

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

President Lori Wilshire presided; Deputy City Clerk Allison Waite recorded.

Prayer was offered by Deputy City Clerk Allison Waite; Alderman June M. Caron 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: 816 3650 5216 Passcode: 496731

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 603-589-3329 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 14 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 Thomas Lopez, Alderman David C. Tencza, Alderwoman Elizabeth Lu, Alderman Ernest Jette, Alderman Jan Schmidt, Alderman Brandon Michael Laws, Alderman Skip Cleaver, Alderman Linda Harriott-Gathright, Alderman Wilshire.

Alderman Benjamin Clemons was recorded absent.

ROLL CALL:

Alderman O'Brien

I am present and my attendance is in the Chamber and I can hear the proceedings.

Alderman Klee

I am at home, I am alone in this room, I can hear the proceedings. Thank you.

Alderwoman Kelly

I'm here, I am alone and I can hear everyone. I am attending remotely because my children are unvaccinated.

Alderman Dowd

Yes, I am present. I am in the Chamber with the other Board Members.

Alderman Caron

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

Alderman Lopez

I'm here, I am alone, I am home, I would be in the Chamber if somebody had told me we were meeting in the Chamber so that's why I am not there.

Alderman Tencza

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

Alderman Jette

I am here alone and I can hear the proceedings.

Alderman Schmidt

I am present, alone and can hear everyone.

Alderman Laws

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

Alderman Cleaver

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

President Wilshire

I am present.

Allison Waite, Deputy City Clerk

Alright, you have 13 in attendance.

President Wilshire

Thank you very much. I don't think the Mayor is on our meeting or Corporation Counsel?

Alderman Dowd

No, the only one is Mr. Griffin.

President Wilshire

Alright, so as is our customer, I will turn the rest of the meeting over to the Chair of the Budget Review Committee, Alderman Dowd.

Chairman Dowd

Yes, this evening, we will be hearing a Public Hearing on R-21-145, Authoring the interfund transfer and appropriation of \$325,000.00 from the Broad Street Parkway Capital Project activity to the Nashua Mill Yard Dog Park Capital Project Activity for the purchase of property located L Pine Street, Map 77, Lot 5. Is there anyone here to talk this Resolution before we get started? Director Cummings?

Tim Cummings, Director of Economic Development

Yes I believe myself and CFO Griffin are here this evening to speak on the matter. If I may, I would just kind of give a quick orientation to the body here and then I would leave the financial aspects to CFO Griffin, if that's the pleasure Mr. Chair.

Chairman Dowd

Yes that's fine, go ahead.

Director Cummings

Thank you. So I am here to ask for your favorable consideration of the Legislation before you this evening, it's a two-part bill or a two-part piece of Legislation. The first part was the entering into a Purchase & Sale Agreement which this body has previously approved to us L Pine Street or what is also referred to as Map 77-5 on the City's Assessor's maps. It is a little over 4 acres of land that we would like acquire, use specifically for open space and a dog park. It is abutting the Mine Falls Park and it would just behoove us to make a trail head there. It is right now being used in such a manner even technically we don't own it and this just would allow us to be able to use it in the way we already have been customarily. So with those comments being made, I am going to yield the floor to CFO Griffin who can talk to you a little bit about the financial aspects of this Legislation; of course happy to take any questions at the end.

Chairman Dowd

Mr. Griffin?

John Griffin, CFO

Yes, CFO John Griffin. Thank you Mr. Chair, members of the Board. What we are asking for tonight is for the Board to have a favorable recommendation to take certain monies of the Broad Street Parkway Project Activity Fund and move it into a newly created Millyard Dog Park Activity Fund. The reason why we haven't requested a repurposing of bond proceeds is because upon review of the activities associated with the Broad Street Parkway Activity Fund, there's more than enough other revenue, other than the bonds to meet the \$325,000.00 request. Specifically, this particular activity has been around for quite some time as you

probably know. It has its roots from the very beginning of using federal funds, it had some local funds to build the Broad Street Parkway. In addition to that, we were able to sell land along the way to generate \$544,000.00 as well as lease parking to generate another \$306,000.00. So if you can imagine using either one of those funding sources or both together they would count as the \$325,000.00 transfer. We are respectfully requesting for the Board to appropriate the funds into the new capital project activity known as the Millyard Dog Park Activity Fund. Thank you.

