

A special meeting of the Board of Aldermen was held Thursday, September 16, 2021, at 7:20 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 City Clerk Susan Lovering; Alderman Patricia Klee 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 11 (9 in person, 2 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 Thomas Lopez (arrived at 8:07 PM), 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 Benjamin Clemons and Alderman Brandon Michael Laws were recorded absent.

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

PUBLIC HEARING

RELATIVE TO A CITIZENS PETITION SEEKING TO AMEND THE CITY CHARTER RELATIVE TO THE NOMINATION AND THE CONFIRMATION OF APPOINTMENTS TO THE NASHUA BOARD OF POLICE COMMISSIONERS

President Wilshire

Mayor or Alderman Klee who's going to give the rundown on this?

Alderman Klee

I'd be happy to do that. Thank you very much Madam President. This is a citizens petition that was based on the legislation that had originally come forward to the Board of Aldermen in early spring. The concept of this is to bring back the appointment of the Commissioners to the local decision by the Mayor and the President of the Board of Aldermen. It will increase it to 3 to 5 Commissioners. The Mayor will appoint 3. They'll do the first, the third and the fifth appointments. The Board of Aldermen President will do the second and the fourth.

The concept of this is to, as I said, to have five. It will approved by both the Board of Aldermen and as all appointments the Personnel/Administrative Committee will do the vetting, and do the interviewing, and so on. They will make a recommendation and it will go back to the Board of Aldermen for a final vote.

Another point of reference here is that the comment of removal of any Commissioner is also part of this but it must be voted on by the Board of Aldermen not just a single person saying we no longer want that Commissioner. It still has to go through the Board of Aldermen for that removal of that particular person. I think that's basically it. I won't go through the genesis of anything of it just to describe the ballot question as it is.

Alderman Caron

Thank you Madam President. Because we have a large number of participants that I'm sure want to speak in favor or in opposition of this legislation, I'd like to limit the speaking portion to 3 minutes per person and then when we get to the end if we have time, we can have people come back if they have added information they'd like to present. I'm making a motion.

MOTION B ALDERMAN CARON TO LIMIT THE SPEAKING PORTION TO THREE (3) MINUTES PER PERSON BY ROLL CALL

Yea:	Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire.	10
Nay:	Alderwoman Lu	1

MOTION CARRIEDPresident Wilshire

Everyone will be limited to 3 minutes because we do have a large audience this evening. I think it's fair to everyone that we limit this for 3 minutes.

TESTIMONY IN FAVORSonia Prince

I'm Sonia Prince, 49 Tufts Drive. 1891 was a very long time ago. I prefer not have people from Manchester, Rye, Concord, Union, and Milford, New Hampshire, decide who our Police Commissioners should be. As for the false info. being spread about this new Charter change by some members of the Police Department and a few Aldermen, if you read the petition it clearly states that any elected city Mayor cannot remove anyone from the Police Commission without the approval of the 15 elected members of the Board of Aldermen. That's 15 sets of watchful eyes. Anyone who reads the petition can verify this and debunk the ridiculous rumors intended to spread fear over a Charter change that has happened in every single New Hampshire town and city before us.

This petition also includes wording that prevents any Police Commission's immediate family or a member of their household to be the Mayor or a sitting alderman or alderwoman during that time. Example the reason this was added is to avoid conflict of interest. Example – if they voted on the police budget that could be viewed as a conflict. We currently have a former police officer who is a sitting Nashua Police Commissioner today. He is married to a current sitting Alderwoman in Ward 6. This petition and Charter change would assure that this type of conflict of interest possibilities could never be repeated in the future. Example – especially if maybe that former police officer/commissioner is still receiving any kind of benefits from the Police Department via something like a pension, dental, or health benefits.

If you look at some of the supporters who want to maintain the existing Good Ol' Boys status quo, there are people like former Mayor who is ordered to pay \$270,000 fine by the SCC. Another citizen who's obsessed with property tax assessments who was charged recently with trespassing at City Hall.

Then you have people who don't even live in Nashua testifying on their behalf to keep the status quo. Also people from outside the City of Nashua who are sitting on the stacked bogus so-called "Study Committee" that was created at the 11th hour instead of in May. If you are tired of the fox watching the hen house, if you want more transparency, representation, please vote to allow this...

Alderman O'Brien

Thirty seconds.

Sonia Prince

...petition question to be voted on in November and allow the people of Nashua to decide if they want to be Police Commissioners to be appointed publicly, vetted in public, and interviewed by our 15 local officials from all 9 wards. Every city and town has opted for local control before us and many have CALEA certifications just like Nashua. The false claims that any of these cities would suddenly be deemed dangerous or corrupt overnight is laughable. You have to wonder...

Alderman O'Brien

Time.

Sonia Prince

...why the Chief of Police would be...

President Wilshire

Sonia time is up.

Sonia Prince

I'm good. Thank you.

Raymond Newman

My name is Raymond Newman and I live at 25 Charlotte Avenue. I just want to take a look at what the Resolutions actually does and some of the details that had just been described. The primary ones are it changes the number from 3 to 5 and it changed the appointment from the Governor to the Mayor and the President of the Board of Aldermen. All that's done with the approval of the Board of Aldermen.

Appointing and removing police officers, making and enforcing rules, control over police buildings, and all the other rules and regulations related to the Police Commission remain in the Charter. This resolution is not about operational control, budget control, a power grab, destruction of the Police Department, or any of the other scare tactics intended to delay or defeat this resolution. It's about local control and the appointment process. Since it has to have the advice of the Board of Aldermen, that is a safeguard and the similar safeguard works if you had a corrupt Governor. The Council has to approve it. The safeguard for the city may be stronger than what is currently in effect since it only takes three votes to approve a change as it currently exists and it would require 8 people to vote along with the Mayor if those were to be changed.

