

A regular meeting of the Board of Aldermen was held Wednesday, January 12, 2005 at 7:30 p.m. in the Aldermanic Chamber.

President Brian S. McCarthy presided; City Clerk Paul R. Bergeron recorded.

Prayer was offered by City Clerk Paul R. Bergeron; Alderman LaRose leading in the Pledge to the Flag.

President McCarthy

I would like to remind the members of the Board and of the audience to turn off cell phones and pagers, and if you must use them to please leave the room quietly before doing so.

The roll call was taken with 13 members of the Board of Aldermen present; Aldermen Gage and MacLaughlin were not in attendance.

President McCarthy

Alderman Gage has a work commitment, and Alderman MacLaughlin called me to say that due to one of the other employees at his business having an accident on the way to work, he was required to work later this evening.

His Honor Mayor Bernard A. Streeter and Corporation Counsel David R. Connell were also in attendance.

REMARKS BY THE MAYOR

Thank you Mr. President. The Greater Nashua Chamber of Commerce is having its 2nd Annual Eminence Awards luncheon on January 27th. They will choose and honor the city's Business Person of the Year, a Business of the Year, and a Volunteer of the Year from among its membership. So many Chamber members whether it be an individual or a company as a whole give many great things to their industries and the Nashua community and it is very fitting that the Chamber will honor them in this manner.

Congratulations are in order to the finalists. Business of the Year are BAE Systems, C & M Machine Products and Citizens Bank. The finalists for the Small Business of the Year are ActiveEdge, Sadler Insurance Agency and Splash by Masi. The nominees for Business Person of the Year are Hannah McCarthy of Daniel Webster College, Edward Schmid of eCopy, and Kathy Nelson of World Schools. Outstanding Chamber Volunteer of the Year finalists are Richard Jean of Central Realty Alvina Vatalaro of Narcissus II Hair Design, and Susan Vaillancourt of SV Communications. Volunteer of the Year finalists are Timothy Stockman of Island Inkjet, Raymond Noel of NorthEast Planning Associates and Donnalee Lozeau of Southern NH Services.

Director Stefan Russakow of our Public Health & Community Services Division reports that, under the leadership of Bob Mack, the Welfare Department staff provided additional assistance to those in need by coordinating gift programs through the Toys-for-Tots program with the Marine Corps as well as coordinating various other donations from numerous agencies and organizations throughout Greater Nashua.

Director Russakow also reports that the Environmental Health Department will be conducting a Radon awareness campaign again this year. If you want further information, please call the Environmental Health Department at 589-4530.

To date, the Division of Public Health and Community Services has provided over 750 influenza vaccinations to individuals within the Nashua community. Vaccine has also been provided to area Long Term Care Facilities and medical providers to vaccinate their residents and patients at highest risk.

Given the reallocation of available vaccine supplies, Director Russakow has indicated that the division will be conducting another flu clinic open to all Nashua residents in the upcoming weeks. Please check the City of Nashua Website at www.gonashua.com for more information.

Mr. President, I am pleased to report that unemployment in the Nashua PMSA has dropped significantly as of the end of November: from 5.3% last year to 3.9%. After several months of lagging behind, Nashua's unemployment rate is now far closer to the State average of 3.2%. However, this was before today's announcement from Teradyne that they are laying off over 200 employees from their Nashua facility. Over the past month, significant job growth has been seen in Trade, Transportation & Utilities, Retail, Financial Services, and Health and Education.

We have been notified that the IPBM Building on NE Boulevard has been sold to Harvey Industries. As you know they manufacture replacement windows. The IPBM building is one of the largest vacant industrial buildings in the City and has been vacant for some time.

I just became aware that Transparent Languages has recently moved to Murphy Drive in Nashua from their former home in Merrimack. They produce educational software for language instruction. Mike Quinlan, their CEO & founder, is currently chairman of the NH High Tech Council.

From Public Works, Director Rick Seymour, 60 students, teachers and parents from Mt. Pleasant School visited the Four Hills Landfill and Nashua Recycling Center for a tour last month.

The Solid Waste Department is completing specifications for the acquisition of two recycling trucks. Routing, through-put analysis, and demonstration units are being coordinated. In addition, as a temporary measure, the current fleet of non-compaction, curbside sort trucks are being supplemented with the use of rear-load packers for the collection of paper and

commingled recyclables. This allows for increased collection efficiencies resulting from compaction, less trips to the recycling center and more weight per trip.

Nashua High School North has received funding for the purchase of classroom recycling bins for the start-up of a paper-recycling program. The Solid Waste Department has coordinated this program.

The Pride office at Holman Stadium was broken into over New Year's weekend and the Police Department is investigating. The fire sprinkler system at Holman had a malfunction causing the area under the stadium to be taken off line until spring when repairs can be made.

The field lights for Lincoln Park are being delivered this week and they should be installed by the end of January.

Holman Stadium Lead Groundsman, Dan Leblanc, has been named a member this years Super Bowl grounds crew.

The Park-Rec basketball program is back in full force after the Christmas break and they are beginning to plan for the All-Star Tournament.

