

A regular meeting of the Board of Aldermen was held Tuesday, October 10, 2023, at 7:30 p.m. in the aldermanic chamber.

President Lori Wilshire presided; Deputy City Clerk Roger Ordway, Jr., recorded.

Prayer was offered by Deputy City Clerk Roger Ordway, Jr.; Alderman Tyler Gouveia led in the Pledge to the Flag.

Let's start the meeting by taking a roll call attendance.

The roll call was taken with 13 members of the Board of Aldermen present: Alderman O'Brien (arrived at 7:32), Alderman Sullivan, Alderman Klee, Alderman Moran, Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault, Alderman Wilshire.

Alderman Comeau and Alderwoman Timmons were recorded absent.

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

President Wilshire

Mayor did you wish to address the Board this evening?

REMARKS BY THE MAYOR

Yes, Madam President. Thank you very much. Well, I wanted to mention a few things. First, I'm sure you all noticed or probably noticed that on the annual WalletHub Survey, Nashua moved up from the second safest city in the country to the first safest city in the country. Now, this is due to a lot of people. Of course, our Police and Fire Departments do a great job but the areas in which the community is ranked or rated are of course home, and community safety, also disaster risk, and financial safety. One area where we scored very high as a very low level of assaults person on person. I think the second lowest of the 188 cities but our City employees work very hard every day to support and serve our citizens. I know our citizens are also working hard to make this the best community they can. So we owe, I think, thanks for this to many, many people in the City and I think we can all be proud of it.

Second, Madam President I wanted to update you on some of the progress we're making regarding the issue of housing in the City. The Monahan Manor is scheduled. They hope to open the first phase of their 216 units. In other words, about 70 units this coming week. There always are delays in this environment in this economy. They expect to be able to make it but if they don't, it will be very soon thereafter and that would open the first 70 units to families in the community who of course need affordable housing.

The School Street Housing - I met with people there today. That has 150 units on High Street. They're calling it the High Street Lofts. They believe they will be opened in December. They've had a few delivery problems and other issues with the elevators but they still are looking at, at least right now at a December opening.

NIMCO which is a City-owned site over in the Millyard, we have received three very credible proposals from three credible developers' different ideas. We have an interview team internally that has interviewed all three of those developers. They have now - the builders have visited the site and had a chance to look at it which could alter the proposals a bit and there are going to be follow up discussions with them. Eventually the team of people who are interviewing these groups will make a recommendation to me and we will recommend to you how we think you should proceed in making sure that housing gets developed on that site.

You might have noticed that at 249 Main Street, right down the street, the NeighborWorks Project is proceeding very quickly and it's going up right now. That will be 46 units of affordable housing.

Finally another one that's on the drawing board now is the Housing Authority and the City are working to develop a proposal for Maynard Homes Vagge Village area similar to what you see at Monahan Manor where a smaller number of units, about 100, would be redeveloped into 400 to 500 for an additional 300 to 400 families. This week we will be sending a letter of support for that project to the New Hampshire Housing Finance Authority which is the main entity that provides financing, provides the capital on a loan basis for these affordable housing projects and we believe that that project can be a very big success.

Another item, Madam President, I'm sure you've all noticed Main Street is now paved after all of the utility work that was done and as icing on the cake, or a cherry on the sundae, or whatever it is, the railroad crossing was improved by CSX so

that it's much smoother crossing there now something that people have been working for, for decades really. Now that is an improved situation as well.

And finally Madam President, I wanted to mention that tomorrow night at six o'clock Alderman Caron is hosting an informational meeting at Dr. Crisp School regarding the Crown Street encampment and that will kick off and we'll have a number of City people there to meet with residents to talk about talk about that. That's all I have Madam President.

President Wilshire

Thank you Mayor.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Moran

Thank you, Madam President. I'm on that Committee for the NIMCO property along with Alderman O'Brien and Alderman Comeau. I can tell you that a lot of great projects. Any one of them is going to be great for the City. Really neat ideas. I don't want to speak for Alderman O'Brien but I think he might share those views with me. It will definitely grow housing no matter which one comes about but it's a great look that could be coming to the City soon.

Additionally on the Crown Street encampment, I'll definitely be there along with many other Aldermen. I hope everyone takes an opportunity to come down, and listen, and ask questions so that can be answered. Alderman Lopez and I will be holding a Joint PEDC and Human Affairs Committee on the issue as well on Tuesday, October 17th, at 7:00 pm here in the Aldermanic Chamber.

Alderman Lopez

As Alderman Moran just mentioned, there is a meeting next week – a joint committee meeting on Tuesday to address the homelessness encampment issues. I will be attending that. I was asked to attend the Crown Hill meeting but I also recognize that this is a neighborhood Ward meeting and I don't want to take any attention from them. If they want to be asking questions and learning more about the issues, then the last thing they need is like a plus one from me. If anybody has any questions or anything if I can help point them towards organizations that are helpful, then I'm always willing to do that so feel free to reach out.

