

A regular meeting of the Board of Aldermen was held Tuesday, January 25, 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 Gage leading in the Pledge to the Flag.

President McCarthy

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

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

President McCarthy

Alderman Bolton is attending the Pop Warner Football Awards Banquet, and Alderman Plamondon called to say that he is feeling quite ill, and is unable to be here. I want to wish him a speedy recovery.

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

REMARKS BY THE MAYOR

Thank you Mr. President. This evening, among other things, I would like to comment on some of the great things going on at Mine Falls Park under the direction of city staff and the Mine Falls Park Advisory Committee. As you know this committee is made up of members many of whom have been on the committee for more than a year. They have succeeded in continuing to maintain the park's physical appearance and status as an attraction for family oriented activity. They are also working on the launching of several projects that will upgrade the park. I think it is noteworthy to include the committee members. They include Matt Dalianis, Magnus Pardoe, Cynthia Overby, Paul Keegan, Cheryl Cizewski, James Laliberte, Jodie Michon, Peter Testa, Sherman Sewell, and Sue Camirand along with special consultants Dick Gillespie and Jean Rubin. Certainly special thanks to Karen Keegan who previously resigned as Committee Chair.

In addition to the committee, the city owes a large debt of gratitude to the Honor Society students from

our two high schools who proved to be an energizing force aiding the monthly Trail Day efforts.

In September, U.S. Senator Judd Gregg officially kicked off efforts to improve the park based on the Mine Falls Park Master Plan. This work will be funded by a HUD grant of almost a half million dollars, and the Committee has already started preliminary planning. In conjunction with the Fairgrounds Middle School's Student Historic Preservation Team, a sub-committee selected the engineering team of Louis Berger Group to study how to preserve the gatehouse. Funding of this project is from another HUD grant.

With help from Nick Caggiano, Superintendent of Parks, and the city's legal department, a resolution was approved by the Board of Alderman to place the income from the cell tower in a fund dedicated to park expenditures. The tower is located on park grounds. We now refer to this funding as the trust.

The Army Corp of Engineers completed a draft study of the canal and the millpond and determined that both bodies of water were suffering from pollution and the overgrowth of many species of plants. They presented their preliminary findings and recommendations on how to improve things and are currently working on a final proposal and cost estimate.

The Advisory Committee continues to raise the public's awareness of the park's significance to the citizens of our community.

I'd like to shift attention to the status of the Hunt Building. The Hunt Building Trustees along with Aldermanic liaison member David Deane continue to address problems that have been prioritized by their five-year master plan. New tower windows were installed last year and in the spring the bricks on the tower will be re-pointed as well as the replacing of the roof over the main reading room.

An engineering and architectural firm is working on designs for an upgraded air quality improvement system including air circulation, heating, and air conditioning. The building has been without adequate air circulation or air conditioning for a number of years thus limiting the ability to use the facility for functions during the warmer months. Additional funding sources, including available grant monies, are being pursued by the Hunt Building Trustees to cover this aspect of the project. This building remains an historic symbol of our City's heritage and is listed on the historic register. However, over the past thirty years, the City has been unable to keep pace with needed repairs.

The Hunt Building Board of Trustees headed by Don Marquis is working hard to bring this building back to life and once more make it a place where Nashua citizens can gather year round and enjoy a variety of venues including musical presentations, lectures, and social events.

Regarding the status of the '06 Budget and the ever-pending Education Funding issue, as you know, I have begun my departmental budget meetings with the Division Directors, Boards and Commissions and with 2 exceptions we are complete. I am pleased that most of the

departments have submitted budget requests that fall within my guidelines. The others are close to the 3% figure, and we continue to work with them to achieve as close to my guideline as possible without affecting city services. As you know, I will have the budget ready for your review on February 22nd. FY '06 will certainly be a very difficult year for the City. Once again our education funding is in jeopardy.

Several bills have already been introduced in both the House and Senate, many of which will cause Nashua to lose some funding. We are working diligently on this issue, keeping in constant contact with House and Senate leaders, our local delegation, and we are doing everything in our power to ensure that Nashua's funding level remains intact.

Director Russakow from Public Health and Community Services reports that the Flu season has not peaked in New Hampshire, and it is not too late to get flu shot. Due to the reallocation of flu vaccine, the division will be sponsoring its last community flu clinic tomorrow from 3:00 to 7:00 p. m. at St. Louis Church on West Hollis Street. This clinic will be a walk in clinic for everyone. The division is asking for a \$10 donation for those adults without a Medicare Card. Children, as always, will be vaccinated at no charge.

The first meeting of the Passenger Rail Advisory Committee was held last evening here in City Hall with a full complement attending. Under the chairmanship of Wayne Gagne, the committee is charged with the mission to publicly recognize that restoring passenger rail service in the State of New Hampshire offers a significant economic development opportunity and an important alternative to our congested highways. The citizens of Nashua, the region, and the State have been critical to the success of the steps taken to date and they will continue to be integral to the implementation of passenger rail here in our community.

The Rail Committee recognizes the importance of public awareness and support as they continue to move forward. The committee's purpose is to provide a forum for citizens to stay current on the status of the project and for citizens to provide input regarding potential decisions as the City and State moves in this direction. Membership includes the Mayor, the Director of Community Development, the Economic Development Director, the Director of Public Works, Ward 8 Alderman David McLaughlin, an At-Large Alderman yet to be appointed, the Director of the Nashua Regional Planning Commission, State Senators Joe Foster & Dave Gottesman, 2 State Representatives to be selected by the chair of the Nashua delegation.

The Committee also includes Kit Morgan of the Transportation Division of the New Hampshire Department of Transportation, a Nashua Chamber of Commerce Representative, Planning Board member, Bill Slivinski, and 7 business and citizen representatives including Chair Gagne, former State Senator, Barbara Pressly, former State Representative, Bill Mosher, and local businessman Vincent Tulley.

