say, I sent out some of the statistics for the day. We had less than a turnout than a lot of us thought we would. 40% although, if you go back two Primaries, we were at 35% back in 2012. Could be a seasonal thing where you don't have two parties with candidates since there was an incumbent. So that maybe we what. So 40%. It was a busy day but it wasn't a terrible day inside. Now, hopefully the Police Chief and Public Works Director can tell us a little bit more of the outside after we're done here. If you look at the statistics, we handled about 545 voters per hour through the checklist which is pretty good. We've done higher when we have a Presidential. We had that initial rush of 615 which we really did within an hour pretty good. I thought that the workers did a good job. If you look down at the four to five and five to six, those numbers went up. It wasn't really a big rush that was when the time we were putting through 300 absentee ballots into the machines. So it looks like there's a lot there but it really isn't that much. Everybody did well. We had just a few glitches. We never had a problem with the machines. Never had a jam. I like the longer ballots because I think they fall better inside. So the Town election will be a little bit more because they're three pages of Town ballots so that's a lot. It will take us a little while there. If anyone has any questions about the statistics and what we did for the Primary, that would be the time to check that now.

Selectman Martin asked, did you have any kind of idea what the cost was for overtime? Mr. Inderbitzen replied, the Chairman asked me on Friday if I could have some costs. So I emailed the Finance Director and she did give us some of the work. Actually she's got a lot of numbers already so, it looks like the total cost of the Primary is like \$12,700, which is a lot considering all the people involved. But for the Public Works overtime, now that's only overtime, we did not, I put in my budget for overtime, not their regular hours, with \$737 and the Police overtime was over \$5,700. They did a remarkable job. I think. I did not get out there too much but from what I heard things moved pretty smoothly. I'll ask the Chief to at least comment on that when we're done here as to what because I have a question for the March election as well on that. So we did pretty well. We had 464 new registrants and almost 300 absentee ballots. So 7,239, I expected at least 50% we didn't get it. So what can you do? I didn't hear of anyone deciding not to vote because they could not get in. I don't know how far the backup was on Adelaide Street, Chief, was there a long backup at any point in the

day? Chief Avery replied, yes, at one point, we did have a backup on Adelaide down to Central Street and we diverted the traffic to Vinton Street. So we did have it once. I don't recall what time. Mr. Inderbitzen said there was a big rush around ten o'clock. We got busy all of a sudden and then it dropped off. From the check-in, around 10:00 a.m. to 12:00 p.m. there 686 per hour so that was like 1200 people in those two hours. That might have been where we have a little bit of a backup. But other than that did you have any bad? It was not a nice day for them. It was supposed to be a sunny day and it was not. Chief Avery said, it's a long day for my staff. I know a lot of you in the public made comments about how well the officers were treating people even though the conditions were terrible. They had smiles on their face the whole day and they did an incredible job. Some people commented that I was out there. Well, if my staff is going to be out there then I'm going to be out there. It was a long day for everybody. But, overall, I think it went smooth. We could have made some changes to make it better. We can always improve of what we do. I'm not so sure the Presidential election is going to go nearly as smoothly as this did if it were to remain at the Community Center. I do fear that. I had the pleasure of working that in 2016 as a Captain and did an after action report so we prepared for this primary exactly like we were preparing for the Presidential. So we were prepared. Did it cost some money? It did. I understand that. But everybody that we had there, worked. And we had extra bodies to relieve individuals to get out of the cold for a little bit.

Chairman Morin said, I know several of us received comments that it went very well and it was probably one of the better days for voting that took place to get through and get in and out of there. Selectman Martin asked if there was a plan for a meeting to discuss the change for venue? Mr. Inderbitzen said, after we get through the Town elections, let's sit down later in March and we'll set up a time. We did a walkthrough, some of us were there, and I think we should make a decision and at least look at the pluses and the minuses in terms of inside. But I think it's a possibility, maybe a requirement because of the fact that the Community Center cannot handle that amount of people. Chief Avery said, my interaction with the Attorney General's office on that day. There was a point I believe the Chairman was with me, was not pleased with the way the traffic was backed up and voiced several concerns to me at the scene that traffic should not be backing up because it could prevent people from making it to the polls to cast their vote. I assured him we were doing the best we can. He watched our operation and he was pleased with what we were doing. It's just a matter of getting cars into that parking lot and then getting those cars out of there. It's not an easy task. Mr. Inderbitzen said, we'll wait and see whether or not he gives us a negative report. He also had a couple about a couple signs out front where the campaigners were, not being manned. I'm saying you've got a sign there and you've got three people around with little signs but because nobody has their hand on it doesn't mean that it's not a manned sign. I think there was some interpretation of the law in that. We never had a backup inside, that was really easy. The hardest part, I knew, was going to be outside. Because of people getting in and out. Turnover was pretty good.

Selectman McGrath stated, I never received any complaints. And I was there all day. I don't recall ever hearing anybody complain. Now the last Presidential election there were plenty of complaints. People were dissatisfied at not having multiple polling places, traffic and those types of things. I didn't get any complaints this time and I thought that all of the staff that worked out there, the police and Public Works they worked in miserable conditions. And they must have been freezing cold because I was cold and I was inside the building. The door kept opening up and letting the cold air in and these people stood outside all day and I think they did a remarkable job. Chief Avery agreed saying, that's a great point mentioning Public Works. I know the Public Works Director is behind me right now, the gentlemen that he had out there, they worked hand in hand with our officers and did the set up beforehand. They really busted their tails to make this a successful operation. So Jess, thank you buddy.

Mr. Inderbitzen said Police and Public Works were outstanding in what they did for a very difficult day. It's unfortunate that it had to be not a nice day out. Selectman McGrath stated and people that might tend to criticize ought to think about themselves and whether or not they'd stand out there all day in those conditions. Mr. Inderbitzen went on to say, I did not budget this much for the Police and Public Works overtime. I'll be a little over budget for those figures. It looks like even in the new budget basically we used kind of the hours that we used back in the Presidential but that was four years ago. So I may be a little over budget in that too. Depending on moving it and what we have to

do. I didn't plan on that so this was a little higher than what I had budgeted for. But I think we can manage.

Mr. Inderbitzen also said, the other thing I was going to ask with the Police and Public Works Department here is that last March we had a snowstorm. It was pretty bad. But we had a 4,500 voter turnout. If you think of we had 7239 this time and we're going to go down to maybe 4500, do we need to have some sort of controlling the circulation within the parking lot, because remember there's four pages for people to vote on, they'll be in the booths a lot longer. Which means they'll be out of their cars a lot longer. I did not usually plan for a Town Meeting, but should we possibly have, not the same set up, but at least have some idea that if we do get some backups that someone is there to take care of it? Or maybe have some direction in the parking lot by a couple people to direct cars around? Should we have the one way circulation? I don't know if we need to do that for the Town election having it one way, the way we did it. Chief Avery responded by saying, it's tough to say and the weather is unknown at this point. I know if it snows Public Works will be out there. If you want me to get a few officers down there I can certainly do it. I know you're over budget so don't worry about it, we'll get some officers down there. If the five of you decide that's what you want I'll do it. Mr. Inderbitzen said we can at least look at, as we get closer to the date, what we might do. I don't know if the Public Works Director, Jess, would want to have. His guys were in the parking lot directing cars I think. Chief Avery said on the road and in the parking lot. Our goal is during these events is if you're pulling into the side of the Community Center not to have people park on that side until the other parking lot is filled up. Because when they back out that's what causes the traffic to back up all the way down Lion's to Adelaide, down to Central to Lowell Road. If you guys want that setup just let us know and we can enact it. The morning of is not the time to prepare for this. Mr. Inderbitzen said that's why I wanted to bring it up. I said oh are we going to need some sort of traffic control for the Town election as well. We haven't in the past but I don't know how bad it was outside in the past. I didn't hear too many complaints after last year. Last year was one of the highest counts we've had in a long time. And it was a big snowstorm.

The Chairman recognized Selectman McGrath who said this is a little off topic but it may pertain to this. Planning Board, there was a Plan before us. A paper street off of Adelaide Street and in that presentation there are two, Selectman Coutu you may remember the conversation, there are two lots of land that belong to the Town of Hudson, They're adjacent to the Community Center and I'd like Elvis, I'll come in either tomorrow or sometime later this week, and we can take a look at the plans and see if we can create some additional parking on those lots because they lots are owned by the Town of Hudson. So that may provide some, I don't remember exactly what the plan was, there were fairly large lots, there's some wetlands on them, so that would have to be avoided, but it may provide some additional parking.

Mr. Inderbitzen stated the issues that affect turnout also, we had two big bond issues for the School last year, four union contracts and a petition article on full day kindergarten. We only have one bond issue for the School and one for the Town, a police station expansion. And a couple of union contracts but there didn't seem to be any controversy at least in the budget hearing process or in the deliberative session. So whether that brings out more people or less people, I don't know. It's always hard to judge. I thought we were going to have 9,000 people at the Primary. We had 7,200. I said boy did I underestimate.

Chairman Moring asked if there were any other comments. Selectman Coutu stated in last year's municipal election, Chief, did you assign anybody to work the municipal election? To which Chief Avery replied, no I did not. Selectman Coutu asked, Mr. Forrence, you didn't have any either, right? To which Mr. Forrence said no. Selectman Coutu went on to say, to the best of my recollection there were no complaints last year. We just adhered to there was no re-routing of traffic. They used regular access in, access out. I don't feel it is necessary, when you consider how bad the weather was and you had your crews out plowing, which narrows the roads down, and we still were able to get people in and out comfortably. This is by all indications, this year, so far, this is the second warmest winter on record. I don't think that we need to make a decision, I would support not having traffic control, you're only a phone call away if we need anything so I'm not going to worry about that, if there's no storm, Jess, and we need someone, I know you can make a person available. We'll be monitoring it.

We're all, for the most part going to be there, I'll be there part of the day. People will go over to any of the Selectmen if they have a problem and complain about it and it behooves us to go out and take a look at it, let Mr. Inderbitzen know and if Mr. Inderbitzen needs to call either of you I'm sure he will. I wouldn't commit to spending any money on overtime that day. Would you be happy with that Paul? To which Mr. Inderbitzen said, we were okay last time, we had a lengthy ballot again, and just people are inside a little longer. Which means the parking goes longer before someone changes over. But we didn't have a problem last year I didn't think and we had a pretty good turnout. As long as we have the option and people understand that if we do get some problems that we can address them. Selectman Coutu added, I believe it was last year Chief, you and I met right after opening and you told me that you had walked the, we had quite a long line, if you remember outside, because you went and introduced yourself, people shook hands with you, but you said it was well controlled and there was no complaints about traffic. Chief Avery responded saying, the other thing that we have, during the day, I can get our School Resource Officers in there quickly, our services division, get our detectives down there, if we needed to, to clear it out. If that's the case, get in touch with me, and we make it happen. I'm not worried about it. Selectman Coutu said, I suggest we go that route, Mr. Chairman.

Mr. Inderbitzen asked the Board, does anyone have any questions for the statistics on the Primary? Selectman Coutu said, 19,052 on the total checklist, that's with the registrants from that day? So it would appear if we registered 400 people the number would be like 19200, but have these numbers been purged at some point? Mr. Inderbitzen said, not yet, not til after this year, the purges in the checklist occur after a census. So they will be sending out letters to everybody who hasn't voted. I don't know what the rules are, if it's the last two or three state elections, they send out letters, if they don't get it back they purge them. Selectman Coutu said, if we have a population of 25,000, which I think it's going to near close to, 28-30,000. That would indicate we have a 65-70% registering voters of the population which is what most towns or cities have. Mr. Inderbitzen said, well the number had already dropped 200 because of people moving out. As the Supervisors are going through and entering all of the data into the State database they already get a notice that this person has left, this person has left. Because they've registered in another town so we can subtract them from Hudson. So she said, I called her today, talking about personnel, and she said it's already gone down 200. So the new list, whenever it comes out before the Town election, will not be 19,052. It will be less than that. Selectman Coutu asked, is that something the State does on an ongoing basis, election after election? They purge the list based on duplicate registrants? Mr. Inderbitzen said the Supervisors get a list when somebody registers in another town, the town that they used to be in if it's in New Hampshire, gets noticed and they can take them off that list. That's the advantage of having a State-wide database. It's too bad we don't interact with all the other states to get the same kind of data.

Chairman Morin asked if there was anything else. Mr. Inderbitzen said, I have one other thing for you since it involves members of this Board. I just received this today, I'm going to read it to you. I'll send you copies. Also to the people inside, to my ballot workers and stuff. Mr. Inderbitzen went on to read an email sent to him from a Hudson resident pleased with how well she was treated by Town workers at the Primary. After reading the email aloud Mr. Inderbitzen said, I know who the folks were at the door, it was you guys. Selectman Roy said, I actually remember that lady and it was the Chairman who helped her out.

Mr. Inderbitzen went on to say, so we get ready for March 10th. The Chairman opted not to be in the room that day because he's on the ballot in a challenge, although he could be. He's opted not to. Which means all the rest of you has more work to do. We'll be doing the same thing. I'll have to empty the boxes a lot more frequently because they'll be three pages in the Town and just one for the School so it will be a little bit harder to keep track of things, but we're ready to do it and the Clerk is ready. I don't think we'll have as many absentee ballots and I'm not sure about the new voter registration. Looks like we're still a growing town.

