

A special meeting of the Board of Aldermen was held Monday, June 7, 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 Patricia Klee 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: 853 6483 0438 Passcode: 715114*

*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 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.

Deputy City Clerk Waite 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, Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons, Alderman Thomas Lopez (arrived after roll call at 7:24 p.m.), 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.

Alderwoman Shoshanna Kelly was recorded absent.

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

President Wilshire

As is usual and customary, tonight is a public hearing of the Personnel/Administrative Affairs Committee so I will be turning the meeting over to Alderman June M. Caron.

Chairman Caron

Thank you Madam President. I would like to check to see if Mayor Donchess is here.

Mayor Donchess

Yes Madam Chair I am here.

**PUBLIC HEARING****R-21-143 - PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE MANNER OF APPOINTMENTS TO THE NASHUA BOARD OF POLICE COMMISSIONERS**Chairman Caron

Okay thank you.

So we're here to have a public hearing on R-21-143 Proposing an Amendment to the City Charter Relative to the Manner of Appointments to the Nashua Board of Police Commissioners. Before we get started with testimony, Mayor would you like to say a few words since you are the sponsor of this proposal?

Mayor Donchess

Well Alderwoman Trish Klee is going to talk to the Resolution.

Chairman Klee

Oh okay, then Alderwoman Trish Klee.

Alderman Klee

Thank you Madam Chair. I'm just going to say a few things to try to help those understand what the proposed change does if the Commissioners fall under the City.

The actual changes would mean that we would go from three commissioners to five commissioners. We would go from one person nominating the commissioners – the New Hampshire Governor – to two different elected officials nominating the commissioner – the Nashua Mayor and the President of the Board of Aldermen. It would go from one committee of five individuals – the Governor's Executive Council, none at this time from Nashua, approving the nomination to two committees. The first would be made up of five members of the Board of Aldermen members which would be the Personnel/Administrative Affairs Committee and the second by the full Board of Aldermen, 15 members, all from Nashua.

It should be noted that each of the Nashua Committees, the public will be given the opportunity to have their voices heard and the vetting and interview process will be at full transparency. Throughout New Hampshire's history, there have been 20 municipalities that have lost control of the commissioners or police department and all but one, Nashua, has taken back control.

I know that someone is going to ask why introduce it now. I think bottom line is it's time. It's time for the Nashua residents to have a voice in their police department. We pay the bills, the salaries, and we have the legal liability if something goes wrong but we don't have a voice. I believe this change will bring full transparency and accountability. Thank you Madam Chair.

Chairman Caron

Thank you. Anything to add Mayor?

Mayor Donchess

No Madam Chair.

Chairman Caron

Thank you. Chief Carignan I understand you have a small presentation to make to the Committee. Thank you.

Police Chief Michael Carignan

Good evening everyone and thank you. My name is Michael Carignan, the Chief of the Nashua Police Department. I'd like to speak in opposition to this legislation to have the Nashua Police Commissioner appointed by the Mayor and Board of Aldermen as opposed to the current process of appointment by the Governor. I'd like to be very clear on this point. I'm here to oppose this on a positional level. I've enjoyed a close and positive working relationship with most of you on the Board and the Mayor's office. My concerns are based on the position and not the names of the current people in office.

I'm opposed to this legislation because it brings local political control into the daily management of the police department. With that local political control comes local, political influence. That can be a dangerous thing. I'd like to briefly explain some of my rationale. Under the current system, three commissioners are nominated by the Governor and approved by the Executive Council which has Nashua representation. Each of the current three commissioners has been appointed by a Democratic Governor Maggie Hassan and have been reappointed by Republican Governor Chris Sununu. Each has been confirmed by Democratic Executive Council Deb Pignatelli and reappointed by Republican Dave Wheeler.

These commissioners must be Nashua residents and have been so for the last five years. We currently have two lifelong Nashua residents and a third who has lived here with his family for over 32 years. They are taxpaying Nashua residents who have a vested interest in the management of the police department. They are reviewed and are briefed on all officers we hire, promote, and on some occasions fire. They meet with us monthly to review every aspect of our budget to make sure we are spending within our means. They make recommendations and ensure our programs and expenditures are valid and well thought out. There have been many occasions where the commission have questions about our operations and asked us to look for alternative solutions to the problem. They have been very clear on contract negotiations and always keep the city budget issue in mind when reviewing our requests. They are local, vested citizens of Nashua. We do have local control.

With local political control, it brings political influence over the daily operations of the police department. When a police commissioner is selected by the Mayor and aldermen, they are more likely to have a political loyalty to that politician, especially when it comes to reappointment. With that loyalty comes influence. That influence can affect who we hire, who we promote, and who we transfer. The Governor has a much lower stake in the day-to-day operations of the Nashua city government and therefore is much less able to exert control and influence over police business. The Nashua Police Department has always prided ourselves on never compromising our hiring standards. It is one of the cornerstones of what makes us a great agency.

You all reaped the benefits of that through the quality of the police officers that work in Nashua. It could mean that those less qualified may get hired or promoted based on the personal wishes of a local politician. Decisions may not be based on qualifications and the level of professionalism from our agency would suffer.

A majority of the police officers that come to work in Nashua are from cities and towns where there is local political influence and control. They come here for the very reason of avoiding the negative element. They know that when it comes to Nashua, they will be hired and progress through the ranks based solely on performance and not who you know. That could change under the current proposal. It greatly increases the likelihood that this influence would significantly lower the quality of officers hired and promoted.

The dangers don't only come from who gets hired or promoted, local political loyalty can also bring influence over criminal investigations and how they are handled. As you will hear later tonight, there are times when allegations are made involving local officials, entities and there needs to be an ability to effectively and appropriately conduct those investigations without fear of influence over those political offices. You'll hear from retired Nashua Police Chief Tim Hefferan who will advise that he was only able to conduct an investigation in the early '90s because he didn't fear reprisal from the local sitting officials.