There were 12 city houses entered in this year's Christmas decorating contest. The top two winners were Roger Duhamel of 52 Perham St. in first place and Sue Williams of 18 Balcome Street in second place. Both homes were extremely well decorated for the holiday season and the winners said they would be back next Christmas season with bigger and better decorations.

Work has begun on the Rotary Pool bathhouse that will include new roofing, repairs to walls, and repairs to truss members.

The CSO 4B Stormwater Treatment and Control Project Phase II storm drainpipe installation from the detention pond to South Main Street is now 80% complete. The installation of the Vortech stormwater treatment unit has begun, and fine grading of the 16th Fairway will be completed and plantings will be installed in the spring.

The undeveloped, 1.8-acre site, located at 315 Main Street, adjacent to Salmon Brook, is currently owned by the State of New Hampshire. Community Development is working with the State of NH DOT to receive an estimated \$235,000 funding for the project. As you have already heard other funding sources include \$100,000 from the Nashua Rotary Club, as well as \$250,000 of HUD Community Development Block Grants. The design and construction schedule is pending the soil findings. The name of the new park tentatively will be either Rotary Park or

Rotary Common.

A parking area for the Hugh Gregg Conservation Area, which includes Lovewell's Pond, is being proposed at the intersection of Route 111A, which is Main Dunstable Road and Old Ridge Road. A six to eight space parking lot with a stormwater treatment Bio-retention facility is being proposed.

Mr. President, your Board sent resolution R-04-151 for the acceptance and appropriation of the \$357,660 HUD grant to the Human Affairs Committee, Board of Public Works, and the Mine Falls Advisory Committee for their recommendations. The Board of Public Works last night unanimously recommends your favorable consideration of this legislation.

The grant application for the almost \$498,000 appropriated for the restoration of Mine Falls Park has been sent to HUD. This grant is expected to be used in part for improvements to the pedestrian/bicycle bridges, trail restoration and additional signage throughout the park.

Mr. President, due to bad weather conditions last Thursday, January 6th, the extended hours for the Motor Vehicle Registration was changed to this Thursday, tomorrow evening until 7:00 p.m. Over the past several months the Motor Vehicle Registration group has been working with Information Technology, re-writing and updating the software package for vehicle registrations. The completion of that project will soon be here and currently employee training is taking place. Following the successful implementation of the new software it is the plan of the Motor Vehicle Registration group and Information Technology to work with the State to implement the on-line registration for renewals program.

The Tree and Ledge Streets Neighborhood Committee of the Livable Walkable Communities Program held a workshop last week to solicit public input on possible improvements to make their neighborhood more livable and walkable. A brochure created by the Committee is on your desks, and details the mission of the organization, the potential projects, and the top priority projects and action steps. Not only will this effort improve the Tree and Ledge Streets neighborhoods, but also it will serve as a model for other Nashua citizens who want to organize and improve their neighborhoods. I guarantee you will be seeing a lot of positive changes initiated by the Tree and Ledge Streets Neighborhood Committee, and encourage everyone's participation and support.

The building maintenance team is currently working with PSNH to perform an energy audit at City Hall and Community Services on Mulberry Street. Our first goal is to convert all lighting to energy efficient units. Following that, we will pursue replacements of older, inefficient HVAC systems with an eye toward replacing them with energy efficient units. Savings in electrical expense will help to pay for the new equipment.

Before you this evening Mr. President is a communication from Carol Anderson, CFO regarding the Two and a half million-dollar Pennichuck Jr. High School Roof Settlement. The funds were

received and deposited on December 23rd and are being held pending the Board's decision on appropriate disposition. Recommendations to the Board are included in the communication.

Originally, \$655,000 was transferred from the Stellos Stadium capital account to the Pennichuck Jr. High School Roof Reconstruction, and I would encourage the Board to replace those funds back into the Stellos Stadium account. It would be my intention to sponsor a Resolution to that effect, and I would invite all Aldermen to sign onto this.

On the evening of January 24, the first meeting of the recently formed Passenger Rail Advisory Committee will take place here at City Hall. The Committee is composed of city residents, businesspeople and public officials to provide a forum for citizens to stay current on the status of the project, share information and serve as a vehicle for citizens to provide input into this critical initiative.

It is also noteworthy that yesterday, key members of our staff, a citizens' representative, and I met with Wayne Davis, a Maine resident who was instrumental in bringing the Downeaster passenger rail service up from Boston to Portland. The Downeaster is one of the most successful new passenger rail initiatives in recent years, and Mr. Davis' insight and assistance will prove valuable as we progress in our efforts. Our staff is continuing to work with state and regional officials, property owners, potential developers and others on many different fronts to keep the passenger rail project moving forward.

And in conclusion Mr. President, due to the negative recommendations the Personnel/ Administrative Affairs Committee, I am withdrawing Leigh Bodington's name from the agenda as a member of the Personnel Advisory Committee. Thank you Mr. President.