Upon seeing nothing else, Chairman Morin and members of the Board thanked Mr. Inderbitzen for coming before the Board.

F. NH Commuter Rail Service

Chairman Morin asked Town Engineer, Elvis Dhima to come up to the microphone for this discussion. The Chairman informed the Board about two weeks ago we had a meeting with NRTC on the Commuter Rail with the Mayor of Nashua, and if you'd like to take it away....

Mr. Dhima said we got an invitation about a month ago related to commuter rail. You must have seen the article that came out recently about the possibility of a commuter rail. It was Mayor Donchess, Selectman Morin, Mr. Malizia, Mr. Van der Veer from the Planning Board, the Town Planner and myself and then chief staff from the Mayor's office. The Community Developer, someone from the Planning Department as well over there, Jay Minkarra and one of his staff. I thought overall the meeting went very well. It was basically just an overall view to where the needs are, the need for the Circumvential Highway came up. We were discussing towards the end of the meeting of possibly maybe teaming up with Nashua to pursue bigger grants. \$100 million dollar grants that could basically cover the commuter rail and the ability to increase the ridership. That's what it's coming down to. It appears they're working on the density to justify the commuter rail. Right now it appears to me that they're looking for some sort of support. It wasn't contribution, it was more like support from the governing body in Hudson that I think will help their case. Overall I thought it was a good meeting. There were a lot of questions from our side. The biggest concern is if the rail comes through and the station gets built there seems to be no plans that are going to address how we're going to get the people there. So there's no improvement whatsoever on the roads, on Hudson's side and Nashua's. That's a bit of a concern. That came up in the past, the Town Planner brought that up at NRTC to the DOT staff and it appears that while they're willing to spend the money on the rails they're not willing to spend money on the roads to get the people there. So it seems to be a bit all over the place. But overall that seemed to be the intent. They did not officially ask for anything at that meeting. That's what we got out of it at least. The Chairman interjected saying, talking about the traffic for Hudson, once that came up because they at one point wanted to send all the traffic south on Lowell Road in the morning, good call, but what we asked was the possibility of a commuter parking lot here in Hudson and then have a bus come over and pick them up and take them to the train station on Crown Street which would eliminate a lot of the traffic crossing the bridge at the morning rush hour.

Chairman Morin recognized Selectman Coutu who commented, I'm not going to support it and I'll tell you why. We don't have a plan. There is no specifics here whatsoever. Number one, where is it going to be? So many locations have been identified. I was told initially it was going to be where Old Navy was. That was coming down. The train station was going to be there. I think that would just be a traffic nightmare up and down DW Highway. How many trains gonna go by per day? Mr. Dhima replied, 16, I believe. Selectman Coutu said so how many more times is that going to stop traffic at the railroad crossings? For me, this is going to be problematic for Hudson. For Jim Donchess, it's a great thing. He's been advocating it for years. This is his target project. If he gets nothing else as mayor he wants to finally get the train station put in Nashua, regardless of the consequence to other municipalities. I cannot support it for the very first reason is, we don't have a plan. There's nothing really to look at. The traffic issues have not been addressed. They talk about it, and they talk around it, but they don't want to hear the specifics because they know it's going to be problematic for communities like Hudson. Litchfield's going to be affected, because the traffic coming south east to west in the morning, if there's commuter trains going from Lowell to Manchester every day, because I believe that's the route. They leave the station every half hour we have an additional maybe 12-20 stops for crossings over the railroad tracks in addition to the regular traffic they have for their cargo that transits through Nashua down to the Lowell side. I will not support it, I will not lend my voice to supporting until he has specifics. Thank you Mr. Chairman.

The Chairman recognized Selectman Roy who said so, in reading just what you gave us and in talking with you I have a question about has the MBTA been involved in this at all? Obviously critical to getting this done. To which Mr. Dhima replied, that's a very good question, thank you for asking because I forgot to cover that. So originally MBTA was all over this and for some reason they're kind of not as interested now. Selectman Roy said, they have some real problems that they need to

address with the existing lines. Mr. Dhima replied, it appears that the problems consist of two things, issues as far as operations itself not being as profitable, they're basically subsidized but the other thing is they have a lot of segments that are missing within MBTA itself in Mass. So their issues of how are they going to spend money in New Hampshire when they're not even done. It's kind of like helping Litchfield when we have issues in Hudson with traffic. It just doesn't make any sense. We didn't want to get too much into it, it was kind of like try to be a good neighbor and just listen, but that came out. But at the end of the day, what it comes down to is if they can justify that the demand is there and that the model pays for itself, or the whole operation, somehow, then they might be interested because it's about making money at the end of the day. Is it going to be profitable? Do I see it happening or being like that, I don't know. Selectman Roy said I think if they do it's going to be a longtime off because they have some internal issues they need to deal with things that already exist. Mr. Dhima said, also the existing rail system needs to be completely updated.

Selectman Coutu said, they just bought a bunch of brand new cars that they can't put them on the tracks because broke down right away, brand new. Mr. Dhima said, you can just look at the crossings on the road and you'll leave a tire in there, but yes. Chairman Morin said, and remember, the way the Board is going now, and we say we're not in support of it that's going to be a big hit on him and we'll see if he's going to try to help us. But I think that was the meeting we need to get you on Board with this. Chairman Morin recognized Selectman McGrath who said, I'm not in favor of it either, although, depending on the citizens of Hudson and if they really wanted rail service to Massachusetts that might cause us to rethink this. But Nashua hasn't shown or demonstrated over the last number of years, their concern about their impacts of their developments of their city that is impacting the residents of the Town of Hudson. When the golf course was being developed, when that was being proposed, we declared that a regional impact development because of the impacts it would have on the City of Nashua and surrounding communities. When that development decided to go over to Nashua, Nashua failed to declare it a regional impact because of the impacts that it would have on us. They didn't care about that. They only cared about themselves. They did the same thing with the development across the bridge. They didn't declare that a regional impact development and that development has had significant impact on the Town of Hudson and the traffic that we have to endure. So, am I willing to help Mayor Donchess, I don't think so.

Selectman Martin informed the Board, I listen to talk radio on my way to work. They're trying to find ways to subsidize fares for, and I'm not being mean when I say this, for low income people. But they can't even take care of their equipment, MBTA. You heard it, I heard it and I could support it if there was a plan and it was well thought out but initiating the plan is going to be very hard between these two municipalities because of the roadway system that we have and traffic.

The Chairman said, this is just an overview of the meeting. We were getting a little information. That's all this was. Selectman Coutu said, if I were the mayor of Nashua or the municipal leader in Hudson, and I wanted something that impactful, I'd be here myself. The Chairman said, he offered if we wanted him to. Selectman Coutu said make sure he has a plan in his hands and some funds.

G. Update on the Services for Captain Phanuef

The Chairman asked Chief Avery to come forward to talk about the plans for the funeral services for Captain Phanuef coming up this weekend. Chief Avery said, thank you Mr. Chairman, so this weekend as most people are aware or have been made aware through my Captain, Tad Dionne's Facebook posts and press releases or both that he's sent out through WMUR and other news outlets, this weekend Captain Ryan Phanuef will be honored at the wake and funeral which will take place on Friday and Saturday. Why did the Chairman ask me to speak about this, is it's going to have a large impact on the traffic in and around Saint Kathryn's Church. There will be large police and fire presence also in or around the church. Stewart Street, most people know where that is. It's a cut-through from River Road up to Dracut Road is going to be shut down for traffic. That is going to be done for safety reasons. Again there will be a large contingency of law enforcement there. Not all from Hudson. There will be members from the Nashua Police Department, members of the New Hampshire State Police and members of the Southern New Hampshire Special Operations Unit that will be there.

There will be some escorts taking place. Captain Phaneuf will be landing tomorrow morning at the Nashua Airport. He will be escorted by the Hudson Police, Nashua Police and the Hudson Fire Department from Nashua over to Dumont and Sullivan Funeral Home. We are expecting a large media presence at this. We have declared several areas that they are going to be stationed and there will be a public information officer with them at all times. The media will not be made available to the family, at all, whatsoever, under no circumstances will the media get to the family. That is per the request of the family and we will definitely honor that. Thankfully the Hudson Police has a great working relationship with the media. I'm in constant communication with the media outlets and hopefully they listen to what we've said, because that will not take place. So the wake will begin at one o'clock on Friday. They'll start seeing police activity in or around Saint Kathryn's Church around 11:00 a.m. maybe a little bit earlier than that. Then it will really ramp up around noontime. Where you'll see specialized vehicles moved into this town. The reason behind it, I don't want to get into all the details, there are no specific threats or anything like that that we are aware of. We've done several threat assessments. The Fire Chief, myself, a captain from Nashua, Chief Buxton's command staff have been meeting and meeting and meeting to make sure, and Chairman Morin has been brought in on those meetings to make sure that this was done without any glitches. I have the utmost confidence. A lot of these meetings took place while I was on vacation. I have been briefed every morning since. I have the utmost confidence in all the people involved in the planning to make sure that this is a special event for Captain Phaneuf who as most know now, was tragically killed in Afghanistan in an airplane crash serving in the United States Air Force. We will do everything in our power to make sure this is done correctly to honor him.

Chairman Morin recognized Selectman McGrath who asked Chief Avery, can you tell us what the route will be tomorrow, escorting Captain Phaneuf to Hudson. Because if people want to stand out and honor him as he travels through Hudson, I think that that would be nice. Chief Avery replied, tomorrow the route, he is due to land in or about 9:30 tomorrow morning at the Nashua airport. He will be coming over from Nashua, down Amherst Street, by Canal Street by BAE Systems. He'll come over the Veteran's Bridge he'll come up to Chase Street, they'll take a left onto School Street in front of Town Hall and in front of Central Fire Station. They'll continue across Library Street, up School Street take a left onto First Street and then a left to Dumont and Sullivan Funeral Home where the Fire Chief and myself will be awaiting his arrival. Again there will be a large escort of Captain Phaneuf coming. It would be a tremendous honor I'm sure for the Phaneuf family if people have an opportunity to witness what they're about to see tomorrow. On Friday he will be escorted from the Dumont Sullivan Funeral Home down to Saint Kathryn Church, again, with Fire Department and the Police Department making sure this goes off without any hitches. Selectman McGrath stated, it's unfortunate that it's school vacation week because I was thinking as I was driving up here tonight that that would be great opportunity for the school children standing out honoring somebody that's given their life for this country. It would be a good learning lesson for them and I think that the family would appreciate a showing like that. It's unfortunate.

Chief Avery went on to say the Phaneuf family are some of the most outstanding people that I've had a pleasure of meeting with in this community. They've been first class on what they have asked of us and again, we've done anything we can to help out that family. But I can't say enough. I did not know Mr. or Mrs. Phaneuf prior to this. I've since got to know them and he has worked hand in hand with Captain Dionne. Just an amazing family, suffering from a tragic loss. Again, I'm hell-bent on making sure he is honored Friday and Saturday. Selectman McGrath asked to comment and said, I'm going to get to Captain Phaneuf. But relative to the voting session that took place a couple of weeks ago, Captain Dionne, there was a lady that fell and I went out, Kara and I went out and got some help in. Captain Dionne sat with her, stayed with her, he was so kind. I can't stress it enough, how kind he was to that lady and he stayed with her. The kindness that she showed to that lady has been show to the Phaneuf family. I have no doubt about it because I witnessed it myself. So that's something that we all need to be aware of and be proud of and be appreciative of because we have someone who in times of trouble can demonstrate that kind of kindness. Chief Avery added, Captain Dionne, all my captains, and my entire staff, I never ever get complaints about rudeness or anything like that. They're overly polite to people. They know that's what I demand. Selectman McGrath replied by saying, I don't doubt that it's just that I witnessed it first hand and some I'm able to relate that. It was just really remarkable. Chief Avery said, he's an amazing, he truly is.

Chairman Morin asked if anyone else had anything to add. He then asked Chief Avery to stay in the room because he may be needed under Selectmen's Comments for a few things.

9. REMARKS BY THE SCHOOL BOARD

Chairman Morin recognized Diana Lamothe, School Board representative. Ms. Lamothe said, first I just want to say, I'm really happy to see the Town and School working together and we're going to get the School ballots out to everyone in Town. It's the first I'm seeing this summary on the top. It invites people to take a look at the main points. So I'm very happy to see this going out.

I also wanted to announce, there's an event open to all its called Hard Hat Tours at Alvirne High School. Saturday March 7th. You can drop in anytime between 8:30 and 10:30 in the morning. It gives you a chance to look at, you'll see what the entrance and the cafeteria is like at Alvirne and you'll also be to if you so choose, to see a tour of the CTE construction. It's really amazing how much progress they've made with that addition and renovation.

10. REMARKS BY THE TOWN ADMINISTRATOR

Town Administrator was not present at this meeting.