From the Division of Public Works, the Street Department reports the following in regards to snow removal -- there has been a total of 12 Storms this season. (1 in November, 3 in December and 8 storms in January, so far) with 8 of these storms falling on weekends and/or

holidays. The overall financial impact of the winter storms to date is 85% of the sand & salt budget has already been expended and unfortunately 105% of overtime budget has been expended. I will keep you posted on the status of the snow budget at your next meeting.

The annual Winter Carnival is scheduled for February 26<sup>th</sup> at Roby Park on Spit Brook Road. For more information contact the Parks & Recreation Department.

I would like to compliment the Public Works Street Department for the great job they are doing cleaning our city streets following snowstorms. They worked round the clock this weekend and did an extraordinary job under some tough weather conditions.

Other items relative to Public Works, the \$1.5 million dollar Ledge Street Sewer Separation Project contract has been approved by the Board of Public Works and awarded to Parks Construction. This project is going to the Finance Committee for final approval on February 1<sup>st</sup>.

The proposed 2005 street-paving list has been determined. The Division of Public Works anticipates spending approximately \$1.5 Million on this project. A total of 40 streets have been selected for paving (mostly residential streets). This equates to almost 15 miles of paved roads.

John Parolin of Allstate Insurance Company's Foundation and a member of our city's Park & Recreation Advisory Committee has become a partner with Nashua Fire Rescue in educating 4th graders in our city with a safety program called Risk Watch. Allstate Foundation has donated \$15,000 dollars to assist in purchasing educational supplies that are used in teaching children about all aspects of safety. Every 4th grade class in our city will be visited by Nashua Fire Rescue firefighters who volunteer their time, so to provide a good base of safety education to our children. They and I would like to thank John Parolin and Allstate Foundation for their support to the program. A Resolution accepting the grant is before you this evening under new business.

And with that, Thank You Mr. President.

RESPONSE TO REMARKS OF THE MAYOR – None

## RECOGNITION PERIOD

### **R-05-167**

Endorsers: Mayor Bernard A. Streeter  
Board of Aldermen

### **EXTENDING CONGRATULATIONS TO THE BISHOP GUERTIN HIGH SCHOOL FOOTBALL TEAM FOR THEIR 2004 DIVISION II CHAMPIONSHIP**

Given its first reading;

**MOTION BY ALDERMAN LOZEAU THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-167**

**MOTION CARRIED**

*Resolution R-05-167 given its second reading*

**MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF R-05-167  
MOTION CARRIED**

Resolution R-05-167 declared duly adopted.

READING MINUTES OF PREVIOUS MEETINGS

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES THE SPECIAL MEETING OF THE BOARD OF ALDERMEN OF JANUARY 10, 2005, AND THE REGULAR MEETING OF THE BOARD OF ALDERMEN OF JANUARY 12, 2005, BE ACCEPTED, PLACED ON FILE, AND THE READINGS SUSPENDED  
MOTION CARRIED**

COMMUNICATIONS - None

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA

-  
Roy Hugenberger, 32 Sargent Avenue

Thank you. I am Roy Hugenberger. I have lived on 32 Sargent Avenue in Nashua for the last 16 years. I have attempted to refinance my mortgage and in the process of doing such the mortgage company declined – the legal department of the mortgage company declined because of the Reversionary Clause that is in the deed that goes back to 1878 or something like that. I am asking the Board to approve the elimination of that Reversionary Clause – I don't have the right terminology – I think it is a miniscule act to remove it. I will leave it to Kevin to take it from there. I can't get it refinanced without that Reversionary Clause removed. Thanks.

PETITIONS

A Petition for Street Discontinuance for Havelin Avenue was read into the record.

**MOTION BY ALDERMAN DION TO ACCEPT THE PETITION AS READ, REFER IT TO THE COMMITTEE ON INFRASTRUCTURE AND THE NASHUA CITY PLANNING BOARD, AND SCHEDULE A PUBLIC HEARING FOR WEDNESDAY, FEBRUARY 23, 2005 AT 7:00 PM IN THE ALDERMANIC CHAMBER  
MOTION CARRIED**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

The following Appointments by the Mayor were read into the record:

**Conservation Commission**

Linda Bretz (Re-Appointment)

Term to Expire: December 31, 2007

6 Tomolonis Drive

Nashua, NH 03062

Dr. Melvin B. Meyer (Re-Appointment)

Term to Expire: December 31, 2007

*(Moving from Alternate to Full Member)*

40 Prestonfield Road

Nashua, NH 03064

Mark Newhall (New Appointment)

Term to Expire: December 31, 2007

30 Vespa Lane

Nashua, NH 03064

Miriam Swanson, Alternate (New Appointment)

Term to Expire: December 31, 2006

6 Mayfair Lane

Nashua, NH 03063

**Ethnic Awareness Committee**

Mary J. Febonio (New Appointment)

Term to Expire: December 31, 2007

27 Woodfield Street

Nashua, NH 03062

### **Hunt Building Board of Trustees**

Charles Matthews (Re-Appointment)

Term to Expire: December 31, 2005

17 Shelburne Road

Nashua, NH 03063

### **Parks & Recreation Advisory Committee**

John A. Parolin (Re-Appointment)

Term to Expire: December 31, 2007

28 Preserve Drive

Nashua, NH 03064

### **Personnel Advisory Board**

Pamela Costa (New Appointment)

Term to Expire: June 30, 2005

3 Westray Drive

Nashua, NH 03062

### **TIF Advisory Committee**

Edward F. Gagnon (New Appointment)

Term to Expire: One Year From Date of

BAE Systems

Confirmation

95 Canal Street

Nashua, NH 03064

**MOTION BY ALDERMAN TOLLNER TO CONFIRM BY VOICE VOTE THE APPOINTMENTS OF LINDA BRETZ, 6 TOMOLONIS DRIVE, NASHUA AND DR. MELVIN B. MEYER, 40 PRESTONFIELD ROAD, NASHUA AS FULL MEMBERS TO THE CONSERVATION COMMISSION FOR TERMS TO EXPIRE DECEMBER 31, 2007**

### ON THE QUESTION

Alderman MacLaughlin

Just a question, through the Chair, to Alderman Tollner – has the Personnel Committee had a chance to interview these applicants?

