

JOINT MEETING - COMMITTEE ON INFRASTRUCTURE and  
PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

OCTOBER 27, 2021

A meeting of the Committee on Infrastructure was held Wednesday, October 27, 2021, at 7:04 p.m. in the aldermanic chamber and via Zoom teleconference.

*To access Zoom, please refer to the agenda or the City's website for the meeting link.*

The roll call was taken with 6 members of the Committee on Infrastructure present:

Alderman-at-Large Michael B. O'Brien, Sr., Chairman  
Alderman Thomas Lopez, Vice-Chair  
Alderman Jan Schmidt (via Zoom)  
Alderman Ernest Jette  
Alderman-at-Large David C. Tencza  
Alderman-at-Large Ben Clemons (via Zoom)

Members not in Attendance: Alderman-at-Large Brandon Michael Laws

Also in Attendance: Alderman Patricia Klee  
Alderwoman Elizabeth Lu  
Kim Kleiner, Administrative Services Director  
Jennifer Deshaies, Risk Manager  
Sarah Marchant, Community Development Director  
Matt Sullivan, Planning Manager  
Tim Cummings, Economic Development Director

PUBLIC COMMENT

Chairman O'Brien

At this particular time, I'll open up for public comment. Anybody in the Chamber? Yes, Sir. Please come up. We're going to give you the traditional three minutes and can you state your name and address.

Bob Keating

My name is Bob Keating, 5 Coburn Woods and a member of Granite State Organizing Project. And with his remarks made at the previous meeting and just appreciate the efforts on this and with Sarah Marchant. I think it's a good proposal. There was a lot of study put into it. I think the only significant concern we have about it is the target in terms of where we're going to focus the additional housing. The proposal in there is at 80% as the target and clearly that will benefit people. We're concerned is that, well, here's a way of conceptualizing. I'm going to use a figure of \$75,000, which is the average household. There's a number of different matrixes that you can use on that, but we'll just use the 75,000. At \$75,000, 80% of that, which is the target, would be a household that would have an income of about \$59,000. So for them at the 30% of affordability, which is the HUD definition, they would be able to have \$17,900, or roughly \$1,500 a month for rental. That's below what the two bedroom apartment would be. At 60%, and that's kind of what we're thinking about, the income would be at \$45,000 and that would turn out when you translate that into rental, affordable rental for them would be at \$1,125.

So in looking at that, really the difference between 30% at an income at 80% and 30% of an income of 45 is a major difference. A major discrepancy. The inclusionary zoning is beneficial. We know that it cannot create housing for the whole city. We know that city alone cannot do that. We're making all kinds of efforts. Our matrix is to say, let's focus on the ones between 50 and 80%, which is at the so-called moderate

Chairman O'Brien

30 seconds.

Bob Keating

30 seconds, okay and in 30 seconds - in summary, the matrix is there to be able to shift the numbers. If you shift it lower with net zero to the city, to the builders there will be less units but I think it will have a greater impact because people at a

higher income will have a greater ability to manage that. So thank you and, again, I appreciate the efforts by the Aldermen and the Community Development Director.

Chairman O'Brien

Thank you Mr. Keating. Is there anybody else in the chamber that wishes to address the board on public comment? Seeing no one. I see we have Ms. Kristy Besada and I will recognize her please.

Kristy Besada

Thank you. Are you able to hear me?

Chairman O'Brien

Yes we can.

Kristy Besada

Great. I have somehow lost the ability to hear you all. My name is Kristy Besada. I live at 12 Nutmeg Drive in Nashua. I am one of the Pastors at Main Street United Methodist Church. I am also working on the Interfaith Housing Justice Task Force and Granite State Organizing Project.

I am coming to speak, along with Bob Keating and others, to encourage first of all to encourage the passage of inclusionary zoning. It is a very good idea. The proposal that was presented is also very good. We very much appreciate the work of Economic Development and especially Sarah Marchant and Tim on creating this proposal. Again I would like to urge you to consider a lower income bracket for the targeting. At 80% of area median income for Nashua in terms of real rent or gross rent, a one to two person household can afford at 80% between \$1,400 and \$1,600 a month for a one bedroom apartment. If you move that up to a three to four person household in a three bedroom apartment, they can afford \$1,800 to about \$2,000 a month in gross rent, which includes utilities. Those kinds of apartments are largely available though some assistance is certainly needed in that income bracket.

However, one of the income brackets that makes a little too much money for many of the housing programs is, again, as Bob said the 60% bracket. A one to two person household in that bracket can still pay about \$1,150 to \$1,315 a month, which is still for a one bedroom apartment which is still above HUDs fair market rent value. A three to four person household in a three bedroom apartment can only afford \$1,480 to \$1,644 a month and that's where we start seeing people who cannot afford the rents in this town but are still hard working folks who need some assistance. So I just want to thank you again but urge you to consider as a group moving those income targets down just a little bit so that we receive maximum benefit while also honoring the hard work of our developers and our landlords who we know need to remain solvent through all of this. Thank you so much for your time.

Chairman O'Brien

Thank you and also in the que I Rabbi. Could you please give us Rabbi your true name and address please? Thank you, Sir.

Jonathan Spira-Savett

Sir, thank you. I've been trying to change my name on the screen. My name is Jonathan Spira-Savett. I live at 39 Coburn Avenue in Nashua. I've been here for 13 years. I serve as Rabbi at Temple Beth Abraham in Nashua and Chair currently at the Nashua Area Interfaith Council and along with Reverend Besada on the Greater Nashua Interfaith Housing Justice Group. I certainly want to echo what she and what Bob have said in terms of the details of statistics and just encourage you. First of all, thank you again for commissioning this report and investing the resources in it and the proposal which I really hope will come overall and as we've suggested be amended or annotated to the full Board of Aldermen to action. We've really been delighted to be able to collaborate ourselves as community members with so many people in the different economic, and in policy, and in City Hall, and developer communities in working on these things all together.

I wanted to say just that I have noticed that the congregation that I serve - the building, the facilities in Nashua where we draw from a large community, which is from our surrounding region even into Massachusetts. As I know you know, one of the things that's happening is a lot of people who want to make their lives in Nashua who already work here, or who eat here, or play here, shop, or work here want to actually live here. I have been seeing over the past couple of years more

and more people who are trying to consolidate their life here and how difficult it is for them to do so because of the whether it's rental or housing to buy. These steps that we're talking about taking and are dramatic and importance to the kind of community that we want to have and to be able to sort of further along a vision that is complete for people, especially at low and mid income levels and at all income levels. It's good for all of us to have that kind of community where people really value the civic life of Nashua. It's something even more than a place where they can come to work and to contribute.

I think the other thing I wanted to say is that at the end of the report, some of the proposals that are there in terms of the kind of funding sources that would give the city the resources and the flexibility to be able to work with private developers especially can be very, very powerful. They may not have as many pages as the pages that analyze the data that they - but it's vitally important that we back this up with the funding mechanisms. Some of which are very easy to spread around the population and very creative. So I hope that those things to get our attention and that we're able to further them as we as we bring this proposal together to the whole board and to the city. We who have come here to speak to you are also very, very eager to go out into the public and to help explain this and to advocate and generate not only support for it but also partnerships maybe in some more unlikely places in the congregations that we serve who could really help implement these things and take the incentives and really run with them.

#### Chairman O'Brien

Thank you Rabbi. Okay, I didn't give you the 30 seconds but it looked like you were closing your remarks so I didn't give you the warning but thank you so much. Anybody else via Zoom that would like to go on public comment? Seeing none. Also can the Clerk record please that we are joined and welcome too Alderman Elizabeth Lu is also present at the meeting. Okay I'm going to close public comment.

#### DISCUSSION

#### Chairman O'Brien

Tonight we have several discussions. Basically, it's going to be for the fact of having some information. One - the next one on the docket will be the Court Street facility. So I'll welcome Kim Kleiner and Risk Manager Jennifer Deshaies and anybody else? Feel free to occupy seats here. Are you going to run the presentation? Okay, good. All right. I had asked Mrs. Kleiner to come this past - if you remember it passed aldermanic board. There was questions that was brought forward on the Court Street facility. So what better way to get the information out there Ms. Kleiner is to go to the horse's mouth. So welcome to the meeting of the Committee of Infrastructure and PEDC. Okay, I'll turn the meeting over to Ms. Kleiner.

- Court Street Facility Update

#### Kim Kleiner, Administrative Services Director

Thank you and thank you for having us here tonight. So we brought the entire team. Each of us here in Administrative Services, mostly Risk Management deal with a portion of Court Street. Although there's quite a bit to it and you will see that as the presentation goes on, I really want to say that this is something that we all hold dear to our hearts. It's something we enjoy working with. We enjoy working with the people there. We consider it a great asset to the city.

Just a brief history for those in the listening public that may not know. The central firehouse was built in 1870 in downtown Nashua. It was a brick fire station that served the City of Nashua for over 150 years in a variety of uses. The three-bay station originally housed a steam engine that was pulled by a horse. As the city continued to grow with the development of the industry along the Nashua River, additional stations were built. By 1970, the station's 100th year, the department had outgrown the space setting in motion plans to build a new station in southwestern Nashua which became Station Six.

The station sat vacant for years and many locals feared it would face demolition for surface parking until Nashua's growing Arts and Science Center. Later the Nashua Center for the Arts. Renovated the station and moved in. After that, the space was utilized as a community art center and theater and most recently in 2019, who was joined by a microbrewery - Liquid Therapy.

In November of 1993, the City of Nashua acquired 14 Court Street and has retained ownership and is serving a multitude of tenants in the theatre and arts industry. For a period of time, Nashua Fire Dispatch operated out of the building before relocating to 38 Lake Street. The building houses two theaters - one on the main theater with a seating capacity of 277 and the Black Box Theater, which has remained unoccupied for over the last decade and is in need of renovations.

So this slide, and I'll go over just a little bit, we felt it was important to show the number of things that go into running this facility. Everything from rental coordination, and rent collection, to insurance administration, safety inspections. We have bi-monthly tenant meetings, building maintenance and Mr. Hunnewell and his team serve as custodial services, and recently project management on a roof that has been installed, and also some lighting, and safety upgrades. It takes a team and we work very closely with the tenants who all participate in the upkeep and the running of the building. So now I'm going to turn it over to Risk Manager Jennifer Deshaies to tell you a little bit about her side.

Jennifer Deshaies, Risk Manager

I'm just going to go behind the scenes a little bit. So as it relates to the insurance, the main lines are coverage for the Court Street building are for property and liability. Losses are either transferred to third parties as their liabilities or handled in house by our staff claim adjusters. In order to ensure that we have proper coverage for all exposures, we require third parties that utilize our building to provide a Certificate of Insurance as proof of coverage. If an entity does not carry coverage, we have an affordable event insurance that can be purchased and utilized for any event on city property. Due to the amount of activities and timeframes within this building, we've established a three tiered 24/7 response team for any unforeseen issues that may arise. Our current tenants are the Peacock Players, Symphony New Hampshire, Liquid Therapy, Carrie and Henderson Vocal Studios, and Nashua Arts Works Studios. These long-term legacy nonprofit tenants not only benefit our community but they contribute to the upkeep and wellbeing of the building. The city has taken into account the condition of the building and its space as it relates to the current lease agreements. With that being said, we'll be reviewing these lease agreements in the near future. At this time, I'll turn it over to Diane Veino who's going to review the rental process.

Diane Veino, Program Supervisor

Good evening. The rental coordination of the theater starts off with a calendar process which starts every year in January. E-mails are sent out to all the theater groups to submit the desired dates and are due to me by mid-March. They must submit a first, second, and third choice of dates for each one of their performances. I will then combine all of the requests into a single calendar and the final calendar is complete by the end of March. No other requests are accepted until the calendaring process is completed. Walk ins are the groups that will call looking for a place to perform to hold an event, which are usually the dancing studios, political events, pageants, or even our Fire Departments. They are able to reserve dates after the calendar process has been completed. Each group that rents the theater and have a confirmed date with us will have to see the City Clerk's office for their permit. Prior to their event date, someone from the group will have to come to Administrative Services to review and sign the rental agreement. Once signed, they will receive a copy for their files. I will then collect the Certificate of Insurance which will then will be reviewed and given to Risk Management. A deposit and rent will also be collected at the time and the groups will then be administered a key to get into Court Street. After each of their performances or events, someone for maintenance will check the building to make sure that everything was left in proper order. The tenants that we do have at Court Street building, their rents are collected on a monthly basis and it's usually mailed in to us every month and a Certificate of Insurance is also always on file and up to date. At this time, I will turn it over to Ross.

Ross Dugas, Loss Control and ADA Specialist

Good evening. I am in charge of safety for...

Chairman O'Brien

Give your name for our transcriber. Thank you so much.

Ross Dugas, Loss Control and ADA Specialist

This is Ross Dugas - Loss Control ADA Specialist with the Risk Management Department and I am in charge of overall safety in the building. My responsibilities include chairing the bi-monthly tenant meeting where we use that time to communicate any requests or concerns that we or the tenants may have, including safe operation of the building. We also use that time to communicate updates on the building itself or any big events being held on site. Building inspections throughout the year involve safety assessments, insurance group audits, property condition reporting - which has been circulated to you all tonight, our annual permit of assembly inspection performed by the Nashua Fire Marshal's office as well.

We also had to deal obviously with the COVID 19 pandemic and that involved unfortunately during the height of COVID-19, the main theatre and associated productions were halted. However, this allowed us to take advantage of project

opportunities at Court Street which Jay will speak to in a little bit. Most recently, we did manage to establish some reopening protocols to get the theater back up and running as shown in the diagram here on the slide, which displays a reduction in seating by 50% and social distance distancing measures to name a few.

Jay Hunnewell, Manager of Building Maintenance

Thanks, Ross. Yes, my name is Jay Hunnewell. I manage the Building Maintenance Department and one of the buildings that we do take care of is the 14 Court Street Theater. Some of the tasks that that we take care of at this facility is would be snow removal, treating the walks in the wintertime, basic grounds maintenance, HVAC, mechanical maintenance, and repairs to the common areas, custodial services - that would be cleaning the restrooms making sure they're ready for show rentals, stocked with paper goods, etc.

