

A special meeting of the Board of Aldermen was held Tuesday, August 24, 2021, at 7:00 p.m. in the aldermanic chamber as well as via Zoom teleconference.

President Lori Wilshire presided; Deputy City Clerk Allison Waite recorded.

Prayer was offered by Deputy City Clerk Allison Waite; Alderman Thomas Lopez led in the Pledge to the Flag.

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

Let's start the meeting by taking a roll call attendance. When each member states their presence, please indicate if participating via Zoom state why you are not meeting in person and whether there is anyone in the room with you during this meeting which is required under the Right-To-Know Law.

Deputy City Clerk Waite 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 9 members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman Patricia Klee, Alderman Thomas Lopez, Alderman David C. Tencza, Alderwoman Elizabeth Lu (arrived late), Alderman Jan Schmidt, Alderman Skip Cleaver, Alderman Linda Harriott-Gathright, and Alderman Lori Wilshire.

Alderwoman Shoshanna Kelly, Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons, Alderman Ernest Jette, and Alderman Brandon Michael Laws were recorded absent.

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

#### COMMUNICATIONS

From: Lori Wilshire, President Board of Aldermen

Re: Calling a Special Board of Aldermen meeting relative to Resolution R-21-157 Authorizing the City of Nashua to Enter into a Memorandum of Understanding Regarding the Bronstein Redevelopment

***There being no objection, President Wilshire accepted the communication and placed it on file.***

From: Mayor Jim Donchess

Re: Construction for Phase 2 of the Pump Station Upgrade Project in the amount not to exceed \$5,335,200 funded from accounts SRF Loan/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 QUESTION

Alderwoman Lu

Did we have a chance to ask questions on this?

President Wilshire

We did not have a discussion on this.

Alderwoman Lu

Did we mean to offer it up...?

President Wilshire

Did you want to ask something?

Alderwoman Lu

Yes. Is this the same item that was tabled at the last regular board meeting?

President Wilshire

This is the full contract. I think what we voted on was just a part of this contract that the Mayor sent. Is that your recollection?

Mayor Donchess

I don't recall exactly what was tabled at the last meeting but I think this is something different. This is a contract for the construction of, although Dave Boucher who's the Superintendent is on here. It's for the reconstruction of 7 pump stations.

President Wilshire

Did you want to ask Mr. Boucher any questions?

Alderwoman Lu

No I wanted to know for certain whether it was the item that was tabled at the last full Board meeting because if it was, wouldn't we need to remove it from the table at our regular Board meeting?

President Wilshire

Mr. Boucher do you know if that's the case?

David Boucher, Superintendent of Wastewater

No, I'm not sure. I'm looking through my notes. I'm not sure if this was the one that was tabled at the last meeting. I know I have a lot of items on the last meeting.

Alderman Klee

The item that was tabled at the last meeting was the construction for Phase II of the pump station upgrade project in the amount not to exceed – just trying to look real quickly here – it is the same exact amount but the reason why we tabled it was because we believed that the actual amount for that particular thing was only 200 (inaudible) but I think that's why we tabled that one. It was like \$232,000. If I could just quickly find it.

Alderwoman Lu

We never got clarification on – we never got anything rectifying that curious situation from the last Board meeting, correct?

Alderman Klee

I don't believe that we've gotten anything since then but this particular one was for the Phase II and it was – I apologize. I'm trying to find the item. I have the finance package here.

Mayor Donchess

Well this is pretty straightforward. It's for the construction of the 13 pump stations. It's a bid (inaudible)...

Alderwoman Lu

I'm sorry not to me.

Mayor Donchess

And the (inaudible) \$5,335,000 for the reconstruction.

Alderman O'Brien

Since there seems to be a question, I have a parliamentary inquiry. Since there seems to be a question that this was tabled, would I be correct to assume the proper motion going forward would be to remove it from the table and thus enable us to have a discussion on the current motion?

President Wilshire

I guess we could do that.

**MOTION BY ALDERMAN O'BRIEN TO REMOVE FROM THE TABLE THE COMMUNICATION FROM MAYOR DONCHESS REGARDING THE PHASE II OF THE PUMP STATION UPGRADE PROJECTS**

ON THE QUESTION

Alderwoman Lu

Wouldn't that usually be done at a regularly scheduled regular meeting of the Board of Aldermen and not at a special meeting that's called?