Chairman Dowd

OK. Are there any of the Alderman that would like to get more clarification from either one of the previous two speakers? Alderman Klee?

Alderman Klee

Thank you Mr. Chairman. I just wanted a clarification. This property, this purchase of it is not contingent on whether or not we put in a dog park is that correct? So whether or not the dog park did go through, this purchase is separate and even though it has got the name, "Dog Park" in it, because the fund that the money is being put into. It is primarily for the, I think it's often referred to as the "mouth" or the "trailhead" access points. Is that correct?

Director Cummings

If I may Mr. Chair.

Chairman Dowd

Yes, go ahead.

Director Cummings

Thank you. Tim Cummings, Director of Economic Development. It is not being sold as exclusively for the usage of a dog park, however, that is our intention and we've made that abundantly clear throughout this whole entire process to try to be as transparent as possible. We have a feasibility study underway on that initiative, but putting that aside, it is anticipating or envisioned to be a trailhead as well for essentially entrance into the Mine Falls Park.

Alderman Klee

May I follow up, Mr. Chairman?

Chairman Dowd

Follow up, yes Alderman Klee.

Alderman Klee

Thank you. I guess I asked a loaded question, I somewhat knew the answer but I was doing it more for the public. And while I do believe as being on the ADPAC Committee, I do believe that a dog park will be there. I just wanted to make it clear that regardless of whether the dog park did go in, if the feasibility study came back with some other information, we would still want to purchase this land. And I just want to make that as clear as possible, that it is not contingent on the dog park. So we are not putting the cart before the horse, because we don't have the feasibility study. I just wanted to make sure that was clear and on the table. Thank you.

Chairman Dowd

Any other Alderman that would clarification from either of the previous two speakers? Alderman Tencza?

Alderman Tencza

Thank you Mr. Chairman. Director Cummings, and I asked previously about this, could you just talk a little bit – in one of your prior presentations, you talked about potentially some of this area being parking. I think I've gotten clarification since then, but can you talk about the type of parking that you would expect on some of this land and whether it would be paved or I guess a dirt parking lot for some of those buildings.

Director Cummings

Certainly. So I am going to answer your question in two phases if I may Mr. Chair.

Chairman Dowd

Yes, go ahead.

Director Cummings

So I am going to share my screen right now. I am going to pull up the GIS map. OK the parcel in hand is 77-5 and so we haven't designed what this area is going to look like just yet because we are just in the early stages of contemplating how a dog park would lay out. But the issue I think that is being raised is the option that 0 Pine Street and 1 Pine Street Extension have; they have the option for 90 days to essentially this trail here is a good indicator of what we are talking about. They would have the ability to purchase basically what their current boundary line shows so this area up until about approximately where this trail is right here. I am kind of outlining it with my cursor so you can kind of see what we are talking about.

If that was to occur, it has been expressed that these two property owners would be interesting in putting in parking there. Now I don't know if they will do that definitively but that has been represented as the desire for why they would like to have this extra land. As you can see, there's some parking right along here, the thought process would be is to put, I am assuming, this all needs to be designed and constructed. But there's quite a big grade change between this dirt path here up to this asphalt. You'd have to put in some sort of retaining wall, you'd have to fill it, you'd have to level it and then you'd have to extend the asphalt. And all that would need to be engineered and constructed. But that's how you would expand the parking lot over here.

The same with this area over here if that was the desire. Now that would all be "non-city land" at that point and it would be done for the usage for these two private mill buildings. That was a condition of the P&S. Ultimately, I believe this is the second phase to your question, we will have some sort of ancillary parking on-site once this is designed to allow for people to have access into Mine Malls and also allow people access to use the dog park. It would not be paved, it couldn't be; this is a very environmentally sensitive area so it would stay open and we would have a very limited area for parking. But we would try to provide some sort of on-site parking for the usage of both the trail and the dog park. That would be public or would be "city land" or "city owned property" to support the pass of recreation that would be going on in that area.

Hopefully that answers your question Alderman Tencza.

Chairman Dowd

All set, Alderman Tencza?

Alderman Tencza

Yes, thank you.

