

A regular meeting of the Board of Aldermen was held Tuesday, March 13, 2007 at 7:38 p.m. in the Aldermanic Chamber.

President David Rootovich presided; City Clerk Paul R. Bergeron recorded.

Prayer was offered by City Clerk Paul R. Bergeron; Alderman Richardson leading in the Pledge to the Flag.

The roll call was taken with 15 members of the Board of Aldermen present; Aldermen were not in attendance.

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

REMARKS BY THE MAYOR

Thank you Mr. President. The Chamber of Commerce held its first in a series of breakfast meetings last week. The topic of discussion was downtown, what's going on & what's planned. The panelists included John Stabile, who recently received approval for the Cotton Mill Square project, and Angus Bruce, who is just completing the Jackson Falls project; both are on the Nashua River in the Railroad Square area of our downtown.

John and Angus were both very complimentary regarding their experience working with the City. They particularly noted the Planning Department, the Building Department and the Community Development and Economic Development Directors. I would hope you would join me in thanking both John Stabile and Angus Bruce and our dedicated employees in the Community Development Division whose talent and commitment make Nashua the great City it is.

From the Division of Public Health and Community Services, Division staff served as facilitators for Rivier College's Pandemic Response Plan tabletop exercise. Michael Tremblay, Paul Etkind and Donna Arias facilitated, presented and coordinated the exercise with the College's Pandemic Planning Team. 40 individuals participated in the successful exercise.

The Division is currently preparing surveys of physicians regarding lead poisoning prevention activities and dentists regarding unmet needs related to oral health in the City and they are preparing a report on the impact of Hepatitis C in Nashua.

The Community Health Department's Health Promotion Specialist is working to kick off a Spring Health Promotion Initiative that will promote heart health, good nutrition and increasing physical activity. The program will run for 8 weeks and will start on March 21st.

Also the Environmental Health Department will be partnering with the Manchester Lead Collaborative to address policy and advocacy on lead poisoning prevention efforts in the City of Nashua and Statewide.

The Division was awarded State funding to continue delivering Lead Poisoning Prevention activities in Nashua and provide STD, HIV counseling and testing services to treat and stop the spread of sexually transmitted infections. And Division staff participated in a Family Resource Fair at the Ledge Street School on March 8th to distribute information on various Public Health issues.

From the Division of Public Works, the landfill fire has been completed and the area affected has been re-graded and covered. Placement of intermediate cover material on Stages 1 and 2 of the landfill is on-going.

There have been several promotions: Jason Marcotte, former Operations Manager at the Solid Waste Department has been promoted to Superintendent of the Solid Waste Department, and Jeanne Walker, former Wastewater Engineer has been promoted to Deputy Manager of Engineering.

The Scale House software installation is complete. Billing and scale operations are working simultaneously to process billable customers. This allows a more streamlined operation and the availability to retrieve information instantly.

Regarding the Electronics Recycling Program, the State has put a ban on disposing of all video display devices including all televisions, computer monitors, LCDs and plasma screens greater than 4 inches starting into the landfill effective July 1st.

The Solid Waste Department is expanding the collection of most electronics goods including cell phones, VCR's, DVD's and other non-monitor electronic goods. Funding for this program will come from the Reclamation Trust Fund. An RFP will go out this month, and site visits with neighboring communities will be scheduled and an informational packet will be available to residents.

Solid Waste and Got Books Inc. are teaming up to improve recycling services. Got Books Inc. will have a container at the landfill for the collection of books of all types and well as DVD's, VHS, Audio Books, CD's and Cassette Tapes. There is no charge for this service to residents and Got Books Inc. will pay Public Works \$50.00 a ton for all materials collected.

The Nashua Garden Club, the Solid Waste Department and the Nashua Recycling Committee are having their annual compost bin sale. Bins will be sold until April 2nd for \$40.00 and will be collected at the Solid Waste Department on May 19th.

And the Bidy Basketball All-Star Tournament will be held on March 21st through 24th at the Chestnut Street gym.

There will be a Summer Camp Expo on Sunday, March 18th from 11:00 a.m. – 3:00 p.m. at the Crowne Plaza here in Nashua. Our Recreation Department will be represented by Tom Dwane and Scott Painter.

