

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
SOUTHERN DISTRICT**

**SUPERIOR COURT
No. 2023-CV-00177**

Laura Colquhoun and Laurie Ortolano

v.

City of Nashua

ORDER

The petitioners, Laura Colquhoun and Laurie Ortolano, have brought this pro se action against the City of Nashua (the “City”) seeking access to a variety of records pursuant to RSA 91-A. The Court held a final hearing on this matter on May 17, 2023. After considering the record, the arguments, and the applicable law, the Court finds and rules as follows with respect to each of the records requests at issue.

I. Capital Campaign Committee Meeting Minutes

In the petition, Ms. Ortolano seemed to be seeking meeting minutes of the “Capital Campaign Committee.” (See Pet. ¶¶ 10, 11.) However, at the beginning of the hearing, she informed the Court that she was “going to skip that” issue as it was “covered in” another case she currently has pending before Judge Temple. (Trial Tr. at 9.) The Court therefore need not address this issue.

II. Conway Ice Arena Commission Meeting Minutes

On January 23, 2023, Ms. Ortolano visited City Hall and reviewed the meeting minutes for the Conway Ice Arena Commission (“CIAC”). She discovered that “[t]he minutes were not current and the records contained in the binder were more than a decade old.” (Pet. ¶ 13.) On January 28, 2023, Ms. Ortolano sent an e-mail to the CIAC using an address that is provided on the City’s website, in which she stated:

Under the Right-to-Know law please provide me with the following records. The recorded minutes from the last 5 Commission Meetings and the Proposal, drawings, and documents given to the City by the Arena to support the expansion of Conway Arena adding a second sheet of ice and expanding the locker rooms in support of the Riv Ice Hockey Program.

Thank you for your response to this matter.

(Ex. 4.) Ms. Ortolano received no response to this e-mail. At the merits hearing, the petitioners spent little time on this claim. The City likewise did not spend substantial time addressing this issue, but its attorney did make an offer of proof that the City could not “identify any document that exists that’s been asked for that hasn’t been provided to the [petitioners].” (Tr. Trans. at 46.) Based on the City’s offer of proof—which the petitioners did not contest—the Court finds there are no responsive records to Ms. Ortolano’s January 28, 2023 Right-to-Know request concerning CIAC records. As the Court has no basis to order the City to produce records that do not exist, the Court cannot find that the petitioners are entitled to relief on this claim.

III. Cable Television Advisory Board Minutes

On April 11, 2023, Ms. Ortolano sent an e-mail to the Cable Television Advisory Board (“CTAB”) using an address provided on the City’s website. This e-mail stated:

I am requesting a response from a Board member. Is the 2006 Policy and Procedure Manual on the City website CTAB page the most current document available to the public? If there is a more current version, please provide a copy and please respond to the records request so I know the information online is the most current.

(Ex. 8.) Ms. Ortolano received a response from the City on April 20, 2023, shortly after filing this petition, in which the City indicated that the 2006 Policy is the latest policy.

(See Ans. Ex. A.) As the City has responded to this request and has indicated that there are no additional responsive records, the Court finds this issue MOOT.

IV. 2017 Ethic Review Committee Minutes

On April 10, 2023, Ms. Ortolano went to City Hall to inspect the meeting minutes for the 2017 Ethic Review Committee (“ERC”). There were no minutes for that year. Rather, the only sets of minutes were from ERC meetings in 2006 and 2012. However, Ms. Ortolano had previously made a Right-to-Know request for the 2017 ERC minutes in January 2023 and received them directly from the City. (See Ans. Ex. B.) As Ms. Ortolano already has the records she seeks, this issue is MOOT.

V. Housing Trust Fund Committee Minutes

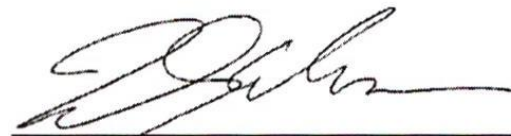
The City formed the Housing Trust Fund Committee (“HTFC”) in 2022. Although the City’s website showed that the HTFC met on January 30, 2023 and February 13, 2023, there were no posted minutes for those meeting dates as of April 2023. After discovering this, Ms. Ortolano sent an e-mail to the President of the Board of Aldermen, Lori Wilshire, and another alderman on April 12, 2023. This e-mail stated:

Has the [HTFC] met yet and who is the Board member assigned to the committee? I am trying to find minutes because meetings are posted on the agenda page but not on the calendar. I am trying to figure out if they have met and how to contact them. If you have an email address, please forward it.

(Ex. 9.) Ms. Ortolano did not receive a response to this e-mail by the date she filed the petition. However, at some point—the record is not clear when—the City updated its website and the minutes for the HTFC’s January 30, 2023 and February 13, 2023 meetings are now posted. Thus, this issue is MOOT.

So ordered.

Date: July 6, 2023



Hon. Jacalyn A. Colburn,
Presiding Justice