

7:30 PM

Aldermanic Chamber

- 1. PRESIDENT LORI WILSHIRE CALLS ASSEMBLY TO ORDER
- 2. PRAYER OFFERED BY CITY CLERK DAN HEALEY
- 3. PLEDGE TO THE FLAG LED BY ALDERMAN RICHARD A. DOWD
- 4. ROLL CALL
- 5. REMARKS BY THE MAYOR
- 6. RESPONSE TO REMARKS OF THE MAYOR
- 7. RECOGNITIONS
- 8. READING OF MINUTES OF PREVIOUS MEETINGS

Board of Aldermen..... 10/10/2023

- 9. COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: San Durfee, Planning Manager
 Re: Referral from the Board of Aldermen on proposed Ordinance O-23-059, amending the Land Use Code Notice Provisions Table and the Historic District Commission

- 9(a). PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

- 9(b). COMMUNICATIONS REQUIRING FINAL APPROVAL

PETITIONS

NOMINATIONS, APPOINTMENTS AND ELECTIONS

REPORTS OF COMMITTEE

Finance Committee 10/04/2023
 Special Committee on Infrastructure 10/04/2023

- 10. CONFIRMATION OF MAYOR’S APPOINTMENTS

UNFINISHED BUSINESS – RESOLUTIONS

R-23-157

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O’Brien, Sr.
 Alderman John Sullivan
 Alderman Patricia Klee
 Alderman-at-Large Melbourne Moran, Jr.
 Alderman Thomas Lopez
 Alderman Alex Comeau
 Alderman Richard A. Dowd
 Alderman Tyler Gouveia
 Alderman June M. Caron
 Alderman Derek Thibeault
 Alderwoman-at-Large Gloria Timmons
 Alderwoman-at-Large Shoshanna Kelly
 Alderman-at-Large Lori Wilshire

RELATIVE TO THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$1,054,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO VARIOUS PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITIES

- Human Affairs Committee with recommendation for final passage

R-23-158

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

RELATIVE TO THE ACCEPTANCE OF \$331,539 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION INTO TRANSIT GRANT ACTIVITY "FEDERAL TRANSIT AUTHORITY ("FTA") OPERATING GRANT"

- Human Affairs Committee with recommendation for final passage

R-23-159

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

RELATIVE TO THE ACCEPTANCE OF \$110,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE INTO POLICE GRANT ACTIVITY "FY2024 HAZARDOUS DEVICE UNIT EQUIPMENT GRANT"

- Human Affairs Committee with recommendation for final passage

R-23-160

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Richard A. Dowd
Alderman Derek Thibeault
Alderwoman-at-Large Shoshanna Kelly

RELATIVE TO THE TRANSFER OF \$150,000 FROM DEPARTMENT #194 "CONTINGENCY", ACCOUNT #70125 "CONTINGENCY CYBERSECURITY" INTO VARIOUS ACCOUNTS IN DEPARTMENT #122 "INFORMATION TECHNOLOGY" AND DEPARTMENT #191 "EDUCATION"

- Budget Review Committee with recommendation for final passage

R-23-161

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman Richard A. Dowd

Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

RELATIVE TO THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS PURSUANT TO CONTRACT AMENDMENT #4 OF THE FISCAL YEAR 2024 INFECTIOUS DISEASE CONTRACT IN THE AMOUNT OF \$10,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PURCHASE OF VACCINES

- Human Affairs Committee with recommendation for final passage

R-23-162, AMENDED

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR 2024 ESCROWS

- Budget Review Committee with recommendation for final passage as amended

R-23-167

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

APPROVING THE CITY'S PARTICIPATION IN THE NEW HAMPSHIRE PUBLIC WORKS MUTUAL AID PROGRAM AND AUTHORIZING THE RELATED MUTUAL AID AND ASSISTANCE AGREEMENT

- Finance Committee with recommendation for final passage

UNFINISHED BUSINESS – ORDINANCES

O-23-059

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Derek Thibeault

AMENDING THE LAND USE CODE NOTICE PROVISIONS TABLE AND THE HISTORIC DISTRICT COMMISSION REVIEW PROCEDURE

- Jnt. Meeting – Planning and Economic Development Committee and Committee on Infrastructure with recommendation for final passage
- Planning Board with favorable recommendation

