

A regular meeting of the Board of Aldermen was held Tuesday, August 9, 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 all cell phones and pagers.

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

His Honor Mayor Bernard A. Streeter and Deputy Corporation Counsel Stephen Bennett were also in attendance.

### REMARKS BY THE MAYOR

Thank you Mr. President. Only meeting once in July and August my report is perhaps a little longer than usual. A tour of the former Gilson Road superfund site was conducted earlier this month. Reports from Alderman Deane, who participated in the tour, indicated it appeared to him that the city could make good use of the facility. There are a few issues that have to be dealt with. These issues are associated with monitoring equipment storage, right-of-way easement, access to the building, fencing installation at the rear of the building and electricity that has to be supplied to the two testing structures for ground water testing. However, they are by no means insurmountable.

Once these issues are resolved it is my understanding Alderman Deane will ask that legislation be drafted to begin the process of conveyance to the city. If the city accepts the conveyance of the building and associated property outside of the former contaminated area, this will be the first re-use of a superfund site in our nation.

Several weeks ago I visited Teradyne with Jay Minkarah, Economic Development Director and two members of the State's Economic Development Division. Both the city and state need to keep the lines of communication open with this important Nashua firm, and offer whatever assistance we can to help them to meet the challenges of our changing economy. As you know, Teradyne has laid off many workers in Nashua as jobs are shifted to production in Mexico and overseas. Teradyne, however, is committed to maintaining a presence in our City, and we plan to continue to work with them to ensure that a R&D and manufacturing core remains in our city.

The Office of Economic Development recently held a pre-construction conference for the Nashua Riverwalk project. It was orchestrated by members of H. L. Turner, the engineering firm who is doing this work and assisting in the administration of the project. Also in attendance were representatives

from Pilot Construction, the City's general contractor on the project, the Jackson Falls Condominium development team, the City Engineer's office, Building Department, Planning Department and Conservation Commission. Site work has begun with a project competition date no later than the end of this October.

Still on economic development, earlier this summer the department sponsored a series of three evening meetings at 14 Court Street to address recent challenges facing the arts community in our city. This Conversation on the Arts was a professionally facilitated, structured series of problem-solving sessions intended to identify key issues facing the arts in the Nashua Area and to develop specific strategies and an action plan to move forward.

Participants overwhelmingly identified a need for a professionally staffed "umbrella" arts organization to support and promote the various individual arts groups in the area. Other key issues identified included a need for additional funding, marketing and for improved facilities and venues. A total of 99 individuals participated in one or more of the meetings with a range of from 45 to 70 at any single meeting. Participants included representatives from 29 different area arts organizations including performing arts groups, literary groups and visual arts, colleges and schools, civic organizations and our City Government.

Finally, the department is pleased to announce that the Economic Development Strategic Plan has been completed by Mt. Auburn Associates and is now available in digital form. Print and disk copies will be available for distribution shortly. The plan will be posted on the City's web site. The final phase of the study, the Marketing Plan, is expected to be completed in early fall.

City Librarian Joe Dionne, reports record-breaking circulation for FY 2005. At 657,413 items borrowed, circulation is the highest since the library's Court Street building opened in 1971. It's also 18% higher than in FY 2004. In the three years since FY 2002, library circulation is up a total of 83%.

The Division of Public Works reports a new play-set is being installed at Fields Grove. A 2-foot high retaining wall is being constructed in the play set area that will include wood fiber carpet and playground equipment. The project should be completed later this month.

Sidewalk replacements have been completed by the Street Department on Vine, Canal and Ritter Streets. Work will begin on Lake St. this week. The Street Department replaced the playground equipment at the Elks playground on Rancourt St. A new swing set, see saw, climbers and picnic tables were replaced. These items were purchased with grant funds provided by the Anheuser-Busch "Operation Brightside" program.

The Parks maintenance crews worked to prune away trees from the Eaton Street Bridge to allow more visibility along the Rail Trail. A special thank you goes out to Cub Scout pack 261 who spent time on Sunday, July 24<sup>th</sup> to paint metal posts and bollards on Main St.

June Caron of Parks and Recreation reports that we have three more weeks of camps to go. All camps have been filled to maximum levels, with a few camps taking extra youngsters. Right now we have 1,500 signed up for the season. The Fifth Annual Fairytale Festival held on July 16<sup>th</sup> was a huge success with an estimated crowd was over 3,000 in attendance.

The FY-05 Paving Contract is 70% complete. Approximately 8 miles of roadway have been paved.

City Treasure, Dave Fredette, reports that the Division of Public Works has received a payment in the amount of \$30,000 from The Conway Ice Arena for money owed in exchange for services provided by the Division during construction of the arena.

Senior management of the Division of Public Health & Community Services, along with Chief Roger Hatfield, briefed me last week regarding the prospects for current strains of avian flu in Asia to become a virulent pandemic flu and how they are working together with the Police and other stakeholders to plan for this possibility. The World Health Organization, Centers for Disease Control and N. H. Dept. of Health and Human Services as well as Bureau of Emergency Management feel the Avian Flu may be a major threat.

The Nashua Division of Public Health and Community Services has been working with City Emergency Managers and other agencies to be certain our city and the greater Nashua Region is ready. The preparedness efforts are supported by the Bioterrorism Grant to the City that helps provide resources for all hazards and threats. We are continuing to bring all partners together to build our effective response.

The Division has also begun a process for updating the City's Smallpox Prevention Plan, after which it will work with the State to test different aspects of the plan. The Division is actively collecting mosquitoes and birds for testing at the State Public Health Laboratory for Eastern Equine Encephalitis and West Nile Virus. Several EEE infected birds have been found in other parts of our state. In addition, the City is also planning to use the resources provided under the Disaster Behavioral Health Liaison grant to help strengthen the mental health assets that will assist the city, region and all of Southern New Hampshire in preparing for and responding to all threats.

As a result of the due diligence of the staff of the Welfare Department, headed by Director Bob Mack, the department has returned \$414,496.86 to the City of Nashua for FY-05. Of that amount, \$200,000.00 was directed to the Welfare Trust Fund and the remaining \$214,496.86 was directed to the General Fund Surplus account.

Additionally from the Division is a report from Sandy Mulcahy that the Nashua Mediation Program recently had their annual Mediator Appreciation event. The program boasts dozens of highly skilled volunteers who assist hundreds of families in Greater Nashua in resolving conflicts in a peaceful manner. Because of their outstanding contributions, Richard Jancsy and Linda Iwicki were named, "Mediators of the Year" for 2005. Candy Dochstader, who has been a part of the program since 1984 was named "Peacemaker Of The Year" for her innovative contributions as a mediator and her commitment to educating the community on the value of alternative dispute resolution.

On another item Mr. President, the Nashua police department, through Ed Lecius, NPD liaison announces the 17<sup>th</sup> annual Citizens Police academy will be held one-night a week for 8 weeks beginning September 6th. This is a very popular program, and Mr. Lecius urges interested citizens to contact him as soon as possible at 594-3544.

During the months of July and August the Motor Vehicle Registration group has seen a huge increase in new registrations. With the increase in incentives being offered by automakers such as the "GM & Ford Family Discounts", many individuals are purchasing new autos resulting in long lines. It is important to remember renewals can be done through the mail thus saving waiting in log lines. If your renewal registration is mailed in by the 15th of each month it will be processed and mailed back to each owner on a timely basis.

Treasurer Fredette also reminds everyone it is also important to remember each owner has up to ten full days to get their vehicles inspected after their registration month has ended. He added that this past Thursday night was the busiest since we started being open on the first and last Thursdays of each month and he would like to thank everyone for their patience.

You have R-05-205 before you for final action this evening. This Resolution directs the city to prepare documents with respect to competitive proposals for the privatizing of the city's solid waste department. While I understand the motivation behind this action, I would respectfully request you table this resolution and await a study the Division of Public Works has asked the Board of Public Works to approve that would take a long look at the solid waste department in terms of costs, fees, new technology, more efficient methods of operation, etc. The results of this study will give you and the Board of Public Works a better understanding of the solid waste department and enterprise fund as well as look at better efficiencies. With that, thank you Mr. President, thank you.

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD

**R-05-259**

Endorsers: Mayor Bernard A. Streeter  
Board of Aldermen

**EXTENDING CONGRATULATIONS TO THE NASHUA PRIDE BASEBALL TEAM**

Given its first reading;

**MOTION BY ALDERMAN VITALE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-259**  
**MOTION CARRIED**

*Resolution R-05-259 given its second reading;*

**MOTION BY ALDERMAN VITALE FOR FINAL PASSAGE OF R-05-259**  
**MOTION CARRIED**

Resolution R-05-259 declared duly adopted.

**R-05-260**

Endorsers: Mayor Bernard A. Streeter  
Board of Aldermen

**EXTENDING CONGRATULATIONS TO THE NASHUA NORTHWEST 10-YEAR-OLD  
BASEBALL TEAM**

Given its first reading;

**MOTION BY ALDERMAN DEANE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW  
FOR THE SECOND READING OF R-05-260**

**MOTION CARRIED**

*Resolution R-05-260 given its second reading*

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-260**

**MOTION CARRIED**

Resolution R-05-260 declared duly adopted.

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARINGS

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES OF THE MEETINGS OF THE BOARD  
OF ALDERMEN OF JUNE 30, JULY 11, 12, 18, 19, 20, 25, 28, AND THE PUBLIC HEARING  
CONDUCTED BY THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE OF JULY 6,  
2005, BE ACCEPTED, PLACED ON FILE, AND THE READINGS SUSPENDED**

**MOTION CARRIED**

COMMUNICATIONS

**MOTION BY ALDERMAN VITALE THAT ALL COMMUNICATIONS BE READ BY TITLE ONLY**

**MOTION CARRIED**

From: Brian S. McCarthy

Re: Final Committee Report

**MOTION BY ALDERMAN SHAW TO ACCEPT THE FINAL REPORT, PLACE IT ON FILE AND  
ENDORSE THE RECOMMENDATIONS THEREIN AS THOSE OF THE BOARD OF ALDERMEN**

**MOTION CARRIED**

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

**MOTION CARRIED**

From: Cindy Bielawski, Accounting Manager

Re: Amending R-05-252-B

**MOTION BY ALDERMAN MACLAUGHLIN TO ACCEPT AND PLACE ON FILE**

**MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA

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James Hall, 11 Baldwin Street

Commissioner of Board of Public Works – I would like to make a brief statement about R-05-184, the 2006 budget. I just hope that the Board of Aldermen can resolve their differences and pass a budget soon so that we can go forward.

