

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

JULY 6, 2021

A meeting of the Personnel/Administrative Affairs Committee was held Tuesday, July 6, 2021, at 7:35 p.m. in the Aldermanic Chamber as well as via Zoom teleconference.

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

Chairman Caron

So evidently, we had someone who couldn't get on Zoom so I am going to give the numbers and passcodes if you would give us a minute. So to join by phone you want to dial 1-929-205-6099. The meeting is 820 7728 7504 and the passcode is 5511797. And if you can't access, we will give you the phone number to Channel 16 which is 603 589 3329 and someone should be able to help you. OK? Thank you. I will ask the Clerk to do roll call?

The roll call was taken with 5 members of the Personnel/Administrative Affairs Committee present:

Chairman June M. Caron presided.

Members of the Committee present: Alderman June M. Caron  
Alderman-at-Large Ben Clemons, Vice Chair  
Alderman Thomas Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Skip Cleaver

Also in Attendance: Mayor Jim Donchess  
Steve Bolton, Corporation Counsel  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Lori Wilshire  
Alderman Richard A. Dowd  
Alderwoman Elizabeth Lu  
Alderman Ernest Jette  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Brandon Michael Laws

ROLL CALL

Alderman Clemons

I am here participating via Zoom, I could not make the meeting this evening. I will say I can hear everyone, although Madam Clerk, I am having a little bit of trouble hearing you?

Alderwoman Shoshanna Kelly

Is that better?

Alderman Clemons

Yes.

Alderman Lopez

I'm here and I am in the Chamber.

Alderwoman Kelly

Alderwoman Kelly is here in the Chamber.

Chairman Caron

I am here in the Chamber.

Alderman Cleaver

I am here via Zoom and because of mobility issues, I have my daughter here in an adjacent room. I can hear everyone.

Alderwoman Kelly

We have 5 members present; 2 by Zoom.

Chairman Caron

OK thank you. Also in attendance is Alderman O'Brien, Alderman Wilshire, Alderman Dowd, Alderman Lu, Alderman Jette, Alderman Schmidt, Alderwoman Harriott-Gathright and I think on Zoom is Alderman Laws. And also Mayor Donchess is in the Chamber. OK. So, we will ask for Public Comment, we just want to remind that you have to give your name and address. We have limited you to 3 minutes. And try to stick to the items that are on the Agenda so that we have an idea of what you're talking about. We will start with those people who are in the Chamber first and then we will go to Zoom and then we will go back if there is any need to. So if you are looking to speak, please come to podium and do all those good things. Thank you.

PUBLIC COMMENT

Mike Soucy Good evening, I am Hillsboro County Commissioner Mike Soucy. I am a resident of Nashua, 3 Roseann Circle. I am not here to speak to you under the title of County Commissioner, I promise I am coming to the Full Board to talk about our Budget which affects your Budget. But I do want to talk to you from the perspective of being a past fire commissioner, a past Aldermen and a retired Nashua Police Officer. First and foremost, I want to thank the Board of Aldermen for putting that \$6 hundred and sixty million dollars back into public safety. We know what that would have done, it would have resulted in the loss of possibly 4 police officers, maybe 12 firefighters so thank you. I support public safety, firefighting, police 110%.

So saying that I did see a video of Mayor Donchess recently where he talked about we have a very good Police Department but we could have a better one. Well Mr. Mayor, taking \$660,000.00 out of the public safety budget is not a good start for having a better police department. Losing 4 officers, in my opinion, is defunding or the new buzz word, a reimagined police department. I don't support that. I am only hearing really 3 excuses on why we want to do this. And one of them is local control, local control, local control. We have got to have local control. You do have local control. You have 3 commissioners all from the City of Nashua, ok? Maybe they are not appointed by the Board of Aldermen or the Mayor but that's a good thing because they are now one step removed. We know in the past there are a lot of investigations, a lot of investigations and not having the Mayor or the Board of Aldermen being able to impede an investigation is a good thing, you can remove yourself from that.

I don't think they are looking for local control, you have that. I think it is political control. And when we have seen political control when our cities were burning, what happened in Seattle, Portland, Minneapolis; we don't want to have that. There has always been an unwritten rule where the police

don't get involved in politics and nor should the politicians be involved in them. You'll see firefighters, you'll see teachers out there with the signs on Election Day and I don't begrudge them for doing that, great, they are doing what is best for their union and their department. But you'll never see police officers out there holding signs. They don't get involved in politics, they just don't. And nor should the politicians be getting involved in their investigations or whatever needs to be done.

Alderwoman Kelly

30 seconds.

Mr. Soucy I worked for UMass Lowell later on. And please give me a one minute warning.

Alderwoman Kelly

30 second warning.

Mr. Soucy I worked for UMass and that was very political because somebody's brother or son needed to get hired. Last thing we are looking at ... oh the budget. You are saying that the budgets are coming in too high. So what? When budgets come too high when I am County Commissioner I send them back. You set the parameters as all the people, you set the parameters. We set it at CPI, Consumer Price Index. If they came in too high we sent it back and then we went and cut. We weren't afraid to do our job. So do your job. If the budget is too high, make your cuts, you'll get what the money says. If you cut too hard, you are going to lose officers or lose something. But you have the ultimate authority so that's not a valid argument. So guess I'll end there.

Chairman Caron

Mr. Soucy you are past your 3 minutes.

Mr. Soucy Thank you so much.

Chairman Caron

You're welcome. Thank you. Next.

Ken Siegel Hello members, my name is Ken Siegel, I used to be the Ward 9 Alderman. I am at 224 Parker Street in Lowell. I am speaking in 1,000% in objection to the proposal to change the Police Commission. I have a question that I don't expect the Mayor to answer to me, this is just public comment, but it is a question perhaps the Aldermen themselves can ask. Would the Mayor have voted for this Legislation had it been introduced during the Lozeau Administration when I served with now Mayor Donchess and he was an Alderman-at-Large. I will tell you that I can't speak for Jim, but the Jim I knew would absolutely not have supported that especially given what we experienced directly in dealing with a Mayor that was actively hostile to the Police Department to the point where the Mayor was not putting in finance legislation for police department purchases, basically pocket vetoing them and you can actually see a meeting where we pulled it off the table and you could feel the radiating hatred because I was the clerk right next to her.

So I would suggest that if the Mayor would not have voted for it then, and I don't believe he would have, why is it OK now. It's just a thought. As many of the members of the Board of Aldermen know who are more senior and certainly members of the Nashua Community, 3 members of the Board of Aldermen went to jail for corruption including the ringmaster Phil Grandmaison who was Board President while the investigation was going on. So imagine a situation where he had some influence over the police commission. And let me quote, Kim Hefferin is here right now he was incredibly pressured at the time. This is from the August 11, 1995 article by the Telegraph which I have sent to Alderman Caron and

hopefully somebody can make a motion to include it even though it was received after the Agenda was prepared. So I won't read the entire article obviously but here is his quote, he, Grandmaison flat out wasn't able to act on it. They tried to call us off. The detectives refused to identify called Grandmaison then President of the board Hefferin said, the Aldermen urged Grandmaison to take action to quash the investigation he said. He flat out wasn't able to act on it Hefferin said. There was an effort by some Aldermen but it stalled.

Alderwoman Kelly

30 seconds.

Mr. Siegel Hefferan Hayes credit the City's structure of government with an independent police commission overseeing the department for allowing their investigation to continue. This is a tremendous example of why autonomy is so important Hefferin said. This could not have been done had we had to answer to the same people we are investigating.

Chairman Caron

You have 10 seconds.

Mr. Siegel 10 seconds left? Wow that was quick. OK.

Alderwoman Kelly

It goes fast.

Mr. Siegel Then I will conclude my remarks. I think I have said the main points that I would like to get across. Thank you.

Chairman Caron

You're welcome. Thank you. Anyone else that would like to speak?

Timothy Hefferan Thank you for this chance. My name is Timothy Hefferan 144 Manchester Street. If I were to tell the Board tonight that I am looking at options as to how to get a referendum and change the Charter to alter the Board of Aldermen to reduce it from its current size to 7 you would think that's crazy, you'd think it radical and you would, I would expect, ask me to provide you with evidence as to why there is some systematic problem with the way the Board of Aldermen works that would justify me suggesting such an outrageous solution. I am joking about having done that, but I'm using that as a parallel to explain how I think the option of changing the way the commission is appointed which has worked for over 125 years is equally as important.

I have been asking, I hope you are, where is the evidence, where is the single piece of example of a systematic failure of the police commission and by extension the police department that would warrant such a radical change to move away from the very format that was put in place 125 years ago to avoid the local politics that were involved in the Nashua Police Department? I can't find anything. The best I have found so far is that there was only 1 woman appointed to the commission over those 125 years. That's true but in a void you have to ask how many women have actually ever expressed an interest? In my 7 years as Deputy Chief and a Chief I had various people, probably 4 to 5 call me and ask me what they could do to become commissioners. I never had a woman ask that question of me or approach me in any way, even vaguely to inquire. And I guarantee if you called and spoke to some of the past and present executive counselors and asked that same question, they would say they have had very few, if any, women and there are remedies to find that, to recruit people to be on that Board that don't involve having to abolish the system that was set up that works extremely well and has been

the envy, quite frankly of law enforcement agencies around the country that have heard of this as well as the accreditation people that ensure that we are professional.

I ask that you ask that question continually, where is the compelling evidence that has supposedly caused such a distrust and lack of confidence in the commission and the department which would warrant such an extreme measure as abolishing the very system that was put in place years ago because of the corruption that seeped into the department. I thank you for your time.

Chairman Caron

Thank you. OK anyone else in the Chamber that would like to speak?

Laura Colquhoun Laura Colquhoun.

Chairman Caron

Laura, we are doing Zoom after we do in the Chamber, please. Thank you.

Gloria McCarthy Good evening, my name is Gloria McCarthy, I live on Musket Drive here in Nashua. And I am here this evening to speak to the question before you about the selection process for Nashua's Police Commissioners. To my surprise, I received several phone calls in the past week or so about this. And the question posed to me was, what do you think Brian would say about this? Well I gave this some serious thought. So to those of you who called and asked and to those who might have subconsciously wondered, if Brian was sitting in the horseshoe and the question before him was whether to change from a police commission appointed by the governor and governor's council to one appointed by the Mayor and the Board of Aldermen, the best answer I have for you is in Brian's own words, from the discussion about this very subject the last time it was before this Committee, 17 years ago on December 20, 2004.

After a lengthy discussion about what had been recently police investigations, cooperating witnesses, immunity and the like, Brian said, "I am not prone to fix it. I don't intend to work in a corrupt environment and I certainly don't ever want to work in an environment where that is even an issue that we would have to deal with on a daily basis. Frankly, I like the fact that we have an independent police commission which provides us with a department that scrutinizes things in great detail. I take great offense at some of the comment I occasionally hear from the public of – well the entire system is corrupt anyway – because I think this system that we have here, in fact, is not and is quite the opposite. I am very proud of that. I think it replaces where you can't say that and I would hate for this to ever become one. This is one instance where I truly don't think it is broke. I think we are talking about breaking it." This was 17 years ago.

I hope you will take Brian's words into consideration as you make your decision. An independent police commission allows the police department to do its job without any undue pressure or influence but with effectiveness, efficiency, transparency, and accountability, all of which are characteristics of good government. Thank you.

Chairman Caron

Thank you.

Ms. McCarthy I am sorry I have to leave before the end of the meeting, but I am due in 208.

Chairman Caron

Thank you, anyone else in the Chamber that would like to speak, please come to the podium.

Vicki Chesterely My name is Vicki Chesterely, I live at 15 Lutheran Drive, can you all hear me, in Nashua, of course. First I want to say I have no concerns about the ethics of anybody; the Mayor or any of you. But in the future, people who have questionable ethics can get elected to office. So I sent all of you a letter, I don't know if you have seen it. But my father Jim Chesterely was a police commissioner for 13 years and he was very much in favor of having the arm's length of the executive council and the governor choosing the police commissions. He didn't go into it in great detail back then, but this was a while back. But having an independent police commission keeps things on, as everyone else has said, on the level.

The Mayor wants to keep taxes down and sometimes the police department wants to spend money. So we can't have the police commissioners being owing their positions to the Mayor, that was one of my concerns. Shortly after my dad got appointed as a commissioner, he worked at Sanders Associates and one of the Sanders drivers came into his office and presented him with a ticket so my dad could fix it. Well my dad didn't fix tickets. So he told the person with, fairly forcefully I am sure, that he wasn't going to fix tickets and that guy should pay it himself and he wasn't going to charge it to the company. And as far as I know, nobody ever asked him to fix a ticket after that.

But that's so minor but there are – that's the slippery slope. There are people who would try to get favors from the commissioners and they have to be as independent as possible. And you talked about local control and we do have some measure of local control because one of the executive councilors is from Nashua. And that's a good person to keep an eye on things. I am also the Vice President of the NH Speech Language Hearing Association for Governmental Affairs and I have been involved with how the governor and executive counsel work together to get people appointed to boards. And it works great as far as I am concerned. I have sat in on some of their meetings, the councilors take their responsibility very seriously and pay very close attention to the people that they are asked to confirm. Thank you. If you have any questions for me and I hope you all got a copy of (inaudible – audio interference).

Chairman Caron

Thank you. OK anyone else within the Chamber that would like to speak?

Mike Valentine Hi I am Mike Valentine, 9 Harbor Ave. A couple of things surprised me about this issue and I think I am the first one tonight to speak in favor of the resolution. One is that we don't have local control now. I would have expected if I had a problem with the Police I could resolve it with the Department, the Chief, the Commissioners or my local elected officials, who I find transparent, accessible, responsive. But that's not the way it works. It stops at the Police Commission. So I think local control is almost always preferable is certainly preferable here.

The second thing that surprised me is the argument against local control which seems to be, we don't trust our local officials. We don't trust them to not interfere with police work. And I think if that did happen that improper interference, it would be much easier to uncover at the local level than at the State level. So the "don't trust local" seems to be trust for funding but not control and that doesn't add up to me. So I hope you'll move this along and get the citizens a chance to vote on it. Thank you.

Chairman Caron

Thank you. Anyone else within the Chamber that would like to speak? Thank you.

Michael Kekjian Good evening, my name is Michael Kekjian I am a Police Officer with Nashua New Hampshire and I am here representing the Patrolmen's Association.

Chairman Caron

Would you please give us your address?

Mr. Kekjian 28 Officer James Roche Drive, Nashua, New Hampshire.

Chairman Caron

Thank you.

Mr. Kekjian Throughout my 7 years with the Nashua Police I have learned a lot of different things. The Nashua Police does not hand you a promotion, they will not gift you a specialty union and they will not hire below their extremely high standards. Getting further in a career with Nashua Police does not have anything to do with politics, it only has to do with work ethic, dedication and talent. The men and women I work with understand this. They know that to advance your career with the Nashua Police you need not to be the best person for the job and you have to know and care about the City of Nashua. I speak for my fellow officers when I say we are incredibly proud of the kind of Police Department we are part of and how the citizens of the Nashua Community respect our commitment to them.

The changes being proposed would be devastating, not only affecting the morale of the current employees, but more importantly the excellent level of service we provide to our citizens would suffer if we change the way we hire and promote personnel. We are not hiring someone who might give us corporate contracts with a relative or a neighbor or personal advancement on the force. I have never been told to do something on the down low or make up a story to cover my own actions or the actions of another. We don't do that, we don't have room for that, we would not need to do that. Not only will these changes be unnecessary causing issues among the officers by bringing in politics within the building, but it could very well determine who gets hired / promoted based on who you know.

The current system utilized by the department is fully backed by the Patrolmen's Association whose members I am representing here tonight. The idea of making changes to a well-run, extraordinarily successful and committed program is frankly beyond our understanding. Every single one of my fellow officers who have varying personal beliefs and political leanings are totally committed to our current system. The Nashua Police Department is nationally accredited and to this day is known as one of the best departments to work for. I remember going through UMass Lowell and my time in college there where I got my Bachelor's Degree and when I approached some of the faculty and professors there and asked them for recommendations on where to take my law enforcement career they always said Nashua Police Department, however, they only hire the best. It was intimidating to applying however I am here today. And I am involved in a lot of different things in our community. I am part of the Mirror Program which helps works effectively with the youth in our community. I also work with amazing people and athletes of the Special Olympics. I do a lot of things outside of just being a police officer. I am part of this community.

I love my job. I love the people I work for, I love the people I work with and I am completely committed to our community. I want to make it better every single day. It really worries me that changing our current system could negatively affect all those things I care about. These proposed changes seem to carry a huge risk with them. I certainly would not want to be known...

Chairman Caron

Your time is up.

Mr. Kekjian Yeah that has been incredibly successful. I really appreciate your time here today guys and thank you for your consideration here.

Chairman Caron

Thank you. Anyone else?

Jim Testaverde Good evening Madam Chair. My name is Jim Testaverde, I am the Deputy Chief of Police for the Nashua Police Department. On behalf of Chief Michael Carignan, he gives his sincere regrets for not being here this evening. He is with his daughter out of New England who is in a softball tournament and touring about 7 colleges. You all know the Chief and he wouldn't miss a meeting like this for anything except family. Madam Chair and members of the Board of Aldermen and Mr. Mayor, thank you for allowing me to speak this evening.

Before I begin, there have been several Aldermen and Alderwomen who understand the motivation behind this resolution. They agree that it is not the best practice for Nashua and they have supported us throughout this process thus far and I sincerely thank you. For the past several years, myself, Deputy Chief Kevin Rourke, Chief Carignan, and former Chief Andy Lavoie have come before this Board several times to ask you to do something. Fully fund our budget, approve the purchase of essential equipment or ratify a sidebar or collective bargaining agreement. These examples illustrate the amount of control and oversight that this Board has over the Police Department.

Tonight I am here to ask you not to do something. To ask you not to do something that could negatively affect our police department which in turn could negatively affect our community. I've been repeatedly told by some of you that this not a power grab by City Hall but rather a way to instill local oversight and make the police department better. When asked how this resolution would make us better, nobody has been able to explain that to us. On April 21<sup>st</sup> we had a budget meeting with the Mayor where he initially proposed a 0% increase to our budget. This would have translated to an over \$700,000.00 financial cut. The Mayor insisted that through layoffs and attrition we could achieve this cut. We advised that this would mean a reduction in services to the community and the detriment to our agency. It was obvious he was not pleased with our response. 24 hours later on April 22<sup>nd</sup>, the Mayor's survey regarding the police commission was sent out.

