

A special meeting of the Board of Aldermen was held Thursday, July 1, 2021, at 7:00 p.m. in the aldermanic chamber as well as via Zoom teleconference.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderman Jan Schmidt led in the Pledge to the Flag.

To join by Zoom – please refer to the agenda or the website for the meeting link and telephone number.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please indicate if participating via Zoom state why you are not meeting in person and 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 8 physically present and 2 via Zoom 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 Thomas Lopez (arrived late), Alderman David C. Tencza, Alderman Ernest Jette, Alderman Jan Schmidt, Alderman Brandon Michael Laws (arrived late), Alderman Skip Cleaver, Alderman Linda Harriott-Gathright, Alderman Wilshire.

Alderwoman Shoshanna Kelly, Alderman Benjamin Clemons, and Alderwoman Elizabeth Lu were recorded absent.

Corporation Counsel Steven A. Bolton was also in attendance.

President Wilshire to turn the meeting over to Alderman-at-Large Michael B. O'Brien, Sr., Chair of the Infrastructure Committee.

Chairman O'Brien

Thank you Madam President. We're going to have a public hearing for tonight to which I will call forward people to give testimony in favor and then after we hear the testimony in favor, we go to testimony in opposition. I will then ask, again, for testimony in favor for those that may not have had the opportunity to speak the first time and again, I will call at the conclusion of that testimony in opposition. I'm going to tell our guests when you do come up to the microphone to give your testimony, please state your name and your address for the record and that way the Clerk can record your statements.

Right now before us this evening is a Petition for the Street Layout at 44 Buckmeadow Road. The main petitioner is Alderman Dowd and Alderman Dowd can you give us a brief on your Petition please.

Alderman Dowd

Yes. This is the piece of property that ties in the larger property we bought for the access road to the new school to the actual school property. We're following a parallel path. Actually we're having fairly good negotiations with the owners at the current time but in a parallel path due to the urgency of the school being built, we're also following a path of possible taking if necessary. When you do that, you have to have a reason for taking that land. This establishes the fact that we are building an access road to the school. I think I've covered that all.

Chairman O'Brien

Thank you Alderman Dowd.

At this time, I'll call testimony in favor. Anybody from the public would like to give their testimony in favor, please step up to the microphone. Anybody that is on Zoom? Not seeing anybody. I will now close the testimony in favor and open the testimony in opposition.

PUBLIC HEARING

PETITION FOR STREET LAYOUT – 44 BUCKMEADOW ROAD

TESTIMONY IN FAVOR - None

Chairman O'Brien

Is there anybody present in the chamber that would like to give testimony in opposition?

TESTIMONY IN OPPOSITION

Laura Colquhoun

Laura Colquhoun.

Chairman O'Brien

Okay Ms. Colquhoun are you speaking in favor or in opposition?

Laura Colquhoun

Opposition.

Chairman O'Brien

Opposition, okay. Ms. Colquhoun can you give your address and your name please. Also keep in mind to all people who are speaking there will be a 3 minute time limit. Okay Ms. Colquhoun you may go.

Laura Colquhoun

My name is Laura Colquhoun. I live at 30 Greenwood Drive. I am against this petition for the street outlay on 44 Buckmeadow Road. Both the Mayor and this Board just keep pushing things down the throats of the Nashua residents and the residents have had enough. There is no mention of a price for the city will be paying for this section. Maybe the property owner will be giving the land free. It is a great deal for him because he gets a road right through his property and the tab will be picked up by the Nashua taxpayers. Not a bad deal because he's only paying \$83.79 the year end property taxes for his 13.18 acres of land. Taxpayers even got stuck with the \$4,000 appraisal bill for this land. It seems like a no win situation for the Nashua taxpayer.

Problem I have is that the Mayor and the Board have pushed the \$118 million new school down our throats. The other land purchase of \$370,000 and now this piece of land. There's still no mention of how much this road is going to cost the taxpayers. The residents are not stupid and after all this, the residents and the taxpayers will have to pay for furniture and fixtures of this school. How many millions of dollars will that be? Our Mayor has not mentioned that portion of the bill yet because he has to come up with a way he can blame the State. Our Mayor keeps blaming the State, however, it is his overspending and is (inaudible) the Nashua taxpayer.

