

A regular meeting of the Board of Aldermen was held Tuesday, August 9, 2016, at 7:30 p.m. in the Aldermanic Chamber.

President Brian S. McCarthy presided; City Clerk Patricia D. Piecuch recorded.

Prayer was offered by City Clerk Patricia D. Piecuch; Alderman-at-Large David W. Deane led in the Pledge to the Flag.

The roll call was taken with 15 members of the Board of Aldermen present.

Mayor James W. Donchess and Corporation Counsel Steven A. Bolton were also present.

REMARKS BY THE MAYOR

Mayor Donchess

First I wanted to mention the resolution which proposes the escrows. You can see the list of escrows attached to the resolution. The main proposals that I have made is that we take surplus funds from this past year, fiscal '16, which totals about 1% of the city budget and devote them primarily to three of our reserve accounts. First of all we proposed that a significant amount of funds be transferred into the Capital Equipment Reserve Fund and secondly we propose that \$300,000 be transferred into the building fund. This pays for improvements to City Hall and elsewhere. We need to replenish this fund in part because the elevator out here that some of you take to come up to the second floor has been breaking down very regularly and has trapped people recently and after 80 years of use, it needs to be replaced at a cost of \$190,000. The other transfer to a reserve fund that is proposed in the escrow resolution is a transfer into the reserve fund for the purposes of a pension cost which you have on your agenda tonight. I want to make sure that people understand that this is a different proposal than we have considered in the past. The Board, over a couple of different terms, has considered whether to use money that the city had saved in its undesignated reserve fund; to use \$2 million that is saved there to transfer into a reserve account to help us offset increased pension costs which we know are going to hit us this coming year or in the current fiscal year. That failed because those were not appropriated funds, although saved by the city they had not actually been appropriated through the budget and required a spending cap override. What we are proposing here is to establish the reserve fund which the committee has recommended but also, and hopefully you will pass that tonight, but the escrow proposal would fund that reserve fund with surplus funds meaning funds that have been appropriated that were previously appropriated by the Board through the budget process in the last fiscal year and therefore we can save money in this fashion towards pension costs without any kind of spending cap override. Let me repeat, because these funds have already been appropriated but unspent and the use of those funds does not require a spending cap override because they have already been appropriated under the cap in the previous fiscal year which ended on June 30, 2016. In making these proposals I was listening to many of the members of the Board of Aldermen who, during the budget process, expressed the desire that we make as great of an effort as possible to reserve funds, especially for capital equipment but also for the pension obligation that we have coming and in light of those comments and many of the thoughts expressed, again, the escrows propose that we use some of these funds that are unspent this year to save for the future and help us with equipment and a very serious pension obligation.

I also wanted to mention a resolution that represents a significant step forward for us here in the downtown and on the Nashua River and that is R-16-056 which would authorize a license agreement with the owner of the Millyard Technology Building to establish what essentially would be a public boat launch along the river; the rides which used to be given by Rocky LaPierre some years ago where he launched those boat rides. The owner has kindly agreed to give the city an easement with a very minor condition that people who are going to use this sign in and indicate who they are right there on the site. He has also agreed to reserve some parking spaces for people who want to launch their boats and this of course will be referred to committee where it will be explained in detail but I think this will enable us to take another step to enhance use of the river and the riverfront; the beautiful asset of the Nashua River that we have in our downtown.

Finally I wanted to mention that an issue has come up (at 4:00 p.m. today) concerning the skateboard park and the relocation. That has been recommended by the committee but we got a call from the school department late saying that they think that they have to approve the relocation as well as the Board of Public Works because this is part of a school facility or the area where this relocation where this relocation would take place is part of a school facility. I don't think there is a big problem because if you approve the relocation we still have to go the Planning Board and now possibly the school department and it looks like the preliminary indication is that the school department may be correct but it just requires that we also in addition to the Planning Board get the School Board approval. I don't think it's a big obstacle but it is something that we will work through.

I want to congratulate Alderman Clemons on his marriage.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Siegel

I would ask the school department if they plan on allowing the Board of Aldermen to vote on whether or not they can use the city's money to appeal a decision on the custodian union. Obviously that is a rhetorical question but I am a little concerned about that.

I would like to also congratulate my colleague, Alderman Clemons, on his recent marriage.

RECOGNITION PERIOD – None

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARING

**MOTION BY ALDERMAN WILSHIRE THAT THE MINUTES OF THE BOARD OF ALDERMEN MEETINGS OF JULY 12 AND JULY 25, 2016, AND THE PUBLIC HEARING CONDUCTED BY THE BUDGET REVIEW COMMITTEE ON JULY 25, 2016, BE ACCEPTED, PLACED ON FILE, AND THE READINGS SUSPENDED
MOTION CARRIED**

COMMUNICATIONS

**MOTION BY ALDERMAN CARON THAT ALL COMMUNICATIONS BE READ BY TITLE ONLY
MOTION CARRIED**

From: Mayor Jim Donchess
Re: Contract Award to Emergency Communications Network

**MOTION BY ALDERMAN CARON TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO EMERGENCY COMMUNICATIONS NETWORK IN THE AMOUNT OF \$22,000
MOTION CARRIED**

From: Mayor Jim Donchess
Re: Purchase Lawson Upgrade for In-House Hosting

**MOTION BY ALDERMAN COOKSON TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACTS TO TEAM-ABSOLUTE IN THE AMOUNT OF \$326,163
MOTION CARRIED**

From: Mayor Jim Donchess
Re: Contract Award to ESRI Software License Renewal

**MOTION BY ALDERMAN SIEGEL ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO ESRI IN THE AMOUNT OF \$25,000 PER YEAR
MOTION CARRIED**

**MOTION BY ALDERMAN MCGUINNESS THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF A COMMUNICATIONS RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED**

From: Mayor Jim Donchess
Re: FY2017 Like for Like Escrows

**MOTION BY ALDERMAN MCGUINNESS TO ACCEPT AND PLACE ON FILE
MOTION CARRIED**

From: Alderman-at-Large Mark S. Cookson
Re: Thread of Emails re: Time Sensitive legislation

MOTION BY ALDERMAN COOKSON TO ACCEPT AND PLACE ON FILE

ON THE QUESTION

Alderman Cookson

This was with regard to a communication that was originally sent by Alderman McCarthy with regard to some legislation that was to be taken up. It was Alderman McCarthy questioning how we should conduct our business and should we accept or send it off to the Human Affairs Committee and then have the first and second reading this evening to take up the legislation. My response to that was questioning why we were going against the policy or process that we already have in place to schedule a meeting and have a first reading, assign it to a committee and then come back and vote on it. That's already taken place. We had the special meeting and t's already gone to committee and we are taking it up in the normal course of business this evening which I think was the appropriate way. The reason why I am introducing this communication this evening is particularly in light of the recent right-to-know issues that the Board of Education has had and the fact that one of my colleagues has accused me of violating the right-to-know law and lastly, I just want to make sure that everything is out in the open and that any communication; there is no violation of the right-to-know law. Alderman McCarthy and I had a discussion or an e-mail exchange this afternoon and he indicated to me that he didn't think that I violated any right-to-know law with regard to my response to his original e-mail which was all about the process by which we conduct our business and have a first reading and assign it to a committee versus having the first and second reading this evening. In light of all of that I thought it was best to put it out and accept this communication and place it on file so that everybody would understand what the issue was. The last statement, based on our e-mail exchange this afternoon, you don't believe Alderman McCarthy, that I violated any right-to-know law.

President McCarthy

As far as I know the discussion involved the process and not the substance of the legislation.

Attorney Bolton

I don't think that the communication from Alderman Cookson to President McCarthy violated the right-to-know law. I would however caution you that there is at least one Superior Court judge who would think that it does. There was a case out of Strafford County where this judges opine was that a single e-mail from one member of a public body copies to all of the other members of that body was a violation of the statute. My understanding is that is going to be appealed if it hasn't already been, to the Supreme Court and there are many municipal lawyers are eagerly waiting for further guidance on that. I think it would be crystal clear if it was a direct communication from one Alderman to another or the President of the Board if the other members were not copied. Certainly when it starts getting into two or three more members voicing an opinion through e-mail to which the rest are copied then we certainly run into problems. My office is in the process of preparing some advice on this, for not only this Board, but the other Boards and Committees in city government and that should be forthcoming sometime later this month. We will do our best to provide further guidance in that regard.

Alderman Cookson

Regardless, my action this evening covers us in any instance, whether it is the one opinion of the one Supreme Court Justice or whether it is not a violation of the right-to-know law. By putting this out in the public you will see the dialogue that took place.

MOTION CARRIED

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED
UPON THIS EVENING

Ms. Paula Johnson, 15 Westborn Drive

I'd like to pass down to the President a petition. I didn't do a lot of work on it but its names regarding the David W. Deane Skateboard Park. First of all, I think the right-to-know law was broken in this. I had a little conversation with Attorney Clark. First of all, let's talk about transparency which there was obviously none when it came to these meetings. Transparency promotes accountability and provides information for citizens about what their government is doing. Well, the area around Stellos, the neighborhood there; we did not know anything that was going on because we are not direct abutters. The city is a direct abutter. I went to 505 West Hollis Street and they didn't know. I went to the Pratt Homes and they didn't know. Mayor, you were going to be the transparent Mayor after everything you said about our previous Mayor. Information maintained by government is a national and city asset. We have to have transparency. I have to ask if there was coercion and is this a rigged system? My answer to this is absolutely because you kept the citizens out in the dark that live in that particular neighborhood and the surrounding area on West Hollis Street. Some people say that there is no problem on West Hollis Street but we all know that there is. When you get off of the highway at Exit 5W and from the highway all the way down to Ledgewood Hills you are stuck in traffic and there is a bad intersection there and supposedly it was fixed but it's worse now. Since there are no minutes to this meeting the last time there were minutes, which I got from Assistant Corporation Counsel Dory Clark, the last time there were any minutes to these meetings were from August of 2013. What happened to the last three years in that there were numerous meetings because Alderman Deane talked about them? When Alderman LeBrun asked if there were minutes to the meetings he said no, I don't believe so. That's a violation of the right-to-know law. The question is since this committee was formed by the previous Mayor, there were meeting minutes at one time but there's none.

