

HUDSON, NEW HAMPSHIRE BOARD OF SELECTMEN

Minutes of the January 28, 2025 Meeting

1. CALL TO ORDER – by Chairman Guessferd the meeting of January 28, 2025 at 7:00 p.m. in the Selectmen Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE – Police Captain McElhinney.

3. ATTENDANCE

Board of Selectmen: Bob Guessferd, Dillon Dumont, Dave Morin, Kara Roy and Heidi Jakoby.

Staff/Others: Town Administrator - Steve Malizia; Police Captain – Steve McElhinney; Police Captain – David Cayot; Deputy Fire Chief – Jim Paquette; Town Engineer – Elvis Dhima; Public Works Supervisor – Jeremy Faulkner; Interim Finance Supervisor – Beth McKee; Executive Assistant - Lorrie Weissgarber.

4. PUBLIC INPUT

Craig and Debra Putnam – 59 Rangers Drive

Craig Putnam: We assume the members the Board of Selectmen, as well as the Town Administration, know why we're addressing you this evening. It's important though that the public understand what happened in preparation for the last Board of Selectmen meeting. I will headline our comments tonight as no good deed goes unpunished. In late December we made a donation to the Hudson Police Department Comfort Dog Fund. Debbie delivered a check to the Hudson Police Department, she was thanked and we thought nothing more of the matter. The evening of the last Board of Selectmen meeting, January 14th, Debbie received an email message from another resident in town alerting us to the fact that a photo copy of the check she had written had been included in the packet for the BOS meeting. We of course were shocked and astounded that such a thing would happen. We understand that it is the practice and policy of the Board of Selectmen to approve donations made to the town. What we don't understand is why a photo copy of our check was included in the packet, a document that is publically available to anyone accessing the town's website. The check had been written on our personal checking account. It should be no surprise to anyone that an account such as that would have multiple connections to other entities such as financial institutions, and utilities as well as the federal government. We also have many instances of automatic payments set up to pay our various bills from that account. Think about the information that's on a personal check. Not only names and addresses are there but the name of the bank, the banks routing number and the account number all as well, all as well as the check number and signature. That information taken together is all highly sensitive and can be easily used to hack the account and even worse steal an identity. That same evening Debbie sent an email to the Town Administrator requesting the PDF file version of the BOS packet should be immediately edited to remove the image of the check and then republished. As a follow up to the email acknowledging that the packet had been edited to remove the particular page, Debbie requested that anyone who received the packet either through email or a physical copy should be notified immediately to delete the PDF file and if a hard copy, destroy the page in the printed document that had the image of the check. That message should have gone to all the members of the BOS, Mr. Gasdia, if he gets it, I'm not sure. And anyone in the town administration who had access to the original PDF file. Debbie verified that the requested edit to the PDF document had been made and that it was republished. Thank you for getting that done quickly. She has also noted that similar, that a similar donation was handled differently in tonight's packet which was good to see. What we don't know is whether our request to destroy existing copies of the packet from the last meeting was honored. We're assuming it was but we have no confirmation of that fact. As a professional courtesy it would have been appropriate to cc us on the email sent to all previous recipients of the document informing them of what needed to be done. We are taken at back that that didn't happen and are left to wonder what message was sent out or if a message was sent out at all. We're assuming a message was sent and it would be much appreciated if that message could be forwarded to us ASAP for our records. What we don't know of course is who else might have downloaded the BOS packet from the town website. There's simply no way to tell that at this time. The next morning Wednesday,

my wife and I immediately contacted the bank where we spent an hour and a half getting our checking account shut down and replaced with a new one. We want to expressly thank the Digital Federal Credit Union or DCU for being so responsive to our needs. That said there's only so much that the credit union could do to help us out. So Debbie and I subsequently spent the better part of the next three days tracking down all the financial relationships that had to be modified to point to the new account. We want to make it clear that we believe this was an error. It's not our intention to throw any individual under the bus. It's also abundantly clear that additional training needs to be put in place regarding information security awareness and the town's policies regarding that. We hope that this will be a new high priority for the new Town Administrator as a mistake unchecked at this has a potential of turning into gross negligence. Multiple individuals have advised us to sue the town. My wife and I are not the litigious sort and we have not, so far, been financially harmed. So it's not our intent to do so. But, that could change down the road. For example, despite our best efforts at cleaning up this mess a payment could be missed which could result in a fee or a negative impact on our credit rating. In fact we're dealing with the fallout of this event even two weeks later. As some of you know I've spent many years in higher education. I have always valued a teachable moment. I think this is such a moment and I hope, we hope, the BOS and town administration will see it that way. Thank you. Chairman Guessferd: I was just going to say, on behalf of the Board that we apologize for that. As the Chair of the Board I'll take responsibility in the end and we, I believe this is never going to happen again. Debbie Putnam: I appreciate that. You were the first to respond that evening, that same night. Selectman Jakoby: Was there a memo? Because I don't recall seeing a memo to this. Unless someone else received one. Chairman Guessferd: I don't know. And that's what we'll have to check and see. I mean you've asked that question, we will track it down. And if there was... Craig Putnam: That request was made the next morning. Debbie Putnam: As soon as I received, and I have a copy of the memo right here. I thanked Steve. I said thank you Steve. And I said, but then this is the next step that has to occur. Because otherwise it's still out there. Craig Putnam: It's out there period, anyway. But, all physical copies should be destroyed that you know of because you each get a copy of the packet, a physical copy. Plus, if any of you had downloaded the packet then you should know to download the new one that doesn't have the check in it. Chairman Guessferd: Typically, I think after the meetings, at the end of the meeting, all of us turn out packets in. So, I can tell you as long as that happened, I think it did, that all those have been destroyed. Craig Putnam: OK, well that's good to know. Thank you. Chairman Guessferd: Thanks for coming tonight. We'll do everything we can to help. Debbie Putnam: We appreciate it. It was... to anyone else, it was terrifying, the amount of work it went into it. Unbelievable. Chairman Guessferd: Like you said a teachable moment.