Alderman Dowd has signed this as a petitioner, however, he should be noted that on several occasions Alderman Dowd has shown that he has little regard for the Nashua taxpayer. Does anybody know what the actual student attendance will be next year? We had approximately 900 students that went out of public schools. Has anybody asked what the actual count is currently coming back to our schools? The Nashua

Mayor keeps telling the residents that our tax problem is the State. However, Nashua taxpayers' problem is our Mayor and the Board of Aldermen spending. Thank you.

Alderman O'Brien

Thank you. I will now call any further testimony if anybody would like to come forward in opposition.

Laurie Ortolano

Laurie Ortolano.

Chairman O'Brien

Ms. Ortolano. Okay please state your name for the record and just to remind you, you do have a 3 minute window. Okay?

Laurie Ortolano

Yes. Laurie Ortolano, 41 Berkeley Street. I don't know if at this hearing do you answer questions or is it not allowed?

Chairman O'Brien

It's the tradition of the Board just to listen to your testimony.

Laurie Ortolano

Okay. So I guess I don't know where I fall out on this because I would have the question because I don't recall any school bond was voted on whether this was always included as part of the project. So if this road had always been put in as part of the project although it wouldn't have been in the bond because it's separate but if it was identified, it would be helpful for me to know that and it's not something that's being secondarily added to the budget.

Also, I want to make you aware of the person doing the appraisal I believe is a gentleman named Vern Gardner who is the person responsible for the appraisal with the Board of Tax and Land Appeal on my property. I'm filing a formal complaint with the Office of License and Certification against this individual. I saw the appraisal he did on another parcel of parcel for Sarah Marchant over at the school – the last one that was bought. I e-mailed her and said I thought that appraisal was really poorly done because the parcels of land he used as a comp. to identify comparables they were parcels in Hollis and it actually didn't call out a land marking or ID that you could look up and actually see how the appraisal was built. I am in in favor of the city contracting any work to him and the Legal office also gave him two Teradyne pieces of property to work the appraisals on. So if you're working with him to do an estimate for eminent domain, or taking of the property, or coming up with an estimate, I want to see that appraisal and I wonder if you've seen that appraisal yet. I'm not in favor of using people who I think are corrupt, who I think should not be certified. I think the city and the Legal office should be able to do a better job of picking appraisals that have a better reputation. Thank you.

Chairman O'Brien

Thank you. Okay I will call again any present or on Zoom who would like the opportunity to offer testimony in opposition. Thank you Sir. Please state your name for the record and just a reminder you do have 3 minutes.

Morgan Hollis

Yes good evening. Thank you very much. My name is Morgan Hollis. I'm an attorney at 39 East Pearl Street in Nashua with the law firm of Gottesman and Hollis. I'm representing Michael and Paul Gagnon in the hearing this evening. The Gagnon's own Lot C25 on tax maps which has been described as an hourglass shaped lot and the proposed layout of the road goes right through the very center of their property in effect dividing the single parcel into two parcels. The appraisal that's been referenced has been received as well as notice from the city of an offer. We have been in negotiations with the city and we're probably a good ways down the path. There's disagreement about what would happen if this road is laid out. The reason I raise that is the most important part for all of you is that our engineer has indicated that the road as preliminary laid out doesn't meet any of the city requirements. So there's a ways to go to see if a road can actually be designed there that meets the requirements. There are issues with steepness of the road meeting the city requirements. There's curvature of the road and there's site distance.

If, for example, the road has to be redesigned and cannot be met to meet city standards and for some reason becomes a private way, then this whole layout is completely incorrect and the appraisal that it's based upon is incorrect. If another design has to be made and as a result of the particular width of the area of the roadway, either lot is left with inadequate frontage to provide adequate access to the two separated parcels, then each of those parcels will have significant, adverse impact on their values. The appraisal while it is stated in one scenario, the taking would have zero impact. In the other scenario, it has a very significant impact of well over \$200,000. We believe the appraisal is incorrect in that it uses as a comparable Hollis property which has a 2 acre minimum of development and of course you know in Nashua it is a much smaller lot area required for minimum development. Even the appraisal says you can probably get 10 acres on the south east portion and the northwest portion which may end up being taken in its entirety or rendered valueless by the layout of the road is bigger. Although they give it less value...

Chairman O'Brien

30 seconds.

