



# TOWN OF HUDSON

## Board of Selectmen



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

### HUDSON, NH BOARD OF SELECTMEN

January 26, 2021

7:00 p.m.

Hudson Community Center

### Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE
4. PUBLIC INPUT
5. RECOGNITIONS, NOMINATIONS, APPOINTMENTS AND RESIGNATIONS

A. Nomination:

Leo Fauvel, currently an alternate member of the ZBA is seeking full member seat on the ZBA which expires 12/31/23.

Mr. Fauvel is also seeking an alternate member position on the Planning Board with a term that expires 12/31/22.

6. CONSENT ITEMS

A. Assessing Items

1) Veterans Tax Credit: Map 168, Lot 68, Sub 47

2) 2020 Abatement Applications: Map 134, Lot 1-6 6 Beechwood Rd.

B. Water/Sewer Items - none

C. Licenses, Permits and Policies - none

D. Donations - none

**E. Acceptance of Minutes**

Minutes of December 8, 2020  
Minutes of December 29, 2020  
Minutes of January 4, 2021

**F. Calendar**

1/27 7:00 Planning Board - Hudson Community Center  
1/28 7:00 Zoning Board - Hudson Community Center  
1/30 9:00 AM Town Deliberative Session - Hudson Community Center  
2/3 7:00 Highway Safety Committee - Buxton Meeting Room  
2/6 9:00 AM School Deliberative Session - Hudson Community Center  
2/8 7:00 Conservation Commission - Hudson Community Center  
29 7:00 Board of Selectmen - Remote

**7. OLD BUSINESS**

**A. Votes taken after nonpublic session January 12, 2021 meeting**

- 1) Selectman Roy made a motion, seconded by Selectman Martin to hire Thomas Cahill as a truck driver/laborer, with a starting pay of \$20.12 per hour (grade VII, Step One, in accordance with the Hudson Public Works Department Local #1801 AFSCME Agreement, effective January 17, 2021. A roll call vote was taken. Carried 5-0.
- 2) Selectman Roy made a motion, seconded by Selectman Martin to provide two IT Specialists and One IT Technician 80 hours each additional earned time which cannot be bought back and is to be used within the next two years. A roll call vote was taken. Carried 5-0.
- 3) Selectman Martin made a motion, seconded by Selectman Coutu to promote Firefighter/Paramedic Benjamin Crane to the position of Lieutenant/Paramedic, a non-exempt position, in accordance with the International Association of Firefighters Local #3154, Step 1, with an hourly rate of \$29.80 effective Sunday, January 31, 2021 as recommended by the Fire Chief. A roll call vote was taken. Carried 5-0.
- 4) Selectman Martin made a motion, seconded by Selectman Coutu to move forward warrant article 19 to the warrant to discontinue Caldwell Road as an open highway and make subject to bars and gates as provided in RSA 231:45. A roll call vote was taken. Carried 5-0.
- 5) Selectman McGrath made a motion, seconded by Selectman Coutu to retain the services of former Town Clerk/Tax Collector Patti Barry for the period beginning January 18, 2021 through March 31, 2021 at the rate of \$35.00 per hour without benefits. A roll call vote was taken. Carried 4-1 with Selectman Martin in opposition.
- 6) Motion to adjourn at 11:14 p.m. by Selectman Roy seconded by Selectman Coutu. A roll call vote was taken. Carried 5-0.

**B. Green Meadow Golf Club - Sewer Allocation Request**

8. **NEW BUSINESS**

- A. Recreation Department - 2021 Lacrosse Season
- B. Proposal to Replace Lights at DPW
- C. Fiscal Year 2022 Town Warrant and Warrant Article Speaker Designation

9. **REMARKS BY SCHOOL BOARD**

10. **REMARKS BY TOWN ADMINISTRATOR**

11. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

12. **NONPUBLIC SESSION**

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

13. **ADJOURNMENT**

Reminder ... Items for the next agenda, with complete backup, must be in the Selectmen's Office  
**no later than 12:00 noon on February 4, 2021.**

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

Agenda  
**RECEIVED**  
**DEC 21 2020**  
 TOWN OF HUDSON  
 SELECTMEN'S OFFICE

5A-1

Date: 12/18/20

LEO FAUVEL 13 PONDEROSA DRIVE  
 Name Street Address

889-5325  
 Home Phone Number Work Phone Number

FORMER IT CONSULTANT THEN DEVELOPER/BUILDER  
 Occupation (or former occupation, if retired)

RETIRED - VETERAN  
 Education/Special Interests

2 BA ALTERNATE  
 Professional/Community Activities

Reason for applying

Reference(s)

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

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

Area(s) of Expertise:

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

Information contained on this form is available to the public and will be given to the press. The Town of Hudson exercises affirmative action in its employment/appointment practices. Applicants must be Hudson, NH residents. For additional information, call 886-6024. Appointees are required to complete a Financial Interest Disclosure Form (FIDF) in accordance with the Town Code.

Leo Fauvel  
 Signature of Applicant

Hudson Resident:  Yes  No

\_\_\_\_\_  
 e-mail address



**TOWN OF HUDSON**  
Office of the Assessor

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

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

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RECEIVED  
JAN 21 2021  
TOWN OF HUDSON  
SELECTMEN'S OFFICE



Agenda  
1-26-21

6A-1

TO: Board of Selectmen  
Steve Malizia, Town Administrator

DATE: January 26, 2021

FROM: Jim Michaud, Chief Assessor

RE: Veteran Tax Credit:

327 Fox Run Rd. – map 168/ lot 068/ sub 047

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

William Horton - 327 Fox Run Rd. – map 168/ lot 068/ sub 047

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



# TOWN OF HUDSON

Office of the Assessor

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

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

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6A-2

TO: Board of Selectmen  
Steve Malizia, Town Administrator

January 26, 2021

FROM: Jim Michaud, Chief Assessor

RE: 2020 Abatement Application  
Map 134 Lot 1 – 6 Beechwood Road

I recommend that the Board of Selectmen approve an abatement sought on the above referenced property. The property consists of a detached single family home of 2,220 SF +/- on a 1.491 AC +/- lot, was assessed for \$381,900 for the 2020 property tax year. The property sold in November 2018 for \$387,000 in June 2019, the department subsequently did a review of MLS information, as well as a subsequent interior and exterior data review, which led to a change in assessed value to \$381,900. The property owner voiced concerns earlier in 2020 and expressed them again in their abatement application on items being corrected on the card that they stated should have been on the card before they purchased it. They did add that items they installed after their purchase (New mini-split AC system, new house generator, house electric upgrade) they agreed to an increased assessed value on.

I have reviewed the information submitted as well as on record and believe that some adjustment is warranted for condition of improvements and the like. I recommend that the BOS approve an abatement lowering the value from \$381,900 down to \$370,000. The Town's latest official assessment ratio of 88.5%, when applied against the proposed new assessment of \$370,000, equals an implied market value of \$418,100, a 8% increase in market value over a 16 month period from their sale price, about ½% a month market appreciation, likely under what the market has been doing over the last few years.

***Motion:***

***Motion to approve an Abatement for property taxes for Map 134 Lot 1 as recommended by the Assessing Department.***

Cc: File 2020AbateApproval6BeechwoodRd

HUDSON, NH BOARD OF SELECTMEN

Minutes of the December 8, 2020 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of December 8, 2020 at 7:00 p.m. in the Buxton Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE led by Chairman Morin

3. ATTENDANCE

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

Town Administrator Steve Malizia participated remotely from his residence

Staff/Others: Bill Avery - Police Chief; Rob Buxton - Fire Chief; Elvis Dhima - Town Engineer; Lisa Nute - IT Director; Chrissy Peterson - Recreation Director; Jess Forrence - DPW; Diana Lamothe - School Board Member; Paul Inderbitzen - Town Moderator; Jill Laffin - Executive Assistant

4. PUBLIC INPUT there was none

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Appointments

**Recreation Committee** (2 member vacancies expiring 4/30/22 and 4/30/23. Selectman Coutu made a motion seconded by Selectman Roy to appoint Nicholas Reval as a full member of the Recreation Committee with a term to expire 4/30/23. Carried 4-0.

**Conservation Commission** (2 member vacancies expiring 12/31/22 and 12/31/23 ad 1 alternate member vacancy expiring 12/31/23.) Selectman Roy made a motion to reappoint Brett Gagnon to the Conservation Commission. Seeing no second this motion did not pass and Mr. Gagnon was not reappointed to the Conservation Commission.

Selectman Coutu made a motion to appoint Paula Hubert as a full member of the Conservation Commission with a term to expire 12/31/23. This was seconded by Selectman Martin. Carried 4-0.

**Planning Board** (1 full member vacancy expiring 12/31/23 and 3 alternate member vacancies expiring 12/31/23, 12/31/21 and 12/31/22). Selectman Coutu made a motion seconded by Selectman Roy to reappoint Tim Malley as a member to the Planning Board with a term to expire 12/31/23. Carried 4-0.

**Zoning Board** (2 member vacancies expiring on 12/31/23; 3 alternate member vacancies expiring 12/31/23. Selectman Coutu made a motion seconded by Selectman Roy to reappoint James Pacocha as a member of the Zoning Board of Adjustment with a term to expire 12/31/23. Carried 4-0.

**Benson Park Committee** (1 member vacancy expiring 4/30/23, 1 alternate member vacancy expiring 4/30/23. *Selectman Coutu made a motion seconded by Selectman Roy to appoint Daniel Febrer as a full member of the Benson Park Committee with a term to expire 4/30/23. Carried 4-0.*

#### Interviews

**Recreation Committee:** Chairman Morin welcomed Cindy Holton, applicant for the Benson Park Committee and asked Ms. Holton tell us why you'd like to serve on the Recreation Committee. Ms. Holton said I'm Cindy Holton, I'm at 14 Greatneck Road in Hudson. I've been in Hudson since 1997. I've been playing in the women's softball league since then. I've been running it with the help of Dave Yates for close to 20 years. I know he's now retired. I also run a coed softball league in the fall here in Hudson. It's a private league but we've been paying the Town for permission to use the field and lights. I noticed there was a vacancy and I felt I'd want to. I'm pretty committed to trying to keep that women's league going at least and continue adult sports programs. I also play in Londonderry in some of their leagues. Just trying to keep communities together and sports going for the adults in Hudson. Selectman Coutu said, Cindy, I'm familiar, having been a member of the Recreation Committee for several years and having worked with Dave Yates relative to programing and new programing and parks and building new fields your name came up on a few occasions in your role with the softball league. Selectman Coutu went on to say, I do have one question on the softball league. It's problematic on the men's side and I'm wondering if you're having problems yourself. In terms of recruiting players, are you finding there are enough participants in the Town of Hudson that want to play women's softball without us having to outreach or do you think we should be outreaching to other communities? Mr. Holton said, we need to outreach. The past two to three years we've been allowing neighboring towns, player from neighboring towns to join the league. Selectman Coutu asked, are we charging them a higher fee than we are the locals? Ms. Holton said initially yes. The past two years we kept it at the same rate because we were trying to build the teams. Selectman Coutu agreed that this was a good idea. Selectman Coutu asked if there was a conflict of interest if Ms. Holton serves on the Recreation Committee and runs the softball league. The Town Administrator didn't feel there was but would confirm that. The Board informed Ms. Holton they would make a decision on appointing her at their next meeting.

**Planning Board:** Chairman Morin welcomed Victor Oates, applicant for the Planning Board. Mr. Oates was asked to tell the Board about himself and he said, I'm Victor Oates, 77 Sousa Boulevard in Hudson. I want to be on the Planning Board because I want to take a more active interest in Hudson. I've been here a little over a decade. I manage IT operations for a large pr and marketing firm. I've done several build outs. I'm familiar with planning and forward vision and when I look around the community and I talk to a lot of the neighbors the one thing we all discuss and see is like when I see my kids growing up I want to try and see if I can help shape Hudson in a way that they you know can better grow into. Especially one child coming into elementary and two twin girls coming into first grade I want to make sure that their future is bright and I think the best way isn't listening to people complain on Facebook but actually coming down and joining boards and helping the community grow. Selectman Coutu was recognized and said, funny you segway for me into Facebook. I've read some of your postings Victor. I find them amusing, some of them amusing about the last political campaign, is that you? Mr. Oates replied, I don't know. I try to limit and mitigate my...Selectman Coutu cut in saying, it's okay. Mr. Oates went on to say, no, I do. I try to mitigate my political views and political responses on Facebook. It's an open forum but I do try to mitigate and step away from that type of world. I actually think you and I probably had a couple of disagreements on some matters but I think that's fair. I try not to take people down in their views. I have a philosophy, you do you. So you know, we may not agree on everything but you have your right to that view. Selectman Coutu said, as do you. Mr. Oates replied, yup, you do you. Selectman Coutu then said, Victor why did you pick the Planning Board of all of the various committees? Mr. Oates replied, well, the biggest reason was my wife noticed the opening. She knows my background and she knows my forward thinking and how I run an office or business. So she's like what do you think? So I did some background, I talked to some friends that are on committees in different towns. They're like yeah, that'd be a great start for you. To me I want to sit where you're sitting one day but I don't believe I should sit there until I have a better idea of how the Town works in the different committees. Although I'm going for the Planning Board right now I hope over the next 5-10 years to sit on various boards so I have



a more well-rounded view as to how the Town operates and not just so when I run for selectman someday, I can say you know what I've sat here, I've sat here. I've been where you are so I feel like I'd have a better idea of how the Town runs. Selectman Coutu replied saying, I applaud you for that Victor. That's one of the serious problems I think that a lot of people have running for public office. They have no concept of the government and how can you ask somebody to vote for you, you don't know what you're walking into. But by exposing yourself to Town government, and I've encouraged people over the years, get to know the Town government by getting on to some Board or Commission and learn the people, the players, and number one. Number two, learn about the issues that affect the community. So I applaud you for taking the next step or the first step into what your aspirations might be in the future. So with that I will have no objection when it comes time to appoint. I have a question Jill, it says full member position but I think that was filled by Elliott. It was determined that the Planning Board vacancies are currently all alternate member terms. Mr. Oates stated he would be okay with an alternate member position. Selectman Coutu then asked Mr. Oates if he had watched any of the Planning Board meetings. Mr. Oates replied, I will say that I watched a lot and I read a lot over the last year. I hear the complaints on both sides on some of the decisions but at the same point I believe in forward progress and again, you know, the best way to get out there is to go down, be a member on a board, and help shape that. Don't sit in the back. Selectman Coutu explained the different alternate member term expiration dates. Mr. Oates stated he would prefer a two year term.

Chairman Morin asked if there were any other questions for comments. Selectman Martin said, I think that forward thinking is a great thing. And his plan is perfect cuz that's what a lot of people should do is serve on a couple of boards and get to know the players in Town. I applaud you for coming forward. The Planning Board is a big task so I look forward to having you serve.

Chairman Morin went on to Consent Items and asked, does any Board member wish to remove any item for separate consideration on consent items? Seeing none. Selectman Coutu made a motion, seconded by Selectman Martin to approve consent items A, B, C, D, E & F as noted and appropriate. Carried 4-0.

6. CONSENT ITEMS

A. Assessing Items

- 1) Solar Exemptions: Map 163, Lot 017 - 21 Telolian Dr.; Map 124, Lot 017 - 27 Heritage Cir.
- 2) Disable Veteran Tax Credit: Map 156, Lot 006, Sub 060 - 13 Wickford Ln.
- 3) All Veterans Tax Credit: Map 191, Lot 085 - 44 Belknap Rd.  
Veteran Tax Credits: Map 149, Lot 001, Sub 007 - 2 Sterling Way; Map 118, Lot 055 - 29 David Dr.; Map 184, Lot 027, Sub 027 - 8 Cobblestone Dr.; Map 138, Lot 046 - 18 Patricia Dr

B. Water/Sewer Items - none

C. License, Permits, Policies

- 1) Tag Day Permit - Salvation Army Bell Ringing at Market Basket

D. Donations -

- 1) \$355.80 to Recreation Department from Clix New England
- 2) \$640 to Recreation Department in Memory of Jay Mousseau

E. Acceptance of Minutes

- 1) Minutes of October 27, 2020
- 2) Minutes of November 5, 2020

E. Calendar

12/9 7:00 Planning Board - Hudson Community Center  
12/10 7:00 Budget Committee - Hudson Community Center  
12/14 7:00 Cable Utility Committee - Buxton Meeting Room  
12/14 7:00 Conservation Commission - Hudson Community Center  
12/14 7:00 Traffic Advisory Committee - BOS Meeting Room  
12/15 7:00 Municipal Utility Committee - BOS Meeting Room  
12/15 7:00 Budget Committee - Hudson Community Center  
12/16 6:00 Library Trustees - Hills Memorial Library  
12/16 7:00 Planning Board - Hudson Community Center  
12/17 3:30 Trustees of the Trust Funds - Buxton Meeting Room  
12/17 7:00 Benson Park Committee - BOS Meeting Room  
12/17 7:00 Zoning Board of Adjustment - Hudson Community Center  
12/22 7:00 Budget Committee - Hudson Community Center  
12/25 \* CHRISTMAS TOWN HALL CLOSED \*  
12/28 7:00 Conservation Commission - Hudson Community Center

7. OLD BUSINESS

A. Votes taken after the non-public session on 11/24/2020

- 1) Selectman Roy made a motion, seconded by Chairman Martin, to hire James Moran as a full-time police officer with a starting salary of \$26.84 (step 1 with certification) per hour, in accordance with the Hudson Police Employee Association Contract. Carried 3-0.
- 2) Selectman Roy made a motion, seconded by Selectman Martin to accept the offer of \$40,000 for the Town owned property at 151 Robinson Road. Carried 3-0.
- 3) Selectman Roy made a motion, seconded by Selectman Martin to approve the Town Administrators request to buy back 80 hours of vacation time. Carried 3-0.
- 4) Selectman Martin made a motion to adjourn at 7:31p.m. This was seconded by Selectman Roy. Carried 3-0.

B. IT - PD - FD Cell Phone Follow Up

Chairman Morin welcomed IT Director Lisa Nute, Police Chief Bill Avery and Fire Chief Rob Buxton. Chief Avery started off by saying thank you Mr. Chairman, members of the Board. As Selectman Coutu had requested, some clarification as to why we are all using Verizon and if we could get a better price going to other vendors. Captain Bianchi did extensive research. We worked collaboratively with the IT Department, the Fire Chief, Public Works Director and at the conclusion of his report, I believe you all have a copy of it, you can see that Verizon is the only company, the only service provider that will support a lot of the Fire

Department's needs, Police Department's needs and I believe as well, the IT Department. The prices, and what I can tell you, I know this was a question Mr. Coutu with the cellphones. Why are some cell phone bills larger than other cell phone bills? It has all to do with us. I'll use Chief Buxton as an example. He doesn't have unlimited data on his cell phone. I do. He has an iPad that he uses, I do not. So it kind of offsets each other. We'd be happy to take any questions, but I can tell you Captain Bianchi met with all these vendors and if these companies cannot support the Fire Department's lifesaving computers if you will, then I don't think it's an option at this point to be able to move to another provider.

Selectman Coutu was recognized and said, first of all Chief, thank you for assigning this and please let Lieutenant Bianchi know I appreciate the work that he put into this. He went on to say, I agree based on the research that he did, it would be ill-advised at this time to make any changes to our service. It's just that when I was going through the budget, the phone bills jumped out at me because there was a lot of inconsistency. Supporting, when you're thinking about the process you're thinking, the mind goes to telephones and telephones only. Not realizing the connection that's necessary for our ambulances, for the police cruisers. So the information that we received is satisfactory and I'm more than happy to accept what's in the budget for the phone service. I do have a question that was supposed to be addressed. It came up ten years ago when we started our discussion relative to providing better service and eliminate dead spots. Are those dead spots, when we get the new communications network up, this next piece, are we gonna be eliminating those dead spots? I think some of those dead spots are up on the Robinson Road area. Chief Avery replied, yes. That has to do with the radio infrastructure. Yes, Chief Buxton, myself, the IT Director Lisa Nute, we have been in communication with Two=Way Communication. We have that situation under control. There will be towers on West Road that will help dramatically. Selectman Coutu asked, is that gonna be out by the dump? Chief Avery replied, yes, in that area. That will help dramatically with our dead spots in those areas. Robinson Road, Barrett's Hill Road, just to name a few. Selectman Coutu then asked, it should eliminate the dead spots? To which Chief Avery we should have hopefully zero dead spots with our portable radios when this infrastructure is done. We have seen the topographical maps from Two Way Communication and we have 99% coverage of the entire town.

Selectman Coutu went on to say, Chief Buxton, is the Fire Department experiencing the same problems with dead spots with fire personnel? Chief Buxton replied, so our current radio system certainly is having the same dead spot areas. It's the same technology, same era. When the new towers and the back pieces go in, that will take care of our issues there too. Selectman Coutu then said, my concern should be obvious to both of you. Having been one who served in public service that god-forbid at any given time a police officer or an ambulance, for whatever reason, is caught in one of those zones and something hits the fan. Okay, as long as I know that we're going in that direction I'm happy. Thank you.

Selectman Martin was recognized and said, please thank Captain Bianchi on my behalf. Chief Avery said, I absolutely will.

#### C. COVID - 19 Update

Chairman Morin said, over the last couple of weeks we've seen a great increase in COVID-19 is making a comeback. Chief Buxton presented quite a bit of information last Thursday during our EOC meeting and it was actually too much to send an email to make sure you got all the correct information. A lot more information came out today. So I asked Chief to come tonight to give us an update where we're at with the Town and where we should be going. Chief Buxton said, good evening Mr. Chairman and members of the Board. I'm here tonight to give you an update regarding the COVID-19 response here locally. I think this is the first time we've been here in a few months to give an update. The EOC operates at a partial activation. We brought the School stakeholder group and the Board of Selectmen back together with the EOC command staff. We've been meeting twice a week on Tuesday's and Thursday afternoon. That straddles the State of New Hampshire EOC update which is on Wednesday at noon time along with the health area network

meeting on Thursday afternoon at noon time. So to date we have 107 active cases in Hudson. We had 36 new cases this morning and 14 cases yesterday. So in two days we've seen a 50 case increase. There's 185 hospitalizations in New Hampshire currently. We're starting to see some capacity stretching at both of our local hospitals. New Hampshire active case load is 5,386. We've been working on updating some self-monitoring guidance documents and such.

Chief Buxton went on to say, a couple of points of concern that we brought forward last week was actually the percentage of positivity rate surrounding testing. The PCR exam which is the nasal swab our positivity rate right now is at 6.5%. Earlier this summer we were less than a percent. We've seen a pretty dramatic increase there. They're now actually reporting out both the PCR and the antigen test or the rapid test and that positive rate is at 7%. So we're certainly seeing a substantial increase in positivity. We've just started today seeing the increases from Thanksgiving holiday. Those weren't available in the beginning of the week so here we are on Tuesday afternoon starting to see that case number report out. One of the increases we've seen over time is how long it takes to process a test at this point. You're looking at 48-72 hours before you can get a PCR exam result back from any of the testing locations in New Hampshire. Massachusetts on the 3<sup>rd</sup> of December reported the highest positive test day that they've had to date at over 6,000 positive new tests in one day. This morning they reported 2,400 new positive cases. We've consistently started talking about what does that mean and how does it impact us? One of the questions that Chairman Morin and Selectman Roy pushed forward to the EOC is basically starting to track quarantine cases of Town staff and seeing what the impact was going to be on our ability to provide service. So starting this week we actually have, all the Department Heads report to Deputy Paquette if they have a quarantined employee. We don't necessarily track by name, we just track by case number. To date we have four employees in Public Works, we have one employee in Town Hall, two employees in the Library and one employee at the PD. Some are positive and some are just exposure quarantines so we've taken that hit to the labor pool regarding starting to see that case number come up and impact how we can provide services.

The hospitals have rolled back their rules to probably what I'd say to be early April time period. They are no longer allowing visitors in the ER. So when the ambulance goes to the emergency room we're no longer bringing relatives with us because they're not allowed in the ER. So we can only bring the patient in. Additionally they've started making some masking changes in the way they're looking at masking. Chairman Morin tonight has a surgical mask on. So doesn't Selectman Martin. They've actually changed to not wearing cloth masks in the facilities and just wearing surgical masks now because they can't determine just looking at it what the construction of the mask is so they're going to a more controlled environment.

From there, a couple of other pieces surrounding vaccine and what the vaccine plan is in the State. We're hopeful that we're going to see Pfizer receive their final approval this week. Hopefully by the third week of December we're going to start seeing some doses of that roll into the State of New Hampshire. The State has put together a four phased approach to the vaccination. That is basically starting phase 1A. It deals with Long term care facilities, healthcare providers and first responders as the highest number of folks exposed. In phase 2 you move on to the education staff and starting with more of the general public. Phase 1A through an estimate that the State had put together requires 88,000 doses. It is a two shot series both have to be done 21 days apart. Probably one of the biggest challenges to the vaccine right now is actually the storage of the vaccine. This is based on the fact that the Pfizer vaccine needs to be maintained at a cold environment of approximately -9 degrees Fahrenheit. So you're talking nitrogen storage and those types of things the hospitals are dealing with. On the positive news, staff has started to relocate upstairs and started to relocate space in the Town Clerk's office and the Assessing department as part of our COVID update.

Chief Buxton then went on to say, Mr. Chairman, I don't know if you want to get into continuity, take questions where you want to go. Chairman Morin said, there's a few things that we need to discuss as a Board with you. Before we get there does anybody have questions for the Chief? Selectman Martin was recognized and said, my first question is continuity of operations. I think that's very important for us at this point to talk about. Chairman Morin replied, that was asked of the Chief today and the major concern here is, if you take our smaller departments, if one person gets infected in that department we could lose a whole department. The Board needs to make a decision where we're gonna go with the departments. Are we gonna go back to where we were operating earlier this year splitting the crews up and things to that nature. That's one thing we need to discuss. We're gonna get to our meetings next. The other thing right now is also a daily report of any absences so we know where we're going with our employees. How many we got out at a time. We don't

want names as the Chief had stated, but we want a daily report how many people are out. The reason why so we can keep tabs on it and the Board's aware. Like I said, Chief, you gave us what, seven? Seven or eight? Chief Buxton said seven cases. Chairman Morin went on to say, that's quite a high number for you know. That's why we need to keep on top of this. We got to make some decisions tonight where we want to go so the Chief knows where to go. Selectman Martin added, on top of that contact tracing so you really, really should be using names. Not publicly here, but names. Chief Buxton replied saying we actually had an employee from the Fire Department go through contact tracing through John Hopkins. He just finished that certification last week so we're starting to prepare to do some of those things. Originally May-June time period when they started kicking up the contact tracing the State public health had taken over contact tracing involving the local municipalities. That work load has now become so cumbersome just looking at their active case load that they're trying to contact trace every day that they're starting to talk about pushing that down and put out some procedures. So we got ahead of it a little bit, got some training for an employee to give us a hand on that tracing piece. We should be in a somewhat positive position when that rolls down. Chairman Morin then said, I just want to say and make it clear they have done an outstanding job in the treasurer's office and the assessing office. But that's to protect our employees from the people from the outside. Our concern right now is within our own walls. And making sure we have enough people to keep somebody in our walls.

Selectman Roy was recognized and said I think maybe we might want to talk about them separately like Town Hall is an entity, and then the Police Department, Fire Department, you know what I mean? Because they all have different parameters. Chief Buxton spoke up at this point saying, if I may Mr. Chairman, I went back and I looked at some of the goals that we had established in the EOC back in March. This comes from March 24<sup>th</sup> of 2020. We had two major goals that we had laid out there. One was to provide our employees with health and safety and then the other was to create a plan that was going to provide us the opportunity to continue to provide services to the community through the State of Emergency. To date I believe we've done that but I think there are some opportunities there if we keep those two goals in mind for us to start having some dialogue on. Factually I think you can look at we have substantial community spread throughout the State of New Hampshire, including Hudson. We are a border community to Massachusetts that is experiencing substantial increase in caseload. Our case load has been as low as eight. Now we're up over 100 again in the swing of six weeks here. I don't anticipate that that's going to go down anytime in the near future just based on practice. What do I mean by practice? Cold weather is settling in. it's gonna be 18 degrees tonight and heats gonna be on. Kids aren't gonna be outside getting fresh air. People are gonna be inside the house. We also, from a fire perspective, or an EMS side of the house, have some significant exposures just from our long-term care facilities. We have three in the area that are on a, in my eyes, on an elevated list at this point. Grace House in Windham, Nashua Crossing in Nashua and then the Fairview Nursing Home has a small break in the rehab area that they're dealing with right now. So we keep all of those things, we're working through that diligently to keep an eye on protective clothing to make sure we're ready to go. But I need to be crystal clear.

Chief Buxton continued on explaining, we're months away from the State of New Hampshire being vaccinated from COVID-19 so we need to put a plan together on potentially what does that mean for us and how do we move forward. How should we move forward? I certainly have a list of suggestions that I think need to be taken up this evening. I think that there should be an opportunity for us to consider moving all meetings back to the Community Center. All the small committees, we opened the door for them to meet at Town Hall. I think that would be a great move to basically increase social distancing and provide that. I think we should also empower the Department Heads to look at their staff. We set everybody up early on. The IT Department worked very hard at getting folks setup to work remotely and identify those opportunities and potentially leverage those opportunities again that were sunsetted as we moved into the summer months and see if we can bring those back into the late fall period. Then obviously continuing to improve our cleaning habits. Not that we're not cleaning already, but step that up maybe a little bit further. Then one of the most confusing things that happened over the last couple of weeks is we came out with a nonessential travel ban that was mandatory for all residents and visitors to the State of New Hampshire that was 14 days in length. Attached to that was the quarantining piece that if you had an exposure that you were going to be out for 14 days. The following week, just after the holiday, they CDC came out with a guidance document that said that can be reduced to 10 days. The State of New Hampshire that it would be amendable if communities wanted to reduce their quarantine time to 10 days instead of 14 days. We had a discussion in the EOC today regarding where do we want to go as a community and how do we leverage that to make sure that we're

keeping divisions open and keeping the quarantine in mind. The nonessential travel restriction basically now requires that you either quarantine for 14 days or get a negative COVID test after seven days of being on quarantine. That is from your last day of travel. So when you enter back into the State you'd go into quarantine for those time periods. Obviously additional consideration should be given to how to manage these meetings. I look at staff. We talk about staff and how we continue to provide service. I think that I look at this Board and how do we continue to govern as we move forward into the winter months and we are viable to make sure we continue to move forward as a community. That has the potential of looking to go remote for these meetings. The last piece is entering into a continuity of operation plan where the Department Heads leverage their staff to highlight and keep their divisions open but come up with a rotation of how they're going to handle those things. That's what was talked about today at the EOC.

Chairman Morin then said, where do we want to start? There's several things we've got to address. But we need to address them all tonight so we can get moving on this. Selectman Martin was recognized and said, I think it should start with the Police Department and Fire Department. Chairman Morin said, we'll take each department one at a time. Selectman Martin said, just to comment on the Fire Department. The continuity of operations was really not implemented, right? Because they're very hard to split that shift up when there's 24 hours. So I think the Police Department and Public Works Department needs to go back to the way we were in the beginning. So I'll start, if you may, I'll start with the Police Department. Go back to splitting it a week on a week off. Chairman Morin said okay, I think you got the agreement here the Chief did bring up some concerns today that we want to make sure that he was able to let the Board know about. Chief Avery then said, absolutely, I agree with you, Selectman Martin, that we should enter back into some type of continuity plan. My issue being the number of calls for service we're handling right now is through the roof. We have surpassed our numbers from last year. We went seven weeks at the beginning of COVID with very few calls for service. We never dreamed we were going to come close to our total calls for service. I'd have to shut down Detectives. Shut down the Service Bureau. Shut down the Legal Bureau and the courts are still operating and shut down the Service Division. Because everybody would be reassigned back to patrol. My issue again, we have a lot of criminal investigations going on currently. I have a plan in place of how I'm gonna do it but it won't be so drastic, if you will. I won't be sending 12 officers home and shutting down divisions. It will be relieving a couple a week at a time, rotating them back. Send two more. My other major concern is most of the people that have been quarantined in the Police Department, they're coming in contact with people outside of the building. It's happening at their house or in their personal life which none of us control.

Selectman Roy then asked Chief Avery, when you say outside the building do you mean outside of employment? Chief Avery replied outside of employment, yes. Chief Avery went on to say, is that a little of a concern, yes. But people are going to live their lives as each one of us are doing. So I do have a plan in place and as I mentioned on the phone this afternoon that if you tell me to go ahead and implement it, I can implement it tomorrow.