Chairman Dowd

Anyone else with a question or concern? OK so Alderwoman Lu and then Alderman Cleaver?

(Technical difficulties with the microphone)

Chairman Dowd

Ok while we are waiting for Alderman Lu, we will go to Alderman Cleaver.

Alderman Cleaver

Thank you Mr. Chairman. There's an antenna on the property and I am wondering if it is access and if so is that a revenue source going forward.

Director Cummings

Yes, if I may Mr. Chair? Yes, thank you. It is an active radio tower on site, we have just started conversations with the current lease holder of that property to understand what their long-term vision would be. And to answer your question, it is an active revenue source for the current owner.

Alderman Cleaver

Thank you.

Chairman Dowd

Any other questions? I don't see Alderwoman Lu. Just while we are waiting for her real quick. Director Cummings, is there an easement for the line that runs to the tower across that property?

Director Cummings

I would have to double check if there's an easement of if it is just a license agreement. It is a lease as I understand it.

Chairman Dowd

So it is a hardwired antenna?

Director Cummings

Correct.

Chairman Dowd

Which is buried somewhere which we would have to be concerned about. I see Alderwoman Lu is back.

Alderwoman Lu

Are you calling on me Mr. Chairman?

Chairman Dowd

Yes, we can hear you now.

Alderwoman Lu

OK thank you. My question was if the options are taken to purchase those two pieces, what will the proceeds to the City be?

Chairman Dowd

Director Cummings.

Director Cummings

Yes it is the exact same amount that we are paying to keep it fair. So what we are paying would be what we would get back.

Chairman Dowd

I assume for that piece of the property?

Director Cummings

Correct. On a prorated share.

Chairman Dowd

Prorated, yes.

Alderwoman Lu

OK.

Chairman Dowd

All set Alderwoman Lu.

Alderwoman Lu

Yes, thank you.

Chairman Dowd

Anyone else? Alderwoman Klee?

Alderman Klee

Thank you Mr. Chair. Back to the radio tower, one of the things that we have learned in looking at the dog park is that there's a whole underground grid that goes to the tower. And part of the feasibility study is we are learning the extent, how deep it is and so on, because that will affect the planning of a dog park there, where we could put a fence, where we can't put a fence. We'd have to kind of put poles in-between the grid as well as how far does the grid go down because dogs will dig and so on. So we will learn all of that information as part of the feasibility study.

But we do know that there is a wide reaching kind of grid that feeds to the tower and it is under the ground, not too deep from what I've understood. But we will learn more.

Chairman Dowd

Alright, anyone else? Seeing no one. I will open up the Public Hearing for testimony in favor of R-21-145. Is there anyone that would like to provide testimony from the public in favor of R-21-145?

PUBLIC HEARING

R-21-145 - AUTHORIZING THE INTERFUND TRANSFER AND APPROPRIATION OF \$325,000 FROM THE BROAD STREET PARKWAY CAPITAL PROJECT ACTIVITY TO THE NASHUA MILLYARD DOG PARK CAPITAL PROJECT ACTIVITY FOR THE PURCHASE OF PROPERTY LOCATED AT "L" PINE STREET (MAP 77, LOT 5)

Chairman Dowd

I see "Mark's iPad". Your name and address for the record. You have to come off mute. If you're on a computer press the space bar and hold it down.

TESTIMONY IN FAVOR

Mark Plamondon 78 Elm Street, former Alderman who had 4 or 6 terms, if you allow me Mr. Chair, I want to speak on both aspects of this Resolution.

Chairman Dowd

OK we do have a new things since you were an Alderman. We have a three minute limit and the timer is running.

Mr. Plamondon OK I'll be fast. Regarding the dog park, I am the one who that idea and worked with State Legislature the Senate to get dog parks in the State of New Hampshire. Therefore, Nashua has the very first dog park. It wasn't quite what I envisioned because it went more of a private type group. What I was looking at and actually this is one of the sites I was looking at but there was no money at the time. Through past research and current research with the State Law, the municipality is not held liable. However, the Hudson Dog Park and I have spoken to a variety of Animal Control Officers and it is a burden to them.

