

BUDGET REVIEW COMMITTEE

DECEMBER 7, 2021

A meeting of the Budget Review Committee was held Tuesday, December 7, 2021, at 9:44 p.m. in the Aldermanic Chamber and via Zoom which meeting link can be found on the agenda.

Alderman Richard A. Dowd, Chairman, presided.

Let's start the meeting by taking a roll call attendance. If you are participating via Zoom, please state your presence, reason for not attending the meeting in person, and whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

Members of Committee present: Alderman Richard A. Dowd, Chairman
Alderman-at-Large Ben Clemons, Vice Chair (via Zoom)
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien
Alderwoman-at-Large Shoshanna Kelly
Alderman Ernest Jette

Members not in Attendance: Alderman Jan Schmidt

Also in Attendance: Alderwoman Elizabeth Lu
Alderman Patricia Klee
Steve Bolton, Corporation Counsel
Dave Fredette, Treasurer/Tax Collector

ROLL CALL

PUBLIC COMMENT

Chairman Dowd

Everybody has been here to hear what was said in the public hearing. So if you have something that wasn't brought up before, you're welcome to come up and give public comment. Please don't have it go over stuff that you've already presented.

Robert Lodi

No this will be brand new things to address some of the misstatements that were made. One was with respect – this is Robert Lodi, 12 Bartlett Ave. Speaking with respect to R-21-202. It was addressing the housing issue and that this would free up housing. It doesn't address housing. The homes are going to be between \$600,000 and \$750,000. The source of that is Lloyd Geisinger, President of Thorndike. He told us there's 44 homes not 43. So when you look at the housing and you look at the median income in the City of Nashua - \$79,000 a year for a household. You need to make \$160,000 a year to be able to afford one of these homes that will be put in that development if you choose not to pass measure R-21-202. The home will be for people outside Nashua. It will be an on clave onto itself not accessible to citizens of Nashua and it will destroy the essence of the park for the benefit of those who don't live in the city. Thank you.

Chairman Dowd

Anyone else has anything for public comment?

Laurie Ortolano

Yes. Laurie Ortolano, 41 Berkeley Street. With regard to affordable housing, I just want to be clear that this was never presented as an affordable housing project and while the median income might be \$78,000 that means 50 percent of the income levels are above that level. Yes, believe it or not, there is a market for higher end housing. It will do something to support it. I don't know what this concern is that it's – the Mayor said at the meeting at the church that perhaps 50 percent of the people who moved in there would move in from Massachusetts. But guess what, a lot of people move up here from Massachusetts and the other 50% would come from around this area or New Hampshire. I don't know why we feel so

confident that we know who's going to buy these places because I don't think we do and I don't think it's our call. The call here is to let the Planning Board do their job and vet this development the way it should be vetted. Thank you.

Chairman Dowd

Anyone else public comment?

Penny Ferreira

Okay. Thank you. Penny Ferreira, 3 Birchwood Drive. I just left out a few facts from the Master Plan. In 1985, there was 24% of the entire land base in Nashua. Today, it's estimated to be between six and nine and a half. So another reason to make those bonds available. So if the purchase and sales does fall through for any reason, then we have the money to act. Again, there are other alternatives and I would ask the city to be open to that.

I also think we you have listened to so much tonight just on that particular resolution that I am asking you to table it and take enough time to go back to your constituents, see what they really are willing to pay for, give us more time, and this is a huge decision that is going to greatly impact every single person in the city because of the use of Greeley Park. So I'm asking you to please consider tabling it. Thank you.

Alex Comeau

Alex Comeau, 4 Lewis Street. First, I'd like to apologize to the previous speaker when I started talking. I didn't see anybody on camera. Not to go over everything that's already been said again, but basically my opinion on this is that this is a topic test reserved for the Planning Board and should not be a precedent to be set that the Board of Aldermen are in the business of interfering with private land sales for the benefit of you or due to the opposition of appeal. This is the reason why we have a Planning Board so they can determine the best and proper use for this land. I just don't believe that the Board of Aldermen should be in the business of interfering with private land use. Thank you.

Chairman Dowd

All right. Mr. Richardson something new?

Dan Richardson

Dan Richardson, 70 Berkeley Street, Nashua, New Hampshire. I guess I just wanted to respond to the thought of tabling and tonight on the Budget Review Committee meets at best, once a week or less frequently than that depending on the time of year that it is. Then following that, the aldermen – full Board - meets every two weeks. If you were to table it would take another week plus to address it again. If you pass it, that'd be another two weeks perhaps to address it in the full Board. You know, you're easily letting a month slip by. It's time to address it tonight. You can hold things at the full Board if necessary but I urge you to go ahead and given a recommendation for approval of this bonding authority. Thank you very much.