Additionally, I wanted to comment on the number one safety because I made a similar comment last year. Last year, a friend of mine was murdered right before we got the safest in the City and this year I find myself in a similar situation where two people were unfortunately shot 200 feet from here. So we need to give ourselves credit when we do something well and I think what we do well as our Police Department. They were right on the ball when it came to that. Investigated right away, they were able to stabilize individual prevent any further harm to the community, and ultimately, I think, were very reassuring to the community in the speed and professionalism that they responded. I think it would have been tone deaf on my part not to comment and I had meant had intended to make my comments at my aldermanic comments. While we do have crime here in Nashua and that number one safest place to live isn't saying nothing bad ever happens here, it is recognizing all the hard work that our police do, all the hard work that our City Departments do is to try to promote public safety, planning, and to respond to things that preemptively rather than waiting for things to get out of control.

President Wilshire

Anyone else? Alderman Thibeault.

Alderman Thibeault

Thank you, Madam President. I mean show me a better police or fire department, right? They do a fantastic job and there's a reason why we're the number one city for safety and it goes along with them. It goes along with our public officials - public health officials I should say. In other City departments such as DPW that do the work that make sure that there is safety out there and I think that's a testament to what Nashua has been able to do over the years.

The last thing is I just wanted to mention that there's also an apartment building going up and looks like its pretty close to being done on Pine and Lake Street on the corner Pine and Lake. So that's going to offer - I don't know if it's 20 units, 30 units but another additional units to Nashua for housing. Thank you.

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS

There being no objection, President Wilshire declared the minutes of the special and regular Board of Aldermen meetings of September 25 and September 26, 2023 be accepted, placed on file, and the readings suspended.

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Tim Cummings, Director
Re: Communication – Approval & Place on File a Contract for CAMA Software Implementation through Vision Government Solutions

From: John L. Griffin, CFO/Treasurer/Tax Collector
Re: Purchase of DPW 2023 Toro Outcross 9060

From: Doria Brown, Energy Manager
Re: Brief Update Regarding Resolution R-23-107

There being no objection, President Wilshire accepted the communication and placed them on file.

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

President Wilshire

I have two people that signed up or I have four people that signed up but two people are Laura Colquhoun O-23-062 is not being acted upon this evening. Wayne Saya the Resolution R-23-165 is also not being acted upon this evening. If you want to stay and comment at the second comment period, you're welcome to do so. So we do have Laurie Ortolano.

Laurie Ortolano

Laurie Ortolano, 41 Berkeley Street. I'm just here to do a quick comment on our R-23-154 which is the transfer of money from the assigned fund balance for \$425,000 over to property casualty self-insured and this, I believe, had to do with the public hearing you had for the ransomware issue. I would like to ask if the Board would be or the administration would be so kind is when you list these appropriations if you would tell us what account they're coming out of. The assigned fund balance account is not something I was familiar with on where you'd find that and I did have to write an e-mail to CFO Griffin and he did answer me but that's not always the case. I know that the City would prefer I ask fewer questions than more. I will ask fewer questions if you would put the accounts on it where it's coming from because the assigned fund balance is technically it's an account called "assigned for future liabilities" and it has \$11,455,000. Actually Miss Colquhoun and I were looking at that account trying to figure out what that was. We didn't realize that was the assigned fund balance because it's not actually called that. So you know I'd ask when you do these large movements of money that you actually specify the amount and the account it came from if possible because then it prevents me from having to ask questions.

Also, I listened to the budget hearing where there was some discussion from Aldermen wanting to get more details on the spending on this ransomware attack. I think to me there was a legitimate question in there from a citizen standpoint and I would be interested in tracking how much money we've spent. We have Charles River Consulting services which we've given I don't know maybe close to half a million dollars to no more probably three quarters of a million dollars to. We have these large transfers that we've done and I think the money transfers ought to be public. I would agree that your discussions in non-public about the strategies...

Donna Graham, Legislative Affairs Manager

One minute.

Laurie Ortolano

...and how you're addressing that are closed issues, and confidential, and can maintain that way but I actually think the spending, and the authorization of that spending, and since that spending is in the expenditure report, I think we ought to be able to get an accounting of that so that if I put in a request and said how much money has been spent so far on this

ransomware attack, you could give me the data on just the spending. So I'd like you to consider that and maybe somebody will let me know why that's not possible. Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Mayor Jim Donchess
Re: Multi-Year Contract Award – Vision Government Solutions

MOTION BY ALDERMAN MORAN TO APPROVE, PLACE ON FILE, AND AWARD A MULTI-YEAR CONTRACT FOR CAMA SOFTWARE IMPLEMENTATION FOR ASSESSING CONSULTING SERVICES WITH VISION GOVERNMENT SOLUTIONS IN THE AMOUNT OF \$148,000 OR APPROXIMATELY \$50,000 ANNUALLY. FUNDING WILL BE THROUGH DEPARTMENT: 132 ASSESSING; FUND: 81342 COMPUTER SOFTWARE & HARDWARE/CAPITAL PROJECTS

MOTION CARRIED

From: Mayor Jim Donchess
Re: Tax Increment Finance Development Program – Thornton Tomasetti

MOTION BY ALDERMAN CLEMONS TO APPROVE, PLACE ON FILE, AND AWARD A CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE NASHUA DOWNTOWN RIVERFRONT IMPLEMENTATION PROJECT FOR THE STRUCTURAL DESIGN OF THE SUBSTATION SCREENING STRUCTURE AND PERFORMANCE PAVILION OF THE RIVERFRONT PROJECT WITH THORNTON TOMASETTI IN THE AMOUNT OF \$106,500. FUNDING WILL BE THROUGH DEPARTMENT: 183 ECONOMIC DEVELOPMENT; FUND: 53107 ARCHITECT & ENGINEERING SERVICES/GENERAL FUND

