

A regular meeting of the Board of Aldermen was held Tuesday, September 27, 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 Cardin leading in the Pledge to the Flag.

President McCarthy

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

The roll call was taken with 15 members of the Board of Aldermen present.

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

REMARKS BY THE MAYOR

Thank you Mr. President. The community Development Division successfully pursued professional design assistance from "Plan NH" on the Riverfront Promenade. The event was held this past Friday and Saturday at the Hunt Building. I want to especially recognize Roger Houston, Planning Director, and his staff, in particular Mike Yeoman, Rick Sawyer and Angela Vincent, for their efforts and expertise in organizing the event. The "Plan N. H." recommendations will be published in a booklet that will be available in the next few weeks.

There's a new organization in town dedicated to the arts and it is appropriately called "City ARTS Nashua." Its mission is to provide coordination, foster collaboration and disseminate information to support arts and culture thereby enriching the quality of life in the greater Nashua area. Their goals are pretty lofty. They intend to facilitate a greater public awareness and participation in the arts. They would like to broaden the base of public and private support for the arts, and will serve as a primary resource for information about the arts. They will encourage communication and cooperation among arts organizations, and will promote the arts as a vehicle for community and economic development. They intend to hire professional staff, establish an administrator office, secure funding and work with the NH State Council for the Arts, National Endowment for the Arts, other agencies and private foundations and foster support from the business community.

Congratulations and best wishes to Amethyst Wyldfyre and Joy Barrett co-chairs, and Nancy Ferrier, Adele Leiblein, Lorraine Ludwicki, Michelle Mortense and Betsy Smentek, the organizers of this project.

On Wednesday September 14, we held what we hope to be the first of many High Tech Expos at the Millyard Technology Park. The day-long event featured three receptions, 16 workshops, and seminars on a wide variety of topics, and tours of sites in the Millyard District. Keynote speakers included Governor John Lynch, DRED Commissioner Sean O'Kane, Fred Kocher, president of the New Hampshire High Tech Council, Dr. Robert Meyers, President of Daniel Webster College and Aaron

Penacik, Vive President of Advanced Technology at BAE. Over 50 area businesses participated in the exhibition portion of the program. We are grateful to our sponsors; BAE Systems, Fidelity Investments, PSNH, Daniel Webster College, the Greater Nashua Chamber of Commerce and of course, to our hosts, the Millyard Technology Park. Many thanks to Economic Development Director Jay Minkarah, for his leadership in this event.

Last Wednesday the 21st, we worked with the N. H. Gathering of the Scottish Clans organization to stage the first ever kick-off event for the N. H. Highland Games here in Nashua. The event included a performance by the NH Scott Pipe Band at City Hall Plaza followed by a parade up Main Street to Railroad Square. At the top of the hill the Scottish Rhythm band Clann an Drumma joined the Pipe band for a colorful performance before moving on to play at participating restaurants in the area. We welcome the opportunity to work with other organizations to stage events that add interest and enjoyment to our City and to the downtown in particular.

As can be seen by anyone traveling up Main St., construction for the Nashua Riverwalk and the Jackson Falls Condominium project is well under way. Construction on the City's portion of the Riverwalk, originally scheduled for completion in late October, had been delayed a few weeks due to issues revolving around relocation of a utility pole. These issues, however, have been resolved and active construction has resumed. Those who have questions or concerns regarding the project are encouraged to contact Economic Development Director Jay Minkarah.

Mr. President at least one member of this Board has made it very clear that this particular Alderman has concerns about the City's Emergency Management Plan. Let me be as specific as I can. Our Emergency Management Team, headed by Fire Rescue Service Chief Roger Hatfield, Community Policing Director Ed Lecius and Mark Sousa of my staff, is extremely well prepared and they have assured me that our city's Emergency Plan is designed to have an all hazards approach.

This has allowed the Team, which includes representation from the public and private sectors, both hospitals, Rockingham Ambulance and a number of other non-profit organizations to plan for all different types of situations that may occur and then put the plan in action immediately for any type of situation that might occur. While our actual emergency plan is not shared with the general public for security reasons, the Emergency Management Team conducts emergency operation exercises throughout the year and they cover all types of possible situations that may occur.

Whether the occurrence be weather or health related, a natural disaster, whether it is in response to civil disobedience, a bio-terrorism attack, or related to occurrences outside of our service area, we are prepared and have plans in effect for communications, transportation, shelter housing, food, prescription drugs and public assistance.

Just a reminder, elected officials and the public are invited to attend our Local Emergency Preparedness Committee meetings that are held on the first Thursday of every month at 3:30 pm at the Lake Street Fire Station.

From the Division of Public Works a public meeting was held last evening at the Main Dunstable School with representatives from New Hampshire Department of Environmental Services to discuss the waiver application and change to the operating permit to fill a portion of the 500 foot setback at our landfill to fill it with trash. There are 2 more Household Hazardous Waste Collection events scheduled

for this year - on Saturday, October 1, and November 5, from 8:00 a.m. to 12:00 noon at the Nashua Public Works Garage at 6 Riverside Street.

The Annual Senior Outing will be taking place at the Nashua High School North on October 15th starting at 11:00 a.m. Any senior planning to attend this event must RSVP by Friday, October 7th by registering at the Parks and Recreation Department located at Greeley Park. Early reservations are encouraged as there are only 400 seats available. Parking is available in the back of the High School, which leads directly into the cafeteria. The meal, a wonderful chicken dinner, will be prepared and served by the culinary arts students at North and June Caron promises another successful and entertaining event honoring our seniors.

The Parks and Recreation Department is planning their annual Fright Night for Friday, October 28, 2005 at Greeley Park. For more information call Parks & Recreation at 589-3370.

The New Hampshire Department of Environmental Services is preparing a draft property conveyance agreement for the Gilson Rd. Building and parking lot, which the State has offered to the City.

The Division of Public Health and Community Services would like to share the following activities with you. On September 12th, the Division sponsored a Brown Bag Lunch by hosting Jocelyn Villiotti, a graduate student who lectured about "When Red Turns Blue," a description of heart disease in women. Heart disease in women is the number one killer of women in America, and Jocelyn gave a fascinating account of the extent of this problem.

On September 19th, the Division participated in the Mayor's Expanded Manager's Meeting by providing a presentation about two mosquito-borne diseases; Eastern Equine Encephalitis and West Nile Virus, and what the Division and the City are doing to minimize the risk of human cases among our citizens.

And on October 5th, the Division will be hosting a Town Meeting on Avian Flu. Mary Ann Cooney, the Director of the Division of Public Health Services of the New Hampshire Department of Health and Human Services and Dr. Jose Montero, the State Epidemiologist, will be with us to discuss the public health threat posed by avian flu and what the country, the state and our city are doing to prepare for such an outbreak. The Division will then discuss what we are doing to prepare for an outbreak on the local level. The meeting will be held in the City Hall Auditorium on October 5th from 6:00 to 8:00 p.m.

I'd like to give a sincere thank you to our Cable TV Advisory Board Chair, Larry Hersh, for his yeoman work crafting a new cable contract with the assistance of Mark Sousa and our Attorney Dory Clark along with Attorney Solomon, our cable attorney consultant.

Mr. President, 2 weeks ago more than 24,000 Nashua water rate payers received a blatant political mailing piece from Pennichuck Water Works. In addition, Pennichuck's latest series of ads ask our city voters to consider their choice of aldermanic candidates in this fall's election as to whether they support our acquisition efforts or not. This highly unprincipled behavior by a public utility attempting to influence our upcoming city election is yet another indication that Pennichuck officials are scared to death that they are about to lose their gravy train. This is a shocking interference with City affairs by Pennichuck officials including their \$500,000 a-year-CEO Donald Correll. The contempt this company has for our local political process by continuing to spend ratepayer's monies on their blatant political

game, makes many of us wonder when enough is enough. Once again, rather than take the City on in the proper forum, namely the New Hampshire Public Utilities Commission, the Company is attempting to influence our local elections. Because Pennichuck can spend ratepayer's monies indiscriminately, it has a virtually unlimited war chest to use trying to convince the voters of our city to skip the eminent domain process.

Imagine if companies like BAE Systems, Oracle, or our two hospitals started acting in the same irresponsible way. Isn't it time for Pennichuck to start behaving like the good corporate citizen they pretend to be? What compounds this insult to our electoral process is what CEO Correll's letter doesn't tell its ratepayers. Yes, we as a City have spent a little under \$1 million on the taking so far. Included in this figure is \$200,000, which we used to oppose, successfully I might add, the merger with Philadelphia Suburban. When we are successful before the PUC, and we will be, we will be able to include that cost in an acquisition bond and every penny the city has spent on the eminent domain proceedings will be paid back.

And to the extent that means the cost is paid by the ratepayer, remember that the City's cost of operation using the best water company management operators in the world, will be at least \$2 million dollars a year cheaper than Pennichuck. It won't take long with those savings to make our ratepayers whole. After that the savings are pure gravy! The Pennichuck letter suggests that the City is spending money haphazardly. The only reason we have spent that amount is because we have had to respond to the many frivolous lawsuits filed by Pennichuck before state and federal courts. Pennichuck has spent more than \$3 million dollars to date in their efforts, which is 3 times as much as we have and the company fully intends to recover its costs from you the ratepayer.

The Pennichuck letter also fails to tell the citizens of our city anything about its so-called poll they are touting or the questions it asked. We have asked to see the poll questions but the Company has refused to provide them. We've heard from many of our citizens and even members of this Board who were surveyed that the questions clearly suggested the answer and we understand Pennichuck's reluctance to let us see them. One of the questions from this push poll asks: Would you support the City's efforts to take over Pennichuck even though it will result in doubling of rates? Who wouldn't answer such a question in the negative? The truth is under municipal ownership rate increases will be less than half than what we can expect under Pennichuck.

Pennichuck can tout the questionable results of their Smartwater poll and it may be able to turn some citizens against the taking. However, if our citizens know the truth, they will see through this fraud. It's also highly unethical for Pennichuck to fully fund their Smartwater organization without indicating it is nothing but a front group for the company. Finally the letter doesn't tell the voters that if the City is successful, Pennichuck's executives and directors will be harmed financially. CEO Correll will lose his huge annual salary and bonus he gets (a cool \$1 million dollars) if the Company is sold to an entity other than the City. And the directors will lose their fees and dividends. It makes many of us wonder what the real purpose of this letter is. Why are Pennichuck's executives and directors so opposed to the City saving its ratepayers money? One can only guess. By its' irresponsible and very questionable actions Pennichuck has raised the stakes of this dispute.

The question is whether the citizens of Nashua are going to let Pennichuck with its unlimited resources influence our elections and decision making. Up until now, the City's elections and decision making have been free of this kind of influence. We as a City are even prohibited by ordinance from spending taxpayer dollars to advance our position. I encourage the citizens of our city to tell Pennichuck to keep

its nose and money out of our elections.

You may agree or disagree with our acquisition efforts, but a local public utility using ratepayer funds trying to rig a city election is absolutely wrong.

And in conclusion, here's a reminder to all our families ... "Trick or Treat" will be held in Nashua, Monday evening, October 31st, between the hours of 6:00 and 8:00 p.m. Thank you Mr. President.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Plamondon

If I might a correction – if President/CEO Mr. Don Correll of Pennichuck sells Pennichuck Corporation to any other entity other than the City of Nashua there is actually ½ a million bonus that he gains in his wallet. Thank you.

Mayor Streeter

When you add this \$500,000 salary that is a million dollars Alderman Plamondon.

