

A special meeting of the Board of Aldermen was held Tuesday, August 2, 2005 at 7:50 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 David MacLaughlin leading in the Pledge to the Flag.

President McCarthy

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

The roll call was taken with 14 members of the Board of Aldermen present; Alderman Shaw was not in attendance.

Deputy Corporation Counsel Stephen Bennett was also in attendance.

COMMUNICATIONS

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

**MOTION BY ALDERMAN TOLLNER TO ADD A PUBLIC COMMENT PERIOD PRIOR TO
UNFINISHED BUSINESS - RESOLUTIONS
MOTION CARRIED**

From: Brian S. McCarthy, President, Board of Aldermen
Re: Special Board of Aldermen Meeting

**MOTION BY ALDERMAN TOLLNER TO ACCEPT AND PLACE ON FILE
MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT

Robert Hallowell, 6 Chaucer Road

I am speaking tonight not so much about the budget that is before you tonight. Now we are really too late to correct this budget. Starting into your second month of the fiscal year isn't the time to tell your departments to drastically alter their budget thinking, but I am here to remind you tonight that this year's budget was actually lost last year at about this same time. Once last year's budget passed the majority and the Mayor went back into their respective cocoons, refusing to admit the reality of a budget that was already out of control and would only get worse.

No serious discussion of ways to correct healthcare costs, no joint committees on school budgets,

and no strategic thinking on how to reverse the shift of the tax base from commercial to residential property. Alas if the conservative members are feeling good about my comments it will not be long lived.

The conservative members have often focused on short-term low budget items usually petty in nature I believe. When that didn't work they proposed reducing the bottom line by \$4 million just two weeks ago without any plan of what services would be cut or really any idea of what services would be cut. Almost all of these cuts have been overwhelmingly defeated 10/1 or 11/2. The role of the minority, in my opinion, is to moderate the majority. You have no choice; you don't have the votes to get passed the things that you want to reduce. To do this you must have a plan as to how your ideas will be implemented and convince others that it is a good plan. I have seen little of that.

Here we sit – no one seems to have a vision or a plan – it is just down to numbers really. Somebody is going to pick a number and that is what it is going to be. I hope for the best, but I fear the worst is still yet to come in next year's budget. I hope you all remember that after you pass this year's budget. Thank you.

President McCarthy

Is there anyone else who wishes to address the Board? I will call the public comment period closed.

UNFINISHED BUSINESS – RESOLUTIONS

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 eleventh reading;

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

MOTION CARRIED

Alderman LaRose

Mr. President silence is deafening. No one seems to know what to do. I recall Alderman Rootovich saying that if we really want to reduce this budget we have to look at payroll. That is what I spent part of the day doing. I have looked at the payroll. It is not a pretty picture. No one likes to tell people that their job is no longer there. All of these people that work for the City – we need them. When times are tough just like in the private sector, something has to give. I went through the budget and I came up with some \$1,200,000 in payroll reductions. That would be 30 individuals. That would also be a savings of some \$240,000 I think it was in benefits. We are told the average benefit is \$8,800 per person. I looked at the Police Department – I didn't touch the Police Department. I looked at the Fire Department – I didn't touch the Fire Department. My recollection

was that when the Chief was talking to us he mentioned something about they are I believe it was 7 officers down, and that he was postponing the hiring of 7 officers until December 1st because it worked out. Maybe they should postpone the hiring of the 7 new officers for the entire year. If any officer retires that officer should be replaced – what I am saying is that it appears that the Police Department contingency is 7 officers down. That is where it probably should stay. The Fire Department – maybe we could close the Crowne Hill Fire Station – even though we are building a new station to replace the Crowne Hill Station – once that station is up and operating, which will be in our next budget cycle I believe, we bring those firefighters back in.

The School Department – I looked at that. No one wants to cut teachers. I certainly don't. You have to look at the amount of people that administer our school department. I have some \$440,000 worth of reductions. I don't know if they are right. Legally we can't line item cut we can only tell them that this is how much money they have. The Board of Education has hired a new Superintendent of Schools. I have to assume that the new Superintendent of schools that would be her job to decide which administrators are eliminated.

I don't know who wants to be the first one to bring down the ax, but I guess the only way we're going to reduce this budget – if we can't come to a consensus with what we have already done then as far as I am concerned the only avenue you have is to start cutting positions out. I guess I will start as much as I dislike doing this – it is not something to be happy with, it is not something to be proud of, but it is something that we need to discuss. I will start, and I will ask for a roll call on every one of them.

MOTION BY ALDERMAN LAROSE TO REDUCE LINE ITEM 502-11518 BY \$38,154

ON THE QUESTION

Alderman LaRose

The reason I am taking 1 is because there are two Paralegals. That would leave the Legal Department with 1 Paralegal. If we go through with this don't expect to go to the Legal Department and say I want this done, I want this, I want this Ordinance – it will take time because if we pass this we are reducing personnel. That goes for everything else. If we want information we are going to have to wait for it or we are going to have to do the work ourselves. That is my motion Mr. Chairman.

Alderman Bolton

I assume the number \$38,000 was selected because it is roughly half of what that line is and it is for two positions. I think I have to remind everyone we have already expended 1 month's salary so that would be 1/12 of the \$38,000 that has already been expended. If someone gets laid off their pay doesn't get cut off starting tomorrow – they are going to be paid their accumulated vacation – if we are at all decent we are going to give them a modest period of notice – a minimum of a couple of weeks. I think if anyone is inclined to do this that \$38,000 number is too high, and ought to be more appropriately \$30,000. I would be disinclined to reduce personnel unless I heard from in this

case the Corporation Counsel, but in the case of any department, the Head of that department with some indication of what that would mean with regard to the services that could be provided with that reduction. Thank you.

Alderman Johnson

I just want to elaborate on what Alderman Bolton just said about what they are entitled to when they leave. Are they going to get the same type of package that the Superintendent of Schools got?