NEW BUSINESS – RESOLUTIONS

R-23-168

Endorsers: Mayor Jim Donchess
Alderman Alex Comeau
Alderman John Sullivan

AUTHORIZING THE BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY TO ENTER AGREEMENTS FOR THE TRANSFER AND REDEVELOPMENT OF CERTAIN PARCELS OF LAND OWNED BY THE CITY OF NASHUA

R-23-169

Endorser: Mayor Jim Donchess

RELATIVE TO THE ACCEPTANCE OF \$90,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, INTO POLICE GRANT ACTIVITY-“FY2024 HAZARDOUS DEVICE UNIT RESPONSE VEHICLE”

R-23-170

Endorser: Mayor Jim Donchess

RELATIVE TO THE ACCEPTANCE OF \$43,117 FROM THE UNITED STATES DEPARTMENT OF JUSTICE INTO POLICE GRANT ACTIVITY-"2023 JUSTICE ASSISTANCE GRANT (MULTI-JURISDICTIONAL)"

NEW BUSINESS – ORDINANCES

O-23-064

Endorser: Alderman Ernest A. Jette

ALLOWING PERMITTED OVERNIGHT ON-STREET PARKING ON COLONIAL AVENUE

O-23-065

Endorser: Alderman-at-Large Ben Clemons

AMENDING THE LAND USE CODE REGARDING FENCE CONSTRUCTION ADJACENT TO THE FREDERICK E. EVERETT TURNPIKE

PERIOD FOR GENERAL PUBLIC COMMENT

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Committee announcements:

ADJOURNMENT



City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 603 589-3090
WEB www.nashuanh.gov

MEMORANDUM

Date: September 28, 2023

To: Ald. Lori Wilshire, President, and Board of Aldermen
Ald. Melbourne Moran, Jr., Chair, Planning & Economic Development
Committee

From: Sam Durfee, Planning Manager

RE: Referral from the Board of Aldermen on proposed Ordinance O-23-059, amending
the Land Use Code Notice Provisions Table and the Historic District Commission
Review Procedure.

At the Nashua City Planning Board's regularly scheduled meeting of September 21, 2023
the Planning Board voted unanimously to make a favorable recommendation on O-23-059.

If you have any questions concerning this notification, please contact me at 589-3090
or via durfees@nashuanh.gov.

cc: Mayor Jim Donchess
Donna Graham, Legislative Assistant
Daniel Healey, City Clerk
Scott LeClair, Chair, NPCB



RESOLUTION

RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR 2024 ESCROWS

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

RESOLVED by the Board of Aldermen of the City of Nashua that the sum of \$1,815,000 as outlined in the attached FY2024 Escrow Requests document be re-appropriated as FY2024 Escrows in compliance with procedures established in NRO §5-130 and recorded in a manner consistent with previously established accounting procedures. The source of said escrows shall be FY2023 unexpended appropriations.

The approved funds will be utilized only for the purposes set forth in the attached FY2024 Escrow Requests document. Prior to final passage, if the final FY2023 departmental and/or line item balance is determined to be less than any individual escrow request, then the lesser amount will be the amount actually escrowed.

City of Nashua
Fiscal Year 2024 Unlike Requests
Requiring Board of Aldermen Approval

Date 9/19/2023
As Amended

<u>Line No.</u>	<u>Fund</u>	<u>Dept Number</u>	<u>Department Requesting the Escrow</u>	<u>From Department</u>	<u>Original Budgeted Purpose</u>	<u>Explanation for Escrow Request</u>	<u>Escrow Request Amount</u>
1	1000	129	City Buildings	Streets	Salaries & Wages	To transfer funds into the City Buildings ETF (Fire \$210,000, Police \$200,000, City \$65,000)	\$ 475,000
2	1000	177	Parks & Recreation	Streets	Salaries & Wages	To fund the cost of tree removal services	25,000
3	1000	150	Police	Police	Salaries & Wages	To fund the cost of prosecution case management software	70,000
4	1000	150	Police	Police	Salaries & Wages	To fund the cost of information technology servers	30,000
5	1000	170	Hydroelectric	Streets	Salaries & Wages	To transfer funds into the Hydro Expendable Trust Fund	300,000
6	1000	183	Economic Development	Debt Service	Debt Service	To fund the cost of the BAE/NCC Chips Act Match	200,000
7	1000	183	Economic Development	Debt Service	Debt Service	To fund the cost of the Phase 1 Rail Study	75,000
8	1000	186	Transit	Debt Service	Debt Service	To transfer funds into an FTA Grant for a Transit Technology Project	61,000
9	1000	186	Transit	Debt Service	Debt Service	To transfer funds into FTA Grants for the match of various Transit Capital Projects	79,000
10	1000	191	School	School	Salaries & Wages	To fund School District Deferred Maintenance	500,000
11						Total Unlike Escrows	\$ 1,815,000