MOTION CARRIED

From: Mayor Jim Donchess
Re: Million Dollar Contract Award – Northeast Earth Mechanics

MOTION BY ALDERMAN KLEE TO APPROVE, PLACE ON FILE, AND AWARD A CONTRACT FOR CONSTRUCTION OF THE DRY WELL UPGRADE PROJECT WITH NORTHEAST EARTH MECHANICS, LLC, OF PITTSFIELD, NH, IN AN AMOUNT NOT TO EXCEED \$6,181,612.50. FUNDING WILL BE THROUGH DEPARTMENT: 169 WASTEWATER; FUND: 54210 CONSTRUCTION SERVICES/SRF LOAN

MOTION CARRIED

From: Mayor Jim Donchess
Re: Purchase of a front-end loader in the amount of \$111,815.89 funded from 81500

MOTION BY ALDERMAN GOUVEIA TO APPROVE THE PURCHASE OF A 2023 TORO OUTCROSS 9060 FRONT-END LOADER FROM TURF PRODUCTS CORPORATION IN THE AMOUNT OF \$111,815.89. FUNDING WILL BE THROUGH DEPARTMENT: 177 PARKS & RECREATION; FUND: 81500 VEHICLES/CERF

MOTION CARRIED

From: Mayor Jim Donchess
Re: Multi-Year Contract Award – United Site Services

MOTION BY ALDERMAN GOUVEIA TO APPROVE, PLACE ON FILE, AND AWARD A CONTRACT FOR PORTABLE TOILET RENTALS WITH UNITED SITE SERVICES FOR A TWO-YEAR TERM IN THE AMOUNT OF \$117,592 (\$58,796 ANNUALLY). FUNDING WILL BE THROUGH DEPARTMENT: 177 PARKS & RECREATION; FUND: 54821 EQUIPMENT RENTAL/GENERAL FUND \$52,812 ANNUALLY AND FUND 54281 EQUIPMENT RENTAL/TRUSTS \$5,984 ANNUALLY

MOTION CARRIED

PETITIONS - None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

The following reappointment by the Mayor was read into the record:

Citizens Advisory Commission

Jennifer Bishop (re-appointment)
359B Main Street
Nashua, NH 03060

Term to Expire: November 1, 2026

Lisa Tourangeau (re-appointment)
11 Berkeley Street
Nashua, NH 03064

Term to Expire: October 1, 2026

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 09/25/2023

There being no objection, President Wilshire declared the report of the September 25, 2023 Budget Review Committee be accepted and placed on file.

Committee on Infrastructure 09/27/2023

There being no objection, President Wilshire declared the report of the September 27, 2023 Committee on Infrastructure be accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

UNFINISHED BUSINESS – RESOLUTIONS

R-23-107

- Endorsers: Mayor Jim Donchess
- Alderman Patricia Klee
- Alderman-at-Large Melbourne Moran, Jr.
- Alderman Thomas Lopez
- Alderwoman-at-Large Shoshanna Kelly
- Alderman Richard A. Dowd
- Alderman Derek Thibeault
- Alderman-at-Large Lori Wilshire

AUTHORIZING AN AMENDMENT TO THE JOINT POWERS AGREEMENT OF COMMUNITY POWER COALITION OF NEW HAMPSHIRE

Given its second reading;

**MOTION BY ALDERMAN THIBEAULT FOR FINAL PASSAGE OF R-23-107
MOTION CARRIED**

Resolution R-23-107 declared duly adopted.

R-23-154

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman Patricia Klee
- Alderman Richard A. Dowd

RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$425,000 OF FY2023 ASSIGNED FUND BALANCE INTO DEPARTMENT 128 "RISK MANAGEMENT", ACCOUNT 89650 "TRANSFER TO PROPERTY AND CASUALTY SELF INSURANCE FUND"

Given its second reading;

MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-23-154 BY ROLL CALL PURSUANT TO CHARTER SECTION 49

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

Yea: Alderman O'Brien, Alderman Sullivan, Alderman Klee, Alderman Moran,
Alderman Lopez, Alderman Jette, Alderman Clemons, Alderwoman Kelly,
Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Thibeault,
Alderman Wilshire

13

Nay:

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MOTION CARRIED

Resolution R-23-154 declared duly adopted.

R-23-164

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderwoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 1 EDWARDS STREET

Given its second reading;

MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-23-164ON THE QUESTIONAlderman O'Brien

Thank you, Madam President. Those that went to the Infrastructure meeting knows that this passed the Committee unanimously. I do not want to get into the particulars of this because of the confidentiality and respect to the people that are involved but it goes to prove when we looked at these properties that we were hoping that some amicable solutions would come forward and this is such an example of that. So I recommend that you do approve of this motion. Thank you Madam President.

President Wilshire

Further discussion? Alderman Moran.