Alderman Dion

I want the Board to understand my feelings, and I am sure it is going to be the feelings of the senior citizens in the City of Nashua. If you heard the remarks by the Mayor a short while ago pertaining to the senior outing that is held every year since I can remember – it is usually attended by 600 people, sometimes 550 or sometimes 650 – let's call it a round number of 600. The location of that outing since I can remember has been the Alpine Grove and everybody has had a good time and a good meal. If you heard the Mayor's comments, this location is being changed to the high school cafeteria, which accommodates around 400 people so that means there are roughly 200 people that usually go that won't be able to go. I personally don't agree with this decision. I don't know what brought it about. If it is a matter of money I am sure we could have taken care of that.

I feel very sorry for the seniors in the City of Nashua. They look forward to this every year. They can't wait for that date in October to go to that outing and see people that they see once a year. They have a great time. This idea from what I can understand – I heard the rumor over the weekend and first thing Monday morning – it bothered me all weekend when I heard about it, and Monday morning I called up June Caron, and she verified the fact. Then I called then Mayor and he wasn't available, but he called me later on during the day and we had a discussion about it. He seemed to be on the same wavelength as June Caron that that is the way it is going to be and that is the decision that was made. I don't agree with that decision.

I don't know how the rest of the Board feels, but besides Alderman LaRose, myself, and the Mayor you people aren't senior citizens yet, but you will be. Believe me you will be. To take that day and change it around for these old people is not the right thing to do. I don't care who made the decision, I don't care how they made the decision and for what reasons. I think it was the wrong decision to make. Thank you Mr. Chairman.

Alderman Rootovich

I just want to echo Alderman Dion's comments. I agree with everything that he said. Some of us around the room here to qualify for AARP benefits; Alderman Bolton, Alderman Johnson, myself, and Alderman McCarthy.

Alderman Johnson

I am really shocked to hear that we are going to the high school versus the Alpine Grove where we have been every year. Seniors enjoy it out there. It is a nice place. They have room to walk around. You can sit on the benches. It is sad to see. I didn't remember taking that money out of the budget. I thought it was left in there because we wanted to make sure that the seniors would be back to Alpine Grove this year. I would like to find out exactly what happened.

The Mayor mentioned an Alderman questioned about emergency preparedness. That was me – I confess. Given the wake of Katrina I had asked the Chief of Police and Fire what the emergency preparedness is just for a natural disaster. I didn't ask for anything else. It was to ensure that the citizens of this city, because I had other constituents asking me about the emergency preparedness. The Mayor was really shocked – he said I didn't know anything about this. I knew what we had when I left the Board of Education so I know that there is a plan on place with full details if we ever had the river overflow here in Nashua or anything happen – how would we leave the city? Would we be like Houston, TX – 3 million people trying to get out on one little road. I asked Sue Lovering and Dawn to please go back to find out what kind of presentation we have had lately to the Board of Aldermen so that the people in the city could hear, so the Telegraph could write it up. We have had no real discussions so the people of this city could find out how they would leave the city in the case of an emergency or a natural disaster. I am sorry Mayor that I ask these questions for my constituents. I do apologize if it could have been an inconvenience to anybody to answer the questions, but you know what I would like to know how to get out of here in case there is ever an emergency. Thank you.

Alderman Bolton

With regard to the senior citizens outing being held at the high school, I appreciate the manager's of the Park & Recreation Department are doing this as a cost saving measure in reaction to what this Board did to the budget. It is creative solution, but I think unfortunately one that will not work very well. In addition to the smaller size of the facility, which will necessarily exclude number of people that have in the past enjoyed the event, the nature of the event will be changed and made more difficult because of some of the requirements of state law surrounding school property.

For example, smoking is not allowed anywhere on school property, not in the building, not outside the building, and while everyone knows that smoking is not a healthful habit, many of our senior citizens who attend this event do smoke. In recent years they have been able to go outside the dining room at Alpine Grove and smoke in the parking lot. That is not going to be in compliance with the law at the high school. I think the beverage service is also an issue under state law at the school, and the beer or cocktail that might otherwise have been enjoyed by some of the senior citizens attending the outing will have to be foregone as well.

I think it is good that we are having something; it is not so good that the event is going to be diminished and altered. I don't think however this should come as a big surprise to members of this Board. This is the very type of thing that I argued against when this Board was willy nilly cutting the bottom line of departments without careful consideration of what impact those bottom line cuts would have. In fact at the Budget Committee we were told that one of the things that would be in jeopardy was the senior citizens' outing at all. Those who ignored that by voting for those bottom line cuts while at the same time professing to be in favor of this outing are trying to have it both ways. It simply can't be.

In a similar vein, the library would have been open on Sunday, September 11, but was not open in spite of the fact that at least one member of this Board protested up, down, and sideways that he would do everything possible to ensure that Sunday service at the library would not be cut. The fact is not a finger was lifted. We have already lost that one Sunday at the library, and unless something is done there will be more to come. That is simply the way the situation is.

With regard to Pennichuck Water Works, I am in disagreement with the Mayor as to whether Pennichuck has the right to participate in the election process. My belief is that they have as much right to set forth their opinions as anyone else or any other entity. However, to the extent that they mislead and spread false information that is certainly reprehensible. In that regard, at our last meeting two weeks ago I asked the Mayor if he could have the appropriate people in his administration look into the true figures regarding the last 20 years, the change in the amount of money that Pennichuck has raised through its water rates as compared to the change in the amount of money that the City of Nashua has raised through property taxes. I think that would be more telling than the mixing of apples and oranges on the bogus chart in the Pennichuck commercials. I am still looking forward to receiving that analysis. I think it would be very helpful if we could show the true figures and try and dispel some of the false information. Thank you.

RECOGNITION PERIOD

R-05-301

Endorsers: Mayor Bernard A. Streeter
Board of Aldermen

EXTENDING CONGRATULATIONS TO THE NASHUA 12 & UNDER ALL STAR SOFTBALL TEAM

Given its first reading;

MOTION BY ALDERMAN ROOTOVICH THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF R-05-301

MOTION CARRIED

Resolution R-05-301 given its second reading

MOTION BY ALDERMAN ROOTOVICH FOR FINAL PASSAGE OF R-05-301

MOTION CARRIED

Resolution R-05-301 declared duly adopted.

R-05-302

Endorsers: Mayor Bernard A. Streeter
Board of Aldermen

EXTENDING CONGRATULATIONS TO THE NASHUA 16 & UNDER ALL STAR

SOFTBALL 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-05-302
MOTION CARRIED**

Resolution R-05-302 given its second reading

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-302
MOTION CARRIED**

Resolution R-05-302 declared duly adopted.

READING MINUTES OF PREVIOUS MEETINGS

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES OF THE MEETINGS OF THE BOARD OF ALDERMEN OF SEPTEMBER 7 AND SEPTEMBER 13, 2005, BE ACCEPTED, PLACED ON FILE, AND THE READINGS SUSPENDED
MOTION CARRIED**

COMMUNICATIONS

**MOTION BY ALDERMAN VITALE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE READING BY TITLE ONLY OF COMMUNICATIONS RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED**

From: David R. Connell, Esquire, Corporation Counsel
Re: R-05-254 as Amended

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

From: David R. Connell, Esquire, Corporation Counsel
Re: R-05-292 as Amended

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

From: Judith Hogan

Re: R-05-271 – Final Approval of Comcast Cable TV Franchise Agreement

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

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA

John Kelley, 12 Skyline Drive

I just wanted to show my agreement with R-05-288 – reducing the compensation for the Board of Education for FY '06. Since the Board of Aldermen saw fit to reduce theirs by 3% I am fully in favor of their reducing our compensation by 3% for this year. I do find a problem here though in that the same members of the Board of Aldermen last year when the Board of Education reduced their stipend by \$2,000 did not see fit to take action on that matter, and after the budget had been passed we were forced to find that \$18,000 and put it back into our budget since by law we cannot reduce our own compensation. While I fully support this bill I think they missed the boat last year. Thank you.

Peter Johnson, 19 Marina Drive

I was involved in public access television for most of my teen and adult life either as a volunteer after school or for the 17 years that I managed a public access television facility in Northwest Pennsylvania. When I moved to Nashua in 2001 I was shocked to find that a community of this size had no public access or even educational access channels available over the local cable. Bigger and smaller communities throughout the country provide or require the local cable company through franchise agreement to provide public access television for the use of the residents. I wondered by Nashua hadn't. I stumbled into part of the answer in 2002 when I inquired about a newspaper ad for a position the city is going to create to oversee the community/government channels. I applied for the position and heard nothing back. Weeks later when I called to inquire about the opening I was told that the position was no longer going to be created and that the money was going to be used to sure up budget shortfalls. It made sense that providing more community television might just be shooting the goose that laid the golden egg – why bother providing a service if you don't have to when you can keep the franchise fees paid by the cable company to balance the budget.

Most of the residents in Nashua probably don't even know what they are missing by not having a community channel of their own. Public access would not only provide a creative outlet for residents, but will also help the city including its history, diversity and its events. I am glad to see that under the proposed cable franchise agreement there is language that would allow for the creation of at least a part time public access channel for the residents of Nashua. I believe, however, that there should be a separate full time channel set aside for public use and a mechanism in the franchise to pay for studio space, equipment, personnel, and upkeep over the course of the contract either through specified franchise fees or as a requirement of the contract.

The addition of the language allowing for public access is basically an afterthought and I don't think we should be binding ourselves into a new ten-year agreement without giving those issues some more thought. If, however, you do choose this evening to pass the cable TV franchise agreement as presented I feel that you must also agree to not only provide but to also properly financially support the public, education, and government channels that you are creating. Just think of these local channels

as a value added service, which will help to make Nashua a better place to live, work, and raise a family. It is going to take commitment, money, and a lot of hard work, but let's make our PEG channels and their programming something that we can all be proud of. Thank you.

Peter Wright, 10 Cathedral Circle

I would like to comment on O-05-104. About three years ago my Wife and I together with most of the neighbors of Cathedral Circle fought very hard to get the access between Cathedral Circle and Majestic Heights gated because we had concerns of safety for all of the children in the neighborhood with the potential for additional traffic that would be coming through there. With the new high school being built we saw it as being a potential cut through and with the fact that there still isn't a gate there there are people cutting through there. We had concerns about that, but as it is now with this legislation I fear that if this ordinance doesn't pass then the developers will take more serious action and possibly take the city to court. I am afraid that with that consequences as dire as the road being completely opened might occur. I would like you to consider that when you are voting on this. Thank you.

Fred Teeboom, 24 Cheyenne Drive

Good evening. I am a candidate for Alderman-at-Large. I wish to comment on R-05-271, Cable Television Franchise Agreement. At a Special Board of Aldermen public meeting on August 29th, I and other members of the public gave detailed testimony. This particular meeting was not re-broadcast or scheduled since it was censored by the government. This raises serious and actionable first amendment free speech issues about government censorship by non-elected officials of a public meeting that had previously been broadcast. It also raises serious and actionable violations of the state Right To Know Law as to the method of the censor was executed. Most indicative it shows clearly how a shared government and public access channel could and would be subject to domination and censorship by government. The censorship paragraph in the agreement before you, page 25, only addresses Comcast not to exercise censorship, but it does not say a word about government censorship.

