

A special meeting of the Board of Aldermen was held Monday, August 24, 2020, at 7:00 p.m. via Zoom.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderman Brandon Michael Laws led in the Pledge to the Flag.

President Wilshire

As President of the Board of Aldermen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

*To access Zoom, please refer to the agenda or the City's website for the meeting link.
Meeting ID: 885 5998 9575 - Passcode: 741725*

To join by phone dial: 1-929-205-6099 - Meeting ID: 885 5998 9575 - Passcode: 741725

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall, Nashua Public Library and the Nashua Telegraph.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. **When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.**

City Clerk Lovering called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 12 members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman Patricia Klee, Alderwoman Shoshanna Kelly, Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons, Alderman David C. Tencza, Alderwoman Elizabeth Lu, Alderman Jan Schmidt, Alderman Brandon Michael Laws, Alderman Skip Cleaver, Alderman Lori Wilshire.

Alderman Ernest Jette, Alderman Linda Harriott-Gathright and Alderman Tom Lopez were recorded absent.

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

Alderman O'Brien

I am present, I can hear the proceedings and I am alone.

Alderman Klee

I am here, I can hear everyone, I am alone at that moment and I am home due to social distancing and the pandemic.

Alderman O'Brien

If I may, Madam President, I just got a text and it was from Alderman Kelly' she's having difficulty logging on.

Alderwoman Kelly

I'm here, I'm alone I am socially distancing and I can hear everyone.

Alderman Dowd

I can hear everyone, I am alone and I am practicing social distancing in accordance with the Governor's Directive.

Alderman Caron

I am here, I can hear everyone. I am alone and I am following Governor's Orders.

Alderman Clemons

I am here, I can hear everyone and there is no one with me.

Alderman Tencza

I am here, I can hear everyone and right now my son is here in the room with me.

Alderwoman Lu

I am here alone and I can hear you.

President Wilshire

Alderman Jette won't be joining us this evening.

Alderman Schmidt

I am present and I am alone.

Alderman Laws

I am here, I am alone and I can hear you.

Alderman Cleaver

I'm here, my daughter is with me and I am social distancing. I can hear those who have spoken so far.

President Wilshire

I am here, I am alone and I am social distancing.

Susan Lovering, City Clerk

You have 12 in attendance.

President Wilshire

Thank you, Madam Clerk. Tonight we have two Public Hearings; the first is on Resolution 20-057 Authoring the Mayor and the City Treasurer to issue bonds not to exceed the amount of \$20 million dollars to refund all or a portion of certain outstanding bonds of the City in order to achieve interest cost savings. I see that Mr. Fredette is on with us. Would you care to give the Board a brief overview of this? No? He's not here? He was here.

Steve Bolton, Corporation Counsel

I have help, Madam President, if you wish. It's very similar to refinancing your home mortgage. When interest rates are low you can take advantage of that and get a better interest rate and save money. It's a little more complicated with City Bonds, we can only refinance the bonds that are callable, at a time when they are callable and this is our opportunity to do so with these \$20 million dollars' worth. So we can call in the outstanding bonds, we borrow \$20 million at a better rate and it saves us money.

President Wilshire

Thank you, Attorney Bolton. So at this point, I will take Public Testimony in favor of Resolution 20-057 if there's anyone?

PUBLIC HEARINGS

R-20-057 - AUTHORIZING THE MAYOR AND THE CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF TWENTY MILLION DOLLARS (\$20,000,000) TO REFUND ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY IN ORDER TO ACHIEVE INTEREST COST SAVINGS

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION – None

President Wilshire

Seeing no one, I will close that Public Hearing and open the Public Hearing on Resolution 20-061 Relative to the Supplemental Appropriation of \$63,865.00 of unanticipated revenue into Fund #7026, Capital Equipment Reserve Fund. Is there someone to give us an overview on that?

Mayor James Donchess

Madam President, I think Karen Smith was on here from the PD but maybe no longer, the Deputy is here, but it is to replace a damaged vehicle. But if the Deputy wants to go into more detail into how that happened, he's certainly there.

President Wilshire

Thank you, Mayor; Deputy Testaverde?

Police Deputy Jim Testaverde

Yes unfortunately as you know when you are running an organization like Police & Fire that run vehicles 24 hours a day, 7 days a week, unfortunately accidents happen. We go out of our way to not be at fault. This particular accident was right in the heart of downtown. There was significant damage to the Police Vehicle and some damage to, I believe, the building where 7 Star Pizza is. So the Police Vehicle is totaled and does need to be replaced because we are right at minimum, currently with our vehicles.

President Wilshire

Thank you very much. So I am going to open it up for testimony in favor of Resolution 20-061.

