

A regular meeting of the Board of Aldermen was held Tuesday, August 13, 2019, at 7:30 p.m. in the Aldermanic Chamber.

President Lori Wilshire presided; City Clerk Patricia D. Piecuch recorded.

Prayer was offered by City Clerk Patricia D. Piecuch; Alderman-at-Large Brandon Michael Laws led in the Pledge to the Flag.

The roll call was taken with 14 members of the Board of Aldermen present; Alderman Harriott-Gathright was recorded absent. Alderwoman Mary Ann Melizzi-Golja arrived after roll call at 7:50 p.m.

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

***There being no objection, President Wilshire went out of order to the Recognition Period to recognize Chief Andrew Lavoie***

Mayor Donchess

Thank you Madam President. We tonight wanted to, and I am going to get up and read the proclamation that is on behalf of the City and the Board of Aldermen and the Mayor. We wanted tonight to recognize of course Chief Lavoie for all of his years of service. He was a great Chief; he reached out to the community in a way that the Police Department maybe has not done before and established a wonderful precedent for Chief Carrigan and the others that will follow. He is not an egotistical man, he's not looking for recognition. He has always represented the City and the Department with great dignity, with great professionalism so we wanted to recognize him. There was a retirement party, I could not be there because of a vacation. President Wilshire was going to represent me but she could not do so because she was sick so we wanted to invite Chief Lavoie in to accept our official appreciation and present him with the Proclamation. So I'd ask Chief Lavoie to come up.

#### RECOGNITION PERIOD

Mayor Donchess read into the record a Proclamation honoring Chief Andrew Lavoie.

#### REMARKS BY THE MAYOR

Mayor Donchess

Thank you Madam President. A few things I want to discuss tonight, first another appointment issue; I have appointed Sue Lovering, currently the Assistant Executive to the Board of Aldermen as City Clerk. City Clerk Piecuch has done a great job for the City with the elections and elsewhere for quite a few years now. She resigned effective September 17<sup>th</sup>. I accepted her resignation with regret but she is going on to work in charge of the State Elections for Secretary of State Gardner so obviously that is a great position for her. Although with regret, I couldn't argue with the decision to move to the Secretary of State Office. Sue Lovering is someone who knows the City very, very well, knows all of us, knows City Procedures, has worked for here for many years previously in the Legal Department before the Board of Aldermen. She is very good with the public and I am very confident that in the intervening time between now and September 17<sup>th</sup>, Ms. Lovering will learn even more about election procedure. I think she is taking or has taken a course this week or next week; something like that.

So the reason I appointed her early was to make it clear at least to who my choice is subject to confirmation by the Board of Aldermen. But also to give her time to get more up to speed regarding any parts of the job that she is not familiar with yet. So I present her to you as my nominee for the City Clerk's position and hope you will confirm her because I am confident that over the next period of time, Ms. Lovering will do a great job for the citizens of Nashua.

I did want to mention Madam President a couple of the Resolutions that are before us. One will require a bit of discussion, that being R-19-159 which is calling for the funding of the full measure and list that we would conduct over the next several years. Now the City has not done – a Full Measure & List means we make an effort to go out and see every property. The last time a Full Measure & List was done in Nashua was in 1991; which was actually when I was Mayor before. Over the last 30 or 28 years, the City has not done a Full Measure & List; this is unusual. Manchester, for example, did a Full Measure & List in 2006, 2011 both. There's NH NHAAO which is a Board of Assessors that makes recommendations regarding best practices; they say that a City should do a Full Measure & List every 9 years at a minimum. So these 28 years have gone by and Steve Bolton, the City Attorney, can fill you in on more of the details, but at this point, as a result of the events which have transpired, at both the Department of Revenue Administration or the so-called DRA and the Board of Tax & Land Appeals have expressed the very strong desire that we undertake a Full Measure & List and cite the fact that there has been almost 30 years since we did it.

Now a year and a half ago or more when we were discussing the revaluation with the DRA were they as interested as they are now in the Full Measure & List? No; I mean their position at that point seemed to be "well we would prefer it, but it is kind of up to you". But there has been a campaign on-going for what a year now, claiming without basis, but claiming that the Nashua records are full of inaccuracies and there are all kinds of inequities and problems. That campaign has been conducted here, before the DRA in Concord, multiple complaints. As a result of that, both the level of priority for both agencies at least in our perception has, their priority regarding this has been raised considerably. Now they are very interested that we proceed.

Certainly there is a legal argument that they could maybe not order us to do this but that is a legal debate. In addition to that there are many things they can order us to do; many of them unpleasant. So I think that the approach we need to take is to work with, cooperate, and attempt to maintain a strong working relationship with the agencies that regulate our assessments; those being the Department of Revenue Administration and the Board of Land & Tax Appeals. In order to re-establish or establish their confidence in the Nashua operation and the information that we have in our property files, the way to do that is to comply with their desire and to proceed after 28 years with a Full Measure & List.

If a Nashua citizen genuinely believes that there are issues that need to be corrected within the Nashua Property records, the only way to really address that in a comprehensive way is to undertake a Full Measure & List. If you actually believe that there are errors and that these are fairly widespread, now these are beliefs that I do not hold after reviewing many property files and looking at many different accusations and complaints and the like. But if you really believe that then the way to find out and to make corrections is to undertake the Full Measure & List and to maintain the confidence of our agencies at this point who have heard over and over and over about all the problems. None of that has been verified by them; the DRA has not been here in a long time. The current examiner for us has never even visited the office downstairs so they have no independent knowledge beyond what they have done before which always verified the accuracy of the Nashua record showing us to be in good standing.

I have seen these letters that make various statements which are again not accurate. This idea that we would get only a 15% or even a 5% or 10% entry rate, there is no basis for that opinion. And for KRT that is not their opinion. For example, it is stated here that some assessors at the recent BTLA Hearing think there is a 10% entry rate; well one of the assessors up there, probably the most senior one was Mr. Gagne from Manchester. In 2006 Manchester did a Full Measure & List in which they made vigorous efforts to reach out and contact people. They got over a 60%, that is 6-0 not 16, 60% entry rate. Now they did follow up calls and things like that but that's what they achieved in 2006.

In 2011 they undertook to do one again; this time they did not undertake as much of an outreach, after all they had just did done 5 years before. But they got somewhere between 25 and 30% entry. Recently KRT who we used for the assessment that we did in 2018 did Saco, Maine, 55%; they did Long Meadow, Mass it was over 40% and they did Brunswick, Maine, over 60%. Now these high 50%/60% ranges, I don't think we probably are going to achieve here but Manchester did. If we want to put the money into making sure that we get into as many houses as we can with the kind of follow up that was made in

Manchester in 2006; maybe we can achieve the same 60% that they did. But this idea that we should defy the regulators, that we should fight, that we should obstruct the effort of the State to find out what is the situation with the rational that we are only going to get a 5% or 10% entry rate is a foolish way to proceed, in my opinion.

Also these statements are made that we should go out and get bids before we authorize any money; that is against City Purchasing Regulations, adopted by the Board of Aldermen. That is a very bad practice, I mean we never put out an RFP or a bid proposal, proposal for bids unless we have the appropriation; otherwise people don't know that we are serious. So our own regulations require that we have money appropriated before we solicit bids. Now where does this estimate come from? Yes it is a KRT estimate but we have not got an actual quote regarding how much it would cost since 1991 because we haven't gone out to bid. So if we put out one three and the number comes in lower, fine; we don't spend as much. If we get a higher number, then we consider appropriating more money. Given what has occurred and I guess the desirability of getting into as many houses as we can, maybe we should spend a little more money and make the same kind of effort that Manchester did when they received 60, six zero, % entry.

Steve, I am going to ask him to fill you in a little bit more on his interactions with the BTLA and the DRA from the legal perspective. I think he can give you more detail than I have, but I think we would be putting the City in a bad position if we just defy and just say we are not going to do this, we don't really care what you think; make us. Because probably in very short order we will get an order that we do it; and when we get an order it can cost more money than it will if we just proceed on our own. The Full Measure & List being our control not in the DRA or the BTLA's control.

The other thing I wanted to mention Madam President is R-19-148. I think there has been some misunderstanding regarding this. This would authorize the sale that has been recommended by the Infrastructure Committee as well as the City's Business & Industrial Development Authority. There is a long history to this, there's the Development Agreement that goes back 10 years or so or more. This does not allocate the funds though; that is what I am getting at, it does not allocate the funds. These funds come in as revenue, the Board of Aldermen can and should consider how to appropriate these funds over the course of the remainder of the Fiscal Year. There's nothing that prevents once this passes, the Board of Aldermen from deciding how the money should be used.

There are those who think it should be rededicated to the neighborhood; others maybe to recreation, maybe both. But there are various arguments that could be made, people may have different opinions but those are things that can be discussed in detail when a proposal is made as to exactly how to allocate this money. But again, my point in speaking on this is that this merely authorizes the transaction and if you read it, it is very clear, I mean it speaks not at all to any allocation. There has been a recommendation from the Planning Board but that is their thoughts, their recommendation. You are not bound in enacting this thing you do not enact their recommendation and their recommendation is not referred to. So I just wanted to be clear on that.

Now if Madam President will allow, I would ask Attorney Bolton to follow up with respect to the BTLA, the DRA and what has transpired with them from his perspective as the City's Attorney.

#### Steve Bolton, Corporate Counsel

For reasons that are not entirely clear, back in June the Board of Tax & Land Appeals which I should tell you, the Board of Tax & Land Appeals typically hears specific cases when a taxpayer believes that they have been disproportionately highly assessed compared to other properties in the community. The BTLA as it is called sits in judgment of that case; the taxpayer has the burden of proof. I or someone else in my office would represent the City and we would have a hearing on the particular property at issue and what it is worth. They do a similar thing when property is taken by eminent domain, but in that case the position is reversed a little bit, we tend to argue for a lower value and the property owner for a higher value. In the case of tax appeals, we are arguing for the higher value and they are arguing for the lower value. That is generally what the BTLA does.

As I said for reasons not entirely clear to us, in June they decided to open a docket to explore whether Nashua was doing things correctly within the Assessing Department; whether there were failings that led to inequities and disproportionalities within the Department. So we had that Hearing a week ago today. I should say that by every statistical measure that the International Association of Assessing Officials has in standards that they have set, we meet them all. Those same standards have been adopted by the NH Assessing Standards Board, we meet them all. Over the last 15 years at five year intervals, the NH Department of Revenue Administration and their Municipal & Property Division, does a study of our and all the other municipalities; does a study on our assessment records. It is a statistically significant number of samples and checks those records for accuracy. If one card fails, we still meet the standard. If two cards fail, we flunk; we have never failed, never.