11. OTHER BUSINESS/REMARKS BY SELECTMEN

Selectman Martin -Thank you Mr. Chairman. I don't have much to say. I just have one thing to talk about and I think I need to bring it to the attention and get some answers. I have a question that needs to be answered. Sorry. It's not about the amount of money on this PO, but it's about the purpose of the PO. We have an EZ Pass transponder that we're paying for and I wanted to know if it's going into a Town vehicle. If so, why and why isn't the Town vehicle exempt from State tolls? That's it. That's all I have. The Chairman replied saying, okay, I'll look into it tomorrow for you.

Selectman Coutu - I'm not going to have anything to say other than I just want to expound upon what the Police Chief shared relative to traffic during Friday and Saturday for Ryan Phaneuf, deceased Captain of United States Air Force. People should be made aware that if you are going south towards Massachusetts Dracut Road will be closed in a southerly direction all the way up to Pine Road. Correct? If you want to go to the church you would have to go down Lowell Road and take what's across the street from my store, I call it wishy washy road, Pine Road, which is across from the BAE Entrance. Take Pine Road as if you're going to the old Sears warehouse go past the fish and game, go that way, go up to Dracut Road and then you can head north towards the church and as the Chief said, there will be police presence there and the one street that will be closed is Stewart, directly across from Saint Kathryn's there will be no cutting back and forth one way or another. And we join with the Chief in asking you citizens to pay your respects to the Phaneuf family in memory of Ryan. If you have an opportunity and you can come and stand on a sidewalk as his body is carried into our town the Phaneuf family would truly enjoy. It would be pleasurable for them as they come through town as they see the acknowledgement of our spirit and our caring for the memory of Ryan and I think the family will take it very personally. I understand full well why they want to have their private moments. They'll be enough for public to see with the funeral and all. So thank you Chief. I want to thank you and the Fire Chief and all of our personnel who are working to make sure that Ryan is honored in the fashion that always keeps Hudson a little bit above everybody else in caring about our fellow citizens and all that you've done with the Phaneuf family. Tad has done an awesome job, so thank you very much Chief. Thank you Mr. Chairman.

Selectman McGrath— Just two things. The first thing is I want to urge anyone who is watching this meeting to please review and pay particular attention to the Board of Selectmen and

School Board candidates at Candidates Night. I think that it's something that all of the voters ought to view and get to understand who the candidates are, what they stand for and what they stated. Some of it is pretty scary. So that's number one. And number two. A request to all of the residents that are watching this meeting to keep Captain Ryan Phaneuf and his family in your thoughts and prayers as they go through the difficult time of laying their son to rest. That's all that I have.

Selectman Roy - I just have a couple things. I'll just say it every time I get a chance between now and March 10th, please don't forget to vote at the Community Center on March 10th. And I will echo everyone else's sentiments to keep Captain Phaneuf in your thoughts and at every opportunity, honor him for his great service. That's all I have.

Chairman Morin - I've got a number of things. First thing is we ran into a problem, Selectman McGrath and myself during the week, we both ended up having a question and we did not know who was in charge. I think we need to sit down and figure out when the Town Administrator is not here who we're going to ask questions to and who's going to be responsible because along with the problems we had this week, we do have a safety plan for this building if some type of emergency happens and the Town Administrator has certain duties and if he's not there it's going to leave a big hole in that. Other people have duties that may to be moved and we need to know who's going to fill these and we need to come up with some sort of chain of command when he's not available. Any suggestions or do you want to take it up at another meeting? Selectman Coutu said I think it would be a workshop item. Historically Mr. Chairman I asked the other day when I came in, and I said, who is the acting Town Administrator? It's the first time that I can recall we don't have an acting Town Administrator. It has always been the policy and that person who is appointed would typically know the policy and procedure for an emergency whether it's an evacuation, checking the building to make sure everybody got out safely, who they deal with, communicate with in terms of fire and police. The Town Administrator is aware of those and I always thought that we would have a backup. I was somewhat concerned that there was no acting Town Administrator. In the past the last few times it had been the Finance Director. I know that Mr. Michaud, the Chief Assessor, had served on a couple of occasions. It might be a workshop item and we might be able to resolve this in fifteen minutes at best.

Selectman McGrath was recognized and she stated, I contacted the Fire Chief because he's right next door, he's familiar with what goes on within Town Hall and it was an appropriate call to make because of the question that I had. And I'm not sure that we got an answer about that yet. To which the Chairman said, I don't know either. He asked the Ms. Laffin, did we get a call on the flag today? To which Ms. Laffin replied, He emailed asking me if we had heard back from the State. We had not so he was following up from there. The Chairman said, he was going to take care of it tomorrow.

Any other comments on this? Selectman Roy said, other than I would echo, that I think it's appropriate for a workshop so we can maybe spend some time on it, even if it's fifteen minutes. Selectman Martin said, my only comment is, I don't know the question that you had and is it something that maybe we should all be aware of? Chairman Morin said, no, it was just related to the events that were taking place this week, but we didn't have anybody. But again, knowing the emergency plan because I've sat in the last couple of Safety Committee meetings, he has specific duties and there's no one else to. We need to have a backup for the backup.

Chairman Morin recognized Selectman Coutu who said, this is taking me aback here, this last, not what you just had but the comment prior to that which relates to the flag. I had asked at the beginning of the week whether or not we were, I think I sent you an email, all Municipal flags should be at half-staff for the weekend, and then I find out that we need the Governors permission? With or without the Governors permission what is he going to come down here and arrest us? Our Municipal flags should be at half-staff. Chairman Morin said, this has been going on for over a week. The Chief will follow up with it tomorrow and if we can't we will make a decision and we'll deal with it as it comes. I'm with you. Selectman Coutu asked, do you want a consensus now so you don't have to call everybody? The Chairman said, we don't need a consensus, I believe everybody. We'll get it done, and the Chief will follow up tomorrow.

Chairman Morin asked Ms. Laffin, could you set up a workshop date? To which Ms. Laffin said, we have one scheduled for Tuesday, March 3rd.

Chairman Morin asked Chief Avery to come forward again. Chairman Morin went on to say we had talked briefly on the escort for Captain Phaneuf from Hudson down to Arlington and that will take place on March 5th. Does the Board want to cover, it was going to be two police officers and two fire fighters. Does this Board want to cover that detail? There will be fuel for the vehicles, Town vehicles, one night at a hotel which I believe was \$159 a night. Selectman McGrath says, without question. Selectman Roy said, I don't object to that at all.

The second one is on March 9th is the actual funeral service at Arlington National Cemetery. He was a Hudson resident. Again, we talked about this very briefly but didn't get into it very deeply, an estimated cost for that, for the same amount of people, it would be five people, and one member of the Board would be about \$3000. Half of that was airline tickets. Do we want to fly them down or do we have them drive down? What's the consensus of the Board? Selectman McGrath said, fly and I'll just make an additional comment, a couple of years ago we sent how many officers to Texas? Because of all the mass shootings that were happening and affecting the various police departments, KC gave me a cost at that time and the impact to the tax payers was less than one penny. I would anticipate that this would be similar, so it's a minimal cost to the tax payer. Less than a penny. Chairman Morin said, what I got today, everything included, was about \$3,000 and again half of that was for airline tickets so if they were going to drive down or fly them down. Selectman McGrath said, fly them down. The Chairman asked Chief Avery, is that correct Chief? To which the Chief replied, that's correct in my conversation with Chief Buxton earlier this morning. Selectman Martin asked, you said we're going to designate a Board member. Are we going to do that now? The Chairman said, at this point I won't be going. Selectman Martin said, neither will I. Selectman Roy said, I know that's now how I'm spending my birthday. Selectman McGrath said, no I won't be attending. It was decided that Selectman Coutu would attend.

Chairman Morin said Brian sent me an email today that's why I'm on the phone getting the information. He's going to do a Master Plan update and what this involves, he's going to send out weekly messages on our website to Town residents as a poll and ask different questions each week. What are some of the buildings you value in Town? What are some of the buildings you look at as historical? What do we need for recreation, things of that nature? He just wanted me to bring that up to the Board tonight. See if you had any comments or anything that you'd like to add. He's got a list already. Selectman McGrath was recognized and said, I think that's an excellent idea and the information that will come back, he'll be able to extrapolate and have a report to the residents. It will be in his writing so it will be accurate. There won't be any misrepresentations. Selectman Martin was recognized and he stated, you said that's going to be done with our website? Great! That's awesome!

Selectman Coutu said, I'm going to say something, if you don't mind Mr. Chairman, just as an add on to what Selectman McGrath just said. We have two to three Town webpages, correction. There are two or three pages that are managed by citizens in the Town of Hudson that are dedicated to activities and gossip about the Town of Hudson. I'm doing a couple of TV programs tomorrow after Captain Ryan Phaneuf is brought to the funeral home, I'll be at HCTV and I'll be doing programs with the Police Department on two valid questions and I'm going to also do a separate program relative to these pages. They're not webpages, they're Facebook pages. People read this and they take it as Bible. I resent and I can't say it emphatically enough, I resent people who extrapolate information that's provided, public documents from the Town and they alter the information that they see and insert their personal thoughts into it and make it look like it's an official document from the Town of Hudson. When in fact it is not true. We have a candidate for public office this year who has done that and I am going to call that candidate out for doing it not once but over and over and over again. We have people that serve, when I say people I mean one or two, maybe three people, who serve on some of our Boards and Commissions who are not a benefit to the Town of Hudson. They're of no benefit to this Town. They're harmful in the way they operation and the way they cut and paste to make it look like its information that's official and comes directly from us. We approved a plan that our Town Planner worked on very diligently and wanted it to have the integrity that it deserves. He worked with Mr. Minkkara from the Nashua Regional Planning Commission and information that was provided from the citizen's study,

information that we gathered from citizens was hijacked by them. They took over the posting pages and kept inserting their own information and flooded it and now they're claiming that an overwhelming majority of the citizens support their ideas. They've been brainwashing people for a long time with misinformation and it's got to stop and if they people who manage the pages are not going to take the responsibility to remove the pages I will make every attempt to contact Facebook because they are now, they have made a pledge, as did Twitter that they're going to start shutting down pages where we can prove or anybody can prove that they're providing misinformation. They want to get out of the business of publishing lies. And so, I'm just forewarning the people that are doing it that we're coming after you. I certainly am. I'm not going to let it go unanswered. I'm very proud of this town. We do the very best every week. We may not agree on everything but the end product, you see it. Our roads are plowed, our police and fire are doing all they can to keep our town safe on a daily basis, above and beyond if you ever listen to the police and fire calls. Highway Department is busy also working with police and fires, accidents, wherever they're needed they're always there. Municipal government is operating efficiently. You compare our budget and services with other municipalities, I have a son who has a house in Pelham and he's paying \$17,000 a year in taxes. He'd be paying probably 11,000 or 12,000 here in Hudson and they don't even collect his garbage. We give a good bang for the buck. We've got one of the lowest tax rates and to see people constantly putting our town down it's very painful. Knowing the work and effort that we all put in individually, people have no understanding what encompasses being a member of the Board of Selectmen and serving on a lot of Boards and Commissions and have one or two people undermine the work of everybody. It's shameful, pitiful and they need to be called out and I'm going to start doing it tomorrow. And I'm going to be doing it on a weekly and regular basis. I'll be watching for their postings and I'll call them out and I'll call the author out. They want to sue me, sue me. Thank you Mr. Chairman.

Chairman Morin went on to say, HCTV asked again if the departments have anything they can get on there, they're willing to send their people out during the day time. Something maybe you setting up for voting or something to that effect. That's a real good thing for our people to see what everybody does in Town and its good for each department so people understand what you really do. So when it comes time for contracts and things you need, that's the time to get the information out. So if you got something they can come in, give them a call please.

Chairman Morin also informed the Board Mr. Malizia and myself went to Concord the other day and we had a meeting with the Governor and the DOT Commissioner. The first thing we talked about was the Lowell Road blue light. She wasn't told about that until two days before our meeting. Her people never told her. She actually asked us about it, what it was all about, how we got to do it and how the Chief went through the process with the courts to get approval and everything and she's very interested to know how it works out. The second thing is we discussed Kimball Hill Road. There has been a change in that, whether it's going to do us any good we'll have to see, is that road is to be the first road in this district that is hit by a plow or a salt truck. Now what you've got to look at is if they did it at the end before and doing it at the beginning, we're still going to run into the same problem where it takes the four hours to do the district. But we had a very good conversation on that. She understood that we're not playing around. The complaints will keep on coming and we'll keep calling the supervisor down there. She lives in Nashua so that's good to know. I'll call her and have her come over. We got that squared away. We'll see how that goes and take it from there.

The last thing is again, our deepest sympathies out to the Phaneuf family. I can tell you, the Town has come through. If you've driven through Town there are green lights everywhere in honor of the Captain. The businesses have started to put the signs up all around. Typical Hudson. When we need to come together we do. I appreciate that very much and this is something that we need to honor one of our own because he gave his life in service of us all. I'd just like to thank all the departments and other police departments who came in to help us. Chief, please send out thanks.

12. NONPUBLIC SESSION

Motion by Selectman Martin seconded by Selectman Roy, to go into non-public session under RSA 91-A:3, II (b) The hiring of any person as a public employee; 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. RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Carried 5-0.

Chairman Morin entered Nonpublic Session at 8:46 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Morin entered open session at 10:19 p.m.