Selectman Martin was recognized and said, he has a plan, I'm with it. Go for it. Chairman Morin then said, I've got a question before, what are you gonna do if your detectives go down? Chief Avery asked, if they were all to go down? Chairman Morin said if you've got one detective that gets and you have to quarantine everybody. Because they work very close together. Chief Avery replied they work very closely. So that's part of the plan. First of all stagger their hours, the ones that are working. As you know some of the guys are working nights for specific reasons that the Board is aware of. But my plan would be to kind of separate them out. However, at shift change, when the detectives come in, there's gonna be a quick briefing. They pass each other. Roll call I'm not worried about. We're in the large Seabury room. We're all masked up. Plenty of separation in there. It's in the hallways. When they meet back in Detectives, which is not a large area as you know. So I do have a plan with detectives. I'm not going to shut that bureau down. I just simply can't, at this stage, with the amount of cases they're working on and the severity of the cases. Chairman Morin asked, do you have this put down in writing that we can put it into the whole operation? Chief Avery replied, I can have this to you by 10:00am tomorrow morning. Chairman Morin replied, if you could, just so we know where we're at. Chief Avery replied, just like we did the last time. Chairman Morin replied, exactly. Is everybody good with that or? Selectman Martin replied, just to the EOC. I don't need a copy of it. Chairman Morin said right but we want to have a document of how it's gonna work in case we need to change things and move things around.

Selectman Martin then asked, calls for service for, I got run over by my toenail stubbed by a car, those nuisance calls that you send an officer for that could do on the phone. Chief Avery replied saying we have not gone back to the phone calls, taking reports over the phones that is part of the plan. All non-emergency calls will be handled over the phone. But I'll give you an example. During that storm we had the other day, during a nine hour period, we answered over 90 calls for service. That is responding and dealing with accidents, cars off the roads, domestics, and so forth. For all types of calls. Trees down, helping out Public Works, helping out the Fire Department. A nine hour period, 90 calls for service and I think there were eight people working at the time. Chairman Morin then said, I got one more question for you too. We haven't looked at this yet, but I understand there are towns in New Hampshire doing this and public works we're kind of heading that way and we'll get to that later on. What's your backup if we have a major? We seem to be getting worse here. Chief Avery replied, absolutely. As you know myself and Chief Carrigan from the Nashua Police Department work very closely and we had talked right from the beginning of COVID. If he needed help, I would help him out. If I need help he'll send the troops over here to help us out. We also have a contact with the State Police Troop B. their lieutenant has already offered, if anybody needs help they will send troopers down. In fact we helped cover for them in September or October where 21 NH State Troopers were quarantined. They had very little coverage in the Troop B area. So we helped them out with highway calls. So we have a good plan in place between all the Chiefs in this area. Chairman Morin then said, okay, if you can just get that to the EOC. Everybody's okay with the police plan? Okay, thank you Chief.

Chairman Morin then said, we got o talk about yours later on anyway, Jess (Forrence DPW Director), so okay. Lisa (Nute IT Director), if you want to just want to, what you want to do. Ms. Nute started off by saying, thank you Mr. Chairman. I have been on a continuous cycle. We originally had two people remote. I was also remote and I had one on site. I have since come back so there are two of us here. We would end up all of us remote if we had to. If even one of us had a potential risk or whatever. So we can all work remotely. It becomes emergencies versus non-emergencies and walking through people to help themselves a little more than we currently make them do. We'll run and assist somebody right away. It may take a little more time but, this is what I need you to do, kind of like walking Steve through some things. We're not there at his house, so that can be done. It's just a matter of prioritizing. As far as people working from home, that's where you need people on site. Just like we had Town Clerk's move. Physically moving equipment or putting things in place like that. I'm close enough that if I needed to run in at night. We've done that before too. We'll have one of our people come in during off hours and take care of things that have to be done on site where nobody is here. So it's kind of on an as we need basis kind of thing depending what the priorities are. I think we're in pretty good shape. I purposely did not take back equipment from people so we've been working with duplicate systems out there so that our payroll clerks can go back in a heartbeat. We've ended up needing that. A majority of people can still work from home as we had originally. If you need more people from home then we're probably going to be short some systems so I would just need to know if we're going to be increasing that. I'd probably need to place an order for a little more equipment. I have a few old systems at Oakwood that never were sold.

Selectman Martin was recognized and asked is your current plan that you're using with the EOC? Ms. Nute replied, I think so but I'd like to just review it maybe tweak it a little bit. Selectman Martin replied, I'm happy with that plan. Chairman Morin then said, I have a pretty good idea where the next ones gonna go to but I really didn't hear any commitment of making sure we're rotating people so we have people available. I have not heard that yet. I know the Chief said he's gonna do a few. I didn't hear it from you. I heard we gotta be here but this is our concern. We can't have everybody here all the time. We have a responsibility to make sure that this building stays open and operating. You've got four people. Ms. Nute replied, I don't need to rotate anybody Mr. Chairman because we can all work remotely if necessary. So that..Chairman Morin interrupted Ms. Nute saying, there's that word, necessary. That's what we're trying to get across here. We need to start this now. Not necessary. That's our point here. That's why we're discussing it. Because it is getting worse more and more every day. The Chief just reported you know a large number. This is why we did it originally, because we were in this spot. Watching Dr. Fauci today says January is gonna be probably the worst we've ever had. We need to be prepared for that. So we need some commitment. We need to know what you're going to do, how you're gonna rotate your people. That's every department. Ms. Nute replied, okay. Selectman Roy then said, I think if that's what we're gonna do then it's up to us to tell when that's happening. Chairman Morin said, oh no, I understand but we need, I'm not hearing that they want to go that route is what I'm not hearing. That's why I'm trying to make this clear. At some point we are gonna say this is what's gonna happen. Ms. Nute replied, I can make everybody remote starting tomorrow morning but then that does nothing for Town Clerk's getting back upstairs etc. so that's why I'm saying as long as the need is

not urgent here to have somebody on site, we can leave in a heartbeat. Chairman Morin replied, okay because I walked through this building the other day because we had talked about this for two weeks anyway. I walked through this building the other day to see and everybody was here. Not your fault. That's not what I'm saying. But I went to every department to see who was working and everybody was at their desks. We tried to get this to start moving and it hasn't. That's why we're having this discussion tonight. Ms. Nute replied, you're not talking IT Department you mean? I've had two people remote since...Chairman Morin said, I don't see the Police Station so. Ms. Nute said, as far as Finance etc. again, we kept equipment in place so if the Finance is told now start your plan, we can do that. Chairman Morin replied, please understand, I'm not. I'm just saying, we've been talking about this and it just doesn't seem to be moving that's why we're having the discussion tonight. You guys need to be prepared. At some point this Board's gonna say. Ms. Nute replied, sure. This is the first I'm hearing of it, we're ready to roll. Chairman Morin replied, absolutely. Selectman Coutu added, it's the first I'm hearing of it as well. Chairman Morin then asked if everybody was all set.

Chairman Morin then said, Mr. Malizia, Town Hall. The Town Administrator replied, we're going to put the rotation back that we had six months ago. Which means my staff will rotate, Assessing will rotate, and the Clerk will have to have people rotate. Planning, Zoning and Engineering will have people rotating. It's easy enough to dust it off and we'll just put it back in place if the Board directs us to do it. We could do it tomorrow. Well, probably Thursday. Chairman Morin said, okay. Then asked the Board, do you have any questions for Town Hall? Selectman Martin said, go for it. Chairman Morin then said, Jess (Forrence, DPW Director) we'll get to you because you're actually on the agenda for this okay? He then said, alright, no other questions on this at this point? Selectman Coutu was recognized and he said, I do have a question. You were pushing when you were talking to Lisa relative to getting this started, getting this started, at no time, up until tonight, have I seen a formal plan, has anyone suggested we need to start rotating people in and out. So now we've heard from the Police Chief. We've heard from IT, we've heard a little from the Fire Chief, his general overview, some comments from Board members and everybody saying this is all hunky-dory, but nobody said when this is gonna start. We need to set a date. Chairman Morin said, that's why we want to give them a heads up that this is coming and the Board is going to take care of that. Like I said, our next thing is for us to go remote. So we are going to make a decision. We still have a few more things we need to discuss on this before we get to that point Selectman Coutu. Selectman Coutu replied, what I'm saying, Mr. Chairman, is what I heard was, nobody's implementing anything and we're gonna put this off again. Chairman Morin replied, no, no. we're not putting it off again. We have a few more things that the Chief outlined that we have to discuss then we'll make a decision at the end once we get everything, all the information. That's why we're having this meeting tonight. So you guys can all be brought up to where we've been in the EOC. There was, in my emails that I sent you, there was a line in there said we talked about going back to remote. So we're at that point now. After the Chief gave his update today when we were in the EOC we thought we need to get in here as the whole Board, have the discussion but we still have meetings to talk about. We still have the ten day or two week quarantine, we have a few more things to discuss then we can make this decision right at the end of this discussion. Selectman Coutu then asked, can you clarify something for me? You said a little while ago, you were in the building and you walked around and no one's implemented anything, everybody was here. When did you want this implemented? Chairman Morin said, let me explain. In the EOC, Mr. Malizia, the two Chiefs, Kara, myself and the School, we had discussed and it was put to the Department Heads and Mr. Malizia that if they want to start going remote, starting putting people remote. I walked through the building to see if anybody had done that yet and it had not been done. No one had taken advantage of that and started getting in that process. That's why we're here discussing it tonight. That's why this Board, I hope, is going to make a decision this is gonna happen. Because nobody took it and went with it. Ms. Nute then said, I apologize Mr. Chairman, I didn't know this. Chairman Morin replied, nope, we understand. That's why we're doing this tonight. The Chairman went on to say, alright, so everybody's good with the departments at this time until we make a decision when we're gonna implement this, correct? Okay.

Chairman Morin then said meetings. At this point is it feasible that we go all meetings remote? He then said, I understand the Planning Board but if we can...at this point Chief Buxton was recognized and said, I was going to ask for two exceptions. One was the Planning Board, one was the Zoning Board because of the specific to the Logistic Center and that going remote was the specific reason for that. Selectman Roy then said, if Ms. Nute would like to weigh in on having all the committees minus Zoning and Planning go remote, do we have the capability to do that? Ms. Nute replied saying, I find that the majority of Committees who end up doing this sometimes need some assistance. We're dealing with people from their homes. People have different setups. It would just be coordination I guess with every committee chairman to try and find out from



their people what they need, who's got what? We would more than likely need a few more webinar license rooms. We've got two webinars. One is being used solely by Planning Board. The other one is being shared by ZBA. It will be for Deliberative Session etc. the rest of them are Go To Meeting, which is what you have here where you're a little more limited. You don't have the option of raising your hand and asking questions, things like that. We've given the more robust one to Planning and Zoning and Town Deliberative. I would probably just let Steve know how many more licenses. We're going to have to share them. So as long as you don't have conflicting meetings the same day we can use different rooms and probably assign certain boards to certain licenses. Somebody's got to run the meeting, get it set up. Jill does this one here for instance. The Town Planner does that, our Zoning person does ZBA etc. etc. so you're going to need a liaison to set up the meeting rooms and that would be it. Selectman Coutu was then recognized and asked, Selectman Roy, were you talking about everybody going remotely? If that was problematic? She's talking from what I'm hearing about meeting in rooms. She's talking about going full remote, all committees. Would that be problematic? Ms. Nute replied, they would each require one of these Go To Meeting or Go To Webinar rooms to use. So somebody, whether it's the chairperson or a liaison from the Town, somebody needs to make sure those rooms are set up, that they get started on time, that all their home users are coming in. you're going to need some practice I guess. Chairman Morin then said, what we can do is the Town representative and the Chairman could be in the meeting rooms and the rest of the committee would be at home. Chief Buxton added they're virtual rooms so nobody's actually physically in the rooms.

Chairman Morin then said, the thing is the Board of Selectmen are looking to do that. I can't see, if we're not going to meet having all the other committees meet. I don't think that's fair. Selectman Martin then said, Mr. Chairman, I think in my limited knowledge I have of IT work, I think it's going to be more of a nightmare to train people how to operate a room. Not Town staff, I'm referring to just the laymen, that don't understand this stuff. What is the problem with us going back to the Community Center with every meeting? And those people who want to remote into a meeting, the person,,I don't think we should be sending all these committees remote. It's a nightmare. It's going to cost you more money, you're going to need more licenses and I think that the Community Center provides for the social distancing that you need. It's already been set up. The Fire Department has done a great job maintaining that and when it comes down and goes back up, I don't feel that we need to spend more money to go full remote. Chairman Morin replied, okay, we'll get to this in a minute. If you can hold one second Selectman. Mr. Dhima, you had a...Town Engineer, Elvis Dhima said, just a request for the Board to consider to add to the list the Conservation Commission because they're also involved with the Hudson Logistics Center as well. Thank you. Selectman Coutu was recognized and said, I don't object to what Selectman Martin is...I think we're overwhelming ourselves. We have a lot of committees and commissions, three commissions, but we have a lot of committees. The first thing is there should no longer be any nonessential meetings. The Recreation Department isn't even operating to I don't think the Recreation Committee has to have meetings. Cable Utility can run itself. It doesn't need six people to sit around and chit chat about a piece of equipment that they can bring to your attention and you can decide and if you have a problem you can call me and we can discuss the piece of equipment. We ought to eliminate all nonessential meetings. Those meetings that are most relevant right now going into the end of the year and beginning of next year, obviously the Planning Board. Obviously the Conservation Commission. The Zoning Board of Adjustment, I don't know what it's looking like. How many requests they're getting. Selectman Roy spoke up saying I can say the last couple of months they've had two or three cases at every meeting. It's been steady. It's not huge but some of it is timely too. Selectman Coutu replied saying, I understand that some of it is timely. So let's say the ZBA and the Budget Committee. Other than that I don't think any of the other...I'm not putting them down, they're not really relevant at this time. We're trying to look to protect the public, protect ourselves, and protect them. That it would be best that if any of these committees has a problem, they should take it up with you. Come to you and see if we can adjudicate whatever that problem is and resolve it. If they need a special meeting that would be a decision that you and the Fire Chief should be making. Oh yeah that is important. But again, as Selectman Martin eluded to I think all the meetings should be at the Community Center. One place to clean and if need be or it's overwhelming for what we have let's put somebody on part time to work with Wayne. He then asked the Town Administrator, is it Wayne, Steve that does the cleaning at the Community Center? The Town Administrator replied, yes. Selectman Coutu asked, does he have assistance when he goes down there? To which the Town Administrator replied, it's been pretty much Wayne. Selectman Coutu asked, could he use like Leo or somebody to assist him? The Town Administrator said, I'll talk to Wayne and see what thinks he needs based on what we have for a schedule in there. Selectman Coutu replied, I don't think this Board would object would you? If he needed somebody to help him clean give him a couple hours to help him out each day. Doesn't have to tag around

with him all day long but he can use a couple of hours of cleaning chairs and stuff like that while Wayne's doing other things. I've seen Wayne at the Community Center more often than not. Selectman Coutu went on to say I just think we ought to minimize the meetings, we should put that in place effective immediately. All committees and commissions should be notified immediately this week, all goes into effect next Monday.

Chairman Morin then asked the Town Administrator do you see any issues coming back on the Town for not holding some of these meetings. The Town Administrator replied, no because the ones that are not statutorily constituted like Recreation or Cable or Municipal Utility, you're not required to have those. So there's no bounce back on those from a legal perspective. I think if you allowed the Planning Board, Zoning Board, Conservation Commission, Budget Committee and the Board of Selectmen to meet at the Community Center, as appropriate, I think statutorily you're covered. All the rest of the groups, if you recall, when we first went into the pandemic, did not meet. We simply told them you're not meeting and everybody was able to comply with that. I can't think of too many compelling reasons, and there may be something that comes up down the road, where any of the non-statutory committees need to meet. So quite frankly, I don't think we'd be in trouble if they did not meet for a period of time, let's say, pend it for a month or two months and evaluate when we get to the end of January what the situation looks like. Again, there's no statutory requirement to have those committees so therefore if they don't meet I don't think there's going to be any harm. Again, Planning Board, Zoning Board, Board of Selectmen, Budget Committee and Conservation. Those are statutory. They are requirements. Obviously with the Hudson Logistics Center and Budget Committee working on their important work right now, they I believe, need to meet. Community Center. That means we're not meeting at Town Hall. That means we don't need to stay on top of these rooms as much. We can focus over at the Community Center. Chairman Morin replied, thank you sir. He then asked, does this Board want to make this a motion or just put it forward? Selectman Martin said put it forward. Selectman Coutu said I think formally we should have a motion. Selectman Coutu made a motion, seconded by Selectman Roy that all nonessential committees be informed that effective Monday, December 14, 2020, all meetings will be suspended until further notice. Other than the Planning Board, Zoning Board of Adjustment, Conservation Commission, Budget Committee and Board of Selectmen. Carried 4-0. Chairman Morin added, all those meetings will take place only at the Community Center.

Chairman Morin then said, before we go back to what we're gonna do about the employees we got one other thing and this stems to them. As far as I know Chief, we haven't changed any of the coverage, sick and all that. Correct? That is still all in place that we were doing. If somebody's out due to COVID with the employees? Chief Buxton replied, I guess I need a little bit more, I'm sorry. Chairman Morin then said, when an employee was out we were covering them and taking care of that because it was COVID related. That is still in place that has not changed. Chief Buxton replied, yup. On the public safety side of the house that is actually still covered through workman's compensation. Selectman Coutu asked I don't know what the procedure is and I want to fine tune that because I've heard a couple things, not related to our town, but related to some companies that have gone this route where they're going to cover employees in the event they have COVID or they said they came in contact with COVID. A lot of people are saying I came in contact with COVID and they get a week's paid vacation. No documentation, who was it? It's just oh really, stay home, you'll be down what 14 days, now it will be 10. What is the procedure? An employee calls you and says they think they have COVID. Do we send them automatically to Londonderry to get a test? Is that what we do? Chief Buxton replied, good question. So if a Department Head gets a call, no different, Steve reached out to me on Monday morning at five past seven. I got an issue in this department, the State put together algorithms for exposure. If they meet the requirements for COVID symptoms, headache, loss of taste, cold symptoms, GI issues, those types of things, they're directed to contact their PCP immediately and they go through their primary care. There is one exception to that and that is in public safety. Law enforcement and the Fire Department, they have been given presumption that exposure took place at work because of the high risk that they're in every day. The average office employee, Planning, Zoning and IT and those areas, they would go through their normal routine. If they're exposed to an employee at work, so Lisa and I are in a meeting and I start feeling not feeling well in the afternoon. I call Lisa and say hey, I'm going home, I'm not feeling well, and I'm going for a COVID test. She would go in the algorithm to be reviewed and put on leave and then she would go home because her exposure happened here at work. It wasn't outside at work. Chief Buxton continued saying, where you cross the boundary is where you try to identify where that exposure takes place. So somebody comes in after out for the weekend or out for a few days because of the holiday what was their routine for the weekend? Did they travel out of New England? Did they attend a house party? What did they do? And you really dive into the contact tracing that takes place there. That's why the State

was so engaged in the contact tracing on the front end. It is very convoluted. It's case by case but hopefully that is as clear as the mud is we're dealing with since March. If an employee gets an exposure in public safety it's very clear, they have presumption. They go on leave. It's a comp claim and go forward from there. If it's a civilian it gets a little more dicey in regards to trying understand where they contact or the exposure took place. If it happened in the work place or they can tie it back to the workplace and they go out on leave here. If not they go out on their own eared time.

Selectman Coutu then asked, if an employee were to call and say I've been exposed to somebody with COVID, that's it? You can stay home we'll pay you? Chief Buxton replied, no you're on your own. You're on your earned time. You're not on our time, you're on your earned time. Selectman Coutu asked, I thought you said we were covering them? Chief Buxton and Chairman Morin replied, police and fire only. Selectman Coutu said, that doesn't mean Town Hall. Chairman Morin replied yup. Chairman Morin then said, the next question is right now we're doing the 14 day quarantine. The State has dropped it seven days with a test. Chief Buxton replied, only for nonessential travel. If you were quarantined because of an exposure you cannot test out of that quarantine. Chairman Morin asked do we want to drop to that or leave it at the two weeks. Selectman Coutu asked, I thought it was 14? Chief Buxton replied it was at the 14. On Monday it got dropped to 10. The decision this evening is to either stay at 14 or drop to 10. That's the decision before the Board tonight. The one caveat I have is if you go for a COVID test it is 48-72 hours. So you're not getting your result until you're well past the 10 days anyway. Selectman Roy asked, I thought it was clear, but I guess now, is the 10 day just for the nonessential travel or is all of them? Chief Buxton replied, all of them. Selectman Roy went on to ask, if the nonessential travel at the 7<sup>th</sup> day after you return is when you would have to get the test? Chief Buxton replied correct. Selectman Roy then said, then it's two or three days after that you would have the results. Selectman Martin was recognized and said keep it at 14. Next thing you know they're gonna tell you can be out of work for two days. It's just getting ridiculous. Keep it at 14 and play it safe. My opinion. They keep changing these guidelines and they can't even get a grasp on everything. Selectman Coutu said they're the experts. Selectman Martin replied, I don't care if you call yourself and expert I don't care. Selectman Coutu replied, I didn't say I was an expert. I said they're calling themselves experts. Selectman Martin replied, if they're experts that's fine. But I'm not going to believe the experts. They started at 14 days now they went to 10. I'm in the position to say stay at 14. Selectman Coutu asked, Selectman Martin a year ago you didn't believe that COVID existed. Selectman Martin replied, I still don't. At this point the Chairman asked, Selectman Coutu what would you like to do? Selectman Coutu replied, I trust the experts. I think that 10 days should be the mandatory, not 14. Whatever the majority decides obviously. Selectman Roy was recognized and said in thinking about this, my concern about going to the 14 days is how that effects, if we accelerate how that affects how we're able to maintain manning right. That extra four days could devastate a department. Chairman Morin said well that's hopefully why we're going to split our crews so that doesn't happen. Selectman Roy replied, I understand that but you know. Chairman Morin asked, what would you like to do? Selectman Roy replied, you know I said it earlier today but I think I'm gonna go to the 10 days. Chairman Morin replied, okay. He then said, I'm gonna stay with the two weeks. Selectman Martin said, I'm staying with the two weeks Mr. Chairman and it's just because this...I wasn't alive in 1921 when the flu happened. So that was a little bit different. Selectman Roy laughed, saying it was 1918. Selectman Roy replied, same timeframe. He went on to say, I'm alive now. Yes we have experts out there. It's not that I don't believe them but we want to set a rule and then change it all of a sudden because things have changed. Just leave it. Leave it where it's at. It's working. The second you change it everyone gets confused. I know the world is confused about this because there's no guidance. It's all...I stay with my 14 days. I stay away from the news. Stay with the 14 days. Chairman Morin replied, alright, we got two 14 days.

Chairman Morin then recognized Selectman Coutu who said, no I just...I hear so much inconsistency. I'm sure...Chief (Buxton), we're gonna go, you're going to go back to having to listen to the experts that work for the Governor's office work for the State of New Hampshire, just as you had in the past and it's gonna be on a daily basis. Do you trust what you're being told? Chief Buxton replied, yes. Selectman Coutu went on to say, okay. So you trust the expert opinion. Chief Buxton replied, I do. I do. Selectman Coutu thanked the Chief for his reply and then said, I don't think you can get much higher than that in the Town of Hudson. Chairman Morin replied, well you can, but. Chairman Morin then said, alright, so we're two to two Chief. I guess you're gonna have to give us what your feeling is on it. Chief Buxton said, so the reality is, is that the State of New Hampshire took the CDC's guidance and it's in the situation report that I sent out to you, the way they voted. They did not recommend the test out option because they didn't find that to be reasonable. Which means that they didn't provide a test option so the reduction to 10 days was a full 10 days. It wasn't a

partial seven days and a test and a test and then you came back at seven days instead of 10 days. So I'm comfortable moving to the 10 day thermometer because it is set and firm in one spot. The only caveat to that is the non-essential travel and I think the reality is the "adult in the room" being the department head or supervisor needs to be talking with their employees in regards to it may not be time for that trip to Florida at this point because you're going to have to quarantine for a minimum of seven days and a test and your test result is not even going to be back until you're up to 10 days totally. So there's a piece there and there needs to be a reality and everybody makes their own decision, but that conversation needs to be had. And people need to recognize that. There's still a lot of confusion around the non-essential travel restriction because it probably wasn't communicated out as hard from the State as it could have been because it was around the holiday. So I'm comfortable with the 10 days because it is firm. There's no ability to test out. On the non-essential travel side of the house, that's a different category. You have the 10 days with a test out option at day seven. I'm comfortable with that. Chairman Morin then said, alright if the EOC Director is okay with that, I'll go with that recommendation at this time. So that's what we'll do. Okay? Everybody's good with that?

At this point the Chairman went on to say, next thing is does this Board want a daily attendance of how many employees we have out? So we're keeping track of how we're going with how many people we got out. And that would include everybody, not just COVID and it does include vacations or personal days. Just sick days. Selectman Martin was recognized and said, I don't think we need it. The EOC needs it and if he wants to report it to us, I think that should be the way it should go. It shouldn't be a burden to them to have to report daily to us...Chairman Morin interrupted Selectman Martin saying, no we can get it but it's all going to get out to you guys. That's why we're gonna do it. Selectman Martin said, that's fine but if it doesn't come to me, I'm not going to cry over it. The EOC needs it more than I do. Chairman Morin said right. Right now they're doing just either quarantines, exposures. I'm talking everything so we see what we have for an employee pool. And it may, some of the questions Selectman Coutu said, what if somebody calls in. you know what I mean? We can kind of track. Not saying that's happening but it will give us some numbers and some ideas. Everybody's good with that? Chief? Chief Buxton replied, I've got it.

Chairman Morin went on to say, now the big one? When do we want to put into effect the crews splitting or the limiting and putting people working virtually from home? Selectman Martin said I move to make it 12/9/2020. Selectman Coutu replied, that's tomorrow. We've got things going on in the building tomorrow. Selectman Roy said I'd say 12/14. Chief Buxton asked, the 14<sup>th</sup> is that what you said? Chairman Morin replied yes the 14<sup>th</sup> just to give everybody a chance to get everything in place. Chief Buxton replied, my recommendation would be that we empower the Department Heads to pass in their plans over the next couple of days. We meet on Thursdays. We can review those and we can move forward. I think the Department Head should be encouraged to have some presence onsite to keep the division open so services continue to get delivered, but the create a rotation of staff that is fair for their labor pool to get protected. Because basically the exposure isn't...just think about the Town Clerk's office here for a minute. We just did a great job up there with separation for employees and such. Their exposure isn't going to come from outside of the building. It is going to come from our friends who come to work with us every day. Right? So we need the separation of staff needs to be done and that's the Department Head to look at their rotations and what they need to minimally bring that forward. We bring that on Thursday and it gives them Friday to get it scheduled and goes into effect on Monday the 14<sup>th</sup> would be my recommendation. Chairman Morin then said, make that a motion? Or you want to just let the EOC take care of it? Selectman Coutu said that would be an EOC decision. I think that would be appropriate. Chairman Morin then said, okay. I just want to comment one more thing. This isn't to cause any further hardship for the departments. This is to protect our employees. My personal opinion and watching how this has all evolved since we started this again, there's been a very big lack of information being passed out to employees. My personal opinion is there's been a lot of push back with this cuz for some reason we don't want to do this. I would ask that if anybody has any issues and they have concerns, get ahold of the EOC, Chief Buxton or myself or actually any of the members of the Board of Selectmen and let us know what it is. Because it seems like there's been a lot of pushback this time and this is for everybody's safety. It's not to hurt anything it's for the safety of our employees and to keep the Town running. And again, I will make...I can see it in Lisa's eyes. A lot of information has not been passed along either. And that's not her fault. That's not the Department Heads faults that's this level and the level just below us. We didn't get the information out so we need to do that. Chief Buxton was recognized and said, I'd just like to make sure the Board recognizes, we need to develop a metric that's will provide guidance to the Department Heads to say when we're coming out of the Continuity of Operation Plan. We

can't just, when we go out on Monday we need to have a light at the end of the tunnel and we'll be working in safety and looking at guidance documents from the State to give a recommendation to you folks on Thursday as to what the metric going to be for us to come out and go back to normal operation. Selectman Roy spoke up and said, I think in thinking about it, maybe we make it our obligation to review it say, every 30 days. I don't know what the rest of the Board says but then we know where the DHHS is and we have a months' worth of information to make a decision at that point. Chief Buxton replied to this saying that actually works out somewhat reasonable. Today is the 8<sup>th</sup>. You're next meeting will be January 12<sup>th</sup>, unless you call for a special meeting. So that gives a month of time that you're going to have some information to review. That seems reasonable at this point. Chairman Morin added, and I think from here out we'll have you back in the meeting to do an update.

Selectman Coutu was recognized and said, it's very difficult when we have a, when you're running a municipality to ascertain a metric, but I think the metric is all in the numbers. Chief Buxton said, I agree with you. Selectman Coutu continued on saying that is the review. If the numbers have stabilized or there's no significant increase, there could be a substantial phase in of the staff coming in. so the metric is going to be in the numbers, however that's what's going to impact us one way or the other. It could be to a point that it's so severe, and I know this is happening in some communities across America, they are shutting down, completely, the entire government shutting down. I don't want to see us get to that point. Is it conceivable that that could happen? Yes it is. Because if we don't do the processes necessary to protect our employees it can happen in house. Just like it is in larger companies around the company. So the metrics in the numbers. Review them on a monthly basis and then you tell us when you feel comfortable. EOC, when you guys get together and you ascertain you know, nothings moved, things are pretty stable, let's start phasing in, you tell us when to phase in, where we should start to phase in and we'll act appropriately. Chairman Morin asked, anything else for the Chief? That was difficult but I appreciate everybody's input on that. Unfortunately we've got to go backwards again. Thank you. Thank you Chief. At this time Selectman Roy said, I'm sorry, I do have one other thing. Can we do similar to what we did back in March where we sent out an explanation of what's going on? Chief Buxton replied, I'll work with Steve to get that out and get that going. Selectman Martin asked, just in an email right? Selectman Roy replied, yeah, however they did that. Chief Buxton replied, Steve handled the one for staff and I handled the one regarding activities from the EOC to the Board. So we can get that done. Chairman Morin, Selectman Martin and Selectman Coutu thanked the Chief.

Chairman Morin went on to say, alright, the next discussion is our meeting. Do you want to just meet at the Community Center as a Board of do you want to just have...what do you want to do? Selectman Coutu said, I think that we need to be accessible to the public for the reason that we are the governing body. So I think we probably should be meeting at the Community Center. But if we could try to tailor our meetings somehow where we could have one a month it might work better during the pandemic? Because its things are going to get worse before it gets better. The less exposure we all have the better. I'm the senior in the group so I worry all the time. But I think that Community Center and if we can tailor the meetings to once a month. If not we'll do it the second and forth Tuesday that we meet. Selectman Roy then said, I just think that with, at least for the time being, one person down, and one other person in a high risk category, we're just kind of really close on the edge to having a quorum. Right? And I guess I'm concerned about that. I don't know that I...I think going remote would be a better option. That's my feeling on that. Chairman Morin said, her points well taken. We're telling all our Department Heads to split their crews to keep everybody safe. You know and I get what you're saying. It's up to the Board, what you want to do. Selectman Roy said, and I think that we have enough things in place where public accessibility is there. We've developed that where we can have public input through mediums online and stuff that we would still be accessible. I guess my head goes to weird places. I get concerned with not having a quorum and then we can't govern, right? Selectman Coutu replied, I'm fine with it if you want to go remote. I'm fine with that. Chairman Morin asked are you sure? To which Selectman Coutu replied, yeah, I'm fine. Selectman Martin was recognized and said, I'll let you guys see my glow stickers on the wall. (Laughter in the crowd). Selectman Martin went on to say, yes I'm fine. Chairman Morin then said, so we're talking the first meeting in January we'll be remote? To which the Board all agreed. Chairman Morin asked, Mr. Malizia, all set with that? To which he replied, yup, I hear you.

Chairman Morin asked anything else on COVID? Executive Assistant, Jill Laffin was recognized and she said, can I just ask one clarifying question? The Board of Selectmen will continue to meet the second and fourth Tuesdays, remote, not going to one meeting as Selectman Coutu suggested? Selectman Roy replied, right. My intent, I don't know if everybody else's was, that we continue our regular schedule, just remotely.

Ms. Laffin thanked the Board for the clarification. Seeing no further questions, the Chairman moved on to new business.