Mr. President, special congratulations go to the winners of the 2007 Nashua Chamber of Commerce's annual Eminence Awards: Business of the Year, Law Warehouses, George Law, President; Small Business of the Year, Central Realty, Richard Jean, President; Business Person of the Year, John Stabile, President of The Stabile Companies, Outstanding Chamber Volunteer of the Year, Barbara Tremlett of The Holistic Self Care Center; and Community Volunteer of the Year, Lori Lambert of Weisman, Tessier, Lambert & Halloran.

Also, congratulations to the Nashua Continuum of Care organization, headed by former Ward 7 Alderman Lori Wilshire, for being awarded a \$1,628, 511 grant from HUD to support 7 organizations in our city including: Harbor Homes, Greater Nashua Council on Alcoholism, Marguerite's Place, Southern New Hampshire Services, Nashua Soup Kitchen and Shelter and Community Services Council of New Hampshire.

The grants were awarded under HUD's program that provides permanent and transitional housing to the homeless as well as job training, health care, mental health counseling, substance abuse treatment and child care.

Also Mr. President, congratulations go to 110 Technology LLC of Nashua, a Hispanic-American-owned firm with \$2.8 million dollars in sales. This company was named as one of the top "diversity owned" small businesses in the state by DiversityBusiness.com, a multicultural business web site. And with that, thank you Mr. President.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Teeboom

Mr. Mayor, I heard you mention John Stabile a couple of times. Mr. Stabile was in the news recently. Mr. Stabile wanted the city to set up the water lines so he could have water for his friends. He wanted to have a luncheon. I think in your e-mail you said it would take a day and a half to clear the lines. What ever came out of that?

Mayor Streeter

Mr. Stabile and I had a conversation following that miscommunication. Everything seems to be okay. They went ahead with the luncheon to gain more sponsors for The Pride. Water was not a problem.

Alderman Teeboom

Meaning water was supplied or not supplied?

Mayor Streeter

Water was supplied in jugs and bottles.

Alderman Teeboom

Thank you.

RECOGNITION PERIOD

R-07-175

Endorsers: Mayor Bernard A. Streeter
Board of Aldermen

**EXTENDING CONGRATULATIONS TO THE FAIRGROUNDS JUNIOR
HIGH BOYS BASKETBALL TEAM**

Given its first reading;

**MOTION BY ALDERMAN BOLTON THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW
FOR THE SECOND READING OF R-07-175
MOTION CARRIED**

Resolution R-07-175 given its second reading;

**MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-07-175
MOTION CARRIED**

Resolution R-07-175 declared duly adopted.

READING MINUTES OF PREVIOUS MEETING AND PUBLIC HEARING

**MOTION BY ALDERMAN TOLLNER THAT THE MINUTES OF THE BOARD OF ALDERMEN
MEETING OF FEBRUARY 20, 2007 AND THE PUBLIC HEARING CONDUCTED BY THE HUMAN
AFFAIRS COMMITTEE OF MARCH 1, 2007, BE ACCEPTED, PLACED ON FILE, AND THE
READINGS SUSPENDED
MOTION CARRIED**

COMMUNICATIONS

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

From: Janice Tremblay, Purchasing Manager
Re: Approval of Contract Award for Annual 4th of July Fireworks Display

**MOTION BY ALDERMAN TEEBOOM TO ACCEPT, PLACE ON FILE AND APPROVE THE
CONTRACT AWARD CONTINGENT UPON FUNDING \$19,000 IN FY08 BUDGET ACCT.
#552-59040**

ON THE QUESTION

Alderman Cookson

I remember an ordinance being passed towards the end of 2005 which made reference to a lower caliber fire works being used. I didn't see anything with regard to a lower caliber in this purchase order.

Alderman Deane

I believe that had to do with the Nashua Pride Friday night firework events. This just pertains to the Fourth of July.

MOTION CARRIED

From: Janice Tremblay, Purchasing Manager
Re: Approval of Contract Extension for Rental of Portable Toilets

**MOTION BY ALDERMAN FLYNN TO ACCEPT, PLACE ON FILE AND APPROVE THE
CONTRACT AWARD CONTINGENT UPON FUNDING \$8,902
IN FY08 BUDGET ACCT. #552-66000-6911**

ON THE QUESTION

Alderman Teeboom

This contract is funded in two parts; \$3,598 in FY07, which is funded, and \$8,902 in FY08, which is currently not funded, which is why this is before us. My question is, and I hope the President can answer that – will the contract be let as soon as possible after this vote? It will be let for just the amount that is currently funded?