13. ADJOURNMENT

Motion to adjourn at 10:21 p.m. by Selectman Martin, seconded by Selectman Roy, carried 5-0.

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

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Roger E. Coutu, Selectman

Normand G. Martin, Selectman

NON-PUBLIC SESSION

DATE 2-25-2020

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 public meeting, and (2) requests that the meeting be open, in which case the request shall be granted*

RSA 91-A:3, II(b) *The hiring of any person as a public employee*

RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant*

Vote:

HUDSON BOARD OF SELECTMEN **Yes** **No**

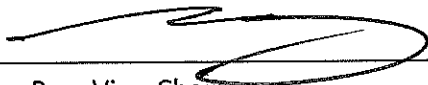
- David S. Morin, Chairman
- Kara Roy
- Roger E. Coutu
- Marilyn E. McGrath
- Normand G. Martin

Staff/Others:

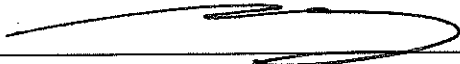
- Jess Forrence, Public Works Director
- Bill Avery, Chief of Police
- Jill Laffin, Executive Assistant



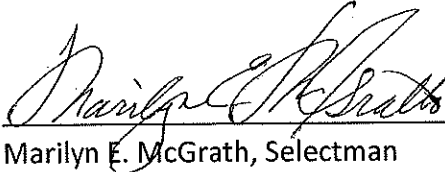
David S. Morin, Chairman




Kara Roy, Vice-Chairman



Roger E. Coutu, Selectman



Marilyn E. McGrath, Selectman

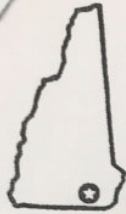


Normand G. Martin, Selectman

- Consensus to hire Emma Durand and Charlotte Cooper as recommended by the Director of Community Media.
- Consensus to promote Daniel Clarke Jr. to the position of Traffic Technician at Grade XIV (14), Step 6, \$29.91 per hour in accordance with the Hudson Public Works Local 1801 contract.
- Discussion of the MRI IT Department Report
- Discussion on a personnel matter at the PD.
- Discussion of the School District Right to Know Request Follow-Up.
- Selectman Roy made a motion to exit nonpublic session. Seconded by Selectman Martin. Carried 5-0.

**Mr. Gagnon's Response to
Town of Hudson NH Planning Board Letter
Sent on February 27th, 2020**

Response to Town Of Hudson Planning Board Letter	Pg 2-6
Annex 1: Email correspondence	Pg 7-8
Annex 2: Circumferential Highway Report Works Cited	Pg 9
Annex 3: Quotes from 2012 Hudson NH Open Space Report	Pg 10
Annex 4: Table and Map from Hudson NH Open Space Report	Pg 11
Annex 5: Quotes from 2006 Hudson NH Master Plan	Pg 12
Annex 6: References to the Circumferential Highway right of way land	Pg 13
Annex 7: Residents response to Circumferential Highway	Pg 14-15



TOWN OF HUDSON
PLANNING BOARD



12 School Street Hudson, New Hampshire 03051 603/886-6008

To: David Morin, Chairman, Board of Selectmen
From: Tim Malley, Chairman, Planning Board
CC: Conservation Commission, Nashua Regional Planning Commission, Town Counsel
Subject: Master Plan 2020
Date: February 27, 2020

Chairman Morin,

1 On two recent occasions, members of the Conservation Commission have interfered with the Planning Board's process of updating the Master Plan through misinformation and mischaracterization of town documents and community input:

- 2 **October 30, 2019 – Master Plan Outreach Session:**
Brett Gagnon (Vice-Chairman of C.C. at the time) distributed a document titled "A Residents Guide to Understanding the Circumferential Highway, aka Hudson Boulevard", written by Mr. Gagnon and Jen Parkhurst with support from the Hudson NH Conservation Commission. Further, the opening paragraph states: *"The statements to follow represent a majority opinion of the Commission, as well as its recommendations and proposed alternative uses for this land. The goal of this report is to protect and preserve the corridor designated for CH in accordance with recommendations set forth in both the Open Space and Master Plan Reports created by Hudson Town Officials."*

Neither the Master Plan nor the Open Space Report recommend the preservation of the Circumferential Highway corridor.

3 To the contrary, the 2012 Open Space Report identified the circumferential highway land as a *low priority* for conservation. Furthermore, the Master Plans of 1987, 1996 and 2006 all indicate *substantial support* for the Circumferential Highway. There are many other mischaracterizations and inaccuracies throughout this document, but one needs not read beyond the first paragraph to see its disingenuous intent.

4 A Master Plan is an embodiment of the various needs and goals of a community, balanced across many subject areas, including transportation and conservation. Furthermore, a community's Master Plan is a comprehensive view of the past, present and goals for the future that is directly informed by the input of its citizenry. The document distributed by Mr. Gagnon attempts to undermine that purpose and has undermined the voice of Hudson residents.

5 **February 8, 2020 – Deliberative Session:**

During a presentation in support of Article 25, an effort to expand Rangers Town Forest, Jennifer Parkhurst, a Conservation Commission alternate member, falsely quoted the results of the Master Plan Outreach Session published by the Nashua Regional Planning Commission.

Specifically, Ms. Parkhurst's presentation slide said:

"The most recent results of the 2020 Hudson Master Planning Session stated that; Many participants identified Hudson's natural resources as one of its most valuable assets citing the following goals: Build on existing successes from 2019."

In reference to the "Build on existing successes from 2019" bullet-point, Ms. Parkhurst opined that this referenced Rangers Town Forest and 68 Pelham Road. In doing so, Ms. Parkhurst not only misrepresented what residents actually said at these outreach sessions, but she also falsely quoted NRPC's report. The actual bullet point states:

"Build on existing successes such as Benson Park and Robinson Pond."


Not:

"Build on existing successes from 2019," as quoted in Parkhurst's presentation.

A critical component of any community's Master Plan is the input of its residents. Ms. Parkhurst explicitly changed not only the content of a Planning Board document, but the actual voices of Hudson residents themselves, to serve her individual agenda.

6 As demonstrated, some Conservation Commission members have exhibited a pattern of actively attempting to misinform the public during our Master Plan process for their individual purposes with complete disregard for transparency and honesty. The Planning Board respectfully requests that Conservation Commission members refrain from: further interference in the Master Plan process; further manipulation of community input; and, further mischaracterizations of Planning Board documents.

Respectfully,


Tim Malley, Chairman, Planning Board

2-27-2020
Date

Bullet 1:

Response-

The introduction of the letter references “members of the Conservation Commission” and their alleged interference in updating the master plan. Neither Jennifer Parkhurst nor Brett Gagnon have represented themselves, in either occasion referenced in letter, as member of the Conservation Commission. In both circumstances described, Mr. Gagnon and Ms. Parkhurst have acted or spoken as residents, which is their legal and constitutional right to free speech. Furthermore, it is highly inappropriate and presumptive to combine two separate residents in one combined letter. Ms. Parkhurst and Mr. Gagnon are separate individuals and spoke for themselves only.

Question –

1. What factual evidence do town employees and elected officials have in which Mr. Gagnon and Ms. Parkhurst clearly characterize themselves as representatives of the Conservation Commission during the public interactions noted in the above letter?
2. Why have the personal actions of completely separate town residents been combined in one letter? What factual basis is there to combined these two individuals into a single letter of reprimand?

Bullet 2:

Response-

Mr. Gagnon attended the master planning outreach sessions as a *resident* of Hudson NH. The letter uses a parenthetical reference to his role as vice chair of the Conservation Commission. This is an incorrect presumption on the writer's part as Mr. Gagnon was attending as a resident and never announced himself as representing the Conservation Commission. Town officials cannot label or determine residents as representatives of a board/commission if the individual did not in fact announce themselves as such.

The letter goes on to state that a report was distributed during the master planning sessions and almost implies that the session was interrupted because of this. In fact, Mr. Gagnon had a simple conversations with one town resident seated near him before the master planning session had gotten underway. Based on this discussion, Mr. Gagnon kindly offered the resident a copy of the report based on their interest. At no point was it "pushed" or "handed out" randomly to individuals. The only other distribution of said report was with a member of the NPRC after the master planning session had adjourned. The intent of this interaction was to thank the host for their work and to invite feedback on the presented report.

On October 31, 2019 Mr. Groth emailed Mr. Gagnon asking him to "refrain from passing out materials at the master planning session". This email correspondence led to an in-person meeting by the two individuals to discuss further. (Reference Annex 1)

During this time Mr. Groth pointed out that the report noted the "support of the Conservation Commission" without permission. It was at this point that Mr. Gagnon quickly realized and acknowledged the mistake he made by passing out an earlier draft copy of the report and not the intended updated copy. This preliminary draft was designed to be reviewed by the Conservation Commission months earlier but never had the chance to be discussed. Unfortunately, this draft was mixed in with other version of the report without Mr. Gagnon noticing.

After Mr. Gagnon explained to Mr. Groth what had happened, he quickly promised this would not happen again in the future. All preliminary drafts of the report would be destroyed. Mr. Groth appeared to be satisfied with the comment from Mr Gagnon.

In regards to the statement that the report in question falsely references the Open Space plan and Hudson Master Plan; please see the below quote;

"The goal of this report is to protect and preserve the corridor designed for the CH in accordance with recommendations set forth in both the open space and master plan reports created by Hudson town officials"

This statement was generated based on the summation of multiple recommendations found in the Hudson Master Plan and Open Space report. This is not an exaggeration or misleading statement. Both the Open Space Report and Master Plan recommend more protection of Hudson's open spaces. The statement does not strictly imply that the Open Space report and/or Master Plan says specifically to protect the Circumferential Highway. Reading it in this way is an interpretation by the reader and should not be used as clear evidence that the writer had mal intent or actively was trying to provide misinformation. (See ANNEX 3 and ANNEX 5)

Question –

1. What is unlawful about citing information from the Master Plan and Open Space report to support the protection of the state land?
2. Why should a resident be prevented from sharing their interpretation of the Master Plan and/or Open Space Report, isn't that well within their right of free speech?

Bullet 3:

Response-

The parcels of land that make up the circumferential highway are not listed as a “high Priority” but are identified on a “priority” nevertheless. It was never declared within the report that either the master plan or the open space report recommended the protection of the circumferential corridor specifically. With that said however, if you analyze the neighborhoods which abut the highway corridor, you will see that many of the surrounding areas are labeled as high priority on the same list. Evidence to support this claim can be easily understood after reviewing facts and studies from many official documents. This includes EPA reports, rare wildlife studies, wetland maps and other factual sources. Hence, it is not undermining or unlawful to interpret findings and make such an argument. (See ANNEX 4, ANNEX 5 & ANNEX 6)

The Residents Guide to the Circumferential Highway Report does not undermine or “mischaracterize” the 2006 Hudson Master Plan (in which it references), nor any other referenced document. The report clearly outlines all works cited in which the author drew on for substance. (See ANNEX 2) The letter from Mr. Malley on the other hand, makes bold accusations without supporting evidence. This can be seen in the following statement;

“There are many other mischaracterizations and inaccuracies throughout this document, but one needs not read beyond the first paragraph to see its disingenuous intent.”

The above statement undermines the intent of this letter because it clearly highlights the authors lack of due diligence before passing judgement and casting public shame. The statements in the letter signed by Mr. Malley are unfounded and lack any legally basis. Town officials may not prohibit town residents from their freedom of speech. The report does however call the environmental effects of a major highway into discussion.

Questions-

1. What law exists in which gives Town Officials the authority to prohibit a citizen from speaking about their opinions, and sharing their opinions with other residents in a public setting?
2. What is the burden of proof required to publicly shame volunteers of the community for “Mischaracterizations” and “inaccuracies”? Has that burden of proof been met?

Bullet 4:

Response-

There is no evidence to show that Mr. Gagnon intentionally undermined the voices of Hudson. Additionally, it is a stretch to say that the report also undermines the voice of Hudson residents when on the contrary, the report provides references/proof that Hudson residents do not see the circumferential highway in a positive light. (See ANNEX 7)

Unfortunately, a number of Hudson Residents are unaware of the environmental consequences of the proposed Circumferential highway along with the irreversible damage that will result. The proposed impact could affect one of the largest blocks of open space and forested land in south eastern New Hampshire.

The report criticized in this letter was intended to provide a voice for the environment and inform residents, who subsequently seem to be prevented from hearing about it. Clearly this letter was orchestrated to once again, suppress the environmental impact and keep political momentum for the highway. It is evident that town officials have gone to great lengths to silence opposition and control the narrative for residents.

Questions-

1. What example(s) exist to show that he unlawfully undermined “the voice” of Hudson residents?
2. How does a free citizen undermine the voice of a town by stating their opinion, in which that cite facts from public records?

Bullet 5

Response-

I will not be addressing these statements as they do not pertain to my own personal actions

Bullet 6

Response-

The conclusion of the letter suggests that these two occasions constitute a pattern. How can two of anything, in any context, constitute a pattern? These two residents acted to share their opinions, exercising their right to free speech. The research within the report in question went to great lengths to cite its resources and data. This clearly demonstrates the regard for transparency and honesty by the writers. Just because the report is supports a counter argument to many of those in leadership positions, does not make it wrong. Furthermore, it certainly does not make it illegal. Town Officials cannot suppress free speech, no matter how inconvenient and critical it may be.