Alderman Deane

I would ask Mrs. Lemieux to come up. Perhaps she can explain – maybe she knows what the exiting package is for employees who are discharged from service or laid off or whatever you want to refer to it as.

Maureen Lemieux

If I may Mr. President – I don't know that we actually have any policy or any formula that is set in stone. We have certainly "laid people off" over the last year or two, but in doing that what we have tended to do is tell them when the budget was being prepared that we were not putting their position in the budget in the following year – so most people have had, if that was happening to their position they had a few months to go out and look for a job knowing that their position was not going to be funded in the coming July. I don't know that we have actually had a case – I don't know that we have a policy. Clearly though as Alderman Bolton said people would certainly be entitled to their vacation time, and depending on who they were if they are eligible for retirement they may choose to retire instead so you would be looking at that package.

Alderman Deane

We have a number of liabilities as Mrs. Anderson had stated the other day when we were talking about that retirement transfer where we took the \$89,099 out. If you took the liability that the city currently has with each and every employee pertaining to accrued sick time, vacation time, their retirement package – it adds up into millions of dollars. If we were to follow through with this where would we fund the payouts pertaining to each employee? How would those be funded?

Maureen Lemieux

My expectation would be that any employees who are eligible for retirement their money would be transferred out of the contingency retirement account. The ones who are not eligible for retirement that leave on their own we expect the department to pick up the cost of any accrued vacation that they would have. You usually have a lag time anyway – in the case of employees who are resigning you typically have a lag time in the time that you would be going out to hire someone so accrued vacation comes out of the department, and we do not tend to come to the Board looking for a transfer for accrued vacation.

Alderman Deane

If we had to come up with the accrued vacation and sick time, which I think by law or whatever that is due a couple three days after their final day, where would we fund that out of?

Maureen Lemieux

I believe the vacation portion would definitely be funded out of the department. For the employees who would not be eligible to retire I do not believe the city would owe them sick time.

President McCarthy

The problem here is in the case where we are replacing an employee there is a budget allocation that is amassing surplus to pay that out of. In the case of the motion that is before us there would be no money in the department to pay for accumulated vacation time.

Maureen Lemieux

I think that goes to Alderman Bolton's point that if you were to do this I would think you would want to assume that everybody has at least a couple of weeks of accrued vacation, and as Alderman Bolton said we have already – this is August 2nd – people have already been here for part of the year. Ten twelfths of your number, if this is what you are going to do, is probably a good a guess as any.

Alderman Cardin

I agree with what Alderman Bolton said. If we are going to cut positions I would certainly like to hear from the Division Director as to how that will affect the services that we are providing to the city. I guess my question of Mrs. Lemieux would be what kind of notice do we expect people to give when they give notice here – 2 weeks, a month – is it different for Directors than for clerical staff?

Maureen Lemieux

I think we usually expect people to give two weeks, but it is very different in a union environment. I believe if we are going to eliminate jobs, some of our union contracts require that we give 30-day notice. Certainly if they are union positions that you are looking at there are some requirements for some of the unions, and I don't know which ones, but I do know some of them have a 30 day requirement. You have that on top of everything else.

President McCarthy

Is this particular position under discussion a merit or ...

Maureen Lemieux

I believe this is a merit.

Alderman Cardin

That goes to my concern about cutting positions – making all of these motions tonight before we hear from the department head as to how this is going to affect them, their budget, and how we fund people that we have to give a 30-day notice to. I am not going to support cutting any of these positions until I have heard from the department heads how that is going to affect them. Thank you.

Alderman Bolton

In answer to the question about how it is funded, basically accrued vacation has always been funded out of the same payroll line so we would rightly want to make a provision to have enough funds there to take care of our responsibilities if we do that.

Alderman Vitale

I am wondering if we could ask Alderman LaRose if for his proposal that we can find out what type of employees would be affected and if they are union or non-union so we have a more exact number of what we should leave in this budget to cover for these retirements that might be needed in those line items.

Alderman LaRose

I believe they are all merit employees, but I am not 100% sure.

President McCarthy

Is there any further discussion? The motion was to reduce line item 502-11518 BY \$38,154.

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

Yea: Alderman MacLaughlin, Alderman Lozeau

2

Nay: Alderman Tollner, Alderman Vitale, Alderman LaRose, Alderman Gage, Alderman Cardin, Alderman Deane, Alderman Plamondon, Alderman Dion, Alderman Rootovich, Alderman Johnson, Alderman Bolton, Alderman McCarthy

12

MOTION FAILED

Alderman LaRose

I am not going to go through this whole thing. The point I was trying to make is that if we are serious – I don't want to use that word – in my opinion, if we cannot come up with a compromise that we pass the budget at approximately what we have now at a pretty near level funded budget. This is the only way you are going to be able to do it. If that is what we want – if that is what the majority wants to do then I think we need to sit down and go through every single line of the employees and decide which ones we are going to say yes to and which ones we are going to say no to.

I am not sure if you have the department heads – can you ask them – it would seem to me they would say they absolutely need these people. Maybe I am wrong, maybe we should send out a memo saying if we have to reduce your personnel, which personnel can you do without. Outside of that I think we are going to be here week after week after week and we are going to have the same votes, and we will not have passed the budget.

Alderman Johnson

At the beginning of the week I was talking about I had sent an e-mail to Mrs. Joyce asking which positions do we have listed and if they are critical and crucial to the City of Nashua. I got back a list of position; Manager, IT is anticipated, Assistant Recreation Supervisor is anticipated, Accreditation Manager is anticipated, STD/HIV Program Coordinator is anticipated. Then I got a list of current positions and a list in progress of hiring. If some of these positions aren't filled we are not laying anybody off – keep them unfilled. I had sent another e-mail to Mrs. Joyce and the Mayor so nicely answered the e-mail, and I will read it: “Alderman Johnson you have requested a list of open positions, and Mrs. Joyce has complied with your request.” --but she didn't comply with my whole question – “These positions are in the recruiting phase. When a candidate is ultimately identified as being qualified then I make a decision to actually hire.” These positions are open and that means we are not laying anybody off – they are unfilled positions. “You now ask whether these positions are critical and crucial and if they were not filled the city might not be able to function.” I figure why lay anybody off if we have open positions – this way it eliminates what Alderman LaRose is doing.