Chairman Dowd

All right. Anyone else? Seeing none.

Alderman O'Brien

Before we get into communications Mr. Chairman, I got to do a little bit of Clerk duty. I did not recognize also in attendance that we have joined by Alderman Lu. Also in attendance this evening is Corporate Counsel Steve Bolton and City Treasurer David Fredette. Oh yes and Alderman Klee on Zoom

COMMUNICATIONS

From: Gene Porter
Re: R-21-189 Purchase of new vehicles for Solid Waste Department

There being no objection, Chairman Dowd accepted the communication and placed it on file.

Alderman Wilshire

We do have a communication from Mike Fahey regarding Resolution R-21-202.

From: Mike Fahey
Re: Resolution R-21-202

There being no objection, Chairman Dowd accepted the communication and placed it on file and make it part of the record.

Alderman O'Brien

May I ask the Chair, will that be handed to the Clerk or to the Assistant? Thank you.

UNFINISHED BUSINESS - None

Chairman Dowd

Under new business Resolutions, I think so we can allow our Corporate Attorney to leave if there are no objections, I'd like to address R-21-202.

NEW BUSINESS – RESOLUTIONS

R-21-202

- Endorsers: Alderman Patricia Klee
- Alderman-at-Large Ben Clemons
- Alderman Richard A. Dowd
- Alderman Thomas Lopez
- Alderman Linda Harriott-Gathright
- Alderman Skip Cleaver

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) TO PURCHASE PROPERTY ABUTTING GREELEY PARK LOCATED AT 15 BARTLETT AVENUE (MAP 57, LOT 3)

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND TABLING R-21-202, BY ROLL CALL

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

- Yea: Alderman Jette, Alderman Wilshire, Alderman O'Brien,
Alderman Kelly, Alderman Dowd 5
- Nay: Alderman Clemons 1

MOTION CARRIED

R-21-187

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman Patricia Klee
- Alderman Richard A. Dowd
- Alderman Thomas Lopez
- Alderman-at-Large Shoshanna Kelly
- Alderman Skip Cleaver
- Alderman-at-Large Ben Clemons
- Alderman-at-Large Brandon Michael Laws

CHANGING THE PURPOSE OF UP TO \$440,225 OF UNEXPENDED BOND PROCEEDS FROM THE LED STREET LIGHT PROJECT TO INFRASTRUCURE IMPROVEMENTS - SIDEWALK CONSTRUCTION FOR THE DESIGN, REPAIR, AND CONSTRUCTION OF SIDEWALKS

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE, BY ROLL CALL

ON THE QUESTION

Alderman Kelly

I know we've had a lot of discussions tonight but I'm excited to see us working on our sidewalks. It's something that we need to continue doing and (inaudible) our city.

Chairman Dowd

I know that the City Engineer has gone to great lengths to fix some of our really damaged sidewalk where people can get hurt, especially elderly or handicapped.

Alderman Lu

Thank you, Mr. Chairman. I just wanted to comment that there are lots of heavily traveled streets in my Ward that need work and I'm sure in many Wards. My concern is that it seems to be we have a process where the Committee on Capital Improvement Committee prepares a list yearly according to their, you know, their report. I'd like to know that a list that's been discussed at those meetings would be priorities on this work. Thank you.

Chairman Dowd

Director Hudson are you still on, right?

Dan Hudson, City Engineer

Yes I am Mr. Chair.

Chairman Dowd

Has any of that – did you hear Alderman Lu?

Dan Hudson, City Engineer

Yeah, I did. Every year we've included a CIC request for sidewalk funding. I believe last year there was a small amount of funding approved. But in years past, it hasn't been so. We have been regularly requesting funding for sidewalks so we can do a better job of making improvements.

Alderman Lu

Just a follow up please. What I was saying is that the CIC report states that those sidewalks in need of repair are ranked yearly. I wasn't speaking of the funding or, you know, the budgeting but is that ranking is that, you know, evaluation done yearly?

Dan Hudson, City Engineer

So no. As I explained earlier, we don't even have a complete inventory or assessment of all the sidewalks we have. So this funding will enable us to do that and then we can do that ranking as being requested and you know trying to prioritize where funds should be directed first.