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETING

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES THE REGULAR MEETING OF THE BOARD OF ALDERMEN OF DECEMBER 28, 2004, BE ACCEPTED, PLACED ON FILE, AND THE READING SUSPENDED
MOTION CARRIED**

COMMUNICATIONS

**MOTION BY ALDERMAN LOZEAU THAT ALL COMMUNICATIONS BE READ BY TITLE ONLY
MOTION CARRIED**

From: Carol Anderson, Chief Financial Officer

Re: \$2.5 Million Pennichuck Jr. High School Settlement

**MOTION BY ALDERMAN BOLTON TO ACCEPT, PLACE ON FILE AND REFER TO THE BUDGET REVIEW COMMITTEE
MOTION CARRIED**

From: Carol Anderson, Chief Financial Officer

Re: Unexpended High School Bond Proceeds

**MOTION BY ALDERMAN VITALE TO ACCEPT, PLACE ON FILE AND REFER TO THE BUDGET REVIEW COMMITTEE
MOTION CARRIED**

**MOTION BY ALDERMAN ROOTOVICH THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF A COMMUNICATION RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED**

From: Roger L. Houston, Planning Director

Re: Petition for Waiver of School Impact Fees – Fields Grove Flats

**MOTION BY ALDERMAN ROOTOVICH TO ACCEPT, PLACE ON FILE AND GRANT THE PETITION FOR WAIVER OF SCHOOL IMPACT FEES FOR FIELDS GROVE FLATS
MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA – None

PETITIONS - None

NOMINATIONS, APPOINTMENTS AND ELECTIONS - None

REPORTS OF COMMITTEE

Finance Committee.....

01/03/05

There being no objection, President McCarthy declared the report of the January 3, 2005 Finance Committee accepted and placed on file.

Pennichuck Water Special Committee 12/27/04

There being no objection, President McCarthy declared the report of the December 27, 2004 Pennichuck Water Special Committee accepted and placed on file.

Personnel/Administrative Affairs Committee 12/20/04

There being no objection, President McCarthy declared the report of the December 20, 2004 Personnel/Administrative Affairs Committee accepted and placed on file.

Planning & Economic Development Committee 12/21/04

There being no objection, President McCarthy declared the report of the December 21, 2004 Planning & Economic Development Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Auditorium Commission

MOTION BY ALDERMAN VITALE TO CONFIRM BY VOICE VOTE THE FOLLOWING INDIVIDUALS TO THE AUDITORIUM COMMISSION FOR TERMS TO EXPIRE DECEMBER 31, 2007: ARTHUR OLSSON, 169 COBURN WOODS, NASHUA, AND DENNIS SCHNEIDER, 32 CLEARVIEW DRIVE, NASHUA

MOTION CARRIED

President McCarthy declared Arthur Olsson and Dennis Schneider duly appointed to the Auditorium Commission for terms to expire December 31, 2007.

Ethnic Awareness Committee

MOTION BY ALDERMAN TOLLNER TO CONFIRM BY VOICE VOTE THE FOLLOWING INDIVIDUALS TO THE ETHNIC AWARENESS COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2007: DANIEL ARELLANO, 313 BROOK VILLAGE ROAD, #3, NASHUA

**AND CHRISTOPHER KING, ESQUIRE, 15 BEASOM STREET, NASHUA
MOTION CARRIED**

President McCarthy declared Daniel Arellano and Christopher King duly appointed to the Ethnic Awareness Committee for terms to expire December 31, 2007.

Historic District Commission

**MOTION BY ALDERMAN DEANE TO CONFIRM BY VOICE VOTE THE FOLLOWING
INDIVIDUALS TO THE HISTORIC DISTRICT COMMISSION: RANDALL WILBERT, 51
CONCORD STREET, NASHUA, FOR A TERM TO EXPIRE SEPTEMBER 30, 2007, AND
ALTERNATE MEMBER, TIMOTHY S. GLENDAY, 7 LUCIER STREET, NASHUA, FOR A
TERM TO EXPIRE SEPTEMBER 30, 2005
MOTION CARRIED**

President McCarthy declared Randall Wilbert and Timothy S. Glenday duly appointed to the Historic District Commission for the aforementioned terms.

Oath of Office administered to Timothy Glenday by Corporation Counsel.

UNFINISHED BUSINESS - RESOLUTIONS

R-04-119

Endorsers: Alderman-at-Large Paula I. Johnson
Alderman-at-Large David W. Deane
Alderman Kevin E. Gage
Alderman-at-Large David Rootovich
Alderman David D. Lozeau

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE
DATES FOR SUBMISSION AND ADOPTION OF THE ANNUAL BUDGET**

R-04-121

Endorsers: Alderman-at-Large Paula I. Johnson
Alderman Robert A. Dion
Alderman-at-Large David Rootovich
Alderman-at-Large David W. Deane
Alderman David D. Lozeau

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO REQUIRING
THE VOTE OF AT LEAST TEN (10) ALDERMEN FOR THE ANNUAL BUDGET OR**

ANY

OTHER APPROPRIATION

Given its fourth reading;

MOTION BY ALDERMAN JOHNSON THAT R-04-121, AS AMENDED, BE PLACED ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION AND THAT COPIES OF THE PROPOSED AMENDMENT AND A SUMMARY THEREOF BE MADE AVAILABLE TO THE PUBLIC IN THE CITY CLERK'S OFFICE AT LEAST TWO WEEK'S PRIOR TO THE ELECTION

ON THE QUESTION

Alderman LaRose

Wasn't this held in committee? Shouldn't it be taken off the table?