The next item R-05-205 – Privatization of solid waste – in 1995 the Solid Waste Department was separated from the Street Department and in the ensuing 10 years many changes have been made; significantly the closure of the old cells and the opening of a new lined landfill, the purchase of one man collection trucks with carts, the expansion of the recycling program to make it citywide, and we have upcoming new equipment to improve the efficiencies for collection recyclables. All of these improvements have improved the efficiency in this department. I would hate to see all of this effort to develop a state of the art program, that has been developed with staff, the Board of Public Works, the Board of Aldermen, and outside consultants be turned over to private enterprise.

We have heard a lot of information provided by outside vendors, which is one sided and doesn't show a true picture. We have a considerable investment in the future of our Solid Waste Department. Let's keep it. Thank you.

James Nocella, Merrimack, NH

I am just here representing Waste Management. Waste Management is a nationally and New Hampshire based solid waste company – just in reference to your R-05-205, we wanted to express interest that if the city does in fact get to the point where you would be out to solicit proposals for solid waste management services we would be an interested company. I know it is a long road to evaluate city services versus a partnership with a private company, but we wanted to go on record to express our interest in any project that you might put forth. Thank you very much.

Robert Earley, 16 Swart Terrace

I am here in support of the noise ordinance. I urge its passage. Thank you.

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Rick Seymour, 6 Dunlap Drive

Also Public Works Director. I am here tonight to urge you to vote against R-05-205- Directing the Purchasing Manager to prepare documents and make recommendations to the Board of Aldermen with respect to competitive proposals for privatization. I must remind the Board that the Board of Public Works voted unanimously against supporting the resolution 5-0. As Commissioner Hall stated, it is a well-run, efficient department that has put in a lot of efficient systems over the past few years. Approval of this Resolution should not be taken lightly. It is a complicated process to develop an RFP, and in this case this is an RFP that would have a lot of detail in it. It is a complicated process, and if the city wants to utilize the RFP process to gather information about solid waste that is the wrong way to do it. RFPs typically are to go through the process to purchase goods or services. If the RFP is just utilized to gather information about the viability of privatization then that is not

something the city should undertake at this time.

R-05-205 is nothing more than an attempt to fix the city's short-term revenue problems by sacrificing this long-term valuable asset, which is the landfill. Once the remaining last yard of the landfill is gone years from now, our residents will be faced with exorbitant costs for trash disposal. It is obvious that the only way a private contractor can break even or return a profit to its owners or stockholders is to fill the existing and future cells of the landfill with as much trash as possible and in the shortest amount of time.

There was also an article a few weeks back that had direct quotes from a gentleman from BFI who noted that the city had "a good operation, but does not bring in enough revenue to pay for it. Obviously the operation is well run and it is noted in the industry as being well run. Obviously the only way a contractor is going to come in and make money for the city in the short run is to fill the landfill as quickly as possible with as much trash as possible."

The two core functions of the Solid Waste Department is the collection and disposal of solid waste. Our solid waste department has done an analysis to determine the efficiency of their collections. Based on the collection of cost per stop rates that they have calculated, we compare very favorably with other communities of this size in this area. Due to the efficient methods implemented at the Solid Waste Department over the past few years, we have been able to reduce the staff for collection from 25 individuals to 17. Just recently in the paper you might have read the City of Portsmouth went back to the public collection of trash after ending a contract with Waste Management. Efficiency of solid waste disposal is reflected in the cost per ton – in other words how much it costs to put a ton into the landfill. Superintendent of Solid Waste, Rich Reine, has looked at many communities and we find that our costs are very, very competitive.

To protect this asset it is imperative the city manages the type, quantity, and the rate of fill. The type and the quantity are important especially the type because we're never sure what was coming into the city. The city management of the waste stream coming into the solid waste department has a higher level of scrutiny than we can expect from any private contractor. We definitely want to prevent the disposal of unwanted waste in our lined landfill.

Current services that are offered to our residents may not be available with a private company. We offer various services such as recycling, disposal of city department trash, city construction debris from city projects similar to the senior project or the high school projects, asbestos air sampling, site characterization for asbestos, and hazardous waste disposal.

In closing, we need to keep the city control of a vital asset that the city and the residents have already invested so many dollars. On behalf of the division I would urge you to vote against R-05-205. Thank you.

Bob Burgess, 32 Bates Drive

In reference to the last speaker I have to go 100% with him. I think his department is efficiently run. I think anyone who goes to the landfill it is immaculate. This would be a quick fix to probably privatize this, but if we look down the road the youngsters in the city probably somebody sitting in your seat can

say we can fix this quick like or somebody at my age say well the hell with the young we will get the money and run, but I think we have to look at future generations here. We have probably one of the largest landfills in the area. I strongly hope you vote against this.

Going on with the noise ordinance, I approve going along with this. Recently at the Greeley Park my neighborhood I don't quite hear the music, but having a garden down there the noise is getting out of control at some of the ball fields on weekends where we haven't got only the band shell down there with the music, but we have these baseball teams that are coming in here putting that music up full blast. I heard the alcohol is being consumed down here. I think this should start to be patrolled. I don't know how we are going to enforce this, but I strongly go along with this.

Reference to 05-103, I haven't got the reading on this, but I think there are several articles referring to bringing in revenues for the sports in the high school. I kind of wonder if you could put the signs up at Stellos' Stadium where this is a school facility and we took state funds for this. I am all for raising money, but I would like to see all of this revenue possibly go back and show up in the school budget. We all know what some of these revenue funds have done where we have taken the money and moved it around all over the place in this city. I think we have to have control on this if we are going to pass this.

R-05-270 – like I say there are no things here – this is in reference to the so called land where the city was involved with I believe it was \$2.5 million – it was a land deal/land swap deal up off Gilson Road. A little while back the Aldermen put in a resolution asking the City Treasurer to go out and get this land appraised. Now it looks like we want to go out and possibly lease this land. I really don't know what is behind this latest resolution in here. This land we still have a mortgage on it. I think we have another 7 years to pay of the bonding on this. It is not too often now people unload things when they still have a mortgage on it. If we have open land in the city, which we are running out of, I think the whole city should be able to enjoy these open spaces and not say cut up 4 acres of probably prime land that leaves a swamp and say well the citizens of Nashua this is what you can get. We are not going to make any money on this; this is going to be a private school with no tax money coming in. I strongly oppose any sweetheart deals with this property. I think it ought to stay – it is land the city owns – we didn't buy this and we haven't got a mortgage on it because we just bought it to unload it – this land I think should be preserved in its original state. It is zoned for the environmental use and not a school. I strongly hope that when this comes to be that we beat this down and this is for the entire city not a private group. If we are so desperate that we need the money I think we have to start thinking otherwise.

Tom Pappas, 12 Swart Terrace

I am here in support of the ordinance to amend the noise ordinance. I commend the sponsor and the committee on what seems to me to be a reasonable approach on a persistent problem, and urge all of the Board to adopt the ordinance. Thank you.

## PETITIONS

Petition to Release and Discharge from all Public Servitude a Dedicated Way – A portion of Wollen Street

**MOTION BY ALDERMAN DION TO ACCEPT, PLACE ON FILE AND REFER TO THE COMMITTEE ON INFRASTRUCTURE AND THE NASHUA CITY PLANNING BOARD  
MOTION CARRIED**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointments by the Mayor

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

**Airport Authority**

Michael Rosenblum (New Appointment)  
47 Berkeley Street  
Nashua, NH 03064

Term to Expire: August 31, 2010

**MOTION BY ALDERMAN TOLLNER TO ACCEPT THE APPOINTMENT BY THE MAYOR AS READ AND REFER IT TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE  
MOTION CARRIED**

REPORTS OF COMMITTEE

Budget Review Committee..... 07/25/05

There being no objection, President McCarthy declared the report of the July 25, 2005 Budget Review Committee accepted and placed on file.

Finance Committee..... 07/05/05

There being no objection, President McCarthy declared the report of the July 5, 2005 Finance Committee accepted and placed on file.

Finance Committee..... 07/18/05

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

Health Care Budget Ad Hoc Committee..... 06/27/05

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

Health Care Budget Ad Hoc Committee..... 07/08/05

There being no objection, President McCarthy declared the report of the July 8, 2005 Health Care Budget Ad Hoc Committee accepted and placed on file.

Health Care Budget Ad Hoc Committee..... 07/11/05

There being no objection, President McCarthy declared the report of the July 11, 2005 Health Care Budget Ad Hoc Committee accepted and placed on file.

Human Affairs Committee..... 07/20/05

There being no objection, President McCarthy declared the report of the July 20, 2005 Human Affairs Committee accepted and placed on file.

Committee on Infrastructure. 07/13/05

There being no objection, President McCarthy declared the report of the July 13, 2005 Committee on Infrastructure accepted and placed on file.

Committee on Infrastructure. 07/27/05

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

IT Ad Hoc Committee .... 07/07/05

There being no objection, President McCarthy declared the report of the July 7, 2005 IT Ad Hoc Committee accepted and placed on file.

Personnel/Administrative Affairs Committee..... 07/14/05

There being no objection, President McCarthy declared the report of the July 14, 2005 Personnel/Administrative Affairs Committee accepted and placed on file.

Planning & Economic Development Committee..... 07/06/05

There being no objection, President McCarthy declared the report of the July 6, 2005 Planning & Economic Development Committee accepted and placed on file.

Planning & Economic Development Committee..... 07/19/05

There being no objection, President McCarthy declared the report of the July 19, 2005 Planning & Economic Development Committee accepted and placed on file..

Police HVAC Ad Hoc Committee..... 07/15/05

There being no objection, President McCarthy declared the report of the July 15, 2005 Police HVAC Ad Hoc accepted and placed on file.

Police HVAC Ad Hoc Committee..... 07/27/05

There being no objection, President McCarthy declared the report of the July 27, 2005 Police HVAC Ad Hoc accepted and placed on file.

Alderman Deane

I would like to thank the Legislative Office for all of the work they did on transcribing these minutes for the amount of meetings that we have had. It has been – I am sure Dawn's ears are swollen from wearing the headphones. I appreciate the effort. Thank you.

President McCarthy

Thank you for the comment Alderman Deane.

**MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR AN ORAL REPORT OF THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE MEETING HELD EARLIER THIS EVENING  
MOTION CARRIED**

*Alderman Tollner gave an oral report of the Personnel/Administrative Affairs Committee meeting held earlier in the evening regarding Amended Resolution, R-05-253, and the appointment of Jack Currier to the Zoning Board of Adjustment.*

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There being no objection, President McCarthy accepted the oral report of the August 9, 2005 Personnel/Administrative Affairs Committee.  
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CONFIRMATION OF MAYOR'S APPOINTMENTS

Ethnic Awareness Committee

**MOTION BY ALDERMAN ROOTOVICH TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE ETHNIC AWARENESS COMMITTEE: REP. RUTH**



Nashua, NH 03062

**MOTION BY ALDERMAN TOLLNER TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF JONATHAN “JACK” CURRIER, 6 NEW SEARLES ROAD, NASHUA, TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE SEPTEMBER 11, 2007  
MOTION CARRIED**

President McCarthy declared Jonathan Currier duly appointed to the Zoning Board of Adjustment for a term to expire September 11, 2007

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 thirteenth reading;

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-184 AS AMENDED BY ROLL CALL**

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

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

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Nay: Alderman Gage, Alderman MacLaughlin, Alderman Plamondon, Alderman Lozeau,  
Alderman Dion, Alderman Rootovich, Alderman Johnson, Alderman Bolton

8

**MOTION FAILED**

**MOTION BY ALDERMAN DEANE TO HOLD R-05-184**

ON THE QUESTION

Alderman LaRose

When are we going to pass the budget? This doesn't make any sense whatsoever. We are so divided. We have heard from the department heads a number of times. From what I can see there is little or nothing that they can tell us now except pass some kind of a budget so we know what to do. We have asked all the department heads for what would happen if you had a 1% decrease, 3% decrease or 5% decrease. We have kind of danced around that. We have made other motions to reduce that budget – none of them have passed. We have talked about to make substantial reductions in this budget you need to cut personnel – that wouldn't fly.

The City of Nashua is a service organization, but it is not a for profit organization. It is not like a restaurant or a hotel or a resort area. Our duties are to provide services for the common good. That is what we need to do. We have to take that into consideration – good times or bad times we need to provide services for the common good. I don't know how we are going to arrive at a budget. It appears to me that there are many members here that are willing to have a continuing resolution. That is not the way to run the city. We need a specific type of budget. Now I know some people would like to see the budget down to 3%, 4%, and then there are those of us who have voted for the budget as amended. You are not doing a favor to the general public by trying to cut that budget so low so that we have a low tax increase that it is going to affect us next budget year, the budget year after that, and the budget year after that.

I know that people aren't going to change their ideas in the next 30 seconds, but I hope that you go home this week and think about what has happened. If we don't pass a budget at some point in time and we come in with a resolution to continue funding the budget the way we are now – we are already almost 6 weeks in to the budget. If we're thinking well by October we will probably come with a proposal – if we don't come pretty soon with some kind of proposal the State of New Hampshire isn't going to set a tax rate for us. Where are we going to get the money? How are we going to send out tax bills? Our cash flow will dry up. I would urge the members to really think about what they are doing and to try to come together with a compromise. Thank you Mr. President.

Alderman Johnson

Thank you very much Mr. President. I was away last week, and on Sunday when I came back I had to of course go food shopping and I was stopped at the food store like always, and was told you know hang in tough, and yesterday also. People cannot afford what we are offering them. At 5.9% and 5% that is 10.9% or closer to 11% - people have been saying to me what is going to happen is the tax rate is going to get so high that no one is going to be able to live in the city. We are going to drive them out. I truly believe that.

Now next year's budget is going to be worse than this year, but what do we do – last year some members said next year we will fix it – now it is being posed next year we will fix it again. How many more years are we going to try to fix it? Yes we have to provide services to our constituents. We have to provide services that constituents can afford to send us out their taxes every year. We're getting to the point they can no longer afford this. Spending has been out of control for the last several years. It is not getting any better. What are our needs? It seems like we put our wants before our needs. You can't run a household like that. With the rate of this increase, almost 11%,

and Social Security if they are lucky at 1%, our seniors are already in the hole before they even start, but we don't seem to care about what people are getting. How many salaries are rising at the rate of 11% out there? The Mayor just mentioned a company that is laying off in this city. What about those people who live in this city? It is great we are going to hand them a tax bill maybe between the tax rate and then our assessment is going to go up – it doesn't go down – you can drop the tax rate all you want – the assessed value went up and you are paying more. We had increases in the taxes and you are going to pay more when you write that check or when you walk in with cash.

When people's rates of increase doesn't match 11% how are they going to pay their bills? Not only are their taxes going up, electric I guess is going up about 8%, gas is going up – when you go to fill up your car it is costing up about \$2.35 if not more – where do the people get the money? How many more jobs do we expect our constituents to go out and work in order to pay the bills?

When I was away it was very nice that I got a copy of the Superintendent's contract – I will tell you if everybody had a contract like this – 3 times the rate of life insurance, which the norm is 1.5% of the salary, 6 months temporary housing – I figure at about \$1,200 a month easy, car allowance - \$6,000 a year, 20 days vacation within the first year. Usually you have to work a year before you get any vacation. Four personal days in there. Forty days accumulated unused sick days maximum – sick days – 15 days per year, accumulative of 180 days per year – it just goes on and on with this contract. It is just a magnificent contract here. We are paying the rate of health insurance at POS (Point of Services) why aren't we doing at an HMO rate? Isn't that the goal to get everybody underneath one plan – the plan that is not going to cost the city and we are paying 100%. Don't get me wrong I would rather give someone the money and have them go out and buy their own health insurance versus the city, but why aren't we doing it at a lower rate and giving it to them?

This contract is a phenomenal contract. Everybody in the city should have a contract like this with their private employer. We are paying for this and it is over and above the \$125,000 that we said we would allow plus the bonus, which I love – there is no price here in the contract for a bonus. When I have to face my constituents and they ask me – this has been the hottest subject of the city this year on what we can afford – I would like to know how many people in this city have a contract like this at their jobs to be able to afford to pay their taxes in this city. Thank you.

#### Alderman Dion

Reference was made to the fact that we should pass this budget as quick as possible that we should go home and think this out a little more, and come in and vote for the budget. There was a vote this evening; 8 nays, 7 yeas – it takes 10 votes for a full Board like we have tonight in order to pass the budget. We are far apart no doubt about it. My suggestion is the 7 people that voted to pass the budget at 5.9% this evening should go home and think about cutting \$4 million off this budget, which would reduce the tax rate increase to 3%. Thank you Mr. Chairman.

#### Alderman Deane

To the previous speaker, I think I have spent quite a bit of time going through this budget, and although I am not comfortable with the 5.8% - what I have seen and the reviewing I have done with part of the administration; the Administrative Services Director and the Financial Services Director,

and the input that we have received from the Division Directors and Department Heads, I ask the 8 that voted against the budget to come forward with rationale cuts and I will gladly take a look at them.

While we are talking about the budget, on August 7<sup>th</sup>, Sunday's Globe, there was an article – I don't know whether this was a misprint or what, but it states here Mr. Mayor that you said "Frankly the way the budget is I would veto it in a minute. There is no rhyme or reason to the cuts." That is quoted in the paper. My question is if the budget had passed this evening would you have vetoed it? Is that what this means?

Mayor Streeter

Absolutely.

Alderman Deane

You would have vetoed it?

Mayor Streeter

Yes I would have.

Alderman Deane

What are your grave concerns ...

Mayor Streeter

My rationale is Alderman Deane when you eliminate on this Board eliminated the position of the Director of Public Health & Community Services that in essence decimated a department that we are required to provide those services. I am ready to nominate a Director for that position. I would do it tonight, but I can't. I can't recruit. I can't offer that position to anyone because of the action of this Board in eliminating the salary. If that salary were reinstated I would certainly support the budget. There are several other minor things that I intend to communicate to the Board that I would hope that you would review, but this is certainly cause for me to say that if the budget was passed this evening in its present context yes I would veto it because I think it is irresponsible not to fund a Director of a very important division in our city.

Alderman Deane

So your disagreement with that reduction you have decided to take the rest of the hard working city employees who will be given layoff notices probably sometime towards the end of the month and throw them under the bus over one position – that is what I am hearing?

Mayor Streeter

I don't .. I am not going to stand here...

Alderman Deane

Previously Mr. Mayor you stated right here – you said morale in City Hall is low, and then you turn and say you are going veto the budget. That doesn't make sense to me.

Mayor Streeter

What certainly makes sense to me ...

Alderman Deane

Let's think of everyone not just of one position, everyone. I do agree morale is low and employees are concerned, but using one position that has been cut and causing issues with the rest of the hard working employees in the city I think is absolutely irresponsible to even make a remark like this. You might not agree with the cut, but there are a lot of other people that live in this community that work for this city that have families to feed and bills to pay, and if you would veto a budget, if passed, because of the elimination of one position, I just don't get that I really don't. I don't think it is a fair thing to do, but you are the Mayor.

Mayor Streeter

Do have a perfect right to your opinion Alderman Deane. I have a right to mine. I think that this is a very important position within our city. I am not going to stand by to see that division ... **tape flipped**  
...

Alderman Bolton

The Mayor is here this evening so it is possible to correct a misunderstanding concerning what the actions of the Board have been and will do with regard to the position he mentioned. Perhaps if the Mayor would make room in his schedule to be a more frequent attendee at the special meetings of this Board, and at the Budget Committee meetings when the budget is worked on, these misunderstandings might not arise. The fact is that the budget does not eliminate that position. There is money, some money, remaining in that budget line, there is other money that has been put into contingency particularly earmarked for the purpose of transferring it back should it be necessary to fund that position and to the extent that the two don't add up to the total yearly salary of that position, it is based upon what the Mayor himself has indicated would be the time it would take to fill that position on a permanent basis. The fact is that there is no effort on the part of this Board to decimate that division; there is no effort on the part of this Board to eliminate that position. In fact, that should be no reason for any dissatisfaction.

The situation is that the Mayor is perfectly able to recruit for that position at the salary range set forth in the administrative code, which sets the grade and range and so forth for this position. The Mayor is free to nominate a qualified person for that position, can negotiate a salary, and to lay those things before the Board of Aldermen for approval, and if we agree, we can fund it. I hope that this clarifies

things so the Mayor can now understand that he should go forward and exercise his duty to find a qualified person for that position. We can move forward.

President McCarthy

The motion is to hold R-05-184. Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-184 declared held at the full Board level.

**R-05-205**

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

**DIRECTING THE MAYOR'S OFFICE AND THE PURCHASING MANAGER TO PREPARE DOCUMENTS AND MAKE RECOMMENDATIONS TO THE BOARD OF ALDERMEN WITH RESPECT TO COMPETITIVE PROPOSALS FOR THE PRIVATIZING OF SOLID WASTE COLLECTION AND DISPOSAL FOR THE SOLID WASTE FUNCTIONS**

Given its second reading;

**MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF R-05-205**

ON THE QUESTION

Alderman Lozeau

This is a resolution to solicit for an RFP, to develop an RFP. This is not a resolution to privatize the city's landfill. The Mayor spoke at the beginning of the meeting tonight and referenced I believe a study committee that is being enacted. I remind this Board that just a few years ago we enacted a Solid Waste Task Force, and it has never come to fruition to any improvements that I can see. This is not a resolution to privatize solid waste. This is a resolution to proceed with an RFP to see if it makes sense to privatize solid waste. Thank you Mr. President.