Then I guess the final paragraph he says “Please be advised that through the Mayoral budget process, working with my Division Directors, we jointly identified each position recommended as being essential to the operation of the division and ultimately the city.” Some of these positions that aren't filled I am sure we can live without for another year.

No one is in the position right now – you live with what you have for staff and the city will survive this. They are not filled. There is no body that will come home and say to their spouse guess what I got laid off today, I don't have a job, there is one less paycheck, we don't have health insurance. There is nobody in these positions right now – leave them unfilled for the year. I just need to know where these all are associated with in which department and I will be more than happy to start making motions to start reducing these amounts. Maybe we can come to some type of consensus for not laying anybody off. Thank you.

Alderman Gage

Can we make a motion and make it citywide that all positions not currently filled be frozen – remain unfilled? Can we do that tonight? If I made a motion that all unfilled positions, according to the current list, remain unfilled as of right now? If they are not filled they just don't get fill so like she said we're not laying anybody off and then we can go back and reduce that funding and detail those.

Stephen Bennett

... **tape inaudible – speaker away from microphone** ... there are people from Community Health on there and such – there may be people that we are required to hire if we have grants and such that are required either direct of spending the grants or are involved in the grants. I don't know who is on that. As far as your question of whether you can vote to freeze all open positions I really can't give you an answer off the top of my head – I don't know that. I would be glad to have it for your next meeting, but at this point I am not sure if you can.

Alderman Gage

Could you bring that decision to us Thursday night?

Stephen Bennett

We can get you an answer for Thursday.

Alderman Rootovich

Can I ask a question of Mrs. Lemieux through the Chair please?

President McCarthy

Certainly.

Alderman Rootovich

I believe Mrs. Lemieux back about a month ago I had asked you what the average salary was across the board for the City of Nashua, and you told me it was \$55,000.

Maureen Lemieux

I believe it was \$47,000. We may have been talking about a certain union or something when I said \$55,000.

Alderman Rootovich

Based on the positions that are listed here I would have to assume, looking at this list here, probably at least \$55,000 if not more based on the list that is here. You say it is about 25% benefits on top of that?

Maureen Lemieux

If employees take it. What you can guarantee is 12% per employee because you would have our 7.5% portion of FICA and our 5% portion that we put into the retirement system. You can guarantee 12.5% per employee and then it could be substantially higher if they take health insurance.

Alderman Rootovich

Am I understanding that these positions that we are currently going out to fill the money for these positions is in the current budget?

Maureen Lemieux

I don't know that we can be absolutely positive of that at the moment because I am not quite sure what will happen to all of those positions with the level funding that has been put in place. I know the Manager of IT – I am not convinced that there will be any funding for that position because that was going to be a new hire. I only know that one because it is in my division. I can't guarantee the rest of them on the list.

Alderman Rootovich

I just added the positions – there are 36 positions—based on the average salary and you said 12% and I was using 25% - you are talking about \$2.4 million of savings by not hiring these people, which would bring the tax rate down probably another 2%. You might find you might have several members who would support the budget at that point.

Alderman Bolton

With regard to Alderman Gage's earlier question about whether this Board by a motion this evening could impose a citywide hiring freeze, there are a couple of issues to that; 1) I don't think it would be effective as to the School Department, the libraries or the Police – they are administered by separate boards who would not be bound by that kind of edict from us. The selection and number of needed personnel to carry out their functions are determined by those boards. I don't think that prevails throughout the rest of city government. I may not be correct in that, but I think it is different with the Board of Public Works and it is different with the Board of Fire Commissioners, and certainly the staff principally in this building and over on Mulberry Street probably we do have more authority in that regard. The other things I don't think can be done – where it can be done – I don't think it can be done by a motion. I think we would have to have legislation introduced, pass the resolution, and the Mayor would have the ordinary opportunity to veto or not veto.

Alderman Gage

Thank you.

Alderman Johnson

I have been on this Board for 4 years. Through the years since I have been on the Board the Mayor has said that there was a hiring freeze. I remember it every time at budget because I would bring it up every budget year if there was a hiring freeze how come we keep hiring more and more people. If in fact there is a hiring freeze then this really needs to be implemented. I was wondering if there is any way, if I may ask Corporation Counsel through the Chair, if we might be able to take a short recess, have him come up with an opinion so if in fact we can do it let's move on it tonight rather than Thursday night – why wait when you can get something done tonight? I am sorry Alderman Cardin, but I think we have been working on this budget for a long time and if we can try to get something passed maybe freezing some of these positions why not? I know that the taxpayers of this city would like to see a budget passed, but they would like to see it passed at an affordable rate not a 5.8%. I would like to find out if there is any chance we might be able to get an opinion tonight. Thank you.

Stephen Bennett

I am sure you can get an opinion. I am not sure how long you want to wait for me to get the opinion. I am not sure how long it will take to research it and get it down to you. I can work on an opinion if that is what the wish of the Board is.

Alderman Cardin

I was going to make a response to that, but it doesn't dignify one. Thank you.

Alderman Gage

I would support taking a break if Corporation Counsel thinks he can come up with something in a reasonable amount of time whatever that decision is. If that is something that according to Alderman Rootovich's calculations, saves us \$2.4 million or in that range, and gets this down to what I would consider a reasonable tax rate without sending people home saying honey I got laid off I certainly think that I would be in favor of that and look to be more in favor of the budget.