Now there is a Nashua Police official that said as reported in the Telegraph, "They can't say one thing wrong about our Police Department". I agree 100 percent with that observation. This resolution is not about something being wrong with the Nashua Police Department. The Nashua Police Department is excellent and this resolution will not change the Commissioners interactions with the department or affect daily operations. It is about the Commissioner appointment process only. Bring local control to Nashua like all the other cities in New Hampshire. Local control of our Police Commission appointments will improve the appointment process and will help to bring more transparency and accountability to the City of Nashua.

Alderman O'Brien

Thirty second.

Raymond Newman

Please support this resolution

President Wilshire

I'm going to call for one more in favor and then I'm going to switch to opposition.

Sherry Dutzy

My name is Sherry Dutzy. I live at 18 Swart Terrace. I am in favor of changing the City Charter to allow Police Commissioners to be appointed locally and increase the Commission from three to five. The argument that this will politicize the Commission is unfounded in my opinion. In the past, we have had at least one Commissioner appointed by a Governor after doing a fundraiser for that Governor. If that is not political, I don't know what is. We've had a Police Commissioner whose real estate dealings were highly questionable but because of his high profile, he sailed through the process. I'm not saying that either of these gentlemen were not good commissioners but to say that the current system is perfect is a stretch.

The Zoning Board and Planning Board members are appointed by the Mayor and confirmed by this Board. They make important decisions that shape our city. No one suggests that these appointments should be made in Concord due to politicization. Why won't it work for the Police Commission? Let's face it. No system is perfect but if we elect representatives of character, and I believe this Board is such, who truly serve the citizens of Nashua, I believe that the proposed system can be an improvement by adding diverse voices. It certainly won't be any worse than what we have now. There are over 300 commissions in the State where the appointments are made by the Executive Council and Governor. How much time and attention do you think is paid to each nominee? Unless it is a high level State appointment like Attorney General, I think it is very little. How many people on Zoom and how many in this meeting have actually attended an Executive Council meeting for a nominee? I would say none. Having the appointment made locally will provide more transparency and scrutiny by Nashuans and I think that is a good thing.

President Wilshire

For those of you on Zoom, I'm going to call for testimony in opposition and I will get back to testimony in favor after we switch it up a bit. So I'm going to call for testimony in opposition at this point.

TESTIMONY IN OPPOSITIONMike Soucy

Thank you. Thank you Board of Aldermen. I'm not sure I have any reason to thank you today Mayor but thank you for your service. You're going to hear a lot of why this is a bad idea. I'm not going to discuss that today. You're going to hear a lot of it. What I want to talk about is the Charter section A-141. The Charter is very, very clear in its language.

Alderman Klee

Madam President his name and address.

Mike Soucy

I'm sorry. Mike Soucy, 3 Roseann Circle and I'm speaking today as a lifelong resident, and past Alderman, and retired Nashua cop.

So here's what the Charter says, "At any regular municipal election in any of the following cities – Manchester, Nashua, Portsmouth, Laconia, Somersworth, or Berlin if a majority of the governing body of

such city so votes or 10 percent of registered voters files a petition so requesting the following special question shall be presented to the voters of said election” and we all know what the question is. We have 67,249 registered voters here in the City of Nashua, times ten percent, is 6,725 petitions that you needed to have filed. That wasn't done. Instead, the goalpost was moved which typically happens when you try to get an agenda through that you can't meet the requirement. I'm guessing you probably used the last municipal election of 10,265 people, times 15 percent, which would have been the 1,539 but that's not what the Charter says. You want to change the Charter, you've got to go by the Charter language. Ten percent of the registered voters. So this should not be on the ballot. I want to thank the Board of Aldermen for tabling this. I want to also thank everybody here in the room that this is not a party issue. It's not. It's not Republican versus Democrat. We have prominent voices on both sides of the aisle either in favor or against. So thank you for that. This is not a Democratic issue because our Mayor is a Democrat. Okay. It's not. This is all on him. He puts it out there that this is a citizen driven issue. No. He's in the driver's seat. He drove it. He created the problem and he's now trying to come up with a solution.

I've been friends with the Mayor for a long time. That probably won't change but the one thing that will change and I regret to say that I voted for you in the past and I will never do so again.

Alderman O'Brien

Thirty seconds.

Mike Soucy

Thank you.

Paul Garant

My name is Paul Garant and I live at 163 Harris Road. I'm also a sitting member of the Nashua Board of Fire Commissioners. The position I've held for 18 years. I can't speak with a mic with a diaper on my face. I've held the position for 18 years. Having served through a term of three Mayors – Bernie Street, Donnalee Lozeau, and the current Mayor Jim Donchess. As such, I've witnessed three different approaches and the basic fundamental management of city styles from the corner office. Management styles and approaches that if not for the interposition and independence of the Board of Fire Commissioners from the direct intervention of City Hall would have resulted in an inconsistent approach to the execution of basic responsibilities and of a fundamental public safety agency.

While the Board of Fire Commissioners of the five elected members is cleared from political inference of City Hall and is the key to success of the department's ability to manage and implement its programs and to provide a responsive fire suppression and rescue service to a consistently growing community. The independence from political pressure and influence of City Hall is the same freedom that operates that benefits the Nashua police as a result of the interdependent extra municipal selection and appointment process for members of the Police Commission. This independence from the political pressure has assured the integrity of investigations involving local politicians.

One of the arguments and perhaps the argument which has given most attention by the Mayor and the band of supporters that is going door to door securing signatures for the position to get this question on the ballot is the lack of local control in the process of selecting and appointing Police Commissioners. The sad part of the argument is that the claim that there's no local involvement is in effect misleading and fails to recognize the significant influence of the Mayor and the Board of Aldermen can bring to bear in the process if they so desire. The Governor's Council and the Governor's Councilor, and the Governor do not pick names out of the air...

Alderman O'Brien

Thirty seconds.