RESOLUTION

AUTHORIZING THE BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY TO ENTER AGREEMENTS FOR THE TRANSFER AND REDEVELOPMENT OF CERTAIN PARCELS OF LAND OWNED BY THE CITY OF NASHUA

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

WHEREAS, Amended R-14-059, passed by the Board of Aldermen on September 10, 2014, authorized the sale of some surplus Broad Street Parkway (now known as the Veterans Memorial Parkway) properties.

WHEREAS, included within the properties Amended R-14-059 authorized for sale were the following:

7 Pine Street Extension, Assessor Map 77, Lot 3, approximately 1.8 acres; and
82 Pine Street Extension, Assessor Map 77, Lot 8, approximately 1.25 acres (together, the "Properties").

WHEREAS, while Amended R-14-059 stated "the properties were obtained using federal funds and thus the revenue realized must be used on the Broad Street Parkway project," in July 2015, the Federal Highway Administration (FHWA) made its final determination of surplus property eligibility and the Properties were determined to be "ineligible." "Ineligible" means that the City does not have to use any revenue realized on the Broad Street Parkway project (which is closed) nor reimburse FHWA upon any sale or lease of the Properties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Nashua that the Business and Industrial Development Authority created by Nashua Revised Ordinances (NRO) Section 190-250 ("BIDA") is hereby authorized to negotiate and enter into an agreement or agreements for the transfer and redevelopment of the Properties.

RESOLUTION

R-23-168

BIDA may, but is not required, to complete any studies, title work, or any other due diligence to prepare the Properties for transfer and redevelopment (the “Pre-redevelopment Expenses”).

Any Pre-Redevelopment Expenses will be paid by BIDA unless payment is otherwise authorized by the Board of Alderman. Maintenance, parking operations, and ongoing operational expenses for the Properties will continue to be paid for and supported by City Departments as they are currently until such time that the Properties are transferred.

At the time of transfer by the City of the Properties, net proceeds will be divided evenly between BIDA for use on future development or redevelopment projects and the City’s general fund.

The Mayor is hereby authorized to execute, submit, and seek approval of land use and other permitting applications for the Properties as may be necessary or advisable.

The redevelopment of the Properties shall include provisions for public parking.

If any agreement entered into under this resolution requires the expenditure of City general funds, the Board of Aldermen must approve that expenditure.

BE IT FURTHER RESOLVED, that the Mayor, with the assistance of the Office of Corporation Counsel, is authorized to prepare and execute all necessary documents to effectuate this resolution.

LEGISLATIVE YEAR 2023

RESOLUTION: R-23-168

PURPOSE: Authorizing the Business and Industrial Development Authority to Enter Agreements for the Transfer and Redevelopment of Certain Parcels of Land Owned by the City of Nashua

SPONSOR(S): Mayor Jim Donchess
Alderman Alex Comeau
Alderman John Sullivan

COMMITTEE ASSIGNMENT: Planning and Economic Development Committee

FISCAL NOTE: None.

ANALYSIS

This resolution authorizes the Business and Industrial Development Authority created by Nashua Revised Ordinances (NRO) Section 190-250 to transfer and redevelop 7 Pine Street Extension, Assessor Map 77, Lot 3 and 82 Pine Street Extension, Assessor Map 77, Lot 8 upon the conditions stated therein.