Morgan Hollis

So I'm here this evening to speak out against that I think the layout is premature. I understand you have a process to go through but I think it's important for the aldermen to understand there is no design of this road yet and yet you're moving forward with a layout of it. The layout of that determines what happens. So I'm happy to answer any questions or if the Chair wants to extend the time, I'll be happy to discuss it more. It's a pretty significant issue for my clients. There's 27 acres of land. Thank you.

Chairman O'Brien

Thank you Sir. Okay, I'm again – we don't traditionally have a question and answer period. So we're back to testimony in opposition. Is anybody present that would like to speak in opposition?

Laurie Ortolano

Alderman O'Brien, this is Laurie Ortolano.

Chairman O'Brien

Yes but you already spoke, correct?

Laurie Ortolano

I did. There's a second round, correct?

Chairman O'Brien

There is a second round, yes.

Laurie Ortolano

Okay thank you.

Chairman O'Brien

You're welcome. Okay anybody else in testimony in opposition? Seeing none, I will close the testimony in opposition.

I also would like to welcome members of our aldermanic board who just came in – Alderman Lopez and Alderman Laws. Am I correct with the Clerk those are the two that came in?

Sue Lovering, City Clerk

Yes.

Chairman O'Brien

Welcome. Since we closed the testimony in opposition, I will now open up testimony in favor again. Anybody would like to come forward and offer testimony in favor? Seeing none. I don't see anybody on Zoom. So therefore, we'll close the testimony in favor and I will conclude that.

TESTIMONY IN FAVOR - None

Chairman O'Brien

I will open up testimony in opposition. Does anybody would like to come forward and speak in opposition?

TESTIMONY IN OPPOSITION

Laurie Ortolano

Laurie Ortolano.

Chairman O'Brien

Okay Ms. Ortolano you do know the same rules apply. State your name in the three minutes. Thank you. All right you may go.

Laurie Ortolano

Okay. Laurie Ortolano, 41 Berkeley Street. I think you're putting the cart before the horse on this one. You know I really think you need to get your appraisal hammered out a lot better and it concerns me, you know, Ms. Colquhoun put in a Right-to-Know to get a copy of that appraisal to review it and of course it didn't come to her because you used the five-day waiting period. I really think somebody should have had that appraisal in her hand immediately. That day somebody could have sent it so she could look at it because obviously you have it. I would have liked to have seen it too. I'm concerned with this gentleman you're using to do the appraisal. I don't trust his work and we're paying him \$4,000 for it. He used Hollis parcels of property on the last appraisal he did over there at the school that were not well identified or trackable and did not seem to be good comparables. I'm now peaked. My interest is peaked after listening to Attorney Hollis to see if he used the same parcels to go and produce an appraisal for this piece of land.

You know the property owner deserves a fair process and I'm not in favor of just taking the land by any means. If you don't have a viable layout and you don't have a good appraisal, you should put the brakes on this and get your homework done first before you come forward and ask for approval. Thank you.

Chairman O'Brien

Thank you Ms. Ortolano. Anybody else?

Laura Colquhoun

Laura Colquhoun.

Chairman O'Brien

Okay Ms. Colquhoun. You do know same rules apply. State your name for the record and the 3 minute time limit. You may begin.

Laura Colquhoun

Laura Colquhoun, 30 Greenwood Drive. I'm a little bit shocked by what the Attorney has said because I'm looking at the property card and current via what they say, the appraisal value on the square footage which we're taking 7,512 square feet which the value on the property card at the appraisal figure is the \$5,970. However, we are currently assessing this property because it's under current use for \$83.79 a year. So I would like to make sure that before we did anything like this that we would have all the facts and figures so that we know what we really should be paying for this property because obviously right now the taxpayers are getting screwed because we're not getting any money in property taxes on it. So I would like to get the numbers before we go ahead with this kind of a deal. Thank you.

Chairman O'Brien

Thank you Ms. Colquhoun. Okay anybody else with any testimony in opposition? Same rules apply. Your name for the record and 3 minutes please.

