

A regular meeting of the Board of Aldermen was held Tuesday, January 11, 2022, at 7:30 p.m. in the aldermanic chamber and via Zoom teleconference which meeting link can be found on the agenda and on the City's website calendar.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderwoman-at-Large Shoshanna Kelly led in the Pledge to the Flag.

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.

The roll call was taken with 11 members in attendance and 4 participating via Zoom of the Board of Aldermen present: Alderman O'Brien, Alderman Sullivan (via Zoom), Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons (via Zoom), Alderwoman Kelly, Alderman Comeau, Alderman Dowd (via Zoom), Alderman Gouveia, Alderman Cathey (via Zoom), Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire.

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

#### President Wilshire

I'd like to have John Cathey sworn in. So John I'm going to turn it over to Attorney Bolton so you can be sworn in.

Oath of office was administered to Alderman John Cathey.

Congratulations Alderman Cathey.

#### REMARKS BY THE MAYOR

##### Mayor Donchess

Well first, again, I wanted to discuss the COVID-19 situation. As you probably have heard, the number of cases and the overall transmission within the community is up considerably. The two measures we've been talking about over these last two years principally in terms of gauging transmission are the positivity rate and the number of new cases per 100,000 people over the last 14 days. Positivity rate as of a day or so ago was 28.4 percent – nearly double what I reported to you two weeks ago. The number of new cases for per 100,000 is over 1,800. That was 1,200 and something two weeks ago. Of course during the summer months, that was way down like 70 – 50.

We have about 58 people in the hospital as of yesterday between the two hospitals. Hospitals are definitely stressed. They called on the city to see if we could provide employees and help. We've worked with the Fire Department and the Police Department to provide officers on detail if and when they're necessary but the hospitals have gotten some good news in the sense that there are National Guard at St. Joe's. The National Guard is expected at Southern and FEMA is going to be helping out as well. So they think that they're in better shape than they thought when we talked last week and therefore, they may or may not need fire and police officers who would be hired on a detailed basis. Same terms as normal details.

Now the good news, if there is any, is that the hospitals were particularly concerned about the projections coming from the University of Washington which has been pretty accurate and has been projections throughout the last two years. They have projected that February is going to be a very difficult month. The next month or so here is going to be very difficult. The peak may occur in the first couple of weeks in February but that same group in the University of Washington is projecting a very steep decline come April and May in terms of specially the number of people who will be fatally struck with the virus. We have suffered – Nashua tragically the loss of five more people over the last couple of weeks. So we now have about 120 people who have passed away here in our community. I think we can at least take some hope in the idea that we may see a steep decline in early spring.

Again, Public Health doing vaccinations that will soon be putting out home tests and, again, is very dedicated in doing a great job.

On more mundane business, I wanted to mention that from time to time I'll be reporting to you regarding the status of Bills in the legislature. These do affect us. We principally are watching – we're watching a lot of things but we principally watch Bills where the State hits us with reduced revenue or increased expenses. Last year, the State increased the city's pension bill over and above an increase in wages by \$4 million resulting in about a 2 percent tax increase just for that.

This year the amount of school aid is projected to be down over \$2 million hitting the hard working taxpayers of Nashua with another 1 percent tax increase there. So we are watching any Bills that would impact our financial position.

I want to mention House Bill 1432 in which it is proposed that the State never spend even ten cents on commuter rail. We can talk about commuter rail in more detail but the business community here is solidly behind it. Population very much behind it. Now we have some traction both at the State level through the DOT doing the final planning phases of the capital corridor project as well as some attention from Washington. We'll be learning more in the coming weeks on that.

I did have a rather interesting meeting with Chief Rourke of the Police Department. He is looking at some very interesting things. First of all, we're talking about for the first time providing hybrid cruisers which they believe perform pretty well. It will cost a little more but we'll increase the mileage by 7 miles per gallon and over a course of a year at the Police Department that will make a big difference.

The body cameras which have been new this year seem to be functioning pretty well. In some instances have actually reduced the level of confrontation. Some of the people that the Police Department is dealing with are little more calm when they realize that they are on camera. There have been a few technical issues with them which they're trying to work out with the company. So we may have some interesting things coming there.

Finally Madam President, I wanted to inform the Board about a project being undertaken by Dante Castellano and some other students at Nashua South. They are, again, for the second year providing \$5 per tree. They're working with an organization called, "Treeplish" to plant they hope 275 trees at a cost to the homeowner of \$5 per tree. Now these are small trees, small samplings but at a very limited cost and the students will be able to at least plant some of them. This year the three species are a form of Dogwood, a Northern Red Oak, and a common apple which is probably a crab apple. So thank you Dante. If anyone out there would like a tree, we're in contact with Dante so you can contact the Mayor's office or Dante directly maybe at the school. Probably the Mayor's office is the best and we will get any kind of messages through to him. You can also sign up through the treeplish website.