The Franchise Agreement currently on the agenda has been amended to show a public access channel shared with a government channel. No funding for this shared channel has been identified nor is identified its operation and management model of which there has been considerable testimony. It ought to be done. In contrast, about 25% of the franchise revenues, about \$200,000, collected by the city are earmarked for the education and government access channel, but I repeat not only penny in this agreement is earmarked for the public access channel. Several members of the public spoke to the subject a second time before the Planning & Economic Development Committee last week with detailed comments and a specific request to provide for reconsideration for a fully independent public access channel. The public was told by its Chairman that a reconsideration vote could not be made. To those of us who understand correct parliamentary procedure (Mason's) that was yet another deception. Reconsideration of vote could certainly have been made.

I now ask that this legislation be re-referred to the Planning & Economic Development Committee by this Board with specific instruction by this Board that this committee include one government uncensored fully independently managed and operated public access channel and include in its funding the same as is provided for the government education channel – that is 1% of the 4% fees

collected. That does not affect that contract negotiation with Comcast in the least it just states clearly what parameters are by which the Cable Television Advisory Board can then proceed to implement the public access channel provisions in detail.

The public who pays for this community access channel has a right to an independent public access channel immune to government censorship, and now demands that right. Thank you.

Dan Hogan, 71 Watson Street

Good evening. I too am here to speak in reference to R-05-271. New Hampshire RSA 53C3 requires among other things that the franchising authority meaning the Nashua city government, determines public interest in a public access, education, and a government channel on cable television before a new franchise agreement is made between Comcast and Nashua for the next ten years. I looked over the 2003 survey and like the people who testified in August 2005 I did not fully understand who was being surveyed. I am not a statistician, but the 2003 survey struck me as an inadequate vehicle to determine public interest in a Nashua public access channel. With several colleges in Nashua I shows Rivier – talked to Paul Cunningham a statistician professor, and asked for his opinion on the quality and the methodology of the 2003 survey. After review he noted that there was no explanation of the PEG channels in the survey, the only reference to public access channel was under what needs improvement and since a public access channel does not exist you can't reasonable ask if it needs improvement. He called this an invalid question fully constructed and misleading. Rather than a survey of interest in a public access channel, Dr. Cunningham called this a survey of "how satisfied are you with your cable service". Dr. Cunningham concluded that the survey was flawed because it inadequately assessed the subscriber's interest in a public access channel.

A survey to determine public interest, he said, define a public access channel to tell what it can do for Nashua people, list the disadvantages, and then ask the people if they desire to have one in Nashua. I did my own simple survey on Main Street. I asked the question do you live in Nashua. People said yes and I said do you have cable television. Again if they said yes I said do you know what a public access channel is. Most replied no – in fact 9 of 10 said no. Yes answers were asked what is it – the most common reply channel 2 or channel 11 or some said channel 13. Now Merrimack, Hudson, Pepperell people knew what public access was because they had it. In conclusion, the perception of lack of interest caused a public access channel to be omitted the combined with a government channel in the new contract. But, if the survey is flawed the results are flawed resulting in a flawed conclusion.

I ask you to conduct an educational campaign and follow this with a new survey of a valid assessment of interest in public access TV in the City of Nashua. I thank you for your attention.

Daniel Richardson, 70 Berkeley Street

I think everybody here is in support of free of speech to the maximum extent possible, and in doing so the government can help out a lot by having an independent channel. I came to talk about the public access channel contract with Comcast. I do believe that it represents a threat to the City of Nashua in as far as it was hastily constructed at the last minute to include public access as a shared channel with the government channel. I say that because I think that ask Mr. Hersh put it, there would have to be further legislation to control the censorship of not only the government channel but also anything that goes over the public access channel. I think that we would be better served to not have censorship

since we all believe in free speech.

In conclusion, I would like to see the Board refer this back to the Planning & Economic Development Committee. Thank you.

Larry Hersh, 13 Berkeley Street, Cable Television Advisory Board Chairman

First I want to make it clear I have never used the word censorship. Governance yes, censorship no. Without a governance model it is a free for all. You do need government, you need to know what rules you have in place and what things have priority, etc. I am in favor of final approval of the Comcast agreement in whichever form the Board chooses. There are serious issues about funding, governance, and the like, but those are not really Comcast concerns those are the city's concerns and should be addressed by the Board of Aldermen and can be done at a later date.

The two new channels at best case will not be available until March. The modified version of the contract allows public and municipal access. How much all or little can be determined by this Board at a later date. What is important is that the option is there for you to decide. We have already lost close to \$15,000 by not starting the contract on time. Each month is another \$15,000 for this purpose that we are losing. Our current extension expires this week so we would need to go back and negotiate another extension, which we can do.

I believe it is a good contract, and despite what some of the other speakers said, it has been diligently negotiated. Also there is no funding in the current contract for the public access. The idea that it was supposed to be a government access, Chief Hatfield basically said that he would provide all of the funding for that. If you take another 1% of the cable fee and move it towards this purpose in this year's budget you would have to find the \$200,000 someplace else, and I think seeing what we went through this budget season I am not sure that is likely. I do believe that with planfull means it could be done, however, for the next fiscal year.

I would now like once again to turn to Mr. Teeboom's complaint of a closed process. I will tell you a few of the statistics about the actual public hearings that were held in September of 2001 and in January 2003. I will be very brief on these. September 20, 2001 seven people spoke of the public; one complained about a monopoly, two wanted specific channels; one wanted a health channel, two had major service issues, and one person advocated public or community access, and that was Mr. Teeboom. If it was a closed process why did he show up?

January 27, 2003 twelve people – some of these are double counted with the numbers I have, but two had issues with the interest service, three had issues with pricing, two had issues with customer service, one wanted a shorter contract, three wanted the State of New Hampshire information channel – these were all State Representatives, and three people wanted public access; Mr. Gidge, Mr. Alan Fuller, and Mr. Henry McAroy. Finally by seeing much more support for public or municipal access than every before I have also had a number of people complain to me that they would not want to see nevermind pay for as they call it the Fred channel. Public access would not be necessarily a Fred channel, but that is the fear of some people.

Just so that you are all aware I have received no less than 20 e-mails from Mr. Teeboom and another 25 from Judy Hogan on this issue. Honestly I can't hope more that this portion of the issue ends

tonight. Please also note that I will be stepping down from CTAB no later than year end. We need some new blood on that committee. I have obviously left most of my blood there already. I asked Mrs. Hogan to take her passion and her 25 e-mails and put them to good positive use on the committee, but she kindly declined. If people are interested I do suggest they contact the Mayor's office or even contact me if you like, but we do need some fresh blood on that board. Thank you.

Judy Hogan, 71 Watson Street

- Good evening. I would like to speak to R-05-271, the proposed Comcast cable TV contract. I respectfully request that this contract be returned to the committee for the following reasons; this contract does not provide a separate public access channel, this contract does not provide funding for a public access channel, this contract does not provide a broadcast location from which to operate a public access channel. A public access channel and a government access channel cannot be shared as proposed in this contract. The content of a public access channel will be opinion, public opinion. The content of the government access channel will be fact. The two cannot be co-mingled. Too much confusion will result. Please keep in mind that the public has paid and the city has taken \$4.6 million in franchise fees from cable TV customers since 1993. It seems fair and just to me that those of us who have paid these fees have every reasonable right to expect the city to ask Comcast to provide us with a separate public access channel.

It is our right. If somehow in your wisdom you vote to approve this proposed contract without giving equal channel access, without giving equal funding, and without giving equal broadcasting locations to the public access channel please at the very least give an explanation to the public – explain to me and to the viewing public why we are being treated differently than the towns of Bedford, Chester, Claremont, Concord, Derry, Durham, Epping, Goffstown, Hanover, Hudson, Keene, Kingston, Laconia, Londonderry, Raymond, Salem, Sandown, Tilton, Manchester, Merrimack, Milford, Pelham, Plainfield, Plaistow, Plymouth, Windham, and Wolfeboro. These towns all have public access channels. Are the people in these towns more sophisticated, more curious, more interested in their community – you must know the answer to this question. Otherwise, you would never stand for Nashua being left off this list of New Hampshire public access centers.

This is the United State of America the year 2005. Surely we are entitled to the same rights to equal public access as the other communities in New Hampshire. Thank you for your consideration.

President McCarthy

With respect to the Committee Liaison Updates, I want to make a couple of remarks and ask for a motion before we start that. I had, based on some requests from the Board, suggested that we add this to the communication section of the agenda so that the Board could be updated from people who sat as liaisons to committees. It has been pointed out to me that in all likelihood this needs to be done by Ordinance if we wish to have it added and not as a standing communication item. I was not here for the last meeting so I haven't seen how it works, but one of the concerns I have heard is that it took up an awful lot of time at the last meeting. That was certainly not my intention. It is my intention that what we ought to do is to make sure the Board gets copies of minutes of these meetings if minutes are kept, and that the only things that would be reported to us are perhaps alerts on things that the Board may want to look at in particular if there are issues that will require our intervention or otherwise are out of the ordinary with respect to the business of the committees to which the liaisons attend.

Here is what I would like to do. I will solicit a motion to suspend the rules to allow for the committee liaison updates. If that motion passes, I will introduce legislation to make this a part of the agenda. If it does not I will not. Is there someone who would like to make that motion?

MOTION BY ALDERMAN CARDIN THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR COMMITTEE LIAISON UPDATES
MOTION CARRIED

COMMITTEE LIAISON UPDATES

The following aldermen presented committee liaison updates to the Board of Aldermen:

Board of Education (9/26/05) Alderman-at-Large Bolton

Alderman Bolton

No report.

Board of Health (9/14/05) Alderman-at-Large Rootovich

Alderman Rootovich

Due to work commitments Mr. President I did not have an opportunity to attend, but I know the alternate, Alderman Cardin did. I will turn over the microphone to her.

Alderman Cardin

It was more of an informational session. They did not have a quorum.

Board of Public Works (9/16/05) Alderman-at-Large Deane, Alternate

Alderman Deane

I have 8 pages. I hope you don't mind. Mr. President we have to understand something – it is just my feeling. I was personally singled out and chastised for not keeping people up to date. I am carrying through with what was requested of me.

President McCarthy

I want to thank you for doing that. I think we may need to adjust that process, but I do thank you for your diligence so far in providing a report.

Alderman Deane

I can give you a brief update of the Public Works meeting. They are looking at relocating the WSMN towers to get that channel back on air somewhere down at the landfill. Mr. Monahan and Mr. Prunier came in and spoke with the Mayor and the Public Works Commissioners.

Hopefully unless the well runs dry we are expecting two checks from FEMA; one for \$128,763.63 and another for \$112,222.73. These were funds from last year's snowplowing. We had some healthy discussion about gasoline and diesel fuel. I haven't read it yet, but I got a file from Mr. Pollock of the Street Department pertaining to the usage and the cost and what we had budgeted. With the current significant increase in prices, we have some serious problems. I would ask Mr. President that we really have to get all of these departments and divisions together to try to cut back on some of our fuel use – maybe just the driving habits or whatever, but we will have some problems.

The Public Works Commission also approved the \$50,00 donation from the United States Postal Service. The USDA Wildlife Management Services who does the integrated gull management program was kept on board to control that down at the landfill. The T-shirts were ordered for the upcoming biddy basketball season. Thank you.

- **Child Care Advisory Committee (9/22/05)** Alderman Vitale

Alderman Vitale

The committee met on the 22nd. They have elected new officers, and accepted their by-law changes. I will say that this committee is very dedicated to childcare issues. They are concerned about funding both at the federal and state level and the amount of attention given to child care issues. Thank you.

