

A regular meeting of the Board of Aldermen was held Tuesday, July 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 Johnson leading in the Pledge to the Flag.

President McCarthy

I would remind the members of the Board and of the public to please turn off cell phones and pagers.

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

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

#### REMARKS BY THE MAYOR

Thank you Mr. President. Mike Santa, Building Safety Department Manager, recently received a Certificate of Appreciation from the International Code Council for his "outstanding performance and lasting contribution to the 2004-2005 International Existing Building Code Committee." As many of you know Mike has represented Nashua on the International Existing Building Code Committee for the last three years. The committee was responsible for reviewing code changes. Most recently the committee heard code changes in February in Cincinnati. They were the final code changes in preparation for publishing the 2006 editions of the International Code Council codes. As you know the International Existing Building Code is strictly written for use in existing structures and therefore helps guide the Building Official in making judgments as to what extent the existing structure must comply with today's codes. There has been strong support from the development community, chamber of commerce, building owners, etc., to have the 2006 existing building codes be adopted by the State as part of the State Building Code. In this response I wish to thank and commend Mike for his contributions to this effort.

The U.S. Department of Commerce has announced that they are moving toward census information being available on an annual basis. As you know currently census information is collected every ten years. We feel that having annual information will be very helpful to understanding the needs of our current population and to understanding the trends so we can better meet the needs of our future population.

In order to have more current information, the U.S. Census Bureau will be sampling different households in our city by questionnaire on a regular basis. I encourage our citizens to participate

in the American Community Survey by completing the questionnaire if it is mailed to them.

On June 30<sup>th</sup> I had the honor of representing the city at the announcement by Tom Monahan that he and his group have purchased radio station WSMN and plan to have it back on the air in mid August. I know I share the sentiments, and I am pleased and know many others are that WSMN will be back on the air and doubly so that it will once again be locally owned. This radio station has a long and proud tradition and history in our city and it is vital for a city our size to have a station for news and information that we can call our own.

Dr. Paul Etkind, Deputy Director of Public Health and Community Services, reports the Division was a member of a coalition of organizations that successfully applied for funding to operate the State's Disaster Behavioral Health Response Team (DBHRT, or called "d-bart") for southern New Hampshire. The team, composed of volunteers trained in mental health counseling, assist in disaster response by providing initial mental health services to responders and victims. The grant was awarded to the city and it will be excellent adjunct to our already strong relationship with the area's Medical Reserve Corps., and the division will be the fiscal agent as well as the programmatic coordinator of the grant.

A case of rubella (aka, German measles) was reported in a Nashua resident within the last few days. What is remarkable about this is that rubella has been virtually eliminated from the Western Hemisphere by an on-going and coordinated immunization campaign. The infected individual attended a meeting of his employer, a multi-national business based in Massachusetts. People from around the world were in attendance. The source is still being investigated, but local contacts have been identified and are known to be protected. The lesson here is that international travel and migration makes it imperative that public health vigilance cannot be allowed to lapse or become lax just because the risk of a disease diminishes due to aggressive prevention activities here.

City Treasurer David Fredette reports that as of July 11<sup>th</sup> the city has collected \$67 million-plus dollars for taxes due July 1. This represents 95% collected of the current levy. The amount collected to date is similar to past collections and based on history we should collect up to 98% by December 2005.

From our Economic Development Director Jay Minkarah, that he is planning to put on a High Tech Expo this coming September to spotlight high tech businesses, educational programs, and organizations in the greater Nashua area. While this is still in the early planning stages, however, the current vision for the Expo would be to have a day-long event that would include an opening speakers and a late afternoon or evening closing. Various breakout sessions, workshops and organizational meetings would be held throughout the day and exhibitor booths would be available. The Expo would be held at the Millyard Technology Park. This event follows the very successful Sesquicentennial Industrial Exposition in the Millyard when Nashua firms showcased their products.

From the Division of Public Works, the playground replacement project at Fields Grove has begun

with the installation of a new play set, path, safety surface, and retaining wall. And SummerFun is getting ready for its next big event, the Fairytale Festival set for this Saturday beginning at 12:00 noon at Greeley Park. This is one of SummerFun's premiere events annually drawing more than 2,000 participants.

As I reported to the Finance Committee last week, emergency repairs were performed to the damaged sewer line on lower Ledge St. A pump was installed to maintain flow. Park Construction has completed the replacement of this sanitary sewer line.

Coliseum Avenue pavement markings and signage are now in place along Coliseum Ave., and the traffic signals are fully operational. The Traffic Department has received Right-of-Way plans for the Daniel Webster Highway Project. The Division is preparing to meet with property owners in the very near future.

The Street Department has given PSNH the approval to proceed with the energy saving proposal at the Street and Traffic Department buildings. The project will result in a projected annual savings of \$33,834 at the completion of the project in less than 2 years. The work will include the replacement of the light units and ballasts with new energy efficient units.

The FY '05 Paving Program contract is about 60% complete. The following streets and roads are 100% completed: Baker St, Balcom St., Charlotte St., Derry St, Ferry Rd., Gilson Rd., Langholm Dr., Lille Rd., Lockness Dr., Nottingham Dr., Robinhood Dr., Shetland Dr., and Stonehaven Rd. Several other sections are overlaid and awaiting permanent paint marks.

The Allds St. project, currently in progress, has issues related to deteriorated sewer structures that may impact the schedule for completion. Additionally, some sections of concrete sidewalks without curbing are spalled and require rebuilding. The Street Department plans to perform the sidewalk repairs independent of the paving schedule.

A resolution has been submitted to you to review and approve the CSO Consent Decree. The EPA would like to have it finalized as soon as possible. The Board of Public Works approved it last evening.

The Primary Clarifier Rehabilitation bid opening was held on June 30, with Methuen Construction Corp. the low bidder. Anticipated construction will begin next month.

City Clerk Paul Bergeron reminds us that the candidates' filing period for the City Elections in November will begin August 30th and end September 9th. Residents interested in running for municipal office may now pick up Nominating Petitions at the City Clerk's Office. The fall ballot will include candidates for Board of Education, Board of Public Works, Fire Commission, Aldermen-at-Large, Ward Aldermen, and Ward Election Officers.

The N. H. Secretary of State's Office is establishing a centralized voter registration system, which all of New Hampshire's cities and towns must participate in, under federal law, by 2006. Nashua

expects to go online with this system prior to the November city election. As such, the City Clerk's Office is working to clean up the city's voter registration list prior to the conversion. Nearly 6,000 residents or former residents are being contacted by mail, and are being asked to verify that the address on file with the City Clerk is still current. These are people who did not vote in any one of the 2003 and 2004 elections and who also have not made any changes to their voter registration record since 2002. If any resident receives one of these letters, they should call the Clerk's Office to verify their addresses. People who do not respond to the letters will be removed from the checklist, in accordance with state law.

However, voters are reminded that New Hampshire does have same-day-voter-registration. Therefore, any resident whose name does not appear on the checklist on Election Day, November 8th, will be able to register at the polls, and vote in the election.

Maureen Lemieux, Director of Administrative Services, reports that the staging at the Hunt Building has generated many questions throughout our city, and she is happy to report that work is complete on the brick re-pointing at the Hunt Building. However, there are some additional areas to be addressed at a future time, once additional funding is obtained by the Trustees. The contractor is currently replacing the old roof over the main reading room and repairing the parapet around that section. The tower clocks are also being restored. Inside the building, the main reading room has taken on a new look. Lights from the building's earlier days have been restored and re-hung. New circulation fans have been installed as well. The room has been completely repainted and now provides a much brighter and welcoming interior. The facility is available for renting for small gatherings. Anyone that is interested should contact the Hunt Building Trustees at 594-3661. Thank you Mr. President.

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD

**R-05-246**

Endorsers: Mayor Bernard A. Streeter  
Board of Aldermen

**EXTENDING CONGRATULATIONS TO THE NASHUA HIGH SCHOOL SOUTH  
BASEBALL TEAM**

Given its first reading;

**MOTION BY ALDERMAN BOLTON THAT THE RULES BE SO FAR SUSPENDED AS TO  
ALLOW FOR THE SECOND READING OF R-05-246  
MOTION CARRIED**

*Resolution R-05-246 given its second reading*

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-246  
MOTION CARRIED**

Resolution R-05-246 declared duly adopted.

*Alderman-at-Large Steven A. Bolton read the resolution. The Mayor and the Board of Aldermen congratulated the members of the Nashua High School South Baseball Team for their accomplishments.*

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARINGS

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES OF THE SPECIAL MEETINGS OF THE BOARD OF ALDERMEN OF JUNE 20 AND JUNE 23, 2005, AND THE REGULAR MEETING OF THE BOARD OF ALDERMEN HELD JUNE 28, 2005, BE ACCEPTED, PLACED ON FILE, AND THE READINGS SUSPENDED**  
**MOTION CARRIED**

COMMUNICATIONS

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

From: Katherine E. Hersh, Director, Community Development Division  
Re: Federal Grant Applications for Transportation Enhancements and Congestion Mitigation Air Quality

**MOTION BY ALDERMAN SHAW TO ACCEPT, PLACE ON FILE AND CONCUR THAT THE CITY APPLY FOR TE AND CMAQ FUNDS. A 20% LOCAL MATCH IS REQUIRED IF THE CITY'S APPLICATIONS ARE SUCCESSFUL**

ON THE QUESTION

Alderman Deane

We are looking at a match of \$183,600 here. As I read through this I don't see a funding source. My other question Mr. President is, is this time sensitive?

President McCarthy

I don't honestly know what the timeframe on the application is. With regard to the funding source, I think traditionally this process takes on the order of 2-3 years for the application to be processed, and we are typically able to locate the funds within that time.

Alderman Deane

It is a three-year total match of \$183,600.

Alderman Shaw

It appears there is no requirement that we accept the federal funds, and that the communication says that it wouldn't be until FY '07 at the earliest so it is pretty clear that if we didn't have the local match funding we would still not have to accept this and move forward with it.

Alderman Tollner

I think Alderman Deane brings up a real concern. I guess I feel comfortable approving the legislation with the contingency that before the City would agree to match those funds that the communication and approval would have to come back to the Board of Aldermen. We could start the process, but before the City formally matches it...

President McCarthy

I think that is the case simply by law because we do have to appropriate funds. I believe Alderman Shaw is correct that in the end if we decide not to accept the funds for the project we just don't go forward.

Alderman Tollner

That may be the law, but adding that caveat to the approval of the legislation I think might make people feel more comfortable.

**MOTION BY ALDERMAN TOLLNER TO AMEND BY REQUIRING THAT FUNDING COME BACK TO THE BOARD OF ALDERMEN**  
**MOTION CARRIED**

President McCarthy

We are back to the main motion of accepting, placing on file, and concurring with the amendment that the funding come back to the Board of Aldermen. Is there any further discussion?

**MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA

Mary Gorman, 44 ½ Amherst Street. I am a member of the NH House of Representatives. I represent Ward 4, and I am also a member of the Emergency Management Legislative Oversight Committee. It is in this capacity that I address you tonight in regard to R-05-251, the acceptance of money for the bioterrorism grant. I ask you to accept the money with the understanding that if changes are to be made, the Department of Safety and the Bureau of Emergency Management, are quite willing to listen to myself and others who overview grants and making sure that they are

effective and efficient in their delivery of services and that there is not a duplication of services or responsibilities to the individuals who are carrying out the task. Thank you for your time.

Joseph Sabato, MD, Medical Director for Nashua Division of Public Health & Community Services

I want to speak to the bioterrorism grant. This grant is for two years and will supply over \$400,000 per year to the City of Nashua as resources. The grant has been placed on a really compressed time scale because the state received the guidance from the Center of Disease Control in the middle of May, and the state provided us with guidance on this grant in early June. We had a brief turn-around time. The whole process has been about six weeks between going from the federal government to the state to the city and back again to the federal government. This week the state will be filing their portion of the grant. There are three key points to this grant that are important to the Nashua and its regions. One, all hazards and threats. There's nothing in this grant that would not be used for all types of hazards and threats. You can't predict what the next disaster is going to be. The greatest support system we can build is one that can respond to all types of public health threats as well as highway crashes and other types of disasters. A big portion of this has to do with mass immunization and treatment. The greatest threat today is the threat of the Avian flu. 1918 is famous in New England for the Red Sox, but more famous is one of the greatest natural disasters. The City of Nashua was not immuned to that. Over 167 residents died in six weeks. This type of threat we are facing with the Avian flu is the same type of threat. This grant would provide us with some of the resources to prepare and be able to respond and protect the residents. The last thing is search capacity. As a nation, since September 11<sup>th</sup>, one of the goals has been for communities to be able to generate a capacity to treat up to a large number of acute patients on a sudden basis. Our health care system is pretty stretched and in most cases, it is over 100 percent capacity on a daily basis. The state and federal plans point to Nashua having to generate 100 acute care beds to deal with the search. This is one of the ways that using these resources will help train and develop and be able to respond quickly.