Alderman Moran

Thank you, Madam President. The last time we had something like this come up I had constituents ask why I voted no on a series of them. I just wanted to let the public at large know that I don't support the government taking residential properties. Regardless of owed taxes, I think you know can stay in someone's hands until the day that whomever dies and then we can take it. I don't know the details because this is was held in closed session and I wasn't present but you'll see me supporting us taking commercial properties but I won't support taking residential. Thank you.

President Wilshire

Further discussion? Seeing none.

MOTION CARRIED

Resolution R-23-164 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES**O-23-060**

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

Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
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 11, 2023 THROUGH JANUARY 1, 2024

Given its second reading;

MOTION BY ALDERMAN JETTE FOR FINAL PASSAGE OF O-23-060

ON THE QUESTION

Alderman Jette

So this is something that the City does on an annual basis ever since I've been an Alderman and I'm sure it's been done for many years before where in order to encourage people coming downtown for Christmas shopping, we allow free parking in zone three which includes the Elm Street and High Street parking garages. If anybody has any doubt or question as to where zone three is, you can go to the City website and under maps there's a parking map and it tells exactly where zone three is. I find it interesting that I was chosen to make this motion because I think I'm the only one who didn't sign up to endorse it. So I think it's going to pass. So I encourage all of you who endorsed it to vote in favor of it. Thank you.

President Wilshire

Thank you Alderman Jette. Discussion? Seeing none.

MOTION CARRIED

Ordinance O-23-060 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

R-23-165

Endorsers: Alderman Patricia Klee
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

ADOPTING THE USE OF NEW ELECTRONIC BALLOT COUNTING DEVICES

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

R-23-166

Endorsers: Mayor Jim Donchess
Alderman Alex Comeau
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez

Alderman-at-Large Ben Clemons
 Alderwoman-at-Large Shoshanna Kelly
 Alderman Richard A. Dowd
 Alderman Tyler Gouveia
 Alderman Derek Thibeault
 Alderman-at-Large Lori Wilshire

APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOARD OF PUBLIC WORKS OF THE CITY OF NASHUA, NEW HAMPSHIRE AND LOCAL 365 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO (“AFSCME”) FROM JULY 1, 2023 THROUGH JUNE 30, 2028 AND AUTHORIZING RELATED TRANSFERS

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

R-23-167

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O’Brien, Sr.
 Alderman Patricia Klee
 Alderman-at-Large Melbourne Moran, Jr.
 Alderman June M. Caron
 Alderman Derek Thibeault
 Alderman-at-Large Lori Wilshire

APPROVING THE CITY’S PARTICIPATION IN THE NEW HAMPSHIRE PUBLIC WORKS MUTUAL AID PROGRAM AND AUTHORIZING THE RELATED MUTUAL AID AND ASSISTANCE AGREEMENT

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

NEW BUSINESS – ORDINANCES

O-23-062

Endorsers: Alderman Ernest A. Jette
 Alderman Richard A. Dowd
 Alderman Alex Comeau
 Alderman-at-Large Michael B. O’Brien, Sr.
 Alderman Patricia Klee
 Alderman-at-Large Melbourne Moran, Jr.
 Alderman Tyler Gouveia

AMENDING THE LAND USE CODE REGARDING THE WETLANDS BUFFER FOR VERNAL POOLS

Given its first reading; Assigned to the PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE, PLANNING BOARD, and SCHEDULE A PUBLIC HEARING AT THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE MEETING ON TUESDAY, NOVEMBER 21, 2023 AT 7:00 P.M., by President Wilshire

O-23-063

Endorsers: Alderman Richard A. Dowd
 Alderman-at-Large Michael B. O’Brien, Sr.
 Alderman Patricia Klee
 Alderman-at-Large Melbourne Moran, Jr.
 Alderman Derek Thibeault
 Alderman-at-Large Lori Wilshire

AUTHORIZING STOP SIGNS AT THE INTERSECTION OF CHARLOTTE STREET AND BEAUVIEW AVENUE

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

PERIOD FOR GENERAL PUBLIC COMMENT

Michael O’Connor

Thank you. It’s Michael O’Connor. I live at 42 Berkeley Street and thank you.

So this year’s prestigious First Amendment Award from the Loeb School of Communications was announced last Friday. Many citizens of Nashua will be pleased with the 2023 First Amendment award honoree. I read from that award announcement.

“Laurie Ortolano of Nashua, New Hampshire, is the 2023 First Amendment Award honoree for her advocacy for government transparency. This award from the Nakki S. Lobe School of Communications honors New Hampshire

individuals or groups that have advanced or exercise their First Amendment Rights in some special or extraordinary way. Ortolano's commitment to open government has been unwavering since her first encounters with Right-to-know requests as a member of the Litchfield School Board in the early 2000s where transparency was embraced without legal disputes.

However, her move to Nashua in 2014 marked the beginning of a different journey. City officials in Nashua have met Ortolano's numerous Right-to-Know requests for tax assessment, finance, and development information with denials, court battles, and even an arrest for criminal trespassing when she visited City Hall during the pandemic without an appointment. The arrest was later annulled. Undeterred by these challenges, she has consistently taken her fight to court accumulating legal fees and costs totaling \$270,000. Her persistence has paid off with victories in three cases, two cases still pending, and three awaiting judgments from the State Supreme Court.

