

A regular meeting of the Board of Aldermen was held Tuesday, July 11, 2023, at 7:30 p.m. in the aldermanic chamber.

President Lori Wilshire presided; City Clerk Dan Healey recorded.

Prayer was offered by City Clerk Dan Healey; Alderman Alex Comeau led in the Pledge to the Flag.

Let's start the meeting by taking a roll call attendance.

The roll call was taken with 15 members of the Board of Aldermen present: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons (via Zoom), Alderman Wilshire.

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

REMARKS BY THE MAYOR

Mayor Donchess

So Nashua Community Power was pleased to announce last week that the rate for Nashua Community Power customers will drop as of August 1st to a rate from 15.8 cents, the current rate, to 10.9 cents per kilowatt hour. So this is what nearly a 1/3 reduction. We will through this reduction continue to save money for Nashua citizens on their monthly electric bills as we have been doing as part of Nashua Community Power since the beginning of May. This rate will be good until the end of January 2024 and then it might be readjusted as a result of market conditions at the time but that should be good news for all Nashua consumers who are part of Nashua Community Power.

In addition, Nashua Community Power offers rates for the purchase of greener power than is the standard supply. If you wish to have 100% green energy, that's an addition of 4.3 cents per kilowatt and of course that's totally optional. You can opt into that but obviously you don't have to. If you want 50% renewable or green power, then the rate is 1.4 cents per kilowatt hour higher and if you want 33% renewable energy, then you must pay an additional four tenths of a cent per kilowatt hour. Doria Brown is here to answer any questions if people do have further questions about it but I want to thank her and everybody from the city staff who's involved in the Community Power effort over a long period of time for saving Nashua consumers really millions of dollars already.

Madam President I also wanted to briefly mention R-23-126 which creates an expendable trust fund. I just wanted to clarify that this involves no city money. This is for the Multicultural Festival which is being held on Sunday, September 10th, at the Library. The promoters, the organizers of the Multicultural Festival are raising donations and sponsors and they need to have a place to put this money so that it can then be used to meet the expenses of the Multicultural Festival. If there is money left over at the end of the year, at the end of the project, at the end of the festival, then this would be carried over to the next year so that it can continue to be an entirely privately funded enterprise, a privately funded festival, and we don't need to use city money at all. The previously a nonprofit had agreed to allow them to run their money through their 501(C)3 but the nonprofit didn't want to do that anymore so now we need the expendable trust fund. We will in the Multicultural Festival be celebrating the many ethnic backgrounds we have in Nashua that have built our community and our economy over a long, long period of time. Finally Madam President, this is the same kind of arrangement the expendable trust fund that we have for the Pride Parade where that, too, is privately funded through donations and sponsorships.

Finally Madam President, I want to mention and I think the City Clerk Healey is going to mention this as well, we would like to get your authorization to go to the Executive Council to hold a special election for Ward 4 on September 12th to coincide with the Mayor's election so that we don't have to bring the election workers out on an additional day and we can just use them for the two elections. We think that's completely doable. If you give the City Clerk your authorization, then he will go to the Executive Council in Concord which needs to authorize and finally authorize the date but we expect the Board of Aldermen request this particular date that that will be approved. So I hope you will Madam President consider taking action on that tonight. That's all I have Madam President.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Thibeault

Thank you, Madam President. I just wanted to thank Miss Brown for working so hard to get the rate dropped. You know there's times when we really want to try to drive the tax rate down and we haven't been able to do that but being able to

drive at least the electric bills down for people I think is a great thing. When I was at work at Eversource and I saw that they were going down to 12 point something cents per kilowatt hour I panicked thinking that we just dropped it to 15 in Nashua Community Power and now it's going that way. So she was able to do whatever magic her in the city workers are able to do to get that down to 10.9 cents. So I think that's fantastic and I think hopefully, you know, the people in the city are jumping on that and making sure they're with Nashua Community Power so they can save some money on their electric bill. Thank you.

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS

There being no objection, President Wilshire declared the minutes of the special Board of Aldermen meeting of June 28, 2023 be accepted, placed on file, and the reading suspended.

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Lisa Fauteux, Public Works Director
Re: Referral from Board of Aldermen – R-23-123 and R-23-128

From: Julian Long, Urban Programs Manager
Re: Community Development Block Grant Reallocation – Opportunity Networks and PLUS Company

There being no objection, President Wilshire accepted the communications and placed them on file.

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

Jenn Hosking, Nashua Public Library Assistant Director

Thank you. I'm Jenn Hosking. I'm the Assistant Director at the Nashua Public Library at 31 Twist Lane in Hollis. I'm here also as a member of the Planning Committee for this year's Nashua Multicultural Festival. I wanted to thank the Budget Committee for their support of the creation of an expendable trust for this festival and also request that the full Board consider it as well. We're excited to kick off Welcoming Week this year on September 10th. The festival will be held as you heard outside at the library on the plaza in the parking lot and we have some great performances, cultural performances, some delicious food planned, as well as opportunities for learning about the different cultures represented in our community. So it's a great collaborative community event and I hope to gather your support for it. So thank you.

President Wilshire

Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Daniel R.C. Healey, City Clerk
Re: Resignation of Ward 4 State Representative David Cote

MOTION BY ALDERMAN O'BRIEN TO AUTHORIZE THE CITY CLERK TO DELIVER A LETTER ON BEHALF OF THE BOARD OF ALDERMEN TO THE GOVERNOR AND EXECUTIVE COUNCIL ASKING FOR APPROVAL TO HOLD A SPECIAL ELECTION TO FILL THE WARD 4 STATE REPRESENTATIVE VACANCY BY ROLL CALL

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

Yea:	Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	15
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Nay:		0
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MOTION CARRIED

PETITIONS - NONE

NOMINATIONS, APPOINTMENTS AND ELECTIONS - None

REPORTS OF COMMITTEE

Budget Review Committee 05/30/2023, 05/31/2023, 06/01/2023, 06/21/2023

There being no objection, President Wilshire declared the reports of the May 30, May 31, June 1, and June 21, 2023 Budget Review Committee be accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Greeley Park Advisory Committee

There being no objection, President Wilshire confirmed the new appointment of Stephanie P. Ballentine, 9 Bartlett Avenue, Nashua, with a term to expire June 13, 2026 to the Greeley Park Advisory Committee.

Oath of Office will be administered at a later date.

UNFINISHED BUSINESS – RESOLUTIONS

R-23-126

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman-at-Large Melbourne Moran, Jr.
- Alderman Thomas Lopez
- Alderman-at-Large Ben Clemons
- Alderwoman-at-Large Shoshanna Kelly
- Alderman Derek Thibeault
- Alderwoman-at-Large Gloria Timmons
- Alderman-at-Large Lori Wilshire

ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS FOR THE NASHUA MULTICULTURAL FESTIVAL

Given its second reading;

MOTION BY ALDERMAN CARON FOR FINAL PASSAGE OF R-23-126 BY ROLL CALL

ON THE QUESTION

Alderman Jette

So this came before the Budget Committee and I expressed disappointment that there was no one there to speak to us about it. I'm glad that the Mayor gave a very satisfactory explanation this evening. I'm glad that someone from the library came also and added to it. I voted for it with reservations because I didn't know enough information at the Committee meeting but I wholeheartedly support it and will vote for it tonight. I hope that in the future that anyone that is sponsoring a resolution that's coming before a committee that they make sure that someone comes to explain it to us. If no one is available that they let the Chairman know so that it can be tabled until the next meeting. Thank you.

President Wilshire

Alderman Lopez?

Alderman Lopez

I don't think I was a sponsor of it but I am the liaison for the Cultural Connections Committee. I was out of town but I would have loved to have presented it on all the work that the Cultural Connections Committee is doing and the plan for the Multicultural Festival. So I just want to apologize to Alderman Jette that I wasn't present to do that. I've been pretty involved with Cultural Connections Committee for several years. I think this is a very important sustainability step for helping the Multicultural Festival continue forward and it helps with transparency because having a lot of different

partners, and having the changes in priorities, and necessities that comes with managing such a committee and a collection of interests, it is in the city's best interest to be supportive of it in order to be that receptacle so that taxpayers can see where money's coming from, where it's going, and how it's benefiting the community. In the past, we've had a lot of really good community partners - the United Way I think is chief among them but the United Way is a nonprofit organization. They have their own recordkeeping and the Multicultural Festival really is a Nashua city event. Thank you.

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

Yea:	Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	15
Nay:		0

MOTION CARRIED

Resolution R-23-126 declared duly adopted.

R-23-127

Endorsers: Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons

APPROVING THE COST ITEMS OF SIDEBAR AGREEMENTS BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND THE FIVE NASHUA POLICE DEPARTMENT UNIONS REGARDING A POLICE DEPARTMENT RECRUITING INCENTIVE

Given its second reading;

MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-23-127 BY ROLL CALL

ON THE QUESTION

Alderman Dowd

Yes this was originally brought out during the budget discussions in detail by the Chief and the Budget Committee passed it unanimously. It's a motion to allow the Police Department to pay people bonuses for finding new officers. It's limited in how much they would pay out, and it's been approved by all unions, and it's all coming out of their assigned budgets so there's no additional funding required. So I recommend that final passage.

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

Yea:	Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	15
Nay:		0

MOTION CARRIED

Resolution R-23-127 declared duly adopted.

R-23-128, Amended

Endorsers: Alderman Patricia Klee
Alderman Alex Comeau
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman John Sullivan

**RELATIVE TO THE ACCEPTANCE OF AN ELECTRONIC SCOREBOARD LOCATED AT MURRAY FIELD
DONATED TO THE CITY BY THE KYLE BEDINGER MEMORIAL TRUST AND ESTABLISHING AN EXPENDABLE
TRUST FUND RELATED TO THE SCOREBOARD, FUNDED BY APPROPRIATIONS**

Given its second reading;

**MOTION BY ALDERMAN KLEE TO AMEND R-23-128 BY REPLACING IT WITH THE GOLDEN ROD COPY OF THE
AMENDMENTS MADE AT THE BUDGET REVIEW COMMITTEE BY ROLL CALL**ON THE QUESTIONAlderman Klee

Thank you. This amendment amends the original to the I guess the best way to say it is the split between where it was originally going to go of the Cal Ripken Baseball League, and to the City, and to the Greater Nashua Little League Baseball. It was a very unusual split and myself and Alderman Comeau had a long talk about. We had originally come up with a different plan and we really felt that it was more equitable to do the 45%, 45%, and 10% rather than waiting for a \$10,000 type of thing and so on. It became quite confusing to try to do it the other way. We felt this was cleaner and more equitable.

President Wilshire

Motion is to amend. Further discussion on that motion? Alderman Comeau?

Alderman Comeau

Yes, thank you Madam President. I echo the previous comments and I'd also just like to add that the amendment does have the support of the Department of Public Works. This is like Alderman Klee said a much more equitable split of the funds. It's going to benefit everybody pretty equally so it's pretty much the best case scenario. Thank you.

President Wilshire

Further discussion? Alderman Thibeault?

Alderman Thibeault

So I have a few things to say about it.

President Wilshire

On the Motion to Amend?