I'm going to discuss a few things that happened at the Infrastructure Committee meeting. Back in 2003; we are going to talk about code of conduct again which was written by Alderman Deane. Members of the public attending or participating at meetings and hearings shall be treated with respect and courtesy in accordance with this section. Isn't that great because let's fast forward here; New Hampshire courts

side with free speech and that's what happened with the Alton man who got stifled and silenced and got arrested. The New Hampshire Supreme Court says we can say, so if I think someone is smirking at me and making a face or somebody here when I am speaking making a comment about me even later on in the meeting, guess what, I have the New Hampshire Supreme Court on my side now. At the last meeting I made a comment that someone was smirking and he went "point of order," and I think I should have an apology for that. Oh, that's right; you don't give apologies on this Board. Open to the public, anyone can attend a public meeting. They can make notes, tape record, take pictures and video tape because it's open to the public but minutes of the meeting; minutes shall be kept of all public meetings. The David W. Deane Skateboard Park Committee is a public meeting. There were meetings before and there should have been minutes since this last time but there weren't. Then back in January of 2013, I noticed as I was doing some research, not only do they use it for skateboarding but they also have a picture in here using their BMX bike. I had asked questions at the last meeting. What are the demographics of the people who are going to use this park? Since it's down on Bridge Street I've heard Litchfield, Hudson, downtown people from Nashua; we don't know. How do we know that there is not going to be another invasion in that part of Nashua which none of us were even told about. When I was at the Infrastructure Committee meeting I had brought in pictures of what it looks like when they have events here. It gets really tight at the boat ramp and although you are going to give more parking to everybody it is very crowded there. People park at the Y, as Alderman Cookson would know. I hope I am not boring anybody and that I can have your undivided attention. I don't think this is fair and maybe we should start putting this in other people's neighborhoods. The congestion there is unbelievable so now they are going to put a round peg in a square whole. As I did some more of my research I happened to see what Mayor Donchess had to say about this area. Nobody knew about this and there has been no Ward meetings and I know my Alderman said that he was hoping to have a meeting in May for all of us to find out about this but that never happened because obviously they couldn't get a meeting. Every time they set a date it was cancelled. The Mayor said "over time the city is gradually transitioning this area." Transitioning, it's almost like the transformation that is going on in this country. "What is now the public works garage into recreation area with Stellos, the Y and now the skateboard park." This was on July 26th. Even when the Mayor had the neighborhood meeting back in January or February after you got sworn in that you talk to us about this transition in this area? Not a word has been said to any of us. He then says "I am sure in the end we will move the public works operation to Burke Street." (Probably about \$40 million of our taxpayer's money.) "This would enable a more recreational area near Stellos. What more recreation are you going to put in there? How much more can you put in there? We already know that Conway Ice is going to get another sheet. Maybe this time you will sell the property for fair market value instead of a buck a year at the taxpayer's expense. "I think overall we are reducing the congestion over there in the sense that once public works functions have moved and the garage trucks and everything else and we make this purely recreational." "I think in the end we have reduced the traffic congestion." Oh really! "There has been a three year search and I don't think that we are going to come up with another location, there is not really any alternative." A three year search, there hasn't been any minutes to any meetings in three years and in three years we've had two Aldermen; one of them left and then we had Alderman Soucy and now we have Alderman LeBrun. Where was the transparency? I am also going to blame Lozeau and people on the Board who knew about this like Alderman Deane who has been on that committee since day 1 and he is an Alderman-at-Large and he has a responsibility to tell us because he is an Alderman-at-Large if they had meetings. When you want something done on your behalf and you want everybody to be happy then you have meetings even if you are an Alderman-at-Large. Alderman Cookson did that when we were buying the property up by the landfill because nobody was letting us know. Then he organized a meeting. Alderman Deane could have organized a meeting but that didn't happen. Where are the meeting minutes? This is a rigged system. The people in this neighborhood have to endure more traffic and skateboarders. How is it going to affect 505 West Hollis Street or the people at the Pratt Home? The Y is in favor of it, well good, how much does the Y pay in taxes in this city? We need to have more of a discussion on this before this goes through because if not I will start talking and finding out how to file an injunction. I will go under the right-to-know law that this was kept as a deep, dark secret. I'd like to know where the other locations were and exactly who were the members of the committee because there was definitely a member of the Board of Aldermen, Alderman Deane. I also believe Lisa Fauteux was on there. Can we have the right-to-know in this city

for once and for all, enough is enough. When you didn't want the Veteran's down by the Dr. Crisp School that got killed. Because this isn't directly in that neighborhood but it surrounds it. We have the right and we pay taxes in this city and the people in the neighborhood are outraged so I hope you will table this and that you will send it back to committee and that we will have a fair hearing in Ward 5 so everybody gets to ask the questions and find out what is going on and let's see what the other sites were because maybe there were better sites than over there by Stellos. Thank you.

Mr. Brian Fisk, 28 Daniel Webster Highway

I am here in support of the relocation of the David W. Deane Skateboard Park. I was on the relocation committee. The park is extremely important to the skateboarders of Nashua. This is a city issue that we have to have the relocation. It's for the economic development of the city that we are doing this. This isn't something that the skateboarders wanted. We decided to get involved because it affected us. As far as transparency goes, I know that there were articles in the Union Leader and multiple articles in the Telegraph. I work at Eastern Boarder and people were approaching me all of the time wanting to know more information. There was even a mock footprint printed in the Telegraph of what the skate park was going to look like. This was more than six months ago. There were many articles about the skate park, the skate park committee, the Broad Street Parkway site, about the relocation and about the Renaissance project. The committee came together with a 1,100 signature petition saying that we wanted to have a new park built before the old park was destroyed. At our first committee meeting the school department was with us as well as park & rec, economic development and ultimately even the School Board was interested in looking at New Searle's, a patchy field on Broad Street, the soccer field next to where the current skate park is located which was actually a perfect spot but it's very viable land and the city has potential plans for that in the future. We could have moved 100 feet to the left and been fine. This site works for several reasons. As far as congestion, it's basically right off of the highway. You get off of Route 3 and you almost turn into the entrance to Stellos. The area where the park is going to be is basically a cul-de-sac at the end of the road behind the DPW building. It's buffered on one side by the Nashua River and Mine Falls. We were talking about changing the footprint of the site to allow for both parking and access to the new boat ramp for Mine Falls. It shouldn't encroach on Mine Falls whatsoever. The other side is buffered by Stellos, by parking lots and by a YMCA. It's nowhere near a neighborhood and it doesn't bring any traffic through a neighborhood. There is no noise issue and as I stated the last time I was here, even as far as a safety issue the police department is right there. It's going to be a perfect recreational site. It's close to Nashua High South and Nashua High North so the kids will be able to get there. You can also take the city bus there from anywhere in town. It's probably a much better location than where the park is now. The reason that site was chosen was because we hoped it wouldn't bother anybody because some of this "not in my backyard" attitude that comes out when the city has to do anything like this is because people's impression of young people is that they don't like the way they dress, they don't like the way they look or the cut of their hair. The truth of the matter is that this is one of the most used facilities in Nashua. You can't play football or baseball with two people. Initially there weren't supposed to be bikes at the skate park because we were worried that bikes going down would damage the concrete but we can't stop the bikes or scooters from coming to the skate park because this is the kind of facility that young people want. It's outdoors and it's healthy; it's not video games or an app on the phone. It is creative. I'm 42 years old, I am a Nashua native and I've been skateboarding my whole life and it's done a lot of good for me; for my health and for my ability to enjoy my job. Getting exercise is a good thing. It's disappointing that there is a small obstacle with the School Board because we've been working on this for a long time. When the proposed site was on Broad Street the businesses were saying that it would reduce their property value yet they were putting a parkway across the street from their businesses. That sort of shows the attitude that people have with young people. You hear about the Opioid epidemic in New Hampshire, I mean we have serious problems in this state and these are the kind of positive outlets that are useful and it's well supported. These people come down because it matters to them; it's not an inner city activity. They just built a \$5 million skate park in Boston and a \$1.5 million skate park in Burlington, VT and the skate parks that are built in the northeast in the majority aside from Nashua because Nashua took guidance, a complete waste of money. We are really hoping that we can do something good in Nashua to set the example for

the rest of the region. It doesn't matter how much money is in your budget if you don't do it right. We would put the park anywhere. We agreed to put it next the Broad Street Parkway so that the other park didn't get destroyed because our concern is after the park goes; they were here last time at the Infrastructure Committee meeting saying this needs to happen this fall and guess what, they are definitely not going to build a \$500,000 skate park; \$280,000 of which is raised by us, by the cell phone tower on the property of the skate park. Half of the money for the skate park was not raised by the city or tax dollars and that's pretty impressive. I am personally very concerned that if the skate park moves away and Renaissance moves forward what happens next isn't really as much of a concern and that's why there was supposed to be legislation put in place saying that we had to build park before the old one was taken down. If anybody has any questions about what we talked about at the meetings or anything, there is nothing to hide. The city needs that land for a serious development and we need another place to put the skate park and you guys all know that it's not an easy thing to do. The major problems were contamination and that the site development for any of the other sites would cost more than the park just to get it flat. We would be open to anything but the options have closed in around us. I think that this site is about as central as you can get in Nashua. I think if you drove by any field in Nashua it would be empty but if you drove by the skate park there would be 20 kids down there. I don't want that community to be marginalized or stereotyped. The reason I came in the first place is to just let me know how I can help, it's not an agenda. It's changed most of these guys here, it's changed their lives. That may or not make sense to you but it's the truth and I appreciate your time so thank you.

