

## COMMITTEE ON INFRASTRUCTURE

JANUARY 22, 2020

A meeting of the Committee on Infrastructure was held Wednesday, January 22, 2020, at 7:03 p.m. in the Aldermanic Chamber.

Alderman-at-Large Michael B. O'Brien, Sr., Chair, presided.

Members of Infrastructure Committee present: Alderman Tom Lopez, Vice Chair  
Alderman Jan Schmidt  
Alderman Ernest A. Jette  
Alderman-at-Large David C. Tencza

Members not in Attendance:

Also in Attendance: Alderman Patricia Klee  
Tim Cummings, Economic Development Director  
Jill Stanfield, Parking

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### ELECTION OF COMMITTEE CLERK

**MOTION BY ALDERMAN LOPEZ TO NOMINATE ALDERMAN JAN SCHMIDT TO SERVE AS COMMITTEE CLERK FOR THE 2020-2021 TERM**

**MOTION BY ALDERMAN LOPEZ TO CLOSE THE NOMINATIONS  
MOTION CARRIED**

**MOTION CARRIED TO ELECT ALDERMAN JAN SCMIDT AS COMMITTEE CLERK FOR THE 2020-2021 TERM**

### PUBLIC COMMENT

Lyndsay Rinaldi Thank you for having me today, my name is Lindsay Rinaldi, I am the Executive Director of the Nashua Community Music School. I also serve as the Chair of the Nashua Arts Commission. I myself have grown up in Nashua and I went to Nashua schools since I was in elementary school. I graduated from Nashua High when it was still one school. So big changes in the City of Nashua mean a lot to me. One of the main reasons why I decided to come back to the City of Nashua to work and to give back is because I love the community and I love the City. So the opportunity to serve the City where I grew up as the Executive Director of the Nashua Community Music School is a really special opportunity for me.

Over the past 5 years where I have been serving in this role, I have been working really hard to try to expand our charitable footprint in Nashua. By doing that, one of the ways we have established ourselves in the City is through our location and our dedication to being involved in the development of Cultural Arts in Downtown Nashua. Our current location is in the Nashua Mill yard. So the Nashua Mill yard I know is an area that the Board of Aldermen and many City Officials and staff and community members have wanted to see elevated and become a place where people want to go and have a place of industry and arts and to see that whole area thrive.

Unfortunately very recently we received a threat from the City basically letting us know that the parking lot that we have been using outside of our building is unfortunately going to become a pay-to-park, monetized parking lot. I thought it was very important that the Infrastructure Committee was made aware of this communication.

So I hope that the reports that I sent ahead of time in preparation for this meeting were distributed. Would it be worthwhile for me to go through the timeline of the issue or have all of the Aldermen had the opportunity to go through the reports? Would it be helpful for me to summarize?

Alderman Schmidt

Summarize would be good.

Ms. Rinaldi Summarize, alright; so in the report that I submitted it just has a brief timeline of events. Unfortunately with no communication made to the business owners, the non-profit organizations and the places of worship that currently reside in 3 and 5 Pine Street Extension. The notification was presented to those tenants and folks and patrons of those businesses and organizations via a paper flier that was attached to people's cars as well as stationary signs that were put throughout the parking lot on the morning of Monday, December 16<sup>th</sup>. The communication that was written and put on people's cars was saying that the parking lot was going to become a pay-to-park situation as of February 2020, which would be next month.

This would be an incredible, an incredible burden and incredible impact to the businesses and the community service organizations and the three places of worship in these buildings. So I immediately was trying to get to the bottom of the situation to figure out how this could be happening especially on such a quick timeline. I reached out to Director of Economic Development Tim Cummings and he provided me with some great answers that gave me a better idea of how this decision was made and why the communication was issued in the way that it was.

As a result of that, the threat still looms due to the significant impact, the changing this lot to a monetized lot would be on my particular non-profit service organization and the other organizations in the building. So we chose to hold a Town Hall style meeting in the Nashua Community Music School that basically united the different business owners or organizational leaders in the building with Director Tim Cummings, Jill Stansfield was there as the parking manager to help talk about the situation and where it is right now as well as the landlord and his attorney were present.

