

A regular meeting of the Board of Aldermen was held Tuesday, August 10, 2021, at 7:34 p.m. in the aldermanic chamber and via Zoom teleconference which meeting link can be found on the agenda and on the City's website calendar.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderman-at-Large Michael B. O'Brien, Sr. led in the Pledge to the Flag.

Let's start the meeting by taking a roll call attendance. If you are participating via Zoom, please state your presence, reason for not attending the meeting in person, and whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

The roll call was taken with 14 (11 physically present and 3 participating via Zoom) members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman Patricia Klee, Alderwoman Shoshanna Kelly (via Zoom), Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons (via Zoom), Alderman Thomas Lopez, Alderman David C. Tencza, Alderwoman Elizabeth Lu, Alderman Ernest Jette, Alderman Jan Schmidt, Alderman Skip Cleaver (via Zoom), Alderman Linda Harriott-Gathright, Alderman Wilshire.

Alderman Brandon Michael Laws was recorded absent.

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

## REMARKS BY THE MAYOR

### Mayor Donchess

First I wanted to speak about the situation regarding COVID-19 in Nashua. We of course have Dr. Storace the Chair of the Board of Health with us and they were considering our status at a special meeting last week. We just had Director Bobbie Bagley whose been directing/leading the city's efforts regarding our COVID-19 response since the beginning. The basic facts are that we've seen some increase in the number of cases and certainly we've now seen the presence of the delta variant. The number of cases I've mentioned has climbed to now a moderate level of transmission. Over the past 14 days, we have seen 101 new cases per 100,000 people – that's the metric. 101 new cases per 100,000 in the last 14 days. That is one of the principle metrics and also we have seen a positivity rate over the last week of 3 ½ percent. These numbers are up to some degree but they seem relatively stable over the last couple of weeks so we're hoping that this is a plateau and that we will not see further communication or further spread but these numbers are higher. We have more cases now about 60 some active cases. We had more than we did a few weeks back, a couple months back so we need to continue watch to watch this carefully because we know the delta variant is more contagious and potentially more dangerous to young people, unvaccinated people here in the community. We now have about 55 percent of the city fully vaccinated but the percentage of those 18 and above that are vaccinated is significantly higher than that. Probably around two-thirds because the last numbers we got were suggested that for those 12 to 18 only 7 percent are vaccinated. So we still have some work to do. If you need more detail, of course, we can have Director Bagley report to you at any time.

I also Madam President wanted to mention the escrows which you see in the proposed escrows in R-21-162. We do have some updated information regarding the picture going into the fall regarding the tax rate. First of all, CFO Griffin and I will of course go to the Budget Committee and discuss the details here. There's a lot of detail here when you meet. There is some new news. First of all at the beginning of the year as we've discussed a number of times, the State announced that they were going to raise our pension bill by \$4.4 million over and above the cost of any increase in wages. That still is in place.

They also had informed us early on that we would see a \$7.5 million reduction in school aid. Within the last several weeks, news has come and we're trying to fully verify this but it seems that we can say with some degree of confidence that most or all of that lost school aid will be restored at least for FY22 which of course is good news and helps us considerably. Assuming that is the case, we will not need to direct the \$4.4 million of American Rescue Plan funds into lost revenue because that lost revenue won't have been lost. So we'll have more American Rescue Plan funds available. The School Department suffered a \$1.2 million revenue loss in their lunch program and they have a deficit there because lunches were free by the federal government. What we will discuss with the Budget Committee is transferring \$1.2 million to cover that lost revenue source, transferring of course the unexpended funds from the School Department and elsewhere into the surplus, and using the surplus revenue for when we put all of that together. We can dedicated \$3 million or thereabouts into CERF – Capital Equipment Reserve Fund for the purchase of new equipment as well as meet some of these other escrow items. Many of the other escrow items have to do with making sure we have the match available for federal grants which we either have been awarded or may receive. Of course those are very important

because often we get paid 3, 4, 5 to one with respect to the local match on those grants. As a result of all this, we can expect that the tax rate will be more favorable than we had previously projected and we can talk about more of those details with the Budget Committee and with you in the next few weeks.

Then Madam President I know we have the Police Commission on tonight. I don't expect that you're going to vote to put this on the ballot at the present time but people have been asking about the rationale for this so I thought I would address it briefly for you. We are the only community out of some 200 in New Hampshire that does not have local control of the Police Department. The way that happened was that back in 1891 – and that's how far back this goes – the State of New Hampshire began to appoint Police Commissions for a number of cities – Laconia, Portsmouth, Manchester, Berlin, and others but provided that any community that wanted to revert back to local control could do so through a vote of the population. Now all of the other cities have done that. The voters in all of the other cities have elected to go to some form of local control – more accountable, more transparent to its citizens. As far as I know, no vote has ever gone against local control. So this merely proposes what many consider to be a very modest reform that simply we begin to like the other cities in New Hampshire begin to exercise local control over the PD. Now our Police Department is certified and they pointed that out. That's very good but so is Dover and Dover has local control and has had local control for a long time. There are other certified communities in New Hampshire as well.

In addition, the proposal is to expand the Commission from 3 to 5 to more adequately represent the overall citizenship of the city. Things have changed a lot since 1891. In those 130 years since 1891, only one woman has ever been nominated to the Nashua Police Commission. Now I'm sure that were local control accomplished here in Nashua, we could certainly do a lot better than that and we could reflect our overall community in overseeing a very important department of the city on which our residents and taxpayers expend \$35 million a year. I wanted to address a couple of misconceptions before I conclude on this subject. It's been said by some that the Mayor can just remove anybody from the Police Commission. A simple reading of this shows otherwise. Yeah removal can occur if there is something wrong but with the approval of the Board of Aldermen. So that could occur in Concord. The Mayor has no authority to unilaterally do anything. It has to come back to either to get the appointments confirmed. All appointments would have to be confirmed by the Board of Aldermen and in addition any removal, which I'm sure would be a very, very rare occurrence would need to be approved by the Board of Aldermen.

In addition, there seems to be this idea that if we have local control here there will be some kind of these horrible dire consequences. I don't believe that that is accurate. We don't see those consequences, these horrible things happening in the other cities all of which have local control. So the implication has to be either that there are these horrible things happening elsewhere which I don't think is not the case or that somehow we here are going to be more dishonest, more underhanded than people in other communities throughout New Hampshire. I know Nashua people and I don't believe that to be true at all. What this proposes is that we make the appointments here at City Hall, you all confirm them, people could watch it on TV, see the people interviewed, and decide whether we're doing a good job with these appointments. I think in the view of many a very modest reform. Something that's done all over the State and would not in any way compromise the character or the quality of the Nashua Police Department.

Finally Madam President I wanted to certainly congratulate Brandon Laws who had a young baby girl over the last few weeks. He and Sophia certainly deserve this happiness and you can tell from his posts that he is very much in love with his daughter. Like we saw before with Shoshanna when she had her children, it's really great to just have a member of our city family here celebrate such a happy event. That is the conclusion of my remarks Madam President.

## RESPONSE TO REMARKS OF THE MAYOR

### Alderman Jette

Thank you Madam President. Mayor I don't want to pick on you about this but you said that the transmission rate for COVID here in the city was at a moderate level. I had a conversation with Director Bagley about this on the Health Department's website. It said moderate in one place and it said substantial in another. This is important because the CDC guidelines about mask wearing depend very much on whether we are at a moderate level or a substantial level. So I talked to her yesterday by e-mail. She said that we are at a substantial level. So is there some new information where you say moderate is that just a slip of the tongue?

### Mayor Donchess

Well I think I'm using the term not as technically as that but we need to ask Director Bagley but 5 percent positivity rate is a significant threshold and we did reach 5 percent two weeks ago but this week 3 ½. 3 ½ is better than 5 and I think 5 is the threshold between moderate and substantial. The point is regardless of what we call it exactly and let's get the

precise characterization from Director Bagley but the numbers are up and there's reason that we need to be cautious and watch very carefully what's going on.

Alderman Jette

Is Director Bagley available? Can she clarify that for us?

President Wilshire

Certainly if she's willing. Director Bagley.

Bobbie Bagley, Director Public Health

Thank you Madam President. The numbers go up and down every day. What we typically look at is on the State's website they give an average of the number of cases that are reported and the numbers are usually updated at the end of the day at 5 o'clock every day. I believe Mayor the numbers that you were reading were from the day before so they've already updated. So right now in the State of New Hampshire several of our counties are now at substantial that weren't two days before. So they usually base the number of substantial on the number of cases that are over 100,000 per cases. So right now as of today, we're at 104 per 100,000. So that puts us at substantial.

The other metric that the Mayor mentioned with the case positivity rate when we have those two numbers up, it puts us up at an even higher risk for spread in the community. So that over 100 per 100,000 puts us in substantial for case rates. I hope that clarifies it.

Alderman Jette

Thank you.

Alderman Dowd

Yes I just want to congratulate Alderman Laws and Sophia with their new baby. With 3 daughters and 4 granddaughters, the loving work now begins.

Alderwoman Kelly

I just wanted to correct the Mayor and that I only had one child during my term but thank you for the kind words and that I did see Alderman Laws and Sophia over the weekend. They are proud, excited parents and said hello to everyone and thanks the Board for the support. It was nice. She's adorable.

President Wilshire

Mayor I have a question. Do you know how woman have served on the Fire Commission in the 100 plus years?

Mayor Donchess

I'm not sure.

President Wilshire

One. Thank you.

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS

**There being no objection, President Wilshire declared the minutes of the regular Board of Aldermen meeting of July 13, 2021 be accepted, placed on file, and the readings suspended.**

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Jeffrey L. Snow, Superintendent Edgewood Cemetery  
Re: Request for Joint Convention

**There being no objection, President Wilshire accepted the communication, placed it on file, and schedule a Joint Convention with the Edgewood Cemetery Board of Trustees on Tuesday, September 14, 2021, at 7:30 p.m. in the Aldermanic Chamber.**

From: John Griffin, CFO/Comptroller  
Re: Ordinance O-21-067

From: David Boucher, Wastewater Superintendent  
Re: Variable Frequency Drives, Wet Weather Facility

From: Kimberly Kleiner, Administrative Services Director  
Re: Ordinance O-21-067 Recognizing Juneteenth as a City Holiday and Revising the Holiday Section of the Unaffiliated Employees Personnel Policies

From: Donna Graham, Legislative Affairs Manager  
Re: Communications Received from the Public

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

***Without objection, President Wilshire suspended the rules to allow for three communications that were received after the agenda was prepared.***

From: Jeanine Kilgallen and multiple endorsers  
Re: R-21-143 Proposing and Amendment to the City Charter Relative to the Manner of Appointments to the Nashua Board of Police Commissioners

From: Lori Wilshire, President Board of Aldermen  
Re: Formation of Work Study Group Relative to the Police Commissioners

From: Mike and Stephanie Ballentine  
Re: R-21-143, Change to the Police Commission

***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

Anthony Storace

Good evening. Tony Storace, 17 Cameron Drive, Chairman of the Board of Health. I won't need 3 minutes. I just want to say that once again the three doctors are against changing the composition of the Board from 3 to 5. I think one of the things that we do and work very well together why change something that has that great productivity. Also, last week we saw a change happen specifically about changes with delta. Delta is now definitely in our State and we had a communication with the public on Thursday night. We felt it went really, really well. I hope that the Board sees what a great Board of Health that we have and that we work really well also I should say with the Division.

President Wilshire

Thank you.

Police Chief Michael Carignan

Good evening everyone. My name is Michael Carignan Chief of the Nashua Police Department. I'll be brief tonight as I know you all understand my position of opposition on this legislation. Before I begin, I want to clarify two points made earlier. Number one, I want to make to remind you that one person from the Mayor's office or the Board of Aldermen has ever reached up to the Governor's office to present anyone else for the position of Police Commissioner. The second thing I'd like to clarify is that Nashua Police Department is four times bigger than the Dover Police Department. It's much more difficult to get accredited when you're that much larger. There are more standards to follow and more people to have to prove it to.

As I begin, I'd like to take a minute to say thank you to a majority of you here tonight. I appreciate you being willing to recognize this as an important issue that it is and understanding that your constituents the City of Nashua deserve the opportunity to discuss, debate, and offer opinions on this issue. This issue is being framed as a lack of transparency on the part of the Police Department when in fact the opposite is true. A petition getting signed in the dark of night with no informative session against most of the Aldermen's wishes is anything but transparent. The fact that most of you recognize that a rushed decision may have dangerous, long-term consequences in the quality of your Police Department is encouraging. I know Board President Wilshire and Alderwoman Kelly have worked hard to put together a group of stakeholders to lead this review and discussion. I know members of the Police Department and the public appreciate that.

Over the past week, I've been contacted by several Aldermen, business leaders, and residents of Nashua posing different ideas, proposals and the questions on this issue. It is very apparent that there is not a clear understanding of a problem or what this legislation will do to the long-term safety of Nashua. Let me repeat that. Most people don't understand this issue. The reasons behind it...

Donna Graham, Legislative Affairs Manager

One minute.

Police Chief Michael Carignan

...with the long-term ramifications of it. They want to understand it and discuss it. They want input and clarity. Most people have been presented with a question to sign a petition to change the Commission. They're not even being presented with a comprehensive or even accurate representations of the issue. It is recklessly being rushed leaving no checks and balances and that is dangerous and irresponsible. This alone should tell everyone that they don't want the voters of Nashua to make an educated decision. Most of you are as frustrated by this as I am on an issue...

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Police Chief Michael Carignan

...as significant as this. There should be (inaudible) absolutely no working group, education sessions, or ability to ask questions. Every one of you knows me. You know I'm accessible and will take time to meet with anyone regarding any issues. My track record speaks for itself. We are very proud of our PD and the relationships we have. We are also very progressive department and we are always willing to self-evaluate and make improvements. I am more than willing to do this on this issue. I am not asking to stop this process completely. What I'm asking for is more time to evaluate the changes and make sure we do it right. We need to ensure that all sides and opinions are reflected and heard in this process. I strongly believe you know you have a group of professionals who take it personal to keep you safe and connected to the community. Unfortunately I understand that the opinion of the majority of you doesn't seem to matter here tonight. Your roll as responsible representatives seems to have been bypassed. I appreciate your willingness to continue with the working group and your willingness to truly study the issue and try to give an honest, educated, and well thought out recommendation. I am committed to do the same. The citizens of Nashua deserve nothing less. Thank you.