Attorney Bennett

If you could repeat the question.

Alderman Teeboom

This is a new ordinance, and the ordinance requires approval by the Board of those contracts that extend to another year, which is not funded. Currently \$8,902 is not currently funded in FY08. However, the other portion of the contract is \$3,598, which is funded. I just want to confirm that the Purchasing Manager can sign the contract, but all they can spend is \$3,598.

Stephen Bennett

Correct. It is funded to the end of the year if appropriations are not passed. If you approve the contract then you would be approving the entire amount. You would have to appropriate in the FY08 budget. You are approving the contract for the entire term of the contract.

Alderman Teeboom

Well then the motion isn't quite made right because I believe it is contingent – the full context contingent upon – that is the way I did my motion in the earlier memo – that could not be contracted until the budget for '08. This one is split. It said contingent on funding in the out years, but my interpretation of the ordinance, and I am the one that sponsored the original ordinance, 06-64, was to get approval for out years, but not to necessarily stop contracting for the funding that is available in the in year.

Stephen Bennett

I think the authority that Janice Tremblay will have if you approve this she will be able to look at it two ways – she signs a complete contract, which carries into the FY08 year with anticipation that it will be funded. I haven't seen the contract to see how it has been worded whether it will be worded to make it contingent on funding.

Alderman Teeboom

It should be.

Stephen Bennett

I assume that is the way it is going to be if it is consistent with what you want.

Alderman Teeboom

It should state that the contract can be awarded and we can start renting these portable toilets and spend as much as \$3,598, and it ought to say in the contract that they can't spend any more until additional funding can be made available.

Stephen Bennett

Service would be cut off at that point.

Alderman Teeboom

Services would be cut. They can pick their portable toilets up and go home if it is not available. That is the way I see it Mr. President. I just want to clarify this point. I think this is the first time we have approved something under the new ordinance.

President Rootovich

Is there any further discussion?

Alderman Flynn

I am pretty sure we talked about that in Finance, and I think Mrs. Tremblay's response at that time was that the contract had a cancellation clause in it so we could start using the toilets if necessary, but we could cancel that clause – it seems to me it was like 30 days so once we get started if the funding didn't come into place we can just have them remove their portable toilets and we would suffer the consequences of not funding it in the budget.

President Rootovich

Is there any further discussion?

MOTION CARRIED

MOTION BY ALDERMAN TABACSKO THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF COMMUNICATIONS RECEIVED AFTER THE AGENDA WAS PREPARED

MOTION CARRIED

From: Fred S. Teeboom, Alderman-at-Large and CTAB Liaison
Re: CTAB Policy Exemption to Announce Privately Sponsored Events
Held on City Property on the Channel 16 Bulletin Board

Alderman Teeboom

I don't particularly like to put communications under suspension, but this case it came out of a request for ...

President Rootovich

Alderman Teeboom do you have a motion before you?

MOTION BY ALDERMAN TEEBOOM TO ACCEPT, PLACE ON FILE AND APPROVE THE POLICY EXEMPTION RECOMMENDED BY CTABON THE QUESTIONAlderman Teeboom

The exemption is stated in your memorandum. I mailed it out over the weekend. It is in the italicized portion on the first page – it is announcement of privately sponsored events but held on city facilities. What we want to do is announce these on Channel 16. Channel 16 is a government channel. On the second page it goes into some history, but this created quite a flurry of e-mails between members of CTAB. Some felt that private events on city property ought to be announced and already allowed under the policy that this Board accepted. I held a tighter view, and I felt that this Board in approving the policy & procedures said that any changes had to be approved by this Board. The current policy reads – doesn't say anything about announcements – it talks about only government related programs being programmed and shown on Channel 16.

If you don't mind Mr. President I will have Alderman Deane address why he feels it is necessary, I fully concur with using the announcement board (the announcements are the slides you see on Channel 16 that come up and have advertising or announcement on them) – traditionally they have been announcing only government events. This would allow privately sponsored events. Not just youth sports but when AARP has a function, and I guess it could be any organization that requests to use city facilities could have their activities announced. This is not restricted just to youth sports.