Alderman Thibeault

No I can wait I guess.

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran,
Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly,
Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron,

Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire

15

Nay:

0

MOTION CARRIED

MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF R-23-128 AS AMENDED BY ROLL CALL

ON THE QUESTION

Alderman Klee

Thank you so much. Again, this was a very unique situation. The way the whole came about I think it was brought to Alderman Comeau's attention and Public Works that there was signage that was put out on 101A in front of Murray Field. It was advertisement. Without having gotten the appropriate I guess it's approvals by the State because that is a State highway. So it was brought to that, we looked into it. There was quite a lot of confusion. This scoreboard had been donated to the Cal Ripken League which is they're good and we're glad that they did that. The problem is that it's city property, city electricity, and if they were to move that scoreboard is going to stay there. So the City was not quite involved in it yet there was confusion with the person from Parks and Rec who said that yes, we could accept it but it was never accepted by the City. So we're kind of backtracking here a little bit accepting the donation.

The flip side of it is actually the flip side of it. The side that has the advertisement and so on and that's where the expendable trust comes in. This City will now put this out to bid to get the appropriate advertisement. The advertisement was given to one particular company in perpetuity for a very low rate. When we talked about this and looked at it, we thought this money could come in not go into the General Fund but go in to help support Cal Ripken as well as without Cal Ripken losing any money. When we had a conversation with them, we kind of came up with what I had talked about before a particular breakout so that they would not lose what they were getting. The only problem was between the confusion and if they were to leave and so on. I will admit when we first started talking about it, I said no advertisement, no nothing, let's just make this clean and not do it because I was afraid of repercussions that other fields and so on. The rules have always been advertisements on the inside of the field. This one is a little bit a little bit different. The advertisement that's there is a very well respected company here in Nashua. It's a very well-done sign. So again, the reason for the Expendable Trust Fund is so that we make sure that the money goes into that account and not mixed with other things so it's very clean much like the one we just talked about is very transparent. We can see how the breakout happens, very equitable, and so on.

There is a 10% that will go into the City's coffer because this particular field is not maintained by Cal Ripken. Alderman Comeau could speak more to that and they no longer take care of the field. The City takes care the field. The City does everything. So we did feel that there should be some money that comes into 10% of it would be for the City use for maintaining the sign, for doing all of these things because there is going to be some upkeep to that sign. So I will end here and I know that Alderman Comeau has even more information so thank you.

Alderman Comeau

Thank you, Madam President. Again, I'd echo all the previous comments. Like Alderman Klee said, this sign went up a couple of years ago. Cal Ripken believed that they had permission from the City. They got permission from somebody who didn't really have the ability to grant it but granted it anyway so we're trying to play a little bit of catch up here. Cal Ripken operates the field at the moment. They're the league that uses Murray Field but that situation can change on a yearly basis and sometimes the fields get rotated around. So we wanted to make sure that the money that came in due to selling the advertising space on the back of the sign was something that we could use to benefit both of the leagues. As Alderman Klee mentioned, also put a portion aside for field maintenance and things like that for things the Parks and Rec needs to do to maintain that field.

The leagues generally take care of their own fields. I know Cal Ripken takes care of Dube Field down on Harris Road. Nashua Little League takes care of Lajoie Field but Murray Field it was either last year or the year before the City re-took control of maintaining the field as far as mowing the grass and doing things like that. So we did feel it was important to carve out just a small section of the advertising revenue to make sure that that field maintenance was self-sustaining and something that would be able to be done a year-over-year. So overall Department of Public Works, Alderman Klee, and myself as co-sponsors we all agree that this is the best possible outcome.

The two solutions were either to find a way to make this work or to tear the thing down. To tear it down really benefits nobody. You know the Kyle Bedinger Trust donated this beautiful scoreboard that looks great on the field from the field

side. There was some things that happened on the back that you know we can't go back in time but we can use what's there now to benefit a lot of kids playing baseball in the City. So for those reasons, I speak for Alderman Klee and myself we would appreciate support on this. Thank you.

Alderman Thibeault

Thank you, Madam President. Now like I said before, I have a few things to say about this. At this current time, I'm not supporting it and I'll explain why and I may or may not have a motion for an amendment at the end. I'd like to see what other people think.

But first, I want to thank Alderman Comeau and Alderman Klee because I know it was a tricky negotiation with Cal Ripken. They thought they had done something right but they didn't and so, you know, if you don't know the speed limit, you still get charged with a ticket. Yes they didn't know and they thought they were doing the right process but at the end of the day, they didn't. So I thank them because I know it was - I talked to Alderman Klee about it. It didn't always go smoothly.

I wasn't able to come to the committee meeting but I did watch it and obviously I couldn't make any emotions at those not being part of the committee. I heard Alderman Jette say - someone said I think we heard it here today, oh its equal parts and Alderman Jette said well no it's not equal parts. It's 45-45-10. So that made me start to think a little bit about this. So a little bit of background is there's probably no one in this room that knows more about Cal Ripken than me since I was the President for two years on the Board for five and a half. Aldermen Comeau is close because he was Little League President during some of that time, and was on the Board, and did a lot of things for Little League. Me and him are about as close as it can be to the baseball stuff in the City. I'll tell you right now Cal Ripken would die to give up Murray. They will do whatever they can to hold that field because that's really the gem. That and Lajoie are the gems of the City. They're beautiful fields and they're well-maintained.

So this was built just a little bit after I was gone. They started to talk about it before. I was not President anymore. I was just coaching the league but they started to talk about this. So I do know the ins and outs of Cal Ripken and how it works. I will tell you right now the revenue that they bring in is very good. You know at any point, their books are \$30,000, \$60,000 that they have on-hand and that was so that we could buy uniforms, and pay the umpires, and do all the things you need to do, equipment, and stuff like that. They have tons of sponsors. They have signs on all their fields - inside their fields like Alderman Klee said that make good money. Convenient MD puts a giant one over at Murray. Huge and they were giving us \$5,000 a year for those signs. I mean that's money coming in plus they charge at least \$50 now, maybe more. They get private donations. They do fundraisers - calendar events where we've made \$25,000 on. So they have money coming in. They host tournaments which also bring in money. They have concessions that bring in money. I'll explain why I'm bringing this up and they charge to play All-Stars. So they got money coming in.

City basketball for instance is \$20 right and that's it, right. That's all they get but baseball for Cal Ripken they're not making profit but they're making money so they can turn it back into their program. I'm sure Little League does it separate same kind of thing. When you go to Cal Ripken fields, they have all the tools. They have rakes. They have tampers for the mound. They have shovels. They have mowers. They have draggers. They have lime for the chalk for the lines. They have speedy dry so when it rains, they can put that out so they can play games. A couple of these fields have great scoreboards whether they're manual ones or whether they're beautiful electronic ones.

Babe Ruth in the City run by Parks and Rec has none of that. They don't give us or - I shouldn't so us only because I'm coaching right now but I haven't been coaching it forever and I wouldn't be coaching forever. They don't give you a lot of lime to chalk the fields. They don't give you machines to do it. They give you a one rake at North Common to do a 90-foot diamond field. We don't have nice scoreboards. Actually, we don't have any at North Common or at Ledge Street, right. We still want kids to play after Cal Ripken and after a Little League and the next place is Babe Ruth. The City doesn't really do anything with the fields too much. We had a championship game this year. They didn't line our fields but they went and they lined Cal Ripken's fields when Cal Ripken has all the equipment and we've always done it when I was a coach down there to do it. They have money. They have equipment. The Babe Ruth program has none of this. We don't have enclosed dugouts. Again like no effective tools - nothing to fix the mound. The draggers are there without ropes to pull them. You have to pull the metal, right. There's no revenue that comes into that. It's just part of the Parks and Rec overhead. Soccer is a pretty big deal in the City, other fields you know, obviously the school fields get done. So Parks and Rec aren't looking at our two fields, and Babe Ruth, and really spending a lot of money to that. So when I see a trust fund that, you know, just goes to Parks and Rec the 10%, how am I going to know that's going back into the baseball program in the City? We have a baseball program outside of Cal Ripken and outside of Little League. Just putting it in Parks and Rec does not get it too big baseball for one.

We want kids to play after that. We don't want them to go away from baseball but Cal Ripken and Little League are both

great experiences because there is concessions, and they have the booths where you can announce players, and play music, and they got all the exciting parts of playing baseball behind it, right. Get a hot dog, hear your name, play the Anthem, watch the scoreboard, and we don't get that here for the City stuff which gets neglected. So I was thinking more of an equal split. I don't see why Cal Ripken just because they were the ones that got the sign put up. Well great they got the scoreboard but why does that have to go more to Little League? Little League's not participating in this. So why can't be an equal split? Why can't it be 50% Cal Ripken and 25/25? Why does it have to be City gets 10%? Again, I'm not thinking of this to give to the City coffers, or the Public Recs coffers, I want it to go to City baseball. When we have one rake and I can walk over to Murray field and they have five rakes and they have a smaller field that to me is a problem. I've asked for an extra rake for two years. Last year Jeff in Parks and Rec said we don't have the money for an extra rake. The one we have is like basically falling apart. They did get an extra rake at Ledge Street this year. So we have two rakes - one broken and one regular.

Those are where the schools play too. Elm Street plays at North Common for now. Fairgrounds plays at Ledge Street. So why aren't we making sure that experience for all kids of all ages is the same? Why are we only looking at Cal Ripken and Little League? Again, it's not anything to do with either Aldermen or what they put in it's about to me what I think is fair for the kids of the City and it's not against Cal Ripken, it's not against Little League. It's for all three organizations.

I'm not going to make a motion this time but I want people to think about that and I want to be on record to show that I'm trying to spread it out equally. I want people to care about all three, right, because kids should get something when they move up to Babe Ruth. They get a lot less than they get at the, I guess, they're not nonprofit programs are what they are but these programs make a lot of money. Cal Ripken brings in a ton of money. Thank you.

Alderman Clemons

Well I have a question and maybe it can go through you to one of the co-sponsors. I guess my question would be when the sign was built who was it and who is it now that negotiates the advertising on the back of it? Was that the league or was that the City? That's my question.

President Wilshire

Alderman Klee?

Alderman Klee

Thank you. I'd like to answer that question and then just one comment if I can for the other issue. But to your answer, currently the contract and so on was negotiated by Cal Ripken. The City had nothing to do with it. Once this takes over, we've already sent a letter to the person who currently has the contract that it will end at the end of this year. That's why it's important for us to get this through so that we can go out for bid and get this before the end of the year. This has kind of been dragging on because it was such a complicated situation. So right now, Cal Ripken has a contract with the current person in perpetuity and the City had no part of that. No funds, no anything, no acknowledgement of it.

Alderman Clemons

Can I ask a follow-up?

President Wilshire

Yes.

Alderman Clemons

So is what's going to happen now that at the end of this year the City is going to be doing the advertising?

Alderman Klee

May I?

President Wilshire

Alderman Klee?

Alderman Klee

Thank you. The City will be putting it out for bid like Public Health puts out for the signs and so on. So yes, yes we will be.

Alderman Clemons

Thank you.