8. NEW BUSINESS

A. HPD - Transfer of Vehicle to Rec Department

Chairman Morin recognized Police Chief Avery and Recreation Director, Chrissy Peterson. Chief Avery started off by saying, thank you Mr. Chairman, members of the Board. The Rec Director, Chrissy Peterson and myself are before you tonight basically to get permission to transfer a vehicle. I know Chairman Morin is aware of it, the Rec Department currently has a 2006 Chevy Trailblazer that is on its last legs, costing a lot of money in repairs. We happen to have a car that we're going to be trading in, in July that we're going to recommend moving over to the Rec Department. It's one of our detective Ford Explorers. We'll transfer that to the Rec Department. It's a lot newer vehicle. Has a little bit more miles but it is in much better shape than her vehicle. In turn we're requesting \$4,000 be transferred from the Rec Department to the Police Department and we will be taking that vehicle, the Trailblazer and trading it in. and that will go towards a Chevy pickup truck. What is the pickup truck going to be used for? We're going to be transferring the services bureau Ford Fusion to the Detective Bureau to be used as a detective vehicle and the Services Bureau is in need of a larger vehicle to transport equipment up to the firing range. To recruiting trips, although they're on hold right now, taking recruits to get uniforms, picking up uniforms and such. It will be a multi-purpose vehicle that will be purchased and put into the service bureau. That is my recommendation tonight. I'd be happy to take any questions. Chairman Morin asked, Chrissy, would you explain what the last problem was with your vehicle and? Ms. Peterson replied, well as of today, I got locked in the vehicle and had to climb out. The door handle broke. So that's the most recent one. Laughter in the room. Selectman Coutu said, women drivers. Laughter continued. Ms. Peterson went on to say, luckily no one was around so they didn't see me because it wasn't pretty. But the shifter has been broken and was coming out of place and so it was kind of dangerous. That was the biggest issue with it. Then numerous other issues. It's basically falling apart from the inside out. No kidding. Chairman Morin asked if there were any questions. Selectman Coutu said, I already lost all the women votes, I'm going to shut up. Laughter in the room. Selectman Coutu then asked, do you have a motion Mr. Chairman? To which Chairman Morin replied if you would like sir. Selectman Roy made a motion to accept the Police Departments recommendation to purchase one Chevy Silverado vehicle from...Mr. Malizia spoke up saying, it's better off if you let the Chairman read the motion. There's actually three of them I prepared that will actually take care of waiving the bidding requirements, buying a police vehicle and transferring for the Recreation Department so if the Chair reads the motions those would be appropriate. Chairman Morin read, to waive chapter 98-7 Bidding Procedure of Town Code to for the purpose of replacing a Police vehicle. Selectman Coutu made this motion. Seconded by \_\_\_\_\_ Selectman Roy. Carried 4-0.

Selectman Roy made a motion, seconded by Selectman Coutu to purchase one (1) Chevrolet Silverado vehicle from Colonial Municipal Group of Plymouth MA in the amount of \$24,981.00. Carried 4-0.

Selectman Roy made a motion, seconded by Selectman Coutu to authorize a line item transfer in the amount of \$4,000 from the Recreation Department Basketball program, account 5831-252 to the Police Department Patrol Automobile account 5630-402 for the trade in value of a vehicle being transferred from the Police Department to the Recreation Department. Carried 4-0.

Chairman Morin asked, before you leave would you like to talk about your event you have planned on this weekend? Ms. Peterson explained this Saturday, December 12<sup>th</sup>, we are having a Santa Claus is Coming to Hudson event. Santa is coming in his sleigh. We're going to be starting at the south end of Town by Ayotte's, working our way, very similar to the route we did our Easter Bunny drive by with some minor adjustments. We'll be ending on Flying Rock Road. For people who'd like to see him that we don't go down their street, we'll go through the Nottingham West parking lot and the Alvrine parking lot. So people can see if they don't want to go to a street near them they can go to a parking lot and get a glimpse of Santa going by. Chairman

Morin asked, Elf Roger, you got any information on this? Laughter in the crowd. Chairman Morin thanked Ms. Peterson for attending.

B. Hudson Speedway Operating License

Chairman Morin recognized Town Administrator, Steve Malizia. Mr. Malizia explained, I don't know if he's in attendance, but Mr. Bosowski who owns and operates the Hudson Speedway is looking to propose dates other than Sundays and holidays for the next season. I believe he would like to expand the number of races and introduce a new program at the Speedway. I'm assuming he's in the audience and he can certainly speak more to his request. But in essence he's requesting dates that are not articulated in Town Code. Right now Town Code only allows racing on Sundays from a certain time from a certain time of the year and holidays. So Mr. Bosowski I believe wants to speak to the Board about the possibility in expanding his schedule. If the Board is interested in entertaining that and changing Town Code to allow for that, it would require two public hearings. As you recall we did one for the sale of alcohol, having a beer garden. It would follow similar process but assuming Mr. Bosowski is there he can speak to his proposal.

Chairman Morin recognized Mr. Bosowski who said, my name is Ben Bosowski. I'm the owner/operator of Hudson Speedway. I know I was just here for the beer garden stuff and it seems like I'm asking a lot for different stuff. I don't know what you have in front of you but I have the letter I sent with the proposed dates. I know there's a lot of dates on there. My plan was not to use all of them but I just put all the Thursdays and all the Saturdays just in reference for it. The reason for this is me and a friend of mine, we decided to start a kids driving school to get more of the younger people that want to get into racing and I do have a lot of interest in it. The only thing is that I don't have enough time on my Sunday schedule to put that in. the only way for this to work is if I add another day of doing it. That's when I put in I believe it was for Thursdays, I think I have the times, duh, right here. I kind of scheduled it as a regular race day spring and fall hours would fall after school. We wouldn't be doing this during school hours obviously. During the summer it would be like our regular race hours 12-4pm. this program that we started is to, how can I word it, I've had a lot of interest in it from families that have no racing experience at all. These kids pretty much were kids from the grandstands. They saw their favorite drivers running and they want to get into it. Me and Mr. Marshall, who was supposed to be here tonight but he's selling his house, we came up with an idea for kids to get into this for driving purposes. This is a noncompetitive school. We are treating this like a school. You have certain amount of book like and classroom time. And then you have a certain amount of drive time. We don't want to just stick a kid in a car and go have fun. I've seen it happen before and me and him did not feel safe doing that. So we decided to start this. The other Saturday race days that I am trying to go for is I'm asking for these because I have a lot of bigger touring divisions that want to show up since we've become a NASCAR home track, we've been publicized all over the country as a small track. So I have a lot of divisions wanting to come and race here but the only problem is with the Sunday is that they all have to drive home after the race and a lot of people they come from Pennsylvania, New York, Canada and pretty much lower states and to ask them to drive home on a Sunday night at 9:00pm and they have a four or five ride home is not really fair to them and a lot of tours don't want to come on a Sunday. They prefer Saturday. If there's any questions I'd be glad to answer them.

Chairman Morin asked how often would you be holding Saturday events? Mr. Bosowski replied maybe four times. That's it. Not very often. Chairman Morin then asked, and how often would the school be going on? Mr. Bosowski replied, the school would be going on I believe I have it as 10 race days. Or 10 school days. That would be on a Thursday. Chairman Morin asked, and you're going to have racecars? That's the plan or how's that work? Mr. Bosowski replied so the kid's cars are actually a bone stock car. No after-market exhaust. It's pretty much if you were to take a Honda Civic right off the road, put a roll cage in it, all the safety equipment, as a racecar, no performance mods whatsoever and they're governed by a throttle stop so they may be doing 40mph. So if you were to take your car on the street, do 40mph, roll down your window and that's how loud they'd be. Chairman Morin asked, is it just the kids who are there or do you allow people to watch? How's that work? Mr. Bosowski replied, how we were gonna do it was obviously the families can come and watch but it would not be open to grandstands spectators. It's not a regular race day. It's a school where parents can come and watch or they can just drop their kid off. Pretty much we're just trying to treat it like a school.

Selectman Coutu was recognized and said, Ben, based on, I went through this, I looked at your calendar and I looked at the events you know you're asking to go from 34 dates to 88 dates. That's almost a 200% increase. Mr. Bowoski replied, like I said, I just put those dates there, I went a little over the top knowing I wasn't going to get all of them. Obviously I do not want to run every Saturday and Sunday, I will have no life. I don't want to do that. I just put them there to get your feedback on it. Selectman Coutu said, the first thing I would suggest, Mr. Chairman is that before we schedule a public hearing, plenty of time, first thing is not scheduled til April 4<sup>th</sup> is that you bring this back home, you review it and you narrow this down. 34 to 88 races, we're going to have 50 people at the public hearing screaming and hollering about that many events. I think that you need to taper it, redo your calendar, color code your calendar, I think you did in terms of kids on Thursdays. The races on Sunday, what are you doing Saturday? Oh, special races so you can attract people for...because of your designation as a NASCAR official track? Who got that out? Mr. Bosowski replied, I believe it or not, once you are in the NASCAR circuit, they blast it all over their media sites and everything else. Selectman Coutu told a story of how he raced one time at Hudson Speedway. He came in second to last in a spectator's race. Selectman Coutu went on to say, I think you should taper this down so it's more comfortable for us to have a public hearing where we have something more concise and precise. The other thing Ben is when I went through the rules and I tried to acclimate myself with racing regulations. You're in driver safety before it says competitive vehicles, should be page 5 or whatever. A throttle stop, which is to be adjusted by track personnel to keep vehicles going a safe speed. If a vehicle has an advantage, track officials reserve the right to adjust up or down the speed of the vehicle. Nothing wrong with that. Selectman Coutu went on to say, no tampering of this setting once season has begun. Tampering may result...Tampering should result, will result. Because once you say to one guy, no you tampered, the rule applies across the Board or your gonna have a battle in the pits showing favoritism. Mr. Bosowski replied, I agree. Selectman Coutu went on to say you can't be subjective here. You've got to say tampering will result in disciplinary action because tampering if it's tampered with they got an advantage what are you gonna do deny them the trophy but the other guy had the trophy taken away from him the las time. You can't be subjective about something like this. That was the only thing I found difficult if I were a racer to accept rules should apply across the board. I think that's the best thing to do to narrow this all down.

Selectman Roy was recognized and said I have a couple of questions. For the school, how many vehicles are you talking about? Mr. Bosowski replied, it would depend on how my students sign up for it because the students would have to bring their own vehicle in and we would check on it. Probably max would most likely be 15. Just because we want to get more one on one with the kids on driving perfection, how to enter a corner if there's something wrong with the car to identify it. You start having a lot of kids showing up you're getting not as much attention to the student. Selectman Roy then asked, is there an adult in the car with the child? Mr. Bosowski replied, no so what we're planning on doing is when the child is in the car they will have a headset that the instructor will be watching them. We do this on our regular race date. Mr. Bowsowki explained the way a receiver is tapped into the helmet of the driver. We can't have adults in the car because if we were going to put a two person seat it's a lot more money and cost effective for the parents. Selectman Roy went on to say, I think along with what Mr. Coutu said you might want to put a limit on the number of vehicles for the school. So when you do the public hearing neighbors don't think that all of a sudden there's gonna be 40 cars on a Thursday night. Mr. Bosowski said, that's understandable on that. On Mr. Coutu's concern last time, the school doesn't give out trophies, we're doing a merit badge system. So pretty much from a person that doesn't know how to hold the line on the car we do over the radio say hey, hit your points. They'll get a merit badge of some sort. There won't be trophies because we're trying to keep the competitiveness out of it now. At this point the Board thanked Mr. Bosowksi and look forward to seeing him when he comes back with a clearer more defined plan.

Commented [LJ1]:

C. Musquash Conservation Land - Proposed Parking Area

Chairman Morin recognized Town Engineer, Elvis Dhima. Mr. Dhima started off saying, thank you. I have with me tonight the Chairman of the Con Comm, Mr. Brownrigg and the Vice Chair, Mr. Collins. I'll present the case and we'll take any questions you might have. Mr. Dhima went on to say, basically the Con Comm



has taken upon themselves to construct a parking lot at Musquash Conservation Land. It will accommodate 20 vehicles at one time. This is being done in partnership with Public Works and Engineering. Engineering Department already completed design and has completed the permit review for the State for the shoreland protection. We're in front of you tonight to ask you if the Board of Selectmen wish to move forward with this project and also ask you if you're willing to allow the Public Works to help with the construction phase of this only for the labor. As far as the materials associated with this project, they'll be covered 100% by the Conservation Commission. With that said you have three items in front of you tonight. Three motions. The first one is to authorize the Town Engineer to move forward with the permit. The second one is to authorize the Public Works to assist with the construction of the project or the third one, not to do anything at this time. In addition, I want to say that part of the permit was reaching out to the abutters and some of them did come out. We had a great meeting at the Conservation Commission. I think they did a great job addressing all the concerns so that's been taken care of as well. It was addressed. So with that said, I'll open up for questions.

Chairman Morin said, I was at the Conservation Committee meeting when the abutters came in and they seemed pretty satisfied with the answers they got from the Commissioners. They didn't come tonight so I'm gonna assume they're good with it. But if Bill or Randy can tell exactly why this came to tuition, why you wanted to do this would probably be a great help. With that being said, Bill Collins said, over the past year or so we've seen a significant increase in the number of visitors to the site. And the current parking that we have is in kind of a precarious place. When you pull off Musquash Road you travel down a dirt road into an oval which doesn't really allow for a lot of parking. In the winter time the road builds up with ice and visitors to the site tend to park up near the historic parts of the property, closer to Musquash Road, leaving it a little more difficult to people coming onto the site or leaving the site. What we're looking to do is move parking closer to Musquash Road in a better, more level, area that allows us to adequately park up to 20 cars. We may not have 20 cars at any given time but it allows for enough room for people to come and go as they please. The topography is level so the site we picked would require minimum site work to achieve what we want and it moves it closer to the road making it more visible to police patrolling the area and things like that. Also, for us driving by if we see people loitering down there or something like that we can kind of point it out. Really it's all about a level of service we want to provide to the community. Like I said there's a substantially higher number of people hiking the trails and this allows for a safer, more friendly environment for people to use. Selectman Coutu said, I think it's overdue. Selectman Martin said, I agree, it is overdue and it is taking the work of a lot of volunteers to get this to come to fruition and I appreciate that very much. I think it's a good use but I do have a question. My question is where did the approximate \$12,000 come from? Mr. Dhima started to speak and was interrupted by Mr. Brownrigg who said, it's gonna come from our fund. Selectman Martin replied, no, no, no, I don't want to know where the money's coming from. Mr. Dhima asked, the estimate? To which Selectman Martin replied yes. Mr. Dhima went on to say, the estimate, there was a plan put in place as far as grading goes, crushed stone, there's not going to be a paved parking area, so basically what the \$12,000 includes is the removal of the trees, the stumps, brining gravel in, grading it out and equipment that DPW needs to rent out outside of our own Town owned equipment and basically loam and seed. Basically anything that will not come from the Town but will come from the Conservation Commission. That estimate comes from the plan that we put in place.

Selectman Coutu was recognized and asked, Jess (Forrence) is this going to be an end of year project and you're comfortable with this? DPW Director Jess Forrence replied, it will be an end of winter project. Springtime. Hopefully we're not in a real bad situation with the week on week off but we're pretty sure we can still make it happen. Selectman Coutu replied, please don't let Randy Brownrigg near any of our equipment. Laughter in the room.

Selectman Martin made a motion, seconded by Selectman Roy to authorize the Town Engineer to file for the Shoreland Projection permit to the NHDES. Carried 4-0.

Selectman Martin made a motion, seconded by Selectman Roy to authorize the Public Works Director to assist with construction of this project. Carried 4-0.

D. 112 & 114 Greeley Street - Sewer Main Extension

Mr. Dhima was again recognized and said, thank you Mr. Chairman. The next item for you tonight is a special request for 112 and 114 Greeley Street lots. These two lots are located outside of the sewer district. As you are aware, all the lots within the sewer district are entitled to connect to Town sewer. They're entitled to a certain sewer allocation. Anything outside of the sewer district cannot connect unless they have a special waiver from the Board of Selectmen. The parcels that you have in front of you tonight are adjacent to the sewer district and they do have sewer adjacent to these properties. Based on the sewer ordinance, it clearly states on the first memo I sent you, it basically allows this Board or gives this Board the authority to grant the request. Obviously for Town projects it's much easier. If it's hospitals, Town facilities, but also has language related to industrial, commercial and residential use. In addition to your packet, you have a memo from Mr. Vasser who's representing his client, related to why the Board should at least listen to the request. I'm here in front of you tonight to take any questions you might have and also I prepared a matrix for you to basically show what our sewer balance is, what they requesting and hopefully help you with a decision tonight. With that said, I'll take any questions you might have.

Selectman Coutu was recognized and asked Elvis, I wasn't too keen on the idea when I first read this. You know how I am about sewer allocation. I looked at the two parcels. They're sizable parcels and I can see by the logistical information sheet you gave us relative to sewer that they're surrounded with sewer. Every abutter, abutting property or development has sewer. So I'm going to assume, my first question, that you're gonna draw from Greeley? Mr. Dhima replied, actually they're going to go in the back Selectman Coutu. Selectman Coutu asked, so there's a right of way on the upper left-hand side where the 8" PVC is running? Mr. Dhima replied, they will have to secure that easement, correct. The easement will be private and the sewer, if this Board recommends it tonight, will be all private. They'll have to secure it and figure out during the Planning Board review, whenever they come in for it, it's my understanding that this property been looked to be developed for a residential area. Selectman Coutu interrupted Mr. Dhima asking, is there sewerage available from Greeley Street? Mr. Dhima replied, no there's no sewer on Greeley Street. Only water. Selectman Coutu then said, so it does have to come from the back property. Mr. Dhima said, correct. Selectman Coutu then said, so he has three places he could technically draw from. Mr. Dhima said, correct. Or connect to, yes. Selectman Coutu then asked, what is the plan? How many houses do they want to put in there? Mr. Dhima replied, it's my understanding that it's residential and it could be either single family or it could be 55 plus community as well. Selectman Coutu said, so they haven't decided. So the density of land makes a difference. If he's going 55 and over he can put you know, 50 of them in the there. Not 50, but a few. Mr. Dhima said, yes, if you're familiar, the most recent one 55 plus, if they decide that way, I can't confirm, so the two versions your looking at is Cobblestone Village of Belknap or you're looking at Mansfield Drive which is basically off Old Derry Lane. Single family, water sewer. It provides them more ability if they have the infrastructure from the Town hooked up. There's no doubt about it. But I'm not sure which way they're going to go. It's going to be up to them. But the sewer will make the difference. Selectman Coutu said, the problem I'm having, Elvis, is that a 55 and over community is going to require a lot more than what they're requesting. Mr. Dhima replied, actually we did the math and 14,500 is maximum. What they're coming up with. The reason we came up with that number and I'll tell you. Selectman Coutu said you talking about the 14,700? Mr. Dhima said, the 14,600. I can do that math real quick for you right now. What we assumed was worst case scenario and the worst case scenario was, and I don't know which way they're going one way or another, I always prepare for the worse because they can always pay for less. So 14,600 divided by 150 gallons per day, per bedroom, divided by 2...about 47 units. You were pretty close to 50. About 47 houses. Selectman Coutu asked that's a 55 and over. To which Mr. Dhima replied, that's a 55 and over. Two bedroom max. Just to give you an idea, Cobblestone, I believe was 27 houses. Selectman Coutu said, I just wanted to make sure the math was correct because I saw the potential for both.

Selectman Coutu then said, Mr. Chairman, I have no problem otherwise this piece of land is land locked. It should probably have sewerage so it's competitive with all of the surrounding neighborhood and I think it makes sense at this time to approve this subdivision. Mr. Dhima said the sewer allocations only. Mr. Dhima then said, also, there's a donation there they're willing to do that as well. The reason for that is believe it or not, I guess people do watch the Board of Selectmen meeting and we always talk about this. Selectman Coutu said, I don't let that kind of stuff influence me. It's what's best for the Town. Not whether or not somebody's donating money to the Town. It's nice of them to do that. If they want to do that fine? They're under no obligation to do it. I'm not holding them to their donation but apparently they're committed because you're asking us to make a motion to accept a donation so, my decision is not based on how much money somebody's willing to give us. Mr. Dhima replied, I understand Selectman Coutu. The reason I said that it

was, people understand there's work being done to the sewer system for us to have the additional sewer capacity. And that's why the question was what is the Town continuing to do? We are continuing to do the infiltration inflow program. We have one phase two right now in place and we have another one for next year for \$30,000. So if this does happen tonight we might be able to do both phases this year. We might go out to bid for the last one. So every time we take water out of the system this is what you're creating an opportunity to bring more people into the system. That's what it was created for. That's why that's in place. That's why you've been asked.

Selectman Martin was recognized and said, so am I looking at this correctly? This one lot, 112, is the lot that they want to put sewer at? Mr. Dhima replied, 112 and 114. There's two lots. Selectman Martin said, they're two different lots. Okay. Mr. Dhima replied, combined they're 18 acres. They're both adjacent to the sewer district. They're surrounded by it. When we looked at the map I have to be honest, I was a little surprised that they drew the line but they carved these two out. Typically you follow the corridor. As staff, we can't say yes or no, you're the Board that says yes or no, so that's why it's in front of you tonight. It's something that could be accommodated based on the flows. If it was a million gallons per day obviously I wouldn't be here in front of you tonight. Selectman Martin then asked, this property does have the frontage on Greeley Street. Is that correct? Mr. Dhima said, correct, yes. Selectman Coutu made a motion, seconded by Selectman Martin to grant the request of the sewer allocation for an average daily use of not to exceed 14,700 gallons per day for the amount of \$51,891. Carried 4-0.

Mr. Dhima explained, the third motion is basically related to the Board considering to take a donation to fund basically the last phase that we have of infiltration inflow. We budgeted for next year \$30,000. If this happens tonight we can very well take that money either use it for camera equipment the DPW needs it uses for infiltration inflow. Or we can simply take that money and fund the third phase of the I & I. The Town Administrator spoke up saying the Board and accept to bring this donation to a public hearing at their next regularly scheduled meeting for a public hearing to accept the donation. With an amount that large it would have to go to public hearing for acceptance. The Board agreed that this was the right thing to do.

Chairman Morin told Mr. Dhima do not leave. He went on to explain the last couple months the Town has received three that I know of complaints about traffic, speed and things to that nature. The Traffic Safety Committee met in the beginning of September, I'm sorry, December and there was discussion of purchasing some flashing radar signs to put on one of our roads to slow it down. But after discussion with everybody involved in that Committee it was determined that that would only work for a limited time and then everybody would get used to them and we'd be right back to it. So Elvis or Jess, one of them had an idea that they have this piece of equipment..well, why don't you explain it...Mr. Dhima replied thank you so after multiple discussions at the Highway Safety Committee that consists of Fire Chief, Police Chief, Town Planner, myself, Mr. Forrence DPW Director and the Chairman, we decided that the best thing to do is have a piece of equipment that allows us to clock speeds and volumes as well at any time of the day without a camera. So privacy is there but we can collect the data. We're getting a lot of complaints as the Chairman said. Mr. Dhima went on to explain the way this piece of equipment and how it would be used to collect data and improve safety. Selectman Coutu didn't feel that this was a good use of resources. There was talk about directed patrols in the area. Selectman Martin felt that bringing a police man in on overtime to give tickets in this area is a better way to spend money than on data being collected for three years and doing absolutely nothing with it. Chairman Morin asked, do you want to make that a motion? Selectman Martin said I probably won't have the support it would go 2-2 or 1-3 so I'm not going to go down that road. But it's better to put somebody down there in an inconspicuous car with a radar because they have them, don't tell me they don't they can sit there and catch a speeder. Selectman Roy asked I think that depends what the goal is. Selectman Martin interrupted and said, enforce the law. Selectman Roy told him stop. Let me finish. To site people for speeding or to slow people down and have them drive safely? What is the goal? Selectman Martin said, both. You get them to slow down and you give them a ticket for speeding and stop saying it's Christmas time I'm not giving you a ticket. Give the damn ticket. Put a car down there instead of collecting data. I just don't see why don't we do a feasibility study to see if the Amazon center could fit on that property. I mean it just doesn't make sense to me. I'm just pointing that out to spend \$2,000 on something that's not needed.

E. Town Clerk's Office Closing Early 12/9/20

Chairman Morin explained that this was previously approved as the Clerk's Office needed time to plan for this closure and to let the public know.

F. Town Clerk's Office/Sewer Department Closing Early 12/24/20

The Town Administrator explained that this is something the Town Clerk does each year. Her staff uses earned time for this. Selectman Roy made a motion seconded by Selectman Martin to close at 1:00pm on December 24, 2020. Carried 4-0.

G. Discussion of Future Polling Places

Chairman Morin recognized Town Moderator, Paul Inderbitzen. Mr. Inderbitzen started off saying thank you ladies and gentlemen. I was a little disappointed in the spirit of the season that the Chairman isn't wearing his seasonal suit. Which I really enjoyed seeing at the Telethon. Anyway, you were sent the copies of the pertinent laws, actually more than what you needed for creating a second polling place, or an additional polling place is how it's worded in the law. I've been in contact with the Secretary's Office just to find out what might happen at the State level that would affect this as well. As you know right now if we vote to go to two polling places then we have to have two polling places for every election. Even our Town and School elections. Which to say, it adds extra work to do. The Assistant Secretary did say there are a bunch of laws being proposed or activity being proposed at the State level for changes to the election laws. But he didn't know what they were yet because they haven't been put out by the legislature the way things are working. My feeling is that if we could get some changes to that and I think maybe it will come up, to allow us to have two polling places but then allow the Selectmen on elections that are usually poorly attended like our State primary, every two years, even maybe a Town election, that would allow us to state one. The problem you have with two polling places that the Board of Selectmen would have to create two districts and everybody in that district would have to be notified. That you now have to go here for when you go to vote or to this place when going to vote. For a couple of elections it would be a little harrowing. I found out from the Recreation Director there were about 20 cars that came on November 3<sup>rd</sup> to the Community Center looking to vote. We knew that would happen. It wasn't too bad. The publicity we did was very good.

Mr. Inderbitzen went on to say, so my feeling is, my recommendation would be that we have time. if we put it on this election we don't know what's going to happen at the State level at this point. In 2021 there will be just one election. The Town/School. We don't have to worry until 2022 which is the next State Primary and State election. So I would say that we hold off this year or for the March 21 election. Because if we voted in March 22 we would have time to get ready for the primary and the State election in 22. Chairman Morin asked if there were any comments. Selectman Martin said, I have a comment. I think it's time that we put this to bed. I mean I agree with the March 21. You're kind of compressed to put a plan together and get it changed. I understand that. But I think as soon as that's done we need to talk about two polling places. It's so important to do this. It's gonna be confusing but it's also confusing to say well this year we're going to have one polling place and next year we're gonna have two. If you keep changing back and forth it's just it's not good. So go to two. Make a district. However you want to do it. However you need to do it and go from there. We have to do something to put the staff there to do the books. Assistant Moderator and all that good stuff. So it's not a bad idea.

Selectman Roy then spoke saying, correct me if I'm wrong but doesn't this have to be a warrant article? The Moderator replied, yes, it would have to be a warrant article. Selectman Roy then said so if we put it on this warrant...Mr. Inderbitzen who said it was going to apply for March of 2022. Whereas if we put it on March of 22 it wouldn't apply then until September or November of 22 which is the next biennial State election. Selectman Roy replied but I think if we put it March of 21 we would have a year to figure it all out. Then have a system in place. The districts decided you know all of those kinds of things. That's sort of what...because I think quite frankly we've outgrown the Community Center as a polling place. The parking is atrocious you know getting people in and out of there. I just think it's time for us to at least put it on the warrant article and see what the will of the people is. Again, like I said if it gets here today or in March, we have a whole year to kind of get stuff together. Then we can use March of 22 as a test of the system for the following election.

Selectman Martin said I agree. I agree. So I guess the question is who's gonna draw up the warrant article? Selectman Coutu said we have an attorney for that. Mr. Inderbitzen said legal, but there's certain wording that you have to have although I couldn't find the wording in the law. It just says if the Town so votes and additional polling place can be applied. It doesn't have to be specified where the additional polling place is. Just like this election Board of Selectmen decided we were moving it from the Community Center to the school. Selectman Roy said, I would once again say put it on this March then we have a year to figure out the logistics.

Selectman Coutu was recognized and said no, I'm just thinking, I don't know if it would require additional cost. We have to figure out, Paul, what the additional cost would be. Number of people, number of polling booths, reproducing the books. What does that initial setup cost? We may have to raise and appropriate that amount of money. Mr. Inderbitzen replied you're basically going to be splitting the workers. I don't think it will be too much additional because we're not going to have eight stations at one polling place plus another eight. We're going to have four or five and four or five. We're going to split the people. A lot of logistics involved. The book is printed separately and once you create a ward your book is printed by ward. That's usually what the cities do. There's some other minor things. I don't know if it would increase the cost that much. I don't have an estimate because my feeling is we're just going to split what we had at the Community Center. Selectman Coutu replied, that all works til there's a Presidential Election and you're gonna need two counting machines each, same number of people at both of them. Mr. Inderbitzen said, double the number of people for this election. I had planned that in my budget. Although I think I'm over budget (laughs). Selectman Coutu said, so you didn't have to buy double the equipment. Mr. Inderbitzen said no because we have..we might buy another voting machine so we have three at both places. We have five now. We'll use one as a backup so we would split them. Discussion of how many booths are needed went on. Mr. Inderbitzen would like to replace some of the older voting booths. Chairman Morin asked do you want to do a motion or just put it forward. Selectman Martin said I think we need to put it forward to get it to the public to get an idea of what the Town wants. Mr. Inderbitzen replied, that would be a warrant article you guys would decide. It's one that you guys can work on because there's no money connected to it.

Chairman Morin said, Mr. Malizia, who said, so I'll have the Attorney write something for the next meeting. Chairman Morin replied, thank you. Is everybody good? Mr. Inderbitzen said I'll probably be coming back to you on this March election and how we're going to handle with COVID and everything. There's a new law that's not so much the election but the Deliberative Session. Because there is a procedure and a bill in place for remote meetings. If you can only get so many people into the Community Center you have to have another place for any overflow to watch and participate from. The Planning Board is currently using a system. We're in better shape than a lot of towns. The Planning Board is already using a system where people can remotely ask questions and participate. We're going to have to do that on a Town-wide basis. The problem with that is there's a requirement that every registered voter get notified by mail. Not household this is every registered. We have close to 21,000 registered voters right now. We would have to do a notification. We could probably split between Town and School. Because they're going to need it as well. But that's some of the things to start thinking about. We're having a Zoom meeting tomorrow with the Secretary and the Moderators are doing a Zoom meeting Thursday. I think after that they're going to come out with some guidance for the March election. You have to remember this whole thing about absentee ballots. I think you're going to see a lot more this year because of the COVID issue.

Mr. Inderbitzen said we're waiting to hear about all these meetings. Tomorrow is the Supervisors. Tomorrow night they're running one for everybody who can't make it. I'll come back to you with some information on that. I'll send a copy of the law to Larry Russell and to Steve. You guys will see it eventually. Selectman Coutu said, I have one query. In light of what you just said Paul with potential for new legislation. I'm just curious. We have 11 State Legislators. Do they ever call you on your opinion is on different legislation that effects voting rights or different things? The Moderator replied, not that I've ever heard of. Selectman Coutu said thank you very much. Mr. Inderbitzen said, at some Town's the Board of Selectmen call in their legislators. Selectman Coutu replied, we do that and they tell us they're going to do a lot of things. But I don't see much happening.

H. November Revenues and Expenditures

Chairman Morin recognized Town Administrator Steve Malizia who said, we're five months through the fiscal year. Which is 42%. I don't see any cause at this point for alarm of any in any major department. As you're well aware, we did expenditures, we're waiting on grant money back for the Clerk and Fire Department Admin building and the Assessing office. Everting else looks to be tracking where it should be. Automobiles registrations continue to be strong. We're slightly ahead of 42%. I did have a question about interest but I've asked the Town Accountant to look into it with the Treasurer. It doesn't I look like we've booked any interest income lately so we'll track that down and find out why. Selectman Coutu said that was the only question I had.

9. REMARKS BY THE SCHOOL BOARD - Diana Lamothe was present for the School Board and said, I certainly appreciate all that you are doing to make decisions that ensure the safety of everyone in our Town. We have had the several meetings with the School Board regarding where the students go whether they go in full time or remote full time. Currently we're in a two week full remote schedule. All schools are in full remote for the two weeks following Thanksgiving. Then January 4<sup>th</sup> through the 15<sup>th</sup> which is the two weeks after Christmas. A statement on our decision, we heard from all the principals, teachers, and students. A lot of public input. We have heard repeatedly that K-12 schools are safe. The transmission of COVID is not happening within schools. Mainly I think as we all know the transmissions are from multi family gatherings, crowded restaurants and bars. One challenge we ran into, the reason we went full remote after Thanksgiving is because of contact tracing. If a teacher was in contact, that removes a whole section of the schools. That could create the inability to staff classrooms. You might not have a teacher for the students. Going full remote simplified that. The decision we arrived at after much discussion, December 14<sup>th</sup> through the 22<sup>nd</sup>, we're going to have pre-k through grade 5 full in school. Grades 6-12 are going to continue their full remote. After Christmas break we're going to have all schools going back to what they did before thanksgiving. Elementary is full in. we've been assured there's not transmissions it's very safe. Children need to be in school for mental health and for learning. Middle school and the high school because of the numbers and limited space we went to a hybrid model. You alternate to cut the population in half. There's been a tremendous amount done to make sure staff and students are safe when they go to school.