Alderman Lu

Okay. Thank you.

Chairman Dowd

Because I think the discussion has come up many times and the guys when we talk to the street paving and many instances around the city they talked about sidewalks being in need of repair and we never seem to have enough money in the budget to cover the sidewalk repair and to me, that's a safety issue. We're not talking about replacing already good sidewalks. We're talking about sidewalks that you know you've got cement that's out of place, or holes in tar, or any other questions?

Alderman O'Brien

Yeah, thank you Mr. Chairman and if you will allow me the privilege, I'm going to have a little fun with this. But if I can ask her to Chair to Corporate Counsel. We do spend a lot of money in our sidewalks and everything. But as people do know, the citizens are not responsible really to shovel yet they come up and occasionally different people in different neighborhoods come up and ask us to put into sidewalks. I came from where I originally lived down in the Boston area, you were responsible to shovel your particular sidewalk as a good particular neighbor. But it seems to be I don't know if it's the Hampshire way so my question to Corporate Counsel whenever we appropriate money for sidewalks is the proper time to revisit that and to look at that old Supreme Court case or is that something the legislature needs to do it? I don't see the good people up in Franconia worrying about Nashua sidewalks.

Steve Bolton, Corporation Counsel

I think you're alluding to the fact that there's a long standing New Hampshire Supreme Court decision that says the clearing of snow from sidewalks is a responsibility of the municipality and cannot be delegated to individual property owners. That's New Hampshire law. Whether the legislature would be in a position to change that is debatable but certainly the Board of Aldermen cannot change it.

Alderman O'Brien

Just a follow up. Duly noted - one of the things that did come up is looking at the wear and tear and replacing vehicles that we do for the sidewalks, which I think is grand and I'm glad that Nashua does do it. I hate to see somebody who was not able bodied to do it. But it is one of those New Hampshire anomalies, I guess. So there you go.

Alderwoman Kelly

I think sidewalks can be a very passionate subject so I'll try to keep it very focused on what we can do at Budget Committee. I'd love to see us have a bigger conversation potentially with Infrastructure but one of the things that I'd love to see us look at maybe next year and I'd love to hear what Mr. Hudson has to say is when a builder builds a new building, they can pay in lieu of a sidewalk but they don't actually pay enough to put that sidewalk in. So we're constantly putting ourselves at a disservice in terms of adding additional sidewalks.

Chairman Dowd

Do you agree Mr. Hudson?

Dan Hudson, City Engineer

Yeah, I think Mr. Chair I do agree. There is a calculation method that's used and I think it's probably appropriate to update those rates. We found that, you know, sidewalks are fairly expensive to construct. So probably the rates that are being assessed (inaudible) equivalent to what it actually costs to do that work nowadays. So we may need an adjustment there.

Chairman Dowd

Any other questions on the motion? Seeing none, would the Clerk please call the roll?

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

Yea: Alderwoman Kelly, Alderman O'Brien, Alderman Wilshire, Alderman Jette, Alderman Clemons, Alderman Dowd	6
Nay:	0

MOTION CARRIED**R-21-189**

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman Thomas Lopez
Alderman Skip Cleaver

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF ONE MILLION EIGHT HUNDRED FIFTY NINE THOUSAND FOUR HUNDRED AND FORTY DOLLARS (\$1,859,440) FOR VARIOUS IMPROVEMENTS AT THE SOLID WASTE DEPARTMENT FOUR HILLS LANDFILL AND THE PURCHASE OF A REFUSE TRUCK AND WHEELED LOADER

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE, BY ROLL CALL

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

Yea:	Alderman Kelly, Alderman O'Brien, Alderman Wilshire Alderman Jette, Alderman Clemons, Alderman Dowd	6
Nay:		0

MOTION CARRIED

R-21-193

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman-at-Large Ben Clemons
 Alderman Skip Cleaver
 Alderman Linda Harriott-Gathright
 Alderman-at-Large Brandon Michael Laws
 Alderwoman-at-Large Lori Wilshire

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF TWENTY ONE MILLION DOLLARS (\$21,000,000) TO FUND ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION AND OTHER RELATED WORK FOR THE DESIGN AND CONSTRUCTION OF A RIVERWALK ADJACENT TO THE NASHUA RIVER NEAR MAIN STREET

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE, BY ROLL CALL

ON THE QUESTION

Chairman Dowd

Are there any comments.