Also at 14 Court Street is an archive space where we store to the archives. We manage that space as well. Some of the recent projects that that we've assisted Administrative Services with are the fire alarm and sprinkler system upgrades that were completed in 2020, LED lighting upgrades in the main lobby, and the lower level lobby, along with new ceilings. Most recently completed was the roof which has been great. No longer chasing leaks and there's a nice picture of the job right there. Another note on that is if you saw the Union Leader this morning, prices for shingles and rubber roofing products has risen dramatically over the last few months as much as 27%. So I think we caught the timing right on this and it needed it. So now we have a dry building and with some upgraded life safety systems. Thank you. I'll turn it back over to Kim.

Kim Kleiner, Administrative Services Director

Kim Kleiner. So we realize that when we're talking about Court Street, we want to focus on a number of different things. Number one. What are the expenses, and the revenue, and what exactly is it costing the city to operate the building? And number two, what's the future of Court Street and where do we see it progressing in the future? We believe that, you know, it certainly holds significant value and it does provide a resource to the community that with the current groups that are occupying the theater. But we do realize that there is a gap and when you look at this slide, you will realize in Fiscal 2020 the revenue only handles about 38% of the expenses in the building. It does drop a little bit in Fiscal 2021 but we have to realize that in Fiscal 2021, we only had eight months of rentals and lease payments from the tenants and the building was shut down for events.

So then we look at Fiscal 2022 and what is budgeted. What you're going to see there is an expense amount of \$102,000. We want to be careful here because there's a number of things that are in the works that may impact this number, which we hope will impact it downward. So currently, we are in the process of turning over some of the utilities to Liquid Therapy and working with Liquid Therapy and in the metering of that space. Currently, the utilities are high at \$63,000 and we expect that that will fall down. So we've looked at not only the electricity, but we've looked at the gas and the water. To date, the water has been shifted over to Liquid Therapy. So that is separately metered from the building.

When we look at our contracted services, obviously those are services that need to be done in a building of this age. There's significant pest control and things of that sort and really that line hasn't shifted that much over the years. It's just it was low in Fiscal 2020 compared to Fiscal 2022. What you see for the maintenance labor is the estimated cost that it costs the city Building Department for their time at Court Street. And we budget that into the buildings so that we can account and estimate all their time in salaries across all buildings. So that's done in any city building that is under the city building account.

You then have the costs of janitorial supplies and buildings and grounds maintenance. Interestingly enough, what we see in Fiscal 2022 is we estimate that the revenue generated from the rentals and the lease payments to now move to 40% and that's without the adjustments that are made for the metering to Liquid Therapy. What we would like to see is us close this gap and as we move forward, raise the total revenue so that we can adjust for the expenses and meet the overall expenses. Therefore lowering the city's impact to the city budget

So here you see the Court Street revenues. Significantly this year, we expect it to be up with the rentals that are already being asked for and with the leases that are in place currently, as well as the work by the Economic Development Department on the artist studios. So it's important to note that the artists' studios are managed through the Economic Development office and that has risen and remained pretty steady since they opened.

So future possibilities - and this has seemed to be a topic on everyone's mind. We do have a group put together that is looking at ideas. We are also looking at what is needed within the building. As we said earlier, there's upgrades that are needed to the Black Box Theater. There's upgrades that are needed to the main theater, lighting, windows eventually,

HVAC, and as has been noted before landscaping - specifically landscaping and development between the Court Street building and the Nashua Library. We believe it this is an asset that can be moved into a place and the question that needs to be answered is do we see this as a facility that provides a community resource and maybe just meets that without impact to the city budget. I believe we can get there. Or do we see this as something further than that? And that's obviously a question above our pay grade. That is a question for the Board to see where we'd like to bring it but we're happy to answer any questions.

Chairman O'Brien

Thank you, Ms. Kleiner. Are you finished?

Kim Kleiner, Administrative Services Director

We are.

Chairman O'Brien

Ms. Kleiner thank you for your overview with the Court Street Theatre. I'm going to accept that and can we also get a copy of the slide presentation for the record. So therefore without exception, I'll accept the overview of the Court Street Theater and also the slide presentation and we'll put that into the record this evening.

But Miss Kleiner, thank you so much. I just gave a quick perusal of looking this. This is quite comprehensive and thank you for that. The reason I asked that you came before this board, you have more than covered some of my concerns. But I come to find out and looking at it, the history of the Infrastructure Committee somewhere the name has been changed and as you may recall, past was lands and buildings. When the question did come up of the Court Street facility that is municipal property, so which committee would that come under? I'm assuming that it will come under the former Lands and Buildings which is now known as Infrastructure. So I'm going to throw it out there to the rest of the board, besides the questions, and to open up a discussion. What do some of the board members feel to have some form of communication Miss Kleiner with your principles? So as you work to maintain this asset to the community, I have an affinity to it. I'll say that is not my picture on the horse drawn apparatus. I came much later but just thing is to have that communication with the Infrastructure Committee so that in case something came up in the future that the board knows - the committee knows - exactly what's going. So any Aldermen have any particular thoughts of that and open up the floor to questions to Director Cummings and her crew? Alderman Lopez.

Alderman Lopez

Yeah to Director Kleiner. I want to thank you for all that - well and Director Cummings as well. I want to thank you for your attention to the theater not just because it's in my Ward and I happen to go there a lot but because when we were discussing the performing arts center, it was central to at least my decision making that we needed to preserve the assets that we had in the city. We need to make sure that the community theaters were being supported not just because we need to respect our heritage, we need to respect the creative process, but because practically speaking it's important if you're going to cultivate a culture of enthusiasm of art enthusiasts who would patronize the Performing Arts Center and support it as taxpayers also need to make sure that they have the community art experience and that they are able to experience, you know, shows with their family. So, to me, the Streeter Theatre has always been interwoven with the success of the Performing Arts Center.

I know I have communicated with you regularly on issues regarding tenants, regarding the upgrades to the roof, the capacity of the theater downstairs, different updates to the plans, and you've done a great job of keeping all that moving even in the middle of a pandemic and even in the middle of all of the other political priorities. That project is continuing to receive attention. With that being said, there are some areas and there's some concerns in the immediate area. I just wanted to get some updates on. The first is there have been recently a number of complaints about traffic down the one way street and I'm wondering how if we start to see more patronage of the theater, we're going to address vehicles potentially going the wrong way down the one way street. I wanted to get some input into whether the projections for revenue take into account the reduction of seating capacity, whether we're charging the same amount to rent the theater out, or whether we're taking into account that change.

And then finally, I was wondering, there have been some pictures circulated and while I'm pleased that there's so much positive reporting on revenue projections, and financial stability, and investment in the infrastructure, the pictures were of the courtyard so I was hoping that you could update us on the progress of the library project, which is adjacent to that.

Kim Kleiner, Administrative Services Director

Thank you. So I'll start and hopefully I remember all your questions. I'd ask Mr. Dugas if he's heard of the concerns around the traffic. I have not heard those concerns.

Ross Dugas, Loss Control and ADA Specialist

I have not had any of that conveyed to me as well.

Alderman Lopez

So that may be actually more Director Cummings because I was working with the Streets Department.

Kim Kleiner, Administrative Services Director

Okay.

Alderman Lopez

But streets, seats, and then the courtyard.

Kim Kleiner, Administrative Services Director

Sure. At any time that tenants, and that's speaking directly about tenants, have concerns, I think they're very good at reaching out to Mr. Dugas or Ms. Deshaies and we certainly try to handle those very quickly. As far as the project with the library and Court Street, I would defer to Director Marchant who is handling that project. And then as far as the revenue projections, we're hoping that we see the shows come back. Now I have to qualify that to say that as with schools or anything else, COVID is still substantial in our community. So we have already had some cancellations. So that's a moving target and we certainly have to take that into consideration. Shows that have been cancelled are currently being rescheduled. So we hope that that will be the case. You didn't normally see a totally sold out but yes, the change in sitting will have some impact on those projections and that was decided after the projections and the budget had been set in the best interest of the community once we hit substantial transmission.

Alderman Lopez

Okay and I didn't mean to put you on the spot. I've never asked you a question that you haven't had an answer for, but particularly the revenue projections. I think the theater itself and its purpose and its role in the community is very important for Aldermen to understand and I think we might need to be creative in terms of making sure that the books are balanced. But I also think that a lot of work has been put into the theater over the last year so that we have yet to see benefit from. So I'm hoping we can mitigate the risk in the community that the efforts that you put into more safely operating will still make it possible for, you know, people to use it. I look forward to additional input on the other two questions.

Chairman O'Brien

Director Kleiner.

Kim Kleiner, Administrative Services Director

We agree, Alderman Lopez. Certainly as groups reach out if there are dates available, you know, we would encourage groups to reach out to us for use of the theater. We also are working very closely with the Mayor's office and other community members to see what ideas they may have for use of like the Black Box Theatre. I think it's important to look at the opportunities but it's also important to look at the infrastructure of the building and to realize that there are needed improvements to any asset that the city has. We realize that, you know, this year there was the roof that was expensive, but not anywhere near what we thought it would be which was a tremendous help. So as we had put away \$725,000, the roof contract came in at about 268 when in final negotiations, and we believe it's going to be a little lower than that with final billing. So I think we've done a really good job at handling the immediate things that need to be done especially when you consider life safety.

Alderman Lopez

If I may, Mr. Chair. I would just echo that the roof was a major problem and its improvement and the attention to it is a huge success for future shows. And it was a safety concern as well and I'm glad that we addressed it. I think more in terms of quality and presentation and the crews that are working on the stage in advance of shows, you know, that the work that has been put in is going to be very much a benefit when we're able to get up and running.

Chairman O'Brien

All set Alderman Lopez?

Alderman Lopez

Yup.

Chairman O'Brien

Okay. Let's go to Zoom. We have in the que Alderman Clemons.

Alderman Clemons

Alright. Thank you, Mr. Chairman. I appreciate being called upon. So Director Kleiner and I are very familiar with at least one aspect of the building and that's the Liquid Therapy part. That's because we've been working together with the tenant there too on a couple of different things.

So I have a question. In the revenue that you presented, is the taxes that are paid by that company included in that revenue?

Kim Kleiner, Administrative Services Director

Great question alderman Clemons. They are not.

Alderman Clemons

Is there a reason for that or?

Kim Kleiner, Administrative Services Director

So we're accounting for the revenue that works through Administrative Services and the taxes, as we all know, get paid through the Tax Collector. We did not consider that. We're considering the rent and the events that fall through our division.

Alderman Clemons

My question to you would be would be the following - and maybe we can work on this. Would you appreciate a revenue fund that took those taxes and earmarked them to that building?

Kim Kleiner, Administrative Services Director

Yes so I think we certainly have to look at that when we're looking at total revenue that the building brings in versus the expenses. I would say that, you know, first of all Liquid Therapy has been wonderful to work with over the past few months. They have been very helpful in reaching out to us with many great ideas. I do think that they are providing a substantial service there and working with them on the utility transfer has been really easy.

Alderman Clemons

No I definitely agree. My opinion is, you know, that on those taxes is it's a weird State law. So I don't know if a lot of people know but essentially what it is, is if a city rents out any space in a government owned building that's to a for profit company, they have to pay the equivalent property taxes and the city collects those. So it's sort of a backhanded way - it's a sort of a backhanded way of charging rent and it's a State law. My opinion of it is not very high. I think a city should be

able to determine what they want to do in regards to that. But with that being said, we are collecting taxes from that entity and I feel that that money along with all of the rents and everything else should stay in that building. So I'm going to look to see what we can do to create a fund that keeps that revenue in that building even if the expenses outweigh the revenue, at least there will be an accounting mechanism to show that and we'll know for certain that our tax money, and rent, and things like that are staying there and are going back to the investment of the building. So that's something that I intend to do hopefully next term. Thank you for coming in presenting and I really appreciate everything you've done with the building.

Chairman O'Brien

Okay. We now have Alderman Klee before you, Alderman Jette, we have Alderman Lu, and then we'll have you Alderman Jette.

Alderman Klee

Mr. Chair, I don't mind deferring to one of the committee members if you would rather.

Chairman O'Brien

It's open discussion but if you want to defer it, I'll leave it up to you.

Alderman Klee

I'll be respectful to committee members.

Chairman O'Brien

Okay, Alderman Jette.

Alderman Jette

Thank you. Thank you Alderman Klee and Mr. Chairman. So, I remember talk about the large theater that we couldn't rent that out. The Fire Marshal said that we needed a sprinkler system. Have we ever done the sprinkler system?

Jay Hunnewell, Manager Building Maintenance

Yeah, I'll answer that. Again, Jay Hunnewell, Building Maintenance Manager. Yeah, in 2020 we had a sprinkler system upgrades and fire alarm system upgrades for the entire building. So now the large theater and on the main floor and the former Black Box Theater that is unoccupied is now fully sprinkled. So these areas, you know, the building safety department can sleep at night knowing that we are fully sprinkled. When you have 277 people in a theater that did not have a sprinkler system in it, it was a little unnerving. So that's all set on the main theater and now you have opportunities to do other improvements into the building now that it's fully sprinkled and has a fire alarm system. It would be at the will of the board or the committee.

Alderman Jette

Okay. Thank you. So that brings up another question. What more work needs to get done...

Alderwoman Lu

We cannot hear anything.

Alderman Jette

Sorry?

Chairman O'Brien

Continue Alderman Jette.

Alderman Jette

So what more work needs to be done on the building to - I know at one point it was really in need of the sprinklers and needed the roof. What state is it in now?

Jay Hunnewell, Manager Building Maintenance

Okay. So I'm just going to go off of memory but included in the packet is a property condition report which will show you some of the deficiencies and kind of grade the deficiencies. But, you know, envelope upgrades such as glazing, exterior windows, they're very old. That would be an area for an improvement on the building envelope. Possibly some repointing of the bricks and then you get inside the building and now we're talking cosmetic things such as painting, and floor covering, and really finishing the Black Box Theater to whatever the desire is or the vision is of that space. Mechanical upgrades as well – HVAC. Some of those systems are original to 1972 when the addition was put on and we're just kind of babysitting them along. So for occupancy, you're going to have some mechanical, electrical, and plumbing upgrades that are going to be needed. That's all driven by the desire of or the vision of the building.