The current system allows for better transparency which as of late has been something expected more and more by our citizens. Under our current system if an allegation is made, an investigation is completed and the outcome can be presented with the public knowing that there has not been any influence from political offices. Not matter what the outcome, the local government can now say they had no influence. That will not be the case if you make these proposed changes.

Finally on this point, I can say that I as well as my past few predecessors have never received a call from the Governor or an Executive Council member expressing any attempts to influence the daily operations of the Nashua Police Department. It has been presented that we are the only city without local appointments. First of all as I spoke earlier, all of our commissioners are local, Nashua taxpaying citizens. Secondly, I agree wholeheartedly that we are the only police department left with no system. That's a good thing. The Nashua Police Department is considered the leader of police agencies in this State. We have a reputation for professionalism and progressive thinking throughout the State and New England. We've been nationally accredited since 1991. Our very first accreditation report recognized us for having a non-locally appointed commissioner to keep political influence out of the management of the department.

A CALEA certification is not easy to obtain or maintain as you've heard and learned. We have held the highest level of certification for years. We are an agency that is committed to and strives to follow best practices in the field of law enforcement. You have seen over the past year that we do not have problems that other communities or police agencies have. I have worked with numerous community groups alongside many of you aldermen and alderwoman as well as the Mayor. Many of you have continually told me that we are by far the best agency in the State. Many of you have campaigned on the safety and confidence your police department provides. You promote Nashua as being the safest and best place to live in the State as well as the country. You have all expressed the confidence that we are leaders among policing in this State.

I have asked many of you what if anything would you like to see changed. What concerns do you have about how the agency is being run? The answer from all of you have been that our agency is the best. I agree that we are the best so why would you change it to something less? Why would you want to bring into question local political influence? That makes no sense to me or anyone else.

We've been compared to Manchester and Portsmouth as agencies that have changed to local control. I'm curious as to what is great about that. Portsmouth has elected police commissioners. I think we can all agree that elected commissioners would bring you more potential for political favoritism and loyalties. Manchester has a commission that is advisory only. They have no decision making powers. Instead, giving all the power to the Mayor. Is the goal for us to strive to be more like Manchester? People choose to move to Nashua these other towns and cities for a reason.

Regarding the fiscal responsibility of the current system. It has been presented that one of the reasons behind this move is because the police department with commission approval has come in each year with a budget that is above the cost of living which leads to a much higher tax rate. That statement doesn't cover the whole story. When contracts are negotiated, they usually cover a multi-year period usually three years. The contracts are negotiated with the City's Corporate Counsel present every step of the way. They're reviewed and approved by the Commission who has input throughout the process. The contracts then go through the same system as every contract in the city. They must be approved by you the aldermen and alderwomen. Some have passed and some have failed as part of the process. Each year the department is given recommended increases to the budget from the previous year. If for example the police department is asked to come in at a zero percent increase, the reality is that is a cut in services after contractual obligations are met even though those were previously agreed to. It is the responsible thing to do for me to inform the city government what that change would look like. This year for example a zero percent increase would only be achieved with the layoff of approximately 10 of our newest officers. Those ten officers by the way are some of the most diverse officers this department has ever hired. I believe each of you would be disappointed if I chose to layoff each of those employees and never informed any of you of what that consequence was.

Instead, we've continued to meet and develop a strategy which will be proposed next week that will bring us not only within the current request but will assist in funding next year's budget. Regardless of what happens, we have always stated that we will come in on budget no matter what that number is but we owe it to everyone to show exactly what that would look like. It's also important to note that each month we meet with the commission in a public meeting. There are usually one to two aldermen and alderwomen present at each of these meetings where they are able to ask questions and listen to the operations of the department. The minutes for each meeting are posted on line after being approved. The Nashua Police Department also posts our yearly goals and objectives and our five-year plan. We are very transparent and willing to answer any questions or concerns our citizens may have.

In closing, I want you to know that I believe this proposal is not good for the City of Nashua or the Nashua Police Department. It brings in local political influence to an accredited agency that is able to be accountable yet independent to local political influence. Statements made about this change making us a better police department are just not true. No one has been able to explain how this would make us better other than giving more power and control to local influence. It would undermine our ability to effectively run this organization as well as we have for the past 30 years. If you respect your police department which has been an instrumental institution in having Nashua voted one of the best cities to live, then please do not consider voting for this change. Thank you very much to everyone for your time tonight. As always, please feel free to call me or e-mail with any questions or concerns. Thank you.

Chairman Caron

Thank you Chief.

Chairman Tollner would you like to add to the Chief's comments. Thank you.

Commissioner Jim Tollner

Thank you for the opportunity to speak. I will be brief.

The Nashua Police Commission works diligently to ensure that the Nashua PD is a well-run and respected department making Nashua a safe place to live and raise a family. I've been on both sides of this issue – as a Police Commissioner and as an Alderman and my opinion has never wavered. An independent commission is best for Nashua.

Regarding the secret process, not the case. There is always an opportunity to speak with any sitting Governor. Former administrations, past Mayors have absolutely had conversations opposing candidates

before a Governor. Choosing to ignore an opportunity is not the same as being excluded from the process. Saying Nashua is the only remaining city with Governor appointed local Commissioners is true. I suggest that be viewed as a positive as there are other New Hampshire police departments struggling to manage the very change you are not contemplating.

Accountability. Every meeting as the Chief said is open to the public and for the last five months we have held in-person meetings. Senior level staff at the police department participate on numerous local nonprofit boards which lends itself to successful community policing. Each Commissioner is local, resides in Nashua, and is responsible and responsive to the citizens in the exact same way as each member of the Board of Aldermen.