R-20-061 - RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$63,865 OF UNANTICIPATED REVENUE INTO FUND #7026 "CAPITAL EQUIPMENT RESERVE FUND"

Testimony in Favor - None

Testimony in Opposition - None

Testimony in Favor - None

Testimony in Opposition - None

President Wilshire closed the public hearings on R-20-057 and R-20-061 at 7:11 p.m.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Susan K. Lovering, City Clerk

Re: Request to Temporarily Relocate Ward 6 Polling Location for November 3, 2020 General Election

MOTION BY ALDERMAN DOWD TO ACCEPT, PLACE ON FILE, AND APPROVE THE TEMPORARY RELOCATION OF WARD 6 POLLING SITE FROM FAIRGROUNDS MIDDLE SCHOOL TO FAIRGROUNDS ELEMENTARY SCHOOL FOR THE NOVEMBER 3, 2020 STATE GENERAL ELECTION, BY ROLL CALL

ON THE QUESTION

Alderman Dowd

And I can discuss briefly if you desire?

President Wilshire

Alderman Dowd?

Alderman Dowd

We have worked with City Clerk Lovering to be able to conduct the primary at the Middle School even though it is under construction. But in November, the site will not be conducive to having the public there. So we are just moving it across the street to the gymnasium, right across (audio cuts out) and the election will be held there in November.

President Wilshire

Thank you, Alderman Dowd. Any questions, does anybody have any questions/concerns? The Motion before us is to accept and place on file and approve the temporary relocation of Ward 6 Polling Site from the Fairgrounds Middle School to the Fairgrounds Elementary School for the November 3rd State General Election. Alderwoman Kelly?

Alderwoman Kelly

Thank you and thank you for that explanation Alderman Dowd. It seems to make sense. My question is what are we doing to make sure people know where they are voting. I realize it is across the street but I would never want anyone to not be able to vote because they got confused.

Alderman Dowd

I will turn that over to City Clerk Lovering who has got this well in hand and is meeting all the requirements of the State.

President Wilshire

Madam Clerk?

City Clerk Loving

Thank you very much. We are hoping that you will pass this measure this evening so that we can provide adequate signage at the State Primary. But in addition to that, we will be following the State Law and giving mails to all registered voters within the Ward, as well as public announcements, web site, Telegraph and other means that we can get it out to the public.

Alderwoman Kelly

Thank you.

President Wilshire

Anyone else? Alderman Dowd?

Alderman Dowd

Yes also in November there will be signs at the Junior High saying "it's across the street".

City Clerk Lovering

Thank you, Alderman Dowd.

President Wilshire

Anyone else? Seeing none would the Clerk please take 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 Tencza, Alderwoman Lu, Alderman Schmidt, Alderman Cleaver, Alderman Laws, Alderman Wilshire	12
--	----

Nay:	0
------	---

MOTION CARRIED

Without objection, President Wilshire allowed for suspension of rules for final approval of two communications that were approved at the August 18, 2020 Planning and Economic Development Committee Meeting.

From: Tim Cummings, Economic Development Director
Re: Contract Amendment for Professional Engineering Services related to the Nashua Downtown Riverfront Implementation Project VHB, Inc.

MOTION BY ALDERMAN TENCZA TO ACCEPT, PLACE ON FILE, AND APPROVE THE CONTRACT AMENDMENT WITH VHB, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO THE NASHUA DOWNTOWN RIVERFRONT IMPLEMENTATION PROJECT IN THE AMOUNT OF \$500,000, 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 Tencza, Alderwoman Lu, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Wilshire	12
--	----

Nay:	0
------	---

MOTION CARRIED

From: Tim Cummings, Economic Development Director
Re: Contract Amendment for Professional Engineering Services related to the Nashua Downtown Riverfront Implementation Project Hayner/Swanson, Inc.

MOTION BY ALDERMAN SCHMIDT TO ACCEPT, PLACE ON FILE, AND APPROVE THE CONTRACT AMENDMENT WITH HAYNER/SWANSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE NASHUA DOWNTOWN RIVERFRONT IMPLEMENTATION PROJECT IN THE AMOUNT OF \$118,730, 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 Tencza, Alderwoman Lu, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Wilshire	12
--	----

Nay:	0
------	---

MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS

R-20-054

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman Linda Harriott-Gathright

AUTHORIZING THE CITY OF NASHUA TO EXECUTE A LEASE WITH WHITING BUILDING, LLC

Given its second reading;

MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF R-20-054, 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 Tencza, Alderwoman Lu, Alderman Schmidt, Alderman Cleaver, Alderman Laws, Alderman Wilshire	12
--	----

Nay:	0
------	---

MOTION CARRIED

Resolution R-20-054 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

R-20-065

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$165,846.36 FROM THE STATE OF NEW HAMPSHIRE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”) RELATED TO ELECTION EXPENSES

Given its first reading; assigned to the HUMAN AFFAIRS COMMITTEE and PERSONNEL ADMINISTRATIVE AFFAIRS COMMITTEE by President Wilshire

MOTION BY ALDERMAN DOWD TO SUSPEND THE RULES FOR A SECOND READING OF R-20-065, BY ROLL CALL

ON THE QUESTION

President Wilshire

Any discussion on that? Alderwoman Lu?

Alderwoman Lu

Thank you. What are we planning to use that money for?

President Wilshire

I would have to defer to the Mayor.

Mayor Donchess

Well we, of course, we could get a complete explanation from City Clerk Lovering. We expect many, many absentee ballots. Right now the City Clerk for the Primary has processed about 3,300, 3,400, 3,500 but we expect many more ballots than that for the General Election. We have about 60,000 voters, we expect maybe 45,000 will vote, maybe more than that.