Paul Garant

...for consideration. In fact, the Governor's Council member represents the city is the appropriate place for the voice of the Mayor. Mayor Lozeau's through political influence used this approach to block the reappointment of a long-serving and dedicated Commissioner who vigorously defended the approach of the Commissioners and as a result have become a political spur under the Mayor's saddle. The Mayor and this Board...

Alderman O'Brien

Time.

Paul Garant

...thank you. I will recognize you Chief and take your orders.

Alderman O'Brien

Thank you Commissioner.

President Wilshire

I'm going to call for testimony in opposition once again.

Ken Siegel

Good evening. My name is Ken Siegel, 637 Lake Street, Haverhill, Massachusetts. Former Aldermen. I'm sorry that I'm not local my affection for this city doesn't have geographical boundaries and neither does the truth and facts. So my purpose here is to debunk some of the things that have been said that are just patently false. The Mayor has claimed that if there was an issue with the Board of Aldermen and the Mayor that the federal government or federal agents would investigate that not Nashua PD. In particular, that's not correct accordingly to Tim Hefferan and the Mayor has not privy to the inner workings of the Nashua PD and how decisions are made.

The original case against the three aldermen that went to federal prison was started because of an investigation into Alderman Kuchinski who took tax money from people who didn't pay their taxes from Gianni's Pizza. That was a strictly local investigation. If that was the extent of it, it would have stayed local and never involved the federal government. I don't know how the Mayor came to his conclusion about the FBI being a principle investigator in that case. Again, according to Tim Hefferan those records have been sealed since 1993. They're in the State House. I would trust Tim Hefferan who is the lead investigator when he said that the vast majority of the reporting and investigation is done by the Nashua PD. The reason the federal government became involved was under the advice of the Attorney General of New Hampshire at the time and also the reason that federal charges were pursued was because the federal Statutes had much more teeth than the State statutes. So it was a practical matter. It had nothing to do with whether the FBI was a principle investigator and who would ultimately lead an investigation into corruption in the city. This was a very, very real problem in the '90s. Mayor you were the Mayor in 1990 when this happened and Rob Wagner was the Mayor in 1993 when the investigation became public and was reported in the Telegraph. It was a huge deal. To say it was not, it's been blown out of proportion. It was making a mountain out of a molehill not big deal is shocking because at the time it was such an incredibly huge story that even people who are generally apathetic...

Alderman O'Brien

Thirty seconds.

Ken Siegel

...knew what was going on. So that is false. I'm sorry that that mythology is being propagated. That's all I have to say. I'm sorry I don't live here anymore and that affects people's judgements about whether things are true or false but nothing I've said isn't true and so don't shoot the messenger. Thank you.

President Wilshire

Next person who would like to speak in opposition and then I'll switch back.

Victoria Chesterly

My name is Victoria Chesterly. I live at 15 Lutheran Drive. My Dad was a Police Commissioner in Nashua for 13 years. Unfortunately he's no longer with us. I would like to address some of the arguments that have been put forward. We need local control, transparency, diversity. Love the buzz words. Yes, those are all great things but keeping local politics out of the Nashua Police Department doesn't mean giving up local control. Our Commissioners all live in Nashua. That's local. Transparency is good too. A lot of information is already available. I'm not sure what transparency people are talking about. Diversity on the Commission would be ideal but that would require more people of diverse backgrounds to have the necessary qualifications plus the interest in serving. Society has come a long way in giving people of diverse backgrounds the opportunity to acquire the necessary qualifications but those individuals have to express an interest.

One woman has served on the Commission but how many have applied? We don't know. Adding seats to the Commission could open up diversity which would be great but that doesn't mean you have to throw out the whole process of appointing Commissioners.

The argument of all the other towns are doing it – this sounds like all the other kids are doing it why can't I? This argument doesn't get teenagers anywhere and it certainly should never be the reason for changing something that already works well. It makes no sense to change the way we do things just because other cities and towns do things differently. Nashua is not the same as other cities and towns. We're located right on the border and not far from Lowell and Lawrence. People can get into Nashua and get out really fast. We need the best police department we can possibly have to keep the crime rate down and our citizens protected. I read this one in something recently.

Having the Governor and Executive Council appoint the Police Commissioners is like having the Chinese government appoint the Mayor of Shanghai. Really? Come on. That's...

Alderman O'Brien

Thirty seconds.

Victoria Chesterly

...a false equivalency. It makes no sense. The situations are not equal. The Commission works well now. I'd like to see it stay working well.

President Wilshire

I'm going to go back to testimony in favor.

TESTIMONY IN FAVOR

Osma Akbar

Hello. Hi my name is Osma Akbar and I am a Nashua resident at 9 Clydesdale Circle. I am here today from my college dorm in support of this Police Commission referendum. Because I care a lot about this ballot question as well as the City of Nashua. I would first like to preface the fact that I did not appreciate when Chief Carignan called me and my fellow young friends out in his clearly political press release. One, police should not try to influence voters in their right to petition, and two, we are definitely more informed that Chief Carignan on the goals of this petition and instead of putting young people down for their civic involvement, you should be lifting us up.

Anyway, getting a referendum on the ballot is the bare minimum. If anyone didn't know or needs to hear this again, this referendum would change the appointments from State to local. Meaning instead of the Governor and Executive Council appointing people, it would be the Mayor and the Board of Aldermen which makes sense, right? Shouldn't local officials be in charge of this anyway? It is literally our city. What does the Governor know about Nashua?

Next – increasing the number of Commissioners from 3 to 5 is another one of the changes the petition states. Changing the amount of Commissioners would allow for more representation within the City of Nashua. Representation is important because there is such a diverse community in Nashua and we can't just have every police officer looking the same. Speaking of diversity, it's literally been 30 years since a woman was on the Commission. I know your argument against that would be qualifications matter over gender but YOU CANNOT TELL ME OR ANYONE that there hasn't been one woman who wasn't qualified within these past years. One may also say if it ain't broke, don't fix it. Well after stating these facts and reasons why this system needs to be changed, it seems like it's something that needs fixing.