Nashua has approximately 90,000 citizens. The survey went out to 1,900 of the Mayor's constituents. We are told that 600 responded. 600 responses out of a City of 90,000 people. It is evident to me how much thought and effort went into this resolution. Since some of you have tried to convince me that this is a well thought out proposal and not a mere power grab allow me to explain how much work has gone into this resolution process. First, the City retained an independent management company to study the way the Nashua Police Commissioners are appointed to determine if this process should be revised and if so in what manner and to what extent. Secondly, the management company met with stakeholders to include police, fire, DPW, parking division, and economic development. This was done to obtain the different perspectives of the various stakeholders to determine the effects that changes to the current process could cause. Third, from January to March 11 separate virtual town hall meetings lasting 60 to 90 minutes were held within each Ward to hear Aldermen and citizens about their opinions and concerns. And fourth, the contracted management company completed a 20 page report detailing all of these efforts.

The final report was issues in May and cited other nationwide trends and issues along with all City input. It is evident that the City took this endeavor seriously. This was obviously a well thought out process in which a considerable amount of time was given.

Chairman Caron

Time is up.

Mr. Testaverde I'm sorry?

Chairman Caron

Your time is up for regular public comment. Your time is up.

Mr. Testaverde Will I get a chance to address the board?

Chairman Caron

Sure you can come back, we will ask if anyone wants to come back as long as they are not giving us the same thing.

Mr. Testaverde

OK I apologize Madam Chair, I thought this was an appropriate time.

Chairman Caron

You're fine. Thank you. Anyone else?

Alderman Klee

Madam Chair, I believe that Sonya Prince is trying to ... oh I'm sorry she is not in the Chamber.

Chairman Caron

She's not in the Chamber.

Alderman Klee

I apologize.

Chairman Caron

Go ahead.

Maurice Arel My name is Maurice Arel, 6 Fireside Circle, Nashua, New Hampshire. I have had the privilege of sitting where you sit as an Alderman. We didn't have all the great furniture we had the 1939 metal desks but they were pretty good and 1939 chairs. I had the privilege of being an Alderman-at-Large, privilege of being President of the Board of Aldermen, privilege of being the Mayor of the City of Nashua and the privilege of being a Police Commissioner for 19 years appointed by a Republican Governor, Governor Sununu believe it or not but reappointed by both Democrats and Republicans.

A lot has been said, I don't repeat any of it. But the system that we have really, really works. You heard about the issue in the '90's. I was a Commissioner at the time and no pressure was put on the investigation to try to change it because somebody was trying to put pressure on us. It just didn't happen. The Department is really the best department in the State. When Craig Sandler came in and reorganized the department in the '70's, he made an amazing change to the City of Nashua. Other departments look up to the City of Nashua because of its quality and ask for its experience. We were the first Police Department in the State and maybe in most of New England to be accredited. That was a long, hard process.

The department is extremely professional, you've seen the officers that are here tonight. You see the professionalism in these people. The department is really a treasure for the City of Nashua. Is it expensive? Sure. I remember my first budget as an aldermen in the '60's was \$4.4 million dollars. And

my first budget as Mayor was \$33 million dollars. My last one was \$65 and I think you are now at \$324 million, I saw the other day. Things change and things get more expensive. I work diligently with the Chief and not as often with the commission when I was Mayor...

Chairman Caron

10 seconds.

Mr. Arel ... and when I was President of the Board. When I was Mayor I met with the Chief regularly. We discussed issues sometimes the issues were really, really challenging and we had to make decisions. Budget was one, negotiations – when negotiations were going on I wanted to be brought up to date by then Phil (inaudible) who was a City Corporation Counsel. Steve you came in after that. But I wanted to be brought up so we would know what was going on, if there was an issue that I thought needed to be addressed then the Chief would come in and we would discuss it. Same thing with the budgets. They are not easy to deal with. Police Departments have a tough job. In my 19 years I never really heard of a shooting; we had a couple shootings. Now you have them every day. Imagine trying to be a police officer in that kind of ....

Chairman Caron

Sorry time is up.

Mr. Arel We have a great department. I don't recommend changing it, changing the commission structure because it works. Change for the sake of change is not good. Thank you.

Chairman Caron

Thank you. Anyone else in the Chamber?

Jim Tollner 1 Sequoia Circle, Nashua. Thank you for the opportunity to address the committee. As I stand here tonight I have the same question I have asked the Mayor and the Aldermen. What was the issue? What the genesis of this? What questions did you have that went unanswered? I speak with the same opinion today as I expressed when I was an Alderman in 2004 when this body last took it up. An independent commission is good for Nashua. To go from a Facebook survey, essentially members only group, to taking up a change to the Nashua Charter which requires meeting a necessary standard, without a whisper, doesn't make sense.

It is not the thoughtful, deliberate approach that I think we have grown to expect from our Legislative body. This happened quickly by anyone's standards. I am hoping that folks have a chance to sit back and reflect on what it means to manage everything from City Hall having one voice because sometimes that means simply you have an echo chamber. There's a measure to checks and balances and it doesn't appear to be an issue with the police department. But this proposed change will absolutely impact the department. Reading through the legislation it appears to give a sense of balance, party division, diversity of people will be making appointments, but there's not a separation of power. It is clearly outlined in the proposal that the commissioners will be answerable to the Mayor and the Board of Aldermen. The Mayor and the Board of Aldermen will have the power to remove any commissioner appointed by a previous administration, which just tells us that we will be politicizing the Nashua Police Department during every election cycle.

Has anyone considered the amount of movement and uncertainty this creates for our police department? Have you considered the difficulty in trying to attract new officers? Nashua will be in the same position as every other community. I want to emphasize very strongly, the greatest recruitment and retention tool actually is at the PD is managed by an independent board of commissioners. To a person, everyone around this horseshoe has expressed their complements of our police department;

the staff, the officers and the general day-to-day operation. This doesn't happen in a vacuum. Every commissioner lives in Nashua for a minimum of 31 years and a maximum of a lifetime.

Chairman Caron

30 seconds.

Mr. Tollner There is no and has never been any interference from any governor. The proposal before you cannot be independent. There is a very big difference between politics and local politics. On the local side you shop, worship, bank, work, coach, teach with your neighbors. So sometimes it can be difficult to remain independent. I submit we need an extra layer when making appointments, otherwise you will be dealing with running the police department as a secondary issue, because as elected officials you will need to explain your appointments, manage resident's expectations and objections as you try to work to maintain the standards and personnel that exist currently.

Chairman Caron

Your time is up.

Mr. Tollner I am respectfully requesting that you vote against this legislation as it is not necessary as required for the Charter change and would not be in the best interest of Nashua as a whole or its police department. Thank you very much.

Chairman Caron

Thank you. Anyone else within the Chamber? OK so those on Zoom please raise your hand so the Clerk can see and we will call you. Sonya Prince, would you please state your name and address please?

Sonya Prince Hi thank you. Sonya Prince, 49 Tufts Drive. I support the police department especially how they hire educated people, they train to take steps before using force or pulling a weapon. And as far as I know they do a great job at taking care of bad apples when they occur within the police Department. And many of the officers do volunteer and I see that and it's great. What I don't support is political picks when it comes to the commission which seems to only be members appointed who used to be police officers or associated like people like PAL, Athletic Directors, etc. How is that not political or absolutely picking who you know. Police commission member Plante, for instance is married to a sitting Alderman right now who voted on our budget. And this particular Mr. Plante was sued by plaintiffs in 1982 who each asked for an amount over \$200,000.00. The City of Nashua settled for undisclosed amount and what I hear from people they know, they got what they wanted.

This is the best they can do for a police commission? It seems to me they pick their own. 126 years of men, except for one. Sexism is a big deal to me and I am not a fan of the good old boys club. It is embarrassing to Nashua, it is not an independent commission when they are currently not vetted, there is no public comment and that sounds pretty political to me. Non-political to me is more sets of eyes on the commission being vetted by 15 members of the Board of Aldermen who are elected by every single Ward and for the first time, the public would get a say. Things change, progress is necessary. It seems to me that the Police Department is afraid of transparency and fear public opinion. Every single town and city in the State took back local control except Nashua. So I ask, what are they afraid that we see with more transparency. Let the taxpayers decide and vote on the ballot. Thank you.

Chairman Caron

Thank you. Next we have John Fisher?

Alderwoman Kelly

Just for those on Zoom you do have a 3 minute limit, I'm watching it here. But we will just let you know when you are at 30 seconds.

John Fisher Thank you very much, I'll try to be conscious of the time. My name is John Fisher I live at 21 Indiana Drive. I know most of the members of this committee obviously from my maybe 23 years at the Nashua Police Department; 25 years while at the Police Department also serving on the Board of the Nashua at the Nashua Soup Kitchen, 15 years running the Soup Kitchen Race for Food & Shelter and then 41 years of coaching either junior biddy biddy high school or college basketball in the City.

I am Nashua through and through. I consider the 23 years at the Police Department my great honor. After doing this for 23 years, most of you who know me well know I have been a Police Chief in Massachusetts of the last 10. But I am also an academic, I am a student of criminal justice. I taught at Rivier University for 5 years and then 10 years at Roger Williams University in the Law Enforcement Executive Program and I worked for the Federal Government on the side helping other in a lone executive program.

I have 3 thoughts for you. The first is the police department needs the separation from local input. And it is the national model. During my time at the Nashua Police Department we fell back multiple times on what Chief Heferan referred to in that investigation. When I worked with Chief Hefferan it was the word around the police department you could do your job without worrying about politics. In 10 years I worked in hiring. We were not influenced by local folks, nor should you want that. That's a political loser. I can tell you also that an agency that I worked for went through a time period of just two years where they felt it was not important to be accredited. We had a small elected group that was vocal about finances and that's taken us years, taken years to recover when we had to get back to being on par with accreditation.

And I could tell you that this decision, I talked about it briefly, it is a decision that is going on nationally. If you look at police departments that are in battle around the country which I do, the ones that have had the most trouble....

Alderwoman Kelly

30 seconds.

Mr. Fisher ... had the most local influence. And the ones that have flailed that most have ended up with State, Sheriff's Departments or Federal input. I had one other thought but I want to make sure I stay at my time. I'll give you a brief anecdote. Working with a Police Department in the south right now, I'd rather not mention the name. I work regionally with Homeland Security in Massachusetts and I offered up any of the agencies that I worked with but the agency had only place that they wanted to visit, they wanted their executives to come up and see and that was the Nashua Police Department. It's the reputation that our City has. Why would you goof with something that's number 1? Nashua Police Department is very, very good. I would ask those considering this to do their homework, their academic homework to figure out whether this is the right decision or not. Thank you for hearing me out.

Chairman Caron

Thank you. Next is Torry Nack? Tory?

Torry Nack Yes thank you Madam Chair. My name is Tory Nack I reside at 21 Cushing Avenue in Nashua. I am speaking tonight as a resident and also as a former Board of Alderman member. I am going to try to keep it brief. I am as experienced as some of the other speakers. But I think we all want as good a police department as we can get. We have a competitive advantage in a lot of ways with a

good police department. My understanding is that the fact that our police commission is independent is a competitive advantage in the recruitment of officers as well as a positive impact on our COLEA the accreditation agency's score for the Nashua Police Department.

I have heard some people speak with concern about local control and it is my understanding the 3 existing commissioners have both been reapproved by the governor and the executive council over the past 6 years. I would ask the Board of Aldermen if during those reapproval cycles any input was given to the governor and the executive council about perhaps replacing or not reapproving existing commissioners. I guess that would be a place to start if we are worried about local control and we haven't been a participant in the process of selection by giving feedback to the governor's office then that would be a better place to start then with the resolution that is in front of us. Thank you.

Chairman Caron

Thank you. Suzanne Vail?

Suzanne Vail Good evening, I am Suzanne Vail and I am a New Hampshire State Representative from Ward 3. I live at 28 Norton Street. Thank you for taking my testimony. I am here to support the question on to the ballot for local control of the police commissioners. I am really concerned that we continue to rely on the governor and the executive council to appoint our police commissioner. My remarks come from my experience as a legislator but also as a constituent and a voter.

First of all we have extreme legislation and municipalities are losing control over local matters in New Hampshire. Several bills have sought to alter statutes on reckless conduct and to prevent public officials from making and enforcing ordinances on public land and holds them liable for legal costs should they persist in doing so. New laws will cause changes in public safety and may even include how we fund public safety. As a constituent I can tell you that I have seen (inaudible) and his council appoint commissioners, judges, a Supreme Court Chief Justice and has attempted to appoint (inaudible – audio interference) nominees and there has been no acceptable response to the question of why we would appoint so many folks who have to learn the job from scratch.

Most people in New Hampshire expect leaders to be invested in the community and have experience. I do. So as a Nashuan and a public servant, and as a voter, I can just say that we are embarking on a radically different time in community development. There are those who would like to see our City work a lot less well than it does. To continue to depend on folks who know so little about what we are doing here in Nashua to vote on who is going to lead our police department and help us isn't wise or prudent. And it doesn't give the citizens of New Hampshire and of Nashua to say whether or not that they want this and this is the worst time to limit their voices. So I look forward to having this on the ballot whether it is by the Board of Aldermen approval or whether it is by petition which I would gladly sign. I do want to warn people, just let's not cite political reasons for not letting the people decide what they want to do. I can see absolutely no argument against having this on the ballot. I believe in our citizens and I know it is really time to listen to what they have to say. I thank you so much for taking the time to listen to me.

Chairman Caron

Thank you. Allison Dyre.

Allison Dyre Hi thank you. Allison Dyre, Wellman Ave., Nashua, NH. And I just wanted to echo our police officers, our great Nashua police officers who are speaking up and they are asking you, they are pleading with you not to do this. And I would echo the same sentiments as many others have here tonight. I am just begging you as they did to listen to what they are saying because they are in this day in and day out so I appreciate it. Thank you.

Chairman Caron

Thank you. Alicia Houston?

Alicia Houston Thank you. Alicia Houston, Westwood Drive. Thank you for allowing my testimony today in opposition of the modifications to our Nashua Police Commission. I have heard local control and appointments by elected officials and I have to say after the past year and the experiences that I have endured over the last few weeks, the very last time that the City of Nashua needs is to add political influence to over our Nashua Police Department. The Nashua Police Department is thankfully one of the best in the nation. And I am thankful to them with all that I am for their continuous sacrifice to protect our City and its residents. I have been personally attacked by the use of the Nashua Police Department and I sit today in support of their due diligence to justice. Imagine if the shoe were on the other foot, and political influence played a role in our police force. Many citizens would feel unsafe exercising their First Amendment Rights because many, not all, elected officials have deemed themselves to be the judge, jury and executioner. That is why our police department must have autonomy to act in the best interest of the law, not in the best interest of the political parties.

I want to close with a request for a public apology from Ward 3, Alderwoman Patricia Klee for her false and defamatory insinuation of private citizens, myself included in today's Union Leader. Nashua deserves better. With adding political oversight from inside of our City that is not better, it will make things worse. Please keep the Nashua Police Commission as it stands and follow with the pleas of our Nashua Police Department individuals. Thank you for your time.

Chairman Caron

Thank you. Laurie Ortolano?

Laurie Ortolano Hi, Good evening. Laurie Ortolano, 41 Berkeley Street. I want to speak in opposition of this which has been consistent with how I have spoken. I think the very kick off to this with the survey that was put out by the Mayor was both leading and misleading and it raised a question immediately on what was going on here. I don't feel that the citizens in general have really been given the truth on why we were making this change and what it is that the City is trying to accomplish in doing this. It's just not clear enough to me. And because of that, I feel that we are being misguided on this. I have had a challenging relationship with the Police Department and I can say I don't think everything has been hunky dory over there from my perspective with my case and several cases that have been handled regarding issues that I brought to the Police. And I'd like to see some improvements on that and I'd like to see the commissioners a little more involved in what is going on within the department.

That being said, I don't think you tip the apple cart over and you feel like you gotta start all over again. I think you let the system have an opportunity to correct mistakes if they exist or identify areas of improvement and you work through that. I recognize the reputation of the department and those that work in it want it the way it is. It is a three-member commission board and I think we should even think carefully about making it five. I feel as though the commissioners are just trying to be accommodating with the Mayor or some of the Aldermen to say "we would expand it". But you know don't dive into that too quickly because if you have a good working relationship and it is going OK accept that. I think that we know that the governor, both Maggie Hassan and Sununu picked these commissioners and they backed who is there right now a Democrat and a Republican. We have 2 Independents and 1 Republican on the commission because it has to be a Board of 2-1. I would ask this Board of Aldermen that if you are going to move forward on this and set a 5 member Board that you set it up as a 2-2-1 Board; Republic, Democrat, and Independent because we have a large independent population here in Nashua.

And that would be, you know, my take on that. Also, I would like a public...

Alderwoman Kelly

30 seconds.

Ms. Ortolano ... Elizabeth Lu or Attorney Bolton. One of the speakers mentioned a conflict of interest with Elizabeth Lu voting because her spouse is a commissioner, Commissioner Plante. When I heard this last meeting I contacted Alderwoman Lu and she said she had a discussion with Attorney Bolton on this quite a while ago and all of that was cleared. And I think it is very important to make a public statement on the record tonight regarding this issue so we don't let situations like that hang out there.

Alderwoman Kelly

Time is up.

Ms. Ortolano And put a dark cloud on a situation where there should be no dark cloud. Thank you.

Chairman Caron

Thank you. Michael Peterson?

Michael Pedersen Thank you Madam Chair. My name is Michael Pedersen, I live at 11 Delaware Road. I serve as a Nashua State Representative for Ward 5 and I also sit on the Nashua City Planning Board. Some points I would like to bring to the Board of Aldermen for their consideration on tonight's vote as to whether or not to put this on the ballot or not is many of the arguments against having the new method of achieving police commissioners is that it, the current proposal would politicization to the process. But I think if you closely at the proposal it is specifically designed to prevent the Board from becoming political one way or another. And having 5 voices that are represented or elected by the members of the Nashua electorate I think (inaudible) what the community wants more so than what politicians on the other side of the State would like to do.