Alderman Jette

Thank you. So I understand the concept that this is a community resource, you know, much like a park, or soccer fields, and whatever. It's for the, you know, the general good of the community. But has any thought been given to, like a lot of communities support their performance centers with friends of the Court Street Theater, for example, where people will solicit donations from people and people make contributions to help defray the cost of maintaining these facilities. Has any thought given to that?

Chairman O'Brien

Director Kleiner

Kim Kleiner, Administrative Services Director

Great question Alderman Jette. So I'll say as someone who spent most of my time as a child in the Arts and Science Center, I believe that there are a number of opportunities that we can look at. Most recently, the Mayor has called together a group of us that work very closely with the building and the tenants, as well as we met with the Director of the library, and a couple of community members, and he's asked us to look into those types of questions as well as to just begin to research what other uses the community may look for it in this building. So we've only initially had, you know, one meeting but we're getting that underway. So I would like to see something of that sort because I think it holds some value. I know that when it was the Arts and Science Center many years ago, there were a great number of people that held it a very high esteem. You were teaching children, and adults, crafts, and arts. So there was fundraising and things like that that happened. It was important to the community and I believe that with anything like this, like the Arlington Street Community Center, things of that sort, the community will come out and assist.

Alderman Jette

I agree. Thank you.

Chairman O'Brien

Alderman Jette, I think you just opened the door for a fine drop for yourself. Support the arts.

Jim McLean

Excuse me, Mr. Chair. This is Nashua CTV.

Chairman O'Brien

Yeah I understand we're having some issues.

Jim McLean

For those folks having a hard time hearing, the chamber audio through the Zoom meeting the easiest workaround is for

you to stream the live broadcast from the city website on Channel 16 or turn your television on Channel 16. We are currently trying to work on the problem.

Chairman O'Brien

Thank you, Mr. Jim. Alderman Klee.

Alderman Klee

Thank you. Thank you Alderman Jette. You brought up some of the issues that I had wanted to talk. I do have a couple of questions and if you would indulge me Director Kleiner. You talked about that the \$63,000 to be lower than budgeted on the revenue. Do you expect that to come down? As what Alderman Lopez had brought up about the reduced seating and so on. Or do you expect that to - do I have that number right?

Kim Kleiner, Administrative Services Director

So it's for, I'm sorry.

Alderman Klee

I'm sorry. The 63,000. Excuse me, I'm confusing myself. The \$63,000 is the utilities. The expected utilities. Do you expect that to come down now that we're doing the metering that we've moved the metering over?

Kim Kleiner, Administrative Services Director

We are in the process with Eversource of the metering. So it's in the engineering phase and we hope that will go rather quickly. That could affect the utility amount that you would see which is budgeted for the entire building. Certainly to Alderman Lopez's point, it was decided after we budgeted that we would reduce the seating because of the substantial transmission in the community. That could impact the \$40,000 that we've estimated in revenue. Keeping in mind Alderman Clemons point, you do have the taxes but we have also seen that, you know, these organizations didn't have performances in 2021 and they have been anxious to get back to their performances and we're seeing healthy rentals at this point.

Alderman Klee

That's great to hear. First, I'd like to make a comment about the arts and science. When I got a tour way back at the very beginning when President McCarthy was still with us and we saw the tour, the excitement that he talked about with the arts and science and talked about this was over here, and this is over there. I could just picture it. So I'm sure at one point it was a really, really exciting place.

To the Black Box Theater. When we went down and we looked at it, there were some safety concerns of egresses coming in, and out, and so on. All of that would have to be addressed before we could even rent or do anything. I am just asking this question more for the community so that they don't think that we're just sitting on this and we're not doing anything. There's a lot of physical things that has to be taken care of before is that, am I correct on that? Is that still the case?

Jay Hunnewell, Manager Building Maintenance

Yeah, Jay Hunnewell here. I would agree with that. I think it's clear amongst us in the group that, you know, the upgrades that we've made is a step in the right direction. But yeah, we still have a way to go to make it code compliant, ADA compliant, egress issues, a design. Some kind of a design needs to come forward to really develop that space. So yes, it's gonna take a while for that to be ready.

Alderman Klee

It was quite an interesting space when we took a walk through it. Even the seating the way it was and so on. But I look forward to that in the future.

And the other question I had about the calendar. You talked about the calendar. So they start in January. They have until March to get everything in. So does that mean your calendar actually goes from like April to March? Is that the way it would work?

Kim Kleiner, Administrative Services Director

Ms. Veino handles the calendar and has for a number of years. So I'm going to defer to her.

Diane Veino

Hi. Diane Veino. The calendaring process - the calendar for Court Street starts September 1<sup>st</sup> and goes through August.

Alderman Klee

Thank you.

Chairman O'Brien

All set Alderman Klee?

Alderman Klee

Yes, thank you so much Mr. Chair.

Chairman O'Brien

Via zoom next would be Alderman Lu. Alderman Lu before you speak can you identify yourself, where you are, and if you're alone. The usual caveats that we do with Zoom attendance.

Alderwoman Lu

This is Elizabeth Lu. Ward 6 Alderwoman. I'm home attending by Zoom and I'm alone. Is that enough? And you can hear me?

Chairman O'Brien

We can hear you loud and clear. Continue, please.

Alderwoman Lu

Thank you. First I want to just mention that I've learned by attending on Zoom that it makes a lot of difference when people speak directly into those microphones and not look to the side. I think that makes all the difference. I think that's what was happening earlier. But thank you for presenting this tonight. A couple of questions I have actually before my question I also want to ask I'd like to say in the future. I would always appreciate having the - I'm sorry, the presentation to be able to look at it beforehand. I know last night we had a presentation in Board of Aldermen meeting and as it was being presented, it was highly seemed technical, we got handouts and I was never able to follow along. If the - I know there's a word for it. I just can't think of the type of presentation this was. If it could be sent like ahead of the meeting just to get an idea of how to interpret those graphics that would be helpful.

So looking at the information, I see that the report that's being presented was done in, I guess, early 2020. And for instance, the roof is still being identified as being pending. I know about two months ago when we spoke, I thought there was a stage a second phase of roofing that still needed to be done. But is the roof done now and are there any other items that are on the checklist of need to be done that actually have been done already? I think, yup.

Chairman O'Brien

Alderman Lu - we have extreme difficulty in hearing you. Is there something on your end?

Alderwoman Lu

I don't know. Can you hear me better now?

Chairman O'Brien

No you seem to be very low in volume. Are you speaking into a mic?

Alderwoman Lu

Alright. I'll just pass and I'll ask these questions.

Chairman O'Brien

Okay. Director Kleiner did try to interpret a little bit. I think she has some information for you so I'll turn it to Director Kleiner. One of yas will speak.

Kim Kleiner, Administrative Services Director

No Director Cummings has assisted with this building. Of course, he's handled though he's handled the whole Liquid Therapy. So if I understood you correctly Alderwoman Lu, I think what you're speaking to is included in the agenda was an original report that was provided to the Board on February 2. There was no presentation given at that time. It was just a report that we were asked to provide. What we did for this meeting and yes we can we can certainly look at trying to get things out in the agenda so that you have time to review them. Our apologies on that but what we did for tonight was we took that report and we updated it. So we will get that to you because members of the Board in the chamber have received that and that's what Alderman O'Brien was alluding to at the beginning that he needs the presentation and the updated report for the minutes.

To your next question which I believe was about the roof. The roof is complete at this time. So no there is no further work required to the roof other than some just inspections and last minute billing.

Chairman O'Brien

Thank you Director Cummings. Thank you Alderman Lu. I know I did it again. You know what it is, I got the bloody parking studying on.

Kim Kleiner, Administrative Services Director

That is not us.

Chairman O'Brien

So please, please excuse me. I'm trying to erase the parking from my mind here but I apologize and thank you for being a good sport. Are you related to Tim? All right carrying on though, I went fishing, baited the hook, threw it in the water, and nobody nibbled. I heard a lot of questions but none of the answers came back to my questions. I'm going to refer to my Co-Chair of PEDC who basically I think this comes under you because of the economic development of Court Street comes under your perusal as well as, you know, infrastructure. Director Kleiner jump in. When would it be adequate to, you know, I want to give Court Street the proper due to the public. That the information can get out there and I'm willing to share any moments that we can on my schedule with infrastructure. I'm sure Alderman Tencza would do the same with his particular committee and we can hold joint meetings. So Alderman Tencza what would we think we'd be looking at to be adequate with updates on this - quarterly or bi-annually? That's the stimulus I want to get into this conversation right now. Does it have to be as inclusive? Maybe something that we cut tonight would be good annually, one annually, but at least just an update. We don't need to know that Mr. Jay is changing the lock but any type of a briefing on capital type of things. So you want to jump into that Alderman Tencza.

Alderman Tencza

Yeah, if I may, Mr. Chairman. I think it's a great idea maybe to have joint meetings not just on Court Street. It was probably timely with the art center, performing arts center, coming online too. I would say bi-annually would be a good place to start for joint meetings between the committees just to get an update as to what's going on, and how things are

progressing, how we're utilizing these two assets that the city has moving forward. So thank you for bringing that up. I think it's a good thought.

Chairman O'Brien

Director Kleiner who used to be known as Director Cummings do you agree? Do you agree that bi-annual could work on this particular thing?

Kim Kleiner, Administrative Services Director

Yes.

Chairman O'Brien

Thank you for that because I think part of the questions from the public, they didn't really get, and what is your format to discuss it? I think between our two committees more than willing to share this and get the proper information out there. This is for the public benefit and like I say, I have an affinity to any old fire station so this would be good.

Alderman Lopez

With respect to the committee's responsibility for overseeing budgetary items relative to lands and buildings, I agree. We should definitely have that periodic report here. But I was I would also recommend that in the interest of maybe moving towards Alderman Jette's recommendation, and I know Director Kleiner and I have had conversations in this general area in the past, it might be a good idea also to report periodically to the Nashua Arts Commission because that commission is made up of representatives of a lot of different arts organizations. It might support use. I was just thinking as we were presenting that hopefully we included the Court Street Theatre and the art week that City Arts Nashua has had underway because there are unrented artists loft spaces where there may be artists in the city who are looking for a space to do their work. If they know about it, they can participate and that increases overall revenue.

Chairman O'Brien

Director Kleiner, please.

Kim Kleiner, Administrative Services Director

So Alderman Lopez I totally agree. So I think what we have now is some conversations beginning to happen between the Mayor's office, between Director Cummings' office, us, hopefully members of the community, our tenants, and the more discussion we can have and the more people that we can approach to get those ideas, I totally agree with you. It's in the best interest of the building, the space, and the future growth. I think the Arts Commission's a great idea.

Alderman Lopez

There's a lot of musical groups that are represented there and maybe some of them want to do recitals or shows. They just didn't know that it's open.

Chairman O'Brien

Director Cummings if that's your name, did you have something to add?

Tim Cummings, Economic Development Director

I do. Thank you Mr. Chairman. Tim Cummings, Director of Economic Development. If you're having this conversation, I just want you not to forget about the Keefe Auditorium and you may want to consider also including the Keefe in this type of conversation. It will be turned back over to the city at the end of the school year in 2024. We are getting ready to go out for a study right now with an architectural firm to look at an adaptive reuse of that building. We know the Keefe is near and dear to the city's heart. So if you're going to be doing Court Street, you might also want to keep that in the back of your mind.

Chairman O'Brien

Okay and you bring up a very good point because that was property of the School Department. With the vacancy of the Elm Street School itself, it will revert back to the city. So Director Kleiner do you agree with that? That could be covered to this as far as the general thing – the auditorium, Court Street, and Elm Street together in the future. Is that what you're asking Director Cummings?

Kim Kleiner, Administrative Services Director

Yes, I would agree with Director Cummings. You really need to look at it. You can't look at these assets in a vacuum. You need to look at the overall community needs, the community wants, and how we can fulfill them, and what asset is best to do that. I think they all serve a purpose. I think in different spaces for different types of venues.

Chairman O'Brien

Okay, very good. And Director Cummings when would that ballpark – well it won't be for several - we won't be taking that over within a calendar year.

Tim Cummings, Economic Development Director

Calendar year 2024.

Chairman O'Brien

24 so there's some mileage to go before that. Okay. But it's something for the committees in the future. Further questions by any of the Aldermen?

Alderman Lopez

Just to clarify the process Director Cummings because I know this is pretty important to residents in the area. The 2024 turning over of the Keefe Auditorium is anticipated but not like committed, assuming a lightning bolt doesn't land on the brand new school or something.

And then additionally, the proposal you were talking about was for a study to look at the space not a commitment of specific ideas or anything like that. It's more like just let's start thinking about planning.

Tim Cummings, Economic Development Director

Again Tim Cummings, Director of Economic Development. We currently have and it will be coming before the Finance Committee on November 3<sup>rd</sup> a contract to study the feasibility of the Elm Street Middle School and the 11 acres that that building sits on. Part of that, it's called out specifically that we want to pay special attention to the Keefe Auditorium because we understand that it's an asset that the community has strong sentiments towards. There's going to be a lot of capital needs for that building if we're going to maintain it as a standalone. So whether we because the mechanicals are all tied into the building, so we're gonna need to strategically address how we want to handle that moving forward and have a plan in place for when the building does go dark. This is the beginning of that conversation. It's probably going to take a couple of years but I would rather have that conversation started now so there's some understanding and some plans underway.

Chairman O'Brien

Thank you. So without objection of the committee, I'll work with Director Kleiner to come up when to expect, you know, I would say a bi-annual report, maybe, you know, every six months but June's busy. We're all going to be tied up with budget. So, you know, I think we want to avoid that. I know being on the Budget Committee, some of us don't have a life in the month of June until we get that etched in stone. So that being said without objection, I'll work with Direct Kleiner to come up with a bi-annual schedule. We're going to have probably some fraction of a new board that will meet and convene as with our process with the elections in January. So we'll coordinate it with something like that and we'll shoot for that and then we can get in some form of schedule with this without objection.

Alderman Jette

Thank you, Mr. Chairman. It's a small detail but bi-annual would mean once every two years. Semi-annual would be every six months.

Chairman O'Brien

I think they know what I mean but thank you so much. Semi-annual. Bi-annual would be, yeah, thank you. I'm having a tough time. Did I have a stroke tonight? I don't know.

Alderman Lopez

Since you're here Alderman Jette, can you explain bi-weekly?