This is all guess work but 50% may vote absentee. So in order to process these absentee ballots we need additional personnel in the City Clerk's Office. If you were to sit down with the City Clerk and go over the process that is required for each absentee ballot, it requires six to eight different steps to be completed over a period of time as the ballot comes back and forth. There are multiple entries into a data base up at the State of New Hampshire. And each ballot probably takes, in total, 15 or 20 minutes to process for a single person.

So we need to add a lot of people in the City Clerk's Office. Some of them have been added already but we are looking to add more; considerably more. This money will be used to pay those employees to process these absentee ballots.

President Wilshire

Thank you, Mayor. Madam Clerk, did you want to add anything to that?

City Clerk Lovering

I think that was an excellent summation of what we have in front of us. I thank everyone for their consideration and support in this time.

Alderman Klee

Madam President, I do have a question but would it be more appropriate after we have brought this in for the second reading to ask my question or would now be the better? Ok I will wait for then, thank you.

President Wilshire

Ok the Motion is to suspend for a second reading; further discussion on the Motion to Amend? Seeing none, would the Clerk 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 Tencza,
Alderwoman Lu, Alderman Schmidt, Alderman Laws,
Alderman Cleaver, Alderman Wilshire 12

Nay: 0

MOTION CARRIED

Resolution R-20-065 was given its second reading;

R-20-065

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$165,846.36 FROM THE STATE OF NEW HAMPSHIRE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT ("CARES ACT") RELATED TO ELECTION EXPENSES

Given its second reading;

MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-20-065, BY ROLL CALL

ON THE QUESTION

Alderman Klee

Thank you, Madam President, I appreciate that. First, I am definitely for this but I do have a question for I think Attorney Bolton would probably be the appropriate one on this. In looking at the Fiscal Note on this there is a mention of \$33,000.00 of matching funds that the City would have to do. I believe that it would cost us more than that anyways with this going on. Obviously accepting money is a good thing. I'm not sure Attorney Bolton if you'd be able to answer, the question I had is, and this is for the public as well as myself, the last sentence basically says, "if the standard cost rate is insufficient to cover the local match, certain costs would have to be absorbed by the City Clerk's FY2021 Operating Budget". Can you explain that or would you be the appropriate person to do that?

Attorney Bolton

Well it means if there are additional costs, at least in the first instance, it will come out of the Department's Operating Budget. I suppose if those costs get high enough, there may end up being a supplemental appropriation at some point. But basically, we've got to pay to get through the election and that will be done and then I'm sure Sue will be looking at where the Budget stands to get through the remainder of the year.

Alderman Klee

Thank you. And Madam President if I can just make one more comment?

President Wilshire

Alderman Klee?

Alderman Klee

Thank you, I appreciate the time. We don't have a whole lot of choice here; the election is coming up. We are going to be doing, as the Mayor pointed out, a lot of absentee ballots and all these other extra expenses to keep everyone safe for those that do want to come in person and do it. I think this, for lack of a better word, kind of a no-brainer to accept this money and realize that the cost is going to be what the cost is going to be. So I hope people do look favorable on this and I can see what they wouldn't. Thank you for the time.

President Wilshire

Thank you. Alderman Dowd?

Alderman Dowd

Two things; one – this is to allow people to vote successfully so I don't think there should be any issues and secondly, we need to get this passed because we are within 2 weeks of the election. So that's the first election so we need to secure this funding.

President Wilshire

Anyone else? Motion is for Final Passage of Resolution 20-065. Alderwoman Lu?

Alderwoman Lu

Thank you. This is a learning curve for me and I just wondered, I didn't think of this question until the meeting here but this is a very precise amount. Is that arrived at by our own you know assessment of our needs or is that just a formula that the State has applied and determine that Nashua, you know, Nashua is part of that – this specific dollar amount?

President Wilshire

Do you know the answer to that, Madam Clerk?

City Clerk Lovering

Thank you, President Wilshire. It is my understanding from the State that it is based on a formula for absentee ballots over and above what was processed in 2016. So these funds can be used for temporary help and postage and the processing of those absentee ballots over and above what the City of Nashua received in 2016. That was approximately \$600 and some odd; I don't have the figure with me. So we waited, knowing that that was probably what they were going to earmark in the allocation of this. Mayor Donchess and I waited before we added temporary help until we reach the 672 – whatever that number was, exceeded the 2016 and we brought in temp and we have assigned their duty specifically to that task which falls within the guideline of the grant.

President Wilshire

All set Alderman Lu?

Alderwoman Lu

Thank you.

President Wilshire

Anyone else? Seeing no one, 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 Tencza,

Alderman Laws, Alderman Wilshire 12

Nay: 0

MOTION CARRIED

Resolution R-20-065 declared duly adopted.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN, 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 Tencza,
Alderwoman Lu, Alderman Schmidt, Alderman Cleaver,
Alderman Laws, Alderman Wilshire 12

Nay: 0

MOTION CARRIED

The special meeting was declared adjourned at 7:30 p.m.

Attest: Susan K. Lovering, City Clerk