

REPORT OF THE FINANCE COMMITTEE

FEBRUARY 3, 2021

A meeting of the Finance Committee was held on Wednesday, February 3, 2021, at 7:00 p.m. via teleconference.

Mayor Jim Donchess, Chairman, presided.

Mayor Donchess

As Chairman of the Finance Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04 and subsequent extensions, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Zoom, please refer to the agenda or the City's website for the meeting link.

To join by phone dial: 1-929-205-6099

Meeting ID: 827 2471 7335

Passcode: 403067

The public may also view the meeting via Channel 16.

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall and Nashua Public Library.

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

The roll call was taken with 6 members of the Finance Committee present: Alderwoman Elizabeth Lu, Alderman Linda Harriott-Gathright, Alderwoman-at-Large Shoshanna Kelly, Alderman-at-Large Brandon Michael Laws, Alderman-at-Large Michael B. O'Brien, Sr., and Mayor Jim Donchess. Alderman Patricia Klee was recorded absent.

Members not in Attendance: Alderman Patricia Klee

Also in Attendance: Alderman-at-Large Benjamin Clemons
Lisa Fauteux, Director of Public Works
Tim Cummings, Director of Economic Development
Kim Kleiner, Administrative Services Director
Kelly Parkinson, Purchasing Manager

ROLL CALL

Mayor Donchess

So Madam Clerk, could you please call the roll?

Alderman Harriott-Gathright

Alderman Patricia Klee?

Mayor Donchess

Alderwoman Klee contacted me to say that she is definitely sick tonight and will not be attending.

Alderman Harriott-Gathright

OK. Alderwoman Elizabeth Lu?

Mayor Donchess

You're on mute.

Alderwoman Lu

Sorry, yes. I am here alone and I can hear the proceedings.

Alderman Harriott-Gathright

And Alderman Linda Harriott-Gathright, I am present, I am in this room alone and I can hear the proceedings.

Alderwoman Kelly

I am here alone and I can hear everyone.

Alderman Laws

I'm here alone and I can hear everyone.

Alderman O'Brien

I am present, I can hear the proceedings and I am alone.

Mayor Donchess

I am present and I am social distancing therefore attending electronically and I am alone in the room.

Alderman Harriott-Gathright

We have 6 in attendance and we are good.

Mayor Donchess

Alright so the first item on the Agenda is public comment. Is there any member of the public who would like to address the Committee? (There was none.)

PUBLIC COMMENT - None

COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-21-110

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman Linda Harriott-Gathright
Alderman Skip Cleaver
Alderman Richard A. Dowd

AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO CONCESSION AGREEMENT WITH GRANITE DIAMOND, LLC

MOTION BY ALDERMAN HARRIOTT-GATHRIGHT TO RECOMMEND FINAL PASSAGE BY ROLL CALL.

ON THE QUESTION

Mayor Donchess

So the motion is to recommend final passage at least for the purposes of the discussion. And we have Director Fauteux here to tell us regarding the substance of the Resolution.

Lisa Fauteux, Director of Public Works

Yes, thank you Mayor. Good evening Mayor Donchess and members of the Finance Committee. On May 14, 2019 the City entered into an agreement with Granite Diamond LLC, better known as the Silver Knights to utilize Holman Stadium for 2 years with 5 additional one year options for renewal. The agreement includes 28 home games to be played beginning Memorial Day week and ending around mid-August each year. There could be a few playoff games in that. Granite Diamond pays the City \$1,000.00 per game and the City will also receive 40% of net profits of concession sales from City non-league games and City sponsored events.

The Legislation before you is the result of a request from Granite Diamond to exercise the first year of their five year options for renewal. Last year was a tough year due to COVID but somehow we still found a way to play baseball and we are hopeful that 2021 will be a better year. The Creedon Family who own Granite Diamond have been excellent to work with and we are very pleased to have them and the Silver Knights in Nashua.

Mayor Donchess

Alright. Any discussion? Alderwoman Lu.

Alderwoman Lu

Thank you Mayor Donchess. Just a question through you to Director Fauteux.

Mayor Donchess

Of course.

Director Fauteux

Sure.

Alderwoman Lu

The Legislation said something about there will be expenses for lighting and electricity. Are these expenses expected to be the same as they were in the past. And also what is that expense roughly?

Director Fauteux

You know, I don't know exactly what the expense is for lighting for Holman, I could get that to you. But yes that is something that we budget for and that, of course, is not only for the Silver Knights it is for all of the other entities that also use Holman such as our three high schools, Babe Ruth, the Legion plays there. We also have a couple of over 30 leagues that play at Holman and then we also have a number of our own events; Fourth of July Festivities, we have the Food Truck Festival and the Brewfest. So it would include all of those things not just for the Silver Knights. But I could get you what the utility costs are per year; I just don't know that off the top of my head.

Alderwoman Lu

May I follow up?

Mayor Donchess

Yeah, of course.