Chairman O'Brien

Usually I'm better but thank you Alderman Jette. Good? Any other further questions? All right, we'll shoot for that. I thank you all and thank you for the report. It's what was needed and everything else. So thank you.

All right. Moving right along. We do have on the agenda I'm going to introduce Community Development Division Director Sarah Marchant and the Planning Manager Matt Sullivan. Please come forward and take the hot seat. You can come sit down.

- Inclusionary Zoning Ordinance Work Session

Sarah Marchant, Community Development Director

It's mostly on the screen too. So our consultant is on the screen. Do you want us to come sit around the horseshoe?

Chairman O'Brien

Well whatever you feel comfortable. You're welcomed. We usually don't allow members of the public but where you are municipal employees testifying, we will allow that.

Welcome this evening to the Joint Committee on Infrastructure and Planning and Economic Development. Can you please each introduce yourself, and your title, and go from there with your presentation. So welcome.

Sarah Marchant, Community Development Director

Thank you very much. Sarah Marchant, Community Development Director.

Matt Sullivan, Planning Manager

Matt Sullivan, Planning Department Manager.

Tim Cummings, Economic Development Director

Tim Cummings, Director of Economic Development.

Sarah Marchant, Community Development Director

Good evening. I'd also like to introduce Jeff Levine who is part of the RKG team working on the inclusionary zoning ordinance with us that we're here to talk to you about tonight. This is a follow up from the meeting we had just over a week ago on the 19th, which introduced all the basic standards and ideas from the feasibility study that we talked about previously to put in place the inclusionary zoning ordinance. Again, Jeff Levine is joining us via Zoom and will help walk us through a quick overview of the ordinance which you have in front of you. Then I'll turn it over to Matt Sullivan.

Jeff Levine

Can everyone hear me?

Sarah Marchant, Community Development Director

You're a little bit quiet.

Alderman Klee

It there appears to be some issues with Zoom.

Alderman Lopez

Is the volume all the way up on my computer?

Alderman Klee

Yeah, it is. It's just something with the Zoom. They've been trying to fix it back there.

Jeff Levine

Let me try this. Does that work any better?

Sarah Marchant, Community Development Director

Yeah, that is better.

Jeff Levine

Okay, great. Zoom was on auto adjust. So thanks very much. My name is Jeff Levine. I'm a Principal of Lean Planning Strategies and a faculty member at MIT's Department of Urban Studies and Planning. But most of my career has been in local municipal planning. Most recently, the Planning Director for the City of Portland, Maine, where I worked on an inclusionary zoning ordinance in 2015 that the city adopted and has had in place for six years now.

So what I thought I would do is walk through the proposed language and the chart that came out of the RKG study and then I'm happy to answer any questions you might have. The text of this ordinance is really put together from a lot of the best practices I've seen in my career from various communities. But a lot of the pieces really came from the parts I really liked in different ordinances, so it's nice to be able to sort of start with those pieces.

The ordinance really has six sections in it would replace the existing section 190-48 of the city Code. The first section really just outlines some definitions. Terms like what does it mean for a unit to be affordable. That's really separate from what income level it would be affordable for. That's something that I always try to emphasize. You can have a unit that's affordable for somebody making twice the median income, but that doesn't necessarily accomplish the policy goals. So first, you need to define affordable as a certain not requiring more than a certain percentage of a household income. In the case of rental housing, it'll be 30% of the income which is a pretty standard practice. For homeownership, it would be 33% of the maximum income. Pretty similar. Some communities use 30% for both and that's really pretty similar to what you might need to have in order to qualify for a mortgage in any case.

Then it emphasizes that affordable housing is housing that's priced at levels that are affordable for households at certain incomes - both in terms of what the cost is but also that the household has to meet that income test - has to be at or below that income level. It ties in the area median income amounts, which you heard some conversation about earlier. To your what's called HUD metropolitan fair market rent area "HMFA" for Nashua and that's to tie it into a nationally practice standard in terms of how to determine what a median income is and create that baseline. There are two other definitions in there that aren't necessarily as important. Things like what is an ownership housing unit? What is a rental housing unit? Sometimes you just do belt and suspenders to make sure that the terms are defined when in doubt.

The next section really goes through the chart and it outlines the chart that was developed by RKG and city staff, which is at the end of the code. So I'll scroll down to that since that's where we are right now. You'll see Table 48-1. You'll notice that it actually has two different versions. So hold that thought for a second. I'll come back to that.

Sarah Marchant, Community Development Director

Oh, Jeff we can't see what you're sharing.

Jeff Levine

Sure. Does the does the Committee have a copy of the ordinance?

Sarah Marchant, Community Development Director

Yes. They do have copies in front of them. Yes. If you want to share your screen, you're welcome to as well.

Jeff Levine

Okay. Let me let me see if I can do that. That might be easier. Yep, you got it now. Okay. Let me let me blow it up a little bit because it's a little small. There we go. Are you able to see that table now?

Alderman Klee

Yes.

Jeff Levine

Okay. My apologies for the technical difficulties. So you'll see, the chart is really divided in two different areas. One has to do with ownership housing - developments that would essentially be condominium, or homeownership, or subdivision. The secondary would be developments that are meant for rental housing. So for each of those, there are different sizes of numbers of units: less than 10, 10 to 49, 50 to 99, and then over 100. So that's sort of the basic categories that the RKG study determined met sort of different standards in terms of what could be feasible to subsidize in a development. Then for the rental housing as a separation between the downtown zones, the D1, D3 zones, and the rest of the city that isn't differentiated in ownership housing.

In general, then there's a minimum threshold above which inclusionary zoning would take effect. In this first chart, there would be the initial step until June 30<sup>th</sup>. It would apply for developments of 50 units or more in different zones. The percentage of units that would have to meet certain maximum income levels and certain maximum prices are stepped based on the size of the development. The idea being that as development gets larger, it's more able to internally subsidize units that it won't be necessarily as profitable. So for 50 to 99 units for ownership housing as one example, it's 15% of the units, and then at 100 units or more, it's a 20% of the units. Those units are in two different tiers. You'll see in the next column over. Tier one, which is one income level. In this case, 80% of median income or below and tier target 2, which is 100% of median income or below. So you have a certain percentage overall of units and then some of those have to meet different target income levels or below. There is also sometimes obviously in the math of this fractional units. The question is what do you do with a fractional unit? In general, you're allowed to make a payment in lieu of a partial unit and that would go into the city housing trust. In a few cases, you might be able to have the option of making that payment in lieu of all the units. That's actually a fairly common practice in a community that adopts an inclusionary zoning ordinance for the first time in order to provide some flexibility, and your case, really for the downtown areas.

Finally as part of this math of making this internal subsidy work, there's a density bonus that's provided. For every inclusionary unit, you can provide more market rate units and that bonus density ratio is in the last column. In the ownership housing units, for example, for every inclusionary unit, you'd be able to provide two more market rate units. I mentioned earlier that this chart has two versions. That's because often times communities will phase in an inclusionary zoning requirement with the understanding that developments have been taking place. It's the idea to give a developer some fair warning that this might apply to their development. In this case, there's two versions of the chart. I'll scroll down to the second one that would take effect on July 1, 2022. The primary difference there is that the threshold under which inclusionary zoning would apply would be 10 units or more, which is pretty standard for a community adopting a new inclusionary zoning ordinance. So until July 1<sup>st</sup> if a development had less than 50 units, it wouldn't be subject to inclusionary zoning and then after July 1, 2022, it would apply in cases of 10 units or more.

Going back up to the text of the ordinance, there is really only a few more details to walk through and then I'm happy to answer any questions. This word terminology about things like how long would a unit have to be affordable for and in this case, there's a sort of generally established best practice to try to ensure that the units are affordable for as long a period as legally permitted. I think that those of us who work in the planning and community development fields now have spent a lot of our career working on developments that had a 40 or 50 year restriction back in the '60s and '70s when 2010 or 2015 seemed like a really long time for them and if it wasn't. At least it wasn't for us because we spent a lot of time figuring out how to retain that affordability. So an emerging best practice is to try to keep these units affordable as long as possible. The good news is that without getting too much in the weeds as a bank, or a finance, or underwriter

development, they're not necessarily looking at 60 or 70 years out. They're really looking at the first 30 to 50 years. So to some extent, it's not really that big an impact in many cases on the financing of development but, you know, our descendants will thank us.

Finally, the idea that there shouldn't be some sort of poor door or separate entrance to required affordable units. They should be integrated into the development if they're on site and that the number of bedrooms in those units should generally be consistent with those of the market rate units. There is some flexibility in terms of unit size, but not to the point where the units can be categorically different from one another.

Finally, there's some language about project phasing - if a development comes in in phases how to handle that. Generally speaking, that the requirement is that as the project comes online, the affordable units have to come online roughly in proportion to the market rate units.

Then finally there's a section that explains the density ratio some more, which I'm happy to go into if there's more detailed questions about that. I think with that I'm happy to stop sharing and see if I missed anything or if there's any additional questions.

Chairman O'Brien

Thank you for your presentation. Questions by members of the board?

Alderman Jette

Thank you, Mr. Chairman. Mr. Levine I don't know if you heard the people who spoke at the beginning of the meeting and the public comment period. But there were several people who spoke about making the target income levels 60% instead of 80%. Could you talk about that and give us your insight into that?

Jeff Levine

Sure. I think, you know, there's a couple of different ways to look at that question. One is a very practical consideration, which is the percentages that are recommended through the RKG study were based on analysis of hypothetical developments and how much of the excess profit, for example, could go into subsidizing the units for which they can't collect as much rent or sale price. So that would be affected by the median income of the households moving into those units. So you know if there was a decision to lower the area median income requirements say to 60% for these units, it would probably make sense to commensurately lower the percentage required to make sure that the internal subsidy would still work. What I would suggest is that sometimes it makes sense to start with a number that maybe is a little higher than you might ultimately want to go to. The reason I say that is that, for example, when we started our inclusionary zoning process in Portland, the inclusionary zoning requirement was at 100% of median income. That was based on a number of factors, but one of them was honestly some trepidation about whether it would work or not. Over a couple of years, everybody realized it worked fine and actually they have lowered the area median income requirement in the inclusionary zoning ordinance now to 80%. So I don't think there's a right or wrong answer there. I do think if you do change that number, you should consider what it means for both the fiscal analysis and then also realize that you can always adjust those numbers at a future date as well.

Chairman O'Brien

Alderman Jette before you move on, I think Director Cummings has additional information you may want to ponder.

Alderman Jette

Okay.

Tim Cummings, Economic Development Director

Thank you, Mr. Chairman. Tim Cummings, Director of Economic Development. I think this is a really good question and a good point that is being raised. I know one that we internally discussed at length and struggled with ultimately, it's a value that this community has and as Mr. Levine noted, there's no right or wrong answer to this. My recommendation is you start at the 80% level because we are doing something new and it is going to take some time to get this market to calibrate to this. Once we get stabilized, and there's a comfort level, and we understand this, then we can look at potentially making larger strides. I think that this is a good, healthy position to take. I've seen a lot of IZ - inclusionary

zoning where it's at 120% of AMI. You just heard in Portland it was at 100%. We are definitely doing the best we can at 80% right now and I would encourage you all to go in that direction. Thank you, Mr. Chairman.

Chairman O'Brien

Alderman Jette you may continue if you so wish.

Alderman Jette

I think that kind of answers my question. I just wanted to give Mr. Levine the opportunity if he if he's willing, you know, would 60% work or does it have to be at least 80% in order to attract developers that would be interested in doing this at all? Do you have an opinion about that?

Jeff Levine

I think in general, it's best to start a little conservatively and with the analysis haven't been done based on the numbers that are in this ordinance, I would tend to agree with Mr. Cummings that it's probably best to start with these numbers. As the market adjusts, which it often does often over time land values and other factors adjust to the market, then there could be a second look at it and perhaps then lower the number. But my recommendation at this point would be to start at this 80% number and let the market adjust over time.

Alderman Jette

Okay. Thank you. Thank you, Mr. Chairman.

Chairman O'Brien

You're welcome Alderman Jette.

Alderman Lopez

I know I'm just kind of speaking, glibly here but every time someone says let the market adjusted, it never adjusts in my favor. So my first thought is if we can start high and then drop it low, I mean, high relatively, like I concede that as Director Cummings has said, 80% is lower than a lot of regional areas around us. Although the ones that I found were larger cities. So I have no idea how to compare that to a city in Nashua's position. It does seem like we could put it at 70% and then if nobody's biting, nobody wants to develop in Nashua we could raise it again. But rather than try to monkey around with the system that we're only just attempting to launch, Director Cummings or Director - actually to all three of the experts in the room I guess, would it be a possibility to create a pilot project or a short term add on to this that says okay over the next three years, there's a sunset date. We want it to be this inclusionary zoning, but companies that are willing to try to do 70% get an additional benefit and then maybe intentionally include a sunset point so that there's a sense that if a developer is willing to do it at the 70% median income level but needs a little bit of a push to do it, then the exploration of a special program might provide that?

Matt Sullivan, Planning Manager

I'd be happy to respond. Matt Sullivan, Planning Department Manager. I think it's important to recognize as well that we have an existing inclusionary zoning ordinance in place and it's been placed for quite some years. The reason that that ordinance has not been taken advantage of, if you will, by the development community is that it doesn't provide adequate incentive for the income levels that we're talking about here. The current inclusionary zoning ordinance includes density bonus for what we're calling the 60% level right now. We have never seen the ordinance used as part of any development projects. So I would argue that the pilot project that you're referring to has already been placed for some time. That said, I do think that a regular audit and review of the ordinance we're proposing is something that we should review as a team and recommend to the Board but I do feel that that 60% income is something that we've seen already in place as part of the ordinance and we should move towards this sort of missing middle piece that's been identified as part of the 2020 study.

Alderman Lopez

Okay. So you're saying that there wouldn't be any actual advantage to an additional program on top of the ordinance we're doing because we've already tried it and it's not successful?

Matt Sullivan, Planning Manager

I would say that and I would also say that one of the other issues with the existing ordinance is that it's incredibly complex. While it provides a large sliding scale, it's very complex and it's difficult to use in that manner. I think the further level of complexity it would provide to the proposed ordinance, we potentially lose the effectiveness of it moving forward.

Alderman Lopez

So we should not try to staple a giant coupon onto it.