As the Board of Aldermen are aware, the survey was incorrect with respect to the police department budget. The Board of Commissioners proposes a budget in the exact same way that Nashua Fire and the Board of Education does. The Mayor and the Board of Aldermen approve the final police budget. The Commissioners do not. As I have always said, any business or municipality at times will have issues or bumps in the road that need to be addressed. It is how you handle those situations that will prove the value and integrity of each institution.

Over the course of time, the Commission has dealt with a few of those situations and has done so with the utmost consideration of its citizens, staff, and city. I was just saying to some folks the other day, imagine if you were at a Mayors convention and one Mayor says, my police department has one of the highest CALEA scores nationally and last year has recruited the most diverse police class in the city's history. Despite the national climate is at full complement and actually it's the only PD in the State with such a distinction, and they have an outstanding relationship with the nonprofits and social service agencies. Don't take my word for it, ask them. And then this mayor says, as I always tell my community, we enjoy living, working, and playing in one of the safest cities in America. People – that Mayor is Jim Donchess and that city is Nashua. Why would you change it? You have local control but some of you are proposing is total control. The only question we should be asking is how this legislation is deemed necessary and worthy of a Charter change. Thank you for your time and consideration.

Chairman Caron

Thank you Chairman Tollner.

Before we get started, I'd like to acknowledge that Corporation Counsel Steve Bolton is here. Do we have any board members that have any questions to the prior speakers before we get started to the testimonies? Okay, seeing none.

Alderman Lopez

Madam Chair, I just wanted to let you guys know that I had showed up. I was a little late. Sorry.

Chairman Caron

Thank you Alderman Lopez. Alderman Lopez has shown up at 7:24. Thank you.

Okay, then we will start with testimony in favor and please remember that you must give your name and address and you have three minutes to speak. Try to keep all your information as concise as you can. So we will start. We'll warn you at 30 seconds I've been told. Thank you.

TESTIMONY IN OPPOSITION

Greg Murphy Good evening. I'm Greg Murphy from 231 Salmon Street in Manchester, NH. By way of introduction I want to let the folks know that I appreciate the opportunity. I am currently the accreditation

manager for the Manchester, NH, police department that the Chief just mentioned. We are also a nationally accredited agency and have been since 1990. I'm not going to reiterate everything that I've heard. I totally agree I oppose this move based on a couple of things but I was a police officer for 2002 (inaudible) years since 22 years we started with a police commission that had similar authority to what you're looking for. Fortunately we went to an advisory only commission. That keeps the certain select citizens and residents involved. They do not have any influence at all. They're advisory. That's a plus and being an accredited agency like Nashua is, like we are, any undue influence from any political party could be devastating not only to accreditation but to personnel issues, recruiting selection. It's just not necessary to lead our office great guidance and best practices and I don't know if the Chief told you but five percent of law enforcement agencies in this country are accredited. It's great to be accredited. It's a goal. It's not easy and when I think of Nashua, I dealt with them for 15 years. We've done mock assessments. They are a great police department – highest integrity around. I don't want to say we're second to them but we're running close and it's a tie.

I won't take up the rest of the night by I fully support the Nashua PD, the Chief, police officers, their accreditation manager. They are top notch. You should be proud of them as I am to call them my friends and an agency that works with us. They come to Manchester. We go to Nashua for swat and high risk incidents. If you vote this in, I think you're making an absolute mistake. Leave it the way it is. If it's not broken, don't fix it. When I think of Nashua, its pride, integrity, they're squared away, and I do believe it would tarnish the image of the PD down the road if you allowed this to happen. Again I thank you for your time and the opportunity to speak on behalf of my friends and colleagues at the Nashua PD.

#### Chairman Caron

There are a lot of hands up so we are just going to go across our screen. The next is Representative Ray Neuman?

#### TESTIMONY IN FAVOR

Rep. Ray Neuman I am Representative Ray Neuman, I am a Representative in Ward 2 and I live at 25 Charlotte Avenue, Nashua. Amendment R-21-143 allows Nashua to remain vulnerable. We do not have home or local rule. But only for the process of appointing the Police Commissioners. And all it does is place this on the ballot for voter approval. Since 1891 we've had three person Commission appointed by the Governor. Back then it might have been appropriate for the Governor and the Executive Counsel to have control of that process but that is certainly not the case today. The Police Commissioners fix and appoint Police Officers and fix their salaries. They have full power to make all the rules for Government at the Police Force. The Police Commissioners also have full and complete care and control of all the lands and buildings used by the Police Department.

Given these powers, it is very important for local City Officials who are more informed than State Officials about what the Police Department needs and who have responsibility for the well-beings of Nashua that they also have home rule for the appointment for Police Commissioners. All other cities have already regained home rule and I think that is a good thing for the appointment of Police Commissioners. Again, all this amendment does is put it on the ballot for voter approval. This amendment is fully compliant with the New Hampshire Constitution and State Law. An example of how bad State rule can be is to consider a Bill that passed just last Thursday in the House of Representatives. So when there is State Rule this Bill was passed even though it specifically ignored both the Constitution and State Law. It removes Nashua's Home Rule from all spending by reinstating a spending cap that had been ruled unenforceable in the State Supreme Court. All 27 of Nashua's State Representatives support the defeat of this Bill. To bring Home Rule for appointments to the Police Commission will allow for more transparency, accountability and increase the diversity in the selection of Police Commissioners and it will also help the ...

#### Alderman O'Brien

30 seconds.

Rep. Neuman Some say if the appointment process isn't broke don't fix it. I say the appointment process is broken. Let's recapture home rule for the appointment of the Police Commissioner and make it responsive to Nashua. For these reasons I ask you to let the voters vote by supporting this amendment. Thank you Madam Chair.