ANNEX 1: Email Exchange between Mr. Gagnon and Mr. Groth

← **Groth, Brian** <bgroth@hudsonnh.gov>
to me, Dave, Steve ▾

Thu, Oct 31, 2019, 3:16 PM

Brett,

Please refrain from passing out materials at the Master Plan sessions.

Thank you,
Brian

Brian Groth
Town Planner



12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Fax: (603) 594-1142
bgroth@hudsonnh.gov

(Missing email between 3:16pm and 3:22pm)

> On Oct 31, 2019, at 3:22 PM, **Groth, Brian** <bgroth@hudsonnh.gov> wrote:

>
> Brett,
>
> I have no issue with passion for conservation, I share that passion. However, I have read your document several times and found many inaccuracies and misrepresentations of the Hudson Boulevard concept, the Master Plan, and other documents.
>
> I'd like to invite you to meet with me to review my findings and have one on one conversation about this and planning, generally, in Hudson. If you're interested, just let me know and we'll set something up.
>
> Brian
>
> **Brian Groth**
> Town Planner
>
> [cid:image003.png@01D449AC.24C7BF60]
> 12 School Street
> Hudson, NH 03051
> Phone: (603) 886-6008
> Fax: (603) 594-1142
> bgroth@hudsonnh.gov<mailto:bgroth@hudsonnh.gov>

From: Gagnon.brett [mailto:gagnon.brett@gmail.com]
Sent: Thursday, October 31, 2019 3:38 PM
To: **Groth, Brian** <bgroth@hudsonnh.gov>
Subject: Re: CH document

Mr. **Groth**,

I would truly appreciate that. As everything I found publicly available was very contradicting. I can promise you I will have an open ear but I do request that the meeting be only you and I. I am personally intimidated by other members and political position holders. I would honestly enjoy a respectable discussion without turmoil.

I am free Monday's, Wednesday's and Fridays and can setup a meeting most any time with proper notice.

Please feel free to call me at your leisure if that's easier as well.

Thanks,
Brett Gagnon

← **Groth, Brian** <bgroth@hudsonnh.gov>
to me ▾

Thu, Oct 31, 2019, 4:24 PM

How's Friday 11/9, 10am coffee at the Big Moose Café in Nashua? 30 Temple Street, the big purplish office building.

On Fri, Nov 8, 2019 at 12:16 PM Groth, Brian <bgroth@hudsonnh.gov> wrote:

Nice speaking with you today Brett. As discussed, I will send you some notes on your Circumferential Highway document next week. I'm always open for conversation and to serve as a resource for the Boards and of course, the residents of Hudson.

Brian

➡ **Br G** <gagnon.brett@gmail.com>
to Brian ▾

Fri, Nov 8, 2019, 12:36 PM ☆ ↩ ⋮

Brian,

I too enjoyed our conversation. Your character, mindset and transparency is a breath of fresh air. I would love to work together to solve problems and provide constructive criticism to each other in the name of success for Hudson. As I am an action oriented person, I'd like to propose some suggestions;

1. If you are interested, I would be interested in your mark-ups of the Circumferential Highway report. As stated, I am open to constructive criticism and correcting facts. As we both understand, there is still a lot of unknowns for the project and we both want to make sure we reference the most accurate data. I also want to make sure that hear-se topics are not exaggerated without logic (tolls, costs, intentions).

2. If you agree, I'd love to review the FAQ you are working on for the Circumferential Highway project. I think it may be helpful to provide you with some additional questions to answer for the benefit of the community.

2. Our discussion about Hudson's zoning laws and ordinances was very interesting. I was excited to hear about your goals and ideas to update Hudson's regulations. With that said, I would like to offer my support if you need help advertising new regulations to the public. I may have the ability to get the information out to a wider audience in order to get everyone on the same page.

If you have questions, concerns, or ideas please feel free to reach out. I'd love to keep our open dialog moving forward.
Have a great weekend sir

Brett Gagnon

Groth, Brian <bgroth@hudsonnh.gov>
to me ▾

Fri, Nov 8, 2019, 12:45 PM ☆ ↩ ⋮

1. Agreed
2. Agreed
3. Thank you! I would certainly appreciate your help in getting the word out to the community. One of my goals is to improve communication between the town and public. Like all of my goals in this position, they take time. I would love to have the time and resources to create a more informative Planning website – from history, to current projects, to basic social media connectivity.

I've also started undertaking developing a photo-library of town. I'd like to see the town documented by photographs throughout the years moving forward. So far I've covered Musquash, Bensons, some streetscapes, and some neighborhoods. I want to put together a photo sheet for each zone to demonstrate the character of those areas – I think this will help people better understand the differences in neighborhoods, and the effect of zoning. It might be cool to open this up to the public – some way to submit photos. Instagram perhaps.

ANNEX 2 – Circumferential Highway Report Works Cited Page

- Board of Selectman . (2018). Hudson, NH Board of Selectmen Meeting Minutes. Hudson.
- Board of Selectmen Budget Meeting. (2018, October 2). *Town of Hudson NH*. Retrieved from <http://www.hudsonnh.gov>
- Circumferential Highway "White Paper". (2003). Nashua Regional Planning Commission.
- Cook, M. (2012). Open Space Report. Hudson NH: Hudson Conservation Commission.
- Downs, T. M. (n.d.). Transportation Commissioner for the State of NJ. *Quoted in NY Times, "New York Region Concludes: Don't Expand Transit; Fix It."*.
- Environmental Impact Statement. (1993). (p. Volume II). U.S. Army Corps of Engineers, New England Division.
- Garofolo, C. (2018, March 15). *Hudson weighs options as traffic projections soar*. Retrieved from Union Leader Correspondent: <http://www.unionleader.com/apps/pbcs.dll/search/?Category=SEARCH&q=&StartDate=20180316>
- Guilmet, A. (2013, Sept 5). *Hudson revives byway proposal*. Retrieved from Union Leader Correspondent: <http://www.newhampshire.com/apps/pbcs.dll/article?AID=/20130905/NEWHAMPSHIRE03/13090576&template=printart>
- Krzeminski, L. L. (2018, April 13). *Is it True that Selectmen Coutu and Morin Dealt for a New Road?* Retrieved from Area News Group Papers - Hudson Litchfield News: <http://www.areanewsgroup.com/is-it-true-that-selectmen-coutu-and-morin-dealt-for-a-new-road/>
- Master Plan. (2006). Hudson, NH.
- McIntyre, F. (1996, April 21). *16 From Massachusetts Receive EPA Awards*. Retrieved from EPA Newsroom: https://archive.epa.gov/epapages/newsroom_archive/newsreleases/aa9fc8df19156d44852574fd000ab6f2.html
- McIntyre, F. (1996, 4 22). *EPA*. Retrieved from EPA Newsroom: https://archive.epa.gov/epapages/newsroom_archive/newsreleases/7fa50705ef609a93852574ff004c6112.html
- Nashua Regional Planning Commision. (2018). *Congestion Management Report*. Hudson, NH: Nashua Regional Planning Commission.
- New Hampshire Legislative Assembly. (2018 Session)., (pp. House Bill 2018 - Chapter 358 - Final Version).
- NH Business Review*. (2003, 12 4). Retrieved from Area road projects on state's 10-year plan: <https://www.nhbr.com/Archive-2003/Area-road-projects-on-states-10-year-plan/>
- NH RSA 36-A:1. (2013). State of NH, Town of Hudson: Revised Statutes Annotated.
- Place, E. (2012, July 6). *Hudson Planning Board , town officials exploring proposed highway project for Lowell Road*. Retrieved from Nashua Telegraph: <http://www.nashuatelegraph.com/news/local-news/2012/07/06/hudson-planning-board-town-officials-exploring-proposed-byway-project-for-lowell-road/>
- Senate Committee on Banking, H. a. (1991, June 11). Federal Transit Act of 1991. *S. Rep. No. 79, 102d Cong., 1st Sess. 4-5*.
- Staff Report. (2014, February 12). Planning Board Meeting. *Conservation Commission's Review of the Conceptual*.
- Town of Hudson. (2018). *Hudson Boulevard BUILD Grant Application*. Hudson, NH.
- Upper Susquehanna Coalition. (n.d.). *Vernal Pools*. Retrieved from Upper Susquehanna Coalition - Vernal Pool Program: <http://www.u-s-c.org/html/vernalpools.htm>

ANNEX 3 – Quotes from 2012 Hudson NH Open Space Report

“The Town of Hudson has only approx. six percent (6%) of its land preserved as open space, some of which is accomplished by deed restrictions or easements. This is far below the Society for the Protection of NH Forests’ (SPNHF) NH Everlasting Goal of twenty-five (25%) percent. Most of what appears to be open space consists of undeveloped parcels that offer no open space protection. Development of these properties is occurring at a rapid rate. In 2001, the Nashua Regional Planning Commission (NRPC) projected that, at the current rate, “Build-Out” of all developable lands would occur by Year 2020. Roughly two-thirds (66%) of Hudson’s lands are already developed (Table 1). As the value of land rises from population pressures, the feasibility of developing lands (previously thought as too costly) will increase.”

“As of 1999, 53.2 % of Hudson’s total land area existed in forest blocks greater than 10 acres, yet only 8.3 % (or 810 acres) of those blocks were protected. Also, from the period of 1992/1993 to 2020, Hudson has been predicted to see a decline of 27.2 % in forested land area, representing a loss of over 2,000 acres in less than thirty years. This plan recommends the utilization of different methods of protection to ensure more of those forested areas will remain intact forever.”

“One of the basic and most necessary tools for open space protection is community education. As preservation of open space often involves a cost voted on by taxpayers, Hudson’s citizens must be convinced of the benefits of open space, so they are willing to spend tax dollars for conservation purposes. Open space and conservation planning should be part of all community-visioning projects, Build-Out analysis, Master Plan projects, and all economic studies of the Town. Citizens must be encouraged to think about how they would like the Town to appear in one year, five years, and in ten years. They must be convinced that steps need to be taken immediately to make that vision reality. Keeping the community informed of any studies, projects, or inventories that are completed is important in developing a plan reflective of community values and a guide for the quantity land to be conserved and identifying the areas of Town that are of highest importance to conserve.”

ANNEX 4 – Table and Map from Hudson NH Open Space Report

Table 2. Currently undeveloped areas were given a priority designation of high or low by Hudson Conservation Commission.

Neighborhood	Map/Lot No.	Comments	Priority
Merrill Hill	207-3, 213-1	Abuts/provides connectivity to Musquash Cons. Land – ponds, steep slopes, wildlife corridor	H
Barrett's Hill	151-59, 143-6	Mountain views, fields, wildlife, connectivity to Robinson Pond parcels, old farm (same owner)	H
Robinson Pond	144-2, 144-3	Abuts Robinson Pond and other Town Land	H
Pelham	229-33, 235-12	Protects Limit Brook Corridor Pond and Swamp -significant wetlands, streams, steep slopes	H
Pelham	206-1, 211-65	Protects Miles Swamp -- significant wetlands, old farm fields, steep slopes	H
South Hudson	243-32	Adjacent to both Pelham Town Forest and Hills Memorial Forest (NE Forestry Foundation), access to Richman Rd. and scenic pond	H
Bush Hill	194-6, 194-9, 195-2, 195-7, 201-12	Mostly Land locked Parcels adjacent to Proposed Residential Development and Conservation Land, wildlife corridor, ponds	H
Circumferential Highway Corridor (Varies)	189-15, 178-22, 178-26, 186-13, 186-14, 194-5, 201-5, 206-32, 212-16, 212-22, 218-1, 222-44	State owned & privately owned abutting parcels Ponds, streams, steep slopes, wildlife corridor	L
Kimball Hill	172-1	Adjacent to Town Forest - landlocked	L
Pelham	200-7	Abuts Miles Swamp -- prime wetland, adjacent to Town owned land, steep slopes and wetlands	L
Pelham	211-67	Adjacent to (downstream from) former Town Landfill, streams, wetlands, contaminated	L
South Hudson	249-2	Adjacent to 243-32 and Town conservation easement, Heron Pond, private road access	L
South Merrimack	209-1	Large isolated, undeveloped tract, along river, Commercially Zoned, p/o Friar Property, pond	L
North Hudson	102-10	Large isolated, undeveloped tract, town line, wetlands, adjacent to farm fields	L
North Merrimack	128-6	p/o Wilson Farms land, near highway corridor	L
Robinson Pond	106-44, 112-3	Boyd Rd - abuts Town property, swampy	L
Robinson Pond	113-1	Kenia Rd - Large isolated, undeveloped tract	L
Robinson Pond	112-2, 117-1	North of Robinson Rd.	L