Alderman Deane

Thank you. When I look at the title of this resolution it states "make recommendations to the Board of Aldermen with respect to competitive proposals for the privatizing of solid waste collection and disposal for the solid waste functions." The way I understand it is they want to develop an RFP and go out and get competitive bids for the solid waste department. What I would like to further say is this city and this Board and the residents in the city have made significant investments in the long-term plan to address the solid waste disposal issues for the citizenry and the businesses in the

community. It just appears to me that we have gotten to the point now where we have closed one cell, opened a new cell, we are looking at permitting the other one – we have invested most of the money into the facility, and now to take it in its current status and turn it over to an outside or private firm and redirect the pickup services I think is a mistake.

This Board voted unanimously I believe when the Mayor had brought forth a piece of legislation associated with bringing in \$3.5 million worth of outside trash. I believe that went down 13-0. The deal with the landfill is having an outside entity bid on as was stated earlier – the only way to make money is to fill the place up. I really think we have to look years beyond and maintain the life expectancy of that facility. That is utterly important when you listen to what Division Director of Public Works, Seymour, had to say – when that landfill is filled we are now at the mercy of either someone else, some other form of disposal. Currently we can control what we do down there. If you turn the facility over to others we lose control of that.

The other item is the cost of the RFP. This isn't your basic RFP where it would head out onto the street – hey do you want to pick up our trash and run our landfill. There is going to be some intricate work that has to be done on this. I believe there is going to be a significant cost to developing this RFP. I am not quite sure where the funds would come from to pay for that. Earlier during the Budget Committee meetings I had asked the Superintendent of Solid Waste to bring back the financial analysis and back out certain items that had nothing to do with the Solid Waste Department down at Four Hills. We backed that out, we backed out some of the debt for the multi-site, which was \$5 million +, we backed out collection services, and we looked at the ordinance associated with the Enterprise Fund down there was to garner funds to maintain that facility. We have used that money for much more than that in the past. I believe a few million dollars back in the '90s was used to reduce the tax rate, and that money was there to cover the existing cell when it was time to close it. The facility has generated revenue. By the time we backed out everything that had nothing to do with the Four Hills Landfill itself there was a \$1.3 million surplus on the revenue that was brought in from commercial tipping fees. If we took the other expenses it would have added another 2.3% to the tax rate. It wasn't good to look at that this year, but I think with the improvements we have had with the purchase of the barrels and the one armed trucks, the recycling that is being done, and the efficiencies we have seen through those purchases and attrition as the Director had mentioned from 25-18 it is a pretty good run operation. It has been a long time coming, but it is going to cost us money to operate that facility. I think that facility is of utter importance to all of us and to our children down the road. I think sending this thing out and looking into filling it up with trash prematurely for revenue is a big, big mistake. Thank you.

Alderman Bolton

Thank you Mr. President. I couldn't agree more with everything Alderman Deane just said as well as earlier we heard from Commissioner Hall from the Board of Public Works, the Director of Public Works, Seymour. My every measure that we have looked at, this is an efficient and well-run operation. The fact that the amounts charged for commercial tipping fees are not enough to pay for the collection and disposal of residential solid waste should not be a surprise. It was near coincidence and happenstance that at one time the surplus of the amount collected for over the cost of disposing of commercial waste was so much that it could approach paying for the collection and disposal of residential. It is tantamount to believing that the entire library could run on the overdue fees for late

return of books or that the whole school department could run on the amount charged for driver education courses. One has no direct relationship to the other and probably should never have been combined in the same enterprise fund to begin with.

As it has been said so often, this is a valuable resource. To encourage others to make a profit by using this up faster, filling it up faster, and giving them incentive to not be as careful in what is disposed there and the proper handling of the disposed material makes no sense at all to the long term best interest of this city. The preparation of requests for proposals is no minor task. It should not be undertaken unless you have made the decision that is what is going to be done. If in order to confirm what I am already firmly convinced of, the proposal was to undertake a study at a reasonable cost of the comparative benefits, advantages, and disadvantages of privatizing the operation as compared to continuing to run it with municipal forces I might well go along with that, but preparing requests for proposals should not be done until the decision has been made that is what you are going to do. There is no reason to do it as an exercise. Accordingly, I would urge everyone to rethink this and to vote against it.

#### Alderman Plamondon

For the second time I just want to say that I also whole-heartedly concur with the comments of Alderman Deane as well as Alderman Bolton on this topic. To add some new points, in the last 5 years the Four Hills Landfill has gone through so many improvements of efficiency from the Board of Public Works, from upper and middle management to the union employees – every single aspect of the Four Hills Landfill has become not just a jewel of Nashua, but the envy of the Northeast. It is difficult to find in the entire Northeast a landfill that is run more efficiently. Just last year there were what 4-5 national recognized awards at the Four Hills Landfill within the City of Nashua. As was mentioned before, the only way to go onto a privatization – these private businesses are for profit – the only way for them to make a profit over the existing operations is to fill it as fast as possible. That is the only way that they can turn a profit. As long as I am on this Board I will not vote in favor of that. I cannot support this legislation. Thank you.

#### Alderman Vitale

I would have to agree with the previous three speakers. I believe that we should listen to Commissioner Hall and Director Seymour when they speak of the efficiencies and the investments that are in place at the landfill. I urge others to vote against this legislation. Thank you.

#### President McCarthy

Is there any further discussion? The motion was for final passage of R-05-205.

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

Yea: Alderman Lozeau, Alderman Dion, Alderman Rootovich, Alderman Johnson

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Nay: Alderman Tollner, Alderman Vitale, Alderman LaRose, Alderman Gage, Alderman Cardin, Alderman MacLaughlin, Alderman Deane, Alderman Plamondon, Alderman Shaw,

Alderman Bolton, Alderman McCarthy

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**MOTION FAILED**

**MOTION BY ALDERMAN BOLTON FOR INDEFINITE POSTPONEMENT OF R-05-205  
MOTION CARRIED**

Resolution R-05-205 declared indefinitely postponed.

**R-05-223**

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 THE SUM  
OF \$2,250 FROM THE NEW HAMPSHIRE CHARITABLE FOUNDATION  
INTO SPECIAL REVENUE ACCOUNT #371-7028 "LIVABLE, WALKABLE  
COMMUNITIES PROGRAM"**

Given its second reading;

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-223  
MOTION CARRIED**

Resolution R-05-223 declared duly adopted.

**R-05-224**

Endorsers: Mayor Bernard A. Streeter

**APPROVING THE "SECOND AMENDMENT TO CONCESSION AGREEMENT"  
BETWEEN THE CITY OF NASHUA AND BKK NASHUA, LLC**

Given its second reading;

**MOTION BY ALDERMAN DEANE FOR INDEFINITE POSTPONEMENT OF R-05-224  
MOTION CARRIED**

Resolution R-05-224 declared indefinitely postponed.

**R-05-232**

Endorsers: Mayor Bernard A. Streeter

Alderman Lori Cardin

Alderman-at-Large James R. Tollner

Alderman Marc W. Plamondon

Alderman Kevin E. Gage

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF THE SUM  
OF \$27,207.68 RECEIVED FROM THE STATE OF NEW HAMPSHIRE,  
DEPARTMENT OF SAFETY, INTO SPECIAL REVENUE ACCOUNT #331-6221  
"HOMELAND GRANT 2005 - SRT"**

given its second reading;

**MOTION BY ALDERMAN TOLLNER FOR FINAL PASSAGE OF R-05-232  
MOTION CARRIED**

Resolution R-05-232 declared duly adopted.

**R-05-233**

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

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF THE SUM OF  
\$27,207.68 RECEIVED FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT  
OF SAFETY, INTO SPECIAL REVENUE ACCOUNT #331-6220 "HOMELAND  
GRANT 2005 - BOMB"**

given its second reading;

**MOTION BY ALDERMAN GAGE FOR FINAL PASSAGE OF R-05-233  
MOTION CARRIED**

Resolution R-05-233 declared duly adopted.

**R-05-243**

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

**RELATIVE TO THE ACCEPTANCE OF MISCELLANEOUS CONTRIBUTIONS  
AND APPROPRIATION INTO ACCOUNT #331-6223 "LAW ENFORCEMENT  
EXPO 2005" FOR ASSOCIATED COSTS RELATIVE TO THE EXPO**

given its second reading;

**MOTION BY ALDERMAN GAGE FOR INDEFINITE POSTPONEMENT OF R-05-243  
MOTION CARRIED**

Resolution R-05-243 declared indefinitely postponed.

**R-05-244**

Endorser: Mayor Bernard A. Streeter  
**APPROVING A PROPOSED CONSENT DECREE BETWEEN THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, THE NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES AND THE CITY OF NASHUA, NH REGARDING COMBINED  
SEWER OVERFLOWS**

given its second reading;

**MOTION BY ALDERMAN DION TO AMEND R-05-244 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**  
**MOTION CARRIED**

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF R-05-244 AS AMENDED**  
**MOTION CARRIED**

Resolution R-05-244 declared duly adopted as amended.

**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 second reading;

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-248**  
**MOTION CARRIED**

Resolution R-05-248 declared duly adopted.

**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 second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-249**  
***Division Taken***  
**MOTION CARRIED**

Resolution R-05-249 declared duly adopted.

**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 second reading;

**MOTION BY ALDERMAN TOLLNER FOR FINAL PASSAGE OF R-05-250  
MOTION CARRIED**

Resolution R-05-250 declared duly adopted.

**R-05-252-B**

Endorsers: Mayor Bernard A. Streeter

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

given its second reading;

**MOTION BY ALDERMAN BOLTON TO AMEND R-05-252-B IN ITS ENTIRETY BY REPLACING IT  
WITH THE BLUE COPY PLACED ON OUR DESKS THIS EVENING**

ON THE QUESTION

Alderman Bolton

The first line with regard to the bonded debt service of \$10,900 I believe is referenced in the memorandum we received this evening from Cindy Bielawski and that indicates that its stated purpose is funding required to hire outside counsel to commence litigation challenging the legality of HB 616. I thought we had taken care of the initial retained requested by that law firm when we had a special meeting last month, passed R-05-252A, so I am wondering why there is – that was \$24,000+ and I am wondering if that has already been expended, which I would find hard to believe, and why we are now going to provide another nearly \$11,000 at this point.

