

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

MARCH 9, 2006

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, March 9, 2006 at 7 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Robert A. Dion, Vice Chair
Alderman Daniel Richardson
Alderman David MacLaughlin
Alderman Gregory Williams

Members Not in Attendance:

Also in Attendance: Alderman-at-Large David W. Deane
Maureen Lemieux, Div. Dir., Administrative Services

ELECTION OF COMMITTEE CLERK

Vice-Chair Dion called for nominations for a Committee Clerk

Alderman Williams nominated Alderman MacLaughlin

Alderman MacLaughlin nominated Alderman Williams

**MOTION BY ALDERMAN DION THAT THE NOMINATIONS BE
NOW CLOSED
MOTION CARRIED**

**VOTE ON ELECTION OF ALDERMAN MACLAUGHLIN TO THE POSITION
OF CLERK OF THE COMMITTEE ON PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE**

ALDERMAN MACLAUGHLIN ELECTED UNANIMOUSLY

**MOTION BY ALDERMAN TOLLNER TO MOVE OUT OF ORDER TO THE NEW BUSINESS
ORDINANCES
MOTION CARRIED**

COMMUNICATIONS

From: Susan K. Lovering, Ald. Legislative Manager
Re: Appointment of Luci De Biagio to the Ethnic Awareness Committee

MOTION BY ALDERMAN MACLAUGHLIN TO ACCEPT AND PLACE ON FILE

ON THE QUESTION

Alderman Tollner

Just for the public's information, this individual is going to be out of town and not able to attend the meeting this evening. So we'll take her up at – she's going to be out for quite some time, so we'll take it up when she returns.

MOTION CARRIED

INTERVIEWS

Business & Industrial Development Authority

Bradley T. Vear (New Appointment)

Term to Expire: September 13, 2008

Bradley T. Vear

Good evening. Mr. Chairman, members of the board, I'm Bradley Vear. My residence is 6 Nichols Road in Amherst. I have a business on 547 Amherst Street in Nashua. I am interested in becoming an active member of the Business Industrial Development Authority. I think it is a very important and valuable function that is provided to the City of Nashua, and it's something that I've always been interested in. I happened to serve on a couple of other similar boards – the Nashua Regional Development Commission and the Planning Board in my hometown. It's been sort of a passive – I feel that the authority has been somewhat passive over the past few years, but now it's starting to take some real energy and it's moving forward. There was a meeting tonight that I was fortunate to attend, and I think the energy level that is coming out of there is very encouraging. I hope that I can contribute in some way to this board. It's something I've done a lot over my career in commercial real estate, which is what I'm currently involved in. I also have a background in engineering. I was trained as a civil engineer. That's one of the perhaps unique areas that I can bring to this board because it is a board that is going to be looking at problems. As a civil engineer, I think we've been trained to try and look at a problem objectively and take it apart, and approach it from a certain way. That's basically why I think I would be able to add something to this board in service.

Alderman Tollner

I see that you're pretty involved in the community with everything that is listed here on your resume. So, that's good. Questions from committee members?

Alderman Richardson

I guess I have a few questions. This is the first time I've been on the Personnel Committee so please don't take any offense if I ask some questions that might seem bizarre. Maybe I should address the first question to the Chairman. Has there been some sort of a betting process for these candidates?

Alderman Tollner

The way the process works is through the Mayor's office the Mayor may get recommendations, suggestions on any candidates whether it's for this position or different planning board, zoning board, conservation commission, those recommendations come in many different ways. They come from members of the Board of Aldermen, the business community, some of the non-profits, or some of the relationships that he has in the business community. He will process them himself either through his office, or either he or Mark Sousa will do more or less a sifting through the candidates to make sure that they are comfortable, and the background meets what has been communicated to them. Then they will make the recommendation and forward it to the Board. Those candidates will come to the Personnel Committee. We will vote on each one of those candidates, send it back to the full Board, and the full Board will vote on those candidates at usually the next full Board meeting if there's enough time.

Alderman Richardson

Does this process also take into account checking things which may prove an embarrassment to the City such as looking into police records, morality, etc., those types of things that – I don't want to have to ask those kind of questions. I just assume that has been taken care of already. Is that part of the process that has already been accomplished?

Alderman Tollner

I think the Mayor's office will ask any of those candidates have they had any problems in the past? Have they been arrested? Anything that might come up during the interview process – I can tell you I'm not aware that maybe the Mayor's office does do it, but I'm not aware of them calling the police department and doing a full blown background check on everybody. Most of the candidates if not all the candidates will either meet with Mr. Sousa or the Mayor personally, have a conversation, questions are asked, and then when they are comfortable they forward the candidates along to the full Board.

Alderman Richardson

I appreciate that. It's not very concrete though. Maybe I should ask the questions directly?

Alderman Tollner

You can ask any reasonable question you want. That's what this opportunity is all about.

Alderman Richardson

Okay. Do you have a police record, sir?

Bradley T. Vear

Actually, I think that is a smart question about the process and so forth for any candidate, especially in this day and age when you read a newspaper all these terrible horror stories. I don't have a police record. A couple of speeding tickets probably in the past 20 years. But, no I have nothing that would embarrass the Board.

Alderman Richardson

Have you been a political activist advocating within the United States?

Bradley T. Vear

I'm actually not terribly politically active. I don't really have a political bone in my body I'd have to say. So I don't have any particular agenda. I think in a Board like this it's very important to be collaborative. If you come at it with a particular agenda, you might get your way but you're going to create a lot of enemies and animosities and it won't be good for the Board. I really hope – what I saw today at the Board meeting itself, it does seem to be a very collaborative group of individuals meeting. So I'm thankful for that.

Alderman Richardson

How does your experience relate to this appointment to the Business and Industrial Development Authority? In particular, you're in the real estate business and you advertise and try to sell real estate to various businesses – market that sort of thing. How does your experience relate to actually inducing, and luring, enticing industry and manufacturing to the Nashua area?

Bradley T. Vear

That's a great question. We do represent both owners of properties as well as companies that might be looking to move or find a site. So we have sort of both sides of the equation. In commercial real estate, I like to think of ourselves in the front line. We often are the first ones to know about a company trying to move, trying to expand, trying to relocate their business. We will see the same things that that particular business owner will see when they are approaching, for example, they want to move into Nashua or stay in Nashua and relocate to a larger facility. They have a lot of problems they have to get over going to the Planning Board, going to the ZBA, going to different boards to find out if their use will be acceptable or not. I should probably cut this short, but there was a recent example, which is something that illustrates this pretty vividly. We had a company that was looking to open up a microbrewery in Nashua. Unfortunately we lost them. I was representing the landowner. It was on Broad Street where Goodale's Bicycle has their business and they've done a wonderful job with the property. They had a warehouse building in the back, which I thought was just well suited for this particular microbrewery. They thought it was well suited. We worked out the business terms, and then they had certain obstacles to overcome with the City itself. I don't need to get into the details, but they got spooked. They became somewhat resistant to going forward in Nashua because they were afraid that they were going to be held up every step of the way. They ended up going to Milford. Those are situations that I think as a commercial real estate broker I can make apparent in this organization and try to find ways to streamline that process and encourage more businesses to come to the area.

Alderman Richardson

I read that you've got a number of publications – prolific writer?

Bradley T. Vear

Oh no, not me. No publications. I'm a member of several organizations.

Alderman Richardson

Oh excuse me that was someone else.

Bradley T. Vear

No. Thank you for the compliment.

Alderman Richardson

You had a great web site though. A number of hits on the web site.

Bradley T. Vear

Yes, thank you.

Alderman Richardson

What plans do you have? Do you have any plans being part of the Business and Industrial Development Authority? Do you have any particular agenda on how to move that forward?

Bradley T. Vear

Right now I'd like to say that I would prefer to be more of a listener for the initial stages for the first several meetings. I find that I'd like to listen and see what some of the other members have already put into place and some of the action items that they have. Plans that I might have I think would be, again, to streamline certain processes that are obstacles for companies that want to come into the Nashua area and we may not know it. Each department has – that they have to face has certain requirements and in and of itself, that department may not be a big obstacle. But when you have 3 or 4 departments that company has to go through, the accumulated number of obstacles becomes pretty insurmountable sometimes. We don't want to be at a competitive disadvantage when a company is looking at Milford, or Nashua, or Manchester. I think that's probably one of the action items that I'd like to focus on is try and at least let the departments know how it's seen from companies that are trying to grow and move into Nashua.

Alderman Richardson

One last question. Have you actually brought in, gone out and solicited a business and brought it in?

Bradley T. Vear

Yes. Good question. I was actually – in preparation for this meeting I didn't do it, but I wanted to, try to find out how many companies, how many jobs, how many employees – I can actually say I'm responsible for bringing into Nashua. I didn't add it up, but I would dare say it's over several hundred probably over the course of the past 10 years. I've been in business in Nashua for over 10 years. I've been in business in commercial real estate for over 20 years. It's a wonderful business to be in because you're trying to solve problems. It's really not about selling; it's about solving problems. Companies come to us and they say I got this problem; I need more space; I don't have

the time to find it; this is what my parameters are; and they we go out and we try to find solutions for them. So it's really an enjoyable business. I really enjoy it quite a bit. It's not so much a sales position as it is problem solving. Much like my engineering days.

Alderman Richardson

I have come to an end with my questions.

Alderman Tollner

Thank you, Alderman Richards.

Alderman Dion

Thank you, Mr. Chairman. Mr. Vear, one of our primary goals in Nashua is to bring in industry. To bring in good paying jobs. How do you feel about that?

Bradley T. Vear

Absolutely. 100 percent behind that. I get worried when municipalities look at a piece of property that might be zoned industrial and they start thinking maybe we should zone that retail because that seems to be the movement. I get a little bit worried about that, and this is perhaps a personal bias of my own, because retail while it may sell the property, while it may be developed it doesn't necessarily bring the types of jobs that are really the foundation for growth in a community. Manufacturing jobs – yes. Hi-tech jobs – yes. Retail jobs- I don't think so. I'm not as a big an advocate on retail development as I am on industrial and office commercial development.

Alderman Dion

Well if you happen to read The Telegraph now and then and look at the employment page, there is no jobs available unless you want to work for The Telegraph. There's plenty of jobs there. Nashua is in dire need of good paying jobs. Not minimum wage jobs. Good paying jobs that you can support your family with. We are in dire need of plants, companies moving to Nashua with good paying jobs. We've got to attract these people. That's our goal. That's my goal.

Bradley T. Vear

I would agree with you Alderman Dion. That's my goal as well, and that's daily that's what we are trying to do is bring – my business itself besides my appointment if I get appointed to the board, my business is about bringing companies into the area. There are a number of vacant buildings – Simon Street and...

Alderman Dion

I read your resume. You fit right in with our plans. I hope you keep that in mind.

Bradley T. Vear

I appreciate that Alderman Dion.

Alderman Tollner

Thank you, Alderman Dion. Any more questions?

Alderman MacLaughlin

Thank you for your interest in serving and appearing before us this evening. My question goes to your comment about your view of retail. I grant you Alderman Dion's position on well paying jobs and so forth is a valid one. But you look around Nashua and Nashua is in a very unique position in having an enormous amount of retail presence in our community. To the point that which we are a destination for consumers at many different levels and some very creative retail format exists, and very small locally owned ones exist. We also have the benefit of the larger entities, the big box retail operations. In light of that, would you be opposed to actively soliciting the presence or interest of a high end or upscale type of retail operation if that were really one of the options that became available? What I mean by that is in all reality at this moment in this economy we may not see some of these high tech entities that we all value and would like to have locate here or expand here immediately. But there may be in light of, for example, the merger of Federated with May Company leaving a rather large facility vacant at a rather prominent shopping center in south Nashua. Do you see that there is a role to play by this particular Board, the Business and Industrial Development Authority in trying to help find a new entity to occupy a space like that?