Morgan Hollis

Thank you again Mr. Chairman and members of the Board. I'm just going to be brief. I think I've covered my points. My point in being here this evening for my clients is really just to point out a) we are in negotiations with the city although it didn't start as long ago as they may have liked but we are reaching the point but there are very important issues and before the city walks down the line of laying out a roadway and doing a land taking, I just want to call out these very important issues that can this road even be built? If it is, what is the layout and what is the impact? As we stand here today we don't know. You're asking for a Petition to layout a road that you don't know where it's going to be. I think it is premature. I think we'll probably get there if a road can be laid out but there are a lot of steps along the way.

The second point was just simply to raise the issue that when and if there is an agreement that a road can be built and you need to take this property and lay out a road, there will be a discussion about values. What you may have been lead to believe is that there is no impact on this property if there's a public way put in there is false. There is an impact on the property. There will be a cost and if it's not a right-of-way, it will be a significant cost and we disagree with the values that have been raised in the appraisal by a significant margin. So I just want the Board to realize that. You're going to go on your track but it's got to be on the public record as we proceed forward of a concern of my client. Thank you.

Chairman O'Brien

Thank you Sir. Okay, again, I will call for any further testimony in opposition. Seeing none, I will close the testimony in opposition.

Chairman O'Brien closed the public hearing on the Petition for Street Layout – 44 Buckmeadow Road at 7:21 p.m.

Alderman Dowd do you have correspondence that you would like to submit without objection at this late when the agenda was already filed?

Alderman Dowd

Yes. There was a correspondence that was received after the agenda was prepared. It's from Attorney Celia Leonard in the Corporation Counsel's office. I'd like to move to accept and place on file.

MOTION BY ALDERMAN DOWD TO ACCEPT THE CORRESPONDENCE FROM ASSISTANT CORPORATION COUNSEL CELIA LEONARD AND PLACE IT ON FILE

ON THE QUESTION

Alderman Dowd

Just for point of record if we have aldermen on Zoom do we have to do it by roll call? Sorry.

Steve Bolton, Corporation Counsel

Yes.

Chairman O'Brien

Then could the Clerk please call the roll please?

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Dowd, Alderman Caron, Alderman Lopez, Alderman Tencza, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire	11
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Nay:	0
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MOTION CARRIED

Chairman O'Brien

At this particular time, we're open for further amendments. Is there a second amendment to that Alderman Dowd?

Alderman Dowd

No there is a motion and I'd like to speak to it.

Alderman Jette

Mr. Chairman point of order. So my understanding is that this is a public hearing. That's what was noticed and it sounds like we're going into a meeting and I'm wondering if through you to Corporation Counsel...

Chairman O'Brien

As Chair I disagree because this item that we're discussing is germane to the 44 Buckmeadow and its advice from our own Corporation Counsel on the particular matter that we should take under consideration. So I feel that it is germane and it is related to the hearing. Unfortunately it came late. These things sometimes do happen. I would have liked to have seen it earlier but it is important so I do would like to – before we move on to the next part, we're going to discuss this again at the full Board. This will be on record so it can be discussed again at that particular time.

Alderman Jette

So I understand that we've received correspondence and we've accepted it and placed it on file. Now it sounds like somebody is going to make a motion and I'm just wondering if I could to ask Corporate Counsel are we okay with this? Shouldn't this be noticed? Shouldn't there be an agenda item? We're moving from the public hearing into a meeting of I don't know what – the Infrastructure Committee? Or the full Board? I'm not sure what we're doing. I understand it was referred to the Committee on Infrastructure but we seem to be...

Chairman O'Brien

Okay I think we'll allow your questions. I do have an answer to that but we'll let Corporate Counsel answer that.

Alderman Jette

Thank you.

Steve Bolton, Corporation Counsel

You're at a properly noticed Special Board of Aldermen meeting. Any matter can properly be brought up. There's no requirement in State law that the agenda – in fact, there's no requirement in State law that there be an agenda but there's certainly not any requirement in State law that the agenda has to cover in detail all matters that can be brought up. It was clear that there was going to be a public hearing on the Petition for Street Layout. It's not beyond comprehension that the next matter taken up would be the Petition for Street Layout. So if that's what is proposed to be done, I see no infirmity there.

Alderman Jette

Thank you.

Chairman O'Brien

Thank you Alderman Jette. Fine. Thank you Sir. Alderman Dowd you are recognized for your motion.