President McCarthy

No it was not. It was held at the Board for a public hearing that was held on Monday evening.

Alderman LaRose

Thank you.

MOTION BY ALDERMAN TOLLNER TO RE-REFER R-04-121 TO THE PERSONNEL/ ADMINISTRATIVE AFFAIRS COMMITTEE

ON THE QUESTION

Alderman Tollner

First and foremost there is no rush to approve this particular piece of legislation since I think the most appropriate place for this if we were to put it before the voters would be as suggested by the City Clerk the other night at the Public Hearing, at the municipal election in November. The primary reason for my referring it back to the Personnel Committee is that I think that is probably the best place to have this discussion again. When this piece of legislation was originally introduced I know myself and at least two or three other Aldermen that were in support of it thought that the legislation was directed at the Spending Cap and the intent of what some of us think when the voters voted on the Spending Cap that 2/3 of the Board of Aldermen in some people's mind meant at least 10 Aldermen. I am of that opinion, and would support this legislation if that was indeed the only result of this legislation.

Two days ago with the President of the Board of Aldermen we did speak with Corporation Counsel because I had received some phone calls. Basically the gist of this particular legislation if it was passed would be that we would need 10 members of this Board to approve a budget regardless of whether we overrode the Cap. Suppose there were 9 Aldermen here that wanted

a budget that cut a million dollars next year over the bottom line in comparison to this year's budget, we would need 10 Aldermen to approve that budget. If we were to approve a level budget you would still need 10 Aldermen to approve that budget. If we wanted to add 1% to the budget, considerably under the Cap, we would need 10 members of the Board of Aldermen to approve that budget.

Of course we could have the dialogue here at the full Board. In discussions with the President and a couple of members of the Board the other night, probably the most appropriate place would be at the Personnel/Administrative Affairs Committee.

That is why I make that motion tonight not to derail the legislation, but to get a clearer understanding and go back to the original intent. Thank you.

Alderman Deane

First and foremost to me this is a very important piece of legislation. If there is an instance where there are issues associated with the understanding of what the legislation is about, then I thoroughly agree with Alderman Tollner that it should go back to committee for further discussion. The last thing I want to see is a legal opinion rendered on the language of this piece of legislation as has been done in the past. I thank Alderman Johnson for bringing this piece of legislation forward. It is good. As Alderman Tollner had stated there is no sense of urgency. I would just assume sit in the Personnel Committee and have some open dialogue with this so that everyone understood the language that – what we are going after with this piece of legislation. I will support re-referring it. Thank you.

Alderman Lozeau

I too feel it is very important to get the language right the first time. I would pose this question – have we ever passed a budget that doesn't exceed the Spending Cap?

Alderman Bolton

Yes.

Alderman Tollner

Yes 2 or 3 times.

Alderman Lozeau

Thank you.

Alderman Bolton

Every single time.

Alderman Johnson

I think that is sad because the law is the law. I put this through, and I think it is sad that we had a public hearing on Monday, people in the audience except for one person all were in support of this legislation, now we are sending it back to committee because we don't think really that the voters have an idea of what this whole thing is about. This is right whether you vote the budget up, down, or indifferent. There should be 10 Aldermen. We all should be here almost a full Board. I was one of the ringleaders I guess I should say with the Spending Cap, the original one, and how many signatures I was out there getting. The whole intent all the time was 2/3 of the Board of Aldermen, at least 10 members to be here. Alderman Tollner you know about it. Alderman Rootovich you knew about it. Alderman McCarthy knew about it back then when all of these petitions were going around. I don't think there was a doubt in anybody's mind what the intent of the legislation for the Spending Cap was all about. Now after the Public Hearing, after you see the people sitting in the audience, they all wore badges, 10 years, and I was saddened that everybody didn't get up to speak, but 10 years on the badge said enough to me. They were here in support, and now we are sending it back to committee. These questions should have been asked prior to the Public Hearing or when it say in your committee Alderman Tollner and it wasn't.

Alderman Tollner

We can have this dialogue in committee if we like, however, when it was presented in committee it was positioned that this legislation was to go back and not have 2/3 of the members of the Board of Aldermen needed to override the Cap, it was presented that just 10 members of the Board of Aldermen had to vote in favor of overriding the Cap. There was no discussion by the endorser or anybody else at the committee meeting that you needed 10 members period. Basically what that means is it gives the minority the majority power. I made a motion earlier to send it back to committee. The discussion I had with Alderman McCarthy the other night was to try and not have the dialogue here. If we want to have it here that is fine, but that is why I made the motion.

Alderman Dion

I am one of the endorsers of this Charter amendment. I certainly want to see this piece of legislation passed. I certainly don't want to see it killed. I am of the same opinion as Alderman Tollner. When this was brought up it was to have a 10 vote of the Board of Aldermen to pass the city budget. Now the language I saw in the draft was – there was not any other appropriation. I didn't endorse that language. I believe that is the language Alderman Tollner is talking about and Alderman Deane is talking about. I think the proper place to do it is in the Personnel Committee. If you people want to discuss it and debate it here tonight it will take a couple of hours. If you want to do it here tonight that is fine with me too, but I will support the

motion to re-refer it and have it discussed at the committee level then come in with their recommendation. Thank you.