And as far as being political, isn't the Executive Council and the Governor, aren't they politicians? To think that they wouldn't take political considerations into account to select our police commissioner is not realistic. So I think we have a mature enough electorate in this City to recommend and propose candidates so we would have a balanced Board of Commissioners. We can do it ourselves without relying on people from across the State to make our police commissioners selected for us. Thank you for your time. OH in summary, please vote to put the question on the ballot. Thank you.

Chairman Caron

Thank you. Matthew Gouthro.

Matthew Gouthro Yes thank you Chairperson. I appreciate the opportunity to speak to you guys about this issue today. I have tried to reach out to my Alderman in Ward 2, Richard Dow and unfortunately his voice mailbox is full, it's been full for quite some time. So I want to reach out to you guys...

Chairman Caron

Excuse me, Matthew you need to give us your address please?

Mr. Gouthro Sure I am at 104 Fawn Lane in Nashua, New Hampshire. And I appreciate you guys giving us the opportunity to speak today. I think the politicization of this issue is going to be detrimental to the police commission and I think we should keep the police commission as it is. It has come to my attention that our Mayor has been going door to door looking for signatures and support for this (inaudible) police commission initiative and I wish that he would put as much effort and passion into a

manageable and accountable budget practices for our City. Thank you.

Chairman Caron

Thank you. OK please give your name and address.

Laura Colquhoun at 30 Greenwood Drive. I am in total opposition of this. I think it would be strictly for political reasons. The Mayor has shown that he does have favoritism to the people he likes just like Alderman Klee who is being vicious and spreading hateful rumors. This is something that it is currently working great. You don't fix something that's not broken. And I feel that if we put in the hands of the Mayor and the Aldermen it will be destroyed. Because it clearly show how much favoritism they have with the people that agree with them. This is not something the police made, they are doing a great job, the commissioners are doing a great job and it has worked hundreds of years, let it stay that way. Thank you.

Chairman Caron

OK anyone else on Zoom that would like to speak? Is there anyone else in the Chamber that would like to speak? I am going to ask a question. Corporation Counsel, would it be alright for the Deputy Chief to finish his comments concerning this particular piece of legislation or should we wait until we bring ...

Steve Bolton, Corporation Counsel

If it is the will of the Committee you can allow it sure.

Chairman Caron

So would the Committee have any objection for the Deputy Chief to finish his conversation concerning this particular piece of legislation or would you rather you wait until we bring it up?

Alderman Lopez

No objection here.

Alderwoman Kelly

No objection.

Chairman Caron

OK Alderman Cleaver and Alderman Clemons.

Alderman Clemons

I have no opposition.

Chairman Caron

Alderman Cleaver? Alderman Cleaver I think you are on mute, OK since we have 4 to 1 you may speak, finish your testimony.

Mr. Testaverde I just ask will I be cut off?

Chairman Caron

I'm sorry, what?

Mr. Testaverde I say it with respect, I don't mean any sarcasm, am I limited to 3 minutes?

Chairman Caron

No we will let you finish that piece. Just please give us your name. Thank you.

Jim Testaverde Deputy Chief of Police, Nashua Police Department, 28 Officer James Roche Drive. Not your fault Madam Chair – mine. I apologize for getting up prematurely but I couldn't have stopped at a worst time. So I will not re-read it, I will not I promise. But let me just remind you of one thing. I just illustrated several things that happened with an independent management committee, police, fire, DPW, economic development all getting together at the table in 11 virtual meetings. My next sentence begins here. My most sincere apologies I am totally mistaken. These were not the efforts taken regarding the Police Commission resolution before us tonight. These were the steps the City undertook to determine whether or not we should change the current policy on overnight parking in Nashua. Overnight parking. For something as significant as parking tickets, the City invests time, effort, money and research. They called all stakeholders to the table to include citizens for something as trivial as the police commission we received the input of 600 of the Mayor's supporters.

From the date of the Mayor's survey to today, we have spent 75 days. 75 days with one public hearing prior to tonight and absolutely no education regarding the pros and cons of this proposal as opposed to the 127 days spent on the overnight parking issue between the first Ward meeting on January 14<sup>th</sup> until the final report on May 21<sup>st</sup>. Why are we spending so much time to assure that all stakeholders have a seat at the table to discuss parking tickets while in regards to the police commission the City is trying to ram through this major change to the City's Charter. We were never contacted by the Mayor or any sponsors of this resolution, not trying to sound egocentric but no one will convince me that the police department is not a primary stake holder with this issue.

We were all contacted by you all when you consider changing the speed limit or putting in a stop sign at a new intersection. For these issues, including overnight parking, we are considered informed stakeholders and you seek out our input. For this resolution before us tonight, it has been crickets. Instead we had to seek out Aldermen to learn what the current issues are. What was the necessity for the change? My favorite comments by some of the Aldermen I spoke to about the issue as to why they would support a change of the Police Commission was that they do not like the current governor. When I pointed out that Governor Maggie Hasson appointed all three of our current police commissioners, I was dismissed. So the current police commission system should be changed after 130 years because some people do not like the governor. A lot of thought went into this one. Almost as much as the overnight parking issue.

One of the biggest pushes nationally for law enforcement agencies is to become accredited and adhere to a nationally accepted best practices and procedures. Nashua has accomplished this since 1991. We were applauded in 1991 and again in 2001 by the Commission on Accreditation for Law Enforcement Agencies known as COLEA. Our current Police Commission model takes local politics and potential undue political influence out of the equation. One of your peers pointed out to me recently that the governor could attempt to use the same undue influence we repeatedly mention. The fact that this has never occurred in my tenure nor in any of the stories from my predecessors has also been dismissed by some. You only need to speak to former Chief Hefferan about what really has occurred in the past and why we fear this change.

If the Mayor or any Aldermen had a suggestion for a Police Commissioner candidate, they could contact the Governor's Office. The Chief spoke to the governor's staff and no one from the Mayor's

Office nor the Board of Aldermen have reached out to Governor Sununu regarding police commissioner candidates. So how does the Nashua Police Department stack up in terms of accreditation? There are 15 agencies in New Hampshire currently accredited under COLEA. Seven have advanced accreditation and eight with basic accreditation. Nashua is the largest agency in New Hampshire with advanced accreditation having over 240 employees who adhere to 459 nationally accepted best practice standards. Portsmouth is the next closest with just over 80 employees. As far as our neighbors, Maine has five COLEA accredited agencies; Vermont has two and Massachusetts has five. In total between New Hampshire, Massachusetts, Maine and Vermont only 27 agencies are COLEA accredited and not all to the advance level that Nashua is.

Through my conversations with many of you, I have been assured that this is not a power grab, this is not playing politics, this is not an attack on the Police Department. We have expressed concerns that this could lead to elected officials having undue influence on the day-to-day operations of the agency especially when dealing with criminal investigations. I have been told by many of you that this is not the case. So here's a real life example that just occurred. A current Alderman called the Police Department because a drunk vagrant was passed out on the bike path. The Alderman does not like the police response time, nor does the Alderman like the fact that the man was moved along and his beer was emptied. The Alderman believed we were not doing our due diligence and questioned why a summons was not issued to the individual and why we did not force him toward medical treatment. By the way I want to make it clear I have absolutely no issue whatsoever with the Alderman questioning the incident; he has that right as does any citizen. It is the underlying motivations I have a great issue with.

The Alderman has been advised and knows very well that if there are any issues with a Nashua officer, he can call the police department and ask to speak to a supervisor. He did not do this. He has also been told he can contact the Chief or the Deputies, which he has done in the past. He did not do this. Instead he writes an email to the Chair of the Commission and the Mayor is copied explaining all that went wrong and threatening that this is why the Commission needs to be changed. The Alderman did not take into account prior calls with this particular individual, 777 in the last 5 years by the way. The Alderman did not factor in the prior arrest of this individual, 102 or the times that we did summons the individual – 41, or factor in the amount of times Nashua police officers have taken this individual to area hospitals for medical or mental health treatment – 154; 132 just in the last 4 ½ years. The Alderman did not take into account that the courts have deemed the individual not competent and the fact he is also indigent which means that summons are ineffective.

The officers have seen this individual released from jail, hospitals, mental health care facilities time and time again. Yet according to this complaint we need to change the police commission and all will be well again. Perhaps efforts to change the bail reform act or the mental health system would better spent. Please do not tell me this was not a politically motivated move, the current example has solidified my opinion. Ladies and gentlemen, in conclusion why are we rushing something so important. Why can't we slow the process down and do our due diligence just like we did with overnight parking. If we are going to consider this enormous change, why can't we have real public conversations. We welcome them. Why can't we have an educational session with our high school and college students at our senior sessions at Ward meetings? A good idea today will be a good idea in 10 months. It is summer, we are just coming out of COVID protocols. People are taking advantage of this and traveling again. Families are very busy this summer. Some of you have commented that we should let the citizens decide; totally fine with us.

But we do not have enough time to properly educate our citizens prior to a November 2 election. I believe that this proposed resolution is an unnecessary and dangerous endeavor, but if you believe it is worth consideration then let us do it correctly. We should get through the summer and study the issue. And then in fall when schools are back in session we should have at least 1 community conversation per month with all stakeholders invited. A good idea today will be a good idea in 10 months. The citizens of Nashua deserve better than what we are proposing now. I thank you for your time and I

would take any questions if you have them. Thank you.

Chairman Caron

Thank you Deputy. OK. So I think we are done with public comment. Alright we will go to Communications. Madam Clerk.

COMMUNICATIONS

From: Susan K. Lovering, City Clerk  
Re: Issuance of Warrant to Chief of Police for Unlicensed Dogs

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE BY ROLL CALL**

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

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderwoman Kelly, Alderman Cleaver	5
Nay:	0

**MOTION CARRIED**

From: Susan K. Lovering, City Clerk  
Re: Issuance of Warrant to for Unlicensed Dogs

***Without objection, Chairman Caron accepted the communication and placed it on file. There being no objection, Chairman Caron suspended the rules to allow for a communication that was received after the agenda was prepared.***

From: Michael Tabascko  
Re: In opposition to Resolution R-21-143

***Without objection, Chairman Caron accepted the communication and placed it on file.***

INTERVIEWS

Mark Meehan (new appointment) 65 Walden Pond Drive Nashua, NH 03064	Term to Expire: May 31, 2024
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Chairman Caron

We are going into interviews. Mayor, you are here for a new appointment, it doesn't say for what committee?

Mayor Donchess

Planning Board.

Chairman Caron

Planning Board.

Mayor Donchess

I think it's there Madam Chair.

Chairman Caron

No it's not on our sheet. Thank you, it's alright.

Mayor Donchess

Well it is on the Agenda it is probably not on the summary.

Chairman Caron

Yeah probably.

Mayor Donchess

Anyway, thank you Madam Chair. So I am appointing Mark Meehan a resident of 65 Walden Pond Drive to the Planning Board. Mr. Meehan is a full professor at Rivier and has been there for 10 years or so. He has a Doctorate Degree. He teaches entrepreneurship and other business related and politically related courses at Rivier. I got to know him because he has brought his class a few times to City Hall, the entrepreneur's class to just talk about various things that are going on with the City. Mr. Meehan, Dr. Meehan has expressed a lot of interest in being on the Planning Board and has put in a lot of work to prepare himself. Of course the Planning Board is an important Board for the City.

He has attended a State run planning or State-run training session. He has watched or attended numerous Planning Board Meetings, has reviewed minutes. Based on all of that, is very well prepared to provide a meaningful contribution in helping to direct the City's Planning and efforts to have a balanced development in the City. So with that I will give you Mr. Meehan who can tell you a little bit about himself and a little bit as to why he would like to be on the Planning Board.

Chairman Caron

OK thank you. Your turn Mr. Meehan.

Mark Meehan Thank you. Thanks for having me today. It is a fascinating conversation to observe which I respect for all sides. Thank you for the opportunity to be here and I greatly appreciate Mayor Donchess allowing me to be presented for this role on the Planning Board. We have lived in Nashua for almost 10 years now and my wife and I have – part of my business career and training we have lived quite a bit, different places around the United States, also I have spent quite a bit of time overseas and after 10 years we are really happy to say that Nashua is by far our favorite place that we have lived. It is a remarkable community. The people here, also the access to nature, we have really fallen in love with this place.

I do a lot of work, as Mayor Donchess mentioned, in higher education. I also do consulting with for profit companies. And it struck after Mayor Donchess graciously gave time to one of my courses and spoke to my students about the City's view of entrepreneurship and really what it was for and how the City understood it that there was room for me to potentially contribute to the City in some form. And that's why I reached out to his office and asked is there any way I could engage some City issues and become something of a help to something you are trying to do. And the Planning Board was presented to me. After that, I really took an interest in planning itself. I worked in Strategic Planning in higher education and in for profit companies for quite a while and I really enjoy the whole process. As Mayor

Donchess I have read the minutes, I have looked over what has been wrestled with, I have reviewed the plans. I find it all fascinating and I do hope to have an opportunity to serve on the Board and make a meaningful contribution.

Chairman Caron

Thank you. So anyone from the Committee that has any questions for the Mayor or Mr. Meehan?  
Alderman Lopez.

Alderman Lopez

I just want to thank Dr. Meehan for stepping forward for this. He was a former Ward 4 resident, he lived over by the Boys & Girls Club and he really helped advocate for the elements in planning in that area with regards to speeding and traffic issues that were happening that were potentially putting the children in the neighborhood in danger. So I appreciated not only his leadership on that particular issue but he really took the time to bring the community together, holding neighborhood organizing events and making sure that his neighbors felt welcome to approach him and myself. And he went much further above and beyond than your average leader would do because he wasn't just trying to advance himself politically. He wasn't trying to be heard on an issue that he felt passionate about. He was trying to build community; he was trying to build consensus. So I appreciated that experience very much, we were really sad to see him leave Ward 4. Since then he has continued to be a resource, offering students to help with different projects for economic development or helping with COVID-19 recovery for small businesses. He is very much community minded so I appreciate him stepping forward for this role and I have nothing but confidence that he will bring a lot to the table.

Chairman Caron

Thank you. Anyone else from the Committee? Alderman Clemons?

Alderman Clemons

Thank you Madam Chair. So I just want to say to Mr. Meehan – thank you so much for volunteering for this. The Planning Board, obviously, is one of our top appointments and the time commitment that is involved in that, it is truly extraordinary. I feel like some of the people that serve on that Committee certainly spend more time than I do or some of the other Aldermen do doing their positions. It is not an easy thing. So I just want to say thank you for committing your time to that and I wish you the best of luck. I know you will serve the City well.

Chairman Caron

Thank you Alderman Clemons. Anyone else from the Committee? Any other Alderman here that would like to speak? Alderwoman Wilshire?

Alderman Wilshire

Thank you and thank you Dr. Meehan for stepping forward for the Planning Board. It is a very important Board as Alderman Clemons said. It is too bad you left Ward 4; Ward 4 is the best Ward in the City.

Mr. Meehan I love Ward 4. And Tom was amazing there.

Overlapping conversation

Alderman Wilshire

So you've lived in Nashua for 10 years?

Mr. Meehan Yes, Ma'am.

Alderman Wilshire

You feel safe living here?

Mr. Meehan I certainly do.

Alderman Wilshire

Great. Thank you very much.

Chairman Caron

Alderman Dowd.

Alderman Dowd

Yes, being from Rivier I have just one question. As the Chair of the Joint Special School Building Committee, how do you feel about school buildings?

Mr. Meehan I am really excited to see the planning that is going into the new Middle School especially. My wife is a public school teacher and works and teaches at Main Dunstable. She's been there for almost 10 years and has had many opportunities to go to different places but wouldn't leave Nashua Public Schools; finds that the Special Ed Program especially is remarkable. I am here to see how we keep moving forward with improving our education.

Alderman Dowd

Thank you for stepping forward for the Planning Board.

Chairman Caron

Yes thank you. You have some great credentials and I know you will do a good service for the community. We will bring up your appointment later on in this meeting. Thank you. Thank you Mayor.

Mr. Meehan Thank you Madam Chair.

Mayor Donchess

Thank you Madam Chair.

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None

APPOINTMENTS BY THE MAYOR

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND THE FOLLOWING CONFIRMATION NEW APPOINTMENT TO THE PLANNING BOARD: MARK MEEHAN WITH A TERM TO EXPIRE MAY 31, 2024, BY ROLL CALL.**

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

Yea:	Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderwoman Kelly, Alderman Cleaver	5
Nay:		0

**MOTION CARRIED**

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS

**R-21-143**

Endorsers: Mayor Jim Donchess  
Alderman Thomas Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Patricia Klee  
Alderman Jan Schmidt

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE MANNER OF APPOINTMENTS TO THE NASHUA BOARD OF POLICE COMMISSIONERS**

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE, BY ROLL CALL**

ON THE QUESTION

Chairman Caron

OK you've heard the motion. Do we have any questions from the Committee first? Nothing from the Committee? Alderman Clemons.

Alderman Clemons

Thank you Madam Chair. So the questions you have to be careful about in what you are trying to accomplish and especially when they are put forward to change the structure of one of the oversights of one of our largest departments, in this case the Police Department. I had a lot of folks reach out to me and ask me to support this. Even if I don't support the idea to at least let the citizens of Nashua have a say on it on the ballot. But my problem with that is that we have a question before us that opens the door to corruption and I don't believe that is a valid thing to ask voters. And what I mean by that is if this was to go through the appointments would absolutely be political. Depending on who controls the Board of Aldermen and who is in the Mayor's Office will be entirely dependent on who is serving on the police commission. That is not a very good way to govern, particularly when it comes to our public safety and when it comes to how we run the department that keeps us safe at night and during the day throughout the City.

So for that reason, you know, we've had incidents in the past where we have had former Aldermen, we have had former Mayors trying to influence the system and they have been unable to penetrate that system. So in my opinion the system is working the way that it is intended to do which is to keep an arm's length between the Board of Aldermen, the Mayor and the Police Department. The way that we do it now is the governor appoints, the executive council confirms and while that's imperfect it is much harder to get in touch with the executive council, it's much harder to get in touch with the governor to

tell them that you have a friend or relative that wants a job in Nashua and quite frankly the governor and the executive council have much more important things to go. And because they represent a much larger area and they have other constituents. So the opportunity for corruption is much smaller.