PETITIONS – None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointments by the Mayor

The following Appointments by the Mayor were read into the record:

Mine Falls Park Advisory Committee

Jeff Hannigan (New Appointment)
32 Houde Street
Nashua, NH 03060

Term to Expire: August 31, 2019

Paula G. Lochhead (New Appointment)
4 Westbrook Drive
Nashua, NH 03060

Term to Expire: August 31, 2019

Nashua Airport Authority

Joseph R. Duquette (New Appointment)
38 Hills Ferry Road
Nashua, NH 03064

Term to Expire: August 31, 2021

Zoning Board of Adjustment

Jonathan (Jack) M. Currier (Reappointment)
6 New Searles Road
Nashua, NH 03062

Term to Expire: September 11, 2019

**MOTION BY ALDERMAN CLEMONS TO ACCEPT THE APPOINTMENTS BY THE MAYOR AS READ AND REFER THEM TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE
MOTION CARRIED**

REPORTS OF COMMITTEE

Budget Review Committee 07/25/16

There being no objection, President McCarthy declared the report of the July 25, 2016 Budget Review Committee accepted and placed on file.

Finance Committee 07/20/16

There being no objection, President McCarthy declared the report of the July 20, 2016 Finance Committee accepted and placed on file.

Finance Committee 08/03/16

There being no objection, President McCarthy declared the report of the August 3, 2016 Finance Committee accepted and placed on file.

Committee on Infrastructure 07/14/16

There being no objection, President McCarthy declared the report of the July 14, 2016 Committee on Infrastructure accepted and placed on file.

Committee on Infrastructure 07/27/16

There being no objection, President McCarthy declared the report of the July 27, 2016 Committee on Infrastructure accepted and placed on file.

Human Affairs Committee 07/12/16

There being no objection, President McCarthy declared the report of the July 12, 2016 Human Affairs Committee accepted and placed on file.

Human Affairs Committee 08/02/16

There being no objection, President McCarthy declared the report of the August 2, 2016 Human Affairs Committee accepted and placed on file.

Planning & Economic Development Committee 07/19/16

There being no objection, President McCarthy declared the report of the July 19, 2016 Planning & Economic Development Committee accepted and placed on file.

Strategic Planning Committee 07/19/16

There being no objection, President McCarthy declared the report of the July 19, 2016 Strategic Planning Committee accepted and placed on file.

Alderman Melizzi-Golja noted that at the time of the meeting she had indicated that Alderman Clemons was not in attendance and no one had heard from him but she subsequently found an e-mail from Alderman Clemons stating that he would not be in attendance. President McCarthy suggested that Alderman Melizzi-Golja send a communication to Mrs. Lovering which would be filed with the minutes as an addendum.

WRITTEN REPORTS FROM LIAISONS – None

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

UNFINISHED BUSINESS - RESOLUTIONS

R-16-044

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman Ken Siegel
Alderwoman Mary Ann Melizzi-Golja
Alderman Sean M. McGuinness
Alderman Don LeBrun
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Tom Lopez
Alderman-at-Large Brian S. McCarthy

AMENDING R-15-188 TO ALLOW THE CLOSING FOR PURCHASE OF THE HYDROELECTRIC FACILITY IN MINE FALLS PARK TO OCCUR ANYTIME BETWEEN DECEMBER 15, 2016, AND DECEMBER 15, 2017

Given its second reading;

**MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-16-044
MOTION CARRIED**

Resolution R-16-044 declared duly adopted.

R-16-045

Endorsers: Mayor Jim Donchess
Alderman Ken Siegel
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderwoman Mary Ann Melizzi-Golja
Alderman Tom Lopez
Alderman June M. Caron
Alderman-at-Large Brian S. McCarthy

ESTABLISHING AN EXPENDABLE TRUST FUND FOR STATE EMPLOYER PENSION COSTS

Given its second reading;

MOTION BY ALDERMAN SIEGEL FOR FINAL PASSAGE OF R-16-045

ON THE QUESTION

Alderman Siegel

This legislation establishes a bucket. It does not establish an expenditure it is a container to hold funds. I want to make that clear. Whether we put funds in it or not is up to the Board of Aldermen and is a separate decision and that is why it is different than previous legislation that has appeared before this Board. I would recommend passage. Thank you.

Alderman Moriarty

I am going to vote against this because if you can spend the money without having to override the spending cap then I believe you should just spend the money directly. In the past we had a similar trust fund created and you could fill it with revenues that would normally be used instead of tax money to pay the general fund and then in the end you end up effectively implementing a spending cap by-pass without ever having to override the spending cap with ten votes. You create a fund with eight votes and

you allow it to be filled up with revenues and it never violates the spending cap because it's not general fund expenditure. It becomes a self-funded expenditure using revenues that used to be used in place of taxes so mathematically it ends up being identical to this override. I would much rather take the money, if it's available, and pay it directly instead of going through this thing. Thank you.

Alderman Schoneman

I also sit on the Budget Review Committee and that committee recommended final passage by a majority. In fact, I was the only member of that committee who voted against it and I will maintain that vote against it. This first came up in the last term. It was a \$2.7 million transfer into a bucket that was created to receive funds that were apparently already there for the purpose of enabling us to spend this money outside of the regular appropriation path for the fiscal year and enable us to spend more within that without violating the spending cap. That failed and it came back this term with \$2.3 million, again, just to create a bucket to receive funds to enable more spending without violating the cap. That failed also and it came back a third time for about \$350,000, again just to create a bucket. Now here we are just creating a bucket but at this stage it should be very clear what the purpose of the bucket is. It's to allow funds to be transferred to that more money in fiscal '18 can be spent that would otherwise be spent and that's the issue. It doesn't require the ten votes because it's not technically a spending cap override but by moving it out it becomes what is often referred to as an end-around the spending cap. The end result will be that the \$900,000 that the legislation recommends to go into this fund will allow that \$900,000 to be spent within the spending cap without violating it. I think it's a dangerous bucket and I don't support it.

Alderman Siegel

It is just a bucket and every decision made other than creating a bucket is an individual decision by the Board of Aldermen; whether or not to transfer money. Either money that is already appropriated which is not a spending override, otherwise I guess we are not going to fund our Capital Equipment Reserve Fund account since that's part of the recommended legislation that we have before us for a first reading this evening. Again, we make a decision on that. We've already decided not to take the money that was set aside. This is different than that. It's not meant as an end-around the spending cap. We need containers to hold money for funds that may cross budget years. It's just that simple and the pension obligations are something that isn't calculated exactly for the next 20 something years which is what our obligation is so to the extent that we do or do not fund this, that's up to the Board of Aldermen but the mechanism itself to me is right out there, it's a container. I would urge those that don't even want a container to come up with an alternative. We went through an entire budget season and there was one budget cut recommended and it was my colleague, Alderman Schoneman, it was for \$60,000 for the Legacy Playground carousel. We passed the budget with that included so that is not much of a dent for what we are talking about here. Please, if you have an idea how it is that we are to save the money and what mechanism we will use to save the money to pay the \$2.5 million bullet which will face us that we know about, please, I'm all ears and I'm sure the rest of my colleagues will be also.

Alderman Schoneman

The budget that we recently passed went through with really no expansion other than for raises that exceeded the spending cap. That's why this is necessary. If there was no spending cap there would be no need for a bucket so clearly this is in response to the fact that a spending cap exists. The money was spent on were for raises that exceeded that spending cap number. If we hadn't exceeded the cap number then we wouldn't be in the jam that we are in. I would suggest that the way that we manage these budgets is by keeping individual expenses with the cap. That way when the budget comes around, the overall budget can be under the cap as well. That's my suggestion.

Alderman Siegel

I will differ with my colleagues point about without a cap this would be necessary. Any time you want to appropriate funds that cross different budget years we are required to put them in these types of vehicles, whether there is a cap or not. That's not part of the equation. You may think that's the case but it's how we transfer money (inaudible) across budget years.

Alderman Schoneman

The end result of setting up this fund, there's no point of having a bucket if you don't put money into it, that's what it is for. I know there's going to be a separate vote and there's no money associated with it but that's what it is for. The end result is that \$900,000 more would be spent next year than the cap would otherwise allow. Can I ask for a roll call please?

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Wilshire, Alderman Clemons, Alderman Deane, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderwoman Melizzi-Golja, Alderman O'Brien, Alderman Lopez, Alderman McCarthy	11
Nay:	Alderman Schoneman, Alderman McGuinness, Alderman LeBrun, Alderman Moriarty	4

MOTION CARRIED

Resolution R-16-045 declared duly adopted.

R-16-047

Endorsers: Mayor Jim Donchess
Alderman Ken Siegel
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED
THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000) FOR VARIOUS IMPROVEMENTS
AT THE SOLID WASTE DEPARTMENT FOUR HILLS LANDFILL**

Given its second reading;

MOTION BY ALDERWOMAN MELIZZI-GOLJA FOR FINAL PASSAGE OF R-16-047 BY ROLL CALL

ON THE QUESTION

Alderman Schoneman

This came through the Budget Review Committee and I voted for it at that time with some reservations and I still have them. There are three projects that this \$1 million is to fund and two of them are normally, according to Treasurer Fredette, part of the operating budget and I understand that the expenses that are normally part of the operating budget are done frequently. I question whether or not the work we are going to do in those areas now really will last for 20 years if we are going to do it again next year. Secondly, I think we need to be very careful about putting things that ought to be in the operating budget into a bond.