President Wilshire

Alderman Klee, I'm gonna get back to you because I had Alderwoman Kelly?

Alderwoman Kelly

Thank you. I want to say it sounds like there was a lot that went into this. So thank you for the Aldermen who have been working on this. I was unable to attend the evening that we talked about it as well. I had a dance recital and this. So knowing a little bit about advertising, my questions are more around that. We're potentially taking over the advertising there but those fees could be different depending - it's actually a very busy intersection so it might actually be something that is very to Alderman Klee's point, advantageous in terms of how much that can be charged. So my concerns are around things like we have in budget talked a lot about expendable trust funds and ones that get put up with kind of weird appropriations and how they're set up. For example, the David Deane Skate Park has like an astronomical amount of money in it because the money from the cell phones go in it.

So my concern is that we don't really know what that avenue might be and are we setting ourselves up to put a lot of money in this trust fund because we don't really know all those parameters. So I guess there's not really a question there but maybe there is. If either of the makers of the motion know if there was any work done in terms of what they think that annual revenue would be in the advertising.

President Wilshire

Alderman Comeau?

Alderman Comeau

Yes thank you, Madam President. So there were some estimates. No hard numbers and some of these conversations were over a year ago. So the information might be out-of-date by now anyway. Those numbers, those discussions were kind of what we used to come up with the 45 - 45 number. That is we were kind of baselining on if we got something around \$10,000 a year and Cal Ripken got 45% of that, that would equal what they're getting now on their current contract. So that's what Alderman Klee meant when she said they wouldn't lose anything.

As far as a larger chunk to Parks and Rec, we actually did discuss that. I mentioned to Director Fauteux wanting some of the money to go to Babe Ruth. It was expressed to me that Babe Ruth has almost no costs and they don't need the money. She said that it wouldn't be used as efficiently as it would be if we just did it the way that it's currently laid out.

It's also worth noting that between Cal Ripken and Nashua League there's probably I'd estimate 600 or 700 kids playing baseball or more and there's probably 100 or less playing Babe Ruth. By the time they get to those ages, they're playing high school ball, they're playing travel ball, or they've probably given up the sport. It's just dwindling numbers at that point.

Lastly about Babe Ruth, there is a lot of great things that happens at Cal Ripken and Nashua League games. Like Alderman Thibeault mentioned, the announcing, and the music, and the concessions, and all that. That's also due to the fact that there are tons of people involved in making that happen. My experience in Babe Ruth was we were lucky to get coaches. So I mean even if we had a snack bar or an announcer's booth, we wouldn't have anybody to run it because like I said the numbers are just dwindling at that point. So it's a matter of we could put money in the account for Babe Ruth but if there's nobody to do anything, and there's a very small Parks and Rec staff like the money would just sit there. It was discussed and the best outcome we came up with was to put it in this Park Rehabilitation Fund. So it's not going to go in Parks and Recs general fund. It's going to go in the very specific Park Rehabilitation Fund which is only used to maintain the ball fields in the City. So that's how we determined it would be the best way to use the money. If we do really, really well on the contract and make a lot of money, it won't just sit in the account. It will go to these organizations to fund the things that they need to do whether that be the two leagues or whether it be the park rehabilitation fund. Hopefully we do have some really, really good contracts and we can start checking off some of these projects that have

been on Parks and Recs lists for years. Thank you.

President Wilshire

Alderman Kelly you have a follow-up?

Alderman Kelly

I did have a follow up, thank you. So did you guys consider a flat rate? We know they're about getting \$10,000, did that come up in discussion versus a percentage?

President Wilshire

Alderman Klee?

Alderman Klee

Thank you. We did talk about that but as you know being in advertisement, things can fluctuate from year-to-year and we did not want to commit a certain amount because then we felt that it could end up coming out of the General Fund if we said they're always gonna get this much money. We did the up to. We talked about if it hit \$10,000 then money would go into Parks and Rec and it wouldn't do it until that and so on. Trust me there was over a year of discussion, over a year of trying to get through this particular thing. Originally we didn't have anything for the City. We didn't have anything. We did talk about Babe Ruth. I did want to see money go in there because I know Babe Ruth is basically more or less free to the kids that want to want to be in it and so on. We did talk about money going in there. It was Public Works that kind of nixed it and that's why we pulled it out. It was Alderman Comeau who actually said we really need to put guarantee money for the City to maintain the sign and do it through the parks we have programs so that there would always be kind of money going into that. So the 10% gets actually pulled out of this and put into I think it's called the Expendable Trust Fund Number 7058 Park Rehabilitation. It doesn't buy rakes and it doesn't necessarily buy that particular thing but I do get your points. Thank you.

President Wilshire

Alderman Comeau, did you have comments?

Alderman Comeau

No, I'm all set. Thank you.

President Wilshire

Then I have Alderman Klee?

Alderman Klee

I'm good.

President Wilshire

You're good? Okay, then I have Alderman Thibeault?

Alderman Thibeault

Thank you, Madam President. So a couple of things. Unbelievably disappointing that Parks and Rec would say nah, nah, nah we don't need money. I coach at those fields. You need money. Maybe you don't have people to do the work maybe that's it but sorry I'm supporting you guys. You need money. If the park rehabilitation does that mean it's just baseball parks? Like it's not specific unless it's coded that way somewhere that it is specific that it can only go towards baseball fields. Great it doesn't buy rakes. So that's why I would prefer an expendable trust fund for Babe Ruth because then you could buy rakes with it. The schools play at those fields too so it's not just Babe Ruth. To Alderman Comeau's point, I'm not looking for concessions built or overhead dugouts. I'm just comparing that we don't have those things so it would be nice to have the basic things which we don't have. At that point, we're not going to have that kind of fanfare and that's completely okay but you want the basic necessities to be able to play a game when it rains a little bit and you have

to not play because you don't have enough Speedy Dry to take care of the field. It's hard that I heard that she said that because we literally didn't have anybody to do our lines and they said the field was all set and it wasn't. They went over to Cal Ripken and all over Facebook the City helped us get our fields ready today and they couldn't come over to just a pure City field. Like Alderman Comeau said, they have plenty of people that help out at those levels to do lines and all that stuff. I did them all the time but at Babe Ruth you don't. It's sad that we are losing kids. He's right. We're losing kids to other sports. Kids stop playing at this point. They're driving. There's girls. They stop playing and it's sad. We have coaches in the City one of them last year, Adam, got an award for 30 years in coaching. We did it at Holman. So we do have coaches that have been doing it a long time and the teams have been dwindling as far as the amount of kids. It would be nice the kids that are playing high school, and the kids that are playing travel, well what about the kids that just want to play the game. These are the kids that continue on and play Babe Ruth. They just want to play baseball. They're not maybe trying out for high school or trying out for, you know, very expensive travel team. They want to play baseball. So I'm not asking for all that crazy stuff. I just want the fields to be done, an extra rake, a few tools to make sure the mounds presentable so kids can pitch off of it. That's all. Numbers are dwindling. Maybe Babe Ruth will go away completely someday. I hope not. It was a great season and I look forward to fall ball but it would be nice if we had something for the City. Again if this park rehabilitation fund doesn't satisfy the needs that we have then I'm probably not going to vote for it. It's not because I don't want the money to go to the kids, I do, but I guess it's more against the Public Works than it is against anything else.

President Wilshire

Alderman Caron?

Alderman Caron

I don't know where to begin. I am so appalled and shocked by the comments that Alderman Thibeault said about the City Parks and Recreation Department is not taking care of their fields. I don't care whether you're playing Little League, Cal Ripken, Senior Babe Ruth, Babe Ruth. Those fields are supposed to be done every day. They're supposed to have schedules of games and those fields should be raked. There should be things there for coaches to work on when it's raining or what have you. The small amount of money which I think is fine for rehab but the last time all our parks and playgrounds was done it cost us over \$10 million because we do not take care of our facilities.

When I left and I left it in great hands. I knew it was going to be great. We had over 35 teams just in baseball. Cal Ripken and Little League worked hand-in-hand with Park Rec. There was a time when no one did anything but parents, and volunteers, and coaches decided that because the City was growing they would step in and help. It didn't mean that the City walked away and stopped mowing the grass or lining the fields. That's their job. I want to say what the heck are we doing if we're not out there taking care of the fields for these kids to play. Yes social media has taken over and kids don't want to do some of the things that a lot of us did when we were growing up because we were outside but it breaks my heart to think we are not taking care of our kids that can't afford \$2,000 to participate in a program or \$50. That \$20 doesn't pay for everything but it's to give them the incentive to know that they paid \$20, and they're going to show up, and play, and they've got coaches. I had coaches 40 years coaching. They brought a lot of kids up because of this. I don't know what Park Rec is doing. I don't know what DPW is doing but this is shameful, shameful and whatever little money you would get and we shouldn't put another expendable trust just for Babe Ruth. That's ridiculous, no offense. They should be doing their job and we're not doing it. That's why these kids aren't coming out. These kids need this.

We had two young men who never played basketball started off with a lawyer, Junior Bidy, and became two of the top basketball players for the Nashua High School. He took them under his wing and got them into the cities program. Paid for their registration because he knew their parents couldn't do this. That's what the City's about. That's why you have a Park and Recreation Department. I'm sorry being passionate about this but I am so - I was getting blown away by Alderman Thibeault's comments. If you want your kids to get outside, you've got to provide them with these activities. You can't just blow it away and you can't blame everything on not having enough people. I worked with a staff of two trying to run programs for a City of 40,000 plus people. You can't use that always as an excuse. You have to get people out there to help you. I support this. I think it's a great idea to have the scoreboard but I was never against it. I laughed when you said didn't it wasn't supposed to go there but I can understand the confusion that might have happened as far as the split, whatever. If you getting \$1,000 a year, you're not doing a lot of park rehab but that should be done now. I know the season is just about over but I am blown away that we would do this to the youth of our City by ignoring the requests of coaches, coaches, and volunteers to get this stuff done. Totally appalled by that. I'm sorry.

President Wilshire

Alderman Sullivan?

Alderman Sullivan

Thank you. Not sure what purpose this serves but I'm the trust fund Alderman. Park rehab has \$80,363 in it according to the budget book. I think that's a snapshot for probably the end of April. Established for the funding of park rehab at 11 parks within the City of Nashua agent to expend Director of the Public Works Division. That's it. Thanks.

President Wilshire

Thank you. Alderman Jette?

Alderman Jette

Thank you. So you know it's great that the Bedinger family donated the scoreboard. I'm not sure that I - you know I've gone to games at Murray Field. On the one hand I was kind of impressed with it was like a little Fenway Park. On the other hand, I thought, you know, why did the kids need this? Why do they need an electronic scoreboard but they have it. Thanks to the Bedinger family for donating it. I hate to speak against a plan to generate income other than from the taxpayers to help finance the leagues and all the kids playing baseball. That's a great thing. It's hard to argue against that.