Anyway, we should just literally be letting people vote on it and let local government appoint the Police Commissioners for our city. I know change is hard for some old people but sometimes it needs to happen. To the law enforcement out there, you should not be trying to sway voters politically. There is literally a lot at stake to have the right to petition. Thanks.

Mike Ballentine

Thank you Lori. Mike Ballentine, 9 Bartlett Avenue. When I first heard about the Police Commission reform, I thought it was pretty obvious. Police are inherently local and as much as possible, police governance should be local. I was surprised that the Police Commissioners are appointed at the State level but I was even more surprised, and frankly upset, to see the Chief's reaction to the proposed change. Calling it an abuse of power. This reaction made me more certain that the reform should take place. The police should be embracing this change as an opportunity to get closer to the local community. Why fight it so?

Word I hear a lot from the reform opponents is "independent". I wouldn't be surprised to see yard signs soon with the word "independent" them. I don't want the police to be independent. I want our police to be a full part of the community dependent on the people, to be a part of city government, dependent on the transparency and controls we have there. I support local control. I support the Police Commissioner reform. Thank you.

Carol Houde

My name is Carol Houde. I live at 25 Eastman Street. I'm a lifelong resident of Nashua and the word I hear repeatedly used to advocate for maintaining the status quo is the supposed independence of the current system. I would argue that the independence exists only if two conditions are met. Both conditions have to be met for there to be this wanted independence. First, the Governor has to have a mechanism, resources, interest, and time to independently identify a candidate that would be well-qualified to serve as Commissioner absent input from Nashua, politicians, or residents. Without that, the Governor is left to ask buddies, get local knowledge of who friends in the know might suggest as a Police Commissioner which

creates an opportunity for lack of transparency. You don't know who has suggested the Commissioner to the Governor because there is no public process by which the Governor can identify suitable candidates. As a result, Nashua voters really elected that mechanism to identify was there a conflict of interest in how this Commissioner was nominated. Unless the Governor has a completely independent way to identify good candidates, I don't really see how this supposed independents exist. In addition a Nashua voter will have a much more difficult time establishing a conversation with the Governor as to why that name was sent to nomination than would if the nomination came from the Mayor or the Chairman of the Aldermen. The second condition that has to be met is that the Executive Councilors all five of them have to also have a mechanism for independently vetting the appropriateness of the candidate absent input from Nashua residents. Without the mechanism to do this, the resources, the time, the interest especially the four Executive Councilors who have nothing to do with Nashua who are not elected by Nashua people, are not responsive to them...

Alderman O'Brien

Thirty seconds.

Carol Houde

...then literally left with just an opportunity to rubber stamp the candidates. So I think Nashua deserves better. I think the history of the Commission illustrates that it's not working because there has only been one woman in the past 126 years. I think Nashua deserves a Commission that looks like Nashua and will be responsive to the needs of Nashua. Thank you.

Deepa Mangalat

Yes. I'm going to speak for. Is that okay?

President Wilshire

Name and address for the record please.

Deepa Mangalat

Deepa Mangalat, 18 Wild Rose Drive, Nashua. Mike Ballentine has said it all. I don't want to keep going on about the pros and cons. All I'm saying is put it before the people. Put it on the ballot. Let the people decide. That's all this petition was about. I like the idea of local control. Thank you.

Matthew Gouthro

I am opposed. So you do not want me to speak at this point.

President Wilshire

Representative Suzanne Vail are you in favor or in opposition?

Representative Suzanne Vail

Sorry about that. Thank you for recognizing me Madam Chair. I'm Suzanne Vail and I am a Nashua native. A State Representative in Ward 3. When this issue came up, I was really surprised. I mentioned it to a lot of colleagues that Nashua has their appointees selected by the Administrative Branch. So I was really surprised and as soon as I found out, and I think it was basically out on the table that this is an issue people are learning about it, I felt that you know the way we do this has been raised to our city. It's their awareness and our city is ready to learn about the question and they're ready to vote.

I was very concerned about the level of discord in our city and I know the way out of this is through it. We have an election. We get to vote and we can have faith that the will of the people will prevail. I believe in the voters. I think they're smart, they get this, and they know what they think. No matter what you believe, this is something that we can all figure out no matter which side you're on. I'm just really concerned with the amount of force that this exercise in democracy brought out in opposition and I hope that we can get past that quickly and move on. For that reason, I hope that this measure passes right through because I strongly would like to get our visions healed. I would like us all to be working together and I would like us to be focusing on what Nashua can do to come back the extreme agenda being enacted in Concord because that will have immense impact on public safety in Nashua. The extremists from towns have no mercy on municipal laws that keep our city safe. Governor Sununu has signed into law extreme policy that has resulted in protests and has elevated racial tensions and parental tensions across the State. I support the testimony of Rep. Dutzy. As I know that the State the way it operates right now, there is no question that Nashua can do the best job.

Along with my concerns about decisions that are being made in Concord, I share my continual horror that millions of federal dollars are left on the table by this administration. Appointees to departments seem underprepared and unaware of Constitutional constraints.

Alderman O'Brien

Thirty seconds.

Representative Suzanne Vail

Federal mandates that are attached to these dollars. So in summary, I just want to say that when I see past this strife and how we're going to figure this out, I know that we're going to have a more diverse Police Commission and I would hope that we have a social worker, a child, someone who struggles with mental illness, any kind of person you can encounter out there who needs help from the police. This is our change and we have to do it.

President Wilshire

Time.

Representative Suzanne Vail

Thank you.

President Wilshire

Thank you. Okay, we're going to switch back to testimony in opposition and I'm going to start with Matthew Gouthro and then we'll come back to the chamber.