10. REMARKS BY THE TOWN ADMINISTRATOR - Mr. Malizia said, I really don't have much this evening other than to wish everybody a happy, safe holiday season. Everybody as we've talked about needs to be vigilant so, I'd like to wish everybody a happy and safe holiday season.

11. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - Selectman Coutu asked, are we paying for the school buses when they're not running? Ms. Lamothe replied, I'll have to come back with an answer for you on that. I do know we are under contract and when the pandemic first came out and we weren't in school there was a negotiated decrease to the amount that we pay but I'll have to ask. This is a two week remote period so I'm guessing we're staying paying the contract. But I'll have to get confirmation on that. Selectman Coutu said you're paying the contract for two weeks because that's a known. Are the bus drivers going to get paid for two weeks or is the bus company going to keep the money for themselves? Ms. Lamothe replied, that would be a bus company operating decision. I don't know. Selectman Coutu said I think that's something the School Committee should be looking into. The School Board. Ms. Lamothe replied, sure. Selectman Coutu said it's only fair. Why should the bus company get all the money? If you're paying a contract to provide transportation that transportation comes with a driver. If the drivers aren't getting paid, the bus company is getting all the money. They're really profiting. I'm going to start a bus company. Ms. Lamothe replied, that's a valid question. My assumption would be if the bus company is getting paid they're paying their employees but I can't answer that. But I'll certainly find an answer.

Selectman Coutu went on to say, Mr. Chairman, I'd like to recognize the fact that we all got a letter in our in box addressed to us individually and I think there was one for the Board collectively. We don't get to see stuff

like this too often. People are quick to complain. Very seldom do we hear people complementing. So Integra, which was building an addition to their building on Wentworth Drive, down the Industrial Park, had to go through what most people do when they go through an expanse of their property or their real estate. They have to go through the planning process and they have to deal with several people in Lands and Buildings. They wrote a letter to us thanking us letting us know how satisfied they were with the process and the people that worked with them. Specifically they named a special thank you is extended to Brian Groth, Steve Dube, Dave Hubert, Dave Hotham and Scott Tice. These are all people that work in the Land Use Division. Considering 2-3 years ago we were getting a lot of complaints about different things that were going on in that division. Here's a company signifying their pleasure with the way things were handled. I know they weren't given special treatment. They supplied the service they'd supply anyone coming into Town Hall.

Selectman Coutu went on to say, Mr. Forrence, I can't tell you what a pleasure it is for me this time for the year to go down by Library Park and look at the decorations. Year after year we hear it and talk about it. It's such a great introduction to our Town. You know how I am about wanting the places where people come into Town to look nice. I'd like the sign at the south end of Town saying they're cutting deer meet in front of our sign removed, but that's up to you guys. But this is beautiful as always out there. I see it more now it's absolutely gorgeous and Snoopy is back. It looks nice and you guys did very very well handling this last storm.

Selectman Coutu then said, Mr. Chairman, we haven't had an opportunity to do it publicly, I'm planning on doing something with you, I think we'll talk about it later. We're going to do some sort of a TV thing. I want to thank anyone and everyone who's watching. I want to thank the response that we got for the telethon. This went far and above anything we expected in the year of COVID. We didn't think people would think about it. But if it wasn't for Chrissy Peterson and the work she did I promoting it I am so impressed. We walked away we almost had \$14,000 in cash donated and four truckloads of food and toys donated to the Food Pantry. And I have received, people have asked me where do I mail a check so I posted it. People said they'd be mailing checks. I want to thank the citizens of Hudson for their response.

Selectman Martin - thank you MR. Chairman. I just want to remind everyone that we continue budget deliberations Thursday this week. A couple more sections of the School budget. I also want to commend. We were out Saturday night we went out to eat. Driving around and there's a wire hanging across the street. So I waited and made a call. They came. And it all worked out. The street was plowed. Excellent job plowing. The Police Department was very busy. Lights out on Lowell Road. everybody did a great job. I want to wish everyone a happy holiday season and Merry Christmas.

Selectman Roy - all I have tonight is I want to wish everyone a happy holiday season, a happy new year and stay safe.

Chairman Morin - I just want to add to Selectman Coutu's comments in reference to the telethon. It was way above our expectations and the support of the community. We did as well as we did because of you.

#### 11. NONPUBLIC SESSION

The Town Administrator said, the Chairman will entertain a motion to go into non-public under RSA 91-A: 3 II (b) the hiring of any person as a public employee.

*Motion by Selectman Roy at 10:01 p.m., seconded by Selectman Martin, to go into non-public session. A roll call vote was taken. Carried 4-0.*

Chairman Morin entered Nonpublic Session at 10:01 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 11:12 p.m.

- 1) Selectman Roy made a motion, seconded by Selectman Coutu to hire Joseph Ouellette as a truck driver/laborer, with a starting pay of \$20.12 per hour (grade VII, Step One, in accordance with the Hudson Public Works Department Local #1801 AFSCME Agreement, effective December 21, 2020. Carried 4-0.
- 2) Selectman Roy made a motion, seconded by Selectman Martin to hire Jeff Ferentino, Bill Davidson, and Mike Buxton as temporary part time truck drivers for a winter maintenance program starting December 7, 2020 through March 31, 2021, each at a rate of \$200 per hour without benefits. Carried 4-0.
- 3) Selectman Roy made a motion, seconded by Selectman Coutu to hire Lisa Labrie as the Finance Director with a starting salary of \$92,000 a year with a review in six months. Carried 4-0.
- 4) Selectman Martin made a motion to adjourn at 11:14 p.m. This was seconded by Selectman Roy. Carried 4-0.

12. ADJOURNMENT

Motion to adjourn at 11:14 p.m. by Selectman Martin seconded by Selectman Roy. Carried 4-0.

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

\_\_\_\_\_  
David S. Morin, Chairman

\_\_\_\_\_  
Kara Roy, Vice-Chairman

Excused  
\_\_\_\_\_  
Marilyn E. McGrath, Selectman

\_\_\_\_\_  
Roger E. Coutu, Selectman

\_\_\_\_\_  
Normand G. Martin, Selectman



## HUDSON, NH BOARD OF SELECTMEN

### Minutes of the December 29, 2020 Meeting

1. CALL TO ORDER - by Chairman Morin the remote meeting of December 29, 2020 at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE -led by Chairman Morin
3. ATTENDANCE

Board of Selectmen: David Morin, Marilyn McGrath, Kara Roy, Normand Martin, Roger Coutu  
All participated remotely from their homes

Staff/Others: Steve Malizia, Town Administrator; Rob Buxton, Fire Chief; Bill Avery, Police Chief; Jill Laffin, Executive Assistant; Gary Gasdia, School Board member all participated remotely from their homes

4. PUBLIC INPUT

There was no public input this evening.

5. NEW BUSINESS

#### A. Covid-19 Update

Chief Buxton was recognized and he started off by saying, good evening Mr. Chairman, and members of the Board. Thank you for having me back this evening. I did send out an email to all the Board members, Steve and Jill, regarding the monthly update from December 29<sup>th</sup> for today. So just to give you a couple of snapshots to get us started this evening, currently today New Hampshire has 5,508 active cases of COVID-19. New Hampshire has 269 folks hospitalized. Hudson has 172 active cases. Accumulatively we've broken the 1,000 case mark. Since last March we've had 1,015 cases.

Chief went on to say, just to our south, Massachusetts, between yesterday and today saw an increase of 4,198. They are managing over 80,000 active cases of COVID-19 in the state. They have 2,200 folks hospitalized. Currently in the State there is 264 first responders that have test positive for COVID-19. An increase of 60 in the last week. We have as a state 155 first responders that are in quarantine. From an update standpoint, that probably the best news I have for you tonight is it appears the COVID-19 outbreak at the Inn at Fairview is finally subsiding. They have less than 45 active cases. They had a high over 60. Their full time staff is coming back to normal levels. We see positives things happening there. They actually have started with the long term care vaccination program today in that location. As the State continues to work through the 5,000 cases we have in New Hampshire, probably one of the things that caught me most off guard as of the 22<sup>nd</sup> of December the United States had 50,000 deaths in that month. We certainly are not on the right side of this as we sit here today.

From a community exposure standpoint, we continue to operate in the Continuity of Operations Plan at Town Hall and across all the departments. I need to reemphasize that Town Hall is still open for service. All departments are open for service. All non-statutory committees have been moth balled until further notice and because of our potential exposure at the Conservation Commission meeting, we've take a deeper look at how to help out with contact tracing. We actually have put into place a guidance document to collect attendance of folks that are attending those meetings. As the Board has asked we've created a dashboard that's tracking quarantine employees and sick leave of employees just to make sure we keep an eye on what staffing looks like across Town. Specifically with the three major organizations being the Police, Fire and Highway Department and tracking those items. From a vaccination standpoint, obviously we're very excited about the vaccination program, as of the 24<sup>th</sup> of the Month, we had received over 24,000 doses of Moderna vaccine in the State. 12,000

of those went to hospitals for front facing healthcare workers. Then 12,000 went to fixed sites which you'll hear me talk about in a minute. The State has taken 8,800 doses of the Pfizer vaccine and moved that over to the long term care facilities. Which is being administered through Walgreens and CVS. From a vaccination standpoint, you're going to hear on the news the State talking about 13 fixed facilities to receive and pass out vaccines across the State. They're gonna start working through Phase 1 and Phase 1A. They keep kind of moving that needle around as to who falls where and when. In Hudson we are fortunate to be able to work with the Greater Nashua Public Health Network. We're putting a plan together to do what is called a "closed pod" or a point of distribution. That can provide us an opportunity to vaccinate all of our first responders here locally in Hudson and not have to have our folks work through the fixed sites. So at this point is slated to begin next week. So we're very excited about that.

The State EOC continues to hold weekly meetings. We continue to secure protective clothing to provide for the different departments. We continue to work implementing the pod plan and the vaccines and continue to provide support to stakeholders across the community. I need to make sure I'm reemphasizing the tremendous work your First Responders are doing in this community. On the 17<sup>th</sup> of this month your Fire Department had already surpasses its monthly average. I know when Chief Avery has an opportunity certainly will speak to the Police Departments activity which is also extremely elevated. It is very busy. Your healthcare system is at work here and I am very proud of the work that our folks have done. I'm certainly open to answer any questions. Selectman Roy asked when they start their vaccinations will they be able to do that also or will they have to go to a fixed site. Chief Buxton replied, we are working with the Greater Nashua Health Group to try to make a closed pod to take care of all the critical infrastructure of all the cities and towns inclusive of the schools. We have worked to get the school nurses vaccinated and they actually moved the school nurses up in the vaccine program because they're going to be able to give us support in the closed pod if we need them for distribution. From a timing perspective actually provides a great opportunity where they're on winter break with remote learning the week after. That's going to give them an opportunity to get the school nurses vaccinated. As we continue to prepare for Phase 2 which has the teaching staff in it.

Selectman Coutu was recognized and said my question had to do with the pod, whether or not we would be able to sustain it so that we could inoculate beyond the first responders and the school system and the elderly. Is it your hope that the pod would stay in the community as an active resource for the vaccination? Chief Buxton replied, the only piece that is unclear at this point is if they're going to provide us an opportunity to do an open pod which would actually be residents of the community. Right now we're doing what is called a closed pod where that is specific to employees and first responders. They're really working to try to get residents to move through the fixed sites that the National Guard is running. They believe that will actually be more efficient because they'll have more numbers there. Our closed pod we would actually have to take up a parking lot or a school and staff that ourselves. It looks like they're going to put their efforts for the average citizen into these fixed sites and try to get them globally established across the State. Our closest fixed site location will be Nashua High School South. They're also working with Walgreens and CVS to assist with situations where maybe you can't get out of your home and go to a site to get vaccinated. I see the public health networks really reaching out to us to be a partner in that portion of the vaccination process. Selectman Coutu replied saying, okay, thank you.

Chairman Morin asked, anyone else have questions for the Chief? Selectman McGrath was recognized and said, the employees, are they going to be eligible to get the vaccine? Especially those that deal with the public? Chief Buxton replied, so the State is definitely putting in a phased in approach to vaccination. First responders will fall into Phase 1A and then you go into critical infrastructure which comes at the end of Phase 1 which will be inclusive of your Public Works Department. Those things. Once we hit the critical infrastructure piece we'll start picking up Engineering, Inspectors, Town Clerks office and those types of things. Chief Buxton added, the speed at which vaccination takes place is truly dependent on the rate in which the State receives vaccine. The State receives the vaccine in and distribute it out.

Chairman Morin asked if there were any other questions. Seeing none he thanked Chief Buxton for his update.

B. Tax Collector/Town Clerk Resignation

Chairman Morin recognized Town Administrator, Steve Malizia. Mr. Malizia said, in your packet there's a letter of resignation from Patti Barry the Town Clerk. She is leaving the Town of Hudson's employ effective January 15<sup>th</sup>. She'll be going over to Nashua to I believe, work as the Deputy Tax Collector. Which creates a pretty big void over here in Hudson. Per the RSA's, if a vacancy in that office occurs the Selectmen are the appointing agency. In a nut shell, the deputy Town Clerk/Tax Collector can do the roll for 30 days but then the Board has to appoint within 30 days of the Town Clerk's resignation which I timed out to be February 14<sup>th</sup>. Now don't forget the election is coming up March 9<sup>th</sup> so the seat will be open so folks can run for it. But in the interim we should have an interim Town Clerk appointed. So put this on the agenda for the timeliness of it and to figure out how the Board would like to proceed. You can certainly appoint someone that's in the office now to serve in the roll or you can appoint someone from the outside. It's the Board's choice because the Board is the appointing agency. So I put it on for a minimum the Board's discussion. Chairman Morin then asked, we'll just be making a decision tonight and then waiting for people to submit their requests if they would like to do it and then take it up at the next meeting. Is that what you're looking at? The Town Administrator said, if you choose to appoint from outside or solicit candidates, yes, you wouldn't be able to do that tonight because obviously nobody's applied it would have to be at the 12<sup>th</sup>. The disadvantage of doing it that way is the Town Clerk will be leaving the 15<sup>th</sup>. So that's a difficulty right there if you appointed from within you could have somebody that's birdogging, shadowing, maybe getting more up to speed on some of the responsibilities of the Clerk. That's another option. As you're aware there are folks that work in the office, I believe I sent out a document that Patti forwarded to me. We can certainly discuss it in nonpublic because it involves names. But if the Board is interested in possibly doing something from within you have that option. Timing is not great but on the other hand there will be an election in March and folks will run for it I'm assuming. Again we have to do something because you have a responsibility, 30 days after she leave you have to put somebody in that spot. Which I figure is February 14<sup>th</sup>.

Selectman Martin was recognized and said my question was more towards staffing that we have now so I'll wait til nonpublic. Thank you. Chairman Morin asked, anybody else, how do we want to go about doing this? Selectman Coutu asked, can we discuss it in nonpublic? Chairman Morin said, yes absolutely. So we'll move this to nonpublic. Everybody good with that?

6. OTHER BUSINESS/REMARKS BY SELECTMEN

Selectman McGrath - I'm just happy to be back and hope that I can contribute as much as I have in the past. I'd like to thank everybody that has sent flowers, cards, well wishes, emails, I very much appreciate all of the outpouring of support and concern for me. Thank you.

Selectman Coutu - Thank you Mr. Chairman. Welcome back Marilyn. You look a lot better than the way you describe yourself. You look good on camera. It's great to see you. We missed you. I had nobody to browbeat with except you. I need you back. I respect your opinions and I know you have the Town at heart at all times. You've always been that way and I truly, truly missed you. So welcome back. I hope you have a very fruitful year and the out years there are going to be many more for you. Keep up with those exercises, finger twists, very important. You know they're putting you through the routine so you're doing well.

Aside from that MR. Chairman, I want to seize on the opportunity to wish you, my fellow Board members and Gary and the two Chiefs, Rob Buxton and Bill Avery, the Town Administrator. Jill, I know you're out there in a cloud somewhere, I want to wish you all a very happy new year. It's definitely going to be better than 2020.

Selectman Martin - Thank you Mr. Chairman. Welcome back Selectman McGrath. We've missed you so much. Sorry that this had to happen to you. I hope you're quick recovering. It looks like you're doing great. Welcome back.

To the rest of the Board members, everybody, happy new year to everybody and be safe.

Selectman Roy - Selectman McGrath, again, it's really nice to see you. Glad to have you back and I just want to wish everyone a happy and safe new year. Social distance, wear a mask, wash your hands.

Chairman Morin - Selectman McGrath, welcome back! We did have a lot of discussions while you were out, keeping you up to date on the Town. We appreciate that with what you were going through you kept on top of things. Appreciate it and welcome back. I also want to thank Chrissy and her husband for making Santa's visit to Hudson an outstanding event. It went very well. Fire Department and Police with the escorts. Things went very well and all the people that came out to see Santa.

The last thing I'd like to wish everybody a happy new year.

7. NONPUBLIC SESSION

Motion by Selectman Roy seconded by Selectman Martin, to go into non-public session under RSA 91-A: 3 II. (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. & (b) the hiring of any person as a public employee. A roll call vote was taken. Carried 5-0.

Chairman Morin entered Nonpublic Session at 7:18 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 8:23 p.m.

Selectman Martin made a motion, seconded by Selectman Roy to exit nonpublic session at 8:23 p.m. Carried 5-0.

Selectman Coutu made a motion, seconded by Selectman McGrath to hire Matthew Drolet as a full time technician at the Hudson Police Department with a starting salary of \$20.52 per hour (step one), per hour, in accordance with the Hudson Police Employee Association Contract. A roll call vote was taken. Carried 5-0.

Consensus to have a follow up discussion regarding COVID vaccine at the second meeting in February.

8. ADJOURNMENT

Motion to adjourn at 8:24 p.m. by Selectman Martin seconded by Selectman Coutu. A roll call vote was taken. Carried 5-0.

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

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David S. Morin, Chairman

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Kara Roy, Vice-Chairman

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Marilyn E. McGrath, Selectman

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Roger E. Coutu, Selectman

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Normand G. Martin, Selectman

Draft

HUDSON, NH BOARD OF SELECTMEN

Minutes of the January 4, 2021 Meeting

1. CALL TO ORDER - by Chairman Morin the remote meeting of January 4, 2021 at 4:30 p.m. via remote session.
2. PLEDGE OF ALLEGIANCE -led by Chairman Morin
3. ATTENDANCE

Board of Selectmen: David Morin, Marilyn McGrath, Kara Roy, Normand Martin, Roger Coutu  
All participated remotely from their homes

Staff/Others: Steve Malizia, Town Administrator; Jill Laffin, Executive Assistant;

4. NONPUBLIC SESSION

Motion by Selectman Roy seconded by Selectman Martin, to go into non-public session under RSA 91-A: 3 II (b) the hiring of any person as a public employee. A roll call vote was taken. Carried 5-0.

Chairman Morin entered Nonpublic Session at 4:33 p.m., Any votes taken upon entering open session will be listed on the Board's next agenda.

Chairman Morin entered open session at 5:37 p.m.

Selectman Coutu made a motion, seconded by Selectman Martin to appoint Roger Ordway as the interim Town Clerk/Tax Collector effective January 18, 2021 at Step One of the Town Clerk/Tax Collector salary scale. A roll call vote was taken. Carried 4-1 with Selectman Roy in opposition.

5. ADJOURNMENT

Motion to adjourn at 5:37 p.m. by Selectman Roy seconded by Selectman Martin. A roll call vote was taken. Carried 5-0.

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

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David S. Morin, Chairman

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Kara Roy, Vice-Chairman

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Marilyn E. McGrath, Selectman

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Roger E. Coutu, Selectman

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Normand G. Martin, Selectman

Draft



*Agenda*  
1-26-21

# TOWN OF HUDSON


## Engineering Department

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



### INTEROFFICE MEMORANDUM

TO: Steve Malizia, Town Administrator  
Board of Selectmen

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

DATE: January 21, 2021

RE: Green Meadow Golf Club – Sewer Allocation Request

RECEIVED

JAN 21 2021

TOWN OF HUDSON  
SELECTMEN'S OFFICE

Mr. Malizia,

The Engineering Department has received a requests for reconsideration for the item listed above. At the last meeting, Selectmen Martin requested additional available information that would could result in reconsideration of this matter.

The applicant has provided information related to the following:

1. Planning Board and Sewer Utility Committee documentation from 1991 related to this property, to be served by Town sewer through a sewage pump station, currently named the Sagamore Sewage Pump Station.
2. Documentation related to the increase of the sewer pipe size from a 10 inch to an 18 inch diameter.
3. Documentation related to a financial contribution for the upgrade of the pipe size and pump station, in the amount of \$62,872, over a period of 11 years.
4. Recorded sewer easement naming Green Meadow Gold Club, Inc., as the "Grantor."

**First Motion:**

To reconsider the sewer allocation request.

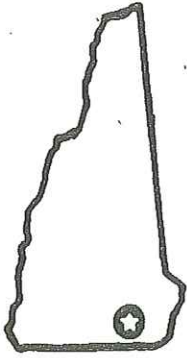
**Second Motion**

To grant the request of Hillwood Enterprises, L.P. for access to the Town's municipal sewer system, with a sewer allocation for an average daily use of, not to exceed 36,900 gallons per day, for the amount of \$130,257. This authorization is contingent upon final Planning Board site plan approval, or

**Third Motion:**

To deny the request of Hillwood Enterprises, L.P. for access to the Town's municipal sewer system.





# TOWN OF HUDSON

Lydia W. Angell

Finance Director

12 School Street

Hudson, New Hampshire 03051

603/886-6000



## TOWN OF HUDSON COST ALLOCATION FOR PARTICIPATION IN SAG ASSESS PUMP STATION

CAPACITY OF PUMP STTION	395,000 GALS PER DAY
COST OF PUMP STATION	782,000 DOLLARS
COST GEN. BY 1985 BOND	1,670,000 DOLLARS
TOTAL PRINC.& INT COST	2,651,761 DOLLARS
<b>SAM'S WALMART</b>	20,000 GALS PER DAY
	395,000 TOTAL GPD
	0.05 % OF TOTAL
	782,000 TOTAL COST OF PUMP
	39,595 SAM'S SHARE OF COST
	0.024 % OF TOTAL COST PRINC & INT
	<b>62,872 DOLLARS</b>
	11 NUMBER OF EQUAL PAYMENTS
<b>DUE SEPTEMBER 1991</b>	<b>5,716 AMOUNT OF EACH PAYMENT YEARLY</b>
SPRAGUE ELECTIRC	12,160 GALS PER DAY
	0.031 % OF TOTAL
	24,074 SPRAGUE'S SHARE
	0.014 % OF TOTAL COST PRINC & INT
	38,226 DOLLARS
	11 NUMBER OF EQUAL PAYMENTS
<b>DUE SEPTEMBER 1991</b>	<b>3,475 AMOUNT EACH PAYMENT YEARLY</b>
COMMON CROSSING REST.	2,750 GALS PER DAY
	0.007 % OF TOTAL
	5,444 COMMON CROSSING SHARE
	0.003 % OF TOTAL COST PRINC & INT
	8,645 DOLLARS
	11 NUMBER OF EQUAL PAYMENTS
<b>DUE SEPTEMBER 1991</b>	<b>786 AMOUNT EACH PAYMENT YEARLY</b>



TOWN OF HUDSON

Lydia W. Angell

Finance Director

*Patti  
Please set up file  
lwa*



12 School Street

Hudson, New Hampshire 03051

603/886-6000

Walmart Stores Inc.  
c/o Peter Holden  
Holden Engineering\ P. O. Box 249  
Concord, N. H. 03302

Dear Mr. Holden,

I have attached a formula sheet that was used to figure this invoice for Walmart Stores portion of the Sagamore Industrial Park Sewer Assessment District.

This invoice is due

February 7, 1992

\$5,716

Each June through the year 2001 Walmart will receive and invoice for their Sewer Betterment Assessment in the amount of \$5,716.

I will write the requested letter to Michael Gospedarek, Town Engineer identifying payment of all sewer capital and betterment assessments, when this payment is received.

Yours truly,

*Lydia W. Angell*

Lydia W. Angell  
Finance Director

*Sams.  
7 Wal-Mart Boulevard  
M-L  
7-42*

January 20, 2021

**BY HAND**

David S. Morin, Chairman  
Board of Selectman  
Town of Hudson  
12 School Street  
Hudson, NH 03051

Elvis Dhima, P.E., Town Engineer  
Engineering Department  
Town of Hudson  
12 School Street  
Hudson, NH 03051

RE: Hudson Logistics Center – Request for Access to Municipal Sewer  
Town Tax Map 234, Lots 5, and 34, and Town Tax Map 239, Lot 1  
Supplemental Information/Request for Reconsideration

Dear Chairman Morin and Mr. Dhima:

On behalf of the Applicant, Hillwood Enterprises, L.P. (“Hillwood”), and as a follow-up to the Board’s January 12, 2021 meeting, Hillwood respectfully requests: (1) that an eligible Board Member move to reconsider the Board’s vote on January 12, 2021 to deny Hillwood’s request for sewer allocation in the amount of 36,900 gallons per day (“GPD”) designed to serve the Hudson Logistics Center (“HLC”) to be located on Town Tax Map 239, Lot 1 (the “Property”); and, (2) that the Board of Selectmen grant Hillwood’s request to allow the Property’s public sewer connection and allocation.

**Executive Summary**

Hillwood acknowledges the complex nature of the issue before the Board of Selectmen, and appreciates the Board’s time in reviewing this matter, and respectfully submits the following:

1. Connection to the public sewer is required by the Town Sewer Ordinances.
2. Connection to the public sewer located on the Property is required pursuant to previous subdivision approvals by the Planning Board in 1991.
3. The Friels’ interactions with the Town pursuant to those approvals indicate that the Property is within the boundaries of the sewer system by virtue of the public sewer main on the Property, which was designed, upsized, and constructed at the request of the Town in a manner to accommodate future development of the Property before the so-called Sewer District was created.
4. To the extent the Board of Selectmen find that the Property is not within the boundaries of the sewer system, the Property is exempt from the application of the allocation process as a part of a vested subdivision described in Section 270-17 of the Sewer Ordinances.
5. If the Board of Selectmen find that Hillwood is not exempt, Hillwood’s requested sewer allocation is essential for the public health, safety and welfare of the Town of Hudson under the circumstances pursuant to Town Code Section 270-17(B)(1).

## SMOLAK & VAUGHAN LLP

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

These issues, and a few additional considerations to include Hillwood's willingness to contribute to additional infiltration/inflow removal in Town, are addressed below.

### Discussion

As reasons for the request noted above, we encourage the Board to consider the following information. Much of the factual statements below are derived from the "Request for Reconsideration," dated January 20, 2021, filed by Attorney Thomas Leonard on behalf of Greenmeadow Golf Club, Inc. (the "Greenmeadow Letter"), which Hillwood joins, and which is incorporated herewith by reference<sup>1</sup>:

#### **A. Connection to the public sewer is required by the Town Sewer Ordinances.**

1. According to Section I. B. of the "Town of Hudson Sewer Utility Policies and Procedures" prepared by CLD, "the rules and regulations for the operation of the Hudson Sewer System are defined by Ordinance 77 and 77A, which is the Town of Hudson Sewer Use Ordinance. The authority and operations of the Hudson Sewer Utility are defined by Town Code – Chapter 270."
2. Ordinance No. 77 ("Regulation of Sewer Use, Town of Hudson, New Hampshire," Adopted September 23, 1985, as amended), and Ordinance No. 77A, specifically requires connections when sewer is available. See Sewer Use Ordinance No. 77, Article 2, 2.1H.
3. We presume that the provisions of Ordinance No. 77 above describe why the Board of Selectmen recently approved a sewer allocation request for a residential subdivision which is located entirely outside the so-called boundaries of the sewer system and actually will result in new public sewer infrastructure. See Board of Selectmen Meeting Minutes for December 8, 2020, regarding the sewer allocation request regarding property identified as 112-114 Greeley Street. We see no provision of either Ordinance 77 or 77A which allows the Board of Selectmen to prohibit a connection to the public sewer for domestic wastewater discharges when there is no expansion of the public sewer system and when there is ample capacity remaining in the sewer system.
4. As the Town's Sewer Ordinances require connection, Hillwood's requested allocation should be approved on this basis.

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<sup>1</sup> We note that all exhibit references align with those exhibits as depicted within the Greenmeadow Letter.

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### **B. Connection to the public sewer located on the Property is required pursuant to previous subdivision approvals by the Planning Board.**

The Town undertook multiple actions during the Friel Family/Sam's Club redevelopment process in the early 1990's to mandate that certain properties, including the Property, would be connected to public sewer as follows:

1. During the 1990's, Greenmeadow Golf Club, Inc. ("Greenmeadow") and other landowners submitted an application for a subdivision approval (called the "Friel/Callahan Smith Subdivision") related to a defined "Site" which included 367.829 acres, including the vast majority of the Property and all of what is now Tax Map 239, Lot 1, which is the lot upon which the HLC development will occur (the "Subdivision"). See July 24, 1991 Planning Board Agenda (Exhibit 1);
2. Concurrent with the Subdivision, Walmart Stores, Inc. ("Walmart") — with the coordination and cooperation of Greenmeadow — proposed an application for site plan approval regarding one of the lots created in the above-referenced Subdivision (the "Site Plan") (the Subdivision and Site Plan approval referenced above will be collectively referred to as the "1991 Planning Board Approvals").
3. The Subdivision Plan was approved by the Planning Board on or about July 24, 1991 and was recorded at the Hillsborough County Registry of Deeds. See Plan # 25273, recorded at the Hillsborough County Registry of Deeds ("Subdivision Plan"). (Exhibit 2a);
4. The Subdivision Plan included the following notes mandating the approved lots be served by public sewer. See Subdivision Plan Notes (Exhibit 2):
  - a. Note #2 on the Subdivision Plan defines the "Site" to include Map 7, Lot 5 as a part the Subdivision Plan. See recorded Subdivision Plan noted above.
  - b. Map 7, Lot 5 is now known as Tax Map 239, Lot 1, upon which Buildings A, B, and C of the proposed HLC are currently before the Planning Board.
  - c. Note #5 included on the Subdivision Plan states the purpose of the Subdivision Plan was to consolidate five parcels, and to resubdivide the same into seven parcels, including Lot 7-5, which is now known as Map 239, Lot 1.
  - d. Note #7 states "Site to be served by Municipal Sewer and Water (Sewerage Pump Station is Required)."
5. Accordingly, the Town clearly intended as a part of the approved Subdivision in 1991, and did mandate, that the Property be served by public sewer.
6. These circumstances plainly evidence the Town's intention to provide sewer services to the Property, and the Friels' right to tie-in to the same. Hillwood's allocation request should be granted on this basis alone. The lack of an express agreement beyond the Subdivision and Site Plan approval memorializing this arrangement in this context is

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understandable because all of these activities occurred when Ordinance No. 77 required a public sewer connection when available, and these actions occurred prior to the creation of the so-called Hudson Sewer District and the allocation procedure outlined in Town Code Chapter 270-17. As such, there was no need or reason to take affirmative positions to seek inclusion into the so-called District because the Friels' right to do so is self-evident in light of the Subdivision approval, plan notes, Ordinance No. 77, and the fact that the public sewer line is on the Property already. Similarly, the Friels failure to "tie-in" to date is reasonable in light of the Property's use as a golf course. As Selectman Morin suggested at the January 12, 2021 Board meeting, it would not make sense to extend the sewer line to the clubhouse because it would not be cost-effective.

**C. Interactions with the Town pursuant to 1991 Planning Board Approvals indicate the upgrade of the sewer facilities by the Friels and their co-applicants, at the request of the Town, were designed and constructed in a manner to accommodate future development of the Property.**

Town records clearly demonstrate as a part of the 1991 Planning Board Approval process, a commitment to upgrade proposed sewer line facilities (from 10 inches to 18 inches) at the request of the Town, and that those improvements, which far exceeded the sewer needs for the Sam's Club redevelopment, were designed and requested by the Town to facilitate future development of the Property, among others. Moreover, these improvements, as well as a contribution to the Sagamore Industrial Park pump station were privately funded by the Friels and their co-applicants.