However, if I could ask through you to Corporation Counsel and I apologize for not asking you this ahead of time so you'd be prepared but I'm concerned about the second paragraph that says, "Further resolved by the Board of Aldermen of the City of Nashua that the City of Nashua will put the advertising space on the back of the scoreboard out to bid and enter into contracts for advertising on the back of the scoreboard". During our committee meeting, it came out that this sign that's on the back of the scoreboard was never permitted. It never got a sign permit. This sign is an off premises sign which is prohibited in a residential zone. So they didn't get a permit from the City. They didn't get a variance to allow for it. I don't know if they got a building permit and if it was inspected by the electrical inspector. So that all came out during the committee meeting. So my question to Corporation Counsel is if we adopt this does this second paragraph somehow authorize this non-permitted sign and does it obviate the necessity that they get a permit, that they get the proper - that they follow the sign ordinance in a proper way?

Steve Bolton, Corporation Counsel

Well I did ask that question and I was told that yes, the proper building permits and electrical permits were issued. The way it works is if you don't meet the Zoning Ordinance, you can't get a building permit. So I wasn't involved in that decision but I'm told that was done at the time the scoreboard with the sign on the reverse side was first erected that it was properly permitted.

Alderman Jette

May I follow up?

President Wilshire

Yes.

Alderman Jette

So at the committee meeting we were told differently. Isn't that what was said that there was no permit?

President Wilshire

Alderman Klee?

Alderman Klee

Thank you. I think what I said was considering how all of this had happened, I seriously doubt that it had been but since we spoke, I have found out that it was permitted on all avenues of it. I don't know whether or not I went to Zoning. I assume it had to have otherwise it wouldn't have gotten the building permit.

But may I add one comment? After speaking with Director Sullivan as well after the meeting and so on if things change on the sign such as the type of lighting, and lumens, and so on that there would have a different aspect of it. There would

be potential that it would have to go to Zoning each time a new contract was done depending upon on the way it was. But if everything more or less stayed the same, the lighting didn't change anything that there would not have to go in in for a new variance or anything else of that nature.

Alderman Jette

Okay. In light of Corporation Counsel's statement that it did get a permit, I'll withdraw my objection.

Steve Bolton, Corporation Counsel

I want to clarify. I asked the question. That's what I was told. I'm NOT guaranteeing that a building permit was properly issued but I asked the question and that was what I was told.

Alderman Jette

Thank you.

President Wilshire

Alderman Comeau?

Alderman Comeau

Yes, thank you. Just a couple of quick things. I might get the number wrong so forgive me but the last I knew Parks and Rec had 17 employees and there's a lot more than 17 parks in the City. So I have a hard time blaming them for the shortfalls at some of the fields. I know things have to get prioritized and there's a lot more that they do than just maintain the baseball fields. I coached for a long time. My son played for a long time in the City. I've been on a lot of different fields. Some of them are great. Some of them are not so great and that goes within the individual leagues. I know Cal Ripken has Murray which is really nice, and Dube which is really nice, and then you tear down from there. Lincoln Park is okay but not quite as good and then there's the park on Robinson Road which needs some work. Little League has Lajoie which is one of the greatest fields in the State but then Covarrubias, you know, sometimes you've gotta fight the animals to get back into the outfield. We play at Sunset Heights. The schools also do some work on some of those fields that the school teams play on as well. I know that they have to prioritize things like school playoff games are done ahead of city rec league and things like that.

I just wanted to clarify the comment I made about the discussion we had regarding Babe Ruth. Again forgive me some of these meetings go back 18 months so I might get some of the exact wordage wrong but I feel like somebody told me they could not charge and they basically have all their expenses covered. The league almost cost nothing to run other than buying the baseballs, and the jerseys, and things like that. So they charge \$20 which is a nominal fee but they don't need anything more than that to operate it.

As far as the equipment goes, that's a separate issue and I wholeheartedly agree with Alderman Thibeault. If these fields don't have rakes, and shovels, and things like that in the sheds then we should get them that. If we can't do it out of the park rehabilitation fund because of the way the legislation was crafted that created that fund, then I'm more than happy to work with Alderman Thibeault and Bryan Conant over the Parks and Rec and let's have them come up with a list of what equipment they need at the field. If they need appropriation to do it, then that's a discussion I'm willing to have because I do agree those fields should have those maintenance items. If there's people willing to do the work on the fields but they don't have the tools then that's a problem, so let's get them the tools. I think that's a separate conversation than this one. So that's a conversation I'm more than welcome to have. If anybody wants to work together on that, I'm willing to do that. I think we should engage Parks and Rec and find out what they need, what kind of to do lists they have, and let's help get that done. Thank you.

President Wilshire

Alderman Lopez?

Alderman Lopez

So I never hit a baseball until I was like 17 because I never knew I could. Being legally blind, I just sort of assumed I'd never be able to hit the ball and it took some of the kids that went to high school in an open gym class saying like wait a minute you've never even tried? Yeah literally the first time I actually tried to hit a ball, I hit a pop fly so at least I now I can

swing fast enough for it. But that's also an experience I think that's important for kids to have. As a clinician often I get children especially after the COVID 19 pandemic, we have parents that are trying to figure out how to get their kids to better interact with other kids, how to how to improve their self-esteem. A lot of them have way too much energy for the school setting that they're in and they need the confidence builders that sports brings, and they need the sense of camaraderie, and structured social interaction that being on a team brings. So I mean we're not just talking about recreation even though literally the Department's called Parks and Recreation. When it comes to youth, there's more going on than just recreation. It's about social experience. It's about learning. It's about that kind of collaborative activity. So these are very important conversations to have.

Like Alderman Caron, I'm disheartened by the descriptions of all of the things that that Parks and Rec could be doing. I think ultimately we should reach for that but I also recognize as Alderman Comeau pointed out that Parks and Recreation and DPW are very busy, have a tremendous workload. Often Parks and Rec may be doubled tasked or pulled off of what they're doing. I know they've been trying to be innovative and creative with their approaches. I know in the past we've done legislation for electronic sprinklers and those types of things to kind of be a little bit more frugal and economical with maintaining the fields but also make sure that the necessary maintenance is being done. I also know that constituents who live in Ward 4 have brought up the fact that we need more maintenance happening at the fields at Ledge Street. So I think this is a very productive conversation to be had.

Looking at the legislation, the first part of it deals with accepting the donation. The second part is where I get stuck and so I wanted to ask through Madam President to Corporation Counsel. How pinned down are we to the divisions that are presented as a special revenue fund? I was under the impression special revenue funds can be altered by the will of this Board but I don't know if this represents some form of contract so if Corporation Counsel could you enlighten me?

Steve Bolton, Corporation Counsel

Well there's intention, right. You're not bound to appropriate that sum of money or whatever sum of money you will appropriate into this fund. This resolution says how it's going to be divided up. Now it also says that the intent is each year to appropriate the same amount of money that the advertising generated but you don't have to do that. That's aspirational. You find out instead of generating \$10,000 it generates \$100,000, you may want to alter how much you want to appropriate and then you may want to use the rest of it for something else like reducing taxes, or buying more rakes for Babe Ruth fields, or buying other things for Babe Ruth fields, or other things that are necessary in other areas of expenditure for the city in general. So the answer is you're not bound beyond whatever you appropriate into this fund in a given year.

President Wilshire

Alderman Lopez?

Alderman Lopez

Just a follow-up to either Alderman Klee or Comeau. If we were to try to rework this tonight in the middle of a Board of Aldermen meeting would that leave a sour taste? Was this like a negotiation where the partners were like oh we'll give you the sign, or anything like that, or more to the point is it's also something we could kind of circle back to without necessarily running into any well we did it so now we can't just change it the next week situation?

President Wilshire

I have Alderman Klee and Comeau. Alderman Klee?

Alderman Klee

Thank you. I think Alderman Comeau will say the same thing. Our original negotiation was rough in that Cal Ripken really felt that they should have all of it and that nothing should go to anybody. We negotiated at that meeting that there would be a particular split and that once we hit a certain amount of dollar amount, then it would get split more evenly. Again, it was very complicated. I think \$10,000 was the number that was done and at that point, no money was gonna go into the into city fund unless it hit a certain dollar amount and so on. That was the original negotiation with everybody at the table. Then Alderman Comeau and I talked about this as the co-sponsors of it and it was just too complicated. It just didn't seem equitable enough. I do understand wanting to do something for Babe Ruth. I'm willing to listen to whatever has to be done but the truth of the matter is this has got to get done. I hate saying that we need to get this done quickly but in order for it to get out and for us to meet that end of the year deadline, I think we're really kind of pushing things. I'm willing to listen to anything. There's been a lot of negotiation. Cal Ripken is not going to be happy with this as it is

because it's not what they wanted. Twice it's not what they wanted but we felt that was the right thing to do and that's why we came up with this number. If it's okay with Madam President if Alderman Comeau can add to that.

President Wilshire

Alderman Comeau?

Alderman Comeau

Yes, thank you. All of that and then the only other thing I was gonna add is like I've mentioned a couple times, we've been doing this for close to a year and a half now. There's been so many meetings with DPW, Director Fauteux, Parks and Rec, Bryan Conant, the Legal Department, the stakeholders at Cal Ripken, and Nashua League. The result of all of those meetings and those hours, and hours, and hours of conversation was this legislation that we have before us. So while I'll certainly entertain discussion on further amendments, I would also respectfully ask that the process has been playing out for quite some time. This is not some spur of the moment decision that Alderman Klee and I came up with on a whim. This was heavily debated, heavily vetted, and you know the 10% to park rehab, that's what DPW asked for. So it's not like they're getting shortchanged or anything like that. This is the agreement that pretty much all the parties came to and everyone felt was the best conclusion for everyone involved. I personally wouldn't support further amending it away from the terms that all the stakeholders had previously agreed to. Thank you.

President Wilshire

Alderman Moran?

Alderman Moran

Thank you, I've been waiting patiently. Just a comment. Just very disappointed to hear about the Babe Ruth getting shafted it sounds like and I can't agree more with my esteemed colleague from Ward 7 regarding there's only so many times you can say you don't have enough staff before you ask what's your productivity look like. What you have to do to maintain for the kids in the parks and not just the kids, families as well. It seems to be a pattern. I don't want to be conspiracy theorist but from working class families and working poor in this City seem to be disproportionately shafted by DPW or one of the divisions over and over again whether it be from lawns getting torn up during paving, and taking months for reimbursements to come through, or trash cans getting knocked over by plow trucks, and no care in the world sometimes in some of the situations, or the elderly can't get and kids can't get their sidewalk shoveled for whatever reason, or even sand put down. So I'm not sure if we drew out a chart how many things that are disproportionate to the lower income spectrum in the City. It seems like there's a continuous pattern and I'm not sure if the Mayor can maybe address it or find out what what's going on with DPW.

President Wilshire

Alderman Clemons?

Alderman Clemons

Thank you, Madam President. I think in my opinion the DPW, and the Parks and Rec, and they're understaffed. They don't have enough people. Even if they had every position open, they still don't have enough people because we don't have enough money in the City to do what we all think should be done every day in every situation. I think they do a very good job. I don't disagree with the comments that the previous speaker just said in that when there is things that go by the wayside, they disproportionately affect some of our lower income residents. I think that's a byproduct of the simple fact that when anything goes by the wayside, it's always going to affect those who have less because those that have more can take care of it themselves and they often go out and do that. So I don't disagree that we do need to look into some of that but I also don't blame the Public Works Department. I think they're spread thin and I think they do a wonderful job I really do. With the resources that they have, and the staff that they have, I think they do a great job. Am I happy to hear that they told Alderman Thibeault that they don't have money for a rake? No because I think they should have money for a rake. However, I do think that they do a good job.