James Crowley – 4 Fairway Drive

I have lived there for 37 years. Since Board of Select has primary authority to authorize, review and prove revisions to permit processes in Hudson, I am here tonight to hopefully start a needed review of current building permit procedures. Secondly, I want to explicitly state my concerns with what subjects Hudson to what can be avoidable future litigation. First I'll give you the overview of the process. I need to give you a summary overview of the process before you can understand that avoidable gaps in the building permit process. Anyone wishing to newly erect or improve a building on their property fills out a building permit form which starts the process. When this first phase is completed and approved, it starts the process of other required permits. The foundation permit is a primary one that I wish to discuss. Now a foundation permit highlight. First understand one page one of the original building permit application it states some building permit applications must be accompanied by a plot plan to scale showing the proposed structure relationship to property lines. This plan requires a licensed land surveyor stamp and certification. The applicant then completes the total eight page form and submits it. And all required extra documents and plans, the fire department, inspectional services division. When all requirements are satisfied a fee is collected and a foundation permit is issued by the town. On the foundation permit issuances for new structures it requires a certified foundation plan is required prior to issuance of a framing permit in large bold letters. I have a sample of one if Board members care to see it. I have handouts if it's alright with the Chair. Chairman Guessferd: I don't have a problem with that. Now you may be wondering where there are any problems with this process and what really needs to, needs improvement. Here's what I think needs improvement. Knowing experienced contractors and especially typical homeowners with minimal construction experience can and do make errors that lead to ZBA case hearings. For example, a recent case heard by the ZBA on 01-23-2025 for an Equable Waiver of Dimensional Requirement: the applicant was a homeowner, paid the fee and received the foundation permit all electronically but per their testimony never bothered to print or read the

issued permit. Then to compound it all the foundation was located within setback areas and even a structure was erected on it. The ZBA voted to deny the case. All could have been avoided by adding several well-placed check point conditions and revisions to the whole permitting process. The current process is first deficient at the Foundation Permit fee collection and issuance phase. The fee can be paid electronically and then the permit is issued electronically. All is very efficient but does not ensure there will be an understanding or compliance to the conditions of the permit. An easy solution to this as with any contract is for the town to require a document to be signed by the receiving applicant and to verify, they have read and agreed to the conditions of the Foundation Permit before any in the field construction efforts can start. Yes, this additional step in the process would require the applicant to come to the town hall to sign the actual Foundation Permit on the existing "Permit Holder" signature space BUT give Inspectional Services an opportunity to answer any questions and offer guidance. Then if an electronic copy is also desired it could then be emailed to the applicant. The next deficiency in the process is where a foundation is built then requiring a certified foundation plan from an LLS. This is backward and can become very costly if a foundation is not located correctly. This step in the process begs to be improved. This potential problem could easily be eliminated by requiring somewhere in the original building permit application that if a Foundation Permit is issued all principal and accessory buildings with greater than a 500-sf footprint requires an LLS to stake out foundation corners prior to start of any form work, reinforcing placement and pouring of the foundation. This condition should be repeated in the actual foundation permit in bold and capitalized letters. I picked the 500-sf number. The ZBA and inspectional services might suggest different values. Part two of my concerns tonight is what I witnessed at the 01-23-2025 ZBA hearing. It demonstrates how Hudson can become involved with avoidable ZBA caseloads and future litigation. First, I attended and supplied testimony at that ZBA hearing for the Equitable Waiver of Dimensional Requirements I mentioned earlier. I was impressed with how the chair and board members were very thorough and professional. However, the way the current building permit process currently operates the ZBA had to struggle with determining whether the homeowner initiated and followed his understanding of the permitting process and made an honest and defensible mistake. In my opinion this gray area could be eliminated with additional educational checkpoints I suggested earlier. I am concerned that the BOS liaison who has valuable knowledge and professional experience in construction permitting found it necessary to intently question the ZBA member who made the DENIAL motion and make that ZBA member defend that position. It appeared to the public that the BOS liaison had a significant concern with future litigation possibilities if a denial vote succeeded. I am also concerned that the BOS liaison found it necessary to get up then pass in front of the public audience and quickly leave the hearing room to follow the abrupt exit of the disgruntled homeowner who had just previously picked up a Request for Rehearing form. Again, this visual display to the public made them wonder about his significant concern with future litigation possibilities. This unintended appearance of a town official to potential future litigation possibilities was preventable and could have been avoided if more checkpoints were added to the permitting process. In closing the suggested checkpoints would supply additional protection needed to all experience levels of applicants, the public and the town of Hudson if implemented. I respectfully request the BOS to request a response to my building permit findings and suggestions, to obtain replies from applicable town departments, then schedule its review as an agenda item at a BOS hearing which would include an opportunity for public input on the department findings and comments. I want to thank the board for this public input time and will answer questions now, in public, if you want. Chairman Guessferd: Does anybody have anything? The only thing I'll say is that can you provide us with that letter so we can look at it? You know outside the meeting? Mr. Crowley: I will most definitely submit it. I just want everybody to understand. I really respect this Board and the people on it and their knowledge and I'm just trying to make the best better if I can. Chairman Guessferd: If we have all the information we can at least look at it. Appreciate you coming tonight.

Paul Inderbitzen – 2 Timothy Lane

I'm the town and school moderator. You're going to have on your agenda tonight, you're going to be finalizing who's going to speak Saturday at our Deliberative Session. I wanted to bring up some important points to the public. Since I haven't heard much out there about it. There are three days left for people to sign up for offices in the town. Friday 5:00 is the deadline. I know people wait awhile to do that but we have a lot of important positions open. It's important people consider taking part in their community. It's a commitment, sometimes and maybe not all time consuming as some people think. But if you wanted to take part in your community, this is the time to do that. You can get onto a board and there are also committees