Ethnic Awareness Committee (9/14/05) Alderman-at-Large Tollner

Alderman Tollner

I have not been at the last meetings. They are handled during the day. I am to understand that this Board gets copies of the minutes of those meetings on a regular basis.

Historic District Commission (9/26/05) Alderman Gage

Alderman Gage

Nothing to report.

Merrimack Valley Water District (9/15/05) Alderman-at-Large McCarthy

President McCarthy

The Regional Water District met last week. I was unfortunately out of town on business and was not at the meeting. The only issue of substance that the Board might want to understand is that there was a discussion of the payment of dues to the organization. That discussion will be in the minutes, which we should be receiving on a regular basis anyway.

Nashua Housing Authority (9/16/05) Alderman Cardin

Alderman Cardin

The commissioners of the Housing Authority met on the 16th of September at 8:30 a.m. It was reported that the Housing Authority is currently working on kitchen and bathroom replacement contracts as well as asbestos flooring removal at Bronstein Apartments. The Housing Authority is developing a relocation plan during this process. They also opened bids recently for site improvements at Bronstein Apartments. Currently reviewing those bids. The Nashua Housing Authority is interested in working with the Park & Rec Department – the green streets program as part of the Bronstein site improvements. The Housing Authority also hired an energy audit consultant, they installed a new flagpole at Sullivan Terrace South, and lastly the Housing Authority amended its admission and continued occupancy policy to include a preference for disaster-affected families.

Nashua Regional Planning Commission (9/21/05) Alderman-at-Large Rootovich

Alderman Rootovich

No report.

Senior Activity Building Committee (9/27/05)..... Alderman-at-Large Deane

Alderman Deane

The foundation is completed. All of the sub-grade utilities within the inside of the foundation are in. The concrete floor they finished pouring it today. The main steel is erected in the center of the building. All of the lumber has been purchased and the framing will commence on Friday. They started the block work on the elevator shaft this afternoon. The project is starting to move along quite well. I would say within 3 weeks you are going to see significant structure up over there. Thank you.

Alderman Rootovich

Through the Chairman may I ask Alderman Deane a question?.....

President McCarthy

Certainly.

Alderman Rootovich

I had heard there was a possibility of not enough money to finish that project. Is that true?

Alderman Deane

That is not true.

Alderman Rootovich

There is enough money to finish the kitchen and everything?

Alderman Deane

The kitchen is being roughed in, plumbing and electrical. The Senior Activity Center who when we started this project was supposed to be contributing \$387,000 found out after the fact that they couldn't do that. The Senior Activity Center Board of Directors took it upon themselves to go out and purchase the appliances themselves so they are going out – the contractor has gotten them the specs and shown them the different types of appliances so that the wiring and the plumbing can be matched so that when the appliances come in they can roll them in, but the kitchen will be all framed. There is just not going to be an oven, a walk-in things like that, but they are going to take care of that. It is around \$30,000.

Alderman Rootovich

Thank you.

Alderman Dion

I was going to ask the same question.

PETITIONS – None

-

NOMINATIONS, APPOINTMENTS AND ELECTIONS

The following Mayoral appointments were read into the record:

Building Code Board of Appeals

-
LouAnn Fornataro, Alternate (New Appointment)
207 Main Street
Nashua, NH 03060

Term to Expire: March 31, 2008

Health & Community Services Director

-

Mary S. Nelson (New Appointment)

Term to Expire: Indefinite

18 Stanley Lane

Nashua, NH 03062

Hunt Building Board of Trustees

-

A. John (Jay) Minkarah (New Appointment)

Term to Expire: December 31, 2007

13 Mount Pleasant Street

Nashua, NH 03064

Zoning Board of Adjustment

-

Normand H. Tremblay, Alternate (New Appointment)

Term to Expire: September 11, 2007

12 Lisa Drive

Nashua, NH 03062

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

REPORTS OF COMMITTEE

Budget Review Committee 09/08/05

•*Action Report Accepted 9/13/05*

There being no objection, President McCarthy declared the report of the September 8, 2005 Budget Review Committee accepted and placed on file.

Budget Review Committee 09/19/05

There being no objection, President McCarthy declared the report of the September 19, 2005 Budget Review Committee accepted and placed on file.

Finance Committee..... 09/15/05

There being no objection, President McCarthy declared the report of the September 15, 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.

Committee on Infrastructure. 09/14/05

MOTION BY ALDERMAN DION TO ACCEPT THE REPORT OF SEPTEMBER 14, 2005, COMMITTEE ON INFRASTRUCTURE, PLACE IT ON FILE AND SCHEDULE A PUBLIC HEARING ON THE PETITION TO RELEASE AND DISCHARGE FROM ALL PUBLIC SERVITUDE A DEDICATED WAY ON POPE CIRCLE FOR WEDNESDAY, NOVEMBER 9, 2005, AT 7:00 PM IN THE ALDERMANIC CHAMBER

MOTION CARRIED

Pennichuck Water Special Committee 09/06/05

There being no objection, President McCarthy declared the report of the September 6, 2005 Pennichuck Water Special Committee accepted and placed on file.

Pennichuck Water Special Committee 09/07/05

There being no objection, President McCarthy declared the report of the September 7, 2005

Pennichuck Water Special Committee accepted and placed on file.

Planning & Economic Development Committee..... 08/30/05

There being no objection, President McCarthy declared the report of the August 30, 2005 Planning & Economic Development Committee accepted and placed on file.

Planning & Economic Development Committee..... 09/12/05

There being no objection, President McCarthy declared the report of the September 12, 2005 Planning & Economic Development Committee accepted and placed on file.

Police HVAC Ad Hoc Committee..... 09/09/05

There being no objection, President McCarthy declared the report of the September 9, 2005 Police HVAC Ad Hoc Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

Alderman Gage departed.

UNFINISHED BUSINESS – RESOLUTIONS

R-05-254

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

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

Given its second reading;

MOTION BY ALDERMAN DION TO AMEND R-05-254 IN ITS ENTIRETY BY REPLACING IT WITH

**THE AMENDED COPY ATTACHED TO ATTORNEY CONNELL'S MEMORANDUM ACCEPTED EARLIER THIS EVENING
MOTION CARRIED**

MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF R-05-254 AS AMENDED

ON THE QUESTION

David Connell

As the memo suggested, there were two slightly unset terms in this Agreement; Paragraph 3.03 and 6.01. Since then the staff and the other party have come to agreement so I have suggested language to add at those two spots in the agreement. On Page 4, at the top of the page there is a blank for a period to fulfill a financing contingency. I suggest that after the word "if" we insert "within ninety (90) days from the date of this agreement" and so forth as it is printed. That would represent the period of time we felt was necessary. The other item goes along with that. It is the closing date on Page 6, Section 6.01 the seller has agreed, since they agreed to the ninety days, this would now read "within five (5) days of purchaser's satisfaction of the financing contingency detailed in Section 3.03, but not later than ninety five (95) days from the date thereof."

What this would do is to say that after we fulfill the financing contingency they have five days to close, and that should be fine. It reads "Within five (5) days of purchaser's satisfaction of the financing contingency detailed in Section 3.03, but not later than ninety five (95) days from the date thereof."

**MOTION BY ALDERMAN DION TO AMEND THE PURCHASE & SALE AGREEMENT ON PAGE 4 TO REPLACE THE BLANK WITH "WITHIN NINETY (90) DAYS FROM THE DATE OF THIS AGREEMENT" AND ON PAGE 6 TO REPLACE THE BLANK IN SECTION 6.01 WITH "WITHIN FIVE (5) DAYS OF PURCHASER'S SATISFACTION OF THE FINANCING CONTINGENCY DETAILED IN SECTION 3.03, BUT NOT LATER THAN NINETY FIVE (95) DAYS FROM THE DATE THEREOF."
MOTION CARRIED**

President McCarthy

We are back to the motion for final passage as amended.

Alderman Deane

I have a question through you Mr. President to Corporation Counsel. If we approve this piece of legislation, and then the next piece of legislation goes down (R-05-255), will we still be mailing a check out or would we have to reconsider R-05-254 to stop that process?

David Connell

I recommend reconsideration.

Alderman Deane

It is my understanding that if 254 is approved that a check will be going out by this Friday.

David Connell

That is what is required by the seller – they are pressed for time. It is good that you brought that up Alderman. This would be one of those instances in which you would not have the luxury of reconsideration at the next meeting because vested rights will have intervened and the person will have that \$25,000.

Alderman Deane

Thank you.

President McCarthy

If there is concern that the fate of R-05-255 I might suggest that a motion to lay R-05-255 on the table and move on to the order of business would be in order.

**MOTION BY ALDERMAN ROOTOVICH TO LAY ON THE TABLE R-05-254
MOTION CARRIED**

R-05-255

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

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

Given its second reading;

MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF R-05-255 BY ROLL CALL

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

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

12

Nay: Alderman Tollner, Alderman Johnson

2

MOTION CARRIED

Resolution R-05-255 declared duly adopted.

**MOTION BY ALDERMAN BOLTON TO TAKE FROM THE TABLE R-05-254
MOTION CARRIED**

R-05-254

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

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

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE AS AMENDED
MOTION CARRIED**

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 second reading;

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-261

MOTION CARRIED

Resolution R-05-261 declared duly adopted.

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 fourth reading;

MOTION BY ALDERMAN JOHNSON TO AMEND R-05-271 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA

ON THE QUESTION

Alderman Plamondon

Let the record show I will be abstaining from any vote.

MOTION CARRIED

Alderman Plamondon Abstained

MOTION BY ALDERMAN JOHNSON FOR FINAL PASSAGE OF R-05-271 AS AMENDED

ON THE QUESTION

Alderman Johnson

I will not be supporting the new contract. I think the speakers and the e-mails that I have been getting back and forth I think everybody who has come before us asking for the public access channel have

made valid points. When Attorney Epstein said at the Planning & Economic Development Committee I had questioned wouldn't it be the right time now to ask Comcast to add that fourth channel and he sat and was shaking his head yes. I don't think it is fair to have the public access and the government channel shared. Who will get what time and how is it going to be worked out? I think the city is ready for a public access channel. When we look at all of the other communities around us that have it – it is a place for people to have their own programs to voice their opinions, show their concerns, and letting people know how they feel about how government is working in their best interest or not in their best interest.

I have put in a piece of legislation to make sure that we can have every year at least \$100,000 from the franchise fee. Now that franchise fee we all pay for through Comcast every month. Mrs. Hogan made a very good point – with the amount of \$4.6 million has been taken since 1993 the cable subscribers have paid and where does it go it goes into the general fund year after year after year. Even renters who have cable pay towards this and we use it to hopefully offset the taxes in the city. My legislation is basically just saying that hopefully money would be appropriated every year, but it would also have to come before the Budget Committee to review their finances. I don't think it should just be given a blank check. I do believe Nashua needs a public access channel and we need to sit down with other communities to see how they have formed it, what they have done, what has been their cost to get it up and running. For us not to do this it is really freedom of speech is not being run in this city. Thank you very much.