In regards to the ordinance here, I am going to support it. I think that having heard the discussion this evening a lot went into this. This has been years as was stated again a lot of negotiation. It's a complicated matter that involves a lot of different parties. No one's ever going to be happy in a situation like this. No one's going to be 100% happy in a situation like this but the work was done. It's not my place to second guess it at this point. So I am going to support it.

President Wilshire

Alderwoman Kelly and then Alderman Thibeault?

Alderwoman Kelly

I just had one question through you to Attorney Bolton or perhaps the makers of the motion. In terms of the stakeholders that you guys worked through did anyone talk to the current advertiser and do we have any legal issues with terminating a contract that was set up in perpetuity?

Steve Bolton, Corporation Counsel

My understanding is he was informed of what was going on. I don't believe he was completely happy about it but I don't believe he's got any right to have it any other way. So I'm not concerned about our exposure.

President Wilshire

Alderman Thibeault?

Alderman Thibeault

Thank you, Madam President. I have to disagree respectfully with Alderman Clemons because I think there's a couple parties that were pretty happy about it. Little League who had nothing to do with the sign and just getting 45% of the proceeds. Even Parks and Rec are getting 10% that they weren't getting last year. So I mean I think there were some stakeholders that were happy. The ones that weren't were Cal Ripken, obviously, because they weren't getting the 100%.

In response to the trust funds, I mean \$80,000 for 11 parks. That's not a lot of money when we know how much it takes to fix a park. I know Alderman Comeau has talked about fixing lights, some fields, and some of that stuff fits into under \$80,000 but actually really rehabbing a field is gonna take more than that. You said there's eleven parks on that. There's a lot more parks in the City so I don't know where they're getting money for the other parks not just baseball but all kinds of parks.

This is turning into rake gate. I've asked them a few times. If they're not going to give me one, obviously they're okay. It disappoints me when they say it cost nothing for the program because you put nothing into it. Like they don't have to do stuff. They don't need people. Just buy the stuff. There's good coaches that will do the work for the game. Hundred percent. They will. I know they will. They've been doing it for 40 years some of them - 30 years, 40 years. So we don't need people, we don't need staff, we just need some tools. That's all. Let the coaches do the work to get the fields ready. We're not looking for the greatness of the other fields that we have. I mean Cal Ripken's I'm sorry, it's a rich league. They have money. They give sweatshirts out to people, the kids who graduate out, there's lots of money going through there. So that's why I was like they're not being hurt this much by this ordinance. They're really not. They just have to do the work they were doing before that to get the money they were always getting.

Again, I'm probably not going to support this. Again, it's not for the lack of Alderman Klee and Alderman Comeau trying to negotiate. I know it was tough. I know who you're negotiating with. That's not an easy person to negotiate with. They're always right and they're not. Not in this case. So I'm not going to support it for that reason.

President Wilshire

Motion before us is for final passage of Resolution R-23-128 as amended. Seeing no further discussion.

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderwoman Timmons, Alderman Wilshire	14
Nay: Alderman Thibeault	1

MOTION CARRIED

Resolution R-23-128 declared duly adopted as amended.

R-23-129

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman-at-Large Melbourne Moran, Jr.
- Alderwoman-at-Large Shoshanna Kelly
- Alderman Richard A. Dowd
- Alderman Derek Thibeault
- Alderwoman-at-Large Gloria Timmons
- Alderman Thomas Lopez
- Alderman-at-Large Lori Wilshire

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO CONTRACTS WITH THE SOUHEGAN VALLEY TRANSPORTATION COLLABORATIVE, NASHUA COMMUNITY COLLEGE, RIVIER UNIVERSITY, TOWN OF HUDSON AND TOWN OF MERRIMACK FOR TRANSIT SERVICES

Given its second reading;

MOTION BY ALDERMAN SULLIVAN FOR FINAL PASSAGE OF R-23-129 BY ROLL CALL

ON THE QUESTION

Alderman Lopez

I'm not on this to vote. According to this agenda, I'm not on there for sponsor/endorse, so if I can be added, that would nice.

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

Yea:	Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	15
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Nay:		0
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MOTION CARRIED

Resolution R-23-129 declared duly adopted.

R-23-130, Amended

- Endorsers: Alderman Thomas Lopez
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman-at-Large Melbourne Moran, Jr.
- Alderwoman-at-Large Shoshanna Kelly
- Alderman Richard A. Dowd
- Alderman June M. Caron
- Alderman Derek Thibeault
- Alderwoman-at-Large Gloria Timmons
- Alderman-at-Large Lori Wilshire

RENAMING "LOS AMIGOS PARK" TO "REVEREND DOCTOR PERKINS LOS AMIGOS PARK"

Given its second reading;

MOTION BY ALDERMAN LOPEZ TO AMEND R-23-130 BY REPLACING IT WITH THE GOLDEN ROD COPY OF AMENDMENTS MADE AT THE COMMITTEE OF INFRASTRUCTURE MEETING BY ROLL CALL

ON THE QUESTION

Alderman Lopez

I'd like to speak to this.

President Wilshire

Alderman Lopez?

Alderman Lopez

So this is to honor a very important person in the community. She's contributed a tremendous amount to our City and in doing that, I've been working with the family to make sure that we're putting the name and the salutations appropriately. Each one has particular significance. So out of respect for the family, I asked Alderman Timmons and the Infrastructure Committee to be sure that the language was corrected to closer to my original form. So the golden rod copy of the amendment reads from "Los Amigos Park to Reverend Dr. Bertha A. Perkins Los Amigos Park". So the explanation is basically Los Amigos Park in Spanish means our friends. Reverend Perkins was a great friend to the community and she believed in bringing multiple cultures and multicultural groups together. She felt that it made us stronger. She is a singular person - Bertha A. Perkins - so we want to make sure that her name is reflected. She's also achieved multiple titles of recognition, including Reverend which is a spiritual leader and credentialing within the church and doctor which is an academic degree. She is also recognized as Pastor Perkins which is very important in the people and the community at New fellowship Baptist Church. I think maybe Alderman Timmons can speak more to that. So there are a number of titles. I also appreciate the Infrastructure Committee support because this is probably the longest name for a park that we have so far followed closely by Le Parc De Notre Renaissance François. For someone who has given so much to this community and has done so much for our City, I think it's important to recognize her appropriately.

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran,
Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly,
Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron,
Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire 15

Nay: 0

MOTION CARRIED**MOTION BY ALDERMAN LOPEZ FOR FINAL PASSAGE OF R-23-130 AS AMENDED BY ROLL CALL**

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran,
Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly,
Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron,
Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire 15

Nay: 0

MOTION CARRIED

Resolution R-23-130 declared duly adopted as amended.

UNFINISHED BUSINESS – ORDINANCES**O-23-054, Amended**

Endorsers: Alderman Alex Comeau
Alderman John Sullivan
Alderman Tyler Gouveia
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderwoman-at-Large Gloria Timmons

RELATIVE TO PUBLIC COMMENT

Given its second reading;

MOTION BY ALDERMAN COMEAU TO AMEND O-23-054 BY REPLACING IT WITH THE GOLDEN ROD COPY OF

AMENDMENTS MADE AT THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE MEETING BY ROLL CALLON THE QUESTIONAlderman Gouveia

Thank you, Madam President. I'm actually going to move for a referral of O-23-054 to the Committee of Personnel/Admin Affairs by roll call and would like to speak to that motion.

MOTION BY ALDERMAN GOUVEIA TO RE-REFER O-23-054 TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE BY ROLL CALLON THE QUESTIONAlderman Gouveia

Thank you, Madam President. So we have talked extensively about this ordinance and rightfully so. As I feel obviously we all got the information from the ACLU about a potential lawsuit of the language that was passed before. This ordinance came in to help try to see if we could avoid that. I think the purpose of the discussion we had in committee was to avoid that. What we have before us today and the golden rod copy, I don't feel solves the problem we set out to fix. We being Alderman Sullivan and Alderman Comeau when we came together to write this ordinance. It just doesn't seem to fix the issue of can it get us out of a potential lawsuit.

At the last Personnel meeting, I attempted to table the ordinance to see if we could put new language into it and that motion unfortunately did fail. The next morning I did talk with Alderman Sullivan pretty extensively about what type of language we would look at. We came up with what I think is something that would make the chamber happy and still solve the issue for everybody which is making sure we can have decorum here in the aldermanic chamber, which I think we're at least us 15 are very good at. I feel with this new language that we would put in in committee would be able to solve this problem. I don't see the issue with sending it back because we're still under the old ordinance. So you still can't use crude, vulgar, profane, or obscene remarks in public comment. That's still prohibited. So why don't we send this back, let's work out this language once and for all, and finalize it, and make it happy and make sure pass it with a 15 to nothing vote. I just feel at this time it's not ready for primetime and it just doesn't help us with the goal we went out to achieve what this legislation. Thank you.

President Wilshire

Motion is to re-refer. Alderman Clemons.

Alderman Clemons

Through you Madam Chair can I ask the previous speaker what - can you give me a preview of what that might be?

Alderman Gouveia

Can I defer to my colleague from Ward 9?

President Wilshire

Sure. Alderman Sullivan.

Alderman Sullivan

Making me show my hand. Asking to strike line 10 completely and replace it with "the President of the Board of Aldermen or presiding officer has the authority and responsibility to maintain decorum during a public meeting".

President Wilshire

Alderwoman Kelly.

Alderwoman Kelly

Thank you. I appreciate the work that was brought forth by the sponsors of this. As the Chair of this committee, I will say that I'm not going to support the re-referral. We did table this. We brought back people who could speak to it. Attorney Bolton was asked many questions around words like decorum and whether that was strong enough in his opinion as our legal counsel. He did not think it was. We talked in depth about crude, vulgar, profane, all those words. We looked up definitions. So while I appreciate that the three of you may not be happy with where we are here, I feel like the work was done in the Committee and that this compromise we came up with was are crude and vulgar a little bit more squishy, fine but profane, we know what profanity is. You can define it. So I appreciate it. I understand that was your piece of legislation but I do think the work was done in the Committee and I don't know why re-referring it is going to - if you want to make the motion now, let's make the motion now. It's sat in Committee for two and we probably have talked about this for three to five hours at this point.

President Wilshire

Alderman Moran.

Alderman Moran

Thank you, Madam President. Through you to Corporation Counsel, profane and/or obscene. I'm not a legal scholar but is that like one of the only exceptions to the First Amendment other than I can't say fire? Is this going to restrict someone's speech?