MOTION BY ALDERMAN DOWD MOVED AFTER CONSIDERING THE PUBLIC NEED FOR A NEW ROAD TO A NEW SCHOOL, THE COST OF THE ROAD AND THE IMPACT ON THE OWNERS OF THE LAND OVER WHICH THE NEW ROAD IS PROPOSED TO BE BUILT, THAT THERE IS A PUBLIC INTEREST AND AN OCCASION WHICH REQUIRE THE CITY LAY OUT A NEW HIGHWAY AS PRESENTED IN THE PETITION

ON THE QUESTIONAlderman Dowd

The intent of this whole Petition is to verify the need for the road. It has nothing to do with the taking. We're not forming the taking by this. It's just part of the process as has been worked out by Attorney Leonard who is Deputy Corporation Counsel. Attorney Leonard is negotiating with Attorney Hollis on the preferred method of negotiating with them on the purchase of the property. This is just in case – we have to verify that the reason we need this property is because it's a road to the new school. We acquired the other piece of property and obviously it connects to the school property and we have to go through this piece. So we are working with the owners of the property to negotiate. It's our intent to try and meet all the requirements that they're asking for. I believe that Attorney Leonard is making sure that happens.

We're not approving the design of the road at this point. The preliminary design of the road was laid out to just give an idea of where the road is going to go. We have not only the engineers from Harriman and the construction company of Harvey that will do the final design of the road, but also Dan Hudson and Wayne Husband that are working on this. It will be a public street. It is not going to be a private drive or anything else. It's going to be a public street and it's going to meet all the requirements of a City of Nashua street including any grading, or grades, or sidewalks and everything. It will meet all the requirements of a city street. The original layout that was given for the access to the two parts of the property was just a preliminary to show where they could go. That is not final by any means. We have a meeting tomorrow with all the engineers and we're going to be discussing there were questions were presented by Attorney Hollis and it's not our intent to arbitrarily take this. We're going to try and negotiate and purchase this. It's just that because of the timing constraints on building the new school and in that case not causing the city or the taxpayers any additional funds because time is money as we all know. We are doing the parallel path but it's our intent and it's our desire to work with the owners to meet all the requirements and make sure that they're happy and that we all come to an agreement and have a purchase and sale and this is just a minor part of the thing that we're saying.

All we're saying by this motion is that there is a need for the road to the new school. That's it. We're not approving the design of the road because trust me it's not done yet. This is a preliminary layout. All we're doing is saying there is a need for a road and we have a new school we're building and we have to have a road to it that is in accordance with all of the requirements that we've already set forth with the Fire Department, Police Department, the Board of Public Works, and several other departments in the city it seems. So if you have any questions, I'd be willing to answer them.

Chairman O'Brien

The pending motion has been made and open for further discussion.

Alderman Klee

Thank you Mr. Chairman. If I may to Alderman Dowd. If I understood you correctly, this is just I want to call it a "paper chase". This is just to get on the record that we need this road so that if negotiations did not go as all parties hope then we could move forward to what other actions need to be taken. Is that correct?

Alderman Dowd

If in a worst case scenario we had to go forth with the taking, the courts would want to know is there a need for taking the land. The road is a need. All we're doing here is addressing that yes there is a need to have the road to go to school.

Alderman Klee

So, again, I'm just saying is that this is just to put it into the public record that there is a need for it. This is not an intent that we're going in this direction just that we have to put a need in. So I refer to it as a paper chase just...

Alderman Dowd

I would prefer method to negotiate with the owners and meet and satisfy all the requirements. I would also state that the funding for this and the other piece of property we bought were always in the bond. There is no additional funds being spent on the acquisition of this land.

Chairman O'Brien

I'll open it up for further discussion.

Alderman Jette

Thank you Mr. Chairman. So I'll be completely honest with you. I thought this was just a formality. I thought that everything had already been decided. I'm surprised to hear that the owners through their attorney expressing opposition to this. So I'm not sure I fully understand and perhaps, again, Attorney Bolton could help me understand. When we lay out a road, I thought that we described by metes and bounds the property that was where the road was going to be. I don't know if this description – I didn't really look at it carefully. I didn't know that there was going to be any controversy. Does this description describe the property on which the road is going to be located or does it describe where the road is going to be?

Alderman Dowd

Do you want me to answer that or do you want Corporation Counsel to answer that?

Alderman Jette

I guess first I'd like to ask Corporation Counsel when we lay out a road don't we have to describe where the road is going to be?