Alderman Tollner

I have heard a few times tonight and over the last couple of months – looking for a reasonable tax rate. I would like to ask everybody on this Board to go around – the re-evaluation notwithstanding, we are at 5.8% right now – I would like to ask every one of you what – not a tax rate that you like because I think we all don't like the 5.8% we are at right now, what is a reasonable tax rate that each and every member of this Board can live with? That is what I would like to ask every one of you. I need to know what goal this Board – what figure does this Board need to get to collectively where we will get 10 votes to pass the budget – we all know we are at a stalemate right now – it has been 6/6, 7/6, 8/6 – we haven't been able to get to the 10 and we have been throwing out what each of us think is a reasonable tax rate. I am very interested in finding out what each of my

colleagues think is a reasonable tax rate given what we are dealing with right now, the time of year, and the impact on either adding or taking away from this budget will have on city services.

Alderman Deane

I had a question on the request to ask Corporation Counsel to render an opinion on what I am not quite sure – are we asking Attorney Bennett to write legislation tonight to deal with this? Is that what we are doing and can we do that being a Special Board of Aldermen meeting? Can we have him sit there and write a resolution and then introduce it under suspension?

President McCarthy

I don't think there is anything statutorily that prevents us from suspending the rules to introduce a new piece of legislation and act upon it this evening.

Alderman Deane

I was under the impression when I talked to them about another piece of legislation that if it wasn't on the advertised agenda that the agenda of the Special Board of Aldermen meeting could not be amended where we couldn't bring legislation in after the fact. Is that right or wrong?

Stephen Bennett

As far as RSA 91:A goes our issue was more of the notice to the public. It is not the rules of the special meeting as much as RSA 91:A requires notice – we had an understanding it was a standing rule that those agendas would include legislation being brought in under the last minute. That was I think our discussion.

President McCarthy

Is it your opinion that is a rule of this Board or that there is a statutory requirement that is different for a special meeting than for regular meetings?

Stephen Bennett

My understanding was for under RSA 91:A when discussing it with Attorney Connell was that the notice requirements for the meetings should lay out the – there should be some notice to the public on the agenda. This one was noticed up for the budget.

President McCarthy

Why would that not be true of a regular meeting of the Board as well?

Stephen Bennett

I would assume it would be the same.

President McCarthy

Alderman Bolton can you shed a little light?

Alderman Bolton

I think the question is there is no hard and fast rule. The legislation in 91:A does not anticipate the situation. It provides notice that would be posted and provided and the question is what is notice – is notice of what is to be discussed and the subject matter, and how detailed do you have to be. I think basically airing on the side of caution and not wanting this Board to get in trouble the Legal Department has said it would be good practice to make sure that what is going to be discussed is provided on the agenda and the agenda is posted to become the notice, and then you are clearly providing as much notice as is reasonably possible.

As far as I know it has not been specifically interpreted. It is a fine line between what is just enough and what is extra. I would say though that the idea on something of this magnitude to drop everything, have Deputy Corporation Counsel do research, which might take hours, and draft legislation that we are going to pass the same evening it is invented does not make a great deal of sense procedurally to me. It is the kind of thing that when you move in haste you can regret at leisure. I would caution against that.

Stephen Bennett

Also this meeting is was called by the President of the Board for the purpose of the specific resolution before us on the budget. Under 2-22 D1 it indicates that the limited purpose of the meeting shall be specified in the written notice. I think probably when I look back that is probably more of what Attorney Connell was talking about. There is a specific purpose and this was advertised I believe that we would be discussing the resolution on the budget as opposed to a resolution say on freezing all open positions.

Alderman Johnson

I wasn't asking him to write a resolution tonight I just wanted him to research to find out if we can do across the board freeze. If a resolution has to come then it can come on Tuesday night for the Board. I would just like to know if we could freeze everything, all departments, with what we have right here on those positions that are open and in process – not to write the resolution tonight.

Alderman Vitale

As far as open positions go I don't see them any different than positions that are already filled. If you have an open position some of them might in fact be needed. You might have someone who left unrepentantly that you really need somebody in that position. Just because the position is not currently filled does not necessarily mean it is not a very needed position by the Division Director or

by the Department Head. Again it kind of falls into I would like to know what those positions are and if they can in fact not be filled for a year, maybe some of them have been open 6 months already and maybe they will be open another 3 months and it is – like over at the Health Department we can kind of reduce the amount in that line item because we know that position may be technically always takes about 6 months to fill and we can look at it that way. I don't think we can go across the board and say that each of those positions aren't needed without knowing a little bit about them individually.

Alderman Gage

My point in asking about the – can we or can we not freeze all of the positions now or next week whenever – if that could be brought forward is as Alderman Rootovich pointed out – it would be much less painful on the individual employee if we are going to do what Alderman LaRose suggested at some point go through and actually cut people off whether they have a month's notice or 30 day notice or not. I would much rather freeze the unfilled positions, take that money out of there rather than going around and having to tell somebody at some point 30 days from now you are all done. That to me is a better choice. The departments are going without those positions right now and they are surviving.

President McCarthy stepped down and Vice-President Tollner presided.

Alderman McCarthy

I actually think the basic proposal that is in front of us to look at the open positions and see what savings we can get by not filling them is a very good one. I think we are getting tangled up in a lot of details that we don't need to. I don't think we are going to hire anybody the rest of this week in all likelihood. It is not clear to me that we need to take any action tonight. What is important to me in making decisions about those positions is first of all where are they – we need the list of what accounts the money is in to make the adjustments and how much to adjust. We need to understand which ones of them are grant positions where it doesn't save us anything not to fill them. We need to understand which ones are a job that is being done at a more expensive rate because we don't have the position filled. Bear in mind that things like police dispatchers when we don't have them we have a uniformed officer sit and do that job sometimes on overtime, which is 2.5 times more expensive than the person that is supposed to be sitting there. We may be penny wise and pound-foolish. If we get that information I would be happy to sift through the discussion of each of the positions individually and support those ones that I don't think we need to fill for a year. I think that this is an area where we could have substantial savings without doing any long-term damage if we understand what the positions are and how they are being handled now.