Steve Bolton, Corporation Counsel

There are many exceptions to the First Amendment. I don't even know if you call them exceptions. The First Amendment does not give unlimited right to say and do anything, anytime, anywhere, reasonable time, place, and manner. Prohibitions, restrictions have been upheld time and time again. They should be narrowly tailored to an important governmental objective. I think maintaining the seriousness of meetings making them accessible to a broad element of the community which may not. Certain people may be so offended by certain language that they would not come to meetings, or tune in to meetings, or they might prevent their children from watching these meetings, or attending these meetings. We do have young people who occasionally get assigned by homework by their teachers to watch these meetings for the purpose of experiencing local government. We often have children who have achieved some goal whether it's winning a sporting event, or some academic honor, or something come to our meetings and receive recognition for their achievements. I think keeping that a desirable thing and not having their parents be concerned about the kind of language they were exposed to is an important governmental interest that you may be trying to uphold.

Another factor that courts consider is whether there are alternative means by which the viewpoint that may be hindered can be expressed. The English language has millions of words and essentially you're trying to restrict a half dozen, a dozen, probably no more than that. There are plenty of other words that can express pleasure, displeasure, hostility, anger without resorting to these words in public comment not to mention that people can always send you letters, engage in conversations with any of you personally when you're out in the community, give you telephone calls, send you emails, make comments on various websites, and Facebook pages, and the like. So there are plenty of alternative means of communication by which anyone's viewpoint can be expressed without the use of these prohibited words in the public comment period during your Board of Aldermen meetings.

So a general prohibition or a general authorization of the presiding officer to terminate someone's speech if decorum will be impacted, I think that has much less chance of being upheld by a court. Decorum is a word much like civility, or respectful which would place a lot of discretion and judgment in the hands of the presiding officer. You're lucky right now that you have a presiding officer that uniformly exercises good judgment. But nonetheless, a court might say that that that is allowing too much discretion to reside in the control of a single person. I think the compromise to strike crude and vulgar which may be less certain as to what speech is being restricted is probably a good one. I do think the word profane and obscene do make it pretty clear what you're talking about.

President Wilshire

Alderman Moran.

Alderman Moran

Thank you. Just a quick follow up and one more question. Thank you for that very articulate explanation. I know some people, members of society with personality disorders may struggle to understand your keen insight. So I appreciate that. I know it's never going to prevent someone from coming up here and doing it anyways, right.

But my second question is would this resolve the way it's written now the ACLU's concern?

Steve Bolton, Corporation Counsel

I doubt it. I can't be certain one way or the other but basically the discussion we had with one of the lawyers from the New Hampshire Chapter of the American Civil Liberties Union, he seemed pretty much of the opinion that any restriction at all made it subject to legal challenge. He did not threaten on behalf of the New Hampshire Civil Liberties Union to bring suit. He made it clear that no decision has been made as to whether they will bring suit. They did not indicate that they had a particular plaintiff that was motivating their communication with us. There is another organization - New England Foundation for First Amendment Freedom or something of that ilk that he indicated that they might wish to weigh in even if the Civil Liberties Union did not. So are we sure that whatever we do is going to be successful in preventing lawsuits? No and I can almost guarantee you that no matter what you do the City will continue to be sued over various things.

Alderman Moran

Thank you so much for your legal wisdom. I appreciate it.

President Wilshire

Alderwoman Timmons.

Alderwoman Timmons

Thank you, Madam President. We did hash this over and I agree with Alderwoman Kelly. Over and over during that Committee meeting although I didn't have a vote on it, I thought the motion to strike those first two words out of the language was appropriate and sometimes you don't get what you want. So you cannot come back and say okay it didn't work in committee. I'll bring it back to the full table. I think that's wrong so I will not support anything that was already decided in Committee extenuously with what was discussed at the last meeting.

I talked about what happened when I was in the military. I could have got killed in the city by that language when people come and say they attacked me. That was really bad language. When somebody accuses you of being attacked, that can get somebody killed especially somebody that looked like me. That's what some lady did in the City that was not right. So words do hurt, words do kill, and you cannot say and do whatever you want. So I don't think that we should send this back and I pray that my colleagues will not refer it back. That's all I have to say. We already discussed this. I thought it was a done deal. It coming back again, I think that's wrong.

President Wilshire

Alderman Dowd.

Alderman Dowd

I agree with those two words being struck. The reason and I agree with those two words being struck because they are difficult to define in different people's minds.

I don't agree with sending it back to the Committee. I watched the Committee meeting this afternoon. There was a lot of discussion, extensive discussion including with Attorney Bolton, and I thought it was well defined and pointed out.

As having chaired several hundreds, maybe thousands of meetings over my 46 years of city service, if you do what I just heard it may want to be brought up if it was re-referred puts a handcuff on the Chair of the Committee or the President because now you're saying it's all in their mind what should or shouldn't be said. Now they'll be attacked personally because oh my God that person didn't agree with what I said. This gives a little more meat to allow civility in the meetings. I think that that is critically important. So I won't support re-referring because I think it had extensive review at the Committee meeting and I agree with the current amended version.

President Wilshire

Motion before us is to re-refer. Alderman Jette?

Alderman Jette

Thank you. So I apologize for not being at your meeting. I wanted to be there but it was a Monday night before the Fourth of July. It was kind of in the middle of a holiday weekend. I did watch it and I do know that you put a lot of work into it and you considered a lot of items. I don't diminish the work that you did at all. However had I been there, I would have made a pitch to perhaps add to what you've done. I don't think what you've done goes far enough. I think that remembering that the original purpose of this ordinance was to make sure that we had the ability to regulate our meetings, make sure that they were appropriate. There was a lot of concern about language and the fact that this was viewed on public television.

The ACLU got involved because as Attorney Bolton pointed out to us and their letter pointed out to us, the Massachusetts case, the Massachusetts case is very different than our case. In the Massachusetts case, their ordinance said all remarks and dialogue in public meetings must be respectful, and courteous, free of rude, personal, or slanderous remarks. So the Supreme Judicial Court in Massachusetts said that it went too far in preventing people from expressing themselves at a meeting. They based it on their constitution which has the exact same wording if not similar if not the exact same wording as our Constitution has. It's not the part of the Constitution that talks about the right of free speech. It talks about the people have a right in an orderly and peaceable manner to assemble and consult upon the common good, give instructions to their representatives, and to request other legislative body by way of petition or remonstrance, redress of the wrongs done them, and of grievances they suffer.

So the court in Massachusetts said that the Constitution only requires orderly and peaceable manner and that respectful and courteous goes a lot farther than just orderly and peaceable. When you think about it, what does orderly mean? It means complying with the law. Peaceable means it's non-violent. So I'm not as well versed in this area as Attorney Bolton is but I did do a little research. I did find reference to a case at the 9th Circuit Court of Appeals as the Federal Court of Appeals for the Ninth Circuit approved language in a City Council in California that said, "that it shall be unlawful for any person in the audience at a council meeting to engage in disorderly, disruptive, disturbing, delaying, or boisterous conduct such as but not limited to hand clapping, stomping of feet, whistling, making noise, use of profane language, or obscene gestures, yelling, or similar demonstrations which conduct substantially interrupts delays or disrupts the peace and good order of the proceedings of the council". So I think we have language closer to that go farther than what's being suggested here. I agree that crude and vulgar are hard to define so removing crude and vulgar I think is probably a good thing. This is kind of limited to language although I suppose paragraph 11 which says, "that the presiding officer has authority to terminate the remarks of any speaker when such remarks do not adhere to this ordinance or other applicable law". So I suppose there are other applicable law. I mean there are laws against defamation. There are laws against fighting words that would try to encourage people to react so vehemently that they resort to violence.

There is a New Hampshire Statute on disorderly conduct which defines a whole bunch of other things that fall under disorderly conduct. So anytime anybody's committing a crime during a meeting, I suppose paragraph 11 may give the presiding officer the authority to stop that. So maybe it's okay the way it is but when I saw it at the meeting, Alderman Gouveia made a motion to table, and to do further research, and to offer different alternatives. Personally, I think that you know, we as a group oftentimes seem to feel that we have to deal with legislation as quickly as possible. We send it to a committee meeting and the Committee expects to act on it that evening. We're very reluctant to table anything for further study. I think this is very important legislation. I think when I read the letter from the ACLU, I mean you know I've never dealt with them like Attorney Bolton has so he knows better than I do but my first inclination is to geez they certainly can't be against our needing to regulate our meetings. I mean the Circuit Court certainly have a Federal Circuit Courts certainly approve that and have said that we have the right to do that. It's just a question of how far can we go? What language is appropriate? So my immediate concern, my immediate thought was okay let's come up with some suggested language and invite Attorney Klementowicz to comment on it and see whether or not we can get a compromise that would meet our goals and satisfy his concerns to the extent we can. That we're not fighting about this in a court case.

Attorney Bolton seems to feel that what we've come up with is defensible. He feels fairly confident but he also said we can't guarantee it. A wise man to say that because whenever you go to court if you've been following the US Supreme Court lately, there's no guarantee. Precedent doesn't seem to have the authority that it used to have. So I would be in favor of tabling this so that we can work on it and come up with something better.

President Wilshire

Alderman Clemons.

Alderman Clemons

Thank you, Madam President. I'm not going to be in favor of sending this back. It's not that I disagree with anything that the previous speaker said but some of the things that he brought up have to do with the audience and behavior in the public outside of public comment. This particular ordinance is relative to public comment, in particular, the three minutes

when somebody is up at the podium speaking. So could we amend it so that it included other behavior? Sure we could but the concern that was brought up by the ACLU and the lawsuit was in regards to public comment and those three minutes that we allow someone to speak. So while I appreciate that, I don't think it's relevant necessarily, specifically to what we have in front of us.

In addition, I agree with a lot of the previous speakers who said that, you know, this has been debated at the Committee meeting. I agree with Attorney Bolton that removing the first two words is a good move. It buttons this up. So for all those reasons and in particular this last reason. I think if somebody wants to sue the City, they're going to do it. If they want to sue us over the fact that we're not going to allow them to come up and swear at public comment and say rude things at public comment, then take us to court because I would love to see that argued in front of the court. I'm of the opinion with Attorney Bolton that we would win that as well because there's plenty of examples out there of government agencies and places putting restrictions like this in place to keep decorum. So I think it's pretty good as is.

President Wilshire

Alderman Comeau and then Alderman Klee and then Alderman Sullivan.

Alderman Comeau

Thank you, Madam President. So I also would not support re-referring this at this time. A couple of people have said some variation of the phrase respecting the committee process, and this was debated in Committee, and this was what came out of the Committee, and I myself not more than probably half an hour ago made a plea to you all in a previous piece of legislation to respect, you know, the work that had gone into an amendment. It would be awfully hypocritical for me to go back on that now and suggest that we do the exact opposite on this.

I would like to point out that we did do exactly that a couple of months ago on another piece of legislation where we said we recognize that the committee decided to table this and said that to heck with the committee let's do it anyway. So it would be nice to see a little bit of consistency but in general, I do respect the committee process and I appreciate all the work that went into this. So for those reasons, I would not support re-referring it at this time.

President Wilshire

Alderman Klee?