With that being said, I recognize the concerns that were being raised as far as the diversity of the commission. And I would support adding two commissioners and ensuring that not all of the members are from the same race or gender. If that was the language of the Charter Amendment to ensure that we are adding two more that can be appointed by the governor, confirmed by the executive council and we are adding in those things to make sure we have at least one person representing, you know, to make it more diverse, that I could support. But I cannot support the Board President and the Mayor appointing police commissioners. It is going to become a political football and I believe that it is going to make the process unnecessarily close to the Board of Aldermen and the temptation for corruption is going to be too much. And while I have all the faith in the world in my colleagues here, we all know that elections can change, we've seen it on a national level, we've seen it with our previous president and how certain things when you have – when they are appointed by the president how he would try to influence and corrupt – well there's no difference here in the Mayor's office that if somebody ran for Mayor and they were popular like our former president was and got elected and decided to put his influence over the police commission there would be nothing to do to stop that.

So again, I think we have a good system in place. I would certainly be open to amending and adding two commissioners to ensure racial and ethnic and gender diversity. But I can't support this the way that it is. It is asking the citizens of Nashua to open up our Police Department to corruption and I won't do it. So thank you very much, Madam Chair.

#### Chairman Caron

Thank you. Anyone else on the Committee that has any – Alderman Lopez?

#### Alderman Lopez

I like that tone. I feel like I've been a little on blast today because first I had the issue with the Board of Health that has not been previously presented to me. But more recently our Deputy just insisted on having a return to the podium which I supported in order for him to pass on a message that he felt was very important and that message was partly to talk about me in the third person as an Alderman and to disclose a report that I ended up making to the Nashua Police. So with the support of I hope of Attorney Bolton stopping me from doing anything inappropriate, having made a complaint, I wanted to re-characterize some of what was said because I don't know if the speaker had access to my actual email or not.

But I would like to clarify that I emailed a commissioner, one that I have worked with in the past through the Housing Commission who I had more a connection with than any of the others and who I was under the impression to be more locally focused and civically engaged and engaged in other partners. And the context of my complaint, I can actually read from just that part is "I think the Commission needs to be much more involved in the day-to-day decisions that the Police Officers are apparently making in these cases. I think there needs to be much more oversight of the partnerships that we publicly claim are happening because the police on the ground are not utilizing tools such as mobile crisis response team, the doorway or even the City's own public health outreach workers". So I have been complicit in this, and I have publicly commented repeatedly that we have resources in place, that we use non-profit organizations when someone is in crisis and that we augment our law enforcement role with non-profit organizations with special supports for specifically people that the police may not feel fully able to support.

The reason I contacted the police in the first place was only because I felt like there needed to be a police presence on site if I called the ambulance to rouse an unconscious who I was not able to rouse.

Now I have advanced First Aid training, I have worked with people who are extremely intoxicated and extremely under the influence and I have handled more than average crisis events though probably not as much as the average police officer. So I contacted them because I know the individual in question has been known to wake up violently and be aggressive with people and I wanted to make sure that I wasn't putting anybody in harm's way. But my complaint with the police response and behaviors was the dispatcher that I spoke to discouraged me from calling AMR when I indicated that I planned to and said it that it was OK, officers would be there momentarily. They would be able to assess and take appropriate action. There was over 25 minutes, possibly half an hour between my first call and the response time. And this is on the Rail Trail, the person was unconscious. I continued to try to rouse him, several members of the public stopped to be sure everything was OK and I clarified to them that, "don't worry the police are on the way, we are handling this" because there's concern when you see something like that.

The individual is definitely known to the community and we are all very much aware that intoxication is a problem. But that doesn't mean that you shouldn't check and make sure there's a pulse or make sure that person is safe or that there wasn't damage done to them that they are not aware of while they were intoxicated. One of the reasons that I made this particular call and was concerned about this individual wasn't just because of the circumstances of my finding him but because they mirrored circumstances from several years period. This was the day before we were doing the Tree Streets Block Party and the morning of the first Tree Streets Block Party an individual was deceased on the Rail Trail who was known to the community, was constantly intoxicated heavily and everybody made a habit or a point of saying they knew him but nobody really intervened in a way that was successful.

So I take those things seriously because for years I haven't been doing law enforcement but I have been doing social work and I have been working with people who don't always survive the recovery process, are separated from their friends or family who are going to look out for them and rely on the community for a response. So this is what was going through my head while I was waiting for Nashua PD to respond. When I called them back, they told me they had responded and an officer had checked and the person was well. So that was when I clarified, "No you didn't respond, I have been standing here with the person with another member of the community this entire time, nobody has come by" and that was when they deployed somebody. And I asked again, "should I call AMR" "should I call ambulance because you guys told me not to before, you said it was OK you could immediately respond, I feel like I should do it now because you didn't before" and they assured me again that it was not going to be necessary.

When the officers did arrive, they were able to rouse him. The first officer took the beer out of his hand and poured it out and the second one came up and interviewed me while the other was literally lifting and shaking the person which I mean I wasn't told to do but maybe it is a police procedure. So they were able to rouse him, they poured out the beer. When I pointed out he had an open container on his hand to the person who was interviewing me he immediately was like "I didn't see a beer" and I said, "Well your partner did, he poured it out". So then we started talking about whether there would be any kind of health assessment or emergency response. That was not forthcoming, they both argued that it was not necessary, they declined any concerns I had and said that basically if they even bothered to offer it to the person he would just decline. That was where I pointed out that the person I believed had a legal guardian and that should probably be investigated or contacted as well.

The person who had been roused pointed out that she had moved away and that he no longer had, you know, she was no longer living with him. And that was when it became apparent that that person was indigent or homeless as I think most people would call it. So this person who has had 100's of calls for emergency situations, was sent back down the Rail Trail with no additional support. It was explained to me by the officers that they have found him in all kinds of situations, he's been hit by cars, he's been run over, you know whatever, that's just the way he is and there was no point in pursuing it any further because there wouldn't be support on the other side. I wasn't necessarily trying to criticize the actions of these individual officers because to me it seemed like there were systemic issues at work that could

be addressed and I wanted to bring it to the attention of the commissioners who are making the argument that they are fully aware of all of these circumstances and are able to address them without a larger more accountable Board. That was the position that I was in. That is not the summary that was given to this Board tonight. That may be an aspect of telephone or pass through, maybe the original message wasn't originally sent.

If Attorney Bolton would like, I can probably forward it to his office and he can see whether it is appropriate to put on the record. I do know that the Police Report that I filed, the complaint was put on the record and I was initially approached in terms of "So you want to make a complaint against these officers" and I don't think the officers are to blame. I think if we are politically going to come forward and say "we have all of these programs and our Police Department is so high performing in all of these areas" we need to make sure that the on-the-ground officers feel like they can use it. Because none of them called the Mobile Crisis Response Team, none of them called or tried to make any connections with Gateway. They didn't even call one of the several outreach workers we have at Public Health, at Nashua Soup Kitchen. They didn't work to try to make sure that this person was going to somewhere at all. That is what my concerns were. Now I would have expected a report like that and some concerns coming from my experience as I believe supportive of the police and programs like Safe Station and those partnerships would have been looked at as something a little bit more useful than a political tool.

But it was brought here for that reason. I had doubts before about whether the Aldermen should have any kind of direct control because it was brought up to me by a former Aldermen that there was a past investigation that was done in which multiple Aldermen explicitly tried to interfere with police behavior. I don't think it is interfering with police behavior to advise them there is a potential life safety issue in the public. I don't think it is politically motivated to want to make sure that a person who is passed out and intoxicated and extremely drunk is being given any kind of access to medical care. I think that's just responsible citizenship. So I did not appreciate it being characterized as more than that. I think the police commission has a role in overseeing how these day-to-day activities are done and it is up to them how they are going to do that.

My final response from Commissioner Tollner who was the one that I emailed was that he misunderstood what the tone of my email was and that he would work on developing it. I had a much more productive conversation at the Block Party where the Police were present and engaging with children and PAL and a good community force where the community liaison was talking about efforts that are underway to strengthen those very partnerships. So while I don't think this necessarily should have been politicized, I don't think it has been politicized only on one side. I think there has been a lot of lobbying, one of the first calls that I got on the issue was from the Deputy himself, trying to find out what the story was, what the information was. And I was pretty frank with him that my understanding was that it was just an effort to expand the Board, add diversity and add more local representation.

I think the politicization of it is a choice. I think we have the opportunity to put this forward to all of the stakeholders, the voters, and that is something we should consider. It seemed very clear to me walking into this meeting that we should very mindful of not messing around with something that was broken, but I can't with full confidence saying now that I am the target of what I believe was a first aid intervention and emergency call, having characterized as political. I am not sure what my rights are as a citizen anymore or as a politician because is any complaint that I make, any concern that I bring up going to be now a political issue? If I was being investigated I would obviously feel, OK that's a little bit different, I shouldn't intrude on that, I shouldn't represent myself as Alderman to gain advantage. But I gained no advantage from trying to make sure that one of my constituents is alive.

#### Chairman Caron

OK thank you. Anyone else that is not on the Committee that is sitting in the Chamber that would like to speak.

Alderwoman Kelly

Alderman Klee has hand her up.

Chairman Caron

Well she can wait, she's on Zoom she'll have to wait. OK all set on this side? Alderman Dowd.

Alderman Dowd

Yes. I'd like to start by saying I am opposed to this legislation and I'll explain why. First to place the question on the ballot to change the City Charter there must be a valid need to make such a change. I have not heard a valid need expressed yet. Just because someone thinks it would be better to change the way the police commissioners are selected or someone wants more control over the commission or because they dislike the governor or the governor's council are not valid reasons in my mind to change the Charter. As to giving the voters a voice in this process, they elected us to make the big decisions. Placing the question on the ballot of an off-year election which only brings out a handful of voters is not a sound approach.

Each of you represent voters so decide on the facts. I agree we have issues with the governor and the governor's council for actions that they are taking on many subjects. But it seems change happens every two years in the process in Nashua has worked for well over many, many years. It is also not a valid reason to say all the other cities and towns have reverted to local control for their commissions and we should follow suit. I am not sure how well they have fared in these cities and towns. Do you? Have they done their homework? Certainly Boston can be held out as an example as just how bad political influence can be when selecting police commissioners.

I am your liaison to the Police Commission and have attended almost every one of their meetings. I can tell you the Police Commission system we have works exceptionally well right now and I see no reason to try to break it. At one time I was someone who thought the process should change until I had a long discussion with former Aldermanic President Brian McCarthy. He pointed out that there have been several instances over the year where different Mayors and some Aldermen have been investigated and these investigations took place without local political pressure. We even had an instance where some Aldermen were indicted and sent to prison. These types of instances should not be subject to local political influence.

Have the supporters of this legislation gone back and done their research on these instances. It was in one such instance that forced this change many years ago. In 2004 the same question was taken up by this very committee and it was soundly defeated. Alderman McCarthy spoke in opposition as you have heard. I have received numerous inputs on this subject from constituents, former Alderman, former Commissioners and former Police Chiefs. It was all asking to not pass this legislation. Finally, my predecessor the late Alderman Larose said in this very Chamber in 2004, "The system is not broken. It works fine. I see no reason why we should be changing it." Most everyone I spoke with says like we did in industry if it ain't broke don't fix it. Thank you.

Chairman Caron

Alderwoman Lu, did you have your hand up?

Alderwoman Lu

Yes, I did thank you.

Chairman Caron

You're welcome.

Alderwoman Lu

I also would like to ask that you vote against this resolution tonight. My reasons are basically everyone along with what everyone else has cited that there is value in having, in not having a political influence on the police department. I also feel that the proponents haven't given a solid explanation of why this is a necessary action in order to get diversity ... diversity of race or gender. I disagree that the appointments as they are a very secretive process. I think with a minimum of research and asking around you can find out how it is done and you can express your interest. I was told by one of the executive councilors that there has been or there was a woman considered in the last few years, maybe within the last 10 years and that woman was declined because she was found not to be suitable. So I think it is important that recommendations be made and a dialogue be had with the governor from representatives of Nashua to express what it is we need and that we want.

But what I'd like to do, my comments this evening, I'd like to – are related to the process of addressing a proposal to change the City Charter. At the introduction to R-21-143 this Board was told that an immediate vote was required on the necessity. In an email to me on Wednesday May 12<sup>th</sup> Attorney Bolton stated that the procedure last evening was identical to that used in considering proposed Charter amendments in the past. But my research that is outlined below suggests otherwise. On February 12, 2013 a Charter Change proposal was given its first reading. The late Alderman McCarthy as President of the Board of Aldermen spoke to a parliamentary inquiry by then Alderman Donchess as to which step in the Charter Change process the necessity vote is required. And Alderman McCarthy responded that before the public hearing can be scheduled, this Board has to take a vote on the necessity of the amendment. Additionally, Alderman McCarthy advised the following which I quote from the same meeting minutes, "I would feel foolish if I had found it was necessary to amend the Charter and then change my mind afterwards so I would advise us to be careful about the way in which we do that".

According to the published and approved minutes of that meeting, then Alderman Bolton, then Alderman Wilshire and then Alderman Donchess were all present. At that meeting Alderman Donchess moved to send the Charter Change Resolution to Personnel Committee to explore whether it was necessary to call a public hearing on the matter. Prior to this 2013 meeting, at the May 22<sup>nd</sup>, 2001 meeting of the Board, another Charter Amendment proposal was sent to the Personnel Committee for discussion before returning the matter to the Full Board for a vote on the necessity of a public hearing.

The meeting of the Board of Aldermen on June 26, 2001 also dealt with the first reading of a Charter Change. And this was also sent to Personnel Committee for discussion on the necessity question, then returned to the Full Board. Again the same people were present at that meeting. At the meeting of June 26<sup>th</sup>, 2001 there was an additional charter change proposal which was voted necessary immediately though before sending it to Committee. At this meeting, according to the published minutes, President Hirsch gave a detailed disclosure as to why she was choosing to call for a vote on the necessity question before allowing discussion at the Committee level. Those reasons as stated by her and paraphrased here by me were the lateness of the session of the first reading, the need to cancel the July Personnel Committee meeting thus rendering August the earlier that Personnel could take up the resolution and finally the time frame for requisite noticing of public hearings.

You may be asking why I am talking so much about process. Why do I feel it is important for a Committee discussion to determine whether – why would I feel that it's important to have a Committee discussion to determine whether a recommendation for a public meeting is necessary. It is not because I want to deny public input. It is because a change of the City Charter should be deliberative. It should involve a sharing of knowledge and precedence and pros and cons etc., among the numbers to allow

the Board to act as a body. As legislators, we are uniquely informed on the laws of the City and we have access to research tools and also legislative assistants to identify the historic basis for an ordinance and this can shed a lot of lights on points that may be considered germane to an issue. It is better to be certain that all Board Members have all the facts and merits of a change before the group votes that a public hearing be held.

We had time to do that when this legislation was introduced in May. A public hearing voted on after a Committee had fully discussed this, could have encouraged broader participation in the debate and a more widespread understanding of every aspect of this question. The way this legislation was treated involved one individual with extraordinary influence broadcasting a call to action to a list of supporters. At the public hearing held before Committee members had fully vetted the idea, supporters of the Mayor's appeal attended and spoke in favor while many other residents waiting for the facts to be established, allowing these residents to view the discussion at Committee and hear and learn about the issues involved and may have led to a more reliable indication of the will of the general public. I ask this Committee to consider my comments when they decide on their recommendation tonight. Thank you.

#### Chairman Caron

Alderwoman Schmidt.

#### Alderman Schmidt

Thank you very much Madam Chairwoman. I love Nashua Police. I think they are above and beyond anything we could even imagine. Other cities look to us and understand that we have done it right. I first started working with them with the previous Chief and his professionalism, his care for his people, his desire for everything to be done right – there was no question about it. And our new Chief is exactly the same way, you behave the way you want your people to behave and it creates the best we could ask for. Ward 1 doesn't need a lot of calls for the Police. We do neighborhood watch parties; those are very important to us where we can talk about what is going on in the City. And every time there is a policeman there that we can talk with that we can find out what is going on we can get updates and it is a terrific option for us.

But that has got nothing to do with why I want to see the responsibility for choosing who is going to be on that commission to be here, to be back in Nashua. Before this year, up in Concord I did not think that I could be afraid of what happened up there. I don't say any of our commissioners now have any problem. I do not know but I do know that what's happening up there is bad for Nashua. We have seen it with the Bill to take us back to 2011 on our cap. We have seen attempts to make it impossible for us to say our schools can't ban guns. It goes on and on and it is small and it is large and it is not good. Nashua needs to control this, Nashua needs to be able to say, I know who my police commissioners are. They are going to come and speak like the doctor did here tonight to tell us why they want to do this. It would be advised by Michael, did you want to say something? OH OK, sorry. It would be advised by whoever chose to give us a name to start with and then we would make the decision. And if I'm not here, someone will be from Ward 1 who will make a good decision for this City.

That's why people vote. People vote for us to make good decisions and all in all we do pretty well. Has there been corruption in the past? Yes. Even with the current situation there has been corruption. There is no question people are people. There are bad people and there are people who are led astray and we are going to find them no matter who gets to choose who is on the commission. But whatever we do I really would like to see it added up to five. I can't imagine why we haven't done this before it is the 21<sup>st</sup> Century it is time to move forward and make sure that Board represents the City. Three good men, no question, nobody is questioning that but they present a certain position. They are well off, they are white, they are men and there's nobody on there to say, wait a minute, good job chief you've got another person who is coming who will speak Spanish. We need that kind of person on the Board who is going to support that kind of thing.

I had an opportunity to talk to the COLEA folks when they were here investigating and talking about our accreditation. They were very serious, they were very stern, they wanted specific information. I could help because I was involved in some of the community conversations and I was so pleased that our police force received the accreditation, the best. They are simply the best. I do not think that a change in the commission will affect that in any way. My vote will be to pass this. If people cannot accept the change in where the person is chosen, then at least I'd like to see it increased to five and I'd like to make sure that we put a balance in there as well because it is time. Thank you Madam Chair.

Chairman Caron

Thank you. OK, Alderwoman Klee?