Alderwoman Lu

I do have a comment. I was thinking about whether a decrease in commercial assessments may make payment of this bond just compromised? I think that the current retained taxes are \$1.075 million. I think that's what – Treasurer Fredette did I get that right that the yearly cost is one, I actually have it on my sheet. Sorry.

David Fredette, Treasurer/Tax Collector

You mean how much revenue was coming in?

Alderwoman Lu

How much revenue comes in?

David Fredette, Treasurer/Tax Collector

About \$1,050,000 to \$1,070,000.

Alderwoman Lu

Okay so my concern is that if the commercial revenues decreased significantly, then the payment of that annual bond payment service would not be there. It just seems to me that if we waited, you know, even a month we'd have a better idea wouldn't we of what the commercial tax base had done? So that's my thought. I wondered if we'd have some good

useful information a little bit.

David Fredette, Treasurer/Tax Collector

Tax bills went out and projected (inaudible) rates \$1,070,000 in December which will go in the TIF account. I understand that because the reval. everybody's assessments are going to change but I don't think it's going to affect the income that was coming in. As far as I understand, there's supposed to be more development from that TIF District as time goes on too so that would bring additional funds too.

Alderwoman Lu

If I could just follow up? If I could just ask a follow up please. Did you say that it's any decrease in assessed value isn't going to affect the income?

David Fredette, Treasurer/Tax Collector

Not necessarily. It depends on how much it gets decrease. I'm not saying it's going to decrease anyway. The reval. is going to be different for each property. So it may have a slower growth rate than residential but I don't think it's gonna go down.

Alderwoman Lu

Okay, thank you. I only ask that question. I thought that a lot of the primarily there are commercial properties in this TIF District. So that hearing that the assessments may go down for commercial properties, I wondered if that had been (inaudible).

David Fredette, Treasurer/Tax Collector

I think Director Cummings is here but I believe there are two big apartment complexes - maybe even three in this district and I don't think they're necessarily commercial. They're residential still. So I would assume that their value is going to stay pretty good.

Tim Cummings, Economic Development Director

Yes, thank you Mr. Chairman. I should begin by countering by saying I believe Alderwoman Lu wanted to talk to me at the end of last meeting. I was actually trying to get something for Alderwoman Kelly. So I will at the end of this meeting, I'll be happy to chat with you.

But to answer your question, I just want to remind folks actually what we are talking about right now is base taxation, which goes to the general fund. It's the increment that we captured that would go into the TIF and that is all predicated really on multifamily valuation, the major project being Brady Sullivan.

Chairman Dowd

Any other questions?

Alderwoman Kelly

Yes. My through you to Director Cummings. My question was about - I had asked you in the break about a part of it so you're in preliminary design right now. If this is approved now, does that preclude us from talking about changes that might stay within this budget as you go into final design?

Tim Cummings, Economic Development Director

Yeah as we go into final design through the Infrastructure Committee, I'd be having conversations with them about various elements and I know you had a particular interest of adding a project, which we studied early on. If it's the desire to add that in, I would suggest we would have to sub something out on the east side of Main Street to make the budget work but it's something we could do.

Alderwoman Kelly

We probably should speak to the public what we asked but I...

Tim Cummings, Economic Development Director

Yeah, I apologize and to be more clear what Alderwoman Kelly asked me very specifically is in she is very accurate to point out that from the Pine Street Extension or, you know, basically where the Veterans Memorial Parkway Bridge is former Keystone building down to Clock Tower where the Cotton Mill Transfer Bridges is, that's a very steep grade. It's actually very challenging for someone not even with ADA mobility issues to actually make that grade change. It's something we recognized very early on. We would need to be compliant with the ADA not go straight up but do switchbacks. But it's something we did study and we could absolutely incorporate that into the project to make it as Alderwoman Kelly pointed out a better connectivity for Mine Falls to the downtown, which is a goal. So if that is a project that folks want to continue pursuing, we absolutely can do that and I would just suggest for us to stay within that \$21 million. They would probably (inaudible) somewhere else that I would suggest we wouldn't actually pursue but it may be worthwhile to do that and study

Chairman Dowd

Any chance to get an ADA grant to do that?

Tim Cummings, Economic Development Director

Maybe, yeah.

Alderwoman Kelly

If I could actually, you are correct. That is one of the pieces - my first several years in Nashua I lived in Clock Tower which many people have that experience, but that hill is very steep but also from there all the way through the Bradshaw building area is not well lit, etc. So I was telling him that, you know, you get there and often times we just turn back around. So if we're gonna do in this investment, it seems appropriate to connect it to the park in a way that feels safe with all of that.