In 2023, a Superior Court Judge ordered the City to pay Ortolano \$63,400 in legal fees and mandated that the City, the Nashua City officials undergo remedial Right-to-Know training...

Donna Graham, Legislative Affairs Manager

One minute.

Michael O'Connor

...to avoid future violations. The City appealed to the State Supreme Court. In August the Justices upheld Ortolano's victory. In their decision, they quoted a portion of the State's Right-to-Know law. The purpose of the Right-to-Know law is to ensure both the greatest possible public access to the actions, discussions, and records of all public bodies and their accountability to the people.

Donna Graham, Legislative Affairs Manager

30 seconds.

Michael O'Connor

So congratulations Mrs. Ortolano and thank you.

Adding my personal comments, Mrs. Ortolano has bravely persisted despite many hostile and erroneous comments from some here and even a psychobabble slanderous diagnosis from one unprofessional Alderman. Alderpersons it's not that complicated. Mrs. Ortolano and other citizen activists have a Right-to-Know. The City has a duty to comply with New Hampshire Law.

Donna Graham, Legislative Affairs Manager

Time.

Michael O'Connor

It shouldn't take Superior Court, Supreme Court judges to remind you. Thank you.

Michael Ortolano

Michael Ortolano, 41 Berkeley Street. I'm not quite as famous as my wife but I occasionally like to make comments here.

I came out in response to some of the videos that I watched on the Finance Committee and in particular, there was a comment made by one of the Alderman that's like hey there can't be any fraud here because it's audited. I just wanted to make sure that people understand that just because something is audited doesn't mean there's no fraud. I mean audits are based on information provided to them, you know, typically by management. They can do sample testing, they can do things but you know, there have been many, many examples of serious fraud cases. Enron just completely collapsed. WorldCom. There's many instances where high-powered audit firms just couldn't detect the fraud. A lot of times, it's related to complex structures you know and of course there's art center, Center for the Performing Arts thing has gotten a lot of visibility because of its complicated structure that is being used. I would encourage the City to get to the bottom of just opening up the financial transaction so they're visible to the world and we can resolve this fraud issue because that certainly is a structure that makes it difficult to maintain accountability on.

Anyways, I wanted to make sure that for the public listening to the meeting, you know, if they don't have a financial background they wouldn't get, you know, basically skewed into believing hey with an audit there's no chance of fraud. Nothing could really be further from the truth. Thank you, Michael Ortolano.

Laura Colquhoun

Laura Colquhoun, 30 Greenwood Drive. On March 31, 2023 I e-mailed Mr. Griffin and said I think there's another \$7.1 million loan. At that time we went back and forth, back and forth until August because I kept on asking where it was on the books. In August, he'd get back to me and he said well we're going to put it into May. To me that is fraud. We gave that loan out in December of 2020 and you don't put it on the books until May of 2023. That is fraud. Okay. It's a deception against the Nashua residents. So Mayor if you want to say it's not, that's fine but to me it's fraud. That loan should have gone on and then now you have the nerve to put it on the books as a loan and you write it off on the same month while still collecting interest from that loan. I think that's absolutely absurd and I hope somebody somewhere is looking into this because somebody should be charged with fraud because they did they penetrated it against the Nashua residents. Thank you.

David Viene

David Viene, 35 Abbott Street #1. I'm very happy to see all this affordable housing coming. I'm very happy they fixed the railroad finally. I saw two derailments. You know I feel happy and safe here and that's all I want to talk about.

President Wilshire

Thank you David.

David Viene

You're welcome.

Bill Ferriero

My name is Bill Ferriero. My home is number 35 Indian Rock Road.

So last month, I sent e-mail to the Aldermen and the Mayor asking for help with a problem with my assessment that I couldn't seem to get corrected by working with the Assessing Department. That's what I want to talk about tonight. So like everybody else, my house was assessed by Vision during the 2022 re-evaluation. That was supposed to be developed based on actual sale prices within a specific period of time. When I got mine, I did a comparison to actual sales prices of similar homes and I found an error. The Vision model didn't accurately reflect my home, didn't accurately assess my home, so I reported that error to the Assessing Department by filing an abatement. So the City agreed with me that there was an error with the Vision assessment. It was wrong. It wasn't accurate but the City used a different process to correct the error. They don't go into the Vision model and correct it. They used a simple spreadsheet calculation. So they reduced my assessment because they agree that it was wrong, they presented the reduced assessment to the Board of Assessors, and the Board of Assessors approved it.

But it's still wrong and it's wrong because the City's process doesn't use recent sales prices as the Vision model does. It used appreciated sales prices. They appreciate the sales price by as much as 10%. How is that ever going to be equitable? How is that ever going to be fair? The guy that doesn't have an error in his Vision assessment and he doesn't appeal, his house is compared to actual sales data. The guy that does file an abatement because his is wrong, he's assessed a 10% penalty. That's crazy. How is that ever going to be equitable? So I spoke to the Board of Assessors about what was done. They listened and I think they understood part of it. So they asked the Assessing Department to go back in...

Donna Graham, Legislative Affairs Manager

One minute.