So we had a good conversation so we could also have a better understanding of the entire situation and the intent of the City. We were also given the opportunity to express different statements of impact on behalf of the business and the non-profit organizations and the places of worship to members of City Staff to let them know, in a formal setting, how the decision to make this lot a pay-to-park situation on such a tight timeframe could be detrimental. In that meeting I feel that we were heard and then the next step is essentially coming to you folks to see if there is the opportunity to make a change to the timeline. When I submitted this report initially, to give a summary of the situation to you folks today, the goal was to make the Board of Aldermen aware of how the communication and the change of the management of this lot was going to be or how it was handled or how it was understood to be handled by a non-profit leader, by someone in the building, by a tenant.

So I am here on behalf of the other tenants in the building to make a request. So our appeal to the City is that if this monetization of the lot is to occur, if this pay-to-park situation is to occur, we are asking for a two-year timeframe, or a two-year delay of that decision to allow the following things to occur. Number One, it has become apparent to us within that Town Hall style meeting that it is necessary for additional time for the landlord and the City of Nashua to address a conflict. My understanding is that there is a certain conflict and certain litigation that may or may not be happening between the City and the landlord and we feel that it is very important that they get the opportunity to address that conflict without making a negative impact on the business owners and the organizations in the building because unfortunately the result of this conflict I believe is the way that the information, the change in the parking lot was delivered. That is part of what is providing such panic amongst the tenants.

Secondly, this two-year timeframe would provide the opportunity for the current tenants in the building as businesses to address their budgets to be able to afford to purchase a City Permit. It would allow organizations like myself, The Nashua Community Music School to fundraise appropriately to be able to afford any sort of City Permit that might be necessary for my staff, faculty and student body if given the opportunity or collect donations in order to afford these type of parking permits. A two-year timeframe would also allow the current tenants to be able to relocate without experiencing extreme financial penalty. It isn't easy to relocate a business or place of worship or a school like mine that serves over 250 students a week. We can't just do that on the time-frame of a month or a few months, it has to be calculated, it has to be organized. By changing the lot to a monetized lot, without any sort of flexibility would for an organization like mine be basically be a forced eviction notice and we would have to leave immediately. We wouldn't want to have to relocate in a way that would also then significantly diminish our ability to continue servicing this City in the charitable ways that we do.

The fourth opportunity within this two-year time frame would provide the opportunity for the City of Nashua to re-evaluate their decision to convert the lot to a pay-to-park system. My understanding now is that there is going to be a parking study that is going to help evaluate the status of the lot. When I received that information in writing from Jill Stansfield just an hour after I submitted my report, I think that was a wonderful gesture in the right direction. But the letter states now that the monetization of the lot won't necessarily be put into practice or established, I don't know what the right political word is, until the end of the summer, which still would create an incredible hardship for an organization the size of mine as well as the three houses of worship in our particular mill building.

My takeaway today is I understand that these projects are considered by the Infrastructure Committee. I understand that in the grand scheme of all the different construction and infrastructure projects in Nashua; something like this could easily be overlooked. I want to make sure that it makes the priority list because the impact of making this lot a pay-to-park system would be incredibly detrimental to the organizations and the businesses that currently reside in the lot. I firmly believe that choosing to make this lot a monetized lot would actually deter people from coming to the Nashua Mill Yard overall and enjoying the services that the tenants that are there have been trying to provide. I ask at this time if there are any questions about what I have presented here?

Alderman Schmidt

If I may, do you have a written copy of what you'd like to leave with us?

Ms. Rinaldi Yes, yes and this was all submitted to Donna ahead of time as well.

Chairman O'Brien

Thank you Ms. Rinaldi I would like to say that we appreciate you being here. This Committee, as you know, when you had the Town Hall Meeting, Mr. Cummings was there, Alderman Schmidt was there and myself. We do appreciate your advocacy of this and you are going to be, the Committee does recognize as will be the lead contact and stakeholder for this type of – as we mitigate this, as we go on. But as I think you can appreciate as you brought up several different points, you know, five points there and everything we are still tumbling through the weeds on this. So there has not been any discussion and anything right now that is anything solid. But we will remain in contact and consider, being part of the stakeholder and your advocacy for this, we will keep you informed as the Committee goes forward on this. It is going to take time, I don't see the five alarm fire, it's not acute, there is a process that we will be going through with this. So we will up to updated as we move along.