Bradley T. Vear

Several questions Alderman MacLaughlin. I believe that the comment I made to Alderman Dion it wasn't so much that I'm not opposed to retail whatsoever, I think I'm a little bit reluctant to promote changing the zoning in an area that is already zoned for industrial or commercial be it a business office rather than retail over into a retail type of zone. If it is already zoned retail and it's an empty retail building, absolutely. I mean that is the highest and best uses to bring in the higher end retailers if we can. We're in a big box situation – a lot of the industry in the commercial industry now a days is talking about how do you restructure it. If you have a big box, what do you do to it to try and fill it? Because if you have a Wal-Mart that had 120,000 square foot structure and they decided that 3 miles down the road is a little bit better location for them, they leave it empty, well you may not find a 120,000 square foot retailer to fill it up. But you might find 5 or 6 20,000 square foot retailers to fill it up. That's thinking through the process and perhaps something that the Business and Industrial Authority would be able to assist with. I think that's creative. But I by no means, I'm not against retail whatsoever. That's a large segment of our business. I'm a little reluctant about taking away the industrial base in Nashua because it's so limited as it is right now.

Alderman MacLaughlin

Thank you.

Alderman Tollner

Any other questions.

Bradley T. Vear

Thank you Mr. Chairman.

Alderman Tollner

Thank you very much.

Stephen Michon (New Appointment)

Term to Expire: September 13, 2008

Alderman Tollner

Stephen is here as a new appointment to the Business and Industrial Development Authority. Good evening.

Stephen Michon

Thank you. Good evening. Again, my name is Stephen Michon. I live at One Anders Lane in Nashua. Two reasons why I want to serve on the Board – one is my child are being raised here. The City is schooling my children. My family enjoys the parks and the City amenities. This is an opportunity for me to give something back to serve the community, to use some of the skills I have that I think are unique for the City on this Board. The second reason is I have a unique perspective that I think I can add to the Business Industrial Development Authority whereas I was involved – first of all my profession is economic development consulting and strategic planning. So I work throughout the northeast, New England, and across the country on economic development issues. So I'm pretty familiar with what's going on across the country in terms of issues and how perhaps Nashua stacks up competitively. So I bring those skills to the table. The other skill set I bring is one of the knowledge basis I bring is I just completed with Mount Auburn Associates the economic development strategic plan that the Office of Economic Development sponsored and we just completed this past year. So what I presented to the Board, the Planning and Economic Development Committee of the Board of Aldermen last year, I would say a half a dozen times and I think actually Alderman MacLaughlin was there. I think I might of met Alderman Tollner as well too in some of those discussion. We held some forums throughout the City that many of you may have been at to presenting our findings. So those are the two reasons.

Who actually asked me or requested it was actually the first person was Jay Minkarah, the Director of office of Economic Development for the City. I'd like to state I do not have a police record. So I can answer that question right there for you. I have no past issues on that front.

Alderman Tollner

Okay. Thank you.

Alderman Williams

Just indulge me for a moment here. What's the New Hampshire Livable Wage Jobs Advisory Board and what does it comprise of?

Stephen Michon

Sure. That's a board, an advisory group that was sponsored by the New Hampshire Small Business Development Council. It is funded by them. It's actually a study that's been put out – it was put out maybe 5 years ago. It was looking at what's the status of livable wage jobs in the State of New Hampshire. It wasn't Nashua; it was the State of New Hampshire. So it looked at those issues across the State. People who serve on that committee, again, Mary Collins who is the director of small business development center in the State of New Hampshire asked me and Janice Kitchen,

who is the director of office of economic initiatives in the State asked me to serve on that committee. It's just an advisory board. So they're actually going through the process of updating that research. So I come from a research background. I add value around terms of issues of livable wage, as well as they review with us the methodology they use to get to their conclusions.

Alderman Williams

Thank you.

Alderman MacLaughlin

Thank you Mr. Chairman. I'd just like to say welcome Stephen because I had the privilege of working with you and Mount Auburn Associates directly on that study you conducted, which I think yielded a great product. If we are able to implement the recommendations that are contained in that report, we may actually make some progress. I want to thank you for your dedication on behalf of our City through your work on the study that you did. I also want to commend you for your willingness to serve at this level in light of your distinguished service in Concord as one of our State legislatures. I only regret that after immediately having helped see you become a State legislature, you were then immediately redistricted into another area of our City. I think all Nashuans benefit from your leadership and your participation. I enthusiastically endorse your appointment to this committee.

Stephen Michon

Thank you for your kind words.

Alderman Tollner

Thank you Alderman MacLaughlin

Alderman Richardson

You're the fellow that's got all the publications.

Stephen Michon

I do. That's part of my profession. I apologize if that bores you, but that goes along with the territory.

Alderman Richardson

I was very impressed. I just got this as a matter of fact tonight and I whipped through it. It is very impressive. I noticed in this set of experiences that you've done a lot of studies as you've indicated. A lot of research. Very valuable to have that capability. I was going to ask you – have you actually made one of these things happen? Actually gone through a plan and executed the plan?

Stephen Michon

Part of our job is to 1) to do the plan with folks and then do follow up. Again, we're not the implementers in the sense that for example, in the City of Nashua it would be the office of Economic Development, which would be the implementer. But we work with them on giving them technical assistance around how to implement. But we don't close the deals. We advise them on which deals

perhaps to go after or which strategies to go after. But if you're getting at are we the ones in charge of actually doing the real estate deals, no we're not. We're the level that does their technical systems. As a consultant, essentially that's the profession I'm in is the consulting profession and that's what we do.

Alderman Richardson

I was going to ask you about what kind of an agenda you might have coming in to the Business and Industrial Development Authority. You've got experience with the City. I read the Mount Auburn reports. A very good report. Particularly I like the harry of academics. I would like to see personally that stress of having more in the way of community colleges and that sort of thing. But what type of plans might you have preconceived ideas coming in that we could actually implement?

Stephen Michon

That's a great question. I think first to step back a second is I do bring some different skills and different perspectives than perhaps current members on the Board where it is primarily real estate folks. I'm not a real estate person. Economic development is a lot more than real estate as you know. We talk about that in the report. It's about as Alderman Dion mentioned; it's about attracting good jobs, looking at the tax base, and making sure those jobs go to people in the community. So I bring that different perspective perhaps from the real estate community. I guess some of my – I don't particularly have an agenda. I think like Mr. Vear who spoke before, my first job is to listen and get up to speed. Although, again as I mentioned, I'm sort of know in general sort of strategic direction where the City should or could go. But I will be doing a lot of listening at first and learning from the real estate folks. Again, I think I bring the broader perspective. Some of that perspective would be, I think, as much as you said, we need to focus on where we do have some challenges in the City. Like the lack of certain degree programs and lack of connection of university R&D in this community and how that fees development with the business community. I think we need to focus on that. We had a great discussion. This afternoon we had a meeting at 4 p.m. and there was discussion about this idea of a center for intervention acceleration for lack of a better word, which is a partnership with a university or some other private businesses in the community who are perhaps have latten technologies or have technologies that they don't know how to get to market, or need some help with commercializing that we can look to how to bring and bear other resources and bring those resources to the community so those products can get to market. That business can grow. I think that will be one of the things I'd be interested in following up on. If somebody came in today and gave us a presentation that mirrored much of what our report – the Mount Auburn Associates report talked about. In some ways that was good to refresh people's memory about this issue. I think there was some good discussion about perhaps maybe there's a role we can do as the Business and Industrial Development to help shepherd that along. That's one.

I think the other is balancing this issue of perhaps the Business and Industrial Development Authority can be at times the face to new businesses that want to come into the area. If, again the Industrial Devilment Authority feels that's an appropriate role, we could help shepherd along new business. Those prospects and making sure they actually and not happen with what Mr. Vear said is where somebody comes in they see something, and then they leave for whatever reason. Perhaps we can help mitigate some of those negative factors and turn them into positive. I think with the combination of the real estate folks, and we have a good face that we can put and help the City in terms of selling ourselves.

The last thing is I would say is one of the things that I would point out from an economic development perspective is economic development is not only attracting new business, it's actually keeping and retaining the business that we have here and making sure we are responsive to the

business community. I think the Business and Industrial Development Authority can be potentially the sounding board for the business community. Somebody they can come to with issues whatever they be positive issues that they want to develop something that they can come to us and know that we are trusted folks who have their best interest at heart and the City's best interest at heart. I think those are some of my ideas I'd be worth pursuing.

Alderman Richardson

Thank you sir.

Alderman Dion

Thank you Mr. Chairman. Mr. Michon first of all let me thank you for wanting to volunteer to do this job. I know it's time away from your family, but the dedication sometimes the rewards are just as good as being home. Let me say this, as I told Mr. Vear, I think you possibly heard my comments pertaining to attracting new industry and new manufacturing jobs – industrial jobs. That seems to me the prime goal that we have here in the City because there isn't many jobs available. What we are looking for is good paying jobs, attract industry, and I see you've got a lot of experience in this field. I hope that you would dedicate yourself to doing this.

Stephen Michon

I will. I think that's one of the other potential roles we can play, and I think we need to do this hand in hand with the office of economic development is figure out our assets and sell those to business in other regions where we could be a competitive place for them to locate their business. The Mount Auburn plan actually sets out some ideas around that. I guess our job with the Business Industrial Development Authority might be to help the office of economic development forward those ideas.

Alderman Dion

There's another reason why we've got to get other businesses in here is the commercial base of the tax rate. It's gone down. Where the individual homes has gone up. So they're picking up the lions share of the taxes. We also need that commercial base up to taxes to come in and help us out. The little people, the small people, the ones that own individual houses those are the ones that are paying the brunt of the taxes now. It used to be the other way around.

Stephen Michon

Right. Well as a homeowner I share that concern. I think that is the one place where retail actually does plan a role in the City. In appropriate places, I think retail is good, especially in the City. With our tax structure, it does make sense in the right corridors of our City. Not to dismiss the manufacturing, because again that's where the wealth of our community comes. That's important to pay attention to the high tech, the manufacturing jobs that have been the stable of our economy that those need to stay and we need to continue to attract new industries in manufacturing field. But that also retail does play a unique role in our tax system and our tax base here because it does contribute a lot to our tax base.

Alderman Dion

If you recall just a year and a half maybe two years ago, Corning was going to come into Nashua. They had the building half built and for some reason, their business went sour and they abandoned their plans to come to Nashua. That was a big blow to the City of Nashua. That would have been a

couple maybe 4 – 500 good jobs that we didn't get. I was sorry to see that happen.

Alderman Tollner

Thanks very much.

Stephen Michon

Thank you.

Ethnic Awareness Committee

Luci De Biagio (New Appointment)

Term to Expire: December 31, 2006

Sharon Spivak (New Appointment)

Term to Expire: December 31, 2007

Sharon Spivak

Chairman, Aldermen, my name is Sharon Spivak. I live at 97 Parnell Place in Nashua. We've been residents for 21 years. My husband works at BAE Systems. I want to be a part of the Ethnic Awareness Committee because it just follows naturally in what I've done with my life. Professionally as a registered nurse for 23 years I've assisted patients of all backgrounds and ethnicities and cultures to advocate for themselves and to advocate for them when they weren't able. I've spent the last 8 years of my professional life as a registered nurse advocating for the elderly, and the last 6 years on the Nashua Area and Faith Council as vice president and president, and now immediate past president. So it seems a likely place for me, as someone else said, give back to the City. Advocation and sincere interest, and a desire to work with people that are thinking about ethnic awareness in this City. No I don't have a police record.