Renaë Lias Claffrey Yes Hi. Renaë Lias Claffrey 32 Deerhaven Drive, Nashua. I support this measure and I want to say first of all that supporting this does not mean that you are necessarily critical of the current Police Force. I strongly support the current Police Force. This is really more about State versus local control. I support this measure because it would broaden the number of Commissioners from 3 to 5 and that would give us a better opportunity to have the Commissioners fully reflect the diversity of the City of Nashua. In the history of the State-appointed Commission we only have had one woman serve as a Commissioner and I believe no people of color and that does a disservice to our City.

I also support it because Police are a big part of this City's budget and I find it hard to understand why their funding requests would come in the way they do with the Police Commission the way it is now, to me it seems like it should be more like Schools. I'd also point out that the current Commissioners would serve out their full terms, this wouldn't result in any rapid change and there are lots of checks and balances for the appointees among the Mayor and the Aldermen. So finally even if you don't feel really comfortable with the measure itself, I'd argue to at least think about putting it on the ballot to let the voters decide. Thank you.

Amber Logue-Morgan Hi Amber Logue-Morgan, resident of 20 Locke Street and I do want to speak in support of this measure. My statement is about the appointments of this position not any individual specifically and before I do make my statement I want to thank our Police Department for their work each and every day and specifically over the last year and how they conducted themselves during a very tumultuous year. With a heightened environment around Police nationwide, what better way to back our blue then to bring this decision of Police Commissioners local. Currently there are elected officials making these decisions that may not be reflective of our City's election. There are nuances and history that exist in any City that someone who does not live here, would not be able to understand or frankly have the time to care about it as much as our residents and our locally elected officials will.

We need a Police Commission that is reflective of our City. There have only been a handful of women ever that have been appointed and currently there are no women and no black, indigenous or people of color. As pointed out in the State of New Hampshire there is only one town or City that has Police Commissioners that are appointed by the Governor and that's Nashua. So that is a reflection as to why we do. Are we afraid of change? So thank you to those that have brought this up and forward to the citizens of Nashua who like me may be surprised that this is even a thing. So I ask that personal views aside, that we allow our citizens who have elected each of you to decide and vote and put this on the ballot. Thank you.

Alderman Caron

Just a reminder these are for testimony in favor of the legislation. Next we have Representative Sherry Dutzy.

Rep. Sherry Dutzy 18 Swart Terrace and I would like to speak in support of the referendum. I will underscore what the previous speakers have said and briefly this is not a referendum regarding the Police. I think we do have a strong Police Department and we all appreciate it. I do think it is a good idea to think about expanding the Commission from 3 to 5. I am a little uncomfortable with 3 and especially since I think a number of the Police Commissioners basically go around in the same circles. It is just a little bit too comfortable I believe and opening it up to more diversity I think would be a great idea. So I would hope that we would consider putting it on the Agenda for the Charter Change because I think the citizens of Nashua should be the ones who are deciding.

Cathy Abel Hi, my name is Cathy Abel, I live at 41 Manchester Street in Nashua. I have been a resident of Nashua for 35 years. I am speaking in support of amending the City Charter to have Nashua Police Commissioners chosen by the Mayor and the Board of Aldermen instead of the current system of the Governor appointing them. Nashua is the only remaining City in the State to have its Police Commissioners appointed by

the Governor. It seems an outdated system to me because the current Police Commission does not reflect the diversity of Nashua. Nashua is the most diverse City in the State of New Hampshire; 73% white; 13% Hispanic; 8% Asian; and 4% Black or African American. There are more women than men in Nashua, 97 men for every 100 women. But all three Nashua Police Commissioners are middle-aged white men which does not reflect the make-up of the community.

Another concern for me is taxes. Police Commissioners have significant power over the Nashua City Budget, indirectly by their ability to appoint Police Officers and set their salaries. When people complain about Nashua taxes they need to ask if part of the problem may be the Police Commission consistently asking for budgets that increase spending at a rate above the cost of living more than other City Departments. The Mission Statement of the Nashua Police Department says that it strives to approve the quality of life in the community and to protect people and property in the partnership with the citizens of Nashua. What better way to act in partnership and to have the elected, local officials; people who Nashuans have elected or chosen serve as Police Commissioners instead of people appointed by the Governor. I like knowing who my local officials are and this is why I support amending the City Charter. Thank you.

Mike Ballentine Thank you Madam Chair. Hello everyone. I am Mike Ballentine, I live at 9 Bartlett Avenue. I support this Resolution, I think local control is almost always preferable for local issues. The Police are as local issues as you can get. If I imagine a person having trouble with the Police I would expect them to be able to resolve that with the Department or the Chief or the Commissioners or then our local officials. But that's not the way it works. The chain of control, the chain of accountability goes from the Commissioners up to Concord. In my experience the local level, Aldermen and Mayor are visible, accessible, transparent, much more than the Counsel and Governor. It makes sense because they are closer to the community, so local is better than State in my mind.

I also like increasing the number of Commissioners to 5. Along with local control and more people involved in the appointment process, I think that will make it easier for the Commission to better reflect our City's population. So I think this should pass and be send to the citizens for a vote. Thank you.

Bernadette Halloran Hi everyone. I live at 2 Clocktower Place in Nashua. I am in favor, well first I want to say thank you Chief Carignan and his predecessor Chief Lavoie. My interactions with the Police Department has all been very positive. I think they do a great job and I feel very safe in Nashua.

(Background Interference)

Alderman Caron

Could you hold on Bernadette?

Alderman O'Brien

I just muted him.

Alderman Caron

We are trying to find out where the background noise is coming from. Thank you. You may start again. Bernadette?

Ms. Halloran Let me gather my thoughts please.

Alderman Caron

OK we thought we lost you.

