

A regular meeting of the Board of Aldermen was held Tuesday, October 8, 2019, at 7:30 p.m. in the Aldermanic Chamber.

President Lori Wilshire presided; City Clerk Susan K. Lovering recorded.

Prayer was offered by City Clerk Susan K. Lovering; Alderman June Caron led in the Pledge to the Flag.

The roll call was taken with 11 members of the Board of Aldermen present; Alderman Schmidt, Alderman Patricia Klee, Alderwoman Shoshanna Kelly and Alderwoman Melizzi-Golja was recorded absent.

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

#### President Wilshire

Alderman Klee was not feeling well; she left. Alderwoman Kelly is not joining us this evening. Alderwoman Melizzi-Golja will not be joining us this evening. Alderman Schmidt will not be joining us this evening. Does the Mayor wish to address the Board.

#### REMARKS BY THE MAYOR

##### Mayor Donchess

Yes Madam Chair. The first item I wanted to mention or the first issue was that Pennichuck, as you probably had heard, has decided to move back to Downtown Nashua. Their historic home for at least 100 years, 100 years plus, was Downtown and they remained here for all that time. For a long time they occupied a building on High Street which is still there but joined to the Bank of America Building. Then they moved to 4 Water Street and then some decades ago moved to Merrimack. It has been one of my objectives since becoming Mayor a few years ago to bring them back to Downtown. Of course, the City purchased them but under the PUC Order that approved that purchase, we don't really have direct control so we needed to persuade them to make the move.

They have certain imperatives which are that they need to justify to the PUC that any move that they make is cost neutral. In other words they will not be paying more in their new home than they are in their home in Merrimack. As a result of many people working together we were able to achieve those goals for Pennichuck. Pennichuck talked with their employees, who as I understand it, expressed a preference for Downtown Nashua as opposed to up in Merrimack, they are out in the woods somewhere. Therefore, they made the commitment to try to work with us and with the land owner at the Court House Oval to locate there. This is important, I think symbolically, but also because we bring 60 or 70 people to Downtown all day long; people who will want to patronize our Downtown businesses. It will certainly raise the value of that Court House Oval, a building that has been unoccupied for a long time, will I think raise the values around the Oval and create additional incentive for people in that direct neighborhood to make improvements themselves.

So for me this is an exciting and a historic day, when we have our ground breaking, which is going to be on Thursday. A lot of people worked hard, so I would want to particularly mention of course the management of Pennichuck, Larry Goodhue who is the President; Jay Leonard who is the Chair of the Board; but also Tim Cummings who is the Economic Development Director who worked very hard on this; Rob Parsons is the owner of the parcel. He was very engaged in this for a long time and they all played important roles in making this happen. So I am very happy to be able to say that Pennichuck will be returning under a very long-term lease so we can expect to see them there for many decades to come.

Next Madam Chair another happy event; I wanted to mention R-19-177 which is the acceptance of a donation from Mr. Dick Anagnost, the owner of the project on Marshall Street, the Workforce Housing Project, 150 some units of affordable housing. And Workforce Housing means people who have incomes up to 80% of AMI or Area Median Income which is about in the \$40,000.00 or \$50,000.00 range. Many of the children who are moving into that apartment building, those apartments buildings, now attend Dr. Crisp School.

They are very engaged with the Community Center at Arlington Street; the Arlington Community Center. The owner of the project, Dick Anagnost, has agreed to give \$26,500.00 to establish a multi-sport basketball type court right in back of the Arlington Street Community Center. So under R-19-177 we would be accepting the funds. The Finance Committee, in anticipation of that acceptance, approved a contract. He is giving the money to the City, we are then expending the money to pay the person who is going to put in the court.

There is some time pressure immediacy to this, because we'd like to get it established this fall so kids can start to use it and because we want to hold a grand opening on the 25<sup>th</sup> of October which is just in a few weeks. If you approve the acceptance of the grant, we will move forward with a contract immediately and the court will be completed prior to the October 25<sup>th</sup> opening. The kids of Crown Hill can begin to use the court; so I hope you will approve R-19-177 and join us on October 25<sup>th</sup> at 5:30 for the opening. There is going to be a shooting contest, me and some of the Aldermen against anybody really who wants to come against various kids in the neighborhood. Now you are all betting on the kids I am sure and that's probably a good bet, no these will be free throws so we are at some distance. So I hope you will come and help us enjoy the festivities. That is all I have Madam President.