In-between those 5 year intervals, there's a much less strenuous review; we've not failed those as far as our property records are concerned. 10 years there was an issue whether the former assessor had filed complete compliance report following the revaluation that that employee did. Again, no problem with the information as to individual pieces of property. Now we explained all of this, we had the assessor from Manchester not in our instance, not as a City favor to us, completely on his own the assessor for Manchester who is highly qualified, he is a member of the Assessing Standards Board, he is previous employee of the Department of Revenue Administration. He spoke and said if the municipality meets all the standards which Nashua does, I am very worried, both as the Chief Assessor in Manchester and a member of the Assessing Standards Board, what are you using for criteria? If you can do that to them, I should be worried that you are going to do it to my community next. So we are hopeful as to how this exploration will come out.

But I did let them know that Nashua was considering and basically had plans to do a Full Measure & List for tax year 2022. Frankly this is something that I have recommended for approximately 2 years now. So the suggestion that this is a knee-jerk reaction to some of the criticism that that Department has been subjected to over the last 10 months is inaccurate. As the Mayor said before, 30 years is a long time without undertaking the Full Measure & List process. It is called a Full Measure & List because there is in fact measurements done to confirm the square footage, listing refers to listing the attributes of a particular property. In residential properties the number of bedrooms, number of bathrooms, square footage of the home, does it have special amenities, special features, tennis courts, basketball courts, whatever else might be, central air conditioning that sort of thing.

If we do not undertake this, I think we are going to see some pushback from the Department of Revenue Administration who will encourage the Board of Tax & Land Appeals to order us to do this. I think there is some wiggle room in the law as to whether we could fight that; I don't recommend that we do. It is something that we ought to do anyway; but we ought to do it of our volition rather than wait until we are ordered. The primary reason for that is it will be more strenuous; we won't just be ordered to do it, they will want to monitor it every step of the way. They will want to add requirements perhaps that are not ordinarily required. These things have every likelihood of costing us more money, delaying and delay costs money as well. I happen to think that we have a good set of data currently. But you always run into the "Well when is the last time you did a Full Measure & List".

By the time this comes around, if we go forward with it and do it for 2022, we will be 31 years old. If we don't do it, the number will get higher and higher. People start looking at you with a little more skepticism. If I go in and I've got the Pheasant Lane Mall appealing or something, I'd like to be able to say "we are as accurate as we can be and we just did a Full Measure & List within the last few years". I think in the long run, the expenditure will be well worth it. And it is not spend \$1.3 million or spend nothing; by 2023 at a minimum we have to do a statistical evaluation, that is going to cost more than half that \$1.3 by itself. So you might as well do it right every few decades then put it off any longer. So I am with the Mayor on this and I am certainly going to be here all evening so any questions feel free.

RESPONSE TO REMARKS OF THE MAYORAlderman Dowd

Yes I just want to congratulate the City Clerk, Trish Piecuch for her new appointment up at the State. I know she will do a great job up there and congratulations. And for Ms. Lovering, even though we are going to miss her severely, she won't be that far away and congratulations on your pending appointment.

Alderman Klee

Yes I would like to echo Alderman Dowd's sentiments and as State Rep I am glad to see Ms. Piecuch coming up to the State House and working. I know she has been doing a lot of work on our behalf, going to a lot of different conferences and truly working your tail off. I am grateful that you are going to be the one working this project. We are going to miss Ms. Lovering but I know where she lives; she's in my Ward. And we will know where she works so congratulations both of you.

President Wilshire

Just for the record I'd like to note that Alderwoman Melizzi-Golja arrived at 7:50 p.m.

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARINGS

**There being no objection, President Wilshire declared the minutes of the Board of Aldermen meetings of July 9, 2019, July 22, 2019, August 6, 2019, and the public hearing conducted by the Planning & Economic Development Committee on July 16, 2019, accepted, placed on file, and the readings suspended.**

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: J. Bradford Westgate, Esquire  
Re: Acceptance of Legacy Drive and Serenity Lane

**There being no objection, President Wilshire accepted the communication and referred it to the Committee on Infrastructure.**

From: Tim Cummings, Economic Development Director  
Re: Communication Seeking a Review & Approval of Design Concept Plans for the Performing Arts Center located at 201 Main Street

**There being no objection, President Wilshire accepted the communication and referred it to the Planning & Economic Development Committee.**

**There being no objection, President Wilshire suspended the rules to allow for the introduction of a communication received after the agenda was prepared**

From: Marylou Blaisdell, Chair, on Behalf of the Downtown Improvement Committee  
Re: 0-19-051 Providing Free Library Parking For Up To Three Hours for Nashua Students Using the Nashua Public Library

**There being no objection, President Wilshire accepted the communication and referred it to the Committee on Infrastructure.**

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

President Wilshire

We have 8 speakers and a 15 minute time period. I will call up the first person, Michael Ortolano, if you'd give your name and address for the record please?

Michael Ortolano 41 Berkeley Street. I just want to provide some community input regarding the Full Measure & List, R-19-159. Notwithstanding the Mayor and Attorney Bolton's comments, the Full List & Measure is not currently required by the State and it is a more economical approach to it. Attorney Bolton provided pretty extensive arguments in his testimony before the NH BTLA regarding the statistical status of the data in Nashua and basically made a strong case that it was within acceptable standard. So the need to perform a Full Measure & List or to move away from Full Statistical Revaluation are really issues that are being driven, at least in our perception, by the City not by the DRA or the BTLA. So unless you know I've missed some correspondence or some dialogue on that issue, it hasn't appeared as stated. So I would prefer the City to continue its cost-effective practice of using a Full Statistical Revaluation.

Second point is in the event that it is the desire of the City and the Board of Aldermen to move forward with a Full Measure & List, it seems appropriate that we would want to wait for the input received from several reviews that are ongoing. One is Mr. Cornell's review of certain procedures that are being used in the Assessing Department. It seems to me that they make effect the scope of work and the methods used for a Full Measure & List and it would be appropriate before moving forward to get that input. The same could be said for the investigation that is ongoing by the New Hampshire Board of Tax & Land Appeal regarding their observations. There may be items in there, in their situation and in their disposition of the issue that could affect the contractual elements of a Full Measure & List.

The fourth point is basically that the Full Measure & List is to a certain degree a matter of speculation. You know we've talked and heard testimony here from the Mayor that different levels have been achieved by different communities. That's all well and good but what we actually achieve in this City allows for a window where the benefits would vary from potentially very strong benefits to potentially very weak benefits. I think that is the reality of the numbers that we would actually get. The one final point that I will make is the contractor oversight procedures, it appears that there was a significant miss in the Statistical Revaluation Contract where the internal inspections of homes was just not performed as outlined in the contract by KRT. It was a big scope of work, about 1,200 homes and that's the sort of thing that I think the monitoring, the contract and the contract monitoring policies and procedures probably need to be strengthened to make sure that you know when the City specifies a scope of work to be done that it is actually completed. So that's all I had for comments, thank you.

Laurie Ortolano 41 Berkeley Street. I want to provide some clarification to a few of the Mayor's comments. He mentioned that there is no validity for the 15% or 10% entry rate. The Board of Assessor's meeting on March 7<sup>th</sup> of 2019, I would ask you to refer to those meeting minutes where the Chairman, Dave Hansberry, spoke that he had spoken to Rob Tozier who felt that we wouldn't get any more than 1/5<sup>th</sup> entry into our homes. Based on that, Dan did not, questioned whether a 20% entry and an 80% miss was worth us doing this List & Measure. So that is on the record. There is another set of minutes, that I think it is documented that KRT spoke of a 15% entry rate, I couldn't find them because I was short on time and I was scrolling through. But March 7<sup>th</sup>, 2019 is a good set for you to look at.

Also, the documentation that the Mayor referred to from the BTLA and the DRA strongly suggesting that we move forward on a List & Measure, I'd like to see it. I hope that's not just verbal and I hope you all want to see it. I want to see what the DRA wrote, and I want to see what the BTLA has written; not implied but written because I have not seen that and I have been watching these correspondence closely. I have been in communication regularly.

Regarding the Bob Gagne, I had a chance to talk to Bob Gagne, Bob Gagne used to be a Deputy in our Assessing Office. He is now the Chairman of the Board of Assessors up in Manchester; he's their head

guy. I spoke to him last Tuesday. I asked Bob, "what do you think we will get for entry in Nashua". He said "10% no more". The Mayor pointed out in 2006 that they had gotten high level. That was before the laws were changed and it was after 2011; he also pointed out 2011 the law was changed after that. One, you don't have to allow entry and two, even without the allowing of entry, you can still appeal if you are contesting the valuation you have. It used to be that if you didn't allow entry, back about 6 years ago, you didn't allow entry, you lost your right to appeal to abate. You had to accept the number given; the Courts threw that out. So the data you are seeing that was higher in 2006 and 11 has changed dramatically. We should be checking these facts Mr. Mayor.

Also, when you point out communities from Maine or Massachusetts, I do not know the laws in those States and you should cite those laws. Because if they are different from New Hampshire it will make a big impact on how doors are opened. So let's get our facts straight and let's all get on the same page. The validity of the \$1.3 million dollars is in question and the Mayor seemed to indicate that KRT gave us that number. I am very concerned with that number. Let's investigate that. We had a quote years ago, Patriot was in here, it was over \$2 million dollars OK? How is it only \$1.3 now? Also, why haven't we checked with other cities that have done more of this work, bigger cities, to find out what their numbers are? So the \$1.3 million, I am not comfortable with a KRT estimate. Entry rate we heard what I just said, Steve Bolton told the BTLA he hopes to get into 50% of the homes. Our own Board, Rob Tozier, Bob Gagne and today I called Scott Bartlett who is the head of the Goffstown Assessing Office and also the President of the NHAEO. I had a talk with him, they do a cyclical review. I said to him, "Scott, how many homes do you really get into"; "next to none" he said, "I'm looking at 800 homes this year and we will get entry into very, very few". And he said, "I'll tell you what, I'll never see a house with a new kitchen, or a basement finished, I'll never be invited into that kind of home, the only homes I ever get invited into are the very old ones that are dated that the people are willing to show you hoping their assessment goes down". I just spoke to him this afternoon.

I think these numbers that you are being sold on or told to vote on are not accurate, we are just not going to get that data. The law says we don't have to allow entry. I wrote a statement in here that List & Measure Initiatives are obsolete and should not be funded in Nashua any longer. Jan wanted to know why, because one – you are not required to give entry. And two – what we know right now definitively is that 100% of the people can say "no". That's for sure, we know they can.

#### President Wilshire

Ms. Ortolano, we have 6 other speakers and we have 6 minutes left to our Public Comment.