Ms. Rinaldi May I respectfully ask how will the deadlines of this project be communicated like how are they set? I am unfamiliar with the process?

Chairman O'Brien

To explain it, we do have this pending as you are aware, the parking study. We are probably going to take a lot of that recommendation that is within that. It is not only looking at your facility, it is going to be other places within the downtown area, as far as looking at large. It is something that really hasn't been done in this City in a long time, if it was ever done previously. So this is a big piece to chew on, so we will be looking at that and again, we will keep you informed of when it comes up to your particular piece, to your concern about the 3 to 5. I do have first Alderman Lopez in the queue.

Alderman Lopez

I just want to clarify there is no enabling legislation to allow for paid parking on this lot. So there is no legal way it would be enforced or implemented. I think it is unfortunate that it was communicated, especially with deadlines, that it would be taking effect by February or taking effect by even the end of summer. Without that enabling legislation it will not take effect and that's a decision that all of us are elected to make. It has not been proposed through the legislation, it has not been enabled.

We haven't had a discussion here; first you would see it presented at the Board of Aldermen as a piece of Legislation, then you would see it discussed here at the Committee of Infrastructure. Then it will go back to the Full Board to be confirmed. Personally I am not inclined to do it at all, I am willing to agree not to propose any Legislation or to vote favorably without consulting with the Mill Yard Representative. So as your local Alderman, for what that is worth, I wouldn't support it until I saw that. But I do believe, without speaking for the rest of the Committee, I do not believe anybody intends to take any steps until the parking study has been done and that is a parking study which would include public input, particularly in the areas that the parking would effect.

Ms. Rinaldi With the steps in that process, is that something I can receive notification when we are moving to that next step or is that something that I need to be on top of, reading the public agenda and things like that for the Board of Aldermen?

Chairman O'Brien

I don't know how that would really be done but I think working with Mr. Cummings the Economic Development Director, I think we will probably send you notifications when it comes down to have you working with us on this.

Alderman Lopez

Even just speaking for myself, if I saw any Legislation to this effect, I would make sure that I told all the businesses because they have been contacting my pretty regularly. So I am aware of the concerns. So at least I can say if anything that even looked like it was going to be parking in that area took place, I would come and tell the businesses.

Ms. Rinaldi

I really appreciate that, thank you.

Alderman Tencza

I was going to say something similar to Alderman Lopez in that nothing can happen without the full consent of the Board. And the other thing I will just say to the general public and to Ms. Rinaldi, is this is the type of public input that we need on all infrastructure and public related issues. So I appreciate you being the lead person and bringing it to our attention, because rather than waiting until it gets to us and we are ready to take a final vote we know about this. I'm sure, shame on us, if one or more of us don't contact you if something were to come forward. So thank you.

Chairman O'Brien

I agree with Alderman Tencza, but I hope that you, Ms. Rinaldi, and everybody that is you know paying attention and some of your stakeholders, that again this is just in the developmental stage and everything so there. It is not time to come up with a final solution at this particular time so we are still working on it. And we will be probably working on it for a couple months. And particularly working on it when the study does come to fruition that we get the chance to take a look at it.

Ms. Rinaldi

Thank you. I think that speaking as a representative of the tenants in the two buildings are affected, I appreciate the recognition of that and I appreciate the open communication. Speaking as someone representing my own non-profit organization, I would like to leave you with this. To have to relocate a school of my size would take years, it would take a minimum of two years to be able to do it well and strategically and without shaking the 35 year old foundation that we have created in this City. We are one of the first tenants to be in that area and we are proud to be in that area to be able to help the revitalization of the mill yard. We invested over \$35,000.00 in the build out of our organization in order to be able to make the mill yard a more beautiful and artful place. At the current parking permit rates that were proposed, if they were to stand as they are currently designed which is \$50.00 a month per spot, it would approximately cost \$15,000.00 a year to just permit my faculty and staff members. This \$15,000.00 a year is equivalent to the programming that we donate to the charity, the charitable avenues and the Title 1 Schools in Nashua.