Donald Davidson, 71 Browning Ave. Although there are many items that I can speak to on the fiscal 2006 budget, I am here tonight to speak on two issues relating to that budget. First I arise in opposition to the elimination of merit employee fiscal year 06 increases. Historically merit increases, although generally smaller, have followed union percentages over the years. There is a saying, if we do not learn from the mistakes of the past, we are bound to repeat them. A little history in the city. Three decades ago, an administration on several occasions, did eliminate merit employee increases in their budgets, all of the time while the unions were continually receiving their raises. The result of that action way back then was that approximately 45 to 50 percent of the then merit employees unionized because the city had taken advantage of them. Today, we have approximately 1067 city employees of which approximately 140 are merit employees. At the same time, we have approximately 2,048 school employees of which about 100 are non-union. For the merit system, 140 out of 3055 employees are in it, which is about four percent. The estimated increases as I understand it for FY06 would be about a little less than \$200,000. Our estimated budget, as I understand it, for operational purposes is about \$210,000,000. Our total budget is about \$240,000,000. That less than \$200,000 figure is 0.009

of the budget. I'm not saying that we shouldn't cut. As I said there's a lot of things I could talk about on the budget, but in this instance find the less than \$200,000 somewhere else. Merit personnel are far more than just managers and supervisors. I think we need as a city to get our priorities straight.

Second, the rumored use of undrawn school bonding funds to lower the tax rate by using it to pay fiscal year 06 bond payments in my mind is the most preposterous thing I've ever heard of. It is financial lunacy. I thought that bonding city street paving was a terrible idea. This one is indescribable. Our grandchildren would be paying for this horrendous mistake. To take \$2 million to pay this year's bond payments, or some of it, would mean that those of us who last long enough, and our children and grandchildren, will be doubling that amount before it is paid off. Please do not attempt to extract yourselves and us from this financial morace by making this worse. As the kids say: "Don't even think about it." Thank you.

Richard Flynn, 12 Charlton Circle. Watching these athletes come in here tonight reminded me a little bit of Coach Dichard who spoke after me the last time I was here. He had a lot of passion for his job, for the city, for the school, for sports. I look back and I kind of showed the same kind of passion that night. We share the same problems. We are looking and wondering how we have a budget of \$200 million, a school budget of \$82 million and things like \$200,000 are such a big issue to find. Why isn't \$82 million enough? Why isn't \$200 million enough? I have tried to follow this along and it's hard to tell where the cuts are going to be exactly. This level funding idea is a little bit harder for most taxpayers to try to keep up with what's happening. But as I see this thing going, it's going to result in a six percent tax increase and I see we have re-evaluation on top of that. This is not a good budget; this is not a good deal at all – not after what we had last year for increases. This resolution needs to be sent back to committee. It really is time to change the trend. The comment that X-Mayor Davidson said about learning from the past, I think we have to change where we are headed. We can't continue down this same road. We're talking about level funding, but not level servicing. It doesn't fit to me. I think there's plenty of money in \$82 million; I think there's plenty of money in \$200 million to find things. How do you force that issue? I think you have to take a more radical approach. You should say what if, instead of level funding, we're going to do 2 or 3 percent less than last year for funding? The school could have a small waiver. I know there's a lot of problems with contracts. I appreciate the good people who work for the city. We've talked about the excellent managers that we have. I think if we crushed this budget down, we would bring out something in them to drive us in the right direction. With level funding, it sounds like we're forcing them to eliminate things that really we should have – senior dinners. We have to struggle to find a place for biddy basketball. (... Inaudible)... We have plenty of money. We need to push the managers to another level so they really work hard to look at sincere ways to economize their departments to make this new number fit. Today we're giving them too much of an easy skate. They find less services to give us. When this is all done, we're going to have a horrible budget. We're going to have another tax increase. We're going to have less services and more fees.

Two other things quickly. Last year when I was here one of the best ideas I heard was from Alderman MacLaughlin. I thought he was thinking outside the box when we were talking about



## REPORTS OF COMMITTEE

Budget Review Committee..... 06/16/05

There being no objection, President McCarthy declared the report of the June 16, 2005 Budget Review Committee accepted and placed on file.

Budget Review Committee..... 06/23/05

There being no objection, President McCarthy declared the report of the June 23, 2005 Budget Review Committee accepted and placed on file.

Budget Review Committee..... 06/27/05

There being no objection, President McCarthy declared the report of the June 27, 2005 Budget Review Committee accepted and placed on file.

Budget Review Committee..... 06/30/05

There being no objection, President McCarthy declared the report of the June 30, 2005 Budget Review Committee accepted and placed on file.

Finance Committee..... 06/15/05

There being no objection, President McCarthy declared the report of the June 15, 2005 Finance Committee accepted and placed on file.

Committee on Infrastructure. 06/29/05

There being no objection, President McCarthy declared the report of the June 29, 2005 Committee on Infrastructure accepted and placed on file.

Planning & Economic Development Committee..... 06/21/05

There being no objection, President McCarthy declared the report of the June 21, 2005 Planning & Economic Development Committee accepted and placed on file..

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

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-05-184**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE ADOPTION OF FISCAL YEAR 2006 PROPOSED BUDGET FOR THE CITY OF NASHUA GENERAL AND ENTERPRISE FUNDS**

Given its fifth reading;

**MOTION BY ALDERMAN \_\_\_\_ VITALE TO LAY R-05-184 ON THE TABLE UNTIL THE CONCLUSION OF NEW BUSINESS**  
**MOTION CARRIED**

**R-05-185**

Endorser: Mayor Bernard A. Streeter

**ESTABLISHING THE USE OF UNDESIGNATED FUND BALANCE FOR TAX RATE**

Given its second reading;

**MOTION BY ALDERMAN DEANE TO AMEND R-05-185 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 R-05-185 AS AMENDED BY ROLL CALL**

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

Yea: Alderman Tollner, Alderman Vitale, Alderman Cardin, Alderman MacLaughlin,  
Alderman Deane, Alderman Plamondon, Alderman Shaw, Alderman Lozeau,  
Alderman Dion, Alderman Johnson, Alderman Bolton, Alderman McCarthy

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Nay: 0

**MOTION CARRIED**

Resolution R-05-185 declared duly adopted as amended.

**R-05-193**

Endorser: Alderman-at-Large Brian S. McCarthy

**AMENDING COMPENSATION FOR THE BOARD OF ALDERMAN FOR FISCAL  
YEAR 2006**

Given its second reading;

**MOTION BY ALDERMAN BOLTON TO AMEND R-05-193 IN ITS ENTIRETY BY REPLACING  
IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

ON THE QUESTION

Alderman Dion

Thank you. I have been studying this resolution, and for the life of me I can't understand why this is being done. Number one the stipends for the Board of Aldermen is a lowly \$5,000 a year. We

are cutting 3% of that salary. It is not that I can't afford to take the cut don't get me wrong that is not the object at all. It is the principle. The principle is this – what are we gaining by doing this? Are we complying with the 3% cuts in the departments that the Mayor required? Yes we are. Who else has taken a pay cut other than the Board of Aldermen? The answer is nobody not one person that works for the city is taking a pay cut. Now I am not going to be the laughing stock of the city and vote for a \$150 cut in the Aldermen's salary - a savings of \$2,250, which by the looking at the city budget of \$210 million it is like having an empty 50 gallon drum, trying to fill it, and we would put one drop of water in there – that is what it amounts to. It is really just a grandstanding play as far as I am concerned. Now is it that important to cut 3% from the Aldermanic budget I would suggest an amendment to cut \$2,250, which is the amount being cut from the Strategic Planning facilitator, which would make a heck of a lot more sense. Either that or else if someone has the guts to make an amendment to cut 3% from everybody that works for the city be my guest. Don't forget the ones that are under labor contract you can't do anything with.

I am not going to support this. This is nothing but a grandstand play and it doesn't amount to nothing, absolutely nothing.

#### Alderman Johnson

I supported this in committee and I thought about it and thought about it. Alderman Dion has made a very good point. When we level fund we are not cutting anybody's salary – they are staying at last year's salary they are just not getting that increase this year. We are taking a reduction in the stipend. Five thousand dollars a year pays for the gas, pays for the printing, for what you do for your constituents and the running around. It is not a salary it is a stipend. A salary is different. I am not going to support this at this time. I think it is wrong. This is like Alderman Dion says a drop in the bucket. If we need to get the real reductions I think it is time we put the claws into this budget as Mr. Flynn has said – a \$210 million budget plus really let's take a look at the total budget over \$240 million and this is where we are going to make the reduction in the stipends for the Aldermen? I don't think so. I think it is time we roll up our sleeves and really get into meat and potatoes here and really reduce this budget. Let's come in with a good tax rate not a horrible tax rate. Thank you.

#### Alderman Deane

Thank you. I don't care about this one way or the other – I really don't. I find it interesting and I have been waiting patiently for the sleeves to be rolled up and the meat and the potatoes to be put on the table and dealt with. Since it is on the table now we have laid 184 on the table I guess we can deal with the meat and potatoes later. When I first ran for public office for the Board of Public Works I wasn't even aware that people got stipends. I got a check from the Public Works administrative office in the mail and I asked them what it was for. They said it is stipend for serving. I had no idea the first year or two I donated them to the Girls, Inc. and whomever because I wasn't anticipating getting money for doing this. One hundred and fifty dollars doesn't make a bit of difference. I do agree we have to look at the budget. This is really not going to amount to much of anything.

### Alderman Tollner

I would agree with Alderman Deane. One hundred and fifty dollars one way or the other doesn't make a bit of difference to me. I think that we are trying to provide the same budget presentation from the Board of Aldermen as we are asking from the other city divisions. One of the previous speakers said hey let's get down to the meat and potatoes – let's. Last night was the perfect opportunity for that speaker to make some motions. The bottom line is a good motion is a motion that is a reasonable motion that is considered by a fair number of the members of the Board of Aldermen not one or two. Anybody can make a motion at any time, but to make a statement it is time to do that – I think the Budget Committee did a decent job in making some budget recommendations. If you think back about 3 months ago when we first starting discussing level budget for all departments with the exception of the schools, that was one of the positions at that time people thought was a drastic maneuver. A lot has happened since then. Level budget and 2.5% for the school department right now doesn't look that drastic to anybody. We need to continue to work a budget that is accepted by 2/3 a majority of this Board – make a motion and listen for the result, and move on and let's not grandstand. Thank you.

### President McCarthy

I would point out to the Board that the matter before it is an amendment to R-05-193 and not the

budget, which is contained in R-05-184, which we just laid on the table. I would ask that the discussions of the budget be held until it is back off the table later on in the agenda.

Alderman Johnson

Thank you Mr. President. Since the comments were referred to me I am going to comment back and I think it is only fair because I resent those comments. I have worked very hard on the budget for the last three years and this year with motions. People might not agree with my motions, but I have put a lot of motions on the table especially those stipends that bump people's salaries up, which is unfair to the citizens of the city when they found out people are getting extra money on top of their salaries for stipends. A salary is a salary and a stipend shouldn't be above their salary for the jobs that they do. I really resent your comments. Thank you.

President McCarthy

The motion is to amend R-05-193 by replacing it in its entirety with the golden rod copy provided with the agenda. Is there any further discussion of that motion?

Alderman MacLaughlin

I would suggest that if we were to, as a Board of Aldermen, want to express real savings we would eliminate the strategic planning piece, the compensated piece, altogether within our budget because as I have said many times before the experience and the ability to see what is right for a vision for this Board is right here around this horseshoe. With the experience that we have and the depth and breathe of creativity among the veteran members of this Board and those who have recently joined the Board, and everyone in between. All we have to do is exercise leadership and lead, and we don't need a strategic planner to guide us in that process. That is what the leadership of this Board ideally would do. Therein lays some real cost savings. Thank you.

*A Viva Voce Roll Call was requested, which resulted as follows:*

Yea: Alderman Tollner, Alderman Vitale, Alderman Cardin, Alderman MacLaughlin,  
Alderman Deane, Alderman Shaw, Alderman Bolton, Alderman McCarthy

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Nay: Alderman Plamondon, Alderman Lozeau, Alderman Dion, Alderman Johnson

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**MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON TO FURTHER AMEND TO ADD THAT THE AMENDED  
COMPENSATION FOR THE BOARD OF ALDERMEN FOR FISCAL YEAR 2006 BE CODIFIED  
IN OUR BOOK OF ORDINANCES**

ON THE QUESTION

President McCarthy

My understanding is that is a recommendation from Corporation Counsel as to how this resolution should be implemented.

David Connell

That is correct. Even though it is a one-year faction it does affect an ordinance and therefore it deserves to be preserved alongside that ordinance.

Alderman Tollner

Even though we do that this would just be a one-year reduction of the compensation and then 2007, 2008, 2009 it would go back to \$5,000 – because it says 2006 in the legislation?

David Connell

I believe it is all about '06 only.

Alderman Bolton

In fact reading the body of the amended resolution it says precisely for FY '06 only. Presumably next year we can be back here doing more or less or the same or not, but '06 only.

President McCarthy

Does everyone understand the motion? Is there any further discussion?