President Wilshire

Thank you. Ken Siegel.

Ken Siegel

Thank you Madam President. Ken Siegel, 224 Parker Street, Lowell, Massachusetts. I'm coming here as a former Alderman and somebody who cares about the city having raised my children. I've lived here for 34 years. I have three questions that I cannot ask the Mayor directly. I'm not in the horseshoe but hopefully by posing those questions I might get one of you to ask one or more of these questions. Why didn't the Mayor just allow direct election of Commissioners if he was concerned about the will of the people? That seems to be the most obvious solution. I'm not going to argue for that. I'm just posing the question. Would Alderman-at-Large Jim Donchess EVER have supported this if it was proposed by Mayor Lozeau? I don't think there would have been any chance of that given my experience working with Jim who I actually like but we don't agree on this. Why is now different?

The other question why wasn't this an issue back in the '80s and the early '90s when Mayor Donchess was Mayor then? There was an opportunity to make that change. Same Mayor, same situation. So there was a statement made that there

shouldn't be any impact because what's special about Nashua? What's bad about Nashua? What's happened? Unfortunately if you just do a Google search, you're not going to find some of the things that did happen back in the early '90s in particular the issue with the Elm Street Middle School bid that sent three aldermen to federal prison. One of those aldermen was Phil Grandmaison was the President of the Board of Aldermen when the investigation really took a turn. As Tim Hefferan said, who was eventually the Chief of Police, if it was not for the structure of the Police Commission, it would not have been able to successfully pursue that investigation since the aldermen themselves were trying to obstruct the investigation.

Further, what about Mayor Lozeau who was actively on the record trying to...

Donna Graham, Legislative Affairs Manager

One minute.

Ken Siegel

...oppose the Nashua Police Department when they were investigating her husband Dave and I'm not going to go into the details of that because it's not relevant but she was the Mayor then. In fact, I would believe that Mayor Donchess absolutely knows what was going on then with the prior Mayor and one of the reasons why I don't believe that you would have supported this notion had she raised it is because you knew about that stuff. Again, my opinion. Obviously only you know what's in your mind.

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Ken Siegel

Finally, why is this person me who doesn't live here making a statement about this? Because I care, because I did the research and because somebody has to make a statement. It's okay to care about things even if you don't live locally. People give money to campaigns where they're not living. People check the weather where they don't live. There's a lot of things people do where they don't live but I have 34 years of vested interest in Nashua and four years on this Board. So thank you very much for your consideration.

Jim Tollner

Jim Tollner, 1 Sequoia Circle, Nashua. Boy that green light goes on quickly. I am here as a resident of Nashua for the last 32 years who believes and respects the form of government we have. It is always a good thing to have dialog and to work towards a common goal which I think most would agree is in the best interest of the citizens whether it be public safety, education, services, or the quality of life. The key is to first identify an issue, study the issue, make your presentation, manage the outcome while following the legislative process. Disenfranchising no one, communicating effectively, and moving forward in a focused, positive manner. That did not happen here. The initial legislative push was certainly not an inclusive process that involved this entire board. So this was not given the vetting that it deserves.

Instead, we have a Mayor explaining the genesis of this proposed amendment as a reaction to his limited survey and NOW it's spotlighted as a citizen's petition. So understandably I'm a bit confused when an Alderwoman says she had a hand in drafting what is actually on the citizen petition. This feels like some of you are deciding you know better, you want something, and you don't want to wait for the process to run its course. This initiative was conceived in a vacuum, floated to a select limited group, and then absolutely rushed. This was designed to be rushed. There is no other way to spin that. The NPD was never approached about this – not the Commission, and more importantly not the face of the Nashua Police Department. Your officers who are out there every day working for you. Never a whisper.

Donna Graham, Legislative Affairs Manager

One minute.

Jim Tollner

Any reasonable metric, the life cycle of this proposed Charter change does not serve the citizens or the elected government. This initiative has effectively silenced any member of this Board of Aldermen who disagrees that is not how

this government is supposed to operate. Personally I will always be in favor of change if it makes something better but change simply for the sake of change will always have unintended consequences...

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Jim Tollner

...which is why time on this issue is a benefit and process a necessity when moving forward with something so important as this issue. Thank you.

Stephanie Wolf-Rosenblum

Good evening and thank you. My name is Stephanie Wolf-Rosenblum. I reside at 47 Berkeley Street and I'm a member of the Board of Health. I'll be brief. I just wanted to add to what Dr. Storage said that the changes proposed are not just about adding members but also about prescribing which members. The Board of Health needs to be nimble to respond to the problems at hand and the work of the Board of Health is highly predicated on individuals who not only have subject matter expertise but also have a keen awareness of the community, the needs of the community, and also leadership experience in order to help build consensus, and to help advise, and make recommendations to the Board of Aldermen but considering a vast array of conditions, and of needs of the community so it's not just about a matter of a person having expertise. I think there are ways to accomplish some of the things that are intended by using subject matter experts like we use Dr. Granok as a consultant. He's an infectious disease expert. Obviously VERY important at this particular time.

So I just ask your consideration to not pass this Ordinance but rather to engage in dialog about thoughtful change that might be needed in the future that will serve us for many years to come as we take this journey together. Thank you.

President Wilshire

Thank you. That's the end of our public comment period.

Unidentified Female Speaker

Excuse me.

President Wilshire

I'm sorry.

Laura Colquhoun

Residents with phones they don't have any say?

President Wilshire

Laura Colquhoun.

Laura Colquhoun

Thank you. I'm calling in reference to the Police Commissioners again. Obviously the Mayor has not remembered what happened in 1995 where we had aldermen actually go to jail. I also don't appreciate the Mayor going around on our time while we're paying him getting people to sign it and not getting them the full story on this. I'm, again, asking people not to vote for this. It's not broken so don't try to fix it. Thank you.

Sonia Prince

Yes, can you hear me?

President Wilshire

Yes.

Sonia Prince

So this is Sonia Prince, 49 Tufts Drive. This is about letting the people of Nashua vote and decide what they prefer. All cities and towns in New Hampshire have taken the local control which if the question passes will allow this Board of Aldermen to vet and interview commission candidates along with and including public input for the very first time in an open public setting. I've been intimidated. My friends have been intimidated. I've been called "dangerous" in the papers, by a police department leader, and multiple papers in New Hampshire and Massachusetts all for filing a legal citizen's petition for a question on the ballot that every single New Hampshire city and town has filed before me.

Nashua is the last city who didn't take back local control. Like Nashua, the Dover, Manchester Police Departments, also CALEA certified which the Police Chief has said repeatedly about Nashua and why things shouldn't change. They have also taken back local control over the Police Commission appointments. Are they considered dangerous as well? It's amazing to me the great lengths they will go to prevent the Nashua people from voting. What are they afraid of and what will the public discover? Transparency is important. Change is normal after over 100 years. No one needs to run anything by the Chief. That is not in the by-laws and sounds very controlling to me.

One Commissioner is married to a sitting board member Alderwoman. If the Nashua people vote and decide such conflict will not be allowed in the future, they claim there is room for improvement yet I will remind people that zero women have been appointed to the Police Commission in 40 years. My question is did you not think there was room for women in year 2000? How about year 2010? No? 2015. Women are 50 percent of the population and sexism is alive and well.

Donna Graham, Legislative Affairs Manager

One minute.

Sonia Prince

Am I the only one who's tired of the good old boys excuses? I have a daughter and this is embarrassing. Why the voter suppression? Let the people decide. Let the people of Nashua vote. I want to thank Alderman Lori Wilshire for pointing out that there is another boys club at the Fire Department. That is just sad. I guess we have a lot more work to do. To the hundreds of voters I spoke to, all want vetting to happen in public...

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Sonia Prince

...and with public input. They said let the people decide. They don't necessarily agree with the question but they want it on the ballot. Often the people do know better. The Nashua Police Commission had their fair share of scandals over the years. You can look it up. Let the people decide. No women on the Commission is a fabulous reason for change. Thank you.

Mike Ballentine

Thank you. Mike Ballentine, 9 Bartlett Ave. I think most citizens would be surprised to learn how our Police Commissioners are appointed. This is an inherently local issue and I believe should be kept local. But I've been even more surprised and frankly a little disturbed to see the Chief's reaction to the proposed change calling the Resolution "an abuse of power" and sending uniformed officers to the Personnel Committee meeting on July 6<sup>th</sup> that I attended. Please Aldermen the Commissioners should be appointed by our local elected officials and not by the State. Local will mean better vetting, more people involved in the appointment process, greater transparency.

The Police argument that local control can allow more corruption is directed to you. I think that any improper interference if it occurs will be much more obvious and correctable at the local level than at the State level. Some of the response from the police and friends is aggressive, arrogant, and it seems to me designed to intimidate. A critical principle in our democracy is civilian control over military and law enforcement but it depends on the civilians willing to exercise control. People of Nashua should be able to vote on this. Please advance this Resolution as it is to the ballot for November. Thank you.

Laurie Ortolano

Yes good evening. Laurie Ortolano, 41 Berkeley Street. The reruns of a popular TV show Chicago PD still command a sizable audience. One ad frequently runs to attract viewers' features the lead actor as a combative detective exchanging words with the city mayor. Obviously frustrated about some action the detective has taken, she exclaimed, "You work for me." And responds the detective answers, "I work for the City of Chicago". In many ways, this outburst captures the essence of an important public policy and Charter change issue facing the City of Nashua. To what extent should elected politicians exert control over the inner workings of their police department? We are all aware many police departments across the country have been the object of increased scrutiny, protest, and calls for change and reform. Some proposals are discouragingly extreme to their scope. To date, Nashua has been spared the agony of trying to respond to the kinds of issues that have generated these protests and proposals and hopefully will continue to do so.

Our police department enjoys broad community support. Thankfully it ain't broke but our Mayor still wants to fix it. I'm happy with the system of political oversight that currently exists. He is proposing changes that gives the Mayor direct political control. As it stands now, the Aldermen appoint one of their members and an alternate as a liaison to the Commission. It is important to bear in mind that two aldermen have regularly attended Commission meetings and have not raised red flags. Had there been cause for concern, those Aldermen were obliged to report misgivings back to the full Board. No records of misgivings or persistent or systemic deficiencies exist to justify the Mayor's sudden action. The Mayor is proposing a Commission overhaul. He would like direct authority to nominate commission members with the aldermen appointed all members of a larger five-person commission. The Mayor would then be able to use the Commission to pressure the Chief on any number of internal matters.

The Mayor is unwilling to subject his opinions to the full review process and vet this important change before the community and Board...

Donna Graham, Legislative Affairs Manager

One minute.

Laurie Ortolano

...Instead he is jamming the petition through unwilling to allow the scrutiny of this Board and the community who may have different opinions. Read, fire aim is an added choice for a Charter change. Given at the present, the Mayor and Aldermen must approve the operating budget of the Police Department. Additional political leverage can only be aimed at personnel matters and day-to-day operations. Notwithstanding allowable objectives of local control, this for Nashua is a bad idea.

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Laurie Ortolano

In summary, the proposed Charter change would 1) drastically alter the semi-autonomy of the Police Commissioner, would increase the risk of blatant political interference, and bias and operations would certainly disrupt department operations and have not demonstrated any potential increase in efficiency or effectiveness. The potential benefits of local control are undefined and outweighed by the risks of political damage to the operation. Therefore, the Charter change should be voted down.

One last quick item. I don't support the...

Donna Graham, Legislative Affairs Manager

Time.

Laurie Ortolano

...increase in board members on the Board of Health. I wish we had more time to talk to both. I've spoken publicly about this. Please support our doctors on the Board of Health in maintaining that Board as a three-member body. Thank you.

Victoria Chesterley

Yes. Can you hear me?

President Wilshire

Yes.

Victoria Chesterley

Yes. Okay. Thank you. Sorry about before. I couldn't unmute. Victoria Chesterley, 15 Lutheran Drive. I've been a resident of Nashua for 68 years and I feel that the police services are the most important services provided by the city. So far, things have been working great. I would like to mention the issue with the lack of women on the Police Commission. People have to volunteer for the Police Commission and I don't know how many women have actually done that. I think that if more women would volunteer, we would have had more women on the Commission. I think it's up to all of us and the Aldermen to talk to the women that we know that we think might actually serve and serve well and get them to volunteer. The way that they're chosen now, I think has worked fine. The names go to the Governor's Council and I think the arm's length between the Governor, Governor's Council, and local politicians has worked well. Just because other cities do it differently doesn't mean that we're wrong and they're right.

I agree with the possibility of corruption. At the last meeting that I attended I mentioned that when my Dad was Police Commissioner, one of the people who worked for him at Sanders came in and asked to get a parking ticket fixed. If you know you Dad, he said absolutely not and pay it yourself.

Donna Graham, Legislative Affairs Manager

One minute.

Victoria Chesterley

So that's a very minor point and that can be extrapolated into hey I did you a favor how bout you do me a favor. Obviously the Sanders driver had not really done my Dad a favor. So he wasn't going to put up with that kind of nonsense. It's important to...

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Victoria Chesterley

...oh sorry. It's important to keep that distance. It works. Why change it but yes we need more women and absolutely let's get some more women on there. Thank you. Good luck.

President Wilshire

Thank you. I don't see anyone else with their hands raised so I'm going to move on from public comment to Communications Requiring Final Approval.

#### COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Mayor Jim Donchess

Re: 22 Month Contract to Install and Monitor 4 Flow Meters within the Wastewater Collection System in the amount not to exceed \$61,200 funded from accounts 53107 Architect & Engineering Services

**MOTION BY ALDERWOMAN LU TO ACCEPT, PLACE ON FILE AND APPROVE THE TWO YEAR CONTRACT TO INSTALL AND MONITOR FOUR FLOW METERS WITHIN THE COLLECTION SYSTEM TO FLOW ASSESSMENT OF AUBURN, NH, IN THE AMOUNT OF \$61,200. FUNDING WILL BY THROUGH: DEPARTMENT 169 WASTEWATER; FUND: WASTEWATER; ACCOUNT CLASSIFICATION: 53 – PROFESSIONAL SERVICES, BY ROLL CALL**

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd,  
Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza,  
Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver,  
Alderwoman Harriott-Gathright, Alderman Wilshire

14

Nay:

0

**MOTION CARRIED**

From: Mayor Jim Donchess

Re: Construction Engineering for Phase 2 of the Pump Station Upgrade Project in the amount not to exceed \$427,600 funded from accounts 81700 Infrastructure Improvements

**MOTION BY ALDERMAN HARRIOTT-GATHRIGHT TO ACCEPT, PLACE ON FILE AND APPROVE THE CONTRACT WITH DEFELICE CORPORATION OF DRACUT, MA, IN AN AMOUNT NOT TO EXCEED \$5,335,200 FOR CONSTRUCTION OF THE PUMP STATION UPGRADES PHASE II PROJECT. FUNDING WILL BE THROUGH: DEPARTMENT 169 WASTEWATER; FUND: SRF LOAN; ACTIVITY: PUMP STATION UPGRADES PHASE II, BY ROLL CALL**

ON THE QUESTIONAlderwoman Lu

Thank you. I hadn't noticed when I reviewed the agenda. Are we approving the \$5 million or are we approving the \$427,600? I missed that disparity in my research. I apologize for...

President Wilshire

Mayor can you answer that?

Mayor Donchess

That's for the engineering - \$427,000.

President Wilshire

What's she's asking is if we're approving that or the \$5.3 million.

Mayor Donchess

It's the engineering, the \$427,000. The reason it's here is it's a multi-year contract.

Alderwoman Lu

Should the motion be amended?

Mayor Donchess

I don't think so.

President Wilshire

It's a not to exceed price. It's included in that amount. You all set Alderwoman Lu?

Alderwoman Lu

Well I'd like to request that the motion be amended to reflect what we're doing. Is it a five year contract at \$427,600 per year? I'm glad I caught this myself I mean at this point but would any of my peers just suggest that I missed something in reading the paperwork?

Mayor Donchess

Actually we're approving both I think. You're right.

Alderman Lu

Is this something that could be deferred until next meeting?

Mayor Donchess

Yes.

Alderman Lu

Well then I would like to request that we do that.

**MOTION BY ALDERWOMAN LU TO TABLE, BY ROLL CALL**

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire	14
Nay:	0

**MOTION CARRIED**

From: Alderman Elizabeth Lu  
Re: Request for quarterly schedule of upcoming contract renewals

**MOTION BY ALDERWOMAN LU TO REQUEST THAT A COMMUNICATION BE PROVIDED QUARTERLY TO THE BOARD OF ALDERMEN FOR REPORTS OR LISTS OF UPCOMING CONTRACT EXPIRATIONS OF CONTRACTS BY ADMINISTRATIVE SERVICES, BY ROLL CALL**

ON THE QUESTION

President Wilshire

So I had a discussion with Alderman Lu about this. I would like to refer this communication to the Personnel/Administrative Affairs Committee.

Alderman Lu

Thank you Madam Chairman. Would it be okay for me to just speak briefly on it? I may not be able to make that meeting.

President Wilshire

Sure.

Alderman Lu

I just wanted to clarify that the letter that I sent to the Board referred to quarterly reports. What I really meant is then I said or lists. I'm only suggesting that we receive lists of upcoming contract expirations. The word reports sounds like it may be a complex task and I didn't mean it to be so. I expect that the administration keeps a ticker file of upcoming contract expirations and that's all I'm requesting or proposing that we receive a list of the items that will be coming up in three months' time for our review. Thank you.



Arts Commission

***There being no objection, President Wilshire confirmed the following to the Arts Commission: new appointment Carol Robey, 9 Mendelssohn Drive, Hollis, with a term to expire August 31, 2024 and reappointment of Tina Cassidy, 36 Arlington Street, Nashua, with a term to expire September 1, 2024.***

President Wilshire

Is either Carol or Tina here this evening? Not seeing them, they will be sworn in at a later date.

Board of Registrars

***There being no objection, President Wilshire confirmed the reappointment of Gwen Mikailov, 11 Appletree Green, Nashua, to the Board of Registrars with a term to expire December 31, 2021.***

President Wilshire

Is Gwen here this evening?

Alderman Harriott-Gathright

She was. She must have left because she was sitting on the first row.

President Wilshire

Thank you. She will be sworn in at a later date.

Business and Industrial Development Authority

***There being no objection, President Wilshire confirmed the following reappointments to the Business and Industrial Development Authority: Bradley Vear, 547 Amherst Street, Nashua, with a term to expire September 30, 2023; Jason B. Haviland, 29 Todd Road, Nashua, and Deborah Novotny, 65 McKenna Drive, Nashua, with terms to expire September 30, 2024.***

President Wilshire

Are any of those individuals here this evening? No. They will be sworn in at a later date.

Capital Improvement Committee

***There being no objection, President Wilshire confirmed the following reappointments to the Capital Improvement Committee: Laurence Szetela, 31 MacDonald Drive, Nashua, with a term to expire August 1, 2022; Charles Budris, 2 Shelley Drive, Nashua, and Scott LeClair, 10 Daylily Drive, Nashua, both with terms to expire August 1, 2023.***

President Wilshire

Are any of the aforementioned here? Come forward please.

Oath of Office administered by Corporation Counsel.

Citizen's Advisory Committee

***There being no objection, President Wilshire confirmed the following reappointments to the Citizen's Advisory Committee: Beth Quarm Todgham, 14 Ellis Drive, Nashua, and Elizabeth Houde, 12 Oldfield Road, Nashua, both with terms to expire October 1, 2024.***

President Wilshire

I don't see either of them in the audience tonight. They will be sworn in at a later date.

Conservation Commission

***There being no objection, President Wilshire confirmed the following reappointment from alternate to member to the Conservation Commission: Jedidiah Crook, 52 King Street, Nashua, with a term to expire December 31, 2021.***

President Wilshire

I don't see Mr. Crook here this evening.

Jedidiah Crook

I'm on Zoom.

President Wilshire

Oh you're on Zoom. Good evening Mr. Crook. We will have Corporation Counsel swear you in.

Oath of Office administered by Corporation Counsel.

Cultural Connections

***There being no objection, President Wilshire confirmed the following reappointment to Cultural Connections: Amanda Martínez, 45 Concord Street, Nashua, with a term to expire May 1, 2024.***

President Wilshire

I don't see Amanda here this evening so she will be sworn in at a later date.

Downtown Improvement Committee

***There being no objection, President Wilshire confirmed the following reappointments to the Downtown Improvement Committee: Edward Hayes, 137 Main Street, Nashua, with a term to expire December 31, 2022, Michael Buckley, 207 Main Street, Nashua, with a term to expire January 31, 2024, and Danielle Skelley, 175 Main Street, Nashua, with a term to expire June 1, 2024.***

President Wilshire

Are any of those individuals here this evening? They will all be sworn in at a later date.

Hunt Memorial Board of Trustees

***There being no objection, President Wilshire confirmed the following reappointment to Hunt Memorial Board of Trustees: Tammy Crisp, 7 Bartlett Avenue, Nashua, with a term to expire December 31, 2025.***

President Wilshire

I don't see Tammy here in the audience so she will be sworn in at a later date.

Planning Board

***There being no objection, President Wilshire confirmed the following reappointment to the Planning Board: Adam Varley, 3 Scotia Way, Nashua, with a term to expire March 31, 2024.***

President Wilshire

Is Adam here this evening? I don't see him. Okay. He will be sworn in at a later date.

Tax Increment Financing Advisory Board

***There being no objection, President Wilshire confirmed the following reappointments to the Tax Increment Financing Advisory Board: Michael Cerato, 4 Water Street, Nashua; Tim Cummings, Economic Development Director, 229 Main Street, Nashua; Eric Drouart, 52 Main Street #206, Nashua; David Fredette, City Treasurer, 229***

***Main Street, Nashua; Chris Lewis, 670 North Commercial Street, Manchester; Sarah Marchant, Community Development Director, 229 Main Street, Nashua; Tia Phillips, 2 Clocktower Place, Nashua; and Angelina Spillos, 15 Technology Way, Nashua, all with terms to expire September 30, 2022.***

Alderwoman Lu

Thank you Madam Chairman. For this committee I understand the members need to have some association with the Tax Incremental Financing districts and I'm just asking about Mr. Lewis who lives apparently in Manchester. Does he have property or is he a tenant in a TIF district?

Mayor Donchess

He's the architect for Brady Sullivan who owns Loft 34. So they have asked him to participate on their behalf.

Alderwoman Lu

Okay. Is that within the ordinance?

Mayor Donchess

And that is within the district.

President Wilshire

All set Alderman Lu?

Alderwoman Lu

I just had asked is that within the ordinance. Well let's forget it.

Mayor Donchess

I think so but we'd have to look exactly at the ordinance. To say otherwise, you'd have to get Brady or Sullivan. An employee of theirs I expect acceptable under the ordinance. Tia Phillips is an employee of Clocktower. She doesn't own it.

Alderwoman Lu

I'm familiar with the others. Thank you.

President Wilshire

Okay. I don't think any of those individuals are here to be sworn in this evening.

Angelina Spillos

I'm on Zoom.

President Wilshire

Oh Ms. Spillos, I'm very sorry.

Angelina Spillos

That's okay. No problem.

President Wilshire

Okay the City Attorney will swear you in.

Oath of office administered by Corporation Counsel.

Zoning Board of Adjustment

*There being no objection, President Wilshire confirmed the following reappointments to the Zoning Board of Adjustment: Mariellen MacKay, 9 Webster Street, Nashua, with a term to expire September 11, 2024, and Efstathia Booras, 44 Balcom Street, Nashua, with a term to expire October 1, 2024.*

President Wilshire

Are either one of them on Zoom? No. They will both be sworn in at a later date.

UNFINISHED BUSINESS – RESOLUTIONS

**R-20-016**

Endorsers: Mayor Jim Donchess  
Alderwoman Linda Harriott-Gathright  
Alderman Thomas Lopez  
Alderman-at-Large Michael B. O'Brien, Sr.

**AMENDING THE PURPOSE OF A FISCAL YEAR 2020 UNLIKE ESCROW FOR THE COMMUNITY DEVELOPMENT DIVISION**

Given its second reading;

**MOTION BY ALDERMAN DOWD FOR INDEFINITE POSTPONEMENT OF R-20-016, BY ROLL CALL**

ON THE QUESTION

Alderman Dowd

Yes this was carried in the Budget Committee on the table for almost a whole year. So we're getting into doing the same type of thing for the 2021 budget. So this needs to be indefinitely postponed.

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd,  
Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza,  
Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver,  
Alderwoman Harriott-Gathright, Alderman Wilshire 14

Nay: 0

**MOTION CARRIED**

Resolution R-20-016 declared indefinitely postponed.

**R-21-143**

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

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

Given its second reading;

**MOTION BY ALDERMAN LOPEZ FOR FINAL PASSAGE, BY ROLL CALL**

ON THE QUESTION

Alderman Lopez

So when I originally endorsed this, it was because it seemed straightforward to me that this was a decision we should put

before voters and that is largely the extent over my support for it was. Through aldermanic discussion, it became clear that there was strong police objection to it and that a lot of the concern was that this was not well thought out, it was not pre-considered or pre-baked, it wasn't run by the Board of Aldermen or even the Police Commission before it made it to the agenda. I can't disagree with any of those comments but I can say that that's not typically how a lot of our other ordinances are managed. Typically you get the sponsor of the bill contacting you, giving you a rundown of what their intentions are and what they're plans are. You decide whether you're going to endorse it yourself and then at the aldermen meeting you have a chance to raise your hand and say I'm going to endorse, I'm going to sponsor, or whatever direction you want to go in. This was introduced in May and our first board meeting of the month. So it really hasn't come in under the cover of night or been rushed through or any of these kinds of things. We did sit on it until July when we actually had a Personnel/Administrative Affairs meeting that we could refer it to. So our hands aren't particular spotless in this either if there is to claim that this is being rushed through.

When we did have the Personnel/Administrative Affairs Committee, there was considerable police concern raised. We tabled it in favor of creating a committee to explore the issue and in that committee there was no announcement or follow up that I was made aware of until the actual next meeting. At that point, we talked about. We determined that while there had been something of a commitment to make a committee, what had actually happened was that the individuals forming the committee had approached the Mayor and used it as a bargaining chip and said can you retract a petition. There it gets unclear because a lot of the conversation that's been happening seems to be here say where people are talking about people rather than two people. So not entirely sure what the exact dynamic was there but I do know that then when we did agree to finally form a committee, it was this afternoon that I received full confirmation that a committee was in process and that things were happening. So I think there has definitely been a lot of confusion and a lot of back and forth conversation. Again, rhetoric about people rather than discussion with people which is unfortunate.

I think as I felt in the committee, this needs to move out of the aldermanic cycle whether it's moved forward to the people or whether it is indefinitely postponed and a committee is assigned to review it. The petition is operating independently of what's going on in the Board of Aldermen and I support the petition as it stands because I do think that this is a decision that should go before the people. I don't see any likelihood that that's going to happen under this particular board. I think the record stands for that. We could have moved on this much sooner. We could have had more discussions about amendments or changes to it over the three months that we've had it but there haven't been any concrete proposed amendments. What's really been proposed is this should never have happened or this will happen no matter what anybody says. So I think this particular piece we need to vote on it tonight. I am grateful to the President for creating a committee. It includes one of the original sponsors of the bill so I think there's no claims that can be made of it not being fairly distributed and I think it is an opportunity for us to explore this more closely, get input, and figure out a better plan. Regardless what's going to happen on the petition because as an alderman, my understanding is I have no say over the rest of the petitioners signing it or what the process is beyond that. I think we should just focus on creating a discussion group and then making a decision tonight one way or the another as to where people stand on it.