Alderman Deane

I just responded – I believe we all got copied on an e-mail from Director Barker pertaining to any announcements we wanted to put on Channel 16 when the scrolls are shown. I am involved with Nashua North Cal Ripken, and I figured we are looking for every outreach vehicle we can get our hands on other than stuffing children's backpacks with paper out of the three elementary schools in north Nashua. I figured what an opportunity to throw that up there, and have the public view it.

Then I was thinking to myself, and I talked to some other people – between the football and the lacrosse and ice hockey and cub scouts and girl scouts and all sorts of other events that people partake in where we utilize a lot of the facilities that are all owned by the City of Nashua, I thought it would be an excellent opportunity for Channel 16 – the announcement area of Channel 16, which probably runs on the average 19 hours a day with the same 8 things on it – the library you have to give them a little credit they have been a little aggressive – they are getting the message out pertaining to most everything that is going on over there. When I saw the announcement for the AARP was having a session over there to help seniors with their taxes I am like that is a beautiful thing – here is the library AARP is coming in and it helps out the citizens in the community.

I approached Mr. Barker and then I had talked to Alderman Teeboom about it, and then I went and talked to the CTAB committee and everybody had all their different ideas. The big thing is the P channel isn't funded, and the E channel is for education services, and I just look at the airtime on the TV 16 now, and I don't think it is utilized to its fullest extent. I think other organizations within the community that provide services to the community, which in fact the program I am involved in used to be operated by the City of Nashua, and it was agreed upon by a bunch of people back in the early '80s to take over running the programs, which includes baseball for children ages 5-12 and

that way the Park Department would provide us with the facilities, we would have to give them insurance and things of that nature to get a permit to use the field, but they would wash their hands of it. In turns we would cut the grass, and weed whacking, pick up the trash, and do the painting and everything. That is how that all started.

I thought it is a good opportunity and another resource for outreaching into the community and letting people know that the program is available. It would help everyone in the long run. That was my approach, and this was the end result. I spoke with Alderman McCarthy earlier, and he had brought up something that I had heard on the radio Sunday afternoon coming home from work that pertained to an L. L. Bean function at I don't know which high school it is because the ad I heard on WGIR AM didn't say which high school it was at. I guess you are going to have to take your choice unless it is at both of them. I think Alderman McCarthy's point to me was there is a for profit business hosting a function in a government building that will have the same ability to utilize TV 16 where they are not a basically a not for profit. I will give the floor up to Alderman McCarthy.

MOTION BY ALDERMAN MCCARTHY TO REFER TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

ON THE QUESTION

Alderman McCarthy

I am absolutely in favor of the suggestion that Alderman Deane made that our youth sports programs at least be allowed to put notices on our government channel. As I understand it the enrollment deadline in this particular case is some three days from now anyway so by the time we got this on the crawler it probably would not be of much affect for this particular instance. I can't help but think from the example on the radio that this exception as it is worded is hastily prepared, and will probably succumb to the law of unintended consequences in ways we can't even imagine without more insight. As Alderman Deane stated we rent out our school facilities to for profit businesses, and in the case we are hosting a canoe and kayak sale over this coming weekend, and I don't think we want to get into the point where we are essentially allowing commercial access to our government channel through that mechanism.

I think we need to think a little longer and a little harder about what that policy exception is, and make it a little more restrictive so that we address the problem we are trying to address and not open the floodgates to people simply holding events at city facilities so they can advertise it on local cable.

Alderman Tollner

I am going to oppose the motion to refer for a couple of reasons. I think time is of the essence especially for a number of these leagues that are trying to sign these kids up. It was my understanding when we set up the CTAB committee, not that we would give them the keys to the kingdom, but those were some of the things that I understood they were going to work on. I understand Alderman McCarthy's concern, but I think we can deal with them through the process.

Alderman Richardson

I am supportive of Alderman McCarthy's proposal to refer to Personnel Committee. In looking at this I am looking at the phrase that refers to submitted by city or school department staff or elected

officials. There are a lot of elected officials. There are State Representatives; there is the Board of Education, the Board of Fire Commissioners – a whole lot of elected officials. I look at this and I understand the intention and I support the intention, but I am a little afraid that something like this can be miss-used. I have to agree that there could be unintended consequences. I would like to have a discussion of this in committee, and flush out whatever concerns there might be.