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS

**There being no objection, President Wilshire declared the minutes of the Board of Aldermen meetings of September 24, 2019, accepted, placed on file, and the reading suspended.**

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS - None

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

Attorney Andy Prolman Madam Chairman and members of the Board, good evening, my name is Andy Prolman and I am an attorney here in Nashua with Prunier & Prolman. With my tonight is Camille Labose, one of the owners of the Country Tavern Restaurant and Alla Maak Properties at 452 Amherst Street. Before you is a petition to release the façade easement, and I am really just here to answer any questions the Board may have. We have been through the Planning Board process, the Historic District Commission and most recently the Infrastructure Committee, all of whom have positive recommendations for you. I could do a full presentation if you would like, but I am really just here to answer any questions that the Board may have tonight when the matter comes before the Board. Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL - None

PETITIONS

Petition to Release Façade Easement

- Committee on Infrastructure Recommends: Granting Petition

**MOTION BY ALDERMAN O'BRIEN TO GRANT THE PETITION**

ON THE QUESTION

Alderman O'Brien

May I speak to my motion?

President Wilshire

You may.

Alderman O'Brien

This shows really good cohesion between the different forms of government such what Attorney Prolman has said. This originally came to the Infrastructure Committee; we had several questions with it. We went to the Planning Board and then it also went to the Historical Committee. The good thing is that if you look at the structure, it is not really germane to what the new tenants really want to do. It is totally not cohesive to the now area; the other three corners are quite modernized now. But what is really good with it when different groups work together, much of the stuff in there, even though the building itself does not hold a true historical value, some of the stuff in it, it was built to the period. The City does have the right to the access to some of the boards, hinges, and other different things that may have some value.

So this is a great deal in my opinion; it shows how different boards can get together and work on this. I recommend passage of this petition, thank you. The motion is for final passage to grant the petition, additional comments? Alderman Clemons.

Alderman Clemons

Through you to the previous speaker, did you get Elizabeth's approval on this?

Alderman O'Brien

After an exhaustive, an eviction notice was given to the ghost, so we are all set, thank you.

**MOTION CARRIED**NOMINATIONS, APPOINTMENTS AND ELECTIONSAppointments by the Mayor

The following Appointments by the Mayor were read into the record:

Auditorium Commission

Keith Weirich (Reappointment)  
14 Court Street  
Nashua, NH 03060

Term to Expire: March 31, 2021

Cultural Connections Committee

Jessica Gorhan  
97 Western Avenue  
Henniker, NH 03242

Term to Expire: December 31, 2020

Historic District Commission

William Slivinski  
46 Berkeley Street  
Nashua, NH 03064

Term to Expire: June 30, 2022

Planning Board

Lawrence Hirsch  
12 Salmon Brook Drive  
Nashua, NH 03062

Term to Expire: March 31, 2020

***There being no objection, President Wilshire accepted the Appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee***

REPORTS OF COMMITTEE

Infrastructure Committee..... 09/25/2019

There being no objection, President Wilshire declared the report of the September 25, 2019, Infrastructure Committee accepted and placed on file.

Finance Committee..... 10/02/2019

There being no objection, President Wilshire declared the report of the October 2, 2019, Finance Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS - None

UNFINISHED BUSINESS – RESOLUTIONS

**R-18-102**

Endorsers: Alderman-at-Large Lori Wilshire  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd  
Alderman-at-Large Brandon Michael Laws  
Alderman Jan Schmidt

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND UFPO LOCAL 645 PROFESSIONAL EMPLOYEES OF THE NASHUA POLICE DEPARTMENT FROM JULY 1, 2018 THROUGH JUNE 30, 2022 AND AUTHORIZING RELATED TRANSFERS**

- Tabled at BOA meeting 09/24/19 with approved amendments

**MOTION BY ALDERMAN DOWD TO WITHDRAW R-19-177 FROM THE BUDGET REVIEW COMMITTEE  
MOTION CARRIED**

**R-19-177**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Linda Harriott-Gathright  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Benjamin M. Clemons  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$26,500 AS A DONATION FROM A.W. ROSE, L.L.C. TO BE USED FOR THE INSTALLATION OF A MULTIPURPOSE SPORT COURT AT THE ARLINGTON STREET COMMUNITY CENTER**

Given its second reading;

President Wilshire

This is the Resolution the Mayor spoke about in his opening comments for those of you who are interested in that. Alderman O'Brien?

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-19-177  
MOTION CARRIED**

Resolution R-19-177 declared duly adopted.