Alderman Tollner

Linda Bretz is a re-appointment so the Personnel Committee has interviewed her in the past, and Dr. Melvin Meyer was interviewed by the Personnel Committee I think as recently as I think about 2 months ago. The reason why – usually re-appointments are not asked to come back to be interviewed by the Personnel Committee unless an Alderman formally makes that request. Dr. Meyer is moving from an alternate to a full-time position. One of the reasons why the motion is being made tonight is I have been told that the Conservation Commission has officers and you need to be a full time member to be an officer. If they don't have officers then they cannot conduct their meetings.

Alderman MacLaughlin

Thank you.

Alderman Johnson

I have some concerns right now that this isn't even going to committee to be able to ask questions all over again on alternate members at this point in time. Given the fact of what just happened with the Conservation Committee and WalMart I am a little skeptical. The Telegraph did an editorial that Mayor shouldn't pack Conservation Board with yes man types. I am really concerned right now over what exactly happened. Kathy Nelson who was a good member resigned and walked away. I am just not comfortable right now moving people up. I really would like to see their resumes again. I know he is on the Conservation – I was on the Personnel probably when these people came forward and maybe it was before my time, but I am really concerned with what is going on here in the city. Thank you.

Alderman Vitale

Having served on the Conservation Commission I have served with Linda Bretz. I believe that there should be no problem in her re-appointment. She has done a good job on the commission. I don't have a problem. I do not know Dr. Meyer. I was not present during his interview. I cannot say anything regarding him. I have not heard anything that at this point would make me say that he should go back for another interview. Thank you.

Alderman MacLaughlin

Through the Chair to Alderman Tollner – would you accept an amendment that we might vote on each of these separately?

Alderman Tollner

I am fine with whatever the will of the Board is.

**AMENDED MOTION BY ALDERMAN TOLLNER TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF LINDA BRETZ, 6 TOMOLONIS DRIVE, NASHUA AS A FULL MEMBER TO THE CONSERVATION COMMISSION FOR A TERM TO EXPIRE DECEMBER 31, 2007**

**MOTION CARRIED**

President McCarthy declared Linda Bretz duly appointed to the Conservation Commission for a term to expire December 31,2007.

**AMENDED MOTION BY ALDERMAN TOLLNER TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF DR. MELVIN B. MEYER, 40 PRESTONFIELD ROAD, NASHUA AS A**

**FULL MEMBER TO THE CONSERVATION COMMISSION FOR A TERM TO EXPIRE  
DECEMBER 31, 2007**

ON THE QUESTION

Alderman Tollner

Just so everybody is aware he was recently appointed and approved by this Board a couple of months ago just as an alternate.

Alderman MacLaughlin

In light of the emphasis being placed on this board because of the departure of their Chairman and perhaps other members, I think it would be important to ask the alternate to appear before the committee to really question this person as to some of their views regarding conservation especially to elevate to a full membership is a very substantial appointment. There will be other appointments to fill the vacancies. I think this board needs some attention, and we need to really look at who is interested in conservation and what their views might be. I am really at this point this evening planning on opposing this vote strictly for that reason. I would like to get to know the applicant better.

Alderman Gage

-

As a member of the Personnel Committee a couple of months ago when we did meet with Dr. Meyer I felt very comfortable after our question and answer period on a couple of different subjects that came up and his responses that I am more than willing to support him in his change from an alternate member to a full member. Thank you.

President McCarthy

Is there any further discussion?

Alderman Deane

I tend to agree with Alderman MacLaughlin – I think we ought to bring Dr. Meyer back and ask him a few questions about his philosophy on serving on the board as well. I don't think it would hurt. I will not be supporting the nomination of Dr. Meyer either.

Alderman Tollner

Given that there are more than one or two comments I have no problem – I was just trying to move this forward. I am comfortable either way – send him back to committee is fine.

**MOTION WITHDRAWN**

**MOTION BY ALDERMAN TOLLNER TO ACCEPT THE REMAINING APPOINTMENTS BY THE MAYOR AS READ AND REFER THEM TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE**

ON THE QUESTION

Alderman Deane

I had one question, through you Mr. President, to Alderman Tollner – isn't John Parolin a re-appointment or did he step down and now he wants to...

Alderman Tollner

I am not aware that he stepped down. I know he served previously.

Alderman Deane

He chaired that committee. Is this a re-appointment?

Alderman Tollner

To my knowledge yes.

Alderman Deane

Thank you.

President McCarthy

My recollection is that we received a letter of resignation about 2 months ago at the end of his previous term.

Alderman Rootovich

I just want to confirm that he did resign and he is once again re-applying.

**MOTION CARRIED**

REPORTS OF COMMITTEE

Finance Committee..... 01/18/05

There being no objection, President McCarthy declared the report of the January 18, 2005 Finance Committee accepted and placed on file.

IT Ad Hoc Committee .... 01/05/05

There being no objection, President McCarthy declared the report of the January 5, 2005 IT Ad Hoc Committee accepted and placed on file.

Pennichuck Water Special Committee ... 01/12/05

There being no objection, President McCarthy declared the report of the January 12, 2005 Pennichuck Water Special Committee accepted and placed on file.

Planning & Economic Development Committee .... 01/04/05

There being no objection, President McCarthy declared the report of the January 4, 2005 Planning & Economic Development Committee accepted and placed on file.

**MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR AN ORAL REPORT OF THE HUMAN AFFAIRS COMMITTEE MEETING HELD**

**JANUARY 19, 2005, REGARDING RESOLUTION R-04-162  
MOTION CARRIED**

*Alderman Cardin gave an oral report of the Human Affairs Committee meeting held January 19, 2005, with respect to Resolution R-04-162*

There being no objection, President McCarthy declared the oral report accepted and placed on file.

-  
CONFIRMATION OF MAYOR'S APPOINTMENTS - None

UNFINISHED BUSINESS - RESOLUTIONS

**MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO  
ALLOW FOR THE SECOND READING OF RESOLUTION R-04-162  
MOTION CARRIED**

-  
**R-04-162**

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

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$285,000 FROM THE  
STATE OF NEW HAMPSHIRE, DEPARTMENT OF SAFETY, LAW ENFORCEMENT  
TERRORISM PREVENTION PROGRAM, INTO SPECIAL REVENUE ACCOUNT #331-**

**6217 "MOBILE COMMAND UNIT"**

given its second reading

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-04-162**

ON THE QUESTION

Alderman Cardin

The minutes did not make it to the agenda as we had our meeting on Wednesday night and the

agenda was prepared on Thursday or Friday so I apologize for that. We did have Lt. Mansfield in to speak to the committee on this resolution. They are looking at ordering this vehicle – the vehicle they are currently using is a 10-year-old ambulance, and when they set up a scenario at BAE Systems they found that they couldn't get out of each other's way. This unit will allow them to communicate with all other emergency entities that they are dealing with statewide. They also are responders to other communities. We do have a mutual aide agreement so that the cost to the City of Nashua by use of another community would not be born by Nashua. I would welcome entertaining any questions that you have due to the lateness of the minutes. Thank you.

Alderman Johnson

If in fact they have to spend it by 9/1 and they are going to order it in February, how long does it take to manufacture this mobile command unit?

Alderman Cardin

Well I believe it is about 6 months, but if someone else has that answer that would be great. It says approximately 6 months if they order it by February 1<sup>st</sup> that would give them time.

Alderman Deane

I look at this being similar to the approval we had for the wastewater treatment plant for a vector truck. We approved that purchase of that vehicle that was around \$300,000 about 7 months ago. It is a specialty vehicle that are not mass produced so it takes a longer period of time to actually build and do the fitup such as this one that will have more of an electronics fitup inside. The time associated with actually putting the order in, making sure the order is fulfilled, and having the vehicle delivered I think it is probably in the best interest to have it ordered in February to be reassured that there are no problems so that the grant would be expended by the September deadline.

Alderman Johnson

If in fact you put the order in you are not going to expend the money until you get the delivery of the product. Wouldn't it satisfy the federal government if they see the money was allocated for this unit even though you didn't put it in in February and you might go past that September date so long as they know that the money – I am saying if you didn't suspend the rules tonight for this and let's say we waited for the regular reading of it we should probably still have enough time and the federal government even if it was delayed that the money would be expended towards this command unit. That is my question.

Alderman Cardin

I think the timing of having this under suspension tonight is that it still has to go to the Finance Committee, and they don't meet until February 1<sup>st</sup>.

Alderman Deane

I think what we have found in the past with dealing with federal funds, in fact we just had it with a CSO project with the Army Corps of Engineers where the money was approved by the Finance Committee and a P.O. was set up and cut and the funds were not released until it showed them being encumbered, but the funds were not released until the product and the services were rendered. Basically what it is doing is showing that the process is started and that the funds that were appropriated to the city have been encumbered to the P.O. for the ordering process and approval by the Finance Committee.

President McCarthy

The motion then is for final passage of R-04-162. Is there any further discussion?

**MOTION CARRIED**

Resolution R-04-162 declared duly adopted.

**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-04-155**

Endorser: Alderman Kevin E. Gage

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

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS

**R-05-168**

Endorser: Alderman-at-Large Steven A. Bolton

**RELATIVE TO THE TRANSFER OF \$100,000 FROM ACCOUNT # 591-86005**

**“CONTINGENCY - GENERAL” INTO ACCOUNT #581-34015 “SCHOOL DEPARTMENT - HEATING, PROPANE & NATURAL GAS”**

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

**R-05-169**

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 \$106,250 FROM THE 2004 HOMELAND SECURITY GRANT PROGRAM INTO SPECIAL REVENUE ACCOUNT #332-6315**

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

**R-05-170**

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 \$15,000 FROM THE ALLSTATE FOUNDATION INTO SPECIAL REVENUE ACCOUNT #332-6309 “NASHUA FIRE RESCUE’S RISK WATCH PROGRAM”**

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

**R-05-171**

Endorsers: Mayor Bernard A. Streeter  
Alderman Lori Cardin  
Alderman Marc W. Plamondon  
Alderman David D. Lozeau  
Alderman-at-Large David Rootovich  
Alderman Robert Shaw  
Alderman-at-Large James R. Tollner  
Alderman Kevin E. Gage

**UPDATING THE FINANCIAL STANDARDS FOR THE CITY’S WELFARE GUIDELINES**

given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President McCarthy

**R-05-172**

Endorsers: Alderman-at-Large David W. Deane  
Alderman Kevin E. Gage

**AUTHORIZING THE RELEASE OF THE CITY’S REVERSIONARY INTEREST IN PROPERTY AT 32 SARGENT AVENUE**

Given its first reading;