Carol Anderson

When this came up for discussion in the beginning, when we first started with Sullivan & Gregg, the \$10,000 when we look back it was on a resolution, and it was removed from that resolution so what happened was we had the \$10,000 that is coming before the Finance Committee actually, and then you have the \$25,000 for the second phase, which is actually the litigation. The \$10,000 was for the report. We had asked that the money be transferred from bonded debt on that resolution and placed into legal. Legal when they prepared their escrow amount put the \$24,181, but that included anticipation of the \$10,000. It wasn't transferred in. In essence all we have is the \$24,181, and we still need \$10,900 from bonded debt to get us to a total of \$35,000.

Alderman Bolton

That clarifies things.

President McCarthy

Is there any further discussion of the amendment?

**MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-252-B AS AMENDED**

**MOTION CARRIED**

Resolution R-05-252-B declared duly adopted as amended.

**MOTION BY ALDERMAN JOHNSON THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF RESOLUTION R-05-253**

ON THE QUESTION

President McCarthy

I think that given the actions of the Personnel Committee, the appropriate motion would be to take R-05-253 from the table.

**AMENDED MOTION BY ALDERMAN JOHNSON TO TAKE R-05-253 FROM COMMITTEE**

**MOTION CARRIED**

**MOTION BY ALDERMAN JOHNSON THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF RESOLUTION R-05-253**

**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 second reading;

**MOTION BY ALDERMAN JOHNSON THAT R-05-253, AS AMENDED, BE PLACED ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION AND THAT COPIES OF THE PROPOSED AMENDMENT AND A SUMMARY THEREOF BE MADE AVAILABLE TO THE PUBLIC IN THE CITY CLERK'S OFFICE AT LEAST TWO WEEK'S PRIOR TO THE ELECTION**

ON THE QUESTION

Alderman LaRose

Mr. President through you could I ask Alderman Johnson a question?

President McCarthy

You may.

Alderman LaRose

Thank you. Why is this necessary?

Alderman Johnson

The answer is if you read the back of it, it says I will not have signed more nominating certificates than there are positions to be filled in the upcoming election. What has happened is when you have more than one slot open a Ward Alderman you can only sign a petition basically for one person because there is one position open, but when you are looking at-Large there could be 3 or 4 open positions. What happens is somebody – it happened with me – wanted to sign my petition and somebody else's and they can't. I guess the race is to get to the City Clerk's Office before somebody else does, and they are not going to accept all of those signatures. It does happen. People do hang around the same groups. People like some of the same people. This way when you have more than one position open for a certain race you can sign 2-4 petitions.

Alderman LaRose

It would seem to me that I think we may end up getting ourselves into a lot of problems, not us, but the City Clerk's Office, where all of a sudden you have 6 candidates running for 4 offices and somebody forgets how many they signed and they sign all 6. That would invalidate all of the nomination petitions.

Alderman Johnson

That is the problem we are having right now. If there are three seats open and one person wants to sign three petitions they should be allowed to sign for the three seats that are open. If you sign for 6 people they are only going to allow three of them in basically. We are at the point now that you can't have the same person sign for 2 or 3 people with an open seat. I guess we will talk about this for an hour or two, but when it comes to spending millions of dollars we push that through immediately. Thank you.

Alderman Deane

I don't know if that is true. We didn't talk much about the budget tonight.

Alderman Bolton

We didn't push it through either.

Alderman Deane

How many registered voters are there Mr. City Clerk currently off the top of your head.

Paul Bergeron

Forty nine thousand plus, but we are in the process of purging about 6,800 voters from the checklist.

Alderman Deane

Out of 49,000 or 48,000 registered voters, if you are going to run for an at-large seat you have to run across 50 people to sign. Prior to you taking over as City Clerk I believe the practice that was at that point in time – you could sign for as many positions as were open. That is the way it used to be done correct?

Paul Bergeron

I believe it was. The Charter though says that one petition per race. When I came on board that is how I interpreted it.

Alderman Deane

I look at it like this – I look at our Charter – our Charter has a lot of antiquated things in it and changing it for this purpose – my theory is that if you are that concerned or you are talking with folks who have already signed a petition for you or for another candidate and with 49,000 people out there that it would be nice if they went to the polling places on election day – I think the difficulty of finding 50 odd people out of 49,000 to turn your petitions in should not be that difficult. In fact you end up meeting a lot of different people. I won't be supporting this proposed Charter change. Thank you.

Alderman Vitale

I would guess I would have to agree with Alderman Deane. It seems that when you take your papers around to be signed that it would be prudent to ask the people if they had already signed somebody else's and therefore you could let them know that they couldn't sign yours and move on to the next person.

Alderman Bolton

I would like to ask the City Clerk a question. Mr. Clerk will this create – if this were to become law eventually would that create more work, less work, or be absolutely neutral as far as the operation of the City Clerk's Office?

-  
Paul Bergeron

My best guess is probably neutral. The reason I qualify that is because we're moving toward a statewide-centralized voter checklist system with its own type of petition monitoring software, and I don't know how that is going to work. The software that we have in house here in the city it wouldn't make any difference whether this Charter amendment passes or not. I don't know what the state software is going to – what impact that would have.

Alderman Rootovich

I look at it a different way – if a voter wants to sign for 3 candidates and there are 6 candidates running and 1 voter says those are my three candidates, they should be allowed to sign three petitions. I look at it from the voter's eyes. They may decide to only sign 2 because they only like 2 of the 6 candidates. I kind of look at it through their eyes, and I am going to support it.

### Alderman Gage

I think this is going to go to the – if we pass it here it goes to the voters. I think it affects them greatly and it is their decision. We should send it to them and we can all work at the polls and talk to people as they go in and either up or down.

### Alderman Lozeau

It was mentioned that the practice used to be that you could sign several. I just wonder if there are people sitting around this horseshoe that weren't duly elected to this office.

### Alderman Plamondon

I guess my concern with this is this seems to only apply to elected positions in races where there is more than one office open, which I am sitting here thinking is every office except for Ward Alderman and Mayor. I think that this would not be fair to Ward Aldermen and the Office of Mayor in that regard. I just have an issue with that. If there was more than one person running for Ward Alderman and they want to sign two petitions the argument is pretty much the same for multi-position races. The analogy is similar.

### Alderman Tollner

I agree with comments that were made on both sides. If there are three positions to be filled that people should be able to vote on it. I think the reason why I am probably not going to support this is because I am afraid – deemed necessary – we are again tinkering with the City Charter. Do I think that this particular piece of legislation is absolutely necessary I absolutely do not. I think we have stated tonight that there are 40,000+ registered voters in the city. I know this came to light two years ago because there were three of us running for Alderman-at-Large and much to our surprise we were notified by the City Clerk's Office that we didn't have enough petitions, which of course right away we challenged, but because we didn't understand why that happened. That was the result of the very well versed City Clerk making a decision that it didn't go along with the Charter. I understand the points in supporting it, but I will go back to is this necessary, and I do not think it is necessary. Thank you.

### Alderman MacLaughlin

–  
Thank you Mr. President. I am pretty enthusiastic when it comes to petitioning throughout Ward 8. It is very easy to get people interested in the process if you have the time and energy to present yourself to them. The signature thing is something that a lot of people who vote are unaware of

because typically candidates do slightly more than what is asked for the position and then they turn the petitions in. I have to say it doesn't seem as though it is really a necessary Resolution in my personal opinion because I am out there and I am hearing from people who once they learn then process they are very eager to help whoever asks as long as they get a chance to meet them. I personally feel that it is not too hard to exceed the minimum of required petitions. I would really like to know what the people have in mind. In fairness to the 49,000+ registered voters I will support passing them this ball.

Alderman Dion

Thank you Mr. Chairman. I will support this motion for the simple reason and then I will give an analogy – this year there will be three slots open for Alderman-at-Large. A lot of people would like to vote for three people or sign three petitions. They cannot do this. This is news to me. I never even knew that law existed. Just like another analogy I want to use is the fact that it takes 2/3 of the members present to pass the budget when we all thought it was 10 votes. This was changed by the Legal Department, made that decision that was not the intent of that legislation. We have already been through that – I just want to bring that out. I don't have any objections to the citizens of Nashua voting on a Charter Amendment. I think they are intelligent enough to vote on this and why not give them a chance to vote. I will not take away that right. Thank you Mr. Chairman.

Alderman Shaw

I will support this, and I guess the reason is when I looked at it – and I have thought about this in the past and I was just chilled by it – I realize that there are more than enough people to sign petitions and there are more than enough people to access and it should be very easy to get it, but I also look at it from the standpoint of the individual voter who when they go into the voting booth they have the opportunity to vote for three Alderman-at-Large or 4 or 5 Board of Education members – I would like to, as a voter, also be able to add the ability to nominate for 3 positions or 4 positions or how every many are open for that office even if I could easily – as a candidate I know you could easily get the signatures, but the point is as a voter and somebody that is making their voice heard, I think it is reasonable that they be allowed to nominate up to at least the number of positions for the office. Thank you.

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

Yea: Alderman Vitale, Alderman LaRose, Alderman Gage, Alderman Cardin,  
Alderman MacLaughlin, Alderman Plamondon, Alderman Shaw, Alderman Lozeau,  
Alderman Dion, Alderman Rootovich, Alderman Johnson, Alderman Bolton,  
Alderman McCarthy

13

Nay: Alderman Tollner, Alderman Deane

2

**MOTION CARRIED**

Resolution R-05-253 declared duly adopted

UNFINISHED BUSINESS – ORDINANCES

**O-05-79**

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

**REGARDING MINUTES OF MEETINGS OF PUBLIC BODIES TO BE KEPT  
AT CITY CLERK'S OFFICE**

given its second reading;

**MOTION BY ALDERMAN DEANE TO AMEND O-05-79 IN ITS ENTIRETY BY REPLACING IT  
WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA  
MOTION CARRIED**

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-05-79 AS AMENDED**

ON THE QUESTION

Alderman Deane

I would like to thank Paul Bergeron, our City Clerk, for all of the work he did on this. Basically we brought this forward and he crafted it up to his liking and did a lot of legwork on it. I just wanted to say thank you.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Ordinance O-05-79 declared duly adopted as amended.

**O-05-87**

Endorser: Mayor Bernard A. Streeter  
Alderman Marc W. Plamondon

**UPDATING THE FEE FOR RETURNED CHECKS**

given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-87  
MOTION CARRIED**

Ordinance O-05-87 declared duly adopted.