that the Selectboard appoint members to that may have openings and I know they're all posted. But for elected positions we have two Supervisors of the Checklist available. I don't know if anyone's going to be running for that. As of today they were not filled out. My position as moderator, I will not be filing for the moderator. We need to have someone. I'll work with anybody to bring them up to speed. That's not an easy job at election time and Deliberative time. There's lots of positions that are important. Planning Board positions are very important and there's even two School Board positions open. So I just wanted to bring that up in public for people who watch this. You have three days left to sign up, take a look at what's out there for positions. And, if you're interested in the Town of Hudson it's a community that need a lot of people to make it work. I would encourage them to do that. The Deliberative Session on Saturday, 9:00 at the Community Center, you will have to check in when you come in. We have asked people to show their ID in case people don't know them. You cannot register to vote at the Deliberative Session. I wanted to stress that, I had a couple questions. Voting for the Deliberative Session or signup, was the 22nd for people. Then there'll be people you can sign up to after, we you could go over this week if you wanted to register to vote up until the time of the election when the Supervisors cut it off. I hope we get people to come out, come out and see the Deliberative Session. Sometimes they're fun, sometimes they're stressful. We've had both kinds. It's the time for the public to make the ability to listen to what's being proposed in our budget and on our warrant and to take part in it. If they have questions they can ask and make amendments. I'm hoping we get a good turnout. It's not always a traditionally a great turn out. But we have that as a way for the public to be involved in establishing the warrant in the final form, it'll go on the ballot in March. So please, I ask everyone consider signing up for an elected position. There's a number of them out there, take a look online. And hopefully just bringing it up again will open that up to people start thinking about it. Not too much time left. Chairman Guessferd: Thanks for coming that's a much needed message.

5. RECOGNITION, NOMINATIONS & APPOINTMENTS

- 1) Conservation Commission – Christopher Cameron, alternate seeking member position
 - Two (2) member vacancies to expire December 2027

Selectman Morin made a motion, seconded by Selectman Dumont, to appoint Christopher Cameron to the Conservation Commission as a member with a term ending December 2027. Motion carried 5-0.

Selectman Morin: I just want to say he's attended every meeting and he's been very vocal and participated every time. Chairman Guessferd: Excellent. That's good to hear.

6. CONSENT ITEMS

Chairman Guessferd asked if any board member wished to remove any item for separate consideration. Selectman Roy: I want to remove 6F for separate consideration. Chairman Guessferd: OK, 6F. Selectman Jakoby: And I would like to add 6E. Chairman Guessferd: OK, 6E and F. Selectman Dumont made a motion, seconded by Selectman Roy, to approve consent items A, B, C and D. Motion carried, 5-0.

Chairman Guessferd: OK we'll start with the first one that was mentioned. The calendar, item F. Selectman Roy: Yes, I just wanted to remove the Cable Utility Committee meeting scheduled for February 10th, that's been canceled. So, just to take it off the calendar. Chairman Guessferd: Alright, that makes sense. Selectman Roy made motion, seconded by Selectman Morin, to approve 6F as amended. Motion carried, 5-0. Selectman Jakoby: 6E is the minutes from January 14th. I unfortunately was unable to be there and I do want to thank the Chair for adding the New Hampshire DES letter that was referenced in the conversation in the public input between the Board and the public to those minutes. So, I just wasn't part of them so I just wanted to not be part of that approval process. Chairman Guessferd: OK, so you're going to abstain from that vote? Selectman Jakoby: Correct. Selectman Roy made a motion, seconded by Selectman Dumont, to accept the minutes from January 14th, 2025. Motion carried, 4-0-1. Selectman Jakoby abstained.

- 1) Veteran Tax Credit: 6B Kingston Way – map 110/lot 003/sub 002

B. Water/Sewer Items

- 1) Sewer Abatement - S-CLM-25-01 (12/26/24) Town/Cormier 2 Clement Rd. m/l 161/048/000 Acct. #1965

C. Licenses & Permits & Policies

- 1) Petition and Pole License, one (1) new pole – Eversource
- 2) Petition and Pole License, two (2) new poles – Eversource

D. Donations

- 1) Police –Enterprise Bank for Comfort Canine Donation Account

E. Acceptance of Minutes

- 1) January 14, 2025

F. Calendar

1/28	7:00	Board of Selectmen	BOS Meeting Room
**2/1	9:00am	Town Deliberative Session	Hudson Community Center
2/8	9:00am	School Deliberative Session	Hudson Community Center
2/10	7:00	Cable Utility Committee	Hudson Cable Access Center
2/10	7:00	Conservation Commission	Buxton Meeting Room
2/11	7:00	Board of Selectmen	BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on January 14, 2025

- 1) Selectman Morin made a motion, seconded by Selectman Dumont, to promote Sergeant Alan Marcotte to Lieutenant at \$99,858 in accordance with the Hudson Police, Fire, Town Supervisors Association Contract (step 3). This elevation in rank would be effective on Monday, 20 January 2025. Motion carried, 4-0.
- 2) Selectman Dumont made a motion, seconded by Selectman Morin, to hire David Cormier of the position of Dispatcher in Fire Department at the contracted salary of \$21.47 per hour step 1 with an increase to \$26.73 per hour, step 6 upon the successful completion and receipt of his APCO Certification. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154, as recommended by the Fire Chief. Motion carried, 4-0.
- 3) Selectman Morin made a motion, seconded by Selectman Dumont, to authorize the Board to enter into an MOU with the Professional Firefighters of Hudson IAFF Local 3154 which would extend the probationary status of Firefighter/EMT Colin Murphy until either he satisfies Hudson Fire Department training and certification requirements or May 7, 2025 whichever comes sooner, as recommended by the Fire Chief. Motion carried, 4-0.
- 4) Selectman Roy made a motion, seconded by Selectman Morin, to adjust Recreation Director salary by 32% to better align with industry market rates in NH. Motion carried, 4-0.
- 5) Selectman Roy made a motion, seconded by Selectman Morin, to adjust Department Head salaries by 5% to better align with new Town Administrator salary. Motion carried, 4-0.
- 6) Selectman Morin made a motion, seconded by Selectman Roy to adjourn at 9:52 p.m. Motion carried, 4-0.

