

COMMITTEE ON INFRASTRUCTURE

PUBLIC HEARINGS

APRIL 24, 2019

Public Hearings were conducted by the Committee on Infrastructure on Wednesday, April 24, 2019, at 7:00 p.m. in the Aldermanic Chamber.

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

Members of Committee present: Alderman Jan Schmidt
Alderman Ernest A. Jette

Members not in Attendance: Alderman Tom Lopez, Vice Chair
Alderman Ken Gidge

Also in Attendance: Alderman Patricia Klee
Alderman Linda Harriott-Gathright

Chairman O'Brien

Both Alderman Gidge and Alderman Lopez have been properly excused.

PUBLIC HEARINGS

Petitions for Street Acceptance: Adelaide Avenue and Pendant Lane

Alderman Klee

This is a fairly new complex that they had built. Adelaide has existed for a number of years. That's on the corner of Concord Street. The first few homes on both the right and the left side of that street have existed for a while. They built, as you can see, from 8 all the way down to Birchwood and the same on the other side. Pendant is a brand new street. Adelaide existed in theory from that point on, but there was something that blocked the road and it was not paved all the way through. When these new homes went up a couple of years ago, they paved it all the way through. They put sidewalks on the even side of the street and then they built Pendant. They are cute little homes.

TESTIMONY IN FAVOR – None

TESTIMONY IN OPPOSITION – None

TESTIMONY IN FAVOR – None

TESTIMONY IN OPPOSITION – None

ADJOURNMENT

**MOTION BY ALDERMAN JETTE TO ADJOURN
MOTION CARRIED**

The public hearings were declared closed at 7:04 p.m.

Alderman Jan Schmidt
Committee Clerk

COMMITTEE ON INFRASTRUCTURE

APRIL 24, 2019

A meeting of the Committee on Infrastructure was held Wednesday, April 24, 2019, at 7:04 p.m. in the Aldermanic Chamber.

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

Members of Infrastructure Committee present: Alderman Jan Schmidt
Alderman Ernest A. Jette

Members not in Attendance: Alderman Tom Lopez, Vice Chair
Alderman Ken Gidge

Also in Attendance: Alderman Patricia Klee
Alderman Linda Harriott-Gathright
David Fredette, Treasurer

Chairman O'Brien

Again Alderman Gidge and Alderman Lopez have been properly excused.

PUBLIC COMMENT - None

COMMUNICATIONS - None

PETITIONS

Petitions for Street Acceptance: Adelaide Avenue and Pendant Lane

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND GRANTING THE PETITIONS FOR STREET ACCEPTANCE FOR ADELAIDE AVENUE AND PENDANT LANE

ON THE QUESTION

Alderman Klee

I just have one question. In this petition does that mean that the City then becomes one of the plowable streets and so on, is that the way this would work, is that part of. .. I have a feeling they have been doing it already.

Alderman O'Brien

Right as you so eloquently pointed out during construction it was phased in and the buildings went up and paving and different things, probably met by the obligations by the Zoning Board and everything. That work was done and right now it is going to be the acceptance of the City on it.

Alderman Klee

Thank you.

Alderman Harriott-Gathright

I don't know if I can ask questions about it. Why do we have to accept it, I don't understand why you have to accept a street that is already there? Does that make sense?

Chairman O'Brien

Mr. Fredette do you want to take a crack at that. Please you're welcome, please sit down.

David Fredette, Treasurer

From my knowledge but based on my knowledge, it is not a public street until it is formally accepted by the City. This will go to the full board and they will vote on it at the next meeting. It's not a public street until it is accepted.

Alderman Harriott-Gathright

I would think since in order to build, that they had to go through Zoning and all the other stuff, you know what I mean?

Chairman O'Brien

But it remains at that particular time a private way until the petition comes up from the people who live and wish this now to become part of the City; which will give them entitlements to what normally happens within the streets, such as plowing and maintenance and everything. So I guess the Zoning Board and everything, most of the stuff has made up as far as the infrastructure on the road has been done and so now it's ready for us to accept it.

Mr. Fredette

They really do it for the protection of the homeowners because they all get a letter formally that they are having this public hearing. If they have concerns about this street they come and they speak. So apparently there are no concerns. But sometimes you can have a lot of people on the street come and speak about problems on the street.

Alderman Harriott-Gathright

So how old is this street?