**R-19-180**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LEASE AGREEMENT WITH 131 BURKE STREET, LLC FOR 141 BURKE STREET**

Given its second reading;

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-19-180  
MOTION CARRIED**

Resolution R-19-180 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES – None

NEW BUSINESS – RESOLUTIONS**R-19-181**

Endorsers: Alderman Thomas Lopez  
Alderman Ben Clemons  
Alderman June M. Caron  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Linda Harriott-Gathright

**RENAMING “PARK SOCIAL AT LABINE” AS “PARK SOCIAL”**

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

NEW BUSINESS – ORDINANCES - NonePERIOD FOR GENERAL PUBLIC COMMENT

Stacie Laughton Stacie Laughton, 80 Elm Street, Unit 1, Nashua, New Hampshire. I just wanted to extend a thank you for the members of the Board who reached out who either weren't able to attend my housewarming party or those who were. It was a nice time. As some people may know, some people may not, my family and I went through a yearlong struggle, we left Main Street place that we were living and went into a period of partial homelessness. It was quite difficult and now we've acquired a place on Elm Street in Nashua that is very nice; it is more than what we could have ever dreamed of. I just want to thank those who were able to share that time with us.

I just wanted to come again tonight speaking about something that I've spoke about in the past. It is about vaping products. Again, as I said last time, I'm not talking about combustible cigarettes, I am talking specifically about vaping devices. Right now, as we watch the news and we see things going on, we are finding that you know since October 1<sup>st</sup> there's been a total of 1,080 lung injury cases associated with E-Cigarettes or Vaping Products have been reported to the CDC from 48 States and 1 Territory. 18 deaths have been confirmed from 15 States and there has been a death now getting closer to our area; Massachusetts has seen a death and they have seen numerous lung injuries due to vaping. New Hampshire has seen its very first case of a lung injury within, I think it was today or yesterday I heard about it. Now it is getting closer and this is more than just, I think it is more than just a concern that we were raising back in April. It is now damaging lungs and is now causing people to die. It is spreading, it is in 48 States, it is in Massachusetts, it is in New Hampshire now.

People are getting affected by lung injuries because of vaping. It is time that not just the State takes action but the City takes action. With the recent State Budget that was passed, I noticed that the smoking age went up by 1 year to 19. But that still doesn't do enough. I believe the vaping devices need to be banned outright in the City of Nashua and they need to be banned outright in the State of New Hampshire. Whether it be like they did in Mass for a temporary amount of time to figure out any safety concerns or how to regulate them better, or ban them outright. They are harming people, you know, we could turn on WMUR tomorrow and someone right here in Nashua or one of our own students in our schools could be affected by a death because of these vaping devices and that would be, at that point, well you know, it's already sad to see 1 or 2 but when you are seeing all these cases across the country, this is getting to be enough and this needs to stop. And it's not a joke anymore, you know, we need to take these products off our shelves in the City and everywhere. That's all I have to say tonight. Thank you.

Laurie Ortolano Laurie Ortolano, 41 Berkeley Street. I wanted to talk to you for a few minutes about data management and you know, we all know I've put in a lot of Right To Know Requests and the City has made some pretty big claims and had a lot of words to state about these requests and what they are doing to the City. But I believe a lot of this is the result of the way we maintain out data and how we are maintaining our records. We are simply not doing it progressively at all. You know down in Assessing we have a vault that is full of property files. They are the equivalent of books on a shelf and there are 29,000 of them and growing. It doesn't make any sense to me that we are not looking at ways to scan these files.

Why are we not taking an initiative to pay a single fee for a year and pay the \$50,000.00 or \$70,000.00 and create scanned records of all of these files? So that when the public, like me, wants to access a file, we are not hearing that, "OH it is going to take us 5 days" and they've get to check it and inspect it and it is too much work and you are creating a big burden. Why aren't we looking at ways to create records that are accessible, that are open access the way they should be? It is almost 2020.

Right now I attended a class and the gentleman who is the Chief up in Goffstown, Scott Bartlett who heads the NHAAO, he was talking about his records. Up there they keep their property files and their income data separate. So if somebody wants to come in and get a property file, you can just get it, it doesn't have to be checked. Down in Nashua, we combine the income data in the property file, which doesn't affect all files, it only affects files, mostly commercial that have income data. But the staff has to quickly go through them to remove income data if that's the type of file you have. Now it is not an overly, timely job; certainly for the files I've requested, they've really all been thinner files because I haven't done a lot of work in commercial file access. Those files get very thick and take more time. But if you scanned and had a person come in and scan your records you would have, you could separate out the income data, you would have them all scanned. The public could come in like me, and go to the computer in the office and just pull up the files I'm interested in looking at. And if I wanted them from home, maybe you can't make that accessible outside to the home, but then the office could easily send you the e-mail within 2 minutes with the files attached. It would be no work at all. And then as data gets added to files, they are not photocopying and running to a vault and stuffing pages into the files; they are just scanning and throwing the electronic record it which is frankly a lot easier.