So that's all I have Madam President and before I conclude, I want to welcome, again, we had the inauguration on Sunday but I want to welcome again our new members. We look forward to a very productive two years.

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD – None

READING MINUTES OF PREVIOUS MEETINGS

**There being no objection, President Wilshire declared the minutes of the Special and regular Board of Aldermen meetings of December 14 and December 21, 2021 be accepted, placed on file, and the reading suspended.**

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Mayor Jim Donchess  
John L. Griffin, Chief Financial Officer/Treasurer/Tax Collector  
Re: Comptroller Appointment

***There being no objection, President Wilshire accepted the communication and place it on file.***

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

Laura Colquhoun

Laura Colquhoun from 30 Greenwood Drive. I'm speaking against Ordinance O-22-002 which calls for allowing Aldermen participation in meetings through video teleconferencing.

President Wilshire

Ms. Colquhoun, we're not acting on that this evening. We're not acting on that.

Laura Colquhoun

It's on the agenda.

President Wilshire

We're not acting on it. It's going to be sent to a committee where they will act on it.

Laura Colquhoun

Okay. When is going to be acted on? It's on the agenda.

President Wilshire

Ms. Colquhoun it has to go to a committee before it would be acted on by the Board.

Laura Colquhoun

Well if it's on the agenda, I'm allowed to talk about it.

President Wilshire

We're not taking action on it.

Laura Colquhoun

I'm not asking you to take action but I want you to know how I feel.

President Wilshire

Well you can do that at the next meeting when this is taken up.

Laura Colquhoun

All right. Thank you.

President Wilshire

Anyone else that wishes to give public comment?

Laurie Ortolano

President Wilshire are there any items that allow public comment to happen because there is nothing being acted on, is there?

President Wilshire

No there isn't. That's true.

Laurie Ortolano

So I don't know why we put it in. Just checking to see if I'm missing something. Thank you. I'll lower my hand.

President Wilshire

Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL - None

PETITIONS - None

NOMINATIONS, APPOINTMENTS AND ELECTIONS - None

REPORTS OF COMMITTEE

Finance Committee ..... 12/15/2021

There being no objection, President Wilshire declared the report of the December 15, 2021 Finance Committee be accepted and placed on file.

CONFIRMATION OF BOARD OF ALDERMEN AND MAYOR’S APPOINTMENTS - None

UNFINISHED BUSINESS – RESOLUTIONS - None

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS

**R-22-001**

- Endorsers: Alderman Richard A. Dowd
- Alderman Patricia Klee
- Alderman-at-Large Melbourne Moran, Jr.
- Alderman Thomas Lopez
- Alderwoman-at-Large Shoshanna Kelly
- Alderwoman-at-Large Gloria Timmons
- Alderman-at-Large Lori Wilshire

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF EDUCATION AND THE NASHUA ASSOCIATION OF SCHOOL ADMINISTRATORS AND SUPERVISORS, AMERICAN FEDERATION OF SCHOOL ADMINISTRATORS, AFL-CIO FROM JULY 1, 2021 THROUGH JUNE 30, 2024 AND RELATED TRANSFERS**

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

**R-22-002**

- Endorsers: Mayor Jim Donchess
- Alderman Ernest A. Jette
- Alderman Patricia Klee
- Alderman Alex Comeau
- Alderman Tyler Gouveia

**AUTHORIZING THE EXPENDITURE OF \$1,810 FROM THE CONSERVATION FUND**

Given its first reading; Assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

**R-22-003**

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman Patricia Klee
- Alderman-at-Large Melbourne Moran, Jr.
- Alderwoman-at-Large Shoshanna Kelly
- Alderman Derek Thibeault
- Alderman John Sullivan
- Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ACCEPTANCE OF UP TO \$150,000 FROM THE NATIONAL ENDOWMENT FOR THE ARTS, AMERICAN RESCUE PLAN (“ARP”) FUNDS INTO ECONOMIC DEVELOPMENT GRANT ACTIVITY “GRANTS TO LOCAL ARTS AGENCIES”**

Given its first reading; Assigned to the HUMAN AFFAIRS COMMITTEE by President Wilshire

NEW BUSINESS – ORDINANCES

**O-22-001**

Endorsers: Alderman-at-Large Lori Wilshire  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Melbourne Moran, Jr.  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Alex Comeau  
Alderman Tyler Gouveia  
Alderman Derek Thibeault  
Alderwoman-at-Large Gloria Timmons  
Alderman Richard A. Dowd