Alderman Klee

It is probably about, Pendant probably is about a year and a half or so, maybe two years now. The first part of Adelaide has been in existence for a very long time. But not the last half of it; so the part that was up to Concord Street, like about where #6 is to Concord Street.

Alderman Harriott-Gathright

So I am going to follow-up, it's just a statement actually. I think it was in '85 when my street was kind of like this but I never knew that there was a hearing or something to go to when they accepted the street. You know what I mean? I have never heard of that before so it is new to me and I was just curious as to how this was working. I kind of went through the same thing, it was a new development new street, but I never got anything to go to a hearing to accept the street. I'm sure it happened.

Chairman O'Brien

As you know, I'm familiar with your neighborhood that's why that turn is a little bit ... at one time that was a cul-de-sac but it was the responsibility of the builder.

Alderman Harriott-Gathright

No it was (inaudible) of trees and mud and all of that stuff.

Chairman O'Brien

And then they decided to incorporate an addition. We get into that and then there are also certain areas for fire reasons that for the fire department they come in and they have access roads to get into some developments so they can get up. There is one in particular in the south end that comes to mind; it is one of the only ways that the ladder company can get in there because of the size of the vehicle. You need that size but it is the entrance off the Daniel Webster Highway. If it goes up the traditional way, the rear tail board of the ladder truck scrapes on the street. So it is certain things; so when you accept a street it does have some responsibility to make sure that it is approved.

Alderman Harriott-Gathright

Well thank you, so this is my first time here.

Chairman O'Brien

Very good questions. It s the way we do it. Any further discussion.

MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-19-130

Endorsers: Mayor Jim Donchess
Alderman Tom Lopez
Alderman-at-Large Brandon Michael Laws

AUTHORIZING THE SALE OF TAX DEEDED PROPERTY LOCATED AT 4 ½ - 6 CANAL STREET

Discussion by Aldermen regarding location of map on screen.

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman O'Brien

Any discussion on the motion?

Alderman Jette

Could we hear, since the Treasurer is here, could we hear ...

Chairman O'Brien

The Treasurer is here would the treasurer like to come forward and give us a brief summation please?

Mr. Fredette

It will be very brief. As the Resolution says this was a tax-deeded property about a year, year and a half ago. It is the intent of Director Cummings to issue an RFP in trying to keep the historic look of the building with the RFP requirements. So until he issues that, you know, we will have to see who responds to that and what are their plans. But that is his plan to issue an RFP for that building.

Alderman Jette

So maybe I am out of date on this observation but the last time I noticed that property there were a lot of trucks and cars and things parked on it and if the City owns it, I am wondering who those trucks belong to, who those cars belong to?

Mr. Fredette

I don't know, the last I knew there was no trucks or anything parked on it. There was similar to the place on West Hollis, there was some people, because the home was boarded up, there were some people who got inside there and were starting a fire to keep warm and that kind of thing. But I wasn't aware of any trucks on the lot. I don't go by every day.

Alderman Klee

I don't recall seeing any vehicles or anything like that. I know we had an issue with vagrants and with people kind of moving in there and so on. Mr. Cummings took care of that and the Police have been noticing. I am wondering if, it is where that yellow house is. You're saying you believe you saw vehicles and so on there?

Alderman Jette

I don't remember the color of the house.

Alderman Klee

It's a bright yellow.

Alderman Jette

But I remember maybe in the arrow part of that triangle, I remember vehicles that, it may have been a few years ago, but I thought it was recent.

Alderman Klee

I know that they were going in there and boarding it back up so I am wondering if you saw that kind of activity. That was just a few months ago.

Mr. Fredette

Yes, sooner than that.

Alderman Klee

It's been within the past month because I got a phone call on that so I know when I drove by I didn't see any vehicles there, but that doesn't mean when you went there weren't cars there. But no one has lived there for awhile.

Alderman Jette

It doesn't really matter, we are moving in the right direction I think.

Chairman O'Brien

As the Chair, my question to Mr. Fredette, this will take what was probably vacant property not on the tax rolls because of that. It has been a derelict building; there has been a couple of fires in it that I know, I've had a couple myself there. This is the hope, by selling this deed, it will get back on the tax roll and become a productive property in the City, correct?

Mr. Fredette

I believe so, yes.

Chairman O'Brien

So it's for the betterment, very good.