Alderman Richardson

Good. I do. Have you ever been a member of a political group advocating overthrowing the United States?

Sharon Spivak

No.

Alderman Richardson

There you go. I was going to ask you about your resume. I read through your resume. You've been very active in your faith. I was wondering given your resume is there something particular on your resume that would apply towards the Ethnic Awareness Committee's activities?

Sharon Spivak

Well having not yet served on the Ethnic Awareness Committee, I obviously would need to have a greater sense of how the Ethnic Awareness Committee works to raise the level of awareness of ethnicity in the City. But I would say as I mentioned before, I think that my life has been dedicated to awareness of others in all walks of life, shapes, and forms, healthy and sick, old and young, and with an inter-religious perspective as well. I think its testament to my ability to work with different groups and to help raise the level of awareness of groups other than my own.

Alderman Richardson

Okay. You had mentioned advocacy. I'm not sure exactly what you were referring to when you spoke about your interest in serving on the committee. You mentioned advocacy. What type of advocacy have you been helping people with?

Sharon Spivak

Well health care for 23 years. The elderly – my last almost 8 to 9 years of my professional life was working with the elderly and assisted care living. So helping elderly and families to work together to be good advocates for themselves in general, and in a religious situation as well.

Alderman Richardson

Okay. Thank you.

Alderman Tollner

Thank you very much for your willingness to serve. Do you have any questions of us before you leave?

Sharon Spivak

I don't think so. Thank you.

Alderman Tollner

Okay. Thank you. What I would like to do is make a motion. The planning board discussion and the zoning board discussion I think will take quite some time, and there is someone that's waiting out there for review and comment. I think those questions won't take nearly as long. What I'd like to do is ask the committee's indulgence and move to review and comment commission interview if that's okay.

**MOTION BY ALDERMAN TOLLNER TO MOVE TO REVIEW AND COMMENT COMMISSION INTERVIEWS
MOTION CARRIED**

Planning Board

Joseph Goodman, Alternate (New Appointment)

Term to Expire: March 31, 2007

Joseph Goodman

Good evening.

Alderman Tollner

Good evening. How are you?

Joseph Goodman

Fine, thank you. I'm Joe Goodman, 13 Fountain Lane, Nashua. I've been here for 34 years living in this City. Born in this State, and by the way if have some news about the State, as of today, New Hampshire once again has been voted the number one place to live to the nation. As a member of the Planning Board I know I can look forward to helping continue along that path. If you have seen my resume you know I served in the past on the Planning Board. Eleven years I served there, and 15 on Regional Planning. I think without any breaking the seam beginning in 1976 right up until and hopefully you will appoint me tonight. I have been a member of a Nashua board to do work for the City of Nashua. How did I come here tonight? As a matter of fact, I've been looking to do something and it always seemed that the best place to make appointments occur in the Mayor's office, so that's basically where I stop. I have from time to time spoken to various aldermen and let then know that I'm interested. I get excited about this sort of thing. It's a good feeling, and it's a good thing to do. I think Nashua on the whole has been planned out quite well. We've corrected some errors. I look forward to helping do planning for the City in the future. **end of Tape 1, Side A...**

Alderman Tollner

...to ask you tonight that some have come from the Committee, some have come from the public. You may have heard some of the concerns and issues that the public has with development in Nashua. Mostly concentrating on residential development. I thought it was fair that if anybody had any questions that we would present to the candidates. So I will start with a few of them, and some of my colleagues have this sheet here. I tried to make some additional copies, but there were some on people's desks this evening.

I think you've defined your objective as far as being on the Planning Board. How would you define the character of a neighborhood?

Joseph Goodman

The character of what?

Alderman Tollner

Of a neighborhood. So a character of a given neighborhood.

Joseph Goodman

A character of the neighborhood?

Alderman Tollner

Right. So if you take, for instance...

Joseph Goodman

In other words we have many neighborhoods in the City of Nashua...

Alderman Tollner

Right.

Joseph Goodman

...and there are some that certainly needs some help. That's basically the core City, which is the end thing that happens in any City as old as this City of Nashua and even before it became the City of Nashua. It's been residing here for 350 years. That's a long time. Things will need change, and hopefully it will be changes for the better because the world changes. Ideally, we change with it.

Alderman Tollner

Let me give you an example of character of a neighborhood. I'll just take my own neighborhood for example. I live over in Ward 1 off of Broad Street. With the exception of Nashua Mall, almost the entire ward is residential. A number of years ago there was a convenience store there that has since turned into a bank. At one point in time there was a company looking into move in there to redevelop the convenience store and put a convenience store and a gas station in it. The neighbors didn't think that that fit in with the character of the neighborhood. What would be your comments on that? How would you respond to that?

Joseph Goodman

I think that is a difficult one to respond to because many times if people come in and land is owned to do a certain thing, depending on the kind of shop they wanted to have, if it is way out and definitely I wouldn't be for it. If it were a pawn show, absolutely not. I would not want that. I would side with the neighbors against that. If someone wanted to put in a similar store to the one that had been initially been there before the bank took it over, I would go along with them because it had been used that way and it was pretty much grandfathered into it. I think the City itself would end up in a lawsuit if it didn't permit it to happen.

Alderman Tollner

Okay. So you maintain the character of the neighborhood would be important.

Joseph Goodman

That's correct. When McDonalds move into where Bud's Variety Store was in the neighborhood where I live, I had some people that I thought were friends. We spoke well together for years. I said I would much prefer to see McDonalds there than to have a place where people drive in at 1 o'clock in the afternoon and buy a case a beer and go somewhere and drink it. Don't do their job well; I lost of couple of friends. It's only been in the last several months that we've begun to talk again. That's good. But initially because I stood for it not against it. But I did ask for traffic things to take place. Although at that time I wasn't on the Board. I saw things that needed to be done that the Board

hadn't seen and the staff hadn't seen. I brought that forward. I think I can do the same thing again. I've done it with driveways on Amherst Street. For example, for the turns that I did serve on the Planning Board. I always wanted to see the mini malls have an access drive so that cars instead of coming out onto a busy street and causing a potential accident would be able to drive from one little sector to another where they wanted to shop instead of getting out onto the busy highway. So I believe in maintaining the character of a neighborhood as zoning and staff indicated should be.

Alderman Tollner

I have one question. I'll let some other people – under what circumstances would you recuse yourself from a vote on a project? So if a project was before you and there was some semblance of conflict of interest or...

Joseph Goodman

Well how could there be a conflict of interest if I were to vote for a building to go on a certain site somewhere?

Alderman Tollner

Well supposed it was someone, a family member with, or it was a family member, or it was someone that you had a business relationship with – would that be a reason...

Joseph Goodman

If I had a business relationship with someone, I'm pretty sure – it would depend on the circumstances that are involved. That's a rather broad question.

Alderman Tollner

For instance say you had a business relationship with Alderman Richardson had nothing to but he was purchasing some property to make a development. Would you step aside from that vote because of the relationship with a business partnership that you had? Or would you...

Joseph Goodman

Having lived in this City for 35 years, I've gotten to know quite a few people and people who do that sort of thing. What I have found is this, that when someone a major developer decides they're going to put a building up, they hire a contractor to do it. The contractor is someone typically from out of town not someone in town. If I were to do any work in that building I would have to go to the contractor who looks for the low bidder so that he can make his profit on the job and get in the proper manner. I wouldn't expect somebody to say okay you voted for this I'm going to hand you something. I would not want that. I wouldn't permit that to happen. Under a case where someone might come to me before hand and say you see that you vote for this and that carries it, I'll get you some work in that building. I would not want anything to do with voting on that building. I would not vote.

Alderman Dion

Thank you Mr. Chairman. Mr. Goodman in reading your resume I see that you served on the Review and Comment Commission. Are you still a member of that Commission?

Joseph Goodman

As a matter of fact the young lady that spoke with tonight, good old Lori, she's the one who took over my shoes on that Commission.

Alderman Dion

Are you still serving?

Joseph Goodman

No, I'm not.

Alderman Dion

Okay. Now my question is how long ago did you serve on the Planning Board?

Joseph Goodman

I think my last year was '87.

Alderman Dion

Okay. Now we'll come to the hard fact. Have you been following the decisions for the last 2 or 3 years that the Planning Board has made and the Zoning Board have made? Have you been following this at all?

Joseph Goodman

Well I read the paper. I live in town. I know what's going on, so of course I...

Alderman Dion

How do you feel about some of those decisions that have been granted? I can name you quite a few, but if you've been following the – I think you possibly know what I'm talking about.

Joseph Goodman

I'm not going to attempt to read your mind or anyone else's mind Bob. I just I'm not that kind of a guy. If you want to speak to something, speak to it.

Alderman Dion

All right. I'll speak to it. How did you feel about 192 Kinsley Street? Those condos that went up there. Would you have voted for that?

Joseph Goodman

That's one I must say escaped me.

Alderman Dion

Okay. Let's talk about the issue that's going on right now on Catherine Street, the paper street, to put 2 houses behind 2 houses that are owned by a 78-year-old man and a 75-year-old woman putting 2 houses behind their house. How do you feel about that?

Joseph Goodman

I only know what I've read in the paper, and typically what I read in the paper I take with a grain of salt in one hand and perhaps pepper in the other. I don't know anything about that other than what I've read in the paper. They make it sound not good.

Alderman Tollner

Let me clarify Alderman Dion if I could. I think what his question is how do you feel about say flag lots? A flag lot arrangement. Is that...

Alderman Dion

Paper street, flag lot...

Alderman Tollner

What is your opinion on that?

Joseph Goodman

I don't feel good about it. I think if there's going to be some changes, the changes should emanate with you. Did you have to change the law that then comes as an ordinance to the planning staff and says this is how things are going to be done here? I hate to see the character of the north end disturbed and distressed. That's a beautiful part of town. I'd like to see it maintained as it is.

Alderman Dion

There's a couple of...

Joseph Goodman

Pardon me, Bob, but we're not living in Medford, Massachusetts, or Everett, Massachusetts, where the houses have about 4 feet it seems between them, and then there's another one. When you ride down on the expressway to get into Boston to go to a function or do whatever you have to do down there and you see the homes in Somerville and all you see are the peaks, and the peaks, and the peaks. This is not that kind of a city. This is not a city that's made to look that way.

Alderman Dion

What I'm trying to do, Mr. Goodman, is to get your opinion on past decisions that have been made within the last 1 ½ to 2 years okay. Maybe this will jog your memory somewhat. Cox Street. Do you recall that situation?

Joseph Goodman

No.

Alderman Dion

All right. There was just one not too long ago the name of the street escapes me. It's in the north end where they want to consolidate 2 lots. They want to move the house off its foundation 10 to 12 feet over in order to up another house in an established residential neighborhood.

Unidentified Male Speaker

That's 73 Wellington.

Alderman Dion

Wellington. That's correct.

Joseph Goodman

Is there enough land there for them to have 2 lots?

Alderman Dion

Apparently there is.

Joseph Goodman

Is there or isn't there? I mean apparently it isn't going to work when I'm sitting in the Planning Board chair. Either it's got to be or it isn't.

Alderman Dion

For the sake of argument, let's say there is enough land. But to move a house off its foundation in an established residential neighborhood, and squeeze another house in there, how do you feel about that kind of thing?