TESTIMONY IN OPPOSITION

Matthew Gouthro

Matthew Gouthro, 104 Fawn Lane. Mr. Mayor, Madam President, and our elected Aldermen and staff, thank you for hosting this public meeting giving the residents and stakeholders here in Nashua an opportunity to voice our opinion of this proposed Charter amendment. I feel like it was just a few weeks ago that we were discussing this topic of changes to the Police Commission board and this body agreed to send this to committee so that the process could be more carefully studied and if necessary, thoughtfully presented to our voters. Unfortunately, our Mayor was not in agreement and in haste he went out door to door with his supporters to gather signatures to get this past at breakneck speed.

As a result, the amount of misinformation given to our residents to gain signatures for this petition is astonishing. I personally witnesses a State Representative – actually two – in their official capacity with name badges and all from here in Nashua at Market Basket on Amherst Street collecting signatures and telling voters that the members of the Police Commission were State officials and not Nashua residents. They also denied that this Board of Aldermen had already weighed in on this issue.

Let me clear up some myths about this issue. The Police Department is not going to become more transparent with this proposed change. The Police Commission is currently encompassed of local residents of Nashua and not some nefarious group making decisions in the shadows. The current Governor Sununu did not appoint one person to this Commission. Rather, he chose to carry over the appointments by the former Governor Maggie Hassan. The Police Commission is not going to be more accountable or have better oversight because you the Aldermen under our Charter still have control over the approval of their budget. This is nothing more than a power grab by our Mayor and the removal of one Police Commissioner who they've gone to great lengths to sully the reputation of and his wife who sits with you as an elected Alderman.

Finally, I wanted to tell you that I am proud of our Nashua Police Department. It is the envy of all police departments in this State. Not only are we nationally accredited, well trained, and over seen by a professional command staff. More importantly, the Nashua Police Department is free of any local political influence.

Alderman O'Brien

Thirty seconds.

Matthew Gouthro

Thank you. My mother told me nothing good happens after midnight and in that same vein, nothing good for this city will happen when something like this is rushed and its affects not studied. At the end of the day, there is no compelling reason to change this and we should keep it the way it is. Thank you.

Diane Lothrop

My name is Diane Lothrop. I'm at 10 Althea Lane in Nashua. I've been a homeowner, citizen, and taxpayer in Nashua for 38 years. I am absolutely opposed to this power grab by our Mayor. There have been plenty of past indiscretions by Nashua city leaders in the city's history and we must preserve the integrity of the Nashua Police Commission to investigate corruption and criminal activity without fear of reprisal. Most of us remember the Board of Aldermen scandal in 1993 when three BOA members did some prison time after being implicated in the scandal that involved peddling influence, mail fraud, and extortion. The three BOA members were prosecuted and convicted after and thanks to the Nashua Police Department investigation.

Mayor Donchess has tried to downplay the Nashua PD's role in that investigation and mislead Nashua voters making false claims saying they had no real involvement in this case and that it was a federal investigation. That is simply not true. Just look at the case file and see for yourselves that the investigation began locally by the Nashua PD into a single allegation by one sitting alderman and only after the investigation grew to three sitting aldermen and more serious charges did it become a federal issue. Thanks again to the involvement of the great Nashua Police Department. The Mayor knows this but he doesn't let facts get in the way.

The facts are critical to this whole debacle brought about by Mayor Donchess' power hungry fight to build up his empire. Changing how the Police Commission is selected will let politics control law enforcement decisions. We need to make sure that there is no interference from the Mayor's office into police matters. We need to maintain the integrity of the Police Commission as a separate entity...

Alderman O'Brien

Thirty seconds.

Diane Lothrop

...thank you. As a separate entity from the control of the Mayor's office. If this gets on the ballot, I'm asking voters to vote NO. Thank you.

President Wilshire

Thank you.

Alderman Schmidt

She refuses to wear a mask.

Paula Johnson

Good evening. My name is Paula Johnson and I didn't plan on speaking tonight. I just came here just to support everybody. In case people want to know why I don't have a mask on is nobody's business but it's medical. Some people were sneering me already in this chamber which should never have happened at all under ADA.

First of all, I'm appalled by some of the callers here that is trying to smear a sitting alderman because her husband is a Police Commissioner. This is outrageous but we will allow members of the same family if they get elected to sit in this chamber together. Shame on everybody. Just shame on it. Enough is enough. I'm hearing people talking about uniting, nothing is happening. This whole thing with this petition should have gone more public hearings so we the people had more of a chance to understand what's going on. I'm going to make it a point that I am on the Board of Education and I am speaking for myself and matter of fact, I just want to let that young lady know I'm one of these old people that she talked about. I AM APPAULED BY THAT AND IT ONLY COMES OUT OF PEOPLE'S MOUTHS THAT HAVE NO RESPECT FOR ANYBODY IN THIS CITY! We want to reunite but we have divided the city more and more. I am a woman. I never asked to be on the Police Commission. Maybe a lot of women never came forward to ask for that but to make assumptions like this, I've never heard any division like I've heard in this city and especially tonight here. One Alderman gets beat up every time by this Board and they should be ashamed of themselves and the caller should be ashamed of themselves also.

We need to have more facts about this petition Mayor and I've heard so much about the corruption and part of the corruption back in the '90s was on Elm Street Jr. High and one alderman went to jail on that and his company was involved in it. So how do you separate everything here and keep the city's hands out of everything? I like it the way it is. I think the Commissioners here and everybody that came to support this, and our police, and retired police officers – I think they're the best in the country. When we needed help last year, they were out there and I stood up to defend my police department. To do this, shame on you Mayor. I am going to agree with Mike Soucy.

Alderman O'Brien

Thirty seconds.

