



## RESOLUTION

### AUTHORIZING THE FORMATION OF TWO VOLUNTARY NONPROFIT CORPORATIONS UNDER RSA 162-G FOR THE PERFORMING ARTS CENTER

### *CITY OF NASHUA*

*In the Year Two Thousand and Nineteen*

**WHEREAS**, R-18-002 “Authorizing the purchase of land and buildings at 201 Main Street (Map 81, Lot 3) for the Performing Arts Center” was passed by the Board of Aldermen on February 13, 2018;

**WHEREAS**, 201 Main Street (Map 81, Lot 3) was conveyed to the City on March 13, 2018 by warranty deed recorded in the Hillsborough County Registry of Deeds at Book 9056, Page 685 (together with improvements, the “Parcel”);

**WHEREAS**, R-18-092 “Amending R-18-001 ‘Authorizing the Mayor and City Treasurer to issue bonds not to exceed the amount of fifteen million five hundred thousand dollars (\$15,500,000) for the Performing Arts Center located at 201 Main Street’” was passed by the Board of Aldermen on December 11, 2018;

**WHEREAS**, R-18-092 allows New Market Tax Credits as a potential source of private funding to meet the \$4 million threshold to bonding; and

**WHEREAS**, if a New Markets Tax Credit sub-allocation is made available for the development of the Performing Arts Center, the transaction structure may require or it may be advisable for the City to form one or more voluntary nonprofit corporations; and

**WHEREAS**, RSA 162-G, authorizes the City to act through voluntary, nonprofit corporations to foster and encourage the development of businesses.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the City adopts the provisions of New Hampshire Revised Statutes (RSA) Chapter 162-G.

**RESOLUTION**

**R-19-136**

**FURTHER RESOLVED** *by the Board of Aldermen,* that pursuant to RSA Chapter 162-G:15, the Mayor is authorized to form up to two (2) voluntary, nonprofit corporations under RSA

Chapter 292:1. The Mayor, with the assistance of the Office of Corporation Counsel, is authorized to prepare and execute all necessary documents related to such formation(s) and to file any required documents with the New Hampshire Secretary of State.

The corporation(s) shall have all the powers granted by RSA Chapter 162-G. The corporation(s) authority and duties shall be to foster and encourage the development of business facilities within the City of Nashua, specifically the Performing Arts Center on Main Street, and all other permissible purposes stated in RSA 162-G.

**FURTHER RESOLVED** *by the Board of Aldermen of the City of Nashua* that the incorporators and initial board of directors, if formed, of each of the entities shall be as follows:

A. For "non profit 1"

Rich Lannan  
Debbie Novotny  
Marylou Blaisdell  
Tracy Hall  
Lisa Bissonnette

B. For "non profit 2"

Rich Lannan  
Debbie Novotny  
Lindsay Rinaldi  
Jay Minkarah  
Judy Carlson

**LEGISLATIVE YEAR 2019**

**RESOLUTION:**

R-19-136

**PURPOSE:**

Authorizing the formation of two voluntary nonprofit corporations under RSA 162-G for the Performing Arts Center

**ENDORSERS:**

Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman Mary Ann Melizzi-Golja

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

Minimal cost will be needed for the startup of both nonprofit corporations not exceeding \$1,000.00

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**ANALYSIS**

This resolution authorizes the Mayor to form up to two (2) voluntary, nonprofit corporations under RSA Chapter 162-G, which, pursuant to RSA 162-G:15, are each a body politic and corporate constituting a public corporation. A public hearing is required for this resolution, notice of which shall be as provided in RSA 21:32. RSA 162-G:1, IV.


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**Approved as to form:**

**Office of Corporation Counsel**

By: \_\_\_\_\_

Date: \_\_\_\_\_

  
\_\_\_\_\_  
April 18, 2019