8. NEW BUSINESS

A. Public Hearing: Fire Department Fees – Fire/Decision

Chairman Guessferd recognizes Deputy Fire Chief, Jim Paquette. Good evening, thanks for having me. I'm covering for Chief Tice who's away tonight. Back at the, on July of this year the state put a change into the RSAs in effect. That limits what we can charge for medical record requests and this public meeting today allows us to adjust the rates in the town code to get back in the line with (inaudible). It's really just a house keeping issue. Chairman Guessferd: OK, alright so we do have to have a public hearing. So I will open the public hearing, by the way does anybody have any questions first or comments? I will open the public hearing at 7:30 p.m. Is there anyone who wants to speak on this matter, in the public? Seeing none I will close the public hearing at 7:30 p.m. Selectman Dumont made a motion, seconded by Selectman Roy, to update the current Town Code § 205-4 Fire Department Fees, to be in

compliance with recent changes made to RSA 332-I-1 Medical Records, as recommended by the Fire Chief. Motion carried, 5-0.

B. Public Hearing: Grant Acceptance, Operation Underground Railroad – Police/Decision

Chairman recognizes Police Captain Dave Cayot. Thank you, good evening. So a couple months ago I had come and requested permission to apply for the OUR Rescue Grant which would allow us to upgrade our Legacy Cellbrite system to the new Inseyets Pro Online. The total cost of that upgrade is \$14,784. OUR Rescue has agreed to give us \$10,784 towards that leaving the Police Department with \$4,000 to pay. The Police Department does have a line item for Cellbrite currently and that line item is \$4,800 so we'll pay the \$4,000 from that. So I would be requesting you allow us to accept the OUR Rescue Grant in the amount of \$10,784. Chairman Guessferd: OK, does anybody have any questions? Selectman Roy: Do we know how the President's executive order today, stop all funding, will affect all the grants not just this grant. Captain Cayot: This grant won't be affected because OUR Rescue is actually a non-profit corporation so OUR company is a 501-C3 so they're privately funded, it will have no effect on this whatsoever. Selectman Roy: I'll ask the same question next time. Chairman Guessferd: That's going to be a big question going forward because there are some larger grants out there that we need to understand what our effect is going to be. Selectman Morin: In this case they've already gotten the grant and it's like you said, it's private. But I think it's worthwhile for us to at least approve these grants so if something changes we can still get them instead of holding off and then losing it. Chairman Guessferd: I'm not suggesting we should hold off. Selectman Roy: Nor am I suggesting that. Selectman Morin: I was going to bring it up myself and ask some questions. I think we should just approve and that way we're covered and we can get them. Chairman Guessferd: I think that's, I think that's the right thing. OK, I will... Selectman Dumont: I was going to make a motion. Chairman Guessferd: Well we're going to do the public hearing first. I will open the public hearing at 7:33 p.m. Is there anyone present who would like to speak on this matter? Seeing none, I will close the public hearing at 7:33 p.m. Selectman Dumont made a motion, seconded by Selectman Jakoby, to authorize the Hudson Police Department to accept the Operation Underground Railroad (OUR) Rescue Grant in the amount of \$51,784. Motion carried, 5-0.

C. Public Hearing: grant Acceptance, Domestic Cannabis Eradication/Suppression Program – Police/Decision

Chairman Guessferd recognizes Captain Cayot. So, we're here again to request acceptance of the Domestic Cannabis Eradication/Suppression Program grant which comes through the U.S. Department of Justice Drug Enforcement Administration. This year they have agreed to grant us \$25,000 to cover salaries for the eradication and suppression of cannabis. That \$25,000 would allow us to do approximately 400 hours of proactive patrolling. And I will answer any questions. Selectman Roy: I have the same question. Captain Cayot: We have received no information that this fund is affected by this. I was in contact late last week with the subject from the DEA who we do this grant through and he asked us to keep pushing through and to get him the paperwork for approval. So that's the information I have on that right now. Selectman Roy: OK, thank you. Selectman Dumont: Last year you gave a really good presentation on what this allows you guys to do outside of just the name of cannabis. Can you just explain that a little bit further? Captain Cayot: I could. So I know it's provided in the packet but, it is. It does have to do with marijuana cultivation which would be illegal marijuana. I know it's come up before is this, you know, what about the legalization? This has nothing to do with legalization. Marijuana, California is actually the biggest recipient and biggest enforcer of ERAD and they take the most amount of money. So it is for suppression of illegal marijuana grows. But it also has to do with drug trafficking organizations and them bringing marijuana into this area. And what we find comes along with that is yes, we are out there looking to suppress drug trafficking organizations for bringing marijuana into town. But what comes along with that is a lot of other drugs. Actually do have a few statistics I can share with you if you want from last year. So last year we had 21 arrests when we did this. And when you're doing suppression efforts you're going to find some stuff that doesn't have anything to do with drugs. So we did get some people who have warrants for theft, we did get some other things where we're backing up patrol and we made arrests that didn't have anything to do with drugs. But during that we made 11 arrests that were drug related. And what I can tell you is a couple of those, the subjects had marijuana but none of them was it solely marijuana. We also had other drugs to include crack cocaine, methamphetamine, fentanyl. I'll tell you about one really good case that we had that did start with marijuana during this grant. It was a subject who was selling marijuana here in town, bringing it up from Massachusetts. We caught them with 1.4 ounces of marijuana, it was in individual baggies, they were selling it from their vehicle. We did a warrant for that so they were arrested, we searched the car, found some additional stuff, did a warrant for their arrest. We ended up arresting them a few weeks later and during that arrest not only did we find more marijuana, we also found methamphetamine, crack cocaine, and almost \$5,000 in cash when we did a search

warrant on that vehicle and it was actually hidden in different voids in that vehicle. So that's just one of the cases and that's the type of pro-active stuff that we can do when we have this money. So yes it does fall under the marijuana eradication which is what we're out there trying to do. But it leads with a lot of other cases. Selectman Dumont: And that type of policing would be required even if you didn't receive this grant money, correct? Captain Cayot: Correct, but this allows us to do 400 extra hours that we normally wouldn't have the funding to be able to do. It is something that we do. We do have a two member narcotics investigation unit. So they are out there doing this type of stuff. But what it allows us to do as a force multiplier. So then use that money so that we can have additional detectives assisting them while they're out there doing it. Selectman Dumont: Awesome, thank you. Chairman Guessferd: Anybody else? I also just want to mention that, it can't be overlooked. Regardless of how we all feel about cannabis, there's some legality in this state. I know we're surrounded by states that where it is legal. So, the job is enforcement and that's what they do. Selectman Jakoby: I'll make a motion. Chairman Guessferd: Wait a minute, we've got a public hearing. So I will open the public hearing at 7:38 p.m. Is there anyone present who would like to speak on this matter? Seeing none, I will close the public hearing at 7:38 p.m. Selectman Jakoby made a motion, seconded by Selectman Dumont, to authorize the Hudson Police Department to accept the Domestic Cannabis Eradication/Suppression Program (DCE.SP) Grant that was awarded by the U.S. Department of Justice, Drug Enforcement Administration in the amount of \$25,000. Motion carried, 4-1. Selectman Roy opposed.