#### Alderman Schmidt

Thank you Madam President. Tonight we went through I don't know how many appointments to committees. How many 15, 20? We do this process all the time. The name is proposed, it comes to the full Board, it goes to the Personnel Committee, they vet the person, and they make a recommendation. It comes back to us and we make a decision. This isn't rocket science. This is very, very well thought out and well done forever. I don't see a problem with it. This was not my idea. This was not my plan. When it came forward, I thought of a lot of good reasons for us to do this. A lot of really good reasons for this to happen now but I haven't signed the petition that's going around. I'd rather see this come through us because I think we understand what needs to be done.

Since this came forward, I am just wowed by the optics of what's going on. We know that we have a sitting member of the Board whose husband was reassigned to the Commission after she was elected. We didn't know anything about this. We did not know – now I don't think there's any problem with that but we should have known that information. A member of our Board was vilified at one of our opportunities to testify for going before the Commission to discuss a problem that he saw. That's not right. There should be something we have the right to do. This is our Commission. It doesn't belong to the police, it belongs to the City. It belongs to the citizens who live here. The optics are really ugly on this and I don't understand why it has to be political and why it has to be angry. I think we can make good decisions for the city and if we're finding that we can't do it because we just can't agree, then the citizens have a right to make a petition. Whether or not it passes, I don't know. I know my husband won't vote for it. He didn't like the idea. I don't know if I'll vote for it. I don't think that we should just slam the lid on this. I think this is something that really – it's a great idea and I think it's time. Thank you Madam President.

President Wilshire

You're welcome. Alderman Dowd.

Alderman Dowd

I'd like to start my comments by clarifying some thoughts sent to me by supporters of this legislation. I have never said that if a viable concern arises regarding the City Charter that it shouldn't go on the ballot to be decided by voters. A concern has always been that due diligence should be followed to determine first if something has risen to the level of concern in the city to require a Charter change and second, that due diligence is followed to determine the correct wording to appear on the ballot to ensure people know exactly what they're voting on.

We have this action coming back to us from the Personnel Committee with no recommendation after being tabled for one month. After lengthy discussion in that committee with excessive public comment, it was suggested that a committee be established by the Board President who would then study this question to determine if this legislation deserves to be put on the ballot and what the correct wording should be. It was also generally felt that since there was no glaring faults with the current procedure, that this action should not be rushed onto this off year election where turnout is historically low. It was felt that waiting until the Mayoral election in November of 2023 might be more prudent. Changes to a City Charter should reflect a glaring error in the current process and procedures in the City Charter on this subject.

Now I fully understand that there are some in the Chamber that believe the current process is incorrect and needs to be tweaked but no one has put forth any immediate concerns that the process is causing current, negative impacts to the City of Nashua that require an immediate change. Have the Police Commissioners caused Nashua to have a bad police force? Quite the contrary as tested to by all the supporters of this action. Have the Commissioners taken any action that negatively reflects on the citizens of Nashua? None that I'm aware of. Have they taken any actions that dictate an immediate change to the current process of appointment that if not immediately fixed will have a severe and negative impact on Nashua and our police force? I think the answer is no.

If we follow through with a committee to thoroughly investigate the question, hear testimony from all parties, and make a fact based decision on a path forward that is what I would recommend. I ask that this motion be tabled, and a committee formed, and that the committee immediately commence their work. To rush this onto the ballot right now is not prudent and not the way we should be conducting business as a city. Thank you.

Alderman O'Brien

Point of order Madam President. Did Alderman Dowd make a motion which is a higher motion and should not be discussed and should be called for a vote?

President Wilshire

Did you make a motion to table Alderman Dowd?

Alderman Dowd

Yes.

**MOTION BY ALDERMAN DOWD TO TABLE, BY ROLL CALL**Alderman Jette

Madam President point of order.

President Wilshire

Alderman Jette.

Alderman Jette

So you sent us a Memo and it was put on our desk tonight saying that you formed a committee relative to this Resolution.

President Wilshire

I did.

Alderman Jette

So I'm wondering what the effect of that is? Does the appointment of your committee is it dependent on this resolution?

Alderman Dowd

I believe the current motion is undebatable and is to table.

Alderman Lopez

He wants to know what we're tabling.

President Wilshire

Point of order.

Alderman Jette

Point of order

Alderman Dowd

(inaudible) is not part of the motion.

Alderman Harriott-Gathright

Really is we shouldn't be having a conversation.

Alderman Jette

I'm sorry Alderman. I'm making a point of order. I have the floor. The President can either answer it or refer it to Corporation Counsel but I don't think its right to give your opinion about the point of order question I've asked.

Alderman Dowd

I was explaining the motion on the floor.

President Wilshire

You're asking if that piece of legislation is contingent upon having this committee review it. I'm not sure exactly what your question was. Can you rephrase it?

Alderman Jette

My question is whether your appointment of a committee relative to this Resolution is dependent on this Resolution. If this Resolution were defeated, would your committee then cease to exist or would your committee continue? What was your intention in appointing the committee?

President Wilshire

My intent in appointing the committee is to give all sides of the issue and not just one person's side of the issue. It would be to set up ward meetings to get input from the community to have a dialog. That can still happen even if this petition goes forward. People need to know what they're voting on. I think the information that's out there is one sided. That's what I was hoping to get from this committee is dialog, communication with the citizens.

Alderman Jette

And could I ask another point of order? So what would be the effect of tabling this? I know that our terms end at the end of this calendar year. If this Resolution is tabled and nothing happens before the end of the year, would it then expire? If I could ask you or Corporation Counsel?

President Wilshire

Yeah if it's still tabled at the end of this term, yes it would go away. I would have to be reintroduced with the new board coming in.

Alderman Jette

Thank you.

President Wilshire.

You're welcome.

Alderman Clemons

President Wilshire I just have a question to the motion to table and that is in my opinion I don't think an alderman should give a long speech and then move to table. I think that should be out of order.

Alderman Harriott-Gathright

Anybody can table.

President Wilshire

Anybody can make a motion to table. I don't know – we can take a vote on it and if the vote is no, the vote is no.

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

Yea: Alderman O'Brien, Alderman Dowd, Alderman Caron, Alderman Tencza, Alderwoman Lu, Alderman Wilshire	6
Nay: Alderman Klee, Alderwoman Kelly, Alderman Clemons, Alderman Lopez, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright	8

**MOTION FAILED**President Wilshire

So the motion before us is for final passage of Resolution R-21-143

**MOTION BY ALDERMAN LOPEZ FOR FINAL PASSAGE, BY ROLL CALL**ON THE QUESTIONAlderwoman Lu

Thank you Madam President. At this point, I'd just like to repeat what I have said once before but in speaking with some of my colleagues, it didn't come out clearly. So I want to be certain my point is understood. I do think that this initiative was rushed and I disagree with Alderman Lopez. The way that it was rushed was in the first meeting its first hearing when members of this Board clearly questioned whether we had to vote on the necessity and that necessity vote prompted a public hearing to be scheduled and that was how it was rushed. I understand that the Personnel/Administrative meeting was cancelled the next month but to my mind, it's possible – well – but the fact that that was cancelled only put the discussion further into the year so that there would be less open discussion by the time it came necessary to schedule on the ballot if was going to happen.

So I do believe that by improperly counseling us at that time this got rushed through when a more accurate answer would have allowed us to fully talk about it among ourselves and before we had claimed it was necessary and before we had asked the public to come with the information that they then had and state their perspective. I think it was wrong to do it. I feel that that rushed the process. Thank you.

#### Alderman Clemons

Thank you Madam President. I think back in Nashua's history in the last 30 years of the referendums that we've had on the ballot for various things whether it be to change the Charter or ask the public opinion. The most infamous of them all was probably the spending cap. It had the largest ramifications but even that issue wasn't rushed. That was issue was discussed, it was vetted, and it was voted on by the people of Nashua. Think about the Broad Street Parkway. That issue was discussed well. There was plenty of community meetings. Mayor Davidson at the time put that through with the Board of Aldermen and that was a referendum that passed. Things changed. I was elected on the Board. I tried to get another referendum on that but, again, it was a topic that had been discussed for years, and years, and years, and years.

Moving forward, we had another Charter change to the spending cap. That was a citizen petition. That one was vetted and discussed in the community as well. That went forward and actually I believe the Presidential ballot and that passed. You know then more recently the performing arts center we put on the ballot. While that was a last minute decision to put that on the ballot, the issue itself had been discussed in the community for almost a year or longer. Whenever we go to put something on the ballot, it should be something that we've had a lot of communication on. That there's been a lot of discussion in the community. That there's been ideas thrown out there for a different ways forward that are the best ways forward. When you think about the performing arts center, we had studied that for I think over a year maybe two years looking at different venues and things like that. Finally, the Board of Aldermen came to let's do the Alec's Shoe building and finally that was put forward to the citizens to say is this something you want to do.

You know really this proposal here hasn't had the same kind of vetting. You don't have the participation of the community. You certainly didn't have the aldermen being able to come up and listen to their constituents and propose different amendments to maybe address some of the concerns that are coming forward. I wanted to get on the record that I completely support your commission President Wilshire. I think it's a great idea. I think it's going to promote transparency. I think it's going to bring the parties together. I think it's going to bring the police, it's going to bring the Aldermen, the concerns citizens, business owners to the table to discuss what the issues are and where we need to go with this. So you know I won't be supporting moving this forward for those reasons because I think there's more community dialog to be had on this. I hope that the folks in the community will want to vet and get a better proposal. I'm not saying that we're not going to propose the change from having the Governor's Council appoint this to some sort of local control but what it is saying is we need to discuss what the best option is. In my view, we're not putting forward the best option to the community here because we haven't engaged them to discuss that. For those reasons, I won't be supporting this this evening. Thank you.

#### Alderman Tencza

Thank you Madam President. I'm sympathetic to the arguments on both sides of this issue. I come down very similarly to Alderman Clemons in particular with current legislation as it's written. I think there are changes and improvements to be made to the Police Commission and I think it's the intent of this legislation to include more diversity both in gender and in race is I think a goal a lot of probably share on this Board. The language that's included in this that says that the Police Commission shall reflect the citizenship of the city could mean very different thing to very different people. Again, that leaves it up to the Board President and the current Mayor whoever the Mayor is making those appointments to define what that means. I think we could have a much broader community discussion about how we would like to see or what types of people we would like to see on the Police Commission because the Police Commission does serve a very, very important role in the direction of our Police Department. It would be great I think if there were more women on the Police Commission there may be more officers. There may be more female officers who are in leadership positions at the Nashua Police Department which would be fantastic for a city. Similarly, more people of color who are part of the leadership team at the Nashua Police Department. That's not saying anything about the current or previous Commissioners but I think that's just a reality. I'm hoping that this committee can strengthen and improve the proposal.

The other thing I worry about is that I do think this has started a conversation and we have a chance to make some positive changes. However if this goes on the ballot, I do not believe that there is broad community support for this as it's written right now. I'd be concerned that if this proposal goes on the ballot and fails and that kind of kills momentum that we've started here. I would thank Alderman Caron for her stewardship of this because I believe she did try to work and work within the timelines because we know this is something that has probably be approved tonight in order to try to get on the ballot. I believe that she did the best that she could. Our procedural vote to vote that it was necessary from the

beginning I think was a reflection of that understanding of the tight timeline if this was going to be a viable proposal. I'm hoping we as a community can continue to talk about this and come up with something that's even stronger and get it on the ballot in two years. Thank you.

#### Alderman Klee

Thank you Madam President. I'd like to first clear up something a comment that was made. Nobody was named but when there was a comment made about an alderwoman had admitted to a hand in crafting the citizen's petition. I guess in some respects that kind of true but really only half of the story. I'm assuming that it was me as I helped work with the original that is before us now which is what the citizens are using. I have had no crafting in the citizen's petition per say and the person who spoke has not had a conversation with me. I'm not quite sure. I know that I did not say that to him so it could not have been misinterpreted.

The other comment about our CALEA accreditation. I think it's wonderful that we have it. We are one of 13 with CALEA accreditation throughout our State. If I've read the CALEA website right, we have Claremont, Dover, Durham, Goffstown, Hollis, Hudson, Keene, Laconia, Manchester – much larger than Nashua, Pelham, Portsmouth, Strafford County Sheriff's Department, and the UNH PD. There are six that are self-assessed: Bedford, Hanover, Londonderry, Newington, Salem, and Stratham. Again most of those are much smaller than Nashua but Salem is quite up there as is Londonderry but they are self-assessed.

The reason why I really felt that this was important and to the comments that were made about whether or not there was a real need, an emergency, and so on, I'm not so sure that there's an emergency with our current Commission or anything of that nature but there is an emergency throughout this State. I've repeated that I sit on the Municipal and County Government. We've had a lot of bills that have come through that are trying to take away more and more power from the municipalities. One of them was defeated and that was what they called a "CACR". That is basically a change to our State Constitution and that would have changed drastically what Nashua would have the right to do. I don't have it in front of me, and I've tried looking and thought I had printed out, and I don't have it with me. Basically what it said was that it would strip the city or municipalities right to make any kind of changes for the well-being and health of its citizens. That little provision that put in there – I know why they want to strip it out, it was because Nashua put in a mask mandate. That's one of the main reasons and that was talked about over, and over, and over again in the committee. That is just one of many, many bills that are coming through.

So while I don't see any structural maleficent of any kind of issue within our current Police Department or our current Commission, I see horrible things coming down the road from Concord. That's not a political statement. That's just the way that things run in the State of New Hampshire. When one group wants to make one change, then out comes another group to make a change and we go back and forth and I call it the "ultimate tennis match with the citizens of New Hampshire". I don't agree with it but it's a way that it happens. When I saw that happen and being on the committee that I'm on up in Concord, I really got nervous. I really got anxious. This was not the first time that I had brought up the possibility of making this change. As I stated before when I became a freshman alderman, I brought it up. The word "no" came out very quickly and being a freshman I was not going to basically buck the system sort to speak. I did not have enough knowledge and I'm smart enough to know sit back, listen, and then ask a lot of questions. Well I'm in almost my fourth year of being an alderman and my 5<sup>th</sup> year of being a State Rep. I've sat back. I've asked questions. While I have apologized to the Chief for not having gone to him and spoken to him about this ahead of time, he is absolutely right. I did not do that but I did mention it to the Board President as it was happening and not prior to it happening but as it was happening this time around.