Joseph Goodman

I think the first thing I would do if I had that on my agenda as something that I was going to vote on and that's do what I have always done when I've been on the Planning Board, get in my car and take a ride and take a look at the area and see what it looks like. Are the other homes that are that close together is that an unusually large lot so that it can do it? What are those 10,000 foot or more?

Alderman Dion

Well now they've changed the zoning the footage to 7,500 square feet, I believe to be able to up a house.

Joseph Goodman

They've got to have a minimum.

Alderman Dion

From 14 – 15,000 is correct.

Joseph Goodman

If the land is properly there and it falls within City ordinances that they can do it, yes I would for that. Whether they have to move the house or not.

Alderman Dion

Oh, I'm sorry to hear that.

Joseph Goodman

I'm sorry that I have to say that, but that's a fact. It's something that I can't change.

Alderman Dion

End of questions.

Alderman MacLaughlin

Thank you Mr. Goodman for appearing before us and thank you for your interest in serving on the Planning Board. Alderman Dion is sort of hitting the nail on the head. There is a general consensus out there, meaning anywhere outside of here of this building, where the people of this City are beginning to get the impression, and it may be right – in my view it is right, that on occasion they're not being heard or understood when they appear before the Zoning or Planning Commissions regarding projects that are seeking variances or special exceptions, and so forth in their neighborhoods. So there's this feeling that these boards are disconnected out there. We've seen examples of this disconnection where in spite of healthy turnouts at hearings by neighbors and abutters, decisions are rendered, which appear contrary to the greater interest. Whether or not an ordinance has been adhered to or not could also be debated in some case, especially some of these that Alderman Dion has just covered. In your view sir, how important is it as a, especially in your history as a past planning commissioner, how important is public or citizen input in the decision making process?

Joseph Goodman

It's very important. I think it should come back to what I said earlier. They're going to have some muggy, angry neighbors. I wouldn't want to build a house there. The first thing, by the way, that I would want to know that I didn't get a chance to speak to is how's it going to be built architecturally? What's it going to look like? What's it going to change the neighborhood to? I want to see all those things. I want to see it on paper so that I know that's how it's going to be done. At the Planning

Board, we can't grant exceptions. About the only time I ever recall exceptions being granted is when someone does put in a foundation and they miss by 3 feet instead of being 20 feet away they were 17. Are they going to have to knock down that foundation and put in a new one? Sometimes we said yes. Sometimes we said no. I remember someone in your ward Jim, where there's a motel or there used to be, and they were putting up a 2-car garage. When someone stopped in to make an inspection after they had gotten the approval to have this garage, they were turning the upstairs of the garage and the downstairs into future units for the condominium. They did not get an exception. They were not allowed to keep it in. I like the way Nashua is. That's why I lived here. I've raised 2 sons here, and they've done a darn good in the school system. They've gone on to find college and are doing well in their work world. They're just starting work. One of them was before some of your gentlemen – he's with Comcast and their public relations department. The other one just went to work for BAE. I like Nashua. I don't want to see Nashua destroyed. If we have to build things closer, then we're going to have to go higher rather than come closer. I thought you were going to ask me a question about Amherst Street and what happened there because that's the one that really got the big publicity in the last year or more.

Alderman MacLaughlin

In fact, that is something I'm very keenly interested in your view. Of the decision made recently regarding the Building 19 property, had you been a voting commissioner on the Planning Board, would you have voted with the majority or the minority in the ultimate decision?

Joseph Goodman

Are we talking about what again?

Alderman MacLaughlin

Well specifically the...

Joseph Goodman

The Amherst Street job.

Alderman MacLaughlin

Yes.

Joseph Goodman

I would have voted with the majority because in my mind I see the most massive traffic tie-ups with Exit 8 being right on top of where that heavy traffic is going to be going to and coming from. Absolutely against it.

Alderman MacLaughlin

Thank you very much.

Joseph Goodman

Thank you. I assure you that anything and everything that I look at is going to be with a clear eye and a clear mind. I will do my best.

Alderman Tollner

Before you go, I think Alderman Williams has a couple of questions.

Alderman Williams

A couple of quick questions.

Joseph Goodman

By all means.

Alderman Williams

You're doing quite well in the hot seat. Maybe I missed it, but how did you come to be nominated for this position.

Joseph Goodman

Oh, I didn't speak to that. I have mentioned the fact that I am interested in getting onto another Board.

Alderman Williams

So did you seek it out?

Joseph Goodman

I went to the Mayor's office and I did speak with a number of aldermen also.

Alderman Williams

Again, I want to get back to the north end project just for a moment please – 73 Wellington. That plan – the decision was 3 to 2 I believe with Alderman LaRose and City Engineer Dookran being the descending votes. That's a very interesting case because we have a historical neighborhood with large lots.

Joseph Goodman

Pardon the interruption, but I don't think the word "historical" was mentioned while we were talking. Am I right or wrong?

Alderman Williams

Well maybe not in a cleared, defined historical district, but nonetheless a very established older neighborhood. Strike the historical. Nonetheless, this is a neighborhood, and it gets back to the first question that was proposed to you about character. The neighborhood possesses a certain character – tree lined streets with larger older Victorian homes. We've had an outpouring of opposition to changing the appearance and/or character of that neighborhood. The Planning Board was presented with several reasons to at least delay a decision so they could investigate, for example, removal of a sidewalk, and being in violation of a city ordinance by doing so. They could have delayed their vote to investigate that further, instead they went ahead and took a vote with a full audience of neighbors in opposition to this, and I think what we're hearing from the community is we want to have a Planning Board that respects the wishes of the neighbors and the community. I'm not sure I understood that maybe – did you follow the case closely?

Joseph Goodman

No. I did not follow at all. I read about it. But I will say this now, if I had known before I answered the question that it wasn't a historical district, I am a historical buff.

Alderman Williams

It's not in the historical district. I'm sorry.

Joseph Goodman

If there were some sidewalk issues and other issues that should have caused the delay, by all means, I would have voted against passing. I would vote for lets investigate this further.

Alderman Williams

I guess then the last question I have is coming here this evening did you prepare in any way for some of these types of questions at all?

Joseph Goodman

I wouldn't know what you were going to ask me. No I did not. I came in with an open mind knowing that I was going to be with the Personnel Committee, and I felt that whatever you were going to ask me I would speak to it, respond to it as best as I can. I think that I have been on the Board that long primarily because that's the way I looked at every case that came out.

Alderman Williams

I do appreciate your coming down.

Joseph Goodman

I tried to do what's better for the City of Nashua, which begins in the neighborhood whether it's a commercial neighborhood. One commercial neighborhood was going in abutting up against residential. I asked for the type tree – not a deciduous, the fir type tree that will never shed (inaudible) for people who are living in apartments on the backside will be able to tolerate it.

Alderman Williams

That's a natural screening.

Joseph Goodman

That's in Nashua.

Alderman Tollner

What would be your plan of action, for argument sake, if you missed a meeting of the Board? In this case, the Planning Board and the decision wasn't rendered and they were going to continue the discussion on that particular project?

Joseph Goodman

Well I can answer that one right straightforward.

Alderman Tollner

Well I have a little more...

Joseph Goodman

All the time I was on the Planning Board, Jim, if you've finished your question?

Alderman Tollner

No. You have a choice to say I wasn't at the first meeting; I'm not going to vote on this. Or the other choice would be, I'm going to take a look at the information that was presented at that meeting that I missed, I'm going to read the minutes of the meeting. Do you feel it is your responsibility to gather all the information, look at all the data, read the minute meetings, and would you feel comfortable on voting on that?

Joseph Goodman

If that were to happen, I would do precisely what you said. But let me say this. I always, always plan my vacations knowing the meetings follow a certain pattern. I never was gone on vacation at a time when a Planning Board meeting was held. If I missed a meeting, it was because I was ill. Not because I was going away and had planned to go away. I believe that I have a responsibility if I'm on a particular board and I'm going to do my best to be at the meetings. I was that way on Review and Comment where I became a commissioner with the help of the aldermen. I served it well for about 15 years. I think if we were totaling all the years experience I've put in, I've enjoyed it and I'd do it again. I'm looking forward to it. I hope I do. Thank you for listening.

Alderman Deane

I just wanted to comment on your last question about the abstaining from a vote if you weren't in attendance at a meeting. I asked that very question because I couldn't understand why that was going on whereas if we – we don't attend all committee meetings, but we vote on legislation that is sent to different committees. It is our job to go back and either attend the meetings, or review the minutes in order to education ourselves to vote on a piece of legislation. I asked Community Development Director about that because I, for the life of me, couldn't understand why people would

be abstaining while they were sitting there. The first question I asked Mrs. Hersh was if they can reflect back on the minutes, then why couldn't they educate themselves in that manner. She told me that the Planning Board had adopted a policy that the attendance is a factor on a vote. That's the policy that they work under, which basically answered my question. If they weren't there from the get go, then they would recuse themselves.

Alderman Tollner

Did you ask how long it's been in place?

Alderman Deane

I didn't ask her how long it's been in place. But I was just – because the one thing I did ask about was the Wellington where there was a quorum there, but they wouldn't act on anything that was before them even though the minutes were adopted. They wouldn't move forward and act on anything because that Wellington because I said it was just kind of ironic that Wellington project was the first one on the agenda. But they held it until the Chairwoman showed up. The explanation I got was 2 of the people that were in attendance that evening weren't there and were recusing themselves from voting on that because of that policy that they had adopted. So basically that answered my question. I mean they have – I spoke with Alderman McCarthy briefly about it too. They have the authority to adopt whatever policy they want. As that board, that's what they've done. It kind of explained – because there were remarks made here that evening that we had some testimony that come to find out that's a policy they have a place. I wish it was better understood before some of the comments were made. They were just operating under their standard procedures that they had adopted.

Alderman Richardson

I have a question for Alderman Deane. What was that covered under? You're saying a policy that particular issue whether they would be able to vote because they missed the last meeting.

Alderman Deane

Right.

Alderman Richardson

That was described as being a policy?

Alderman Deane

They can set their own rules.

Alderman Richardson

I understand. One of the first things I did when I became an alderman is I asked for a copy of the by-laws to both the zoning and the planning boards. I found nothing in there that described that sort of policy.

Alderman Deane

Well, when I asked that question the other day, last week that was the answer that I got. Because I

couldn't understand why if they were able to call a meeting to order and able to act on other business. When the site plan business came up in front of them and their members that had recused themselves for absenteeism, I was trying to put that all together. You can vote on accepting minutes and approving the agenda as presented and things of that nature, but as soon as they got to the site plan reviews, the people that weren't there from the get go on those site plan reviews would recuse themselves. I asked that question why is that? That was the answer I was given.

Joseph Goodman

I think you'll find that there are ordinances that clearly state what we can do and what we can't do on the planning board. My wife was on the zoning board for a period of time, and she used to study those ordinances that regulated the zoning board so she would know how to handle herself on a particular case.

Alderman Richardson

Did you happen to ask for a copy of that particular written policy?

Alderman Deane

No, I did not.

Alderman Richardson

It might be something we want to do in the future. Thank you.

Alderman Tollner

Any further questions of Mr. Goodman? Okay. Thank you very much.

Joseph Goodman

Thank you for time also. Good night.

Review and Comment Commission

Lori Cardin (New Appointment)

Term to Expire: December 31, 2008

Alderman Tollner

Ms. Cardin is a new appointment to the Review and Comment Commission. She's been a past alderman for a number of years and very involved in the community in the non-profit segment. If I say anything else I'll be blowing her resume.