D. Lowell/Birch/Belknap Road Update and Proposed Tasks – Engineering/Decision

Chairman Guessferd recognizes Town Engineer, Elvis Dhima. Thank you Mr. Chairman, good evening everyone. So as you all know we are undertaking design phase of this project which is providing a better and safer intersection. It's going to provide a lot of (inaudible) on Lowell Road and County Road by extending Belknap to Lowell, Birch and (inaudible) extension. We're completing the design it's going very well. We're in the process of filing with the state, the dredge and fill permit required to do the crossing of the brook. And we're trying to get ready to do additional efforts such as the NEPA permit, which is a federal permit, and requiring the right of way that we need for this project. Our intent is to have as much as possible ready so when we have a chance in the very near future for the community that's going to go around New Hampshire before they finalize the 10-year plan, to make our case that this project should be in the 10-year plan. Similar to what we did with Melendy Road Bridge replacement which we went in front of them. We said we spent the money for design, we have the right of way we have removed the utilities. We need half for the construction phase which they, thankfully, included us in it at the last minute. And now, as you all know, we're going to be breaking ground in late April to get that bridge done by end of May. So, the idea is the same, we get the design done, we get the state permit in place, now we're trying to seek the federal permit and the right of way that we need to get this project as shovel ready. And hoping to make the same case in front of the same committee and hopefully get in the 10-year plan. This all being paid by corridor funds which are collected by the Planning Board for projects like this so this has no impact to the tax payer. And if we get this moving forward, the 20% match that's coming from the Town of Hudson, it would be matched by corridor funds. Again, zero impact to the tax payer. You're also going to be seeing a warrant article in March related to this with no impact. So with that said we're just continuing to do all we can do without cost to get this project as close as we can to the shovel ready project. If we don't do it this year we're going to try again next year and we're going to have a project that's ready to go. And who knows, maybe when the corridor fees come in maybe we'll be able to do it ourselves. But the idea is trying to get as much money as we can from the state because we have a very good case. You have motions in front of you tonight basically related to doing the NEPA permit and the right of way. The Planning Board was kind enough to recommend the expenditures for you. I asked for \$165,000, \$85,000 has been set aside to purchase the right of way. We don't know what it's going to cost yet. I might be less than that but I'm asking up to that. And what I'm asking you tonight is to approve the actual \$80,000 expenditure that's going to help us with the permit and bring the third party in to do the evaluation of the right of way that we need to purchase because we don't do that in house, it has to be done by a third party. The services will be extended to the low bid that got the job, which is Wright-Pierce they were the low bid that we went out. They were the low bid for Melendy Road and Lowell Road, the same, low bid. So it makes sense to extend these services to the low bid that's currently on this project. And with that said I will take any questions you might have. Selectman Roy: So this \$80,000 that's an extension of a contract we already awarded, correct? Elvis Dhima: Correct. That is correct. Selectman Roy: OK. And that went out to the bid process, the original contract. Elvis Dhima: You're absolutely right, correct. We went out to bid, we advertised, three bids came in, they were the low bid by quite a bit, by 10%. They've been the low bid on other projects and it only makes sense to utilize who we already in to do the work. It's always cheaper to just not mobilize anybody else to do the work. They have been the low bid on other similar tasks for us that we've done in the past. So it only makes sense that we continue this path. And

they've done good work for us. I mean they've been, we've been very successful with completing the tasks or completed the tasks that we've had in the past. But yes, we did go out to bid and we are (inaudible). Chairman Guessferd: Any other questions? Yes, that was part of my question, too. But this is an amendment to a current agreement. So, I'm not sure we would need the bid sheet for this one. Selectman Roy: No. Mr. Malizia: We've already done it. Elvis Dhima: We have it if someone wants to look at it, they can go back to when the original contract... Chairman Guessferd: Absolutely. Elvis Dhima: You have the checklist, you have the (inaudible), you have the memo, it's all in there. It's part of the packet for the Board of Selectmen, I want to say three, four, five months back. Chairman Guessferd: Right, right, I can remember that. Elvis Dhima: And if someone has any questions they can reach out to me and I can point to the packet. Chairman Guessferd: OK, any other questions? Selectman Dumont made a motion, seconded by Selectman Morin, to award additional services to the low bidder, Wright-Pierce Engineers, for the amount not to exceed \$80,000 using funds received after August 2018 on account Zone 1 Traffic Improvements 2070-000-701 and Zone 2 Traffic Improvements 2070-000-702, as recommended by Town Engineer and Planning Board. Motion carried, 5-0. Chairman Guessferd: I just want to make the comment that again, as you said, this not going to cost the taxpayers.