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Wilshire, Alderman Clemons, Alderman Deane, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman O'Brien, Alderman Lopez, Alderman McCarthy	11
Nay:	Alderman Cookson, Alderman Schoneman, Alderman LeBrun, Alderman Moriarty,	4

MOTION CARRIED

Resolution R-16-047 declared duly adopted.

R-16-048

Endorsers: Mayor Jim Donchess
Alderman-at-Large David W. Deane
Alderman-at-Large Lori Wilshire
Alderman Ken Siegel
Alderman Richard A. Dowd
Alderman David Schoneman
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Tom Lopez
Alderman-at-Large Brian S. McCarthy

APPROVING A LOCATION OFF STADIUM DRIVE AS THE REPLACEMENT SITE FOR THE DAVID W. DEANE SKATEBOARD PARK CURRENTLY LOCATED ON BRIDGE STREET

Given its second reading;

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-16-048

ON THE QUESTION

Alderman Deane

I have a few things that I'd like to explain to the general public. If I have offended anyone in the audience I apologize. I didn't mean anything by it. I am a little perplexed about the claims of transparency issues. I am of the belief that that couldn't be further from the truth. There was a request by a citizen for all information pertaining to the activity that had gone on with the skate board park committee. You are correct; we haven't met in three years so there are no minutes. Ms. Lovering would be posting the meetings if they were scheduled. This is the e-mail that was sent to Mrs. Johnson from Dory Clark, Deputy Corporation Counsel and it contained eight attachments. One of the attachments had all of the locations mentioned that was stated earlier that no one knew about. These are all public documents. This is from Attorney Clarke:

"Hello Paula,

As you have requested I have collected the available information on the Nashua Skateboard Park relocation Board which is attached. First, just to make sure there is no confusion, these documents relate to the Nashua Skateboard Park relocation Board created in 2013 by then Mayor Lozeau. It was chaired by Alderman Deane and members included some city staff and some citizens. I have attached minutes from three of the meetings; 4/11/13, 6/16/13 and 8/1/13. Also attached is an informational packet given to members of this Board and a presentation of the 44 Broad Street site and R-14-018 as introduced, which started without any action at the end of 2012/2013 legislative term. More recently

there have been some internal group meetings to again discuss this park's relocation which led to R-16-048 being introduced which is also attached. Those meetings would not have required minutes."

Those meetings basically were that I had spoken with Brian Fisk and Director Fauteux and Andy Patrician to go over and look at other sites. There was no quorum of the committee which was set up by then Mayor Lozeau. It is my understanding that when the legislation didn't have any action taken by the Infrastructure Committee that Mrs. Johnson was called personally by the Director of Public Works and told that. She's been called about all of the meetings and she's been kept abreast of that. That is transparency.

"Located within these documents you will find the locations of that were discussed and the prevailing issues with."

I did meet with Alderman LeBrun in February and it was a very short meeting. We did discuss the site location and we did look at the location over near the salt barn but that would have required moving an inordinate amount of trash. The trash line that came off of Stadium Drive worked its way further into the site. We did dig some test pits and we found ledge and water and it wasn't conducive. We didn't do any geotechnical work on the site because of what we found right off the bat. It would have also meant moving the blower house that's there for the ventilation system for the methane. We looked at the cul-de-sac area and we talked with Eversource about encroachment and things of that nature. Due diligence was done and there was plenty of transparency. There was nothing done that was underhanded and I really take offense to be accused of that. This Board voted to give the BIDA authority over the property on Bridge Street. That vote took place and this Board also knew that when that happened that the skateboard park had to be moved. We looked at a lot of sites and they are in the documents that were sent to Mrs. Johnson. If you would like I can sit here and read them off and tell you all of the issues. Myself and at the time then Economic Development Director Tom Galligani spent an inordinate of time going through every city owned parcel. Mind you we had a half of million to work with and we were trying to use that money on top of the ground and not below the ground. Every place we found had ledge, asbestos, wetlands and contaminations. Other areas that were city owned property had to do with site plans for detention areas and things of that nature so it couldn't be disturbed. We looked at everything that was available and in the end this is the site that we came up with. Alderman Caron sent me an e-mail about crime and the issues in that end of town and how it's grown and the traffic problems. That high school has been there 1972 I believe. In fact, the traffic is probably better than it was in 1972 because it was a single school back then. I don't think there is much of a traffic increase. The crime in that area; people jogging and running and things of that nature; I mean I haven't heard of any inordinate increases in crime in that area. Parking, there is going to be additional parking added but we still have to submit a site plan to the Planning Board and they have to approve it. The meetings pertaining to this legislation and the prior legislation were all posted according to the right-to-know law. They were on-line and posted in two areas in City Hall, we have publicly discussed them and they have been on numerous committee agendas and full Board agendas. There have been articles in the Telegraph and in the Union Leader. It's not as though this just snuck up and we had a first and second reading and it was done. I stand with moving forward and supporting the legislation and supporting the location. As the Mayor said we are going to get a final opinion from our legal department. I kind of struggle with that because I remember that 20% match and the state money from Stellos. I don't know how the cul-de-sac made it into that area because we did have to provide money to build a stadium which was not from the state. I don't know where you draw the line there but it is a school facility and the DPW funds and maintains that facility. It was done in collaboration when we originally did it and the reason was for that match from Concord. I think that covers what I have to say for now.

Alderman Wilshire

I was around when the original David W. Deane Skateboard Park was voted on and put in and for a good reason it was called the David W. Deane Skateboard Park, he did his due diligence, he raised the money and he got people involved. He has done the same thing this time in terms of doing his due diligence. I

supported the original skateboard park and I support the relocation of this skateboard park and I would urge you all to as well. Thank you all (speaking to members of the public in attendance) for being out here too.

Alderman Clemons

I agree 100% with the previous two speakers. Alderman Deane and I don't often agree on many things but there is one thing that I know and that is that he would never do anything behind the public's back. I am proud to support this with him and I thank him for all of his hard work.

Alderman LeBrun

This legislation should not even be on the agenda this evening. I somewhat hesitate to say that it was ushered through an unethical process but as they if it walks like a duck and talks like a duck then it's most likely a duck. No vote should be taken. This needs to go back to square one and receive proper vetting. The meetings need to be published properly so the public can participate. Minutes need to be recorded and posted on-line. We are told this process began in 2012 yet it did not make it to the public until just recently. Mr. President, let's be fair to our constituents and ourselves and not cast a vote until we have a bill that has gone through the process as it is supposed to. Those people responsible for this jam it down our throats process need to be informed that this is not the way we do things in Nashua. Nashua is better than this. If we do end up voting on this I only hope the people of Nashua take heed that there are elected officials ready and willing to disregard their basic right to monitor how and when legislation they have an interest in is processed through the system. We are elected to represent our people, not to ignore them. Mr. President, I ask that we do not vote on this legislation and I motion to lay it on the table until such time as we can do what's right and proper for the good people of Nashua and I ask for a roll call.

MOTION BY ALDERMAN LEBRUN TO TABLE

Alderman Clemons

I have a point of order. I thought it was against our rules to have a four minute speech and then have the same speaker say they would like to table.

President McCarthy

I don't think that there is anything in the rules that precludes it although we have always considered it to be a poor practice.

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman LeBrun	1
Nay:	Alderman Wilshire, Alderman Clemons, Alderman Deane, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman Moriarty, Alderman O'Brien, Alderman Lopez, Alderman McCarthy	14

MOTION FAILS

President McCarthy

The motion now is for final passage.

ON THE QUESTION

Alderman Lopez

There are a lot of skateboarders in Ward 4 and it's been referred to a couple of times tonight as an inner city sport. I would like to emphasize that it is a sport but it's not just an inner city sport. There are competitions all over the world and it should be treated as a sport. I was very interested during public comment where it was pointed out that this could be a jewel for our city. We do have to do things to continue to attract and retain the young people that we have in our city today. It's important to have facilities, activities and sports that support what they are interested in. I am in favor of placing it at the proposed location given that Renaissance needs to start building and we do need to make sure that we do take care of the exiting skateboard population. I do have a question for Alderman Deane. One of the sites adjacent to the current site was described as ideal in the public comment and I was just wondering what the disqualifying criteria was because one of the other comments I heard during the Infrastructure Committee meeting was that one of the major priorities was is the property of more value to the city if used differently. I have the opinion that if we are going to do this and we are going to make sure that we support the skateboarding population, we should give them the best site possible and treat them as though they are an economic opportunity.

Alderman Deane

At the time then Director Galligani, Jack Tulley and other members of BIDA talked about the possibility of that land being developed down the road. It's off of a large parcel and they felt it would be very marketable and they were looking at an increase in tax revenue and development in that area. There are some other geotechnical issues over there too. They took a lot of asbestos out of there. I don't know if there are covenants on it due to the contamination or whether it's being monitored but I can find that out.

Alderman Lopez

My question was just if the site was vetted and it sounds like it was. It's my opinion that we should make sure that we commit fully to this. I also think that we need to make sure that the community that they are moving into receives them positively. Perhaps we should look at creating an Advisory Board for the skate park that includes a representative from that neighborhood or maybe that Alderman.