1. During the 1991 Planning Board Approval process, sewer was reviewed by the Town Engineer and other appropriate professionals, and the Town of Hudson asked the applicant to: (a) upsize the sewer line in order to be compatible with "future sewer facilities planning in the area;" and, (b) pay a certain amount of funds as part of a capital assessment district for the Sagamore Industrial Park pumping station. See letter of Sewer Utility Commission, Doris R. Ducharme, Chairperson, dated July 16, 1991 (**Exhibit 3**).
2. The upsizing of the sewer (from a 10-inch line to an 18-inch line) was to "*maximize the potential for expansion of gravity sewer through this line to allow sewerage of other areas south and east of this parcel*" [emphasis added]. See letter dated July 25, 1991 Costello Lomasney & DiNapoli (CLD) engineers to Town of Hudson, attn. Michael Gospodarek, PE (**Exhibit 4**), and a return letter dated August 5, 1991 from Michael Gospodarek to Peter Holden, engineer for Walmart Stores (**Exhibit 5**).
3. More specifically, the Town required that the sewer be sized to include the possibility of development on the Greenmeadow site - the "Property" which is the subject of this application.
4. Part of the business arrangement between Greenmeadow and Walmart was that Walmart would buy one lot for construction of a Sam's Club with the obligation to

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construct all improvements both on site and off site. The 18-inch sewer line was built on private property (including Map 7 Lot 5 which is now Tax Map 239, Lot 1, or the Property) to the specifications demanded by the Town, using private funds. See also excerpt of Existing Conditions Easement Plan prepared by Hayner Swanson, Inc (“Sewer Easement Plan”) (**Exhibit 6**). The “upsizing” of the sewer line, the sleeve, and contribution to the pump station were completed as required by the Town. There was no expense to the Town for the “upsizing” of these sewer facilities.

5. Greenmeadow also conveyed to the Town a non-exclusive easement for sewer over, across, and under land owned by Greenmeadow which was formerly Lot 7-5 and is now Lot 239-1. See Sewer Easement at Book 5331, Page 554 (**Exhibit 7**). This easement extends from the private sewer located on the Sam’s Club Site, across the Property owned by Greenmeadow, and connects with a sleeve and sewer line under the Sagamore Bridge road which was directed to the pump station. See Sewer Easement Plan described above.

6. All sewer improvements were located on private property and were eventually transferred to the Town of Hudson for public use, and thus became, by definition, a “public sewer” which is defined under the Town of Hudson Regulation for Sewer Use (Ordinance No. 77A) as “a sewer which is controlled by public authority and maintained by the Town.”

7. As noted by the Town’s consulting engineer in 1991, the now existing main is 18” pipe and has ample capacity for an expanded region of southern Hudson. See letter dated July 25, 1991 CLD to Town of Hudson attn. Michael Gospodarek PE. (**Exhibit 4**).

8. There is significant capacity available. Specifically, the Town’s sewer capacity balance is 560,800 GPD, including 365,000 gpd reportedly set aside for users within the Sewer District sewer area, and 195,800 gallons per day for users outside the sewer service boundaries. See video of Meeting of Board of Selectmen, dated January 12, 2021; Board of Selectman Packet for January 12, 2021 Board Meeting.

9. This figure is 280% higher than what the Sewer Ordinance suggests as available capacity to serve potential sewer users within the Town of Hudson. Accordingly, there is more than adequate remaining sewer capacity to serve both the HLC, in addition to other future uses which can be served by public sewer.

10. There is no legitimate argument that the Property is outside the boundaries of the sewer district, particularly via reference to “Exhibit A, Town of Hudson Sewer Master Plan Amendment System Boundary and Nonsewered Parcels” for example, because it is beyond dispute that a public sewer main is located on the Property within the “presently serviced region” described under Section 270-17.A.3, and is a part of the “sewerage system” as defined under Section 1.4.A(95) of Ordinance No. 77. Accordingly, if the Property is outside the boundaries of the sewer system, so too is a portion of the actual

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public sewer, which cannot be the case if Chapter 270 and Ordinance No. 77 are to be read together.

11. From these facts, we can conclude that: (a) there is currently a public sewer main on the Property which was designed and constructed pursuant to the Town's desire to accommodate future development on the Property; (b) Hillwood intends to construct a private sewer line to connect to the public sewer main; (c) a contribution to the sewer facilities upgrade was funded by the Friels and their agent, Walmart; (d) there is significant sewer capacity available; and, (e) the Property is within the existing sewer service area, then no allocation from the Board of Selectmen is required.

12. Hillwood's proposal is not the same as the Selectmen's recent approval of a new sewer main and allocation for the 112-114 Greeley Street properties at the Board's December 8, 2020 meeting. Unlike that proposal which the Board unanimously approved, here there is no request to extend the public sewer main. There simply is no need for 'allocation' outside the service area. Rather, all other sewer lines on the Property proposed as a part of the Hudson Logistics Center will be private. The only request is for a connection into an existing public sewer line that has existed on Property since 1992.

13. Hillwood's request, therefore, is simply to allow for a private sewer connection into the public sewer through the non-exclusive (public) sewer easement granted by Greenmeadow Golf Club, Inc. to the Town to service the proposed Hudson Logistics Center on the Property.

**D. To the extent the Board of Selectmen find that the Property is not within the boundaries of the sewer system, the Property is exempt from the application of the allocation process outlined in Town Code Section 270-17(B)(1).**

1. The sewer limitation allocation procedure is outlined in Town Code Section 270-17(B)(1) and states that the Board of Selectmen may, in their discretion, grant a request to deliver sewer capacity for industrial uses located outside the system boundary provided that the Selectmen find that the use is "essential for the public health, safety and welfare of the Town of Hudson."

2. However, subdivisions that were vested pursuant to RSA 674:39 on August 17, 1999 are exempt from the "new allocation system" pursuant to Town Code Section 270-17(C)(1)(a).

3. Under the circumstances, the Property is exempt from the new allocation system and Hillwood's request should be granted on this basis alone.



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- E. If the Board of Selectmen find that Hillwood is not exempt, Hillwood's requested sewer allocation is essential for the public health, safety and welfare of the Town of Hudson under the circumstances and the general public interest in ensuring development is serviced by public sewer where, like here, the same is readily accessible, and significant capacity is available.**

The Hudson Logistics Center is an essential use which will fill a critical need in the greater New England market for logistics centers, which is a need that has been further exacerbated by COVID 19. Should the Board determine that Board approval is required for a connection which it considers to be outside the boundaries of the sewer system, the requested tie-in of this use to the existing sewer system from outside the existing sewer boundary is essential for the public health, safety and welfare of the Town of Hudson for the following reasons:

1. Over the past number of years, and particularly since the onset of COVID, we have seen the rapid evolution of logistics centers playing an essential role in the delivery of a whole range of goods, including larger bulky goods such as generators or heaters, which can be rapidly deployed to the end user to provide essential public health and safety roles, particularly in periods of power outages or storms which can cut off essential heat or electrical services to residents and businesses alike, and which can otherwise cause health or safety issues without such equipment. As we have seen the increased dangers arising from the COVID pandemic, these types of logistics facilities have also played a crucial public health and safety role for the rapid delivery of these essential goods to prevent or minimize such health and safety impacts.
2. Allowing a connection to the existing public sewer provides a superior environmental alternative when compared with using a traditional on-site disposal system which includes a lower level of treatment in an area located near sensitive wetland resources areas both on the easterly portion of the Property, as well as along the Merrimack River which is a public water source, all of which provides for significant public, health, safety and environmental benefits given the potential for future on-site system failure in close proximity to these sensitive resources if municipal sewer service was unavailable. In fact, the Hudson Sewer Ordinance encourages the tie-in to a public sewer if available.
3. The requested tie-in would also result in a not-to exceed design flow sewer use allocation of 36,900 gallons per day (GPD). We note that the design flow table for industrial uses under Section 370.17.B. of the Sewer Ordinance recommends a design flow of 500 gallons Per Acre Maximum Allowed Flow which would, based upon approximately 375.5 acres of the Property, result in a design flow of approximately 187,750 GPD. As a result, the requested allocation is less than 20% of what the Sewer Use Ordinance would allow for design flow for industrial uses, thereby conserving valuable sewer capacity for other future uses desired by the Town. As previously noted,

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the Sewer Capacity Balance is clearly sufficient to allow for the connection of the Property to the public sewer.

4. The proposed redevelopment of the Property is projected to provide the Town in excess of \$5 million in local tax revenue annually, which in addition to jobs, is essential to the public welfare of the Town. With such funds in hand, the Town could devote additional resources to extend public sewer to other users, expend additional funds to upgrade the public sewer to create additional capacity, or purchase additional sewer capacity from the City of Nashua as permitted under the Town's Intermunicipal Agreement with the City of Nashua. We also note that for a Town allocation of 36,900 gallons per day (GPD) of design flow to the Property, which would be paid for by Hillwood in the amount of approximately \$130,257, would facilitate the HLC development which is projected to generate in excess of \$5 million in local tax revenue annually which we feel is a significant investment which will more than pay for itself.

5. Especially when compared to a most recent connection and allocation approval by the Board of Selectmen in December, 2020 for a residential use needing a new sewer main and for land located completely outside the Sewer District, the approval of this sewer connection and associated sewer allocation for the Property will result in significantly advancing the health, safety and welfare interests of the Town for the reasons described above.

6. Lastly, courts and legal experts generally consider that conditions and regulations requiring the installation of water or sewer to be clearly essential to health and safety. See generally 15 NH Practice, Land Use Planning and Zoning, Section 29.15), quoting 4 P. Salkin, Anderson's American Law of Zoning, § 31:46 (5th ed.). See also RSA 674:36, III. By its decision to impose a condition on the Subdivision requiring sewer for the Property, the Hudson Planning Board decided that sewer for this Property was (and is) essential to the health and safety of the municipality. See RSA 674:33, and see Note 7, Plan #25273 (**Exhibit 2**). Accordingly, the provision of public sewer service is essential for the public health, safety and welfare of the Town of Hudson, as confirmed by the Planning Board's action and notes on the Subdivision Plan Approval in 1991.

### **F. Hillwood Is Committed To Infiltration/Inflow Removal.**

Notwithstanding its reservation of rights,<sup>2</sup> Hillwood is willing to work with the Town to reduce infiltration and inflow to the Town's sewer system through the Town's

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<sup>2</sup> The Hudson Logistics Center represents a major investment in the Town of Hudson, and as Hillwood is entitled to the sewer request noted above, Hillwood respectfully reserves its right to raise objections and advance all of the claims which are outlined in the Greenmeadow Letter, which Hillwood joins, and incorporated herein by reference, in addition to claims raising challenges regarding Town authority to deny the allocation, the unlawful nature of Town Code Chapter 270, the nature of any denial as an unlawful growth control ordinance, and State and Federal Constitutional claims regarding the nature of the relevant Town ordinances and their application to Hillwood.

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infiltration/inflow program and/or contribute to the ongoing Sewer District needs. Over the past number of years, the Town of Hudson has undertaken a program to remove infiltration and inflow from the sewer system, thereby increasing capacity of the sewer system. Section 270-17.G contemplates private improvements to sewer infiltration/inflow. Upon request by an existing or new sewer user, the Board of Selectmen is authorized to approve proposals for making capital improvements to part or all of the wastewater treatment system to improve the inflow/infiltration problems after review and consultation with the Sewer Consultant and the Town Engineer. In order to assist the Town in reducing infiltration/inflow, and as a condition to approval, Hillwood is willing to contribute to the ongoing Sewer District needs which may be related to the Town's inflow and infiltration program or other Sewer District needs, consistent with prior contribution determinations, which we suggest can be handled by the Planning Board through its review process in conjunction with the Town Engineer.

### Conclusion

For the reasons articulated above, Hillwood respectfully requests the Board of Selectmen to vote to approve allowing access to municipal sewer, and respectfully requests that an eligible Board Member move the reconsider the Board's vote on January 12, 2021 to deny the requested sewer allocation, and to vote to allow a sewer allocation for the Property in the amount of 36,900 gallons per day of design flow which Hillwood would purchase from the Town. In addition, Hillwood is willing to contribute to the ongoing Sewer District needs which may be related to the Town's inflow and infiltration program or other Sewer District needs to be decided by the Planning Board through its review process in conjunction with the Town Engineer.

Thank you for your consideration of this request. Please do not hesitate to contact me with any comments, questions or concerns. Thank you.

Very truly yours,



John T. Smolak

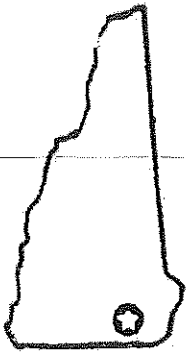
cc: Brian Kutz, Hillwood (email only)  
Justin Pasay, Esq. (email only)  
Thomas J. Leonard, Esq. (email only)  
Distribution List

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David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 1**



# TOWN OF HUDSON

## PLANNING BOARD

### PUBLIC MEETING

TOWN OF HUDSON, NH

JULY 24, 1991

12 School Street

Hudson, New Hampshire 03051

603/886-6005



The Town of Hudson Planning Board will hold a "Special Meeting" on July 24, 1991 at 7:00 p.m. in the Town Council Chambers. The following items will be on the agenda:

I. CALL TO ORDER BY CHAIRPERSON AT 7:00 p.m.

II. ROLL CALL

III. SEATING OF ALTERNATES

IV. OLD BUSINESS

- A. Friel/Callahan/Smith Sub.      Rte. 3A/Sagamore Bridge Rd.  
SB# 03-91                              & Sprague Drive  
Map 7, Lots 5, 39, 40, 41 & 42

Proposal to consolidate Tax Map 7, Lots 39, 40, 41 and 42 and part of Tax Map 7, Lot 5 one 30.8 acre lot; then subdivide this lot into five lots. One lot being 26.65 acres and four lots being approximately 1 acre each. Consideration of plan to show new lot dimensions and other drafting changes. Review of April 24, 1991 approval stipulations. Hearing.

- B. Sam's Club Site Plan              Rte. 3A/Sagamore Bridge Rd.  
SP# 02-91                              & Sprague Drive  
Map 7, Lots 5, 39, 40, 41 & 42

Proposed 130,000 SF Sam's Club (Div. of Wal-Mart) with four one acre out-parcels. Three existing homes on Tax Map 7, Lots 40, 41 & 42 are to be removed. Surrounding parcels are currently Green Meadow Golf Course, Sprague Elec., and a single family home. Parcels to be consolidated for proposed development are Tax Map 7, Lots 39, 40, 41 & 42 and part of Tax Map 7, Lot 5. Consideration of plan to show new boundary dimensions and other drafting changes. Review of April 24, 1991 approval conditions. Hearing.

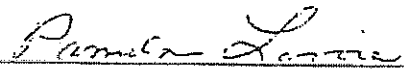
V. OTHER BUSINESS

VI. ADJOURNMENT

Planning Board Agenda  
July 24, 1991  
Page 2

Comments may be submitted in writing until noon on the day of the meeting.

The public is invited to attend.

  
Pamela Lavoie  
Pamela Lavoie  
Planning Board Secretary

POSTED: Town Hall, Library, Post Office

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Town of Hudson

January 20, 2021

**EXHIBIT 2**

## NOTES

1. OWNERS OF RECORD ARE:
  - 7-5 GREEN MEADOW GOLF CLUB  
249 LOWELL ROAD  
HUDSON, NH 03051  
BOOK 1668 PAGE 239
  - 7-41 BOOK 2563 PAGE 709
  - 7-42 BOOK 2630 PAGE 336
  - 7-40 ROBERT C. & MARTHA E. SMITH  
257 LOWELL ROAD  
HUDSON, NH 03051  
BOOK 2563 PAGE 717
  - 7-39 WAL-MART STORES, INC.  
701 S. WALTON BLVD.  
BENTONVILLE, AR. 72716  
BOOK 5252 PAGE 168
2. SITE IS IDENTIFIED AS LOTS 5, 39, 40, 41, AND 42 ON TAX MAP NO. 7.
3. TOTAL AREA OF PARCEL IS 367.829 ACRES.
4. ORIGINAL LOT AREAS:
  - LOT 5 336.93 ACRES (BY OTHERS)
  - LOT 39 393,368 SQ. FT. OR 9.031 ACRES
  - LOT 40 29,921 SQ. FT. OR 0.687 ACRES
  - LOT 41 17,106 SQ. FT. OR 0.393 ACRES
  - LOT 42 905,530 SQ. FT. OR 20.788 ACRES
5. THE INTENT OF THIS PLAN IS TO CONSOLIDATE FIVE PARCELS OF LAND TOTALING 367.829 ACRES, THEN RESUBDIVIDE THIS NEW PARCEL INTO SEVEN PARCELS, FOUR OF WHICH ARE 1+ ACRE LOTS ALONG LOWELL ROAD, ONE OF WHICH IS FOR FUTURE ROAD WIDENING 5.726 ACRES, ANOTHER LOT IS FOR A RETAIL SITE 26.077 ACRES, AND THE REMAINING 331.847 ACRES IS TO REMAIN AS LOT 7-5.
6. PARCEL LIES IN A RURAL (D) ZONE. SETBACK REQUIREMENTS ARE FRONT 50', SIDE AND REAR 15'. WETLAND SETBACK DISTANCE IS 50'.
7. SITE IS TO BE SERVED BY MUNICIPAL SEWER AND WATER. (SEWERAGE PUMP STATION IS REQUIRED)
8. STONE BOUNDS TO BE SET AT ALL P.C., P.T. AND ANGLE POINTS OF THE RIGHTS-OF WAY, ALSO AT ALL ANGLE POINTS AND CORNERS OF THE NEW LOTS.
9. THE COST ALLOCATION PROCEDURE AMOUNT FOR LOTS 7-39, 7-39-1, 7-40, & 7-41 ARE TO BE CALCULATED AT THE TIME OF INDIVIDUAL SITE PLAN APPLICATION.
10. ALL EXISTING STRUCTURES ON TAX MAP NO. 7, LOTS 39, 40, 41 AND 42 ARE TO BE REMOVED.
11. TAX MAP NO. 7 LOT 39 IS SUBJECT TO P.S.N.H. EASEMENT SEE BOOK 1201 PAGE 116 AND NET&T CO. EASEMENTS. SEE BOOK 3337 PAGE 400 AND BOOK 3552 PAGE 526.
12. OUTPARCELS MUST BE SERVED BY PUBLIC WATER AND SEWERAGE.
13. PLANNING BOARD GRANTED A WAIVER FOR HUDSON TOWN CODE 275-B, 616 (OWNERS SIGNATURE) WITH THE STIPULATION THAT THE OWNERS MUST SIGN PRIOR TO PLOT RECORDING.

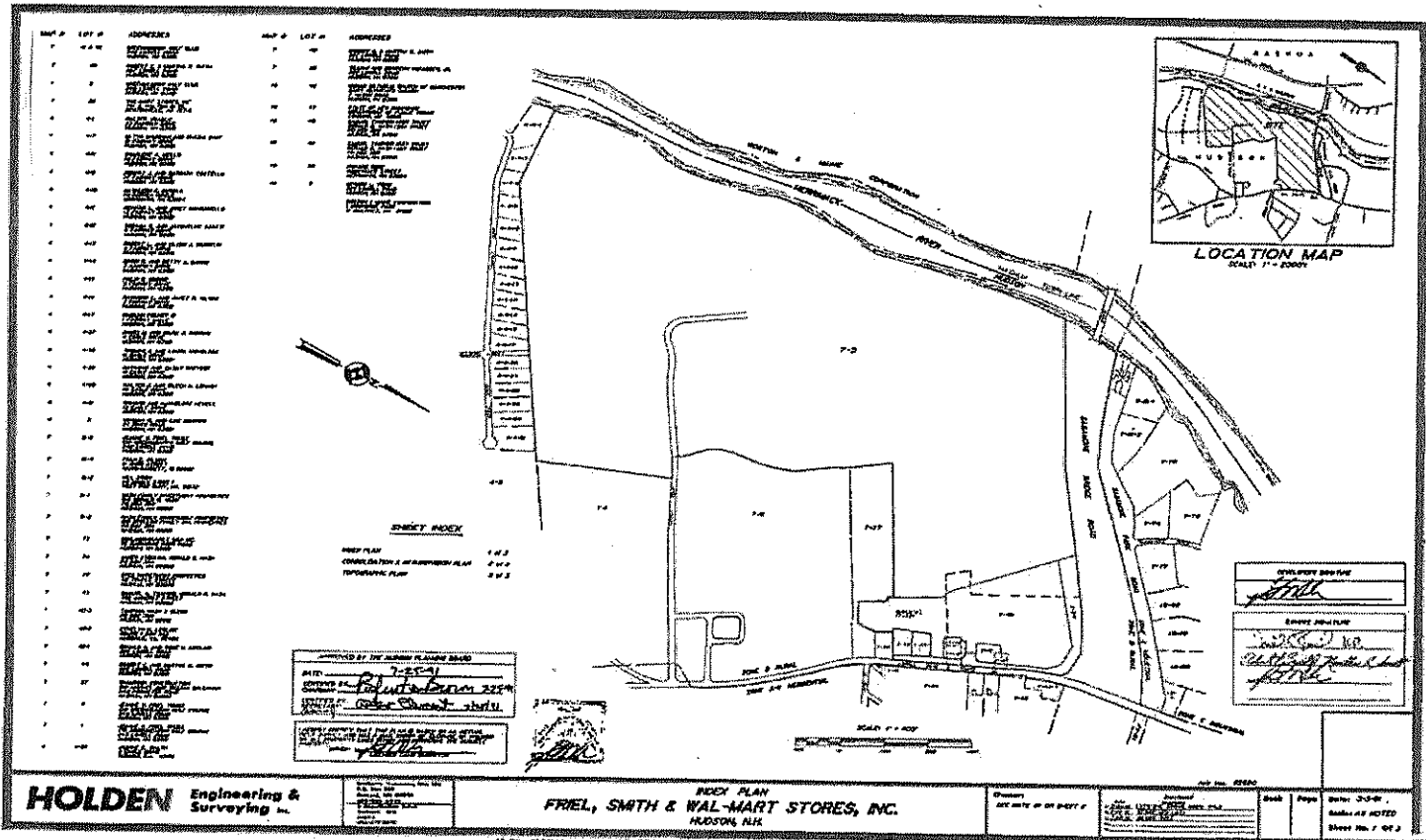


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Town of Hudson

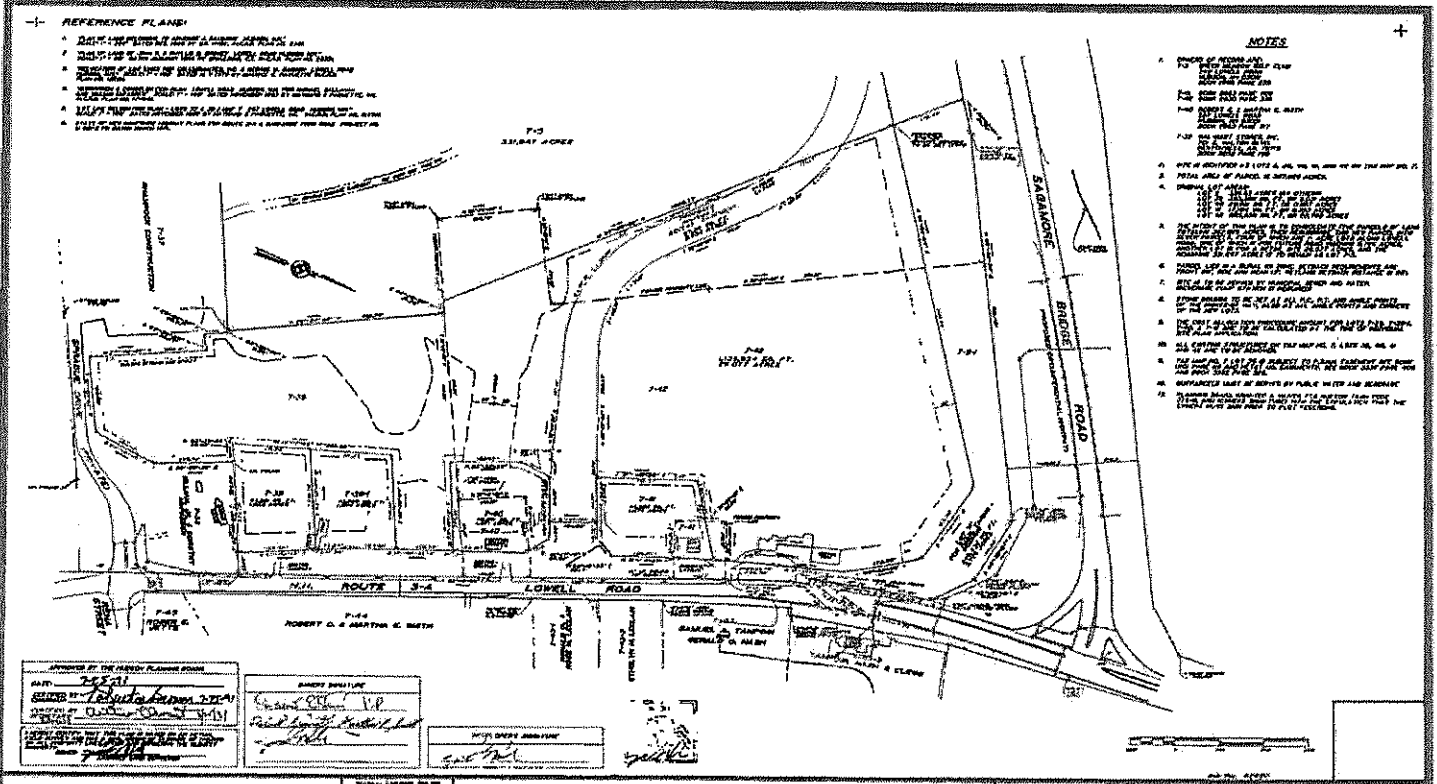
January 20, 2021

**EXHIBIT 2a**



11-24 N 1111 LB1621 7-25-71 ALA/18 182

11-2221 DWG. 107 1 of 2



- REFERENCE PLANS:**
- 1. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 2. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 3. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 4. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 5. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 6. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 7. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 8. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 9. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.
  - 10. PLAN OF THE LANDS OF FRIEL, SMITH & WAL-MART STORES, INC.

- NOTES:**
1. THE AREA OF THIS PLAN IS SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC HIGHWAYS AND BRIDGES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC WATERS AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC LANDS.
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  8. THE AREA OF THIS PLAN IS SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC HIGHWAYS AND BRIDGES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC WATERS AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC LANDS.
  9. THE AREA OF THIS PLAN IS SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC HIGHWAYS AND BRIDGES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC WATERS AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC LANDS.
  10. THE AREA OF THIS PLAN IS SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC HIGHWAYS AND BRIDGES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC WATERS AND TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE IN THE PUBLIC LANDS.

APPROVED BY THE BOARD OF PLANNING COMMISSION

DATE: 7/25/11

DESIGNED BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

WAL-MART STORES, INC.

[Signature]

**HOLDEN** Engineering & Surveying Inc.

CONSOLIDATION & RESUBDIVISION PLAN OF LANDS  
**FRIEL, SMITH & WAL-MART STORES, INC.**  
 HUDSON, NH

Sheet 3 of 3  
 Scale: 1" = 100'  
 Sheet No. 2 of 3

DATE: 7/25/11

11, 11/11/11  
 11, 11/11/11  
 11, 11/11/11

**SMOLAK & VAUGHAN LLP**

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 3**

July 16, 1991

Hudson Planning Board  
12 School St.  
Hudson, N.H.

ATTN: R. Brown, Chairman

SUBJECT: Sam's Club Sewer System

Dear Mr. Chairman:

This letter is to inform you that the Sewer Utility Committee has performed a preliminary review of the proposed Sam's Club sewer system layout.

At this time, although our final review is not complete, we are satisfied that there is flow capacity available in the existing Sagamore Industrial Park pumping system and the sewer line downstream.

The applicant has been informed that the Capital Assessment District fees will be required with respect to utilization of capacity of the Sagamore Industrial Park pumping station. This pumping station is part of the Sagamore Industrial Park sewer assessment district. The exact amount of these fees will be based on flowage.

The applicant has indicated a willingness to upsize the sewer line underneath the Sagamore Park Drive. This is agreeable to the Sewer Utility Committee and is compatible with future sewer facilities planning in the area. Final calculations are in process with respect to how far this 18-inch line needs to be extended and the exact profile of this line upstream of the Sagamore Bridge Road.

A final agreement must be approved by the SUC with all details worked out and with all fees defined including hookup fees, user fees and assessment district fees. This will be part of the sewer permit for this project.

We do not believe that any of these issues will prohibit your approval of the subject application.

Very Truly yours,  
Sewer Utility Committee

  
Doris R. Ducharme,  
Chairperson

cc: SUC members  
T. Sommers  
Finance Director  
Public Works Manager  
Town Engineer  
Planning Board Members

**SMOLAK & VAUGHAN LLP**

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 4**



Costello, Lomasney & de Napoli, Inc.  
Consulting Engineers  
540 Commercial Street  
Manchester, NH 03101  
(603) 668-8223 FAX (603) 668-8802

RECEIVED

JUL 29 1991

TOWN OF HUDSON  
DEPT. OF PUBLIC WORKS

July 25, 1991

Town of Hudson  
12 School Street  
Hudson, NH 03051

*\$ 39,100.*

Attention: Michael Gospodarek, P.E.

Re: Wal-Mart Sam's Site Plan Sewer  
Master Evaluation  
Our Reference No. 91-501

Dear Mr. Gospodarek:

I have completed my review with respect to this project and have the following comments:

1. The capacity of the pump station at Sagamore Industrial Park into which this project is to tie, is based on a relatively conservative average daily flow for the Sagamore Industrial Park area, and a peaking factor utilizing State maximum peak criteria which is conservative.

It has been indicated to me that this project will generate approximately 20,000 GPD average daily flow. This includes all out parcels, and further including a future Wal-Mart retail store in addition to Sam's Club. Sam's Club by itself, I understand, requires about 4,500 to 5,000 GPD average daily flow.

The average daily design flow for the pump station, of approximately 395,000 GPD, is substantial in comparison. As I indicated, this is a reasonably conservative number and the design of the pump station is further made conservative by the peaking factor used. I am confident, therefore, that there is sufficient capacity in the pumping station to accommodate this project in total.

Mr. Michael Gospodarek, P.E.  
Our Reference No. 91-501  
July 25, 1991  
Page - 2

2. A second issue which must be addressed is the fact that the Sagamore Industrial Park pumping station is being paid for by the users and owners of properties in the Sagamore Sewer Assessment District. This payment is for the capital cost of installation of the sewer and pumping station.

Since Wal-Mart will only utilize the pumping station and force main portions, it is my recommendation that they be responsible only for a fair share of payment to the Assessment District for these items.

I would recommend calculation of this fair share be based on the actual cost of the pumping station and force main (which including both design and construction is \$782,000) as a portion of the total capital cost expended for the Sagamore Park Sewer Systems, Contract #8 and Change Order #12.

The percent contribution of Wal-Mart should further be tied to the amount of flow capacity which they are proposing to utilize in the Industrial Park pump station. Based on the figures I indicated in 1 above, this amount is approximately 5% of the total flow capacity of the pump station.

Since the other members of the Assessment District are paying on the basis of a bond issue already established, I believe that the simplest way would be for the Wal-Mart Project to pay their fair share of that bond both in principal and interest. I believe Wal-Mart's amount can, therefore, be calculated through the Finance Department.

3. With respect to sewer facility planning for future sewerage of southern Hudson, it is my recommendation that the 18" sewer proposed by Wal-Mart presently shown to sewer manhole #16 on Drawing 10 of 32 be further extended to the south all the way to sewer manhole #1 as shown on Drawing Sheet 12 of 32. In addition, the pipe elevation should be lowered such that at sewer manhole #16 the invert elevation is 125± and at sewer manhole #1 an invert elevation of 138± can be attained. This is requested in order that we maximize the potential for expansion of the gravity sewer through this line to allow sewerage of other areas south and east of this parcel.

CID



Mr. Mike Gospodarek, P.E.  
Our Reference No. 91-501  
July 25, 1991  
Page - 3.

It is recognized that this will not allow for sewerage without pump station of the Sprague Drive commercial area. In reviewing elevations necessary to do that I do not believe that even holding minimum slopes and elevations for the entire length of the sewer such will be possible. The elevations called for however, I believe are attainable, reasonable and provide additional flexibility as indicated for future gravity sewer expansion.

4. Providing sewer to the entire southern Hudson area in the facilities plan has called for a larger than 18" pipe, in fact a 30" gravity sewer in the vicinity of this project is estimated in the Facilities Plan. It is certainly not realistic to assume that all of this flow area would go through the Sagamore Industrial Park Pumping Station, but since this project and the NHDOT are undertaking the Circumferential Highway improvement, now would be the recommended time to provide additional sleeves for future lines which would provide for the capacity required.

I recommend that if possible a sleeve large enough for a 10" force main be placed as part of the intersection improvements for the Sagamore Bridge Road and Route 3A, and that this sleeve be placed in the vicinity of that intersection, although not directly at the intersection. The exact location, I believe, could be determined by the Hudson DPW in conjunction with the NHDOT.

This letter addresses the issues that I was requested to review and the issues that are apparent with respect to sewer facilities planning.

If there are any questions, as always, please contact me.

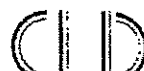
Very truly yours,

COSTELLO, LOMASNEY & deNAPOLI, INC.

*Thomas J. Sommers*  
Thomas J. Sommers, P.E.