Alderman Klee

Thank you, Madam President. I feel like I'm just basically echoing much of what has been said. I'm not in favor of re-referring. Chairwoman Kelly had mentioned the fact that it had been tabled to give time for more conversation as well as to bring Attorney Bolton to the Committee. I think they did a lot of good work there. I didn't get to attend the first meeting but I did attend the second one. I did watch the first one. There was a lot of dialogue conversation and because there were so many questions, that's why they tabled it. I think to re-refer it to just agonize on it - and I don't think that anybody's rushed to judgment on this. I don't think that we're trying to pass or not pass something. So I think it needs to be dealt with here and I would not support re-referring. Thank you.

President Wilshire

Alderman Sullivan.

Alderman Sullivan

I would support to send it back. I do think given the discussion that's happening here tonight, I do think that there is more discussion that needs to be had especially when it comes to something as delicate. I was thinking today on the way over here. It's like a game of Operation. You can't touch the sides or else the buzzer goes off. I feel this is one of those types of legislation where you have to be very careful. There is the First Amendment on the table. There's the ACLU issue. There's a lot of language that's out there. I've been very vocal about where I stand on it. I am not going to open that nut again don't worry. I just would offer to re-refer it because I think more discussion would be a good thing. Thanks.

President Wilshire

Motion on the table is to re-refer. Seeing no further discussion.

MOTION BY ALDERMAN GOUVEIA TO RE-REFER O-23-054 TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Jette, Alderman Gouveia	4
Nay: Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Clemons Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Caron Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	11

MOTION FAILED

President Wilshire

Any further discussion on Motion to amend? Seeing none.

MOTION BY ALDERMAN COMEAU FOR FINAL PASSAGE OF O-23-054 AS AMENDED BY REPLACING IT WITH THE GOLDEN ROD COPY OF AMENDMENTS MADE AT THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE MEETING BY ROLL CALL

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	15
Nay:	0

MOTION CARRIED

President Wilshire

Alderman Comeau?

MOTION BY ALDERMAN COMEAU FOR FINAL PASSAGE OF O-23-054 AS AMENDED BY ROLL CALL

ON THE QUESTION

Alderman Comeau

I'd like to speak to it.

President Wilshire

Alderman Comeau.

Alderman Comeau

I'm just kidding, I don't like to speak to it.

President Wilshire

Alderman Sullivan.

Alderman Sullivan

Thank you, Madam President. I'd like to take my name off of this as sponsoring it. This is not the amendment that I put forth so I do not want my name attached to it. Thank you.

President Wilshire

Alderman Gouveia.

Alderman Gouveia

Thank you, Madam President. I'm going to reluctantly vote yes on this because it does, it cuts it in half. We'll see what happens in November and maybe we'll bring up legislation again. I feel like right now what we're doing is we're gambling. We'll go to the casino. We'll throw it all on red and see what number comes up. So we're win it all or lose it all on a spin but at the end of the day, this does take away half of what the original ordinance was so in the sake of compromise, I'll go along with that but it's a heartfelt thing. Thank you.

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire	14
Nay: Alderman Sullivan	1

MOTION CARRIED

Ordinance O-23-054 declared duly adopted as amended.

NEW BUSINESS – RESOLUTIONS**R-23-133**

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Patricia Klee
Alderman Thomas Lopez
Alderwoman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

RELATIVE TO THE TRANSFER OF \$110,000 FROM DEPARTMENT 162 "STREET LIGHTING", ACCOUNT 54100 "ELECTRICITY" TO DEPARTMENT 159 "HYDRANTS - FIRE PROTECTION", ACCOUNT 54835 "HYDRANT FEES"

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE, by President Wilshire

R-23-134

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

AUTHORIZING THE MAYOR TO ENTER INTO A FEDERAL AID PROGRAM PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF IMPROVEMENTS TO THE WALNUT STREET OVAL INTERSECTION AND TO ACCEPT AND APPROPRIATE \$2,061,847.26 FOR THE PROJECT

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE and SCHEDULED A SPECIAL BOARD OF ALDERMEN PUBLIC HEARING ON MONDAY, JULY 24, 2023 AT 7:00 P.M., by President Wilshire

R-23-135

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderwoman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

AMENDING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2023 RELATIVE TO THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG")

Given its first reading; Assigned to the HUMAN AFFAIRS COMMITTEE, by President Wilshire

NEW BUSINESS – ORDINANCES - None

PERIOD FOR GENERAL PUBLIC COMMENTFred Teeboom

Good evening. I'm trying to warm up. I'm Fred Teeboom. I reside at 24 Cheyenne Drive in Nashua. Today I filed a complaint with the New Hampshire Attorney General's Office, Criminal Division, Public Integrity Unit, Capitol Street, Concord, New Hampshire. Before I read it, a couple of sentences from the introductory letter. I'm motivated to send this number one by the Mayor's comments at the public hearing on the budget. I'm motivated by the fact that no Alderman in this chamber, all the 15 Aldermen, acted to protect the cap. I'm motivated by the fact that spending cap calculation in the Fiscal '23 and Fiscal '24 budgets completely misrepresented the spending cap. I'm motivated by several messages verbally, I've written, sent to this Board which have been completely ignored.

Let me read introductory paragraph. You all have a copy. You all get a copy in the mail of what I've sent to the Attorney General's Office.

"As a longtime resident of the City of Nashua, a former Alderman at Large, and as author of the Nashua spending gap I herewith request you file a misdemeanor criminal complaint under RSA 643:1 against the following public servants of the City of Nashua for their collective neglect

Donna Graham, Legislative Affairs Manager

One minute.

Fred Teeboom

... to enforce a spending cap imposed on them by law" I name Mayor Donchess; I name Attorney Bolton; I name CFO/Treasurer/Tax Collector John Griffin; I name the President of the Board; and I name every member on this Board. The particulars are explained and attach to the 9-page document...

Donna Graham, Legislative Affairs Manager

30 seconds.

Fred Teeboom

...could have been 100-page document, 9-pages including some tables. I suggest you read it and hopefully something comes out of it. If it doesn't, I'll wait til the budget next year. We'll be back in court. Thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Sullivan

Thank you, Madam Chair. Couple of things. Last week I know I mentioned and a few people mentioned that they watched a meeting last July 3rd. I got sent an email today. Not someone from Ward 9 but somewhere else in the City challenging me calling it out that my comments or I said you could say anything you want at any time and any way. I said that I was an absolutist when it came to free speech. She checked me on that. She called to mind about inciting violence, certain inappropriate communications that shouldn't be sent. Of course, I should have qualified my statements by saying that. I did respond to her email and I did say that in tonight's meeting that I would go on the record and correct that. When it comes to free speech, obviously, there are illegal things that you cannot do. You know defamation is in there, slander, child pornography she mentioned, and other things. I said of course I'm not in favor of that. So I wanted to publicly correct the record and thank you for checking me on that. Yes so I wanted to say that.

The second thing is we added, I think, we added two trust funds tonight. I did send a note out to CFO Griffin in my attempt to relook at trust funds. We have a lot of them that have been around for a long time. I asked him if we could look at it in the fall. It's very heavy lifting for the summer. So we'll wait till the fall to start looking at such an interesting topic is trust funds but just wanted to let you know that still on my radar. Thank you.

Alderman Moran

Thank you, Madam President. A couple of things. I forgot to mention this a couple weeks ago at last meeting but I wanted to express my thanks to Nashua Public Transit. They were very professional and rapid to respond to an issue. I keep on walking into issues socially in the City and it's a little bizarre. I was at my office and I just happened to be at the front desk and an elderly person who uses basically the Road Runner Senior Transit was dropped off. She came up to my office, thought I was a vascular surgeon which I am not...

Alderman Lopez

You have a big heart.

Alderman Moran

And turned out she came to 400 Amherst Street and she needed to go to 430 Amherst Street. So I said you know what you just happen to walk into an Alderman. I got on the phone with Nashua Transit and they turned the bus right around to pick her up and bring her to the right location. I didn't need to mention that I was an Alderman. They were very quick to respond. I appreciate that and I think that is the kind of goes to show you the community that our city creates when they're so willing and able just resolve a quick issue like that to make sure someone gets to their doctor appointment, which she had been waiting for months to get by the way and now she was able to get the health care that she needed.

Second, this is my last Board meeting as a resident of Ward 7. I will be relocating to Ward 9 next week and I just wanted to express my thanks and gratitude to everyone in Ward 7. It's a great community there. I served as a State Rep. in Ward 7. We always have a wonderful Alderwoman in Ward 7, great moderator who happens to be in the audience, and it's just a great sense of community even with people you disagree with you see them in the neighborhood you say hi, and pleasantries are great. I just will miss that area of Nashua and I will definitely be back over to visit for sure my friends that I have - my neighbors who are now friends that I've met over the last eight years there.

I don't want to keep going nostalgic on buying my first home in Ward 7 all these other things but the last thing I would say is I know we had a conversation about the inequity of lower income people getting the shaft. I don't disagree that that's just how it happens because wealthier people have the ability to have means and pay for things on their own, or resolve things on their own, do different types of Little League and pay for it out of pocket but we shouldn't accept it as a norm. It should be just all right yeah if we can't do it, we can't do it, and you're getting shafted. We should really look at the equitability of lower income and working class neighborhoods just like Ward 7 where a lot of these things have come up for me when I've been a State Rep or an Alderman over there. Thank you.

Alderman Lopez

To Alderman Moran's observation, the public should be aware that the Nashua City bus has reinstated a number of their routes. I know I had mentioned earlier this year that a number of them were being suspended or altered. They've been doing a really good job and a very concerted effort to recruit new bus drivers. I've met a lot of them and they're really good people. So it's exciting to see new faces. It's gratifying to see maybe a little bit of relief on the faces of the ones you see every day. It's definitely good that there's more coverage and more mobility for people to be able to get around that

are either on fixed incomes, or don't have access to vehicles, or don't have a driveway to put a vehicle in, or any other number of things. So I think Nashua City Bus is doing a great job on that end.

I just want to acknowledge that Ward 4 Representative David Cote did resign on the 5th of July necessitating the communication and the efforts by our City Clerk to try to efficiently include a State Representative special election into our existing election cycle so that we don't have to have our poll workers duplicate efforts and spend more taxpayer money to try to fill the representation that Ward 4 deserves. So I want to thank Representative Cote for his years of service and I want to make sure that the community knows that this is something you should be looking at. We need more representatives to step forward. There is the Municipal Election coming in November as well and it's a good time for us civic-minded people to start looking at how can they get involved and what kind of things can they do to serve their community.

I wanted to thank everybody who came to the Tree Street's Block Party because I don't think we've actually had an Alderman meeting since then. It was a great event. It was a great opportunity to include the Juneteenth celebration as part of our community festival.

Tonight I want to express thanks for everybody who supported my efforts to have Reverend Dr. Bertha Perkins recognized through Los Amigos Park.

I do also want to comment, I think this might come under Committee announcements but it's a little long-winded, at the Human Affairs Committee next week on Monday, we're trying to look at issues of substandard housing and tenant rights particularly because we're seeing a lot of conversation in the public about homelessness and unsheltered people. We're seeing huge forces moving in terms of organizations sprouting up from the ground, and finding enough need to resonate with their supporters, to have the developmental achievements in three years that some places work 10 to 15 years for. Stepping Stones particularly comes to mind. There's a lot of work in the community because this is such a growing problem and we need to be addressing the systemic factors that are contributing to it.