Alderman Siegel

With all due respect to my colleague, Alderman LeBrun, he was not on the Board in the previous term when this was discussed and in fact there was a proposal originally to put this at the starting area where the Broad Street Parkway is and that was widely discussed and publicized and widely objected to at the time. The feedback from the public was taken into the account and back to the drawing board everybody went. As the liaison to the Board of Public Works I've been at many of the public meetings where that has been discussed publicly and this has always been above board. As we heard from Alderman Deane tonight, Mrs. Johnson appeared to have been kept well in the loop; I would say more than other citizens. I don't see a transparency issue here and nor did I ever. I have also witnessed the discussion about the various site issues and this is clearly the best site. As far as the objection, I think there is this underlying prejudice that somehow if people are younger and they are on a skateboard that represents trouble and I am a little confused because it seems to me that people on a skateboard who are skateboarding represents exactly what is not trouble but something constructive and healthy and social that is away from electronic devices and other distractions. I would be happy to put on a suit and tie and get on a skateboard and I'm not young. That should make everybody happy unless I am a demographic that is somehow is offensive.

Alderman Moriarty

I thank Alderman Deane for his hard work and if I don't vote yes on this I will have my 10 year old son who is a skateboarder will probably have a hard time forgiving me so count me in.

Alderman O'Brien

I offer to go watch Alderman Siegel skateboarding. This could be a baseball park or like what we did with the Legacy Playground. These are hallmarks that make Nashua great. It includes skateboard parks and horseshoe pits and other recreational facilities. If we voted to pass this resolution can the School Board shoot down the wishes of the Board of Aldermen?

President McCarthy

If what you are getting to is should we refer it to the Board of Education, I don't think that is proper because they either have authority or they don't so I am going to ask Attorney Bolton to opine on how it would be handled but I suspect their vote is separate from ours.

Attorney Bolton

It's not entirely dissimilar from the fact that this will be going before the Planning Board and they will have to have a plan that they can approve. The Board of Aldermen has a certain level of authority but other requirements also have to be fulfilled so it could get derailed at the Board of Education or the Planning Board so it's got to meet every requirement.

Alderman Schoneman

I think to have a facility like this is clearly good for the folks who want to use it. I think the choices that they would be faced with if they didn't have that are not good and healthy. I also think that based on everything I have heard this is a great location for it. I'm also sensitive to the fact that actions that we take can be frustrating for people. I think what helps us to get through that is process because process is what self-government is about. I don't see any fault with the process that was taken and I understand the frustration and I respect the opinions of those who have spoken of their frustration but this looks like a good location and I believe that the process was well documented and well committed and I will support it.

Alderman Dowd

Just for the public's information, the Board of Education has authority because it's the Stellos lot, is that correct?

President McCarthy

That is the belief. When we built Stellos we did it under the authority of the Joint Special School Building as a school project which entitled us to reimbursement under the state aid to build an education building.

Alderman Dowd

Shawn Smith was part of the committee up to a point because they were considering other school sites but this is a school site and I wonder why he dropped off.

Alderman Deane

He was on the committee originally when we were looking at areas within the confines of a school.

Alderman Caron

I think the idea of a skateboard park is very important for the city. The city took great pride in building the original skateboard park. The skateboard park is Ward 7 and even when I worked for the city we did not have a lot of problems there. Yes, there was some vandalism but when you looked further into it; it was not the skateboarders who were causing the problems. The skateboarders worked very hard to run camps and teach kids how to use that facility and to take care of it and be proud of it. I think moving this over to an area where we already have recreation facilities is a great thing. If you want Nashua to be progressive and for people to think about us then you don't want that skateboard park to die on Bridge Street and never get replaced. A lot of the locations had asbestos or ledge so I think that he and his committee and the group from Eastern Border has done a very good job and I am fully in favor of relocating the park at this site.

Alderman Lopez

I am not aware of any real link between skateboarding and crime. The police department has never announced that they keep confiscating skateboards at the scene of crimes or anything.

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Wilshire, Alderman Clemons, Alderman Deane, 14
Alderman Cookson, Alderman Dowd, Alderman Caron,
Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja,
Alderman McGuinness, Alderman Moriarty, Alderman O'Brien,
Alderman Lopez, Alderman McCarthy

Nay: Alderman LeBrun 1

MOTION CARRIED

Resolution R-16-048 declared duly adopted.

R-16-050

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman Tom Lopez

AUTHORIZING THE SALE OF SURPLUS BROAD STREET PARKWAY PROPERTY

Given its second reading;

MOTION BY ALDERMAN LOPEZ TO AMEND R-16-050 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA

ON THE QUESTION

President McCarthy

Would you care to mention what the changes are in the golden rod copy?

Mayor Donchess

I think what the change is and maybe the Infrastructure Committee can correct me if I am wrong but one small parcel was dropped out of this because it is a parcel that is ineligible for federal reimbursement. It is part of the little roadway that goes down from the Millyard down to Mine Falls and the idea is that we

want to maintain that right-of-way so people can get down to Mine Falls Park and we wouldn't want to sell that plus probably no one would buy it anyway.

MOTION CARRIED

**MOTION BY ALDERMAN LOPEZ FOR FINAL PASSAGE OF R-16-050 AS AMENDED
MOTION CARRIED**

Resolution R-16-050 declared duly adopted as amended.

R-16-051

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.

AUTHORIZING THE FILING OF APPLICATIONS AND EXECUTION OF GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF TRANSPORTATION FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, FOR FISCAL YEARS 2017 AND 2018

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-16-051
MOTION CARRIED**

Resolution R-16-051 declared duly adopted.

R-16-052

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.

RELATIVE TO THE TRANSFER OF UP TO \$59,861 FROM DEPARTMENT 194 –CONTINGENCY, ACCOUNT 70150 – GENERAL CONTINGENCY INTO VARIOUS SALARIES & WAGES AND FRINGE BENEFIT ACCOUNTS FOR THE PURPOSE OF ADDITIONAL SALARY INCREASES FOR MERIT EMPLOYEES OFF THE MERIT SALARY SCHEDULE

Given its second reading;

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-16-052
MOTION CARRIED**

Resolution R-16-052 declared duly adopted.

R-16-053

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman Tom Lopez
Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien

AUTHORIZING THE CITY OF NASHUA TO PARTICIPATE IN THE NASHUA REGION INTEGRATED DELIVERY NETWORK (IDN) OF THE BUILDING CAPACITY FOR TRANSFORMATION, A DELIVERY SYSTEM REFORM INCENTIVE PAYMENT (DSRIP) PROGRAM

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-16-053
MOTION CARRIED**

Resolution R-16-053 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

O-16-011

Endorsers: Alderman Don LeBrun
Alderman Ken Siegel
Alderman David Schoneman
Alderman Tom Lopez

**ADOPTING PROVISIONS FOR REDUCED TAXATION FOR CERTAIN CHARTERED
PUBLIC SCHOOL FACILITIES**

- Tabled at Full Board Level – 5/10/16

O-16-015

Endorsers: Alderman-at-Large Lori Wilshire
Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.

PROVIDING FOR CONFIDENTIAL REDACTIONS ON THE RECORD OF EXPENDITURES

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE TO AMEND O-16-015 IN ITS ENTIRETY BY REPLACING IT
WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

ON THE QUESTION

Alderman Schoneman

What were the changes?

Alderman Siegel

The original legislation has some vague terms that allowed for terms like “etc.” and “exceptions” without very clear definitions. There was an objection that this would be something that could potentially just be misused. Changes were made to explicitly solve the problem that we wanted to solve and changed the wording so that it is very clear that not only that this only apply to the police department but that there was an override mechanism so that the public would have say if in fact this was deemed something that we wanted to not have redacted. The wording was changed from the previous to be “payments where disclosure could endanger or compromise police department personnel. Redactions in this situation may be overridden by a vote of the Finance Committee.” Very simply it just applies to that particular element, the police department and only that.

MOTION CARRIED

MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF O-16-015 AS AMENDED

ON THE QUESTION

Alderman Schoneman

The Finance Committee will see reports that are not redacted, is that correct? It's only the public copy that's going to be redacted, is that correct?

Alderman Siegel

No, that is not correct. Anything that is seen by the Finance Committee is public information and we will see it redacted. We have the opportunity at that meeting to ask questions and vote whether or not we want to have it redacted and that vote can occur in either public session or non-public session. This legislation does not mandate whether or not we go into non-public session. I think that would be not in the spirit of what we are trying to do. I would also point out two separate things; one is that any individual committee member can inquire of the police department what this might be without then giving away the information. I would further state that even should expenses be made public, our options for rescinding those expenses are limited since the Board of Aldermen, by statute, has no control over police department expenditures. This legislation is there to protect people's lives. This shouldn't be very controversial. We scoped it down to where it only applies to one thing.

Alderman Schoneman

How would the Finance Committee review the legitimacy of it? They are going to see a payment that's redacted and not know who it's too but if they had a question about it then they could bring it up, is that correct?

Alderman Siegel

That would be correct. We have every opportunity to ask questions and have those questions answered either in public or in a non-public session at the discretion of the committee.

Alderman Schoneman

How has this been handled in the past?

President McCarthy

I believe that all names have been published in the past. I would just hope the right people didn't read them.

Alderman Schoneman

If there was a question about a payment that was redacted we could raise the question.

President McCarthy

Yes.

Alderman Moriarty

I am not sure how a Worker's Compensation payment being redacted protects somebody's life. I think I could support this for item #3 but the other two is public money.

Alderman Siegel

First of all, the wage garnishments were part of the original ordinance and the reason is that it is state level and we are not allowed to reveal that information. The only change to the ordinance that's been in effect on the books is to add the additional exclusion for the police department under those circumstances in which there is reasonable belief that somebody's life could be in jeopardy.

Alderman Moriarty

I trust Alderman Siegel but that means the documents are improperly typed because everything with an underline is language so the part about the wage garnishments and worker's compensation payments couldn't have been part of the existing ordinance.

Alderman Siegel

As a former member of the Finance Committee, Alderman Moriarty, you would note that in the first few pages of every record of expenditures are wage garnishments that have been redacted for years so this is no change to existing practice.