Alderman Johnson

Thank you. I would request, through the Chair to Mrs. Lemieux, with the copy that I have here to please update it with the salaries, the anticipated benefits, which are and are not grant positions because the grant positions we don't need to have in there because they are funded through a different mechanism – also any other positions that she sees opening outside of this list that would

be beneficial to us that we can look at to see if we can make a decision on which positions that don't need to be filled. I will note that some of these are in the process of being interviewed I guess and hired – some of them they say in progress. I hope that nothing is done until this Board makes a final decision on whether or not we filled the position.

I also want to answer Alderman Tollner's question, which I answered the other night – I won't be here Thursday night again as I said. I hope that people understand I have to go out of town on business – 3% is the highest I will go. I have said that all along and I haven't waffled or changed my mind. I think that is going to be tough for some people, but I guess under what is considered fair that might be a the fairest of them all. Thank you.

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

Alderman Bolton

If I could I would like to add to the list of requested information some kind of summary from the Division Director or Department Head involved as to what functions are performed by that position and what would happen if the position isn't filled, is that work being done by someone else, and any other information that would impact on the actual savings if the position goes unfilled. Further since as becomes his practices, the Mayor is not here, I would ask if Mrs. Lemieux can speak for the Mayor and assure us that there will not be any hiring until this information is provided to us and we have the opportunity to act.

Maureen Lemieux

I will be happy to speak for the Mayor. At least tomorrow morning I will relay this conversation to the Mayor and to Mrs. Joyce, and at least to the best of my ability assure you at the moment that there won't be any hires between now and the time that we get this information to you. The caveat that I would put on that is I don't know if any offers have been extended up to this point in time as of 5:00 p.m. today to any of the people on that list.

Alderman Bolton

Thank you.

Alderman Johnson

I guess my question is how could you make an offer to somebody when we don't have a budget in place? We only have a continuing resolution here that will pay, but you know what let's say this budget doesn't get passed until September 15th let's say hypothetically – you are offering a position when there is not even a budget in place. I think again as my opinion that is bad business practice. Thank you.

Alderman Gage

If I could ask Alderman Johnson – that list that you received from Human Resources does that include every department in the city? Does that include the fire, police, the schools, public works, etc.?

Alderman Johnson

Public Works. I don't have anything for the School Department so I guess we need to get the School Department's list too – any open positions. I know that we can't dictate to them – supposedly we have line item, but it comes out bottom line, but we might as well see what is open in their department. I guess my question, and I want to bring this up while I still have the floor – I guess my question becomes as I read the paper today and nobody knows the terms and agreements with that contract with the new Superintendent – we know that it is \$125,000 plus performance compensation, and nobody knows where that is – since they keep saying they have no money I would like to know – maybe Mrs. Lemieux can find out from Mr. Conrad where are they going to get the money to pay all of the extras in this contract that they have offered this year? I think we really need to know this as a Board with a budget because I would like to know where they are going to shift the money around. I think it is very disheartening at \$125,000.

Also there are also some other outstanding expenses that I have been in contact with Mr. Conrad about – I wanted to know who paid for Dr. Earl's trip to Nashua from Sunday to Thursday; the hotel, the car rental she had, the food, plane tickets – if the city is paying for it where are they finding the money in their budget to pay for all of this. He said he hasn't gotten any information on the expenses yet. I think that is very important when we take a look at the budget because when they say they can't reduce here is money that probably could have gone into the athletic program like the severance pay of the Superintendent of \$117,000.

It seems to me there is always money when they need it except when it comes to budgetary times – they use the phrase the children. I don't like using my child or anybody else's child as hostage. Thank you.

Alderman Bolton

Let me point out the School Department I think we are in a little different situation not only because of the authority that the Board of Education has over that department, but while it is always somewhat hazardous to say that if we are surviving today without a certain position it is probably not necessary I think saying that in early August about the School Department is particularly fallacious since we are not operating schools today. It may well be that they are in the process of still hiring or still filling some of the teaching positions, and if that doesn't continue come the start of school there may well be a second grade class here or there that has no teacher standing up in front of it. There is also the situation of coaches for athletic teams that won't play until winter or Spring, and those will be filled as needed and there may well be other issues there, but as I say while it may have some logic not say well if we are functioning today without a position that logic certainly doesn't apply to the school system when we are talking in the summer.

Alderman Gage

In regard to why I brought up wanting to make sure we get every department including the School Department – school administration will know what we need going into the school year. They will give us a description of any of those positions that are currently unfilled; coaches stuff like that. Teachers we can't tough anyway after April 15th we would have to pay for them anyway even if we cut them correct?

President McCarthy

No because we are talking about not hiring them.

Alderman Gage

Alright so if we didn't hire that is a little different, but at least the School Department would come into us with and I am sure Mark Conrad and the administration can come up with an explanation of the positions that are unfilled, what they expect, and what the job description is as Alderman Bolton asked for earlier so that we are fully aware of everything out there. Obviously you have coaches for teams that you will end up hiring anyway, but if there are janitors here or whatever we can make a recommendation for the amount of money. I know we can't tell them what to do with it, but we certainly can adjust the bottom line. Thank you.

Alderman Deane

Thank you. I had an answer to Alderman Johnson's question, but she is not in the room right now. I just think we should give the Board of Education – we are looking at 4 weeks left until school starts. They kind of have to know what is going on. They still have an additional \$860,000 something that they have to deal with that has been reduced to date out of their budget. The longer it takes on this budget the more difficult it is going to be for them to make commitments associated with some of the programs not knowing full well where they stand. I just think we should keep that in mind whether – it is important to me, and I think it is giving them a little courtesy.

As for the Dr. Earl question that was in Voucher #177151, Department 581, and Commodity Code 91040 – If you look in your budget book there is travel, conference, and seminars – there was a check cut to Julia Earl out of the '06 budget for \$1,124.23. That was in this past Warrant that we had, but it is under the travel, conference, and seminars. I don't know what that was for, but it was in the Warrant that was approved on Monday evening. Thank you.