Alderman Deane

Thank you. There were a lot of different points raised about this topic, and I think one of the biggest issues is there are so many unknowns – as Mrs. Hogan had mentioned earlier the issues that she had with the contract. We don't know where we broadcast from, we don't know how much the equipment costs, we don't know how much it will cost to actually run the station, and there is not a dedicated channel for this purpose. I think if there is a demand for it I think it is great. I would like to – my opinion with this channel is I don't think it is all going to be directed as government official bashing I think a lot of people have different ideas, they have different things they like to do, and I think it is great. I think it brings out a lot of creativity within the city and is a hobby and an interest that a lot of people have. I think it would be a phenomenal thing to have. I too feel that the station should be a standalone station. We really have to know as a Board and as a city what the cost is going to be. Yes franchise fees have gone into the general fund and as was stated earlier by a gentleman, they have by no means ever balanced a budget in this city. They are a small amount of money that has added up into over \$4.6 million I believe Mrs. Hogan stated over the years that the city has used, but there are a lot of unanswered questions. I think if it is going to be a successful venture we really need to sit down and figure out how it will be operated and how it will be funded and where it will be operated from.

Getting the dedicated channel I don't think would be that much of an effort it is the rest of it that goes along with it. As easy as it may seem to some, I think we will be instilling some problems that we are not aware of. I am not going to support passing the contract in its current state. I think if this public access is going to come to fruition I think we should all fully understand the items that I have mentioned and I think even some of the public speakers if we had a committee of whomever wanted to get on it, the Mayor puts a committee together to corral these costs and come back to the Board with a report I think that would be more than helpful. Thank you.

Alderman Bolton

I fully agree that there are unanswered questions that need to be answered and the idea of having a committee to explore all of these possibilities is a good one and ought to be pursued. I don't think it is necessary that we delay the passage of the contract in order to do that. In its present form the contract gives us a channel that in our discretion we can allow some of the time or all of the time to be public access. We can assess the demand, we can assess the cost, we can carefully study the legislation proposed by Alderman Johnson concerning funding – none of that needs to be in this contract. We can set up rules as to who has access, what the procedure is, we can set up some independent private non-profit corporation as some communities have done to operate it. None of that has to be done before we approve this contract. Money is going to the city from the contract, the channel is available to the city from the contract, and we can at our leisure put in place proper ways to deal with it that can satisfy, if that is what everyone wants and agrees to, all of the concerns of all of the people who spoke. It may well be down the road there are other people who have other concerns and want something different and we ought to hear from them as well. Nothing in the contract prohibits the kinds of things that people have come to us and asked for. We ought to jump on it and make sure we have that and then put in place the procedures and funding to deal with what it is that we want to do once these questions get answered.

The fact is now is the time to put this contract into affect and take advantage of the increased revenue stream that this contract will provide over and above the previous contract. There is no reason to delay.

Alderman LaRose

I agree fully with what the previous speaker said. I know there are people out there that in their mind if we don't put into this contract with Comcast a public access television channel we won't have it. That is not so. The contract – we should not be negotiating a public access channel with Comcast. We have the right to a channel. We can do what we decided to do with it either government or public or a combination of both. I think that we need to pass this contract this evening, we need to get a manager, we need to get a budget going, we need to understand how we want to operate our system – we have the time to do that because the channels will not be available until about March 1st. We have the time, we have a committee, the Cable Television Advisory Board, it is possible that we should have another committee to look at how we want to operate the system that we are going to have, but I think delaying the contract doesn't do us any good. Trying to negotiate with Comcast on what the city wants to do with their channels – Comcast doesn't have any particular reason to negotiate with us on the three channels that they are providing to us. They have provided those channels, it is up to us to use it in the proper manner, and I am sure that the people who want public access TV will certainly be out here telling us what their desires are. I think that is the way to go. Let's pass this contract, get to work on what we want to do with our channels, and I think that in the long run that will be a lot more effective than trying to stall this contract, go back and try to re-negotiate something with Comcast that we already have. Thank you.

Alderman Rootovich

My comments were parallel to the two previous speakers. There is no need for me to repeat what was said. What I want to say is that all of the concerns that the public had both this evening and the two Planning & Economic Development Committee meetings we had – all of those concerns they have can

be addressed within the next 6 months. I for one, as Alderman Deane, do support a separate public access channel, but I think there is plenty of time to do that. Before we run into it I think there needs to be a lot of research done. I think whether it is CTAB or a sub-committee made up of the members of the Board of Aldermen those two tools can be used to get that process going and come back to the full Board with a finalized version of the governance, the funding mechanism, and the rules and regulations that will govern that channel. I will support the contract as it is and move forward.

Alderman Lozeau

Will we as a Board need to establish an account to accept these funds or have we already done so as far as the \$201,000?

David Connell

I am not sure of the \$201,000 you are speaking of.

President McCarthy

This is a one-time expenditure as part of the contract for purchase of equipment, which I would assume that we do need to ..

David Connell

There should be some account set up.

Larry Hersh

Yes legislation would be required to accept the \$201,000 and put it into a special revenue account and in addition if we are separating the 1% which the contract calls for for cable related purposes we would probably need legislation to set up that account as well.

President McCarthy

Is there any further discussion? The motion is for final passage of R-05-271 as amended.

Unidentified Male Speaker

Point of Order.

President McCarthy

We don't accept points of order from the audience.

Unidentified Female Speaker

Can he speak?

Unidentified Male Speaker

These are comments relative to the contract.

President McCarthy

Is there any further discussion of the motion?

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

Yea: Alderman Tollner, Alderman Vitale, Alderman LaRose, Alderman Cardin, Alderman Shaw,
Alderman Lozeau, Alderman Dion, Alderman Rootovich, Alderman Bolton,
Alderman McCarthy

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Nay: Alderman MacLaughlin, Alderman Deane, Alderman Johnson

3

MOTION CARRIED

Alderman Plamondon Abstained

Resolution R-05-271 declared duly adopted as amended.

R-05-276

Endorser: Alderman-at-Large David W. Deane

ESTABLISHING AN EXPENDABLE TRUST FUND FOR FIRE EMERGENCY EVENTS

Given its second reading;

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-276

MOTION CARRIED

Resolution R-05-276 declared duly adopted.

Unidentified Female Speaker

Thank you for nothing.

Alderman Rootovich

Point of Order.

President McCarthy

Could I ask that the conversations be taken out in the hall please?

R-05-279

Endorser: Alderman-at-Large David W. Deane

TERMINATING THE DOWNTOWN PARKING FACILITIES PROJECT FUNDED BY BONDS UNDER RESOLUTION 02-54; RESERVING AND DESIGNATING \$40,000 OF BOND PROCEEDS FOR A STUDY OF THE STRUCTURAL INTEGRITY OF THE ELM STREET AND HIGH STREET GARAGES; AND AUTHORIZING THE TRANSFER OF UNEXPENDED BOND PROCEEDS FROM ACCOUNT #757-3729 "PARKING FACILITY RENOVATIONS/IMPROVEMENTS" IN THE AMOUNTS OF \$88,394 TO ACCOUNT # 731-3706 "POLICE HVAC SYSTEM REPLACEMENT" AND \$200,000 TO ACCOUNT #732-3714 "FIRE DEPARTMENT CAPITAL DEFERRED MAINTENANCE"

Given its second reading;

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-279

ON THE QUESTION

David Connell

Mr. President this being the re-allocation of bond proceeds calls for a 2/3 vote.

AMENDED MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-05-279 BY ROLL CALL

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

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

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Nay: Alderman Plamondon

1

MOTION CARRIED

Resolution R-05-279 declared duly adopted.

R-05-280

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

RELATIVE TO THE TRANSFER OF \$200,000 FROM ACCOUNT #632-05 "FIRE DEFERRED BUILDING MAINTENANCE, FY05" INTO EXPENDABLE TRUST FUND ACCOUNT #932-5367 "FIRE EMERGENCY EVENTS"

Given its second reading;

MOTION BY ALDERMAN TOLLNER FOR FINAL PASSAGE OF R-05-280

MOTION CARRIED

Resolution R-05-280 declared duly adopted.

R-05-284

Endorsers: Mayor Bernard A. Streeter
Alderman David D. Lozeau

RELATIVE TO THE TRANSFER OF \$28,906 FROM ACCOUNT #596-86580 “CONTINGENCY RETIREMENTS – CITY” INTO ACCOUNT #532-11300 “FIRE LIEUTENANT – FULL-TIME PAYROLL”

Given its second reading;

MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF R-05-284

MOTION CARRIED

Resolution R-05-284 declared duly adopted.

R-05-285

Endorser: Mayor Bernard A. Streeter
Alderman David D. Lozeau

RELATIVE TO THE TRANSFER OF \$72,477 FROM ACCOUNT #596-86580 “CONTINGENCY RETIREMENTS – CITY” INTO ACCOUNT #531-11900 “POLICE – FULL-TIME PAYROLL”

Given its second reading;

MOTION BY ALDERMAN LOZEAU FOR FINAL PASSAGE OF R-05-285

MOTION CARRIED

Resolution R-05-285 declared duly adopted.

R-05-287

Endorsers: Mayor Bernard A. Streeter
Alderman Marc W. Plamondon
Alderman Kevin E. Gage
Alderman David D. Lozeau

RELATIVE TO THE TRANSFER OF \$15,202 FROM ACCOUNT #591-86007 "CONTINGENCY – POLICE GRANTS" INTO SPECIAL REVENUE ACCOUNT #331-6207 "POLICE VOWA GRANT 2005"

Given its second reading;

MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF R-05-287

MOTION CARRIED

Resolution R-05-287 declared duly adopted.

R-05-288

Endorsers: Alderman Robert A. Dion
Alderman Marc W. Plamondon
Alderman-at-Large David Rootovich
Alderman-at-Large Paula I. Johnson
Alderman Kevin E. Gage
Alderman David MacLaughlin
Alderman David D. Lozeau

REDUCING THE COMPENSATION FOR THE BOARD OF EDUCATION FOR FISCAL YEAR 2006

Given its second reading;

MOTION BY ALDERMAN MACLAUGHLIN FOR FINAL PASSAGE OF R-05-288

ON THE QUESTION

Alderman Shaw

Let the record reflect that I will be recusing myself from any discussion or vote on this Resolution.

MOTION CARRIED

Alderman Shaw Abstained

Resolution R-05-288 declared duly adopted.

R-05-291

Endorsers: Mayor Bernard A. Streeter
Board of Aldermen

ESTABLISHING AN EXPENDABLE TRUST FUND FOR HURRICANE KATRINA RELIEF

Given its second reading;

MOTION BY ALDERMAN BOLTON TO AMEND R-05-291 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA

MOTION CARRIED

MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-291 AS AMENDED

MOTION CARRIED

Resolution R-05-291 declared duly adopted as amended.

R-05-292

Endorsers: Mayor Bernard A. Streeter
Alderman Richard LaRose

AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR A PUBLIC HIGHWAY ON LAND OWNED BY THE UNITED STATES POSTAL SERVICE AT 10 NORTH SOUTHWOOD DRIVE;

AND AUTHORIZING THE CONSTRUCTION OF A STREET ON SUCH LAND FUNDED BY A CONTRIBUTION FROM THE UNITED STATES POSTAL SERVICE; AND ACCEPTING SUCH STREET, UPON COMPLETION, AS A PUBLIC HIGHWAY

Given its second reading;

MOTION BY ALDERMAN LAROSE TO AMEND R-05-292 IN ITS ENTIRETY BY REPLACING IT WITH THE AMENDED COPY ATTACHED TO ATTORNEY CONNELL'S MEMORANDUM ACCEPTED EARLIER THIS EVENING

ON THE QUESTION

David Connell

We have learned today that the version that is attached to my memorandum is acceptable to the other side substantially so that would be the final form. They might have something to add in minor changes, but it will be substantially in this form.

President McCarthy

Is there any further discussion?