Anyways, the whole point was that I felt like there were conversations and questions from constituents, etc. and I just want to make sure that I think this is a great investment. I think we could talking about it a lot but if there are questions or concerns from constituents or aldermen that we're still very much in favor, we can ask those.

Tim Cummings, Economic Development Director

Thank you.

Alderman Clemons

Thank you. Yeah it's funny that you bring up that area because when I was a teenager, I used to take my bike down there and there were speed bumps on that road and we would actually go down and get air and do all sorts of crazy stuff in there. So for us, the hill was a fun fact, but...

Chairman Dowd

Not so much if you were in a wheelchair.

Alderman Clemons

No. I wouldn't recommend it. So no but that would be a good investment. But overall, I just wanted to say that I thought some of the public comment was unfair to Director Cummings and quite frankly to the Infrastructure Committee and the Chair. I know that a lot of work has gone into this project and it has been discussed at various meetings. It wasn't just discussed once. We had a public hearing on it tonight. People got to speak about it. They could have spoken about it at the beginning of this meeting. They can speak about it at the Board of Aldermen meeting. It's been discussed in the community. It's been an ongoing thing that's been going on since 2002 or 2003 when we started to build the riverwalk when we redeveloped over where Peddler's Daughter is. So this isn't a mystery. It's not a mystery and the folks that are trying to make it out to be one have ill intention in my opinion. They are going after people who have good intentions, who

want good things to happen in the city, who want to make sure that we are doing the right thing, making the right decisions, getting the public involved, and then to have outright lies just come out is just a waste of everyone's time to be honest with you. Because you might as well come to a meeting and just say counter whatever anybody says. Because that's pretty much what it is. You know so those folks can do that. That's their right. You know, they can be naysayers but that's all it really is. And anyway I think that the good people that work in the city and the good people that serve on this Board of Aldermen don't deserve that and I just wanted that on the record.

Chairman Dowd

Thank you. Any other comments or questions?

Alderwoman Lu

Thank you, Mr. Chairman. Is there any reason why we wouldn't choose to just bond half of it for now since it's going to be done in increments anyway? I mean, it's quite a long project. Just wondering.

Chairman Dowd

If we authorize the bond of \$21 million, that doesn't mean they're going to sell them tomorrow. If they get sold over time when the money is needed and if for some reason something on the project wasn't done, the bond is never sold to cover that, correct?

David Fredette, Treasurer/Tax Collector

Right and the bond would probably be sold over more than one year.

Chairman Dowd

Right.

Alderwoman Lu

Thank you. I do understand that and I just feel the bond is only authorized once. Once it's authorized, anyways, thank you. I'm all set.

Chairman Dowd

Any other comments, questions? Seeing none, would the Clerk please call the roll?

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

Yea: Alderman Kelly, Alderman O'Brien, Alderman Wilshire, Alderman Jette
Alderman Clemons, Alderman Dowd 6

Nay: 0

MOTION CARRIED

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE - None

GENERAL DISCUSSION

Alderman Clemons

We're at general discussion, correct?

Chairman Dowd

Right.

Alderman Clemons

Yeah, I just want to state my displeasure in the committee for not allowing debate on the Greeley Park motion. I think that that was a disservice to the public who came here to hear what our opinions are on the matter. I didn't speak during the public hearing because I wanted to talk about what my position on this was. But I didn't speak at the public hearing because I wanted to give the public the opportunity to do so. I don't like it when this body stifles debate and that's exactly what happened at the beginning of this meeting and I'm not happy about it.

Chairman Dowd

So I don't know where you here at the beginning of the meeting when it was explained that the developers decided to go forward with a price...

Alderman Clemons

Quite frankly, it doesn't matter.

Chairman Dowd

Well there's legal issues.

Alderman O'Brien

Yeah, I would just have to say that as my term serving on the Board of Aldermen as a State Representative, I have never, ever willfully or maliciously will do anything to jeopardize the law. We are the law and so therefore if we cannot get involved with a private deal, I respect that. I'm sorry Alderman Clemons. He's a good friend and I'm sorry he disagrees but I think we were bound by legal authority to come with the opinion to table.