Paula Johnson

I voted for you twice. I hope you don't run again because we're going to make sure that you're defeated if you do. You're turning the city into a nightmare. Leave the Police Commissioners the way they are and stop this nonsense once and for all.

Laurie Ortolano

Good evening. Laurie Ortolano, 41 Berkeley Street. A couple of things. The Police Commission size as a group of three I don't think should be changed. It's efficient. This Board heard the Board of Health talk about how important it was for them to stay as a unit of three because they were nimble, they worked well together, and they were efficient. A board of three as Police Commissioners is just fine and there is room on that board if there are other people who want to get involved. Diversity you want to include it, that's fine. It happens when it happens. You don't roll these seats over frequently. That's a given fact and three members on that commission I think the Police Commissioners should hold firm and the board members too to say that is a board that is sized appropriately to do the business for the city.

Also, vetting this required so much more care. It wasn't an open process. It happened very quickly. It was one sided. There wasn't the debate that needed to be had. There were questions asked. The petitioners who wrote this said hey we're going to run around, gather all those signatures, and then we're going to allow the public to ask questions after. The debate starts after it gets on the ballot. I asked questions to Trish Klee and others why was it not considered to allow citizens to vote on this rather than having the Mayor appoint. I never received an answer. It just seems to be that well that's the only option that's exists. That's the one we brought forth and that's what you get to vote on. That's not open discussion and I don't think it needs to change at all. I think it's just fine the way it is. I think you're Charter change that needs to be look at is whether you need a city manager. Start looking there at a bigger picture on how you manage your money not how your Police Commission is set up.

As far as putting women on a board because you need diversity, the kind of diversity you need in the city right now is the diversity of our minds. This is a very closed minded chamber typically and this Mayor is very narrow minded. He does not respect the broad opinions of other people and in many instance some of them are women.

Alderman O'Brien

Thirty seconds.

Laurie Ortolano

Now as far as open seats, I applied for a seat on the Board of Assessors. I was never considered. Not only was I not considered, I never even received a letter to let me know that I wasn't qualified. Is this how our Mayor is going to treat candidates who apply? Unacceptable to me. This needed to be vetted. Everyone should vote no and let this be worked out the way it should be through open communication and dialog. Thank you.

President Wilshire

I'm going to take one more person in opposition and then I'm going to switch back.

Alderman O'Brien

Thank you Madam President. As a point of order, I would like to update the agenda. We have been joined by Alderman Lopez who joined the meeting at 8:07 p.m. which brings 10 members in the chamber and 2 on Zoom. Thank you Madam President.

President Wilshire

Thank you.

Alderwoman Kelly

Alderman O'Brien there are 3 of us on Zoom.

Alderman Lopez

Point of order, I was actually on Zoom. I just was on the telephone one so I was muted so I couldn't answer the roll call.

President Wilshire

You can come up now. Thank you.

Laura Colquhoun

My name is Laura Colquhoun and I live at 30 Greenwood Drive. I'm here tonight to say that I'm 100 percent against this Charter change. Our Mayor is trying to shove this change down the throats of all Nashua residents. The Mayor also had his City Clerk certify this petition when in fact it was not following the Nashua Charter. The Mayor wants the power at any price and will step on anyone to get it. How did Alderman Klee who started the petition and had Alderman Harriott-Gathright, Tencza, and Lopez agree to sign a document in order to not let the Nashua residents know exactly what was in it. Why are these Aldermen supporting this power grab? Could it be that they also want the power and do not care what the Nashua residents think? What's the next step defund the police?

Why would the City of Nashua whose police department is rated fifth best in the nation want to change anything currently? Nashua residents have three Police Commissioners. They all live in Nashua. They have the highest ethics and do everything by the book. If it's not broken, don't fix it. Maybe our Mayor just does not want to write any more letters for Sonia Prince to get her out of trouble. Our Mayor does not bring up the fact that in the late 1990s Nashua had several aldermen go to jail thanks to the fact that the Police Department gather the information and gave it to the FBI. Do you really think that our Mayor would give any damaging information on his friends to the FBI? I think not.

This Charter change is a disservice to every Nashua resident. I do not want the City of Nashua's name change to the "Kingdom of Donchess". Nashua residents must keep the City of Nashua honest. Vote no on this Charter change. Thank you.

President Wilshire

Thank you. I'm going to switch back to testimony in favor.

TESTIMONY IN FAVORSumathi Madhure

Thank you Madam Chairman. My name is Sumathi Madhure and I live at 31 Green Heron Lane in Nashua. I speak as an Asian American who is a long-term resident of Nashua over 30 years. Nashua has grown in a number of ways over the past few years. There has been a steady rise in the number of people of color and Asian Americans who contribute to the vibrant community of Nashua culturally and economically. They have made their home in Nashua and thus have expanded the purview of the Nashua Police Department. I think it is of most importance that we represent the unique needs of this community especially as the raise (inaudible) crimes are on the rise nationwide and bringing those individuals to these positions will allow for more community engagement, transparency, and improve the Police Department relationship with its citizens. Increasing the number from three to five will allow for the diversity.

One of the speakers who spoke against the Charter alluded to the fact earlier that there are perhaps not enough diverse people who may have the qualification to sit on the Police Commission. That is factually incorrect and an unacceptable argument and I take offense to that.

Secondly, shifting the nomination process from State to local with the public waiting process will allow for the community insight into the process. We're citizens of Nashua. We'll have an opportunity to raise any concerns they may have with the appointees. It will support a more democratic process with the goal of keeping the Commission a nonpartisan entity comprised of Commissioners from both sides of the aisle. As Representative Ray Newman stated earlier, for people who fear that this may become a partisan commission, there are enough safeguards to ensure that that does not happen. As Representative Sherry Dutzy stated earlier, it cannot get any worse than what it is now. Thank you.

President Wilshire

Thank you. Anyone else who wishes to testify in favor? Seeing none, we'll go to those who want to testify in opposition.