MOTION CARRIED

R-19-131

Endorser: Mayor Jim Donchess

AUTHORIZING THE GRANTING OF AN EASEMENT TO THE NASHUA MILLYARD ASSOCIATES, INC. OVER LAND LOCATED AT 2 PINE STREET EXTENSION

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman O'Brien

Please bear with me as I do my slide. Very good, we do have a motion by Alderman Schmidt for final passage. Pine Street Extension number two, there's three, I'm not really too sure where 2 is.

Alderman Schmidt

There's 1 through 3 so it's probably in that.

Chairman O'Brien

Right in this area, yeah. Ok. Any questions on the motion.

Alderman Jette

I'd like to know what exactly we are talking about. Do we I guess no one is here to tell us and we don't know.

Chairman O'Brien

As I look as the prime sponsor is the Mayor in granting an easement to the Nashua Millyard Associates over land located at 2 Pine Street Extension. Let me just make sure we are in the right geographical area.

Alderman Klee

If I remember correctly it was something to do with putting in a fire pump easement in through that area so I am assuming ...

Alderman Harriott-Gathright

Yes that's what it says "The City was obligated to construct, install and connect a new fire pump and connect it to the Millyard's existing fire system".

Alderman Klee

That's what I was looking for, I thought I had read that. Thank you.

Alderman Harriott-Gathright

And it's already been done by the way.

Alderman Klee

But it's just the easement of the property I think they had to put it in.

Chairman O'Brien

That fire pump is critical, has some form of another been there since the Millyard was build, supplies to the Millyard and hydrants within the area. So it has been modified over time but still very much an asset. So this has to do with the public safety and fire protection of the area.

Alderman Jette

Mr. Chairman the area that you were indicating is really Pine Street. Pine Street Extension is really towards the top of that to the left there.

Alderman Klee

Because the extension is right there to the left if you go up, right there. I see 1, I don't know where 2 is. I see 1 and 3. So 2 has got to be, see where 1 is.

Alderman Harriott-Gathright

I see I-C.

Chairman O'Brien

The old fire pump used to be in this area but a lot of it has changed with the Broad Street Parkway. So in seeing that, Alderman Gathright, could you read that ordinance again or Alderman Klee could you please read it for us.

Alderman Klee

It says “The City of Nashua Municipal Corporation 229 Main Street, Nashua, NH granted for consideration grants the Nashua Millyard Associates Incorporated a New Hampshire Corporation having a usual place of business at Pine street Extension” and it gives the PO Box “The following described easement over under and across land of the grantor, located at 2 Pine Street extension, Nashua Hillsboro County” and it shown as proposed utility easement on plan entitled and it leaves that blank, date – leave it blank; which plan recorded the Hillsboro County Registry of Deed inserts in there. It says “ Said easement contains 1,569 square feet more or less, fire pump utility easement. Grantee owns a certain fire pump and all accessories and related accessories the connection of the fire pump to the Grantee’s fire suppression system and the Grantee’s fire suppression system on the land together the fire pump Grantor grants to Grantee an easement over, under and across the land in the easement area as may be responsibly necessary or advisable for Grantee to use, operate, maintain, repair, replace the fire pump. Grantee bears sole responsibility for the use, operation, maintenance, repair and replacement of the fire pump in a safe manner and in compliance with all applicable laws and regulations and shall be solely responsible for the cost associated with the same. Grantee agrees and undertakes to hold Grantor and its successors free and harmless from any loss, damage, expense including costs and reasonable attorney’s fees or liability which Grantor may incur as a result of any claims or actions which are or may be made arising out of Grantee’s rights granted hereunder or failure of Grantee to comply with its responsibilities hereunder. There are about 4 or 5 more little paragraphs here.

Grantee shall restore the disturbed area following any disturbance caused by the Grantee, or its agents on the land Grantee accept as structures already exist, shall not construct or erect any structures over, under or on the easement area. Grantee shall access the easement area only via the area marked “fire pump access” on the plan or via a route which Grantor in its sole discretion may determine and communicate in writing. Grantee shall allow access; the easement area to use, operate, maintain, repair or replace the fire pump. This easement shall be governed exclusively by the laws of the State of New Hampshire and any claim or action brought relating to this easement shall by brought in Hillsboro County New Hampshire Superior Court Judicial Nashua and not elsewhere.

The land is a portion of the premise conveyed to Grantor by tax deed dated April 17, 1991 and recorded in Hillsboro County Registry of Deeds at Book 5250 Page and then there’s just the signatures. I am assuming we are the Grantee and they are the Grantor. So it gives us permission to come on and take care of that fire pump.