The other thing I would just like to say that many times during infrastructure and the other word for infrastructures basically lands, and buildings, and other projects. Director Cummings has come before the board. Yes if you look at the titlage on the agenda, you'll probably see the proper title that, you know, Director Cummings came in, and to speak, and gave us updates of many different projects. Those of you that paid attention in sitting here at the meetings usually when they announced the committee meetings and said also that there would be presentations that Director Cummings would be coming in to speak - whether it be on Riverwalk or the other thing the Bridge Street project and a plethora of a lot of the projects that have been going on. We even discussed the Mohawk Tannery. But keep in mind, nothing was written in legislation. So there was no need for a vote or no need a recommendation to go back to the Board of Aldermen. So therefore we did have, and I say to Direct Cummings, you're welcome to come back at Infrastructure at any particular time because this is the format to keep the people, you know, informed on actually what is happening at the particular. It's sort of like shades of the Jerry Lewis Telethon. You miss a little, you miss a lot. So if you miss an Infrastructure meeting and we were discussing one of those particular subjects, I'm sorry. The thing is I will have to say in defense to Director Cummings, we have discussed that project before and it has been brought up in the committee. Again I will continue to do that because it is a good way to let the public know exactly what projects the Infrastructure Committee, and this comes under, that we're basically working on. So thank you.

Alderwoman Kelly

Thank you. I actually wanted to express that I felt similarly about the conversation around the purchase of the Greeley Park piece. I wanted us to open it up so we could at least discuss why we were tabling it and what reason. I felt like you didn't really explain that to the public. So I would love to hear from Corporation Counsel as possible in terms of why we legally cannot touch it right now and then I also had a question for that (inaudible).

Steve Bolton, Corporation Counsel

It's never been my opinion that you were required to table it. I've expressed that opinion to no one.

Alderman Kelly

My second question was to Treasurer Fredette in terms of issuing a bond for something we are unable to buy. I always thought (inaudible) generally issued a bond when we have something you're actually going to purchase.

Steve Bolton, Corporation Counsel

Well let me say this. I think that would be a better method. I think having an actual price but in many construction projects, you provide the source of funding before you know the exact dollar amount. But in terms of purchasing property, I think it's more commonly done when you do have an agreement to buy the property. I think that would have been a more orderly process in this case, but you weren't required to take the action you did tonight. So if you'd wanted to enter into negotiations with the purchaser, prospective purchaser of the property, nothing would prohibit that. If you don't want to do that, you don't have to do that. I'm not recommending it be done. I'm just saying if it could be done.

Chairman Dowd

Two things. One – if he has told us flat out that he is not interested in selling it to us and the buyers aren't interested in selling it to us and they have a valid purchase and sale if we try to inflect a competing bid, isn't that a violation?

Steve Bolton, Corporation Counsel

No. We talked about this today you and I. I told you if you're trying to induce someone to breach a contract, that is tortious interference and that's actionable. But just someone who has a purchase and sale agreement to buy a piece of property, you can make that person an offer to buy that contract from him or to purchase the property after he acquires it. There is absolutely nothing illegal, nothing tortious about doing that. That could be done. Again, I'm not recommending you take that action but I have never told anyone and I specifically did not tell you that there would be anything wrong with keeping your options open.

Chairman Dowd

Okay, next item is public comment

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN, BY ROLL CALL

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

Yea: Alderwoman Kelly, Alderman O'Brien, Alderman Wilshire, Alderman Jette
Alderman Clemons, Alderman Dowd 6

Nay: 0

MOTION CARRIED

The meeting was declared closed at 10:25 p.m.

Michael B. O'Brien, Sr., Committee Clerk

Graham, Donna

From: Mike Fahey 
Sent: Monday, December 06, 2021 2:00 PM
To: Graham, Donna
Subject: Ref: R-21-202

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hi Donna,

Can you please forward to all the aldermen of Nashua.

My wife Tammy and I have lived in Nashua since 1993. We have thoroughly enjoyed the area. We live right next to the Nashua Catholic Jr High School (its since been combined with St Chris' Elementary and called St. Chris' Academy I believe!). It's been a wonderful neighbor, our children went there and we've always enjoyed all the afterschool activities that they have. It is presently manageable but there are a number of events every year that are popular and the cars are parked all around the neighborhood going all the way up Bartlett and even onto Wellington. Presently, these two streets are the only means of egress from this proposed neighborhood. I am very concerned that if you were to put in a large additional neighborhood of 43 units it would be extremely dangerous both with the amount of traffic but also, especially at these times, with the addition traffic of getting a fire truck through! These two streets are small sidestreets and this additional neighborhood would more than triple the traffic on these streets and be a safety concern.

Thanks -Mike

Mike & Tammy Fahey
5 Columbia Avenue
Nashua NH 03064