Matt Sullivan, Planning Manager

Agreed.

Alderman Klee

Thank you, Mr. Chairman. I'd spoken to Matt earlier before the meeting and I'd ask a question. I think Mr. Levine actually kind of answered this question. The question that I had was I know often times that when these plans are done, they put in a very small timeframe of 10 years. So when you talked about a 50 and 60 year, I really do kind of like the idea of just putting this at perpetuity and then if in future we needed to change that. But I think keeping an eye toward perpetuity is something that's really important. 50 - 60 years goes by literally, and I'm 61 years old, and I feel like I was just a toddler two days ago. Maybe I was so but time does fly and I think that keeping an eye on the future is something we should look at it perpetuity and I'd really like to see that included in any of the language that is used. Being on the Municipal and County Government Committee up in Concord, I see them trying to make those windows smaller and smaller and smaller, and makes me a little anxious. You can barely get the program off the ground and suddenly you have to revamp it all. I like the auditing of every few years as was discussed to maybe bring these percentages down but I think doing perpetuities is really important to make this program work. So I just want to say that. Thank you.

Alderman Tencza

Thank you. So can someone tell me - I know that we need a number of one and two bedroom units in the city. So there's nothing in this that other than maybe market forces that would require developers to develop those types of units? Right? I mean they can decide what's economically feasible for them. It may be three or four bedroom units. Maybe, I guess, studio apartments. So with this piece of legislation, we're not trying to dictate what units are being built, correct?

Unidentified Female Speaker

Correct.

Alderman Tencza

My other question for you just as far as how the whole program works. Let's say there's a, you know, three person family and when they move into the home, right, maybe one of the people is not working and they're taking care of the child so they qualify for 80% of the area median income and then something happens and they you know, have some, you know, someone goes back to work or their income increases, are they therefore not eligible to remain in this housing? They would have to find something else and vacate for someone who's in that income bracket at that point?

Matt Sullivan, Planning Manager

It's obviously a particularly challenging piece of this ordinance but there are really two answers I think. One being under the ownership model and one being under the rental model. Obviously with the ownership model, it's based on the time of purchase and the income that's that exists at that point in time. So we've had internal conversations about just that circumstance. There's no punitive measure if the circumstance of a purchaser changes long term. When it comes to rental units, the same goes for that. If it's on turnover of the unit rather than on a regular annual basis, there's no eviction tied into what we're talking about here as an ordinance. Does that answer your question?

Alderman Tencza

Yeah, it does. Thank you. So going back to if I may, Mr. Chairman just follow up? Going back to the to the ownership

units. Obviously when those folks go to sell, they're not selling at market rate at that point, right? The maximum they could sell that is what the 80% of the AMI as at that point, correct?

Matt Sullivan, Planning Manager

That is correct. And obviously, that would be recalibrated at that point in time based on the new values released by HUD.

Alderman Tencza

Right. So they would still realize some equity for what they pay down in their mortgage and would, you know, they increase in value including the unit but not necessarily a market rate.

Matt Sullivan, Planning Manager

And we've had additional conversation to that end regarding home improvements and improvements to the property that someone, obviously that has a level of investment in their property might want to partake in, those two would be at least captured at some proportional value as part of the process once that reassessment takes place.

Alderman Tencza

Okay. So I guess one of the thoughts I had or concerns I had was that, you know, especially for renters - and I was thinking of it this way - it would be a shame if well, it'd be a shame if the landlord at some point says well your income doesn't qualify, so I'm going to jack up your rent by \$600 bucks a month. That doesn't seem fair or in line with what we're trying to do but okay. So that that makes sense. Is there any sort of yearly qualification for folks once they become eligible for or start renting?

Matt Sullivan, Planning Manager

So the qualification or the administration really comes at the time of transference, although we would have an administration of those units and we're talking about how we actually accomplished doing that. But it's really critical at that time of either a changeover in lease, or again a purchase, or conveyance of a property through the ownership process. But we would be regularly monitoring particularly for multifamily developments that the number of units are being maintained and development overall. So that concern that you have about a landlord that suddenly increases the rental price of a unit, they'd still be required to provide the number of units originally mandated under the ordinance as part of their development in perpetuity.

Alderman Tencza

Thank you.

Alderman Jette

Thank you, Mr. Chairman. So I'm embarrassed to admit that I didn't realize that we already had an inclusive inclusionary zoning ordinance. And so what is being proposed is going to replace the current ordinance and replace it with this one? Okay. The biggest change is going from the 60% target to...

Unidentified Male Speaker

I think there are a few critical differences between the existing ordinance that we have in place. The existing ordinance has a wider range of income controls I would say and that's what I was speaking to earlier in that it does have a lower income component to it. Additionally, it has very strict control periods between 20 and 30 years on that affordability that this ordinance does not. This ordinance contemplates a perpetuity protection of that purchase or rental price. Additionally, I would argue that the existing ordinance is not a revenue neutral ordinance. I think we're seeing that in the sense that we have not seen the development community take advantage of the existing ordinance. It is not an adequate enough carrot, if you will, in exchange for the stick of the affordable units. So I think there are several differences and the last, I would say, is general (inaudible) that the existing ordinance is incredibly complex. I would argue it's far more complex than what we're proposing here. So those I think, are the functional differences.

Alderman Jette

Okay, thank you.

Alderman Klee

Thank you again, Mr. Chair. Kind of piggybacking on what Alderman Tencza said and you may have answered this and I just missed it. I had a friend who had a similar type of condo in Chelmsford, Massachusetts. When she sold it, there was a maximum amount of profit that she could make when she sold it and it depended about how many years she had owned it and so on. Is there something similar to that built in or is that all just part of the HUD? Because I do remember hers was a HUD type of deal going on.

Matt Sullivan, Planning Manager

I wouldn't describe it as a maximum amount of profit. I wouldn't use those terms, but there will ultimately be a maximum sale price that's involved based on what the area median income is at the time of sale. So I wouldn't phrase it as a profit but certainly there will be restrictions on the sale price.

Alderman Klee

May I follow up, Mr. Chair?

Chairman O'Brien

Follow up.

Alderman Klee

In her case if I'm remembering correctly, they bought preconstruction. So obviously, there was something. It was a very, very good deal on that. Then when she sold it I think six years later because she held it less than 10 years, she couldn't sell. It was like not even what the maximum - it was very quite bizarre I remember. It was the first time I'd ever heard of something like this. But obviously, this is similar to what we're doing here. So that's why it asked that kind of a question. So do we have a time limit if you owned it for 5 years or 10 years? So if you sold it the next year, would this be whatever the maximum HUD allowable sale price would be?

Matt Sullivan, Planning Manager

Under the current draft of the ordinance, we have no such timing restriction proposed. So ultimately, a property owner could choose to move on from the property within a year of purchase but they would be held to the sale restriction that I was referring to earlier.

Alderman Klee

And that particular property if resold didn't necessarily have to be sold at the lower rate as long as they maintained it? I think you said that within the structure had to have X number of units, is that correct?

Matt Sullivan, Planning Manager

At the time that the property would be sold to another buyer, they would be required to meet the maximum sale price at the time of that sale. That would be defined in accordance with the affordability thresholds that are in the ordinance. So they would be controlled in the sense of there'll be a maximum sale price.

Alderman Klee

So if may ask for clarification, Mr. Chair. The question is that particular unit will always be say it was a condo. The best way I could describe it. That particular unit would always be at a fixed rate. It doesn't matter?

Matt Sullivan, Planning Manager

Yeah, it would be. Yes, the short answer is yes.

Alderman Klee

Okay. Thank you.

Sarah Marchant, Community Development Director

Sorry, can I add a little bit of clarification. So an ownership model the unit it would be a permanent deed restriction and that would keep it the same throughout the whole subdivision development versus a multifamily development where there is a required number of units in any given year, which they would we would be held accountable to. Every year you would have to report in on the units meaning - so that the units in a multifamily could shift but it's a deed restriction on the property as a whole versus an individual unit.

Alderman Klee

Perfect. Thank you so much.

Chairman O'Brien

Looking for any other questions? Seeing none. Aldermen on line. See none. So I thank you tonight for your presentation. Oh, Director Cummings.

Tim Cummings, Economic Development Director

Thank you. So I'd be remiss not to talk about next steps if I could, Mr. Chairman. So I think we're at the point now where we'd be looking to file this legislation formally and it would be referred to both the Planning Board and a subcommittee of the Board of Aldermen. A public hearing would be necessary. We believe that we've done our due diligence in terms of vetting this out and we're trying to maintain a schedule to have this done before your session expires. So we would be looking to file this for the upcoming Board of Aldermen meeting on November 9<sup>th</sup>. So I just wanted to make sure everyone was aware of that and comfortable with that type of timeline. If anyone had any concerns, we would probably welcome to hear that now. But nonetheless, that's kind of the trajectory that we're on. I'd also like to suggest we'd be looking for co-sponsors. So feel free to keep that in the back of your mind as well.

Chairman O'Brien

Alderman Jette has shown to co-sponsor.

Alderman Jette

I was asking to be recognized.

Chairman O'Brien

I know.

Alderman Lopez

I'll co-sponsor.

Alderman Klee

Me too.

Alderman Jette

So I just want to point out that we were just handed this tonight. So asking us to, you know, if we have any problems with it to say so now I think is with all due respect unfair to us. I mean you're going to give us time to read it and then if we have any problems or questions, we can address them to you. But I just wanted to make that clear.

Tim Cummings, Economic Development Director

Mr. Chair, if I may?

Chairman O'Brien

Yes you may.

Tim Cummings, Economic Development Director

Alderman Jette you can take all the time in the world. But I felt it important to at least give you an understanding of the timeline that we're working on because we do have statutory obligations of deadlines that we need to meet.

Alderman Jette

Thank you.

Alderman Lopez

You can also amended after it goes forward because you have something to amend whereas right now we kind of have nothing on the table.

Chairman O'Brien

Okay. On to that vein, Director Cummings do you need me or a member of the committee to submit this legislation to have it drafted?

Tim Cummings, Economic Development Director

We're working on that Mr. Chair. I believe the Mayor will be sponsoring it and would be looking to submit it.

Chairman O'Brien

When that comes out to the committee, then following the usual procedures and will receive our co-sponsors and the like. Okay. Very good. Any other questions from the committee? Seeing none on a sad note, am I to believe that Ms. Marchant this is going to be your last appearance before this board. Seeing the creek don't rise, an earthquake, or the dam breaking, or whatever? Charles Laquidara used to say.

Sarah Marchant, Community Development Director

I believe so unless there's something else that that comes up between now and next week but yes next week is my last week.

Chairman O'Brien

I like to say on my behalf and we said it the other day at the meeting but as Chairman of this Committee, I'm sure reflective of all members of the Committee it was our pleasure to work with you. We respected your professionalism and the work that you did in the transit and many other different things. So it's our loss but we wish you the best of luck in your future endeavors. Good luck to you.

Alderman Jette

I just wanted to say that I agree with you Mr. Chairman and I'm sure that in the future, the Chairman would be happy to recognize you during public comment. Always welcome to come to this Committee.

Sarah Marchant, Community Development Director

Thank you so much.

Chairman O'Brien

Very good. All right.

Alderman Klee

Thank you. I want to add my sentiments to that too and please leave me the name who I have to bother while I'm sitting in my committee up in Concord. I sent her lots of emails. Okay we have this going on and how does it affect the city, so you will be missed.

Sarah Marchant, Community Development Director

Thank you all very much and I think you do tremendously amazing work in the city. It has been a pleasure to be part of the team that the city is, and I can't wait to see some of these things move forward and get finished up, and there's so much great work ahead of you. So thank you all very much.

Chairman O'Brien

Again, good luck. Thank you for your presentation. Now for our next guest. Somebody - particularly me, we've all been searching for all evening is Director Cummings.

Alderman Klee

Glad he finally showed up.

Chairman O'Brien

Director Cummings - welcome. I would like you to basically have a discussion with the committee, you know about the parking study whether we should pursue it, various different things that you got from the Desman people, and particularly Mr. Hill. So without further ado, I'll turn it over to you.

- Overnight Parking Study Discussion

Tim Cummings, Economic Development Director

Yes thank you, Mr. Chairman. For the record, Tim Cummings, Director of Economic Development not to be confused by Administrative Services Director Ms. Kleiner.

We if you recall, undertook an overnight parking study over the last year or so with a report that was given to the Board of Aldermen back in the early summer timeframe. We had a presentation I want to say in like in August type timeframe. I felt it incumbent upon myself to come back before you to have a conversation about what your appetite may be in terms of continuing the conversation. I don't think we're necessarily ready for primetime yet but and the reason why is because there's a lot of details that we still need to work through. But if there is an interest and an appetite I, you know, stand ready to continue that conversation, and to help work through the various elements that were recommended by the consultant, and continue the dialogue, and to continue the conversation. So I sent a communication to the Board of Aldermen basically saying as much. I did that specifically in the hopes to come back before the Infrastructure and PEDC Committees to have a more detailed conversation. I resubmitted the report that was originally presented to the body back in the beginning of the summer of 2021.

We do have an ongoing parking management study right now that's for the entire parking operations for the downtown area of the city. We will be continuing that initiative and that will be an ongoing project but I know overnight parking is an important issue to a lot of us here in this room so I felt it was, you know, if a priority for you all important that it maintained a priority for me and we advance it faster than maybe the parking study that is currently going. So I'll leave my comments there. I would love it Mr. Chair if we could kind of open it up for a roundtable type conversation. Depending on this group's appetite, I would then like to go through in high level detail the report that was previously given to you and tease out or maybe, you know, kind of understand better some of the more specific details. Because if we're going to continue this conversation, my next step would be to develop a term sheet if you will. I use that and that's kind of jargon but basically what I'd like to do is develop a document that highlights where I think we have consensus. Very similar to the exercise that we've gone through with inclusionary zoning and bring it back before you for your next meeting and then have it ready for legislation if there's if there's an ambition to do so.