Alderman Klee

Thank you Madam Chair. Let me start that I respect all of the opinions of those who have already spoken and I respect all of my colleagues on the Board of Aldermen and I appreciate we are taking the time to have a civil conversation regardless of the outcome. As one of the prime sponsors I would like to lay out the proposed changes and why I support it. Back in 2017 I learned that the City did not appoint the commissioners and we were the only municipality that fell into this category. I did question my colleagues on the board at that time and I was told, "Let it be"; politely told and I respect them and as a newly elected Alderman I appreciated their experience.

Over these past years I have thought about it and I felt that it was time to have the conversation in the open and I think that is what is happening today. Yes, we did have a conversation in 2004 as was stated but it never got to the voters. I think that the voters deserve a voice in this conversation and what better way to give them the opportunity by referendum question. As I told everyone, regardless of the outcome we need to have this discussion out in the public. So let me start – History. Due to the behavior of a few Nashua and County Commissioners the State of New Hampshire took over the Police Commission in those communities. For Nashua it has been over 130 years. In all of the cases the State built in a way for municipalities to get their commissions back and all of the others have taken advantage of this opportunity. It had to be if the voters requested it. That meant that it had to go to the voters for the voters to decide. Well after 130 years and now being the only New Hampshire municipality to not have oversight of their police commissioners, I believe it is time.

As you already know at this point in time, we the City of Nashua, AKA Taxpayers pay all of the bills and we bear all of the liability of the Nashua Police Department. Their actions, their accidents, anything; yet we have no voice other in a pseudo, non-binding advisory capacity. Current System – the current system of putting in a three person Nashua Police Commission is to have the governor make a nomination of a Nashua resident. And I want to make that clear, all of the commissioners are Nashua residents. And the ultimate approval is by 5 member executive council. To date, no governor who has made the nomination was from Nashua. Currently the executive councilor for district 5 that represents Nashua is also not from Nashua. While he represents Nashua, he does not have a real dog in the race. So his decision as to what is good for Nashua is superfluous.

So in summary, one individual most likely not from Nashua makes a nomination and then a five – only one possibly from Nashua member council makes a final decision. Some may say that's a good thing because then local politics can't play into the decision. Again, it has been commented that this political in all decisions, there are politics in all decisions and this is very true. The key with a local decision is that when an appointment is made of a Nashua resident, that person's history will most likely be known and the vetting process will most likely be more thorough than it is currently. Truthfully, the current system lends itself to leave out Nashua taxpayers.

So the Proposed System – the proposed system will increase the number of commissioners from 3 to 5 and have two different people making the nomination. In this proposal the Mayor will ultimately nominate 3 and the President of the Board of Aldermen will nominate 2. This will be staggered as they are nominated now. The sitting Mayor or the sitting BOA President may or may not get the opportunity to appoint or reappoint more than 1 or 2 of the commissioners depending upon when their reappointment falls. The proposed system will not remove any of the current commissioners. However, as with the current system, when their appointment is up they won't be guaranteed to be reappointed because that will be made by the person that is authorized to make the nomination.

In this proposal, once a nomination has been made they will be referred to a five member Personnel & Administrative Affairs Committee, this Committee here. They will interview the individual and at that time the public will be given the opportunity to speak for or against a nomination during public comment period, just like we do here. Once this individual is vetted by the Committee a recommendation to move forward for approval or not will be made and the recommendation will be forwarded to a full 15 member Board of Aldermen. Excuse me, I need to deal with something. Again the public will be given another opportunity to speak up for or against this nomination. As you know, these public comment periods are extremely important as they uncover or give additional information about the nominee, just like we are seeing here today in this meeting. We are hearing from all different people with all different opinions and very good opinions and very good comments.

The addition of two more commissioners and the addition of a second nominating person should help remove much of the concern that local politics could play into the creation of our police commission. Like the current system, they will each be appointed for 3 years. The proposal is written that no more than 3 can be from a single political party which again should help to eliminate political party influence, much like it is now. I know that you already know how the BOA process works but I wanted to reiterate it as more robust than the current system and will ferret out any person who really should not be a commissioner.

Recent Comments – First I want to thank everyone for their comments and I think that we need to take every comment seriously regardless of what side of this conversation we sit on. I have to admit I was quite alarmed by some of the comments that have been expressed to me personally such as the creation of a locally appointed commission will mean a cut in staff, specifically minorities and women. I was really shocked when I got that kind of a message from a citizen here. I have to assume that those are the last who were hired as I know our Nashua Police Department are very proud of the fact that we now have female and minority representation on the force. I can only assume that there was a confusion between the budget discussion and the referendum question. It makes no sense to make a leap from one subject to the other. I believe that rumor was created to create fear in the community and as a constituent told me, we can't make decisions based on fear of something happening, possibly happening. This comment is not based on fact because I do not see a five member commission changing anything that already exists as far as staffing.

This is not the reason for its change. It is 130 plus years of time that has passed and I believe that it is time to allow the voters to have a say in who represents them in the City and not rely on the State of New Hampshire to get it right. In truth, I do not know how the voters will lean. But I believe that after this much time, it is time to discuss it and put it on the ballot. We speak of transparency, this doesn't mean just for any decisions that are made by any of our Boards and Commissions. It also means a nomination and approval process as well. Today there were comments that police do not hold signs and do not get involved in politics but I know that the Police Chief's Pac did, in fact, endorse candidates including our current governor. I agree that our active police do not hold signs and I do not feel that they would ever do anything like that.

A comment was also made relative to past very bad aldermen who went to jail. I do not feel that is a reason to not make this change; actually I even heard there was no pressure put on the commissioners because they were not under local control. But don't you think if those who were facing an investigation

would have tried to put on some pressure as a favor regardless of who appointed them? It was stated they didn't. Also there was a comment that the current executive councilor is from Nashua. I want to repeat myself, he is not from Nashua, he is from Milford. He does represent Nashua but he does not live in Nashua. You know I have spoken to people and one person had sent an email that said that this had withstood the test of time. And then there have been other comments like if it ain't broke, don't fix it. I don't feel that truly holds up. I say this because we don't know if it ain't broke because we don't get a voice and as they say, we don't know what we don't know.

I can tell you that in my opinion that we have had some who have served on the commission who are not, in my opinion, upstanding citizens and I feel if the decision had been made locally that information would have been known and they would not have been appointed. Nashua is the only one who knows what is best for Nashua and as a taxpayer and an Alderman I want a voice in who represents Nashua. Most people that I have spoken to do not know who the commissioners are not one person knew that we in Nashua are the only municipality who does not appoint their commissioners or have a say in the running our police department. When the news broke of the proposal I had a number of Ward 3 residents reach out to me in shock that we did not appoint our commissioners and I had one who came to my door to let me know a little history of someone who held the seat as a commissioner. I was stunned that the person had been named a commissioner and I didn't want to believe what I was told. I did even more homework and I now believe that the current system is broke and we don't know what we don't know.

I want to add that I have also learned of another commissioner who in my opinion should not have been appointed. I will admit that I have not spoken to our governor about any of his commission appointments because based on my past experience with this governor, he does not take opinions from those who are not in his political party. Remember that every other municipality without State control, every other municipality is without State control. So I have to ask this question, do we feel that all of those other municipalities are corrupt? I don't think so. I am offended by the idea that we are now being painted as a City who can't be trusted and that is motivated because we hate the current governor. I am not a fan of his but this has nothing to do with him as I know that our current and past commissioners have been appointed and reappointed by all parties in power. This is not a power grab it is something that the citizens have the right to decide regardless of the outcome. And I would appreciate this to go forward as a referendum on the ballot. And thank you for letting me speak.

#### Chairman Caron

Thank you. Any other Committee Members? Alderman Cleaver, since you haven't spoken.

#### Alderman Cleaver

Thank you very much, Madam Chair. I heard various opinions about how the Police Commission is not broke so don't fix it and so forth. I have the utmost respect for our Police Department, they do an outstanding job they are the pride of the State if not just in Nashua. It has nothing to directly with the Commissioners however. If it ain't broke, don't fix is not necessarily the application we should be looking at here. I think it may be broken because my experience as a Rep in Concord is that Concord is broken and it is irreparable as it stands right now. And we need a lot of work, we have to maintain Nashua's commissioners from Nashua and have local control. The idea that the governor or executive council has the interest of Nashua at heart is just ridiculous. We have to put this in front of the people at the very minimum. I am in favor of changing the commission as it is, as proposed and I think we have been very, very fortunate to have it work as well as it has for so long, but just very, very lucky in all probability.

So I think it is up to the people to decide. I like the proposal I think it is very thorough, I think it is very, very well done and will not lead to corruption as some have determined; quite the opposite. I think that corruption can come from the State more likely and they don't know anything about Nashua and they

really don't care anything about Nashua. So we have to have local control of all our commissions and the people should decide and that's why it should go on the ballot.

Chairman Caron

Thank you. Alderwoman Kelly did you have ...

Alderwoman Kelly

So it has been a very interesting conversation this evening and I will start by saying that I believe this is an important community conversation that we need to have. And I appreciate that it has been brought up so we can have it. I know that we all know that the world we are currently living in and the things that have been going on and I think this conversation is here for that reason right now. I also think that listening to our citizens is one of our number one jobs as elected officials. That's what we are here for, that's what we went out and asked for people's vote for so we could hear from them. But this isn't a street renumbering, it's not a stop sign going up and this is a change that will have ripple effects for years. And so for that reason I really do think we need to have a longer conversation about this with our citizens. I don't think we need to rush it to the November election. I would call on the Police Department and the City of Nashua to do exactly what the Deputy was talking about, which is to have these community conversations. Let's have people come in; I mean we had maybe a handful – 20 people come in and talk about it tonight and varying opinions in this horseshoe no matter where you fall politically. So I would like to hear from more people before I make this decision for 90,000 people.

I also think that there's a lot of things about this that have been talked about and I personally feel very strongly about but I want to hear what other people think so expanding the commission, putting on people of color, putting on other genders, whatever it is I think the experiences of the people who are on this commission will help them to have a greater thought process in terms of the things that they have come in front of them. I know that they deal with complaints from the community and so a more diverse group of people on this commission could really help to have us look at the things that are happening in our Police Department. Now that being said, my experiences with the Police Department over the 15 years I've lived here have been incredible. I have no complaints personally. But I know that there are people who are not in this room who could have different stories and I want to make sure that we hear those, we give some thought to those and we really dig into this because this is not a small change. That's all I have.

Chairman Caron

OK, Alderman O'Brien.

Alderman O'Brien

Thank you Madam Chair. First I would like to thank my colleagues, I very much appreciate the passion on both sides of the issue to which you guys have spoken on this. But when this comes and I'll urge you now, but when it comes before the Full Board I will not be supporting this. I will state the reasons why. I think we are ill serving the people of Nashua. I think there's an opportunity that is squandered here. Number One – Is there a problem? Have we answered that question? I've heard in the debate that this is – well there might not be a problem / there is a problem. But the thing is if there's no problem then are we bringing forward a solution in search of a problem? What are we doing? We are keeping commissioners but all we are really doing is adding them. Now yes, there is the issue of local control. Maybe I could agree with that or not. But the thing is I don't see it modernizing what we have here in the City. This is the year 2021. Maybe it is time to look at hiring a public safety coordinator in the City that is going to take Police, Fire and perhaps even Emergency Services and to look over that and come up ... what better way to see if there is any redundancy in some of those departments to come together and bring forward something that is going to be worthwhile to the taxpayers.

But that's not the issue. As with our custom right now, we have to vote on the resolution that is presented. It never gave us the opportunity to properly vet it or come out with alternative ideas. And it is because of that reason I cannot support this. I think there is a better solution, a better idea. I am not saying my idea is the way to go but I think we together as a board could have worked a lot better in doing it and by putting this together, this resolution together and then handing it over to the decision of the taxpayers is too premature. I don't think it really had the proper work by this Board and therefore I think it leaves – I don't want to use the word "shoddy" but I expected better by this Board of Aldermen particularly on something that's very important as this issue at hand. So therefore based upon that, I am not saying that your points are very well spoken I think I can understand them. I am not a big fan of commissioners to begin with. But again, I think there were better solutions and the opportunity to vet them has not been brought forward. So I cannot support this idea as it is brought forward. Thank you Madam Chairman.

Chairman Caron

You're welcome. Alderman Wilshire.

Alderman Wilshire

Thank you. I agree with what Alderman O'Brien just said about not giving enough opportunity for both sides of the issue. I mean certainly the administration has put their feelers out and good for them because they want this change to happen. But we as a Board have a decision to make about whether this happens or doesn't happen. We were elected to make decisions for the people of this City. I don't think there's been enough involvement except for maybe the list that went out from the Mayor, I don't think enough people have been involved or have had an opportunity. And I think we give the department to hold community meetings and talk to people instead of shoving this on the ballot and having unintended consequences, I am not up for that. I mean it has been 130 years, what is another 2 years? We want to put it on a ballot on a mid-term election where no one shows up except the couple of people from your Ward that you know are going to vote for you; your neighbor and your best buddy. Other than that, no one is coming out except for maybe the Mayor's supporters because they are not well informed or educated on this. I see we don't move forward with this, and we allow the department and the commission to educate our citizens because this is about them. This is about the public safety of every one of our citizens. And to rush this on the ballot I think is a bad idea. I think public education, more meetings, more input from people like Alderman Kelly said, we should really listen to everyone in the City about this issue. We are not going to do that putting this on the ballot. We are going to get a handful of people; we all know how poor the turnout is in these mid-term elections, no one comes out to vote except your neighbor. So let's let all the neighbors have a two-sides conversation about this.

Chairman Caron

OK anyone – Mayor I'll get to you. I will. Anyone else in the Chamber? OK so now I am going to speak because Alderwoman Kelly made some points that I had thought about, so didn't Alderman O'Brien and Alderman Wilshire. So I won't repeat them. But first of all Alderman Lopez I did not know that was you that they were talking about and I apologize for that. But the other thing is that hopefully having this conversation even though I am not sure if this was the time or place, but hopefully now the commissioners, the Chief, the Deputy Chief, will take your concerns and have some conversations even if means calling you in, I agree. My first or second phone call after 911 would have been to ambulance service to see what we could do. But we don't fault the Police Department, we need to work together and the commissioners don't know the day-to-day things that go on within the department unless it is brought to their attention, that's not their job, it's called micromanaging; been there done that.

But I agree this thing has been thrown at us to make these changes without input without being out there into the public and having the neighborhood watch meetings and having that conversation talking

about should we have 5 people on the commission. The other thing is when you talk about diversity and things like that, yeah we've only had one woman on the commission not because maybe others don't want to be on but they may not be qualified to be a commissioner. So you have to look at that, whether they are Latino or whatever their ethnic ability, we want to make sure that we have the best sitting on the commission. Now you can agree that there may be somebody on there that you don't think should be there and that's fine too. I mean I've dealt with the police commissioners for 40 years so some you could talk to, others didn't care. But the thing was they did not feel that they had to kowtow to us as Aldermen or Mayors or what have you.

Right now it seems to be, "do you know how I am". Well that means nothing to me. That is not what we are about and as Alderman Wilshire said, we are here to make decisions and we have to make hard decisions. But if you want the public to vote on whether you should have 5 commissioners, that's fine. But November is not the time to do it, you need to get that information out there and you need to have conversations. It is not that the governor didn't vet anyone, anymore that we wouldn't put somebody on that wasn't vetted. And any Alderman, any Mayor anyone can say to the governor we would like to see X, Y, Z person on there because they have some knowledge and they are part of this community. They are Latino, they are female, we want them to be part of this and they are going to give us that perspective. But it does not mean that you have lost local control over this. You have it but you have taken it so that they as commissioners and the police can do their job knowing that there will be no repercussions down the road if they say, "Oh my God, X Y Z Alderman is doing this how are we going to do this? We don't want to step on anybody's toes". That's not – no you want them to do their job and do it the best. And if we are named the best Police Department in this State, it is because of these things not because we don't have a say that the Board of Aldermen doesn't have a say. You have a say by just making a phone call or letting the Mayor know, hey I want Shoshanna Kelly because she'd be a great person to sit on the Police Commission.

But we are making this sound like we have no control over this, you do have some control. You do have some say and if someone's term is up you can say to them, we don't think this person fits. This person shouldn't be representing the City of Nashua and the Police Commission. But I won't vote for this but I would certainly have no problem if we put a hold on this and say here is what we want within the next 3 months or whatever it is so that the Committee can make an informed decision as to whether this is the way to go. That's it. And it's not personal to anyone, politics is politics unfortunately but we have to look at this realistically and whether it is 130 years or it has only been 10 years – I don't care what Manchester does. Have you seen what Manchester is like? We have a great community because we have a good Police Department. And sure, I'd be the first one Alderman Lopez to be talking to the Chief and the Commission and say, "Hey we need some help here, how do we do this, how do we work on this". I'd be right there with you to help you do that, because they don't always see the things that happen that you see. But working together, you can accomplish that. But I will not vote for this. I am sorry I cannot wrap my head around this proposal at all and I've talked too much. Mayor I will let you talk even though we are in a Committee.

Mayor Donchess

It's awfully late Madam Chair.

Chairman Caron

I know.

Mayor Donchess

Thanks a lot, you went 3 hours.

Chairman Caron

We will give you 3 minutes, we are not even done Mayor, so we have two more pieces to go.

Mayor Donchess

So well a lot has been said tonight on both sides. I'd like to just mention a few things. First of all, when this legislation was passed at the State level creating a State appointed Commission 125 or 130 years ago, sometime in the 1800's the law also provided – because there were other communities where State control was asserted. The law provided, the statute then provided that any community who wanted to opt out of this could do it by local referendum. So it was set up explicitly in the beginning that there was a way out if people in the community wished to assert local control. Now all of the other communities that used to have this system decided, over the years, that they wanted a form of local control. Now I think that many of the people who spoke against this, basically all of them friends of mine, spoke passionately but I think they did not address the main point.