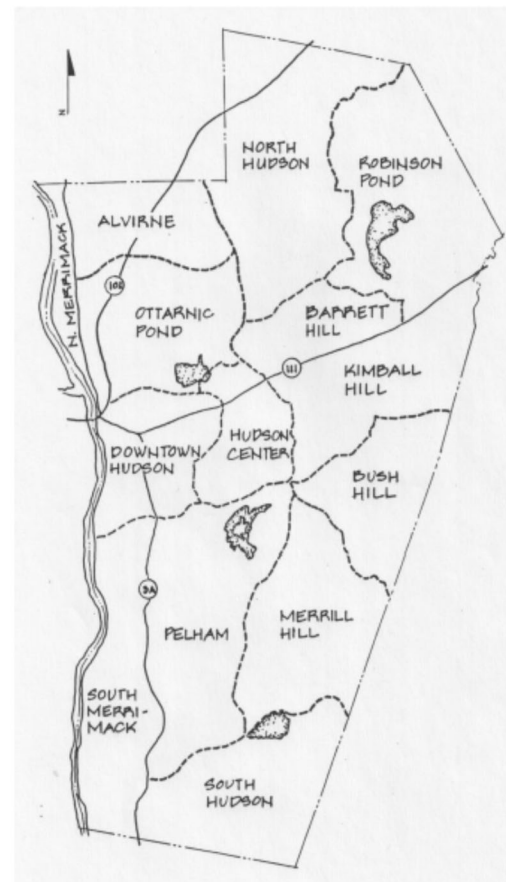


Figure 3. Map of Hudson Neighborhoods – Master Park Plan 1989

ANNEX 5 – Quotes from 2006 Hudson NH Master Plan

Chapter 1 – Introduction and goals

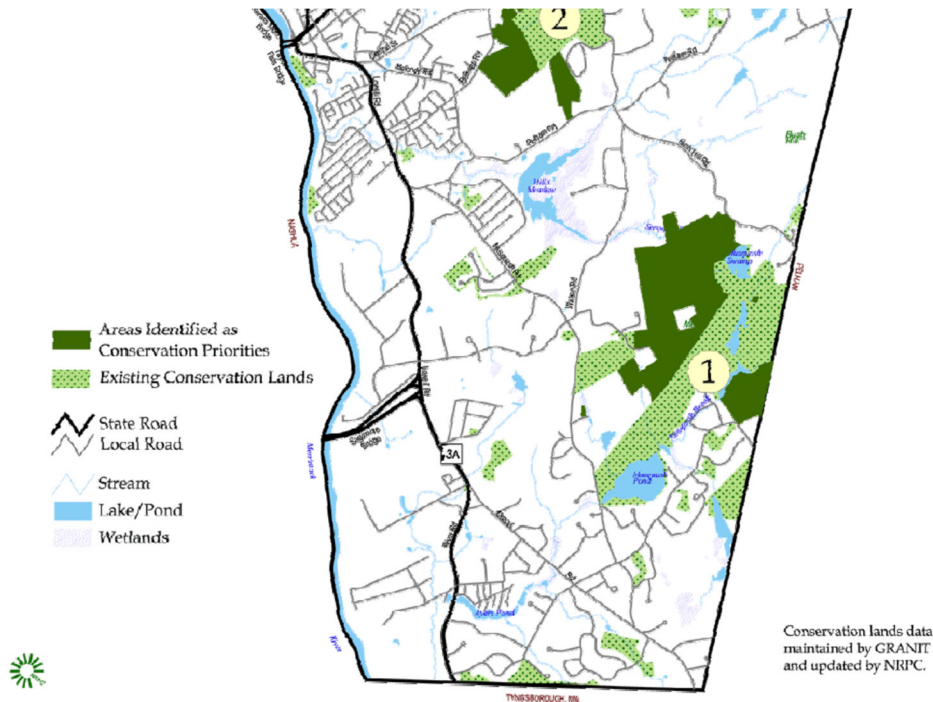
- “Discourage the development of wetlands, steep slopes, floodplains, prime and important farmland soils, ridgelines and other sensitive lands.”
- “Designate and provide extra protection to the Town’s prime wetlands and wetlands of importance based on their location and the benefits they provide.”
- “Protect surface water resources in areas of existing or anticipated increased density from additional pollutant loads and increased flow associated with development.”

Chapter 3 – Natural Resources

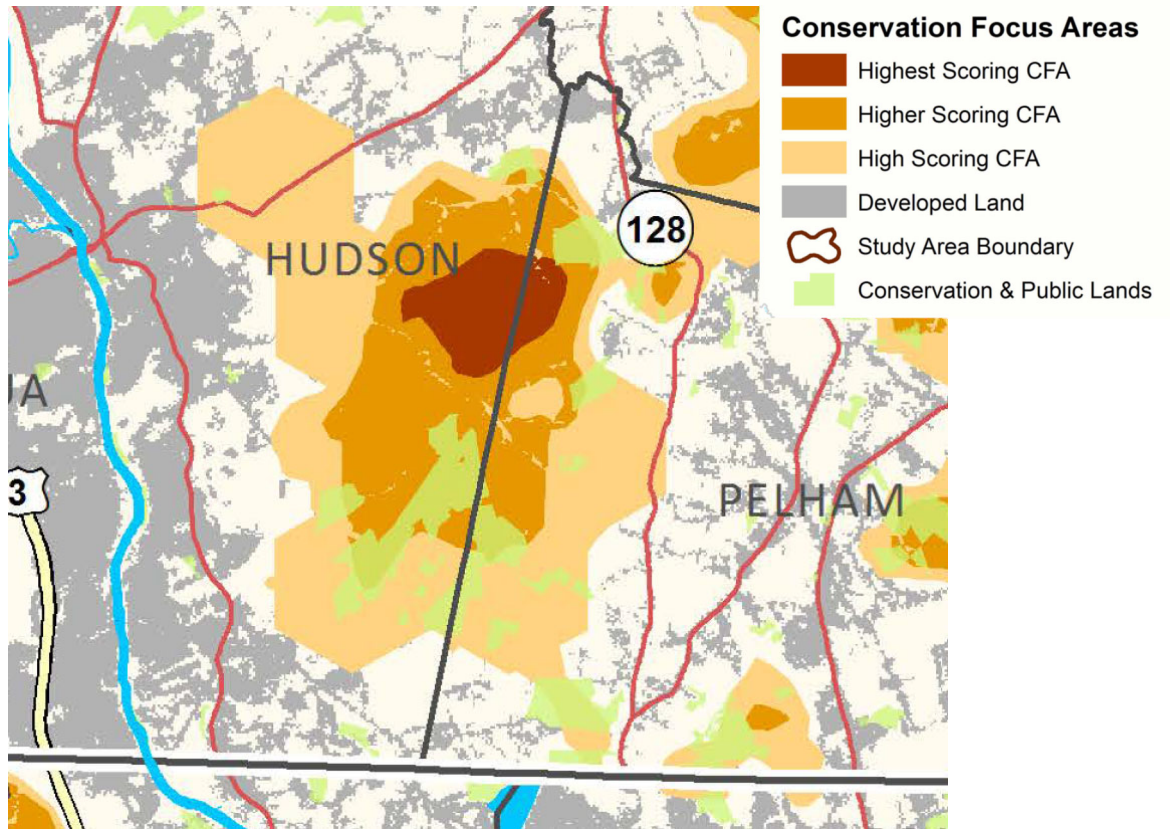
- “Conduct thorough research on existing Town-owned land that is not currently protected as conservation land and take appropriate action to ensure that these parcels are permanently protected from future development or any adverse activities on the parcels.”
- **“Protecting open space is a high priority in the Town of Hudson. The 1990 Conservation Plan, the 1996 Hudson Master Plan, and the 1998 Community Profile identified the protection of open space as a priority.”**

Note: This chapter is very long, but it includes many maps that declare the protection of slopes, forest blocks, wetlands and other natural resources are of high priority. The path of the circumferential highway runs right through many of the highlighted areas.

Note: Although the below map does not specifically call out the right of way for the circumferential highway as priority, all the land around the right of way IS listed as priority. The land marked as priority is the same type of land (same slopes, forests, and water resources) as the land designated for the Circumferential highway.

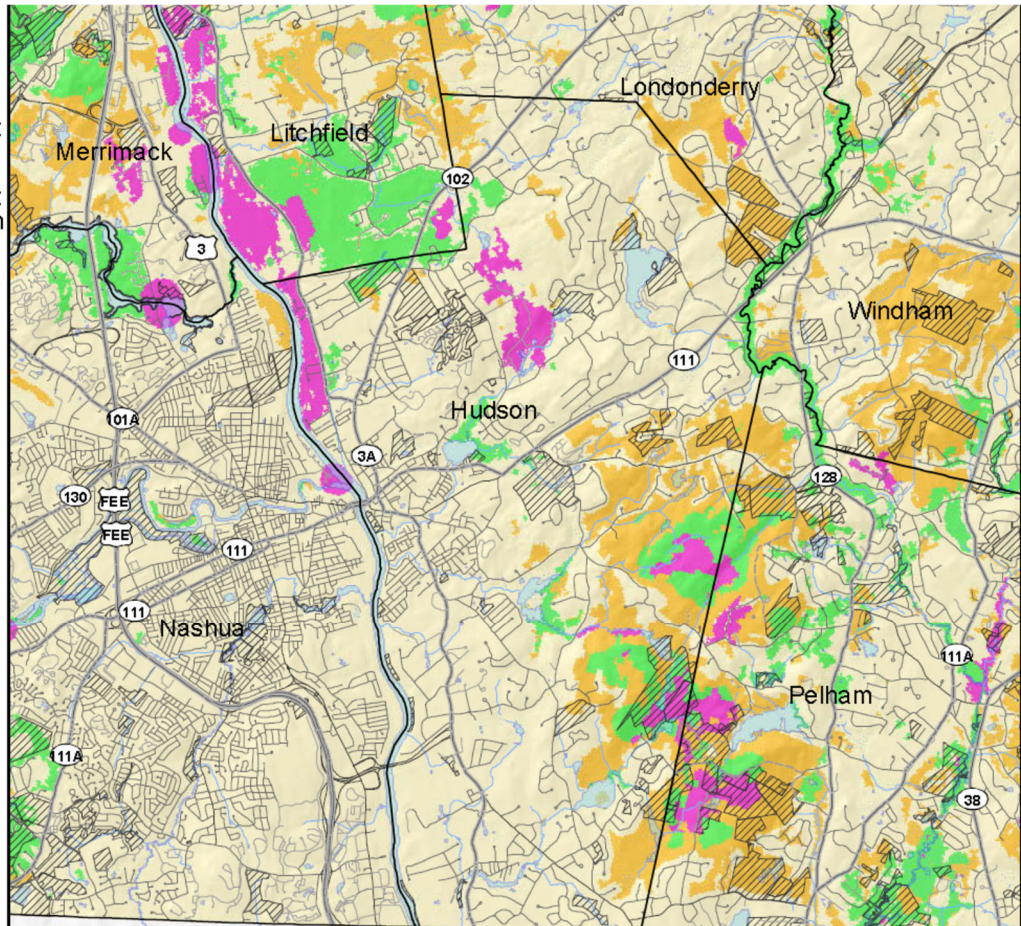


ANNEX 6: References to the Circumferential Highway right of way land



2015 HIGHEST RANKED WILDLIFE HABITAT BY ECOLOGICAL CONDITION

- Highest Ranked Habitat in New Hampshire
 - Highest Ranked Habitat in the Biological Region
 - Supporting Landscapes
 - Conservation or public
- Biological region = TNC ecoregional subsection for terrestrial habitats or Aquatic Resource
Mitigation region for wetlands and floodplain forest.



Base map data provided by NH GRANIT at UNH September 2019. Intended for planning use only.



ANNEX 7 – Residents response to Circumferential Highway

**Note: Although some of these comments reference the Circumferential Highway (aka Hudson Blvd), they all generally speak to the resident concerns about saving open space in town*

Kristen Sullivan While it is tough to pay for things we need, I am adamantly opposed to paying for this road which will take away from the open spaces in our town, leading to even more development, more traffic problems, and even more taxes.

Love · Reply · 1d · Edited 22

Beth Partridge This is taken from the above map and article....
"Widening of Route 3A in Hudson has lessened the traffic congestion, too."
"According to the plans, the highway would go mostly through Hudson as well as sections of Litchfield and Merrimack, necessitating the seizure of homes and the filling in of wetlands. In 1993, an EPA report came up with an "intent to veto" the project, all but killing the full highway. Of particular concern has been the impact on Pennichuck Brook watershed, a series of ponds and creeks along the Nashua/Merrimack border."
I am fully against filling in NH wetlands and taking residents homes. After 49 years here, I would much rather support our schools with my hard earned money. If you don't like the traffic move further North and build your heart out. Don't screw up our little town with more highways and developments. And please don't ask us to pay an ever increasing sum for the next 30 years.

Love · Reply · 1d 5

Beth Partridge I totally agree. And did James tell you about the homes that the state will take to build the new four lane highway? Or the massive destruction of gorgeous land in NH? We live in NH for a reason. When you build a four lane highway through a town, eventually it changes the town. Exits will be built eventually, developers will build more, more strip malls, more gas stations, more pizza for all.

Like · Reply · 1d 6

Zach Lane My vote is NO! I own a home on Kimball Hill Road and this would probably help my commute to Route 3 and I still don't want it! I'd rather sit in traffic than destroy the wetlands and wildlife along that route. I'm very happy to hear that the majority agrees!