Lori Cardin

Thank you Mr. Chairman. My name is Lori Cardin, 77 Marshall Street here in Nashua. My interest in serving on the Review and Comment Commission has been – well I have served on the Review and Comment Commission for the past 9 years. So I've had quite an interest. I've dedicated my career to the non-profit sector here in the City. I've worked 10 years at the local Housing Authority, and 13 years now at the Children's Home, which is also a great non-profit. Having served on the Board of Aldermen for 8 years, 8 years on the Human Affairs Committee, 6 years as Chair, obviously my interest is in serving that population. So I have no police record. I've never been arrested. I'd be willing to take any questions. Thank you.

Alderman Tollner

Thank you. I'm quite familiar with you and the background and the work that you do for the non-profit, and I think you are a perfect person to continue your work in the Review and Comment Commission.

Lori Cardin

I just have one thing to add. When I did lose my seat on the Board of Aldermen I was asked to serve as the Chair of the Nashua Continuum of Care, which is a group of about 40 organizations, non-profits, private citizens, and businesses whose goal it is to end homelessness. So that's another attribute I can bring to serving on the Review and Comment Commission. It's quite a committee, and quite a commitment to help out a lot of organizations to end homelessness here in the City.

Alderman Richardson

Ms. Cardin, given that you have this other appointment, do you see you being able to fully serve both voluntary organizations as well as your own personal life?

Lori Cardin

Certainly. That's a good question. The Review and Comment Commission is – they meet only about 3 or 4 times during the year and that's in the spring. We've already concluded our work for this year aside from coming before the Human Affairs Committee to present the numbers. The Review and Comment Commission actually was created by Charter and last year we estimated that over 330 man-hours went into this Commission. However, there are probably about 30 volunteers that work on this Commission. Like I say, I've dedicated my life to the non-profit sector, and I'm quite capable of fitting all of this into my schedule. Thank you.

Alderman Tollner

Thank you. Any questions of us?

Lori Cardin

Any of you have police records? Just kidding. Thank you very much.

Alderman Tollner

Going back to the regular order of business – to the Planning Board.

Zoning Board of Adjustment

Fulton Gaylord, Alternate (New Appointment)

Term to Expire: September 11, 2006

Rob Shaw, Alternate (New Appointment)

Term to Expire: September 11, 2008

Rob Shaw

My name is Rob Shaw. I live at 14 Sweet Williams Circle here in Nashua. I was actually asked by Mayor Streeeter to consider serving on the Zoning Board of Adjustment. At first was not sure if it was something I wanted to do or not. I've attended all of the meetings thus far this year since being asked so I could start to observe and make sure that I had a good sense of what the current procedures are and the way the Board conducts itself. Upon both that observation and more reflection, especially I was already very much interested in continuing to serve the City in some capacity if possible on potentially a board or commission of some sort. Again, upon further reflection, I thought that's what should be an opportunity and an area that I could do that. I look forward actually having that opportunity. So I think I can contribute essentially as a voice of reason come in with essentially an open mind. I don't have any agendas. I don't have any specific things I'm trying to accomplish. I basically look forward to serving in the capacity that somebody on the Zoning Board of Adjustment is expected to do.

Alderman Deane

I had a question Rob. About a month ago I was watching the zoning board meeting – it was a planning board meeting, and the presenter they were talking about the lot and the project, and the engineer that was up there talking about the project ended up submitting 3 pages of variances were made on 1 lot to get the building to conform for that use. When I'm watching this fellow, he seemed almost embarrassed by it. It just seems to me that when you have an area and you're trying to make use out of something that doesn't belong there and they've taken it and they've stretched it to the outer limits and gone and made that many amendments and approve that many variances to get the use to change. How do you stand on that? Where would you draw the line on that? Some of the things that they're approving variances for is to the point of ridiculous. From what I understand, New Hampshire is one of the only states in the country left that does this.

Rob Shaw

Not being specifically familiar with this case, but just in general, it sounds like it is an extreme case. I think the problem is if there's some extreme number of special exceptions and variances, then as you said, it's probably gone beyond something that is going to be an appropriate (inaudible) or something that is going to be a reasonable use. I guess there are – I think the 5 normal basic criteria that the ZBA follows in terms of kind of determining whether or not an exception or a variance should be granted. While sometimes some of that is subjective, some of it's actually I think very objective in terms of what you are basing it on. Some of it is things like will it affect property values in the area. So some of these things that are potentially have been done it's either shoehorning a structure into an area that's not really an appropriate fit. Essentially going beyond some of those character issues, I think those are the times to say no. This is not appropriate. It's gone beyond. I think some of the intent, I think, in a lot of the special exceptions and use variances are to take care of a really basic thing. Some of the things I've seen in the recent observations they

are very straightforward. They're the kind of things you say this is a very reasonable use. There's no real change here. No real effect on the neighbors. The neighbors are in support of it. The property owner has gone and pulled all of their neighbors and gotten their support. They get their letters of agreement or support. It's very clear those are the ones that – that's I think the kind of things the ZBA is supposed to be readily granting and are the very appropriate things. It's the ones that are just kind of going to, I guess, well beyond the intent are the things that I think do need to be questioned and do need to not just be essentially rubber stamped or okay just because they are being asked for it. I think they really need to truly satisfy the appropriate criteria. I don't see the ZBA as a policy setting board. At least I'm used to the Board of Alderman being the policy setting board and can control the zoning ordinances and establish the different things, but there is an interpretation role that the ZBA has. I think it needs to be within reason.

Alderman Deane

My next question. I understand. I appreciate your explanation. I look at your typical variance request where somebody might want to encroach by a foot into a side setback or something that's not really going to dazzle the neighborhood. The other issue that I've seen, and it appears more often than not, is that the abutters and the citizenry that goes up there with their concerns – it doesn't seem as though that they are being listened to. Having worked with you for 2 years, I know your background of being a person of reason, and listening, and adding good dialog to a lot of the discussion that we had in here when you were an alderman. That's one part of that board that I really think needs to – is in need of some improvement. It's just constructive criticism from my part. The abutters when we went up there to the Planning Board with the Wellington project, when the ZBA makes their vote and they approve things, the damage is done. The damage is done because then at that point the Planning Board has no recourse. It is what it is. They've allowed that to happen. I just think a lot of thought has to go into a lot of the votes. No taking away from what the folks in the ZBA do, and I know they go out and they look at the lot, and they go out and they look at the neighborhood, and there are some good people, I just think that we have to start doing a better job and start listening to the abutters. I think that's one area that improvement needs to be. Thank you for your willingness to serve.

Rob Shaw

Thank you.

Alderman Richardson

Mr. Shaw, do you think that a variance to intrude into a watershed buffer zone is an acceptable thing? Do you think that there is shades of gray in that area?

Rob Shaw

I think if basically that is something, I believe, the Conservation Commission would already have had to given their recommendation. So, I would certainly rely on that feedback. I think you really – I would say you never can say never, but I think it needs to be a pretty profound exception to be able to be supported.

Alderman Richardson

Okay. Thank you.

Alderman Dion

Rob, nice to see you volunteer for public service again.

Rob Shaw

Thank you.

Alderman Dion

You heard my comments in the past about the Zoning and Planning Board. You know how I feel about some of the decisions that were rendered. You know what a hornets nest you want to get into, right?

Rob Shaw

Well, quite frankly, that was some of my hesitation for – it wasn't a board that I initially sought out because I know there are many controversial issues that come before the ZBA, and I actually look at it as a pretty daunting challenge. I think that it's also prudent for good people to step up and being willing to serve. I hope I can be one of those.

Alderman Dion

Alderman Deane touched upon the neighborhood people that attend meetings fighting some of these things. Sometimes it's 50 – 60 people there. Like Alderman Deane said, he's absolutely correct. It seems to fall on deaf ears. They're concerns are not listened to. It's like they weren't even there. It seems as though the lawyer representing the opponent, and the developer, and the fancy easel, and the beautiful charts and maps seems to have preference with these people on that board. The character of the neighborhood certainly isn't being adhered to. Not even considered. Property valuations – that's not considered. Some people on that board seem to hide behind the so-called 5 points of the law. Are you familiar with those?

Rob Shaw

Yes.

Alderman Dion

One of them is hardship. Am I correct?

Rob Shaw

Yes.

Alderman Dion

What do you consider hardship? Would you consider the applicant's need for money for their retirement? Does this satisfy the hardship criteria?

Rob Shaw

To me it doesn't. I guess I see the hardship of an issue in terms of somebody really being able to utilize their property in a reasonable fashion considering, again, I guess the context of where it is

and what it is. I think it needs to be fairly narrowly defined.

Alderman Dion

There are some members of that board that seem to think that's the 10 commandments. Okay. Let's say the 5 commandments in this instance. Hardship is one of them. To me, hardship is a hard thing to prove. Most of the time it's a moneymaking proposition, as you all know. What do you think of when the lawyer for the proponents asks the board to excuse this item from the business calendar for that night and postpone it because there's one member absent? How do you feel about those kinds of decisions? It seems as though every time a lawyer asks for a postponement he gets it. Do you feel as though the people in the neighborhood have the right for a postponement also? Don't they have the same right?

Rob Shaw

I appreciate where you're coming from.

Alderman Tollner

Let me just clarify something. Legally, and applicant that comes before either board if there is not a full board to hear that particular case, they do have a right to ask for a postponement or a delay if, for argument sake, is only 4members instead of 5. That's the right of the applicant that is coming before either of the boards.

Alderman Dion

But what I was getting at doesn't the people that are there opposing have the right to ask for postponement?

Alderman Tollner

I don't know the answer to that question, but I do know that's come up and people have asked that in the past. It's a very good question Alderman Dion.

Alderman Dion

Yes. It seems as though a certain one is missing, which means a vote. Do you think that in the absence of neighborhood opposition the granting of a variance by the zoning board should be an exception of the rule?

Rob Shaw

I guess I don't really think that without neighborhood – I guess, I want to make sure – when you say without neighborhood opposition as in none that's been voiced in any context either by an individual showing up or by a letter that's been provided.

Alderman Dion

Does that mean it's an automatic yes to you?

Rob Shaw

Not at all. I think there's still plenty of information that's in front of the ZBA that can – I think it's actually somewhat incumbent upon a member of the ZBA to look at the situation from the standpoint of the abutters and of the neighborhood and take into account if there are going to be adverse affects, especially one of the key things, I might be somewhat novice in my view of things, but I think the whole issue of whether things are going to have an adverse affect on neighbors, property values is a key component to that judgement. I think the ZBA needs to be looking at that from that question regardless of whether a neighbor happens to show up or send a letter that speaks to that. I think it's still a very important part of the consideration.

Alderman Dion

You know Rob, if I was on the Zoning Board and there was an item on the agenda that I wasn't sure on. If a vote was taken I'd vote no. I would never – just like the old saying, without a reasonable doubt, you got to quit. That's the way I feel. If I wasn't completely convinced of a certain zoning ordinance or a variance, I wasn't convinced that it was right, I would never vote for it. If there was a doubt in my mind. I hope that you feel the same way.

Rob Shaw

I agree. I think the whole point is what's coming before the ZBA are requests for exceptions and for variances. You're already talking about something that is outside of what is normally allowed.

Alderman Dion

That's correct.

Rob Shaw

I think it's very appropriate that if its not clear that the appropriate criteria being met, then those variances or exceptions should not be granted.