MOTION CARRIED

**MOTION BY ALDERMAN LAROSE FOR FINAL PASSAGE OF R-05-292 AS AMENDED
MOTION CARRIED**

Resolution R-05-292 declared duly adopted as amended.

R-05-293

Endorsers: Mayor Bernard A. Streeter
Alderman Kevin E. Gage
Alderman-at-Large David W. Deane
Alderman Richard LaRose
Alderman Marc W. Plamondon
Alderman-at-Large James R. Tollner

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$50,000 OBTAINED FROM THE U.S. POSTAL SERVICE INTO SPECIAL REVENUE ACCOUNT #353-6516, "NORTH SOUTHWOOD DRIVE EXTENSION"

Given its second reading;

**MOTION BY ALDERMAN LAROSE FOR FINAL PASSAGE OF R-05-293
MOTION CARRIED**

Resolution R-05-293 declared duly adopted.

R-05-294

Endorser: Mayor Bernard A. Streeter
RELATIVE TO THE TRANSFER OF \$36,812 FROM ACCOUNT #597-86605 "CONTINGENCY

NEGOTIATIONS” INTO ACCOUNT #575-11900 “LIBRARY – FULL-TIME PAYROLL”

Given its second reading;

**MOTION BY ALDERMAN SHAW FOR FINAL PASSAGE OF R-05-294
MOTION CARRIED**

Resolution R-05-294 declared duly adopted.

R-05-296

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

**RELATIVE TO THE TRANSFER OF \$48,758 FROM ACCOUNT #551-11098 “PUBLIC WORKS
DIVISION AND ENGINEERING – STREET CONSTRUCTION COORDINATOR”, INTO
ACCOUNT #553-11098 “STREET DEPARTMENT – STREET CONSTRUCTION
COORDINATOR”**

Given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF R-05-296
MOTION CARRIED**

Resolution R-05-296 declared duly adopted.

R-05-297

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

**APPROPRIATING THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) OF
UNEXPENDED BOND PROCEEDS FOR COMPUTER AIDED DISPATCH AND RECORDS
MANAGEMENT SOFTWARE FOR THE FIRE DEPARTMENT**

Given its second reading;

MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-297

ON THE QUESTION

Alderman Deane

This also requires a 2/3 because it is redirecting?

David Connell

Yes.

AMENDED MOTION BY ALDERMAN CARDIN FOR FINAL PASSAGE OF R-05-297 BY ROLL CALL

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

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

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Nay: 0

MOTION CARRIED

Resolution R-05-297 declared duly adopted.

R-05-298

Endorser: Mayor Bernard A. Streeter

RELATIVE TO THE TRANSFER OF \$400,000 FROM ACCOUNT #981-5368 "SCHOOL CAPITAL RESERVE FUND" INTO FY06 CAPITAL IMPROVEMENTS ACCOUNT 681-09 "SCHOOL DEFERRED CAPITAL MAINTENANCE"

Given its second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-05-298
MOTION CARRIED**

Resolution R-05-298 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

O-05-85

Endorser: Acting Mayor Brian S. McCarthy

ELIMINATING CONSERVATION COMMISSION COMPENSATION

Given its second reading;

**MOTION BY ALDERMAN MACLAUGHLIN FOR INDEFINITE POSTPONEMENT OF
O-05-85**

ON THE QUESTION

Alderman LaRose

I have a question. It is my understanding that the members of the Planning Board are not being compensated anymore. Why is the Conservation Commission different from other boards that had compensations and have lost their compensations in the budget process?

President McCarthy

The Conservation Commission is the only one whose compensation is established by Ordinance.

Alderman LaRose

The only difference is that the others are under the budget process and this is by Ordinance and if you come in with an Ordinance to freeze their compensation for this budget period why would it be indefinitely postponed?

President McCarthy

Can't answer that one.

Alderman LaRose

Is there anyone that can answer that question?

Alderman Deane

Can you repeat the question again?

Alderman LaRose

If the compensation for the boards that are done through the budget process and have been frozen in this year's budget and the Conservation Commission stipends are done by Ordinance and if we come in with an Ordinance to freeze their compensation this year why was it indefinitely postponed when the others were frozen such as the Mayor's compensation?

Alderman Deane

You had mentioned the Planning Board stipends.

Alderman LaRose

Right.

Alderman Deane

Have been cut.

Alderman LaRose

Have been eliminated from this budget I believe. The citizen members.

Alderman Deane

When bottom line reductions were made to Community Development that is what she cut. If we came in with compensation of stipends for Planning Board members under ordinance it would take an ordinance to set the amount and it would also take an ordinance to take it away.

Alderman LaRose

I understand what you are saying.

President McCarthy stepped down and Vice-President Tollner presided.

Alderman McCarthy

The origin of this piece of legislation is simple – this Board asked the departments to come up with where they would make cuts in the budget, and in this particular case the Division Director decided to eliminate the compensation for the boards and commissions, and in fact provided this Board with information that pointed out that we have one of the only sets of compensated boards and commissions in the State. That seemed to be a reasonable adjustment under the circumstances to make. One of those boards requires legislative approval to do so. I agreed to sponsor the legislation because it was what was necessary for this Board to implement the Division Director's recommendation that this Board asked for. The money is not in the budget to pay these stipends. Something else will go that this Board was counting on being there if those stipends need to be paid. My assertion with this piece of legislation was that it was a formality to implement what we asked for, which was a set of recommendations that reduced the bottom line of the budget.

Alderman Vitale

Would there be a difference in the wording of this where eliminating the Conservation Commission compensation – was the legislation written so it was only for this year or was it just frozen for the year so it wasn't paid in this year? If it were eliminated you would have to establish another ordinance to re-establish it.

Alderman McCarthy

My recollection is that the original legislation would repeal the section of the ordinance which established compensation entirely – that was in fact amended at the Budget Committee at my suggestion to make this the same as the other boards and commissions, and to make it a function of the budget process. That is what the legislation in front of you does is to allow it to be treated like the compensation of the other boards and commissions. It doesn't eliminate it, it simply makes it under the control of the budget process as is the Planning Board and the Zoning Board.

Alderman Bolton

I don't think that is correct. Given that this Board has not acted to make any amendments, what is before this Board is the originally proposed legislation. The fact that the Budget Review Committee may have considered amendments, but ultimately voted to recommend indefinite postponement, this Board still has not amended the original legislation.

Alderman McCarthy

That is correct, but an amendment had been proposed and passed at the Budget Committee, which was not brought forward to this Board. It would be my recommendation instead of indefinite postponement to pass that amendment.

Alderman LaRose

I don't know if anyone else wants to speak on this before I speak. If someone – I want to make a motion so if someone wants to speak it is the time to say it or I will make my motion.

Vice-President Tollner

Would anyone like to speak before Alderman LaRose makes his motion?

MOTION BY ALDERMAN LAROSE TO RE-REFER TO THE BUDGET REVIEW COMMITTEE

ON THE QUESTION

Alderman Deane

I just had a question through you to Alderman McCarthy – fresh off the presses on page 206, Department 572, Commodity Code 98046, Conservation Commission there is \$8,000 in there.

Alderman McCarthy

Does that budget still carry the 99 account adjustments that were made by the Board of Aldermen?

Alderman Deane

It shows a 99 adjustment of \$7,094.

Alderman McCarthy

That implies that at some point during the fiscal year real line items with positive allocations must be reduced in order to make the bottom line of the budget balance by the end of the year. That budget probably still shows compensation for the Planning & Zoning Boards and all of the other things that the Division Director has told us they would remove to meet those bottom line adjustments.

Alderman Deane

It does show Planning Board members, Zoning Board, payroll special at \$11,620.... **Tape ended ...**

Vice-President Tollner

... the motion on the floor from Alderman LaRose is to re-refer this legislation back to the Budget Committee. Is there any further discussion on that motion?

MOTION CARRIED

Ordinance O-05-85 re-referred to the Budget Review Committee.

Vice President Tollner stepped down and President McCarthy presided.

O-05-99

Endorser: Mayor Bernard A. Streeter

SUSPENDING MERIT PAY INCREMENTS FOR FISCAL YEAR 2006

Given its second reading;

MOTION BY ALDERMAN DEANE TO AMEND O-05-99 IN ITS ENTIRETY BY REPLACING IT WITH THE BLUE COPY PLACED ON OUR DESKS THIS EVENING

MOTION CARRIED

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-05-99 AS AMENDED

ON THE QUESTION

Alderman Deane

When we had discussion about this ordinance at the Budget Review Committee, the intentions were there, but we started getting into it and then we forgot to add the one sentence even though we had Alderman Bolton and myself and others that had talked about what had to be in there and then we forgot to make the motion to actually do that. That is all this is doing is adding that one last sentence.

Alderman Johnson

I want to review on the merit pay increases which departments would get it – is this all department heads, directors, and so forth?

President McCarthy

Well I believe approximately 120 positions that are affected by this ordinance.

Alderman Johnson

Thank you.

Alderman Cardin

I am going to once again state my opposition to this move by this Board. Thank you.

Alderman Deane

I wanted to comment on that because we did a lot of things in the budget process. What this is doing and the sentence that we added gives us the opportunity instead of not considering any pay raises for the entire year it gives us an opportunity that in December of this year to go back and look to see if we can make some adjustments at that point. Instead of throwing it out the window and not giving anybody any raises at all for the entire year, this ordinance gives us the opportunity to go back and see if we can have some funds available to do that.

It was a tough budget and we had to make tough decisions and unfortunately this was one of them. At least we can go back and look at it in December. Thank you.

Alderman Bolton

The provision of us taking a look in December I suppose it is better to have that in than not have it in. The idea that dedicated personnel should be denied for one year what amounts to a cost of living increase does not strike me as the proper way to go about fiscally managing this city. The fact is you cannot expect to keep good people if you treat them badly. That is what this does. I remember when this first came before the Budget Review Committee it was told to us in a televised meeting before a single one of these employees had been informed that this would be the Mayor's recommendation, it was sprung upon them in that very callas manner. Next year the increase to bring them up to a fair number will be all new money. It will make next year's increase appear to be that much worse. Obviously we cannot go on forever thinking we are going to not increase pay. Some of these people are at high administrative levels in city government, others are at fairly modest salaries at lower level positions and will have trouble making ends meet as a result of these decisions. The fact is people don't even know who they are impacting. I share Alderman Cardin's view that this is not the proper way to go about managing our finances.

Alderman Deane

I respect the opinion of everybody, but I will say this much – we sat through a lot of budget meetings, there were a lot of ideas that were brought up and a lot of motions that were made, some made a lot and some made none.

Alderman Vitale

I agree with everything that has been said. The merit pay increases as I told Mayor Streeter in his office – I would agree to it for one year for budget purposes that we were facing. I would not agree to it for two years. As stated by Alderman Bolton, I don't think it is the right thing to do to the employees. That was a compromise that I made to meet the budget that we were presented. Again I state that I don't think it is the right thing. I did vote for it for this year, but I would not do it again for next year's budget.

President McCarthy

The motion is for final passage of O-05-99 as amended. Is there any further discussion?

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

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

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Nay: Alderman LaRose, Alderman Cardin, Alderman Bolton

3

MOTION CARRIED

Ordinance O-05-99 declared duly adopted as amended.

O-05-104

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

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

Given its second reading;

MOTION BY ALDERMAN ROOTOVICH FOR INDEFINITE POSTPONEMENT OF O-05-104

MOTION BY ALDERMAN TOLLNER FOR FINAL PASSAGE

ON THE QUESTION

Alderman Tollner

Yes this legislation has gotten a wee bit of attention. I just want to clarify a number of things for everybody. First and foremost the Nashua City Planning Board issued a favorable recommendation back in the middle of August. If I am not mistaken everybody voted in favor of this with the exception of one member. I would like to take a second and let everybody know why we came up with this particular ...