Elvis Dhima: If it's OK with the Board, I'd like to add a little bit of clarification based on some of the public input that was done tonight by Mr. Crowley about the case he spoke about. I don't know all the details about it, but I know enough to say that there was no building permit issued for that, only a foundation permit. And it appears to be some work related to doing work at this particular property without proper permits. So there's a little bit of that going on. Just because, you know, we have rules in place doesn't mean that people follow them. And if they don't follow the rules we have in place there's not much we can do. So I recommend you get the update from the staff related to this in the timelines before people end up getting to conclusions about this. We have a process, it does work. You're not supposed to be putting a building up unless you have a certifiable plan. But, that's not always the case, unfortunately. Especially people that move in town, they don't know the process and all that. I strongly recommend the Board to get some clarification from Zoning, Inspectional Services related to this matter because I think there's a lot more to it then just coming from the outside and saying the process is not being done. The process has worked as far as I'm concerned. It's still in a very good position, it's just we can't control the human element unfortunately. Some people are just going to do what they want to do until they stop doing what they think they want to do. That's all I have to say, I just wanted to put it up there. Selectman Jakoby: Just a follow up. I think Mr. Crowley just stated that it would be great to review the process. I know there's a lot of details and a lot of things that the ZBA and our staff have covered. I just appreciate Mr. Crowley just raising that maybe there's some review of the process for anybody and he just used that as an example. So I just want the public to clear. It was just an example not anything about that issue. He just wanted, that's the way I read the statement. So I just wanted to clarify that for you out there. Elvis Dhima: Different from where I was sitting in the back. It came across as though there was an issue with it and it needs to be fixed, that's how I read it from sitting over there. I just to make sure this is said well. You can, everyone is more than welcome to look at the procedures we have in place. But, you do need a certified floor plan before you get that. We do have a lot of people that have in front of the ZBA and asked for relief because their foundation went outside the setbacks. And have issued those in the past. This particular one, I'm not sure what happened, I don't follow everything they do. But there is a process in place, it has worked. It can be reviewed, but, the one thing we need to keep in mind is if staff has certain procedure in place and they work, I just don't want to, I don't want anyone to, you know, end up in a conclusion that's not what's really happening out there, that's all. No finger pointing or anything I just want to make sure that. At least that's how it sounded where I was sitting there, no hard feelings. Selectman Jakoby: OK, to me it just sounded like we need to continuously review policies. Thank you. Chairman Guessferd: Thank you sir.

E. FY26 Town Warrant and Warrant Article Speaker Designation – Administration/Discussion

Chairman Guessferd recognizes Town Administrator, Steve Malizia. Selectman Roy: It seemed you missed some items, Requested Waiver of Interest. Mr. Malizia: The requesting party asked that be pulled from the agenda as they resolved it. Chairman Guessferd: We updated, yes we updated the packet. Selectman Jakoby: Alright. I was not aware of that. Chairman Guessferd: You sent out a revised packet? OK. We're moving on to the FY26 Town Warrant and Warrant Article speaker Designation. Mr. Malizia: So, typically at the Town Deliberative Session Board members introduce warrant articles. They typically follow the liaison assignments and/or if they (inaudible) on the negotiating team for labor contract. Try to parcel these out so certainly everybody has some. My intention was to follow the typical liaison process. My understanding that Selectman Dumont won't be at the Deliberative Session, so he had four assignments, I basically took the liberty of updating this sheet just to try to parcel those assignments out. Again this is for you all to discuss, you can change it if you like. Again, I just tried to follow the practice that we followed

in the past. General fund Operating Budget is obviously the Budget Committee chair so I communicated with the chair of the Budget Committee. The rest of these are for you folks with the exception of the petitioned articles that is responsibility of the petitioners to present their article. Doesn't prohibit anybody from speaking to just the introduction. Chairman Guessferd: I will have everyone take a look at it, are there that anybody wants to discuss? Selectman Jakoby: I just, I just had a request. I'm fine with any of the assignments, I was wondering if I could do the Lowell Road and Birch Street Intersection Improvements. Because that started kind of at the Highway Safety Department way back when I first got here. That was my only request. Chairman Guessferd: I don't have a problem with that. Selectman Roy: If I could take the Benson Park Renovation, I'm the liaison to the Benson Park Committee. Chairman Guessferd: OK. Mr. Malizia: You don't get any. Selectman Dumont: I just want to say that I apologize to the Board for any inconveniences. I appreciate you guys picking up the slack for me. And to Selectman Jakoby, if you'd like I do have a couple of notes for the Lowell and Birch Street intersection. Maybe we can talk or I can send you something over in an email, just some extra information. Selectman Jakoby: I would appreciate that. Mr. Malizia: So as part of this is what I do is I send you some basic notes so that you understand what the tax rate impact is. Nothing too (inaudible) and you're certainly free to add to that. Do your own thing, I just try to make sure you have at least some basic so that when you get up you are speaking with some accurate data. Not that the data is inaccurate, but. With those changes is everybody good with this? Because usually you approve this by consensus, we don't need a motion. So with those two changes... Chairman Guessferd: Does anybody want to, I have no problem with it. The only thing I'm going to say is I've only got two on here. But, I'm ok with that as long as people are ok with what they have. I'm not worried about it. I don't want... Selectman Jakoby: Selectman Morin to wear out his voice. Mr. Malizia: He has two of the bigger, he has the Fire Department and the Public Works Department so it just seemed to make sense. Selectman Morin: Just that I had a lot this year. Mr. Malizia: They had more this year than some other years. Chairman Guessferd: So worries on that. And I've got the contracts, so. Alright I'm good, everybody? That's the consensus.

F. Joint State of the Town/School Meeting – Selectmen/Discussion

Chairman Guessferd: I wanted to bring up as our next agenda item. This is something that I will take responsibility for, any delays in this. We probably should have done this a few months back. We kind of got into this, the Town Administrator hiring and a lot of other, some other you know, personnel issues we had to deal with, no excuses. I still think we have time to get this done and the chair of the School Board has contacted me and she's, we're looking at the 18th of February. I think I sent out something to the Board to that effect. I didn't see any objections to it. We're working in, as long as we're, everybody's good and it sounds like we are, we're working on the details. I think we may have it over, because they did the last time, over at Alvirne at the Café over there. It's probably about 7:00p.m. I've seen unless we want to do it a little bit earlier in the evening. But, we'll come up with a similar agenda to what we had last time and then we'll have that meeting. I think it's important, quite frankly, that the timing might be good because it's a couple of weeks before the election and people will get a chance to come and ask questions and hear a little bit more from the school board and from us regarding how things are with the state of the town is. Unless there's any objections I'll continue to work on the details, I will keep the Board informed on the specifics. And if I need any input I will certainly request it. Does that sound good? Thank you, appreciate that.