**O-05-92**

Endorser: Board of Aldermen

**AMENDING THE ZONING ORDINANCE TO REQUIRE A SPECIAL USE PERMIT FOR  
DEVELOPMENT OF LOTS WHOSE SOLE ACCESS IS BY A RIGHT OF WAY RELEASED**

**FROM DEDICATION TO PUBLIC USE (“PAPER STREET”)**

given its second reading;

**MOTION BY ALDERMAN DION TO AMEND O-05-92 BY REPLACING IT IN ITS ENTIRETY WITH THE BLUE COPY PLACED ON OUR DESKS THIS EVENING**

ON THE QUESTION

Alderman Dion

When this Ordinance was also referred to the Planning Board, the Planning Board supported the ordinance but there was a cost of the fee that was charged was not put in the original ordinance so in order to comply with the minimum application fee of \$250, abutter notification costs, sign posting requirements in the same dollar amount established for site plans and subdivision applications – in other words this is being done all the time when someone goes before the Zoning Board or the Planning Board whenever it involves the Planning Board – this is the cost that goes with it. Therefore, that is the amendment. If there are any questions I will try to answer them.

President McCarthy

-  
Are there any further questions?

**MOTION CARRIED**

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF O-05-92 AS AMENDED BY ROLL CALL**

**MOTION CARRIED**

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

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

15

Nay:

0

**MOTION CARRIED**

Ordinance O-05-92 declared duly adopted as amended.

**O-05-94**

Endorsers: Alderman-at-Large David W. Deane  
Alderman Marc W. Plamondon

**AMENDING THE NO PARKING ZONE ON THE SOUTH SIDE OF ELDRIDGE STREET**

given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-94**

**MOTION CARRIED**

Ordinance O-05-94 declared duly adopted.

**O-05-95**

Endorser: Alderman Kathryn D. Vitale

**Authorizing the installation of a stop sign On north field drive at its Intersection with pine l road**

given its second reading;

**MOTION BY ALDERMAN VITALE FOR FINAL PASSAGE OF O-05-95**

**MOTION CARRIED**

Ordinance O-05-95 declared duly adopted.

**O-05-96**

Endorsers: Mayor Bernard A. Streeter

Alderman Marc W. Plamondon

Alderman David D. Lozeau

Alderman-at-Large James R. Tollner

Alderman-at-Large Paula I. Johnson

Alderman-at-Large David Rootovich

Alderman Robert A. Dion

Alderman Lori Cardin

**TO AMEND THE CITY NOISE ORDINANCES BY ADDING PROHIBITIONS AGAINST NOISES CREATED BY OR EMANATING FROM MOTOR VEHICLES AND OTHER NOISES WHICH DISTURB THE PUBLIC PEACE**

given its second reading;

**MOTION BY ALDERMAN PLAMONDON TO AMEND O-05-96 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

**MOTION CARRIED**

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-96 AS AMENDED**

ON THE QUESTION

Alderman Plamondon

Thank you Mr. President. This has actually been several years in the making in trying to address a myriad of noise issues and complaints that we have had through the years that has since been escalating in volume as well as occurrences throughout the city, and is not just inner city, it is throughout. I want to thank the Nashua Police Department for all of the work that they put into this, the Legal Department, and the work that the Personnel/Administrative Affairs Committee put into this. I would also add to the listeners out there in Nashua that the RSA for motorcycles and the altered

exhausts is being enforced. This particular ordinance will go hand in hand with that. The Nashua Police Department has received the new tachometers to use with the decimal meters. In the last three weeks there have been many citations issued on these offensive motorcycles with altered exhausts. Fines are being given, and the intent is if this legislation passes we will go forward and try and address these auditory offenses. Thank you.

### Alderman Deane

I had a question to Corporation Counsel. A while back we received a packet from a resident who had concerns about noises coming from the toner plant down on Franklin and Winter Street that Nashua Corp. owns that sends a sound up into the Chandler Street area to the point where it is from what he tells me is piercing, and he has real issues with this. He has asked Nashua Corp. if there were some way they could deal with trying to control this noise because what they are doing is they have a condenser on the roof and they are increasing the velocity of the span speed, which in turn they are making the impellers turn at a greater RPM than what they were designed to do. You can put a device on there to make the fan do that without burning out the motor, but in turn you get this ungodly noise that travels great distances especially with the height of the condenser that is down there. He contacted Laura Games at Code Enforcement and she went over – she didn't have the device to measure the noise, she had the little decimal meter or whatever and the component that was needed to measure this isn't available to the Code Enforcement people. He has since talked to Nashua Corp. and I guess they have started to back off on some of their production especially on the weekends because that is when it was the worst.

Right now they can hear it and there are other people within the surrounding area in other directions that also pick up this noise. I guess it is a real high-pitched noise. He is concerned about a number of issues with it, but what I am wondering is is there any language in this ordinance that would cover dealing with that issue down there? When I get to section 7 into the sounding of any horn or signal, but when you get down to the bottom it says "and the sounding of any such device for an unnecessary and unreasonable period of time" if they are running a couple of shifts over there and they have this – basically it is run at night and they have this condenser that is up on the side of the building that is running above its capacity – where in this ordinance would it cover enforcing that or having them address the issue of the noise that is being emanated out of that piece of equipment?

### Stephen Bennett

I don't believe this ordinance, which was designed to target specific types of noise, would necessarily cover industrial noise. I know I spoke with Laura Games about that matter. I had understood she had gone down there and using the decimal reader had come up with – I forget what the reading was, but in comparing it to levels in a lot of other cities such as Manchester, my understanding was that they came under that level. It wasn't exceeding what other cities have put in. I don't believe at least in talking when we developed this with the police that was one of the targeted areas that we were looking at. There are more comprehensive noise ordinances in other cities, which involve the use of decimal readers, decimal levels, and so forth. We were attempting to target some specific concerns that the Aldermen had and without the requirement of using decimal meters and so forth, which frankly by the time a police officer gets one out of the car and measures the sound it is gone or has quieted down. In short, I don't believe this ordinance would target that type of situation. It wasn't

considered when we were writing the ordinance.

Alderman Deane

A decimal reader isn't the proper piece of equipment to use to measure.

Stephen Bennett

It may be that I don't know the correct terminology, and I apologize for that, but the fact is whatever device was used I am not sure what device Ms. Games used, but she indicated that she thought that the noise while she understood it might disturb some of the residents it is a typical noise that comes out of an industrial setting.

Alderman Deane

This is above and beyond a noise that is coming out of an industrial setting though. They are taking a piece of equipment and using it for something it wasn't designed to be used for and it is traveling great distances. A decimal meter will not measure the issue. Another measuring device is used, and the city doesn't have that available to them. I will talk to Ms. Games about this. Thank you.

Alderman Dion

Just to ease Alderman Deane's fears, the toning department is closing down. The department is gone. We won't have to worry about that anymore. On the ordinance itself, I want to thank Alderman Plamondon for his hard work on this and the police department and they sort of looked at the ordinance in Manchester and used that as a guideline. It is long overdue. The motorcycles this year have got to be the worse I have ever seen as far as noise is concerned. They go by my house and I tell you you can hear them for half a mile coming and half a mile when they go by. It is awful. I think it is a good law and it is something that the citizens are going to appreciate. I want to thank you Alderman Plamondon.

Alderman Tollner

I just wanted to respond, the legislation when it was initiated and when it was finished doesn't deal with the incident or the situation that Alderman Deane is talking about. I think the gentleman had sent us some pictures. I think his name was Mr. Berube. He had sent us some pictures before. What I would suggest is that Laura Games rent some equipment and get some guidelines as far as what is and is not acceptable and handle it that way. He has been discussing this for quite some time.

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

President McCarthy

The motion was for final passage of O-05-96 as amended. Is there any further discussion?

Alderman MacLaughlin

Thank you Mr. President. I too wish to extend my gratitude and those of the residents of Ward 8 to Alderman Plamondon and all who had a hand in crafting this legislation. The part that I am very pleased to see in here is that it addresses the overly audible sounding stereo systems, which are formicating in the cars of a certain generation of bands of music these days to the point where when they hit the switch it is almost as though you are listening to their music, and you might be several car lengths away. When music becomes weaponized be it over the fence to annoy a neighbor or an establishment downtown or fellow motorists it is offensive, and there shouldn't be a feeling of helplessness that government cannot do something to help curb the effects. I think this does that, and I look forward to seeing it implemented. Thank you.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Ordinance O-05-96 declared duly adopted as amended.

**O-05-97**

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

**TO ESTABLISH A REGULATORY SYSTEM FOR PAWNBROKERS AND SECONDHAND DEALERS**

given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-97**

**MOTION CARRIED**

Ordinance O-05-97 declared duly adopted.

**O-05-98**

Endorsers: Mayor Bernard A. Streeter  
Alderman Marc W. Plamondon  
Alderman-at-Large Brian S. McCarthy  
Alderman Kathryn D. Vitale  
Alderman Robert A. Shaw

**AMENDING THE PARKING TIME LIMITS ON MAIN STREET BETWEEN PEARSON AVENUE AND RAILROAD SQUARE**

given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-98**

**MOTION CARRIED**

Ordinance O-05-98 declared duly adopted.

**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 second reading;

**MOTION BY ALDERMAN LAROSE FOR FINAL PASSAGE OF O-05-100**

**MOTION CARRIED**

Ordinance O-05-100 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 second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF O-05-103**

**MOTION CARRIED**

Ordinance O-05-103 declared duly adopted.

**NEW BUSINESS – RESOLUTIONS**

**R-05-261**

Endorser: Alderman-at-Large David W. Deane

Alderman-at-Large James R. Tollner

Alderman Marc W. Plamondon

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR SPORTS TOURNAMENT TRAVEL**

**EXPENSES AND TRANSFERRING \$2,000 FROM ACCOUNT 552-91055 "PARKS AND RECREATION DEPARTMENT – TRAVEL, STATE CHAMP TEAMS" INTO SAID FUND**

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE and the BOARD OF PUBLIC WORKS by President McCarthy

**R-05-262**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$28,527 FROM ACCOUNT 596-86580 "CONTINGENCY RETIREMENTS – CITY", INTO ACCOUNT 532-11300 "FIRE DEPARTMENT – LIEUTENANT"**

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

**R-05-263**

Endorsers: Mayor Bernard A. Streeter

Alderman Lori Cardin

Alderman-at-Large James R. Tollner

Alderman Marc W. Plamondon

Alderman Kevin E. Gage

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$9,375 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF SAFETY INTO SPECIAL REVENUE ACCOUNT #332-6317**

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

**R-05-264**

Endorsers: Mayor Bernard A. Streeter

Alderman Lori Cardin

Alderman-at-Large James R. Tollner

Alderman Marc W. Plamondon

Alderman-at-Large David Rootovich

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$3,000 FROM CONWAY ARENA INTO SPECIAL REVENUE ACCOUNT #352-6521**

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

**R-05-265**

Endorser: Alderman-at-Large Paula I. Johnson

**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO APPROVING THE COST OF BENEFITS PROVIDED TO NON-UNION SCHOOL DEPARTMENT EMPLOYEES**

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

**R-05-266**

Endorser: Mayor Bernard A. Streeter

Board of Aldermen

**ENDORISING THE PLATFORM OF THE NEW ENGLAND JOINT ACTION CAMPAIGN AND THEIR EFFORTS TO MAINTAIN AND IMPROVE FUNDING FOR KEY AFFORDABLE HOUSING AND EDUCATION PROGRAMS IN THE FEDERAL BUDGET**

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

**R-05-267**

Endorser: Alderman Lori Cardin  
Alderman Marc W. Plamondon

**AUTHORIZING THE CONVEYANCE OF A DISCONTINUED PORTION OF ECKLER AVENUE TO CHRISTOPHER W. ECKLER**

Given its first reading;

**MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-267**

**MOTION CARRIED**

*Given its second reading;*

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-267**

ON THE QUESTION

Alderman Bolton

Is Mr. Eckler the only abutter?