Ms. Ortolano It is an important topic Chairwoman and it is really important so I'll be quick. The technical data capture is a big issue in the office. We are getting a review done, we don't have any of the information back. We have ongoing investigations, Drummond & Woodsum was hired to review mileage logs of Greg Turgiss. We don't have any data on that. The Board filed a motion, Steve Bolton filed a motion up at the BTLA expanding it appears the scope of work has been expanded into a management investigation. We don't have any information on that yet. The DRA is conducting an investigation based on the PA71's. We don't have information on that. The City is investigation the \$24 million dollar assessment reduction made by an assessor on October 10<sup>th</sup>. We don't have any information on why \$24 million was cut off the assessment records and we should. The BTLA just concluded a Hearing and will make a ruling in the near future.

The final point is the breach of contract with KRT. There is and somebody else is going to speak to this, there is serious evidence that this contract was not followed and the data used to generate the model was not verified. That was a very big cost for our contract, six figures. This City should be going after KRT to get that money back. The entry into homes, there was no addendum signed by the Mayor or anyone else that authorized them not to gather the data. So that's a huge issue. Thank you.

Michael O'Connor 42 Berkeley Street. Just about everything I was going to cover has been – just a couple of very quick comments. The Mayor says, there is no basis for this. And I think the implication was for or the investigations and the questions around this. And Attorney Bolton also said that it seemed to imply that

this open docket for the BTLA was some sort of mysterious thing. It's hard to believe that the BTLA, the DRA and others would be looking into this seriously if they didn't have some credible evidence. And I think anyone that is willing to open their eyes knows that there has been a lot of credible evidence. I think most of you here on the Board have probably received some.

The last thing, the only other thing I wanted to mention, just because I make my living doing statistics and have for decades, the statistical significance, this unfortunately it is long recognized if something is statistically significant doesn't mean it is significant. There's a famous statistical modeler named George Boggs and he said that all statistical models are wrong; but some are useful. So the question is "do you have a useful model here in Nashua". The model itself is what is called into question. The statistical significance that keeps getting cited here in the Coefficient of Dispersion. Let me just tell you very simply without putting everyone to sleep; all it is is the standard of deviation over the mean and it is a measure of variance. It has nothing to do with accuracy and it is the spread of the data. So when you pull the 33 cards which I think the number is, all it says is they are within the acceptable variation.

Attorney Bolton

That is not the study that is done on those cards.

Mr. O'Connor Say that again.

Attorney Bolton

That is not the extent of the study that is done on those cards.

Mr. O'Connor I'm not saying that is but the Mayor has cited the Coefficient of Dispersion, it is not the only statistic, but it is certainly in the manual that gets cited by the State, OK, if you look at that. So there are statistics, but they really need to be just not bandied about, they need to be understood. Thank you.

Laura Colquhoun 30 Greenwood Drive. I just would like to say I do not believe in the Full & Measure. At this point I would like the City to invest and get more qualified assessors. Mr. Bolton obviously hasn't gone through some of these files to realize that our assessors can't tell the difference between a plastic pool and a cement pool. And in assessment valuations that's \$20,000.00 and I think assessors should know the difference and I am looking at files and I am finding that they don't. So at this point I don't want to waste our money on trying to get into homes which I do not think you are going to get into because I have always had assessors come in. I will never have an assessor come in my home again. And I've looked at a lot of people that work for the City; they have not had assessors come in to verify building permits and this and that so why does the City think that the normal resident is going to let them in their house? I would rather you spend some money and get some qualified people downstairs and start cleaning up the records. Thank you.

Andy Prolman Madam President, Mr. Mayor and Members of the Board, Good Evening. My name is Andy Prolman, I am an attorney with Prunier & Prolman here in Nashua. I am here on behalf on Renaissance of Nashua to answer any questions the Board may have on Resolution 19-148 the Bridge Street Project. We are hopeful for your support tonight. This agreement that is before you was a long, maybe one year negotiations with the Business and Industry Development Authority. We have the support of the Planning Board, the Infrastructure Committee and we are looking for your support tonight. Again I am here to answer any questions when the matter comes up. Thank you.

Stephanie Wolf-Rosenblum Thank you so much, Stephanie Wolf-Rosenblum from 47 Berkeley Street. I am here in support of amending NRO 93-6, impoundment of dogs, cats, ferrets and chickens. As a physician and member of the Board of Health, I would just like to thank Representative Klee for this amendment because it is a critical factor in keeping our residents safe that this go forward and I would be happy to answer any questions. Thank you.

Fred Teeboom 24 Cheyenne. First of all welcome back Alderman Gidge, I hope you feel much better. I wish to talk about R-19-159. Unlike any of you in this horseshoe except for Attorney Bolton, I attended the Board of Tax & Land Appeals meeting last week. No one on that Board asked for a list and measures. They did mention the list and measure but they questioned whether that should take 3 years. They said if you take it, you should do it in 1 year. That's important, because things change. Things change, so why take 3 years? If you do it, it should be done in 1 year. And that's because of great inaccuracies, there is a sticky thing called the 4<sup>th</sup> Amendment of US Constitution that says that Government cannot come into your home without Due Process. So a lot of people don't let you into their home. Now who doesn't let you into their home? The very people that don't apply for permits. The very people that make changes to their homes inside that no one can see.

An assessor is not allowed to come on the lawn; they are not allowed to look even in the back. They can do some overflights. But the people who violate the Code Enforcement Laws are not going to allow you into their homes. So the whole List & Measure is a phony, not demanded by the Board of Tax & Land Appeals and the stuff that Attorney Bolton said about presumptive measures or proactive measures doesn't apply. The Board of Tax & Land Appeals will come out with their decision and they may make whatever they decide to do in order, whatever Nashua has to do. Nashua has to run a full revaluation in the year 2022; every 5 years. There are a lot of problems in Nashua. The Department of Revenue Administration brought a stack of paper this tall that Attorney Bolton hasn't seen; they called a recess to review the documentation. It looks like there are a lot of complaints against the City, probably the way Angela Marina ran the office, because it is neighborhood by neighborhood assessments there are probably a lot of problems with that.

Hundreds if not over a thousand errors were pointed out by Ms. Ortolano in a thick report that she discussed before the Board of Tax & Land Appeals and about an hour and a half of discussion. Hour and a half of presentation that will be taken under advisement by the Board of Tax & Land Appeals. Whatever they decide, Nashua will have to follow. This \$1.3 million you are spending is a complete waste, it accomplishes nothing. Alderman Clemons nailed it, what does it do? Does it establish a fair assessment? At the Budget Committee Alderman Dowd said it is not going to prevent a fair assessment. Of course it is not going to prevent a fair system. People who will let you into their homes it is not going to be a fair system. You have to do a statistical evaluation. I believe the whole Mall is in question. I haven't looked at the statistics on the Mall. It takes 10 votes from the Full Board; I think you are missing two members or so, so it is going to take 9 members to pass this Resolution. I hope you don't have 9 members to pass this Resolution. Thank you.

Kim Kleiner Good Evening Members of the Board. I realize that this is probably a little abnormal but I am here tonight to represent myself and members of your Assessing Department, your Assessors. These are your experts. These are our experts. We would like to address some of the inaccuracies that have been stated. I would like to start with a preface: We the Nashua Assessors offer this response out of concern to the allegations made by Miss Laurie and Mr. Michael Ortolano because we believe that certain documents that were sent to you on August 11<sup>th</sup> and to the Board of Assessors contain inaccuracies, misinformation, falsehoods, unsupported data and gross assumptions that would otherwise negatively influence this Honorable Board of Aldermen, the Nashua Taxpayers and the General Public. I would like to address some of these.

A Full Measure & List is not required by the State of New Hampshire. That is what was stated. As the Board already knows, the City has wanted to conduct a Full Measure & List for some time, since none have been conducted in almost 30 years. Although not required by law, the International Association of Assessing Officials Guideline recommends a Full Measure & List every 9 years. This is their guideline. Also we'd like to note that Ms. Ortolano produced a 62 page document that she produced to the Board of Tax & Land Appeals. Page 62 and I quote, "I want to emphasize that by itself the List & Measure, though needed, will not restore trust and do away with all the problems. Indeed it may exacerbate some, though needed" she quotes. And I have copies of this Memorandum both on the back table and for you this evening. The City should wait to move forward on the Full Measure & List until the results of Mr. Cornell's review are issued, that is what has been stated.

The purpose of the technical audit currently conducted is only to review practices and procedures of the Assessing Department on behalf of City Management. The scope of work does not address any recommendations for the Full Measure & List, that's not his scope. It has also been stated that the City should wait to move forward on the Full List & Measure until after the inquiry of the BTLA is closed. We'd like to tell you that there is no telling what the Board of Tax & Land Appeals will order. However, it is known that if the Board orders a Full Measure & List, it will limit the City's input and most likely be considerably more expensive. It has also been stated that the benefit of a Full Measure & List is a matter of speculation; not true. In fact a Full Measure & List is a widely used tool that will provide the property owners of the City of Nashua with an opportunity to help ensure that the assessment records are accurate, up to date and provide equity among all.

The City should receive formal bids prior to approving the bond. The Mayor spoke to this, this violates our City's policies. Our Purchasing Policies state that you do approve a source of funding before you issue an RFP. It has been stated that the Assessing Department needs to review and strengthen their contractor oversight procedures. You've heard a little bit here tonight about a section of the contract with KRT. There was a misinterpretation of Section 3.1.6 of that contract. But it does not in any way invalidate the results of the 2018 Statistical Update. All sales were qualified or unqualified using MLS and many other tools which I have a list for you here this evening.

The validity of \$1.3 million dollars; the \$1.3 million dollar bond that the Assessing Department will request is an estimated cost for the Full Measure & List. The BTLA questioned if the bond is sufficient not whether the Full Measure & List is necessary. After we choose a contractor, if more funds are required, a formal request will come to this Board. There seems to be a lot of discussion about the entry rate into properties. It's not true that you can only expect a 15% entry rate. So across the bridge in Hudson there are conducting a Full Measure & List right now. First pass through – 24%. The rates that Mayor Donchess quoted earlier were from the last 3 Measure & List that KRT presented and we also spoke with Mr. Gagne in Manchester, got the 60% rate and I also spoke with David Cornell who is our expert. At his last class that he had with assessors that he was training, he did a kind of informal survey; 20 to 35% throughout the room. So it depends on what you put into it. But it is not 10 or 15 necessarily.

There has been a whole and I would like to leave, there are some copies of this out back, I'd like to give this Memo to the Board. I'd like to stress that your Assessing Department is here this evening in the back of this room, this is important to us. It is not very often that you find that they all come to a meeting. We are asking you to vote for the Full Measure & List. Your City Department is asking you to vote for the Full Measure & List.