Alderman Tollner

I just wanted to – I don't know when someone is going to jump in or if someone is going to jump in and make a motion to adjourn so I figured I would bring this up right now before the end of the meeting. I spoke to a couple of people today – last night there was a motion that Alderman McCarthy made with regard to line item 11240, the Division Director's position for the Community Services position. The good majority of this Board supported that, and I think there probably are some people that are either confused or a little upset with some comments that were made last

night. I will only speak why I supported that particular motion by Alderman McCarthy – I think this is a time where there is not a Divisional Director in that department there is a interim Director. Over my last 2 or 3 years on this Board the Emergency Preparedness component and responsibility in that division has drastically changed since 9/11 so one could safely assume that just having a discussion on those responsibilities alone are completely different than they were 3 or 4 years ago. If I am not mistaken we are required to provide a medical officer to the Board of Health, welfare officer, but there are so many other components of services that are offered over there – Sandy Mulcahy does the medication services, and I think that she does a very good job with that. There is probably a list of other people that are over there and I could go on and on.

My point is I think we have an opportunity to take a look at that division and take a look at I guess the amount of resources that we are applying to each area. Again I will go back and look at the emergency preparedness where we also have responsibilities because of the grant that we accepted. I think there are some opportunities for us to take advantage of relationships with some other institutions while at the same time capitalize on those areas where we provide good services. The bottom line is with no permanent Divisional Director there it is a good opportunity to open up the oyster and take a look at where we can take ... **tape flipped** ... that would not only benefit the city and the services that we perform, but as well as recognizing the attributes and the contributions of those employees over there. I have no idea what the result is, but if I were sitting over there in the corner office right now we have someone over there who is Interim – my task to that person would be to work together with that division and the Board of Aldermen and let's create something and make some real good recommendations to move the city forward in that particular department. Quite frankly we should be doing this from time to time in all departments regardless of whether there is a vacancy at the Director level to make sure that we are sharpening our pencils and making sure that we are providing services at an appropriate cost and that the resources are allocated to where the city, the taxpayers, and the citizens need them to be. Thank you.

President McCarthy

I actually had a conversation with Mrs. Nelson this afternoon and she is comfortable with what at least my expressed intent of what I asked them to do was. That may not have been as clear last evening as it could have been. She told me that she will begin collecting the information that we need to go through that process tomorrow morning.

Alderman Gage

I forgot I was going to answer Alderman Tollner also. It was mentioned if the discussion we had earlier Alderman Rootovich's figures came out roughly correctly – 2% if we did – if we had the ability to do the freeze, and did not hire those positions and that is how we came to be at roughly 3.5 to 3.8%. I would support that.

Alderman Tollner

Thank you.

Alderman Deane

I don't know if – I am looking at some of these positions, and I Chair the Public Works retirement system, and I can tell you that the Operator positions at the Wastewater treatment facility are due to retirement, and that facility runs 24/7, 365 days a year. I believe under the AFSCME contract some of these are both UAW and the AFSCME require posting of vacancy after 30 days I believe it is if they intend on filling it so some of them were postings due to transfers. You have people that go from Streets to the Landfill. When you look at Traffic Engineer that was Susan Klasen's position, and she has since resigned and moved on. If it would be possible Mrs. Lemieux if you could get an explanation of why the positions are open or when they became open and whether they are new or not.

I believe Alderman Bolton or somebody asked for the funding to these whether they are out of grants or being funded out of enterprise accounts or things of that nature. Thank you.

I wanted to go to page 39. My question to you Mr. President – you had put legislation in to freeze the Mayor's pay increase because that was set by Ordinance I believe. My question through you Mr. President to Mrs. Lemieux is we have not made that – that Ordinance has passed and I don't know if the Mayor has vetoed it or signed it or let it go into law without signing it, but we have not made a reduction in that line I don't believe because it was set by Ordinance.

Maureen Lemieux

I do not know what has happened to the legislation. I do not know if it was signed. Perhaps the City Clerk may recall.

Paul Bergeron

I believe it became effective without his signature.

Maureen Lemieux

It must be law by now.

Paul Bergeron

Yes. Otherwise it would have had to have been vetoed and come back to this Board.

MOTION BY ALDERMAN DEANE TO REDUCE LINE ITEM 501-11471 BY \$4,522

ON THE QUESTION

Alderman Rootovich

I think it was \$91,648. To me that is \$2,274 not \$4,200 as you said.

Alderman Tollner

I have \$94,022.

Alderman Deane

So do I.

Alderman Rootovich

We reduced \$91,648 and that comes out to \$2,374.

Alderman Deane

Thank you Alderman Rootovich. We don't want to be known as the Board who takes more than a shirt.

**AMENDED MOTION BY ALDERMAN DEANE TO REDUCE LINE ITEM 501-11471 BY \$2,374
MOTION CARRIED**

Alderman Deane

This is where it gets confusing. Maybe Alderman Rootovich can help me on this one too. We made bottom line reductions as well as Mrs. Lemieux – did we do a bottom line reduction on the merit pay increases in this office? I don't remember whether we did that or not. I know there were reductions made on the Office Manager's salary – I believe that was taken out and then \$23,999 was put back in.

Maureen Lemieux

I believe Alderman Deane is correct.

Alderman Deane

Now we would – the Executive Assistant's amount is \$53,721, the Legislative Business Liaison is \$47,038, the Mayor has now been reduced. Mrs. Lemieux if I went to the '05 Aldermanic approved and took that \$35,000 I guess and changed it to a figure of \$23,999 would that be the appropriate way to get the entire balance?