We talked earlier tonight about how we want to see Parks and Recs doing a lot more and DPW is understaffed. DPW is doing a lot of cleanup and a lot of community coordination to try to address the impact of unsheltered people in our community. So has Nashua Police. They're both, I guess, knocking it out of the park. They're way outside of their class and they're doing the best that they can as are a lot of the nonprofit organizations in the area because there are systemic issues at work. We need to be able to be working on finding the contributing factors, the contributing actors, the organizations that are helping, and the ones that may be contributing to that problem and using our role as the City and the municipality to coordinate and lead these efforts so that we can start addressing problems rather than encouraging our outreach workers to play a defensive action when we can do a lot more to prevent unsheltered people, homelessness, and those factors. Thank you.

Alderman Clemons

Thank you, Madam President. I wanted to recognize the fact that as was mentioned, Ward 4 State Representative David Cote has resigned. David has served our City well for decades in the New Hampshire Legislature and I believe before that at least I don't know if he was on the School Board. It was before my time but definitely fighting some of the decisions that the School Board made back or were potentially going to make back in the late 70s in regards to handicap accessibility. So this is before the ADA and arguing against the fact that one of the School Board members at the time said that we didn't need to have elevators in the school because we shouldn't have to educate those children. That was a School Board member back in the 70s when they were building Nashua High. David's always been a leader from that moment, I'm sure before, and through his entire career fighting for those who need somebody to fight for them. He worked his way up to being the Minority House Leader when he took over for Rennie Cushing. So really he has a storied career. He's somebody that we all should be proud of in Nashua. I just want to thank him for his years of service.

On a last note, I hope he wins his lawsuit against the Legislature for not allowing him to participate remotely as a Representative because that's the reason that he had to resign. His lawsuit right now is stuck in court. I believe a judge is still reviewing it but I hope he wins. That would be a really good cap on his career fighting for us. It's a shame that he had to resign in this respect because he has health issues and can't make it up there. He was duly elected by the citizens in Ward 4 repeatedly over and over again because he does do a good job. The fact that the Legislature decided for whatever reason that they're not going to let people participate remotely. We have somebody here participating remotely tonight. I just I hope he wins his lawsuit because, again, he has fought for our City and for our citizens. It would be really a feather in his cap and it would be monumental for the Statehouse to actually allow there to be different Representatives who maybe can't physically make it but can participate, and give a voice to those types of people, and those people who can't make it every day up to the State House for whatever the reason might be. We call it a Citizen Legislature but really it's only a Citizen Legislature if you have the time to get up there every single day. The only people that generally have

the time to do that are wealthy people, retired people, or college students and that's who you see up in the State House and it's frustrating. So whenever I hear the word "citizen legislature", I kind of laugh because if you work a regular 9 to 5 job, you're not going to be up there. So I hope you win one for us David. We're counting on you. We support you. I'm sorry you resigned but thank you for all your service.

Alderman Comeau

Thank you, Madam President. I just wanted to thank everyone who supported Resolution R-23-128. One thing that we neglected to mention, I'm surprised this never came up, but one of the reasons why it was so important to Alderman Klee and I had to make sure that some of the money generated through this advertisement stayed with the leagues is because they use that to subsidize their costs to make sure that no child in this City that wants to play baseball will ever be denied that opportunity based on a lack of means. I know from experience that both leagues will offer free scholarships to athletes that can't afford them. They will subsidize equipment, uniforms, things of that nature. So just another reason on top of you know a laundry list a mile long of reasons why both of those organizations are such an asset to the City. Some towns are lucky to have one league, some have none. We're lucky enough and blessed enough to have two amazing leagues that are so good that players from other towns that don't have leagues are allowed to come play in Nashua. I know Hudson, Hollis/Brookline, some of the surrounding towns that don't have their own leagues those chartered organizations and Little League International and Cal Ripken International allow those athletes to come and play in Nashua and it's a testament to how great both of those organizations are run. So I'm glad that we'll be able to support that effort going forward.

The only other thing I wanted to mention real quickly, I don't want to quibble. Maybe it's a good night to talk about words and what they mean things like that but I bristle when I hear the term like "shafted", especially when we talk about a City organization shafting people and things like that. It makes it sound intentional when I know that it's not intentional. All of our departments, I feel like they do a great job with the assets that they have. I think it was Alderman Clemons. I don't want to mis quote you from earlier said something to the effect of not everything that everybody wants to get done can get done every day. They do the best they can with prioritizing things. While the conditions of the baseball fields might be the most important thing to me today, they might be the most important thing to Alderman Thibeault today, the people that are using them, the players themselves, there are other needs in the City. It's hard for a Department like Public Works, Parks and Rec with a very limited staff to say we're going to allocate these manpower resources, these equipment resources to a recreational baseball field when maybe there's a tree down across a road or a path somewhere that they need to redirect those assets to take care of. So I'm confident that they do the best that they can. If they need more resources, I'm more than happy to have that conversation to help make sure that they get what they need to try to make sure that they're serving all of Nashua as best as they can. But I just wanted to put that out there that I would hate to think that anybody thinks that a City department is going out of their way to shaft people. I don't think that's the case. I think definitely people are affected by things in different ways but I definitely don't think that it's intentional. I know that our departments do the best they can. Thank you.

Alderman Dowd

Three quick things. Calling an additional Budget meeting on August 14th. That's when BAE is going to come in and explain the program that the Mayor mentioned earlier about working with Nashua Community College and training people in building chips/microcircuits. I know that BAE called me and asked me whether some of the Aldermen would like a tour of BAE and I said even if this legislation wasn't in place, they probably would. So I think he's going to offer a tour of the facility, especially the microchip facility which is pretty amazing if you get to see it. So August 14th at 7:00 pm here in the chamber.

The other thing I've talked to a couple of the Division Directors and at least for budget, I'm sure if they have legislation coming in, there'll be somebody here to explain it.

The other thing is we're in competition with every City around us for CDL drivers, commercial driver's licenses. I know that we're training them or paying to train them but if you want to really narrow that shortfall, increase their stipend. That's all I got.

Alderman Thibeault

Thank you, Madam President. A couple of things here. I just want to reiterate a couple of things and to Alderman Clemons' point about Representative Cote. I'm not going to rehash everything he said but he's 100% right on all of that. We wish him the best and thank you for supporting Ward 4 in Nashua all those years.

Trust funds to Alderman Sullivan. I voted against one tonight. Just wanted to say that. Put me on your list as someone who hates trust funds.

So as President of Cal Ripken, we never let a kid that couldn't afford it play. We had scholarships. We had different things. If Cal Ripken - I don't know I can't speak for Little League - but if Cal Ripken is saying that there's subsidized kids who can't afford it, they're wrong because we always let the kids play. Even if it hurt our books, we let them play. We want them to play. We want all kids to play baseball. Everyone from the City, anybody wants to play can play.

I think my whole point with the DPW is I do think they do a good job in the City overall. It's a big City. A lot of parks to manage but when I hear Cal Ripken is getting preferential treatment over Babe Ruth when they have the resources, that's disturbing to me in a way, right. So it's not that they're taking away from a tree down, I get it. There's other things that they have to do. 00% agree with that. I was just trying to get them more money. I was supporting DPW here. I wasn't against DPW. I'm not going after them. I was just disappointed that they said, yeah, we're good, we're good. I hope they say that to the Mayor when they put their budget in. We don't need any more money, right. Because even though it doesn't cost a lot to put that on, there's been ball seasons when they can't even have hats for the kids. So you can't tell me it's okay and then not want money. I was just trying to get you money DPW. You guys do a fantastic job and by the way even with the grass at Ledge about a foot long, I found a way to win the championship. So my team won. Thank you. They were great bunch of kids and I hope to get them in the fall.

Lastly speaking of DPW, fireworks. I know this is Alderman Jette's favorite topic but fireworks were fantastic this year. I haven't gone in about 35 years because I just don't like that many people in close spaces but I decided to go. I thought they did a fantastic job. I know it was pushed to another day and there was a lot of complaints about you know they probably could have had them. Probably could have. I mean Manchester had them two days later. So you know gamble on that sometimes. You don't know what the weather is exactly going to do and you're trying to make sure that you can put on the show you want to put on. I thought they were fantastic. Thank you to the DPW and everyone that was involved in putting that show on. So thank you. I don't hate the DPW.

Alderman Moran

I'm sorry, I had a question for the City Clerk and I completely forgot if that's okay?

President Wilshire

Yeah.

Alderman Moran

And we're talking about Ward 4. There is a selectman in Ward 4 that's charged with very heinous crimes, obscene crimes in Ward four.

Alderman Lopez

They may not be in Ward 4.

Alderman Moran

Exactly and I understand that they're no longer housed here in the City of Nashua. What are we doing here?

Dan Healey, City Clerk

So when our office finds out that someone may not be domiciled in Nashua and we have more reason not to believe that they live somewhere else, we can flag them as a 30-day letter voter. We have a scheduled Board of Registrar's meeting Friday at 9:30 here at City Hall. There are certain current voters that are on that 30-day letter list. The Board of Registrar's will approve that or they'll look at that list. Most likely they'll approve and then we can get 30-day letters in the mail. When a resident gets that letter, they have 30 days to prove to our office that they currently live in Nashua. If they don't prove that, then they're removed from the voter list.

Alderman Moran

Follow-up Madam President? Would that also remove them from any elected position that they have?

Dan Healey, City Clerk

So a Selectman in a Ward would have to reside in that Ward. So if they come off the voter list, they can no longer be a Selectman in that Ward and the vacancy is filled by the remaining Selectmen. They'll have a vote. The two other Selectmen will appoint a third for the next two elections.

Alderman Moran

Thank you and I appreciate the second bite at the apple.

Alderman Wilshire

I would like to mention David Cote. I'm proud to call David Cote a friend. Of the four decades plus that he put in service to the State of New Hampshire as a Ward 4 Representative, I served four of those years with him. A terrific guy, very smart, very well liked. He'll be missed up there. He's really served us well. I appreciate everything you said Alderman Clemons about David Cote. I think you were spot on.

Committee announcements:

Alderman Sullivan

Thank you. The monthly meeting of the Building and Industrial Development Authority, aka BIDA, is July 21st. It's a Friday 9:00 a.m. upstairs, City Hall Auditorium. All are welcome.

Alderman Lopez

Human Affairs Committee is on Monday. Trying to find the time right now. Madam Clerk?

Alderman Klee

7:00.

Alderman Lopez

So Monday at 7:00 we're meeting for Human Affairs. We have minor changes to the CDBG money that was introduced today and then hopefully we'll have a conversation about tenant rights.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE JULY 11, 2023, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED BY ROLL CALL

President Wilshire

Just before we do that, I would really like to thank each and every one of you for the good dialogue this evening. Whether we agree or disagree, I think we were all pretty respectful and I really appreciate that from every one of you.

MOTION CARRIED

The meeting was declared adjourned at 9:58 p.m.

Attest: Dan Healey, City Clerk