There is a lot of talk about investigations and I would like to just get into that for one minute. I realize you are close to the time. It's not true that the City has expanded a scope of work conducted by Drummond Woodsum to include an investigation of management, that's not true. Also, during the 2018 update, it was determined that the base rate for school colleges, what we call in the Assessing Code 72, was incorrect. Correcting the table for Code 72 resulted in the bulk of the \$24 million dollar adjustment that you keep hearing about. This has been verified by KRT; it was done prior to the file capture; it was a correction. So there is no further investigation of the \$24 million that you keep hearing about. Neither is there any other investigations ongoing into our technical data that is down there currently by the City. So you know sometimes I think you are getting a lot of misinformation, I realize it is not very often that your City Staff comes out. But it is important to us; it's important to our staff to always make sure that we have accurate data. So we are asking for the Board's consideration. Thank you.

#### COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Mayor Jim Donchess

Re: Contract with Sapphire Digital for Smartshopper

**MOTION BY ALDERMAN LAWS TO ACCEPT THE COMMUNICATION, PLACE ON FILE AND AWARD THE THREE-YEAR CONTRACT TO SAPPHIRE DIGITAL  
MOTION CARRIED**

From: Mayor Jim Donchess  
Re: Contract for ESRI (GIS) Enterprise License Agreement and ArcGIS GEOevent Server

**MOTION BY ALDERWOMAN KELLY TO ACCEPT THE COMMUNICATION, PLACE ON FILE AND AWARD THE THREE-YEAR CONTRACT TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE IN AN AMOUNT NOT-TO- EXCEED \$28,000 PER YEAR  
MOTION CARRIED**

From: Justin Kates, Emergency Management Director  
Re: Approval of Hazard Mitigation Plan Update 2018 and Certificate of Adoption

**MOTION BY ALDERMAN CLEMONS TO ACCEPT THE COMMUNICATION, PLACE ON FILE, AND APPROVE THE 2018 HAZARD MITIGATION PLAN UPDATE, AND AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATE OF ADOPTION**

ON THE QUESTION

Alderwoman Melizzi-Golja

Yes I would just like to thank Mr. Kates and all of those who worked with him on putting this together. I know they put a lot of effort in and it was good to see everything that came out. So thank you.

**MOTION CARRIED**

From: Lori Wilshire, President, Board of Aldermen  
Re: Appointments to the Animal and Dog Park Advisory Committee

**MOTION BY ALDERMAN CARON TO ACCEPT THE COMMUNICATION, PLACE IT ON FILE, AND CONCUR IN THE APPOINTMENT OF ALDERMAN LOPEZ AND ALDERMAN KLEE TO THE ANIMAL AND DOG PARK ADVISORY COMMITTEE  
MOTION CARRIED**

PETITIONS

A Petition for Street Acceptance for Legacy Drive and two Petitions for Street Acceptance for Serenity Lane were read into the record.

***There being no objection, President Wilshire accepted the Petitions for Street Acceptance as read, referred them to the Committee on Infrastructure and scheduled public hearings for Wednesday, September 25, 2019, at 7:00 p.m. in the Aldermanic Chamber***

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointments by the Mayor

The following Appointments by the Mayor were read into record:

Animal and Dog Park Advisory Committee

June Lemen (New Appointment)  
18 Manchester Street  
Nashua, NH 03064

Term to Expire: September 10, 2022

Amber Logue (New Appointment)  
20 Lock Street  
Nashua, NH 03064

Term to Expire: September 10, 2022

Business and Industrial Development Authority

Lydia J. Foley (Reappointment)  
2 Bruce Street  
Nashua, NH 03064

Term to Expire: September 13, 2020

John E. Tulley (Reappointment)  
PO Box 600  
Nashua, NH 03061

Term to Expire: September 13, 2020

Bradley Vear (Reappointment)  
547 Amherst Street  
Nashua, NH 03063

Term to Expire: September 13, 2020

Jason B. Haviland (Reappointment)  
29 Todd Road  
Nashua, NH 03064

Term to Expire: September 30, 2021

Deborah Novotny (Reappointment)  
65 McKenna Drive  
Nashua, NH 03062

Term to Expire: September 30, 2021

Kim Reagan (Reappointment)  
30 Temple Street, Suite 400  
Nashua, NH 03060

Term to Expire: May 1, 2022

David M. Denehy (Reappointment)  
56 Sherri Ann Avenue  
Nashua, NH 03064

Term to Expire: September 1, 2022

H. John Stabile (Reappointment)  
48 Lutheran Drive  
Nashua, NH 03063

Term to Expire: September 13, 2022

Carl Andrade (Reappointment)  
12 Mountain Laurels Drive, #203  
Nashua, NH 03062

Term to Expire: September 13, 2022

City Clerk

Susan Lovering (New Appointment)  
23 Bates Drive  
Nashua, NH 03064

Indefinite Term at the Pleasure of the Mayor  
(Term to begin September 17, 2019)

Conservation Commission

Gloria McCarthy, Alternate (New Appointment)  
65 Musket Drive  
Nashua, NH 03062

Term to Expire: December 31, 2021

Historic District Commission

Ed Weber (Reappointment)  
4 Cabernet Court  
Nashua, NH 03062

Term to Expire: March 31, 2021

Robert G. Sampson (Reappointment)  
18 Sargent Avenue  
Nashua, NH 03064

Term to Expire: September 30, 2022

Mines Falls Park Advisory Committee

Jeff Hannigan (Reappointment)  
32 Houde Street  
Nashua, NH 03060

Term to Expire: August 31, 2022

Paula G. Lochhead (Reappointment)  
4 Westbrook Drive  
Nashua, NH 03060

Term to Expire: August 31, 2022

Douglas Gagne (New Appointment)  
1 Dunbarton Drive  
Nashua, NH 03063

Term to Expire: September 1, 2022

Nashua Arts Commission

John Egan (Reappointment)  
7 Beverlee Drive  
Nashua, NH 03064

Term to Expire: September 1, 2022

***There being no objection, President Wilshire accepted the Appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee.***

REPORTS OF COMMITTEE

Budget Review Committee..... 07/22/2019

There being no objection, President Wilshire declared the report of the July 22, 2019, Budget Review Committee accepted and placed on file.

Finance Committee..... 07/10/2019

There being no objection, President Wilshire declared the report of the July 10, 2019, Finance Committee accepted and placed on file.

Special Finance Committee..... 07/31/2019

There being no objection, President Wilshire declared the report of the July 31, 2019, Special Finance Committee accepted and placed on file.

Committee on Infrastructure ..... 07/24/2019

There being no objection, President Wilshire declared the report of the July 24, 2019, Committee on Infrastructure accepted and placed on file.

Human Affairs Committee..... 07/08/2019

There being no objection, President Wilshire declared the report of the July 8, 2019, Human Affairs Committee accepted and placed on file.

Personnel/Administrative Affairs Committee..... 08/05/2019

There being no objection, President Wilshire declared the report of the August 5, 2019, Personnel/ Administrative Affairs Committee accepted and placed on file.

Planning & Economic Development Committee..... 07/16/2019

There being no objection, President Wilshire declared the report of the July 16, 2019, Planning and Economic Development Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Citizen's Advisory Commission for Community Grants

***There being no objection, President Wilshire confirmed the appointment of Elizabeth Tourangeau, 11 Berkeley Street, Nashua, to the Citizen's Advisory Commission for Community Grants for a term to expire October 1, 2020.***

Oath of Office administered by Corporation Counsel.

Conservation Commission

***There being no objection, President Wilshire confirmed the appointment of William S. Parker, 1 Rockland Street, Nashua, to the Conservation Commission for a term to expire December 31, 2021.***

Cultural Connections Committee

***There being no objection, President Wilshire confirmed the appointment of Deepa Mangalat, 18 Wild Rose Drive, Nashua, and Bernadette Melon-Plante, 41 Parrish Hill Drive, Nashua, to the Cultural Connections Committee for terms to expire February 28, 2022, and April 30, 2022, respectively.***

Environment and Energy Committee

***There being no objection, President Wilshire confirmed the appointment of Brandon McMahon and Colin McMahon, 1 Massasoit Road, Nashua, to the Environment and Energy Committee for terms to expire July 9, 2020***

Oath of Office administered by Corporation Counsel.

Historic District Commission

***There being no objection, President Wilshire confirmed the appointment of Robert Vorbach, 58 Manchester Street, Nashua, and Christopher Barrett, 44 Abbott Street, Nashua, to the Historic District Commission for terms to expire December 31, 2020, and January 31, 2021, respectively***

Oath of Office administered by Corporation Counsel to Robert Vorbach.

Mine Falls Park Advisory Committee

***There being no objection, President Wilshire confirmed the appointment of Pamela Anderson, 9 Plainfield Lane, Nashua, to the Mine Falls Park Advisory Committee for a term to expire March 1, 2022.***

Nashua Arts Commission

***There being no objection, President Wilshire confirmed the appointment of Sara Ceasar, 3 Pine Street, Nashua, and Marc Thayer, 1 Clocktower Place, Nashua, to the Nashua Arts Commission for terms to expire April 1, 2022.***

Nashua City Planning Board

***There being no objection, President Wilshire confirmed the appointment of Robert E. Bollinger, 5 Decatur Drive, Nashua, to the Nashua City Planning Board for a term to expire March 31, 2022***

Oath of Office administered by Corporation Counsel.

UNFINISHED BUSINESS – RESOLUTIONS

**R-19-148**

Endorser: Mayor Jim Donchess

**AMENDING THE AUTHORIZATION FOR THE SALE OF LAND ON BRIDGE STREET AND SANDERS STREET**

Given its second reading;

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-19-148  
MOTION CARRIED**

Resolution R-19-148 declared duly adopted.

**R-19-155**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Linda Harriott-Gathright  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderman-at-Large Shoshanna Kelly  
Alderman Mary Ann Melizzi-Golja  
Alderman Jan Schmidt

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$717,156 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "FY2020 AND FY2021 REGIONAL PUBLIC HEALTH NETWORK SERVICES"**

Given its second reading;

**MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF R-19-155  
MOTION CARRIED**

Resolution R-19-155 declared duly adopted.

**R-19-158**

Endorsers: Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Linda Harriott-Gathright  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman Jan Schmidt  
Alderman-at-Large Ben Clemons  
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, 2019 THROUGH JUNE 30, 2020 AND RELATED TRANSFERS**

Given its second reading;

**MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-19-158  
MOTION CARRIED**

Resolution R-19-158

**R-19-159**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Linda Harriott-Gathright  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman June M. Caron  
Alderwoman Mary Ann Melizzi-Golja  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) FOR PROPERTY REVALUATION SERVICES**

Given its second reading;

**MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF R-19-159 BY ROLL CALL**

ON THE QUESTION

Alderman Klee

May I speak to my Motion Madam President?

President Wilshire

You may.