*A Viva Voce Roll Call was requested, which resulted as follows:*

Yea: Alderman Tollner, Alderman Vitale, Alderman Cardin, Alderman MacLaughlin,  
Alderman Deane, Alderman Shaw, Alderman Bolton, Alderman McCarthy

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Nay: Alderman Plamondon, Alderman Lozeau, Alderman Dion, Alderman Johnson

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**MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-193 AS AMENDED**

**MOTION CARRIED**

Resolution R-05-193 declared duly adopted as amended.

**R-05-211**

Endorser: Alderman-at-Large David W. Deane

**DECLARING THAT NO APPROPRIATION OR TRANSFER WILL BE FUNDED FROM ACCOUNT 802-299 "SEWERAGE DISPOSAL SYSTEM – RETAINED EARNINGS" FOR TIPPING FEES AT THE FOUR HILLS LANDFILL RELATED TO THE SARGENT AVENUE AREA SEWERAGE WORKS IMPROVEMENTS CONTRACT**

Given its second reading;

## MOTION BY ALDERMAN DEANE FOR INDEFINITE POSTPONEMENT OF R-05-211

### MOTION CARRIED

Resolution R-05-211 declared indefinitely postponed.

### R-05-221

Endorser: Alderman Kevin E. Gage

**DESIGNATING CITY-OWNED LAND ON SHATTUCK STREET, IDENTIFIED AS  
TAX LOTS 44-89 AND 44-90, AS A PUBLIC PARK**

Given its second reading;

## MOTION BY ALDERMAN TOLLNER TO LAY ON TABLE R-05-221

### ON THE QUESTION

#### Alderman Tollner

I think they are discussing the Shattuck Street development upstairs as we speak. Before I vote on this particular legislation, I would like to see the decision of the Zoning Board.

#### President McCarthy

I thought this was a piece of legislation that involved the property next door to the one that is subject to zoning approval.

#### Alderman Tollner

It absolutely does. The piece of property that the zoning hearing is taking place right now is to convert that property. There is a park next to it that the school used to use. I would just prefer to see the result of the zoning board decision before I vote on this.

#### Alderman Johnson

I'd rather get Alderman Gage down here to speak on this rather than laying it on the table because as far as we understood from Infrastructure this had nothing to do with that piece of property. This is separate. They are talking about office space and parking upstairs. This has nothing to do with that.

This was just the park. From what I understand, everyone agreed to this park.

Alderman Tollner

My only request is to lay it on the table for maybe an hour. I'm not saying I'm going to vote against it. Just put it to the back of the agenda.

Alderman Dion

When this resolution came to the infrastructure committee, we spoke about it. We discussed it thoroughly. This was strictly an amusement park. A playground. I don't see what the big deal is about holding this. What's going on upstairs is different. I can't see holding it.

***Division Taken***

**MOTION CARRIED**

**R-05-231**

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

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF THE SUM OF UP TO \$32,000 RECEIVED FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF SAFETY INTO SPECIAL REVENUE ACCOUNT #331-6222 "GANG INTERDICTION PATROL – ODP"**

Given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF R-05-231**

**MOTION CARRIED**

Resolution R-05-231 declared duly adopted.

**R-05-234**

Endorsers: Mayor Bernard A. Streeter  
Alderman David Lozeau

**RELATIVE TO THE TRANSFER OF \$36,812 FROM ACCOUNT #597-86605 "CONTINGENCY NEGOTIATIONS" INTO ACCOUNT #575-11900 "LIBRARY – FULL-TIME PAYROLL"**

Given its second reading;

**MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF R-05-234  
MOTION CARRIED**

Resolution R-05-234 declared duly adopted.

**R-05-236**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$52,010 FROM EXPENDABLE TRUST FUND  
ACCOUNT #996-5330 "CITY RETIREMENT" INTO ACCOUNT #531-11900 "POLICE –  
FULL-TIME PAYROLL"**

Given its second reading;

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF R-05-236  
MOTION CARRIED**

Resolution R-05-236 declared duly adopted.

**R-05-237**

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

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE NASHUA BOARD OF EDUCATION AND THE NASHUA ASSOCIATION  
OF SCHOOL PRINCIPALS THROUGH JUNE 30, 2005**

Given its second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-237**

ON THE QUESTION

-  
Alderman Deane

-  
We have another resolution on our agenda, R-05-252, which is relative to the re-appropriation of of fiscal year 2006 escrows. When you get to 581, the second to the last page, it provides for FY05 salary increases to principals and assistant principals – approval of a new principals' contract by the BOA is still in the process. There was a request for that along with two other items, which total \$147,650. The administration – I guess the mayor – it's the mayor's legislation – has in part put forth a \$50,000 request to hire software consultants to assist the city in specifying and purchasing new citywide HR financial software package. My question through

you, Mr. President, to the Mayor is you sponsored the resolution approving the cost items of the collective bargaining agreement between the Board of Education and the Nashua Association of Principals through June 30, 2005. The fiscal year is over. They requested the monies to pay for this if this was approved. If this is approved, do you happen to know how they are going to fund it if you didn't act favorably here by adding it into the escrow process?

Mayor Streeter

-  
I don't have that answer.

Carol Anderson

-  
The mayor has submitted the legislation because they have requested that. In the past, if the departments requested a re-appropriation, it's been sent to the board to act on. Actually that's on items from the '05 budget. It would be no different than any of the other union negotiations that we have had with the '05. The \$50,000 was one that had been requested in the prior year. With the IT Ad Hoc Committee, there hasn't been a recommendation that has come out of that. They requested it be carried over another year. That was a one-time item that would be under the mayor's purview, if I am correct with the ordinance.

Alderman Deane

-  
That doesn't matter. The bottom line is there was \$147,650 requested and the administration approved only \$50,000. What this is telling me is the administration doesn't approve of escrowing this \$81,105 to pay for this contract.

Carol Anderson

-  
It's not that the administration doesn't approve. The administration doesn't have the authority to say yes to that. That would be under the Board of Aldermen's purview.

Alderman Bolton

-  
The mayor is introducing this legislation. Presumably the mayor introduced this legislation that he wants us to pass. He has to put forward what he wants us to pass in the legislation that he introduces. The question is if we pass R-05-252, without amendment, does it escrow this money that is needed to pay these cost increases that are the subject of the other resolution that the mayor has also endorsed.

Carol Anderson

-  
It is my understanding, and maybe I am understanding it incorrectly, that the legislation for the escrow is up to the Board of Aldermen to approve those items.

Alderman Bolton

- The Board of Aldermen has to, but the mayor is introducing something he wants us to pass. If we pass it without amendment does it do this or does it not do this?

Carol Anderson

- I would disagree, and the Mayor can speak if he wants to correct me. It's not that he's saying that he wants you to pass this. He forwarded this on on behalf of his administration. That's my understanding from the past.

Alderman Bolton

- That's incorrect. If he is introducing something, he is endorsing it. If he is introducing something, he wants us to pass it. That's the whole rationale of this. My question still is: If we pass it without amendment, does it or does it not fund these expenditures that apparently he also wants us to approve?

Carol Anderson

- I guess at this point, I'm not sure what the answer is. I would imagine that he would want it to pass.

Alderman Bolton

- But no one can tell whether if it includes the monies to fund the principal's salaries that he wants us to approve retroactively for fiscal year '05.

Carol Anderson

- This should be retroactive to '05 – this escrow request.

Alderman Bolton

- So if we pass it, without amendment, the money is in there?

Carol Anderson

- In this request, yes.

President McCarthy

- The discrepancy seems to be over an escrow request that \$81,000 from the school department?

Alderman Deane

-  
There was a request for \$81,105 to provide FY05 salary increases to principals and assistant principals. The administration approved "blank" There's three items, and the bottom one was a \$50,000 request, which the administration approved. My initial question was if this is approved and this isn't amended to reflect the \$81,000 where is the money going to come from to pay the contract?

President McCarthy

-  
Do we know when those requests were given to the administration?

Carol Anderson

-  
That would have been submitted within the past week. I believe in hindsight what we have done is any contingency negotiations the Mayor has approved that coming forward if the money was actually in the account.

Alderman Bolton

-  
Referring to R-05-252, on the first page, it lists the amount to be escrowed for school purposes at \$97,650. Then there are a lot of other pages that seem to be explanations. I think the problem is when you go to the 581, school department section, you have three numbers: \$81,105; \$16,545 which taken together adds up to that number on the first page, but then you have another \$50,000 amount thereafter and that is indicated as administration approved. Do I understand that that is not part of this resolution because the mayor approved it separately?

Carol Anderson

-  
Exactly.

Alderman Bolton

-  
So the \$97,650 on the first page does comprise the two other amounts that the school department is requesting. By asking us to pass this, the mayor is in effect asking us to approve those two?

Carol Anderson

I would say yes. This is the way that we have been doing it since the escrow legislation changed several years ago.

Alderman Bolton

-

The explanation pages that follow the actual text of the resolution are confusing in that they actually refer to things that the mayor has separately approved by separate authority that he has. By indicating that there are other things that he has not separately approved, it appears that he is disapproving those. In fact, he is asking that they be included in part of this resolution.

Carol Anderson

-  
Yes.

Alderman Bolton

-  
Where he does not have that separate authority.

Alderman Deane

-  
Mrs. Anderson, the funds will not be coming out of contingency-negotiations? They will be coming separately out of the 11 account?

Carol Anderson

-  
Yes. If it were in negotiations, it would have been coming out of a 597 account. This is coming out of a 581 – it's out of the school department.

President McCarthy

-  
My recollection of the way we have the escrow authority currently divided is that like-for-like escrows that are just carried forward to the next year can be approved administratively but changes in purpose are the ones that require this board to take action.

Carol Anderson

-  
Actually for the ones that are even like-for-like have to be a one time. If it is any type of an ongoing cost, the Board of Aldermen have that.

President McCarthy

-  
The issue is that this cost falls into that first category and therefore does not appear in the resolution that is presented to the board.

Carol Anderson

-  
The \$50,000 does not, but the other two do appear before the Board.

*A Viva Voce Roll Call was requested, which resulted as follows:*

Yea: Alderman Tollner, Alderman Vitale, Alderman Cardin, Alderman Deane,  
Alderman Shaw, Alderman Bolton, Alderman McCarthy

7

Nay: Alderman MacLaughlin, Alderman Plamondon, Alderman Lozeau,  
Alderman Dion, Alderman Johnson

5

**MOTION CARRIED**

Resolution R-05-237 declared duly adopted.

**R-05-239**

Endorsers: Mayor Bernard A. Streeter  
Alderman Richard LaRose  
Alderman Lori Cardin

**RELATIVE TO THE TRANSFER OF \$200,000 FROM ACCOUNT 545 “WELFARE COSTS” INTO EXPENDABLE TRUST FUND ACCOUNT 944-5328 “WELFARE”**

Given its second reading;

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-239**

**MOTION CARRIED**

Resolution R-05-239 declared duly adopted.

**R-05-240**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$142,962 FROM EXPENDABLE TRUST FUND ACCOUNT 981- 5326 “PORTABLE CLASSROOMS” INTO ACCOUNT 681-34 “CAPITAL IMPROVEMENT – SCHOOL PORTABLE CLASSROOMS”**

Given its second reading;

**MOTION BY ALDERMAN MACLAUGHLIN FOR FINAL PASSAGE OF R-05-240**

**MOTION CARRIED**

Resolution R-05-240 declared duly adopted.

**R-05-241**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$600,000 FROM ACCOUNT 596-86581 “CONTINGENCY – RETIREMENTS – SCHOOL DEPARTMENT” INTO ACCOUNT 581-19210 “SCHOOL DEPARTMENT – PAYROLL, SEVERANCE”**

Given its second reading;

## **MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-241**

### ON THE QUESTION

#### Alderman Deane

I will not be supporting this. This resolution includes the increased benefit package that was given to the outgoing Superintendent. This evening I did get a little information from the Legal Office and a copy of the contract, but there are still many unanswered questions. I think we should really understand what was done, what was added, and why. I will not be supporting funding – this will be funding what was done, and I think we should better understand it before we pay for it. Thank you.

#### Alderman Johnson

I called Chris Hagan, but I found reading the newspaper she was in Texas – asking for a copy of not only Mr. Giuliano's contract I have also asked for Mr. LaSalle's to see if any money has been given to him as a severance package when he left the district. I won't be supporting this. When we hear parents sitting back here saying that there are not going to be any sports programs, they have eliminated \$2900,000 out of their budget for that and now we are scraping to find it I have a hard time supporting a nice severance package on the outgoing Superintendent. It is amazing – in private industry you cannot bank sick days nor can you bank vacation days – only in government can you bank this and walk away with a nice big bankroll like I said last night. This is my concern with the new Superintendent coming in what a contract would read, and if and when that person would depart what they would be walking around with. This is a bad way of doing business with taxpayers' dollars. Thank you.

#### Alderman Bolton

I don't know what is in the contract, and I don't know how the contract came about, but I think the question is is there a legal and binding contract. We ought to refer that question to our Legal Department if it is a genuine issue. The fact is if there is and we don't pay we will be liable for increased costs, we will be subject to fines from the State Department of Labor. We have an absolute obligation certainly with regard to the unused vacation time, and if it is provided – that is by law – if it is provided by contract we probably have that obligation with the unused sick time too. If there is any question about the legal entitlement that ought to be resolved, but it is past time to consider whether it is a good idea or a bad idea. If we owe it we have to pay it.