TESTIMONY IN OPPOSITION

Alicia Houston

Alicia Houston, 139 Westwood Drive. I'll keep this brief because I really agree with all of the other oppositional testimonies. First things first. I cannot imagine a world where Mayor Donchess appoints anyone. I have personally seen what that looks like towards women. Additional outside of that, I guess the only other thing that I would be concerned about is the fact that in this city the people that would be expected to vote for these Commission seats are the very same people that may or may not have appointed someone by the name of Deanna Lawrence who was one of Americans Most Wanted. So thank you.

President Wilshire

Anyone else who wants to speak in opposition?

Mike Ortolano

I'm Mike Ortolano, 41 Berkeley Street. The reason I oppose the change is really because I feel like the process that was used to bring it forward was not thorough and you know a good process brings people together and I think a bad process breaks people into pieces. What we see here is a lot of that. There's a lot of different approaches that could have been taken with the Police Commission. For example, you could possibly directly elect the Police Commission instead of having it appointed. You could do away with the Police Commission but you know a lot of times solving a problem the best way to do it is to define it really well. Once you've defined what that, you know, the problem is or what the opportunity is than to look at different possible solutions to it and to include as many as people as possible in that process so that the process itself brings people together and makes them want to move it forward.

You know I don't know if there's a better way to the Police Commission. Maybe there is I mean but certainly the process that has been used here hasn't built confidence that the proposal gets us there. That's the basic reason why I really feel, you know, I urge as many people as I can get in contact with to vote no. This process has already demonstrated it brought nobody together. It's busted us into pieces. It's made it impossible to heal some of the wounds that exist between these groups and it really is a shame because it's a missed opportunity. Anyways, I strongly urge the community to vote no on this thing. It was poorly executed and it's going to cause a lot of division in the community.

Brady Owens

Hi. My name is Brady Owens and I live on 16 Danbury Road, Nashua. I've been a resident for approximately 11 years here. As you probably can guess by my accent, I'm not from here. I'm here in opposition. The testimony right in front of me was a great segway to mine. I'd like to know what's the problem. What problem are we trying to solve? That's Donchess and this petition has never stated that there is a problem. We live in a fairly safe city. So to me the police are doing their job. I'm all for local control. I'm all for independence. It seems that Nashua was set up to have State control over the Commission for some reason. I'm not you know based – again, I've only been here 11 years – but you know doing some quick searching, you find out that there was some serious problems in the government here and that probably precipitated the fact that the State government took over nominating the Police Commission and (inaudible) true, I'm not a fan of Sununu either but the process is definitely broken.

What's the problem? Why do we need to make this change? Why now? That is a question that no one has answered. So I'm just here to say that I think this process is broken. I do believe in voters and I do believe in giving voters a chance to voice their opinions but you know if I go into a ballot and I'm there to make a choice, I want to know what the problem is. Why do we need Nashua needs to take over appointing the Police Commission? Why now? I'd also like to know why did Nashua get it taken away. So that's my testimony. Thank you very much.

President Wilshire

Anyone else who wants to speak in opposition?

Andrew Lavoie

Good evening. I'm retired Nashua Police Chief Andrew Lavoie and I'm here tonight to ask citizens to vote no on the Police Commission Charter change. Previous speakers tonight and on previous nights have clarified the supposed issues and red herrings that have been put forward to the public by the Mayor on some of those in favor of this Charter change. Although they were few in number, I won't spend my very short time addressing all of them.

The Board of Aldermen Personnel subcommittee voted to table this Charter change and form a committee for further study. The full Board of Aldermen voted against the Charter change being on the ballot. Faced with these two losses, the Mayor disregarded the Board's decision and advice and supported a petition drive to once again attempt to get the measure on the ballot. It is my opinion that Mayor Donchess' behavior on this issue is refusal to accept the will of the Board of Aldermen is in itself a prime example of why the Nashua Police Commission should be free of local politics. What happens if this change passes and the Board of Aldermen don't confirm the Mayor's Commission pick? Will he once again refuse to accept their decision?

The Mayor has publicly stated that one reason he sought this Charter change was the fact that there was only one female Police Commissioner in the history of the Police Commission. Another reason he feels that local influence will better control the police budget. I have the utmost respect for the Nashua Fire Department and I'm only stating facts to clarify a point. The Nashua Fire Commission has never in their history had a female Fire Commissioner.

The Nashua Police Department submitted their fiscal year budget more than \$200,000 above the Mayor's request. The Fire Department submitted their budget over \$400,000 above the Mayor's request. The Police and Fire Commissions submitted those budgets because it is their responsibility to seek appropriate funding for their departments and the Board of Aldermen agreed with them. If those are two of the issues that were so important to the Mayor that he had to change the Nashua Police Commission, why hasn't he commented on changing the Nashua Fire Commission? I for the record am not advocating for any changes to the Nashua Fire Commission process. I'm making the point that as my opinion that the Mayor

is singling out the Nashua Police Commission for no legitimate reason other than because he wants to change it regardless of what the Board of Aldermen says.

Whatever problems the City of Nashua has, the Police Department is most definitely not one of them. I was a member of the Nashua Police Department for more than 32 years. It's not just my opinion but the opinion of professionals across the law enforcement spectrum that the Nashua Police Department is a nationally recognized model police agency. A police agency that other...

Alderman O'Brien

Thirty seconds.

Andrew Lavoie

...are supposed to emulate. I believe that the Board of Aldermen and most citizens know that. It is my opinion that Mayor Donchess most definitely knows that yet he continues to advocate for unneeded changes that will adversely affect the department. As Nashua voters, that fact should concern you the most about this entire process. Thank you.

President Wilshire

I'll call for anyone else who wants to speak in opposition.