Alderman Bolton

I would like to raise a point of order. The motion to indefinitely postpone has precedence over a motion for final passage, and therefore the motion for final passage should not be in order.

President McCarthy

My recollection of Masons is that the motion for indefinite postponement takes precedent over no other motion on a main question. Attorney Connell has his copy of Masons. We can test that.

Alderman Bolton

Final passage is last on the list and the lowest in priority.

President McCarthy

It might be cleaner Alderman Tollner if you spoke against the motion for indefinite postponement and were it to fail offer a motion for final passage.

Alderman Rootovich

I made the motion because it was the will of the committee, but I also support Alderman Tollner's motion so I will amend my motion

MOTION WITHDRAWN

MOTION WITHDRAWN

MOTION BY ALDERMAN ROOTOVICH FOR FINAL PASSAGE OF O-05-104

ON THE QUESTION

Alderman Tollner

As I mentioned the city Planning Board back in the middle of August approved this particular piece of legislation. The gist of the legislation was when the developer/land owner wanted to get access to a right of way their original discussion evolved around opening up into Parish Hill, which I think a good number of the Board voted on that 2-3 years ago. The wish of Parish Hill almost to every single house – there is approximately 91-92 houses there – at that time when we had a neighborhood meeting I would have to say over half the neighborhood were at a number of neighborhood meetings. The entire neighborhood was in favor of putting in emergency access road.

After speaking with Mr. Wright who is here tonight, who was very correct in his concerns and I will talk about those in a second, his house abuts this access road – he worked through the Infrastructure Committee, Planning Board, and it came back to this Board of Aldermen. If I am not mistaken a roll call was taken and the Board of Aldermen at that time voted unanimously to approve it. Again this legislation is a compromise instead of running the risk of the city going to court and having that access road opened up as a full city street, which could very well happen. Speaking with the Wrights and a couple of the other neighbors came up with this alternative or compromise as I stated. It opens up a small cul-de-sac of about 8 or 9 houses that will go through Majestic Heights. When it came before the Planning Board I think there were probably 4 or 5 people from Majestic Heights that had some concerns primarily two individuals that lived on the corner.

It went back to the Planning & Economic Development Committee. There was one neighbor that had some concerns with this. My concern is as follows; first of all this legislation absolutely continues to protect Parish Hill, if this legislation fails let me roll out for everybody here what I think will happen – if this legislation fails the developer/landowner has every right to take the city to court. If he takes the city to court at the Planning Board meeting even though the Planning Board voted in favor of this the Planning Board had discussions towards the end of this conversation and said that this right of way that we legislated probably wasn't in line with the proper planning process and it was a political decision made by the Board of Aldermen and it was a compromise, which at that time Attorney Prunier was there and I agree it was a political decision made and legislated by myself and a couple of the Board members and voted upon by this Board. However, that is why I think all of us are here. We represent a Ward at different times – some of us represent the entire city, but when the request came from Parish Hill and it was the unanimous request by that entire neighborhood to make sure that the neighborhood stayed the way it was with the impact of this new development coming in next door, I think that was the right thing to do.

Earlier tonight Alderman Dion introduced some legislation for a public hearing on Pope Circle, which is a little further up in the neighborhood. That is a good piece of legislation to protect those people where really there was a street on the city map, but for all intense purposes it would go through two properties so we want to protect those properties. The same situation remains right here – there was a road there that was for the most part just a road that the developer put in that went nowhere. This new

development was put in and the Wrights and other neighbors have true concerns. If this goes to court the comments by the plan that were made by the Planning Board that it should be a city street – the developer and the attorney are definitely going to use that when they go to court, and if this legislation fails they go to court and the city loses, that will become a city street.

Let's talk a second about what happens if it does become a city street – those 3 or 4 houses in Majestic Heights that have a concern right now that maybe these 8 houses will drive through their neighborhood – they won't have to worry about that anymore because 92 houses from Parish Hill if they so choose to avoid the traffic will be able to drive through Majestic Heights. The Parish Hill people will have to deal with the people coming from Majestic Heights through their neighborhood. I can't imagine how many cars at 7:00 a.m. that come from Hollis right now that are backed up because of the rotary in front of the high school – it might take them a week, two weeks, a month to realize that they will be able to make a left, cut through Majestic Heights, go through the city street, cut through Parish Hill, and connect all the way to Coburn Ave. I am not thinking of this particular piece of legislation I am concerned about what will happen if this legislation does not pass and the ramifications or the next step that will take place. If it does go to court and the city loses and that does become a city street, which is a very good likelihood if the city is taken to court, we will have no alternative and nothing we can do to change that. The courts are A political. They will look at it and see if it is appropriate planning and if not they will rule in the favor of the landowner.

That is why it is important for this legislation to pass. It was originally put in place a couple of years ago to protect the neighbors. If any of you were the Ward Aldermen I am sure that you would do the exact same thing. Thank you.

MOTION BY ALDERMAN BOLTON FOR INDEFINITE POSTPONEMENT

ON THE QUESTION

President McCarthy

Did we resolve the issue of precedence on the motions?

David Connell

The main motion is relatively weak. The motion to postpone indefinitely takes precedence over it. Interestingly Masons also says you are not supposed to be able to amend the motion to postpone indefinitely. There is a list and the rule – Sec. 396 with all of the motions that cannot be amended.

President McCarthy

I had taken that to be a way in offering of a different motion, which was believed to be precedence. Motion now is for indefinite postponement of O-05-104.

Alderman Bolton

I have a contrary opinion as to the likelihood of the city losing litigation as the result of the

discontinuance and closing of this paper street. Cases have established that a landowner is entitled to access to the road network, but only one such access and not necessarily the particular access that the landowner most desires or would be most profitable for the landowner. The property that is impacted here has frontage on Broad Street and that is its access. In the highly unlikely event that it was determined that it had to have access onto this paper street it still would have no right to have access at both ends of the paper street so we could still, even if that were to happen, deal with the connection that goes all the way from Majestic Heights up to Parish Hill. This idea that this will better protect the existing homeowners in either Majestic Heights or Parish Hill I find entirely unpersuasive.

Alderman MacLaughlin

I echo the comment made by the former speaker. How you would protect the quality of life in a neighborhood by increasing access allowing through traffic that might not otherwise utilize that access is a very wild hypothesis. Within all of our wards, we all have paper street scenarios that are going to be seized upon by the developers as we begin to see the city run out of places to build out. The question, therefore, in my view is are we prepared as a Board to set a policy that says we are going to do all we can to protect the quality of life in these neighborhoods as they exist today and what can we do to improve on that for what is coming tomorrow. By alleviating congestion we can improve things transportationally around the city, but on the main thoroughfares that are congested not by diverting and giving cause of escape from the major arterials into the neighborhoods are we going to be able to accomplish that. The speculation that legal action by a developer could end up in the city losing – we have to draw the line sometimes and be prepared to stand on principal, and to really represent those who sent us here to make these types of decisions.

I would give weight to the neighborhoods at this point in light of some of the decisions that I am seeing come out of some of the city commissions and boards. Not to be hypercritical or over critical of their decisions, it just seems like there is a trend here towards opening up paper streets to development that might not otherwise be possible if we didn't pave the way for this. We have to protect the neighborhoods, we have to protect the neighbors. I easily would support indefinite postponement and I did so in committee. Thank you.

Alderman Vitale

The planners at the Planning Board meeting indicated that this property owner has access to Broad Street for development, and we are not denying him access to develop this property. As was stated by Alderman Bolton, I believe that meets the property owner's needs. I was told by the lawyer for the property owner that if he wanted to he could take us to court right now as the legislation stands and gain access to Cathedral Circle. As I stated before I said that I would not support any amendments to this legislation. I would go back and say that I might not have agreed to the legislation when it was first put forward when you are pitting in the end neighborhood against neighborhood. I don't believe that is the right thing to do. You don't protect one neighborhood from another neighborhood. We are not here to protect ourselves from each other. Hopefully we coexist within this city and we develop and plan our city in a way that our neighborhoods can work together. The only thing that I have heard about this legislation probably from day one is how it has divided people and not brought people together. I will support the motion for indefinite postponement.

There is one thing I would like to add regarding the Pope Circle legislation that was brought up earlier

tonight – it is my understanding that the reason the Pope Circle access into Majestic Heights could not be used is because when that was brought up it was to be used only if that land was landlocked and that land was not landlocked it had other access. That is why Pope Circle section could not be used. If you have seen that access area right now into Majestic Heights is basically a cliff down the road because of the type of development Majestic Heights has conducted. It goes right into a house lot. That was what was presented to the Infrastructure Committee at the last meeting. Thank you.

President McCarthy

The motion is for indefinite postponement.

Alderman Tollner

Let me clarify – I don't know how many of the Aldermen around here have been to that location. You know whether you have been there or not to drive it, walk it. It is not a paper street. A comment was made we need to represent those who sent us here. Ninety-two people in Parish Hill were adamant that road be closed two years ago. It may not have been the proper planning but that is what that neighborhood wanted – that is why we are here. So far to date only one person in Parish Hill has come to speak against that legislation only one out of the ninety-two houses.

With regard to Pope Circle, again I support the legislation with Pope Circle, but I was involved in it and the statement that was just made about Pope Circle is incorrect. A similar situation on Pope Circle is exactly what this developer is faced with because the land on the north side is so high. When they developer Majestic Heights they were looking for another access out of Majestic Heights. There was a street on the city map that was coming out of Pope Circle. Didn't want to disrupt that neighborhood so we dealt with both of these situations at the same time to protect the entire neighborhood. This particular legislation when the first legislation was put together it didn't pit anybody against each other, there was Parish Hill who all of a sudden were told that there was going to be a considerable development right next door to them, the neighbors were concerned – that developer had not even had a bulldozer on that land yet and the responsibility of the Ward Alderman at that time, which wasn't me by the way it was Alderman McAfee, he and I worked to protect that neighborhood. We did protect those who have sent us here. It would have been a lot easier for the developer and the attorney to do something completely different. This particular legislation goes more to the middle of some of the issues that Alderman Dion has been speaking about with the different boards in the city.

Now you can vote against it tonight, I guess you can vote against it pretty confidently that no one will take the city to court, but what are you going to say to the people of Parish Hill if the city loses and that becomes a city street – what are you going to tell those people?

President McCarthy

The motion is for indefinite postponement of O-05-104. Is there any further discussion?

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

Yea: Alderman Vitale, Alderman LaRose, Alderman Cardin, Alderman MacLaughlin, Alderman Plamondon, Alderman Shaw, Alderman Johnson, Alderman Bolton,

Alderman McCarthy

9

Nay: Alderman Tollner, Alderman Deane, Alderman Lozeau, Alderman Dion, Alderman Rootovich

5

MOTION CARRIED

Ordinance O-05-104 declared indefinitely postponed.

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 second reading;

MOTION BY ALDERMAN PLAMONDON TO AMEND O-05-108 BY CHANGING THE EFFECTIVE DATE TO JANUARY 1, 2006

MOTION CARRIED

MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-05-108 AS AMENDED
MOTION CARRIED

Ordinance O-05-108 declared duly adopted as amended.