So for those that feel that I did not go and talk to them, I will publicly be on the record to apologize but I will not apologize for putting this forward. I think it's good. I think it's important and I think based on what's happening in Concord it is time. It is scary times and I don't want to lose any more control. I want to get whatever control we can get. Someone said to me, "Well why don't we get control of the school district, that's run by Concord". That's run by Concord for the entire State and not just Nashua. This one is just Nashua. While I cannot disagree with many of my colleagues on the other side, I do think it's time. I'm sorry that they felt like they didn't have a voice on it.

I do want to make one comment also about the concerns of that committee. I love the group that's on there. I think that they're all very wise, reasonable people but I was concerned Madam President with your comment about the other side. I know you didn't mean that. I think you just meant that you wanted each of the wards to hear both sides of the story. I just want to make sure that that was clarified because I know you would not say the other side meaning that you were just going to be talking about one side. I know you would be talking about both sides. I just want the public to understand that.

President Wilshire

You're talking about sides of the issue and not...

Alderman Klee

Right both sides of the issue. So yes I appreciate that. I think that I've had more than enough time to speak and thank you so much.

Alderman O'Brien

Thank you Madam President. I just want to basically say that I'm very proud to be a member of this Board of Aldermen. I've heard many complex issues that were basically discussed over the years and I think yes several different things did go before the voters on referendum. One of the bills I just recently wrote too was to have the public take a look again at the gambling issue that's coming up on the referendum. Why did I do that is because sometimes even the voters get confused. We've kind of felt I think collectively because it passed unanimously to put it back onto the ballot. So to say who is really the smarter or anything, nobody really is. We really all, including the public or us on the Board of Aldermen, try to do our best. In Nashua, our governing body is one that we vet the issues. Completely – pro and con and put it right on the table. We're not like another smaller town where we've got to have warrant articles or anything else like that. I don't know what it's called and SB2 town or something like that but to come out. We're capable and we're duly authorized to have those discussions. I think we could have had this discussion.

My main complaint with this why I'm not going to support it. It's not that I'm against the idea 100 percent. I have my own ideas but the problem I have I have not avenue to bring my ideas forward. Not to have a discussion and I personally do feel a little bit slighted and as an alderman-at-large, I kind of think it's kind of taken away a little bit of my authority or my capabilities of being on the Board. Madam President I would like to thank you. I think you did well to come up in the bi-partisan or in trying to olive branch between the different fractions that do exist on this particular matter to bring up a commission because we have heard from the Police Chief and he says all he wants is the same thing that I want – an opportunity to come and that we completely vet the issue. It's not going to happen it seems and I'm not counting the noses but it seems like it's going to go right to the ballot. Fine. I'm sure the people can make a decision but I feel slighted that I was elected to make the hard decisions and I'm not willing to pass that along. I'll stand here in the trenches and have those debates and make the tough decisions what I feel is best for the citizens of Nashua. Therefore I am not going to support this. Thank you Madam President.

President Wilshire

Thank you. Anyone else?

Alderman Jette

Thank you Madam President. This has been a difficult issue. When I first heard about it, I thought it sounded like a good idea. I know I was liaison to the Police Commission not the past two years but the two years before that. I attended all of their meetings. I can't say that I've found fault in anything the Commission was doing. I thought the Police Department was well run and I couldn't find any great fault. I did think that this is true of all of many of commissions the people who end up serving whether it's the Commissioners, or the liaisons, we get to know the Police Department, the police officers. They earn our respect and we appreciate them. It's easy for us to become not so much overseers of the – in this case the Police Department. The same could be said about the Fire Department. We tend to become less overseers and more cheerleaders or advocates for them because we get to know them, and we respect them, and we end up advocating for them.

I think the Police Commissioners from my observation it could have been more – held a tighter rein over them financially but they say that they did. There's a lot that goes on that's not seen. We aldermen have the ultimate control over the finances. We voted to give the police a couple of different unions increases in pay and then this past budget thing when the Mayor vetoed the budget and we overrode his veto and supported the Police Department and the Fire Department. So we Aldermen you have that final say, that final control and we can't blame it on them if we think they're spending too much money. It's up to us to say put a limit on it and the majority of us didn't.

The other thing is the Fire Commission is elected by the people. That is the ultimate local control. They, too, I think become more advocates for the Fire Department and provide less oversight. When I think of the Fire Commissioners I don't know about you but I don't know how many times we voted for the Fire Commission without really having a very good knowledge of who they are, who the people who are running. So I'm not sure that electing the Commissioners is

such a good idea. The thing that I've noticed in this debate is that people have become very passionate about it – the Police Department, the Police Commissioners, the people who support them. Some of our fellow Aldermen have become very passionate in their defense of the Police Department and their insistence that there is no problem and that nothing should be changed.

It's been pointed out that in the past there was a situation where aldermen were being investigated and they tried to end the investigation. Chief Hefferan spoke to us in detail about that. I have a lot of respect for Chief Hefferan. I've thought about that case and that case needed up not being a local prosecution. It was the FBI who prosecuted that case. It was a federal indictment and the three aldermen involved ended up pleading guilty and being convicted by a federal court. So I think the answer to avoid the number, it's against the law to try to influence a police investigation. If one of us tries to do that, the police ought to report us and charge us with a crime. If the police feel that local control is going to subject them to interference, that's one answer. The other answer is they can refer these investigations when it involves local people. They can refer it to the Attorney General's office. Let the Attorney General's office do the investigation. Remove it completely from local interference.

Something that the police talked to me about that did resonate with me is the idea that their recruitment, their selection of officers, their compensation of officers, the promotions, all of that sort of thing is governed by the Commission. Of course, they've got the collective bargaining agreement that they have to abide by. They say if there's too much – if the Aldermen are selecting the Commissioners that they feel that there'd be interference there and they may have a point there. There are pros and cons to this.

The things I want to make clear is whichever side you're on, please it does not serve you well to try to read the minds of the people on the other side. People who disagree with you to accuse them of having nefarious motivations does not serve you well. I hope that both sides – in the future we all remember that. Each of us has opinions and we're all trying to do what's best for the city. Accusing the Mayor of proposing legislation without going through the aldermen first, well that's the way it works. The Charter says the Mayor has the right to propose legislation just as we aldermen have the right to propose legislation. To say that the citizens are going behind the backs of the aldermen by starting a petition drive, well that's their right. That's in the Charter. The voters have the right to make a petition. The idea that it hasn't been vetted enough, I understand that argument but how much time do you think it needs. This started in May. We've had May, June, July, August. We're going to have September, October. Both sides can make their arguments to the voters. I don't know why it would take a year or two to educate the public about this issue.

As you can tell, I'm struggling with this. I see both sides. I have trouble taking this away from the voters saying...when I hear an alderman say he hasn't had a chance to really do his job, well this has been hanging around since May. Any of us and some of you did – some of you who are not on the committee went to the committee meeting. We all had the opportunity to go to the committee and express our opinions. If we feel that this may be a good idea but it could be improved, we could have gone to the committee with our ideas and suggested amendments. It seemed like the people who didn't think this was a good idea were intent on not letting it proceed. I guess I'm coming down on the feeling that the voters ought to have the opportunity to express their opinion. If they vote this down, there will be other opportunities if we want change propose something that may be better in the future. We're not saying that this should pass by putting it on the ballot or just allowing the voters and both sides, I think, will have ample opportunity to make their arguments directly to the voters and let the voters vote in November. I guess I've decided to allow this to go ahead. Thank you. Thank you for letting me think out loud once again.

Alderwoman Kelly

Thank you. Can you hear me? Sorry.

President Wilshire

Yes

Alderwoman Kelly

I'm going to say things that I have said both times in Personnel meetings and I'll try to keep it brief because I think many of the aldermen have already done a good job of explaining the pros and cons here. I was an initial co-sponsor to this bill. It made sense to me on the surface that local control we appoint everything else and getting into a community conversation with the people who are involved from the Police Department, to neighbors, all of those things it became clear very quickly that everybody has different opinions on this and so a number of people on the Board have alluded to the fact that we talked about having a working study group that would look at this and really have this whole conversation regardless of how this vote goes down tonight, regardless of whether it goes on the ballot by citizen petition which is their

right. I believe strongly that this discussion is still worth having and I'm looking forward to really examining this and having a true vetted community conversation on this because I think it's a good time to have it. This could be the right piece of decision. There could be an even better solution that we can come to by bringing all parties to the table. So I've endorsed city commission that has been put together has a great group of people from lots of different areas not just Nashua, not just the police, and everyone who is on there we've done a good job of balancing the conversation so it's not going to be one sided. I'm looking forward to having that conversation regardless of how anyone around this horseshoe votes and whether or not it goes on the ballot.

I can tell passion has been used. I think there's a lot of passion around this on every front. I always appreciate that passion because that means that as a community we're listening, and thinking critically, and coming to the table, and asking tough questions of each other. I'm looking forward a lively conversation in the work study group. Thank you.

#### Alderman Clemons

Thank you Madam President. I just wanted to state for the record that I haven't heard an alderman express that they weren't open to exploring change. I believe that that was insinuated by some previous speakers. That's not the case. I think that it's disingenuous to say such a thing particularly when the group who is wanting the study group has been vocal in saying let's put the brakes on this and look at what all of our options are. I think that's just an important clarification to get out there. Thank you.

#### Alderman Dowd

Yeah I just wanted to explain that when I gave my initial comments and actually wasn't my intent at that time to table. It was also never my intent to stop discussion on the motion. It was my intent to allow the committee time to meet, and discuss, and come back to us with a report before we took final action on this. The only way I saw at the time was to table it until the committee meets and not indefinitely and not until the end of the year. The committee should start meeting and come to some conclusions.

If we pass this tonight, the committee is going to come up with a recommendation but the horse is out of the barn and too late. If we really want to do this right, we should give the commission a chance to meet and come back with recommendations. I just don't think the current wording going on the ballot, which I believe is pretty close to the wording on the private – it's exactly the same, does not give the people voting on it enough information to make an informed choice. It's somebody saying we have to do this and people are following along with that. There have been a lot of things pointed out to me in the last few days that there are things that the commission needs to talk about and formulate some things together like I know that a couple of the aldermen anyway have had trying to put in legislation for changes to this. I think the only way you can get to the correct approach to make changes is to have the commission meet, get all the facts together, and make an informed decision. The only way I saw how to do that was to table. I didn't want to table it and actually stop conversation on this. I was hoping that we would allow the commission the chance to meet and come back with positive recommendations. I think that's the fair and honest way to go to just throw this on the ballot to me is not the way we should be doing things.

#### Alderman Lopez

Yeah I just kind of was conscious of the fact that the public watching and maybe members of the audience aren't fully aware of the communication that we're all talking about with the commission. So I mean in a summary without naming all the people who are appointed to it because there's a good spread in my opinion of citizens that will be able to discuss it from the voters perspective, the commission that – and maybe I should just let you speak to it Madam President would be a better idea since you're the one who created the commission.

#### President Wilshire

Right and I did that so that all sides of the issue could be heard so that the people that don't watch our meetings or don't get a knock on their door that they get all the information they need and that's basically what I'm hoping this commission can do is to put out there all the options, all the sides of this. If it goes on the ballot, why does it need to go on the ballot right now? What's the hurry? What's the rush? If it's a good idea now why won't it be in two years when it comes up to the full municipal election? If it's a good idea, it will stand up.

#### Alderman Lopez

So just to articulate to the public, the work group being started is to be chaired by Alderman Kelly. Alderman Dowd would participate and the Police would have also representation. Then all of there's 6 or 7 private citizens. So this would not be

a work group that is specifically representing one side. It is well rounded. It has the legislative support and authority to enact changes and it has civilian representation and it has input from Police. So that was what my intention was just to point out to people who we might have been kind of talking around it because we have the document right in front of us. It's going to be attached to tonight's minutes but there is a substantive step being taken to further explore this.

Just speaking to my motion at the beginning, I think we're going to go around in circles with this at the Aldermen if we go anywhere at all which is why I wanted to move for final passage because that's my opinion is that we should move it forward. I've been reading the room. I think I have a different calculus than Alderman O'Brien and I don't necessarily think that my position or opinions are going to be representative of the whole Board. I still think we accomplished something by having a vote and making it clear where everybody stands on it. I think if we try adding more amendments at this point, it's likely not going to go on the ballot anyway because it would be such a change that it has to be run through all the processes again and we wouldn't have declared that it was necessary and followed that step back in May if we hadn't known there was going to be a time crunch and we hadn't known that there were procedures to follow.

I don't think that creating an amendment on the fly is particularly a good idea with something this important. I also don't think that just leaving it on the table and floating is going to do anything other than keep it as a discussion item that can't be solved. I think we should move this more to that work group's field and let them explore things with the knowledge that probably inevitably anything that we're doing as aldermen is going to require new legislation and it's going to have to happen in the next year because I don't think we'd be able to affect any change usefully in a timeframe that would allow to go on the ballot. That was my thinking.

#### Alderman Cleaver

Thank you Madam President. I believe we're over complicating this issue. I think it's much more simple than we're making it out to be. Five commissioners and the local control is very clear. I think it's ready to go on the ballot. I think that the people should decide and I support this 100 percent. There's a change that needs to be made. It's archaic and going back to the 1800s and it's time for local control and we need more local control on every issue concerning the city. I'm 100 percent for it. I think it's time to vote on it. I think it's time to put it on the ballot.

#### President Wilshire

Anyone else? Alderman Harriott-Gathright.

#### Alderman Harriott-Gathright

Wow this has been quite interesting experience here sitting on this Board particular with this. Most of you know, I have great respect for Nashua Police and particularly for our Chief of Police. However, some of the things I've heard that came from the Police Department as well as on this Board, I am truly shocked. I sat in on Alderman Caron's meeting the other night and really felt really horrible after hearing some of the comments that were made by people on this Board that I truly respect but would have never thought things of that nature would come out of their mouth. I don't want to repeat them. You all know who said what on that meeting.

I take offense when people say that Aldermen or the Mayor is trying to derail things. I take offense when we're told we're not doing our job. I take offense when I know that people that I've spoken to and I don't know if you've spoken to people had no clue. They thought the Commissioners were city control. So I don't know who you guys talked to or have spoken with but I was really shocked to find out that so many people had no clue that the Commissioners were chosen out at the State. So sometimes we're in a bubble. We don't really get to a lot of people that you really, really do need to get to.