Alderman Cardin

Yes.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-267 declared duly adopted.

**R-05-268**

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$28,258 FROM ACCOUNT #596-86580 "CONTINGENCY RETIREMENTS – CITY" INTO ACCOUNT #532-11069 "FIRE DEPARTMENT – ASSISTANT SUPERINTENDENT PREVENTION"**

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

**R-05-269**

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

Alderman Kevin E. Gage

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$504  
OBTAINED FROM THE STATE OF NEW HAMPSHIRE INTO SPECIAL REVENUE ACCOUNT #331  
6227 "DWI PATROL 2005"**

Given its first reading;

**MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR  
THE SECOND READING OF R-05-269**

**MOTION CARRIED**

*Resolution R-05-269 given its second reading*

**MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-269**

ON THE QUESTION

Alderman Cardin

This was a late notification and is for overtime. There is no city match involved in this.

President McCarthy

Is there any further discussion?

**MOTION CARRIED**

Resolution R-05-269 declared duly adopted.

**R-05-270**

Endorser: Alderman-at-Large Brian S. McCarthy

Alderman Kevin E. Gage

Alderman David D. Lozeau

Alderman-at-Large James R. Tollner

**Authorizing CLarification and CONVEYANCE OF A conservation easement upon certain lands  
owned by the city of nashua to An appropriate agency; AND AUTHORIZING THE SALE OR LONG  
TERM LEASE OF AN APPROXIMATELY FOUR-ACRE PARCEL OF SAID LAND TO THE NATURE  
OF THINGS, LLC D/B/A SECOND NATURE ACADEMY, SUBJECT TO THE CONSERVATION  
EASEMENT, In keeping with the provisions for an educational use within the conservation  
easement, FOR USE AS A PRIVATE ELEMENTARY SCHOOL, PRE-SCHOOL, DAYCARE, AND  
SUMMER CAMP, ALL WITH AN EMPHASIS ON THE ENVIRONMENT**

Given its first reading; assigned to the PLANNING & ECONOMIC DEVELOPMENT COMMITTEE and the  
NASHUA CITY PLANNING BOARD by President McCarthy

Alderman Deane

Why isn't this going to Infrastructure?

President McCarthy

Because the original conservation easement that it supercedes went to the Planning & Economic Development Committee.

Alderman Deane

Can you explain that a little further to me? I don't understand. I was always under the impression that Infrastructure was for lands and buildings.

President McCarthy

That is where it went.

Alderman Deane

Why did it go there?

President McCarthy

I believe that it was viewed as being a planning issue at the time. I was not the President of the Board and didn't make the referral when the original legislation came in.

Alderman Deane

Thank you.

**MOTION BY ALDERMAN ROOTOVICH THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE FIRST READING OF RESOLUTIONS RECEIVED AFTER THE AGENDA WAS PREPARED  
MOTION CARRIED**

**R-05-271**

Endorser: Mayor Bernard A. Streeter

**APPROVING A PROPOSED CABLE TELEVISION FRANCHISE AGREEMENT RENEWAL BETWEEN THE CITY OF NASHUA AND COMCAST**

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

**R-05-272**

Endorser: Alderman-at-Large James R. Tollner

**AUTHORIZING THE RELEASE AND TERMINATION OF THE CITY'S RIGHT OF FIRST REFUSAL ON PROPERTY OWNED BY ENHANCED GLOBAL CONVERGENCE SERVICES, INC. AT 45 HIGH STREET**

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

NEW BUSINESS – ORDINANCES

**O-05-106**

Endorser: Alderman-at-Large Paula I. Johnson  
Alderman Kevin E. Gage

**ESTABLISHING ONE HANDICAPPED PARKING SPACE IN FRONT OF  
3 WHITNEY STREET**

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

**O-05-107**

Endorser: Alderman-at-Large Paula I. Johnson

**ESTABLISHING ONE HANDICAPPED PARKING SPACE IN FRONT OF  
19 WILLIAMS STREET**

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

**O-05-108**

Endorser: Alderman Marc W. Plamondon  
Alderman Kevin E. Gage  
Alderman David D. Lozeau

**INCREASING THE FINES FOR STOPPING, STANDING AND PARKING VIOLATIONS**

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

**O-05-109**

Endorser: Mayor Bernard A. Streeter  
Alderman-at-Large Steven A. Bolton  
Alderman Kathryn D. Vitale  
Alderman-at-Large Brian S. McCarthy

**AMENDING THE FEE SCHEDULES OF THE CITY BUILDING REGULATIONS**

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

PERIOD FOR PUBLIC COMMENT

Bob Burgess, 32 Bates Drive

A while back I was expecting to hear, I think the taxpayers were expecting to hear on August 1<sup>st</sup> we were supposed to find out just how much our property was going to be brought up by the Assessing Department, but I have not heard anything.

An interesting thing happened to me. In my neighborhood somebody came in for a variance. I was strongly opposed to this. The more you dig the more you see what is going on at City Hall. I dug into this, went down to the Assessor's Office, and he showed me the sheet on this. There is a store on the bottom and residential housing on the top. I brought it to one of the Aldermen-at-Large, and she pursued it through Maureen. It seems like there are 140 pieces of property in the city that are possibly could not be assessed properly. As we know commercial isn't being taxed as high as residential so I kind of wonder how many more things as people start digging they can find out what is going on in this city.

The Infrastructure Committee meeting on July 13<sup>th</sup> I had a pretty good discussion with the traffic engineer, Husband. I went on the web site looking for the minutes to this meeting. The discussion was omitted. It said if you wanted it you go to the Aldermanic meetings. This was discussion of the Tolles Street stop sign that we have been fighting – we have been talking for four years. Discussion pertained to a letter that I got from Mr. Calloway in the Highway Department that said the City has got to perform according to State Statutes with the MUTCDs. Prior to this meeting I gave the head of this committee a copy of the letter and I said could you possibly put this through Legal. We all know Legal don't deal with citizens of the city. I figured well I have been fighting this for four years and I figure well this is a stepping-stone, this is a place to go – I got an answer here. Never got an answer back on this. Mr. Husband and me we went round and round with this probably 10-15 minutes – quite a discussion. I would appreciate Dawn if she ever gets a chance – I know she is very busy, but maybe she could just put it on the site so that I wouldn't have to come in here and listen to it.

I have gone to my Ward Alderman, which I think he can verify he don't want to get rid of the stop sign. The head of this committee suggested well go to an Alderman-at-Large. I went to three Aldermen-at-Large. It is an election year I guess you can't expect them to stick their neck out. Tonight we have 15 Aldermen here tonight and found you don't have to be an Alderman-at-Large you don't have to be a Ward Alderman you can push through legislation. The Traffic Department did their Warrant study on this and they said they recommended removing this sign. I am requesting tonight can we get 1 of the 15 Aldermen here tonight to sponsor the resolution to go according to this. Can we further Mr. McCarthy if I give you a copy of this could you get me an answer from the Legal Department – does the city have to comply with these standards? Like I say for four years we have been going round and round, and I am determined to get an answer.

Interesting thing I picked up one of the Boston papers this week – health insurance. We know this is one of the big things with the budget. A single plan down in Boston they are expecting the plan to go up to \$8,000 next year. Nashua is paying \$5,400 right now for a single plan. I think big things are coming for the health insurance in the city until we get these contracts under control. The Superintendent's contract was a real shocker probably for that senior citizen who is trying to get medication and we get \$500 a month for a car allowance, \$125 a week. We paid her moving expenses here. We put her up for 6 months in housing. That \$125,000 I think is going to be more like \$175,000 by the time we bring this person on board and get her going. It really shocked me that when we cut the little clerk down at City Hall, the custodians in City Hall and say we can't give you a raise, but we give this person these outrageous figures, the moving figures, to put her up for 6 months, and I am sure she isn't staying down in the inner city. It is really shocking.

I would really appreciate it if I could get one of the 15 Aldermen here to sponsor a resolution. According to the Traffic Department this stop sign at Tolles Street should be taken down. The Warrants are there, this has been going on since 2001 – the papers are getting thicker. I would appreciate it if I could get somebody to sponsor this and maybe I could sign one of your positions. I would move into your ward if I could get one of you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

## Alderman Gage

Mr. Burgess as was already stated I brought some of those stop signs in the last almost 6 years and Alderman Fred Britton prior to me after many neighborhood meetings and I must say that 99% of the stop signs that Mr. Burgess had brought to us are not in his neighborhood at all. That is a lot of people. Their kids are who they are worried about, it is their families that they are worried about with the traffic that comes through the neighborhoods and the speed of the traffic. They have asked me, because people have started to call Mr. Husband after watching some of these meetings, asked me who this gentleman is. He lives in the Ward. He gives his address every time. He comes up to speak so I am assuming that at some point when he manages to get something moving in here if he does at all there will be a lot of very angry people that will be in here speaking on the opposite side of Mr. Burgess and may even end up talking to him in the neighborhood.

I have been an Alderman here for 6 years come this January. I have won re-election twice. I missed a lot of family occasions in the last almost 6 years including my oldest son's 6<sup>th</sup> Birthday, which is today – Happy Birthday Nicholas if you are still awake – it is 9:50 p.m., and he is probably asleep by now, but he tried to watch this tonight. My Wife, Robin, has been a terrific person regarding my time here at City Hall over the last three terms. After much thought I have decided not to seek re-election for a fourth term for the Ward 3 Alderman, and I wish anybody and everybody that wishes to do so the best of luck. Thank you.