NEW BUSINESS – RESOLUTIONS

R-05-303

Endorser: Alderman Lori Cardin

AMENDING THE DESCRIPTION OF THE PLUS COMPANY ACTIVITY IN THE FISCAL YEAR 2006 COMMUNITY DEVELOPMENT BLOCK GRANT

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

R-05-304

Endorser: Alderman-at-Large Paula I. Johnson

RELATIVE TO THE APPROPRIATION OF \$100,000 FROM ACCOUNT #412-180 "AUTO PERMITS" INTO ACCOUNT #505-81035 "CABLE PUBLIC ACCESS"

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

R-05-305

Endorser: Alderman-at-Large Paula I. Johnson

RELATIVE TO THE TRANSFER OF \$40,000 FROM ACCOUNT #591-86005 "GENERAL CONTINGENCY" INTO ACCOUNT #503-51030 "BOARD OF ALDERMEN, OUTSIDE COUNSEL SERVICES"

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

R-05-306

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 \$18,000 FROM HILLSBOROUGH COUNTY AS WELL AS CONTRIBUTIONS FROM AREA TOWNS AND OTHER MISCELLANEOUS REVENUES INTO SPECIAL REVENUE ACCOUNT #341-6406 "MEDIATION COMMUNITY EDUCATION SERVICES"

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

R-05-307

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 \$24,000 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF SAFETY INTO SPECIAL REVENUE ACCOUNT #331-6228 "BOMB COMPETITIVE HOMELAND GRANT 2005"

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

R-05-308

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

ESTABLISHING AN EXPENDABLE TRUST FUND FOR ACCEPTING CONTRIBUTIONS FROM DEVELOPERS FOR TRANSPORTATION IMPROVEMENTS TO WHIPPLE STREET

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

R-05-309

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 \$235,744 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, INTO SPECIAL REVENUE ACCOUNT #331-6229 "JUSTICE ASSISTANCE GRANT (MULTI-JURISDICTIONAL)"

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

R-05-310

Endorser: Alderman-at-Large David W. Deane
Alderman Kathryn D. Vitale
Alderman Marc W. Plamondon

ESTABLISHING AN EXPENDABLE TRUST FUND FOR ACCEPTING CONTRIBUTIONS FROM DEVELOPERS FOR PEDESTRIAN SAFETY IMPROVEMENTS TO EAST HOLLIS STREET

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

NEW BUSINESS – ORDINANCES

O-05-111

Endorser: Alderman-at-Large Paula I. Johnson

ESTABLISHING MAYORAL BENEFITS

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

O-05-112

Endorser: Alderman-at-Large Paula I. Johnson

AMENDING THE BOARD OF ALDERMEN'S CODE OF CONDUCT

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

O-05-113

Endorser: Alderman-at-Large Paula I. Johnson

PROHIBITION AGAINST DISCHARGE OF FIREWORKS BETWEEN 10:00 P.M. AND 8:00 A.M.

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

O-05-114

Endorser: Alderman-at-Large Paula I. Johnson

PLACING THE RISK MANAGEMENT AND CODE ENFORCEMENT DEPARTMENTS UNDER THE LEGAL DEPARTMENT

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

O-05-115

Endorser: Alderman-at-Large Paula I. Johnson

ADDING AN ATTENDANCE REQUIREMENT TO THE BOARD OF ALDERMEN'S COMPENSATION

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

PERIOD FOR PUBLIC COMMENT

John Kelley, 12 Skyline Drive

Some of you know, but I don't know if all of you know, one of the things that I do is I am a volunteer coordinator for a program called The Road to Recovery, which drives cancer patients to their treatment. Approximately 60% of the rides that we do drive are to the Nashua radiation center on north Southwood Drive so on behalf of my drivers and some of these elderly, sick patients who hate to get onto the Everett Turnpike, which has become a speedway, allowing them to use Tinker Road and come in through the back way there I want to thank you all. Thank you.

Larry Hersh, 13 Berkeley Street

I wanted to thank you for the vote on the contract. I would recommend that the Board set up a special committee to do that. I do think it is the Board's purview although I am willing to help any way I can, and I did promise Chair Rootovich that I would set up some visits to some other locations so we can view other facilities, and I will follow through on that in the next week or so. I also wanted to say that I did enjoy the design charette for the promenade. That was quite an experience. I recommend that if you get the chance to see the taping of that – you probably won't get the same sense as if you were there.

The final thing is that I did receive a questionnaire in the mail from Pennichuck this week and I have to say I am very, very shocked that the questionnaire was so biased in terms of its design. I have seen a lot of questionnaires, and I have certainly developed on, but in this particular case it is like did you stop beating your wife type of thing. It was just really ridiculous questions in the way they were done so that it is saying do you want to get a fair settlement or would you rather keep the city spending and it lists about 4-5 things that it considered negative on it. I have never seen really in this public forum that kind of biased question. That coupled with the fact of the letter to the editor by Don Correll appeared in the paper on the same day that Pennichuck announced a 60% increase in their fees I am just wondering whether we should turn the question around and say Dear Pennichuck when are you going to start approaching the rates that Manchester charges, which is a little over half of what we end up paying. Is that a better idea that you work towards that rate or would you rather keep picking the pockets of the Nashua taxpayers?

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Vitale

I would like to say good luck to the Nashua Pride as they play their first playoff game against the Long Island Ducks this evening. Tomorrow they will play their second game at Holman Stadium at 6:35 p. m. I would ask the community to show their support at the game and acknowledge their season that was well played.

Also tonight I was glad to hear Alderman Deane bring up the gasoline cost concerns that were discussed at the Public Works meeting. I was thinking about this a couple of weeks ago if the higher prices are continued to be seen at the pumps if we maybe shouldn't look and see how it affects each of those departments budgets that have car and truck use and see where those budgets stand now and do some additional planning up front and talk about it up front instead of addressing it later in the year. Thank you.

Alderman Deane

Thank you. I would like to thank Mr. Gear of the Mt. Pleasant Elementary School and his staff. I attended my son's open house last week. It was well attended. There were a lot of parents there with kids. I just wanted to thank the staff. It was very good and very informative. Thank you.

Alderman Plamondon

Thank you Mr. President. My comments aren't to shed any additional recognition or light on the goings on this past summer in the city – there have been a couple of articles in the Telegraph and I understand there will be several more in October regarding these pukes from Lowell and Lawrence that have come up and are trying to take over our inner city in numbers – when they walk around a dozen to 15 of them with their miniature baseball bats. I have been out many nights past midnight doing patrols and working with the police as well and I just want to say the police department is fully involved in this. This is a wakeup call for the city. We do need to give special attention – I have met with the Mayor and we are talking about a task force to look at this in more detail. I do think that – I strongly feel that with the current budget that we faced last year and going forward I have a strong fear that we need more police officers to dedicate towards this effort. I have had reports even in the Jr. Highs and the High Schools of these pukes recruiting some of our youth. I don't want to give them any credibility, but I do want the public out there to know – know what your kids are doing. Do not let your kids get involved with this type of social cancer because it will be removed.

They have tried to have a foothold in the City of Nashua for the last 6 years, particularly this year more than ever. I can assure you we will remove this social cancer. Thank you.

Alderman Rootovich

I have one question if I may direct it to the Mayor. Two weeks ago we had an update with respect to the assessments. I believe Mrs. Lemieux said that the letters will be going out to the public. I am wondering if that is going to be happening soon or is that going to happen some time next month or ...

Mayor Streeter

This Thursday evening at the Library at 7:00 p.m. will be an assessing update, and the letters according to Mrs. Lemieux will go out I think either Friday or shortly after that – the letters will be in the mail. I encourage people who are concerned to attend this public informational hearing to hear the rationale that was used by the Board of Assessors, and although they won't be able to see their individual new assessments at least they will get an idea of the range of increases and get a better idea of what questions to ask the Board of Assessors if they have some questions or appeal.

Alderman Rootovich

Thank you.

Alderman Johnson

Thank you very much. First of all I am kind of curious why it wasn't done in the third floor of City Hall so it could be televised Thursday night so if people cannot get to the library they have a chance to at least see it on TV and hear what is going to happen.

Mayor Streeter

Are you assuming it won't be televised Alderman Johnson?

Alderman Johnson

Is it going to be televised live?

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Mayor Streeter

Yes. It will be televised.

Alderman Johnson

That is all I want to make sure that it will be televised. I am sorry I didn't get to read the paper on Sunday. I was down in New York for personal business so I didn't get a chance to read it people were relaying it to me.

The next issue I have is I know we all got that letter from Pennichuck, from Mr. Correll. I had sent you Alderman McCarthy a memo basically asking that Mr. Correll come to the Special Pennichuck Water Committee and let's invite the full Board and let's hash this out already. He said/she said I just can't understand why we just can't meet him face to face in a public setting at this point in time. I think the public probably wants to know what this whole issue is about – the letter came, I read it, I threw it out. I think the survey came – I don't know I probably just threw it out because I am not getting involved in a survey. I am concerned with this he said/she said type of thing already that is going around. Maybe

we should have him come before us at a Pennichuck Special Water Committee. I am just throwing out that suggestion. Hopefully maybe we can get things more in a public setting here rather than all of these things going round and round at this point in time.

Also I don't know if anybody has read the papers this week. The little time I did have last week Northwest to eliminate 1,400 flight attendants – pretty bad. This is what is happening all over the country now. I wonder if Katrina and Rita will now have any issues with it. Delta to cut 9,000 positions. I wonder if any of these are critical and crucial positions. I am sure airlines don't like to cut flight attendants because what happens they are needed on the plane. I guess that goes back to my memo that has been going back and forth with the Mayor regarding Mr. Seymour and the positions – 150 non-essential positions Mr. Seymour mentions in the paper I am told I will never see. As far as I am concerned in my opinion once it hit the paper it became public record and a public document. The Mayor made it very clear today – you can say no Mayor – I guess we agree to disagree here, but he basically said to me now no more questions to Mr. Seymour – can't ask about this anymore, he is not going to answer me because it doesn't exist, but it was in the paper that it did exist. It goes on to say if you want responses to legitimate requests in a timely fashion you better forward them to me because this is where they will land anyway. I know there was an opinion by Dory Clarke that said I didn't have to ask your permission on questions especially if it had to do with budgetary and city business. It finished up with saying when you become a private citizen this policy will still be enforced. Well you know Mayor I will just do everything under the Right To Know Law and you cannot refuse to give me public documents. Thank you very much.

President McCarthy

I would like to thank Daniel Webster College for organizing and the Nashua Airport for hosting the Annual Aviation Heritage Festival. It was once again a well-attended and terrifically organized event. I always look forward to it, and I look forward to next year's.

I want to wish Alderman LaRose a happy upcoming Birthday in a couple of days and Alderman Dion a Happy Birthday this evening.

I would point out Alderman Johnson that the issue of discussions with Mr. Correll was taken up when the Board met with our counsel on the evening of September 7th, and I would be happy to bring you up to date on that. I will point out that Pennichuck being a publicly traded corporation that discussion of negotiations of sale of part of the company has tremendous legal entanglements if done in public because it may influence the sale of stock of the corporation.

Committee announcements:

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Alderman Deane

Division of Public Works Retirement System will meet in the Public Works conference room located at 165 Ledge Street at 11:30 a.m. tomorrow morning.

Alderman Dion

Committee on Infrastructure will meet tomorrow evening at 7:00 p.m. in these Chambers.

ADJOURNMENT

**MOTION BY ALDERMAN DEANE THAT THE SEPTEMBER 27, 2005 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 10:20 p.m.

Attest: Paul R. Bergeron, City Clerk