**MOTION BY ALDERMAN GAGE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-172**  
**MOTION CARRIED**

*Resolution R-05-172 given its second reading*

**MOTION BY ALDERMAN GAGE FOR FINAL PASSAGE OF R-05-172**

ON THE QUESTION

Alderman Gage

As you heard from Mr. Hugenberger, earlier this evening he called me and Alderman Deane regarding an issue that came up when he went to have his home refinanced. With the current rates that we have right now he is trying to get them in before the talk is that the rates will rise. During that review the legal department of the mortgage company found a clause in the Deed from I believe it is 1888 or 1889 that states that the homes that were built along Sargent Ave. at the time – several homes like this at the moment is my understanding – is that there are three requirements; 1) was that there is 25 feet setback, 2) that there were two story dwellings; and 3) that there would be no more than one dwelling on the property. His property today currently meets those requirements. In fact I believe it is 30 feet back from the setback where his house is currently. It is a two story dwelling – he didn't bring a picture, but trust myself and Alderman Deane and Mr. Hugenberger that is what it is, and the no more than 1 dwelling on the property – I spoke to the Zoning Department and just to double check on everything and of course the area there is zoned for that so that one piece of property there you can't build another house on that one piece of property without getting variances and such and I don't believe it is that big a piece of property that you could do that without major reconstruction of everything there.

I bring this to you and I ask that you support Alderman Deane and myself and help Mr. Hugenberger get his refinancing done.

Alderman Deane

Thank you. First off I would like to thank the Legal Department for their review of this. It is kind of an interesting series of events – when I spoke with Jackie upstairs in the Legal Department and she went back and was reviewing Aldermanic minutes – I guess originally the city had purchased the property as part of the North Common on the North side of Sargent Avenue not knowing full well what they were going to do with all of that property that runs in around the back of Holman, which is where Artillery Pond was down at the furthest corner of Manchester Street by Jeannotte's Market. When you look at this reverter clause and the stipulations that were put on the property I guess the city sold the property, had the reverter clause on it, the people that had bought the property I guess all picked up and moved out to Missouri back in the 1897 or whatever it was and I guess the lots sold for \$1 each. The reverter clause is pretty intense when you sit here and look at it. I spoke with Jackie today up in legal and there are clauses on my

property – I live on Manchester Street right around the corner from 32 Sargent Ave. so I have to look into my Deed because now I have clauses in mine I have to check out as well. I would like to thank Dave Connell and the Legal Department. There are other issues on that street, but I had talked to Alderman Gage about it – I think a postcard to the residents might be worthy. I just wouldn't want to bring legislation forward. I wouldn't want to turn on the TV and see the Aldermen voting on my piece of property not knowing what was going on. I think the people that live down in that Sargent Avenue area should check their Deeds to make sure that if they happen to decide to go down from a 2 story to a single story house that the city would be the new owner of their property. Thank you.

President McCarthy

Is there any further discussion? The motion was for final passage of R-05-172.

**MOTION CARRIED**

Resolution R-05-172 declared duly adopted.

**MOTION BY ALDERMAN DEANE 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-05-173**

Endorser: Alderman-at-Large David W. Deane  
Alderman Lori Cardin

**AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF NASHUA AND THE NASHUA ASSOCIATION FOR THE ELDERLY FOR THE SENIOR CENTER**

Given its first reading;

**MOTION BY ALDERMAN DEANE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF RESOLUTION R-05-173**  
**MOTION CARRIED**

*Resolution R-05-173 given its second reading;*

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-173**

ON THE QUESTION

Alderman Deane

Thank you. I would like to thank the Board for their support first off. We had discussed this

amendment to the lease agreement between the Seniors Activity Center and the City of Nashua, and there was a discrepancy and misunderstanding in the original building and the new building that is about to be constructed – we are still in the process of this long arduous task. I sit on the Senior Activity Center Board of Directors placed by Alderman McCarthy as well as Alderman Cardin, and we brought forth some language that is underlined in this piece of legislation to help everyone understand the city's stance on the existing building. The reason why we brought the lease agreement forward in the first place was to satisfy bond council and for other procedures so that we could continue on with the project and use some of the funding that was available. There was a misunderstanding so from a legal standpoint we wanted to straighten out that misunderstanding so we could harmoniously continue the diligent job of getting that building put up. This is the language that was brought forth. I made a motion at the Board of Directors' meeting last Thursday. It was approved unanimously by the Senior Activity Center, and I asked Mrs. Hersh to contact the Legal Department and Dave Connell's department put this legislation together. This will seal the deal and take care of a misunderstanding of the original intent of the lease of the premises. Thank you.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-173 declared duly adopted.

NEW BUSINESS – ORDINANCES

**O-05-70**

Endorser: Alderman David MacLaughlin

**REMOVING THE ECONOMIC DEVELOPMENT DEPARTMENT FROM THE COMMUNITY**

**DEVELOPMENT DIVISION AND PLACING IT UNDER THE MAYOR'S OFFICE**

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

PERIOD FOR PUBLIC COMMENT

Cynthia Overby, 520 Broad Street

*I am grateful for this opportunity to be heard. I believe that Nashua is unaware of the loss of a dedicated person. The resignation of Kathryn Nelson found me with shock and disappointment to say the least. I have great respect for her, and hold her in the highest regard. She has a*

*calm demeanor and has Chaired the Conservation Commission with integrity and wisdom. Many selfless hours went into this effort. As you know when you sit on a board it is because you are passionate about the cause, and you make decisions that you feel are right and just and to not compromise integrity on any decision. We are stewards of the earth and having been given that responsibility we should pray for wisdom in decisions concerning the environment. Making the wrong decisions has repercussions that are felt all over the earth.*

The Nashua River smells today because of environmental ignorance. It takes nature years to recover from human mistakes. We should respect nature. This is not the time to regress and to pass. Stiffer environmental rules are needed for the future. Kathryn has great wisdom, and her sole motive was to make the right decisions, right judgment for Nashua's environment. She has great knowledge on the issues that came before the Conservation Commission. She is irreplaceable in many eyes, and is an asset to Nashua. When you see integrity like this it should be valued. This is a great loss for Nashua. I can only pray that the existing commissioners who have learned from her example carry on that integrity and responsibility.