#### Alderman Deane

My understanding that amendments to this Superintendent's contract were done in non-public session. The minutes are not unsealed and I don't believe Corporation Counsel legally has the

ability to sit here and explain to us what went on behind closed doors. I have looked at part of the contract and it says that the Superintendent is allowed to accrue 40 vacation days. Thirteen point two weeks is a far cry from 40.

#### Alderman Dion

I will not be supporting this also for the same reasons that Alderman Deane mentioned. I just thought I would shed a little bit of light. Our traffic engineer in the traffic department has submitted her resignation and is leaving city employment. She had 200 hours of sick time coming, which is equivalent to 5 weeks pay. She got zero.

#### Alderman Bolton

There are a lot of other monies in this resolution other than that associated with the outgoing Superintendent. We are going to be in violation of the law as to those other people if we don't pay their accumulated vacation. As for the union contracts that we end up violating by not paying the sick leave they are allowed to accrue and be allowed to be paid for upon retirement. If there are legitimate concerns we ought to somehow embargo only the monies of which there are those concerns. There are a lot of people and we are going to be sending our lawyers up to the Department of Labor and we will lose. It is not responsible to just refuse to fund this.

#### Alderman Plamondon

I too have heard about some amendment that was done to the outgoing Superintendent's contract. I would like to pose through you to Corporation Counsel – what is before us, and specifically regarding the outgoing Superintendent's contract, is it completely legal and binding – the contract that is up stairs in Counsel's Office and what is before us in resolution?

#### David Connell

Alderman Deane is correct in observing that some of this was transacted in a non-public session that I can't go into. In general I can tell you that the School Board can determine what the package that a retiring employee can get on the non-union side. On the union side as Alderman Bolton pointed out a lot of people are absolutely entitled to money in this Resolution. They are retiring in great numbers at the end of the school year, and that is why this is a sizable resolution each year.

#### Alderman Tollner

I think there have been good points all around. I think Alderman Bolton brought up a good point that there are a number of other individuals that are probably bundled up with this. I am not sure if there is a motion to hold it at the full Board level I thought the road we were going down – I think there has been a lot of information that we have read in the paper – I don't want to rely on everything that we read in the paper, but I would like to provide Corporation Counsel an

opportunity to review the documents.

## **MOTION BY ALDERMAN TOLLNER TO HOLD R-05-241 AT THE FULL BOARD LEVEL**

### ON THE QUESTION

#### Alderman Johnson

I am going to request that everybody gets a copy of this contract because I know I have requested it. I think we all need to see what is in front of us. Unfortunately we don't want to rely on the newspaper, but obviously that is the only way we are finding out anything lately is through the Telegraph. Right, wrong or indifferent they are printing the news and somehow we have to receive this because we are in the dark with what has gone on. I too heard about the non-public session and I had tried snooping around to get some information. Shame on us and shame on them for not informing us of what was coming down the pike here with this man leaving. I am going to request not only that we see the former Superintendent's contract I would like to see the former Superintendent's contract to make sure that there are no surprises coming down the pike with that also. Thank you.

#### Alderman Vitale

Do we know which portion of the \$600,000 is related to the outgoing Superintendent and which is related to other employees?

#### Alderman Bolton

My general understanding it is something like \$87,000 of this is related to the outgoing Superintendent's contract.

#### Alderman Vitale

Would it be an appropriate motion to just hold that portion of the transfer for review by Corporation Counsel and release the rest of it for the other account?

#### President McCarthy

I suspect a motion to that affect could be crafted.

#### Alderman Deane

I can fill the Board in. I have a copy of both the Superintendent and the Assistant Superintendent's contract along with the severance retirement payments that were made to both the assistant superintendent and the superintendent. On June 30<sup>th</sup> we approved the warrant, Mrs. Anderson, and it had the vacation package along with \$4,823. That's already been

approved and those checks have been cut and covered, correct?

Carol Anderson

Yes, and that was from the superintendent's line item. That was not from that seventh line item.

Alderman Deane

Would this \$600,000 transfer would that replenish some of that Superintendent line item or – what I am looking at it says there was a total payoff of \$117,610.98 – there was 200 sick days accrued for a total of \$89,099.23. That has yet to be paid is that correct?

Carol Anderson

It has been paid, but it hasn't appeared on the Warrant. That is the only amount that is in the 19 account.

Alderman Deane

So out of the 19 account he has his \$28,511.75 of vacation pay so if we were to reduce the \$600,000 transfer amount to reflect the \$89,099.23 reduction the rest of the contingency retirement issues associated with the School Department could be dealt with except for this one?

Carol Anderson

That is correct. Someone raised the issue about Mr. LaSalle – what was charged to that account was the normal retirement benefit. It is just the \$89,099 that you would be questioning.

Alderman Deane

Well Mr. President is it appropriate to make a motion to amend...

President McCarthy

Not while the motion to hold is on the table.

Alderman Deane

Thank you. I will wait until that is voted on.

Alderman Tollner

A question for Mrs. Anderson before – the retirement package for the Assistant Superintendent, did that include an allocation of sick days as well?

Carol Anderson

Yes. That is part of their – there was nothing that was out of the norm. That was the normal payout package for retirement for any administrator.

Alderman Tollner

You can take your sick days with you and get paid for those?

Carol Anderson

When you retire from the district yes.

Alderman Tollner

That is a good deal.

Alderman Deane

I had a total of 195.5 sick days and 200 maximum. He received \$32,144.71. He had a 40 days maximum on his vacation where he received a \$14,615.38 vacation pay for a total payoff of \$46,760.10.

President McCarthy

That was Mr. LaSalle's?

Carol Anderson

Yes.

President McCarthy

The motion on the floor is to hold R-05-241. Is there any further discussion of that motion?

**MOTION FAILED**

**MOTION BY ALDERMAN DEANE TO AMEND R-05-241 IN THE TITLE AND BODY WHERE APPLICABLE TO CHANGE THE AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) TO FIVE HUNDRED TEN THOUSAND NINE HUNDRED AND ONE DOLLARS (\$510,901)**

ON THE QUESTION

Alderman Tollner

I have a question of Corporation Counsel if I might. By amending this to \$510,000 can we specifically designate withholding the dollars that I think Alderman Deane is proposing to be paid out to a specific position or by reducing it to \$510,000 they can still go ahead and allocate the dollars to that position and there would be a shortfall for 3 or 4 other positions?

David Connell

I think this is their money to spend on their retirees. Mrs. Anderson may have better details than I. I think that unlike some of these other retirement accounts where you tend to transfer the money out of contingency when there is a specific retiree – here there are so many that the \$600,000 may not match up precisely with the amounts of the people retiring so it might be – they might have some left over in which case I think there is an expendable trust fund that it pours over into.

Alderman Tollner

If I could just further clarify. Say the Superintendent's position was Job A and we amend this legislation and reduce it to \$510,000 what prevents someone from allocating those dollars to Job A first and then deal with the ramifications of the possible shortfall for the other say 20 positions?

David Connell

Assuming that there might be a shortfall I don't think anything prevents that.

Alderman Tollner

If it was the intent and this adjustment was approved by this Board maybe an amendment in the title if we want to try and get some more information on this particular position, would be to reduce it to \$510,901 holding any allocation of dollars for the Superintendent's position until Corporation Counsel has an opportunity to provide review of the contract. That would kind of guardrail what I think the intent of the motion is. Would that suffice?

David Connell

It would guardrail the intent. I am not sure it is enforceable. It would certainly express the Board's intent.

Alderman Tollner

I understand the intent of the motion and I concur with it. I understand the intent and actually having that take is a totally different situation.

**AMENDED MOTION BY ALDERMAN TOLLNER TO AMEND R-05-241 IN THE TITLE AND BODY WHERE APPLICABLE TO CHANGE THE AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) TO FIVE HUNDRED TEN THOUSAND NINE HUNDRED AND ONE DOLLARS (\$510,901) WITH NO ALLOCATION OF DOLLARS ALLOCATED TO THE SUPERINTENDENT'S POSITION UNTIL CORPORATION COUNSEL HAS AN OPPORTUNITY TO REVIEW THE CONTRACT AND PROVIDE AN UPDATE TO THE BOARD OF ALDERMEN**

ON THE QUESTION

President McCarthy

I understand your intent, but part of that would seem inappropriate because we are not transferring the money at all so even after Corporation Counsel's review there would be no funds in the resulting transfer to pay that. We ought to either not transfer it and say none of it is to go to the Superintendent's salary if that is what you want to achieve or transfer the \$600,000 with a codicil that Corporation Counsel is to review the contractual obligation before those funds were expended.

Alderman Tollner

I would rather personally go with the former rather than the later.

**AMENDED MOTION BY ALDERMAN TOLLNER TO AMEND R-05-241 IN THE TITLE AND BODY WHERE APPLICABLE TO CHANGE THE AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) TO FIVE HUNDRED TEN THOUSAND NINE HUNDRED AND ONE DOLLARS (\$510,901) AND TO INCLUDE THE LANGUAGE "NONE OF THE FUNDS TRANSFERRED SHALL BE ALLOCATED TO THE SETTLEMENT WITH THE SUPERINTENDENT"**

ON THE QUESTION

Alderman Deane

I don't think there is anything for our Legal Department to do. This is the contract. The Board of Education went into non-public session and amended it.

President McCarthy

I guess I would say from my discussion with you earlier on the contract that it is more complex than that because that contract took affect in 2003. There may have been additional accruals from the previous 8 years worth of contracts that carry over in addition to what is in that one.

I would like to understand that from Corporation Counsel at some point.

Alderman Deane

When I requested the contracts this is what Corporation Counsel gave me. These must be good. There have been amendments made to packages I believe for the outgoing employees that have left that were done in non-public session that unless the Board of Education wants to unseal the minutes to those meetings no one will know what was done or how it was done because they have the authority – they are the employer board. They don't have to release that information to us correct Attorney Connell?

David Connell

Right.

Alderman Deane

In lieu of that they went behind closed doors as they – I asked Attorney Bennett and he said what they did was perfectly appropriate – and they cut per diem with the Superintendent of Schools and they bumped what was in this contract. That is what they did and that is where the total of \$117,610.98 comes from. The reasoning they gave was that they didn't want to be in a situation where they wouldn't have somebody to operate the district. They decided I guess what was discussed in those closed door meetings it sounds to me, and it is just my feeling, was that I am sure some sort of arrangement was brokered with Mr. Giuliano between the Board of Education to get him to stay until such time as somebody else was put at the helm.

Basically if that is what happened, and I believe it is (just my opinion), he was in the driver's seat and we're paying for having him agree to stay. My protest to what was being paid out is to reduce that amount and not support this type of activity. Although the Board of Education is fully within their right and authority as the employer board to do such things, I just wanted to understand how it was done and why it was done, but since it was done in non-public session and then the employer board it is really none of our business. I am just not going to support paying for what they did. Thank you.

Alderman Vitale

It is my understanding from what I just heard that Attorney Bennett did look at the contract and the non-public session. Is that what I just heard?

Alderman Deane

No.

Alderman Vitale

Okay I thought that was said.

Alderman Deane

I have the contract. There were amendments made in non-public session to reflect the per diem changes in the allowances that are currently in the contract. That was done by the Board of Education in order to retain the services of the School Superintendent until such time as they hired somebody else. Since it was done in non-public session and the minutes are not unsealed we will not know what was done until the minutes are unsealed. They have the authority not to unseal them or keep them sealed whatever.

Alderman Bolton

I guess I don't understand the position. If the Board of Education has the legal right to do what they did and this then becomes a binding obligation that the city has to pay we are going to be in much worse shape if we just stonewall and not pay it and end up in hearings at the Department of Labor or in the Superior Court and be subject to paying additional fees and expenses because we don't pay what we are obligated to pay. If you don't like what the Board of Education did campaign against them, run against them. Don't vote for those members when they come up for election again, but if they have the authority to do it and it is a binding obligation of the city it will cost us more in the long run to willfully break the law. Not only that it is a violation of our oath to willfully break the law.

Alderman Tollner

My concern in making the motion was I don't want to jeopardize or hurt all of the other people, and there are quite a few people that are lumped into this particular piece of legislation. They should get the money that is coming to them. My concern with supporting the amendment to the motion is that we do have some questions about that one particular arrangement. Right now we have no opportunity to take a look at what was discussed, and maybe some time between now and the next Board of Aldermen meeting that and only that particular position could we get some more information. I don't disagree that the Board of Education has the purview and authority to do what they did. I would just like to see it that is all.

Alderman Johnson

Thank you. I think the Board of Education makes these wonderful deals and the taxpayers have to pay this. I added up these two payouts and if I am correct it came to \$164,371.08 between two Superintendents. That is a lot of money. That is really a lot of money in these contracts. I have never seen any industry – again and I am going to repeat – make payouts like this. I guess when it is not your money and it is the taxpayers' money it doesn't matter because we just ask Mr. & Mrs. Taxpayer to work a little bit harder to pay their taxes to have contracts – beautiful, wonderful, lucrative contracts like this, but nobody else gets it except in government. Thank you.