Alderman Dion

I just hope that if you get on the Zoning Board, Rob, that you will pay strict attention to the people that are there complaining against it, and listen to them, and weigh your decision a lot on that. Some of those decisions as you well know are very controversial that have happened in the last couple of years. We want to put a stop to those kinds of decisions. Thank you.

Rob Shaw

Thank you.

Alderman Tollner

I want to for the record note that Alderman Dion and former Alderman Shaw were in an agreement on something. So I'm going to write that down.

Alderman MacLaughlin

Welcome Citizen Shaw. I had the pleasure serving with you on the Planning and Economic Development Committee this last term. I found myself really, despite of our humor about left and right this evening, agreeing with you more often than I did not within the committee. For example, your vote on whether or not to affirm the rezoning of Cellu Drive, for example. We were in agreement and together with Alderman Vitale formed the majority on that vote early on, which I have maintained was the right vote. It was reversed later, but not because I changed my mind. Also, I think your views on whether or not to subject Cathedral Square to an open access through a gated road. I thought your views were particularly appropriate on that issue as well. So there's been some great moments in that committee which I was very pleased to be associated with you on. My question this evening, there's 2, I know you're going to zoning meetings now and so forth, but in light of your resume and your particular qualifications, why zoning? In light of the many different committees and boards, what drew you to zoning?

Rob Shaw

I guess it was somewhat; quite frankly I was actually interested in Business and Industrial Development Authority because of my keen interest in the economic development aspects of things. That was what I was actually thinking of going to the Mayor and asking him to consider me for an appointment. Pretty much at that point in time is when the Mayor said though I'd really like you think about the Zoning Board. I guess I think all aspects of the issues that the City is dealing with in regards to zoning, and regards to planning, and regards to economic development, they all ultimately dovetail into each other in different ways. In some ways I don't necessarily bring some of the skills to something like BIDA where I'm not already in real estate or economic development of any sort, it's more of just out of something that I was very much interested in. I kind of view the ZBA as an opportunity to once again serve in a way that just simply I can contribute something back to the City. I view it, I guess, as a challenge and as an opportunity to really learn and see things up front. In many ways just wanted to be upon that reflection to be able to one of, I hope, a voice of reason. A listening voice, and somebody that really kind of will bring – I guess I won't come into it with a bias. I don't have a vested interest in any specific aspect of things. I'm not involved in the develop aspects of things, the real estate, or have those kinds of ties. I don't work directly even in the City. I think I would be able to serve in a way that I think could be very unbiased.

Alderman MacLaughlin

Thank you. In light of your service on the Planning and Economic Development Committee, we were involved in the rewrite and the update of the Land Use Code. Do you feel that that particular experience qualifies you to serve on the zoning position? If so, in your mind, what are some of the more critical issues haunting us on the zoning level if you were sitting on that board?

Rob Shaw

I do think that having had at least some of the experience with the Planning and Economic Development Committee and certainly all the discussion we had on the Land Use Code gives me at least a jump start or a head start in terms of familiarity with the different issues and much of what's there though being already 5 or 600 page document, it's clear that there's many times that you're

going to have to go back and look up various things. I wouldn't want to begin to want to quote lot sizes and different things without checking on that. Having said that, the other part of your question, I do think there's certain key issues that have been happening like the paper street issue, like lot size issues, flag lots, and some of the things where there's been very creative proposals to put things forward in all sorts of interesting trapezoidal or polygon type of lot shapes to satisfy something to a certain letter of the law and truly not to the spirit. Those are some of the things – the kinds of things I think will not only will necessarily kind of be facing the ZBA, I think they'll still actually ultimately (inaudible) an area that the Board of Aldermen might need to come back and revisit in terms of again because of some of the policy things. Maybe there needs to be further consideration over some of those lots size definitions that we did go forward with that might – it already seems that we might be having some instances where we're seeing some of the changes possibly being at least detrimental in terms of how they'll ultimately get applied. So, I think there is maybe a learning curve or an opportunity to start seeing what the new Land Use Code provides us with, and things that we have to interpret. I think it is also important for this Board here to consider if something needs to be corrected if you will.

Alderman Richardson

Mr. Shaw, I'll ask you essentially the same question I asked Ms. Cardin about time available to serve now that you are not serving on the Board of Aldermen any longer. I presume that you have now free time. I can't – I don't know that so I have to ask you that question whether you're not retired yet. Do you have time to serve in a full capacity and attend all of the meetings of the Zoning Board?

Rob Shaw

I do to the extent that I do have a travel schedule will occasionally conflict with some of those meetings. My appointment is as an alternate not as a primary member of the ZBA. It was the one concern that I did voice to the Mayor when he asked me to consider an appointment to the ZBA. As it turns out looking through this year coming up and just most of my travel schedule that I am aware of, it actually looks like I have very little conflict with most of those meetings. My intention is to attend any and all meetings that are occurring while I am here in town. I'm sure that there will be at least some small number of meetings that I will not be able to attend because of not being here. I think having – hopefully getting the ZBA up to more of a full slate of members, because part of the problem is right now there's only the 5 members total that are on between full and alternate status. I think I can serve effectively. I think only as I said occasional travel conflicts will occur.

Alderman Richardson

Let me ask you a question about administrative decisions that come out of the City's Planning Department from time to time about these different issues. Would you have any problem with questioning or challenging any of these administrative decisions as part of the Zoning Board?

Rob Shaw

Well I think - that's one of the other primary roles that the Zoning Board does have is to handle those kinds of appeals. I think it's actually very important to question and understand what those

are. There should not be an automatic acceptance or rejection of those decisions. They need to be weigh, I think, on their merit and their context. So I would be fine with challenging some of those administrative decisions.

Alderman Richardson

They're very troubling to me. They seem to – whether you're for them or against them, they seem to come out and they are treated as gospel it seems to me. I hadn't seen anybody on any of the land use boards actually challenge one of those decisions. That's troubling. It turns out to be a one person's viewpoint. That's certainly not the democratic way. I definitely am interested in that. That's my question. Thank you.

Alderman Tollner

I have a couple of questions. I just want to make sure we address this. Some of the questions that – Alderman Williams, I'll let you go first.

Alderman Williams

Thank you. I just wanted to take a moment to thank you Mr. Shaw for – a fellow resident of Ward 9, and more importantly, when you first came up this evening I heard something that pleased me very much. I just wanted to call it out because I thought it was very important. You took the time once this position was presented to you from the Mayor to attend some meetings, look into it some more, weigh the decision, and bring yourself up to speed on what's currently going on. I find that to be a very good thing. I'm very glad to hear that, and I fully support your candidacy for this. I think that's great. Unlike some of the other candidates this evening who weren't so sure of the most recent events. It's quite refreshing.

I just want to jump back real quick question Alderman Deane asked another candidate. On those occasional times when you will not be able to attend just as another person couldn't, would you be amenable to read the minutes you missed and still vote on an issue?

Rob Shaw

Yes I would in the context that it was the policy that allowed that. I'm not sure whether the ZBA's policy is the same or not, so I would need to check on that.

Alderman Williams

But as long as the policies allowed it. Good.

Rob Shaw

And having similar to the explanation Alderman Deane already gave having served on this Board previously and being in that kind of situation, I think it's quite a reasonable approach.

Alderman Williams

I would agree. That's a good thing.

Rob Shaw

I think it is also important, that being said, that there is enough of the information available through the minutes or sometimes there's they put of the various maps and different things and the plans that those are accessible and it would be a matter of making sure that I took the opportunity to review those. I wouldn't want to act on it if I had not been able to access that material.

Alderman Williams

I do appreciate that. Like I said, I fully support this. It's a great thing. I just wanted to call out for the record that it's 9:03 and the meeting continues.

Alderman Tollner

I just have a couple of questions that the public has presented. Just give me a quick response. You don't need to provide any lengthy details since its 9:03. What is your opinion on flag lots in a neighborhood?

Rob Shaw

I guess I'm generally not in favor of them. I think they're really not a great way of using the land. But there are certainly going to be cases where because of access or because of certain limitations, they, I think, would be appropriate. I think they're really not a great...**end of Tape 1, Side B**...earlier candidate was – how would define the character of a particular neighborhood?

Rob Shaw

I guess I see it as there's many factors and some are more tangible and some are less tangible. But it typically it's going to come down to things like what's the general size of the homes that are part of the neighborhood? How far they set back from the street. Is it a tree-lined neighborhood? Is it a brand new neighborhood? Is it actually a neighborhood that already has a lot of mixed architecture? Is it a neighborhood that's undergoing a lot of renovations or expansions that some of our older neighborhoods – it's a time where a lot of young families maybe are now purchasing and a lot of people are maybe a new family room or something like that. There are many factors, but I think those are some of the kinds of things that will play to what gives a neighborhood a give character. Some of the other things that you kind of mentioned to some degree might be whether there's much in the way of commercial or retail associated with that area or not. Is it very remote from any business.

Alderman Tollner

Okay. Then the last one was under what circumstances would you recuse yourself from voting on a particular project?

Rob Shaw

Certainly if there was anything that I had any sort of financial type of gain, or some business relationship, I don't see that being the case not being a real estate investor in the City or somebody that's doing work with development and that kind of thing. If there was something that was involving a member of my family but not having anybody else other than just my immediately family here in the City, I think that's also fairly unlikely situation. I think quite frankly, if there was anything else that I had a concern about, something that seemed a little bit gray, I would work that through Corporation Counsel, but actually through the Planning Department and Community Development Director to make sure because as I understand it, that's really the appropriate way to channel those requests

into Corporation Counsel. But ultimately, I would hope that Corporation Counsel could clarify if there was some sort of a conflict of interest.

Alderman Tollner

I would echo with – I won't belabor it with what other members have said, I think you're bringing up a fresh voice and a fair voice. It's been stated that if the neighborhoods are against the project, I don't think that the Zoning or the Planning Board if the neighborhood is against the project, they should automatically vote against it. I think every neighborhood all they are asking for is a fair, reasonable hearing that they are given the opportunity to present their case in a fair manner, and that they are given the attention and the response that they deserve when they come before these different boards and commissions. I would agree with some of the other comments. I think we need to do a better job in that as we move forward because there is a certain level of frustration that exists out there that whether people agree with or not tells me that if there is that frustration out there, we need to do a better job in process the information, listening, and then do a better job in acting on it. I do appreciate you waiting here at 9:05 to finish up your questions.

Rob Shaw

Thank you.

Alderman Deane

Thank you for recognizing me Alderman Tollner. Could you please give me a definition of flag locking?

Alderman Tollner

Flag lots.

Alderman Deane

Yes. Could you say that again?

Alderman Tollner

Flag lots. That's the same as ...

Alderman Deane

Where did that term come from?

Alderman Tollner

Just like a flagpole with a flag on it. So if there's a piece of land that's landlocked, you want to get into it, so you have a driveway that goes all the way through the back, so the pole of the "flag" is the driveway. If you want to stick a house in the back there's the flag.

Alderman Deane

We were discussing that term. I thought it might have been south of New York City type of term.

Alderman Tollner

Absolutely not. I learned it from a native Nashuan.

Alderman Deane

Thank you.

Alderman Tollner

You are very welcome sir.

Unidentified Male Speaker

I guess we have a few more names on the interview list, which are not here.

Alderman Tollner

Fulton Gaylord is not here this evening. Lucy we already know is not here. And then some of the other ones are reappointments.

Unidentified Male Speaker

What shall we do about those who are not here to be interviewed?

Alderman Tollner

We'll just hold them in committee and Sue will send out a notification. I think there's only one person here to my knowledge that isn't here, and I did not receive notification. The other one we did. Okay.