Bill Ferriero

...and come up with a response. So the response from the Assessing Department was a lot of definitions about different processes but it didn't really justify the fact that I was being penalized for appealing. They were treating my appeal as a reason to assess using a different process. They used totally different comparison prices. I'm just asking to fix what

Visions' error was. I didn't ask to be treated differently than everybody else by raising the bar. I don't believe I'm going to be able to resolve this problem with the Assessing Department so I know I have other avenues to appeal this but I'm still asking the Mayor or one of the Aldermen to step up and show some responsibility for this.

So it was interesting that the only response I got from my e-mail last month was from a woman named "Emily" from the Mayor's office. She wrote, and I'm quoting what you said specifically, "she understood my frustration Bill, and they would help if they could Bill, and she wished me luck Bill". So she seemed to be in absolute agreement with my problem but she also wrote that nobody has any say...

Donna Graham, Legislative Affairs Manager

Time.

Bill Ferriero

...in how the Assessing Department operates. That's bizarre. Can someone please step up and help me fix this problem? Thank you.

Wayne Saya

Honorable Mayor Donchess, Madam President, and distinguished members of the Board. My name is Wayne Saya. I live in a townhouse at 24 Cadogan Way in Nashua. I haven't been in this chamber for 25 years when I argued on behalf of my six-year-old daughter at that time. So I'm very happy to be here.

I have two very minor issues. One is that there is an issue in the New Hampshire Supreme Court right now with regard to voting machines and whether or not they should be allowed in New Hampshire. So in for any vote with regard to an electronic machine, I would ask that you table that until any decision from the New Hampshire Supreme Court comes down. So I'm making my objection right now for any type of machine being approved until the cases are resolved within New Hampshire.

The second item is with regard to a litigation that I had filed a couple of years ago when I was going through a cardiac issue relative to the face masks. Currently, the new law with regard to face masks in Nashua is, I believe it's 21-065, and that is with regard to businesses have the right to volunteer whether or not they should require masks or not require masks. The Federal District Court indicated that they believed without ruling on that one particular issue they believed that the Ordinance was voluntary without making a decision one way or the other. I think you'll agree with me on that. I think its Steve or Mr. Bolton.

Donna Graham, Legislative Affairs Manager

One minute. So I would ask that if an issue comes down with regard to face masks again rather than put businesses in a position where they have to go and rely upon an Ordinance as soon as they reply to an ordinance O65, that opens the business up to litigation and allows me to go right back into the federal court again. I'm asking for O65 to be rescinded.

Donna Graham, Legislative Affairs Manager

30 seconds.

Wayne Saya

Finally, I believe there's a third issue and I apologize for this. I'm not used to coming here. I'm on a plane again tonight. I was here earlier today looking for a copy of the of the 2022 final report for I guess they call it an audit report but here it's called an Annual Comprehensive Financial Report...

Donna Graham, Legislative Affairs Manager

Time.

Wayne Saya

...for fiscal year ending 2022. I couldn't get an answer today on getting a copy of that. I wanted to look at a couple of line

items on that.

President Wilshire

Sir your time is up.

Wayne Saya

Is that my copy?

Alderman Lopez

Well it's yours now.

Wayne Saya

You must have known I was coming today. Well look I thank you very much and look at congratulations on the news today with regard to Nashua being the safest.

President Wilshire

Sir your time is up.

Wayne Saya

All right Lori.

Laurie Ortolano

Laurie Ortolano, 41 Berkeley Street. I wanted to address the audit report that was given out and I have some real concerns with it and I hope the auditor will come back and present it again to the Budget Committee once it's a final report. It was really never announced in the Budget Committee that that was a draft copy. It's not marked draft anywhere. It's not online because it's not done and at the very end Mr. McIntyre said when we submit the final copy and it's formatted correctly, you'll see a lot of this fixed. When is the final copy coming out because people have asked me that and it isn't online? I think it's reasonable for us to have that answer.

Also, I think that it was a shame that all of you were given a 200+ page book that night and you were asked to speak on it when it was placed in your hand two minutes before the discussion happened. Nobody even cracked the binder and there wasn't a single intelligent question from any of these Budget Committee, excuse me, Finance Committee members to speak on it because no one knew what they were even looking at. I would encourage you to take a really close look at the letters submitted by Melanson this year or Marcum, LLC. It's a different letter than what's been in your book in the past. It is not the same letter. Very much they use a form letter three pages long. This letter is four pages.

I am particularly concerned about a statement in here that says that's changed now. We are required to communicate with those charged with governance regarding among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal controlled related matters that we have identified during the audit. Well there's been a lot of public interest about the \$7.1 million loan how the Art Center is actually accounted for in the budget because it was a complex transaction. Is it a public/private partnership? Is it on books? Is it off books? No one will answer those questions. That's not transparency. But when they say we are required to communicate with those charged, I have a big problem with that. What does that mean? They can have a private meeting with the CFO Griffin and the Mayor and share the communications on what they think might be wrong with our internal controls because I think it ought to be disclosed and documented and part of the governing body would be the Board of Aldermen. I think it should be disclosed. An auditor should disclose that as the public record. This is municipal government. These aren't private meetings to have.

Donna Graham, Legislative Affairs Manager

30 seconds.

Laurie Ortolano

So I would encourage you to look very closely at these letters and also the Gasby 87 issue for causing lateness and this is

really bogus. Manchester had the same thing they had to institute and their audit was out by April. What caused us to not have an audit out even now? It's not done. There was another story here and I believe Miss Colquhoun's digging into that loan as part of that story and there's been a lot of communications between the Finance Office...

