

A special meeting of the Board of Aldermen was held Monday, March 1, 2021, at 7:00 p.m. via teleconference.

President Lori Wilshire presided; City Clerk Susan K. Lovering recorded.

Prayer was offered by City Clerk Susan K. Lovering; Alderman Patricia Klee and Alderman Richard A. Dowd led in the Pledge to the Flag.

President Wilshire

As President of the Board of Aldermen, 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, 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: 882 2713 3992 Passcode: 237958

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 in the Nashua Telegraph, City Hall, and the Nashua Public Library.

If anyone 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.

City Clerk Lovering called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 13 members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman Patricia Klee, Alderwoman Shoshanna Kelly, Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons (arrived after roll call), Alderwoman Elizabeth Lu, Alderman Ernest Jette, Alderman Jan Schmidt, Alderman Brandon Michael Laws, Alderman Skip Cleaver, Alderman Linda Harriott-Gathright, Alderman Wilshire.

Alderman-at-Large David C. Tencza and Alderman Tom Lopez were recorded absent.

Mayor James W. Donchess, Corporation Counsel Steven A. Bolton were also in attendance.

ROLL CALL

Alderman O'Brien

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

Alderman Klee

I am here, I can hear the proceedings now. I want to apologize, all of a sudden I got this high pitched sound and everything went blank. So I truly apologize, but I am here, I am alone and I can hear the proceedings. Thank you.

Alderwoman Kelly

I am here, I am alone and I can hear everyone.

Alderman Dowd

Yes, I am here, I can hear everyone and I am here alone.

Alderman Caron

Yes I am here, I am alone and I can hear everyone.

Susan Lovering, City Clerk

Alderman Clemons? Alderman Lopez? Alderman Tencza?

President Wilshire

Alderman Tencza was unable to join us this evening.

City Clerk Lovering

Alderwoman Lu?

Alderwoman Lu

I am here alone and I can hear the proceedings.

Alderman Jette

I am here alone and I can hear the proceedings.

Alderman Schmidt

I am here, alone and can hear the proceedings.

Alderman Laws

I am here alone and I can hear the proceedings.

Alderman Cleaver

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

Alderman Harriott-Gathright

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

President Wilshire

I am here, I am alone and I can hear everyone.

City Clerk Lovering

You have 12 in attendance.

President Wilshire

Thank you.

City Clerk Lovering

You're welcome.

President Wilshire

Also with us this evening is Mayor Donchess and Corporation Counsel Steve Bolton. Tonight we have a Public Hearing on Ordinance 21-045, Amending the Building Construction Ordinances and Increasing the Building Department Fees. Director Marchant, are you going to give us an overview of this Ordinance, the changes?

Sarah Marchant, Director of Community Development

Good evening, yes. Thank you so much. And Bill McKinney should be joining us any second as well who is the Building Safety Officer. The proposal in front of you tonight is largely to update the Ordinances that haven't been updated since 2002. And then also to increase the fees as a follow up to our discussions in 2018 when we increased the fees and said we do that in a two-part system so that we could become more in line with fees that all the other communities were charging; as we found we originally way undervalued. But to do so in a way that was economical and not putting too big of a burden on price changes at once. So with that intro I'd like to turn it over to Bill McKinney who is the Building Safety Officer.

President Wilshire

Mr. McKinney.

Bill McKinney, Building Safety Officer

Yes, good evening; thank you Director Marchant and thank you to the Committee for allowing me to be in front of you this evening. As Director Marchant said, we spent the past two years reviewing the revised Ordinances for the Building Codes for the City of Nashua. The NRO for that is a fairly lengthy one and involves several sections. One of the key issues that we hope to resolve with our revising the Ordinance and language in it was that currently since our Ordinance was updated, the State of New Hampshire has gone forward and has a State-wide Building Code that includes all of these Codes that we were adopting individually each Code Cycle.

So one of the major changes is that we've made the language now so that we will follow right along with the State of New Hampshire as they update we will update as well and won't have to go through a lengthy and time consuming Ordinance change every time the State does so.

With that, we also have the fee changes that we have recommended. Some of you may recall, we began this in 2017 after some study that showed that our fees were, by far, some of the lowest in the State to comparable communities to us and communities around us. In 2017 we proposed an increase that went into effect in 2018. There was some sizeable jumps on the commercial side of it, but we kept those fees quite low, increases and on residential in 2018 because the market was just starting to return and we didn't want to impact them negatively.

So as I stated, in 2017 we began this process of a biannual review of our Ordinances and Fees. In 2018 the fees that we currently have were approved; in 2019 our review process began again. We had anticipated these fees being before you in 2020, however, through the thorough review of Ordinance 105 and the updated language, it took much longer than we anticipated. We have altered several fees and calculated them to align with our new software which has been quite tricky. Our hope with this, by bringing in and having these more rounded fees, we will be able to more quickly bring out our customer portal which is an online process for citizens and contractors to apply for permits online, submit all of their paperwork online and pay all of their fees online, therefore reducing a lot of staff time and a lot of wasted paper.

However, as we all know, in 2020 COVID complicated things quite a bit for us. Our offices were not quite set up to be operating remotely; we have since changed that. But we spent a good deal of time in order to do that. So that took some time from us to get these fees to our Legal Department for review and from Legal to get them to you. I know there are some questions on how our process goes with developing these fees. I have put a directive out to our staff to look at the fees and use an average of between 15% and 20%. Again though, you will see this year that residential seems to be a larger increase than past, but that was calculated that was. Because, as I stated before, in 2018 we kept residential lower rather than to impact that industry at a time when it was trying to recover. We feel that residential has recovered in a good way; it's very busy right now in the City. As you know, it is very difficult to buy a home and homes that are being built are not remaining on the market for very long. So now is the time to actually address those fees as well.

Some of the difficulty that we found this year is as we are reviewing fees, other communities are also reviewing fees and updating them; trying to get some formulas in there so we can match was very difficult. And also, the way fees are calculated around the State there is no standardization. In Nashua we use square footage calculations, length calculations on pipes for plumbing, number of receptacles and devices under electrical, where other communities will use standard set fees. Some communities include all electrical and all plumbing under one fee. So it is a very complicated process trying to come up with some very good comparisons.

From what we can determine though, we still remain lower than, as we have in the past, lower than Concord and Manchester; about in the same area as Laconia or Keene. And actually I think we are higher than Laconia but about the same with Keene. So comparable communities we are doing well. We still are about middle of the road, I would say, on our fee increases with what you have before you. And with that, I will entertain any questions.

President Wilshire

We are going to open this up to the public and then we will have a discussion at the Personnel Meeting. So what I would like to do now is I would like to open up the Public Hearing.

PUBLIC HEARING

O-21-045 AMENDING THE BUILDING CONSTRUCTION ORDINANCES AND INCREASING THE BUILDING DEPARTMENT FEES

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

President Wilshire closed the public hearing on O-21-045 at 7:13 p.m.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE MARCH 1, 2021, SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED BY ROLL CALL

A viva voce roll call was taken to adjourn the Board of Aldermen meeting which resulted as follows:

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd,
Alderman Caron, Alderman Clemons, Alderwoman Lu, Alderman Jette,
Alderman Schmidt, Alderman Laws, Alderman Cleaver,
Alderman Harriott-Gathright, Alderman Wilshire

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Nay:

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MOTION CARRIED

The meeting was declared adjourned at 7:14 p.m.

Attest: Susan K. Lovering, City Clerk