**DISSOLVING THE SUBSTANDARD LIVING CONDITIONS ALDERMANIC SPECIAL COMMITTEE**

Given its first reading; Assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by President Wilshire

**O-22-002**

Endorsers: Alderwoman-at-Large Shoshanna Kelly  
Alderman-at-Large Ben Clemons  
Alderwoman-at-Large Gloria Timmons

**ALLOWING ALDERMEN PARTICIPATING IN MEETINGS THROUGH VIDEO TELECONFERENCING TO BE THE PRESIDING OFFICER AND CONDUCT THE MEETING**

Given its first reading; Assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by President Wilshire

PERIOD FOR GENERAL PUBLIC COMMENT

Laurie Ortolano

Hi. My name is Laurie Ortolano. I live at 41 Berkley Street. I finished a Right-to-Know lawsuit regarding Nashua's assessing records in December in Superior Court. One of the challenges involved the records return by the contracted appraisal company responsible for creating the 2018 assessments. The contract signed by the city and the company is a boilerplate document development by the DRA and widely used by municipalities around the State. The contract calls for all documents and property record cards used to create the new values be returned to the city when the contract ends. I filed a Right-to-Know to inspect these documents and was denied by the city under 91-A exemption for draft material and confidential information. I contacted many Chiefs throughout the State, the DRA, and attended Assessing Standards Board meeting in Concord. I questioned everyone on the confidentiality and draft nature of the information. Not one person backed Nashua's decision to make those records exempt from public disclosure. I wrote back to the city three times presenting a new argument each time on the importance of these materials being public. These records provided an audit trail for the work done by the hired company and allowed a property owner to verify that Nashua created equity in these new assessments.

After three months of denials, I added this to my lawsuit. I then wrote formal Right-to-Know requests to four towns to request to inspect the records returned by their hired appraisal companies. Unlike Nashua, my requests were answered in a matter of hours. One request – this was the Town of Moultonborough where I own a home. Chief Hughes who served as the Director for the DRA invited me up to inspect these records expounding that they are your records. Chief Michaud from Hudson granted written access to the records and the Wolfeboro assessing clerk also welcomed me up to inspect the records. I finally contacted the assessor in Littleton, New Hampshire. Why did I pick Littleton? Because the Littleton assessing office is contracted to KRT. The same company we hired to do our 2018 assessment. The contract language for the return data was identical and KRT did the same type of 2018 update as was done in Nashua. When I called the Littleton assessing Chief Dorcette from KRT, I wondered how far my reputation reached. Mr. Dorcette immediately stated that these records if we still have them available are public records and affirmed his remarks in writing. Why did Nashua deny...

Donna Graham, Legislative Affairs Manager

30 second.

Laurie Ortolano

When Ms. Kleiner was placed as Acting Chief of the Assessing office, I objected strongly. She did not have the skillset to be qualified for such a technical position. Ms. Kleiner assured the Board that she would consult with Chiefs around the State to verify that her work was compliant. In December under cross examination in court, Ms. Kleiner stated that she

never spoke with any other State experts about the public nature of these records. Had I lived in any other place in New Hampshire, I would have had access to these records.

Donna Graham, Legislative Affairs Manager

Your time is up.

Laurie Ortolano

Ms. Kleiner deliberately acted to shut down – I'm on one sentence – the audit trail that allowed me to verify my property assessment and defend it in court as well as KRT's work. The matter is now in the hands of the Judge and should not be. This was a needless, costly legal challenge...

President Wilshire

Okay, your time is up Ms. Ortolano.

Laurie Ortolano

Okay, I ran 15 seconds. Seriously? Nobody is here to talk. Seriously Ms. Wilshire? I wish somebody else had picked a new President. Fifteen seconds.

President Wilshire

Anyone else from the public wishes to give comment? Seeing no one.

Committee announcements:

Alderman Moran

Just announcing that there's no business next for the Planning and Economic Development Committee so we'll be cancelling that meeting on Wednesday.

President Wilshire

Thank you. Anyone else? Seeing none.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Thibeault

Yeah I just want to say thank you to everybody that's been helping me over the last couple of months. I've been coming to these meetings and I think most everybody that's here, including former Aldermen and Alderwomen, have helped me out and I think that's great. It's a lot to learn. I take this responsibility of being part of this group serious. I really thank everybody and look forward to doing great work for the city this year with all of you guys. Thank you.