Donna Graham, Legislative Affairs Manager

Time.

Laurie Ortolano

... and the accounting office on that loan and I think it should be made public. Thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Klee

Thank you, Madam President. First, I'd like to thank the Deputy City Clerk Mr. Ordway for sitting in tonight and while I will embarrass him, I'd like to also wish a happy birthday to Alderman Moran.

At the meeting regarding the audit, it was stated that it needed to be reformatted properly but that the numbers would remain exactly the same. Alderman Dowd can corroborate that was exactly what was said. They wanted to get it to us as quickly as they could but they did have some formatting issues. They did explain that more than once at the meeting.

Also relative to R-23-165, I did speak to our - this will come out when it actually comes in front to the appropriate committee but I did speak to our City Clerk. There will be paper ballots. This has been approved by the State. One of two companies did in fact were approved. The company we chose was the larger company had a better record and so on so it has been completely vetted. While I do respect the concerns of the other citizens, I don't want to delay this because we do have other elections coming up in probably January and it's going to take a little while and so on to get this. So that's all I have to say. Thank you very much, Madam President.

Alderman Moran

Thank you, Madam President. Thank you Alderwoman Klee for wishing me a happy birthday and I know others have messaged me. Apparently you can't comment directly on my page but thank you all for reaching out. Appreciate a time. I think I'm 23-24 this year. I can't keep track anymore. Just slightly younger than the Alderman Gouveia.

I wanted to express my sympathy and support to the people of Israel who were attacked by Hamas terrorists over the weekend. You know it's horrible the stories that I've been reading about children being beheaded, parents defending their children who were locked in safe rooms from terrorists who are looking to kidnap, and parade people, and just dehumanize them was horrible. There's no excuse for that type of vicious attack. I'm no supporter of Benjamin Netanyahu and his far-right government but I can tell you I support the people of Israel and the right to defend themselves. It reminded me of 911 the terrorist attacks on civilians and that is not how you fight a war. That's not how you make your purpose or respond to any type of injustice you feel you've had. You don't murder children. You don't kidnap children, elderly, and parade them through the streets naked. That is unacceptable and Israel has every right to defend themselves no matter who's in charge over there. That's not to say I don't support the legitimate government of Palestine but still you reap what you sow.

I'd also like to express my sympathies to Board of Education Jessica Brown on her recent loss to her family. Her husband's sudden death. Very difficult to have heard that. I've met Jessica several times. I've held her sign way back when, when she was running for the Board of Education. Very sad to hear.

Also thank you to the member of the public who pointed out that that my statements had no credibility. That really helps when you're looking at damages so I'm glad that that's now a part of the public record. Thank you.

Alderman Lopez

I just want to thank my colleagues Alderman Klee and Alderman Timmons for attending the vigil that we held last week for the deaths of Patricia Swett and Matthew Champagne. As I mentioned earlier, we celebrate all of the things we do right in the City but that doesn't help the people who struggle with what we haven't done right or what we were unable to stop. I know the families that are very understanding I mean these terrible things happen to people but it does rock the

community. I know that people living on Maple Street were feeling very, very unheard and very, very alone when this was all happening and having that visual I think was helpful for giving people a forum and an ability to be heard. I also want to thank Mayor Donchess particularly for attending saying some words. I think it was helpful. So while I agree we have a lot of things we're very proud of here in Nashua, there's still a lot of work to do and there will always be people who feel like this isn't the safest place for them and this is the people that we need to reach out to the most and make sure that they do feel like they're welcome here and they do feel like they're heard. This is a place that's welcoming for all. Thank you.

Alderwoman Kelly

Thank you. I want to make a couple comments about downtown. I think that the paving and the railroad has greatly increased the ability to get around so that was nice. Looking forward to holiday parking. You can come downtown and shop local. It's always a great way to connect with the community.

I also had the pleasure of going to the Yolk Grill that just opened. Great food. They're right here by City Hall and I know that Coffee and Kindness will also be opening on Saturday. So lots of really great stuff going on downtown.

I just wanted to comment that I will be attending Aldermen Caron's meeting tomorrow. I think the housing forum is an important topic and I am looking forward to listening and hearing what the residents have to say and what the government is bringing to the table as well. Thank you.

Alderman Dowd

Just really quickly as the liaison the Police Department. I know they're a vast part of making us the safest city to live in. I know that they interface with Homeland Security, Secret Service, FBI, State Police, MA Police, DEA. They do a fantastic job of keeping the drugs off the street here in Nashua. We have a phenomenal Fire Department as well that reacts to fires and puts them out extremely quickly in saving lives and property. I think that it takes the type of budgets that we've been passing to keep that. I don't think that anyone wants us to be degraded as one of the safest cities by reducing the budget inadvertently. So just want to say.

Also my condolences to Jessica Brown. It's a very tragic loss. We don't always agree but certainly can agree in the sympathy for her loss.

Alderman Gouveia

Thank you, Madam President. I'll start off by also sending my condolences to the Brown family. They live not too far away from me down the road. Terrible.