Alderman Plamondon

I too will support re-referring it back to committee. I also was on the Board at the same time with Aldermen Rootovich, McCarthy, and Tollner when we first had an opinion of counsel at that time that the 10 sitting members of the Board needed to be here to pass overriding the Cap. It was not to approve the entire budget. I also would like to see a clear focus and direction on this so that we have clear opinion and a good piece of legislation to move forward. Thank you.

**MOTION BY ALDERMAN ROOTOVICH TO MOVE THE QUESTION
MOTION CARRIED**

President McCarthy

The motion before us is that of re-referring R-04-121 to the Personnel/Administrative Affairs Committee.

MOTION CARRIED

Resolution R-04-121 re-referred to the Personnel/Administrative Affairs Committee

R-04-155

Endorser: Alderman Kevin E. Gage

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE
APPOINTMENT OF THE MAYOR'S ADMINISTRATIVE ASSISTANT**

Given its second reading;

**MOTION BY ALDERMAN LAROSE TO AMEND R-04-155 IN ITS ENTIRETY BY REPLACING
IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

ON THE QUESTION

President McCarthy

Could somebody reiterate what the changes are on the Golden Rod copy?

Alderman Tollner

I think the gist of the changes were to add he/she. In the original legislation submitted by Alderman Gage it was just he. Well of course it should be he or she. That was the change to the amended version.

President McCarthy

Is there any further discussion?

Alderman LaRose

What Alderman Tollner said is correct, however, when you read through it there are other portions where it just says he or his. "Such other duties as may be prescribed in this Charter or required of him." It seems to me that if we are going to do he/she we should do him/her. There are a couple of spots in here that have that.

MOTION BY ALDERMAN BOLTON THAT THE GOLDEN ROD COPY BE FURTHER AMENDED SO THAT EVERYPLACE WHERE HE/SHE EXISTS OR ANY OTHER PRONOUN THAT INDICATES A GENDER EXISTS BE DELETED AND REPLACED IN THE FIRST AND EVERY SUCCESSIVE ODD NUMBERED INSTANCE WITH HE OR SHE, HIM OR HER, HIS OR HERS AS NECESSARY TO MAKE IT GRAMMATICALLY CORRECT, AND IN THE SECOND AND EVERY SUCCEEDING EVEN NUMBERED INSTANCE THAT IT BE REPLACED WITH SHE OR HE, HER OR HIM, HERS OR HIS AS NECESSARY TO MAKE IT GRAMMATICALLY CORRECT
MOTION CARRIED

President McCarthy

The discussion before us is that of amending R-04-155 in its entirety with the amended Golden Rod copy.

Alderman Tollner

There are those individuals that haven't had a chance to read the minutes. Basically what the intent is was to give the Mayor the authority to appoint his/her own Administrative Assistant without having to come before the Board of Aldermen for approval. That is pretty much the basis of the legislation.

President McCarthy

Is there any further discussion of the motion to amend?

MOTION CARRIED

MOTION BY ALDERMAN LAROSE THAT R-04-155, AS AMENDED, IS NECESSARY AND THAT A PUBLIC HEARING BE SCHEDULED FOR TUESDAY, FEBRUARY 8, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER

MOTION CARRIED

Division Taken 7/6

R-04-156

Endorser: Alderman Kevin E. Gage
Alderman Marc W. Plamondon
Alderman Robert A. Dion

SUBMITTING TO THE VOTERS AT THE NEXT MUNICIPAL ELECTION THE QUESTION OF WHETHER TO CHANGE FROM A POLICE COMMISSION APPOINTED BY THE GOVERNOR AND COUNCIL TO A POLICE COMMISSION APPOINTED BY THE MAYOR AND BOARD OF ALDERMEN

Given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR INDEFINITE POSTPONEMENT OF R-04-156
MOTION CARRIED**

Resolution R-04-156 declared indefinitely postponed.

UNFINISHED BUSINESS – ORDINANCES

O-04-64

Endorsers: Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson

REQUIRING THAT THE CITY SEAL BE PLACED ON ALL CITY-OWNED AND LEASED VEHICLES FOR IDENTIFICATION

Given its second reading;

**MOTION BY ALDERMAN DEANE TO AMEND O-04-64 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA
MOTION CARRIED**

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-04-64 AS AMENDED

ON THE QUESTION

Alderman Vitale

Was there anybody from any of the departments that asked that this not be done for any reason?

Alderman Deane

The Fire Chief was the only one that didn't want to comply to it. What was done was the sentence was added in there that the vehicles deemed appropriate by the Nashua Fire Rescue Chief I believe – I forget who made that amendment. It was either Alderman LaRose or Aldermen Tollner.

Alderman Tollner

I think the Chief said that he would have some magnetic signs to put on the vehicle when he thought it was the appropriate time.

President McCarthy

Is there any further discussion?

MOTION CARRIED

Ordinance O-04-64 declared duly adopted as amended.