Approved as to form: Office of Corporation Counsel

By: /s/Celia K. Leonard

Date: October 18, 2023



RESOLUTION

RELATIVE TO THE ACCEPTANCE OF \$90,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, INTO POLICE GRANT ACTIVITY-"FY2024 HAZARDOUS DEVICE UNIT RESPONSE VEHICLE"

CITY OF NASHUA

In the Year Two Thousand and Twenty Three

RESOLVED by the Board of Aldermen of the City of Nashua that the City of Nashua and the Nashua Police Department are authorized to accept \$90,000 from the United States Department of Justice, Bureau of Justice Assistance, into Police Grant Activity "FY2024 Hazardous Device Unit Small Platform Response Vehicle" for the purpose of acquiring a F-350 style pickup truck for the Nashua Police Department Hazardous Device Unit.

This funding shall be in effect through June 30, 2024. No local match is required. The Mayor is authorized to enter into any grant agreement or other document necessary to further the purposes hereof.

LEGISLATIVE YEAR 2023

RESOLUTION: R-23-169

PURPOSE: Relative to the acceptance of \$90,000 from the United States Department of Justice, Bureau of Justice Assistance, into Police Grant Activity "FY2024 Hazardous Device Unit Response Vehicle"

SPONSOR(S): Mayor Jim Donchess

COMMITTEE ASSIGNMENT: Human Affairs Committee

FISCAL NOTE: The Fiscal impact is a \$90,000 grant to the City to be used for a specific purpose.

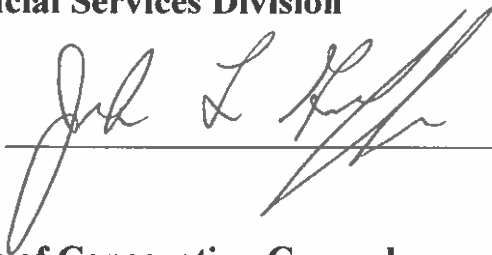
ANALYSIS

This resolution authorizes the City of Nashua and the Nashua Police Department to accept \$90,000 from the United States Department of Justice, Bureau of Justice Assistance for the purpose of acquiring a F-350 style pickup truck for the Nashua Police Department Hazardous Device Unit. This funding shall be in effect through June 30, 2024. No local match is required.

**Approved as to
account number
and/or structure, and
amount:**

Financial Services Division

By:

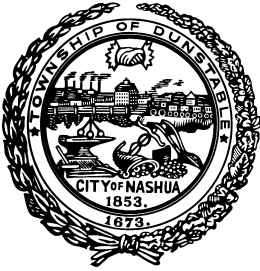


Approved as to form:

Office of Corporation Counsel

By: /s/Celia K. Leonard

Date: October 18, 2023



RESOLUTION

**RELATIVE TO THE ACCEPTANCE OF \$43,117 FROM THE UNITED STATES
DEPARTMENT OF JUSTICE INTO POLICE GRANT ACTIVITY - "2023 JUSTICE
ASSISTANCE GRANT (MULTI-JURISDICTIONAL)"**

CITY OF NASHUA

In the Year Two Thousand and Twenty Three

RESOLVED by the Board of Aldermen of the City of Nashua that the City of Nashua and the Nashua Police Department are authorized to accept \$43,117 from the United States Department of Justice into Police Grant Activity - "2023 Justice Assistance Grant (Multi-Jurisdictional)" for the purpose of purchasing equipment, training and/or funding overtime. The grant period is from October 1, 2023 through September 30, 2026.

LEGISLATIVE YEAR 2023

RESOLUTION: R-23-170

PURPOSE: Relative to the acceptance of \$43,227 from the United States Department of Justice into Police Grant Activity - "2022 Justice Assistance Grant (Multi-Jurisdictional)"

SPONSOR(S): Mayor Jim Donchess

COMMITTEE ASSIGNMENT: Human Affairs Committee

FISCAL NOTE: Fiscal impact is a \$43,117 grant to the City to be used for a specific purpose. This grant does not cover the City's cost of the wage driven benefits (i.e. pension costs social security, and Medicare) associated with overtime costs. The wage driven benefits will be funded through the Police Department's operating budget.

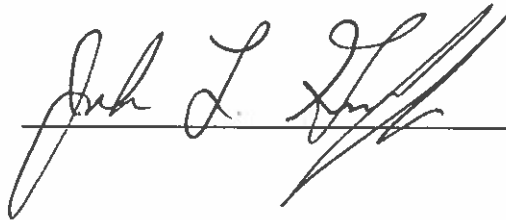
ANALYSIS

This resolution authorizes the City of Nashua and the Nashua Police Department to accept \$43,117 from the United States Department of Justice into Police Grant Activity "2023 Justice Assistance Grant (Multi-Jurisdictional)" for the purpose of purchasing equipment, training and/or funding overtime.