President McCarthy

I would assume, Alderman Siegel; that we were simply redacting them because that's required by the state statute and our ordinance did not reflect...

Alderman Siegel

I stand corrected on that. The state statute requires it. Its confidential information and we are not allowed to reveal it.

President McCarthy

The underlying section is new text in the ordinance because it makes the ordinance consistent with state law.

Alderman Moriarty

That's good to know because there was some discussion some time ago about the...this appeared all to be new to a lot of people and it seemed to violate the right-to-know law. I understand that we are making it consistent with the state law as well as adding a safety feature.

MOTION CARRIED

Ordinance O-16-015 declared duly adopted as amended.

NEW BUSINESS – RESOLUTIONS

R-16-054

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderswoman Mary Ann Melizzi-Golja
Alderman June M. Caron
Alderman Tom Lopez

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$50,000 FROM THE NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "HEALTHY HOMES AND LEAD POISONING CASE MANAGEMENT"

Given its first reading; assigned to the HUMAN AFFAIRS COMMITTEE by President McCarthy

R-16-055

Endorser: Mayor Jim Donchess
Alderman-at-Large Brian S. McCarthy
Alderman Ken Siegel
Alderwoman Mary Ann Melizzi-Golja
Alderman Top Lopez
Alderman Don LeBrun

ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS FOR THE PURPOSE OF MAINTAINING THE HOLOCAUST MEMORIAL AT ROTARY COMMON

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE and the BOARD OF PUBLIC WORKS by President McCarthy

R-16-056

Endorser: Mayor Jim Donchess
Alderman-at-Large Daniel T. Moriarty
Alderman-at-Large Brian S. McCarthy
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Ken Siegel
Alderman Sean M. McGuinness
Alderwoman Mary Ann Melizzi-Golja
Alderman Richard A. Dowd
Alderman June M. Caron

AUTHORIZING THE CITY TO ENTER INTO A LICENSE AGREEMENT FOR A PUBLIC BOAT LAUNCH ON THE NASHUA RIVER

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President McCarthy

R-16-057

Endorser: Mayor Jim Donchess

RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR FY2017 ESCROWS

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President McCarthy

R-16-058

Endorser: Mayor Jim Donchess
Alderman-at-Large David W. Deane
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Ken Siegel
Alderwoman Mary Ann Melizzi-Golja
Alderman Tom Lopez

AUTHORIZING THE MAYOR AND CITY TREASURER TO BORROW AN AMOUNT NOT TO EXCEED THREE MILLION NINE HUNDRED THOUSAND DOLLARS (\$3,900,000) THROUGH THE ISSUANCE OF BONDS AND/OR A LOAN THROUGH THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES STATE REVOLVING LOAN FUND FOR THE WASTEWATER TREATMENT PLANT PRIMARY TANK UPGRADES

Given its first reading;

MOTION BY ALDERMAN DOWD TO ACCEPT THE FIRST READING OF R-16-058 BY ROLL CALL, ASSIGN IT TO THE BUDGET REVIEW COMMITTEE AND THE BOARD OF PUBLIC WORKS; AND, THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, AUGUST 22, 2016, AT 7:00 PM IN THE ALDERMANIC CHAMBER

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Wilshire, Alderman Clemons, Alderman Deane, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman LeBrun, Alderman Moriarty, Alderman O'Brien, Alderman Lopez, Alderman McCarthy 15

Nay: 0

MOTION CARRIED

R-16-059

Endorser: Mayor Jim Donchess
Alderman-at-Large David W. Deane
Alderman Richard A. Dowd
Alderman Ken Siegel
Alderwoman Mary Ann Melizzi-Golja
Alderman Michael B. O'Brien, Sr.
Alderman Tom Lopez
Alderman June M. Caron

AUTHORIZING THE MAYOR AND CITY TREASURER TO BORROW AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SEVENTY NINE THOUSAND DOLLARS (\$779,000) THROUGH THE ISSUANCE OF BONDS AND/OR A LOAN THROUGH THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES STATE REVOLVING LOAN FUND FOR THE WASTEWATER TREATMENT PLANT BOOSTER STATIONS PROJECT

Given its first reading;

MOTION BY ALDERMAN DOWD TO ACCEPT THE FIRST READING OF R-16-059 BY ROLL CALL, ASSIGN IT TO THE BUDGET REVIEW COMMITTEE AND THE BOARD OF PUBLIC WORKS; AND, THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, AUGUST 22, 2016, AT 7:00 PM IN THE ALDERMANIC CHAMBER

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Wilshire, Alderman Clemons, Alderman Deane, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman LeBrun, Alderman Moriarty, Alderman O'Brien, Alderman Lopez, Alderman McCarthy 15

Nay: 0

MOTION CARRIED

R-16-060

Endorser: Mayor Jim Donchess
Alderman-at-Large David W. Deane
Alderman Tom Lopez

AUTHORIZING AN AMENDMENT TO DEED COVENANTS RELATIVE TO LAND SOLD TO PROPERTY OWNERS ALONG RADCLIFF DRIVE AND SHORE DRIVE

ON THE QUESTION

Alderman Deane

Mayor, do people want to put sheds up or something on this property?

Mayor Donchess

Yes. The original sale with covenants that we approved limited the shed to a very small size. They would like to possibly do larger sheds so this is the proposed amendment.

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President McCarthy

NEW BUSINESS – ORDINANCES - None

PERIOD FOR GENERAL PUBLIC COMMENT

Mr. James Cutter, 86 Palm Street

Mr. Cutter read aloud a letter dated August 9, 2016, addressed to Alderman-at-Large Brian S. McCarthy, Mayor Jim Donchess, Attorney Steve Bolton and Alderman Tom Lopez, Ward 4. The letter is attached to these minutes.

Ms. Paula Johnson, 15 Westborn Drive

I want to thank Alderman LeBrun for this evening and I would like to thank Alderman Lopez for this evening because he made a very good suggestion which I offered back at the Infrastructure Committee that they should have a representative from the neighborhood. I would be more than happy to sit there because I was there when Stellos was built and I was a Board of Aldermen member. Also, I am going to take a little bit of offense here because during the meeting a friend of mine sent me an e-mail that goes back to 11/26/13, 12/10/13; skateboard comments from Deane and it says we have received from e-mails from folks and petitions and other things that, we are going to have a public meeting at the Amherst Street Elementary School. All of these folks that live within the area are going to be notified as such as we do with zoning and planning. What would have been the big deal? We seem to (inaudible) these minutes. There were no minutes and it's not under the right-to-know law. I take offense basically being called not honest. What's the big deal of calling a meeting in that Ward and everybody to have come? The fact that Mrs. Johnson knew more than anybody else. Oh that Mrs. Johnson, the early bird catches the worm and consistency is persistent and you have to be persistent to get the information in this city. I called Director Fauteux and I kept asking her questions and my Alderman. That's the only reason why I found out about everything. I never saw it in the papers or on-line. To say that Mrs. Johnson had every opportunity; I couldn't find any of this. If this has been in the works for a while, which obviously it was, it could have been brought up, the Mayor could have told us about it at the Ward 5 meeting at the beginning of the year, it could have been done. My Alderman at times didn't know that much about it. Yes he was stepping in and maybe the old Alderman didn't tell him about it. The bottom line is people don't trust government anymore and I can't understand why? What would have been the big deal? As has been done in the past, and I hope now that it got pushed through tonight without anybody in the area being able to sit down and see the charts and having an open discussion on this...and I hope the next stage is I will take my grievance to the Board of Education and to the Planning Board. The fact of the matter is maybe now we can sit down and invite everybody in the surrounding area of this facility. It's not just about Nashua skateboarders; it is surrounding towns; that's what I heard tonight. It should be about Nashua. I don't care about Hudson, I don't care about Litchfield; they don't care about Nashua. Let those communities put some money (inaudible) than Nashua at the time. I think we need to have an open discussion like it was going to be at the Amherst Street School when the skateboard park was supposed to go on Broad Street. Open government, open policies and transparency. Then you don't get into these problems with

constituents being upset with their tax dollars and not being told. The other thing is Mayor, are you ever going to get the police out there on West Hollis Street, it's just not working. That lane where we have the bump out now, I have a letter from somebody, there was already an accident. People are running the red light all of the time. The police came at 9:00 o'clock at night. The problem is from about 5:30 a.m. to about 8:00 p.m. at night. Somebody is going to get killed. When you are coming out of Ledgewood you have to sit there for a minute or so because you know somebody is going to be coming down West Hollis Street doing 40 or 50 mph and you are going to get broadsided and I don't feel like dying right now on West Hollis Street. I also mentioned to the police the other day that on Liberty Street off of West Hollis Street, there is a sign that says no turn on red. It's a one-way street so they think that they can make a left turn on a red light. I know the police have a lot with the heroin problem but aside from the heroin problem there are a lot of other people in this community.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Dowd

I would like to apologize to Alderman Cookson. I meant that comment about the right-to-know law as just sensitivity. As having been Chair of the Airport Authority, the ZBA and the President of the Board of Education and now a member of the Board of Aldermen the public's right-to-know is a sensitive subject that I've dealt with for 33 years. When I originally looked at it, it looked like it might be violating the right-to-know law and I've heard since that it wasn't so I am sorry that offended you.

Alderman Caron

I want to put out a condolence to the Doug Tremblett family. He passed away last week. Doug was a viable member of the Review & Comment Commission and has been the Chairman of that committee for the past two years. He was also the Exalted Ruler for the Nashua Lodge of Elks three times.

Alderman Siegel

I want to thank Alderman Deane for all of the work that he has done over the years on the skateboard park. I am very unhappy about some of the public remarks that have been made about the integrity of this Board, the integrity of the process and the integrity of the person that has specifically worked on that. It is completely inappropriate. I respect people's right to free speech and I hope when they exercise it they can respect my right to be pretty disgusted by it.