Ms. Halloran No. I am in favor of more oversight. When a Department is a \$30 million dollar annual budget, I am comfortable with more eyes on the budgeting process. So that change from 3 to 5 makes me more comfortable. I just feel it is time, since Nashua is the only City for a long period of time, to have this specific process that it has now, time to take a look at it, review it and I think it's very important in today's world for local residents to have the opportunity to have their voice heard by a vote. So I would urge the Aldermen to approve having this proposal as a referendum on the ballot. Thank you.

Alderman Caron

Thank you. I am going to ask again, is there anyone out there who wants to give testimony in favor of the Legislation.

Sonia Prince – Yes please, Sonia Prince, 49 Tufts Drive. I am in favor of this, no one brags about the Police Department more than I do and especially our Chief, I love him, I think he's great especially with our training and steps taken before use of force or before they use weapons. But it's time that we step into the 21<sup>st</sup> Century with transparency and oversight. Vetting our officers and training our officers won't change, only sets of eyes watching and added transparency will be added. An example of not being accountable in my opinion and speaking of loyalty and influence is when a current Commissioner who has been appointed is married to a sitting Alderman who votes on their \$30 million dollar budgets, that is a huge political conflict of interest in my opinion.

Another appointee is the Police Athletic Director. So transparency and oversight is important and needs to be unbiased. The people who are against putting this question on the ballot may counter with – Oh but they don't understand what a policeman goes through as we do on other Boards we have professionals come in and make their case and explain it and then we vote so the Commissions do just that. Every single City and Town in New Hampshire has taken back local control. So why would the Department be afraid of a Board of Aldermen nominated two people and the Mayor nominated 3 people than having 15 elected members of the Board of Aldermen interview them, get input from the public then vote on those 5 nominees. With the current system, do you really think our New Hampshire Governor spends a lot of time thinking of who would serve the Nashua Police Commission best especially with all the issues going on. Let the people have input on where their tax dollars go. Lastly as a woman I am appalled to discover that in 126 years only one woman was on the Commission in the 1970's. And she wasn't just any woman she was a judge. So why is that? When women are 50% of the Nashua population a minimum, some of us are tired of seeing Boards of white men which has obviously been done by design in my opinion. At the very least, they should have appointed a women to show respect to the women on the force. Anyone with a daughter, mother or sister should be alarmed. It's time. Please put this question on the ballot so we can join the rest of New Hampshire cities and towns in the 21<sup>st</sup> Century and let the people decide if they want an accurate representation of our population on all Boards around the City.

I'll finish with a quote from Dan Rather, "In my book it is simple, if you work hard to prevent people from voting on this question you pretty much admit your ideas aren't popular and you feel the verdict of the people". So please approve this. Thank you.

David Victory- Hi there, David Victory, 53 Arlington Street, Nashua. I want to echo a lot of what many other speakers have said. I have very positive feelings about our Nashua Police Department but I think it is time to take back local control, I think that's a good thing. Nashua is the only City in the State that has a Commission appointed by the Governor and I am not OK with that. So this should go to the ballot. Thank you.

Sarah Paratore Hi my name is Sarah Paratore, I live at 7 Bartlett (?) Street in Nashua. I agree with all the folks who have spoken before me and the issues that they have raised the existing system. But I would also like to take the opportunity to point out two things. The Chief spoke of transparency and the existing system doesn't give the voters the opportunity to have the conversation with the Governor and the Executive Counselors to discuss suitability of candidates of the Commission, that's only for those individuals. So it's not transparent citizen just to the Governor and the Executive Counsel. And the other point that I would like to make is that I think this is an opportunity, I think we should look at this as an opportunity. The Police Commission if it is

represented of a cross section of the citizens of Nashua, that gives us an opportunity for the Police Department to build stronger relationships with members of those communities across Nashua. If it is only cross section of the public all those other communities that aren't represented don't have the opportunity to strengthen those relationships that exist or built on ones where they don't and I think that's a missed opportunity especially in these times. So I support this. Thank you.

Rep. Michael Pedersen Yes – Michael Pedersen I am a Nashua resident, 11 Delaware Road. I also serve as a State Representative for Nashua, Ward 5. Two points I'd like to bring up is I think the City of Nashua and its residents are fully capable of making wise decisions on their behalf and don't need a decision made at the Governor's office or their local control. And the other thing I'd like to mention this thing having the Governor's Office decide our Police Commissioner would remove politics from the equation but I am certain that any decisions that come out of a Governor's Office includes politics on their end. So the politics will never be removed, it is just a matter of who is deciding it. So thank you for your time.

#### Alderman Caron

Thank you. So I will do one last call for people to speak in favor of this Resolution. OK seeing none, we will now take testimony in opposition. Please raise your hand and we will go across the board. Yes, will you please identify yourself, it says "Julia's iPad", name and address please? You're on mute I think.

#### TESTIMONY IN OPPOSITION

Tim Hefferan 144 Manchester Street in Nashua. Thank you for this opportunity to speak in opposition to this. It is my understanding that Deputy Chief Testaverde has provided you with an editorial I provided to the Telegraph in 2014 outlining some of the instances in which I have been personally involved and the concerns that I have as it relates to the appointment of Police Commissioners. Sometimes we make difficult decisions, after we've made them we lament about wishing we had the benefit of hindsight in making that decision, hoping that it turned out right. You, the Aldermen, have the advantage and the fortunate ability in this instance to have the benefit of that hindsight. When we only look back at the history of the Police Department as it related to the City and local politics of the early 1900's to learn why the Commission structure as it stands today came about and why we don't want to return to the old ages. I know Mayor Donchess through the Police Department when I worked there since the 1990's and I know him to be an honorable man. Similarly I know several of the Board presently sitting and consider you to be of high character and personal integrity. But we are all just passing through in our service to the City. There will be a time in the future, as there has been in the past, when people will be elected to powerful positions whose character and motives will be called into question and I cite an Aldermanic investigation that I participated in back in 1993 that put three sitting Aldermen in Federal Prison as an example of my concerns of local control.