Steve Bolton, Corporation Counsel

You don't have to have the actual final construction design. You have to generally provide that it's going from point A to point B. You may well want to describe and in an appropriate case that it's going to go from point A to point B and avoid point C on the way or make sure you come within so much distance of point D but you don't have to be exacting in detail of exactly where it will be and to a final construction standard. I think the best example of this that probably people can remember is when the Broad Street Parkway and associated bridge was laid out, the original layout talked about a four-lane way. Prior to it getting built, those actual specifications were changed and it's two lanes as originally constructed. There was no amended layout. There was no doing the layout over. It was adequate the way it was. So the answer is no. You don't have to have it by actual metes and bounds and it's our opinion that for the purpose of this Petition, the description is adequate.

Alderman Dowd

If I may add to that. The metes and bounds that you have in there if it ever went to a taking, you would have to only be able to take the land you need. So when the road was given a preliminary design look by Harriman and the city, the City Engineer and Wayne that we could only take the land that we absolutely needed. The metes and bounds are that not just the road. It has slopes, and has easements for, utilities

that they may want to bring down some day. You probably haven't had the question answered but we are allowing an easement over a school property to bring the utilities to the edge of the school property. I think that was one of your questions.

The questions that have been asked by the owners through Attorney Hollis are the same questions and concerns that we have being a school road, site lines, and grading. I mean we're going to have school buses going up and down there. Of course we want to make sure that it's safe. We also didn't want to do the final design because the final design gets very expensive when you're doing final design drawings. They have not been done yet. We just did that initial layout for a number of requirements we had to do for the State and the city. When the final design is done, there will be no site line issues. There will be no issues with the access roads that we're talking about and there will be no grading issues. All of that will be taken into account.

Again this motion all that it's doing is putting in record that there is a need for this road. We still have to negotiate with the owners. We still have to do a final design. It will probably come before the Board again on the final design on the road and we will want to meet all of the requirements that the current owners have to provide the least impact to both of their properties.

Alderman Jette

So why aren't we pursuing the negotiations and seeing whether it can be done by agreement with the owner first and then if that fails, then talking about a taking by eminent domain. Am I confusing things?

Alderman Dowd

If absolutely necessary but we have to do a parallel path because of the criticality of the schedule for the new school. We are talking about a new school that's going to be replacing Elm Street. It's not going to have anywhere near the number of students Elm Street has. It will have approximately 800 students. We have done an analysis to balance the three middle schools. All approximately the same student enrollment. Again, this motion is only to identify that we've purchased a major piece of property off Buckmeadow. We already own the piece of property that the school is on and this is to say that we need that connection piece to be able to have the road run to the school. I think it's as simple as that and the requirement for this was put forth by Attorney Leonard as part of the process. So it wasn't put forth by me I mean it's part of the legal team's approach.

Chairman O'Brien

All set Alderman Jette? Thank you.

Alderman Klee

Thank you again Mr. Chairman. I'm glad that Alderman Jette brought up the comment about the description of the land and so on. Is that what's not in our packet here?

Alderman Dowd

Yes.

Alderman Klee

So this Petition for Street Layout where it says South 10°, 49, etc., etc., this is exact...

Alderman Dowd

That's not the street.

Alderman Klee

This is the property so there's nowhere in this petition here that talks about where the street is?

Alderman Dowd

The street has not been finally designed but the preliminary design has been reviewed by the city as to meeting all the requirements of a city street. It's not going to be a school-owned property. It will be city owned property all the way up to the edge of the school property.

Alderman Klee

Okay thank you.

Chairman O'Brien

Thank you. All set Alderman Klee?

Alderman Klee

Yes thank you.

Alderman Lopez

It's my understanding it seems pretty evident that what we're trying to do here is confirm that there is a need. It seems logical. You don't really want to have a road on either side with nothing in the middle. So I think that's pretty clear. I think it's understandable that attorneys representing the property owners that we're negotiating with would be likely to define all of their concerns for the record as they stated they were doing so it's in public record as part of the negotiations. I think it's understandable that our own Legal Department would like to make sure that it has all of the tools necessary to negotiate. So I intent to support this.

Chairman O'Brien

Thank you Alderman Lopez. Any other comments on the discussion on the motion? Seeing none. I'll ask a favor of Alderman Dowd can you just reread the pending motion to remind us all.