NEW BUSINESS – RESOLUTIONS

R-05-164

Endorsers: Mayor Bernard A. Streeter
Alderman Lori Cardin
Alderman-at-Large James R. Tollner
Alderman Marc W. Plamondon

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$2,000 FROM COMMUNITY HEALTH INSTITUTE (CHI) INTO SPECIAL REVENUE ACCOUNT #341- 6403 “NEW HAMPSHIRE TURNING POINT INITIATIVE”

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

R-05-165

Endorsers: Mayor Bernard A. Streeter
Alderman Lori Cardin
Alderman-at-Large James R. Tollner
Alderman Marc W. Plamondon

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$63,125 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF JUSTICE, INTO SPECIAL REVENUE ACCOUNT #331-6207 “DOMESTIC VIOLENCE UNIT 05 FUNDS”

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

MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE FIRST READING OF A RESOLUTION RECEIVED AFTER THE AGENDA WAS PREPARED

MOTION CARRIED

R-05-166

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large James R. Tollner
Alderman-at-Large Steven A. Bolton

Alderman Kevin E. Gage
Alderman Rob Shaw
Alderman Marc W. Plamondon
Alderman-at-Large Brian S. McCarthy
Alderman Kathryn D. Vitale
Alderman Lori Cardin

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF FIVE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$5,800,000) FOR THE CONSTRUCTION OF A FIRE STATION AND ASSOCIATED SITE IMPROVEMENTS

Given its first reading;

MOTION BY ALDERMAN TOLLNER TO ASSIGN R-05-166 TO THE BUDGET REVIEW COMMITTEE AND THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, FEBRUARY 7, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER BY ROLL CALL

ON THE QUESTION

Alderman Rootovich

Not that it makes a difference – I really don't care, but I am just wondering why the Resolutions for bonding now go to Budget. They were always going to Finance in prior years.

President McCarthy

It is my interpretation with some advice from Counsel that the purpose of the Finance Committee by Charter is to assure that the expenditure of funds from our system of accounts meets with our expenditure regulations, and that in fact by Ordinance the handling of legislation that contemplates expenses in the future is the province of the Budget Committee.

Alderman Rootovich

This is from Corporation Counsel or bond council?

President McCarthy

It is my interpretation of the Ordinances having consulted with Corporation Counsel at various times in the past.

Alderman Rootovich

I don't necessarily agree with you Mr. President, past practice – again I don't think it really matters, but if that is the reasoning – I don't think Corporation Counsel has been on board with this administration for how many years and this has never been brought to our attention. If it

was a significant concern I would assume that he would have said something prior. Being that he did not it is as it is I guess.

Alderman Bolton

It is not that it is any significant concern. It is just what it is. The appropriation of money in the future is in the province of this Board. It ought to be referred to one of this Board's standing committees. The Budget Committee is a standing committee of the Board of Aldermen. The Finance Committee is not a standing committee of the Board of Aldermen. The Finance Committee is created in the City Charter to oversee the expenditure of funds, which have been appropriated. It is just that simple. The Mayor has a vote in the Finance Committee, which is appropriate. The Mayor does not have a vote in standing committees of the Board of Aldermen, which is also appropriate because the Mayor gets to weigh in later on with his veto power if the Board of Aldermen passes a measure. We ought to refer almost no resolutions, almost no ordinances to other than standing committees of the Board of Aldermen because we ought to be doing the work.

Alderman Lozeau

I would also ask that this be sent to Infrastructure. I don't think there is any question that a \$6 million fire station affects the infrastructure of the city and would ask that it is also referred to the Infrastructure Committee. Thank you.

President McCarthy

Would you like to amend your motion to reflect that Alderman Tollner?

Alderman Tollner

I have no problem if between – if Corporation Counsel thinks that is appropriate. The public hearing will be held by the Budget Committee. Basically what we are doing right now is discussing the bond. If the bond is indeed approved by the Board and the construction and stuff like that, that might be the time that the fire station be forwarded to the Infrastructure Committee. I am comfortable either way I just want to make sure we are not duplicating – basically what this piece of legislation is is for the bond. If we refer it to the Infrastructure Committee right now and after the public hearing it comes back and this Board approves it then by all means it should go to Infrastructure.

Alderman Rootovich

Based on Alderman Bolton's recommendation I would have to assume that all labor contracts now would also go to the Budget Committee?

President McCarthy

We have been sending them to the Budget Committee because we are not approving the contract we are approving the cost items, which are a future year commitment.

Alderman Rootovich

Okay.

Alderman Tollner

Maybe Corporation Counsel can provide some guidance.

President McCarthy

Attorney Connell is it appropriate to refer it to multiple committees?

David Connell

It is absolutely at your discretion. As Alderman Bolton explained the Finance Committee has certain core responsibilities overseeing the expenditure of appropriated money. Beyond that over the years and decades additional tasks have been assigned to it, which can but need not be assigned to it. You can assign these Aldermanic matters to whichever committee you want to or a combination of committees.

AMENDED MOTION BY ALDERMAN TOLLNER TO ASSIGN R-05-166 TO THE BUDGET REVIEW COMMITTEE AND THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, FEBRUARY 7, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER AND ALSO TO REFER R-05-166 TO THE INFRASTRUCTURE COMMITTEE BY ROLL CALL

ON THE QUESTION

Alderman Tollner

We have done this a few times and it is fine to get it moving, but there are a couple of other pieces of legislation that we referred to like 4 or 5 committees and it gets bogs the legislation in committee where 2 or 3 committees may approve it and 1 doesn't. That is fine.