The question is, are the citizens of Nashua going to be allowed pursuant to the statute that created this system the right that they were given back 125 years ago, are the citizens of Nashua going to have the right to decide the direction of the Nashua Police Department and how the Commissioners are going to be appointed? And I totally, totally disagree with the argument that – and I think the people of Nashua are fully capable, fully capable of understanding this issue, of hearing the arguments on both sides and of making a mature, rational judgement as to what they prefer. Do they want local appointments or not? And I can tell you that they are already hearing the arguments so they can understand this, they are capable of it and I just dispute the idea that they are not well informed enough or they are not educated. I don't agree with that. I think the people who vote in our City elections and it is likely to be 10,000 in an off-year election, that's what happened last time, they are very well informed about what is going on.

So those points I think are important. Now the idea that this current system isn't political, what are you kidding me? I mean how do these appointments get chosen? It is political now. I hear the Police Department, servants of the people of Nashua, who as Police Officers I certainly fully respect they are arguing to the Aldermen that you should not allow the people to decide an issue which the people are specifically given the right to decide by State Law. Now to me that's political. My efforts to keep the tax rate down, we are being slammed by the State of New Hampshire \$12 million dollars are being criticized by the Police Department. Now isn't it my job as Mayor to and I hear that and in private conversations, I always thought these conversations were private, I would not reveal what the Police Department said to me in our meetings but you know – that happened. So I talked to all the departments about how they can save money and try to keep – especially when we are getting slammed with a 4% tax increase or higher. People can't afford this, I am trying to get all the departments. And it wasn't just the Police Department; City Hall is down 3%. We took this seriously we are trying to keep the taxes down.

So yes, I did talk – I admit I talked to the Police Department about whether they could save money. I admit to that charge. In an effort to spare the people of Nashua a bigger tax increase. But all of this is political isn't it? The arguments you hear today, this is all political in the sense that – you know – the issue of how much we fund the Police, or what the tax rate is, these are all political decisions. These are decisions that the elected officials make to try to implement what they think the will of the people will be. That's what representative government is about.

So Madam Chair I am not going to go on too much longer but I've always thought there should be local control to be honest. But other people sort of came around to the view more recently so we proposed this. I think it is timely, I think the people can make the decision. I think our voters are fully capable of understanding this and voting on it and making their own decision. I think they have the right to do that under State Law and to deny them that right because of the argument of some to me is not the right thing to do. But that is all I have on that, Madam Chair.

Chairman Caron

OK thank you. Alderwoman Wilshire.

Alderman Wilshire

I spoke, I am not opposed to this going to the voters. I am opposed to it going to the voters in 3 or 4 months when the only information out there is, boy, you know, the governor shouldn't be doing this we should be having local control. I bet if you asked 80,000 people out of the 89 who your police commissioner, I mean I don't - I am just frustrated. They don't know the issues. I think there a group of people that get some newsletter every week that know the issues. But the general population here in Nashua they are hearing one side of it not both sides; I think that's unfair, that's the most unfair part of this. They are getting one side of the issue.

Chairman Caron

Alderman Kelly?

Alderwoman Kelly

I just wanted to respond to the Mayor's remarks. I believe there was a comment about the Nashua voters are well educated enough to make this call and I will just say that I am well educated, I am on this Board. I have been speaking to many community leaders and citizens for the last month and I still don't know that I fully understand both sides of this issue. So to say that they are well educated to just walk in and do it and not want to have that community conversation I think is the wrong way to approach that.

Chairman Caron

OK Alderman Dowd and then Alderman Lopez.

Alderman Dowd

Yes just a couple of things. One I agree with Alderwoman Kelly that this needs to be studied more. And one of the things, I have been a Rep for the last year and have been to almost all of the meetings and so has Alderman Wilshire. And in all that time I haven't seen another Alderman attend a police commissioner's meeting to find out what they do and don't do in their meetings. They are open to the public. And in that same timeframe I've only seen two members of the public. And at every one of those meetings we get minutes, we get a package like this sent to us and it has every police activity that has happened in the last month, every single one. And the commissioners get to go over it and discuss it. So they do have a non-public session to talk about personnel matters but most of the meeting is totally open and if you want to find out what the commissioners are doing, I would suggest you attend a commissioner's meeting or two.

So it needs time. So if I were making any kind of recommendation to this Committee (inaudible – audio interference) it would be to table this and figure out how you want to move forward.

Chairman Caron

Alderman Lopez.

Alderman Lopez

So first I want to thank you Madam Chair for I think understanding my predicament with regards to the report that was referenced because I could have just sat here and let it fly but as I see it that was an issue where there was a life safety issue and it is an important moment for us to take and say, wait we can't give up on people who are chronic alcoholics or may have a long rap sheet or that kind of stuff. They need the same intervention that anybody needs when they are in crisis, unless we are deciding that their life loses value with every mistake they make which I think is an absurd position so this is a systemic issue that I was trying to bring up with regards to it. And I don't want to harp on it or go over it all over again. But I do want to point out that one of the reasons why I wasn't approaching the Chief and the Deputy Chief specifically with this issue is because I thought would politicize it when approaching a member of the commissioners and the Mayor who is charge of the city side of things could point to these partnerships that we are publicly espousing and giving credit to and say we need to look closer and we need to make sure they are accessible to officers on the ground.

I think my intention was just to maybe put the Mayor on blast a little bit for his mental health awareness committee that really should be involved in this and better participation in organizations like the Continuum of Care because it's not like we can't do this, it's not like we don't have the partners or the organizations to support officers on the ground who are being asked to intervene in these situations where they have essentially given up and have no sense of hope. What was expressed to me is that the system will not work for this guy. If they violate him, they will never be able to find him. Even if they do, he will just get out of it. That was a lack of faith in the system where it intersects with human services and I feel like we can change that and I hope the commission will look at that. I do think that using that as an opportunity to take a shot at me when I mean I am on the Committee, so I have a vote, I get to decide whether it goes to the Full Board or not was a tactic. And I think if you have an ethical position and if you really understand what you are standing up for, you don't need to use tactics. You don't need to decide this can't go to the voters because it shouldn't even have to get there, we can stop it at the Board of Aldermen meeting, we can stop it at the Committee Meeting. That's politics, not just your ideology but your approach to things.

So I think we should refrain from that approach and I think some, I am much closer to my original position coming into this meeting where I do feel like we can't rush this too quickly because I hear the Police and they are concerned. As much as we say that the voters are educated and I agree with the Mayor that the ones who come in an off year election are more committed, they are not just like my buddies, I feel like you're looking right at me when you said that, but I don't have that many friends. But I will say they are people who are more committed and more likely to be following politics so they will have, I think, an informed opinion because otherwise I am just legit just walking into a lottery when I run for re-election. So I like to think that even in an off year election there will be an informed voter approach. But I also have to be fair to the other side and point out that we are in the middle of putting some on the referendum that was a one year election and was completely misconstrued by the public by the public's own admission – Sports Betting.

So I can see why the Police are nervous, because they have a very good track record, they have a long history. And I can see why people looking for change might say, well that history might not fully reflect everybody because even very recently we have had some major social upheavals where rights are being recognized like we are in Nashua, one of the most diverse cities in New Hampshire. And we only recently in maybe 4 or 5 years ago had a large enough minority population for the State to recognize that we had a large enough population for the disproportionate minority contact. We have had incidents in the City's past and I know Mayor Donchess can speak to some of his own leadership on it where there have been racial tensions. So I am not shocked that we haven't had people of color on the police commission and I am not shocked that we haven't had a lot of women and I don't necessarily think it is because there is no one qualified but I would say it is probably because of a lack of access and there wasn't a large population in the State of New Hampshire to draw from. So I can see multiple sides of that and I understand that we need to explore that issue.

I don't think it is a black mark on the Police, I think the credit for how they perform today that we take credit for as politicians in looking at how they intervene in violent crime, how they manage their POP units, how they disrupt substance use disorder outbreaks from being disseminated to the people who are struggling with addictions in the first place, that is credit that they earn. Not just the Police Commissioner's credit, it is definitely the officers and the uniformed people. That was my problem with the response that was forwarded to me where I was put in a position where I was looking at an issue as policy resources and being told, "So what do you want to complain about the officers for". So I think if we want to disentangle this issue and be able to avoid the politics truly, then we can't pit groups against each other. We can't say if you vote to do anything supportive of the police department that they don't like than you are undermining them. I think we do need to explore the issue a lot more thoroughly. I don't know what our time frame for this is, I do know that if somehow we did vote it upwards to the Board of Aldermen and it was just defeated at the Board of Aldermen, it doesn't matter the issue is not going to disappear, we can still do exploration then.

I know that if it went to referendum and was defeated as many of the Aldermen here are thinking this year people are not going to understand the issue so they are going to vote against it, we can still explore it. So I would say that regardless of the decision we make tonight if we are going to take the Police Department seriously then we do need to be looking at how its oversight and accountability is being drawn from the Police Commissioners. If people in the City can't name their Police Commissioners that means there's probably not a lot of connection with them and that could be a good thing or that could be a bad thing. What that thing is, I think we do need to look a little bit more closely at and explore.

#### Chairman Caron

Thank you. I know the Police Commissioners are listening very intensely. OK Alderman Clemons?

#### Alderman Clemons

Yes, thank you very much. So I just wanted to say that I am not against putting something on the ballot to the voters. But it has to be right and it has to be something that has anti-corruption built into it and unfortunately what is before us - and you know I think it also doesn't have anything built into it to make sure that there is minority representation or gender diverse representation on it either. So I think we have some work to do. The other thing that I would like to know is of the cities and towns in New Hampshire did change it, when did they change it, what were the effects of doing so. Did they become accredited after that, did they have commissioners that then took accreditation away as we heard happen in places other than New Hampshire? So I mean I just I think we need to do this right. And doing it right means to have a question that truly gives the voters something to say, I am going to vote either this way or I am going to vote that way. And it doesn't necessarily have to be what is before us now. We can change that. So I agree with my colleagues here that we have more work to do. Thank you.

#### Chairman Caron

Alderman Lopez?

#### Alderman Lopez

If we table this, and do more research is that just going to deep six the whole timeframe I guess, Attorney Bolton is that going to make it impossible to put anything on the referendum or do we have the opportunity to prepare more this time? Because my understanding is that if we don't pass this forward than it is going to expire at the end of the year anyway.

Attorney Bolton

You have more time, you don't have an unlimited amount of time. I mean if you are talking about getting it on the ballot for the coming municipal election this November. I suppose there's been some talk about it is not perfect the way it is; few things are perfect. Any significant change would require another public hearing. It might require further review by the 3 State Officials that have to review for compliance with State Law, that is the Secretary of State, Attorney General and Commissioner of the Department of Revenue Administration. But you don't have to act tonight, but 3 months from now, yeah you won't get it on the ballot in November.

Alderman Lopez

I feel like you just answered that for 2 questions I had so I may bring that up again for the next piece.

Chairman Caron

OK, Alderwoman Klee?

Alderman Klee

Thank you Madam Chairwoman. I can't completely disagree with the fact that the opinions that people have said about that we haven't completely vetted this and we haven't done this and we haven't done that. So I sound like I am changing sides and I am not, trust me. But I do want to remind the citizens as well as the Board members there is an active campaign that has been approved by those 3 members for signatures to go on the ballot and we would need 1,539 or 1,538 signatures I believe in order to get in on the ballot. But we have seen in the past the Nashua citizens do sign these things and they do get it on the ballot. So this could be taken away from us. So if we feel that there are some good points to it and some bad points to it, I think we would need to work very quickly to make those changes because it is very possible that this signature action will take what has been written now. So I am just kind of putting that out there. I think we need to really think hard about what we do and how we move forward. I would hate for all of us today, Oh if we could have just done this or we could have done that in a timely manner than we would then be able to make it a more perfect – obviously nothing is ever going to be perfect – but a better referendum question. So having said that, I think we really need to think about what those unintended consequences could get if this question – as it exists now – is being circulated and has been approved by those 3 bodies. So it is just something to think about and I am not asking you to do anything other than what you feel you need to do. I try never to push my colleagues, you are all wonderful and I really appreciate your opinion.

Chairman Caron

OK Alderman Lu.

Alderwoman Lu

Just through you Madam Chairman, to Alderman Klee, wouldn't our informed citizens hesitate to force through a resolution that the Board of Aldermen has decided isn't prudent? I wonder if there is really a risk there or if it is an imagined risk.

Alderman Klee

I would never ever put out an imagined risk and I kind of resent that comment. But I will try to answer. I can't get in the heads of those that have signed, but I can tell you now that there are people that have already signed. I can tell you now that I have actually had people who called me and asked if there was any of a signature thing which is why I started looking into it and I have found that. I am also going

to say that my battery is really getting very low and I may lose this Committee soon. But I do have concerns that it will go forward. Comments have been made that people vote uninformed. Comments have been made that a lot of people don't come to the municipal election. So knowing that I do have concerns. And I think they are valid. I don't think they are made up. I don't think they are perceived. I think my feelings are true. So thank you.

Mayor Donchess

Could I say one thing briefly?

Chairman Caron

Yes, certainly.

Mayor Donchess

This whole idea that we very corrupt and we are – and you know – everything is at risk if they are local appointments, I just want to defend the community. I don't think we are a corrupt community, I don't think there's corruption here. There's never been an example given of any Aldermen or Mayor who has attempted to intervene in an investigation. Even when those people were charged and that was a Federal investigation there's no way that any Alderman could have influenced that so I don't get what really the Police are saying about that. But the idea that an Alderman or a Mayor would talk to a commissioner who would then talk – you know – it has never happened. The only time there was kind of an inadvertent intervention where a commissioner resigned, it was a State appointed commissioner. So I really disagree with the idea that all this corruption would result. We'd intervene in hiring. I mean I am Chair of the Board of Public Works, not appointed Commissioner, I am the actual Chair. I have never tried to influence a hiring decision within Public Works and God knows I would never try to intervene in a Police hiring decision. What are you kidding me? I just think those concerns are maybe they just – I accept that people believe them that are saying them but I don't think that realistically those kind of things would happen. Thank you for giving me that short ....

Chairman Caron

OK any other comments from Committee members especially or any Board members? Alderman Clemons? I see you raising your hand.

Alderman Clemons

Thank you. Yeah and to the Mayor's point I never thought that Donald Trump would be elected President of the United States either and that happened and corruption ensued. I don't think you Mayor Donchess are corrupt. I don't think that if every person that was on this Board of Aldermen who was elected now and this change was to go through, I don't think there would be any corruption but what I do believe is that the potential for corruption would be there. And that's what we have to consider when we consider this. Is are we opening that door and what are the protections and what are the things that we can do to put into place and make sure that that doesn't happen. So while I believe yes that everybody that is currently elected would not be corrupt I cannot say that and no one can say that for certain in the future. And my whole thing is that yes there have been examples of corruption on the State appointed side the way that we do it now. There have been some questionable commissioners, there's also been questionable aldermen and I can tell you personal stories of other municipalities where if you know certain people in the Police Department you can get away with certain things depending on where you are and who you are. And it's a good old boy network and we don't have that in Nashua now and that's a really, really awesome thing. And I want to keep it that way. So that's where I am coming from and I really don't, you know – we disagree but the potential is there, we need to fix this. I don't want to stifle debate but my opinion on this is that we ... and on the other hand too as

far as the citizens bringing forward a petition look – we can't control what the citizens are going to do in so far as a citizen's petition.

So if they come forward and they have a plan and they get enough signatures and it goes on the ballot, as far as I am concerned it becomes my responsibility to speak what I am saying here tonight and to encourage people not to vote for it because it is not a good plan and it is not in Nashua's best interest. Now what we could do instead is indefinitely postpone this, put a real study together and get it on the ballot for 2023 and get something that's on the ballot that's foolproof and that doesn't open the door for corruption and get the police involvement and say, look this is what we want to do, we want to bring back local control, OK? So how do we do that, how do we balance that with what your concerns are which is to not do the local control. How is there a balance? Maybe we leave 3 appointments by the governor and we have one appointment by the Mayor and one appointment by the President of the Board. Maybe we have an elected commissioner. We need to study this, we need to make sure that we know what we are doing. And rushing this through like this is just not a good idea and it is going to disrupt our Police Department if it does go on the ballot.

So what I would recommend is that we move for indefinite postponement and then set up a Committee that studies it. That's my recommendation but it is not a motion at this point.

Chairman Caron

OK. Alderman Wilshire.

Alderman Wilshire

Thank you Madam Chair. Mayor Donchess, I don't think you are corrupt just for the record.

Mayor Donchess

I don't think you are either.

Alderman Wilshire

OK. There are too many questions and not enough answers. I agree with Alderman Clemons, let's move for indefinite postponement, let's do some education in the community. Let's figure out what everybody wants and not just a few people that are going to show up to vote. If it is that important we should put more time into it like we did the parking study and stuff like that. This has had far less outreach and I think that's what is missing here so I would agree with what Alderman Clemons said.

Chairman Caron

Anyone else? Alderman Lopez?

Alderman Lopez

I am reminded of another time where I was told we would form a Committee on something and then never did when we dropped the issue. So I would like to table this until next month and that gives people who are proponents for it opportunities to develop models that might not be as flawed based on what the public response is. And it gives people who are stronger advocates against it to organize people to and educate them as to why this is a bad idea. I think the Police has definitely done most of the heavy lifting, but if this is really an unsolvable and unmovable object as Alderman Klee pointed out if we don't do anything with it and we just try to indefinitely postpone it then we are just leaving it up to whoever is willing to sign a petition and unless you can do a counter petition to defeat the first petition all you need is a finite number of people to say, OK there's enough merit in this, I want to see it on the

referendum. Our hands are clean, no one can blame the Aldermen and say, OH you guys put this on the ballot, but that's still playing politics. So I would like to make a motion to push this to the next meeting to give everybody who is passionate about it more time to figure out what they are trying to do.

And maybe in the meantime we can present some possibilities like implementing it later, creating a Committee to study it and all that kind of stuff. And then we will have real solutions with which to – or alternatives in this committee.

**MOTION BY ALDERMAN LOPEZ TO TABLE UNTIL THE NEXT MEETING OF THE PERSONNEL & ADMINISTRATIVE AFFAIRS COMMITTEE BY ROLL CALL**

ON THE QUESTION

Chairman Caron

Did you have something Alderman Wilshire?

Alderman Wilshire

I still think this year is too quick to get done what needs to be done; this is an important matter. Our citizens deserve this to be vetted as much as we can vet. Pushing it off a month it is not going to solve the issue, I think you know setting up a study Committee and if they feel that it should go on the ballot in 2023 when most people will go out to vote then I'd support that.