TJS:sch

cc: Doris Ducharme, Chairman of the Hudson Sewer Utility  
Committee



**SMOLAK & VAUGHAN LLP**

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 5**



TOWN OF HUDSON  
Department of Public Works

FS  
Copy - Finance Dir.  
- Town Planner  
- Fire Chief  
- [Signature]



12 School Street Hudson, New Hampshire 03051 603/886-6005

August 5, 1991

Mr. Peter Holden  
Holden Engineering and Surveying, Inc.  
Route 106  
P.O. Box 249  
Concord, NH 03302-0249

RE: Wal Mart/Sam's Site Plan  
Map 7, Lots 5, 39, 40, 41, 42

Dear Peter:

Based on the July 24, 1991 Planning Board approval, it would appear that the Board has essentially left all the remaining Planning Board issues to the Engineering Division for review and approval. In the spirit of that approval, the Engineering Division has the following concerns relating to the project and feel that these concerns could be used as a preliminary punch list before building permits and certificates of occupancy can be obtained:

1. Enclosed is a copy of the report from Costello, Lomasney & deNapoli, Inc. (CLD) relating to the sewer evaluation. A review of this letter indicates that CLD reviewed this project for approximately 20,000 gpd average daily flow. Please note that if the intensity of these lots changes or increases, the sewer review will have to be revised and it would jeopardize any existing permits that have been issued for any of the sites.

Within item #2 of CLD's letter, it refers you to the Finance Department relating to the fair share contribution to the pump station and any other capital costs that may be incurred relating to the sewer line. As I understand this agreement, these costs that you will be paying into the pump station and flow capacity would cover your sewer assessment costs at the time of sewer permit application; therefore, I recommend you contact the Finance Department to determine what needs to be accomplished on their end. This Division could not

Mr. Peter Holden  
Wal Mart/Sam's Site Plan *MW*  
August 5, 1991  
Page 2

recommend the issuance of a building permit until all sewer issues have been resolved and all sewer permits approved. As with the case with Woodland Heights, your company must provide a complete package to the Engineering Division for signing of the State permit. We have found that typical submittals include a complete detailed plan sheet of the proposal along with specifications and the proper signature documents with fees being paid. When this is accomplished, please submit at least minimum of two packages; one to the Town and one to the State. I would be happy to sign the form at which time you can deliver the entire package to the State for their review so that State approval can be granted. Please note that we cannot recommend a building permit being issued until the State permit has been obtained.

Item #3 indicates that Mr. Sommers is recommending an eighteen inch sleeve under the Circumferential Highway; I will have further comments later on in the memo relating to how this relates to the set of plans as submitted and approved by the Planning Board.

Item #4 also indicates that the Town should be prepared to include a second sleeve somewhere at the intersection of the Sagamore Bridge Road and Route 3A to accommodate any future planning in the Town. Mr. Sommers indicates a ten inch force main; I preliminarily included this into one of my memos at the Planning Board level requesting an eighteen inch reinforced concrete pipe gasketed near the Sagamore Bridge Roads for future expansion. My intent was to try to predict the size of possible force main that would be included for this item along with any other possible needs the Town would have under the Circumferential Highway. It now appears that a twenty-four inch pipe size will now be needed

This concludes the letter regarding the sewer evaluation from CLD.

Mr. Peter Holden  
Wal Mart/Sam's Site Plan <sup>11/17</sup>  
August 5, 1991  
Page 3

CLD has sent us an invoice for the remaining funds to be collected; enclosed is a copy of that invoice. I strongly recommend that all accounts be closed with CLD.

The following comments relate to the sewer design on the Sam's Club site plan:

1. Plans need to be revised to show the eighteen inch sewer line as outlined in item #3 in CLD's letter.
2. As in accordance with CLD's letter, section #3, plan and profile along with inverts must be changed for the eighteen inch pipe.
3. It will be necessary to provide a sewer easement along this entire stretch to allow the Town maintenance of this sewer once public sewerage goes into it.

The Town also needs a sewer easement from the edge of pavement near sewer manhole #1 to the Sagamore Drive section so that this sewer can be extended outside of the site plan; it is recommended that this easement to Sagamore Drive be discussed with Tom Sommers before final approval.

4. Sheet #27 of 32 typical bituminous pavement section detail outlines a four inch slotted corrugated polyurethane tubing. This underdrain doesn't appear to be shown on the plan and where do these underdrains connect into the catch basins and which catch basins do they connect to?
5. Sheet #32 of 32 - sewer details: the Town currently does not allow an outside drop manhole and this detail should be removed from the plan so that no confusion will take place.
6. This Division will be charged with doing the inspection services relating to this project; the three major issues that will need inspections will be sewer, mitigation plan relating to wetlands, erosion control and drainage. It can be anticipated that full-time inspections will occur during the sewer line construction and if all work is coordinated correctly, inspection on drainage

Mr. Peter Holden  
Wal Mart/Sam's Site Plan<sup>MB</sup>  
August 5, 1991  
Page 4

and wetlands will occur simultaneously. This poses a problem with construction scheduling; a detailed construction schedule for this site must be submitted to this Division for review and approval within two weeks of the pre-construction meeting. This Division will also need an escrow account placed with the Town to cover the costs for inspection services. It is anticipated that overtime will be used for this construction project since the project is on the fast track; therefore, this Division is requesting a beginning deposit of \$7,000.00 to be placed in an escrow account to cover the cost of inspection services.

#### SITE PLAN SUMMARY

In order for Wal Mart/Sam's to get a positive recommendation from this Division for a building permit, the following must be granted/approved:

1. State sewer permits;
2. the Town's IDA permit;
3. an escrow account must be placed with the Town of Hudson;
4. an approved construction schedule must be placed a minimum of ten working days prior to the pre-construction conference (the pre-construction conference must be held a minimum of two to three days prior to any work);

Along with the above items, all fees must be paid prior to the issuance of any permits and all past fees owed to CLD or the Planning Board must be paid.

#### ROUTE 3A EXPANSION

Due to the fact the Planning Board did not review this plan in any depth, the original Route 3A submittals never went to the individual Divisions/Departments for review. This is a typical procedure which the Town Planner uses; however, due to the lateness of the submittal, it was impossible for all

Mr. Peter Holden  
Wal Mart/Sam's Site Plan *PAW*  
August 5, 1991  
Page 5

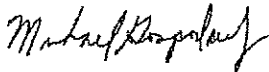
Divisions/Departments to comment on the set of plans. In order to keep the project moving and progressing, I am requesting that three sets of complete roadway plans that are identical to the State be submitted to the Engineering Division so it can route the plans to the various Departments/Divisions and receive comments.

Some of the preliminary comments this Division had and has communicated its' concerns to the State is questions such as bonding, construction schedules, traffic control, inspection services, opticom systems, etc.

This Division would like to work with one individual that represents Sam's Club. It is imperative that we set up a line of communication between the Engineering Division, Conservation Commission, Zoning Board and Sam's. At the present time, Holden Engineering is the only contact for this project. If this changes, or you are proposing a change in this, please contact us in writing as to who the new contact person will be so that all correspondence can be presented to them relating to development and construction issues.

If you have any questions regarding the above, do not hesitate to contact us.

Very truly yours,



Michael Gospodarek  
Town Engineer

MG/mja

pc: Fred Snider, Executive Administrator ✓  
Mark P. DeVine, Public Works Manager  
Attorney Thomas J. Leonard

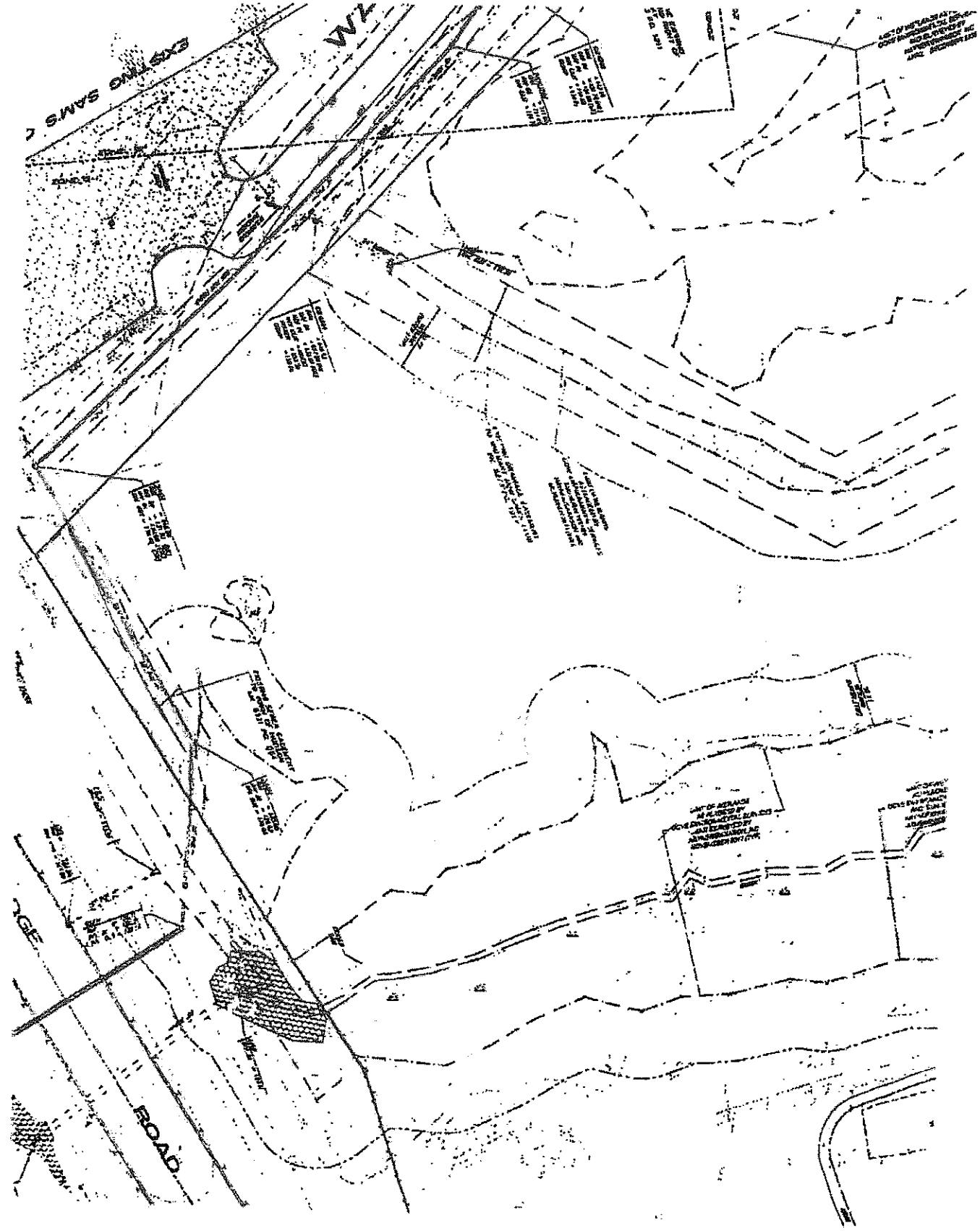
**SMOLAK & VAUGHAN LLP**

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 6**





SAMS ON 1500

WZ

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

EDGE

ROAD

ROAD

ROAD

**SMOLAK & VAUGHAN LLP**

David S. Morin, Chairman  
Town of Hudson

January 20, 2021

**EXHIBIT 7**

## EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS that Greenmeadow Golf Club, Inc. with a mailing address of 249 Lowell Road, Hudson, County of Hillsborough and State of New Hampshire 03051 (the "Grantor"), for consideration paid, grants to the Town of Hudson, with a mailing address of 12 School Street, Hudson, County of Hillsborough and State of New Hampshire 03051, its successors and/or assigns (the "Grantee") with quitclaim covenants, for sewer and related purposes, the perpetual, non-exclusive right and easement to extend, lay, construct, reconstruct, operate, maintain, inspect, repair, replace and remove sewer, water and/or gas pipes and/or mains and other conduits necessary for the provision of sewer, water and/or gas service and any appurtenances thereto, on, over, across and under a certain portion (the "Easement Area") of certain property (the "Property") of the Grantor located in Hudson, County of Hillsborough and State of New Hampshire and being shown as "Sewer Easement Lot 7-5" on Sheet 4 of a plan entitled "Sewer Easement & As-Built Plan, Sam's Club, Hudson, NH" prepared by Holden Engineering and Surveying, Inc., dated February 5, 1992 and recorded or to be recorded in the Hillsborough County Registry of Deeds (hereinafter "Plan").

The Easement Area is more particularly bounded and described as follows:

Beginning at a point on the southerly line of Sagamore Bridge Road, said point S 54° 59' 24" W a distance of 196.84 feet from the northwest corner of the lands of Wal-Mart Stores, Inc.; thence running S 88° 04' 19" E a distance of 26.51 feet to a point; thence running N 57° 25' 31" E a distance of 181.26 feet to a point at lands of Wal-Mart Stores, Inc.; thence running along the lands of Wal-Mart Stores, Inc. S 47° 59' 38" E a distance of 20.75 feet to a point; thence running S 57° 25' 31" W a distance of 192.99 feet to a point; thence running N 88° 04' 19" W a distance of 59.32 feet to a point on the southerly line of Sagamore Bridge Road; thence running along said line of Sagamore Bridge Road N 54° 59' 24" E a distance of 33.28 feet to the point of beginning. The Easement Area contains approximately 4,601 square feet or 0.106.

All rights and easements described herein shall run with both the land which they benefit and the land which they burden and shall be fully assignable by the Grantee.

The capitalized word "Grantor" when used in this Easement Deed shall mean Greenmeadow Golf Club, Inc., its successors and/or assigns and the capitalized word "Grantee" when used in this Easement Deed shall mean the Town of Hudson, its successors and/or assigns.

This is not homestead property.

No transfer tax is due for this conveyance. The Town of Hudson is exempt pursuant to RSA 78-B:2(I). This conveyance is subject to restrictions and encumbrances of record.

BK5331  
Pg0554

For Grantor's title see deed dated Oct 1 1960 recorded  
with the Hillsborough County Registry of Deeds at Book 1668,  
Page 239.

EXECUTED this 25<sup>th</sup> day of February, 1992.

GREENMEADOW GOLF CLUB, INC.

By: Philip J. Friel PRESIDENT  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

Then personally appeared before me the above named  
Philip J. Friel, the PRESIDENT of Greenmeadow Golf  
Club, Inc. who acknowledged the foregoing to be his free act and  
deed and the free act and deed of Greenmeadow Golf Club, Inc. this  
25<sup>th</sup> day of February 1992.

Richard Howard  
Justice of the Peace  
Notary Public  
My Commission Expires: Sept 23 1992

BK5331 PG0555

THE STATE OF NEW HAMPSHIRE

COUNTY OF HILLSBOROUGH. SS.

BOARD OF SELECTMEN  
TOWN OF HUDSON

REQUEST FOR RECONSIDERATION

**Re: Request for Sewer Connection and Allocation  
Greenmeadow Golf Club, Inc./Hillwood Enterprises, LP**

NOW COMES Greenmeadow Golf Club, Inc. of Steele Road, Hudson, New Hampshire and says:

1. Greenmeadow Golf Club, Inc. ("Greenmeadow") is the owner of land located at Steele Road, Hudson, New Hampshire which land is known as Map 239, Lot 1, Map 234, Lot 5 and Lot 34 (the "Property").
2. At a meeting of the Selectmen conducted January 12, 2021, the Board considered an application for a sewer connection and allocation brought by Hillwood Enterprises, LP (Hillwood) for the above-referenced Property.
3. At the meeting, the request was denied by the Selectmen upon a Motion to Deny supported by three (3) yes votes and two (2) no votes.
4. Having reviewed the video recording of the January 12 Board hearing, Greenmeadow respectfully suggests the Board's decision was based upon incomplete material facts, and a misunderstanding of material facts. Specifically, factual matters related to the extent and location of a "sewer district" and supporting documents regarding the history of sewer construction and dedication were unclear.

5. Greenmeadow can provide documents to demonstrate the history and expectations regarding the initial sewer installation on the Property, and information to resolve misunderstandings of material facts.

6. Greenmeadow respectfully requests that the Selectmen reconsider the decision.

### FACTS

#### **Why, How, and When Sewer was Installed.**

7. During the 1990's, Greenmeadow and other landowners submitted an application for a subdivision approval related to a "Site" which included 367.829 acres, and which consolidated five (5) parcels of land and then re-subdivided the parcel into 7 parcels of land. *see* Ex 1 Agenda.

8. The subdivision was approved July 24, 1991 (the "Subdivision").

9. Concurrent with the Subdivision, Walmart Stores, Inc. — with the coordination and cooperation of Greenmeadow — proposed an application for site plan approval regarding one of the lots created in the above-referenced Subdivision.

10. The Subdivision Plan was approved by the Planning Board on or about July 24, 1991 with certain conditions; one of which stated: "Site is to be served by municipal sewer and water. (Sewerage pump station is required)." *See* Ex 2 and Ex 2a Note 7 Plan # 25273 recorded at the Hillsborough County Registry of Deeds.

11. During the subdivision and site plan review process, sewer was reviewed by the town engineer and other appropriate professionals. During the review process, the Town of Hudson asked the applicant to:

- Upsize the sewer line in order to be compatible with "future sewer facilities planning in the area"; and

- Pay a certain amount as part of a capital assessment district for the Sagamore Industrial Park pumping station. *See Ex 3 Letter of Sewer Utility Commission, Doris R. Ducharme, Chairperson, dated July 16, 1991.*

12. The upsizing of the sewer was intended to “maximize the potential for expansion of gravity sewer through this line to allow sewerage of other areas south and east of this parcel” *See Ex 4 Letter dated July 25, 1991 Costello Lomasney & DiNapoli (CLD) engineers to Town of Hudson attn. Michael Gospodarek PE., and Ex 5 Return letter dated August 5, 1991 from Michael Gospodarek to Peter Holden, engineer for Walmart Stores.*

13. The Town required that the sewer be sized to accommodate future development on the Greenmeadow site — the “Property” in this application.

14. Part of the business arrangement between Greenmeadow and Walmart Stores, Inc. was that Walmart would buy one lot of the Subdivision for construction of a Sam’s Club with the obligation to construct all improvements both on site and off site.

15. The sewer was built on private property (including Map 7 Lot 5 which is now 239-1, the Property) to the specifications demanded by the Town, using private funds. There was no expense to the Town.

16. The “upsizing” of the sewer line, the sleeve, and contribution to the pumpstation were completed as required by the Town.

17. All sewer improvements were located on private property and eventually transferred to the Town of Hudson for public use.

18. Greenmeadow conveyed a non-exclusive easement for sewer over, across, and under land owned by Greenmeadow which was formerly Lot 7-5 and is now Lot 239-1. *See Sewer Easement at Book 5331, Page 554.*

19. The easement that Greenmeadow conveyed to the Town ran from the sewer located on the Walmart Site across property owned by Greenmeadow and connected with a sleeve under the Sagamore Bridge road which was directed to the pump station. *See Sewer Easement at Book 5331, Page 554; see also Ex 6 Plan of HSI.*

20. The existing main is 18" pipe and has ample capacity for an expanded region of southern Hudson. *See Ex 4 Letter dated July 25, 1991 CLD to Town of Hudson attn. Michael Gospodarek PE, and see Ex 7 Plan HSI*

21. According to the Town engineer's testimony there is approximately 395,000 gallons per day of capacity within the "system boundary" and an additional approximately 195,800 gallons per day of capacity beyond the "system boundary". *See Video of Meeting of Selectmen 1/12/2021; Board of Selectmen Packet for Board of Selectmen Meeting on January 12, 2021.*

22. Hillwood's request is for a connection to the existing sewer main within the existing service area. The main is located on Property owned by Greenmeadow. There is no request to extend the public sewer main. There is no need for 'allocation' outside the service area. Rather, all sewer lines on the Property will be private. The only request is for a connection into an existing sewer line that has existed on Property since 1992.

#### **Ordinances and Regulations 1991-1992**

23. At the time of the subdivision approval and at the time of the site plan approval, the relevant regulations strongly encouraged connection to a public sewer system, if available.

24. Ordinance 77 and 77A, which is the Sewer Ordinance for the Town of Hudson, specifically required connections when sewer was available. Sewer Use Ordinance No. 77, Article 2, 2.1H.



25. The Friel, Callahan, Walmart Subdivision was approved with a clear condition requiring sewer and water on all parcels within the “Site” which included the lot which is now Lot 239-1. *See* Ex 2 Note 7 Plan # 25273 recorded at the Hillsborough County Registry of Deeds.

26. To impose the condition, the Planning Board needed to conclude that sewer was necessary to the health and safety of the community. Planning Board review is designed to ensure “the health, safety, or prosperity” of the community. *Trustees of Dartmouth College v. Town of Hanover*, 171 N.H. 497, 504 (2018). Provisions for adequate water and sewer services are an essential component of the Planning Board’s health and safety inquiry. *See Meredith v. State Bd. of Health*, 94 N.H. 123, 132 (1946). Courts and legal experts generally consider that conditions requiring the installation of water or sewer to be clearly *essential* to health and safety. *See* generally 15 NH Practice, Land Use Planning and Zoning, Section 29.15. *See* also RSA 674:36, III.

27. Upon constructing the new sewer to the larger size and specifications demanded by the Town, and upon granting the Town public rights in the new sewer — including a public easement over, under and across property owned by Greenmeadow — Greenmeadow fully and reasonably expected to have access to the public sewer on their land. The Town had no reason or basis to decide otherwise.

#### **New Regulations since 1999**

28. During the years 1999 – 2002, the Town of Hudson went through a period of study with an engineering firm, CLD, which performed a sewer capacity study and an inflow and infiltration study.

29. Based upon the information developed and based upon expectation of additional information being developed, the Town of Hudson passed a new ordinance which is now Section 270-17 "Sewer Limitation Allocation Procedure."

30. The Sewer Limitation Allocation Procedure was an effort to address capacity concerns and plan for expansion. There was a stated goal to give priority to the "presently serviced area." Section 270-17 A (3).

31. The ordinance does not create a sewer district. Rather it describes the "system boundary" as the "presently serviced region." Section 270-17 A (3).

32. To the best of the knowledge and belief of Greenmeadow, Ordinance 77 and 77A - the Sewer Ordinance for the Town of Hudson continues to be in effect.

33. The Sewer Ordinance requires that, where sewer was available, it is unlawful to construct facilities to handle wastewater. The site must connect to the sewer. Sewer Use Ordinance No. 77, Article 2, 2.1H.

34. For the request at hand, the sewer is immediately available on site with ample capacity.

### ANALYSIS

**A. Section 270-17, as it applies to Greenmeadow and Property, allows the connection to the sewer main for the Hillwood Logistics Center without approval of the Board of Selectmen.**

35. The present request is for a connection to the main line with no expansion of the system. All sewer pipes beyond the connection are private and are not available for expansion to other sites. Even other adjacent land also owned by affiliates of Greenmeadow is not proposed for connection.

36. Under Section 270-17, A, III, the purpose of the procedure is stated:

“before the Town of Hudson undertakes an expansion of its wastewater treatment system beyond the existing system boundary, the Town must first provide sewer to all land uses within the presently serviced region....”.

37. Ordinances and regulations must be interpreted to provide meaning to all terms and must be read as a whole.

38. The phrase “system boundary” must, by definition, include the existing sewer main on the Greenmeadow Property. The sewer pipe is public and clearly part of the system.

39. The “presently serviced region” must be interpreted consistent with the ordinance’s clear language — the “region” where sewer already exists. At the very least, the term “region” must include the lot on which the sewer exists.

40. As such, the Sewer Limitation Allocation Procedure requires that “the Town must . . . provide sewer” service to lots on which sewers already exist. Section 270-17 A (3)

41. The same Section A (3) also explains that any limitation of allocation is to enable the Town to plan for “possible expansion”. It does not limit connections in the presently serviced region. It limits expansions beyond the region.

42. Section 270-17 uses the terms “presently serviced region” and “system boundary” to describe an area appropriate for sewer. It is not reasonable that the words prevent lawful uses from connection to the sewer lines that already exist on the lot.

43. Further, Section 270-17 C expressly exempts previously approved subdivisions and site plans from the newly created allocation system. This Subdivision (approved in 1991—before the regulation) is exempt from the newly created allocation system.

44. When taken as a whole, the sewer scheme as established by Hudson rules and regulations must be read to permit the simple connection to the existing public sewer located on

an established lot of record. Section 270-17 A, B, and C when read together, must afford an opportunity for Greenmeadow to connect to the sewer line that exists on the Greenmeadow Property. Any other interpretation would be unreasonable under the circumstances.

45. Greenmeadow respectfully suggests that at the Selectmen meeting on January 12, 2021, there was a misunderstanding regarding the proposal - connection vs. expansion of the system. **There is one connection proposed and there is no expansion proposed.** No other property will be permitted to use the private sewer lines on Lot 239-1.

**B. Even if Section 270-17 is applied to the Property and requires that the requested connection be “essential to the health, safety and welfare,” the present request meets the standard.**

46. It is axiomatic that the provision of adequate water and sewer services are essential to a community’s health, safety, and welfare. *See Meredith v. State Bd. of Health*, 94 N.H. 123, 132 (1946). See generally 15 NH Practice, Land Use Planning and Zoning, Section 29.15. See also RSA 674:36, III.

47. By its 1991 decision to impose a condition on the Friel/Walmart Subdivision requiring sewer for the Site, the Hudson Planning Board decided that sewer for this parcel was (and is) essential to the health, safety, and welfare of the municipality. *See RSA 674:33; see also Note 7 Plan #25273.*

48. The proposal by Hillwood for this Property has an economic benefit to the Town that cannot be overlooked. Many lawful uses of this Property would require substantially more sewer allocation. Perhaps even five times the requested allocation. Here for a small allocation, and no burden on the sewer facilities, the Town gets a tremendous increase in the tax base. *See Opinion of the Justices*, 144 N.H. 374, 379 (1999) (“It is well-established that . . . the general

welfare includes fostering economic growth.”); *see also* discussion set out in Hillwood request and supporting documents.

**C. Section 270-17, if applied to Greenmeadow, and is an unlawful retroactive application of an ordinance.**

49. Section 270-17 C expressly exempts previously approved Subdivisions and site plans from the newly created allocation system. This Subdivision was approved in 1991— before the regulation went into effect — and is therefore exempt from the newly created allocation system.

50. So long as there is capacity and so long as the nature and quantity of the sewage meets objective standards, Greenmeadow has a protected right to access the sewer line on its Property.

51. Retroactive application of the Ordinance would unlawfully divest Greenmeadow of its property rights. *See Town of Bartlett v. Furlong*, 168 N.H. 171, 179 (2015) (“If application of a new law would adversely affect an individual’s substantive rights, however, it may not be applied retroactively.”).

**D. The Town of Hudson has no authority to prevent Greenmeadow from accessing the public sewer located on its Property.**

52. There is no statutory authority to limit access to a sewer main where all parties agree that there is ample capacity in the system. According to the Town engineer’s testimony there is approximately 395,000 gallons per day of capacity within the “system boundary” and an additional approximately 195,800 gallons of capacity per day beyond the “system boundary.”

53. Chapter 270 Sewers is explicitly founded upon the authority of RSA 149-I. That statute affords a municipality administrative authority to regulate a sewer system in a ministerial manner. A Town can impose user fees, require specifications, etc.

54. However, municipalities have only “such powers as are expressly granted to them by the legislature.” *Piper v. Meredith*, 110 N.H. 291, 294 (1970).

55. Where there is ample capacity and where the nature and quality of the sewage comply with objective standards, the statute does not grant a town authority to prevent access.

56. The Town’s interpretation of the sewer allocation procedure and application of the same to prevent connection by Hillwood is an unlawful attempt to prevent an otherwise lawful development on the Property. The Town’s actions amount to an unlawful growth moratorium without vote of the Legislative Body, without statutory authority, and without the required standards.

57. As such, the Town’s conduct is unlawful. A Town may not restrict use of public infrastructure in a manner unrelated to its authority. See *Peabody v. Windham*, 142 NH 488, 495 (1997).

58. The Town’s actions also infringe on Greenmeadow’s substantive due process rights. *UniFirst Corp v. Nashua*, 130 N.H. 11, 14-15 (1987) (noting that access to public wastewater system was a “property interest that was entitled to protection under the due process clause.”). The Ordinance violates due process on its face and as applied to Greenmeadow.

59. The application of the Ordinance here is not rationally related to any legitimate Town policy goals, because the Town has sufficient sewer capacity and has articulated no other valid purpose for denying Greenmeadow’s sewer application. *Dow v. Town of Effingham*, 148 N.H. 121, 124 (2002).

60. It would be a violation of substantive due process for the Town to restrict Greenmeadow's fundamental property rights in an arbitrary way and for no legitimate purpose.

*See id.*

**E. Section 270-17, on its face and as applied to Greenmeadow, is unlawfully vague, arbitrary, and capricious.**

61. The terms used in Section 270-17 and the map associated with the Section 270-17 are unlawfully vague: they are not readily understandable to an average person, there is no ascertainable rule to accomplish the stated goals of the regulation, and the terms cause uncertainty and lead to arbitrary results.

62. For example, Section 270-17 allows the Selectmen to restrict a landowner's property usage based on the Selectmen's "opinion" that a particular use is (or is not) "essential for the public health, safety, and welfare of the Town of Hudson."

63. This language is so broad that it effectively allows the Selectmen to make determination solely based on personal opinion. Such a standard allows for arbitrary enforcement and is unconstitutionally vague. *See Orion v. Weber*, 269 N.W.2d 275, 277 (Mich. Ct. App. 1978) ("[O]rdinances cannot be saved by broad statements as to the public health, safety, and general welfare, since such statements afford no sufficient guide for the board in the exercise of its discretion. Therefore, we find that [the ordinance provision] is unconstitutional on its face.").

64. The Ordinance also raises equal protection concerns as applied to Greenmeadow.

65. If the sewer allocation procedure is interpreted to deny Greenmeadow a connection with appropriate allocation, Greenmeadow will be the only property in the Town of Hudson that has a sewer main on its lot but is prevented from connecting.

66. Further, there are many lots in Hudson that do not have sewer on their property but who, under the Town's interpretation, would be afforded an opportunity to connect to existing sewer line by an extension of the public sewer main and expansion of the sewer region.

67. In fact, during the month of December, a residential development requested and was granted an extension of the sewer main beyond the "system boundary" to provide an additional area with an opportunity to connect to the sewer main.

68. As such, the Ordinance (on its face and as-applied) impermissibly treats "similarly situated individuals in a different manner." *Taylor v. Town of Plaistow*, 152 N.H. 142, 146 (2005).

69. This is particularly objectionable because the arbitrary classifications imposed by the Town's sewer scheme unnecessarily infringe on Greenmeadow's fundamental rights. *Chesterfield v. Brooks*, 126 N.H. 64, 67 (1985) ("[O]wnership, use and enjoyment of property is a fundamental personal right.").

70. The Ordinance and its application are not substantially related to an important government objective; as such, its provisions violate equal protection.

#### SUMMARY

In summary, in 1991 and 1992, Greenmeadow and Walmart as co applicants:

- Designed the sewer to Town specs.
- Upsized main for expansion, at the Town's request.
- Built with private money.
- On the Greenmeadow Property.
- Gave a non-exclusive easement to the Town.
- Both Greenmeadow and the Town expected Greenmeadow would use the sewer for future development
- All done before the Sewer Limitation Allocation Procedure was adopted.

Now the Town says that Greenmeadow and Hillwood cannot use the sewer located on the Greenmeadow Property, even though there is ample capacity.



I. The vote of the Selectmen on January 12, 2021 resulted from a misunderstanding of material facts and circumstances.

II. The vote of the Selectmen on January 12, 2021 resulted from an erroneous interpretation of Section 270-17.

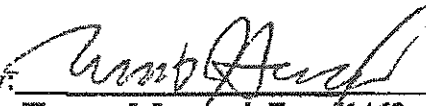
III. The action of the Selectmen on January 12, 2021 was unlawful in that the Hudson regulations and ordinances associated with the sewer, on their face and as applied during the vote of January 12, 2021, are contrary to the statutory authority of the municipality.

IV. The action of the Selectmen on January 12, 2021 was unlawful in that the Hudson regulations and ordinances associated with the sewer, on their face and as applied during the vote of January 12, 2021 are unlawfully vague, arbitrary, and capricious, and contrary to the protections of due process and equal protection.

WHEREFORE, Greenmeadow Golf Club, Inc. respectfully requests that the Selectmen reconsider its vote of January 12, 2021 and allow additional testimony as reasonably necessary to establish the relevant material facts and circumstances, and following testimony, grant the requested sewer connection requested by Hillwood Enterprises LP.

Respectfully submitted,  
Greenmeadow Golf Club, Inc.  
WELTS, WHITE & FONTAINE, P.C.