Alderman Jette

I think it’s just the opposite, we are the Grantor and they are the Grantee.

Alderman Jette

We are the Grantor, ok I bow to your knowledge as a legal person.

Chairman O’Brien

But it serves to have the safety factor to it with the fire pump and sounds like it is a critical need.

Alderman Jette

I want to thank Alderman Klee for reading that Resolution for us.

Alderman Schmidt

The over under thing.

Chairman O'Brien

She may have another you know future life as Clerk of the Court.

Alderman Jette

Obviously the Committee needs help and we appreciate.

Chairman O'Brien

I too would like to echo Alderman Jette, fine job, thank you.

Alderman Jette

So I'm not going to hold this up, it sounds like what we are doing is correct and I guess if we find out it isn't, the Full Board can deal with it, but I just would like to make a comment that when I don't know who is responsible for this. I am assuming the Mayor's Office is the Endorser, I'm assuming it comes from them. But I would encourage anybody from the Administration that is asking us to do something that they make sure that we know what it is that they are asking so we can deal with these things. Maybe everyone else is comfortable, but I am a little uncomfortable not knowing exactly what this is all about. After hearing Alderman Klee read the Resolution I feel comfortable that we are ok doing this. But it does happen fairly often that we are at a Committee, we are all spending time here and there is no one from the administration explaining what it is that they are requesting. I just would encourage them to, in the future, make sure there is somebody here to explain these things to us. That's just my personal wish.

Chairman O'Brien

Point well taken, that is a fair request but also too the information is there as such as what Alderman Klee and Alderman Gathright did provide that we can all research the Resolutions, you know? To have it, but it would make it simple if somebody did come in, usually sometimes the Chair receives more graphics and everything but this was kind of a Spartan agenda so I don't know but I will look into it. Your point is like I said not without some merit. So I will discuss and I will see.

Alderman Jette

Thank you.

Chairman O'Brien

But I feel comfortable, particularly where it's a need of a fire pump that this has a very high safety factor to it, so I feel comfortable in passing this at this time.

Alderman Schmidt

We could have used a photograph or a picture to help us understand it because it is difficult to find it this way. I think you are right, I think this is...

Chairman O'Brien

Well I know they did change the area, like I say the fire pump was down here by where the former Keystone Hall was and that has all been changed with the Broad State Parkway.

Alderman Schmidt

There's a way to expand this, I think if you will look at what the buildings are.

Alderman Klee

That's the one right there.

Alderman Schmidt

So this is Pine Street Extension. So I think it's right in here.

Alderman Klee

When you click on that does anything come up, oftentimes it does if you're looking at the GIS.

Alderman Schmidt

That's owned by Bagshaw.

Alderman Klee

That plot right there yes where you are. Millyard Associates.

Alderman Schmidt

The Millyard Associates yeah so it's right in here.

Alderman Klee

That's it, right there. That's 2.

Chairman O'Brien

Alright, very good like I say it used to be over here at one time. Now that's a consulting firm. All changed. Alright, we have a motion of final passage, any further discussion on the motion.

MOTION CARRIED

TABLED IN COMMITTEE

O-19-036

Endorsers: Alderman Tom Lopez
Alderman Mary Ann Melizzi-Golja
Alderman-at-Large Shoshanna Kelly
Alderman Patricia Klee

DESIGNATING AN ADDITIONAL SECTION OF BOWERS STREET ONE-WAY EASTERLY

- Tabled 2/27/2019

Chairman O'Brien

I can give a very brief synopsis of this by working on this, it's one of those things by taking one piece of the puzzle, you are moving several others. So with this, it involves congested area with Southern NH Medical Facility. We are, it is still a work in progress.

Alderman Klee

I just want to make a comment on that. One of my doctors, my Rheumatologist is in the old Y building and when they found out I was an Alderman, one of things that they talked to me about was the danger on Bower Street. The sooner that something can be resolved, now I am not saying to rush anything, but the people that work there are not necessarily residents of, but they have had some very near misses and accidents. So it is quite concerning when I hear these kinds of conversations. I don't travel in that area too much to experience it myself but I've had more than one person approach me from that organization.

Alderman Harriott-Gathright

I guess I was just trying to understand why they wanted to make it a one-way. So it's just that one block. I used to go the Y all the time years ago.