President McCarthy

The motion is to amend the proposed amendment of six hundred thousand dollars (\$600,000) to five hundred ten thousand nine hundred and one dollars (\$510,901) to include also the language "No portion of the transfer is to be used in paying the compensation of the departing Superintendent. Is there any further discussion?"

Alderman Vitale

I have one last question. If it is paid out and at some future point the minutes are unsealed and we find out that there was something illegal that took place, what would happen then?

David Connell

I can only speculate on what something illegal would be, but in theory we could try to get the money back.

Alderman Deane

I had a question for Mrs. Anderson on the 596-86581 contingency retirement school department. Thank you Mr. President – through you to Mrs. Anderson – do you happen to know what the current fund balance is in that account?

Carol Anderson

In the operating budget the city side of it has been depleted, and we have had to go into the trust fund as you voted out. This is the last \$600,000 that is in there. There is the trust fund that has money in it. If that is what you are alluding to that has about \$190,000 for the school and about \$1 million for the city side.

Alderman Deane

Were you contacted by anyone from the School Administration building before they brokered this deal to see if there were funds available to pay for it?

Carol Anderson

No. This \$600,000 each year – they have already paid out for retirements in their severance packages as it goes along, and they only make a withdrawal once a year at the end of the fiscal year – I believe as Alderman McCarthy stated they will withdraw the whole \$600,000 or whatever is in there, pay out their retirements, cover that line item what they have paid out, and then what is remaining goes into the trust fund whereas in the city we only have a few at a time and it is done one Resolution at a time per department or per individual.

Alderman Deane

Have numbers been brought forward on just exactly how much of that \$600,000 they need for payroll and severance?

Carol Anderson

Actually I was looking at that the other day and I might have one number off, but I believe they have paid out it is either \$535,000 or \$585,000 to date. That was the other day.

Alderman Deane

So they are within either \$15,000 or \$65,000?

Carol Anderson

Yes.

Alderman Deane

Of being close to actual?

Carol Anderson

Right. I would not be surprised if they – they may by the end of the year have to put in a Resolution to go into the trust fund. I can't say for sure because I am not sure how many retirements are left, but that would not be unlikely.

Alderman Deane

So there is \$190,000 currently in the trust fund?

Carol Anderson

Approximately yes for the school.

Alderman Deane

Your feeling is that perhaps they will have to tap into that for additional – I guess that is why it is there. How long has it taken to build that \$190,000 fund balance there?

Carol Anderson

Actually I believe that account was probably started around 6 years ago I think. Someone else on

the Board may remember that because for the city to have that much money in there – we put in the same amount every single year and some years we have just made out better on the city side, but I would say it has been about 5 or 6 years.

Alderman Deane

So the \$600,000 is budgeted every year, and then whatever is not used is put into the trust account to use as contingency so if the number exceeds \$600,000 you can file legislation to go into the trust account to use those dollars.

Carol Anderson

In past years I believe they have done as much as \$750,000 and have utilized that.

Alderman Deane

But the \$600,000 number that has been budgeted that has been pretty much the same for the last 5 or 6 years?

Carol Anderson

Very close yes.

Alderman Deane

Thank you.

President McCarthy

Is there any further discussion of the motion to amend the amendment?

**MOTION CARRIED**

President McCarthy

Back then to the motion to amend the sum of \$600,000 to \$510,901 and to add the language that was proposed. Is there any further discussion of that motion?

**MOTION CARRIED**

President McCarthy

The motion then is for final passage of R-05-241 as amended. Is there any discussion of that motion?

**MOTION CARRIED**

Resolution R-05-241 declared duly adopted as amended.

**MOTION BY ALDERMAN BOLTON TO WITHDRAW FROM COMMITTEE R-05-242 AND ALLOW FOR ITS SECOND READING  
MOTION CARRIED**

**R-05-242**

Endorser: Alderman-at-Large Steven A. Bolton

**AUTHORIZING THE RELEASE OF THE CITY'S REVERSIONARY INTEREST IN LAND ON SARGENT AVENUE AT SHEET 64, LOT 110**

Given its second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-242**

ON THE QUESTION

-  
Alderman Bolton

Thank you. Back probably about June 8<sup>th</sup> I was approached by a lawyer in Nashua who was holding up a closing because the property involved the title search disclosed these covenants, which you can see in the resolution. This is a lot of land on Sargent Avenue. I asked the Legal Department to prepare the resolution and it was too late to get in for the June 14<sup>th</sup> meeting so it had its first reading on June 28<sup>th</sup>, and did not make the Infrastructure's agenda for June 29<sup>th</sup>, and so now we are here on July 12<sup>th</sup> and if we don't deal with this now we will be four weeks until the next regular meeting of the Board of Aldermen so it will be more than two months since this closing has been held up.

I think Alderman Deane is also familiar with this and some of the rest of us may be because at least once and perhaps more than once we have done the same thing for other lots on Sargent Ave. that are subject to these very old reversionary interests that apparently at that time were used as a substitute for zoning and cover such things as heights and setbacks and things like that which are now covered by zoning. In the past, we have released these for others of the lots on this street. I would ask you to go along and allow it to be released for this lot as well. Thank you.

Alderman Gage

-  
We did deal with one on Sargent Ave. no that long ago that was the same situation. When these come up I do mention at that meeting we would be doing them one at a time, and obviously Alderman Bolton ran into this subject and brought it forward. I certainly will support it. Thank you.

Alderman Tollner

I think it is a reasonable request. If I could through the President ask the Chairman of Infrastructure if he is comfortable with this motion.

Alderman Dion

I was just going to ask the President of the Board to speak on this. I have no objection whatsoever to take from the Infrastructure Committee this resolution. I think it is a reasonable request. There is the sale of the property involved and it has been pending for such a long time now that it would be kind of crazy to hold it another month with these people that are waiting to purchase this property so I have no objection to taking from committee and I will support it.

Alderman Deane

I had talked to the paralegals upstairs, Jacqueline Barry and Donna Graham about this and they had gone through it. I just wanted to – they really started drilling into that whole neighborhood to look at the different properties, and they have found a number of other properties that have the same language within their deed. I just wanted to thank them for all of the work they did because they really had to go back and back and Jackie said it was really interesting to see some of the language in some of the Deeds. I think as Alderman Bolton had said for some reason a lot of these houses people have owned and either they are going to sell them or they are going to refinance them and these title companies are really going through the language of these deeds where they hadn't done nit in the past and they are finding this clause in there and it is being kicked out. I am supportive of it. I think we should probably contact the other people that live up there and let them know that this is in there and we should have them all removed. Thank you.

President McCarthy

Attorney Connell do we know how widespread this practice has been?

David Connell

As Alderman Deane mentioned our staff has had an opportunity starting with the GIS and getting into deed references and pursuing it through the registry because the registry is now on line as a great service, but it goes back only so many years at this point so we can't get back to the original stuff on line, but looking at recent deeds you are right they crop up now and then. I wouldn't say it is totally systematic, but you still see it in quite a few deeds on Sargent Ave. and some of the other streets near the north common.

President McCarthy

I guess I would ask that we prepare legislation for those places where we know this to be an issue to release then so that we don't have to respond when a closing is being held up.

David Connell

As I say we wouldn't vouch for it being 100%, but we can find quite a few of them.

President McCarthy

The motion then is for final passage of R-05-242. Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-242 declared duly adopted

**MOTION BY ALDERMAN GAGE TO TAKE FROM THE TABLE R-05-221**

**MOTION CARRIED**

**R-05-221**

Endorser: Alderman Kevin E. Gage

**DESIGNATING CITY-OWNED LAND ON SHATTUCK STREET, IDENTIFIED AS  
TAX LOTS 44-89 AND 44-90, AS A PUBLIC PARK**

Given its third reading;

**MOTION BY ALDERMAN GAGE FOR FINAL PASSAGE OF R-05-221**

ON THE QUESTION

Alderman Gage

This came about as the neighborhood discussion of the old Shattuck Street school was occurring – the daycare that was there for a number of years – they had younger kids take over the park. A lot of the people in the neighborhood thought the park actually went with the school. Come to find out looking into it, it does not go with the school/with that piece of property. It does, however, belong to the city. The problem is that almost every park in the city has a Deed. That Deed is turned over and held by the Park & Rec Department. My understanding is that the Park & Rec. Department does not control the Deed to this park. The city owns it, but Park & Rec. – it hasn't been deeded to Park & Rec. My understanding from Legal and Board of Public Works and Park & Rec is that this is basically paperwork. Thank you.

Alderman Tollner

This, as I mentioned earlier, was identified when Neighborhood Housing Services came before I think it was the Human Affairs Committee and they had the funding for their request voted on by the committee. Was that approved tonight upstairs?

Alderman Gage

That is not done. I am waiting to be called back upstairs when that comes up.

Alderman Tollner

Thank you.

Alderman Gage

Again just so everybody knows – this is not tied to that piece of property. I just want to make that clear. That is a totally separate piece.

**MOTION CARRIED**

Resolution R-05-221 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

**O-05-71**

Endorsers: Alderman David D. Lozeau  
Alderman-at-Large David W. Deane

**CREATING A NO PARKING ZONE ON THE SOUTH SIDE OF FRENCH STREET**

Given its third reading;

**MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF O-05-71**

**MOTION CARRIED**

Ordinance O-05-71 declared duly adopted.

**O-05-76**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO DISCONTINUING THE SCHOOL BUILDING AND CONSTRUCTION  
CAPITAL RESERVE FUND**

Given its second reading;

**MOTION BY ALDERMAN SHAW FOR FINAL PASSAGE OF O-05-76**

**MOTION CARRIED**

Ordinance O-05-76 declared duly adopted.

**O-05-77**

Endorser: Mayor Bernard A. Streeter

**ESTABLISHING A NEW “SCHOOL BUILDING, CONSTRUCTION, ADDITIONS AND  
RENOVATIONS CAPITAL RESERVE FUND”**

Given its second reading;

**MOTION BY ALDERMAN MACLAUGHLIN FOR FINAL PASSAGE OF O-05-77  
MOTION CARRIED**

Ordinance O-05-77 declared duly adopted.

**O-05-83**

Endorser: Alderman-at-Large Paula I. Johnson

**BROADENING EMERGENCY LANE VIOLATIONS AND INCREASING AND POSTING**

**THE RELATED FINE**

Given its second reading;

**MOTION BY ALDERMAN JOHNSON FOR FINAL PASSAGE OF O-05-83**

ON THE QUESTION

Alderman Johnson

The reason I wrote this legislation is because you will find now at more and more of the malls people are violating that fire emergency lane. As I said in committee the day that the Laundromat caught fire, March 15<sup>th</sup>, if that lane was occupied by vehicles the fire trucks would never have been able to put out the fire at the south end of town. People park in front of Walgreens in that plaza. You go up to Hannafords and they are parked all along the side of Hannafords, and all they are doing is just sitting there. I even see people waxing their cars, Hummers the other week, and I spoke to the Manager and the Manager told me they are not allowed anymore to go out and ask people to move because of the climate out there and the community now for fear that something will happen to the employees.

I think it is a shame that people have to block these fire lanes and they are called fire lanes for that particular reason. I don't think at this point in time – the only reason I am raising the fine to \$200 is because I don't think people get it at \$50 or \$100 anymore. I think something really needs to be done.

I have talked to Deputy Chief MacDonald and he said well his men are out and when they go by the malls they will cruise through there and if they need to write tickets, but go up there on any Saturday and the cars are lined up in front of the store. You can't get in or out. They are just sitting. These fire lanes have to be abided by because if there is a fire or an emergency they can't get in. I don't think that it is fair anymore. We have parking spaces for people to park not in fire lanes. Thank you.

**... tape ended ...**

Alderman MacLaughlin

Through the Chair to the maker of the motion – does this ordinance propose to allow for the instances where it might be elderly motorists waiting to retrieve maybe their partner who has been doing some shopping in terms of perhaps they are at the point where they can't haul their purchases across the parking lots?

Alderman Johnson

I will have to go back to my legislation, but you know – I shouldn't say this, but you know what if it is a moment stopping that is one thing, but people are just sitting and parking there and they are going into the stores and leaving their vehicles parked in a fire lane. I don't have a problem for two seconds if someone is disabled and they have to put them in the car. I have a problem when they park the car and they just sit there while somebody is shopping or because they can't park – they leave their cars unattended now and they go in and shop while they have their cars parked in the fire lane – go down to Hannafords and other areas. If people are severely handicapped then they should also be parked in the handicapped parking area. That is where people really belong not in the fire lane, but in the handicapped parking area. Thank you.

Alderman MacLaughlin

Having some experience with shopping centers where this sort of condition exists, my point is that I need to know there is language to protect those instances where the motorist is simply waiting to transfer goods from where they may have been purchased. Should the enforcement agent happen along and perceive that to be a motorist who has parked there now we have subjected a totally innocent act to an increased fine. Worse I am not sure or as bad possibly is the instances where these people are forced to do that because someone not qualified as handicapped has secured a handicapped parking space for the convenience next to the shopping entrances. I just need to know before I support increasing fines – I think the spirit may be right I am wondering if the language includes it.