Alderman Lopez

I just wanted to make a comment relative to something that the Mayor had mentioned and just bring it to the public's attention. In order to support the hospitals, one thing that you can do is contact the United Way. They are looking for volunteers in non-critical areas such as door greeters. So there are some things that you can do. The United Way is organizing (inaudible) effort. I would just urge the public to be considerate of their healthcare workers who are likely doing triple and quadruple times normal amount of work that they were trained to do and be sensitive to what they're seeing every day. Thank you.

Alderman Klee

Thank you Madam President. I want to welcome all the new Board members. I'm looking forward to working with you for the next two years.

I actually Alderman Lopez stole my thunder. I did want to mention also the United Way. To add to what he has said is that the United Way Sarah Ceasar is the lead for the volunteers. She is right now looking for citizens who want to help in the area of – I believe – testing of the employees as they're coming in. You'll be completely safe and so on but its handing things out. I know she was looking for some volunteers for every Monday through the month of January. I think it's from 9 to 12:30. Anybody who is interested, please call Sarah Ceasar at the United Way on Bridge Street. Thank you.

#### Alderman O'Brien

Thank you Madam President. I would like to thank the Mayor for bringing to the attention House Bill 1432. In my time up at the State House, I have been very proactive in commuter rail. One does not have to go far and look at communities particularly to our southern friends which has commuter rail in Massachusetts and look at the thriving communities that exist because they're on the rail corridor. There is nothing wrong with a citizen for Nashua jumping on commuter rail and going to Boston and make the Boston rate of pay. You'll come home from that day of work and bring that Boston rate back into our economy. It makes sense. To my friends up at the State House, it doesn't. We had Keno in this city. I'm almost debating whether – they go oh I don't want to spend a dime for commuter rail yet when we have Keno in this city, that money goes to that local community and supports their education. I'm glad Nashua has broad shoulders.

I wish the rest of the State had broader shoulders to help out Nashua. We generate an awful lot of revenue for the State of New Hampshire and this is the beginning of another slap in the face from the NH House of a certain Representatives in the NH House of us trying to improve the quality of life in our city. Thank you.

#### Alderman Sullivan

Thank you Madam President. I wanted to say thank you to a few people. Last night we had the orientation meeting and each department head got up and talked to us about what they did, and how it related, and the value that they add back to the city. I just wanted to say thank you because that was a great meeting. It was a great learning experience. Personally myself in the run up to taking office, I did do a ride along with the Nashua Police Department so I would urge my fellow Aldermen to do that at some time. I also had the opportunity to walk the wastewater treatment plant and the landfill as well. I would really emphasize to my fellow Aldermen if you have the time to do that, it's well worth it.

Then also I don't know if I'm out of order, but I did have my little hand raised on that side for bill R-22-003 to support that. I'm sorry you missed that. I didn't want to interrupt at that point. That's it.

#### President Wilshire

Sorry about that. We'll add you as a sponsor as well. Thank you.

#### Alderman Dowd

Yes just a couple of things. On the 24<sup>th</sup>, we'll have our first Budget meeting and R-22-001 is a contract connected with the school association administrators and supervisors. It's not the teachers' contract. We'll be addressing that and I'd like the members of the Budget Committee to review that contract and have any questions ready. We have 30 days from the day we get the contract to have it sent back approved or disapproved. So it will go to the full Board of Aldermen after the Budget meeting on the 24<sup>th</sup>.

The other thing is the Joint Special School Building Committee on the 27<sup>th</sup> of January is going to be open to the full Board of Aldermen and the full Board of Education. We're going to do an overview of the entire middle school project, including the updated status and a lot of pictures which will be a lot easier than going out in this weather and looking at the construction going on. It will give you an overview of just what the entire middle school project is, and how far it's come over the last five years, and the current status. So you're all invited. Thank you.

#### Alderman Clemons

Thank you Madam President. I just quickly wanted to wish everybody a happy New Year. I'm glad to be here and I am certainly happy to be serving with the new folks on the Board. I welcome them all. I look forward to working with you and also, of course, to the folks who have returned, I look forward to continuing working with you as well. Again, I wish everybody a happy New Year.

#### President Wilshire

Thank you Alderman Clemons.

So I would just like to thank all the departments that were here last night, gave their time, and gave us maybe a little information overload but some of it will stick. Some of it won't. I thought it was really nice that they took the time to do that. So Mayor thank you to your staff for being available for that.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE JANUARY 11, 2022, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED BY ROLL CALL**

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran,  
Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly,  
Alderman Comeau, Alderman Dowd, Alderman Gouveia, Alderman Cathey,  
Alderman Thibeault, Alderwoman Timmons, Alderman Wilshire 15

Nay: 0

**MOTION CARRIED**

The meeting was declared adjourned at 7:59 p.m.

Attest: Susan K. Lovering, City Clerk