MOTION BY ALDERMAN DOWD MOVED AFTER CONSIDERING THE PUBLIC NEED FOR A NEW ROAD TO A NEW SCHOOL, THE COST OF THE ROAD AND THE IMPACT ON THE OWNERS OF THE LAND OVER WHICH THE NEW ROAD IS PROPOSED TO BE BUILT, THAT THERE IS A PUBLIC INTEREST AND AN OCCASION WHICH REQUIRE THE CITY LAY OUT A NEW HIGHWAY AS PRESENTED IN THE PETITION, BY ROLL CALL

ON THE QUESTIONAlderman Jette

So the motion says that we've considered the cost. It's been pointed out by people in opposition that we really don't know the cost. What is your answer to that?

Alderman Dowd

This is like any other land the city is buying. We are in active negotiations so much of the information including the price would be non-public. Attorney Bolton?

Steve Bolton, Corporation Counsel

I would say you could say at this point in time confidential information of a commercial nature.

Alderman Dowd

But a bill will be released obviously because when we come to agreement with the owners, there will be a Purchase and Sale Agreement and that will have to come back to the Board.

Alderman Jette

If I could follow up. I just feel uncomfortable when I read that the motion says that we've considered the cost but we don't – at least I don't know what the cost is and I'm not asking you to tell me if it's confidential. I'm wondering if we shouldn't wait on this. Is there a problem with postponing this?

Alderman Dowd

There is a problem. There is a timeline that Attorney Leonard is following and delaying this would significantly impact the school if we don't come to an agreement with the owners. I'm pretty sure we're going to come to an agreement with the owners. I think we're trying to meet all of their requirements. They've already given us their requirements and we're answering them. We'll probably have a final answer tomorrow after the engineers all put their heads together. I don't see there's a problem. Again this is just saying that we have a need for the street. The cost is not part of it. Yes there is a cost and obviously if we buy the land, even if we take the land, there is a cost. It's not like we get it for free and that cost would be identified when we get to that point in the procedure.

Alderman Jette

Thank you.

Chairman O'Brien

All set Alderman Jette?

Alderman Jette

Yes.

Chairman O'Brien

Okay. I think we're still in the voting mode so therefore would the Clerk please call the roll.

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Dowd, Alderman Caron, Alderman Lopez, Alderman Tencza, Alderman Schmidt, Alderman Cleaver Alderman Harriott-Gathright, Alderman Wilshire	10
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Nay: Alderman Jette	1
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MOTION CARRIED

Chairman O'Brien

Before I ask Alderman Lopez for a motion to adjourn, I would like to remind the public immediately after this meeting, correct Madam President, we'll be going into the full Board of Aldermen meeting. So with that being said, Alderman Lopez do I have motion?

ADJOURNMENT

MOTION BY ALDERMAN LOPEZ THAT THE JULY 1, 2021, SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED, BY ROLL CALL

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Dowd, Alderman Caron,
Alderman Lopez, Alderman Tencza, Alderman Jette, Alderman Schmidt,
Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire 11

Nay: 0

MOTION CARRIED

The meeting was declared adjourned at 7:46 p.m.

Attest: Susan Lovering, City Clerk

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MEMORANDUM

TO: Board of Aldermen

FROM: Celia K. Leonard, Esq.

DATE: July 1, 2021

RE: Petition for Street Layout – 44 Buckmeadow Road
Public Hearing suggested motion

This evening, the Board of Aldermen is scheduled to conduct a public hearing on the Petition for Street Layout on a portion of the land at 44 Buckmeadow Road which was introduced at the Board's May 11, 2021 meeting. The hearing is for the Board to view the plans for the road and "hear all parties interested who may attend and any evidence they may offer" regarding the proposed road.

Under NH law, for a road to be laid out, the Board must find there is an "occasion" to do so.

Accordingly, at the conclusion of the hearing, after considering the plan(s) and any other relevant comments and information received at the hearing, the Board may wish to vote on whether there is an occasion to layout the proposed segment of highway as petitioned.

A suggested motion follows:

"I move, after considering the public need for a new road to a new school, the cost of the road and the impact on the owners' of the land over which the new road is proposed to be built, that there is a public interest and an occasion which require that the City lay out the new highway as presented in the Petition."