Alderwoman Lu

No that's fine. I just wasn't sure if they were new expenses. So it's just something we budgeted, that's fine. Thank you.

Director Fauteux

You're welcome.

Mayor Donchess

Anyone else? Alright well the motion is to recommend final passage. Madam Clerk, could you please call the roll?

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

Yea:	Alderwoman Lu, Alderman Harriott-Gathright, Alderwoman Kelly, Alderman Laws, Alderman O'Brien, Mayor Donchess	6
Nay:		0

MOTION CARRIED**R-21-113**

Endorsers: Alderman-at-Large Ben Clemons
Alderman Thomas Lopez
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Skip Cleaver
Alderman Jan Schmidt
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman Linda Harriott-Gathright

AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE 14 COURT STREET LEASE FOR UNIT B WITH LIQUID THERAPY, LLC**MOTION BY ALDERMAN HARRIOTT-GATHRIGHT TO RECOMMEND FINAL PASSAGE BY ROLL CALL.**ON THE QUESTIONMayor Donchess

And we have Tim Cummings, Economic Development Director here to talk about the terms of this Resolution as well as Alderman Clemons who was involved in these discussions, I believe. So I will ask Mr. Cummings to explain the terms.

Tim Cummings, Director of Economic Development

Great thank you Mayor. Again, Tim Cummings, Director of Economic Development. The amendment before you is relatively simple. All it does it clarify and make explicit that the utilities that are using to service Liquid Therapy's lease premise area will be sub metered and the cost of the usage of said utilities would be paid by Liquid Therapy. The responsibility for the sub metering would be on the City. It is going to take a little time to get those sub meters in so we are starting off the utility collection July 1st of '21.

So those are the three essential elements that are in the amendment. The reason why we are doing this is to clarify and just clean up from the previous lease language where it was a little foggy or unclear as to the utility usage and this makes it more explicit and is something that Liquid Therapy looks favorably upon and so do I. I am asking for your approval this evening. Thank you.

Mayor Donchess

Any other questions, comments on the Liquid Therapy Lease? If not, Madam Clerk, could you please call the roll?

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

Yea:	Alderwoman Lu, Alderman Harriott-Gathright, Alderwoman Kelly, Alderman Laws, Alderman O'Brien, Mayor Donchess	6
Nay:		0

MOTION CARRIED

NEW BUSINESS – ORDINANCES - None

RECORD OF EXPENDITURES

MOTION BY ALDERMAN HARRIOTT-GATHRIGHT THAT THE FINANCE COMMITTEE HAS COMPLIED WITH THE CITY CHARTER AND ORDINANCES PERTAINING TO THE RECORD OF EXPENDITURES FOR THE PERIOD FROM JANUARY 15, 2021 TO JANUARY 28, 2021, BY ROLL CALL

ON THE QUESTION

Mayor Donchess

Any comments or questions on the Record of Expenditures?

Alderwoman Lu

Yes I have one.

Mayor Donchess

Alderwoman Lu?

Alderwoman Lu

Thank you. I had asked a question of a couple of the Departments and I am not quite clear on why this is done. On the Record of Expenditures for the abatements that we pay, we don't really identify the payee. And it seems as though according to our Ordinances we are required to list the payees, 5 129 – it says, "the name of the person to whom the account or claim was allowed". And the only answer I got was "it would not be appropriate". Could someone help me understand why abatements aren't identified as the payees?

Mayor Donchess

The payee, the person to whom the check is written?

Alderwoman Lu

Yeah.

Mayor Donchess

Ms. Kleiner I think is on the call. Can you answer that question? You're on mute too.

Kim Kleiner, Director of Administrative Services

Excuse me. Good evening Mayor Donchess, members of the Committee. So the check, the Record of Expenditures is who the check is written to. I believe the question is, who is the check in benefit of which is a different question. So you may have a check that is written because the taxes or the payments are through a mortgage company or they are through another entity, and then the abatement is returned. So I don't think the question is really who the check is written to. The name on the Record of Expenditures is who the check is written to. I believe what Alderwoman Lu may be referencing is who is the check benefiting.

Mayor Donchess

Who is the property owner.

Director Kleiner

Correct.

Mayor Donchess

So you are saying that like if a mortgage company is handling the taxes or some third party that the refund goes to the third party handling the tax payments. Whereas the owner of the property could be someone different than the payee of the check, correct?

Director Kleiner

Correct, yes.

Mayor Donchess

Alderwoman Lu, does that answer your question or not.

Alderwoman Lu

No, it sounds really confused. So I mean I understand we have property owners whose mortgage company manages their taxes and is the custodian of their tax payments. When we write a check, as an abatement, we may be sending it to the mortgage company but certainly somewhere on the check it says "for the benefit of this particular person who has an account there". And I'm sorry it doesn't sound like what you're telling me is very well thought out. I don't understand why – there must be a name on any conveyance of money to an institution, which institution someone has a mortgage at.

Mayor Donchess

So you're saying that you think the name of the property owner should appear in the Record of Expenditure in addition to the payee on the check if it is different?