I'll also say that no matter where I go, people are concerned. Most of the concern that I was hearing came about the Police Department because for whatever reasons and things that were said, letters were written, people were just shocked that they thought that the police had something to hide. For me that knows pretty much about the Police Department, I didn't feel as though they had anything to hide but I felt that how they approached the situation just made it worse to be honest with you and then how some of us approached the situation have made it worse. I personally like the idea of a Commission of five. I like the fact that local control and as some of my colleagues said are in the State House as well, we talk constantly. We vote constantly about bringing things back to Nashua. So when we got so many people that I care about disagree and I'm saying to myself you're disagreeing because you're afraid that someone is going to ask you to do something that you should be saying no to but you think that because who the person is you don't have a choice. I have a problem and if you're in that position, you shouldn't be in that position. If it's wrong, it's wrong. I don't care who you are and you should be able to stand up and say absolutely not, you're wrong. We're not going to do it.

So to say that that's not likely what would happen, I have a problem with that. Those that know, I had the conversation.

You know exactly what I'm talking about because I've had many conversations with the Police Department and with other board members as well. So I just feel as though I don't mind disagreeing with people and having fuss out – Chief Carignan and I do it all the time. We come back and love. You know what I mean. There's a difference but when I keep hearing these innuendos coming at this Board, it really bothers me tremendously. So I do believe that it needs to go to the ballot and I do believe that Nashua residents should make that choice. I do believe that we still have time and people have been meeting with the Police Department, and meeting with other members of the Board I believe – I can't say that honestly but I think, other members of the community that jumped in to help out. A lot of people have been talking so don't say that people don't know what this is about because they truly do. They do know without a doubt in my mind. For you to say we need more time, fine. Take the time. You have til November or whenever the election is – take the time to explain whatever you want to explain to whomever. Everybody can have a voice but to stop the voice, I have a problem. For that, I am going to be voting to move this forward.

President Wilshire

Anyone else? Part of the problem I see is that we talk about people had no clue that these Commissioners were appointed by the Governor. Well if people didn't know that, I think the purpose of putting together a work study group is to get all that information out there so people can make informed decisions. It's just really no reason to rush this. It's going to be the lowest turnout of all elections. Typically is a very low turnout. I would ask the City Clerk but I'd hate to put her on the spot. The percentage of people that come out to vote in a mid-term is very low. I don't think that's giving the citizens enough voice. I think it should wait until the next municipal election after we've had an opportunity to speak to the community about their Police Commission and their Police Department.

Alderwoman Lu

I just wanted to mention that the work study group could also – and I'm sure this is part of the plan but I just wanted to say it or get it on record – explore ways we've tried in the past to make the Commission more diversified, ways that haven't worked, and discuss ways that could work. So the idea was brought up initially with some particular other than the local control, it was also discussed the diversity piece. That could be explored as part of the work group. Thank you.

President Wilshire

Further discussion? Seeing none, the motion before us by Alderman Lopez is for final passage of Resolution R-21-143. Seeing no further discussion, will the Clerk please call the roll.

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

Yea: Alderman Klee, Alderman Lopez, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright	6
Nay: Alderman O'Brien, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Tencza, Alderwoman Lu, Alderman Wilshire	8

**MOTION FAILED**

Alderwoman Kelly

Can I move to table at this point? (inaudible)

President Wilshire

Yes.

**MOTION BY ALDERWOMAN KELLY TO TABLE RESOLUTION R-21-143**

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire	13
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Nay: Alderwoman Lu

1

**MOTION CARRIED**

**R-21-152**

Endorsers: Alderman Thomas Lopez  
Alderman Linda Harriott-Gathright

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

Given its second reading;

ON THE QUESTION

Alderman Lopez

So just before I make a motion, can I ask Attorney Bolton to clarify? If I motion for indefinite postpone does it stop any other aldermen from commenting if they wanted to?

Attorney Steve Bolton

No.

Alderman Lopez

Okay. Just making sure.

**MOTION BY ALDERMAN LOPEZ FOR INDEFINITE POSTPONEMENT, BY ROLL CALL**

ON THE QUESTION

Alderman Lopez

So out of deference to what Alderman Clemons pointed out earlier, I didn't want to either a) make a long comment and then just move to table, or b) table right out of the gate and then not explain why. My intention in proposing a Charter amendment for the Board of Health was it is a similarly aged institution. It provides for three physicians to oversee the health matters of Nashua and I'm very much oversimplifying that so I apologize to the Board. My intention was to add two more members to it to expand its quorum. This would allow members to have a little bit freer conversation. It would allow some redundancy if someone couldn't make it and it would allow them to still have a quorum and proceed with the meeting. I saw advantages to it but I didn't really account for 1) the timeframe for presenting it to the Board itself in having it proposed to me and moving it forward onto the Board of Aldermen. I managed to completely coincide with them going on break for the summer so I wasn't able to present it to them first or in a detailed matter before it went to Personnel/Administrative Affairs.

So I want to thank Alderman Caron for working with me to invite them to the Personnel/Administrative Affairs. The way the timing would have worked out is there regular meeting is tomorrow so if she hadn't been so accommodating, we wouldn't have had the conversation before it went back tonight the full Board. If it didn't come back tonight, then it wouldn't have made a difference because it's not going to get on the ballot. We had a health discussion Personnel/Administrative Affairs. I kind of wanted to stick to it because the idea of five versus three as a dynamic is something I'm very familiar with. I see most boards operating on that level. Because of the advantages it offers, that made sense to me.

Expanding it to include members who might represent the psychology field as well, I added an addition physician or individual with doctorate level psychology. I thought that was relevant to today's Nashua. We just literally had a Special Board of Aldermen meeting right before this about being a recovery friendly workplace. Issues of recover and substance misuse are increasingly falling under the umbrella of public health. There are major issues that affect all levels of Nashua life. Then we also have issues that are not quite so well understood or discussed. We have a lot of people who are committing suicide and we have a lot of people who are experiencing the trauma that comes from that. We have a lot of people who just went through a life shattering or life changing experience in 2020 where suddenly a lot of the behaviors and patterns that they were used to were pulled away from them and they were instead replaced with a period of uncertainty, and competing narratives, and a lot of stress. Again, it made a lot of sense to me to introduce somebody at least a possibility that a specialist in the field of psychiatry would potentially be useful.

Then the last element of this amendment would have let voters decide whether they wanted somebody with a public health background who didn't work for the city to be a member. I think my intentions speak for themselves. I wasn't trying to replace any existing members. I was trying to expand the board. I was trying to improve its ability to train new members and manage the crisis that we're experiencing. I also think my timing was pretty awful because not only did I plow into a similar amendment with the Police Commissioner being highly contentious but the Board of Health is not the Police Department. They're not as big. They don't get uniforms to clearly identify themselves to the public and give them the credibility that comes from centuries of law enforcement. Instead, they have to focus on their decisions having the wait themselves of credibility. Because of that and because at the emergency meeting that we had last week, it was an impression that people who are seeking to undermine the credibility of the Board of Health were at the same time trying to use this as a wedge. I don't think this is a good time to mess with it.

I agree with the comments that they've made that they have an effective board right now. I think the timing would be unfortunate were the amendment to proceed to the votes because then they would have to if they continue to disagree, they'd have to approach voters and that's not a fair position to put them in in order to make their case. If it did pass through the referendum, then that means that we would have to be looking at a change in a dynamic in the middle of winter when we're likely still going to be dealing with after effects of COVID-19. Hopefully after effects. So for those reasons, I want to thank everybody who supported me in terms of moving this forward but I think the best thing at this point is to indefinitely postpone it and then take it up in a future term where I am able to engage the Board of Health right out of the gate and make sure that they fully support an amendment moving forward.

#### President Wilshire

The motion before us is for indefinite postponement. Is there further discussion on the Motion? Will the Clerk please call the roll.

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire	14
Nay:	0

#### **MOTION CARRIED**

Resolution R-21-152 declared indefinitely postponed.

#### **R-21-155**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman-at-Large Shoshanna Kelly

**RELATIVE TO THE TRANSFER OF \$75,000 FROM DEPARTMENT 194 "CONTINGENCY", ACCOUNT 70100  
"GENERAL CONTINGENCY" TO DEPARTMENT 198 "INTERFUND TRANSFERS", ACCOUNT 89725  
"TRANSFER TO CITY RETIREMENT TRUST FUND"**

Given its second reading;

#### **MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-21-155, BY ROLL CALL**

#### ON THE QUESTION

#### Alderman Dowd

Yeah this is just a normal transfer of funds that we do. We put money in contingency and this particular one has to cover retirement that's come up recently. It is a normal transaction of city government.

President Wilshire

The motion is for final passage of Resolution R-21-155 by roll call. Further discussion on that motion? Seeing none, would the Clerk please call the roll.

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire	14
Nay:	0

**MOTION CARRIED**

Resolution R-21-155 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS**R-21-156**

Endorsers: Mayor Jim Donchess  
Alderman Thomas Lopez  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Skip Cleaver  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO AN OPTION AGREEMENT WITH HARBOR HOMES, INC. FOR PARKING LEASE**

Given its first reading; Assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**R-21-157**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd  
Alderman Thomas Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright  
Alderman Skip Cleaver  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A MEMORANDUM OF UNDERSTANDING REGARDING THE BRONSTEIN REDEVELOPMENT**

Given its first reading; Assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**R-21-158**

Endorsers: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman-at-Large David C. Tencza  
Alderman June M. Caron  
Alderman Skip Cleaver  
Alderman-at-Large Lori Wilshire

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR RECREATION FACILITIES FOR EAST SIDE OF NASHUA, FUNDED BY APPROPRIATIONS, AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$750,000 INTO THE EXPENDABLE TRUST FUND**

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE and SCHEDULE A SPECIAL BOARD OF ALDERMEN PUBLIC HEARING on MONDAY, AUGUST 23, 2021, at 7:00 p.m. in the Aldermanic Chamber by President Wilshire

**R-21-159**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Thomas Lopez

**RELATIVE TO THE TRANSFER OF THE FY2022 ORIGINAL ADOPTED BUDGET CONTINGENCY FOR GRANTS AND CORRESPONDING OFFSETTING REVENUE INTO A NON LAPSING GRANT FUND**

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

**R-21-160**

Endorsers: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman Skip Cleaver

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$250,000 INTO EXPENDABLE TRUST FUND ESTABLISHED FOR THE BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY**

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE and SCHEDULE A SPECIAL BOARD OF ALDERMEN PUBLIC HEARING on MONDAY, AUGUST 23, 2021, at 7:00 p.m. in the Aldermanic Chamber by President Wilshire

**R-21-161**

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

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF AN ADDITIONAL \$621,556 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "COVID-19 ENHANCED DETECTION"**

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

**R-21-162**

Endorsers: Mayor Jim Donchess  
Alderman Richard A. Dowd

**RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR FY2022 ESCROWS**

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE and SCHEDULE A SPECIAL BOARD OF ALDERMEN PUBLIC HEARING on MONDAY, AUGUST 23, 2021, at 7:00 p.m. in the Aldermanic Chamber by President Wilshire

**NEW BUSINESS – ORDINANCES****O-21-068**

Endorsers: Alderman Patricia Klee  
Alderman Thomas Lopez

**MOVING THE LOCATION OF A NO PARKING ZONE ON THE WEST SIDE OF CONCORD STREET AT ITS INTERSECTION WITH MOUNT PLEASANT STREET**

Given its first reading; Assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-21-069**

Endorsers: Mayor Jim Donchess  
Alderman Thomas Lopez  
Alderman-at-Large Lori Wilshire

**REMOVING THE ONE-HOUR PARKING TIME LIMIT ON SOUTH SIDE OF MYRTLE STREET**

Given its first reading; Assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-21-070**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Lori Wilshire

**ALLOWING PERMITTED OVERNIGHT PARKING ON MYRTLE STREET**

Given its first reading; Assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

PERIOD FOR GENERAL PUBLIC COMMENTPresident Wilshire

Clarence Frost. Again if you could give your name and address for the record and you'll have a three minute timeframe. You've been very patient. Thank you.

Clarence Frost

Hi my name is Clarence Frost. I live at 63 Chestnut Street in Nashua. I didn't get an education on the debate you guys had going on with the Commissioner. I had no clue.

I'm here about Chestnut Street and the urban bike trail. I left pictures for people to see about the drunk and the drunken problems that I have to look at every day. I bought this property 24 years ago. It wasn't as bad. Every year that goes by, it's getting worse and worse. I call the police. I have pictures of people urinating. Show it to the police, what they can do? Tell them not to do it? They don't arrest them and they're still there doing it. The only reason why I see it more today is because I'm on temporary disability. I ain't got a choice but to stay home and look at it every day now.

When he did the urban renewal when they redid Chestnut Street, they put a nice island at the end of my street. When they first did it, it looked great. I don't think it's been mowed, mulched, trimmed, or nothing for the last five years. I fixed up the front of my property which I was told I own and the city owns. I don't know who owns it but I take care of it. There's a tree down the middle of Chestnut Street. A couple of years ago we had a big tree fall and take out power lines. Thank god it didn't hurt any children. There's another tree right next to it and half of it is dead. When is the city going to take it out? When it takes out a house...

Donna Graham, Legislative Affairs Manager

One minute.

Clarence Frost

...another power line, or a child? I'm a taxpayer. I pointed out to my alderman even the ones in the past and it seems like it never gets done. The tree streets get dumped on all the time. I keep telling people this neighborhood is what we make out of it. I decorated every Halloween and Christmas.

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Clarence Frost

You get (inaudible) some nice to look at. I'd just like the city and the aldermen to do something for the neighborhood and not just say it's another problem we never solve. The community's got to solve it too but we can only do so much. Thank you.

Anthony Storace

I did not sign up but I wanted to thank the Board for allowing the Board of Health to do their jobs and also to thank Tom. I look forward to working with him and communicating more with him. Don't forget we have a meeting tomorrow. Again, thank you very much. I promise you'll see less of me but we will come to the Board. We've been invited to. Alderman Schmidt thank you for the nice e-mail. I appreciate that and all the rest of you that have helped. Thank you very much.