Alderman Plamondon

I am going to support the motion to refer to committee. I support the intent of the memo and the legislation. Although I had some concerns as well, I understand the timing aspect – my sympathies. I think I would like to look at this in more detail myself – what about as was mentioned other non-profits. I also have an issue with uniformity. The crawler right now is used for government meetings and also to give notice of any emergencies such as snow emergencies. There should be a sense of uniformity. Perhaps something like this should be community non-profit bulletin board – something that would be posted in between say the televised meetings. It is a different format so when the public watches it they would know for example the crawler is specific government information, the crawler is a red crawler for example it is emergency information. I think there should be a sense of uniformity. I just have a concern that it would open up the floodgates on this and there isn't any sense of control and uniformity. I am going to support referral to committee. Thank you.

Alderman Teeboom

I have no problem with referring it.

President Rootovich

Again, Alderman Teeboom the motion is to refer.

Alderman Teeboom

I am addressing that question. I don't have a problem with referring it. I thought there was some urgency to get youth sports advertised so we could take an exception here. I am not sure you can amend this. I am not into youth sports, but I was told that there was some urgency for Alderman Deane to get this advertised. My initial presentation to CTAB was to do the youth sports only. CTAB decided to enhance the motion.

Alderman Deane

I don't have a sense or urgency. At one point I did. I no longer do. I beg a little leniency, but I want the floodgates to open on this thing. I think what we have currently doesn't work. We have vast opportunities to utilize all the dead air time that we currently have on there. I think this would be a great thing. I spoke with the people at the Park Department about it today, and they were excited about posting everything they had going on.

President Rootovich

Is there any further discussion?

Alderman Flynn

I certainly could support re-referring it. I think this is a great idea. I am willing to go along with referring it. I think this would be a great opportunity for example for the Senior Activity Center I would think. It is a city owned facility. I think they do rent that back from the City of Nashua. It would be a great opportunity for them to use Channel 16 to get some of their fundraisers and worthwhile activities broadcast to the entire population of Nashua. I think this is a great memo. I am very pleased to see it come forward. If it means referring it to be sure it is fine-tuned properly I don't have a problem with that.

AMENDED MOTION BY ALDERMAN TOLLNER TO REFER TO THE CABLE TELEVISION ADVISORY BOARDON THE QUESTIONAlderman Tollner

When we put the CTAB group together I was of the impression that this is the type of stuff that they were going to deal with – anything to deal with that channel.

Alderman Bolton

That is not in order. The motion is to refer it to the Personnel – you can't amend where it gets referred to.

Alderman McCarthy

Since we are likely to hear more discussion of that, it came from CTAB, and the A in CTAB stands for Advisory. That board sends up policy changes with recommendations. I think it is appropriate to send them to Aldermanic committees that are appropriate to the policy, and that would be the Personnel and Administrative Affairs Committee I believe. I would actually be happy to amend my motion to include approving an exception for youth sports programs. I think there is no question about those, and I think we could decide to allow youth sports programs at city facilities to be excepted from that policy this evening, and refer the remainder of the policy to the Personnel and Administrative Affairs Committee.

AMENDED MOTION BY ALDERMAN MCCARTHY APPROVE AN EXCEPTION FOR YOUTH SPORTS PROGRAMS AT CITY FACILITIES AND TO REFER THE REMAINDER OF THE POLICY TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEEON THE QUESTIONAlderman Teeboom

I am not sure you can amend the referred thing, but I proposed this in the first place. CTAB felt they already had the venue to decide this, but this Board was very explicit in the policy and procedures said the way we nailed the policy and procedures, and I quote you Appendix 10 in the letter, Alderman McCarthy is absolutely correct the Board maintained for itself the discretion to decide policy, and in my opinion this is policy. The Nashua Taxpayers using City Hall would like to advertise – this would be a policy change. Whether or not this is only good until the P channel is on it is still a

policy change. That is the way I felt it. If you send it back to CTAB you will get back this motion. This is the motion that was presented by CTAB. CTAB feels like Alderman Deane does – they want to extend it. I am the one that sort of stood in the gate because I am saying I am the Aldermanic Liaison, and I have to represent the interests of this Board.

I have a problem with a bit of a parliamentary thing about you amending refer, but I won't quibble about that.

Alderman McCarthy

I just want to comment on that, and subject to correction by Corporation Counsel, my belief is that the policies were adopted by resolution of the Board of Aldermen, and it is those policies that empower the Cable Television Advisory Board to exert the decision-making that is delegated to them. If the Board of Aldermen wishes to amend those policies and procedures I believe that it is within our jurisdiction to unilaterally amend those, which is the same as amending – we are basically saying on our own we will do half of what was recommended to us, and refer the other half to one of our committees for further study.