Alderwoman Lu

I think the person who ... So, when you have someone like Core Logic that's paid, Core Logic did not file an abatement request and I just wonder if it's an unnecessary clouding of where or who these checks are paid to.

Mayor Donchess

Now I'm not disagreeing with you I am just trying to find out what – you know – make sure I understand the point. I think you are saying that the name of the party owning the property to whom the abatement benefits, whom the abatement really benefits in substance, should be, that name should appear in the Record of Expenditures in addition to the payee of the check if those are different, correct?

Alderwoman Lu

I don't personally think, I don't know what is legally required but I mean the way I am reading this it says, "the name of the person to whom the account or claim was allowed". That's not their mortgage company. And I have directed this to Legal with no response. The only response I have gotten is "it would be inappropriate". And I just want a better understanding of why that is not appropriate.

Director Kleiner

Mayor, if I may?

Mayor Donchess

Go ahead.

Director Kleiner

So the name in the Record of Expenditures is the name that the check is written to. And I think there's two different things here. So when an abatement goes to the Board of Assessors and is approved for payment by the tax office, there is a record, a list that goes to the tax office signed off by the Board of Assessors which lists the property owners. And that certainly is a public document, that is the official list of approved payments to property owners for an abatement. So that would actually have the property owner's name. And I think we provided those. That's the official record of approved abatements. The Record of Expenditures is not a list of approved abatements. That's a record of who checks were issued to. So I really think the two separate things, both of which are certainly public documents, and both which can be provided only the list of approved abatements would be found in the Board of Assessors and the Record of Expenditures would be found in the financial documents.

Mayor Donchess

I mean I follow that but what you just explained raised this question in my mind. So if there is a mortgage company that is handling a group of abatements and let's say they have made payments on behalf of three parties that got an abatement, does one check go to the mortgage company to cover the approved abatements or is it three separate checks.

Director Kleiner

So let's think of it this way. The name that the tax bill goes to, the name on the tax account is who tax would issue that to. So when tax bills are issued, many get banks or mortgage holders receive the tax bills for different residents. So you can think of it that way. I'm not sure Mayor, I would certainly want to look at it. I believe they are all separate, but I would verify that for you. I believe they are separate amounts and separate checks, which is why you see them listed quite often multiple times.

Mayor Donchess

Alright well I think I understand Alderwoman Lu's question and I would be glad to inquire further on that issue. You are just saying that the name of the taxpayer should be in the Record of Expenditures, right, basically in addition to ...

Alderwoman Lu

Yeah that's what I ...

Mayor Donchess

Ok well we could check that out. I've not had that question come up before and I'd be glad to look into it.

Alderwoman Lu

Thank you.

Mayor Donchess

And get an answer from Legal. Alderman Clemons did you have some input here?

Alderman Clemons

Yeah just briefly, working in the industry I can tell you that every City and Town does it a little bit different depending on the size of the Town. I know that we have received checks from the City of Nashua and typically in my own company because we have mortgage holders that live here and I can tell you that the City sends out, at least from my experience, the individual check per the taxpayer. But it references and what we look up is the, we reference the property tax ID and not the owner. And the reason we do that is because we have and I assume that this is probably true across the board is that we have multiple, we have people that own multiple properties in Nashua or any other City for that matter. And so if a check comes in from the same town, we don't want to know who the person is necessarily, we want to see the property tax ID. So typically those checks reference the property tax ID and not the person. I can't recall off the top of my head whether or not the ones that I've seen from Nashua have the name listed on it. Most of them that come in from across the country, because we are nationwide, just reference the Tax ID Number because that's what we are looking for.

Mayor Donchess

You are saying that's for clarity because with the Tax ID Number you know exactly where the abatement should apply whereas if they have the name of the owner that owner might have 10 different properties and you have no idea where it should go.

Alderman Clemons

Correct.

Mayor Donchess

OK.

Alderman Clemons

But again I am speaking from my experience and I don't recall how Nashua particularly does it.

Mayor Donchess

Well that's an interesting point. Alright well we will check this out and we will report back. Ok?

Alderwoman Lu

Yes, thank you.

Mayor Donchess

Alright so any other questions or comments on the Record of Expenditures? If not, Madam Clerk, could you please call the roll?

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

Yea: Alderwoman Lu, Alderman Harriott-Gathright, Alderwoman Kelly,
Alderman Laws, Alderman O'Brien, Mayor Donchess 6

Nay: 0

MOTION CARRIED

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Mayor Donchess

In the absence of Alderwoman Klee, I will call on Alderman O'Brien.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN BY ROLL CALL

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

Yea: Alderwoman Lu, Alderman Harriott-Gathright,
Alderwoman Kelly, Alderman Laws, Alderman O'Brien, Mayor Donchess 6

Nay: 0

MOTION CARRIED

The Finance Committee meeting was adjourned at 7:24 p.m.

Alderman Linda Harriott-Gathright
Committee Clerk