In 2001, I was in North Carolina for our re-accreditation. During that time, the chairperson for CALEA stood among 30 to 50 other agencies from around the country and spoke publicly acknowledging to us in words that are very similar to you having a unique Police Commission structure, one that we have rarely seen. How were we able to implement it and more importantly how were you able to keep it. The Aldermen have authorized the Police Budget over the last 30 years to spend millions of dollars in an effort to retain and maintain the accreditation standard....

#### Alderman O'Brien

30 seconds.

Mr. Hefferan Thank you. Why would we ever want to return and do a 180 degree from the CALEA Board that has publicly recognized and praised specifically this form of Police Commission appointment? And lastly I have heard a lot of talk about Nashua being the last place that has this format. I've also talked to Police Departments and officers over the past that have described in detail that frustrations with allowing local politics to come into play and how it has affected hirings, firings, promotions, investigations and overall morale.

I ask you to consider carefully the decision and the legacy that we will leave on the Nashua Police Department based on how you vote going forward. Thanks for your time.

John Fischer – Thank you very much. My name is John Fischer, I live at 21 Indiana Drive. I know most of you here, I either know you from my 23 years at the Nashua Police Department, from my 25 years at the Nashua Soup Kitchen Board or through my 35 plus years of coaching youth athletics here in the City. I could not be more opposed to this. Most of you that know me also know that after 23 years I have served as a Police Chief in Massachusetts for the last decade. I've had the opportunity to visit a lot of Police Departments. Importantly, Nashua is what everybody else uses as a hallmark. I taught at Roger Williams University for 10 ½ years in Law Enforcement Management, 5 ½ years at Rivier, I've been on loan from BJA currently working on a project right now and almost everyone chooses Nashua as a go by and for very important reasons.

I know that Chief Hefferan has talked about interference outside and I have had the opportunity to work in a few different systems. And I can tell you what that phone calls feels like when you get a phone call from a local appointed official that has power over you for lack of better words, it is a very unsettling feeling and they usually talking about hiring. They are talking about hiring or they are talking about a decision that was made that is already in the courts. I've had the good fortune to live in Nashua for my entire adult life. The safety of my family has been incredibly important. And I think that this decision while well intentioned is short sighted. I think the Nashua Police Department is what it is for very important reasons and one of those is that insulation it has with the Commissioners who are appointed by the Governor. In closing I want to thank you for your time and consideration. And I'm easy to find if you want to give me a ring and talk about other Police Departments that I've been on loan to in the country and why they always harken back to the way things are done in Nashua, I am happy to answer your questions.

Sandy Cleary Hi my name is Sandy Cleary, I live at 17 Adella. I want to give you a little background on myself because I think it is important in understanding what my perspective is. My first career was in aerospace engineering designing guidance systems for ballistic missiles. Upon leaving that, I started my own business, moved it up to the Lakes Region and grew it to \$135 million dollars in annual sales and then sold it in 2017. I then looked around as to where I was going to have my next venture. And I chose Nashua. I then purchased a commercial property in Nashua as well as my own residence in 2017. I became involved in the community and started actively supporting all the local charities or many of the local charities, including committing \$100,000.00 to the Performing Arts Center. This is all to explain to you that I am indeed Team Nashua. I am not a politician, I am a business woman. I've been told that one of my best skills is that I have the ability to cut through the BS to heart of the matter and to identify the core issue and address it head on.

So I asked myself, what reasons have been offered for this change. From what I am hearing is the Police Department is good but could be better and that the Commission needs more diversity. The reality is that you are going from one type of political appointment to another type of political appointment. You can say all you want about qualifications, merit and community service, but ultimately you are still appointments. And I think we have to call this what it really is. This is clearly a power grab under the cloak of diversity and feel good verbiage about the selection process. As a woman who has been the lone woman in a room full of men many, many times in my career I do take certain amount of umbrage at this cloaking-ness as a diversity issue. I do, however, understand power grabs and sometimes they are very necessary. However, there are times when power grabs are also so detrimental that they need to be shut down and shut down very quickly because of the collateral damage that can be done. I fear that if you let this go to the voters, that you will hurt Nashua by having two distinguished, trusted and necessary entities defending themselves and attacking one another only to cause the residents much insecurity and unease in the whole process.

One of the reasons I relocated here is that we have a Police Department...

Alderman O'Brien

30 seconds.

Ms. Cleary ... that is recognized across the State and is head and shoulders above the rest. I have lived in and owned many businesses in various places and Nashua is above all the best Police Department that we've seen. The Mayor has said repeatedly that Nashua is one of the safest cities. Security is very important to me. I came here largely because I feel safe here and I believe in the professionalism and the services offered. As a business owner, property owner and an individual willing to get very involved in the local level of a situation if I have to, I respectfully request that the Board rejects this amendment. Thank you.

Laurie Ortolano Hi, Good Evening. Laurie Ortolano, 41 Berkeley Street. I want to address a couple of issues here. We have heard about the political influence on this change and I think the woman who just spoke nailed it. There's political influence either way. There is politics involved, you can't completely remove that. But I think you do take it a step further back when you leave this appointment at the State level. You know, at the State level the appointment of the 3, nobody has touched upon that they have to come from two different parties and right now we have 1 Republican and 2 Independents on our Police Commission. I haven't heard anyone here speak about how these appointments would be made by the Mayor and the Board, but my observation with this Administration is that we tend to promote and put all Democrats on Committees. And I would like to see, you know, the Committee be representative of the diversity of the voter population in Nashua. And right now your voter population, the heaviest party is your party of Independents.