Alderman Klee

Thank you. I've done quite a bit of work on this particular thing and I went back and forth; do I vote for it, don't I vote for it? It is worthwhile; isn't it worthwhile? I made calls to the DRA and I spoke to them. My last call that I made was on Monday and I spoke to Gary and in that conversation I asked him a number of questions. One of the questions I did ask him was "I know you cannot compel us but will you". And his exact words were "We have been strongly recommending that Nashua must do a Full Measure & list". I was struck by the word "must". I made him repeat it over and over again and he did. My feeling is you are right, they cannot compel us to do this Full Measure & List but do I think that through other means that they will do different things? Yes I do. And then I think that the power will be taken away from this body and this City and I don't want to see that. I don't want to see the State come in and tell us what we have to do. I want to do that right thing and I believe that based on the claims, I believe we owe the property owners our best effort to do the most that we can do. And I think this is one of the most things that we can do. Do I believe that it will be 15%, 10%, 30%, 50%? I don't have a clue. I don't have a crystal ball. I get as many people telling me they will not let them in their houses and unlike what some people have said it's not just because they didn't pull a permit.

We have some people that are frightened to let a stranger into their home. I spoke to one woman and told her that I would be there when they came; we would make the appointment and I would be there with her. I am not offering that to every resident in Nashua because I do not have enough time for that. But yes I think family members can be there, I think we can make sure that they will be safe and that there will be ID's and they have the right; the 4<sup>th</sup> Amendment does give them the right to say "no". No one can come into someone's property. When I talked to the DRA, the DRA told me that yes you can look into the back of someone's property as long as you do it from the street. You can look at the outside of their home. You can do drones to fly over; there are a lot of different things we can do. And I also agree that people who have illegally pulled a permit will not let us in their homes; that's just the way the game is played. I also think there are some good people that are not going to let us in their home.

I spoke to one very concerned citizen who said that she just doesn't like strangers. It affects the whole feel of her home so she doesn't let strangers in her home; this is a very good person, a very honest person. So I do not want anybody out there to feel that for whatever reason they say "no" we are going to think that they are trying to hide something. But I still believe, having said all that, we need to do this Full Measure & List and when I heard the strong recommendation that we must do a Full Measure & List I felt that was a very – and he said they had been recommending it for quite a while. He said Manchester does it just about every 5 years and Concord, like Nashua, has waited decades and he thinks that they should do it also. So we all have our own vote, but I will be voting for a Full Measure & List and passing the \$1.3 million dollars. Thank you.

Alderman Lopez

I'd like to each Alderman Klee's comments with regards to the intent of letting people in and out of your home. I know that about a month ago I asked to have my air conditioner looked at because it wasn't working and the guy showed up right when my cat threw up so I was not, I was like "you've got to give me some time". So the timing could be completely benign, and yet poor for somebody. So I don't want to cast anything on people who might not feel comfortable letting someone in their home. I also know that particularly in Ward 4 there are like 15 million people like pretending that they are utility companies and they are not. They are just trying to get money or enter into some kind of deal. So I don't know that the neighborhoods that I represent will be particularly receptive to a Full Measure & List but I do know that some of them will. I know that I've had feedback from some people saying that, to my surprise that they were ok with their property value being raised; they were ok with their property reassessment. To me, I would have expected everybody to automatically want the lowest possible value for their home so they pay the least taxes. But some people are willing to pay their taxes because they feel like it is part of their community responsibility. Some people take pride in their home and the additions that they do and may want to show that the value is increasing.

So I have gotten feedback on all ends of the spectrum here. I have had people who feel like we could be doing many, many better things with \$1.3 million dollars. Somebody suggested we turn the park that everybody thinks is splash pad into a splash pad, fix the elevator. Like I've got a laundry list of better things we could do and it is true that there are better uses in many ways for this. But I feel like Pandora's Box has been opened here. I've been hearing since I became an Alderman all four years ago that we needed to do a Full Measure & List. I was not happy about having to do one last minute because the State required one in terms of a General Assessment but I do think that this is something we've known we would have to do. It is not a surprise to anybody that after 28 years we do need to do one. I think if with that Alderman Klee and what Ms. Kleiner have understood to be the case, if we are going to have to end up having to pay for this other ways, I'd rather just do it right now then doing it wrong later. These are the same concerns I had when we were talking about the huge paving project. At the time I didn't want to spend that much money on paving and I wished we could figure out how to stagger it out or spread it out. And fast forward to 3 years later and how many sinkholes later, I think we got at it at just in time.

So I am in favor of it only because I think we need to be forward thinking. I am conscious of what the Mayor said in that we are only going to be putting this out to bid but we need to allocate money first in order to do that. I would like to see more reporting to the Board of Aldermen with regards to the process. But I understand that this looks like something that does need to be done. And then finally I would like to just acknowledge the Assessing Department. It can't be easy being under all this scrutiny, having the Telegraph showing up to interview everybody; having people following staff members around; having the constant political scrutiny that that office has been under. I appreciate the job that you guys are doing and I appreciate the duress that you are doing it under. And I don't think the Full Measure & List is necessarily an indictment of anything that you've been doing. I think it is a long overdue process and I appreciate your support for it.

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

Yea: Ald. O'Brien, Ald. Gidge, Ald. Ald. Dowd, Ald. Klee, Ald. Laws, Ald. Lopez Ald. Caron, Ald. Kelly, Ald. Jette, Ald. Melizzi-Golja Ald. Tencza, Ald. Schmidt, Ald. Wilshire	13
Nay: Ald. Clemons	1

**MOTION CARRIED**

Resolution R-19-159 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

**O-19-046**

Endorsers: Alderman Richard A. Dowd  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.

**AMENDING THE ZONING MAP BY REZONING 610 AMHERST STREET FROM PARK INDUSTRIAL (PI) TO GENERAL BUSINESS (GB)**

Given its second reading;

**MOTION BY ALDERMAN DOWD TO AMEND O-19-046 IN ITS ENTIRETY BY REPLACING IT WITH THE PROPOSED AMENDMENTS MADE BY THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE**

ON THE QUESTIONAlderman Dowd

I'd like to speak to the amendment. The Amendment basically was adjusting it so that the line involved goes out to the center of Amherst Street because they don't like to leave an arbitrary line on the border. The Planning Department wanted to go out to the middle of the street, so that's basically the amendment.

**MOTION CARRIED****MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF O-19-046 AS AMENDED**ON THE QUESTIONAlderman Dowd

This is a lot on the front of Amherst Street has always been used for general business, it was operating under a variance as Chili's from the time Chili's closed until the time the new owners applied for a restaurant, the time it elapsed so the variance went away. So we have been working with Director Marchant to change a lot of the zoning on Amherst Street to reflect that the first 200 feet are General Business as 99% of them are. The only other question is if you are wondering why we didn't do the lot next door, it was because we didn't want to impose that on them and they didn't ask. So we are just doing that one lot.

**MOTION CARRIED**

Ordinance O-19-046 declared duly adopted as amended.

**O-19-048**

Endorsers: Alderman Richard A. Dowd  
Alderman-at-Large Lori Wilshire  
Alderman Linda Harriott-Gathright  
Alderman Mary Ann Melizzi-Golja

**AUTHORIZING A STOP SIGN ON COTTON ROAD AT ITS INTERSECTION WITH THE COTTON ROAD CONNECTOR**

Given its second reading;

**MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF O-19-048**ON THE QUESTIONAlderman Dowd

I have extra copies but if anybody wants to know where the stop sign is going, it is there is a new restaurant there, the Press Café, people come out of the parking lot and zip on to the street and people try to defy physics by occupying the same space at the same time. So the Board of Public Works asked us to pass this to put a stop sign there.

Alderman O'Brien

Just to follow up with Alderman Dowd said, it did go to the Committee of Infrastructure which handles the laws of physics quite well.

**MOTION CARRIED**

Ordinance O-19-048 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

**R-19-160**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$27,000 FROM THE NEW HAMPSHIRE CHARITABLE FOUNDATION INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "FY20 SUBSTANCE MISUSE PREVENTION"**

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

**R-19-161**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large Ben Clemons  
Alderman-at-Large Lori Wilshire

**ESTABLISHING POLLING TIMES FOR THE MUNICIPAL GENERAL ELECTION ON NOVEMBER 5, 2019 AND ISSUING PRECEPTS TO THE SELECTMEN OF THE CITY WARDS**

Given its first reading;

***There being no objection, President Wilshire suspended the rules to allow for a second reading of R-19-161***

Resolution R-19-161 given its second reading;

**MOTION BY ALDERMAN CARON FOR FINAL PASSAGE OF R-19-161**

ON THE QUESTION

Alderman Clemons

The next Resolution on here is a Referendum, so I am wondering, this won't prohibit that from being added to the ballot will it?

President Wilshire

No.

Alderman Clemons

OK thank you.

**MOTION CARRIED**

Resolution R-19-161 declared duly adopted.

**R-19-162**

Endorsers: Alderman-at-Large Ben Clemons  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman Ken Gidge  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman-at-Large David C. Tencza

**RELATIVE TO A BALLOT REFERENDUM TO ALLOW SPORTS BETTING WITHIN THE CITY OF NASHUA**

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

**R-19-163**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman June M. Caron  
Alderwoman Mary Ann Melizzi-Golja

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$1,500,000 OF FY2019 UNANTICIPATED REVENUE FROM DEPARTMENT #126 "FINANCIAL SERVICES", ACCOUNTING CLASSIFICATION #45 "MISCELLANEOUS REVENUE" INTO FUND #7026 "CAPITAL EQUIPMENT RESERVE FUND"**

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

**R-19-164**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderwoman Mary Ann Melizzi-Golja

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$1,000,000 OF FY2019 UNANTICIPATED REVENUE FROM DEPARTMENT #126 "FINANCIAL SERVICES", ACCOUNTING CLASSIFICATION #42 "LICENSES AND PERMITS" REVENUE INTO FUND #6600 "BENEFITS SELF INSURANCE FUND"**

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

**R-19-165**

Endorser: Mayor Jim Donchess  
Alderman Ken Gidge  
Alderman Tom Lopez  
Alderman June M. Caron

**RELATIVE TO THE APPROPRIATION OF \$2,000,000 OF FY2020 ASSIGNED FUND BALANCE INTO FUND #6600 "BENEFITS SELF INSURANCE FUND"**

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

**R-19-166**

Endorsers: Mayor Jim Donchess  
Alderswoman Mary Ann Melizzi-Golja  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$110,000 FROM THE NEW HAMPSHIRE CHARITABLE FOUNDATION INTO PARKS & RECREATION GRANT ACTIVITY "JEFF MORIN FUND, PLAYGROUND IMPROVEMENTS AT ROBY PARK"**

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

**R-19-167**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman Tom Lopez  
Alderswoman-at-Large Shoshanna Kelly  
Alderswoman Mary Ann Melizzi-Golja  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$1,000,000 OF FY2019 UNANTICIPATED REVENUE FROM DEPARTMENT #191 "SCHOOL", ACCOUNTING CLASSIFICATION #43 "INTERGOVERNMENTAL REVENUE" INTO SCHOOL CAPITAL PROJECT ACTIVITY "DISTRICT-WIDE MIDDLE SCHOOL RENOVATIONS"**