Maureen Lemieux

If I may I think the most appropriate way to do it would be just to focus on the Executive Assistant, the Legislative Liaison, and the Administrative Assistant and ignore the other two positions because

they have each been dealt with separately. Then what I think the most, at least in my personal opinion, the most appropriate thing to do then that would end up being I think I just calculated that at \$5,877. If you look at this 1906, this adjustment line, this account has had an issue – the people in this office have actually taken days off without pay over the last couple of years in order to keep this account at the 3% or whatever the Mayor's guidelines were. I think by all rights the most appropriate thing would be to add that 1906 back, which would give you an overall reduction of \$3,971 would probably be the motion that you want to make if these people were to stay in what was considered a level funded spot on the merit grid.

Alderman Deane

So the \$11,900 adjustment, the \$1,906 has already been cut?

Maureen Lemieux

It was submitted to you that way and so what shows above it are what the actual salaries are supposed to be, but this account hasn't been funded appropriately for the last couple of years so to hit the bottom line the people in this department have had to take days off without pay.

Alderman Deane

Basically I can make a motion to make a bottom line reduction of 501-99999 of \$3,971.

MOTION BY ALDERMAN DEANE TO REDUCE LINE ITEM 501-99999 BY \$3,971
MOTION CARRIED

MOTION BY ALDERMAN DEANE TO INCREASE LINE ITEM 501-11900 BY \$1,906

ON THE QUESTION

Alderman Cardin

I think you just did that. I think what you were trying to accomplish was taken into account when you reduced that line by \$3,971.

Alderman Deane

The total was \$5,877. The \$3,971 was the merit increases. If you took those two totals plus the \$1,906 that wasn't budgeted it comes to \$5,877 correct?

Maureen Lemieux

If I may in giving you this \$3,971 I took into account the \$1,906 so if you wanted to take the \$1,906 out of here then on the 99999 line you could have reduced it by the \$5,877. By reducing the 99999 by \$3,971 you have taken care of what the issue was here.

MOTION WITHDRAWN

MOTION BY ALDERMAN DEANE TO INCREASE LINE ITEM 535-64030 BY \$5,000

ON THE QUESTION

Alderman Deane

I have been thinking about this, and I think that Mr. Sousa should be paid for his services in Concord.

Maureen Lemieux

As a point of clarification, I believe the \$5,000 was taken out of the Emergency Preparedness line, which is 81023.

AMENDED MOTION BY ALDERMAN DEANE TO INCREASE LINE ITEM 535-81023 BY \$5,000

ON THE QUESTION

Alderman Johnson

Thank you Mr. President. May I ask a question of Mrs. Lemieux through the Chair?

President McCarthy

Certainly.

Alderman Johnson

Is this done after hours or during business hours?

Maureen Lemieux

I am actually not – I don't know that I know exactly what hours this is to be honest. I know that we pay – this is similar to he is the co-Chair, this is similar to the stipend that the Fire Chief receives out of this account. They are the co-chairs of Emergency Preparedness. I am not in a position to answer what hours or what days of the week they do this.

Alderman Johnson

I didn't support the Policy #40 and the stipends and putting it into the pay, and I am not going to support this. I am just not. I think we need to have some clear, concise language on what details everybody's position is because we're just giving stipends to this one and that one because they are doing emergency preparedness, because they are going up to Concord – we need to define I

guess their position already and what is part of their position. We just keep giving out these stipends. When we got this sheet everybody was up in arms about this sheet – I should say a lot of people on the Budget Committee and the person who asked for it was up in arms. They had a big write up in the paper and now all of a sudden it is just like let's give it back to them. I am just not supporting this. Thank you.

Alderman Deane

I would really respectfully request that we try to keep the dialogue on a professional level okay. If we look back at a lot of things perhaps we agree to disagree. I look forward to others bringing things forward. We do ask for things and we do review things and we do look at things. I respect the opinion of everybody here. I don't appreciate comments such as that. Thank you.

President McCarthy

The motion is to increase line item 535-81023 by \$5,000. Is there any further discussion?

Alderman Lozeau

The other night we adjusted the Fire Department's salary under Policy #40 for stipends. Does that affect this line item – the adjustments made in the fire department's salary?

Alderman Deane

No it doesn't.

Alderman Lozeau

Does the Chief's salary of I believe it was \$103,000 a year not include a stipend out of Emergency Management also?

Alderman Deane

Out of Emergency Preparedness?

Alderman Lozeau

Yes.

Alderman Deane

I am not sure.

Maureen Lemieux

The stipend that the Fire Chief receives even with all of the motions that you made the other night continues to come from here for Emergency Preparedness. That was not part of Policy #40. Emergency Preparedness has always been dealt with differently. The reason that it is not in just if I may clarify this, the reason that it is not in the PDF say in particular now for the Legislative Liaison is because this co-chairmanship has been held by different people in different positions over the years. Under Mayor Wagner I believe it was his Administrative Assistant was the Emergency Preparedness Co-Chair years ago. Years before that it was McCann in the School Department. This is not something that has ever been put in anyone's PDF because it has been based on whoever the most appropriate person has been to be the co-chair. Currently it is the Mayor's Legislative Liaison. In the next administration it may be some other position entirely, which is why it has been paid the way that it has been.

We also do get reimbursed by the Emergency Preparedness Grant that we receive, however, we appropriate the money here and then the grant is actually paid to us in the general fund.

Alderman Rootovich

I would ask how much the Chief's portion of this \$20,000 is.

Maureen Lemieux

I don't know that I have my stipend list with me. It is about \$3,500 or \$3,600 I think.

Alderman Deane

I have it right here. It is \$291.87 a month.

Alderman Gage

Ed Lecius, the Community Policing Coordinator, what is his other title? Okay so do we have a large group of people that do Emergency Management and Ed Lecius is the number one guy? I remember when he got like a \$30,000 – in the mid '30s or '40s for Community Policing Worker and then all of a sudden on the same day or thereabouts he was also bumped up to the Emergency Management boss for the city as far as that press release. How is the Emergency Management working in the city – we have three co-chairs or two and the Fire Chief? At one time it was somebody from the Police Department and the Fire Chief. Then I thought when Ed came into that position he was going to be the man in charge of doing all of that stuff. I am confused.