So I am concerned that we wouldn't see that. I don't support solving problems that don't really exist. And I can tell you that nobody probably right now understands what retaliation is about and like than myself and what I encountered and what I have come up against in trying to address issues in the Nashua Assessing Office. It far exceeded anything I ever thought would happen to me. My property was raised \$150,000.00 above what KRT had placed it at, the Mayor was furious with me and came after me with everything he had. Attorney Bolton told me I had offended him, the Mayor, I offended Attorney Bolton, I offended Alderwoman Wilshire and offense caused a personal vendetta to be established. I would not want the local administration, local leadership to be appointing Commissioners on the Police force for the Police Department because I think it would result it in even greater conflicts and problems for somebody like me who opened the door and found a situation, walked into a real hornet's nest and got caught in a way that I have not yet been able to resolve.

So you know, I will have the opportunity to speak to this again but I am concerned ....

Alderman O'Brien

30 seconds.

Ms. Ortolano that we will find that it will be seats filled with Democrats. The Board of Assessors is three older men, I believe all Democrats; two are cousins. You know, you want to talk about some conflict, you have some conflict there and you know, that's the way it is. And I know somebody like me who is an Independent, there is no place in the City for a seat for a person like me. Thank you.

Laura Colquhoun Laura Colquhoun, I'm in opposition of it. My name is Laura Colquhoun, I am at 30 Greenwood Drive. I am speaking out again tonight against the amendment change for the City Charter relative to the manner of the appointments to the Nashua Board of Police Commissioners. This amendment has been on the books since September 2013 and has worked very well for the City of Nashua. There is an old saying that if it's not broken, don't fix it. Currently there are no politics within this selection. However, if the City of Nashua puts this amendment in the hands on the Mayor, and the President of the Board of Aldermen it will be an utter disaster. The Mayor has already shown that he is hiring only like-minded people from his inner circle to Boards and Committees. Just look at the Boards and the Committees that Nashua currently has and the resident can clearly see this is happening.

If the Mayor wants the City of Nashua to be transparent than leave the current manner of appointments to the Governor. The Police Commissioner should never be picked because the Mayor likes them or are friends with the Mayor. They should not be selected because of their party affiliation or their like-minded viewpoints. It needs to be a qualified person, male or female, with no personal ties to the Mayor and/or the President of the

Board of Aldermen. Board members, please stand up for the Nashua resident and do not let the Mayor make the City of Nashua the Kingdom of Donchess. Thank you.

Eric Wilson Thank you my name is Eric Wilson, 60 Indian Rock Road, Nashua, New Hampshire. One of the WebEx or callers earlier talked that this Nashua Police Commission control came 100 well 200 – 1891 and it was probably an appropriate thing at that time. Fast forward 100 years later in the early 1990's I took the seat of the Ward 4 Alderman because the former Alderman had been, along with two other City Aldermen, been indicted Federally and my memory is all three of them served time in Federal Prison. So as far as local control, the suggestion that local control 100 plus years ago, I mean the Governor control over the Board of the Police Commission was appropriate 100 plus years ago was appropriate then, it is appropriate 100 years later and it is appropriate now.

With respect to local control, some of the arguments coming up about local control, you have local control. All three members of the Police Commission are Nashua residents. There is some suggestion about diversity and the lack of diversity since Judge Flynn sat on the Police Commission in the late '80's into the early '90's and I recall Margaret Flynn. As far as diversity we have had two female Governors that I am counting really quickly in my head and no one brought it to Governor Shaheen or Governor Hassan to appoint or suggest to appoint more diverse members of the Board. So the issue is with the Governor. As far as the budget, the budget is controlled by the Board of Aldermen and the Mayor and that's really what it comes down to the Board of Aldermen, the Police Commission suggests the budget and the Board of Aldermen control it.

Going back into the 1990's when there were some significant issues with the Board of Aldermen and controlling City contracts and budgets that wound up in the indictments, my memory is very clear that certain political pressure was attempted to be placed on the Police Department that the Police Department did not have to and would not succumb to because of their independent authority and their independent ability to investigate and foresee a criminal prosecution against in essence their bosses. In addition to that, given my position, my career position, I have been well aware...

Alderman O'Brien

30 seconds.

Mr. Wilson Thank you, I have been well aware of additional issues related not only to Aldermanic issues involving the Police Department but as well as Mayoral issues involving the Police Department in the years back. The ability for the Nashua Police Department to have a Commission appointed by the Governor and approved by the Governor's Executive Counsel, is perhaps one of the most advantageous things that the City of Nashua and its residents could have and I speak highly against this Resolution and I hope that the Board of Aldermen see everything that's been talked to about tonight and reject it. Thank you.

#### TESTIMONY IN FAVOR

Sumathi C. Madhure Hi. I am giving testimony in favor of the Commission. Should I speak now or wait until all the ones opposing it are done?

Chairman Caron

OK so you are going to speak in favor of changing?

Ms. Madhure Correct.

Chairman Caron

Ok so you have to wait, OK? Thank you. This is the last call for testimony in opposition of this Resolution. OK seeing none, we will call testimony in favor. So Sumathi Madhure you can speak.

Ms. Madhure Hi my name is Samuthi Madhure and I've been a resident of Nashua since 1991. I want to thank the current Police Department for a job phenomenally well done in keeping Nashua safe. I echo several comments that were made before me that there is lack of diversity and there is an element of cronyism in how the current Commissioners are being appointed. I disagree with folks who are saying that if it's not broken don't fix it. We are not trying to fix anything here, we are trying to improve. Local involvement and involvement of the citizens is always better than no involvement of the citizens. It is good to have people who have their eyes and ears out in the community. Also I disagree with the comment that was made earlier that the expansion of this Commission will make it go from one political appointment to another political appointment. As I understand the new proposed Commission will be more extensively vetted and will be nominated by a group of people who are from different political backgrounds hopefully versus as nominated currently by the Governor.

I also take objection to the comment that was made that this is going to make it more political; if anything I think it will make it less political because of the expansion of the Commission. Hopefully we will have more people from different political backgrounds as well. So I do support the expansion of this Commission and I am in support of it being locally appointed versus appointed by the Governor as it stands as of now.