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE and the CAPITAL IMPROVEMENTS COMMITTEE by President Wilshire

**R-19-168**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderswoman-at-Large Shoshanna Kelly  
Alderswoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$300,000 OF FY2019 UNANTICIPATED REVENUE FROM DEPARTMENT #126 "FINANCIAL SERVICES", ACCOUNTING CLASSIFICATION #42 "LICENSES AND PERMITS" REVENUE INTO CAPITAL PROJECT ACTIVITY "14 COURT STREET COURTYARD IMPROVEMENTS"**

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE and the CAPITAL IMPROVEMENTS COMMITTEE by President Wilshire

**R-19-169**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderwoman Mary Ann Melizzi-Golja

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$700,000 OF FY2019 UNANTICIPATED REVENUE FROM DEPARTMENT #126 "FINANCIAL SERVICES", ACCOUNTING CLASSIFICATION #42 "LICENSES AND PERMITS" REVENUE INTO PUBLIC WORKS CAPITAL PROJECT ACTIVITY "INFRASTRUCTURE IMPROVEMENTS CITYWIDE"**

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE and the CAPITAL IMPROVEMENTS COMMITTEE by President Wilshire

**R-19-170**

Endorser: Mayor Jim Donchess  
Alderman Richard A. Dowd

**RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR FY2020 ESCROWS**

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

**R-19-171**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Ben Clemons

**APPROVING AN AMENDMENT TO THE LEASE WITH NASHUA ICE CENTER (KNOWN AS CONWAY ARENA)**

Given its first reading; assigned to the FINANCE COMMITTEE by President Wilshire

**R-19-172**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Ben Clemons

**AUTHORIZING THE MAYOR TO ENTER INTO A POWER PURCHASE AGREEMENT  
(PPA) AND LEASE WITH REVISION ENERGY**

Given its first reading; assigned to the FINANCE COMMITTEE by President Wilshire

NEW BUSINESS – ORDINANCES

**O-19-049**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Ken Gidge  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman Tom Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**AUTHORIZING FREE HOLIDAY PARKING AT METERS IN ZONE III WHICH INCLUDES THE  
ELM STREET AND HIGH STREET PARKING GARAGES FROM DECEMBER 9, 2019 THROUGH  
JANUARY 3, 2020**

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-19-050**

Endorsers: Alderman Tom Lopez  
Alderman-at-Large Lori Wilshire  
Alderman Patricia Klee  
Alderwoman Mary Ann Melizzi-Golja

**CHANGING THE LOCATION OF THE PARKING PERMITS FOR DALIANIS HOUSE RESIDENTS**

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-19-051**

Endorser: Alderwoman-at-Large Shoshanna Kelly  
Alderman Tom Lopez  
Alderman June M. Caron  
Alderman Jan Schmidt

**PROVIDING FREE LIBRARY PARKING FOR UP TO THREE HOURS FOR NASHUA STUDENTS  
USING THE NASHUA PUBLIC LIBRARY**

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-19-052**

Endorsers: Alderman Patricia Klee  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Tom Lopez

**AMENDING NRO 93-6 IMPOUNDMENT OF DOGS, CATS, FERRETS AND CHICKENS**

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

**O-19-053**

Endorser: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.

**AUTHORIZING SIGNATURES FOR CONTRACTS LESS THAN \$1,000**

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

PERIOD FOR GENERAL PUBLIC COMMENT

Laurie Ortolano 41 Berkeley Street. There were some things Ms. Kleiner said that were disappointing to hear. For me as a taxpayer, the quality of the Assessing staff is an issue and I don't understand why we haven't been able to conclude an investigation with an Assessor who did not do his job for the month of April, did not go out and inspect properties, is a confessed sex addict, has a number of issues and we accept that. And that's a problem for me.

President Wilshire

The problem here is I don't think we need to be saying that about people in the City.

Ms. Ortolano I'm only saying what he said. Ok?

President Wilshire

It is not acceptable in our Chamber, thank you.

Ms. Ortolano Ok fine, that's fine for you but you're sitting up there and I am the taxpayer and this is the person you have working in the office. And I notice that he came out tonight to sit with the crew. I notice Ms. Walley isn't here. She wasn't invited. I'd like to know why somebody so valued isn't here? I'd like to understand that. But that's a disappointment. I'd like to share something with you that I shared up at the BTLA and as you know I had a big concern with permit data and also EYB. Let's talk about EYB, Effective Year Build. This was a big issue from the very first day you came out in September and talked about the KRT meetings that were being set up. I think it was Mary Ann who talked about her District, having concerns with EYB, The Mayor spoke about it. I started focusing on Effective Year Build as a concern and I couldn't get anyone in the Assessing Office to validate it. They wouldn't speak with me, they wouldn't meet with me, they wouldn't talk to us, they rejected any attempt we had for a meeting even though we met with neighbors and we couldn't get any confirmation.

Over the last couple of months investigating and digging deep and looking into records, I found a set of notes that was a meeting with KRT on 10/11/18. It was about five days after I had a phone call with Rob Tozier about my property and EYB and I was trying to figure out why they never came back and did an inspection. We went to the Hearing on September 6<sup>th</sup> and no one showed up. On August 5<sup>th</sup> I called KRT in Haverhill and I said, "Why didn't you come" and that's when I learned that they were told by John Duhamel we wouldn't let them in which was not true. But after that, he went and had a meeting with the Board of Assessors where only one Board Member was there and Ms. Walley was asked to take notes. At that meeting it said, in the record, KRT discovered that the Effective Year Build was being used to increase depreciation. This is an ineffective measure for anything that has maintenance issues or anything that is

old. This issue really affects older homes. KRT found a lot of stuff that was old, 69, 84, 89, 94 inconsistent and they started to use the condition in conjunction with EYB.

For example, a restored home is not in average condition; it is in better condition than average. About half the properties need to be reset. If one property has an Effective Year Built adjusted and the other property next door is identical and doesn't have that adjustment it will result in assessments that are not fair and equitable. EYB is a very subjective field. If an EYB was last updated in 1991 with the last full List & Measure, that would be skewing those assessments. Rob said there are really only 3 fields that are subjective: grade, condition and EYB, everything else is black and white. The neighborhood codes are somewhat objective but not tremendously. That is an interesting statement in a set of minutes because I was struggling so much to understand why this EYB was throwing me off in my neighborhood to the point where I paid the \$55.00 to get all the cards and put the data together to realize that most of the homes were 1955, 1960 and we were slammed up to 1995. No one, including Dan Hansberry, who is now the Chair of the Board who was sitting in this meeting would tell me that this discussion took place; that this was a legitimate issue, that I was seeing a problem. It affects about half the older homes, that's a big issue and I feel like the City withheld information from me.

Also in the same meeting, Rob said that there was a serious problem with implementing the income approach. The income approach was all set up and then John recalculated wiping out all the income information, we lost it all. Rob said this happened "late in the game". So he called Patriot and they said it is probably because we were in the analysis database and that was not stable. Rob believes that explanation was just a cop out. Patriot was surprised that we did the entire update in the analysis database but Rob said it should have been able to handle it. He was asked if there was going to be a problem when an abatement is filed and we need to defend the income approach. He said it would have to be set up again on that account. He said that Ken is really the person to explain how it was set up. At the meeting by the Board of Assessors on October 18<sup>th</sup> it was Dan Hansberry who said "I'm really concerned, we have to reinvent the wheel and create all this data all over again". And they never discussed it again. And the BTLA brought up the issue of this data. To me it is really questionable whether all this data got recreated. Nobody ever really looked at that except to say "John said it was done". He lost it all and then it's all done. We should be looking at that. I really think Cornell, David Cornell should be looking at that income data to find out if the commercial properties were re-established correctly.

But this is some of the public issues with perceptions and clarity and truthfulness and trust with this department, you know? I have opened my house for 35 years, we have always let assessors in. I will never open my door again in Nashua. That ship has sailed and I will tell anyone, don't open your door. Because I have looked at a lot of data and it pays not to open your door. And I hope all of you Aldermen here and the Mayor and the people sitting in this Chamber set the example and are the first ones to open your door and let these assessors in to re-evaluate your property and set the data straight. Thank you.

Ben Telersky 5 Shakespeare Road. I am here to speak regarding Ordinance 19-051 which was introduced tonight. I have been working with Alderwoman Kelly to put together a small Youth Advisory Committee. We have got together a group of Nashua High School and College students to talk about things we would like to see in Nashua. One of the recurring comments that was made was making the Library more accessible to students. A lot of the times when High School kids have a group project they will go to Barnes & Noble, the south end, when we could be getting them into the library utilizing downtown. I am a recent graduate of Nashua South. I know Nashua values education and by allowing up to 20 students, which is what is in the Ordinance, allowing up to 20 students to park for free up to 3 hours we'd allow students to have much better access to the resources that the library has for them. I'm leaving for college in about a week and a half but I hope you will all support the Ordinance to allow students here to take advantage of the resources they have in the City. Thank you.

President Wilshire

Oh I didn't have anyone else signed up. You can address the Board.

Peter Schaefer 15 E Street. I just wanted to make a quick comment on the future social investment in the railyard district. Today Nashua sold a ballfield in that area and you will still be using it although we lost a skate park in that area. There is a lot of development going on, hundreds of apartments are going into that area and I think we may need some investment in services as well. We've lost services recently and we'd like to get some of that back. You've got some money today, \$770,000.00 or so for that ballfield. There are other funds available in the future although the apartments that are coming in, they are going to be paying taxes so we will get some of that. There's also going to be a tax increment theory of some kind where there is money so – the reason I'm speaking is because you are the folks that spend the money, figure out where the money will go. So rather than going to all these meetings all of the time I want to suggest to all of you is that that area needs some investment so when things come up, think about us down in that area. Thank you.

#### REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

##### Alderman Tencza

Thank you. So this our last Board meeting until September and before we meet again will be the filing period for municipal offices, starting at the end of August and going into the first week of September. Hopefully we will, well we'll definitely have a new Clerk by that time. One of the things that people can do to help out the new Clerk is to get involved, especially at the local election position. There are board moderators, Ward Clerks and Selectmen who help run the polling places. There is always a need for people, good people maybe even young people to step up and fill those roles. It is a long day and with the new Clerk, he or she, hopefully she, is going to need a great staff behind her. So please look into that if you are inclined to do so, get involved and help the City out in that way.

Also, I think at these meetings when we are debating and having a debate over what is going wrong with the City or perceived to be going wrong with the City, we forget about all the good stuff that is happening. So I just wanted to congratulate the Mayor and Alderman Lopez about the new futsal field, am I saying that correctly that was installed down in Ward 4. It is great to see that space being used and it was a great project I think through the community to come together and make that decision. Hopefully it will be there, around for a long time for kids in the downtown area for the kids to be able to use.