Alderman Lozeau

If I may to Alderman MacLaughlin – I asked that question at the Infrastructure Committee meeting to two police officers; the lieutenant and captain that were there, and they say they never unless it is a situation where they have asked someone to move and they are refusing to move do they ever give a ticket to a vehicle that has a driver in it. If that makes you more comfortable they said unless it was a proposed safety hazard, they ask them to move and they refuse to move would they ever ticket a person that is sitting in a lane doing exactly what you just mentioned them doing. Thank you.

Alderman Plamondon

Just to concur with Alderman Lozeau, that is in fact – it is up to the discretion of the officer and of the situation. The bottom line this comes down to enforcement. A \$100 fine now – I think \$100 fine hurts if it is issued. I think Alderman Lozeau and I have been beating the drum for over a

year now to get additional parking enforcement to help in the enforcement, but the drum is on deaf ears. I really for the life of me can't understand why. This is a self-funding account. Currently we have two on days – start early in the morning, and each one goes to the north end and the south end malls twice – that is it. If we had a third one that would give more attention to all of these other malls in the northwest quadrants to southwest quadrant and downtown and wherever else they are needed, i.e., Nashua North with the parking situation we used to have out there (hopefully it won't be back). It really comes down to enforcement and issuing these tickets. Just keep in mind in the NROs the legislation I had passed, once you are \$200 in arrears in non-moving violations you are subject to immediate tow an additional fine of \$100 and the towing.

I will concur some people just don't get it. You can go in the Maple Street lot tonight and as of last Friday there is a car sitting there with 17 parking tickets on the windshield wipers – 17 – the car is still there with a for sale sign. It is a jalopy they are not going to sell it but they are not going to pay their tickets either. It comes down to enforcement. I don't know I think that is the only way that people are really going to get educated when they start getting some fines that really hurt them. I am not convinced that going from \$100 to \$200 is the end all be all to this problem. Again it comes down to enforcement. Thank you.

#### Alderman Bolton

I think Alderman Plamondon has hit the nail right on the head. When people get these tickets a lot of them are very surprised that my God it is \$100 ticket in spite of the fact that there is probably a sign somewhere that says it, people miss the sign or don't take it seriously enough until they get it. I would have to bet that not too many people get one of these twice. I have some familiarity with this largely due to Bidy Basketball games at the three middle schools where people who are unfamiliar and there are a number of them tend to park in the fire lanes at those schools. Occasionally, not all that often, but occasionally there will be a situation where people get tickets. God the hawling and raving about \$100 and my Mother was one of them and she is never going to park in a fire lane again. I tell you it is not the \$100 or the difference between \$100 or \$200 that scares people away it is knowing that you can get caught and knowing that you can be required to pay the \$100 because if you think you are going to get away with it, it doesn't matter whether it is \$100 or \$200 or \$1,000 but if you think you are going to get caught and have to pay the \$100 people won't park there. As I say I think Alderman Plamondon has absolutely got it – if there was more likelihood that people would be ticketed they wouldn't violate this. Until you have that likelihood I am not sure the dollar amount – it is just you happen to hit the wheel of misfortune the day you get it.

*President McCarthy stepped down and Vice-President Tollner presided.*

#### Alderman McCarthy

I wasn't going to speak on this until this last part came up, but I do want to share something with the Board on a situation that I think we ought to consider when we do some of these things. Not this past Spring, but the Spring before I happen to be in the Mayor's office on a Friday afternoon

while the Mayor was out of town and a woman came in that Mrs. Nelson was nice enough to direct to me – I am sure she remembers the discussion, which was somewhat lengthy. This particular woman is perhaps 35 has a couple of young kids, is not all that well off, and is trying to fix that by attending the Tech College. She makes a mistake and parks in a handicapped space for about 2 minutes while she goes in to make a photocopy and come back out. We ticket her as we should, however, let's take a look at how three pieces of things that this Board has done take affect after that. She gets a ticket, which is now for \$200 for parking in a handicapped space. A week later the \$10 surcharge is added to that and it becomes a \$210 ticket. About 8 days after she received the ticket while she is waiting for money from her sister to pay the ticket she is pulled over on Spit Brook Road for having a tail light out at about 9:00 p.m. with her two kids in the care. The police seize the car, dump her and her two kids out on the sidewalk on Spit Brook Road, which is what they are supposed to do, and have the car towed.

She has no way to get herself or her two young children home. Luckily she has a relative over in that area that she can walk to. The car gets towed and the last thing we have done is change our towing policy – it used to be we towed to the landfill and if you left the car there for 7 days we charged you \$10 a day after that. We changed that to allow at the discretion of the towing company towing to their facility and that they can charge up to \$35 a day starting from the time they tow the car – so she waits a couple of days and gets the money from her sister to pay the ticket, pays the ticket, goes to get the car and now owes either \$70 or \$105 to the towing company because they have had the car in their possession for three days. All of this time she is unable to attend classes or to go to the two jobs she holds in order to pay for her kids and her classes. I guess I have to question whether that was really the intent of the policy changes that we made. I would suggest if we want to make them hurt leave the fines at \$100 or raise them, but raise them to below the \$200 figure or raise the \$200 figure so that we don't get this cascade of events on a single parking ticket. Having a car confiscated basically for a week and being put into a position where they can't even keep up with the rate at which they are incurring expenses because of that one affect is not serving us well.

#### Alderman MacLaughlin

Mr. Acting President I would suggest the last part of the nightmare would be avoided if the woman kicked to the curb by Mr. Policeman would call the local Ward 8 Alderman who would be more than willing to give her and her young transport a ride. Thank you.

*Vice-President Tollner stepped down and President McCarthy presided.*

#### Alderman Johnson

The moral of the story is I guess here don't park in a handicapped spot. That was my legislation that we raised it to \$200. You know what that spot is designated for people who have disabilities and they have to have the certain plate or card to hang in their car. It is sad. Unfortunately people don't think sometimes when they park in the handicapped spots. It is designated for people with disabilities. I feel bad for the woman with what happened because it was just a series

of events that happened right after that, but unfortunately you are not supposed to park in a fire lane either. Here we go if that same woman parked in a fire lane and went into the store with her two kids and the store caught fire and the fire truck came over and couldn't get in there and they plowed through her car she wouldn't have a car. The moral of the story is don't park in a fire lane either. We wouldn't be going through this. Maybe if the police went out and ticketed and moved the cars the way they should we wouldn't have this legislation before us.

I remember Mr. President when my legislation came through for the handicapped parking I was in Florida and noticed that Florida had \$200. I think it might have even been \$250 down in Miami. It was posted what the fine was. Part of my legislation was I wanted the posting of the fine so people would understand what was going to be the cost if they parked there, and I believe Mr. President you had opposed that – in order for my legislation to pass we amended it to take the posting out. Sometimes you don't realize people think it is a \$25 fine well no big deal \$25 or \$50 I will park there no big deal – it will not hurt anything to get a couple of tickets. I guess when you know what the cost is going to be and the reality and the vision of it sometimes maybe you will think twice. Thank you.

President McCarthy

I believe Alderman Johnson the objection I raised was that we had no authority to tell the people to put the signs up on private property.

Alderman Deane

Could you repeat the motion that is on the floor? It has been about an hour. I forgot it.

President McCarthy

I believe the motion is for final passage of O-05-83.

Alderman Deane

I am ready to vote.

President McCarthy

Alderman Cardin is not.

Alderman Cardin

I am not ready to vote. While Alderman Johnson and I don't often agree on legislation, I agree with her on this one. People that park in spots that compromise other people's safety should be fined. Shame on us if it is enforcement or what it is. Anyone that thinks that it is okay to compromise someone else's safety I think we should throw the book at them. We have schools

full of children – I don't know what gives anyone the right to think it is okay to park somewhere that compromises anybody's safety. Shame on them. I think this is a good piece of legislation. I would rather see the enforcement out there. I think \$100 is good, but I think whatever it takes to get people to park where they are supposed to park and not compromise my safety or my children's safety or anyone I care about safety – that is the way it should be.

Alderman Johnson

I just wanted to thank Alderman Cardin for agreeing with me for a change. This is going to be a good evening.

Alderman MacLaughlin

The thing is with me at this point is, and I am not saying I am for people parking in fire lanes, my income is directly related to accessibility within parking lots and entrances to the local businesses. My wonder is is it any more enforceable at \$200 than it is at \$100. Is merely increasing the fine going to get at the real problem – that is the key.

Alderman Vitale

I don't have the legislation in front of me – can I just ask what the projected cost is to have this posted?

President McCarthy

The legislation says the fiscal impact is unknown.

Alderman Tollner

I think one of the requirements if we are going to make it a requirement to have it posted. There has to be some range of an impact. We would have to post this all around the city in every single school, the shopping centers can incur that cost themselves, but – so there is nothing on there.

Alderman Dion

Are we discussing a motion or are we discussing Alderman MacLaughlin's phone number?

President McCarthy

We are discussing the motion for final passage of O-05-83.

**MOTION BY ALDERMAN DION TO CALL THE QUESTION  
MOTION CARRIED**

President McCarthy

The motion before you is that of final passage of O-05-83.

**Show of Hands**

**MOTION FAILED**

**MOTION BY ALDERMAN JOHNSON TO RE-REFER O-05-83 TO THE COMMITTEE ON INFRASTRUCTURE**

**Show of Hands**

**MOTION CARRIED**

Ordinance O-05-83 re-referred to the Committee on Infrastructure.

**O-05-91**

Endorser: Alderman Kevin E. Gage  
Alderman-at-Large David W. Deane  
Alderman-at-Large James R. Tollner

**AMENDING THE PARKING ORDINANCES ON WHITNEY STREET**

Given its second reading;

**MOTION BY ALDERMAN GAGE FOR INDEFINITE POSTPONEMENT OF O-05-91**  
**MOTION CARRIED**

Ordinance O-05-91 declared indefinitely postponed.

**O-05-93**

Endorser: Alderman-at-Large David W. Deane  
Alderman Richard LaRose  
Alderman-at-Large Paula I. Johnson

**FREEZING THE MAYORAL SALARY FOR FISCAL YEAR 2006**

Given its second reading;

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-05-93**  
**MOTION CARRIED**

Ordinance O-05-93 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

**R-05-247**

Endorser: Mayor Bernard A. Streeter  
Alderman David D. Lozeau  
Alderman Marc W. Plamondon  
Alderman-at-Large James R. Tollner

Alderman Robert A. Dion

**AUTHORIZING THE MAYOR TO EXECUTE AN “AVIGATION” EASEMENT TO THE NASHUA AIRPORT AUTHORITY FOR ACCESS BY AIRCRAFT IN AND THROUGH THE AIRSPACE ABOVE CITY-OWNED CONSERVATION LAND KNOWN AS THE NORTHWEST SANCTUARY**

Given its first reading;

Alderman Tollner

If the President could indulge me – I did get a call on this from Alderman Britton. I also got a call from a couple of constituents in Ward 1 and their question was – the reason why I ask is because I think Alderman Britton and Mr. Rankin are here – does this in any way have anything to do with the development or anything to do with the second runway. I was asked to ask that question, and I am sure those individuals are watching TV tonight.

President McCarthy

Mr. Rankin and Mr. Britton would you like to address the question?

Roy Rankin

I believe your question was would this have any impact at all on the second runway or anything we are doing out there. It has nothing at all to do with that. This is a FAA mandated safety issue.

President McCarthy

I think the tenure of the question is is this being done to facilitate the second runway.

Roy Rankin

No it is not.

President McCarthy

Thank you.

Alderman Tollner

Thank you very much.

Alderman Deane

I spoke with Mr. Britton on Sunday and perhaps you can correct me if I am wrong Fred, but is there a sense of urgency that this has to be done? Is this time sensitive?

Fred Britton

Yes it is. At this time the trees have grown up into the safety zone in the northwest part of the airport, and the FAA has mandated that we either top them or cut them down to be in compliance with the safety zone for the approach to runway 14. If we don't get these trees cut down what they are going to do is raise the minimum to that approach. That is the alternative and we do not want to see that happen.

Alderman Deane

Has a plan been brought forward to lay an area out of what will be cut? They are not just going to go in there and start clear cutting everything are they?

Fred Britton

We will let Carol speak to that.

Carol Nowell

I am the Project Manager for Gail Associates representing the airport. We did in fact develop a plan that is in review right now with the agency. We are not clear cutting. We have only specific sites within that property that have tree obstructions that FAA is requiring that we take down. We have gone in front of the Conservation Commission and the Zoning Board and so far have received favorable approvals.

Alderman Deane

So you are going to go in and the trees are going to be tagged and just selective cutting is going to be done?

Carol Nowell

That is correct. We work with the Forester to identify the trees that are a problem to FAA.

Alderman Deane

And the rest of it will be left in its natural state.

Carol Nowell

That is correct.