Like · Reply · 1d 8

Catherine Fraser- Dery Want to decrease the traffic problems, Put in a commuter rail in Nashua or Windham etc. the rail lines already exist been there for years can fix them and put them back into operation, without destroying more of nature. ~ And then you could have a rail line straight into Boston and having new lines run along already existing roadways....avoiding the congestion and lessen the impact on nature as well as lessening pollution etc. The solution is not to build more things but to use what is already there to fix a problem. ~

Like · Reply · 1d 10

Richard Bourbeau Heres my opinion im an outdoorsman and a electrical contractor to much development and i dont care if it saves

Fred Giuffrida Then stop over developing. This is only going to make the town worse.

Love · Reply · 1d 9

Charl Oakley If we build this, the town will grow. Traffic will get worse. Trust me, I moved out of a town that was smaller than Hudson that had a bypass built and the town exploded in growth with green space devoured by developers. All within 20-25 years. If you ... See More

Like · Reply · 1d · Edited 5

Lyndsay Nicole Yes, yes, yes!! There are already so many wooded areas of town being torn down for more developments. It feels like we're losing the Hudson I've always known and loved! 😞

Like · Reply · 1d 8

Sheryl Drouin Gaudette Lyndsay Nicole I totally agree with u I moved here for the nice forest. Now everywhere I look developments r being put up & 3a is starting to feel like 101a in Nashua with all the lights.

Like · Reply · 1d · Edited 4

Charl Oakley James, have you researched what has happened to small towns when they build a bypass? I came from one such town that was smaller than Hudson and now the town has a population of over 50,000. When bypasses are built, it makes it much easier to justify more development of homes and businesses. If we want to keep Hudson small, we need to keep the road system small. The old adage is so fitting "If you build it, they will come."

Like · Reply · 1d 6

Tammy Anstey Croft I agree, we have so much wildlife across the street from my house (I'm on copper hill). The trails go on and on, and there a lot of people that use them. This goes through, I will never be able to sell my home

Like · Reply · 1d 3

Sandy Polvere Russo No - stop building condos and homes in every available spot in Hudson. All these new residents bring in one, two or three more cars.

Like · Reply · 1d 8

David Long My vote would hinge on one aspect of this.
Is this TRULY an attempt at road decongestion - like the Broad Street Parkway? Or is it an excuse for more development?
If they keep the 'boulevard' at JUST that - a connector from 111 to 3A and the highway, I'm for it.
If it's an excuse to sell off more tracts of land and succumb to the phenomenon of "induced demand", I'm against it - because we'll be right back where we started before too long.

Like · Reply · 23h 1

Richard Bourbeau Not trying to be disrespectful or a ——— i just disagree on destroying more land for convenience and greed and it would also def be sold to builders as well its a town not a city lets keep it that way

Like · Reply · 22h 4

Mark Scanlon I hear ya..we've lived here 20 years. Planning is horrible. All of a sudden new developments are popping up.

1

Tammy Anstey Croft Daniel Hoagland I agree, the whole reason we bought the property and built in this spot, was for the view, the woods, and peace. So our taxes will go up and the property value would definitely go down, replacing the woods with another lowell road.

Like · Reply · 3d 1

Catherine Fraser-Dery It appears MANY do not want it and frankly want what we have left of the woodland saved. I live off kimball Hill on the proposed route....Have for over 30yrs.... I do not want a highway running in my backyard NO and my neighbors do not either. As seen in the many responses seen here on this thread. There are other choices then putting a highway through my neighborhood and destroying what little is left, Shepards Hill was built taking acres upon acres of land away. Driving our beautiful animals out. We used to have deer in the woods behind my home, wild turkeys, no more, porcupines, foxes, and many other beautiful animals, all gone. By the way James what area of town do you live in? How are you going to be effected by this highway? Does it come through your backyard? It is the WRONG choice for Hudson... Maybe you can sell it to Nashua they already lost all their green space minus Greeley Park, all that is left over there pretty much, they have streets named for trees since the trees are now long gone. We don't want that for Hudson.

Like · Reply · 2h · Edited

Danny Carlo I'm against it simply for the fact that it's destroying tons of land, that virtually will never be restored. This isn't the next Lawrence, Nashua or Lowell. Make due with what we have; it's plenty.

Like · Reply · 3d

Danny Carlo They are proposing a minimum of a 75ft footprint (wide). That's absolutely devastating to the existing wildlife and natural balance. A housing community was put up in my own backyard before we moved out. we had deer that would come right up to the house, and I loved getting pictures on my trail camera. After construction started, we never saw another creature again. They tore down so many trees that used to line my old backyard.

Like · Reply · 3d

Mel Gannon Add to our taxes or possibly build a Toll. Toss in all kinds of Destruction. drop in a lump of the Construction chaos. As the mixture comes to a boil you see the Inhabitants and zoning issues rise to the surface and pop. My question is. Will whipped cream and a cherry come with that S**T sundae?

Haha · Reply · 3d

Zach Lane For the record, I'm against this project. I'm against destroying the woodlands and displacing wildlife. I'm against raising tax dollars to pay for it. I will vote no. The residents of Hudson need to do a better job of getting to the polls and actually cast votes against these concepts. Voting no on Facebook is one thing. Actually going to vote is another thing. Hudson's poor voting attendance record is inexcusable.

Like · Reply · 3d

Charl Oakley James I know you mean well and want what is best for the town but check out Londonderry and that huge new development if you need a closer example. Check out Merrimack and other towns that have exploded in unrestrained growth all in the name of progress. Yes, James the road will solve traffic for all of 3 months and then we will be back at square one with more people, and traffic. Then the next time we take a breath another bond for the town to build more schools for the kids, etc. etc. I could go on and on. Boom, there goes our property taxes and people will be forced to sell because they can't afford the property taxes. All this would happen because a bunch of people thought only \$300 more a year in taxes wasn't so bad. Hudson is a sweet spot in a sea of very high property taxes, look next door to Windham and their very high tax rate. This will hurt current residents on fixed incomes who helped make this town great. I think we can all agree Hudson is the best town and we all want what is best for our current residents.

Like · Reply · 1d

Brandon Allen Is this the ravine at the top of wason road? I hate to see the rapid deforestation taht has been happening, especially in Londonderry if any of you have seen.

I have been walking the trails at the top of trigate near the two towers for 10 years, it will be an arrow through my heart to see this land develop any further

Like · Reply · 4d

Issue:

Were the “Right To Know” regulations (RSA 91A) violated on March 11th 2019 when an email, generated by Jenifer Parkhurst (Alternate), was dispersed to the Hudson Conservation Commission regarding a secondary review of a legislative topic. The Email including both the town selectmen liaison, David Morin, as well as the town’s engineering assistant, Doreena Stickney.

Additionally, was the email that was sent from Brett Gagnon (Commission Vice Chair) to Randy Brownrigg (Commission Chair), while also carbon copying (CC) to Conservation Commission Liaison, David Morin, as well as blind carbon copying (BCC) the rest of the commission also a violation of RSA 91A?

Email in Question:

From: Jennifer Parkhurst [mailto:jennifersr@msn.com]

Sent: Monday, March 11, 2019 5:00 AM

To: William Collins <bcoll66956@comcast.net>; phubert9@comcast.net; Randall S.. Brownrigg, Jr <mmbrouns@aol.com>; Ken Dickinson <kmd12@comcast.net>; gagnon.brett@gmail.com; Michael Drouin <mike_drouin@msn.com>; eliottveloso@gmail.com; S_ckney, Doreena <dstickney@hudsonnh.gov>; Dhima, Elvis <edhima@hudsonnh.gov>; Morin, Dave <dmorin@hudsonnh.gov>

Subject: Agenda Item: Discussion of Rec Use of CH Land

Hi Everyone,

As a reference, I have attached the **revised letter** that was sent to Mr. LaBonte on February 19th as well as a color map of the North Conway recreation Path that I **shared as a comparative agreement at our last meeting**. I have heard back from Mr. LaBonte and **will provide an update tonight**. I will be arriving to our meeting late, my interview for member position of ConCom is with BOS at 7pm.

Best Regards,
Jen Parkhurst

From: "Dhima, Elvis" <edhima@hudsonnh.gov>
Date: March 11, 2019 at 8:36:10 AM EDT
Subject: RE: Agenda Item: Discussion of Rec Use of CH Land

Please refrain from mass emails as they do constitute a meeting.

E
Elvis Dhima, P.E.
Town Engineer
Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286
<image001.png>

Gagnon.brett <gagnon.brett@gmail.com> Mon, Mar 11, 2019 at 9:07 AM
To: mmbrouns@aol.com
Cc: dmorin@hudsonnh.gov
Bcc: kmd12@comcast.net, Mike_Drouin@msn.com, phubert9@comcast.net, eliottveloso@gmail.com, bcoll66956@comcast.net, jennifersr@msn.com

For Informational Purposes Only: this is not for discussion via email.

A "meeting" occurs any time a quorum discusses business matters. A meeting can be held via e-mail, as well as in person. Private conversations that start innocently can easily end up as a train of discussions that ultimately includes a quorum of the Board.

<https://www.udallshumway.com/blog/2014/06/23/why-youve-go-mail-may-mean-an-open-meeting-law-violation/>

Cliff notes: A meeting must consist of DISCUSSION with three or more members. Furthermore, the law is truly based around JUDICIAL decisions (ie. an applicant). Information being distributed is considered LEGISLATIVE. A discussion IF it were to happen does not affect a vote when talking about legislative ideas. This law is trying to stop discussion that would make people bias in judicial topics.

Definition of a Discussion:

- The Action of process of talkinga bout something in order to reach a decision or to exchange ideas
- The conversation or debate about a certain topic

Letter from town officials:

Dear Mr Gagnon

As you are aware the board of selectmen appoint all regular and alternate members to the Conservation Commission pursuant to RSA 36-A:3. As the appointing authority, the board of selectmen are further authorized to remove an such appointed regulator or alternate member of the conservation commission

It has come to the attention of the board of selectmen that you sent an email on March 11th 2018 to a majority of the members of the Conservation Commission. The email addressed a substantive matter pending before the Conservation Commission, and was likely a violation of **RSA 91-A:2-a**, which provides that “[c]ommunication outside a meeting, including, but not limited to sequential communication among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1”. The selectmen note that this communication happened notwithstanding the fact that recent Right To Know law training was provided to the Conservation Commission by the NH municipal association.

Compliance with the Right To Know law is a responsibility of all public officials. The purpose of this letter is to let you know that the board of selectmen consider violations of the Right To Know law to be cause for removal from the Conservation Commission. Any future violations of the Right To Know law may be deemed grounds for your removal. As such, it is of the utmost importance that you make sure that your communications with the Conservation Commission going forward are in compliance with the Right To Know law.

In this case, the better practice would have been for you to send that email **ONLY** to town staff who would have then distributed your email and any attachments to the members of the Conservation Commission for consideration at the next meeting. The Concern is not regarding the substance of your email, but rather, that you elected to engage in this communication with the conservation commission outside of a public meeting.

The selectmen recognize that compliance with the Right To Know law may appear burdensome at times and that it is sometimes difficult for people to be mindful of their duty to comply with the Right To Know law, particularly with email, nonetheless, it is your responsibility as a public official to make sure that your communications are compliant.

If you have any questions regarding the Right To Know Law please let us know

Regulations being reference:

91-A:2-a Communications Outside Meetings. –

- I. Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.
- II. Communications outside a meeting, including, but not limited to, **sequential communications among members of a public body**, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1

91-A:2 Meetings Open to Public. –

- I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, **for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters.**

Interpretation:

No deliberations outside a public meeting. Public bodies may deliberate on matters of official business “only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III”—i.e., only in properly noticed public meetings. **This does not mean that any mention of a matter of official business outside a public meeting is illegal**; however, it is illegal for the body to deliberate on such a matter outside a meeting—i.e., to discuss the matter with a view toward making a decision. This includes discussions by e-mail!

Definitions:

Deliberate –

To think about or discuss issues and decisions carefully

To think about deliberately and often with formal discussion before reaching a decision

Discussion -

The Action of process of talking about something in order to reach a decision or to exchange ideas

The conversation or debate about a certain topic

Synopsis:

If there were over 3 members involved (making it a quorum), but there was not an active DISCUSSION and/or DELIBERATION (as the describes in the definition above), then the Right To Know law was not violated.

The Right to Know law is designed to keep discussions on a JUDICIAL topic in the public eye in order for voters to know how their representatives feel/act about certain issues. Said representatives cannot make decisions behind “closed doors” to manipulate decisions or outcomes in which the public does not have access to see.