Date: January 20, 2021

by:   
Thomas J. Leonard, Esq. #1469  
29 Factory Street/P.O. Box 507  
Nashua, NH 03061-0507  
(603) 883-0797  
[tjleonard@lawyersnh.com](mailto:tjleonard@lawyersnh.com)

# Exhibit 1



TOWN OF HUDSON

PLANNING BOARD

PUBLIC MEETING

TOWN OF HUDSON, NH

JULY 24, 1991

12 School Street

Hudson, New Hampshire 03051

603/886-6005



The Town of Hudson Planning Board will hold a "Special Meeting" on July 24, 1991 at 7:00 p.m. in the Town Council Chambers. The following items will be on the agenda:

I. CALL TO ORDER BY CHAIRPERSON AT 7:00 p.m.

II. ROLL CALL

III. SEATING OF ALTERNATES

IV. OLD BUSINESS

- A. Friel/Callahan/Smith Sub. Rte. 3A/Sagamore Bridge Rd.  
SB# 03-91 & Sprague Drive  
Map 7, Lots 5, 39, 40, 41 & 42

Proposal to consolidate Tax Map 7, Lots 39, 40, 41 and 42 and part of Tax Map 7, Lot 5 one 30.8 acre lot; then subdivide this lot into five lots. One lot being 26.65 acres and four lots being approximately 1 acre each. Consideration of plan to show new lot dimensions and other drafting changes. Review of April 24, 1991 approval stipulations. Hearing.

- B. Sam's Club Site Plan Rte. 3A/Sagamore Bridge Rd.  
SP# 02-91 & Sprague Drive  
Map 7, Lots 5, 39, 40, 41 & 42

Proposed 130,000 SF Sam's Club (Div. of Wal-Mart) with four one acre out-parcels. Three existing homes on Tax Map 7, Lots 40, 41 & 42 are to be removed. Surrounding parcels are currently Green Meadow Golf Course, Sprague Elec., and a single family home. Parcels to be consolidated for proposed development are Tax Map 7, Lots 39, 40, 41 & 42 and part of Tax Map 7, Lot 5. Consideration of plan to show new boundary dimensions and other drafting changes. Review of April 24, 1991 approval conditions. Hearing.

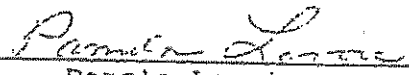
V. OTHER BUSINESS

VI. ADJOURNMENT

Planning Board Agenda  
July 24, 1991  
Page 2

Comments may be submitted in writing until noon on the day of the meeting.

The public is invited to attend.

  
Pamela Lavoie  
Pamela Lavoie  
Planning Board Secretary

POSTED: Town Hall, Library, Post Office

## Exhibit 2

# NOTES

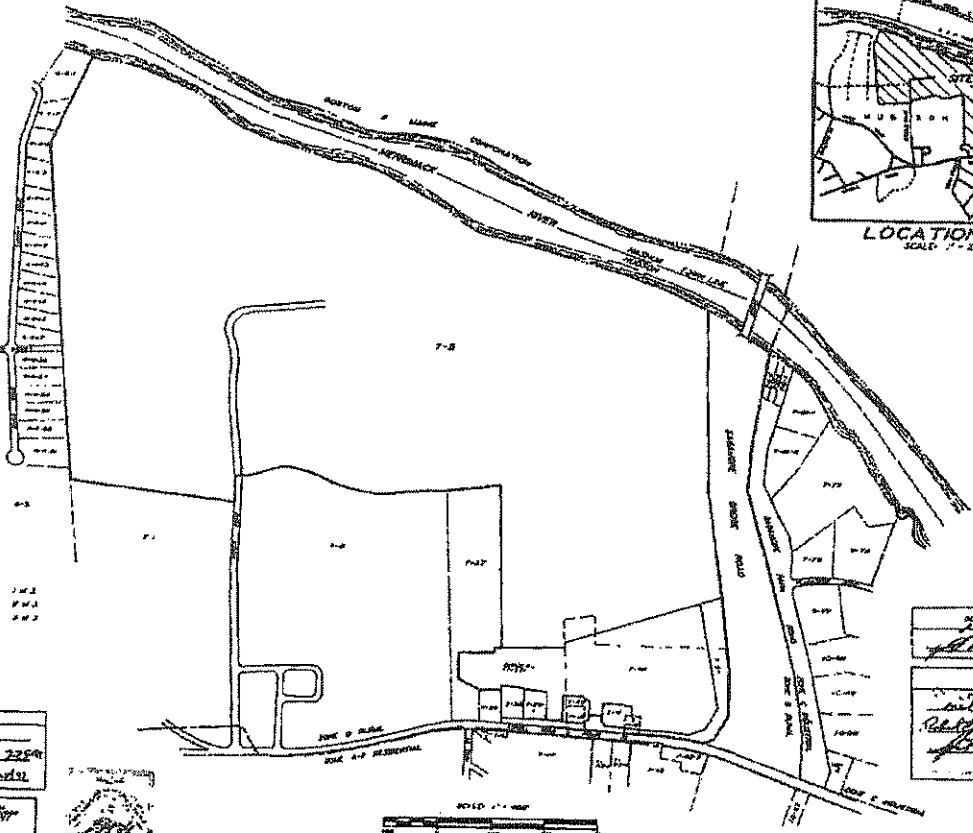
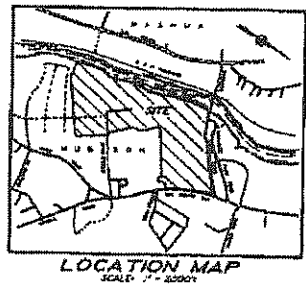
1. OWNERS OF RECORD ARE:
  - 7-5 GREEN MEADOW GOLF CLUB  
249 LOWELL ROAD  
HUDSON, NH 03051  
BOOK 1668 PAGE 239
  - 7-41 BOOK 2563 PAGE 709
  - 7-42 BOOK 2630 PAGE 336
  - 7-40 ROBERT C. & MARTHA E. SMITH  
257 LOWELL ROAD  
HUDSON, NH 03051  
BOOK 2563 PAGE 717
  - 7-39 WAL-MART STORES, INC.  
701 S. WALTON BLVD.  
BENTONVILLE, AR. 72716  
BOOK 5252 PAGE 168
2. SITE IS IDENTIFIED AS LOTS 5, 39, 40, 41, AND 42 ON TAX MAP NO. 7.
3. TOTAL AREA OF PARCEL IS 367.829 ACRES.
4. ORIGINAL LOT AREAS:
  - LOT 5 336.93 ACRES (BY OTHERS)
  - LOT 39 393,368 SQ. FT. OR 9.031 ACRES
  - LOT 40 29,921 SQ. FT. OR 0.687 ACRES
  - LOT 41 17,106 SQ. FT. OR 0.393 ACRES
  - LOT 42 905,530 SQ. FT. OR 20.788 ACRES
5. THE INTENT OF THIS PLAN IS TO CONSOLIDATE FIVE PARCELS OF LAND TOTALING 367.829 ACRES, THEN RESUBDIVIDE THIS NEW PARCEL INTO SEVEN PARCELS, FOUR OF WHICH ARE 1+ ACRE LOTS ALONG LOWELL ROAD, ONE OF WHICH IS FOR FUTURE ROAD WIDENING 5.726 ACRES, ANOTHER LOT IS FOR A RETAIL SITE 26.077 ACRES, AND THE REMAINING 331.847 ACRES IS TO REMAIN AS LOT 7-5.
6. PARCEL LIES IN A RURAL (D) ZONE. SETBACK REQUIREMENTS ARE FRONT 50', SIDE AND REAR 15'. WETLAND SETBACK DISTANCE IS 50'.
7. SITE IS TO BE SERVED BY MUNICIPAL SEWER AND WATER. (SEWERAGE PUMP STATION IS REQUIRED)
8. STONE BOUNDS TO BE SET AT ALL P.C., P.T. AND ANGLE POINTS OF THE RIGHTS-OF WAY, ALSO AT ALL ANGLE POINTS AND CORNERS OF THE NEW LOTS.
9. THE COST ALLOCATION PROCEDURE AMOUNT FOR LOTS 7-39, 7-39-1, 7-40, & 7-41 ARE TO BE CALCULATED AT THE TIME OF INDIVIDUAL SITE PLAN APPLICATION.
10. ALL EXISTING STRUCTURES ON TAX MAP NO. 7, LOTS 39, 40, 41 AND 42 ARE TO BE REMOVED.
11. TAX MAP NO. 7 LOT 39 IS SUBJECT TO P.S.N.H. EASEMENT SEE BOOK 1201 PAGE 116 AND NET&T CO. EASEMENTS. SEE BOOK 3337 PAGE 400 AND BOOK 3552 PAGE 526.
12. OUTPARCELS MUST BE SERVED BY PUBLIC WATER AND SEWERAGE.
13. PLANNING BOARD GRANTED A WAIVER FOR HUDSON TOWN CODE 275-B, 6161 (OWNERS SIGNATURE) WITH THE STIPULATION THAT THE OWNERS MUST SIGN PRIOR TO PLOT RECORDING.

## Exhibit 2a

MAP #	LOT #	ADDRESSES	MAP #	LOT #	ADDRESSES
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**SHEET INDEX**  
 SHEET 1 OF 2  
 DEVELOPMENT PLAN  
 1 OF 2  
 CONFORMANCE PLAN  
 2 OF 2

APPROVED BY THE HUDSON PLANNING BOARD  
 DATE: 7-25-01  
 COMMISSIONER: *[Signature]*  
 SUPERVISOR: *[Signature]*  
 ENGINEER: *[Signature]*



DEVELOPER SIGNATURE  
*[Signature]*

ENGINEER SIGNATURE  
*[Signature]*

**HOLDEN Engineering & Surveying, Inc.**

INDEX PLAN  
**FRIEL, SMITH & WAL-MART STORES, INC.**  
 HUDSON, NY

Job No. 2700	Sheet	Page	Date: 7-25-01
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Sheet No. 2 OF 2			

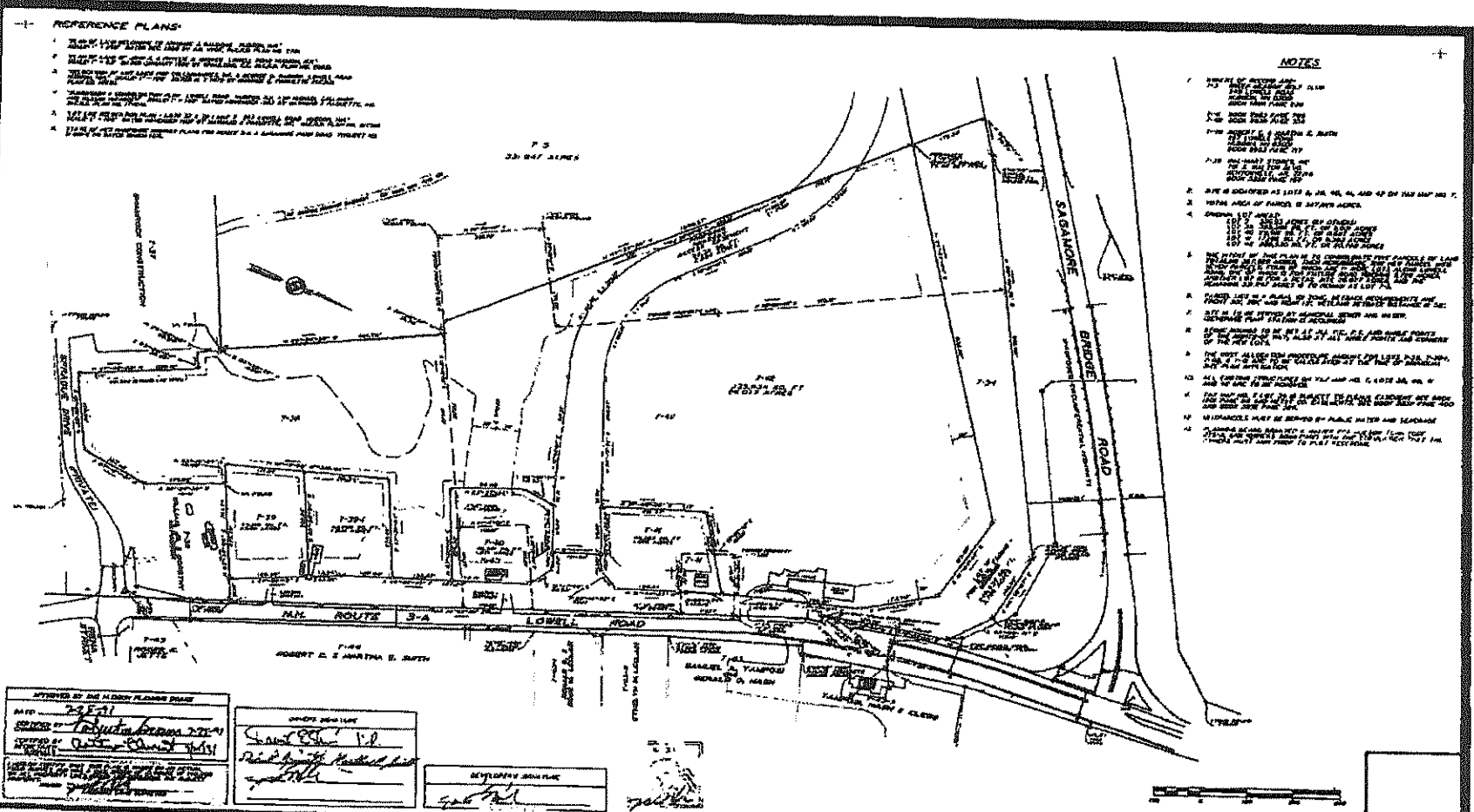


REFERENCE PLANS

1. MAP OF THE STATE OF NEW YORK, 1896
2. MAP OF THE STATE OF NEW YORK, 1900
3. MAP OF THE STATE OF NEW YORK, 1904
4. MAP OF THE STATE OF NEW YORK, 1908
5. MAP OF THE STATE OF NEW YORK, 1912
6. MAP OF THE STATE OF NEW YORK, 1916
7. MAP OF THE STATE OF NEW YORK, 1920
8. MAP OF THE STATE OF NEW YORK, 1924
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10. MAP OF THE STATE OF NEW YORK, 1932
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12. MAP OF THE STATE OF NEW YORK, 1940
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25. MAP OF THE STATE OF NEW YORK, 1992
26. MAP OF THE STATE OF NEW YORK, 1996
27. MAP OF THE STATE OF NEW YORK, 2000
28. MAP OF THE STATE OF NEW YORK, 2004
29. MAP OF THE STATE OF NEW YORK, 2008
30. MAP OF THE STATE OF NEW YORK, 2012
31. MAP OF THE STATE OF NEW YORK, 2016
32. MAP OF THE STATE OF NEW YORK, 2020

NOTES

1. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW YORK.
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APPROVED BY THE HOLDEN PLANNING BOARD  
 DATE: 2/27/21  
 PREPARED BY: Robert E. Smith  
 DRAWN BY: Robert E. Smith

UNIQUE IDENTIFIER  
 NAME: Robert E. Smith  
 ADDRESS: 1000 Main Street  
 CITY: Hudson, NY  
 STATE: NY  
 ZIP: 12534

REVISIONS  
 NO. 1  
 DATE: 2/27/21  
 BY: Robert E. Smith

**HOLDEN** Engineering & Surveying, Inc.  
 1000 Main Street  
 Hudson, NY 12534  
 (518) 537-1234

CONSOLIDATION & RESUBDIVISION PLAN OF LANDS  
**FRIEL, SMITH & WAL-MART STORES, INC.**  
 HUDSON, NY

DRAWN BY  
 DATE

SCALE  
 1" = 100'

DATE: 2-27-21  
 SHEET NO. 2 OF 2

4-25-23 Rev 103 3-7-

21, 22278  
 2 of 2

# Exhibit 3

July 16, 1991

Hudson Planning Board  
12 School St.  
Hudson, N.H.

ATTN: R. Brown, Chairman

SUBJECT: Sam's Club Sewer System

Dear Mr. Chairman:

This letter is to inform you that the Sewer Utility Committee has performed a preliminary review of the proposed Sam's Club sewer system layout.

At this time, although our final review is not complete, we are satisfied that there is flow capacity available in the existing Sagamore Industrial Park pumping system and the sewer line downstream.

The applicant has been informed that the Capital Assessment District fees will be required with respect to utilization of capacity of the Sagamore Industrial Park pumping station. This pumping station is part of the Sagamore Industrial Park sewer assessment district. The exact amount of these fees will be based on flowage.

The applicant has indicated a willingness to upsize the sewer line underneath the Sagamore Park Drive. This is agreeable to the Sewer Utility Committee and is compatible with future sewer facilities planning in the area. Final calculations are in process with respect to how far this 18-inch line needs to be extended and the exact profile of this line upstream of the Sagamore Bridge Road.

A final agreement must be approved by the SUC with all details worked out and with all fees defined including hookup fees, user fees and assessment district fees. This will be part of the sewer permit for this project.

We do not believe that any of these issues will prohibit your approval of the subject application.

Very Truly yours,  
Sewer Utility Committee

  
Doris R. Ducharme,  
Chairperson

cc: SUC members  
T. Sommers  
Finance Director  
Public Works Manager  
Town Engineer  
Planning Board Members

# Exhibit 4



Costello, Lomasney & de Napoli, Inc.  
Consulting Engineers  
540 Commercial Street  
Manchester, NH 03101  
(603) 668-8223 FAX (603) 668-8802

RECEIVED

JUL 29 1991

TOWN OF HUDSON  
DEPT. OF PUBLIC WORKS

July 25, 1991

Town of Hudson  
12 School Street  
Hudson, NH 03051

*\* 39,100*

Attention: Michael Gospodarek, P.E.

Re: Wal-Mart Sam's Site Plan Sewer  
Master Evaluation  
Our Reference No. 91-501

Dear Mr. Gospodarek:

I have completed my review with respect to this project and have the following comments:

1. The capacity of the pump station at Sagamore Industrial Park into which this project is to tie, is based on a relatively conservative average daily flow for the Sagamore Industrial Park area, and a peaking factor utilizing State maximum peak criteria which is conservative.

It has been indicated to me that this project will generate approximately 20,000 GPD average daily flow. This includes all out parcels, and further including a future Wal-Mart retail store in addition to Sam's Club. Sam's Club by itself, I understand, requires about 4,500 to 5,000 GPD average daily flow.

The average daily design flow for the pump station, of approximately 395,000 GPD, is substantial in comparison. As I indicated, this is a reasonably conservative number and the design of the pump station is further made conservative by the peaking factor used. I am confident, therefore, that there is sufficient capacity in the pumping station to accommodate this project in total.

Mr. Michael Gospodarek, P.E.  
Our Reference No. 91-501  
July 25, 1991  
Page - 2

2. A second issue which must be addressed is the fact that the Sagamore Industrial Park pumping station is being paid for by the users and owners of properties in the Sagamore Sewer Assessment District. This payment is for the capital cost of installation of the sewer and pumping station.

Since Wal-Mart will only utilize the pumping station and force main portions, it is my recommendation that they be responsible only for a fair share of payment to the Assessment District for these items.

I would recommend calculation of this fair share be based on the actual cost of the pumping station and force main (which including both design and construction is \$782,000) as a portion of the total capital cost expended for the Sagamore Park Sewer Systems, Contract #8 and Change Order #12.

The percent contribution of Wal-Mart should further be tied to the amount of flow capacity which they are proposing to utilize in the Industrial Park pump station. Based on the figures I indicated in 1 above, this amount is approximately 5% of the total flow capacity of the pump station.

Since the other members of the Assessment District are paying on the basis of a bond issue already established, I believe that the simplest way would be for the Wal-Mart Project to pay their fair share of that bond both in principal and interest. I believe Wal-Mart's amount can, therefore, be calculated through the Finance Department.

3. With respect to sewer facility planning for future sewerage of southern Hudson, it is my recommendation that the 18" sewer proposed by Wal-Mart presently shown to sewer manhole #16 on Drawing 10 of 32 be further extended to the south all the way to sewer manhole #1 as shown on Drawing Sheet 12 of 32. In addition, the pipe elevation should be lowered such that at sewer manhole #16 the invert elevation is 125± and at sewer manhole #1 an invert elevation of 138± can be attained. This is requested in order that we maximize the potential for expansion of the gravity sewer through this line to allow sewerage of other areas south and east of this parcel.

(11)

Mr. Mike Gospodarek, P.E.  
Our Reference No. 91-501  
July 25, 1991  
Page - 3

It is recognized that this will not allow for sewerage without pump station of the Sprague Drive commercial area. In reviewing elevations necessary to do that I do not believe that even holding minimum slopes and elevations for the entire length of the sewer such will be possible. The elevations called for however, I believe are attainable, reasonable and provide additional flexibility as indicated for future gravity sewer expansion.

4. Providing sewer to the entire southern Hudson area in the facilities plan has called for a larger than 18" pipe, in fact a 30" gravity sewer in the vicinity of this project is estimated in the Facilities Plan. It is certainly not realistic to assume that all of this flow area would go through the Sagamore Industrial Park Pumping Station, but since this project and the NHDOT are undertaking the Circumferential Highway improvement, now would be the recommended time to provide additional sleeves for future lines which would provide for the capacity required.

I recommend that if possible a sleeve large enough for a 10" force main be placed as part of the intersection improvements for the Sagamore Bridge Road and Route 3A, and that this sleeve be placed in the vicinity of that intersection, although not directly at the intersection. The exact location, I believe, could be determined by the Hudson DPW in conjunction with the NHDOT.

This letter addresses the issues that I was requested to review and the issues that are apparent with respect to sewer facilities planning.

If there are any questions, as always, please contact me.

Very truly yours,

COSTELLO, LOMASNEY & deNAPOLI, INC.

*Thomas J. Sommers, P.E.*  
Thomas J. Sommers, P.E.

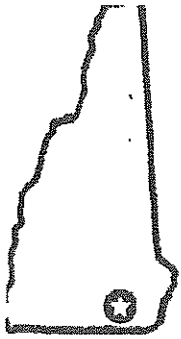
TJS:sch

cc: Doris Ducharme, Chairman of the Hudson Sewer Utility  
Committee

(11)

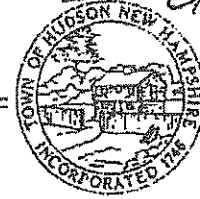
# Exhibit 5





TOWN OF HUDSON  
Department of Public Works

HS -  
Copy - Finance Dir.  
- Town Planner  
- Fire Chief  
- [unclear] Adm.



12 School Street Hudson, New Hampshire 03051 603/886-6005

August 5, 1991

Mr. Peter Holden  
Holden Engineering and Surveying, Inc.  
Route 106  
P.O. Box 249  
Concord, NH 03302-0249

RE: Wal Mart/Sam's Site Plan  
Map 7, Lots 5, 39, 40, 41, 42

Dear Peter:

Based on the July 24, 1991 Planning Board approval, it would appear that the Board has essentially left all the remaining Planning Board issues to the Engineering Division for review and approval. In the spirit of that approval, the Engineering Division has the following concerns relating to the project and feel that these concerns could be used as a preliminary punch list before building permits and certificates of occupancy can be obtained:

1. Enclosed is a copy of the report from Costello, Lomasney & deNapoli, Inc. (CLD) relating to the sewer evaluation. A review of this letter indicates that CLD reviewed this project for approximately 20,000 gpd average daily flow. Please note that if the intensity of these lots changes or increases, the sewer review will have to be revised and it would jeopardize any existing permits that have been issued for any of the sites.

Within item #2 of CLD's letter, it refers you to the Finance Department relating to the fair share contribution to the pump station and any other capital costs that may be incurred relating to the sewer line. As I understand this agreement, these costs that you will be paying into the pump station and flow capacity would cover your sewer assessment costs at the time of sewer permit application; therefore, I recommend you contact the Finance Department to determine what needs to be accomplished on their end. This Division could not

Mr. Peter Holden  
Wal Mart/Sam's Site Plan *PH*  
August 5, 1991  
Page 2

recommend the issuance of a building permit until all sewer issues have been resolved and all sewer permits approved. As with the case with Woodland Heights, your company must provide a complete package to the Engineering Division for signing of the State permit. We have found that typical submittals include a complete detailed plan sheet of the proposal along with specifications and the proper signature documents with fees being paid. When this is accomplished, please submit at least minimum of two packages; one to the Town and one to the State. I would be happy to sign the form at which time you can deliver the entire package to the State for their review so that State approval can be granted. Please note that we cannot recommend a building permit being issued until the State permit has been obtained.

Item #3 indicates that Mr. Sommers is recommending an eighteen inch sleeve under the Circumferential Highway; I will have further comments later on in the memo relating to how this relates to the set of plans as submitted and approved by the Planning Board.

Item #4 also indicates that the Town should be prepared to include a second sleeve somewhere at the intersection of the Sagamore Bridge Road and Route 3A to accommodate any future planning in the Town. Mr. Sommers indicates a ten inch force main; I preliminarily included this into one of my memos at the Planning Board level requesting an eighteen inch reinforced concrete pipe gasketed near the Sagamore Bridge Roads for future expansion. My intent was to try to predict the size of possible force main that would be included for this item along with any other possible needs the Town would have under the Circumferential Highway. It now appears that a twenty-four inch pipe size will now be needed

This concludes the letter regarding the sewer evaluation from CLD.

CLD has sent us an invoice for the remaining funds to be collected; enclosed is a copy of that invoice. I strongly recommend that all accounts be closed with CLD.

The following comments relate to the sewer design on the Sam's Club site plan:

1. Plans need to be revised to show the eighteen inch sewer line as outlined in item #3 in CLD's letter.
2. As in accordance with CLD's letter, section #3, plan and profile along with inverts must be changed for the eighteen inch pipe.
3. It will be necessary to provide a sewer easement along this entire stretch to allow the Town maintenance of this sewer once public sewerage goes into it.

The Town also needs a sewer easement from the edge of pavement near sewer manhole #1 to the Sagamore Drive section so that this sewer can be extended outside of the site plan; it is recommended that this easement to Sagamore Drive be discussed with Tom Sommers before final approval.

4. Sheet #27 of 32 typical bituminous pavement section detail outlines a four inch slotted corrugated polyurethane tubing. This underdrain doesn't appear to be shown on the plan and where do these underdrains connect into the catch basins and which catch basins do they connect to?
5. Sheet #32 of 32 - sewer details: the Town currently does not allow an outside drop manhole and this detail should be removed from the plan so that no confusion will take place.
6. This Division will be charged with doing the inspection services relating to this project; the three major issues that will need inspections will be sewer, mitigation plan relating to wetlands, erosion control and drainage. It can be anticipated that full-time inspections will occur during the sewer line construction and if all work is coordinated correctly, inspection on drainage

and wetlands will occur simultaneously. This poses a problem with construction scheduling; a detailed construction schedule for this site must be submitted to this Division for review and approval within two weeks of the pre-construction meeting. This Division will also need an escrow account placed with the Town to cover the costs for inspection services. It is anticipated that overtime will be used for this construction project since the project is on the fast track; therefore, this Division is requesting a beginning deposit of \$7,000.00 to be placed in an escrow account to cover the cost of inspection services.

#### SITE PLAN SUMMARY

In order for Wal Mart/Sam's to get a positive recommendation from this Division for a building permit, the following must be granted/approved:

1. State sewer permits;
2. the Town's IDA permit;
3. an escrow account must be placed with the Town of Hudson;
4. an approved construction schedule must be placed a minimum of ten working days prior to the pre-construction conference (the pre-construction conference must be held a minimum of two to three days prior to any work);

Along with the above items, all fees must be paid prior to the issuance of any permits and all past fees owed to CLD or the Planning Board must be paid.

#### ROUTE 3A EXPANSION

Due to the fact the Planning Board did not review this plan in any depth, the original Route 3A submittals never went to the individual Divisions/Departments for review. This is a typical procedure which the Town Planner uses; however, due to the lateness of the submittal, it was impossible for all

Mr. Peter Holden  
Wal Mart/Sam's Site Plan <sup>PH</sup>  
August 5, 1991  
Page 5

Divisions/Departments to comment on the set of plans. In order to keep the project moving and progressing, I am requesting that three sets of complete roadway plans that are identical to the State be submitted to the Engineering Division so it can route the plans to the various Departments/Divisions and receive comments.

Some of the preliminary comments this Division had and has communicated its' concerns to the State is questions such as bonding, construction schedules, traffic control, inspection services, opticom systems, etc.

This Division would like to work with one individual that represents Sam's Club. It is imperative that we set up a line of communication between the Engineering Division, Conservation Commission, Zoning Board and Sam's. At the present time, Holden Engineering is the only contact for this project. If this changes, or you are proposing a change in this, please contact us in writing as to who the new contact person will be so that all correspondence can be presented to them relating to development and construction issues.

If you have any questions regarding the above, do not hesitate to contact us.

Very truly yours,



Michael Gospodarek  
Town Engineer

MG/mja

pc: Fred Snider, Executive Administrator ✓  
Mark P. DeVine, Public Works Manager  
Attorney Thomas J. Leonard

# Exhibit 6



# Exhibit 7



## EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS that Greenmeadow Golf Club, Inc. with a mailing address of 249 Lowell Road, Hudson, County of Hillsborough and State of New Hampshire 03051 (the "Grantor"), for consideration paid, grants to the Town of Hudson, with a mailing address of 12 School Street, Hudson, County of Hillsborough and State of New Hampshire 03051, its successors and/or assigns (the "Grantee") with quitclaim covenants, for sewer and related purposes, the perpetual, non-exclusive right and easement to extend, lay, construct, reconstruct, operate, maintain, inspect, repair, replace and remove sewer, water and/or gas pipes and/or mains and other conduits necessary for the provision of sewer, water and/or gas service and any appurtenances thereto, on, over, across and under a certain portion (the "Easement Area") of certain property (the "Property") of the Grantor located in Hudson, County of Hillsborough and State of New Hampshire and being shown as "Sewer Easement Lot 7-5" on Sheet 4 of a plan entitled "Sewer Easement & As-Built Plan, Sam's Club, Hudson, NH" prepared by Holden Engineering and Surveying, Inc., dated February 5, 1992 and recorded or to be recorded in the Hillsborough County Registry of Deeds (hereinafter "Plan").

The Easement Area is more particularly bounded and described as follows:

Beginning at a point on the southerly line of Sagamore Bridge Road, said point S 54° 59' 24" W a distance of 196.84 feet from the northwest corner of the lands of Wal-Mart Stores, Inc.; thence running S 88° 04' 19" E a distance of 26.51 feet to a point; thence running N 57° 25' 31" E a distance of 181.26 feet to a point at lands of Wal-Mart Stores, Inc.; thence running along the lands of Wal-Mart Stores, Inc. S 47° 59' 38" E a distance of 20.75 feet to a point; thence running S 57° 25' 31" W a distance of 192.99 feet to a point; thence running N 88° 04' 19" W a distance of 59.32 feet to a point on the southerly line of Sagamore Bridge Road; thence running along said line of Sagamore Bridge Road N 54° 59' 24" E a distance of 33.28 feet to the point of beginning. The Easement Area contains approximately 4,601 square feet or 0.106.

All rights and easements described herein shall run with both the land which they benefit and the land which they burden and shall be fully assignable by the Grantee.

The capitalized word "Grantor" when used in this Easement Deed shall mean Greenmeadow Golf Club, Inc., its successors and/or assigns and the capitalized word "Grantee" when used in this Easement Deed shall mean the Town of Hudson, its successors and/or assigns.

This is not homestead property.

No transfer tax is due for this conveyance. The Town of Hudson is exempt pursuant to RSA 78-B:2(I). This conveyance is subject to restrictions and encumbrances of record.

BK5331  
PG0554

For Grantor's title see deed dated Oct 1 1960 recorded  
with the Hillsborough County Registry of Deeds at Book 1668,  
Page 239.

EXECUTED this 25<sup>th</sup> day of February, 1992.

GREENMEADOW GOLF CLUB, INC.

By: *Philip J. Friel* PRESIDENT.  
Name: Philip J. Friel  
Title: PRESIDENT

Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

Then personally appeared before me the above named  
PHILIP J. FRIEL, the PRESIDENT of Greenmeadow Golf  
Club, Inc. who acknowledged the foregoing to be his free act and  
deed and the free act and deed of Greenmeadow Golf Club, Inc. this  
25<sup>th</sup> day of February 1992.

*Richard Howard*  
Justice of the Peace  
Notary Public  
My Commission Expires: SEP 23 1992

BK 5331 PG 0555

Agenda  
1-20-21



# TOWN OF HUDSON

Recreation Department

12 Lions Ave • Hudson, New Hampshire 03051 • Tel: 603-880-1600



8A

TO: Steve Malizia

FROM: Chrissy Peterson

DATE: January 19, 2021

SUBJECT: Recreation Department 2021 Lacrosse Season

I would like to be placed on the agenda of the next Board of Selectman Meeting to discuss the recommendation of the Hudson EOC, to cancel the 2021 travel Lacrosse season.

RECEIVED  
JAN 20 2021  
TOWN OF HUDSON  
SELECTMEN'S OFFICE

Thank you,

Chrissy Peterson  
*Recreation Director*

TO: Town of Hudson Select Board

RE: Proposals for replacing lights at DPW building with all LED lights

The Sustainability Committee has received 2 proposals for replacing all the lights, both interior and exterior, at the DPW building (Highway Garage). There are rebates available from Eversource for these kinds of projects, and replacing the lights will save money on electric bills in the future.