Alderman MacLaughlin

Thank you Mr. Chairman. In light of the complete testimony in questioning, I now move to recommend the confirmation of the appointments of Stephen Michon and Bradley T. Vear to the Business & Industrial Development Authority for terms to expire September 13, 2008.

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None

APPOINTMENTS BY THE MAYOR

Business & Industrial Development Authority

Stephen Michon (New Appointment)
1 Anders Lane
Nashua, NH 03060

Term to Expire: September 13, 2008

Bradley T. Vear (New Appointment)

Term to Expire: September 13, 2008

547 Amherst Street
Nashua, NH 03063

**MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENTS OF STEPHEN MICHON AND BRADLEY T. VEAR TO THE BUSINESS & INDUSTRIAL AUTHORITY FOR TERMS TO EXPIRE SEPTEMBER 13, 2008
MOTION CARRIED**

Ethnic Awareness Committee

Luci De Biagio (New Appointment)
22 Squire Drive
Nashua, NH 03063

Term to Expire: December 31, 2006

**MOTION BY ALDERMAN MACLAUGHLIN TO HOLD THE APPOINTMENT OF LUCI DE BIAGIO IN COMMITTEE UNTIL AN INTERVIEW CAN BE CONDUCTED
MOTION CARRIED**

Sharon Spivak (New Appointment)
97 Parnell Place
Nashua, NH 03060

Term to Expire: December 31, 2007

Sr. Sharon Walsh (Re-Appointment)
273 Lake Street
Nashua, NH 03060

Term to Expire: December 31, 2008

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENTS OF SHARON SPIVAK AND SR. SHARON WALSH TO THE ETHNIC AWARENESS COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2007 AND DECEMBER 31, 2008, RESPECTIVELY

ON THE QUESTION

Alderman MacLaughlin

The reason I include Sister Sharon Walsh on that is that is a reappointment, and certainly she has vast experience on that particular committee. I think her presence there is invaluable to our community.

Alderman Tollner

I would agree.
Alderman Richardson

I would have liked to have had an opportunity to talk with Sister Walsh. I don't know her. I don't know what her performance has been. Can anybody here enlighten me as to what that quality is that she provides?

Alderman Tollner

Absolutely. Sister Sharon Walsh has been in the community for years. She runs Marguerite's

Place. She has developed MP housing. It's a housing for single moms. MP housing is an arrangement where probably one of the exceptions – it is an exceptional program in the City of Nashua where single moms will have the opportunity to purchase housing. So when they are in Marguerite's Place they have housing. One of the requirements is that they work and they start saving money. Then they have the opportunity to transition into different housing where they have an opportunity to purchase their own apartments or living quarters. She's been recognized by just about every single entity that you could think about that deals with non-profit, single mom's housing programs, things like that. So exceptional candidate. Any of these reappointments that you see we don't ask someone to come back for reappointment if they are already serving and they've been reappointed by the Mayor, unless a committee member formally requests I'd like to see John Doe come back for a reappointment.

Alderman Richardson

How about relating that admirable public service to the Ethnic Awareness task? Is there – I'm trying to get a connection between that wonderful background and public service and the purpose of the Ethnic Awareness Committee.

Alderman Tollner

She's involved in a number of other committees in Nashua other than Marguerite's Place. But Marguerite's Place deals with everybody from all different ethnic backgrounds. So a number of years ago she came to the Mayor and said that she would be willing to serve on the Ethnic Awareness Committee because she brings valuable information about the struggles all different types of individuals with different backgrounds. So she does add quite a bit to say the least to the Ethnic Awareness Committee. Basically their responsibility is to deal with the different issues, situations, lifestyles that living in a city everybody needs a better understand, comprehend, and have the patience and capacity to deal with it. Tolerance, I should say that was the word I was looking for.

Alderman MacLaughlin

Thank you Mr. Chairman. I would add to the Chairman's remarks. Sister Walsh has been someone who's been active as perhaps no other person in her position, not only with Marguerite's Place, but with many charitable and non-profit entities in the City. She brings a compassion with those who are fortunate enough to cross her path. She is someone who never hesitates to assist anyone in need, particularly the clients that she so ably served with her own agency, but also individuals in this community who are in need of help. She's a great voice, therefore for those less fortunate and those of different ethnic persuasion. She's an elaborate voice. She's tireless and dedicated in her efforts. She certainly – I don't know that she does this for a living in terms of being compensated, but clearly that would not be her motivation. She's motivated by the calling, as is evidence by her title. I think she brings great worth to our City as a result.

Alderman Tollner

She was recognized by Senator Gregg and the programs and the efforts she's put forth by Marguerite's Place. I think he provided a substantial grant for Marguerite's Place a number of years ago if I'm (inaudible).

Unidentified Male Speaker

Is there some work product that is put out by the Ethnic Awareness Committee?

Alderman Tollner

A work product. No. I think it's just a group of individuals that work together to address the issues that bubble up in the City whether it be children's programs, adult programs, language issues, things like that. I think their main objective is to ensure that there's more tolerance, understanding, and where there's an opportunity to address certain issues that need addressing and fix them going forward. It's also at the same time to bring different entities to the committee to better educate the community as a whole as far as what's going on within the City.

Unidentified Male Speaker

Okay. So there's no galas, festivals, or reports, or anything?

Alderman Tollner

I mean you can get...

Unidentified Male Speaker

Expectation.

Alderman Tollner

Right. No, you can attend the meetings. There's no galas, fundraisers, things like that that directly come out of the Ethnic Awareness Committee. It's not like the other non-profit entities that – their responsibility is to run the programs, fund the programs. Like you said, have fundraisers and things like that.

Unidentified Male Speaker

Thank you.

Alderman Tollner

I will say to everybody – almost everybody that's on Ethnic Awareness Committee are involved in the non-profits as well as the business community.

MOTION CARRIED

Mine Falls Park Advisory Committee

G. Matthew Dalianis (Re-Appointment)
90 Walden Pond Drive
Nashua, NH 03064

Term to Expire: December 31, 2008

Paul Keegan (Re-Appointment)
29 McKean Street
Nashua, NH 03060

Term to Expire: December 31, 2008

James T. Laliberte (Re-Appointment)
4 Roby Road
Nashua, NH 03064

Term to Expire: December 31, 2008

Jodie Michon (Re-Appointment)
1 Anders Lane
Nashua, NH 03060

Term to Expire: December 31, 2008

Magnus Pardoe (Re-Appointment)
7 Westray Drive
Nashua, NH 03062

Term to Expire: December 31, 2008

Sherman S. Sewell (Re-Appointment)
3 Reservoir Street
Nashua, NH 03064

Term to Expire: December 31, 2008

Peter Testa (Re-Appointment)
12 Mapleleaf Drive
Nashua, NH 03062

Term to Expire: December 31, 2008

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE MINE FALLS PARK ADVISORY COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2008: G. MATTHEW DALIANIS, PAUL KEEGAN, JAMES T. LALIBERTE, JODIE MICHON, MAGNUS PARDOE, SHERMAN S. SEWELL AND PETER TESTA

ON THE QUESTION

Alderman Deane

I don't have a question; I just had a comment. A while back I attended I believe a School Building Committee meeting when there was talk about running a bridge from the north school over into Mine Falls Park. Mr. Keegan and Mr. Pardoe showed up and they testified in somewhat disbelief in the fact that the City would be contemplating doing that. I had some time to speak with Magnus Pardoe who's the chairman of the Mine Falls Park Advisory Committee. I spoke with our tree warden, Nick Caggiano, and he told me that the Committee is planning a ½ hour presentation prior to a Board of Aldermen's meeting in the very near future so that the new aldermen can get an idea of the goals and objectives set up by this group, and the work they do with rebuilding the trails, monitoring the wildlife in there. It's a very energetic group of people. We're lucky to have that parcel to begin with,

but then to have people that are willing to spend a lot of weekends working with the Park Department and the tree warden in the City of Nashua to keep the place up. They do facilitate a lot of the maintenance in there. It's a real good group of people.

MOTION CARRIED

Planning Board

Joseph Goodman, Alternate (New Appointment)
13 Fountain Lane
Nashua, NH 03062

Term to Expire: March 31, 2007

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF JOSEPH GOODMAN, AS AN ALTERNATE MEMBER TO THE PLANNING BOARD FOR A TERM TO EXPIRE MARCH 31, 2007

ON THE QUESTION

Alderman Dion

Mr. Chairman, I cannot vote for this appointment. It is clear this evening under testimony when I asked him about Wellington Street that he would have voted for it. That was enough for me to stop asking questions. I think he ducked a lot of them. He didn't answer them clearly. I don't think he'd be an asset on the Planning Board, and I do not plan on voting for this confirmation.

Alderman Williams

I'd just like to speak on this candidate as well. With all the controversy that exists in the community with the Planning and Zoning Board decisions lately, I would have liked to have seen all the candidates for these positions to have brought themselves up to speed on current issues, especially with that in mind. This candidate just was unaware.

Alderman MacLaughlin

I would say I respect the views of my colleagues. What persuades me to support this particular nomination is the fact that the mother of all zoning and planning headaches, the proposed use or misuse I would say of the Building 19 property on Amherst Street, this candidate indicated in his remarks that he would have voted with the majority on that issue. I guess in light of that, I find myself in agreement with his view there. It seems to me that he did indicate a concern for environmentally sensitive sites so therefore, which is of huge importance to me. I know through all of us, I don't know that we're going to find the ideal planning board commissioner that's going to agree with my views on everything. So I have to look for some of the issues where I can find some agreement. I think his past experience as a commissioner may prove valuable on this particular board. He seemed as though he could take our questioning rather well. He did indicate a willingness to be independent from the pressure being applied from the lawyers and the developers who appear before the Planning Board. So I find myself in support of his nomination.

Alderman Dion

Mr. Chairman a rebuttal. I respect the views of Alderman MacLaughlin. He's got a right to his views and I respect that. The only thing I can say is this, under testimony when I asked and told him about the situation on Wellington Street, which he wasn't aware of, and I described the situation – move the house off a foundation 10 – 20 feet in order to squeeze another house in an established

residential neighborhood. He responded that he would have voted for it. Therefore, we cannot in good conscience confirm a man to answer the question in that respect. I don't care about the Wal-Mart situation. This is after the fact. He answered that question after he answered mine. There's a debate on that. In fact, some people are betting when it goes to court that Wal-Mart will win this. So I'm talking about residential area. I'm not talking about a commercial business. It's just not conceivable that we would get another person with that same view on that board. It just doesn't make sense.

Alderman Richardson

I have to agree with Alderman Dion and Alderman Williams. I would like to have seen a candidate with being a little bit more up to speed on the many current events that are happening in the City. That didn't seem to be the case here. Also, things have changed quite a bit since the 1980s, particularly the land use code and the functions of the Planning Board. I don't feel as though this candidate is very much up to speed on that. Also with regard to taking into consideration the public viewpoints when we had plenty of questions about that. It seemed to not have as much weight with this gentleman. Those are my comments. Thank you.

Alderman Tollner

I understand the comments from Alderman Dion, but I think when Alderman Williams was questioning him later on, I think he readdressed the Wellington Street. What I'd like to do is amend Alderman MacLaughlin's motion and hold this gentleman in committee. That would be my motion.

MOTION BY ALDERMAN TOLLNER TO HOLD THE APPOINTMENT OF JOSEPH GOODMAN IN COMMITTEE

ON THE QUESTION

Alderman Dion

Could I ask why you want to hold this in committee instead of voting on it?