Deepa Mangalat Hi, this is Deepa Mangalat, I wanted to give my testimony in favor. I seem to have trouble with my ... hello?

Chairman Caron

Yes, we didn't see you, please give your name and address and you are going to speak in favor of this?

Ms. Mangalat – Yes I won't take up much time. It is Deepa Mangalat, 18 Wild Rose Drive, Nashua, New Hampshire 03063. I listened to everybody speak, some who spoke just before me. I don't need to say anything more than what she has said. I have been a resident for (inaudible) plus years here in Nashua and for me, the main thing is I think Nashua, the citizens of Nashua should be the ones making the decision on this, that's foremost. Diversity is extremely important. I Chair the City of Nashua's Cultural Connections Committee and for me diversity and inclusion are extremely important. I think very highly of the Nashua Police Department. I know several people, they do attend meetings regularly and this has nothing to do with that. For me the citizens have to decide. So that's important. Thank you.

Chairman Caron

Anyone else in favor that wants to speak that hasn't spoken? OK so we will move on to Testimony in Opposition. We are looking at a phone number. Who is this?

#### TESTIMONY IN OPPOSITION

Tracy Pappas This is Tracy Pappas and I am at 12 Swart Terrace in Nashua.

Chairman Caron

And Tracy are you speaking favor of this Resolution or in Opposition?

Ms. Pappas In Opposition. Can I go ahead.

Chairman Caron

OK. Yes you may.

Ms. Pappas Ok thanks a lot. I would say if this was an issue of local control, we would really leave it up to the residents of Nashua and have them vote someone in. I know prior to myself being on the Board of Public Works, I think there was only one woman on there before. And since then more women have been attracted to go ahead and run for office. So I think having someone appointed by the Mayor and by the

Board of Aldermen really is not an independent Board. And again I am not taking a shot at the current administration. I've worked under two mayors, I just think that generally the Mayor and the Board of Aldermen have a lot more political interest in what the Police Commission does than what the Governor does.

And also the fact that it is a diverse Board as far as there can't be 3 people from the same political party. And perhaps someone should put a bug in the ear of the Governor and say if we want a woman on then perhaps appoint a woman. It sounds like the woman that was the business owner that moved down here in Nashua, she sounds like a go-getter; she sounds like she's be terrific to be on that Board. But anyway, I do think that if we want to give people a choice, we would go ahead and put that on the ballot. But that's not what the choice is.

I think that we need an independent Police Commission and that is what is on there now. It is interesting because I spoke with, I am on the Board of Public Works, we are Commission of 5 and we are kind of a different kind of Board because the Chair is the Mayor. And as I've said, I've served under two different mayors and that kind of gives some political influence, but the fact is we answer to the people and not the Mayor. But if someone is appointed, they are going to answer directly to the Mayor. And really the Governor is not really going to have that much interest in what is happening at our local Police Department. So I think that it should go ahead and stay the way it is. As far as expanding the Board ...

Alderman O'Brien

30 seconds.

Ms. Pappas As far as expanding the Board goes, I know someone who used to serve as my Board of Public Works and he later served on the County Commission that had 3 and he just said how much easier it was to get things gone. I think this is a dangerous power grab and I think that people should not vote for this. Thank you. Bye bye.

Chairman Caron

Is there anyone else who has not spoken that wants to speak in Opposition of this Resolution? Ms. Ortolano, I see your hand up again. Do you have anything to add that you didn't speak prior to this?

Ms. Ortolano 41 Berkeley Street. Yes I would like to know if this Resolution should it or this Charter Change go through. Is the Board going to set it such that the five seats would be made up of different parties; that it would be Democrats, Republicans and Independents. I haven't seen the language where that has been drawn out but I think that would be very important. I am not in favor of doing that at all, I do think that the Boards that I see appointed right now by the Mayor and Aldermen tend to be single party focused and near and dear to the Board of Assessors. I go to the meetings all the time, it's 3 assessors, 3 Democrats. One of them doesn't even live in Nashua or own property in Nashua and two are related to each other so that concerns me. So I don't think that this will be an improvement to what we have going on and I think there are improvements to make in the Police Department, but I don't think going to a 5 member Board that's really appointed by the Mayor and the elected people is really putting the power in the people's hands. If you want to do that, let us vote. Thanks.

Chairman Caron

Thank you. I am just looking at the Resolution. It says here, "appointments based upon qualifications, the merit and/or history of community involvement". It does not say it has to be any particular party, that's what the Resolution states. So I think that would be up to whoever is making these appointments at that time. There will be further discussion on that when the Personnel Committee meets in July. But it was a good question.

Mayor Donchess

May I just make a correct there, Madam Chair?

Chairman Caron

Sure, Mayor.

Mayor Donchess

Currently the 3 member Commission it says, "that no more than two members shall be of the same party". This does, if you look at the end of Section A 101 it includes this sentence, "Not more than 3 Commissioners shall be of the same political party". So it basically uses the same system and requires party diversity as the current 3 member Commission, there is a requirement of that as well. So this keeps that system it just expands it to 5 people.

Chairman Caron

OK thank you Mayor. So I will ask the question again, is there anyone else who wants to speak in Opposition of this Legislation? No? OK, it looks like we are clear. Before I close the public hearing I just want you to know that the Personnel Committee will be meeting on July 6 which is a Tuesday and this piece of Legislation will be brought up at that time, not this evening. So I would like to close the hearing on R-21-143.

Chairman Caron closed the public hearing on R-21-143 at 8:18 p.m.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE JUNE 7, 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, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire	14
Nay:	0

**MOTION CARRIED**

The meeting was declared adjourned at 8:19 p.m.

Attest: Allison Waite, Deputy City Clerk