The committee recommends that one of these proposals be accepted, and that work begin as soon as is reasonable.

One of the proposals is from Laurence Bleicher of LB Energy, which is the company that replaced the lights at Rodgers Memorial Library. The second proposal, is from Affinity Lighting, which is the company that is replacing the streetlights throughout the town.

The Sustainability Committee intends to pursue further projects to replace lights in other town buildings, and we hope the Selectmen will support our efforts to save energy and money for the town.

Linda Kipnes



**ENERGY LB RESOURCES LLC**

## Summary Proposal Prepared For

Town of Hudson, NH  
Dept. of Public Works

Pertaining to Energy Conservation Recommendations for  
LED Lighting Upgrades

### *Highway Garage Facility*

*2 Constitution Dr.  
Derry, NH 03051*

January 12<sup>th</sup>, 2021

Prepared By:

Energy LB Resources LLC  
20A Northwest Blvd Box 279 Nashua, NH 03063  
<http://www.energyLB.com>

(figures herein valid for 30 days)

Energy LB Resources LLC is an Authorized Affiliate of Energy Integrated Solutions Inc.

**EXECUTIVE SUMMARY – LIGHTING OPTION I**  
**LED Flat Panel Fixtures for Office and Hallway Areas**

<b>LIGHTING</b>			
<b>Total Project Cost*</b>			\$23,480.00
<b>Rebate Estimate</b>			\$8,445.00
<b>Net Cost After Rebate**</b>			\$15,035.00
<b>Monthly Financial Savings ^</b>			
	<i>Lighting Expenditure</i>	\$319.69	
	<i>MRO</i>	\$40.00	
	<i>Total</i>		\$359.69
<b>Nominal *** Payback [mos]</b>			42

The price points presented here - for both Option I and Option II - are for executing a comprehensive, turn key project for the upgrade and installation of the specified LED Lighting on the part of Energy LB Resources LLC for the Town of Hudson Dept of Public Works Highway Garage facility. This includes all products, labor, ancillary material (wiring, connectors, etc). It also includes removal and proper disposal of all existing hardware to be removed (lamps, fixtures, ballasts, cases, etc) , as well as equipment rental such as a Lift in order to access Garage area ceiling, for example.

If the responsibility for removal is taken on by the Town of Hudson, it will result in a price reduction \$440 from the Total Project Price.

If there is already a suitable Lift onsite which can be used by Energy LB Resources during the installation, providing access to all ceiling mounted fixtures and exterior mounted fixtures, it will result in a price reduction of \$740 from the Total Project Price.

**EXECUTIVE SUMMARY – LIGHTING OPTION II**

**LED 2 Strip Retrofit Kits Used for Office and Hallway Areas**

<b>LIGHTING</b>			
<b>Total Project Cost*</b>			\$22,340.00
<b>Rebate Estimate</b>			\$9,285.00
<b>Net Cost After Rebate**</b>			\$13,055.00
<b>Monthly Financial Savings ^</b>			
	<i>Lighting Expenditure</i>	\$333.51	
	<i>MRO</i>	\$40.00	
	<i>Total</i>		\$373.51
<b>Nominal *** Payback [mos]</b>			35

The distinction between Option I and Option II lies strictly in the recommended solution for the 2x4 dropped grid troffer fixtures in the offices and hallway areas in the front of the building. All garage areas, mezzanine, storage rooms, exterior lighting, etc are otherwise identical in both solutions presented herein.

Option I includes replacing the existing fixtures with 2x4 40w Back Lit Flat Panel fixtures. These emit a bright, consistent illumination distributed evenly across the area of illumination. They have a contemporary and consistent aesthetic appearance in terms of how the lighting emanates throughout the 2x4 panel. They will qualify for a \$20/unit rebate from the NH Saves prescriptive Lighting incentive program.

Option II includes retrofitting the existing fixtures with LED strips of 15w each, for a total of 30w per fixture. The existing fixture housings, and plastic grid lenses would remain, while the individual lamps, along with the ballast, will be replaced with LED strips with their own internal drivers (no external "ballast" or power supply to be installed). Slightly cheaper than the Flat Panels per unit, they also will qualify for a larger rebate of \$40/unit, per the NH Saves prescriptive Lighting incentive program.

Option I is the higher magnitude and quality of illumination per unit, and a more integrate design. Option II is cheaper and more energy lean. Both are sound solutions. The priorities of the DPW and their requirements can dictate which is the better option for these areas. Again, all garage, utilitarian, and exterior lighting is common to both options.

### **Notes**

- Price point includes all Product, Shipping, Installation Labor, Incidental materials.

\*\* These figures reflect the NH Saves prescribed LED rebate incentive program offer. Final approval of the rebate offer and exact sum must be obtained by the utility. Energy LB Resources will assist and accompany the process of application and data submission to Eversource in order to obtain an official rebate offer sheet.

\*\*\* Nominal refers to immediately calculable and accountable dollar expenditures which will no longer be incurred at the DPW Facility: billed electricity savings, ballast and lamp replacement and maintenance cost, and the like. It does not take into account effects of additional operational and infrastructural benefits such as reduced amperage throughout distribution system, yielding lower temperatures, less loss, increased equipment life, etc. These benefits only act to further enhance the effective ROI of the investment.

Also, Nominal Payback does not reflect any tax/depreciation related financial benefit; increases in electric utility rates; and other financial considerations. These factors also contribute to improving the effective ROI in real terms.

^ Financial Savings are based on an aggregate cost of electricity of \$0.17/kWh. MRO refers to Maintenance and Repair Operations. Expenditures incurred on replacing lamps and ballasts, and the labor time invested in these ongoing efforts will be effectively nearly eliminated for the lifetime of the LED products.

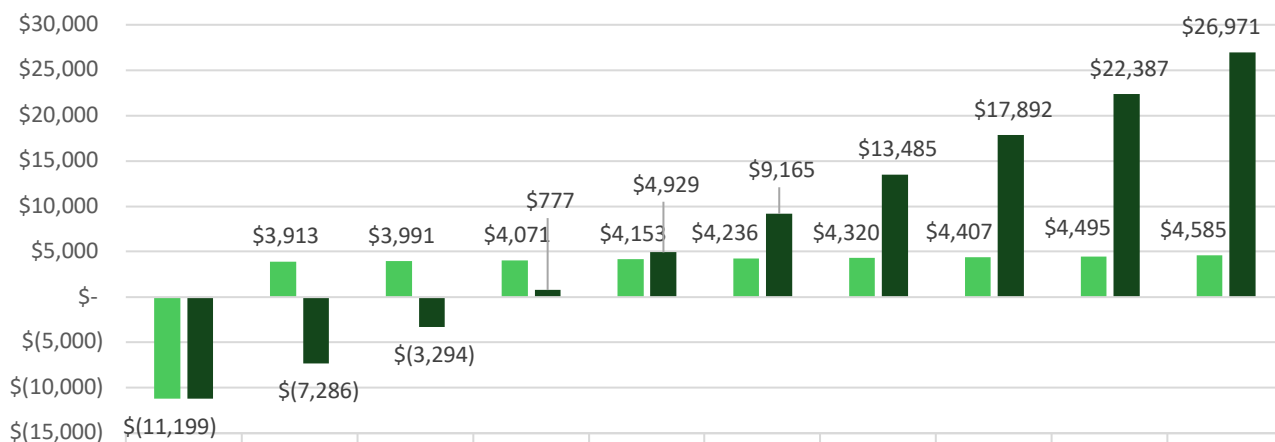


## CASH FLOW ILLUSTRATION

**Illustrations of Cash Flow Benefit of LED Lighting Installation Across a 10 Year Period, Assuming 2% Electric Rate Annual Inflation; Mean of \$0.17 Current Aggregate Cost per kWh.**

**Projections reflect wattage savings only, no operational or MRO expenditure savings.**

Lighting Treatment I -- 10 Year Net and Cumulative Cash Flows

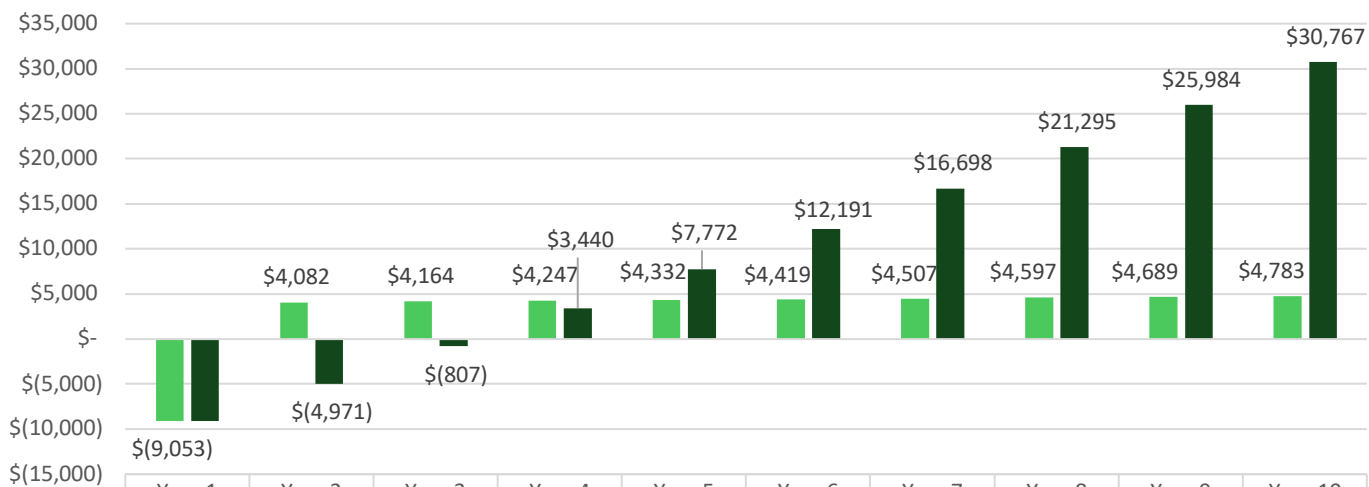


	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
■ Net Cash	\$(11,199)	\$3,913	\$3,991	\$4,071	\$4,153	\$4,236	\$4,320	\$4,407	\$4,495	\$4,585
■ Cumu Cash	\$(11,199)	\$(7,286)	\$(3,294)	\$777	\$4,929	\$9,165	\$13,485	\$17,892	\$22,387	\$26,971

Lighting Option I includes the 2x4 BackLit LED 40w Flat Panels as the replacement fixtures for the existing 42 2x4 dropped grid troffer fixtures with plastic lenses and 2 T8 Fluorescent lamps.

All other fixtures in all other areas are identical in both Lighting Option I and Lighting Option II. See itemized inventory for details.

### Lighting Treatment II -- 10 Year Net and Cumulative Cash Flows



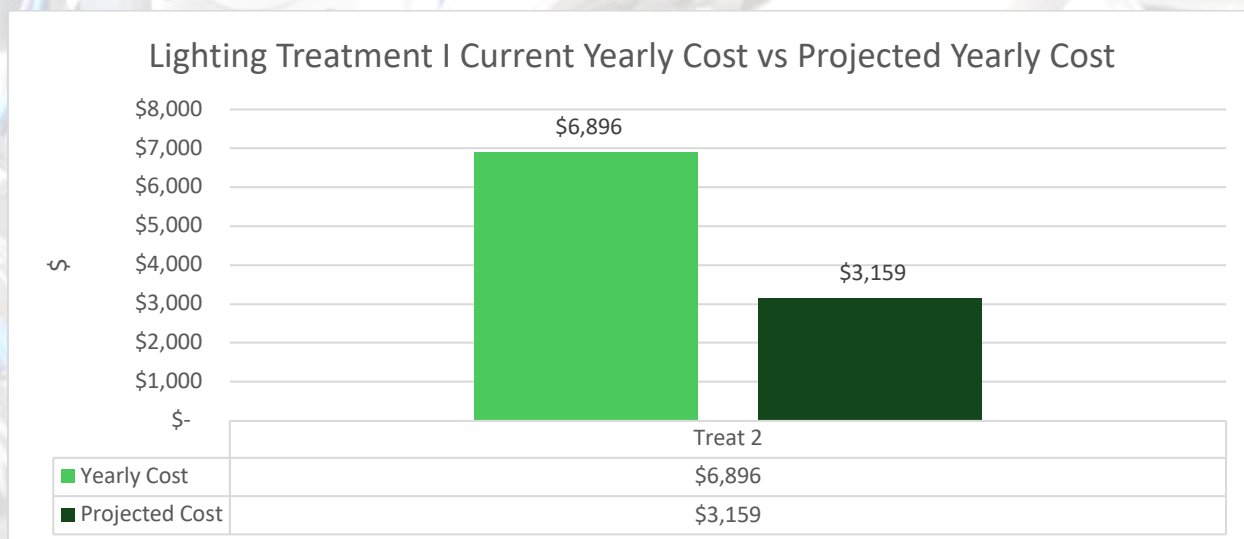
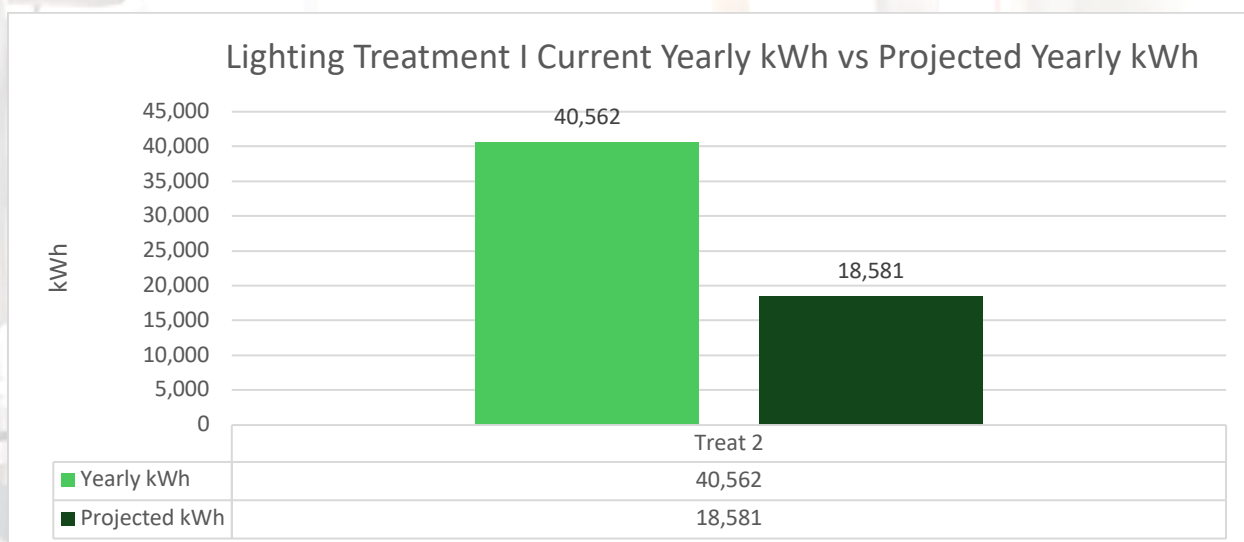
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Net Cash	\$(9,053)	\$4,082	\$4,164	\$4,247	\$4,332	\$4,419	\$4,507	\$4,597	\$4,689	\$4,783
Cumu Cash	\$(9,053)	\$(4,971)	\$(807)	\$3,440	\$7,772	\$12,191	\$16,698	\$21,295	\$25,984	\$30,767

Lighting Option II includes the LED Flex Strip 2 Strip 30w Kits with Integrated Drivers as the replacement lamps for the existing 42 2x4 dropped grid troffer fixtures with plastic lenses and 2 T8 Fluorescent lamps. The fixture housings and lenses will remain as is in place.

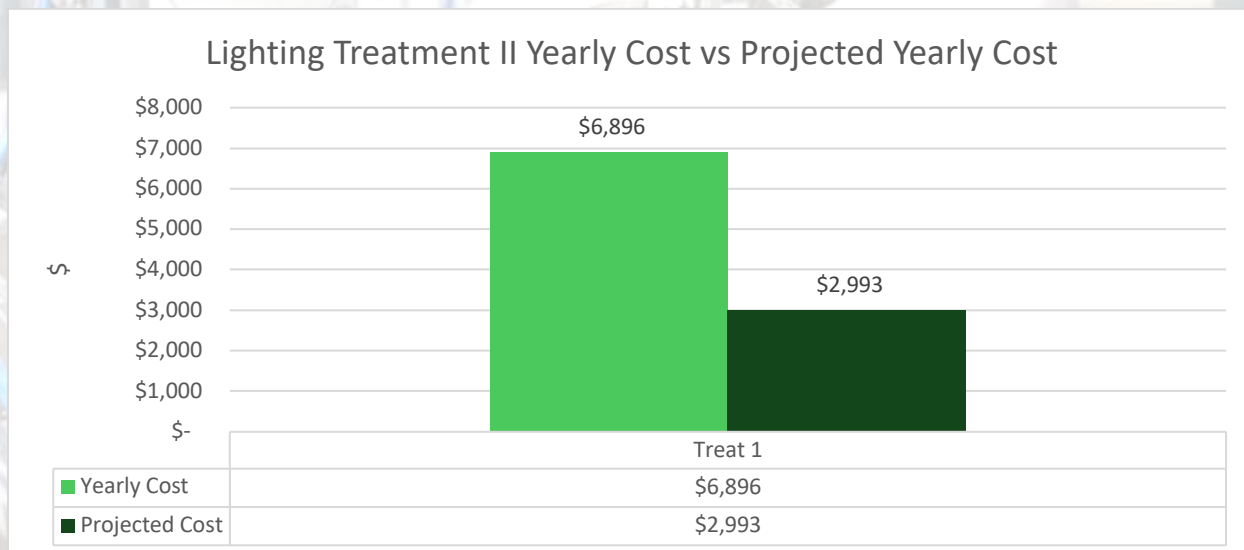
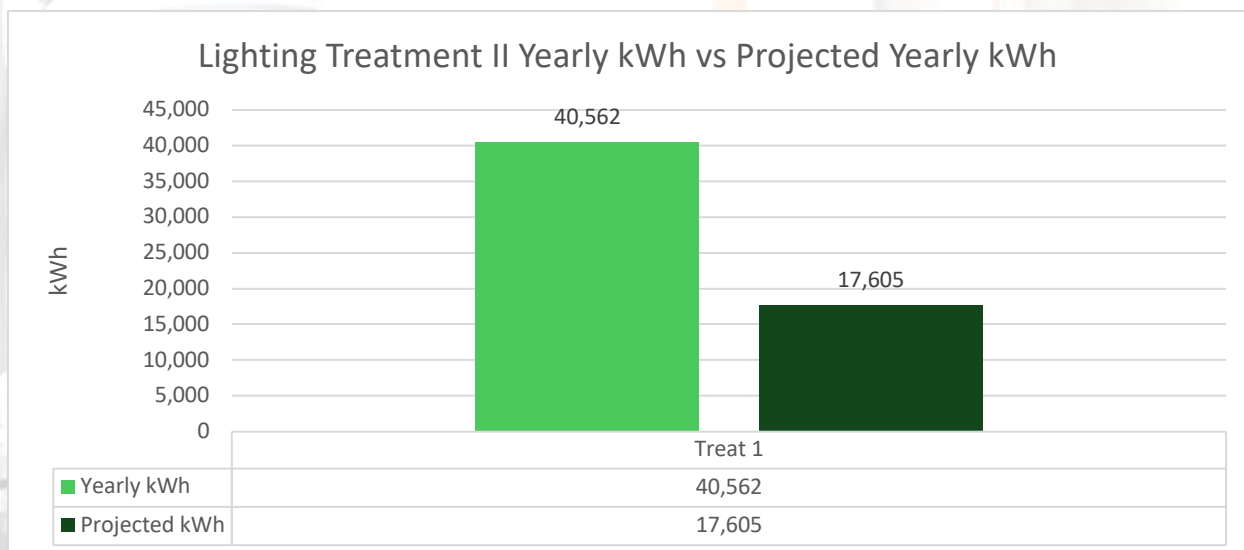
All other fixtures in all other areas are identical in both Lighting Option I and Lighting Option II. See itemized inventory for details.

### Consumption and Cost Comparisons Existing vs Proposed Lighting

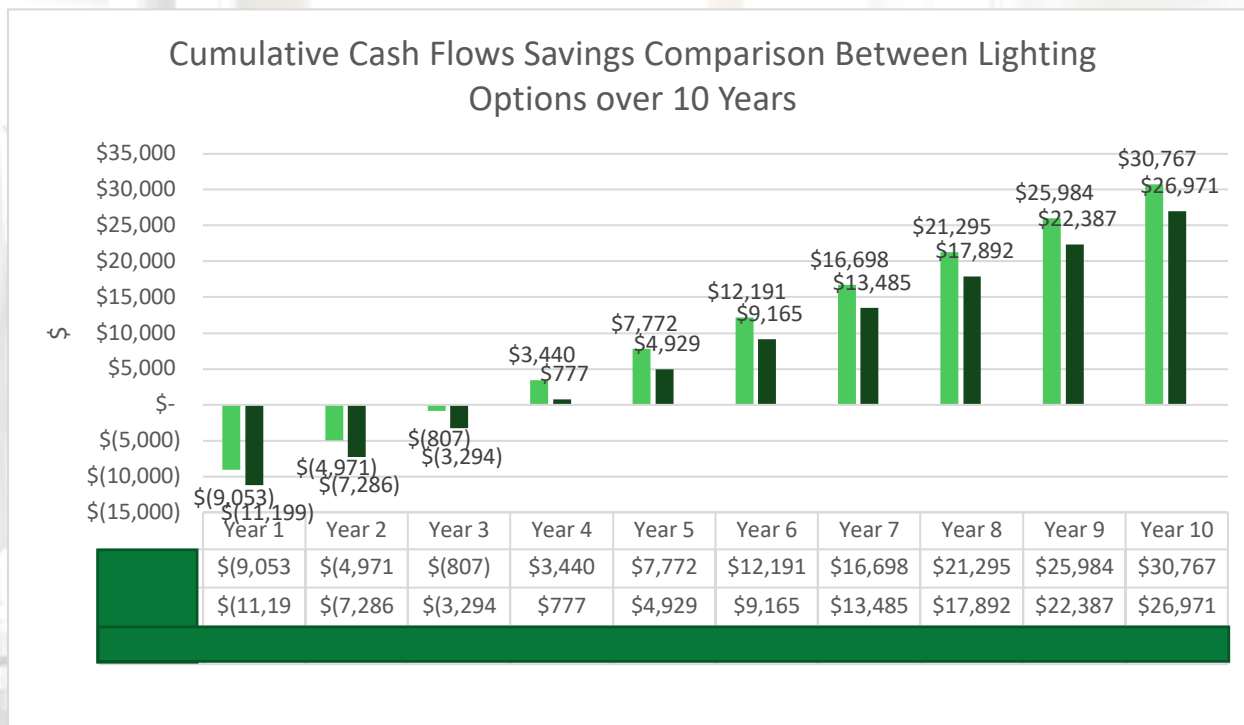
Treatment I	Yearly kWh	Projected kWh	Yearly Cost	Projected Cost
<b>Total</b>	40,562	18,581	\$6,896	\$3,159



Treatment II	Yearly kWh	Projected kWh	Yearly Cost	Projected Cost
<b>Total</b>	40,562	17,605	\$6,896	\$2,993



## Cumulative Cash Flow Comparisons of Option I and Option II



We at Energy LB Resources appreciate the opportunity to prepare this Proposal of recommended Energy Conservation Measures (ECMs) for The Town of Hudson Dept. of Public Works. As always, we are always available to meet and discuss any and all aspects of these recommendations, products, technologies, as well as our process.

Specific technical details of each product, warranty information, and other related content as appropriate, will be provided in companion documentation.

We look forward to working with you to make your operation, as well as the planet, more sustainable and profitable.

**Itemized Lists of Each Lighting Product Are Presented in the Final Page of This Proposal Document.**

**Cut Sheets for Each Lighting Product Are Companion Documents to This Proposal Document.**

**Note: Exterior WallPacks and Flood/Security lights can/will be integrated with photocell driven logic, preventing operation during daylight hours. These units can be controlled by these photocells in standalone fashion, or by existing sensor or timing mechanisms in place.**

# Itemized Lighting Inventory for Replacement by LED Illumination

## Option I

Existing Lighting										Proposed Lighting			
Description	Area	Quantity	# Bulb	Height	Bulb Type	Length	Watts/Lamp	Hours/Week	Months	Description	Treatment	Monthly savings	Monthly Savings kWh
2x4 drop grid troffers	Office Areas	42	2	8'	T8 Fluor	4'	32	45	12	CLFP 2x4 40 W	90W	\$ 23.16	159.05
8' caged linear fixture	Storage Rm	1	2	8'	T8 Fluor	8'	54	15	12	4ft, 12W, 4000K, 4 strip	48W	\$ 0.66	3.87
2x2 U Bends	Bathrooms	3	1	8'	T8 U bend	n/a	34	15	12	CLFP 2x2	22W	\$ 0.39	2.32
Linear 6L HiBays	Garage Ceiling	34	6	25'	T8 Fluor	4'	32	45	12	MTUF090w	90W	\$ 114.08	671.06
Linear Emergency fixture	Garage ceiling	2	4	25'	T8 Fluor	4'	32	84	12	4ft, 15W, 4000K, 4 strip	60W	\$ 8.35	49.12
Linear 2L caged fixtures	Garage Mezz coil	30	2	10'	T8 Fluor	4'	32	45	12	4ft, 12W, 4000K, 2 strip	24W	\$ 39.47	232.20
Linear 2L T12s	Garage Storage Rm, misc	3	2	8'	T12	8'	75	15	12	4ft, 12W, 4000K, 4 strip	48W	\$ 3.36	19.74
Linear 2L T8s	Mech Office	6	2	8'	T8	4'	32	15	12	4ft, 12W, 4000K, 2 strip	24W	\$ 2.63	15.48
Exterior WallPacks	Outdoor Bldg, Salt Shed	17	1	15'	MHI	n/a	150	84	12	Wall Pack, 60W, 100-277V, 5000K, Adjustable 2 Module	60W	\$ 93.95	552.64
Exterior Flood	Outdoor Bldg SE corner	1	1	20'	MHI	n/a	400	84	12	MTAPL 150 W	150W	\$ 23.64	90.30
Removal		-	-	-	-	-	-	-	-				
Liht		-	-	-	-	-	-	-	-				
											Monthly Savings	\$ 339.69	1,831.72
											Annual Savings	\$ 5,836	21,881

## Option II

Existing Lighting										Proposed Lighting			
Description	Area	Quantity	# Bulb	Height	Bulb Type	Length	Watts/Lamp	Hours/Week	Months	Description	Treatment	Monthly savings	Monthly Savings kWh
2x4 drop grid troffers	Office Areas	42	2	8'	T8 Fluor	4'	32	45	12	4ft, 15W, 4000K, 2 strip	30W	\$ 46.97	276.32
8' caged linear fixture	Storage Rm	1	2	8'	T8 Fluor	8'	54	15	12	4ft, 12W, 4000K, 4 strip	48W	\$ 0.66	3.87
2x2 U Bends	Bathrooms	3	1	8'	T8 U bend	n/a	34	15	12	CLFP 2x2	22W	\$ 0.39	2.32
Linear 6L HiBays	Garage Ceiling	34	6	25'	T8 Fluor	4'	32	45	12	MTUF090w	90W	\$ 114.08	671.06
Linear Emergency fixture	Garage ceiling	2	4	25'	T8 Fluor	4'	32	84	12	4ft, 15W, 4000K, 4 strip	60W	\$ 8.35	49.12
Linear 2L caged fixtures	Garage Mezz coil	30	2	10'	T8 Fluor	4'	32	45	12	4ft, 12W, 4000K, 2 strip	24W	\$ 39.47	232.20
Linear 2L T12s	Garage Storage Rm, misc	3	2	8'	T12	8'	75	15	12	4ft, 12W, 4000K, 4 strip	48W	\$ 3.36	19.74
Linear 2L T8s	Mech Office	6	2	8'	T8	4'	32	15	12	4ft, 12W, 4000K, 2 strip	24W	\$ 2.63	15.48
Exterior WallPacks	Outdoor Bldg, Salt Shed	17	1	15'	MHI	n/a	150	84	12	Wall Pack, 60W, 100-277V, 5000K, Adjustable 2 Module	60W	\$ 93.95	552.64
Exterior Flood	Outdoor Bldg SE corner	1	1	20'	MHI	n/a	400	84	12	MTAPL 150 W	150W	\$ 23.64	90.30
Removal		-	-	-	-	-	-	-	-				
Liht		-	-	-	-	-	-	-	-				
											Monthly Savings	\$ 339.51	1,913.04
											Annual Savings	\$ 4,002	22,957



***Hudson Department of Public Works***  
***LED Conversion Project***



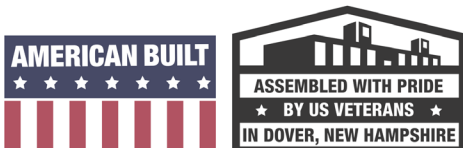




## **Hudson Department of Public Works LED Conversion Project**

### **KEY POINTS SUMMARY**

1. \$5,915 annual savings projected, 5.2 year payback
2. **7-Year warranty** eliminates risk
3. **Dover-built, assembled by U.S. Veterans** – Supports the NH economy!
4. **Local, hands-on team**, one point of contact
5. **Turnkey Service** includes utility incentive paperwork, installation, smart light programming & safe disposal of old lights





## Hudson Department of Public Works LED Conversion Project

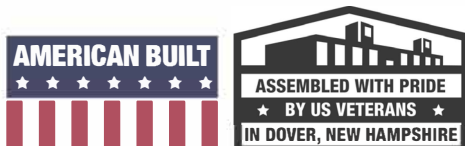
### PROJECT DETAILS

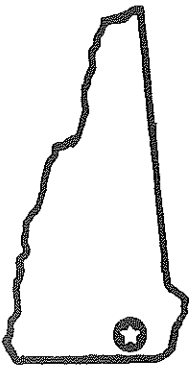
#### PRODUCT SUMMARY

TOTAL FIXTURES	SMART FIXTURES	CLIQ IQ
129	72	56%

#### PROJECT FINANCIAL SUMMARY WITH ESTIMATED INCENTIVE AWARD

PROJECT COST	ESTIMATED INCENTIVES	PROJECT NET	ANNUAL SAVINGS	SIMPLE PAYBACK (YRS)
\$41,493	\$10,715	\$30,778	(\$5,915)	5.20





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

*Agenda*  
*1-26-21*

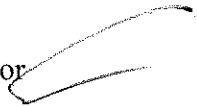


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Stephen A. Malizia, Town Administrator – [smalizia@hudsonnh.gov](mailto:smalizia@hudsonnh.gov) – Tel: 603-886-6024 Fax: 603-598-6481

8C

To: Board of Selectmen

From: Steve Malizia, Town Administrator 

Date: January 21, 2021

Re: Fiscal Year 2022 Town Warrant and Warrant Article Speaker Designation

Attached please find a proposed Warrant Article Speaker Designation list for the January 30, 2021 Deliberative Session for the Board's consideration. The proposed speaker list follows the current liaison assignments. The Board of Selectmen may approve the Warrant Article Speaker Designation by consensus as they have done in past years.

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

**Town of Hudson  
Warrant Article Speaker Designation  
Fiscal Year 2022 Warrant**

<u>Article #</u>	<u>Description</u>	<u>Speaker</u>
Article 3	Police Facility Expansion and Renovation	Coutu
Article 4	General Fund Operating Budget	Budget Committee Chair (or designee)
Article 5	Sewer Fund Operating Budget	McGrath
Article 6	Water Fund Operating Budget	McGrath
Article 7	Purchase a Replacement VacCon Truck	Roy
Article 8	Transfer Station Retaining Wall	Roy
Article 9	Town Wide Paving	Roy
Article 10	VacCon Truck CRF Funding	Roy
Article 11	Fire Apparatus Repair/Refurb CRF Funding	Martin
Article 12	Property Revaluation CRF Funding	McGrath
Article 13	Major Repairs to Town Buildings CRF Funding	Morin
Article 14	Establish Police Safety Equipment CRF	Coutu
Article 15	Establish Hill Memorial Library CRF	Martin

Article 16	Revised Veteran's Tax Credits	Roy
Article 17	Revised Disabled Veteran's Tax Credits	Roy
Article 18	Additional Polling Place	Morin
Article 19	Discontinue Caldwell Road	Morin
Article 20	Change Planning Board from appointed to elected members (By Petition)	Petitioner
Article 21	Designate Parcel 224-004-000 as Town Forest (By Petition)	Petitioner
Article 23	NH Resolution for Fair Nonpartisan Redistricting (By Petition)	Petitioner