Alderman Tollner

Well, we can vote on it tonight. What I'd like to do is take a look at the minutes when they are printed out to see his comments and address it at a further date.

Alderman Dion

I don't think holding it...

Alderman Tollner

That's the motion. So people can vote for it or against it. I'd like to look at a couple of things prior to voting on it. I'd like to hold it, and we can address it again at a later date.

Alderman Williams

Is there any urgency to get this confirmed this evening?

Alderman Tollner

No.

Alderman Williams

So holding it won't...

Alderman Tollner

It won't jeopardize anything.

Alderman Richardson

I understand that you want to take a look at the minutes. I guess having been sitting here and having heard everything that I heard, I don't see the need for myself to read the minutes. I would just assume move on this tonight.

Alderman MacLaughlin

Thank you Mr. Chairman. I'm not going to support the motion to hold. I think the gentleman sat through extensive questioning. The information is still very fresh on our minds. Agree or not, yeah or nay, let's have a vote.

MOTION FAILED

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF JOSEPH GOODMAN, AS AN ALTERNATE MEMBER TO THE PLANNING BOARD FOR A TERM TO EXPIRE MARCH 31, 2007
MOTION FAILED

MOTION BY ALDERMAN DION TO INDEFINITELY POSTPONE THE APPOINTMENT OF JOSEPH GOODMAN
MOTION CARRIED

Review and Comment Commission

Lori Cardin (New Appointment)
77 Marshall Street
Nashua, NH 03060

Term to Expire: December 31, 2008

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF LORI CARDIN TO THE REVIEW & COMMENT COMMISSION FOR A TERM TO EXPIRE DECEMBER 31, 2008
MOTION CARRIED

Zoning Board of Adjustment

Fulton Gaylord, Alternate (New Appointment)
11 Mt. Pleasant Street
Nashua, NH 03064

Term to Expire: September 11, 2006

Rob Shaw, Alternate (New Appointment)
14 Sweet William Circle

Term to Expire: September 11, 2008

Nashua, NH 03062

**MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF ROB SHAW AS ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE SEPTEMBER 11, 2008
MOTION CARRIED**

**MOTION BY ALDERMAN TOLLNER TO HOLD IN COMMITTEE THE APPOINTMENT OF FULTON GAYLORD AS AN ALTERNATE MEMBER TO THE NEXT MEETING IN APRIL
MOTION CARRIED**

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

O-06-01

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David W. Deane
Alderman-at-Large James R. Tollner

REDUCING THE PERCENTAGE OF REVENUE PLACED IN THE CONSERVATION FUND FROM ONE HUNDRED PERCENT TO FIFTY PERCENT

MOTION BY ALDERMAN TOLLNER TO HOLD O-06-01 IN COMMITTEE PENDING THE PRESENTATION BY THE FOREST SOCIETY ON LAND CONSERVATION SCHEDULED BEFORE PERSONNEL ON APRIL 13, 2006

ON THE QUESTION

Alderman Tollner

I had conversations with Alderman McCarthy and Director Hersh. Director Hersh was trying to; I think it was the Forrest Street organization, to come in prior to us voting on this just to give us a presentation. I also had a conversation with Maureen Lemieux. They were prepared to come tonight to speak with us, but I think it's probably more efficient for us to listen to the presentation from Angelo and Mrs. Lemieux as well as a presentation from other individuals. Plus since some members of the Conservation Commission have contacted me over the last couple of weeks, and I did say that our intent was to discuss that legislation at our first meeting in April. I was told this evening that in order for this legislation to pass and be effective, it needs to be passed by the entire Board of Aldermen by or prior to April 1st. What I did was prior to the meeting this evening I looked in the book. What I'd like to do is schedule a personnel meeting and I think the date Maureen I said was March 20th if I'm not mistaken.

Maureen Lemieux

Yes.

Alderman Tollner

As I look around the table here, I know that there will be 4 of us that have to be in City Hall that

evening because it is a Monday night before budget. What I was going to try and do is make the Personnel/Administrative Affairs meeting at 6 p.m. I asked Alderman Deane if he had a problem if it ran over a bit if it did into budget, and he was fine with that. Tomorrow morning I will ask Sue to put this on the schedule for a personnel meeting for March 20th at 6 p.m. Hopefully that's agreeable to people because we do want the legislation either approved by the Board of Alderman – or I should say just acted on one way or another so that we can process it in time to meet the State's requirements.

Alderman Dion

May I ask Mr. Chairman what day of the week this is?

Alderman Tollner

That's a Monday.

Alderman Dion

Thank you.

Alderman Deane

Thank you. I just want to comment on the way things were handled. I didn't hear – this piece of legislation had its first reading on the 24th of January. Last evening around 10:30 the 8th of March, I guess Alderman McCarthy and Mrs. Hersh or whomever; Alderman McCarthy explained to me what they wanted to do. I don't have any problems with listening to testimony or things of that nature. I found it ironic that the night the legislation hit the floor there was frantic phone calls being made to everybody and their brother about it. The endorsers of the legislation aren't contacted at all about what other people's plans are. I believe knowing full well that there's an April 1st deadline. I think these folks had plenty of time to get their act together to call people in for discussion and they didn't do it. It wasn't done. I really take exception to the fact of what went on. I think it is wrong. We've not only inconvenienced Mrs. Lemieux, Mr. Marino – it just isn't right. In the future Mr. Chairman, this isn't going to continue – I'm not going to allow this to continue to happen. If people want to stay on top of things and bring folks in for discussion I'm all for that. I want to hear everything everybody's got to say. It's been about a month and a half and people had ample opportunity to schedule whomever they wanted to bring in for discussion on this topic. I look at April 1st and the timeline there and then what might happen with the legislation between now and then, and full Board meetings, and it just grants all sorts of opportunities for other scenarios to come up. I think it is wrong. I mean the legislation had its first reading and it went through the process. I just don't like the fact hearing about it at 10:30 at night the evening before the meeting. That's wrong.

Alderman Tollner

Thank you Alderman Deane. I'll take responsibility. I will say a week or a week and a half ago Alderman McCarthy spoke to me about that. I was unaware of the deadline about an hour ago myself. Maybe other people were aware of that deadline. I wasn't. I will take responsibility for not – as an endorser myself not letting you know. I'll apologize for that. As far as the other comment, I will look into those and we'll take care of the legislation at our next meeting.

Alderman Dion

If there's a deadline, you say April 1st is the deadline?

Alderman Tollner

April 1st, correct.

Alderman Dion

Okay. So if we have a meeting on the 20th of March, which will be on a Monday...

Alderman Tollner

Right.

Alderman Dion

We will act that evening on this legislation one way or the other is that it?

Alderman Tollner

Yes.

Alderman Dion

And then...

Alderman Tollner

At the full Board meeting...

Alderman Dion

The full Board will have it on their agenda for the last meeting in March?

Alderman Tollner

Yes they will.

Alderman Dion

There's enough time there?

Alderman Tollner

Yes, sir. That's why I picked the 20th.

Alderman Dion

Thank you.

Alderman Deane

There's still that time frame in which the Mayor has veto capabilities, right? The seven days?

Alderman Tollner

Yes. The Mayor could veto any legislation in 7 days.

Alderman Deane

Within 7 days. So Mrs. Lemieux where does that leave us? If you happen to know the answer to that question. Do you have the exact date of when if we went to the 20th – if we went to the 20th of March, when's the next full Board meeting?

Alderman Tollner

The 28th.

Alderman Deane

The 28th.

Alderman Tollner

Yes.

Alderman Deane

And there's 31 days in March. So that's 4 days beyond the 7 that the Mayor has to veto. Does Mrs. Lemieux have any comments?

Maureen Lemieux

Thank you. I do know that the Mayor I would certainly expect would not veto this. The Mayor is very much in favor of this legislation. I believe he's also one of the endorsers.

Alderman Tollner

Yes he is.

Maureen Lemieux

He's very much in favor of this.

Alderman Deane

Stranger things have happened. You know what I mean. The legislation is associated with some balance. That's all it is, is balance with the Conservation Commission. Right now they are sitting on \$1.9 million. I have a spreadsheet somewhere of the monies they have. Low and behold, I never knew it, but \$40,000 of that money was transferred out and used to purchase some of this rail trail out here. I always looked at the conservation funds as money to purchase open wooded land to leave in its natural state. There was portions of that money used for consulting services and things of that nature.

Alderman Tollner

Alderman Deane I share your concern about the Mayor's opportunity for a veto. However...

Alderman Deane

Now have you scheduled this meeting not knowing full well whether all of the folks are going to be available to come in – the Conservation Commission, the NH Tree Alliance that they're bringing in here?

Alderman Tollner

I'm more concerned of this board in total and have an opportunity to pass this legislation by April 1st. If they cannot make it – it was just a courtesy that we had offered them to discuss this at a later date, I will contact Mrs. Hersh; I will contact members of the Conservation Commission tomorrow through the aldermanic office and let them know that the meeting instead of April will be March 20th. Put it this way, I don't want to assume that some of those people knew that if this legislation wasn't passed by April 1st it would be dead. But having that information in front of this evening for the first time, we're going to have the meeting on the 20th. If they want to come and make a presentation, they can. But I think it is more important for us to have the ability to pass this legislation or act on it one way or the other in order to meet the deadlines of the State than it is if – they'll just have to change their plans.

Alderman Deane

I agree with Alderman Tollner, but I don't want to end up operating in the same manner in which has already happened with this by not allowing those who want to have some discussion on this piece of legislation the opportunity to do so. It seems like since we've been kind of pushed into the corner because of what went on, we may lose our opportunity to pass it. I think it's only fair to allow those who might not like this legislation to come in and testify against it, or for it, or whatever people want to do. I just think what was done was inappropriate.

Alderman Tollner

They have 11 days between now and the meeting. So I'll send a memo out tomorrow.

Alderman Deane

And if they can't make it oh well?

Alderman Tollner

If they can't make it, we're going to tell them this is the date we're going to have the meeting.

Alderman Deane

I hope they can make it.

Alderman Tollner

I hope they can make it too.

Alderman Deane

I think it's important that they are here.

Alderman Tollner

Some comments were made earlier this evening. Maybe some of those people knew that the April 1st deadline was the date and they said well no problem we'll meet on April 9th. I just received that information this evening. We'll make it the 20th and see what happens.

Alderman Deane

You also have to understand we didn't make the bed, they did.

Alderman Tollner

Agreed. Thank you.

Alderman Williams

Is it possible to have the meeting Monday the 13th and get on the agenda for the 14th?

Alderman Tollner

I'm going to be out of town myself Monday, Tuesday, and Wednesday.

Alderman Deane

Who's the vice chair?

Alderman Tollner

Vice Chair is...

Alderman Deane

First meeting, I'm sorry, that's was a trick question.

Alderman Tollner

Come on now; try to work with everybody.

Alderman Deane

I think its Alderman Dion.

Alderman Dion

How soon they forgot.

Alderman Tollner

You cast such a shadow over Infrastructure that – there's other meetings on the 13th, that's why I picked the ...

Alderman Deane

There's a budget meeting.

Alderman Tollner

Right. I'm going to pick the 20th and we'll see if they can make it. If they can't make it, we'll...

Alderman Deane

We'll do it on the 13th?

Alderman Tollner

If they can't make it, then we could do it on the 16th. But I think the 20th gives them plenty of time to make arrangements. So that's what we'll do.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO GO BACK TO THE REGULAR ORDER OF BUSINESS

MOTION CARRIED

PUBLIC COMMENT

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 9:27 p.m.

Alderman David MacLaughlin
Committee Clerk