Alderman Deane

Last Friday I sat through an hour and a half of that confusion. Everybody meant well it was just sort of misunderstood. This is what was developed out of it. I think Alderman Teeboom can bring that information back to them when they meet again. Thank you.

President Rootovich

Is there any further discussion?

MOTION CARRIED

Re-Referred to the Personnel/Administrative Affairs Committee as Amended

From: David Rootovich, President, Board of Aldermen
Re: Board of Aldermen/Board of Education Inter-Board Relations

MOTION BY ALDERMAN TOLLNER TO ACCEPT, PLACE ON FILE AND CONCUR WITH THE PROCEDURES STATED THEREIN

ON THE QUESTION

Alderman Teeboom

Are we discussing this? I have a series of questions on this issue. I just read it 10 minutes ago. First of all it talks here about being reminded about the agreement to voice criticism outside of public view. I don't understand which agreement we are referring to. There is no agreement here stated. I have some resentment about the fact that my freedom of speech – I have been battling the freedom of speech with the school board and we are not battling freedom of speech with New Hampshire 's School Board's Association with an opinion to the Attorney General about their policy of curtailing the freedom of speech. I have a problem with freedom of speech on this point. I don't know what this agreement refers to.

President Rootovich

The agreement made is between the two Presidents of the two boards the Board of Aldermen and the Board of Education. We have agreed that is the best policy, and we are asking for both boards to concur.

Alderman Teeboom

Mr. President is that agreement in writing somewhere?

President Rootovich

It is right here in front of you.

Alderman Teeboom

It says with a reminder of the agreement to voice criticism outside of public view. A reminder of the agreement...

President Rootovich

Alderman Teeboom I will allow you to continue, but let me just say something. I hope we don't take this document and have to hire outside counsel to bring in and have a couple of copies of Webster Dictionary to define every adjective and adverb. We are trying very hard between us to try to bring the two boards together with some reasonable expectations. I think this start with these three things are a start in the right direction. I would hope, I would ask that both boards would concur with it. I think it is reasonable.

Alderman Teeboom

Can I go on now Mr. President?

President Rootovich

Absolutely.

Alderman Teeboom

My point is I have not seen an agreement in writing. I don't know what this refers to. My second comment is it says voice criticism outside of public view. I don't know what that means. It says if we have criticism one board to the other we are hiding it from the public? I don't understand that at all. That is certainly a Right to Know Law issue in my opinion as I read the Right to Know Law. If one board criticizes the other we are to hide it from the public? That is the second issue. Would you answer that please?

President Rootovich

That means during any committee meeting, full Board meeting in which we are conducting city business that we conduct ourselves in a reasonable manner.

Alderman Teeboom

That is not what these words say Mr. President.

President Rootovich

It is open to your interpretation Alderman Teeboom.

Alderman Teeboom

Let me go to the next one. On the budget issues we have an agreement with the Chairman of the Budget Committee that we have many questions to the school board – although a lot of it is now on the web site – it is remarkable how much better management is in the school system this year, but we still have questions. I recently sent in questions because I am still waiting for answers. Those questions go to the Chairman of the Budget Committee. This seems to indicate they no longer go – the President of the Board will handle all questions. I advise against that because I think Mr. President you already complained about having too much to do, and this I guarantee you will triple your workload.

Alderman Teeboom

I take exception to your comment Alderman Teeboom.

Alderman Teeboom

Beg your pardon.

President Rootovich

I take exception to your comment.

Alderman Teeboom

So from this point on all questions on the budget go through the President instead of the Chairman of the Budget Committee?

President Rootovich

Correct.

Alderman Teeboom

I have some problems with that one Mr. President. I have real problems with that because I don't think the President appears at the Budget Committee meetings often enough to understand even some of these questions. You may take exception, but that is my opinion.