Chairman O'Brien

Thank you, Director Cummings. Before we get started, I would like to say particularly our friends the aldermen from the downtown wards, you know, that are really affected by this in the overnight parking. The thing is, I want to make sure that I understand the difficulty that they're having particularly from the constituents. Nashua hasn't had any overnight parking in its history and now from what I understand and now we're addressing it. One phase of the study is complete and any comments that you have, I mean, if you could bring up some of your ideas such as snow removal, versus street widths, and different things. I don't want to get too deep into the weeds. I don't think there's a need right here but something that the aldermen particularly that are affected by the overnight parking in particular can have with their constituents to understand. This is an extremely complicated issue that needs to be parsed out properly because in a way - I'll use the phrase, but if the cat gets out of the bag to try to get it back, we did find out one street in particular that was allowed. Its width wasn't adequate and I don't know what we're gonna do about that but we'll cross that particular bridge when we look at it. This is why we are slowly and methodically looking at this and going through it to get it done right and I firmly believe even if we do it to the best of our abilities, we'll still have some pieces of the puzzle that need to be added. So you know, the thing is I appreciate what the downtown Aldermen are going through and I'm sure you do Director Cummings. The thing is, it's not ready for primetime yet. Any comments?

Tim Cummings, Economic Development Director

Yeah. So I think if I could just kind of jump right into it. The first question I have is should we allow overnight on street parking throughout the entire city through a permit system as suggested by the report itself? And if the answer is yes, then that would be all nine wards. If the answer is no, then my thought process and recommendation would be we would pursue this for just Wards 3, 4, 6 and 7. I need some direction. I need someone to tell me whether this is the direction we should move in will or not. How did I arrive at those wards? Because I participated in all the public participation and I have a good understanding, I think, as to where there is an appetite to have some on street overnight parking and where there isn't. But we could absolutely do the entire city if folks wanted to go in that direction. Again through the permit process that was recommended in the report, which to remind you is to create micro districts within the ward that two-thirds of those within the district would agree that they are interested in having an overnight parking program. So that's a lot right there.

Chairman O'Brien

Thank you Director Cummings and it is. So I would like as facilitate and Alderman Tencza if you could just hold, I'll recognize you first. But to facilitate, I would like to focus on discussion for expedient purposes we're now nine o'clock and we do have other things on the agenda this evening. So therefore, I'd like to facilitate to say let's talk about limiting it to the scope of Wards 3, 4, 6 and 7 because I feel there is a critical need there. Whether it comes to fruition or not is one point but the thing is that seems to be a critical need that we got to have to address. So Alderman Tencza any thoughts in focusing the conversation on that?

Alderman Tencza

Yes and so I agree I think with you Mr. Chairman. I don't think there's an appetite for overnight parking throughout the whole city and I certainly don't think that we have the resources to do it now from a personnel standpoint. In the four wards that are mentioned, I would be very concerned based on how the plan was laid out by the consultant because I think that is going to cause a lot of just, I think, a lot of tension between neighborhoods and neighbors. There is going to have to be a massive effort to educate people on how first to petition the city for parking permits on their street in the area and then what that means. I just think it is something brand new that the city is, well, I don't want to say the city has never done it because we do have some areas that overnight parking is allowed, but you know I'd hate to see the overnight parking become what it is in some other areas where, you know, parking is seen as a right, I guess, and not a privilege.

Tim Cummings, Economic Development Director

It's a really good point.

Alderman Tencza

So I don't think, quite frankly, this is something that should be rushed into by the end of the term. I think it's something that needs to be studied further.

Chairman O'Brien

Keeping on that focus, Alderman Lopez please.

Alderman Lopez

So I was going to echo Alderman Tencza's sentiments but with a slight twist. As one of the wards that's being referred to, as Alderman Tencza pointed out, we have had overnight parking. We've had it since I became Alderman and before that when it was a pilot program. So citywide, I don't know who proposed that in the first place other than the study but city wide maybe there has not been overnight parking. For a lot of the people right now in my ward who are looking for overnight parking, their neighbors have had it for years and this is something that they consider a right that's being denied to them. So that's why I particularly feel a sense of urgency because in bringing forward petitions that were brought to me by constituents, they were tabled at the Infrastructure Committee. So these are people who went to their elected representatives, asked for support, our committee decided we were going to study overnight parking citywide. So that's where the urgency comes from for people who are in Ward 4 who have seen overnight parking and don't understand why they can't have it.

I also agree with Alderman Tencza that the same system won't really work for everybody. I have some specific concerns about some of the streets that have asked for overnight parking and their physical ability to implement some of the recommendations from the study, specifically the five year commitment and specifically their barrelful of monkeys approach to you have to assemble a group of neighbors in order to create a zone. That's not going to work for some streets. Some streets have a whole bunch of public housing on one side, a whole bunch of private parking on the other, or private residences on the other, and where you could put the parking you can't. You don't have the residents. So in the denser neighborhoods, I don't think that that strategy would work. The reason they differ from Alderman Tencza is I feel like that if we were to adopt the city wide process, we could potentially adopt the recommendations that the study presented city wide because most of the city isn't going to be that invested in having it. They're not going to try to create large coalition's and if they were trying to create parking overnight in their neighborhoods in areas that, you know, are too rural to really need it, then they would need that level of community buying in and support and it would be similar to a pilot program where you'd want to try it out for five years. So in my opinion, outside of Ward 4 and the downtown areas, a lot of the recommendations may be feasible, but I don't think the recommendations for how to implement the program and operate it in an ongoing way will work downtown where it's needed the most.

Chairman O'Brien

Thank you Alderman Lopez. I would like just to say this. I'm going to recognize Alderman Klee next. But, however, it's a good segway because it does affect her particular ward. I don't want to mention the street but there was a street that was done by the pilot program that now the professionals have looked at and have said there's no way that you could park there. So this is what happens when you - I don't think there was any malice or anything else but this is what happens when you go blindly into the good night without having the experts come in and take a look. This is going to need to be addressed street, by street, by street particularly in your ward, the French Hill area. There's a lot of complex issues with that. So if Alderman Klee I do see a wave over there with Director Cummings I'll refer to him and then I'll come right back to you.

But I just want the public to know it is nothing negative. I mean I would like to push this forward and this focal group of looking at these four wards. There's the need there but at the same time, we got to do it correctly because there's got to be streets that it would be illegal - not recommendation by the professionals to park there. Where are those people going to park? So there's a lot to address. In other words, somebody that has two streets over is going to be receiving the cars at that particular street. So it's a lot to chew. So Director Cummings on that note.

Tim Cummings, Economic Development Director

Thank you, Mr. Chairman and I'll keep my comments brief because I want to hear from you. I just was going to suggest that if you don't do the district approach - the micro district approach as suggested, I don't think we're going to have the capacity to be able to execute it appropriately. We can't just wave a wand and say all of ward, whatever ward that is, will now have on street overnight parking because of the technical difficulties that will arise. We're going to need to have some sort of vetting process. It appeared from the outside that by democratizing this seemed like the right approach because therefore no one is being appointed as the arbiter of saying who gets on the street overnight parking and who doesn't. If it met the criteria, there was a community block by block interest, then we could develop a district that met that and we could proceed. I just caution everyone to do that holistic district approach. One you'll create a culture where on

street overnight parking will be thought of as a right. So that's just a tradeoff that you need to understand. And two, I don't know internally whether we'll have the capacity to make those evaluations in a timely manner.

Alderman Klee

Thank you. You've addressed kind of some of the things that I had said it as you did Mr. Chairman. My concern is: 1) I agree with the micro districting simply because I know I'm going to have streets that they need the parking because they have no driveways and they've been renting them out. Recently, I met a very lovely woman who had just moved in to her unit and said to me, I can just park here, right? And I said no. You've to get a parking permit. Oh, my landlord and that was her first day. My landlord told me I can park on the street. I said you can until midnight. You have a two hour window between 12 and six and that's it unless you have a parking permit. I can't guarantee that you can find a space on this particular street. At that point, I wasn't really sure if that street was in it. As it turned out, it was. These are some of the issues that we have in Ward 3.

Mr. Chairman you had mentioned having streets that already currently have overnight parking that may lose it. I understand and I understand that that may be a recommendation. But these are people that have been living there for some period of time. We just can't take parking. So we have to build that in whether we have to grandfather that street in and say after so much time. I don't know how we're going to do it, but we are going to have to work it.

And my big question, and I think you already answered this Director Cummings is staffing. It's going to take a lot of work and I like micro districting for a number of reasons. One problem that I have in my district, for instance, in the very clogged up Tolles Street area. There are people who have overnight parking and time after time they come home and there's no parking available on that street, or the next street, and whatever simply because a friend has come over and they have overnight parking somewhere else. In that particular area happens all the time. So I would like to see micro distinct districting and I'd like to see them have to have a permit for that district only and not just make it citywide wherever there is overnight parking. It's extremely important when a citizen comes home because they've been working the late shift, and it's two or three o'clock in the morning and they have no place to park. It's very disheartening. Or a mother with a baby carriage. I have a lot of that. They don't want to have to walk around two or three blocks. So even when we're talking and discussing these little micro districts, we were trying to keep in mind the furthest point to the furthest point. Are you willing to walk like that?

I agree with what Alderman Lopez had said about the five year issue. A lot of times renters are there for one, two, three years and some are renting houses. Some are renting units within houses. To say that they have it for five years and now they've moved out, how do you do it? Do you do it for the person who takes their unit? Do you offer it up to somebody else who might want it? I have a street and I was talking to Ms. Stanfield and I think this is a street that will be killed. I have 10 people who want an application for that street and there's only six or seven parking spaces. So this is what we're going to see more in the French Hill area.

Now my ward is very different than Alderman Lopez's ward in that I have the French Hill, which is much like the downtown area - very, very dense and then you get further out towards Rancourt, Pennichuck, Lamplighter, all of those particular areas where there's dead end streets and they just want to be able to park at the end of their street because they want to. So they're going to have a different unique ask and probably will get more yeses than those in the French Hill that need - and it's not just French Hill. It's even off of Amherst Street that we have those issues and you and I have talked about that Director Cummings. That's why I'm glad that they're going to be looking at all those one hour, two hour parking type of things in those particular areas. I do think we need to have the micro districtings. I don't like the five year kind of moratorium. If we do lose some streets, we have to think about grandfathering in and what are the alternatives for these people. We also have to talk to landlords. I'm sorry to keep going on but these landlords that are saying yes, we have on street parking. These people rent, sign leases, and there's no on street parking, and then I get a phone call. Why did I get a ticket? Or Ms. Stansfield gets a phone call why did they get a ticket? We have to address it on the landlord level too and not just on the renter. Thank you.

Chairman O'Brien

Alderman Klee thank you. That's why I'm moving slow. I don't know about grandfathering. How can one street be legal and illegal on the other? I'm not going in the weeds. I appreciate if you don't go in the weeds. You are going to be in the weeds anyways discussing this issue very shortly when it comes up. Right now like to facilitate and focus. Do we want to have a test group of Wards 3, 4, 6, and 7? On that subject, Alderman Lopez.

Alderman Lopez

I would just say that we have arbitrated this in the past. That has been a roll of the Infrastructure or Land and Buildings Committee. About four years ago, maybe five, I don't think you were the Chair at the time Alderman O'Brien but we had gone over the pilot study results. We had talked about next steps and we talked about micro zones, particularly as well. But in the context of let's make sure people are able to park near their house not in the context of zones don't exist unless they can get their neighbors to agree that they will exist. So we've used those terms differently in the past. But for all of the presentations of the addendums to the pilot study, the initial group of streets that were approved that I was present for, the first criteria for even having eligibility to physically park on the street was supposed to be DPW, Fire, and Police checked the street out and approved it. Now I know of at least one street in Ward 4. I don't know about Ward 3 but I know in Ward 4 there was a street that we determined, we discovered and I know you were on the board wasn't actually wide enough for the overnight parking that was on it. That street wasn't really impossible to resolve because first of all when you talk to the residents, and I did, they didn't want overnight parking. One of their complaints was that there was a person with an RV who was parking there didn't have a permit but because they didn't know what the process was, they thought he was supposed to be there. Ultimately that street doesn't have overnight parking in practice now. You can go there tonight and there's nobody there because when we repaved the street, nobody put the signs up. So that suggests by example that if we discover that we approved the street that was not appropriate, it's not that difficult to change. You can stop selling the permits to it, not mark the spaces out, and then if people did want them, the current system that we've used under the piloting program doesn't combine the parking spaces and the permit. It separates them. So some streets can have access to overnight parking as long as there's a nearby street that has adequate capacity. I don't think that's the same situation as Ward 3 because of the pilot study was initially done in Ward 4. So we have even still a larger parking capacity even though we have a larger need. So because only a couple of streets were approved as an addendum to the original pilot study, Ward 3 may be in a different situation than Ward 4 where they have people who can't park anywhere near their houses or because other people are coming to visit because there isn't enough capacity for the people in that neighborhood to actually park.

So that was kind of where I thought the parking study would be looking is what neighborhoods actually would have people apply for overnight parking? What neighborhoods have the street capacity to put it on their street? And what does that look like? A lot of the suggestions that we looked at from the feasibility study, it's not exactly what I anticipated the study presenting. The current system that we have at least makes it so that you can decide whether or not you're talking about a car parking on the street or whether you're talking about a person being eligible to apply. So for Director Cummings as a recommendation if you're looking at micro districting, if you limited it to the proximity of the parking that is approved not necessarily in terms of whether or not we should approve parking, that would be much easier for me to apply in Ward 4 because it makes the same amount of sense to me that if you're going to have, you know, zone green one be all of the number of streets, then that's the only place people from that area that have parking passes can park. That's a different prospect than saying 11th Street and Eighth Street have to join forces and get the right number of people in order to create a zone over there. So I think some of the recommendations and the terms that were used by the study aren't the way that the existing system has been used in Ward 4 and so that's why I would have a problem with changing the system to something new in Ward 4.

Chairman O'Brien

Yeah, yeah, we're in the weeds but go ahead Director Cummings.

Tim Cummings, Economic Development Director

Thank you. I just want to clarify. It's more of a former of what you described not the ladder. So if I'm understanding it correctly, it's exactly what you initially stated about the numbering streets. It would be, in theory, the number streets treated as a district. If you were in that micro district, then you'd be able to park within that micro district. That's how it is intended and so I think that should alleviate maybe some of your concerns.