So I would suggest before we move forward, especially with the layout of this lot it is kind of a weird shape, a minimum of 2 acres and a separated area; small dogs, large dogs. And you can follow up with the Hudson Facility and get their personal experience there. It is highly successful. Question, is this property being purchased or leased if answered?

Chairman Dowd

Director Cummings, would you answer that question?

Director Cummings

Yes, happy to Mr. Chair, it is to be purchase. We would have a fee interest.

Mr. Plamondon Excellent thank you very much for answering. And then regarding the Broad Street Parkway, I led that project from the beginning and I was Chairman of the Broad Street Parkway as well as Infrastructure. There is one section, it is only supposed to have one access and egress which is to connect to the Mohawk Tannery. There was supposed to be curb cuts there, the curb cuts were not installed.

So I am very happy to hear that there's additional monies though should we need to do that with the pending clean-up of Mohawk Tannery.

Chairman Dowd

Five seconds.

Mr. Plamondon OK I am glad to hear that there is money for that. Other than that, I just want to say that both these ideas moving the monies over and the dog park I think are excellent ideas and I commend you for moving forward on this. And I thank you Mr. Chair and the rest of the Board.

TESTIMONY IN OPPOSITION

Chairman Dowd

Thank you for your comments. Is there anyone else that would to speak in favor of R-21-145? Seeing and hearing no one, I will move to Testimony in Opposition. Is there anyone that would like to give Testimony in Opposition? Name and address for the record.

Laura Colquhoun at 30 Greenwood Drive. It find it funny that the Mayor is asking the Board of Aldermen to authorization a transfer of \$325,000.00 in order to buy a dog park. Why did the City of Nashua's Mayor and Board of Aldermen not ask the Nashua taxpayers if they wanted another dog park? Just because the Mayor found that not all the funds for the Broad Street Parkway were used and therefore he's taking the money to buy a dog park. However, has anybody on the Board considered that these funds should go against the outstanding bond that is still open on the books for the Broad Street parkway? Nashua taxpayers are still on the hook for the principal balance of \$1,250,000.00 and interest balance of \$214,844.00. That's a total of \$1,464,844.00 that the taxpayers still owe on this project.

Why not use the extra \$325,000.00 and apply it against the open bond? This would help all Nashua taxpayers, not just dog owners. If not against this bond, what applying it to against the \$52 million in capital improvements that the Mayor wants in the year 2022? The Nashua taxpayers are asking both the Mayor and the Board of Aldermen to reconsider and apply this extra money to the original bond and / or future capital improvements. Please do not think that I do not like dogs because I have 3. But I feel that these funds can help the Nashua taxpayers much more. Thank you.

Chairman Dowd

Thank you. Anyone else in opposition.

Laurie Ortolano 41 Berkeley Street. I am a dog lover too but I think the timing on this isn't right given the Budget increase and what we have going on in the City. I think we've asked taxpayers to incur a lot of increases in the last 2 years. And I think that this money as Ms. Colquhoun has said, could be used more wisely for reducing bonds or reducing costs for the City. It was a very expensive purchase for the land. I am a little disappointed we were unable to find land we already owned to do this project versus having to purchase a piece. But I just feel like the timing isn't right and we have this budget increase that's probably going to push 4% this year and I think that we should have seen a Budget that was down, under, given where we have been with City Hall and our operations and our services to citizens. So I am not in favor of it at this time, but I am a great lover of dogs. Thank you.

Chairman Dowd

Thank you. Anyone else in opposition?

Jason Hale 10 Gettysburg Drive, Nashua. I am just echoing the comments from the previous two speakers. If there are open items that we still owe money on, these monies should be appropriated for those things other

than ... you know at this point in time, I kind of believe that having a dog park is sort of mowing the lawn while your house is burning down. So, you know, I think there are better things we can do with that money and the situation that we are in and the increases that have been mentioned prior. So I would respectfully ask that this is not a good idea. So thank you very much for your time.

Chairman Dowd

Thank you. Anyone is opposition? Seeing and hearing no one, I will once again take testimony in favor?

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION- None

Chairman Dowd closed the public hearing on R-21-145 at 7:29 p.m.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE JUNE 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 Lopez, Alderman Tencza,
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 7:30 p.m.

Attest: Allison Waite, Deputy City Clerk