President Wilshire

We can do this at this meeting.

Alderman Klee

I apologize. I do have the original letter from David Boucher. It says, "To approve the contract with Wright Pierce of Thompson, Maine, in an amount not to exceed \$427,600 for the construction administration services for the pump station upgrades Phase II project. Funding will be through..." I think that's what one of the issues we talked about was that this was a smaller amount.

President Wilshire

That was part of this project Mr. Boucher that \$427,000?

David Boucher, Superintendent of Wastewater

That is correct. That's for engineering oversight. We hired an engineer to help oversee the whole project. Wright Pierce is the engineer. That is for the \$427,600. It's part of this project but we're contracting them separately from the construction company.

Alderman Tencza

So Madame President if I may. I know there's a record of this so. My understanding in the Memo we have before us tonight from the Mayor is the same July 28<sup>th</sup> Memo. The issue that we had was that there was I think in the agenda a mistake as to the total amount which Alderwoman Lu brought up at that time the \$426,000 or so which was the discrepancy. What's been presented to the Finance Committee is my understanding had not changed at all. The Mayor's memo has no changed. It was just a discrepancy in the agenda that was put out. I think that's the reason that we tabled it last time. We've made that correction but everything is the same.

President Wilshire

The motion is take that communication from the table. Will the Clerk please call the roll?

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

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

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Nay: Alderwoman Lu

1

**MOTION CARRIED**

President Wilshire

Alderman Gathright would you make your motion once again.

Alderman Harriott-Gathright

Okay. Can I just ask a question of that? I can make this motion...

Alderman Schmidt

The same motion.

**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 QUESTION

Alderman Harriott-Gathright

I just have a question. So we took the other one off the table, right?

President Wilshire

No, we took this one off the table.

Alderman Harriott-Gathright

This one wasn't on the table. This is the new one. This is the amended with the letter explaining it. He asked to take the one off the table that had two different (inaudible), am I correct?

President Wilshire

No.

Alderman Harriott-Gathright

I am confused.

Alderman Klee

Thank you. I think the confusion was in our agenda it showed the amount of the \$427,600 which was as Mr. Boucher had point out was one of the things that we had talked about at the Finance Committee that night. We also discussed the \$5,335,200 and because it was over \$1 million I believe the Mayor at that point pointed out that it had to come to the full Board for a discussion for what it went to and Alderwoman Lu astutely had pointed out that what it said on our agenda was different so we read that motion. We read the motion of \$427,600 versus \$5,335,200. So that's why we tabled it was to get the clarification and I think that's what's happening now. We're getting the clarification that the one that we spoke of the \$427,600 was incorrect and should have read \$5 million.

Alderman Harriott-Gathright

So that's my point.

Alderman Klee

So I know what's your saying is that we tabled the \$427,000 but that particular one has been corrected to be \$5,335,200. That's the way it should be read.

Alderwoman Lu

With all respect, I just want to suggest we tabled a motion that was made and the motion that was made was the wrong motion I think is what Alderman Gathright is saying. Am I right?

Alderman Gathright

Right.

Alderwoman Lu

So to simply pull it off the table and then say yeah now we're going to vote on it, it was wrong to begin with. So I don't know what you want to do, whatever.

Alderman Klee

What we should vote on is the \$5,335,200.

President Wilshire

Right. That's what's before us tonight. Any further discussion on the motion? Would the Clerk please call the roll?

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Lopez, Alderman Tencza,  
Alderman Schmidt, Alderman Cleaver, Alderman Harriott-Gathright,  
Alderman Wilshire 8

Nay: Alderwoman Lu 1

**MOTION CARRIED**

**There being no objection, President Wilshire suspended the rules to allow for a communication that was received after the agenda was prepared.**

From: Lori Wilshire, President Board of Aldermen  
Re: Calling a Special Board of Aldermen meeting on Wednesday, September 8, 2021, at 7:00 p.m. to discuss the American Recovery Program Act (ARPA)

***There being no objection, President Wilshire accepted the communication and placed it on file.***

UNFINISHED BUSINESS – RESOLUTIONS

**R-21-157**

Endorser: Mayor Jim Donchess

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

Given its second reading;