**MOTION BY ALDERMAN DEANE THAT THE RULES BE SO FAR SUSPENDED AS TO**

**ALLOW FOR THE SECOND READING OF R-05-247  
MOTION CARRIED**

*Resolution R-05-247 given its second reading;*

Alderman Vitale

I spoke with former Alderman Britton on the phone today and we discussed a little bit. The only thing that I didn't ask is was there any – did you have any maps available as to where the cutting is going to be taking place?

Fred Britton

Yes we do. I though it may have been part of your package. I am not sure, but ...

President McCarthy

Alderman Vitale did you want to make the motion for final passage so we have a motion for discussion?

**MOTION BY ALDERMAN VITALE FOR FINAL PASSAGE OF R-05-247**

ON THE QUESTION

Alderman Lozeau

Just for the record I understand the Conservation Commission has ruled favorably on this Resolution. If I could confirm that with Mr. Britton.

Fred Britton

That is true the Zoning Board has given approval and the Conservation Commission both.

Alderman Lozeau

Thank you.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-247 declared duly adopted.

**R-05-248**

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 \$2,500 RECEIVED FROM PSNH INTO SPECIAL REVENUE ACCOUNT 371-7023**

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

**R-05-249**

Endorsers: Alderman Lori Cardin  
Alderman-at-Large Steven A. Bolton

**RELATIVE TO THE TRANSFER OF \$98,176 FROM ACCOUNT 653-38 "MAIN ST. SIDEWALK COMPLETION PROJECT" (\$82,852), AND ACCOUNT 590-23553 "PRIOR YEAR OBLIGATION-STREET DEPT." (\$15,324) INTO ACCOUNT 653-11 "ALLDS ST./ SALMON BROOK SAFETY RAILING"**

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

**R-05-250**

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 \$40,175 OBTAINED FROM THE STATE OF NEW HAMPSHIRE INTO SPECIAL REVENUE ACCOUNT #331-6224 "NH DRUG TASK FORCE 2006"**

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

**R-05-251**

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 \$408,333 PER YEAR FOR FY06 AND FY07 INTO SPECIAL REVENUE ACCOUNT #341-6442 "BIOTERRORISM GRANT" FROM THE STATE OF NEW HAMPSHIRE HEALTH AND HUMAN SERVICES DEPARTMENT**

Given its first reading;

**MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-251  
MOTION CARRIED**

*Resolution R-05-251 given its second reading;*

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-251**

ON THE QUESTION

Alderman Cardin

As Mr. Sabato told us earlier this evening, this is time sensitive. There is no city matching funds for this grant. He did give us an overview of what this grant encompasses, what the grant is used for, and I would beg the Board's indulgence on passing this this evening as it is time sensitive. It needs to be before the Governor and Council in their July/August session, and we don't meet again until August. We don't want to lose out on this grant. Thank you.

Alderman Deane

The one question I had through you to Alderman Cardin was the State say that the grant will fund several Public Health and Community Services Division positions. Do we happen to know which positions these funds will take care of?

Alderman Cardin

I know that there is a position for a Public Health Nurse Manager, but Joe Sabato is here, Paul Etkind is here, Mary Nelson is here so if I could have one of them – direct that question to them please.

Joseph Sabato

The positions that are funded are the Medical Director's position, myself, the Deputy Director/ Epidemiologist, and the Administrative Assistant and there was a position in the grant for a Region Coordinator to work outside of Nashua.

Alderman Deane

Out of the total \$408,333 how much of that is payroll?

Joseph Sabato

I believe it is \$270,000 odd.

Alderman Deane

You stated there is a Medical...

Joseph Sabato

Medical Director's position.

Alderman Deane

That is you.

Joseph Sabato

That is me.

Alderman Deane

Who is the Deputy Director?

Joseph Sabato

That is Dr. Etkind.

Alderman Deane

Then there is the administrative ...

Joseph Sabato

Administrative Assistant. Those are positions that have been through the previous grants.

Alderman Deane

Who is the administrative assistant?

Joseph Sabato

Judy Markell.

Alderman Deane

Then you said there was one more?

Joseph Sabato

There is one more position that is specified in this grant and that is to do regional coordination

with the communities.

Alderman Deane

Is that a new position?

Joseph Sabato

That is a new position.

Alderman Deane

The one other question I had – is this going to be paying for cell phones and blackberries and other sort of services like that or pieces of equipment?

Joseph Sabato

There is equipment in there. There are communication requirements in the grants.

Alderman Deane

Do you plan on hosting any bio-terrorism education and training seminars in the city?

Joseph Sabato

Absolutely.

Alderman Deane

As was done last year?

Joseph Sabato

Last year and we intend to move forward with those same type of programs.

Alderman Deane

Thank you.

Alderman Tollner

I also had a conversation earlier this evening with Mrs. Nelson who also stated that the question that was asked by the Board in different communities from time to time is if this funding ever was to go away there is an understanding with at least those four positions that if the funding was

going to go away their positions would go away. I think that is the question that is usually asked by if we accept the grant, those grants fund those positions, if the grant dollars go away is the city obligated to continue to fund those positions. In this case with this particular grant if the grant goes away the dollars go away and the positions go away.

Alderman Deane

We may not be obligated, but the majority of the Board chooses whether to fund or not to fund.

Alderman Tollner

That is true.

Alderman Deane

Unfortunately that is just the way it is. I do like that question being asked because these positions are added and if the money does need to be brought from another source it comes out of the tax base.

President McCarthy

The motion is for final passage of R-05-251. Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-251 declared duly adopted.

**R-05-252**

Endorsers: Mayor Bernard A. Streeter

**RELATIVE TO THE RE-APPROPRIATION OF FISCAL YEAR 2006 ESCROWS**

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

**R-05-253**

Endorser: Alderman-at-Large Paula I. Johnson

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO  
ALLOWING A QUALIFIED VOTER TO SIGN AS MANY NOMINATING PETITIONS AS  
THERE ARE OPEN POSITIONS FOR THE OFFICE**

Given its first reading;

President McCarthy

My understanding is that we are to substitute the copy of the Resolution that was placed on our desks this evening for the one being submitted.

**MOTION BY ALDERMAN BOLTON TO AMEND R-05-253 AS FOLLOWS: IN THE TITLE BY**

**DELETING THE WORDS “OPEN POSITIONS FOR THE OFFICE” AND INSERTING IN THEIR PLACE “POSITIONS TO BE FILLED IN THE UPCOMING ELECTION FOR THAT OFFICE” AND IN THE BODY IN THE PARAGRAPH THAT FOLLOWS THE BOLD PRINTED QUESTION “SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SUMMARIZED BELOW” BY DELETING THE WORDS “OPEN POSITIONS FOR THE OFFICE” AND SUBSTITUTING THEREFORE “POSITIONS TO BE FILLED IN THE UPCOMING ELECTION FOR THAT OFFICE”, AND CONTINUING IN THE BODY IN THE PORTION THAT ACTUALLY SETS FORTH THE WORDING OF THE NOMINATION PETITION CERTIFICATE BY DELETING THE WORDS “OPEN POSITIONS” AND SUBSTITUTING THEREFORE “THERE ARE POSITIONS TO BE FILLED IN SAID ELECTION”**

ON THE QUESTION

Alderman Bolton

I just think the expression open positions to many people might refer to whether or not incumbents are seeking re-election, and it would therefore be ambiguous in that sense. What I think we are getting at is if it is elect 3 you can sign 3 petitions, if it is elect 4 you can sign 4 petitions, if it is elect 5 you can sign 5 petitions, and the expression open positions I think might confuse people into worrying about incumbent status or not. I think this corrects that.

President McCarthy

You have all heard the motion. Is there any further discussion?

**MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON THAT R-05-253 IS NECESSARY, THAT IT BE ASSIGNED TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE, AND A PUBLIC HEARING BE SCHEDULED FOR TUESDAY, AUGUST 9, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER**

**MOTION CARRIED**

**R-05-254**

Endorsers: Mayor Bernard A. Streeter  
Alderman Robert A. Dion

**AUTHORIZING AN OPTION AGREEMENT FOR THE SUM OF \$25,000 TO BE PAID FROM ACCOUNTS 505-81016 “CIVIC AND COMMUNITY ACTIVITIES - CITY TRANSPORTATION (FY ‘05)” (\$20,000) AND 374-07250-7222-7105 “CDBG FY ’05 – BUS GARAGE” (\$5,000) FOR THE RIGHT TO PURCHASE LAND AND IMPROVEMENTS AT 11 RIVERSIDE STREET, TAX LOT 75-17**

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

**R-05-255**

Endorsers: Mayor Bernard A. Streeter  
Alderman Robert A. Dion

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) TO FUND THE PURCHASE AND REDEVELOPMENT OF PROPERTY LOCATED AT 11 RIVERSIDE STREET**

Given its first reading;

**MOTION BY ALDERMAN DION TO ASSIGN R-05-255 TO THE BUDGET REVIEW COMMITTEE AND THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, JULY 25, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER BY ROLL CALL**

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

Yea: Alderman Vitale, Alderman Cardin, Alderman MacLaughlin, Alderman Plamondon, Alderman Shaw, Alderman Lozeau, Alderman Dion, Alderman Bolton, Alderman McCarthy

9

Nay: Alderman Tollner, Alderman Deane

2

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES

**O-05-99**

Endorser: Mayor Bernard A. Streeter

**SUSPENDING MERIT PAY INCREMENTS FOR FISCAL YEAR 2006**

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

**O-05-100**

Endorser: Alderman Richard LaRose

**Authorizing the installation of a stop sign On ORIOLE DRIVE at its intersection with WATERSEdge DRIVE**

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

**o-05-101**

Endorser: Board of Aldermen

**INCREASING THE TAX CREDIT FOR A SURVIVING SPOUSE OF ANY PERSON WHO WAS KILLED OR DIED WHILE ON ACTIVE DUTY FROM \$700 TO \$2,000**

Given its first reading;

Alderman Tollner

I think this is a no brainer. I would like to make a motion for an exception and ask the original endorser if he would like to make the motion for first and second reading and we pass it right now.

Alderman Dion

Well I would really like to do that. Thanks for the suggestion Alderman Tollner.

**MOTION BY ALDERMAN DION THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR A SECOND READING OF O-05-101  
MOTION CARRIED**

Given its second reading;

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF O-05-101  
MOTION CARRIED**

Resolution O-05-101 declared duly adopted.

**O-05-103**

Endorser: Board of Aldermen

**CREATING A SPECIAL REVENUE FUND FOR SCHOOL DEPARTMENT STUDENT ATHLETIC FEES AND GATE RECEIPTS TO BE EXPENDED FOR ATHLETIC SUPPLIES AND EQUIPMENT, TEAM TRANSPORTATION COSTS AND GAME OFFICIAL EXPENSES AND TRANSFERRING ANY BALANCE IN THE EXISTING SCHOOL ATHLETICS FUND TO SAID FUND**

and

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR ACCEPTING CONTRIBUTIONS FOR SCHOOL DEPARTMENT ATHLETIC EXPENSES**

and

**AUTHORIZING AND ENCOURAGING THE BOARD OF EDUCATION TO SEEK CHARITABLE DONATIONS AND SPONSORSHIP REVENUE, INCLUDING SIGNAGE AT STELLOS STADIUM AND OTHER VENUES, TO DEFRAY THE COSTS OF SCHOOL DEPARTMENT ATHLETIC PROGRAMS**

Given its first reading;

**MOTION BY ALDERMAN BOLTON TO ASSIGN O-05-103 TO THE BUDGET REVIEW**

**COMMITTEE AND THAT A PUBLIC HEARING BE SCHEDULED FOR MONDAY, JULY 25, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER**  
**MOTION CARRIED**

**O-05-104**

Endorser: Alderman-at-Large David Rootovich  
Alderman-at-Large James R. Tollner

**MODIFYING THE RESTRICTION ON USE OF A CERTAIN WAY BETWEEN CATHEDRAL CIRCLE AND PROPERTY IDENTIFIED AS SHEET F, LOT 21**

Given its first reading;

**MOTION BY ALDERMAN TOLLNER TO ASSIGN O-05-104 TO THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE AND THE NASHUA CITY PLANNING BOARD AND THAT A PUBLIC HEARING BE SCHEDULED FOR TUESDAY, AUGUST 2, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER**  
**MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT

Tim Glenday, 7 Lucier Street

I spoke to this Board two weeks ago this evening concerning the telecast that was not held the previous evening, and the physical reasons why it didn't take place. I also cited several other problems that I feel take place currently with municipal programming channel and things that we need to do to improve the municipal programming channel. Although this fiscal year has been a year of some improvements because Alderman Deane sponsored legislation, which put a priority in for the scheduling of programming and that is now the law. It is why last night a Special Board of Aldermen meeting was on TV 16, and the Board of Public Works was taped for a Sunday replay.

However, in my comments two weeks ago this evening, I was relying on information from a Comcast Engineer that the conversation about turning off the modulator in the third floor of this building, IT, had been between himself and one Mr. Gordon Jackson of TV 13. In fact in checking not only with this person from Comcast, another person from Comcast, and a city employee that I value greatly and have a long time relationship with, Nick Darchik, from our traffic and street signals that I am sure you are all familiar with. He has appeared in front of the Aldermen many, many times. That conversation in effect took place over the telephone not in person and it did not take place with Mr. Jackson. I must clear the record this evening and state that Mr. Jackson was not in the building the previous Friday and it was not Mr. Jackson who in effect left on the piece of equipment that resulted in our inability to televise 15 days ago, the Monday night Budget Review Committee meeting that lead to the actual sending of this proposed budget to the full Board of Aldermen.