Alderman Deane

I feel it only appropriate to send it to the former Lands & Buildings Committee. That is part of the process that committee oversees. I think using the word bog is somewhat inappropriate. I would say Alderman Tollner that you are the thrust and driving force behind this. What I would like to understand is how the interest only in '07 and the rest of the debt was pushed out to '08. That is the fiscal note on the back side of the legislation.

President McCarthy

Alderman Deane it actually has been common practice with us to let bonds in the second half of the year so that in the fiscal year in which the bonds are let we pay only a half year interest payment and the first full principal and interest payment is deferred to the second year of the bond.

Alderman Deane

We are just pushing the debt out further then. Thank you.

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

Yea: Alderman Tollner, Alderman Vitale, Alderman LaRose, Alderman Cardin, Alderman Deane,

Alderman Plamondon, Alderman Shaw, Alderman Lozeau, Alderman Dion, Alderman Rootovich, Alderman Johnson, Alderman Bolton, Alderman McCarthy

13

Nay: 0

MOTION CARRIED

Given its first reading; assigned to the Budget Review Committee and the Committee on Infrastructure

-
NEW BUSINESS – ORDINANCES

-
O-05-69

Endorser: Alderman Marc W. Plamondon

ADOPTING TRAFFIC CALMING MEASURES ON CHESTNUT STREET BETWEEN CENTRAL STREET AND WEST HOLLIS STREET

given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President McCarthy

-
PERIOD FOR PUBLIC COMMENT - None

-
REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Johnson

First of all I just want to let the people know in the city about the bus stops. We are having a hard time cleaning them because this year streets were not cleaned – Northeastern Boulevard, like Mr. Pollard had done for me in the past years. We are now looking hopefully to get an RFP out to get the bus stops clean, which should have been done at the beginning of the year because we have elderly and handicapped people who ride the bus. If ridership goes down it is because we don't have clean bus stops. I just want to let everyone know that I have spoken to Mrs. Hersh and we are in the process of trying to get this matter resolved. I want to say that Mark Sousa in the Mayor's office has been very helpful to me. The people that have called me I can only say that we are working on it, and I apologize that people cannot get on the bus. This should have had companies out there plowing the bus stops rather than waiting until after the snowfall comes and we have snowbanks.

Also, I just want to read a letter that I think all of the Aldermen have received this week. I will just read basically part of it. The person wrote basically saying that after they read in the Nashua Telegraph on December 13th it has come to that person's attention that we are in the process of making a decision to produce a law concerning the use of city vehicles. "After Mayor Bernie Streeter's automobile accident it was brought to the public's attention that the city vehicle was being used for purposes other than business. I agree with many citizens in saying that this is unfair and should be stopped. This situation shows that the citizens' tax money that is going towards a car for city business related purposes is not used for our benefit whatsoever. It seems very unreasonable that our tax money is going towards transporting our Mayor or other city workers to leisurely events. The Nashua Telegraph article also reveals that Paula Johnson had a proposal to allow the Mayor and other city officials to use their city supplied vehicles for business related purposes only, and that wouldn't include commuting to and from home. I think that this is a very good solution to the problem that must be dealt with. As David Deane proposed, a city vehicle should support a seal. This would help enforce the law by preventing the city workers to use the car to a location for reasons other than city business." I wanted to read part of that into the record.

Also the Mayor talked about Teradyne laying off 200 workers. Also in the paper this weekend there were letters to the Editor on Thursday regarding the taxes. Very interesting people are getting fed up with the cost of their taxes rising especially when we are having layoffs. The economy isn't as good as it has been. The Telegraph also printed health insurance costs. I commend the Telegraph. Thank you for doing this. I think the citizens of Nashua have a clear picture on costs of insurance.

There was another article that really struck me – Nashua Government Must Quit Extravagant Spending – I just want to read a little bit of this article in case people did not get the chance to see it in the paper. This person is right on – I hate to say the money, but the person is. "About a year ago my published letter regarding the Federal Social Security Cost of Living Adjustment

outlined that the increase for 2003 was 2.1%, however, after Medicare and Anthem supplement premium increases were deducted we were left with \$7.63 per month and \$91.56 more for the year 2004. For the year 2005 the figure will reduce to \$6.33 and \$75.96 based on 2.7% for 2004 less the premium increases. Well as you know Nashua reassessed properties. In my case, an increase of \$29.44 for my property tax increase of 5.3%, \$320.56. Nowhere near the above 2.1% and \$91.56. Yes my property is worth the assessment, but not until it is sold. What is wrong is how the tax rate got to \$19.85. It got there because residential property had to make up for vacant commercial property even though the building replacement cost hasn't decreased. Gee I wonder if the building insurance cost went down also. Those building owners rushed to build in Nashua and still ought to make their fortunes, but the bubble broke and now the residential owners are supposed to make up for their loses. " It basically goes on. I am happy to see that more and more residents although they are not coming out to our meetings they are sending their opinions to the paper. Basically it has got to stop. It has to stop – the spending because these people cannot afford it anymore in this city. When their Social Security goes up 2.1% and then they have to give back to Medicare and supplemental insurance they pay more than what they are getting. If people have not read this article it was in the paper Sunday, January 9th. I comment the Telegraph for putting in a long article like this in the paper. I am glad our constituents are really sending the letters in. Thank you.