##### Alderwoman Melizzi-Golja

Yes thank you. First of all Mr. Schaefer to your concern, I had a conversation with the Mayor this evening prior to this meeting and also with some other individuals who were involved in planning. I share your concern about the need for resources there, especially recreational resources as we increase the population there. I would just like to let you know I know there are several people sitting around this horseshoe who are also looking at what is going on there and how we can make sure some of those resources are in your community.

The other thing is Alderman Caron and I have gotten to know each other very well, both in her professional career and her retired career. This is the 15<sup>th</sup> year of Nashua Goes Back to School. And I know you're all like "Oh yeah big deal" but the other thing we all realize and Maureen Lemieux and I talked about this a month ago is that 15 years ago we opened our two high schools, which is just amazing to think. With some of the controversy and some of the concerns and here we are. I look at programs in the high schools, especially the technology programs and in 15 years they have reinvented themselves and they keep moving forward to make sure what our students are getting on both campuses is relevant and preparing them for the workplace.

Fifteen years ago we hoped we would have 700 students attend, this year as we have in the past, 8 years, we plan for 1,500 and we typically have between 1,200 and 1,400. We couldn't do it without the generosity of the business community both in their donations of goods and services and anywhere from \$9,000.00 to \$10,000.00 a year and that has stayed steady. So I think in terms of the good things, education is supported and the School District, from the very beginning, Superintendent Giuliano said "yup every principal will be there" and they are there. We always open our doors to the private schools if they would

want to attend and our home-schoolers are also invited. Every one of them receives a little goody bag of school supplies. I think we all feel as a Committee that 15 years of 2 high schools is certainly something to celebrate.

I know some of us sitting around this table are going "Oh my gosh, how long have we been doing this". So I would like to invite all of you to stop in on Thursday, the event goes from 5:00 to 6:30. Typically people are lining up around 3:00 in the afternoon, we have 37 agencies and programs in the City who will be participating out on the lawn. The Health Department, I am so glad to see Director Bagley here, the Health Department is going to be providing immunizations free of charge, but you need to have your record. So put it out on social media. The nurses have been making that available to people so I hate to say it, but don't spend the co-pay to go get your child's immunizations up-to-date, come see us. We will be doing free lead screenings also. I hope you will join us and thank you to Mayor Donchess and all of the Mayors in the past who have supported us by providing City services for this event. Thank you.

#### Alderman Jette

I just wanted to say that I voted for the Bond for the Full List & Measure because we have been hearing for some time criticisms about the Assessing Department. But more importantly on this issue criticisms of the data that we have. I voted for the Full List & Measure because I thought that was a step in the right direction as far as getting a handle on our data and updating our data. It has been a long time since we've done it and there are some cities and towns that do this on an ongoing basis. They do a fifth of their homes every year to keep up-to-date on it. I know that the issue about whether or not people have to let the Assessors in our not has come up but I think that there are other ways that these professional assessing companies can verify the accuracy of the records. So that is why I voted for it. I think it is a step in the right direction. Hopefully it will help us in the long run.

#### Alderwoman Kelly

Thank you. I wanted to start off by thanking City Clerk Piecuch, we worked very closely with her on the Pride Committee and she was indispensable among other things that she does with the City so you will be missed and I know the State is gaining someone who is very competent and passionate and I appreciate all your hard work. As a new Alderman Ms. Lovering has been indispensable to me and I hope that we confirm her in her new role but I will definitely miss her. I wanted to quickly note about the assessing, the Full Measure & List, I just wanted to just thank everyone for the additional information given what has occurred in the last couple weeks and also thank the Assessing Department for being here in full strength and really explaining what they wanted to see come out of that. Lots of thank you's.

I just wanted to thank the Board for their support of the solar program. I know it is something that I am personally passionate about but also the Energy & Environment Committee is really looking forward to see happen in our City. And the appointment of the new student members which we have been working on for a bit I think is really going to help us as we continue to build towards addressing the climate crisis. Lastly I wanted to thank Ben for being here, as he mentioned we did put together a group of students who were eager and interested in doing something this Summer and I worked with the Mayor's office to meet with them weekly and this was the project that they came up with. I had no input on it; this was a project that they felt very strongly about. They've done a lot of research and they are looking forward to presenting to the Infrastructure Committee which I believe will be next week. So if you guys are able to come, they are really a passionate group of students and I think they've done a great job on it so I hope to get your support on that. Thank you.

#### Alderman Caron

Ok thank you. A few things, on R-19-148 went over my head but I would hope that that \$700,000.00 that we utilize some of that for that East Hollis Street/Bridge Street area. They were supposed to provide recreation for those neighbors and unfortunately it didn't come to pass. Giving us the money is wonderful but I think it is very important for that neighborhood to get some of that recreation programs that they asked for. I know that we worked, because Mr. Schaefer and I sat on the Committee concerning the traffic pattern

that was going to take place for the bridge coming from Hudson to Nashua. Some of the concerns that the neighbors had was that we did not have any recreation ideas. And they did come up with some, but unfortunately you know that money that goes for traffic doesn't necessarily go for recreation.

I think it is very important Mayor that the Board of Public Works understands that there is a need there with the additional 200 plus apartments that are going in that those people have a right to some passive/active recreation in that area. So I hope that you keep that in mind when you move down that line for that \$700,000.00 cost and I apologize for not doing that.

As far as Back to School, I have been doing this longer than retired than when I was working, but my function basically is to pack the 1,500 bags. We can't do that without volunteers. For 15 years RSVP our Seniors in this community have stepped up to the plate and bagged those bags in less than 3 hours. They work piecemeal, some of them are in their 80's. So if you want to see people who work hard, who know how to do it, you come down to the library next Tuesday after 8:30 and see what they can do. I know the Mayor came last year and I think he was quite impressed with some of them. A lot of them have been doing it for 15 years. So it shows you that one generation will help the other moving forward and of course we will all be there on Thursday the 22<sup>nd</sup> for the big bag hand out. So thank you for that.

#### Alderman Lopez

I'm just going to watch DJ Bernie catch kids playing Freeze. So the first thing I want to say is we have been talking about the need for recreational activities and to Alderman Tencza's point, the new futsal court going in on Ash Street is across the street from the PAL Center which on the top floor has a boxing gym where we have regularly succeeding athletes. Kids that would otherwise be engaged in other activities or might be at risk, really learning to build a positive self-image and how to value themselves as athletes. We have Golden Glove winners; we have people qualifying for the Olympics.

We have some pretty amazing things happening at that PAL Center because of the years of investment that have gone into it. We have the Skate Park on the same street, and we have kids of increasing skill and dexterity in the inner-city having the opportunity to practice right in their own neighborhood. And now we have a futsal court which any professional or semi-professional soccer player will tell you, futsal helps kids develop skills much more rapidly and effectively than just casual soccer. It is a great training activity and we can look forward to seeing some really good athletic soccer athletes coming out of those neighborhoods over the next couple of years.

And in addition to athletes that neighborhood is turning out leaders because the idea for the futsal court came from the kids at the PAL Center. They participated in the "Your Choice/Your Voice"; they developed a presentation for it; they campaigned for it and did a great job. So I think recreational facilities over in the Canal Street area are important to that area's future and that area's growth. And ultimately the investment of those families in that community. So I agree with Alderman Clemons or Alderman Caron that we need to take that as a serious priority.

I also wanted to recognize City Clerk Piecuch, she's been helping me for years, before I was even an Alderman, trying to put together Cultural Festivals, Positive Street Art Events, Great American Downtown Events. And then as an Alderman she has been of enormous help in helping me figure out what City Statutes there are, what activities are going on that I should be part of. Even in this horseshoe, where she staying all night with the rest of us, having late night meetings. We get to posture and express our opinions and do all this political stuff while she is just paid to quietly work, which she does very well. So I just wanted to recognize her with one opportunity because I thought maybe next month, in case you're sick, let's do it now and I wanted to do a roll call vote, on Aldermen expressing their appreciation for the job she's done over the year.

#### President Wilshire

Would the Clerk please call the roll?

Yea: Ald. O'Brien, Ald. Gidge, Ald. Dowd, Ald. Klee, Ald. Laws,  
Ald. Lopez, Ald. Caron, Ald. Kelly, Ald. Jette, Ald. Melizzi-Golja,  
Ald. Tencza, Ald. Schmidt, Ald. Clemons, Ald. Wilshire 14

Nay: 0

### Alderman Klee

Yes I'd like to also mention about the Back to School, last year was the first year I went to it. And I primarily went to it because I was an Alderman. I have no children, I have no children in the School System. But I have to tell you, walking around it was excitement of all the kids gathering all the stuff and putting it in their bags. It was just a pleasure to see. They were excited about going back to school, they were excited about their little goody bags. I think also seeing all their friends and even some of the teachers and so on, it was quite exciting. And I am glad we are going to have the immunizations and the free lead screening, I think that's a wonderful addition to this.

And then I'd like to kind of address some comments that were made and I hope I don't embarrass Mrs. Kleiner over there but Mrs. Kleiner I noticed that there 3 missing, employees here. Did you send out an invitation and skip those three? Ok thank you, I just like to make sure that gets into the record. And the comment about the EYB I believe that was addressed in the management audit. And I think that when they came and talked to us they talked to us about there was some subjectivity to the EYB so I don't think we've been hiding anything or anything to that nature.

And I also just want to make one other comment, the City has not done a Full Measure & List since 1991; while my house was done in 1991 and my house was done in 1995, mine has been out there a little bit more. I'm done, thank you very much.

### Alderman Dowd

Yeah some quick things. There was a Yard sale at Kessler Farms the other day and a woman came up to me and wanted to know if I had any notebooks because she was trying to get things for her kids to go back to school and I steered them to the Back to School event. She was ecstatic and I just want to thank everybody involved because I've tried to be at every one every year. It is an amazing event and the kids really love it.

Second thing is the bond process, correct me if I'm wrong, Corporation Counsel, but the \$1.3 million has now been approved and then go out and get bids. If it comes in over \$1.3 million it has to go back through the process, it needs a new public hearing through Budget and would have to go back through the Board again. Also when a contract is arranged, it will have to go through Finance. So there are other checks and balances on the \$1.3 million.

Third thing is I've been getting a lot of questions on the Middle School Development. We are expecting the Architect's Report in September. I'm not going to put an exact date on it but in September, it got delayed a little bit because vendors are very hard to get as far as some of the things that we had to do make sure that the property is buildable and environmental aspects of Elm Street and other things. So it is still going on and we will have some answers probably in September.

And the fourth thing I want to congratulate the Spartans Drum & Bugle Corp; they won the World Championship. It is an organization that gives kids another outlet for their musical talents and gives them something to do and get them off the street. That is what they established for many years ago and they do a phenomenal job. That's it.