Also, in regard to the Pennichuck ad in the Broadcaster January 20, 2005, this is the only perception that citizens have of this situation with the water. In elections negative campaigns have swayed votes. The city must make an effort to rebut. Maybe after public meetings and I know there are legal concerns, but to say nothing is to allow the only input that they have, and that is these negative ads. Thank you.

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

##### Alderman Johnson

The Mayor spoke tonight about education funding, and I will tell you I haven't spoken to anybody from the Mayor's office being a State Rep., but I am concerned about the targeted aide. I am going to be watching that very carefully because I am afraid that Nashua might not come out a winner in this. I am really concerned with that.

I would like to talk about the cleaning of the bus stops again because I have received calls even from the cleanup effort yesterday, and it wasn't positive it was more negative. I have been in contact with Congressman Charlie Bass' office, and I finally got a copy of the grant. I am really concerned again that handicapped people have no accessibility to get to these bus stops. They are standing in the street in order to catch a bus. I want to see where that plays into ADA. Yesterday I did receive some calls regarding the cleanup in the streets, and I was a little concerned yesterday traveling from West Hollis Street down Kinsley Street across East Hollis Street to get over to North Andover yesterday morning and I started my journey at 9:45 a.m. I know other communities were clean. Kinsley Street it just was a mess. We were down to one lane, cars parked on both sides, and I was really concerned that the snow emergency was lifted

at 6:00 a.m. not giving the crews to get out there to really start salting. It looked like it was plowed, but it didn't look like any salt was down because it was nicely packed snow on the city streets. As I went down Kinsley Street I looked down Main Street and it was packed. As I went down East Hollis Street I looked down Harbor Ave. it was the same thing. My attitude basically is that we need to keep these streets safe for everybody to travel.

Also I was concerned that they opened up school yesterday in lieu of the mess that was from the snowstorm over the weekend. Thank you.

### Alderman Shaw

Just a couple of quick updates – one for ward 9 residents that there was some interest expressed in what the latest status on the Lamb Road project is, and according to City Engineering the project is supposed to go out for bid at the end of February.

Also I just wanted to let the rest of the Board know that the Capital Improvements Committee has been meeting over the last couple of weeks. We have heard from all of the departments that come before us, and will be working on the wrap-up session for that. As always there are a lot of great programs that are being put forward and a lot of really good work that is being advocated by our various city departments. They cover a wide range of things. One thing that has become somewhat evident is there is an awful lot of items that do relate to preventative maintenance or a lack of preventative maintenance. We are dealing with a lot of items that are end of life and beyond life issues regarding a lot of HVAC systems and things of that nature. It is unfortunate, but that is the situation we do find ourselves in with some of those needs that is something to keep in mind as we find our preventative maintenance overall and our building upkeep. Thank you.

### Alderman Deane

First off I wanted to comment on the snowstorm that we had and the performance by our city staff – the street department. It was not an easy storm to deal with. Although the Telegraph reported it as 11” of snow I find that difficult to believe. I don't know where they were measuring – maybe Andrew is out measuring it again, but it appeared to me to be as though we got more snow than we did. When you look at the clip at which that snow was coming down and we had snow falls of more than a inch an hour that is a horrendous amount of snow believe it or not to move. In some instances it was coming down 2 to 2 ½ inches an hour, which is a lot of snow. I have plowed and I know what those guys are up against, and with that wind blowing it is difficult to do.

The issue with the salt on the streets, salt does little or nothing when the temperatures are below 20 degrees. I believe that evening the temperatures were around 5-6 degrees. You are kind of stuck between a rock and a hard place, and people just have to understand – I came down Library Hill and there was ½ inch of snow pack or so on that – they had pretty much scraped down on Sunday morning, but for the most part the streets seemed pretty well plowed. I know there were some areas that didn't get it, but there was a lot of snow in a short period of time and a lot of drifting and it wasn't an easy storm to deal with. We just looked South of our border down to Plymouth, MA and we looked at where our former Director is with his 6 trucks and they still haven't got the streets plowed. The dome facility that was being brought forth to us that they had down in Plymouth, MA was also a casualty of that storm where it collapsed. We are lucky we didn't get the storm that the south shore MA got. I would like to thank the Street Department. I know it is a tough job. Everybody is not happy. I would like to see more of the sidewalks surrounding the schools plowed before they put school back on because you have a lot of kids that are walking and with snow banks like that and kids out in the street it is a recipe for disaster.

I also wanted to comment on the diligence done by our Legislative Office in getting the 36 pages of minutes associated with the Joint Meeting between the Board of Aldermen and the Board of Assessors. I spoke with Alderman McCarthy this afternoon. I think we should all get a copy. I would like it posted on the city website – put that on the Board of Aldermen unofficial – as you know this meeting was set up because many citizens had asked what Step 2 of the reassessment process is. The question was asked because the Board of Assessors mentioned in a previous meeting that there was a three-step process associated with the overall assessment process. This 3 step process is now underway because the Assessing Department between the years of 2000 and 2004 for some unknown reason did not facilitate the re-assessment process as it should have been facilitated thereby creating the sticker shock of the tax bills that the majority of the citizens recently received.