G. Public Notification of Non-public Motions – Selectmen/Discussion

Chairman Guessferd recognizes Selectman Jakoby: This has been something that has been on my mind for a while and wanted to get the Board's take on it. So after we do our nonpublic we come out of nonpublic into public and we make several motions as you saw on today's agenda. Those motions often are not published until the minutes come out for the following meeting and can be delayed for various reasons. And I was just thinking that is there a possibility of somehow getting those motions posted maybe within 48 hours of the meeting or at some point. Especially having missed the past meeting, those were the motions that I was most concerned about to be aware of as I did my role as liaison throughout the past two weeks. Also, thinking about I know we do our nonpublic late and HCTV is relieved at that point so that we're not coming back on camera afterwards. I didn't know if this is a policy we might want to look at a later point. I don't intend on any action to be taken this evening. I just didn't know where that might fit in our process and our effort to be as transparent. Because sometimes we hire someone and the next day we kind of announce it but that official motion is nowhere to be found. Chairman Guessferd: OK. Selectman Jakoby: With more of a question than discussion. Chairman Guessferd: Does anybody have any, anybody besides me have any? I know that we are, it's available, I know that for sure. You know it's available, we follow the... Mr. Malizia: So if you think about it, the minutes for a meeting don't get transcribed the next day, they take time to transcribe them.

I'm just trying to think logistically, not putting the cart before the horse, unless you watch the meeting, which if you watch the meeting that's really the only way you're going to know the motions. If you don't watch the meeting, they're not out there the next day. Selectman Jakoby: And those aren't the motions I'm concerned with. Because technically what we would do is go into nonpublic and then come out of nonpublic and have HCTV record us. Those motions. I'm really just talking about the motions, the motions that are between nonpublic and adjourn. Mr. Malizia: Yes, after nonpublic. Selectman Jakoby: And that information is not readily available. That's the only part I'm talking about. Because the video is available for everything else that night. Selectman Roy: Right. Aren't the draft minutes required to be out within... Selectman Morin: 72 hours. Selectman Roy: 72 hours. Selectman Jakoby: Yes they are. Selectman Roy: So I think that that sort of answers the question. Selectman Jakoby: It does. Selectman Roy: Under the Right to Know vote the draft has to be available within 72 hours. Mr. Malizia: That's for nonpublic. That's correct. Selectman Morin: Do you want me to read that? Chairman Guessferd: Yes, absolutely. Selectman Morin: Minutes of such session shall record all actions in such manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publically disclosed within 72 hours. Selectman Jakoby: And where will that be found? Selectman Morin: That is RSA 541... Selectman Jakoby: Excuse me, no, no, no. I wasn't able to locate them as a Selectboard member. Nor get that information within 72 hours. So where was I in error to find it? So clearly I didn't know where to find it. So that's my question. Because I only got the last two motions today. Mr. Malizia: So similar to the regular minutes they're not posted until you approve things but, they could be available if somebody asked for it. You're asking us to post those somewhere. That's what I'm hearing. Selectman Jakoby: Or who do I ask? Because I wasn't able to obtain them I had ask for them and was not able to obtain them. Chairman Guessferd: Would you go to the Town Administrator for that? Or, who records it? Selectman Jakoby: They weren't available. So as long as they're available within 72 hours, I think that's the most important thing. And for the public to know that. So that the public, if they want to know what occurred after our nonpublic and what those motions were they would just contact the Town Administrator's office and that would be easily given to them with no need for a right to know or anything. Selectman Morin: And I think what else needs to be stated is the general public can stay here until our meeting is over and come back in so that needs to be stated too. That they can be here and get whatever they need. Selectman Jakoby: Excellent point. When we come out of nonpublic we can invite them back in to witness it. Chairman Guessferd: So I would say probably the easiest way would be to check with Lorrie and Steve and they'll be available within those 72 hours. Selectman Jakoby: OK. So that's just something that has to rectified moving forward. Chairman Guessferd: OK, we'll make sure that it's at least known. That it's known. Selectman Jakoby: Thank you I appreciate that being on the agenda this evening.

11. Selectman Liaison Reports/Other Remarks

Selectman Morin: Do we have a status where we are with the Finance Director? Chairman Guessferd: I believe that the period for the applications is closed. I don't have a more current status than that. I think there were some applications that were submitted. Mr. Malizia: We're trucking through the IT Director process first. (inaudible) Chairman Guessferd: That's what we're working now, but, I will still ask. Selectman Morin: We've got a long list. I understand. Chairman Guessferd: Well but you're right in that. We should probably keep people informed where we are with these, these hiring's. Selectman Morin: And the only other thing is as the Moderator stated, the retired Moderator said tonight, that we need people to sign up for committees and positions and please come Saturday to attend the Deliberative Session. That's all I have.

Selectman Roy: The only thing I have is I went to the Benson Park Committee meeting and they are, they put together, rather quickly actually, a cardboard sled race on February 16th at 1:00 p.m. Sounds like a lot of fun. So if you have a group, you can do it in a group or you can do it individually. You can go and make a sled out of cardboard and race it down the hill. There'll be various prizes for best time, most creativity, those kinds of things. Chairman Guessferd: Can they make them in advance or do they have to make them there? Selectman Roy: They make them in advance. Chairman Guessferd: Because I went to one earlier on vacation at the Smugglers Notch and they actually had to make them on the spot. They gave you the cardboard, everybody got the same cardboard, and you had to figure out and make something. They're a lot of fun, it is a lot of fun. Selectman Roy: Hopefully there'll still be snow on the ground. Because they used to have them annually. And then the last couple years there hasn't been enough snow to... Chairman Guessferd: Hopefully they will.

Selectman Jakoby: Thank you. I just wanted to remind everyone that although we do have the Town Deliberative Session this Saturday, the following Saturday on the 8th is the School Deliberative Session. There are also, I believe, three positions open for the School Board. So the School Board is also seeking people to apply for the

School Board. As School Board liaison I just wanted to make sure I raised the School Board issues. They do have a draft calendar out for next school year if anyone wants to take a look at that and might want to give public input at their next meeting. So that draft 25/26 district calendar is out. And, their warrant articles are out and many things. So, please remember that the School Board does have public input regularly as well. For the Budget Committee, as you know, we did have a Public Hearing for the budget and the budget will be reviewed this Saturday at the Deliberative Session. As part of the Budget Committee, I was really impressed with the Budget Committee and the decorum throughout the process. And we have both the school budget and the town budget moving forward and I look forward to hearing from the public their thoughts and to hear what they think of both budgets. Please come out and vote on March 11th and come to the Deliberative Sessions and consider running for positions or volunteering. Thank you.