Alderman Schoneman

I would like to thank some of our local churches who had a community impact weekend which was organized by Tom Dionne in conjunction with Parks & Rec. They rebuilt trails behind the library. A group of people packed backpacks for kids in need as they go back to school. Hygiene kits were put together and distributed to some of the shelters in the city. Covered picnic tables were assembled with a lot of donated materials and Parks & Rec will put them over at the new Legacy Playground and the Chinese church cooked a meal for the Rescue Mission. The Board of Aldermen was invited and I saw that some of you couldn't make it but I would encourage you to come out next year.

Alderwoman Melizzi-Golja

I would like to echo Alderman Caron's condolences on the family of Doug Tremblett. He worked very hard on our Review & Comment Commission. Also, Alderman Deane, thank you for all of your efforts.

Alderman O'Brien

I'd like to welcome one of the newer residents of our city, my grandson, Cornelius George Dionne.

Alderman Lopez

On Sunday, August 14th, Neighborworks will be doing a survey and anybody in Ward 4 who does it will get a free t-shirt and they are also hosting a block party which will be this Sunday at the same time as the Latino Festival. The Latino Festival is at St. Louis Church from 12:00 p.m. to 5:00 p.m. and the block party will be on Ash Street and that's from 2:00 p.m. to 4:00 p.m. Next weekend there is a bunch of cultural activities. There is a Brazilian Festival at Greeley Park on Saturday, a Steampunk Festival and the Gate City Brew Fest.

Committee announcements: None

ADJOURNMENT

**MOTION BY ALDERMAN WILSHIRE THAT THE AUGUST 9, 2016, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 9:27 p.m.

Attest: Patricia D. Piecuch, City Clerk

Jim Donchess
MAYOR • CITY OF NASHUA

TO: Board of Aldermen
FROM: Mayor Jim Donchess
DATE: August 9, 2016
RE: FY2017 Like for Like Escrows



As you are aware, I have submitted for your approval the proposed FY2017 “Unlike” Escrows through Resolution R-16-057.

Please find attached the FY2017 “Like for Like” Escrows that I recently approved. You will note that most of the like for like escrows are carryover capital improvements and prior year escrows where the work or project has not been completed.

City of Nashua								
Fiscal Year 2017 Escrow Requests								
Requiring Mayor Approval								
Line No.	Department Requesting the Escrow	Fund	FROM Department	DEPT Number	Accounting Classification	Budgeted Purpose	Explanation For Escrow Request	Escrow Request Amount
General Fund Capital Improvements								
1	Nashua Airport Authority	1001	Airport	148		Capital Improvements	To fund Airport Capital Improvements	\$ 22,500.00
2	Fire	1001	Fire	152	81	Capital Improvements	To fund Capital Improvements - Deferred Maintenance Projects	14,922.45
3	Streets	1001	Streets	161	81	Capital Improvements	To fund a portion of the Main Street Sidewalk Project	300,000.00
4	Streets	1001	Streets	161	81	Capital Improvements	To fund a portion of the Sidewalk Program	77,335.62
5	School	1001	School	191	81	Capital Improvements	To fund Capital Improvements - Deferred Maintenance Projects	274,308.03
6	Subtotal - General Fund Capital Improvements							\$ 689,066.10
7								
8	Prior Year Escrows							
9	Board of Aldermen	1010	Board of Aldermen	102	71	Equipment	To fund the cost of new tablets for Board of Aldermen members	\$ 5,084.86
10	Board of Aldermen	1010	Board of Aldermen	102	81	Capital Improvements	To fund the cost of Aldermanic Chamber Improvements	9,558.60
11	Fire	1010	Fire	152	81	Capital Improvements	To fund the design of an addition to the Spitbrook Road Fire Station	56,750.00
12	Emergency Management	1010	Emergency Management	156	61	Supplies & Materials	To fund the purchase training materials	1,980.00
13	Streets	1010	Streets	161	54	Property Services	To fund the cost of AVL monitoring services	13,560.00
14	Streets	1010	Streets	161	71	Equipment	To fund the cost of AVL equipment	2,821.52
15	Community Services	1010	Community Services	171	53	Prof & Tech Services	To fund the cost of new Public Health Building consulting services	16,700.00
16	Parks & Recreation	1010	Parks & Recreation	177	81	Capital Improvements	To fund the cost of Lincoln Park improvements	13,632.86
17	Library	1010	Library	179	81	Capital Improvements	To fund the cost of A/C equipment and installation	92,200.00
18	Economic Development	1010	Economic Development	183	53	Prof & Tech Services	To fund the cost of appraisals	15,347.66
19	Transit	1010	Transit	186	89	Transfer to Grants Fund	To fund local match for Transit operations	25,500.00
20	Transit	1010	Transit	186	89	Transfer to Grants Fund	To fund the local match of paratransit vans	44,758.00
21	Subtotal - Prior Year Escrows							\$ 297,893.50
22								
23	General Fund Operating Budgets							
24	Board of Aldermen	1000	Board of Aldermen	102	51	Salaries	To fund the cost of part-time payroll overtime	\$ 5,000.00
25	Civic & Community Activities	1000	Civic & Community Activities	109	56	Outside Services	To carry over the FY2016 Funding for the Arts	25,000.00
26	Financial Services	1000	Financial Services	126	55	Other Services	To fund the cost of Conferences and Seminars	4,500.00
27	Emergency Management	1000	Emergency Management	156	55	Other Services	To fund the cost of Trainings and Certifications	1,100.00
28	Citywide Communications	1000	Citywide Communications	157	54	Property Services	To fund the cost of replacing AC/Heat Units at the three radio sites	18,500.00
29	DPW/Engineering	1000	DPW/Engineering	160	55	Other Services	To fund the cost of railroad right of way fees	5,600.00
30	Community Services	1000	Community Services	171	55	Other Services	To fund the cost of Trainings and Certifications	3,000.00
31	Community Services	1000	Community Services	171	61	Supplies & Materials	To fund the cost of miscellaneous supplies	3,000.00
32	Economic Development	1000	Economic Development	183	51	Salaries	To fund the cost of a summer intern	4,800.00
33	Subtotal - General Fund Operating Budgets							\$ 70,500.00
34	Total Like Escrows Approved by Mayor							\$ 1,057,459.60

From: Cookson, Mark
Sent: Tuesday, August 09, 2016 4:07 PM
To: McCarthy, Brian;
Cc: Lovering, Susan
Subject: FW: RE: RE: Time sensitive legislation

Ald McCarthy,

In light of the recent RTK concerns with the Board of Education as reported by the Nashua Telegraph, the fact that one of my colleagues has accused me of violating the RTK law and the absence of any response from you or Corporation Counsel I would ask that the following communication be accepted and placed on file under suspension of rules this evening.

Please let me know if you have any questions or comments.

Regards,
Ald Cookson

From: Cookson, Mark
Sent: Wednesday, July 20, 2016 5:08 PM
To: McGuinness, Sean; Brian.McCarthy@netapp.com; Lovering, Susan; BenMClemons@gmail.com; aldermanmoriarty@gmail.com; ddeane05@gmail.com; urbannod@hotmail.com; Gedziun, Patricia; junecaronward7@yahoo.com; loriwilshire@yahoo.com; melizzigolja@gmail.com; O'Brien, Michael (Alderman); OBNFD@comcast.net; Schoneman, David; Siegel, Ken; tomlopezward4@gmail.com; McCarthy, Brian; Moriarty, Daniel; Deane, David; LeBrun, Don; Wilshire, Lori; Melizzigolja, Mary; Dowd, Richard; Lopez, Thomas
Subject: RE: RE: Time sensitive legislation

Ald Dowd,

I appreciate your concern.

I don't believe my response violates the Right-to-Know but am certain if it does I will be notified by Corporation Council; in the instance it does I am happy to have this correspondence submitted as a communication at our next meeting.

In fact, I was simply replying in a manner which Ald McCarthy's suggested in the final sentence of his original correspondence.

Let me copy and paste it here for your convenience:

"If you respond with thoughts in this regard, please limit them to the process and not the substance of the matter."

That is what I did with my response. I did not discuss any aspect of the legislation itself - pro or con; I discussed the process to send to a committee without it having a first reading.

If you read my first sentence I did speak with Ald McCarthy last evening but thought it important I voice my opinion to his original distribution list.

Kindest Regards,
Ald Cookson

----- Original Message -----
On 2016/7/20 3:23 PM Dowd, Richard A (US) wrote:

I don't think we should be having a conversation on any Board subject via email as it violates the right to know law. There was no problem with the President putting out a message to the full Board on when something was going to be addressed, but we should not be discussing the pros and cons of the legislation nor the legislation process on-line. If you wanted to impart this information to the President you could have called him. I will not render an opinion on the subject of your email.

Richard A. Dowd

BAE SYSTEMS

Systems Engineering Section Manager - Defense Logistics

NCA01-4240

Office: (603) 885-2892

Cell: (603) 689-8571

-----Original Message-----

From: Cookson, Mark [mailto:CooksonM@nashuanh.gov]

Sent: Wednesday, July 20, 2016 4:07 PM

To: McGuinness, Sean; Brian.McCarthy@netapp.com; Lovering, Susan; BenMClemons@gmail.com; Moriarty, Daniel; Deane, David; urbannod@hotmail.com; Gedziun, Patricia; Caron, June; Wilshire, Lori; Melizzi-Golja, Mary Ann; O'Brien, Michael (Alderman); OBNFD@comcast.net; Dowd, Richard A (US); Schoneman, David; Siegel, Ken; tomlopezward4@gmail.com; McCarthy, Brian; Moriarty, Daniel; Deane, David; LeBrun, Don; Wilshire, Lori; Melizzigolja, Mary; Dowd, Richard; Lopez, Thomas

Cc: Bolton, Steve

Subject: RE: Time sensitive legislation

Ald McCarthy,

Although we spoke about this topic as I exited the Strategic Planning Committee Meeting last night I wanted to formally respond and copy the remainder of your distribution list.