Alderman Lopez

If I may respond I thought I allowed for that, if we set up the Study Committee formally than next month we could indefinitely postpone it.

Alderman Wilshire

So we can set up a Committee tonight?

Chairman Caron

OK. I just want to ask a question to corporation. OK the motion is to for final passage of this, can we override that with a motion to ....

Attorney Bolton

It is my understand that the motion is to recommend to the Full Board Final Passage. A motion to table takes precedence over that. Motions to amend you've got to put forth the amendment, would take precedence over that. A motion to amend in its entirety by deleting everything and then put in some provision for a Study Committee. So yeah any of those things are possible.

Alderwoman Kelly

Can I clarify the motion on the floor? I thought Alderman Lopez was motion to table.

Alderman Lopez

I did.

Chairman Caron

Yes, that's why I was trying to verify. OK did you have your hand up Alderman Dowd?

Alderman Dowd

And I just want to also point out if we are trying to get it on the ballot in November it is going to be right in the middle of election system and this is going to be politicized beyond belief. If we wait until the next election the general election we all won't be running and it won't be politicized anywhere near as much. I know you don't want to wait that long but at least we should table it and so some more hard work on it before passing it.

Chairman Caron

OK let me get Alderman Wilshire so she can ...

Alderman Wilshire

No I just wanted to say that even if we are looking for something to happen in the next couple of months, you are not going to find enough people around to get to educational space because they haven't been out of their house in a year and a half. They are all going away, they are all on vacation, they are all at the beach. This is the worst time to put this forward. The worst.

Chairman Caron

Alderwoman Kelly and I have a question for you Alderman Lopez after.

Alderwoman Kelly

Mine was actually a question and a question if we put this on the table I would very much like to have the City Clerk here for the next meeting conversation because my question is I believe we have talked about this in the past, but putting it on, someone just mentioned putting it on next year's ballot, putting it on a non-local ballot is very complicated. I believe we have declined to do so in the past. It's like a separate ballot if I remember. You'd have to pick up two separate ballots.

Attorney Bolton

It has to be voted at a municipal election.

Alderwoman Kelly

Has to – there you go, there's the answer.

Chairman Caron

It has to be a municipal election. So Alderman Lopez you talked about wanting a Committee to study this and Corporation Counsel said that you could amend this by saying to put a study group together, to take this out and make an amendment that the Police Commissioners would be a study group appointed by the Mayor – I'm sorry by the Board of Aldermen President. Would you be willing to do that or do you want to just table this.

Alderman Lopez

(Inaudible) because if we are feeling unqualified to change the Police Department's Board by just voting to put it in front of the people, I am uncomfortable doing something that I literally thought until it was brought up just now, I thought the President had to create committees and all that kind of stuff. So I am not sure I am even allowed to do that.

Chairman Caron

OK Alderman Wilshire?

Alderman Wilshire

Corporation Counsel is there any reason why we couldn't amend this to say that we are forming a study committee? I mean we could put that right in here and then put a date of November 2023 to have it on the next municipal ballot. I am not opposed to it going on the ballot I just think it needs more time.

Attorney Bolton

You can't say now that you are going to put it on the ballot in 2023, you could delete the entire body of the resolution and amend the title and substitute in that it is resolved by the Board of Aldermen at a Committee to discuss or determine or make recommendations as to the advisability of proposing an amendment to the Charter to provide alternate methods of selecting Police Commissioners or to modify the numbers and qualifications of Police Commissioners and to determine whether it is advisable to place such a proposal on the ballot at the municipal election in November of 2023. Whatever that Committee Study Group or whatever it should be called would recommend would still require going through all of the procedures that the statute requires. So it would have to be introduced to this Board there would have to be a vote that it is necessary, there would have to be a public hearing held, that would have to be reviewed and approved by the 3 State officials and then this Board could then determine the final language and if that was a modification from what the proposed language was just during the time of the public hearing there would have to be another public hearing. So you'd have to go through all of those procedures, but yeah, you could do that. What this Committee does is a recommendation to the Full Board of Aldermen so the idea would be that you would recommend that the resolution be amended to provide for all of that. I think you'd want to flesh it out a little bit more than just say delete all of the current wording and just say a study committee will be established to look into it. I think it probably deserves a little more fleshing out than that, but that's for all of you to determine really.

Chairman Caron

Thank you. Alderman Clemons?

Alderman Clemons

Thank you. My question is through the Chair to Alderman Wilshire, Alderman Wilshire / President Wilshire if we tabled this, this evening do you think that in the next ... before our August meeting you could come up with Committee Structure and a plan to move forward with a study that we could then amend this as Corporation Counsel has suggested.

Alderman Wilshire

Yes.

Alderman Clemons

Alright I move to table.

Alderman Lopez

I already moved but thank you for your support.

Chairman Caron

No questions because it is tabled.

Alderwoman Kelly

We can discuss the tabling, we've been doing it for the last 10 minutes right?

Chairman Caron

No it's not tabled it wasn't tabled.

Alderwoman Kelly

Tom asked to table it.

Alderman Lopez

Yeah we've been debating my non-debatable motion.

Chairman Caron

OK go ahead Alderwoman Kelly.

Alderwoman Kelly

Thank you. My comment is that whether we put this Committee together it wouldn't make it to the ballot. If we do this commission and then makes these changes it would not make it to the ballot. So wouldn't it be cleaner to just put this down and bring new legislation forward to do the study. I would be happy to be the head person talking and making sure that comes forward in a way, they don't have to be the same piece of legislation correct? Corporation Counsel, correct?

Attorney Bolton

You can do that.

Alderwoman Kelly

OK just wondering if there were any merits to keeping as this piece of legislation that I wasn't aware of.

Attorney Bolton

If there are, I am unaware of them.

Alderman Kelly

OK thank you.

Chairman Caron

But the motion is to table R-21-143. Anything else? OK, Clerk would you please call the roll?

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

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez,  
Alderman Kelly, Alderman Cleaver 5

Nay: 0

**MOTION CARRIED TO TABLE R-21-143**

**R-21-151**

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

**RELATIVE TO A BALLOT REFERENDUM CONCERNING SPORTS BETTING WITHIN THE CITY OF NASHUA**

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE, BY ROLL CALL.**

ON THE QUESTION

Chairman Caron

OK you heard the motion, anyone from the Committee that has any questions or concerns? Alderman Lopez.

Alderman Lopez

We approved this before, I don't know why we wouldn't do it again.

Chairman Caron

OK anyone else? Alderman O'Brien did you have ...

Alderman O'Brien

Well only Madam Chair I authored this and the only thing I can say to the Board if I may, Madam Chair. This is a wonderful opportunity to allow sports betting in the City. It'll keep it in the City. People do not

or will not have to go to Foxwoods or any other location in the State for this. It is covered under State RSA's. But also look at people into the door that have some disposable income that want to go out for fun and to enjoy sports betting. And also they may sit down and like what Michael Apfelberg said with the United Way if they so choose to play a game of chance at the cards table, a lot of that money comes back to us in charitable donations. We have heard the numbers. They are phenomenal to my ears; somewhere around \$50 to \$70,000.00 depending upon the venue and the time of year and everything else. And this is money that goes to a lot of the non-profits that do a lot of good work in the City. So I urge you all to pass this but I am available for questions, if you wish. Thank you Madam Chair.

Chairman Caron

Thank you. Any other questions or concerns. Would the Clerk please call the roll?

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

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderwoman Kelly, Alderman Cleaver	5
Nay:	0

**MOTION CARRIED**

**R-21-152**

Endorsers: Alderman Thomas Lopez  
Alderman Linda Harriott-Gathright

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO ADDING TWO ADDITIONAL MEMBERS TO THE BOARD OF HEALTH**

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE, BY ROLL CALL.**

ON THE QUESTION

Chairman Caron

Ok you heard the motion. Do I have any – Alderman Lopez?

Alderman Lopez

So I was caught off guard obviously before. I feel like I was completely mischaracterized because I don't think I can prove it because the Board of Health Minutes don't actually contain verbatim minutes. I will say that it is absolutely my belief that I brought this up at the end of the April meeting and the end of the May meeting. I do believe there is cause for it, I know that the May meeting itself was rescheduled due to one of the 3 members not having the same availability that was necessary. So I think they are vulnerable to rescheduling and those types of things. The videos of the former of the minutes prior to December are still available and I think anyone who is interested in watching the extremely long videos about the masking ordinance and reliving 2020 would find that it was repeatedly mentioned that the meeting needed to be concluded because members of the commission had to go to work, had appointments, you know, had additional commitments.

So I think the reasoning behind it, I haven't heard anyone saying, No 5 people wouldn't be a more stable decision group. It wouldn't improve the level of quorum. The concern raised was whether it was

easier to manage 2 people versus 4 if you were chairing and there was definitely some support for the existing members that they have done a great job and they've worked. I don't disagree with that at all, I feel like I have been pretty public in my support for the Board of Health and the amount of work they've done and the difficult decisions that they have made. So I don't think any of that is necessarily in dispute, but I would like to see the discussion actually take place in the Board of Health meeting. And based on what Attorney Bolton is saying, we can wait until their August meeting; they are in recess for July and at least have the opportunity to see, including myself, the discussion for the opinion being stated.

The minutes are another issue. We just had a meeting where members of the Board of Health were saying they wanted to amend the way minutes have been reflecting their comments in previous meetings and the Chair discussed that with me and my opinion was they could but his opinion was that he needed to talk to the Legal Department about it. So I don't think the minutes currently reflect everything that is happening in the meetings, I think they are a summary. And in the 2020 meetings they had the Zoom calls that were at least recorded and there was the audio component. So you can listen to those "live" but the current Board of Health meetings are not taken verbatim. So I guess that's just a disagreement. So I would like to make a motion to table for a month so that they have a chance to review it so that we have a chance or I have a chance to find out where the evident hostility was coming from etc. I believe I communicated this in the Board of Health meeting at least twice and I definitely had pretty extensive conversations with the Director of Public Health about is who communicates with the Board. So I thought I was communicating well with them.

#### **MOTION BY ALDERMAN LOPEZ TO TABLE R-21-152 BY ROLL CALL**

#### ON THE QUESTION

Chairman Caron

So you are making a motion to table R-21-152?

Alderman Lopez

Yes.

Chairman Caron

OK any other questions or comments? OK will the Clerk call the roll?

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

Yea:	Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderwoman Kelly, Alderman Cleaver	5
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Nay:		0
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#### **MOTION CARRIED TO TABLE R-21-152 UNTIL THE AUGUST MEETING**

NEW BUSINESS – ORDINANCES**O-21-066**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Thomas Lopez  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright

**PROVIDING FOR ALDERMEN-AT-LARGE TO ACT IN COMMITTEES TO MEET REQUIREMENT THAT QUORUMS BE PHYSICALLY PRESENT****MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE, BY ROLL CALL.**ON THE QUESTIONChairman Caron

OK. Alright, does anyone from the Committee have any questions? Alderwoman Kelly?

Alderwoman Kelly

I don't have questions. I would like to speak against this. I feel like this is very specific to the moment in time. We have handled this, it is not a piece of legislation that we need. And I actually think that it could lead to issues with transparency and having people sit in for Committees on votes that people want to go a certain way. So I am very against this and I would like my fellow colleagues to consider that piece and the consequences that can come from something like that.

Chairman Caron

OK Alderman Clemons.

Alderman Clemons

Thank you. I actually have a question. So I am reading this and what it says is "When a standing Committee lacks a quorum of members physically present, any Alderman-at-Large who is physically present where said meeting is held, selected by the Chairman of the Committee, shall be deemed to be a member of said Committee pro tem for the purposes of establishing a quorum being physically present and voting". Now here's where I get mixed up. It says "An appointed member who is not physically present may in accordance with RSA 91:823 participate in the meeting but shall not have a vote if an Alderman-at-Large is serving in his or her stead pro tem". I guess where I am getting confused is the "appointed" part of it, because why would you appoint – why would the Committee Chair appoint an Alderman-at-Large to the Committee for the purposes of a quorum if they weren't physically present? That's what it reads right now. And I don't know if that was the intended purpose but the way that I am reading it is that that's how that would go.

Chairman Caron

Ok Alderwoman Kelly said she might be able to answer that for you.

Alderman Clemons

OK.

Alderwoman Kelly

I just wanted to respond that was my understanding as well and in talking to the Mayor who put this in, that was what he said would happen. So for example this evening's meeting, you weren't able to attend live, Alderman Cleaver wasn't able to attend live, if I hadn't attended live then one of the Aldermen in this circle right now would have gotten one of our votes. Like your vote might be invalid if June said that Lori is on the Committee tonight, even though you might be attending by Zoom. And part of that is because of the RSA, it does say we have to be physically present.

Alderman Clemons

OK if I could continue.

Chairman Caron

Certainly.

Alderman Clemons

The RSA says that you have to be physically present in order for a quorum to be there. The RSA does not say that you have to be physically present in order to vote. So I don't agree with this, I think it misrepresents the will of the people. I think it takes away our ability to represent the people who elected us as Aldermen. And in my opinion the way that it is currently set up is better because the Alderman who is physically present gets an additional vote on the Committee. However all Committee members still get to vote. So in the case of this evening, if Alderwoman Kelly had not been present, then first of all who would choose which one of either myself, Alderwoman Kelly or Alderman Cleaver didn't get to vote? And secondly, why is that fair and why is it necessary? I don't think that this serves the Board of Aldermen well at all. And I don't think that we should move this forward. I think that we have a good system in place that if there is an absence then you get an Alderman-at-Large to serve so that we have a physical quorum and then everybody who participates which could be the full Committee gets a vote. That's the way it should be, that's the way we have been doing it since we have done the telephone, since we have had the telephone participation and I believe that that's the appropriate way to do it.

We shouldn't be taking away somebody's ability to represent their constituents. Because otherwise, why would I show up? Why should I show up? I mean this is ridiculous and it should be indefinitely postponed in my opinion.

Chairman Caron

OK. Alderman Lopez.

Alderman Lopez

I am concerned about some hypothetical scenarios where perhaps President Wilshire gets sick of me and starts to Harry Potter some last minute meetings that I can't make and has Alderman Clemons show up to take my spot and then I do log in but now I can't vote. That would probably be pretty frustrating but these are also pretty outside scenarios. I don't know that this is worded in a way that identifies who the person who is doing the appointing is and I agree with Alderman Clemons and Kelly that it doesn't seem necessary to take a vote away when the only purpose, the main purpose in providing that pro tem proxy whatever is to establish quorum.

Attorney Bolton

If I can respond to this.

Chairman Caron

OK I was just going to ask you.

Attorney Bolton

The problem is that if you have 4 people, if you establish that 4 people can vote, you need 3 physically present to have a quorum. So it's not a question of you are having a meeting and who gets to vote. It's more a question of whether you can have a meeting at all. So if there are going to be instances where the Committee has trouble generating a quorum of people physically present, adding members increases the number necessary to have a quorum. So if you don't like it, don't vote for it. And if you have better suggestions that's fine too. But if you create a situation where there are 4 votes, you need 3 people to make the quorum so just adding one more to make 3 doesn't solve your problem. Or anyone – in any event this was designed to solve a problem. Maybe you don't need the problem solved but you may well be running into issues where you can't have meetings because you don't have enough people physically present. It was certainly never designed to take away people's right to vote or be ridiculous or take away people's rights to represent their constituents. I am offended that someone would suggest that.

Chairman Caron

OK. Alderwoman Klee and then Alderman Lu.

Alderman Klee

I apologize – my hand was raised I do not have any comments. I know it is hard to believe but yes I do not have any comments. So thank you so much.

Chairman Caron

OK Alderwoman Kelly and then Lu. I am trying to get the Committee first. I'm sorry.

Alderwoman Kelly

I just wanted to respond to Attorney Bolton. I don't think anyone was insinuating that I think the way it is written ...

Attorney Bolton

I heard the word "ridiculous".

Alderwoman Kelly

OK I don't believe I said "ridiculous" but I am just saying that there's too much interpretation here and it hasn't been a problem. I know that I and Alderman Laws have both shown up when we have been at issue of physical quorum. We both have reasons for why we wouldn't want to be in a huge room with people but I was here tonight for this.

Attorney Bolton

I was asked to come up with something to solve a problem.

Alderwoman Kelly

I appreciate that.

Attorney Bolton

If you don't think it's a problem it is not up to me to vote on these things. Vote it down. I think it's rude to say I am being ridiculous.

Chairman Caron

Alderwoman Lu?

Alderwoman Lu

Thank you. When I read this legislation I understood it was meant to solve the problem of people being unable to appear physically. And I thought if I were to suggest a change it might be, end it with the permission of the Alderman that they are voting in place of. Because then you would have someone that can't make a meeting and they may want to hold, you know, they may wish that the Committee would reschedule or something and so they might not want the Alderman-at-Large to make a vote for them. But on the other hand with their permission, then there could be no issues there.

Chairman Caron

OK alright. Any other questions or comments? OK will the Clerk call the roll?

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

Yea:		0
Nay:	Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderwoman Kelly, Alderman Cleaver	5

**MOTION CARRIED**

Chairman Caron

So O-21-066 failed.

Alderwoman Kelly

I believe we now have to move to indefinitely postpone.

Chairman Caron

And you are going to make that motion?

Alderman Kelly

I am making that motion.

**MOTION BY ALDERWOMAN KELLY FOR INDEFINITE POSTPONEMENT OF O-21-066 BY ROLL CALL**

ON THE QUESTION

Chairman Caron

Alderman Lopez?

Alderman Lopez

I would just like to clarify for Attorney Bolton that I don't think he's ridiculous, I appreciate the work that he put into this and that he was asked to solve a problem. I think Alderman Clemons might have been using a little bit of prose there and I just hope you know we do respect your opinions.

Chairman Caron

Alderman Clemons.

Alderman Clemons

Yeah I tend to get passionate as does Corporation Counsel. So I apologize and hopefully we can move on from this. Thank you.

Chairman Caron

Thank you. OK so the motion is to indefinitely postpone. Will the Clerk please call the roll?