Our strategic planning is to increase our footprint in the Title 1 Schools in Nashua as well as continuing to provide positive workshops and musical events to the City of Nashua and on all its residents and Greater Nashua area folks. It would be a real shame to see us have to reinvest that money into parking permits in order to be able to stay in the location that we have nurtured from its ugly point to it now, I think, much more beautiful point in the mill yard. We are proud to be there and we would like to stay there, we would like to stay as a firm part of the City of Nashua and particularly in the downtown area. I really appreciate the opportunity to be able to speak with you folks today because I do believe that we can work with the City to find a solution that works for everyone because I do not feel that the City is making these decisions to punish anybody. I think that they are just doing their due diligence to find more revenue and I understand that and I respect that. So I kindly as that as we move forward on this project, that it stays a priority and that we are notified and I appreciate the recognition of this Committee and the support that I have continued to receive from Director Cummings and Jill Stansfield. Thank you.

Chairman O'Brien

Very good. Alderman Jette?

Alderman Jette

If I could just ask you one question while you are here? Do you have a written lease and does it talk about parking?

Ms. Rinaldi We don't have a formal lease currently. It is a point of conflict.

Alderman Jette

Ok thank you.

Chairman O'Brien

Ms. Rinaldi, thank you very much for your input, we very much appreciate it. Thank you.

Ms. Rinaldi Thank you for listening.

Chairman O'Brien

I am going to call Ms. Barbara Pressley, former Alderman.

Barbara Pressley Thank you very much, nice to be here, understanding you are getting new carpeting, new desks, how wonderful, congratulations. It has been my pleasure to serve on the Board of Directors of the Nashua Community Music School, it really is a wonderful excited place. When you arrive there and you see kids carrying their heavy instruments up this long flight of stairs, just the joy and the activity that is taking place there. In many ways I feel that this program is really a public purpose. As we all know our public schools are having to cut back a lot and they choose to cut back on the music activities. I feel that this school is really providing a wonderful public service for not only the children but the whole community.

I would also like to point out that the location it is always challenging if somebody wants to visit and I have to describe how to get there. I hope you all have found it. It's hard to describe it, sometimes it is like driving through a war zone to get to it. It certainly is quite different from other parking lots that have adequate lighting, the roads leading to it are open and it is quite different. It does not have any of the amenities that the other public parking spaces here. So if you do proceed to do this,

I hope you will consider the cost involved in having to put up adequate lighting so people can see at night. Also some of the buildings there, it really does look like a war zone. But we love it there and the kids are doing fine. But I hope you will consider this exempt from this type of activity. Every time I have been there it has been very vacant, you know, it's not a full parking lot, it's not like people are clamoring to get space there. It's usually just the few tenants, people like myself. But thank you, good luck on your deliberations. Thanks.

Chairman O'Brien

Thank you Mrs. Presley. Seeing no other speakers at this particular time, we will move on to regular items on the agenda.

COMMUNICATIONS

From: Lindsay Rinaldi  
Re: Pine Street Extension Parking Lot

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

PETITIONS - None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS

**R-20-002**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderdwoman-at-Large Shoshanna Kelly  
Alderman Richard A. Dowd  
Alderman Thomas Lopez  
Alderman-at-Large David C. Tencza

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$294,000 FROM THE COMMUNITY DEVELOPMENT FINANCE AUTHORITY INTO CAPITAL PROJECT GRANT ACTIVITY  
“INVESTMENT TAX CREDIT PROGRAM FOR THE PERFORMING ARTS CENTER”**

- Also assigned to Planning & Economic Development Committee (mtg 1/21/20)

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

ON THE QUESTION

Chairman O'Brien

Ok I would like to just briefly take a moment to speak on this. This is something that we are going to do in conjunction with colleagues in the Planning & Economic Development Committee. They had a meeting on the 21<sup>st</sup> to which this was tabled. We are very fortunate to have the Chairman of that particular Committee as a member of our Committee. So we are going to work together, we will get together and call for a specific meeting date and we will convene both groups on that. So therefore I am going to look to the Committee Member of Alderman Tencza.