The final one about flooding mailboxes – I have often criticized the Board of Education, not recently – the Board of Education is much better since it got a new President – much better since the Superintendent got appointed and that whole Earl business has gone away, what I can say is when I before the Earl thing hit the fan with the Telegraph I wrote a memorandum to the Board of

Education where I typified them as collectively staring like dears in the headlight about their non-action on all of the things that were going on. A week after that the Telegraph coincidentally hit their articles. I may very well have problems with the entire board. I don't have any now. It is running very nicely, but that may not exist after the next election. I would like to reserve my discretion as an elected official to criticize the entire board – my right of freedom of speech to criticize in public, and certainly do so in the absence of any written agreement. Thank you Mr. President. I will vote against this.

Alderman Williams

Thank you Mr. President. Would you consider amending the motion to refer this to the Personnel Committee? I am a member of that committee, and would like to see it there and have Alderman Teeboom have his questions answered.

President Rootovich

Whatever the Board wishes.

MOTION BY ALDERMAN WILLIAMS TO REFER TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

ON THE QUESTION

Alderman Tollner

I won't support that motion. Basically what this memo is, is trying to get both boards to move forward and try and forge a better relationship. Some people around the horseshoe may not agree with Item 1, but are comfortable with Item #2 or 3. All it is is a memo trying to push us in a direction where we will cooperate with each other. That is basically what this is. If you are not comfortable with it vote against it. We don't need to send this memo to a committee. We can look at what the memo states right now. There is no need to send it to committee for discussion. Thank you.

Alderman Deane

I appreciate the intent, but I won't be supporting this either. I think it takes a bigger set of britches to straighten out what is going on. People are involved in this, and they don't have a little bit of leather skin on their body then oh well. When you are an elected official you have to be subjected to some constructive criticism whether you like it or not. Do people sometimes over-indulge in it yeah, and I think what goes around comes around, and when that does happen we usually end up on the short end of the stick. We saw that in the newspaper a couple of weeks ago.

Item #2 I am really concerned with because when you appointed me as Budget Chairman and we sat down as a committee and put a process together to garner questions from everyone. As stated in here to avoid duplication of efforts especially during that process – working with Ms. Lovering and all the Division Directors and Department Heads and school district administrators – it has worked out fine. Everything has been done in a timely, orderly fashion, and those who have happened to partake in it by the questions that we have raised were happy with the process, they can get it to us early. I think facilitating everything through you – I don't think that is necessary. I really don't. I think the committee are in place for that reason, and that is the reason. That kind of damages the

whole committee structure I think. It is kind of restrictive I think. I can't support this. As for the rest of it I think people are starting to get over the issues that we have had in the past.

President Rootovich

Is there any further discussion?

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

Yea: Alderman Dion, Alderman Bolton, Alderman Richardson, Alderman Deane,
Alderman Teeboom, Alderman Cookson, Alderman Williams

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Nay: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman Flynn,
Alderman LaRose, Alderman MacLaughlin, Alderman Plamondon, Alderman Rootovich

8

MOTION FAILED

MOTION BY ALDERMAN TEEBOOM TO REJECT THE COMMUNICATION

ON THE QUESTION

Alderman Tollner

I won't support that motion. What I would like to do if I could – I think Alderman Deane brought up a very good point in Item #2 because I think especially dealing with the budget last year a lot of questions were flying all over the place, and I think what Alderman Deane asked was the Budget Committee as well as the Board of Aldermen to forward questions to the Budget Chair. If we could amend Item #2 to state with the exception of during the budget period to forward those questions over to the Chairman of the Budget Committee. I concur with that.

**MOTION BY ALDERMAN TOLLNER TO AMEND THE COMMUNICATION IN ITEM #2 TO STATE
“WITH THE EXCEPTION OF DURING THE BUDGET PERIOD TO FORWARD THOSE
QUESTIONS OVER TO THE CHAIRMAN OF THE BUDGET COMMITTEE”**

ON THE QUESTION

Alderman Cookson

I remember a couple of weeks ago Alderman McCarthy had submitted a memorandum with a proposed process for the way that we would handle the Broad Street Parkway with questions and interacting with NRPC. During that discussion we were adamantly told that we could not amend a memorandum that was submitted. I am not sure what Alderman Tollner's – if Alderman Tollner's motion is valid that he is actually amending your memorandum.

President Rootovich

I have to agree with Alderman Cookson ... **tape inaudible** ... Alderman Tollner, myself, President Dowd ... **tape inaudible**... met several times to try to come up with some sort of language that both of us were comfortable with in the spirit of cooperation.

Alderman Cookson

What is Ms. Kwan's role?

President Rootovich

The Clerk.