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-21-157, BY ROLL CALL**

ON THE QUESTION

Alderman O'Brien

Thank you Madame President. Since my time on the Board I understand this is the first time I should say that I have seen a project of this magnitude to help out people who have need with housing for our city. If we are going to be a city that's going to grow in the future, we need to have affordable housing. Why affordable housing? That means we have people available to be able to be in the workforce that will be able to contribute and I think this is a part of the puzzle or part of the step as we move forward. We're going from currently I think, and Mr. Cummings correct me if

I'm wrong, I see you're on line, but we're going from roughly around 40 units to approximately 150. This will be such a product that I think will greatly assist the citizens who find it difficulty and need assistance for substantial living within our city. Thank you Madame President.

Alderman Lopez

Yeah I just want to remind my fellow aldermen and anybody in development where in looking in particularly how to best help the city, we're playing catchup. The Housing Authority did a lot of work to make this happen and a lot of work to push this forward and as Alderman O'Brien pointed out, it doesn't happen anywhere near often enough. This is not going to solve problems in our city, or surrounding homelessness, or having stability housing equality. We're still playing catch up in many, many ways in the city. There's a lot of people who are looking for housing at a decent rate. There's a lot of families that can't find a sized apartment for what their needs are. The Housing Authority is doing a tremendous amount of work to address that which is very encouraging and I think we need to continue supporting these kinds of efforts.

President Wilshire

I agree with Alderman Lopez. I think we need to support them and they're willing to put in the hard work and bring this project to fruition. I'm very pleased about that. Thank you. Anyone else?

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

Yea: Alderman O'Brien, Alderman Klee, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Schmidt, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire	9
Nay:	0

**MOTION CARRIED**

Resolution R-21-157 declared duly adopted.

UNFINISHED BUSINESS ORDINANCES

**There being no objection, President Wilshire suspended the rules to allow for second readings of Ordinances O-21-069 and O-21-170.**

**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 second reading;

**MOTION BY ALDERMAN LOPEZ FOR FINAL PASSAGE OF O-21-069**

ON THE QUESTION

Alderman O'Brien

Thank you Madame President. Just to re-brief members of the committee. Myrtle Street runs in the area of the Bronstein development that were currently discussed previously. So by doing this, this will allow for the shovels to start getting into the ground so it's part of the coming together of this project. So it goes hand in hand. Thank you Madame President.

Alderman Klee

Just one quick question. If I remember the discussion, is this a permanent change is just a temporary change?

Alderman Lopez

It's a temporary change until they start construction because of where the site lines are.

Alderman Klee

That's what I thought. Thank you so much.

President Wilshire

Further discussion on Ordinance O-21-169?

Alderwoman Lu

A couple of things. Why are we voting on parking before we review the parking study?

President Wilshire

Because this is a huge development and they need parking for their residents. They can't make this project work...

Alderwoman Lu

Isn't this on-street parking? You know what to be honest I didn't see it all because it's not on the agenda.

Alderman Lopez

President Wilshire I might be able to...

President Wilshire

Alderman Lopez.

Alderman Lopez

So Myrtle Street is on the back of Bronstein. I had thought you were present for that but maybe I was mistaken and you weren't in the meeting? But we actually did talk about this right in front of the very large parking study presentation. This street is actually going to be changed significantly by the project but right now they need to use it for the project. But it's the street behind the Bronstein.

Alderwoman Lu

I see. Is it dedicated parking? Is that what you're saying?

Alderman Lopez

That's essentially what it's going to become whether we're taking the parking lot and turning the parking lot into a building.

Alderwoman Lu

That's fine. You know I don't like asking these questions but I just don't see it on my agenda that's on the website. Regardless, I don't know what to say. Thank you.

Alderman Lopez

I do appreciate the point being made about us having an on street parking study but I would also say that my opinion is 180 percent different from Alderman Lu's because I think that that parking study has stalled two petitions for streets that really need on-street parking where a lot of residents have expressed a desire for that. I think that the Infrastructure Committee asked for the study and is doing its due diligence but I also think that what was presented at the Infrastructure Committee as a parking study is far from a perfect ordinance, or proposal, or suggestion.