I read through those minutes, and I asked that question a couple of times. I still feel that the question has not been answered. With the operating budget being given to us on the 22<sup>nd</sup> of February I would like to continue the dialogue with the Board of Assessors and I think myself anyway I don't know where anybody else on this Board stands, but I think we should have a real good understanding of what is in place and those minutes should be sent out. I am just astounded that there is no answers. I am a little disturbed by it. I think we should really have a good handle on what is in store because when you look at the percentages that were talked about during that meeting the single family homes are pretty much in line, but the 2 and 3 family homeowners this coming year are going to get nailed just like they got nailed this year. I think we should have an understanding of what will happen to that commercial property – they have data available. I have spoken with Mrs. Lemieux, but Alderman McCarthy I am requesting that you do as you did before – it would be nice to invite them here so we can continue the dialogue. I don't think we should have a repeat of what went on because nobody was done any favors with what didn't happen in the past. To make up for lost time and increased percentages that a majority of the citizens have seen is financially difficult for a lot of people. I don't think it is right and I think we should continue the dialogue with the Board of Assessors. I ask you Alderman

McCarthy to speak with them, and have them come in and come in here and sit down with us.

I thought that meeting went rather well. I think we really need to educate ourselves on what is in store – what Angelo Marino feels is in store for us so that we all have a clear understanding of that before we start deliberating with the Mayor's budget. Thank you.

One last thing – I would like to congratulate the New England Patriots.

### Alderman MacLaughlin

Thank you Mr. President. As you all may be aware of the Chamber of Commerce is hosting its Eminence Awards this Thursday at noon at the Crown Plaza. They have five categories that they are going to honor. There are three nominees within each category, and three of the nominees throughout two of those awards caught my attention because they work in Ward 8. I want to wish the following nominees well in their respective categories – for Business Person of the Year Edward Schmidt of E-Copy off of Spit Brook Road, Kathy Nelson of World Schools also off of Spit Brook Road, and for Volunteer of the Year one of the newer businesses that opened up this past summer at the Pheasant Lane Mall, Island Ink Yet is a nominee for volunteer. His name is Timothy Stockman. I want to wish them and all of the other nominees well.

I would remind the community that there are 8 days left until the annual Groundhog Breakfast, which will benefit the Salvation Army, which is certainly a worthwhile cause. Thank you.

### Alderman Gage

Due to the large snowstorm that we just recently had I would ask folks in your neighborhoods to check where their local fire hydrant is and to shovel that out if possible. I know the Fire Department I saw them at several locations throughout the city today in my travels doing that. There are a lot of hydrants and there are not a lot of fire fighters to get out there and do that. It may take them a few days. If you could do that it would be greatly appreciated by the Fire Department.

I want to congratulate the Spartans in the City of Nashua for their appearance in the Presidential Inaugural Parade. I think that was a great feather in the cap for the City of Nashua. I think they did an excellent job.

Also next month in February I will be working on a date for a neighborhood meeting regarding the intersection of Hillsferry Road and Concord Street – some traffic calming issues over there.

Thank you.

Alderman LaRose

Thank you Mr. President. I assume that most of the members saw that this past week in the e-mail that we received from let us say a disgruntled taxpayer – there were two things that stuck out for me right off the bat was one was their command of the King's English, two was it seems that the writer was upset with the City because we were removing snow or plowing snow in the early morning and that this was disturbing that person's sleep and their sleep was disturbed and they had to go to work the next morning to pay for the high taxes in the City of Nashua. Well it seems to me that if the city does not remove the snow and that depends when the storm hits – they don't remove the snow in the early morning and salt and sand to make the roadways safe so that you can get to work how is this person going to get to work without getting stuck so that he can pay his high taxes? Thank you.

Alderman Deane

I believe he was referring to a school parking lot. If that is the same one where he was having trouble with the key for the capitals and the small letter there.

Alderman Vitale

We have all read about and heard about the resignation of Kathryn Nelson from the Conservation Commission or rather her request to have her name withdrawn for consideration of renomination. We also know that Jacklyn Trainer, Vice Chair will not be re-appointed. I am disappointed with the vote of the commission regarding WalMart. I believe reading the information that they were looking at I believe the consultant showed that there would be flooding and water quality issues associated with the plan as it was presented.

Be that as it may I realize that the Commissioners are able to vote as they see fit on the commission and that the majority of those members must have believed that the applicant showed that he had avoided the impact as much as possible and minimized as much as possible. The vote did go 4/3. I am disappointed that I thought that the information was such that it should have been a no recommendation.

Besides that I am sorry that we have lost a very knowledgeable Commissioner in Kathryn

Nelson. I am disappointed as to the reason that she felt forced to withdraw her name for consideration. In the Mayor's e-mail to Mrs. Nelson, he indicated that he was looking at alternatives to the re-appointments all the while looking at the direction the Conservation Commission has taken. I believe we should ask the Mayor what he means by this statement. Does he believe the Commission has not been administering the ordinance and the six criteria that the commission needs to follow? Does he believe that all applicants are not asked to demonstrate that they cannot reasonably avoid impacts to our wetlands? After that they are all asked to minimize the impact and finally applicants may be asked to mitigate their impacts. Maybe the Mayor can help the Conservation Commission, the Board of Aldermen, and concerned citizens understand what problems he sees on the commission and what his vision is regarding the administration of this important ordinance.

The paper has reported the Mayor believes the commission needs fresh faces. Although it is the Mayor's right to bring new nominations forward I question his reasoning in this case. It has been indicated that there was pressure given to the commissioners as to the WalMart vote. The Mayor wished it is noted the Mayor wished to have the WalMart project go through and that was common knowledge among the commissioners. I commend the Mayor for looking out for the economic well being of the city. I also commend the commissioners for looking out for the environmental impact to the wetlands and water supply of the city. Does a WalMart outweigh the demonstrated environmental impacts to the Pennichuck water shed and to our water supply? The consultant said that he had flooding and water quality concerns. Is the need for fresh faces into the way some commissioners vote? I hope not. In closing, I ask that the Personnel Committee to maybe ask important questions when they interview nominees. In this way we can ensure that the board is not stacked as has been indicated. I hope that is not the case, but we can ensure that in asking our questions during the interviews. Maybe we should draw up a list of questions that are pertinent to each and every committee that nominees are brought forward to.