Chairman O'Brien

The proposal was brought to us by Alderman Lopez and he does have a couple of other sponsors. In the original hearing what happened was one of these things information didn't get out to all stakeholders. I contacted some of the stake holders and they have shown keen interest and made us aware that, again, by changing the Bower Street and satisfying the needs of residents and Southern New Hampshire which happens to be just how busy they are, the 4th largest employer in the City. It is something that we need to carefully take a look at and to keep the area safe and through traffic and everything else. So we are trying to balance the needs of the original petitioner who had residential property, the residents as his focus but at the same time as we search these matters, we have got to encumber the business community, in this case Southern NH Medical. So we have to look at the whole thing and see where we are at.

Alderman Schmidt

You said that perfectly and I think one more thing. If we make one small change over there, it could really cause a lot of trouble and so it needs to be very planfull for the whole area and it is being worked on but we really can't pass this until we really have a plan going forward. Thank. So it stays on the table.

Alderman Harriott-Gathright

Again which block is it that they were trying to do, when you come out of where Shaw's, what is that street called, you know when you come out on the little on Shaw's?

Chairman O'Brien

Yeah that's Fletcher.

Alderman Harriott-Gathright

So Bowers is the next little street over. So where does, I guess what block they were trying to make the changes to one way?

Alderman Schmidt

Just Bowers, the whole length of Bowers.

Alderman Harriott-Gathright

Really? Because Bowers goes all the way to the school, Bowers goes all the way.

Chairman O'Brien

Alderman Gathright if you look to see and you've got to keep in mind the aerial right here, 17.

Alderman Schmidt

17 all the way over to 1 ½ or whatever it is.

Chairman O'Brien

The original petitioner was looking at this point, Dearborn Street, which will go down to Harbor Avenue, OK? This is Prospect Street up here so you can orientate yourself. Number 8 is Southern NH and pretty much a lot of this area is part of the Southern NH Campus in general. So that would include Number 17 where my cursor is – that is the area that was the former Y but has now been incorporated into Southern NH.

Alderman Harriott-Gathright

Ok because Bowers keep going, Bowers goes over, because Bowers goes to St. Chris – the Elementary School.

Chairman O'Brien

That section is not, at this particular time.

Alderman Schmidt

It's wider too.

Alderman Harriott-Gathright

No it's not, my point, the reason why I ask is because that's residents too, matter of fact, my granddaughter's grandmother, all of them live over there right across from the school. Right now that's at two-way.

Chairman O'Brien

If you read the original petition, the original petition did mention from Dearborn to Harbor Avenue. Ok? But in looking at that, like I say, is the traffic around Prospect, it's the complete Bowers, right now people do come down in an easterly direction down Bowers Street and they can continue easterly down to Allds Street.

Alderman Klee

That part of Bowers is a two-way there.

Chairman O'Brien

And you can go all the way down to Crown Street.

Alderman Harriott-Gathright

And all the way down to the dead end which is where the school is.

Chairman O'Brien

Right, did I say Crown Street, excuse me, I'm thinking of the Crown Hill Station I meant to say Arlington Street which was on the Crown Hill station was on Arlington Street. But it is one-way from Arlington east to certain areas, from Arlington Street west. Like I say, the whole area, but I think the focused area that brought some concerns I am guessing would be the area, I think it is these houses from 21 to 37 was the original intent.

Alderman Klee

And the lot that is across from 17 is also part of Southern NH.

Chairman O'Brien

And it is not only that it is parking and then to look at some of these houses were originally designed and built as two-family homes, but now they come into multifaceted.

Alderman Schmidt

More cars, more parking.

Chairman O'Brien

And if each was once a two family homes with two cars now comes into a several occupants now bringing their vehicles. Some of the testimony that Mr. Cote did bring up from Southern NH, he did try to be a good neighbor with some of the parking but unfortunately it didn't have a positive, you know, longevity to it. Some people did abuse the privilege. So this came down to I think the genesis of this was parking, to confirm that I recommend that you have conversations with the original sponsor, Alderman Lopez.

But I think that was part of the genesis and then looking and trying to solve that and everything else and one ways and everything else it gets in to something else. Because they did at number 17 if you look right where my cursor is, that is an entrance to Bowers Street. And the reason is for this parking area here which is for staff and additional patrons or patients for getting to number 17 for procedures. So we are taking a good, you know, microscopic view of this and trying to come up with the right solution. And it's pretty good, all stakeholders have been at a couple meetings so we are getting there, but again, not ready for primetime yet.

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN JETTE TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:38 p.m.

Alderman Jan Schmidt
Committee Clerk