It does seem to agree with the idea that there should be local requests for on-street parking and that neighbors should be able to get together and approach their representatives and move that forward. But the neighbors particularly who need the on-street parking in the city are from two wards. Mostly mine. They did get together. They did ask me and I got stalled in committee. That committee asked for a parking study which given the complexities that were presented to it and some of the fundamentally different ways that they want us to do things at best is not going to happen for months and probably would not happen before the end of my term. So if this is the only opportunity I have to get on-street overnight parking approved anywhere, I'm going to take it but I'm not satisfied with just this project. I do think there's a lot more immediate steps that should be taken because while we were doing these studies and while we were evaluating whether the entire City of Nashua needed the same policy for on-street overnight parking versus the streets that we're asking for, these people have not been able to park in front of their homes and have had to park in the garage and the best case scenario during winters or overnight when they may have to get up in the morning to get to their cars and work, and this is a frequent complaint that I hear.

So some wards are going to be affected much more immediately by this than other wards and that's why originally I believe we should have just moved forward with the petitions as long as they were approved by DPW, the police, and the fire as we had been doing in previous years and in previous sessions.

Alderwoman Lu

I just want to point out that we've been sitting on this completed study for six weeks or so now. I don't know how long it is but we've approved longer \$5 million contracts. The end product of this study was that they suggest we consider neighborhood by neighborhood agreements. I am just not happy that we have a study. We've had a study completed for quite a while but we're doing this piecemeal. That's all. Thank you.

President Wilshire

I don't feel this parking is piecemealed. This is...

Alderman Lopez

It was at the Infrastructure Committee two weeks ago.

President Wilshire

Excuse me. I was speaking. Thank you. This piece of legislation is specific to this project. This legislation is going to help this project get off the ground. We all know how important affordable housing is in Nashua and how much we've longed to get that development in that area built up, and good looking, and safe, and all of those things that we need affordable. So this isn't piecemealing it. This is specific to a project that we really need to move forward.

Alderman Lopez

My apologies to you Madame President. I didn't mean to over speak you but I felt that that response was directed at me and I believe that we are now conflating two different projects but the on-street overnight parking, we are not set on that. The parking study did finally get completed and we immediately had a presentation in front of the Infrastructure Committee. I do think we need to move more rapidly on it but that's not the same as the project in Bronstein and the development that we're talking about which is actually what's before the Board right now.

President Wilshire

Correct. Anyone else?

Alderwoman Lu

I just wanted to offer that I wasn't aware that this was part of the Bronstein agreement. It may have been easier if I had seen it on the agenda. Thank you.

President Wilshire

Anyone else?

Tim Cummings, Economic Development Director

If I may Madame President.

President Wilshire

Director Cummings.

Tim Cummings, Economic Development Director

Yes thank you. For the record, Tim Cummings, Director of Economic Development. I just want to add a few points here this evening because I think some of my comments may add some clarity. First the reason why we're here is because site plan was approved. I'm not going to go as far as to say it was a scrivener's error but essentially we realized rather late in the game that the site plan approved by the Planning Board had from a surveying perspective lead over into the public right-of-way an encroachment of approximately three feet on the 44ish or 43ish parking spaces. So what we're talking about is 3 feet of essentially 8 to 9 foot parking space that we need to basically memorialize in some sort of fashion so the development can proceed and the financiers of the project will be issuing substantial amount of money in the order of \$50 million has a comfort level that they have the adequate parking and have the rights to it.

Really we're here just from a housekeeping perspective. The two ordinances are companion pieces to the resolution that this body just adopted. R-21-157 in paragraph 4 specifically outlines that the parking ordinances on Myrtle Street would need to change. So the two companion pieces O-21-069 eliminates the one-hour parking and then O-21-070 allows for the overnight parking and it essentially just stays true to what you just approved in the resolution that preceded this discussion. Thank you for your time.

President Wilshire

Thank you Director Cummings.

Alderman Klee

Thank you Madame President. Alderwoman Lu if you do look on line, you're absolutely correct. These two items are not on the on-line agenda. They are on the agenda that was sent to us. Both of those were in there. But as Director Cummings did speak to, both of these items are talked about in the Memorandum of Agreement – the MOU – both of these items and they were talked about at the Infrastructure Committee. You're right on the on-line one, these two aren't there because they were being I believe if I have this correct because we suspended the rules to bring these in. Am I correct Madame President?