## Alderman MacLaughlin

Thank you Mr. President. My comment is regarding the Daniel Webster Highway intersection improvements at the corner of Spit Brook Road and the corner of the ever emphasis Bernie & Phyl's establishment. The striping that has occurred along with the repave has made dramatic improvements in trying to eliminate the confusion that volumes of motorists face every day and every weekend trying to figure out which lane to go in when they want to go to the left, which lane they want to take when they want to go up the middle, and which lanes are necessary when going to the right. As people know I am very uncomfortable turning to the left. I have always found that there have been fender benders there and there have been altercations with motorists laying on the horn trying to tell the person in front of them that they must take a turn they can't just sit there. This project while in progress might be a slight inconvenience as work progresses, but in the end just the painting that has occurred along with the surface improvements should make for a speedier pass through this very congested intersection.

## Alderman Deane

Thank you. Mr. President this is a request to you, and I would ask the rest of the members to support me in this. From this point forward, if we bring congratulations towards any group for whatever and the Board has an interest in bringing that forward, I ask that our office put together certificates of

appreciation or whatever we are going to put forward. I find it inexcusable not to have a dozen pieces of paper this big for a bunch of ten-year-old kids and then here there are not enough people working in my office as the excuse when \$3,500 was just spend down at Staples to buy office supplies for that office. I am really disappointed by that. So not to disappoint children any longer Mr. President I ask that our staff take care of that and facilitate that within the Legislative Office. Thank you.

The other item I have – I feel a little bit like Bob Burgess on this one. We purchased a server 16 months ago to replace the antiquated equipment we had to replay our meetings – 16 months ago. To date we have spent \$50,000 on it. We hired a Mr. Gordon Jackson to the tune of I think around \$5,000 and we paid him a portion of that money. Well I believe the warrantee is expired, we can't figure out how to plug it in, we can't make it work, it hasn't been utilized. They tried to hook it up again tonight and they can't get any audio. They had to buy cables. There was a problem with the computer whether it was some out product whatever that meant inside of it, but the problems that we had with the electrical storm and the equipment that we have done on Spit Brook Road I believe it is high time that we as a Board hire a professional firm to come in here and install this piece of equipment that has been sitting in a box. We have spent \$5,000 now trying to figure out how to make it work and it is not happening. I am going to talk to Mr. Hersh and Mrs. Tremblay and put an RFP out to have somebody come in and install this. It will fun full loops of all meetings. There won't be anybody down there on a Sunday putting in VCR tapes and all of that will be gone. It will keep hours and hours and can run meeting after meeting continuously. We have made a significant \$50,000 investment in this piece of equipment and to date it has done nothing but collect dust.

I would like to congratulate the Northwest 10 year olds. That is quite a feet for a bunch of young kids to move on like that and play in the New England Regional Tournament. Our Nashua North ten year olds played them and I watched that Northwest team play and those kids were phenomenal. That is going to be your North High School Varsity Baseball team down the road in a few years and they are going to be a force to be reckoned with I am telling you. That team is unbelievable. I wanted to congratulate them once again. Thank you.

#### Alderman Plamondon

Thank you Mr. President. Of late there have been a couple of article in the Telegraph and I have been getting a series of calls over the past 3 or 4 months. Particularly crime issues in the north end of the Tree Streets, which also encompassed the Heritage Rail Trail. I reached out to some individuals who call me with complaints trying to get a crime watch started. I would like anyone that is interested to give me a call and I would like to get something organized, get some key leaders identified, and have some meetings and educate people as to what to watch for, what kind of evidence can be obtained just by watching so we can try to address some of the issues that are going on there. It is just the nature of the neighborhood and some organized elements coming up from Lawrence and Lowell that is literally taking virtually our entire available police force to skeletons in other districts. It has been a very busy area and we really need to reach out to the people who live in that area to be educated as to what to watch out for and who to call. Anyone interested please give me a call. I would love to get this organized.

Earlier this evening we put into office I think it was the Ethnic Awareness Committee – I have no issues on these individuals – they come with an excellent resume. I just want to express my concern that has been my concern for years that this committee has an important purpose – my concern is that this committee does not have representatives of the ethnic minorities to which they are to represent. I would encourage the Ethnic Awareness Committee strongly to look at changing their meeting times and open up these meetings so that the minorities to which they are to represent can come to these meetings and participate and give their input. I would really hope that they look at an evening meeting and maybe even some weekends. I know that if they do have those evening meetings and weekend hours they won't be paid by their employers to go, but the intent of this Ethnic Awareness is to represent the minorities and have events and make public awareness of the minorities in this city. This city is extremely diverse of minorities. We have the highest Latino population in the State of New Hampshire. Of that the majority live in Ward 4, and I don't see the representation.

Also earlier this evening notice was made on the next Citizen's Police Academy. I would encourage my colleagues – to my knowledge there are only two of us that have been through this class. I really encourage my colleagues to take some time out of their day to go to the Citizen's Police Academy. I guarantee you it will open your eyes and it will just give a whole new awareness as to what is going on in the city and what our police department is doing to enforce the laws and the judicial element, which is often the case something that we overlook when often times we may criticize the police department. Please look into it. Give Ed Lecius a call. Spend some time and go to the class. I guarantee you will look forward to it. Thank you.

#### Alderman Dion

Thank you Mr. Chairman. I would like to address my remarks to Andrew Nelson, the report for the Telegraph. A couple of weeks ago he had a column in the Sunday paper pertaining to he listed some Alderman's pedigree so to speak and my name was in there. Some of the comments were pretty accurate. I must compliment him on them. The last part of his comments made a prediction that due to health reasons I would not seek re-election. That generated a lot of phone calls incidentally. I would like to say this to Andrew – don't bet the farm on it. Thank you.

#### Alderman Rootovich

Thank you Mr. President. First I would like to give my best and my prayers to two individuals – you notice that Mrs. Nice is not here this evening – her husband is back in the hospital with complications. I wish her and her husband the best of luck. Also to Mr. Mike Lowe whose wife went in for open heart surgery today and needs our prayers. I wish her well.

Second of all with respect to the Superintendent's contract, during one of our special meetings in July I asked Corporation Counsel, David Connell, a direct question on the record. I asked him what if this Board decides not to grant a salary higher than \$125,000 and the Board of Education were to offer

incentives, bonuses and other monetary awards – could they in fact do that. His answer on the record was no they would have to work within the \$125,000. Through you Mr. President I would ask Deputy Corporation Counsel how the current contract could have been voted on and ratified based on his comments.

Stephen Bennett

I have not read the contract. I have read the paper so I have limited information on that. My understanding is the salary is at \$125,000. There were additional benefits. I believe the Board of Education felt they were still within their purview based on the Charter Section 56G and the ordinances. I can't speak to the process. I wasn't involved in it.

Alderman Rootovich

Can I ask your opinion what constitutes W2 earnings?

Stephen Bennett

I believe it would be more appropriate to ask – the salary or wages – is that what you are referring to? If you are asking about the I.R.S.'s interpretation I don't have those. Mrs. Anderson may. AS we look at the present amendment to address some of the issues that you are speaking of now, which now we cover all benefits and salary. As 56G was originally written it covers strictly salary.

Alderman Rootovich

Am I fair to say as another example if another administrator at a high level were not to get an increase in salary, if this Board decided not to grant that for whatever reason, the Board of Education decide to give other deferrals such as paid vacation – I am not talking about salary but I am talking about paid trips, again money for their personal vehicle or anything they decide to come up with that would not constitute a salary, but would constitute a benefit and in turn not be susceptible to the salary requirement that this Board must pass?

Stephen Bennett

I think there may be a number of benefits that are not subject to – which do not require Board

approval should the Board of Education wish to grant those benefits.

### Alderman Rootovich

For the record Mr. President I don't want the members of the Board of Education to think that I am questioning their appropriateness in terms of what they feel that individual should receive. My concern is with the proper Charter amendment has been followed properly – the process. I still believe, based on Corporation Counsel's answer, that it did not. He clearly did say that they have to work well within that \$125,000. That did not happen. I would request, through Mr. Bennett, to have Corporation Counsel respond in writing to me and copy the Board on the complete opposite of what he said on the record the other evening and if that does constitute a violation. I still believe it does. I do have some deep concerns not only for this one, but any future contracts that are negotiated if this Board decided not to grant a higher salary for any reason because of budgetary concerns or otherwise that those monies could be divvied up in different ways and different means. I have concerns over that based on as many members of this Board have said in the past our merit employees are not getting an increase, many of our department heads are not getting an increase – when it comes down to the level of fairness there is an incredible inequity there and that bothers me severely. I would appreciate that. Thank you.

### Alderman Johnson

I am glad Alderman Rootovich brought this up. I wasn't going to say anything because I think I gave my speech earlier tonight about the contract, but I did make some phone calls because there have been questions about 56G. I do believe that salary or wages are one in the same probably under the definition of the IRS and what has to be reported on the W2. A bonus is subject to FICA and Medicare. Sick leave, vacation, personal days, performance based compensation is all part of wage compensation. In my opinion that is part of the salary that has to be reported. Paying health insurance and I had spoken to Mrs. Anderson earlier they are looking into this and what arrangements have been made. Moving expenses and housing they are still investigating with the limitations reported to the IRS and life insurance also. I guess the definition of salaries and wages is probably one of the open-ended definitions that I think we really need to get a handle on. That is why I have legislation because as far as I feel 56G as well as a lot of other people in this city – somehow it hasn't been exactly adhered to in our opinion. I tend to believe that although we said contract somewhere along the line I think the Board of Aldermen should be part of this because of the fact we are the ones who approve the payments of everything.

I was really shocked again I am going to say that this contract wasn't made public. I got called by the Telegraph on Friday. I spoke with them from North Carolina. I gave my concerns about the contract and the cost of the woman who wasn't even a full-fledged Superintendent. She is an Associated Superintendent of Instructions down in Texas where she was. I am concerned on what we have set here. I am concerned that there was no criteria set on performance-based contract. There are issues in this city with failing schools and nothing is even in this contract. Being a citizen of this city outside

of even being an Alderman, I have to ask what are we going to pay in performance. Thank you.

President McCarthy

I wish Happy upcoming Birthdays to Aldermen Gage, Lozeau, and MacLaughlin.

Committee announcements:

President McCarthy

There will be a Special Board of Aldermen meeting following our next Finance Committee meeting to consider the Cable Franchise Agreement.

Alderman Dion

For members of the Infrastructure Committee who probably didn't read their memo, the Infrastructure meeting tomorrow night has been cancelled. If anyone has not seen their memo I don't want them showing up at City Hall at night with an empty room.

ADJOURNMENT

**MOTION BY ALDERMAN DEANE THAT THE AUGUST 9, 2005 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 10:05 p.m.

Attest: Paul R. Bergeron, City Clerk