Alderman Lopez

Well what we just did is we identified streets and a neighborhood and said that would be a zone. That I'm comfortable with. I feel like that's well within the scope of aldermanic authority, and the job of the Infrastructure Committee, and economic development's ability to plan. What concerned me was when the feasibility study was suggesting that in order for us to actually consider it, they would first have to have groups of neighbors organized. That I don't think it's going to happen, especially in Ward 4 because we have way too much neighborhood turnover. People moving around too much.

Tim Cummings, Economic Development Director

So, again, if I may, Mr. Chairman.

Chairman O'Brien

Yeah but I want to limit it because you're bringing up Ward 4. But keep in mind if we finally get to the question at hand, you could dutifully represent Ward 4 with all your questions on how to get this but Director Cummings, go ahead.

Alderman Lopez

With respect Mr. Chair, you keep saying that you're listening to the local wards and this is what we're saying. I only represent the local wards.

Chairman O'Brien

The question before us Alderman Lopez for the third time I asked, do we want to go to the micros, you know, the group of having the study - the question I would like answered, and I think Director Cummings needs to have answered, is do we want to study 3, 4, 6, and 7? We can get into particulars as we move forward and the nuts and bolts of everything, but that's something farther down the road. What Director Cummings is looking for this evening and the question at hand should he focus on 3, 4, 6, 7? That's why I would like to have that. If you want to spin it off to something else, we can but I would like to have this question answered to give Director Cummings a compass point to head to.

Alderman Lopez

And I would like to answer that as well but my concern is what I'm outlining is that what is being asked is not the same question that we were originally asked. When we say do we want to focus on these downtown wards or whatever, as Alderman Tencza pointed out earlier, the whole city has different priorities. So if we're talking about that, and I guess Director Cummings and clarify this if I'm misunderstanding the districts, if we're talking about what will work in Ward 4, then changing the entire process for asking for overnight parking isn't necessarily going to work for Ward 4.

Chairman O'Brien

Well I will remind Alderman Lopez anything that happened in the past is the past. The good citizens of Nashua have paid Desman Corporation to come up with this particular study and I think the taxpayers of Nashua would weigh heavily to what Mr. Desman Associates has to say with this because that's what they're studying. What we may have done in the past may not be correct, as we're finding out with one particular street. To hedge that off, this is why we're holding that. So Director Cummings, please.

Tim Cummings, Economic Development Director

Thank you, Mr. Chairman. Alderman Lopez I think maybe, and I could be wrong here, I think you're thinking that this is going to be a very black and white type process. Also, again, I just want to make sure you understand. I believe the visioning of the micro districts would be (inaudible) and it would be based upon consultation with the Planning Department, with Economic Development, with the Fire Department, with the member of the ward Alderman, and so you develop this micro district. I do recommend that you have this, you know, democratization of the decision making. That way the decision is not solely put on any individual but the grassroots residents come together and say by, you know, an overwhelming majority margin, yes, we do want this. If it turns out to be an area in that district that isn't interested in, maybe you carve that out and you might have learned through the process that there's another area that is interested and you pick that area up. You can still move the project forward and it will, I think, ultimately, help a ward Alderman represent their ward in a way that is beneficial to everyone, because it's trying to protect and safeguard against creating neighborhood issues. That's all I really want to try to do.

Alderman Jette

Thank you, Mr. Chairman. So I know you want an answer to limit it to 3, 4, 6, and 7.

Chairman O'Brien

Right, I don't want the weeds. I got enough weeds in my lawn.

Alderman Jette

To give you the answer you keep asking for, I say no.

Tim Cummings, Economic Development Director

Okay.

Alderman Jette

Don't limit it to 3, 4, 6, 7. I think there are areas all over the city. I know in Ward 5 there are areas where people don't want any change. They don't want overnight parking but there are some limited areas where, you know, for example there are some people in the ward who have asked me constantly they live on a dead end street. There are dead end streets in Ward 3 that Alderman Klee referred to. There are some all over the city. A dead end street on this particular street, there are two houses and both houses want to be able to park overnight and they're willing to abide by snow removal restrictions, trash removal restrictions, emergency vehicles, all that other stuff. But they would like the opportunity to petition for their little street to allow for overnight parking. So I don't think we can say that, you know, only certain wards are going to be eligible. There are parts of Ward 3 or Ward 4 that the overnight parking would not be appropriate for. I think we've got to look at it street by street on a citywide basis.

Chairman O'Brien

I thank you for that. But Alderman Jette let me present this to you. The critical need seems to be the downtown what we're talking about 3, 4, 6, and 7. Not as is que in your ward of Ward 9 that I come from. I'm not against what you portray but this comes at a cost too. The dynamic of the investigation is a lot different in 3, 4, 6, 7 than there will be in Ward 5 where the streets are pretty wide. You could have on street parking. Probably won't even need to study because they meet the width. Once we establish what is the criteria for the streets, Fire Department access snowbanks that are going to encumber, there's a lot to think about. We may find that that problem doesn't exist in 9, 5, 8, you know but it only exists downtown. So this is something to look at in (inaudible) but could point. Anybody else? No, okay. So yes, Alderman Klee.

Alderman Klee

Thank you so much. I am not on either one of these Committees but I do kind of agree with what Alderman Jette said. First off, I think the priorities are 3, 4, 6, and 7. So let me start it that way. But at the same time, I also do agree I have heard from other Aldermen who said, very similar, that there's a dead end street, or they live in a cul-de-sac, and they would love to have overnight parking for whatever reasons, too many family members or whatever it is. So to exclude them, I think, is not a good thing. I think we're sending a bad message considering the entire city did pay for this study. So to ignore them I think would be wrong. I do think priority has got to go to 3, 4, 6, and 7 because of the density of those areas. I can see that Director Cummings has a comment so I'll stop.

Tim Cummings, Economic Development Director

Thank you. So I just want to clarify. I understand including more than the 3, 4, 6, and 7. I want to make sure that it would be appropriate to do the micro districts in these other wards. So in using Alderman Jette's example of Ward 5 and he said a street, that street could be a district but I want to make sure I'm on the same page as him or I'm understanding his position, which is a micro district would be acceptable within Ward 5.

Alderman Jette

I believe so. If a dead end street where the neighbors agree constitutes a micro district, yes.

Tim Cummings, Economic Development Director

Okay. Thank you.

Chairman O'Brien

Okay, we seem to have two proposals. Without objections, we can go by show of hands here if there's no complaints by

committee members. Option one - which we will call it, will be having a micro district of 3, 4, 6, 7. Option 2 will be the Jette where it would encompass the city wide. Does that sound fair Alderman Jette?

Alderman Jette

Yes.

Chairman O'Brien

Okay. With a show of hands then all those in favor of option one, raise your hand. Okay, option two.

Alderman Klee

I can't vote on that, but I would go for option two.

Alderman Tencza

So I apologize Mr. Chairman. I suppose I would vote for option one just to keep with the...

Chairman O'Brien

You will go with option one. Okay. I'll call it again because we didn't get hands on both from Alderman Lopez.

Alderman Lopez

I'm not gonna vote for either. I thought that was very clear.

Tim Cummings, Economic Development Director

Hence why we haven't been able to make progress on this issue.

Chairman O'Brien

Okay. We'll mark you as the...

Alderman Lopez

Well asking for my opinion and then ask me to vote on something while trolling the vote around so that I can only vote for something which I've expressed is not a good idea for Ward 4, that's not asking my opinion.

Chairman O'Brien

I'm sorry you feel insulted. I'm trying to facilitate a meeting. The others seem to be working as a team. You can feel the way you want to feel.

Alderman Lopez

You can address it as my feelings all you want but I think ultimately what you've mostly done is expressed your opinions...

Chairman O'Brien

Alderman I appreciate your advocacy. I'm trying to help you out. I'm trying to help out the good people of Ward 4 in pushing this forward. It's a need. So let's work the process please.

Alderman Lopez

Making it harder for people in Ward 4 to get overnight parking us.

Chairman O'Brien

Thank you. The Chair will declare, thank you. If you want to abstain, please abstain. That's your prerogative.

Tim Cummings, Economic Development Director

If I may Mr. Chair. So what I'm hearing it sounds like there's consensus on is definitely for Wards 3, 4, 6, and 7.

Chairman O'Brien

Without moving further, I agree with you without any other issues, right.

Tim Cummings, Economic Development Director

Though I will say Mr. Chairman, there sounds like there is an appetite for maybe some of the larger wards as a micro district. So I think we probably brought the conversation as far as we can tonight on that point. So maybe we should just kind of pin in that and there's a couple other items that I'd like to kind of talk about with the group.

One is so I get an understanding of the, and this doesn't need to be in the weeds by any stretch but just to make sure I get an understanding, is there an appetite by the group to make sure that we make the permitting fee something that is sustainable? Or should we be looking to kind of keep it like the way we do right now which is at a lower dollar amount? And I don't want to put particular dollar amount out there but are you willing to entertain something that is a little bit more in terms of covering the cost type program or more along the lines of how we're doing it right now?

Chairman O'Brien

If I may interject and so for your consideration, it's going to be an increase of staff no matter what happens here. So therefore, where's the money going to come from for the staff? This has somewhat of a possibility of maybe, but not guaranteed, to be self-supporting, you know, and how's that self-supporting? Much like with the meters and monies coming in. Correct me if I'm explaining it wrong but so therefore in looking at that. We don't even know if we need a tow truck. But it's been somewhat debated. Okay. This is how big the problem is. It's not miniscule. It's not just one little ward. It's a bigger problem. So in looking at that, because what are we going to do in the example of snow removal? I hate to see a turn in. I want to go substantial. The reason is I don't want to turn into Main Street where somebody goes in and says, oh I got a \$25 ticket but that's okay I don't have to move the car for the day and then, you know, it gets to that point. Then you've got to have the scofflaws. So you've got to have some teeth. What it is, I don't know but if others want to come out on it, come speak on it.

Alderman Lopez

Are we allowed to say no? Like if I don't want to raise the prices of overnight parking?

Chairman O'Brien

Do you want to vote Alderman Lopez?

Alderman Lopez

Yes.

Chairman O'Brien

We can most certainly have a vote.

Alderman Lopez

Okay.

Chairman O'Brien

Yes but any discussion, we're not ready for you yet. Any discussion?

Alderman Jette

So my thoughts are that, you know, I would rather it be a fee that's appropriate considering the costs. On the other hand, I know that there are parts of the city where this could be a burden. I don't want it to be a burden on low income people. So maybe a sustainable fee if that's the right term to use but with the provisions where lower income people can get some kind of a discount, or partial exemption, or something of that nature.

Alderman Tencza

I concur with Alderman Jette.

Chairman O'Brien

Yeah, I do too.

Alderman Klee

In essence, I'm going to concur also with Alderman Jette. I can tell you that I did speak to a number of people in my ward. When those that don't have it found out what the actual cost was, they were astounded how low it was I asked them would you be willing to go up a little bit to three times that? And all of them said yes. They also understood the rising fee of if you have more than one vehicle. In other words, one may cost X dollars and the next one may cost a little bit more if you have two vehicles. I have a number of constituents who have multi vehicles and they did the answer to that.

But I also agree with what Alderman Lopez is saying is that there are some people that every penny counts and whether it's \$10 or \$100. So having some type of income feasibility, as I think Alderman Jette brought up, I think is important. I'm going to be honest with you. I think the majority of these requests are going to be in these areas. So are we at that point now kind of saying it's not going to be sustainable because we need to do that? So I think we need to come up with a reasonable fee that's not going to break anybody's bank. Then if we want to add a feasibility study to it because we can't say Ward 5 you're gonna have to pay this much and in downtown you pay this much unless we have some kind of income feasibility type of thing. So I think when you're having your discussion that needs to come into play. I know even in my ward there are certain areas that could afford to pay much higher fee and then there are some – and actually there's some in my ward that you may think they can pay a higher fee but they're only Social Security and we don't know what's happening in somebody's home. So I don't want to make a judgement based on where they live.

Chairman O'Brien

Alderman Lopez did you have your hand up?

Alderman Lopez

No.

Chairman O'Brien

Okay. Alderman Tencza.

Alderman Lopez

You said I should just wait until the vote.

Chairman O'Brien

Just stand by, thank you.

Alderman Tencza

So just one thought I had as we're talking about this, I don't know if it makes sense or if we can do it so that landlords who own the buildings are required to provide parking passes and pay the fee so it's not passed on to tenants. That might be a...

Chairman O'Brien

We're back in the weeds.

Alderman Tencza

I don't want to get into the weeds

Tim Cummings, Economic Development Director

But I will say, it's called up in the report that we don't do that because you really want it to be a tenant driven process. Ultimately what the landlord will do is bundle it into the rent cost. So just be careful about that when you go in that direction.

Chairman O'Brien

And then there's also too a lot of people have multiple vehicles to the household. So the cost of the first sticker may escalate. It may. Depends what the flavor of the board is, am I correct Director Cummings for the second one? I mean these are all the things that need to be.

Tim Cummings, Economic Development Director

So Mr. Chair what I'm hearing is there is consensus from what it sounds like and I could be wrong, please correct me, but it sounds like there's consensus to take more of a sustainable cost recovery type of approach, or methodology but understandable, we need to be sensitive and have some sort of income based decision making model which, you know, understands that there may be a graduated type of fee based on income or something to that. I think that that's what I'm hearing and so we can move in that direction.

Chairman O'Brien

Well you may need Alderman Lopez. Do you want to for a vote or are you in agreement?

Alderman Lopez

Well I'm opposed to raising the fees and I'm opposed to making additional barriers to people trying to get parking. I've definitely be clear on that but I would point out that Alderman Clemons and I had discussed last year, I think, the possibility of adding an addendum to his tenant bill of rights, which is supposed to be read by every landlord when they're signing a lease in the city. That addendum could include an identification of how many parking spaces are available owned by the landlord and if there are none, then they need to document that they told the tenant that there aren't parking spaces available.

Tim Cummings, Economic Development Director

I think I have an understanding of the room and you've given me some great input in some wonderful direction. I think I've probably taken the conversation tonight as far as I can. I'd love to come back continue this conversation and as I said, you know, really work through some of these details so we can get something in front of you that you'll like to see. Thank you Mr. Chairman.

Chairman O'Brien

Director Cummings thank you. I think maybe there might have been some misunderstanding. But, however, we weren't getting into diving deep in the deep end of the study. It was giving you direction this evening as you seem to have gotten and that works out. And again, its part of the piecemeal process that as we move forward. Don't let the public think that we're not. We are. I think Director Cummings you agree we meet quite a lot on this particular subject. So we're moving forward folks so give us some time. Director Cummings thank you so much for being here.