Alderman Gidge

Yes I'm sorry if I made an error a while back but I am quite excited about it. Mrs. McCarthy has agreed to open the 66<sup>th</sup> Consecutive Year Art Show at the Greeley Park, 9:45 she will ring the bell to get the festivities going. The Mayor will be there hopefully everybody will be there. Please buy art. One at least two I will come over and shake your hand at your house; if you buy three I won't come over to shake your hand. But if you buy four the Mayor will go to your house and sing Happy Birthday. So anyway by the way the Art Show at Greeley Park brings the second large amount of people into the City. The first is the Stroll. The numbers we are not sure of or how much money it brings in, we are not sure of. But we are going to start bringing those numbers in and I think the Arts, especially at Greeley Park is very important. And also Mrs. McCarthy is going to have a good time. So please come if you can.

Alderman O'Brien

Thank you. First my apology to Alderman Lopez I didn't know what you were doing so I was a little bit confused there, perhaps my motion to adjourn would have been in order. But anyways to get back to focus, I would just like to mention briefly on R-19-148 and that's Land Purpose down on Bridge Street. I agree with some of the other Aldermen that we were going to redesign this neighborhood basically from scratch, a lot of vacant land and everything else like that. We do need recreational fields; but a field is not a field. It is what is underneath it particularly if it had a history of a past industrial history. And you are talking about this particular field that was what I consider a brown field. The former occupancy of that site was the former John Mansfield which made asbestos. And if you put sports activity on that particular field, anything that's kicking the ball, you are kicking the dirt and I don't know, not enough information was there on that particular. But that wasn't the question that came before the Infrastructure. I would like to thank Mr. Schaefer for bringing it up because Mr. Schaefer is very in tune also with the Rail Committee and he has been to many of those meetings and come up. So this definitely needs to be addressed to look at other fields I think in the area and try to keep that recreational part alive. And that is going to be our choice, we are going to have several different choices because of this as it comes forward.

The other thing I would like to say is very happy to see that Ms. Piecuch has got the job with Secretary Gardner, I'll be seeing you up in Concord you know. This is definitely going to be a loss to us but I take solace in the fact that Ms. Lovering has been nominated by the Mayor for the position of City Clerk. I wish you Godspeed through your nomination process, I'll let the cat out of the bag, you've got my vote kid. I wish you the best of luck Trisha in your new job up there and like I say we'll be seeing you up there. And thank you.

President Wilshire

I'd just like to thank the Assessing Department for coming out tonight. Everything they do I appreciate. I'd also like to thank the Committee that does the Back to School; 15 year project of Back to School that is a lot of kids you serve. So thank you for investing your time there, I think it is very worthwhile and goes a long way.

Committee announcements:

Alderman Dowd

Yes next Thursday Joint Special School Building Committee at 7:00 p.m. at Nashua High School North Board Room. It won't be a lot of things presented, just a sort of status of where they are at, but no final report yet. I was going to mention it before and I was remiss, as Treasurer of the Brian Memorial Foundation, we have been granted our 501(c)3 from the IRS so we are a charitable organization for raising money for STEM students out of both high schools.

Alderman Lopez

Substandard Living Conditions Committee is going to be the next meeting in September; September 12<sup>th</sup>. We will be discussing issues such as bed bugs and other exciting things.

Alderman Caron

Yes thank you. Due to the fact that Labor Day is the 1<sup>st</sup> Monday in September, Human Affairs Committee has given up their September 9<sup>th</sup> so Personnel can meet. Two of the most important things is Ms. Lovering's nomination as City Clerk. I don't know if I want to vote for that because I don't want to lose you and the other thing is for setting the times for elections. So we certainly want to make sure everybody is there. Thank you.

Alderwoman Melizzi-Golja

PEDC will be September 3<sup>rd</sup>, so the day after Labor Day here in the Chamber at 7:00 p.m.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE AUGUST 13, 2019, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 9:43 p.m.

Attest: Patricia D. Piecuch, City Clerk



# THE CITY OF NASHUA

Administrative Services  
Assessing Department

"The Gate City"

---

## MEMORANDUM

To: Mayor Jim Donchess; Board of Aldermen; and Board of Assessors

From: City Assessors; and Ms. Kimberly Kleiner, Administrative Services Director

Date: August 13, 2019

RE: Answers to the Ortolano Memos

---

We have reviewed the following memos presented to us for factual checking. References made to the following correspondence:

- 1) Memo dated August 11, 2019, by Michael Ortolano, to the Board of Aldermen and the Mayor of Nashua;
- 2) Memo dated August 11, 2019, by Laurie Ortolano, to the Board of Aldermen;

We, the Nashua Assessors, offer this response out of concern for the allegations made by Ms. Laurie and Mr. Michael Ortolano because we believe that they contain inaccuracies, misinformation, falsehoods, unsupported data and gross assumptions that would otherwise negatively influence this Honorable Board of Aldermen, the Nashua taxpayers and the general public.

### Regarding Memo from Michael Ortolano

- *"A Full List and Measure IS NOT REQUIRED by the State of New Hampshire."*

As the board already knows, the City has wanted to conduct a full measure and list for some time since none have been conducted in almost 30 years. Although not required by law, the International Association of Assessing Officers, (IAAO), guideline recommends a full measure and list at least every 9 years. This is their guideline.

**Note:** *"I want to emphasize that by itself, the list and measure, **though needed**, will not restore trust and do away with all problems, indeed it may exacerbate some. (Emphasis added.)"*  
Statement by Ms. Laurie Ortolano, presented to the NH Board of Tax and Land Appeal, August 6, 2019, Docket #:29261-19RA, Page 62.

- *“City should wait to move forward on the Full List and Measure until the results of Mr. Cornell’s Review are issued.”*

The purpose of the technical audit currently being conducted is only to review practices and procedures of the assessing department on behalf of city management. The scope of work does not address a recommendation for a full measure and list.

- *“The City should wait to move forward on the Full List and Measure until the Inquiry of the New Hampshire Board of Tax and Land Appeals (NHBTLA) is Closed.”*

There is no telling precisely what the BTLA will order, however, it is known that if the board orders a full measure and list it will limit the City’s input and most likely be considerably more expensive.

- *“The benefit of a Full List and Measure is a matter of speculation.”*

Not true. In fact a full measure and list is a widely used tool that will provide the property owners of the City with an opportunity to help insure that the assessment records are accurate, up-to-date and provide equity among all.

- *“The City should receive formal bids prior to Approving a Bond.”*

It is the City financial policy that a funding source be established before issuing a Request for Proposal, (RFP). If, after choosing a contractor, more funds are required, a formal request will be submitted to this Board should it be needed.

- *“The Assessing Department needs to review and strengthen their contractor oversight procedures prior to the issuing additional contracts.”*

The misinterpretation of section 3.1.6 of the last contract with KRT Appraisal does not in any way invalidate the results of the 2018 statistical update. All sales were qualified or unqualified using MLS and other tools. (See Exhibit 2.)

**Regarding Memo from Laurie Ortolano**

- *“Validity of the 1.3 million dollars:”*

The 1.3 million dollar bond that the Assessing Department will request is an estimated cost for the full measure and list. The BTLA only questioned if the bond is sufficient, not whether the full measure and list is necessary. As stated above, if after choosing a contractor, more funds are required; a formal request will be made.

- *“Entry Rate into Properties”*

It is not true that we can expect only a 15% entry rate. Full measure and lists conducted by other communities indicate we can expect a much higher rate of compliance. It is simply not true that *“experts from other cities”* believe only that only a *“10% entry rate”* can be expected. (See Exhibit 1.)

- *“The Law”*

State law does not require a full measure and list, however, guidelines from the International Association of Assessing Officers, (IAAO), recommend one be conducted at least every 9 years. The last one conducted by Nashua was completed in 1991. Full measure and lists are by no means *“obsolete”*; they help insure taxes assessed are fair and equitable.

- *“performance and Technical Data Capture in the Assessing Office”*
- *“M. Kleiner’s Comments at the Special Hearing for R-19-159”*
- *“Hiring of David Cornell for a Technical Audit.”*

This office has gone out of its way to be transparent. In the last 11 months, the assessing office has answered many requests and provided hundreds records for Ms. Ortolano. A technical audit is currently being conducted to review the practices and procedures of the assessing department. It is being done on behalf of the city management.

- *“Other Ongoing Investigations:”*

It is not true that the City has expanded the *“scope of work”* conducted by Drummon Woodsum to include an investigation of management. Also, during the 2018 Update, it was determined that the base rate for Schools/Colleges, (Code 72), was incorrect. Correcting the table for Code 72 resulted in the bulk of the 24 million dollar adjustment.

- *“Breach of Contract with KRT’s 2018 Reevaluation”*

As previously noted above there was a misinterpretation of section 3.1.6 of the contract with KRT Appraisal. However, that does not in any way invalidate the results of the 2018 statistical update. All sales were qualified or unqualified using MLS and other tools of evaluation. (See Exhibit 2.)

**Exhibit 1**

**Entry Rate for Full Measure and List**

2019 Scarborough, Maine = 55%

2017 Brunswick, Maine = 59%

2015 Longmeadow, Massachusetts = 43%

2006 Manchester, NH = 60%

**Note:**

Hudson, New Hampshire, is currently undergoing a full measure and list and after the first pass, has a 24% entry rate.

**Exhibit 2**

**List of Tools for Qualifying Sales**

Co-Star subscription

Multiple Listing Service, (MLS)

Inventory of Property Transfer, (PA-34)

Polk City Directory

NH Secretary of State's Business Name Lookup

Other Name Search Websites

Phone Calls & Letters to Sellers, Buyers & Real Estate Brokers

Inspections Conducted by City Assessors

Deeds Filed in the Hillsborough County Registry of Deeds

Geographic Information System, (GIS)

Pictometry

Memo

August 9, 2019

Subject: 0-19-051 PROVIDING FREE LIBRARY PARKING FOR UP TO THREE HOURS FOR NASHUA STUDENTS USING THE NASHUA PUBLIC LIBRARY

At the August 9, 2019 Downtown Improvement Committee meeting discussion was presented regarding a proposed resolution to provide free parking for students at the Nashua Public Library. The committee is unanimously not in favor of 0-19-051. If we decide to provide free parking for one demographic we must also consider requests from others, senior citizens, mothers with children, to name a few.

The DIC is also working with the city parking division to initiate a proposal for a complete parking study of the downtown area. This would include reviewing rates, times, leases, areas where there are no meters, etc. This complete study would give us an in-depth review of what is currently in place and suggestions on what we can do to improve the downtown parking. The committee feels it would be in the best interest of all to implement any changes when a study is completed.

On behalf of the Downtown Improvement Committee

Marylou Blaisdell

Chair