Selectman Dumont: Not a whole lot from me. Just wanted to remind everybody that the deadline for veterans and disabled veterans tax credits, elderly, disabled, blind and solar tax exemptions is April 15, 2025. Did have a Zoning Board meeting on the past Thursday, was a light schedule for that night. So hasn't been too much for me. But, hopefully everybody will come out and get to speak at the Deliberative Session who isn't normally involved in the town government. That's it for me.

Chairman Guessferd: For me, we'll start with Rec. We have another comedy show I think I mentioned last time coming up on the 8th of March. It's about half full up right now. It's supposed to be a really good comedy agenda. These are always great community events, they're a lot of fun. They raise money for the rec scholarship for high school seniors and so there's a lot of goodness there. Senior programming is offering an affordable hearing aid clinic next Tuesday for the Center patrons over at the Center. Anybody in need of the service can participate. Last week we hosted a field trip presentation to the members announcing the trip line up for 2025. Had a really good turnout. I think some of the trips they've done recently, they had the overseas trip they recently took, were big success. And coming up also is the second annual Mother Son Sneaker Ball. It was great success last year. We had the Mother Daughter one, or the Father Daughter one, now we have the Mother Son Sneaker one and that's a lot fun and everybody who went last year said it was amazing. There's 80% full so you don't want to wait too much longer to get your tickets. We expect that it will get sold out. Looking forward to a fun night and that's on the 22nd of March. We had a Sustainability Committee meeting last night. Decided on April 19th birthday for our next recycling, our next clean up. So we're going to be working with the police, DPW and figuring out where we can go safely and what we need. And I know DPW goes around, they probably know some of the biggest messes are out there. So, hopefully we'll be able to do some clean up in some good places. At least probably pick a street. Last year was really successful I think Selectman Jakoby was there. It's a good, again, another good community event and it's really important that we do these things. As far as Planning Board, we've spent some time going over the zoning amendments, you'll see them on the warrant. For the election we're continuing to review the town zoning. And so there's a lot of, there's some good zoning amendments that will hopefully will continue to move us forward with our town zones and taking and changing some G and G1 and things like that. I think it's all positive and heading in the right direction. Public service announcement, there's usually an ice fishing derby that the Kiwanis holds and the last few years we haven't been able to have it. This year we're not going to either. It's unfortunate because they're a lot of fun the kids like it. That's just more of a public service announcement than anything else. If you're wondering about it because we get a lot of inquiries, if you're wondering about the ice fishing derby, it's not taking place this year. So, having said all that I do just want to mention again, we've had a couple folks mention it, our Moderator came in earlier. Really important. We just had a national election where we had about 90% of registered voters come out. We don't have the fantasy of thinking that 90% are going to come out for this one. But, we'd really love to see a much larger percentage of the public come out. And the first step in that really is the Deliberative Session which is usually not really well attended but it all depends on what's on the ballot. I think no matter what people should come out, see the process. See what happens, see how your tax dollars are being spent. And find out why we're doing the things we're doing instead of just seeing a dollar amount on a ballot. Understands that there's reasons why these things are going on that we want to spend the money for our citizens. And to try to minimize the impact to them. Just want to make sure that we get that word out there. And as it's been also said, there are many positions open. As Mr. Interbitzen said there's three more days. Friday at 5:00 p.m. it closes, the candidate period closes and then we move toward the election. We've recently filled up I think the Sustainability Committee, we've gotten some really good nominations and appointments to various other committees. But we need, we have two Selectboard positions open this year. I wouldn't say open for the elections. There's School Board, Planning Board, Budget Committee, come out and serve. Spend some time and I know there's a lot of interested citizens out there. We see it all the time. Hopefully we can turn that into folks that

are on these committees and fill these committees up. Having said all that I think I am, I don't think there's anything else on my part.

10. Remarks by Town Administrator: You folks have covered it all. You've covered the Public Hearing, you covered the Deliberative Session and the office so I don't have anything else to add to that. Chairman Guessferd: And Gary Gasdia is excused tonight as our liaison to the School Board so he won't be speaking tonight.

11. School Board Liaison Gary Gasdia: Excused.

Selectman Morin made a motion, seconded by Selectman Dumont, to enter into non-public.

12. NONPUBLIC SESSION

Selectman Morin made a motion, seconded by Selectman Dumont to enter into nonpublic session under: RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee.

Nonpublic Session was entered at 8:11 p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public was asked to leave the room.

The Board entered into public session at 8:30 p.m.

Motions made after nonpublic session:

- 1) Selectman Morin made a motion, seconded by Selectman Dumont, to promote Master Patrol Officer David Glaser to the position of Sergeant at \$43.24 per hour according to the Hudson Police Employee Association Contract (step 6). This elevation in rank would be effective on 03 February 2025. Motion carried, 5-0.
- 2) Selectman Roy made a motion seconded by Selectman Jakoby, to approve the hiring of Ana Luzardo at \$21.61 per hour (step 3) of the Town of Hudson Support Staff Union, Teamster Local 633, as recommended by the Interim Finance Supervisor upon completion of successful background and credit check. Motion carried, 5-0.
- 3) Selectman Morin made a motion, seconded by Selectman Dumont, to re-hire Nicholas Fazio of Hudson, NH effective January 29, 2025 at \$24.25 per hour (grade 8, step 1) in accordance with Teamsters Local #633 agreement. Motion carried, 5-0.
- 4) Selectman Morin made a motion, seconded by Selectman Roy, to adjourn at 8:32 p.m. Motion carried, 5-0.

13. ADJOURNMENT

Motion to adjourn at 8:32p.m. by Selectman Morin, seconded by Selectman Roy. Carried, 5-0.

Recorded by HCTV and transcribed by Lorrie Weissgarber, Executive Assistant.

Bob Guessferd, Chairman

Dillon Dumont, Vice-Chairman

Kara Roy, Selectman

Heidi Jakoby, Selectman

Dave Morin, Selectman

DRAFT