President Wilshire

You are.

Alderman Klee

So that's why they're not on the agenda because we suspended the rules to bring them in – these two items but they are on the agenda that was sent to us.

Alderwoman Lu

Okay. Thank you. Just to be transparent. I'm sure like all of you my e-mail has been upgraded and changed frequently in the last four months. I've had mine done a couple of times. What I noticed is that attachments used to all show when I opened my e-mail. Now there's a little carrot mark that you have to hit. I discovered that just this afternoon. I didn't notice it on this particular e-mail but thank you.

Alderman Klee

I can relate to that. I completely understand. A lot of mine is going to the Mimecast.

**MOTION CARRIED**

Ordinance O-21-069 declared duly adopted.

**O-21-070**

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

**ALLOWING PERMITTED OVERNIGHT PARKING ON MYRTLE STREET**

Given its second reading;

**MOTION BY ALDERMAN SCHMIDT FOR FINAL PASSAGE OF O-21-070  
MOTION CARRIED**

Ordinance O-21-070 declared duly adopted.

PERIOD FOR GENERAL PUBLIC COMMENT - None

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderwoman Lu

I would just like to bring the Board's attention to – I find that there's a lot of comments being circulated not directly but on certain Nashua city politic Facebook pages. I just want to deny that I ever said anything negative about our City Clerk. What I did say is that I don't believe the comment that was made at a public hearing regarding hiring policies was an insult to the City Clerk. I know that the person who's repeatedly speaking about me on Facebook is a good friend of many people on the Board as well. I just want to be certain that you know I want to stand up for myself and say I did not insult the City Clerk. I felt that the statement that was made in a public hearing was not an insult to that person. I really feel strongly that in public hearings we should be concerned when we're calling people out on what they say. People go there to express their opinion and this person made it clear that it was not personal. Yeah I just wanted to make that point. Thank you.

Alderman Lopez

I just wanted to state my opinion that I don't believe comments that are made on social media should be considered an insult because people are talking about them on social media. They can throw words out all they want and it doesn't necessarily mean that they're present for the events. If you're going to say that people in public comment should be allowed to voice their opinions in public, then we can't really at the same time people on social media shouldn't because there's no way we can control that.

Alderwoman Lu

May I respond?

President Wilshire

Alderwoman Lu.

Alderwoman Lu

Alderman Lopez I wasn't saying that Ms. Prince couldn't say something. I was saying I want to make it clear that I firmly believe what I said was not an insult to the City Clerk. Anyone can say whatever they want but I wanted to point out that I never insulted the City Clerk.

Alderman Lopez

I would only respond I never insulted you. I just stated my opinion.

Alderwoman Lu

Well I thought you had stated that I really shouldn't be saying that because anyone can say anything.

Alderman Lopez

No I'm saying it was my opinion.

President Wilshire

Okay can we take this off line please? Alderwoman Lu I'm going to allow you a little leeway but not much. This doesn't need to happen in here.

Alderwoman Lu

I'm not sure what you mean by that but if I don't talk in here, then I don't talk to you, or I don't get responses. So thank you.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE AUGUST 24, 2021, SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 7:35 p.m.

Attest: Allison Waite, Deputy City Clerk

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## Board of Aldermen

City of Nashua

229 Main Street  
Nashua, NH 03061-2019  
(603) 589-3030

**Lori Wilshire**  
President, Board of Aldermen



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August 23, 2021

Susan K. Lovering, City Clerk  
City of Nashua  
229 Main Street  
Nashua, New Hampshire 03061-2019

Dear Ms. Lovering:

Please be advised I am hereby calling a Special Meeting of the Board of Aldermen to have a discussion relative to the American Recovery Program Act (ARPA) on Wednesday, September 8, 2021, at 7:00 p.m. in the Aldermanic Chamber.

Thank you.

Sincerely,

*Lori Wilshire*

Lori Wilshire  
President

cc: Mayor Jim Donchess  
Steven A. Bolton, Corporation Counsel