Alderman Lozeau

At the beginning of tonight's meeting we accepted a communication from Roger Houston that caught me a little by surprise that we granted a waiver of the school impact fee for Fields Grove Flat. Does that mean we approved the waiver of the impact fee for Fields Grove Flat?

President McCarthy

Yes we did.

Alderman Lozeau

I don't feel comfortable with that and I would ask to make a motion to reconsider. I for one know nothing about Fields Grove Flats. Is this a non-profit organization? How much is the waiver of the school impact fee, and ...

President McCarthy

Alderman Rootovich would you like to explain the deliberations to the committee?

Alderman Rootovich

We had a discussion on that in the Planning & Economic Development Committee on December 7th. The committee unanimously passed it at that time. There was discussion and it was on the agenda – pending a favorable recommendation from the Planning Board.

President McCarthy

I would point out that our ordinances provide for a waiver of the impact fees only in those cases where the proposed development is anticipated to produce no school aged children.

Alderman Lozeau

Thank you.

Alderman Plamondon

Earlier this evening the Mayor touched upon the Livable/Walkable Community and the Nashua Tree Streets and Ledge Street neighborhoods. I just want to expand a little on it. This is a cooperative extension of the University of New Hampshire. It is part of the New Hampshire Celebrates Wellness Program. Three immediate projects have been targeted. One is to initiate and engage landlords to enhance their buildings and also to provide information to their tenants in English and Spanish to city laws and such. Another project is to assist Park & Rec. to enhance the entrance of North 7th Street entrance into Mine Falls. The third immediate project that the committee is looking at is to assess the needs, wants, and issues of the Tree Streets and Ledge Street neighborhoods in conjunction with the NRPC. This is a pretty active and vibrant and exciting organization that we have started here in Nashua. The focuses are basically to get people out, promoting physical activity, getting people out to get to know each other, providing a sense of community, a sense of comradery, community involvement, to try to foster a sense of ownership amongst community residents, and to have a sustainable

community infrastructure from which this process can continue to live.

Anybody interested in participating in the Livable/Walkabout Community either contact the Chairwoman, Margi Studer at 598-5280 or myself at 889-7876. You are welcome to join us. Thank you.

Alderman Deane

I just wanted to give my opinion on the budget here. Currently we are according to the Mayor's office we are looking at needing total to operate the city this year \$213,500,000. In '07 they are projecting \$221,600,000 – that is with no new bonding. They are projecting a tax rate this year – last year was \$19.85 – this year they are projecting \$20.76 per thousand and \$21.71 in '07. I would just – I really have an interest in understanding what Step 2 of the assessment updating plan is. I guess tomorrow evening at 6:00 p.m. it is a public meeting and I have a number of questions to ask. I would really like to understand that before any more bonding is done or we incur any more debt so we can see how that will transpire with Step 2 of the assessing plan, and I hope tomorrow evening we get those answers. Thank you very much.

President McCarthy

I would actually like to ask our Legislative Assistant whether our discussion with the Board of Assessors is at 6:00 p.m. or 6:30 p.m.

President McCarthy

It is at 6:30 p.m. There was some confusion about that.

Alderman Deane

Why was there confusion?

President McCarthy

It has been reported as 6:00 a couple of places, but the memos that we received are 6:30 p.m.

Alderman Deane

What time was placed in the paper?

President McCarthy

I believe it is 6:30 p.m. That is what is on our calendar.

Alderman Deane

Thank you.

President McCarthy

With regard to that, unless there is someone who has a reason why we need to hold it, I am going to cancel tomorrow night's Ad Hoc IT Committee meeting since I don't believe we have any business to conduct.

... tape flipped ...

Alderman Deane

Joint meeting with the Board of Aldermen/Board of Assessors is that in this room televised?

President McCarthy

It is in 208.

Alderman Deane

Are we going to have it televised?

President McCarthy

It is actually a meeting of the Board of Assessors at which we are invited to.

Alderman Deane

Is it going to be televised?

President McCarthy

No it is not.

Alderman Deane

Why not?

President McCarthy

Because the Board of Assessors whose meeting it is has requested that it not be televised and the administration has not chosen to televise it.

Alderman Deane

Someday we will have some people that understand what the community wants to know and maybe the future Board of Assessors will come visit us.

Alderman Tollner

I understand that it may not be televised, but we will be able to tape it right?

Alderman Deane

I have already arranged to have the microphones and the tape recorders brought in.

Alderman Tollner

Some people on this Board may not be able to be there. I would like to at least have an opportunity to listen to the tape if the minutes aren't transcribed. Thank you.

Committee announcements:

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Alderman Rootovich

The meeting for the Planning & Economic Development Committee we normally have on Tuesday is next Thursday – to make everybody aware of that change that occurred due to scheduling conflicts.

ADJOURNMENT

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MOTION BY ALDERMAN DEANE THAT THE JANUARY 12, 2005 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED

MOTION CARRIED

The meeting was declared adjourned at 8:35 p.m.

Attest:

Paul R. Bergeron, City Clerk