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

Yea:	Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderman Kelly, Alderman Cleaver	5
Nay:		0

**MOTION CARRIED**

Chairman Caron

So we are not taking anything off the table so now public comment. Oh Commissioner Tollner, you stayed.

TABLED IN COMMITTEE**R-20-021**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman Skip Cleaver  
Alderwoman Linda Harriott-Gathright

**ESTABLISHING AN INFORMATION TECHNOLOGY STUDY COMMITTEE**

- tabled at 6-1-20 mtg

**O-20-010**

Endorsers: Alderman-at-Large David C. Tencza  
Alderman Thomas Lopez  
Alderman Patricia Klee  
Alderman-at-Large Lori Wilshire

**CLARIFYING THAT COIN DEALERS ARE NOT SECONDHAND DEALERS**

- tabled at 3-2-20 mtg

**O-20-032**

Endorsers: Alderman-at-Large Brandon Laws  
Alderman Thomas Lopez  
Alderman Jan Schmidt  
Alderman Skip Cleaver  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Elizabeth Lu

**REDUCING THE FINE FOR OVERNIGHT PARKING VIOLATIONS**

- Tabled at 10/28/20 meeting held jointly with Cte on Infrastructure

PUBLIC COMMENT

Jim Tollner I am used to spending meetings until 11:00 in this Chamber years ago. First of all, thank you for your patience. During that conversation ...

Alderwoman Kelly

I'm sorry, do you mind just stating your name?

Mr. Tollner Jim Tollner, 1 Sequoia Circle, Nashua, New Hampshire.

Alderwoman Kelly

Thank you.

Mr. Tollner So during that comment period there were recommendations back and forth where you know maybe we should take some serious time and vet this out and you know, I agree with it. I am talking to both Aldermen that are in favor of this legislation and those that are opposed to it because I do think this is an opportunity if we put in the right time and schedule maybe work meetings like – I

mean I think one example I've seen in other communities is once a month and the public is aware of it and they can come to a community whether it is at a high school or whatever and you gather all that information. I did speak to some Aldermen that I think they were in favor of this legislation but in those conversations they actually said to me, I don't think this truly fixes it, I just think it might be better than what it is. And with such an important topic and subject, for those Alderman that said, well I don't think this truly fixes it or I am not in favor of this person you know somewhere else making those choices – this is an opportunity for us to sit down. On behalf of the Police Department and the Police Commission I can commit to you right now that we absolutely will participate in that. I think it is very important, we do dedicate a lot of time. I mean if you see what these officers go through every day, you don't want to see what they go through every day. So when they come to you and they say, you know what I don't know what I would do if someone said, "Hey forget about what just happened out there on the street" or forget about this or forget about that. That would kill me if I was a police officer.

The other thing we talk about investigations, I don't think anybody is insinuating that anybody on this Board is corrupt but keep in mind, two years, four years, six years, ten years from now there are going to be different people in this Chamber. I am sure back in '89 people were saying the same things. So you do have a great Police Department. The Chief is great, the Commissioners work very hard, but I would just reach out to all the Aldermen pro or con on this legislation. We welcome the opportunity to do a true vetting, a true community – when I say once a month it's not to like push this out for a year or two it is to do it right and involve everybody in the community. I do think this was kind of rushed through and I do think some people got some information not all of the information. And so I thank you for the opportunity to speak tonight. And I also will talk to Alderman Lopez afterwards, he did have a tough night and I apologize for that. But that conversation I had with him back and forth on that Friday night, in the end I think we ended up in a very good spot and I hope that we do that with all the Aldermen. In the end, we will absolutely listen. There will be times when we are not allowed to talk about anything.

But I also will tell you straight up, there have been investigations of different departments in the City in the last 4 years. We've done, you don't know about them, or you may not be aware of them but that's the way it should be because most of those ended up with nothing. And you want to make sure that you protect people's reputation. So I've also had conversations with the Mayor as well during this process and I'll wrap it up with this saying, I always welcome conversations with Jim. We may agree to disagree but I respect him and I know he respects us. So thank you.

Chairman Caron

Thank you Commissioner. If there's no one else, general discussion?

Laurie Ortolano Wait a minute, Laurie Ortolano.

Chairman Caron

OH I am sorry I didn't see you. Yeah Public Comment, I didn't see you. Go ahead.

Ms. Ortolano I couldn't find how to get my hand up on this screen. I want to talk to you.

Alderwoman Kelly

Laurie can you state your name and your address and you are a little bit soft.

Ms. Ortolano OK Laurie Ortolano, that's because when it gets passed 11:00 my voice drops down. OK it's Laurie Ortolano 41 Berkeley Street. I want to talk to you about the kind of corruption I see in the City and I am going to call it information corruption. You know, you have the authority and the power to take advantage of information and use it in a way that's against us and doesn't allow us to have access to it. Your duty is to allow us to access information and you are not giving us that. While I was sitting in this

meeting I had a Right to Know response Jessie Neumann. On May 18<sup>th</sup> I put in for some emails or communications to try to understand what is going on with our emails in the City with this corruption, these missing emails. And I wrote "all emails". I asked for all emails sent by the IT Department or any employee within the IT Department to Kim Kleiner for the time period of April 1<sup>st</sup> 2019 to May 1<sup>st</sup> 2021. Please use the following search words – "corrupt" "back up" "back-up" "Ortolano" "Laurie" "internal only address" "hacked" "RTK" "Right to Know" "deleted 45 day retention". The response I got from the City said your request for emails between a group of largely unidentified persons who may or may not still be employed with the City of Nashua regarding all IT and Technical and hardware problems that have occurred over a period of 2 years starting 24 months ago. Under RSA 91A:IV A "The City is not required to make available governmental records that are not reasonably described. It is the City's position that this request does not describe governmental records sufficient for an employee familiar with the subject matter to locate the requested records with a reasonable amount of effort".

OK so let me tell you the problem I have. You don't have a list of employees anywhere that I can get ahold of. I can't give the names of who is in the IT Department because I don't know who those people are. And up until 2015 the names of the employees were in the CAFR Reports that were published every year, but you stopped doing it. So tonight I wrote Right to Knows to get the pay stubs of every employee in the City and then also I tried that through Finance and then put one in through Human Resources to get a form that might be signed by an employee when they become an employee of the City. Go through the file and get me a public form that I can get the name of that employee off of so I can generate a list. It's obnoxious that I am denied information...

Alderman Kelly

30 seconds.

Ms. Ortolano ... because you don't have a list and I have to write Right to Knows like that. So when Attorney Bolton says that you know we don't ever want to take away your rights, he certainly does. And I do find that ridiculous and it offends me and this is what he is doing in that Legal Office when I get Right to Knows written like this. Now an employee tonight gave me the list of people in the IT Department. I was lucky you won't do that for me and haven't for 2 years.

Alderman Kelly

Time is up.

Ms. Ortolano And haven't for 2 years. This is obnoxious, this is information corruption and Attorney Bolton has to go.

Chairman Caron

Your 3 minutes is done.

Ms. Ortolano OK well you gave Tollner 4.

Chairman Caron

I didn't give him 4.

Ms. Ortolano You certainly did, I ran my timer, you did. So I am just saying no Alderman has been willing to help me in 2 ½ years on this and anyone who is running, I am going to be staunchly opposed to you. I've had to climb a hill.

Chairman Caron

OK your time is up Ms. Ortolano. Thank you.

Attorney Bolton

Madam Chairman if I may?

Chairman Caron

Yes, Corporation ...

Attorney Bolton

Kim Kleiner during the time we've been at this meeting, Kim Kleiner responded to Mrs. Ortolano's request for a list of employees in IT and gave her a list of all the employees in IT. She also did not read fully the correspondence that she received today from Jesse Neumann and yes her request was overly broad, nevertheless we did provide her with all the available emails received by Kim Kleiner from the IT Department, anyone in the IT Department. So she conveniently leaves those things out. You should be aware that the situation is not as it was described to you.

Alderman Kelly

I believe I see Beth?

Beth Scaer Yes hi, Beth Scaer, 111 East Hobart Street. I just wanted to tell you how upset I am with the way Attorney Bolton treated Alderman Lu at a recent meeting. I think she deserves a lot more respect than that. She is one of the Aldermen that asks a lot of questions and that's what we really need on the Board. And I am very concerned that Alderman Klee has gone after a couple of School Board candidates about a picture that was taken that she knows nothing about but she has concocted this story that they are associated with a hate group. And now we are in danger, the City is in danger because of this ridiculous picture. The whole story is unbelievable and it is really concerning that she would concoct such a story. And if she's so afraid, has she called the Police about it, has she contacted the Police to ask them to investigate this horrible hate group that she's so afraid of.

So please, I am asking Alderman Klee and Attorney Bolton to please think before you say things about people that aren't true. Thank you.

Attorney Bolton

I've never said a single thing, it's not true.

Chairman Caron

OK – Remarks by the Aldermen.

GENERAL DISCUSSION - None

REMARKS BY THE ALDERMEN

Alderman Lopez

I just would like to comment that I do think that we do need to work a little bit more to foster a tolerant atmosphere of respect here but I also think we have been dealing with some amazing pressures over

the last couple of months dealing with some major issues that probably none of us foresaw when we ran for election or re-election and that we should be mindful of that and respectful not only in the public forum but in the private forum as well. With regards to the comments that were made in public I would say we have one member of the public who is looking a Director of Employees who has herself absolutely hired private investigators to investigate them, does not consider that any kind of invasion of privacy and seems to use any form of data that she gets her hands on for her own purposes. I don't know what the City's ability is to protect private information or anything or to allow any kind of dignity to remain to our public employees who have decided to work for the City, have taken on a job that may advance them professionally and career capacity but they did not sign their life or their rights away and there's an increasingly belligerent and disrespectful cohort of people who just seem to demand the highest level of respect for themselves while treating our City staff like less than human rights. That's frustrating for me. And I would point out that the most recent speaker, while she does have an adorable cat, is objecting to an Alderman saying what she knows and expressing her opinions, whether they are valid or not I'm not sure, I've heard the rumors as well that some of the individuals campaigning for School Board knew the individual who wore the Proud Boys T-Shirt. That was at least a lapse of judgement if not an outwardly threatening act to people who the Proud Boys do not approve of and I would urge that speaker to consider the possibility that she herself in proudly displaying her opinions about men and women's rights exclusively may also be threatening to people who are transgender. Because I think we all got used to talking over the internet and over Zoom and we sort of reduced our professionalism and our politeness and our courtesy correspondingly and we need to get back into the habit that when we do things in public and we act in public, it has consequences for other people that we are not anticipating.

Chairman Caron

Thank you. Alderwoman Kelly.

Alderwoman Kelly

Thank you. I just wanted to respond to the public commenter who insinuated that another Board Member concocted the story around the Proud Boys member who came to the School Board Meeting. He was absolutely in photos at that School Board Meeting; he is in a photo with people who are running for elected office with the White Supremacy sign being held up. So I don't know why anyone on this Board or anyone outside of this Board would have any reason to concoct that story and I would hope that anyone running for office would denounce that.

Chairman Caron

Thank you. Alderwoman Lu did you have a comment?

Alderwoman Lu

Yes thank you Madam Chairman. I just wanted to say on June 22<sup>nd</sup> I was humiliated and shocked to be interrupted while I held the floor in this Chamber and I was slandered. It was asserted that I was lying and that what I said was a blatant lie. I sent all of you an email that documented the many times I have had correspondence with this person and the many times I have apologized and the fact that apology was not accepted. And I want to thank those of you who reached out to me to offer their support and thank you for taking the time to read my position on it. Thank you.

Chairman Caron

You're welcome. Anyone else? Alderwoman Klee?

Alderman Klee

Thank you again Madam Chair. I want to take a moment of personal privilege relative to the attacks that were made on me tonight. I will not start a war of words but I will state emphatically that I will not apologize for what I said at the Board of Aldermen meeting. And I have not concocted any scenario and truthfully I was not the first person to make the comment at that meeting. The comments I made are truthful. I want to make it very clear that I also did not speak to anyone at the Union Leader. And in truth I almost never speak to anyone in the press either as an Alderman or a State Rep. I even try my very best not to use social media because of the political polarization that it creates. Excuse me, I am so sorry. I may be quoted but they are taking it from my comments and statements at a Board meeting. In this case they took my comments out of context and truthfully I am disappointed in the reporting of the meeting and even more disappointed in the hateful comments from the citizens today. I have noticed an increase in attacks on me personally and I am very confused by it. I can only assume that they are politically motivated and to ruin my very good reputation.

The truth is, I believe that I am an extremely giving and kind person. And while I might seem a bit arrogant in that last comment it really wasn't meant to be. I have almost always put my personal needs behind those of my constituents and my friends and my family to the detriment of my own health and personal life. I am not complaining because the best job I've ever had is being a Ward 3 Alderman and I've had some really great jobs. I truly don't understand these recent attacks and I am truly hurt by those hateful words but having said that, I will always listen to what everyone has to say regardless of whether I agree with them. And I appreciate my fellow Board members for standing up and speaking out. And I do want to make it very clear I was not the first person that brought up what had happened at the Board of Aldermen meeting nor that picture. But for some reason I seem to be the one attacked and I can only assume it is because I am running in November. Thank you.

Chairman Caron

Thank you. Alderman Clemons.

Alderman Clemons

Thank you very much. I hope that – all I can say is this. And this is directly to Attorney Bolton and that is that after hearing public comment this evening I can understand why you snapped at me. I don't have to live with people assailing my character every single day and everything in my profession and everything that I do every single day. So yeah I can understand your frustration 100% and I just want to say you are doing a good job, keep up the good work. We may disagree from time to time but that's – what people are saying about you and your staff and everything else is just unacceptable and untrue and I am really sorry to hear it. That's all I have to say. Thank you.

Chairman Caron

Thank you. I just have a few words. First of all thank you Corporation Counsel for staying to our Personnel Meeting because of all the controversy with some of these resolutions and guiding us to put us where we need to go. The other thing is Alderman Lopez I agree with you. I have worked for the City between my job and this job almost 50 years and I have never seen such disrespect and rudeness in people today. City employees take these jobs because they want to give back to their community and they work hard. And when you see people making terrible remarks about them, it just blows me away. I just cannot understand why they would talk this way. I mean we have had issues over the years with employees, craziness and things but no way do people need to be disrespectful of each other. You can disagree, you don't have to agree with someone every time, but at the end of the day it shouldn't be personal. It is about your decision as to what you feel is right for your community. I don't care if we disagree on every vote that goes down there, but I respect you as a person. And I think the problem with some of the public is they think that they can come here and just spout off and complain and accuse people of doing things when we as a Board don't have all that information. We don't know the ins and outs of the day to day work that employees do. And you are right, they have a right to privacy and no one should be digging into their lives and making statements. That's totally uncalled for. Nobody goes to a private company and demands names of all the employees and where they live so they can investigate them for their own purposes. I find it very, very sad. I know it has been a tough year and a half but there is no need for disrespect to anyone down here. I am overwhelmed sometimes when I leave here because of the way people talk to each other. And I don't think anybody in this Chamber means to be rude or disrespectful to each other and if they are, then they have to live with that when they go home. But at the end of the day you all have a job to do and I know you all do it to the best of your ability. Thank you. Alderman Wilshire.

Alderman Wilshire

I know I am not on the Committee ...

Chairman Caron

You're fine, you are the President.

Alderman Wilshire

OK I just want to thank all of our City employees; the Police Department who was here tonight; the Fire Department who has been here; all of our City workers who work really hard and have all been through a rough year and a half like the rest of us. And I also want to thank the Legal Department for their work and everything they put up with – demands and complaints and I think through it all we have a really good staff citywide. So I just would like to see people appreciate that.

Chairman Caron

Thank you. OK. Ms. Clerk do we have a motion?

POSSIBLE NON-PUBLIC SESSION – None

ADJOURNMENT

**MOTION BY ALDERWOMAN KELLY TO ADJOURN BY ROLL CALL**

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

Yea: Alderman Caron, Alderman Clemons,  
Alderman Kelly, Alderman Cleaver 4

Nay: Alderman Lopez 1

**MOTION CARRIED**

The meeting was declared closed at 11:22 p.m.

\_\_\_\_\_  
Alderman Kelly, Committee Clerk

## Graham, Donna

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**From:** Michael Tabacsko [mailto:mtabacsko@comcast.net]  
**Sent:** Tuesday, July 06, 2021 7:25 AM  
**To:** Caron, June; Clemons, Benjamin; Dowd, Richard; Gathright, Linda; Lu, Elizabeth; Jette, Ernest; Kelly, Shoshanna; Klee, Patricia; Laws, Brandon; Lopez, Thomas; O'Brien, Michael (Alderman); Cleaver, Skip; Schmidt, Jan; Tencza, David; Wilshire, Lori  
**Cc:** Graham, Donna  
**Subject:** Resolution R-21-143

**CAUTION:** This email came from outside of the organization. Do not click links/open attachments if source is unknown.

To the Honorable Members of the Nashua Board of Aldermen -

I am writing today in opposition to Resolution R-21-143.

In my opinion this resolution for a charter amendment is a classic case of fixing something that is not broken.

The City Charter correctly adopted the process of appointing police commissioners without approval at the city level, specifically excluding the Mayor and BOA from the process. I believe that feature was correct when the charter was adopted, and remains valid in today's environment.

While there is no practical way to completely remove politics from this process, the current method has withstood the test of time with no issues.

I have heard supporters argue that this resolution adds local control, and the notion that 5 members would better reflect the diversity of the Nashua Population. As long as the appointments (whether by the Gov/Council or Mayor/BOA), require Nashua residency, and precludes stacking by one political party, I see absolutely no reason to go through the arduous process of a charter change.

I will say once again that I am opposed to the resolution as proposed, and I view it as unnecessary. I urge you to vote against Resolution R-21-143, and not risk the safety of our citizens over what amounts to a grand experiment.

If you feel you must do something, consider other options such as working to increase the membership from three to five members, or perhaps a non-binding local Advisory/Oversight Committee could provide recommendations and input to the current Nashua Police Commission.

Thank you for your service to the city and for your consideration of my opinion.

*Michael J. Tabacsko*  
5 Federal Hill Road  
Nashua NH 03062  
Cell: 603.321.5291  
[MTabacsko@Comcast.net](mailto:MTabacsko@Comcast.net)

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