On a more happier of a note, I want to thank everybody for all the Ward 1 residents and even some Ward 2 who came across of Amherst Street for our Ward 1 meeting last Tuesday at Broad Street. It was great. I want to thank Director Sullivan for coming in and answering some questions from the group we had there. It was a really productive night. A lot of people got their questions answered so that was it was a good one. Thank you.

Alderman Caron

Yes, thank you. Just a quick note about tomorrow's meeting. I was able to work with Director Bagley so that we could have those departments and agencies that are responsible for the homeless and the problem that they were having down on Temple Street to move them over to Crown Street. So they will be having a discussion to tell the neighbors what exactly is going on and what they're doing. I had a list of questions and I kept getting more so we felt that having a meeting was the right thing to do for the neighborhood because unfortunately, social media can say things that are not true and then they get expanded and then no one knows what's going on. Then after that, we will have a question and answer. I just want you to be aware that, you know, that's how our meeting is going to go because we certainly want to hear from the neighbors. We want to be able to assure them that what they're doing at this point in time is the right thing on a temporary basis because as I've said to other people, there by the grace of God go I. So I appreciate that you want to be in attendance and I think that's great because it's a great support to the City to figure out how we can help the homeless within our community. Thank you.

Alderman Thibeault

Thank you, Madam President. And thank you to Alderman Caron for having that community meeting tomorrow. I gotta work so unfortunately I will not be there. I really hope that residents come, and ask good questions, and there's good support from the community.

So just a couple of things. Last week, we attended some of the candidates which are a lot of us here today attended an affordable housing forum by the Interfaith Council at the Unitarian Universalist Church. I thought it was a really productive evening of hearing all the different views on affordable housing and listening to a few of the residents that have had you know lots of trouble with either rent, or being able to buy a house, or you know just having their rent go up and being forced out of the City. I thought there was a lot of good – it was good community because you had candidates from all sides not just from one side. So I just want to thank them for that evening. I thought it was a good, good showing.

I think, you know, usually I'm not a big one for wanting to take houses away from people. But I think this Edward one without going into any detail actually helps out the person that owns it. So it was kind of the reverse of what we've done in the past with taking these houses. So I just wish we would have been able to go into more detail about that so people knew exactly what was going on.

Lastly, so a comment made in Public Comment was definitely directed at me because I did ask the auditors if there was, you know, if they thought there was any fraud there and they said no. I clearly said hey, they said there's no fraud there. Is that 100% guaranteed? No. Nothing's 100% guaranteed in life, right, except death and taxes. But saying it could be you know, not further from the truth, it can be applied for two citizens that think there is fraud. Maybe more? I don't know if anybody here thinks there's fraud. I don't. So just because two people say it doesn't make it so. There's been no proof of it.

The citizen that's been taking all these Right-to-Knows was actually wound up about some alcohol that was purchased and had to do a Right-to-Know on it. It turned out it was for the Black Heritage Trail Event with Mrs. Newcomb and celebration we had over at Holman Stadium. Nothing nefarious. Nothing fraudulent. Nobody's drinking at work upstairs. The Mayor doesn't have a case of champagne under his desk, right? No one's drunk now, right? So I think, you know, just because you say something in public doesn't make it true just because you say something on social media. It doesn't make it true. You can come up here and you can make a speech about an award someone got. You're leaving out all the cases she lost against the City. You're leaving out that she sued police officers. Police Officers that every single one of us here has said we support. She sued two of them, including the Mayor, including the CFO. Those cases were thrown out or at least most of it was thrown out. Okay. Where's that part? Where is the money that she's cost the City? I didn't see or hear that in that speech.

The only reason I'm bringing this up is because you come in here and you make a speech and you say all these things and you say public hear this. Well public hear the other side of it. There's two sides for every story. You can't just come in here and say this is this and that makes it fact. It's not and you know I've had enough of it. I've had enough of people saying stuff that's just not true. You know, it's wrong and I'm going to tell you the truth every time. An auditor came in, they decided there was no fraud. If you think there's fraud, sue the City for the 21st time, right, or find someone that's going to investigate more and find it. I'm sure it's in there somewhere. Maybe it's in the liquor cabinet.

Alderman Wilshire

I want to send my condolences also to Jessica Brown and her family and their loss. Wish Alderman Moran a happy birthday and that's all I have.

Committee announcements:

Alderman Lopez

We have a Human Affairs Committee on Monday. I know that Tuesday's Joint Committee is a little more exciting to some but on Monday in addition to our regular business, we're also getting presentations from a number of the Sober Housing and Recovery Programs in the City so we can get a better understanding of how many people they are serving, what kind of programs are available. I would encourage all Aldermen to attend or at very least view it because this is information constituents approached us with. Typically they'll come to us when they couldn't figure out where to start with something and if we're able to point them in the direction of useful resources and make good referrals, you're gonna hopefully see a lot less people struggling to make ends meet or to deal with crises. I think it starts with prevention and part of that is us all being educated as public leaders so that we can give accurate information out. If some of these organizations need guidance or support from the City, being aware that they City does provide that and being able to point towards the specific departments that can be helpful is also very, very, very useful. Thank you.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE OCTOBER 10, 2023 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED

MOTION CARRIED

The meeting was declared adjourned at 8:33 p.m.

Attest: Roger Ordway, Jr., Deputy City Clerk