I, therefore, owe Mr. Jackson an apology for that comment even though I received my information

in good faith from the cable company, I was not aware that the conversation was a telephone conversation until I investigated further as has the Streeter administration to find out who was talking on both ends of that conversation. For that specific reference that I made two weeks ago it should be 100% clear that Mr. Jackson was not in the building, he is not the person who left the modulator on, and that I do as I say previously and will repeat now, owe him an apology for stating that he had left the modulator in the IT room on the third floor on.

I would further say that many of you have talked to me about the deadline that I had self composed concerning clearing up that matter and others that involved TV 16, by the fact that I am keeping you here at 10:23 p.m. on a Tuesday evening, I obviously have stretched that deadline because the Streeter administration in good faith is looking into some of the concerns that I have about the crawling text, our ability to do political debates or at least candidate nights of some sort maybe this October, and other programming questions that I have. Since they are making a good faith effort to look into these issues and in deed to explore it independently this whole question whether Mr. Jackson had been at fault for our own particular telecast that we missed, I certainly owe it to the city and to you people here around the well including this Mayor to still try to do my best to facilitate the telecast by Mr. Shahude and Mr. Gage and myself so at least in the temporary if wanted I am here and will continue to assist televising to the public and the City of Nashua these meetings unless you all make a decision that I shouldn't.

Let me for a third and final time say regardless of whatever other disagreements that I have that Mr. Jackson was not the person who left on the piece of equipment. The quotations I gave you were correct. What happened was correct. It is just that he was not the party at the city end. The Engineer from Comcast as well as again Nick Darchik has confirmed that for me. I thank you for letting me take a couple of minutes – now that I know you may want to dig into the budget tonight – to do this. The only thing I can offer you in levity on a situation like this where I am embarrassed is the American League is ahead 5-0 in the sixth inning. Thank you.

**MOTION BY ALDERMAN DEANE TO TAKE R-05-184 FROM THE TABLE**  
**MOTION CARRIED**

**R-05-184**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE ADOPTION OF FISCAL YEAR 2006 PROPOSED BUDGET FOR  
THE CITY OF NASHUA GENERAL AND ENTERPRISE FUNDS**

Alderman Deane

I wanted to go into the yellow pages again. Your projected revenue figures Mrs. Anderson or Mrs. Lemieux that have been brought forward – I wanted to go – we have reduced the pensions by \$100,000 in 407 right and 412, Financial Services, you have FY '06 recommended by the Mayor \$18,512,784. What is your opinion on that number there?

Carol Anderson

The number that you could make an adjustment to would be the motor vehicle revenue. I was looking at it today, and the fiscal year has changed. That number is up over the \$10,750,000 for this year that we had projected and we are up over \$1 million more on that one. I would caution though I would not recommend going up to that extent. At the most I would say between \$250,000 to \$300,000. That is because that is really the only line item in the revenue section of the entire budget where there is any leeway where it can increase. Some of those other line items that we have they can actually decrease. We don't know where some of those are going to end up. It would only leave us a buffer of about \$700,000. That may sound like a lot, but that is not a lot of money when we are talking \$50 million in revenue for the budget outside of what is raised in taxes.

Alderman Deane

That number historically in the past wasn't budgeted as close as it is today right? It was always at some points well over a million. We could add to that \$18,512,784 we could add and you would feel comfortable adding another \$300,000 to that?

Carol Anderson

Yes you would actually to the motor vehicle line, the 412-180.

**MOTION BY ALDERMAN DEANE TO INCREASE LINE ITEM 412-180 BY \$300,000  
TO \$11,100,000  
MOTION CARRIED**

Alderman Deane

Through you Mr. President to Mrs. Lemieux – what did that do to the bottom line?

Maureen Lemieux

That would take another just about 2/10 of a percent off of the tax rate increase so that would put us down at around 5.9 or 5.9 something percent.

Alderman Deane

I wanted to go in to Dept. 532. These are the adjustments that were made. I have to find my other information. ... **tape flipped** ...

Alderman Bolton

If I can get Mrs. Anderson to go back to page 6 again – it appears that we are even as of January 31<sup>st</sup> we were ahead of expectations on the meals and rooms tax distribution and how does that

look at more recently and is that a place where perhaps we underestimated?

Carol Anderson

That number actually comes from the State, and I had spoken with Mr. Fredette, and right now he wanted that number to remain where it is. If we do receive any notification about an increase we will certainly get back to the Board on that.

Alderman Bolton

Do we get that in a single payment each year or ...

Carol Anderson

I believe it is in two payments. They had an additional amount of money – I want to say it was \$195,000 that we had received, but that was not expected at that time. That sometimes occurs.

Alderman Bolton

It looks like we got both payments by January 31<sup>st</sup>. That would probably be accurate?

Carol Anderson

Yes.

Alderman Bolton

Thank you.

Carol Anderson

I will reconfirm with Mr. Fredette tomorrow.

President McCarthy

Are there any other motions at the moment?

**MOTION BY ALDERMAN DEANE FOR A FIVE-MINUTE RECESS  
MOTION CARRIED**

*The Board recessed for approximately 5 minutes*

Alderman Deane

I have some things that I want to do, but I have to get some numbers that I don't have available this evening.

**MOTION BY ALDERMAN DEANE TO HOLD R-05-184 AT THE FULL BOARD LEVEL  
MOTION CARRIED**

President McCarthy

I will schedule a Special Board meeting for Monday night following the Finance Committee meeting.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Tollner

I have one item tonight – there was a gentleman by the name of Nick I believe who lives over on Latent Street. His message on my answering machine was garbled. He had a complaint about the fireworks that are going off after the Pride game. I have no way of getting a hold of him. I didn't get his last name nor his phone number so if he is listening and wants to call me again he can look my number up in the phone book, and I would be more than happy to respond to him. Thank you.

Alderman Deane

I would like to congratulate the Nashua North 12 year old Cal Ripken tournament team who won this evening 6-2. They are playing in the finals against Bordertown tomorrow starting at 5:30 p.m. at Murray Field in front of Holman Stadium. Thank you.

Alderman Plamondon

I too want to congratulate the Nashua North Cal Ripken team. I want to address a few of the things – first is a letter to the Editor by what I would take is a young lady from the me generation that commented on my proposed noise ordinance. I just want to make it clear that this ordinance is proposed to uphold the rights of those individuals who live and pay taxes in our city that do not need to be offended by these boom box cars, loud mufflers – I have received so many letters and phone calls lately in support of this legislation not just from Nashuans but from all surrounding towns. The last letter I got today was from a family out of Merrimack who used to come downtown and stopped. They haven't been downtown in over two years because of the noise. They used to do fundraisers and such downtown and they have stopped. They expressed their support as well as really dozens of letters and phone calls I have had in support.

I have received complaints in areas in my ward where the vehicles on a given street, Palm Street,

don't even have trunks, the entire trunks are speakers – they couldn't do grocery shopping and put a gallon of milk in these trunks because they are all speakers. Where does it end? I just want to address that – this legislation is to uphold the rights of people who live in this city to what is deemed fair and decent and a standard of living and a quality of life that really is for everyone. If these youngsters want – I said it before if they want to have these boom box cars then roll up the windows – just don't come to us when you are 40 and you can't hear.

Earlier we had a little discussion on fines and parking enforcement. I really would love to have the Board be supportive of getting some additional parking enforcement so we can begin to enforce the parking fines throughout the city. I personally think that we could definitely have one more on days. It is self-supporting. We have spoken of – we have had legislation tonight and past evenings that talked about putting up signs and such and about three years ago I had with the City Treasurer's assistance and the Mayor's assistance, to all registrations that were mailed out everybody got something under city letterhead in their registrations and it was available in the City Clerk's Office and when you go to register your cars with parking violations and the fines. Every time I ask that we continue with this policy it comes back to there is no money. Again parking enforcement is self-funding.

Here is one here – we can do it for the parking cards, I don't understand why we can't give reminders out as an educational piece as to common parking fines and laws in the City of Nashua; 25 feet to curb, the handicapped parking spots, fire lanes, on and on and on. It is cheap money for education, and hopefully people will realize that they have seen this document when they registered their cars and realize it is \$100 in a fire lane, \$200 in a handicapped spot – there is no excuse. You register your car and you got this document then there is no excuse. Any Judge would uphold that as well.

At the last full Board meeting I had made comments on a group of youths in the Ledge Street area. That situation has been brought to my attention – it is all over; downtown, Tree Streets, French Hill, and other neighborhoods in this city where we have minor out past midnight. I am just asking all the parents to check where their child is. Don't take the attitude that my kid wouldn't do that. Try and spend more time with your child. Don't take their word 100% of the time. Follow up with them; get to know their friends. I beseech all adults in this city to watch the children. Watch our minors. As adults we all have a responsibility towards our children. I was just told today that yesterday at 1:30 p.m. at Tailor Falls Bridge there were three youths, 12 and 13 year olds, on the Tailor Falls Bridge on the Nashua side between the first pillar and the Deane skateboard park. They had their bicycles. Two of the youths were leaning against the guardrail and the third one jumped off into the Merrimack. He is all right, but these are the types of daredevil activities that are going on – playing chicken with cars and losing – that is going on on our city streets. I am just asking parents and other adults to have a sense of ownership as to what these juveniles are doing. Otherwise there will be more small coffins in the graveyards I guarantee it. Summer is here and the kids are out, and we really all need to pay attention. Thank you Mr. President.

Alderman Shaw

I would like to comment on a couple of things. One is the continued efforts on Lamb Road and ask for the residents' indulgence. I wanted to thank the contractor and city engineering for dealing with what got to be a pretty bad problem on Saturday morning from the rain overnight on Friday where the street had been taken down to just the base layers and no pavements – things were washed out and the grader came through Saturday morning and it was much better through the rest of the weekend. I know anybody driving on it like I did early Saturday morning found it to be pretty awful. It was nice to see that get addressed relatively quickly.

Another combination of thank you and also a request that we continue to be trying to address some concerns out on Harris Road near Conant Road as far as traffic, speeding, and working with Captain Theriault at the Police Department to try to step up enforcement as well as Wayne Husband, the Traffic Superintendent, to see what we might be able to do to help things out out there. I just ask for all of those residents especially out in the southwest quadrant and Wards 9 and 5 to try to be mindful of the fact that Harris Road is a 25 mph road. We continue to see fairly significant accidents down on the curbs that lead from that end of Harris Road towards Conant. I observed the aftermath of one relatively bad looking accident Friday night July 1<sup>st</sup> around 11:00 p. m. or so. I know we have lots of issues with people going excessive speeds, driving very aggressively throughout the city – I know it is not confined to just this one area, but this is an area that is of great concern.

I wanted to thank Wayne Husband for meeting with me and some of the Harris Road residents out there yesterday afternoon for some further observation and interaction with the local residents at that end of Harris Road. We're going to continue to see what we can do, but it is a challenging situation. Thank you.

#### Alderman Dion

I heard some interesting news over the television wires yesterday. I have always been an advocate of not using handheld cell phones while driving. It was a survey taken – come to find out that the persons talking on the cell phone are four times greater of getting into an accident than people that are not. I have spoken with Alderman Cardin when she was in the Legislature and I recall that she said you will never get that through, and I said why not, and she said because everybody in the Legislature has a cell phone. That is a great answer and may be true too. I have already spoken to Alderman Johnson about filing legislation. New York did and I wish we would. I know that we are in closed session now and the Legislature is home for the summer, but hopefully when you reconvene I hope you will think of that legislation. Thank you.

#### Alderman Johnson

Thank you. I opened up my mail today. I believe September 12<sup>th</sup> is when we can start filing legislation at the State House. I know that there are members of the Infrastructure Committee that want to look at speed limits to change and I keep telling anybody who is wishing me to file any legislation at the state level start giving it to me now so I can get opinions up there so that we

can get it filed. Thank you.

President McCarthy

I want to express my condolences to the family of Nate Guyer who passed away recently. Nate was a constituent of mine and someone I knew for a long time. I also want to remember the Nashua Fish & Game Association he did safety instruction there. I will miss having Nate around.

Committee announcements:

-  
Alderman Tollner

We have a Personnel/Administrative Affairs Committee meeting this Thursday at 7:00 p.m. Before anybody else makes their announcement or Alderman Dion makes a motion to adjourn I want to let everybody know that Alderman McCarthy's Birthday is July 26<sup>th</sup>. I want to wish you a very Happy Birthday on July 26<sup>th</sup>.

President McCarthy

Thank you.

Alderman Dion

The Infrastructure Committee will meet tomorrow evening at 7:00 p.m.

ADJOURNMENT

-  
**MOTION BY ALDERMAN DEANE THAT THE JULY 12, 2005 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 11:00 p.m.

Attest: Paul R. Bergeron, City Clerk