President Wilshire

Thank you.

Laurie Ortolano

Hi. Laurie Ortolano, 41 Berkeley Street. Just quickly. I sent you an e-mail tonight and I attached a spreadsheet looking at the top ten largest communities in New Hampshire relative to their police departments. What surprised me is – and it really surprised me. I called all the departments and talked to the police stations. Five out of those ten do not have commissioners. Three of the cities that the Mayor highlighted as cities that had changed their commissions – Portsmouth and Laconia – those two municipalities have three commissioners but they are elected by the general public. So five out of the ten don't have commissioners. Three out of the five left they're elected by their citizens at the ballot. Manchester has an appointed commission but it is only advisory. It doesn't have (inaudible) duties.

So what's being proposed in Nashua is really unique to the other ten. I would like – I obviously think this is going to go on the ballot and the Mayor is going to get the signatures and the citizens behind providing the signatures to put it out there but I would like to understand how he determined that the best option was to have the Mayor and the President appoint and the Board vote versus having a citizen vote. Berlin and Somersworth were also used as examples of communities that change but you are looking at massive size variations – 10,000 people compared to Nashua with 90,000. The other thing you have to take into consideration here – Manchester is 113,000 people. Nashua is 90,000 and then the next biggest is Concord at 44 and it rolls down. So you know we have to be very careful with blanket comments and I looked back at the Mayor's original survey and the question he proposed is and it was just his blanket survey to his fixed number of constituents but it was 1) do you want the Mayor and the Board President to appoint the Commissioners, or 2) do you still want it with the Governor. I wish three had been on there which is do you want to elect them yourselves at the polls on a staggered time schedule. I would just like to understand how this happened and honestly I've been on an e-mail chain that's you know 50, 100 comments deep. There's a lot of people that have asked some really good questions on that e-mail chain about what we're doing this...

Donna Graham, Legislative Affairs Manager

Thirty seconds.

Laurie Ortolano

...and what it means. So huge opportunity to do some education over the next few months and I think there's a lot of work to do here to educate people. Thank you.

Beth Scaer

Beth Scaer, 111 East Hobart Street. Next week on the 18<sup>th</sup> is the 101 anniversary of the ratification of the 19<sup>th</sup> amendment giving women the right to vote. So this Saturday the 14<sup>th</sup> at 10 a.m. I'm going to be raising the 19<sup>th</sup> amendment flag on the citizen flag pole. So that's 10 a.m. on Saturday the 14<sup>th</sup>. Everyone is invited. Thank you.

President Wilshire

Thank you. Is there anyone else that wishes to give public comment? Seeing no one.

## REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Klee

Thank you very much. Sorry. I'd like to start off by thanking all of my fellow members here for the dynamic conversation that we had on the Police Commission. I think a lot of good things were said. I also want to just comment to Alderwoman Lu that was a good catch. It was for the 467. I went back and looked at the financial so I think it was just wording. That was a good catch and thank you. We would have to have voted again anyways. I appreciate that.

Most of all I want to congratulate Alderman Brandon Laws and Sophia on their new addition. There's no one that deserves more happiness than they do and I know they're going to make a great family, great parents, and I can't wait to see that little angel at some public function. I know she's loved. So thank you.

Alderman Dowd

Just a real quick – let me give the Board on the middle school project. Fairgrounds Middle School is almost complete. It will be completed in the next week or two 100 percent. I think if you go by there you'll see a marked change. Pennichuck is coming along real well. We will have all the hard construction hopefully buttoned up before school starts. All of the new roads are in and if you've been by, you'll see there's the new temporary traffic light. That will be there for approximately a year. Next summer we'll put in the regular mast arms and the final light as we widen the road to make all the road changes. I can tell you that all of the neighbors in the area are all in favor of the change and I've met with them all personally. So I can tell you that for a fact.

The new middle school down the south end of Nashua, we have all the land we need for access to the school. We have the Purchase and Sale on the last little piece of land and we'll be having a closing fairly soon. Work will start in October and the opening of the school will be September of 2024. I just wanted to say also that Thursday the 26<sup>th</sup> which is going to be a very busy day, the back to school event at the Library is at 5:00 and the person sitting to my right is deeply involved in that. She may mention more about it but then after that there's going to be a tour of Fairgrounds Middle School for the Board of Aldermen and the Board of Education. We'll break up into smaller groups and they'll give you a tour of all of the changes before the students actually go in and use the school. Then the Joint Special School Building Committee will be at 7:00 p.m. following those tours.

Alderman Caron

He took my thunder. First of all, I was going to remind you that the 17<sup>th</sup> annual back to school will take place at the Library on the 26<sup>th</sup> of August at the Library. Finally we're back there. The 25<sup>th</sup> which is that Wednesday at 8:30 a.m. if anyone would like to come down, we'll be packing 1,500 bags. In less than 4 hours, we will provide coffee and donuts in the morning and then we will have a boxed lunch for everyone who participates. We have a lot of fun. There's a lot of things to put in the bags and the committee is working real hard to make sure that the word gets out. The only group that will be inside of the Library will be the Nashua Lions Club because they need a dark room in order to do the eye screening. I know the Health Department will be there to give the COVID vaccine and all the schools and principals will be outside all around the Library under tents and we have about 32 to 35 vendors who will also be there giving out supplies and information concerning their different programs. We look forward to it. We're hoping that we have a good day and come on down and see how the city is working with the Chamber, and the school, and our great businesses like George Cades who co-chairs this event with Mary-Ann Melizzi-Golja.

On another note, I know how difficult this conversation was concerning the Police Department but I think that we tried to let everybody hear what had to be spoken during Personnel without getting too crazy but as I have said before in the last few years, it seems like people forget their manners, and become rude, and disrespectful to each other whether it's public or members of the Board. None of us should think that way because we're here for a reason. The other thing that bothers me is I'd rather have you say it to my face than to put it out there on social media where I have to hear about it from somebody else. That is worse than having you say something to my face because then I know whether you're telling the truth or not. So there's a difference there between having a conversation and hiding behind a computer all day long and making comments. That's the sad part of what's going on within the community. I think that tabling this and trying to get the work study group involved is very important. As Alderman Dowd said when you're making a Charter change, it is not like a normal resolution or piece of legislation. It affects you long term because as you all know, we're not here forever. We're only here for a short period of time and new people come in and want to do things. When you're making those big Charter changes, you really need to have all the facts whether it's you or the public. So I think that's important that you hear everything and you do everything in a timely fashion.

Madam Chair I'd like to ask a question to the Mayor if...so Mayor I read an article in the Union Leader concerning the City of Manchester and the money they're receiving from the federal government to be utilized within their community. They had a major survey throughout the community asking for the top ten things they would like to see that money used for. They came up with a plan. Part of it was infrastructure, new housing, how to help the homeless. I know we're getting money. I don't think we're getting as much as Manchester but have you given any thought of how we're going to utilize that money or present it to the Board for consideration? You don't have to do a long detail but I'm just wondering – I was quite fascinated that Manchester had done that.

Mayor Donchess

The answer is yes and we've talked with them in a lot of detail – the people who formulated the Manchester plan. That one big difference is of course they can do much more sort of cover the waterfront because they have \$40 million and we have 16. Until a few weeks ago, the budget had proposed of the \$8 million we'd get in year one, \$4.4 million was going to be for revenue replacement – the lost school aid, leaving us \$3 million compared to the \$20 million.

In terms of the outreach, there were no community meetings or anything. They took input through like the website or whatever. Maybe we should do something like that but certainly we plan to propose to you, the Board of Aldermen, as we get a firmer picture on how much money we really have available given that we don't need so much for revenue replacement, how we should use the money.

Alderman Caron

Thank you. I appreciate that. That's all I have.

Alderman Lopez

First I want to thank former Alderman Siegel for attending. I think one of the comments he made that might have been – I hope wasn't lost in the shuffle with regards to this Board, is people who care about the city do have a right to comment on it and have a right to express opinions. Particularly Alderman Siegel, I'm pretty sure I'm literally sitting in his seat right now, has served the Board and the City of Nashua and he was always very diligent about researching his issues. He's definitely very passionate but I always found him to be very fair. The reason why I want to point out that comment is because there are different places where people gather in Nashua whether it's here in the aldermanic chamber, or at the Library, or on line and those forums have a responsibility to be very conscientious when it comes to how they manage. If it's in the guidelines specifically for example that they aren't going to take output from people who aren't in Nashua, that should be applied consistently. A person shouldn't have their conversation rights pulled out from under them in the middle of a conversation in fairness. I think if you're going to allow that person to have a conversation at the beginning, you kind of can't just pull them out when their conversations become inconvenient. The same way some of the public comment here is very inconvenient tonight for me, slightly, personally as well but people have the right to speak and they have a right to be heard. I just wanted to offer that support.

Then in addition, I wanted to thank Mr. Frost not only for his comments tonight but he really has like that corner house has been well taken care of. It's an appreciated part of the community. They do a fantastic job decorating for Halloween, decorating for Christmas, and it really does lift up the city's surrounding neighborhoods and the city experience because people use the rail trail to travel back and forth from work. Kids use it to travel back and forth from school. They see the investment he puts in the community and that matters. I think we do have to match that. I think the rail trail as it is, is very tired whether it's murals that are well past their prime, whether it's infrastructure, roots pushing up on the trail itself, or just landscaping that has really, really been left to decline. I think we should invest in that. If we're going to call it a walking/pedestrian trail and a public park, then we really need to give it the resources that it needs and I'm not sure we do that.

With regards to the people congregating on it, that area is called by many in the local area "Jacob's Corner" because Jacob Wallace sat at the corner for years. Sometimes panhandling, sometimes drinking, sometimes writing weird, unique words and language on the wall in chalk, and sometimes throwing potatoes at people passing by. So definitely a story corner but a lesson because Jacob passed away the morning that I ran the first tree streets block party. That puts into context why I express someone's concern about people struggling with substance use disorder, specifically alcohol in the community. The Doorway program does not serve people who are intoxicated. It is meant for people who are under opioids and being treated for opioid addiction. So there's perhaps a misunderstanding in our community that the Doorway is exactly like our safe station used to be. Our safe station used to take people who were intoxicated and his primary drug of choice was alcohol. The Doorway doesn't do it that way anymore. They will work with them but they're not going to bring them to the respite. They're not going to provide 24 hour emergency care. That's a huge gap in our services and we're seeing the impact of it. We know drinking has increase exponentially because of COVID. People were trapped indoors and didn't know where to go and we decided that among our essential services we're going to be liquor stores. So it's another example of a public health issue that we need to address.

I have to kind of balance the concerns of the immediate residents nearby with opportunities to provide outreach to them because there aren't enough programs that will walk up and deliberately engage them in like do you want a cup of coffee. Do you want to look at sobriety? That type of thing. There are definitely organizations that do that but I say there aren't enough because they're still slipping through the cracks. The rescue mission can be out there 3 or 4 times a week. The Soup Kitchen has two outreach workers. Our own Public Health Department has outreach workers. There are still a lot of people who are struggling. A lot of people who don't have anywhere to find community and a lot of people who combine the two in a way that is a nuisance to our neighbors. I know some people might consider them undesirable and I can definitely empathize with no only with Clarence Frost's experience having to look at that situation every day and also with his neighbor across the street who his fence is the favorite target of the guy who likes to urinate publicly. So welcome to the neighborhood.

I also think we need to be careful about not just moving the problem away for immediate convenience but actually tackling the problem because we have done things to change the way the rail trail is used in the past – taking out trees, putting in community gardens, and that has been with the intent of positive space use and it's also redistributed issues that we have at the community that are more complex. So we need more conversation about this. I would love to see more aldermanic support at the Continuum of Care meetings where these decisions and resources are being collectively discussed among the nonprofits. I think it's going to be very important that they get all of the support that they need because the weather is going to be getting colder. We're going to be having those conversations about cold weather stations. We can't make assumptions about oh well they can go to the Library or whatever because we don't know for those cases to be certain that people will have access to those types of things. Unfortunately when I started that push last year to get a cold weather warming center up and running, the person who precipitated it passed away because during the day there was nowhere to stay. She got into drinking and there was a medication reaction which resulted in that. So this is happening all around us. I think the police are potentially encountering an unfair amount of it. I don't think that the Police Commission was actually an appropriate venue because I misunderstood the nature of their role versus places like the Board of Health. I do think that we need to sure up our resources in the nonprofits. We need to support community efforts to address these public health issues because they're impacting our citizens and they're starting to characterize neighborhoods which don't deserve to be characterized that way.

Alderwoman Lu

Thank you. I first wanted to ask about the vote on the Police Commission. Did we vote it down Madam Clerk if you could just...?

Susan Lovering, City Clerk

The motion failed for final passage.

Alderwoman Lu

Okay the motion for final passage failed. And then did we then...

Susan Lovering, City Clerk

There was a subsequent motion by Alderwoman Kelly to table at the full board level. That carried.

Alderwoman Lu

Okay. I didn't know we could do that. Okay.

So I just wanted to ask at one point in July I had asked that we can in anticipation of the like and unlike escrow vote that we could get a couple of pieces of information. For instance, annual report on the TIFs included captured incremental increases and assessments and the use of the related tax revenues. I never did hear back on that. I sent this to you Mayor Donchess, and also to Director Cummings, and the rest of the Board, and also CFO Griffin. Do you think that this is something that could be forthcoming in annual report on the TIFs?

Mayor Donchess

Well it probably exists. I mean it's in the budget and all of the expenditures had to be approved by the Board but they at least recommended by the TIF committee and approved by the Board of Aldermen. I mean these aren't expenditures that are made without Board approval. I would say look to your records and your minutes.

Alderwoman Lu

Well I couldn't find it in the CAFR. You said it's in the budget? Expenditures, well...

Mayor Donchess

I don't know if the CAFR is a detailed document and we'd have to look to see what it includes regarding this. Any expenditures made out of the TIF have to be approved by the Board of Aldermen. I mean there's an advisory committee which you asked about the membership of earlier. They don't decide things. They recommend and the Board of Aldermen has to approve. So if you want a report of what's been done, I would suggest you look to the minutes, and the Budget Committee, and the votes of the Board of Aldermen and you have taken because that's where the records are. I

mean that's where the records are. I could ask about how periodically this is summarized but, again, the Board of Aldermen votes on all these things.