Tim Cummings, Economic Development Director

I guess thank you, Mr. Chairman. Before I leave, and I'm happy to stay if you need me to answer any questions.

Chairman O'Brien

You might as be miserable with the rest of us if you wish.

Tim Cummings, Economic Development Director

But I also if I could take the liberty Mr. Chairman ask that you consider convening this group again in the in the near future because I do have designs in hand. They came to me yesterday for the riverfront for the downtown riverfront project and I'd like to get that before this group so we can have a conversation about it sooner rather than later. So I wanted to just ask this body if we could get a meeting for some time. Ideally the week of November 1st. I know the second is Election Day but typically you meet on I think Wednesday nights. So that's a Finance Committee meeting. Maybe we could meet beforehand if I could. Something I wanted to suggest to you all to think about because I do want to keep the momentum going on.

Chairman O'Brien

How many days away? Are we going to meet two criteria?

Tim Cummings, Economic Development Director

Oh, yeah you would.

Chairman O'Brien

The posting and everything. Okay. Any thoughts committee members?

Tim Cummings, Economic Development Director

Okay. I'll talk to Donna then. Great. Thank you. And it would be a presentation on the preliminary design of the downtown riverfront.

Chairman O'Brien

Okay. All right. Again, thank you.

Tim Cummings, Economic Development Director

I'll just go into the audience if you have any questions. Thank you Mr. Chair.

#### COMMUNICATIONS

From: Tim Cummings, Economic Development Director  
Re: Communication on Overnight Parking

From: Kimberly Kleiner, Administrative Services Director  
Re: Joint Meeting – Committee on Infrastructure and Planning and Economic Development Committee – Court Street Overview

***There being no objection, Chairman O'Brien accepted the communications and placed them on file.***

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

#### **R-21-179**

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

Alderman Thomas Lopez  
Alderman Elizabeth Lu  
Alderman Linda Harriott-Gathright

**AUTHORIZING THE MAYOR TO ENTER INTO A FEDERAL AID PROGRAM PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE FOR THE PURPOSE OF INSTALLING RECTANGULAR RAPID FLASHING BEACONS AND TO ACCEPT FOUR HUNDRED AND FIFTY-TWO THOUSAND DOLLARS (\$452,000.00) FOR THE PROJECT**

**MOTION BY ALDERMAN TENCZA TO RECOMMEND FINAL PASSAGE, BY ROLL CALL**

ON THE QUESTION

Alderman Lopez

Where are the flashing beacons going?

Chairman O'Brien

I don't know exactly where they're going but what's presented on the resolution is that we are applying for a \$452,000 grant from the feds, federal government. That will be basically 80% will be paid by the federal government. This city will be required to match a matching of 20% in the amount of \$113,300. I think the intention of this, it does not say it in a resolution, but I imagine it's going to go on some of the crosswalks similar to the rectangle one set we have.

Alderman Klee

Mr. Hudson is online.

Chairman O'Brien

Mr. Hudson, are you on line?

Dan Hudson, City Engineer

I am on line, yes.

Chairman O'Brien

Yes. I didn't know you were there. So Mr. Hudson, could you state your name, and identify yourself, and please speak on the issue?

Dan Hudson, City Engineer

Oh, thank you. So Dan Hudson, City Engineer. I along with me tonight is Engineer Mark Saunders. He's been instrumental in putting this grant application together and will be administering the project for the city. So I would yield the floor to him if you're willing to describe what this what this product is.

Mark Saunders, Engineer

Thank you Engineer Hudson. My name is Mark Saunders, senior staff engineer of DPW engineering. Thank you for having me here tonight. I'm going to give a brief overview of what the Federal Aid Project Agreement on the agenda is. The project of Resolution R-21-179 is referring to is a pedestrian safety project. The city applied for this federal grant as a part of that everyday count initiative under the safe transportation for every pedestrian step program. The project focuses on pedestrian safety in Nashua's downtown area uncontrolled crossings. An uncontrolled crossing is where a sidewalk or designated walkway intersects a roadway at a location with no traffic control.

Some of the roadways with uncontrolled crossings proposed for enhancements including West Hollis Street, Canal Street, Main Street, Factory Street, and Kinsley Street. The project will deploy proven technologies at these uncontrolled crossings with a focus on utilizing rectangular rapid flashing beacons. Rapid flashing beacons are pedestrian actuated signals that alert drivers that someone is waiting to cross. Since 2006, there have been 86 pedestrian related crashes; 8

bicycle related crashes resulting in 73 injuries and two fatalities along the roadways proposed for improvements through this grant.

The grant is funded with an 80/20 match with 80% being the federal share and 20% being the city match. The total budget for the project is \$565,000 with 80% or \$452,000 being the federal share. The required matching funds of \$113,000 will be funded through a Fiscal Year 2022 escrow account. I'll be happy to take any questions and answer them to the best of my ability at this time.

Chairman O'Brien

Okay, thank you. Any questions?

Alderman Lopez

Yes. So basically we have ideas of the regions and we're applying for the grant to get the equipment, but the exact placement where we had to get the equipment first to figure that out?

Mark Saunders, Engineer

So a part of the grant this 2020 uncontrolled crossings that we highlighted as areas of needs, like I said it takes place on Main Street, Factory Street, Kinsley Street, West Hollis Street along those corridors. It goes as far as Canal Street as the northern point and to the west on West Hollis, it's around Ash Street. That's kind of the general area where this is focusing on.

Alderman Lopez

Okay just because I know there are some midpoint crossings already and I know there was a flashing like roadway thing that was supposed to be out by Peddlers and it didn't exactly work out. But I just want to make sure that I was clear that we're creating new crossings or we're enhancing ones that already exist.

Mark Saunders, Engineer

We are enhancing ones that already exist.

Alderman Lopez

Okay, that makes sense.

Chairman O'Brien

Any other questions members of the Committee? Alderman Jette go ahead.

Alderman Jette

I would just like to say that yeah I think the area's you've indicated and the statistics that you've presented to back that up, you know, there's no question that those are needed. I would encourage you to apply for a grant to do the same thing in Ward 5. But, you know, I'm in support of this. Thank you.

Chairman O'Brien

Okay. Any other comments? I do have one. When you say "rectangular signs", I noticed in the City of Concord and to me it's been something that I noted particularly in the downtown area. People don't really see the hand and the crosswalk. They're not really looking. They have the red. The law says you can turn on red but if you've been up to Concord, there's a rectangular sign that comes up on the red light that tells you to stop because it won't allow you to turn right on red at that particular time because the crosswalk has been activated. Is that something that may be looked at in the future with this type of program?

Dan Hudson City Engineer

So Mark I'll handle that one. What you're talking about is actually crossings at signalized intersections and there are

those technologies where if a walk button is pushed, a no right turn comes up to prohibit right turns on red. That's a different type of thing. What this grant is going to cover is the yellow flashing beacons where you push a button and they flash. That's really to enhance the visibility of pedestrians at those crossings so that people who might not otherwise have seen them or yielded to them will then yield. So these will be locations where there aren't existing traffic signals. It's just a crosswalk but that crosswalk will be enhanced and safety will be enhanced by adding these flashing lights at those locations.

Chairman O'Brien

Okay. Well hopefully maybe in the future we could take a peek at that type of concept. I think it might be after study well adapted to the enhancing the downtown experience. Thank you, Mr. Hudson. Any other questions?

Alderman Klee

Thank you, Mr. Chair. Mr. Hudson, the ones here that are proposed I'm all for it. I think more the better. Are they similar to the ones that are on like Concord Street over by the crosswalk where the children crossed to go to Mount Pleasant? There's one of those that they push the button and the light flashes as well as down towards Hills Ferry on Concord Street as well. Is it similar to what those are? Is that what you're looking at?

Dan Hudson, City Engineer

Yeah, correct. It is similar to the ones that do exist on Main Street. We recently put some up on Main Street. There's the one near Peddler's Daughter. I think the issue that Alderman Lopez was speaking to is we had some in the ground flashing lights, which we had were problematic as well as we tried some automated detection of pedestrians and I was kind of problematic too. But we've had good luck with these. We're just as you said, people push a button and then the lights blink for a period of time so people can cross. It's just a warning measure. We are we are looking at adding these various locations throughout the city but this grant here kind of targets the downtown area.

Alderman Klee

Thank you.

Chairman O'Brien

We got a motion a final passage and without objection, I'll call the roll.

Alderman Tencza

Mr. Chairman, I don't believe we need a roll call since we're all here in the chamber.

Chairman O'Brien

Bingo. All those in favor signify by saying aye. Opposed? Motion passes.

## **MOTION CARRIED**

### NEW BUSINESS – ORDINANCES

#### **O-21-072**

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

Alderman-at-Large Lori Wilshire  
Alderman Jan Schmidt

**AUTHORIZING FREE HOLIDAY PARKING AT METERS IN ZONE III WHICH INCLUDES THE ELM STREET AND HIGH STREET PARKING GARAGES FROM DECEMBER 6, 2021 THROUGH JANUARY 1, 2022**

**MOTION BY ALDERMAN TENCZA TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Chairman O'Brien

This fits in so you remember within our traditional of approving it in Zone 3. I did notice today that Demoulas is now selling eggnog. So Christmas is nice so here we go.

Alderman Lopez

I have a tradition of arguing for extra days so that it won't end like on a weekday, but it is in fact going to be on a weekend. So I'm not going to do that this year. Merry Christmas.

Alderman Jette

Yes Chairman Claus...

Chairman O'Brien

Notice the beard for the grandkids, yes.

Alderman Jette

I know we've done this traditionally and I'm not going to oppose it, but I'm just wondering if since Director Cummings is here whether we have any information, any statistical backup, to show that this does, in fact, encourage people to come and shop downtown. There's been some criticism that all it does is allow – it was a gift to the people who work downtown who just park for free. Do we have any information that would say that it does, in fact, encourage people to come and shop downtown?

Chairman O'Brien

Director Cummings, if you so wish.

Tim Cummings, Economic Development Director

Thank you, Mr. Chairman. Tim Cummings, Director of Economic Development. I don't have anything with me in hand this evening to speak to that. I can only tell you anecdotally.

Alderman Jette

That's fine.

Tim Cummings, Economic Development Director

Okay. So anecdotally, I can tell you when I'm talking to the merchants and Great American Downtown, they have in the past expressed positively that it has helped Main Street and the downtown. I think your question is a great one and one that next year when this legislation comes up, because it will come up, I will have data that maybe a survey to the community to the downtown community where they can speak to you know how their sales may have changed. But all I can say this evening is anecdotally yes. I hear from the proprietors that it does help them.

Alderman Jette

Okay, thank you.

Chairman O'Brien

Thank you for that because similar to the parking issue, changing something midstream at this particular point in the game, we could look at it in a timely matter next year. I think last year this came to us almost pretty late and we were able to get through. So maybe next year would be the target year, you know, peruse it a little bit better. Any other comments? Okay, seeing none. Put your Santa hats on.

All those in favor signify by saying aye. Aye. Opposed, motion carries.

**MOTION CARRIED**

Chairman O'Brien

There's items that have been tabled in committee. There's been no showing to have any removed from the table.

TABLED IN COMMITTEE

**O-20-004**

**Endorsers:** Alderman Thomas Lopez  
Alderman Patricia Klee  
Alderman-at-Large Shoshanna Kelly  
Alderman Linda Harriott-Gathright

**ALLOWING PERMITTED OVERNIGHT ON-STREET PARKING ON EIGHTH STREET**

- Tabled at 2/26/20 meeting

**O-20-006**

**Endorsers:** Alderman Thomas Lopez  
Alderman Patricia Klee  
Alderman-at-Large Shoshanna Kelly  
Alderman Linda Harriott-Gathright

**ALLOWING PERMITTED OVERNIGHT ON-STREET PARKING ON A PORTION OF PRESCOTT STREET**

- Tabled at 2/26/20 meeting

**O-20-032**

**Endorsers:** Alderman-at-Large Brandon Laws  
Alderman Thomas Lopez  
Alderman Jan Schmidt  
Alderman Skip Cleaver  
Alderman-at-Large Shoshanna Kelly  
Alderman Elizabeth Lu

**REDUCING THE FINE FOR OVERNIGHT PARKING VIOLATIONS**

- Tabled at 10/28/20 meeting

GENERAL DISCUSSION

Chairman O'Brien

I will say this. I know it's almost 10 o'clock. I appreciate you all for being here. We got a lot done. This was supposed to be a light month but then it turned in. It's so good to be with our good friends of sister committee of PEDC. But I'm glad that the Committee recognize their Chair Alderman Tencza. Any other comment?

PUBLIC COMMENT

Chairman O'Brien

Nobody's - Oh yes, Mr. Keating, please. Again, identify yourself please.

Bob Keating

Right. My name is Bob Keating, 5 Coburn Woods. I'm part of the Granite State Housing Project. So I'll make it very brief. You've been here a long time and just a full discussion on many items.

I spoke to Community Director Sarah Marchant and I also spoke to a Planning Director Matt Sullivan just as they were leaving. I want to clarify something that wasn't discussed in the presentation. One of the biggest difference between this proposed inclusionary zone and the present one in our zoning is this is mandatory. So no developer has used this at all for anything. So they issue about 60, 80%, or whatever, it was not used. It was a voluntary program. This is mandatory. You see the density bonuses on it. So that's a significant way of thinking about these things.

And the second is that the bonus density is based on this 80%. You can just modify that depending upon what percentage you decide for the houses. So if it means the developer gets less money for this for ownership or for rental, you just change the bonus density and the amount of money. So that's the equation that you use. So clear, it's not been mandatory. That's big. That's huge. So if you're going to build here, you're going to have to follow this and secondly, you just can change it based on what the number is so that it's at least neutral for the city and it's at least neutral for the developer so there's no cost to them. Thank you.

Chairman O'Brien

Thank you, Mr. Keating.

Looking online, I do not see anybody else on line. Any remarks from Alderman? Seeing none.

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION – None

ADJOURNMENT

**MOTION BY ALDERMAN TENCZA TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 10:01 p.m.

Alderman-at-Large David C. Tencza, Committee Clerk