Authorization of Initial Email:

Please refer to RSA 91-A:2 I [c]

Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

The wording used in the original email

From: Jennifer Parkhurst [mailto:jennifersr@msn.com]

Sent: Monday, March 11, 2019 5:00 AM

To: William Collins <bcoll66956@comcast.net>; phubert9@comcast.net; Randall S.. Brownrigg, Jr <mmbrousn@aol.com>; Ken Dickinson <kmdl12@comcast.net>; gagnon.brett@gmail.com; Michael Drouin <mike_drouin@msn.com>; elliottveloso@gmail.com; S_ckney, Doreena dstickney@hudsonnh.gov>; Dhima, Elvis <edhima@hudsonnh.gov>; Morin, Dave dmorin@hudsonnh.gov

Subject: Agenda Item: Discussion of Rec Use of CH Land

Hi Everyone,

*As a reference, I have attached the **revised letter** that was sent to Mr. LaBonte on February 19th as well as a color map of the North Conway recreation Path that I **shared as a comparative agreement at our last meeting**. I have heard back from Mr. LaBonte and **will provide an update tonight**. I will be arriving to our meeting late, my interview for member position of ConCom is with BOS at 7pm.*

*Best Regards,
Jen Parkhurst*

References From The Right To Know Association:

**Note: David Taylor is the Vice President of Right to Know group. It may not be an official legal opinion but he is an extremely credible source. <https://righttoknownh.wordpress.com/about-us/>*

From: David Taylor <dkttaylor@F5.com>

Date: March 20, 2019 at 4:39:53 PM EDT

To: Jennifer Parkhurst <jennifersr@msn.com>

Cc: "assistrtknh@googlegroups.com" <assistrtknh@googlegroups.com>

Subject: Re: [SOCIAL NETWORK] Fwd: [Right to Know NH] Contact Us

OK. I think I understand what is going on. First, you should take what I say with a large grain of salt. I am not a lawyer and I am not trained in the law. I can't give legal advice. This is just my personal opinion. You need to decide for yourself what you should do in this case.

I think there are a couple of issues you are dealing with. First, did you violate the Right-to-Know Law? Second, regardless of whether or not you violated the Right-to-Know Law, should you follow the recommendation in the letter?

In my opinion, you did not violate the law with that email. Contrary to what was in the reprimand letter, the contents of your email does make a difference. You did not state a position, propose a course of action, try to persuade other members toward your position, or state how you would vote on an issue before the commission. You merely provided updated documents for the commission to prepare for an upcoming meeting. There was no discussion or deliberations and no other member responded. To me, this does not violate RSA 91-A:2-a. You were not trying to "circumvent the spirit and purpose" of the law. You were just helping the commission to have the information they needed to prepare for a meeting.

In spite of that, I think the recommendation in the letter is a good idea. You should send the letter to the staff and have them forward it to the rest of the commission. This not only makes it harder for a discussion to get started, but it also allows the staff to filter out any emails that might cross the line and makes sure they have a good record of all communications among the members in their files.

I hope this helps.

Thanks,

-David

References From the NH Municipal Law Group:

From: Legal Inquiries <legalinquiries@nhmunicipal.org>

Date: March 27, 2019 at 10:30:32 AM EDT

To: "jennifersr@msn.com" <jennifersr@msn.com>

Subject: Hudson: Clarification on RSA 91-A:2-a Violation

Good morning Jennifer:

I am not sure if you are aware, but Attorney Buckley was consulted by the select board prior to issuance of this warning letter. I have reviewed the notes of the consultation precipitating this letter and NHMA stands by its prior assessment.

Our concern was that the way in which you communicated regarding Mr. LaBonte's application may invite a response from other members of the commission. There is at least one superior court case in which a "reply-all" was contemplated. In that case, the court ruled that "[t]he key to the contemporaneous communication requirement [under RSA 91-A] is the ability to communicate contemporaneously-as opposed to whether contemporaneous communication occurred." Porter v. Town of Sandwich, Docket No. 212-2014-CV-180, Pg. 19 (Carroll Super. Ct. Aug. 14, 2015). That is a very stringent standard. As such, our advice has consistently been that the better practice in a situation like this is to send such emails **only** to town staff who would then distribute them – and any attachments – at the meeting.

This is a very nuanced and complex area of the law and, while superior court cases technically do not have precedence in our state, their decisions are often persuasive when these issues arise again. Therefore, we advocate an abundance of caution in this area of the law. If you need any further explanation, please do not hesitate to reach out.

Natch Greyes
Municipal Services Counsel
NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301
Tel: (603) 224-7447

Recap:

Did the either email involve a quorum?

- Yes. The communication sent by Jenifer Parkhurst was distributed to the entire conservation commission and there was a possibility that a reply all could have been used to potentially start a discussion
- No. The communication sent by Brett Gagnon was distributed to only one other member of the conservation commission (Randy Brownrigg – Chair). The selectmen liaison is not considered a “Member”. Additionally, the other members who were BCC’d could not start a discussion with more than 2 members thus removing even the possibility of a quorum.

Did the either email start sequential communication?

- No. The original email sent by Jenifer Parkhurst was simply for reference purposes as stated in the text. The email did not provoke discussion, nor did it pose a question that required feedback.
 - o *It should be noted that the court case referenced by the NH Municipal Law Association may hold some weight in understanding the laws intent, technically speaking superior court cases do not have jurisdiction in New Hampshire.*
- No. The email sent by Brett Gagnon was directed at one individual with the selectmen liaison (via a town email address for document retention) in copy.

Was the meeting and/or its topic open to the public?

- Yes. The topic being discussed was already reviewed and voted on IN PUBLIC SESSION during the last conservation commission meeting, thus the public had complete transparency with the actions associated.
- The original email was sent to the town assistant for documentation retention incase a member of the public was interested in reading the email notice.

Did either email “circumvent the spirit of the law”?

- No. Based on the feed back from the vice president of the Right To Know association, he does not believe either email “circumvented the spirit of the law”.

Did either email allow for the possibility of discussion?

- Yes, Jenifer Parkhurst’s original email had the potential to start a discussion if another member were to “reply all” thus including a quorum of members with a sequential communication.
- No. Brett Gagnon’s email utilized the BCC function and only included one other member within the “to” line, thus removing the possibility of a discussion with a quorum and/or sequential communication

-

Did the original email have authorization to be sent under RSA91A?

- Yes. The original email did not clearly break any of the regulations as stated in RSA 91A as described above, but in fact it could claim authorization to be sent based on Please refer to RSA 91-A:2 I [c]

Conclusion:

Jenifer Parkhurst and Brett Gagnon feel as though their emails did not clearly break the Right To Know Law. This can be reinforced by the wording found in the original letter of reprimand where the writer states “was likely a violation”. There is no definitive proof that the regulations were broken. Even in the reference provided by the NH Municipal Association, they state that superior court cases are not technically law in NH. With this in mind, Mrs. Parkhurst and Mr. Gagnon would request that the letter of reprimand kindly be withdrawn from the record.

With that said, Mrs. Parkhurst and Mr. Gagnon can understand the fine line and seemingly “grey area” in which the NH Municipal Association is referring. If the intent of the law is even to merely have the possibility of a discussion, then the original letter may have stepped into that realm. Although no discussion had come of the original email, the potential was there.

For the record, the details which were provided by the NH Municipal Associations email above were not explained during the training to the Conservation Commission. Thus in the name of “community service” and providing a “helping hand” to others, Mrs. Parkhurst and Mr. Gagnon will take it upon themselves to use this opportunity as a training exercise for their fellow members. It would be requested that a special workshop style meeting be scheduled for the Conservation Commission in order to explain, in detail, how the Right To Know law should be interpreted and used moving forward. This training will outline CLEAR and SIMPLE steps for ALL emails moving forward that ALL members must follow.

Be Aware:

<https://www.nhmunicipal.org/TownAndCity/Article/447>

There is a general rule, cited in *Marsh v. Hanover*, 113 N.H. 667, 670 (1973), that

“[t]he power to appoint officers or employees of a municipal corporation carries with it the power of removal of such employees at the municipality’s pleasure unless the power of removal is restricted by statutory law.”

However, many of the important offices in municipal government have statutes that prevent removal without following prescribed procedures and a showing of just cause. Examples: health officer, RSA 128:4 (removal by commissioner of the Department of Health and Human Services); police chief, RSA 105:2-a; fire chief, RSA 154:5; road agent, RSA 231:65; and land use board member, RSA 673:13.

Moreover, the New Hampshire Supreme Court has held that an official who successfully resists unjustified removal efforts confers a “substantial benefit” on the municipality and is thus entitled to an award of attorney’s fees for the effort. *Silva v. Botsch*, 121 N.H. 1041, 1043 (1981) (attempt to remove selectman as ex officio member of planning board); *Foster v. Hudson*, 122 N.H. 150 (1982) (attempt to remove appointed police chief). Check the statutes before deciding to remove an appointed official.

Also Reference: 673:13 Removal of Members. –

- I. After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.
- II. The board of selectmen may, for any cause enumerated in paragraph I, remove an elected member or alternate member after a public hearing.
- III. The appointing authority or the planning board shall file with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate, a written statement of reasons for removal under this section.
- IV. The council, selectmen, county commissioners with the approval of the county delegation, or district commissioners may for any cause enumerated in this section remove the members selected by them.

Source. 1983, 447:1. 1989, 266:11, eff. July 1, 1989.

In *Foot v. Bedford*, 642 F.3d 80 (1st Cir. 2011), the First Circuit Court of Appeals indicated that it can be a violation of an appointed official’s First Amendment right to speak out on matters of public concern if a decision not to reappoint the official is based on the official’s public opposition to, and criticism of, municipal policies. Foot was a member of the recreation committee, which advised the town council on town recreation policy. Foot publicly opposed the town council’s program for a certain park project. When he was not reappointed, Foot filed a suit in federal court for violation of his civil rights. The Court applied the U.S. Supreme Court’s three-part test applicable to employee First Amendment rights:



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman Roger Coutu, Selectmen Liaison

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

MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: FEBRUARY 26, 2020

In attendance = X Alternate Seated = S Partial Attendance = P Excused Absence = E

Tim Malley Jordan Ulery (7:54pm) William Collins Charlie Bracket
Chair Vice-Chair Secretary Member

Dillon Dumont Ed Van der Veen Elliott Veloso Roger Coutu
Member Member Alternate Select. Rep

Marilyn McGrath Brian Groth
Alt. Select. Rep. Town Rep.

- I. CALL TO ORDER BY CHAIRPERSON AT 7:01 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF PREVIOUS MEETING(S)

- 8 January 20 Meeting Minutes – Decisions

Mr. Ulery moved to accept the 8 January 20 Meeting Minutes (as written/amended).

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

V. CORRESPONDENCE

- A. Request for Lee Way Bond Reduction by Elvis Dhima, Town Engineer.

Mr. Ulery moved to reduce the bond for Lee Way to \$28,018.35 in accordance with the recommendation of Elvis Dhima, Town Engineer.

Motion seconded by Mr. Coutu. All in favor – motion carried.

- B. Request to Release Corridor Impact Funds by Elvis Dhima, Town Engineer.

Mr. Ulery moved to recommend to the Board of Selectman the release of \$9,767.21 from Impact Fee Account 2070-000-915, Corridor – Lowell Rd/Pelham Yards Improvements for the Lowell and Birch Intersection Project in accordance with the

Motion seconded by Mr. Dumont. All in favor – motion carried.

Chairman Malley opened the Public Hearing at 7:07 p.m.

Mr. Thomas Smith, 3 Gibson Road – inquired about widening the easement granted to him in the approved site plan from 25 feet to 40 feet.

Mrs. Paula Hubert, 9 Kara’s Crossing Drive – asked if the proposed house lots were 1 acre, how close they would be to wetlands, and whether or not the houses to be built on lots 10-14, 10-15, and 10-16 were located in the flood zone.

Mr. Roger Hubert, 9 Kara’s Crossing Drive – asked if there would be additional blasting during construction of the new homes for the proposed additional lots.

Mr. Raymond Lafortune, 18 Hawkview Road – inquired about road improvements to Hawkview Road to handle the additional traffic, and installation of sidewalks.

Mr. Dominic Jarry, 5 Jarry Way – asked about having an easement granted from Map 194, Lot 9-2, to his land parcel ID 194-008-000.

Chairman Malley closed the Public Hearing at 7:57 p.m.

Mr. Coutu moved to continue the public hearing for the lot line adjustment application & subdivision application for Map 194/Lots 009-002, 010-009, and Map 186/Lot 024, to date certain, March 11, 2020.

Motion seconded by Mr. Bracket. All in favor – motion carried.

VII. OTHER BUSINESS

- A. Mansfield Drive Subdivision Plan – Storm Water Retention Basin (Adjustment to approved Subdivision Plan).

Mr. Collins moved to approve the change to the approved stormwater retention basin without requiring an additional Planning Board hearing on the matter.

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

- B. Discussion on interference with Master Plan update.

Mr. Dumont moved to have the Planning Board Chairman, or his designee deliver the letter stating the Planning Board is concerned with interference in the public outreach process for the Master Plan update by two members of the Conservation Commission Members. The letter is meant to request that these members refrain from further interference. This letter will be sent to the Board of Selectman, with copies to the Conservation Commission, NRPC and Town Counsel.

Mr. Dumont moved to have the letter sent to the Board of Selectmen.

Motion seconded by Mr. Ulery. Motion carried 5/0/2 (Collins & Coutu abstained, as they are members of boards/committees that are named recipients of the letter).

VIII. ADJOURNMENT

Motion to adjourn by Mr. Collins. Seconded by Mr. Dumont. All in favor – motion carried.

Meeting adjourned at 8:58 p.m.

William Collins, Secretary

*Mr. Dumont moved to accept the minutes/decisions on 3/11/20.
Motion seconded by Mr. Coutu. All in favor – Motion carried*