Approved as to account number and/or structure, and amount:

Financial Services Division

By:



Approved as to form:

Office of Corporation Counsel

By: /s/Celia K. Leonard

Date: October 18, 2023



ORDINANCE

ALLOWING PERMITTED OVERNIGHT ON-STREET PARKING ON COLONIAL AVENUE

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

The City of Nashua ordains that Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, Article XIII “Night Parking” Section 320-78.1 “Overnight on-street parking program in designated downtown areas”, subsection E of the Nashua Revised Ordinances, as amended, be and hereby is further amended by adding the following new underlined language in the appropriate alphabetical order:

“320-78.1. Overnight on-street parking program in designated downtown areas.

There shall be a program for on-street overnight parking as described below.

...

E. The streets where overnight parking is permitted are as follows:

Name of Street	Location
...	
<u>Colonial Avenue</u>	<u>Entire length”</u>

All ordinances or parts of ordinances inconsistent herewith are hereby superseded only to the extent necessary to effectuate this legislation.

This ordinance shall become effective when the necessary signage and pavement markings are in place.

LEGISLATIVE YEAR 2023

ORDINANCE: O-23-064

PURPOSE: Allowing permitted overnight on-street parking on Colonial Avenue

ENDORSERS: Alderman Ernest A. Jette

COMMITTEE ASSIGNMENT: Committee on Infrastructure

FISCAL NOTE: Revenue: permit fees of \$10 each. Possible loss of revenue from overnight parking tickets.
Materials, Labor, and vehicle overhead: \$292.00

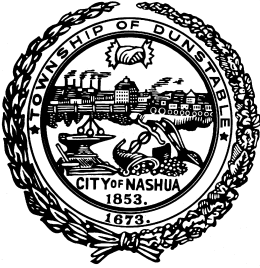
ANALYSIS

This legislation adds Colonial Avenue to the overnight on-street parking program. Pursuant to subsection A(1) of the ordinance, residents of the streets where overnight parking is permitted are allowed to purchase an annual permit, with a maximum number of 550 permits to be issued.

Approved as to form: Office of Corporation Counsel

By: /s/Steven A. Bolton

Date: October 18, 2023



ORDINANCE

AMENDING THE LAND USE CODE REGARDING FENCE CONSTRUCTION ADJACENT TO THE FREDERICK E. EVERETT TURNPIKE

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article VI “Supplemental Use Regulations”, Section 190-44 “Fences” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language and deleting the struck-through language as follows:

“§ 190-44 Fences.

Wall, fence or similar enclosures shall conform to the following:

- A. In residential zoning districts, shall not exceed ~~six~~ seven (7) feet in height or interfere with traffic circulation.
- B. In nonresidential zoning districts, shall not interfere with traffic circulation (no height restriction).
- C. Parcels directly adjacent to the Frederick E. Everett Turnpike, including exits and entrances, upon which there are residential uses may construct boundary fences up to fourteen (14) feet in height on the lot line or lot lines, or portion(s) thereof, which directly adjoin the Turnpike. Such Turnpike boundary fences exceeding seven (7) feet in height shall seek a building permit through the Department of Building Safety and can only be constructed upon issuance of said building permit and subject to its conditions, if any.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2023

RESOLUTION: O-23-065

PURPOSE: Amending the Land Use Code regarding fence construction adjacent to the Frederick E. Everett Turnpike

ENDORSERS: Alderman-at-Large Ben Clemons

COMMITTEE Planning and Economic Development Committee
ASSIGNMENT: Planning Board

FISCAL NOTE: Permit fees as required.

ANALYSIS

This legislation amends the City's Land Use Code Supplemental Use Regulations, Fences, to allow for the construction of 14 foot high boundary line fences on lot lines of properties with residential uses that directly abut the Frederick E. Everett Turnpike, subject to building permit approval for fences over seven feet.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least 10 calendar days prior to the date of the hearing. The notice period does not include the day notice is posted or the day of the public hearing. (RSA 675:7, I) Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form: Office of Corporation Counsel

By: /s/Celia K. Leonard

Date: October 19, 2023