So when we hear from management that Assessing is a paper intensive job; it doesn't have to be. I think if this City talks about wanting to have the best Assessing Office in the State, then make it so we can access the records, because we can't really do it. Now I put in a request through Legal to access Buyer/Seller and Real Estate Agent letters, Broker letters that were sent out to verify the sales data from KRT. We were told by the Administration that our Assessors verified all the sales data for KRT, which turned out not to be true, we never did that job to the level we were supposed to. But that these letters were sent out to verify the sales; I wanted to see the letters to know if we did it. So I put in a Right To Know. The response back from Legal is, "Ok that's over 1,000 files, really 1,200, it is going to take 4 years for us to get that to you". Is that reasonable to tell the public you have to wait 4 years; that it is a 4-year process to access that data? Why aren't they just scanned in a file. And that wasn't a big request; that was just for a letter that would on the top of the file; that wasn't for them to go through the whole file, take out income data or do something intensive. Four years to access a single letter. That is absurd that that was the type of response I got. I don't think this Chamber in this horseshoe is doing enough to look at how we access data and how we want that office set up to access data.

At the last meeting we heard management talk about, you know, putting together the binders. We do 7 binders now that we give out to the Board of Assessors and other people who come. And we heard management say, "It really doesn't take much time, it's not that intensive it doesn't, it is very simple". I disagree wholeheartedly and I'd wished you spoke to the person who did it for months. The time it takes is a function of what time of year it is. If it is March, April, May, June, July we are dealing with heavy abatement stuff, the paperwork for the Board of Assessor's meeting is enormous, an enormous amount of paperwork. The binders going out were 200 to 250 pages a book. So you are doing 7 books, you are putting out 1,400 to 1,700 pages that you are photocopying downstairs to put these books together. That's time intensive, I don't know why management is telling you "that's easy". It isn't, that took a lot of staff time. And you know what disturbs me more? They worked their butt off for a week to put the binder together, the meeting is on Thursday, all the books come back to Assessing Thursday after a meeting and they throw it all in the trash and they start printing for the next meeting. You throw away 1,400 to 1,700 pages every other week. All that printing cost, that's enormous; you are the green people. You know, be green, don't allow us to do that kind of copying and create that kind of waste. Go electronic, have them bring in a notebook computer. I don't print mine, I bring my notebook in and I scroll through, you know, on my screen, download it because I don't want to carry 250 pages and flip through it. And I just put it there so I can have it to access.

We are doing so much wrong with paperwork in my mind and we are doing it to prevent the public from having access. And I think we can do a much better job. And all these complaints that "Oh you know we have to spend \$50,000.00 on a consultant because we are behind on permits". That permit stuff is malarkey. You are behind on permits because you are not staffed correctly and you are not looking at your permit data the way you should. But all of that is how you are managing your records. I just did a Right To Know to get the Mayor's letter that he sent out to the Board for this audit, I never had the letter. And I'm sure that cost me \$500.00 to get that from the City; to go to Legal, to have a meeting, pull the document, look at it and send it to me. That's unfortunately but I don't know how else to get it. If it was in the record it would be awesome. If it had been part of the minutes it would be great, I could get it. But the letters aren't part of the record. So I get it and when I looked at that one of the things, the Mayor wrote a number of things that this report was going to do and one of them was cover staffing. They were going to address the staffing and the management of the Assessing Office. I have been a big critic that that audit report never addressed staffing. Why didn't we look at staffing in the office? That was so fundamentally important in my mind. We have a tremendous lack of staffing in there and qualified staffing; we are missing qualified people. And we never did that, we skipped that.

And so you know, I think instead of shooting the messenger over and over and over again, I'd like to see the City take some responsibility to get on board to making access real for us. Don't make us have to jump through hoops, I'm with Celia Leonard, I'm writing 5, 6, 7 Right To Knows for the same data. And what I'm finding is Legal is sending me the wrong answers and I'm having to go back and pinpoint them to the e-mail I'm looking for in a server that I know is there that they are saying isn't. I'm doing 4, 5 and 6 requests for a single piece of information and I don't understand why it is so complicated. When I asked for the Buyer/Seller and Broker letters and I heard it was going to take 4 years I said, "Well let's make certain they are there". And I went back and forth with Legal and said, you know, "I don't think you have to look in the files, it should be recorded on the property cards, if they sent a letter, it should be documented". Legal says, "No, no, no it is never documented". I said, "It's always documented". I start looking at property cards with Laura Calhoun. There is no documentation in the cards that letters were sent. So I go back to Legal, the Clerk in there argues with me, "No we've got to look at every file, it's going to take 4 years to get through this, we've got to do this". I march down to Assessing and I happen to catch an Assessor at the printer and I said, "Excuse me, did you send any letters out to Buyers, Sellers and Real Estate Brokers when you reviewed the sales data". And his answer was "no".