Alderman Deane

Well we have an Emergency Preparedness and an Emergency Management correct? And the Emergency Preparedness is funded out of the grant correct? The 535 account is funded how? The total account of \$60,000?

Maureen Lemieux

If I may we appropriate it here and the General Fund is reimbursed. I am not sure if we are reimbursed for the entire \$60,000 or if it is for – I think it is probably for the \$20,000 portion. I believe we are reimbursed in the General Fund. If I may Mr. President just to somewhat answer Alderman Gage's questions, I am not sure of the exact title of Mr. Lecius, but I do know that whatever his title is, I believe his is part of his PDF so you do not see him on the stipend list. That is actually part of his job function. As far as the Fire Chief and the Legislative Liaison they are the two that are a stipend because those are the two that could move to other positions in the city, but I do believe Mr. Lecius it is part of his PDF.

Alderman Gage

His salary in the police line item – where does the other piece of his salary come from?

Maureen Lemieux

I am not aware of anything coming from anywhere else. I believe, and I cannot be 100% sure on this, but I can certainly check this out for you – I believe his is completely reflected in his line item in the police department.

Alderman Gage

– Okay and that is Emergency Management separate from Emergency Preparedness.

Maureen Lemieux

Well they certainly all work together. I am not quite sure what his title is.

President McCarthy

Is there any further discussion? The motion was to increase line item 535-81023 by \$5,000

Division Taken

MOTION FAILED

MOTION BY ALDERMAN TOLLNER TO INCREASE LINE ITEM 535-81023 BY \$3,000

ON THE QUESTION

Alderman Bolton

I said before when this was under discussion, if this work is performed outside of the normal hours of the other duties that this individual has I would be fine with paying him additional money. I have not received any information confirming that is true. We asked the Mayor one time when he was here and we still have not gotten anything in writing back about this position even though he said

we would. I am not giving it another penny if it is up to me until we get answers to those questions. This man was hired to go up to Concord and represent the City up in Concord. That is the salary he is getting for the job he holds in the Mayor's Office. Now in what I think was really an underhanded behind the scenes way, he is getting an extra \$100 a week to do no more than represent the City up in Concord, which was the job he was hired to do in the first place. If I am wrong in that I invite the Mayor to give us the information to prove that I am wrong. I invited him to do that before and we have gotten nothing since – nothing.

Alderman MacLaughlin

I would suggest that since the Legislative Liaison meets in Concord on behalf of the City when the Legislature is conducting it's business - usually during the daytime for the most part, and I believe that Emergency Preparedness meetings are held also at various points during the day, that there is considerable overlap. I would concur with Alderman Bolton in his remarks a moment ago. I will not support restoring funds that we have successfully removed from the budget. It is hard enough now to find areas to reduce further. Thank you.

Maureen Lemieux

Just to clarify, I believe that this is not strictly work up in Concord. I can certainly get this information for you. I believe this is coordinating the SARA workshops that the City does. As I said I do not know what days or what times these workshops are conducted, but I believe that a lot of this work is actually Emergency Preparedness here in the City and not our Legislative Liaison lobbying in Concord. I can, if you would like I can certainly try to get all of that information for you for your next meeting.

President McCarthy

I think that would be good. Is there any further discussion? The motion is to increase line item 535-81023 by \$3,000

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

Yea: Alderman Tollner, Alderman Plamondon

2

Nay: Alderman Vitale, Alderman LaRose, Alderman Gage, Alderman Cardin,
Alderman MacLaughlin, Alderman Deane, Alderman Lozeau, Alderman Dion,
Alderman Rootovich, Alderman Johnson, Alderman Bolton, Alderman McCarthy

12

MOTION FAILED

President McCarthy

Are there any further motions?

Alderman Tollner

I made a request of my colleagues about an hour and a half ago to give me some type of range that they are "comfortable with", and since that time I have received 4 ranges. In the end, when we get most of them, I can share it with the Board so we have an idea of what would make this Board vote and get a budget.

President McCarthy

I guess I would submit that as a simplification you already have an answer with that from 6 people who voted yes last evening.

Alderman Deane

I have a question now. Why are we not meeting tomorrow?

President McCarthy

It was requested of me by some of the members of the Board that we not meet every night, and I don't see that we are making substantive progress on a daily basis. We had a meeting scheduled for Thursday evening, which I left in because the other item that was on it was the first reading of the cable contract. The cable contract legislation will not be ready on Thursday evening so I guess I would ask of the rest of the Board do we still want to have a meeting of the Board on Thursday evening to concern ourselves solely with the budget?

Alderman Cardin

I would be interested in meeting on Thursday night to go over some of the information we have requested of Mrs. Lemieux as far as the open positions. I would also like the information about the stipend for Mark Sousa. I voted against that, but I just did that because I would like to see more information. Thursday night works good for me.

Alderman LaRose

I agree with Alderman Cardin. I think we have made some progress tonight. I think we really have. I think meeting Thursday night and getting some answers that we asked for this evening will bring us forward even more. I don't expect – we may not vote for a budget next Thursday night, but I think we are getting closer.

Alderman Deane

That is this Thursday night?

President McCarthy

This Thursday.

Alderman Deane

Okay. I just look back and I have concerns with commitments that departments and divisions are going to make. We're going to be left with nothing but the legal obligations to fund those commitments. Regardless of what anybody thinks about the tax rate at that point in time, as far as I am concerned, it is not going to matter. We are going to have to pay for the commitments that are made by others. If you think for one minutes some of these boards and commissions are going to sit around and wait for us – the way I look at it they are holding the big stick, they can make the commitments, and we would have to fund them. I just think in the long run it will be a bigger problem than we had ever anticipated.

President McCarthy

Are there any other motions?

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ADJOURNMENT

-
MOTION BY ALDERMAN TOLLNER THAT THE AUGUST 2, 2005 SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED

The meeting was declared adjourned at 9:25 p.m.

Attest: Paul R. Bergeron, City Clerk