In the case of the Conservation Commission, maybe they should be asked questions such as have they ever attended any meetings, have they ever been on a site walk, have they read the commissioner's handbook, do they know the time involved, do they know that they would be asked to go on site walks in early evenings and on Mondays or Sundays and Saturday mornings, are they aware that they will be asked to attend training sessions on a Saturday morning in November, are they familiar with the wetland ordinance, are they familiar with each of their classifications of wetlands – questions such as these are pertinent questions that we should be asking the nominees that are brought forward from the Mayor. I hope that we will consider doing that so we can assure that our commissioners are being stacked with people that will help the city and the ordinance can be administered properly. Thank you.

Alderman Tollner

We did have a lot of snow and I would like to commend the efforts and the work of Scott Pollock

and his staff. When that much snow falls it is hard to put it anywhere – just ask the people in Boston. They have nowhere to put the snow and they have started three what they call snow farms where they are actually trucking it to a large field since they can't dump it into the river. I know there are probably a number of situations around the city that people are very frustrated with certain streets, but overall I think they did a commendable job. After speaking to some city staff they are going to continue to clean that up as the week progresses.

Alderman Deane was correct I did get a couple of inquiries regarding why the city wasn't salting the roads, and my response was the same one that Alderman Deane gave that at a certain temperature the salting wouldn't work.

On another note I would like to send my condolences to Jack Giacalone's family. His wife, Antoinette, passed away a couple of days ago. I would like to send my condolences to the family.

I will be attending the lunch that the Chamber of Commerce is having that Alderman MacLaughlin had mentioned earlier. I am looking forward to congratulating the winners.

### President McCarthy

I would join Alderman Shaw's comments regarding our Capital Improvements and the maintenance of our capital improvements. A few years back the government accounting system changed to require us to report fixed assets and to keep track of depreciation of our capital plan, which is something that municipalities have never been required to do essentially in the past. Mrs. Anderson had that year shown us a report of what our investment in our infrastructure looked like.

I will actually request that she get a similar report to the Board again this year. I believe that in the 11 years I have been here we have over and over and over again committed to capital projects to replace things that were well beyond their useful life. I know Alderman Tollner and Alderman Rootovich sat through a lot of those projects; replacing our schools, fire houses, upgrades to the police station, etc. I think it is incumbent upon us to plan for the future in such a way that we don't ever get into a state of infrastructure neglect where the value of our communities assets is depreciated the way it was a decade or two ago. I think we need to leave as a legacy a system that makes sure that won't happen again.

I also would echo Alderman Deane's sentiments about the assessments. Again in the 10 years that I have been on here since just after the last reval., we have time and time again faced the issue of whether to update the assessments and how to update them. If I were to actually look at the city as a business, which is what we always tell ourselves we want to do, businesses look at their revenue sources. The services that we provide are actually from a business perspective secondary to what our business is. Our business from that perspective is assessing and taxing

real property. That is where our money comes from. It is our responsibility to keep those assessments, which are the most valuable piece of data we own, up to date. I have heard members of this Board in the past be of the opinion that they wanted to defer doing an update to the assessments because they didn't want to be the bearer of the bad news to their constituents. I think we have seen this year that the longer you put off the news the worse the news gets before you finally have to give it, and often it comes with a price tag in the form of being forced to do a full revaluation of the city's properties as well.

I would urge us to consider measures that would make the process of upgrading the assessments accurate and make them automatic and try to de-politicize them as much as possible so that we keep that assessing data accurate and assess the taxes on our citizens in the way that the state law tells us we have to do it. I don't think in the long term we do anybody any favors by delaying the news until it is as bad as it was this year for some of our citizens.

### Alderman Deane

I just wanted to hit on that for a second. It was bad news for a lot of us, and it worked in two ways; you had the people that were under-assessed that had huge increases in their tax bills, and then you had the people that were over-assessed that had been over-paying and had no recourse to collect the money that they had paid in to the city over the number of years, and there were quite a few people like that too. I know it is not a happy issue to deal with, but as was stated earlier, nobody has done any favors by not updating the assessing data. You have not done any favors. People can deal with smaller increases a lot easier than they can deal with the increases they got this year or last year and this year as well. It will be another rough year for people that own 2 and 3 family homes. They will get it again. As soon as you know our invitation to the board to have them come here and speak with us again I would like to continue the dialogue. I think it is very important. Thank you.

Committee announcements:

### Alderman Dion

Tomorrow evening the Infrastructure Committee is going to meet at 7:00 p.m. in these Aldermanic Chambers. I would like to go a little further and extend an invitation to all of my colleagues to attend tomorrow night's meeting. The reason I am extending this invitation is that there is going to be a very important discussion by Maureen Lemieux pertaining to facilities space needs. Chances are this will be in closed session. There will be a lot of questions you might want to ask. You are invited to attend and get first hand information as to what the scenarios are that will be presented. I believe the President of the Board was going to issue a

memo to the Board. I don't know if he did or not.

President McCarthy

I didn't get a chance to do it today, but we may as well just do it here because everybody is here.

Alderman Dion

I am glad I mentioned it tonight because tomorrow would be kind of late. Hopefully you will attend tomorrow evening, and voice your concerns or your agreements on what the proposed plans are. Thank you.

President McCarthy

I would like to urge the Board to be present for that if at all possible. I believe that you have arranged to have that be first on the agenda?

Alderman Dion

It is going to be at the tail end.

President McCarthy

Do you have any idea how long the rest of the meeting is likely to take?

Alderman Dion

I don't think it is going to be that long of a meeting Mr. Chairman. I think everything is pretty much routine. Maybe a half an hour or so.

ADJOURNMENT

**MOTION BY ALDERMAN DEANE THAT THE JANUARY 25, 2005 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 8:54 p.m.

Attest:

Paul R. Bergeron, City Clerk