Michael Carignan

Good evening everyone. My name is Michael Carignan and I'm your Chief of the Nashua Police Department. I'm here to voice my opposition for this legislation to be placed on the ballot and I will be brief. There's been a lot of discussion around the 100 plus year history of the nomination process for the Police Commissioners. The fact that the process is that old, some calling it "archaic" has been used against it. In reality it is a system that has proved to be effective, trustworthy, transparent, and best practice. I would put the Nashua Police Department up against any agency in New England as a leader and an example of how to effectively police within a community. Why would you want to change that? This process will do nothing but hurt our ability to do that.

Much has been made about the diversity of the Police Commission. We as an agency welcome a diverse board. I believe the actions of the Nashua Police Department have consistently demonstrated our willingness and our desire to diversify our entire police department. So much has been said about the fact that over the years we have had only one woman as a Police Commissioner. During those discussions, it has been brought up several times that no names were presented to the Governor for a position on the Commission by the Mayor or Aldermen. In checking with the Governor's office this morning, I want to confirm to everyone that last month one of our sitting Police Commissioners was re-nominated and reappointed to his position. Not one female nor person of color was presented to the Governor by the Mayor or the Aldermen for consideration. That should tell you that diversity is not as important to those pushing this legislation as it seems.

I'd like to discuss the language on the ballot question regarding the Police Commission as it had been presented to the citizens of Nashua. We've made it clear that we as an agency we'd be happy to sit down to discuss the pros and cons of this topic and discover ways that we can improve. We are willing to work with the Aldermen and community members to try and do just that. The language as it's been presented to the ballot has not been allowed to be changed or improved upon. There are members here tonight who have been strong proponents of this legislation who have reached out to me and expressed the fact that they were not happy with the verbiage of the legislation. They think it could be changed and be better. Yet the methodology that went into getting this on the ballot prohibited them from doing that. They should tell citizens of Nashua that the main sponsors of this legislation have rushed it through to the point that they were not able to change it and make it a process that is best for the community even in their own eyes.

Lastly, I'd like to address the issue of local control as much has been made about the current lack thereof. I would like to remind the citizens of Nashua that we are really talking about is local political...

Alderman O'Brien

Thirty seconds.

Michael Carignan

...which is where the potential danger lies. We currently have local control. All three members of the Commission are lifelong residents of Nashua or have lived here for over 35 years. They are participants in the community be it through nonprofit or civic volunteerism. They're all taxpayers and put their kids through schools in Nashua, they attend events in Nashua, and patronize restaurants and shops. They understand that they have no experience managing a Police Department. That is what they've elected me to do but we work together to have the best Police Department in the State as well as...

Alderman O'Brien

Time.

Michael Carignan

Thank you.

President Wilshire

Patrick Parks. Are you on to speak in favor or in opposition?

Patrick Parks

Opposition.

President Wilshire

Okay, you're up.

Patrick Parks

My name is Patrick Parks. I am resident 24 Bolic Street here in Nashua. For one I'd just like to say thanks to the police and the Police Commission for everything that they do. I'm obviously not from here. I've lived in places like DC, California, North Carolina, and I'm originally from Alabama. All I keep hearing is that people were asking for oh we need change. My question is what somebody brought up earlier. What's broken? One of the people that's in favor that spoke earlier said oh it can't be any worse than it is now. Well I lived in Sacramento. Trust me, it can be a lot worse. This is a great place to live and our Police Department does a fantastic job.

The other thing that keeps getting brought up is diversity but it's almost just diversity for diversity sake. I don't really understand it and I don't think that anyone here and especially myself is opposed to change. I think the change is usually a positive thing. I think that diversity is a positive thing. We're asking for it just for change and diversity sake. Something that's not really broken and nobody can put something substantial for having an objection thing identified that shows how anything is broken.

The last thing I'll say, you know, the Mayor (inaudible) so I'm (inaudible) with every political has limited political capital. Right? I don't understand why he's willing to expend political capital on something like this when obviously the opposition tonight is so much stronger than it is to the people that support this. So I

automatically have question if he has ulterior motives to be willing to expend that political capital. That's all I have. Once again thanks for the police and all that they do. Very appreciative in the community that they provide us all. Thank you.

President Wilshire

Thank you. All right. Anyone else in opposition that wants to speak?

Mike Broderick

Mike Broderick, 8 Boxwood Court. I'm old and I'm not afraid of change. I'd like to change the Mayor and a lot of members of this Board but be that as it may, you know I just want to reiterate what Mr. Soucy said. You all have a job to do. Read the Charter. You don't have enough signatures. That's not what the Charter says so do your job. If you don't do your job be prepared because come election time, we're coming after you.

President Wilshire

Okay can we have anyone else in opposition who wants to speak?

Alderman Schmidt

We're coming after you.

TESTIMONY IIN FAVOR

President Wilshire

Anyone else in favor that wants to speak? Seeing none, I will close the public hearing.

TESTIMONY IN OPPOSITION

Unidentified Male Speaker

Madam President can I go just one more time then in opposition?

President Wilshire

Quickly.

Unidentified Male Speaker

All I need is 15 seconds.

President Wilshire

Okay.

Unidentified Male Speaker

I heard a lot about process. A lot about process. I think a good process would be to follow what our Charter says and percent of registered voters which are 67,249 meaning we needed 6,725 registered signatures on the petition. We're about 4,000 petitions short. That's our Charter. Thank you.

Unidentified Female Speaker

Madam Chair may I correct something that was said that is slanderous towards me?

President Wilshire

No because a lot of that's been going on this evening. We're just here to hear your...

Unidentified Female Speaker

Well it was directed at me.

President Wilshire

I'm going to call the public hearing closed at 8:32 p.m.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE SEPTEMBER 16, 2021, SPECIAL MEETING OF THE SPECIAL 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 Lopez, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire	12
Nay:	0

MOTION CARRIED

The meeting was declared adjourned at 8:33 p.m.

Attest: Susan Lovering, City Clerk