**MOTION BY ALDERMAN TENCZA TO TABLE R-20-002**

ON THE QUESTION

Alderman Lopez

I would like to express my support for this since yesterday I was too sick to attend, and today here I am. Apparently I could have just come to one meeting, so I think having a joint session would just be great for everybody.

Chairman O'Brien

That's the intent and both Committees do have a stake in this, so working together, I look forward to it.

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE – None

GENERAL DISCUSSION

Alderman Lopez

I just want to make comments with regards to the parking study. It is extremely important that we engage the community in making sure they know when the parking is taking place and happening. Because particularly on Main Street and the surrounding areas, there seem to be two schools of thought with parking.

Some say that there needs to be much more parking regulation and cars need to be moving in and out. Others, their businesses rely on cars being able to stay long enough in order to serve meals or shop around or that type of thing. So there's a lot of Committee input particularly for me, this is why I was frustrated last meeting because this is like the largest area of complaints or concerns that I get from businesses in the downtown area.

We have lost many businesses, we have lost Graffiti Paint Bar, we've lost Riverside Barbeque, Revolution just changed hands, kind of the tip of the iceberg, even El Colima and the new business in their site have struggled because of parking. It makes or breaks a business and to see a non-profit organization like the Music School struggling with whether or not they would be able to stay in the downtown. We really need to be very careful how we proceed because if our purpose is to enhance the quality of life downtown by making improvements like making sure parking is regulated, we need to make sure we are not harming businesses when we do that. That is going to require input from the businesses, from the individuals that are parking. We need to be very, very careful about this and come up with a unified plan that prioritizes not just the economic revenue generated from the parking space, but the impact of the people that we are affecting towards the overall economy.

#### Chairman O'Brien

Further general discussion? Ok seeing none, public comment. The public is welcome to come up, but if you have already expressed your opinion, we completely understand and appreciate your efficiency Thank you.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION

**MOTION BY ALDERMAN SCHMIDT TO ENTER NONPUBLIC SESSION PURSUANT TO RSA 91-A:3 II (D) CONSIDERATION OF THE ACQUISITION, SALE, OR LEASE OF REAL OR PERSONAL PROPERTY WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY  
MOTION SECONDED BY ALDERMAN JETTE**

ON THE QUESTION

Alderman Jette

I know under our normal rules, Mason's Rules, motions don't need a second, but the statute for non-public sessions does talk about "motion properly made and seconded". So I don't know if that is necessary but I would like to second it just to make sure we are covered.

Alderman Schmidt

We are covered.

Chairman O'Brien

Well I think we are covered we are going by the way – it is good to discuss this, this was put in. But I will look at that, I will ask that question, perhaps of counsel, and see what they have to say on that.

*A Viva Voce Roll Call was taken, which resulted as follows:*

Yea: Alderman O'Brien, Alderman Lopez, Alderman Schmidt,  
Alderman Jette, Alderman Tencza 5

Nay: 0

**MOTION CARRIED**

*The Committee on Infrastructure went into non-public session at 7:36 p.m.*

**MOTION BY ALDERMAN JETTE TO EXIT NONPUBLIC SESSION AND RETURN TO THE INFRASTRUCTURE COMMITTEE MEETING  
MOTION CARRIED**

**MOTION BY ALDERMAN JETTE THAT THE INFRASTRUCTURE COMMITTEE SEAL THE MINUTES OF THE NON-PUBLIC SESSION BY ROLL CALL UNTIL SUCH TIME AS THE MAJORITY OF THE COMMITTEE VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED  
MOTION SECONDED BY ALDERMAN LOPEZ**

*A Viva Voce Roll Call was taken, which resulted as follows:*

Yea: Alderman O'Brien, Alderman Lopez, Alderman Schmidt,  
Alderman Jette, Alderman Tencza 5

Nay: 0

**MOTION CARRIED**

ADJOURNMENT

**MOTION BY ALDERMAN LOPEZ TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 9:03 p.m.

Alderman Jan Schmidt  
Committee Clerk