Alderwoman Lu

Okay thank you. I sent the e-mail in July. I don't know if anyone read it.

Mayor Donchess

Well I don't recall.

Alderwoman Lu

But RSA 162 (k) 11 calls for annual reports on TIFs.

Mayor Donchess

They may be issued but, again, there aren't many expenditures being made.

Alderwoman Lu

But I asked.

Mayor Donchess

There have been a limited number. You have approved them all and the contracts are approved as well. There are some design contracts that are out right now and there probably is an annual report somewhere.

Alderwoman Lu

Well I had asked for captured incremental increase...

Mayor Donchess

It won't say much because there haven't been many actions taken.

Alderwoman Lu

I'm sorry for interrupting. I thought you were finished. What did you say?

Mayor Donchess

I said that you vote on all those items. So that if you want to know what has occurred, you should go back and look at the meetings and the stuff that you voted on.

Alderwoman Lu

Okay. I have no way – I had asked for captured incremental increases which is a piece of information that RSA 162 (k) 11 indicates that a report annual should be submitted.

Mayor Donchess

I'm sure that's available.

Alderwoman Lu

Pardon me?

Mayor Donchess

I'm sure that's available.

Alderwoman Lu

Well I've asked for it. I asked for it in July and never got a response.

Mayor Donchess

Well I don't recall the e-mail. I didn't see the e-mail. I don't recall it. I assume you sent it but...

Alderwoman Lu

Okay. Could you – how is the School Street development going?

Mayor Donchess

Good.

Alderwoman Lu

Have we signed that development agreement?

Mayor Donchess

Well the transaction is scheduled to close I believe later this month but it hasn't closed yet.

Alderwoman Lu

Okay. I have a concern and I'm sorry that I don't have better things to talk about but Mayor Donchess I'm still concerned that the Legal Department is sending out – Laura Colquhoun asked for the air rights lease just like I asked for it back in February when we signed it. When she received it from the Legal Department last week, the air rights...

Mayor Donchess

What is the question? It's about an air right's lease.

Alderwoman Lu

No I'm actually just – I'm commenting. When the air rights lease was sent out to Ms. Colquhoun last week, it identified 201 Main Street. You know I just don't understand why – she sent it to me two months ago and I say gee we're not renting 201 Main Street are we? She said oh that's a typo. She has asked for it again two months later and the same contract goes out described as an executed lease.

President Wilshire

So Alderman Lu the closing has not happened on that.

Alderwoman Lu

Okay so my concern is that over and over the lease is sent out and described as executed. Well it's titled "executed lease"...

Mayor Donchess

You know it's late. I don't think you have your facts straight which often is the case. So could you please...

Alderwoman Lu

I beg your pardon.

Mayor Donchess

Could you please try to research these things. All Alderman Sheehan used to say, "Do your homework and figure these

things out before you get so deeply into them”.

Alderman Lu

Okay. I just want to finish saying...

Mayor Donchess

You ask the City Attorney, you're factually incorrect.

Alderman Lu

Well I've been told by the City Attorney that he doesn't answer my questions. I can show you the e-mail here but I hope this is the last time that anyone in this room tells me to do my homework, really. Okay. Thank you.

Alderman Schmidt

Congratulations to Alderman Laws and family. That was such a wonderful things. The pictures were just stunning. Thank you for putting them up. Put up more, you can never have too many pictures of babies.

I wanted to thank the Board of Education for the vote that they took last night. It was a very difficult decision. There were people against it. There were a lot of people of course that were there for it and what it was was masking at the beginning of the school at least based on science and the facts that I have come in through the Department of Health. I am very proud of them for making that decision. I'm glad that they care that much about our kids that they'll stand up and do the right thing. Thank you.

President Wilshire

I would like to take a moment to thank those who are willing to serve on this work study group for the Police Commission. I'd like to especially thank Alderman Kelly for being willing to Chair it.

Committee announcements:

Alderman O'Brien

Tomorrow night at 7 p.m. Wednesday will be the Committee of Infrastructure. It will be the first time the committee will get to see the parking study from Desmond. Don't anticipate. This is more just going to be a plethora of information. Bring your shovels to dig through it so enjoy.

Alderman Dowd

Yes I think if you were following suit, you'd find that the Budget meeting on August 23<sup>rd</sup> has four public hearings. So I want to make sure we have a quorum and hopefully we can get through those in a reasonable amount of time.

Alderman Kelly

I have one Alderman Wilshire. It's always so far away when we talk about Human Affairs. The next Human Affairs Committee meeting we'll be talking about affordable housing and the progress that's been made. I wanted to announce it and invite any Aldermen on the Board to attend.

President Wilshire

Any other committee announcements. Seeing none.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE AUGUST 10, 2021, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED, BY ROLL CALL**

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd,  
Alderman Caron, Alderman Clemons, Alderman Tencza, Alderwoman Lu,  
Alderman Jette, Alderman Schmidt, Alderman Cleaver,  
Alderwoman Harriott-Gathright, Alderman Wilshire

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Nay: Alderman Lopez

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**MOTION CARRIED**

The meeting was declared adjourned at 10:40 p.m.

Attest: Susan K. Lovering, City Clerk

## **OPEN LETTER TO THE MAYOR, BOARD OF ALDERMEN, AND CITY OF NASHUA**

### **RE: R-21-143- Proposing an Amendment to the City Charter Relative to the Manner of Appointments to the Nashua Board of Police Commissioners**

It is with great disappointment that we even feel the need to pen this letter, but we feel the time has come to express our position publicly.

For those who do not know, there is an effort underway to substantially change the Nashua Police Commission. It recently has appeared as both a resolution in front of the Board of Aldermen, as well as a public petition to add a referendum to the City ballot this November.

There has been much controversy regarding the subject resolution and the citizens of Nashua have not had the opportunity to discuss and properly understand its ramifications and nuances.

This is not a stop sign, nor overnight parking; both issues which were studied far more carefully than this one before their implementation.

This change has potential far reaching & long- lasting ramifications to our city. It cannot be treated as political football... it is a BUSINESS decision. It is a decision that will impact the people of Nashua in ways that we need to understand. As business leaders and community leaders we feel it's time we weighed in with our thoughts.

First, the resolution itself was crafted and released for public view in May, just as we were finding our first bit of relief from the pandemic. It was an emotional period and most folks were, and continue to be, justifiably distracted. It is a time when people started to travel and are focused on reconnecting with loved ones and activities post-pandemic.

There was one Special Board of Aldermen meeting held on June 7, which most Nashuans never even knew was occurring, to initially discuss the resolution. Even at this meeting there were strongly opposing positions voiced, and information prompting further review was presented to the Board.

On July 6, a Special Board of Aldermen/Personnel Subcommittee meeting was held and, at that meeting, after more discussion, the board UNANIMOUSLY voted to table the resolution and create a study committee to explore all the potential impacts carefully... this even included the original proponents of the resolution.

However, even after this meeting, the Mayor himself, as well as some of his supporters, have been going door to door and outside local spots like the Nashua landfill and Greeley Park attempting to get a petition signed to put the resolution on the ballot this November, a few short months from now! This action was clearly in opposition to the direction of the Personnel Subcommittee; and definitely too quick to create a study committee and properly dissect the underlying impacts of passing this resolution. The Mayor declined to participate in the study committee, and the effort to put this on the low voter turnout, off-year November ballot continues.

The Police Department and several aldermen have also called for public discussion of the issue as the appropriate method to understand the issue and its potential impact.

So, as leaders in the business community and the greater community, we request the following:

- Withdraw the current petition and re-write the resolution to instead involve the creation of a formal study committee
- Create the study committee to include aldermen, police, and both community & business leaders

- Organize moderated community discussions/town halls involving both sides and open dialogue
- Give this process enough time to work and move a decision this impactful to the major election in 2023; clearly it is too big for a midterm election only a few months away
- Take the time to allow all citizens to make an INFORMED decision
- Items to explore should include, but not be limited to:
  - o Impact on the autonomy of the Police Department in investigations involving city hall (there is prior history with illegal activity in city hall that resulted in the conviction and imprisonment of previous aldermen)
  - o Impact on the autonomy of the Police Department in hiring and promotion decisions
  - o Impact on the police budget and expenditures such as additional patrol downtown if the new organization is implemented
  - o Impact to police manpower and its effect on response time
  - o Impact to divisions within the Police Department that would be eliminated or downsized
  - o Impact on downtown businesses, including those with outdoor dining
  - o Impact on Nashua's CALEA certification and related issues
  - o Impact on potential increase in civil unrest & gang activity
  - o Impact on real estate values
  - o Impact of increasing Police Commission from 3 to 5 persons, including the ability to reach consensus to operate
  - o Impact on recent cities of similar size that implemented this change within the last ten years
- The study committee must also address the "necessity" of this proposed change as required by the city charter in RSA 49-B:5.

We respectfully request that you consider this approach, slow down, and make an informed and proper decision for the City of Nashua as outlined above.

For those citizens who do not view this issue as a business decision, or who are not business owners, please consider the potential impact on your property

values and to local businesses that you support.

We also feel it is our civic duty to also offer our support in any of the above actions, as needed and requested.

Respectfully,

Sandra Cleary, SLC Group Holdings

Rob Parsons, Parsons Ventures

David Roedel, Roedel Companies

Linda Lovering, Lovering Volvo

Jack Tulley, Tulley Automotive Group

Kurt Mathias, Boston Billiard Club & Casino

Victor Bazzani, DC, Bazzani Chiropractic, and Bazzani Brazilian Jiu-Jitsu

Michael Geha, President, NHPA

Chief Tim Hefferan, Retired, Nashua Police Department

Chief Andrew Lavoie, Retired, Nashua Police Department

Captain Kerry Ann Baxter, Retired, Nashua Police Department

Ed Lecius, Retired, NPD Community Policing Coordinator

Bernie Streeter, Former Nashua Mayor

Gary Lambert, Nashua Fire Commission

Lori Lambert, Concerned Citizen

Brad Kreick, Concerned Citizen

Paula Johnson, former Nashua Alderman

David Schoneman, Former Nashua Alderman  
Carl Seidel, Former NH Representative  
Di Lothrop, former fundraising manager, health care  
Charles Lothrop, Digital Media Specialist  
Charles Hall, Concerned Citizen  
Jeanne Bausha, Concerned Citizen  
Bennie Bausha, Concerned Citizen  
Kurt Martin, Realtor  
Valerie Martin, Concerned Citizen  
Catherine Ackerman, Concerned Citizen  
Tom Dionne, Concerned Citizen  
Barbara Kelson, Concerned Citizen  
Chris Buda, Concerned Citizen  
Allisan Dyer, Concerned Citizen  
Michael Dyer, Concerned Citizen  
Marie Muller, Concerned Citizen  
Ed Muller, Retired Math Teacher  
Michael O'Connor, Concerned Citizen  
Kathleen O'Connor, Author  
Laurie Ortolano, Concerned Citizen  
Michael Ortolano, Concerned Citizen  
Donald Scott, Accountant  
Colleen Ward-Concerned Citizen  
Frank Thibodeau, Concerned Citizen  
James Tullis, Concerned Citizen

Lillian Tullis, Concerned Citizen

Cheryl Walley, Concerned Citizen

## Graham, Donna

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**To:** Klee, Patricia  
**Subject:** RE: R-21-143, Change to the Police Commission

**From:** Mike Ballentine [REDACTED]

**Date:** August 9, 2021 at 9:22:51 PM EDT

**To:** "Clemons, Benjamin" <clemonsb@nashuanh.gov>, "Kelly, Shoshanna" <KellyS@nashuanh.gov>, "Klee, Patricia" <KleeP@nashuanh.gov>, "Laws, Brandon" <LawsB@nashuanh.gov>, "O'Brien, Michael (Alderman)" <OBrienM@nashuanh.gov>, "Tencza, David" <TenczaD@nashuanh.gov>, "Wilshire, Lori" <WilshireL@nashuanh.gov>

**Subject:** R-21-143, Change to the Police Commission

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

Dear Alderman,

This is about R-21-143, the change to the Police Commission.

We were surprised to learn the Nashua Police Commissioners are appointed by the Governor and Executive Council - unique among New Hampshire cities.

And even more surprised - and disturbed - to see the Police Chief's reaction to the proposed change, calling the resolution an "abuse of power" (May 24 Police Commission meeting), and sending uniformed officers and others to the Personnel Committee meeting on July 6.

Please consider:

- The Commissioners should be appointed by our local elected officials, not by the State. Local will mean better vetting, more people involved in the appointment process, and greater transparency.
  
- The Police argument that local control can allow more corruption is curious, as it is being addressed toward you. We think that any improper interference, if it occurs, will be much more obvious, and correctable, at the local level than at the State level.
  
- The response from the Police and friends is aggressive, arrogant, and designed to intimidate. Civilian control over military and law enforcement is a fundamental, critical principle in our democracy, but it depends on civilians willing to exercise control.

The people of Nashua should be allowed to vote on this, and the arguments against that are not convincing. And we are sad to say that our opinion of our Police Department has been lowered significantly.

Please advance R-21-143 to the ballot for November.

Mike and Stephanie Ballentine  
9 Bartlett Ave  
[mikeb@btine.com](mailto:mikeb@btine.com)





# THE CITY OF NASHUA

"The Gate City"

*Lori Wilshire*

*President, Board of Aldermen*

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To: Board of Aldermen  
From: Lori Wilshire, President  
Date: August 10, 2021  
Re: Formation of Work Study Group Relative to the Police Commissioners

I have this date appointed the following to the Work Study Group relative to Resolution R-21-143 Proposing an Amendment to the City Charter Relative to the Manner of Appointments to the Nashua Board of Police Commissioners and have appointed Alderwoman Kelly as the Chairwoman:

Alderwoman-at-Large Shoshanna Kelly, Chairman

Alderman Richard A. Dowd

Deborah Novotny

Eva Castillo

Sandy Cleary

Nicholas Dahl

Marylou Blaisdell

Mark Brave

Kendra Soucie

An employee from the Police Department

No meetings have been scheduled yet but as soon as the group convenes they will be listed on the city calendars.