I am absolutely in opposition of your conducting the business of the Board of Aldermen in this manner. We have a process which we have when conducting business on behalf of those who elected us to represent them...that process includes calling a Special Meeting when necessary.

I appreciate your attempt to be efficient but I've never seen a piece of legislation not receive a first reading and end up on a Committee's Agenda.

I don't see the urgency as there is ample time to call a Special Board of Aldermen Meeting (this week or next), refer to Human Affairs (week of Jul 25 or Aug 1), and be on our Board of Aldermen's Aug. 9 Agenda with a recommendation and minutes to accompany.

Why do we have a process if we're not going to follow it?

Respectfully,

Ald Cookson

----- Original Message ----- On 2016/7/19 3:22 PM McCarthy, Brian wrote:

Dear colleagues -

Medicare/Medicaid is changing the way funds are made available for mental health and opiate abuse, as follows:

"The State of New Hampshire (State) has made performance-based funding available to regionally-based Integrated Delivery Networks (IDNs) that serve Medicaid beneficiaries with the goal of transforming the delivery system for beneficiaries with mental health conditions and/or substance use issues, including opiate abuse. The transformation will be supported by participation of IDNs in Alternative Payment Models (APMs) that move Medicaid payment from primarily volume-based to primarily value-based payment over the project period."

In order for us to participate in this program, it is necessary that we authorize city to participate in the Nashua Region Integrated Delivery Network. The authorization commits us to no expense on the part of the City, it simply authorizes the Southern New Hampshire health system to be the agent to handle funds from the state. This authorization must be in place by August 15th so that the application for funding can be submitted to the Executive Council.

Attached you will find an piece of Legislation that will achieve that purpose, which I received minutes ago.

I am loath to call a special board meeting for the single purpose of first reading of the ordinance. I would ask that Alderman Wilshire, if she is so inclined schedule a meeting of the Human Affairs committee perhaps within the next two weeks, so that minutes can be available prior to our meeting on the 9th of August, where we would perform a first and second reading with the opinion of the committee documented in the minutes. We would post said Human Affairs meeting with the bill on the agenda, so that the public will be aware of the discussion of the issue in a timely manner.

If you respond with thoughts in this regard, please limit them to the process and not the substance of the matter.

Thank you,

-Brian

PETITION TO THE BOARD OF ALDERMAN

RESIDENTS, BUSINESSES WERE NOT NOTIFIED OF PENDING SKATEBOARD PARK IN THE AREA OF STELLOS STADIUM where city wants to relocate the Dave Deane Skateboard Park without any public input from the neighborhoods/businesses that directly /indirectly abuts this facility.

NO Ward 5 meeting to inform the residents (taxpayers) of the planned Skateboard Park to be located next to Stellos Stadium in the Cul-de-sac. Under State Law only the direct abutters are notified and that would be YMCA and Stellos Stadium (owned by the City of Nashua. The Infrastructure Committee and the Board of Public Works have voted to approve this skateboard park. It is now waiting to be voted on by the full Board of Alderman on 8/9/16.

SAFETY CONCERNS:

- 1) Increase traffic.
 - 2) Concerns about Skate Boarders skating over the highway to West Hollis Street which is very busy.
 - 3) Safety as the area is used for people who visit Mine Falls for walking, running, fishing (use the boat ramp) and biking.
 - 4) Crime?
 - 5) Home Values/more noise.
 - 6) Pedestrian Safety, vehicles and skateboarders colliding.
 - 7) Any traffic studies done as to the safety of the skateboarders?
 - 8) Further expense Re: maintenance
 - 9) Increase in Signage for traffic flow and for warning for skateboarders
 - 10) West Hollis Street is very congested by 505 West Hollis St and ongoing changes in traffic patterns.
 - 11) THE MAYOR, INFRASTRUCTURE COMMITTEE, BOARD OF PUBLIC WORKS AND DIRECTOR OF PUBLIC WORKS LISA FAUTEUX ARE ALL IN FAVOR OF THE PROJECT WITH THE HELP OF THE DAVID DEANE SKATEBOARD PARK COMMITTEE.
- 10

We, the undersigned, are concerned citizens who urge our leaders to act now to the following concerns listed on this petition.

Printed Name	Signature	Address	Email address	Date
Kimberly Roberts		19 Radcliffe Drive Nashua, NH 03062	Kroberts03842@yahoo.com	8/1/16
DONNA JONES		15 Radcliffe Drive Nashua NH 03062	djones99@gmail.com	8/1/16
Cari Pullen		17 Radcliffe Dr Nashua, NH 03062	cari-pullen@yahoo.com	8/1/16
Sandra Lynn		14 Radcliffe Dr Nashua	—	8/1/16
John Fiske		601 Elm Drive Nashua	—	8/1/16
Colleen Slabert		17 Wellesley Rd Nashua, NH 03062	tcfslab96@comcast.net	8/1/16
JENNIE DAVIS		7 Radcliffe Dr	—	8-1-16
Kathy Alden		6 Radcliffe Dr	—	8-1-16
Robert Rich		11 Radcliffe Dr	—	8/2/16
Bruce Doyles		10 Radcliffe Dr	—	8/2/16
George Verta		104 Shore Dr.	—	8/2/16
Jane Ebel		30 Westborn Dr.	—	8/2/16
Mattha McKernan		8 Westborn Dr.	—	8/2/16
Karen Roebuck		21 Gendron St	Kroeb7@gmail.com	8/3/16
DIANE DENNIS		4 Radcliffe Dr	—	8/3/16
Adriana Gervais		590 W Hollis St	adrig2003@yahoo.com	8/3/16
Robert Gervais		590 W Hollis St	—	8-3-16
Murtha Laber		39 Gendron St	—	8-4-16
Kris Beltramant		6 Althoa Ln.	Kris.beltramant@yahoo.com	8-5-16

From: James B. and Mary E. Cutter
86 Palm St., P.O. Box 69-Nashua, NH 03061. Ph. 889-4246
Date: August 9, 2016
To: Alderman-At-Large Brian S. McCarthy, President, BOA.
Cc: Jim Donchess, Mayor, Steve Bolton, Corporation Counsel,
Thomas Lopez, Alderman, Ward 4.
Subject: The Gilbertson Family is guilty of RSA 635:2 Criminal
Trespass by taking more land than they owned when not
honoring the 1949 Plats ordinance.

Dear President McCarthy,

Since 12/ 3/1888, our deed has had 30' instead of 33' for a 3'
long gap. Those familiar with our property and the neighborhood
know it is common to have a 10' wide driveway.

On 2/17/62. The Desrosiers Family had lived in our house for 20
years and as a result eliminated the 3' long gap.

RSA 508:2(I) Real Actions(Adverse Possession) has 'No action for
recovery of real estate shall be brought after 20 years', etc..
Our deed begins east side of Palm St., goes east, south, west and
north to the beginning.

On 1/12/68. James L. and Annette R. Gilbertson bought 88 Palm St.
not aware 86 Palm St. had been cleared of the gap. Also, they did
not know driveways can not be taken by another person.

On 5/13/71. A building permit was given to Jim Gilbertson of
88 Palm St. that was added to the 1950 permit for Leo Caron giving
Gilbertson the impression the City thought he owned part of our
driveway and clothesline area.

With that in mind, sometime in March 1973, when our property was
vacant and ground had thawed following Joseph Desrosiers' passing
on 12/23/72, Jim Gilbertson installed a fence to match the false
actual dimension on his 1971 building permit.

In September 2006, I asked Angelo Marino of the Assessing Dept. to
have the 88 Palm St. Tax Map corrected to read 51' and it has been
that way since 2007. We are paying the property taxes on our
driveway and do not want the Gilbertsons trespassing on our land.

The Gilbertson Family is guilty of RSA 635:2 Criminal Trespass
taking more land than they owned by claiming 53.57' instead of the
51' actual dimension when not honoring the 1949 Plats ordinance.

The Gilbertsons need to be informed that both of the ordinances
just mentioned need to be enforced per Section 45, City Charter or
RSA 45:8, Supervision.

Sincerely,

(Over)



ANNOTATIONS

In general 1

(1946) 94 N.H. 217, 50 A.2d 426; Eaton v. Burke (1890) 66 N.H. 306, 22 A. 452.

1. In general

The duties of the mayor as chief executive officer of a city are, in their relation to the city, similar to those of the governor in their relation to the state. Kearns v. Nute

Properly and primarily the duties of the mayor of a city are executive and administrative, and he may not review a determination by the board of aldermen of the election of a member thereof. Cate v. Martin (1899) 70 N.H. 135, 46 A. 54.

45:8 Supervision. He shall cause the laws and regulations of the city to be executed, and shall exercise a general supervision over the conduct of all subordinate officers and cause their violation or neglect of duty to be punished.

§ 45. [Mayor, general duties; administrative assistant, compensation]

The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the board of aldermen. He shall enforce the ordinances of the city, this charter, and all general laws applicable to the city. He shall keep the board of aldermen informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the board of aldermen, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. The mayor shall nominate and the aldermen confirm an administrative assistant to the mayor who shall serve for an indefinite term and perform such duties and functions as the mayor shall designate. Said administrative assistant shall be chosen for his executive and administrative qualifications and need not be a resident of this state. He shall receive such compensation as may be set by ordinance.