#### President Wilshire

Ms. Ortolano, one minutes to wrap up, please?

Ms. Ortolano Sure. And I asked him to go ask the other three assessors and he literally marched through the office, I heard him, he asked every assessor, "Did you send them, did you send them, did you send them" every one of them said "No, we didn't do it". I marched up in Legal and I said, "Cancel the request, nobody sent any letters which is what I thought". They were going to embark on a four year event and I said, "I don't understand why you in Legal didn't march down to Assessing and say, did you guys do this". That was four or five e-mails that went back and forth on that and it never existed. So please come on board and help make data something that is really accessible to the public. And please do not start this reevaluation until you hire a Chief. Don't vote to begin it until you bring in a Chief on who is going to follow this through for a couple of years. It doesn't have to be a three-year process, I talked to Bob Gagne, he wondered why we didn't do it as a 1-year. Just bid it out as a 1-year. So please, hold off until you bring somebody in who can run it the way it should be run. Thank you.

#### REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

##### Alderman O'Brien

Yes I think on October 25<sup>th</sup> the Mayor asked if I will go there to go shoot some hoops there. I was a hockey player but in deep respect I was a little dribbler since I was a kid. So we will see what happens but I will do

my basketball Jones on the 25<sup>th</sup>, if you want a laugh, come on down and see me do a couple of shots there. Thank you.

#### Alderman Dowd

Yes I'd like to congratulate the 11 Nashua Police Department Officers that received the New Hampshire Congressional Law Enforcement Awards on Friday; James Ciulla, Shaun Mailloux, Greg Miller, Scott Ciszek, Colin Flanagan, Jeffrey Page, Ian Theriault, Matthew Vincent, Kyle Ingersoll, Jonathan Turcotte, and Nicholas Markarian. They have done an outstanding job and they were recognized by the State for their outstanding service.

#### Alderman Lopez

First I just want to express my condolences to the crew and passengers of the plane that went down last week. I know a lot of Nashuans had just seen it at the air show and it meant a lot to them; it has been a regular visitor here and it affected people deeply.

I also wanted to, because we didn't have an Aldermen Meeting between then, I went to the Out of the Darkness Walk two weeks ago at Greeley Park and it was a really well run event. There was a lot of community support. So I want to thank everybody who came and walked with me, everybody who came and supported the cause. They raised a record amount for the American Foundation for Suicide Prevention.

And then more recently on this past Sunday in Concord at the NAMI walk they did likewise. So I know there is a lot of concern about mental health awareness and rising suicide rates and increasing instances of violence. All I can say is there's a lot of people that are working to try to make a difference and support causes that know what they are doing and are able to improve those situations. So I just want to thank everybody that is working in that way.

#### Alderman Clemons

I just want to say congratulations to Kim McCarthy and the McCarthy Family for what a wonderful event they put on Saturday at the First Annual, what I hope is annual, McCarthy Foundation Fundraiser for STEM Education in Nashua. I think it was an excellent event, it was well attended, had a great time and it was good also because it also honored our friend, Brian McCarthy. So I look forward to many other events in the future and I look forward to the success of that Foundation going forward.

#### President Wilshire

I too would like to congratulate the Nashua Police Officers for their achievements. Also I went to the McCarthy event, I too hope it is an annual event, it was well attended. I think they did a really nice job putting that together and looking forward to the students who might receive scholarships for STEM education from that fundraiser.

Committee announcements:

#### Alderman Dowd

Yes tomorrow evening at Nashua High North at 7:00 P.M. the Joint Special School Building Committee; we will be releasing the report of the Phase I of the Middle School Project. It outlines all the data that was collected and describes all of the architect's beliefs as to what needs to be changed. I would caution that the prices that may be forthcoming in that report will be high because we haven't looked at paring them back yet to see what the scope of the actual project will be. So the report will outline everything that they found and everything that they recommend. So from that we will go forward.

President Wilshire

Human Affairs originally scheduled for October 14<sup>th</sup> will be cancelled since there is no new business before us.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE OCTOBER 8, 2019, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 8:03 p.m.

Attest: Susan K. Lovering, City Clerk