Alderman Bolton

Parliamentary Inquiry – what is before us presently? The motion to reject right?

President Rootovich

That is correct. Alderman Tollner I am not going to accept your motion. I am going to reconsider that based on Alderman Cookson's comments because he is absolutely correct based on the history with Alderman McCarthy – that was also rejected. That is my communication, and I am not going to accept to amend it at this time. I would ask that the Board either accept it or reject it at this time, and we will move on.

MOTION BY ALDERMAN COOKSON TO REFER TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

Alderman Teeboom

A reject is a main motion, and that can be referred.

President Rootovich

The motion is to re-refer.

Alderman McCarthy

I believe the requirement for an interceding motion requires a vote on an interceding motion before the same motion can be introduced again.

President Rootovich

Alderman Cookson do you have an additional one?

Alderman Cookson

The original motion was to reject correct?

President Rootovich

There was a motion prior to re-refer to Personnel, which ...

Alderman Cookson

That was the interceding motion.

President Rootovich

Say that again.

Alderman Cookson

The motion to reject happened between the original motion to re-refer and my motion to re-refer. The motion to reject is the interceding motion.

President Rootovich

The motion before us is to reject. Is there any further discussion?

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

Yea: Alderman Flynn, Alderman LaRose, Alderman Richardson, Alderman Deane,
Alderman Teeboom, Alderman Cookson, Alderman Williams

7

Nay: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman Dion,
Alderman Bolton, Alderman MacLaughlin, Alderman Plamondon, Alderman Rootovich

8

MOTION FAILED

MOTION BY ALDERMAN COOKSON TO RE-REFER TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

ON THE QUESTION

Alderman Bolton

Parliamentary Inquiry – shouldn't the motion be to refer rather than re-refer since it has never been to that committee to begin with?

President Rootovich

Correct.

AMENDED MOTION BY ALDERMAN COOKSON TO REFER TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

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

Yea: Alderman Flynn, Alderman Dion, Alderman Bolton, Alderman Richardson, Alderman Deane,
Alderman Teeboom, Alderman Cookson, Alderman Williams

8

Nay: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman MacLaughlin,
Alderman Plamondon, Alderman Rootovich, Alderman LaRose

7

MOTION CARRIED

Referred to the Personnel/Administrative Affairs Committee

From: David Rootovich, President, Board of Aldermen
Re: Aldermanic Liaison to the Conservation Commission

MOTION BY ALDERMAN LAROSE TO ACCEPT, PLACE ON FILE AND CONCUR WITH THE APPOINTMENT OF ALDERMAN MACLAUGHLIN AS THE ALDERMANIC LIAISON TO THE CONSERVATION COMMISSION

ON THE QUESTION

Alderman Deane

I would like to thank Alderman MacLaughlin for his willingness to represent us on the Conservation Commission. Thank you.

Alderman MacLaughlin

I thank my colleague Alderman Deane, and I compliment my colleague Alderman LaRose on his pronunciation of the word Liaison. That was a well-pronounced word. Thank you.

MOTION CARRIED

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS ON THE AGENDA

Tom Vaughn, 6 Kevin Road

I am also a member of the Board of Education. I would like to speak tonight to R-07-166, which is on your agenda. This is a sidebar agreement to the school district's secretarial staffing. It consolidates in essence the grades 1, 2, and 3 into a single grade. In doing that, it resolves an inequity for our grade 1 employees who have for some time been actually functioning as grade 2.

It is a straightforward agreement. It is a moderate expenditure, and it does provide for a positive change. In previous discussion, a couple of questions have been brought up that I will just mention, and try to give you a brief answer to. The first question that has come up is why is this a sidebar agreement. I believe it was first Alderman Teeboom who suggested insightfully why didn't management simply make these changes if it was important to resolve the difference between grades 1 and 2. It turns out that on advice of attorneys that is not an appropriate change for management to do.

The second one was why is it actually necessary to make the change at all. Why did we have to make this change, why do we have this inequity? It turns out that we at one time had a lot more staff than we do not, and during that period there was a specialization into these grades. At this point in time, our secretarial staff has been optimized to the point where every one of them is essentially a super productive person, and does everything. Not that they weren't that before.

The final question that has come up is what will happen to those employees who might get a salary boost from being promoted from grade 1 to grade 2 when the full agreement comes in – aren't they going to get two trips to the well if you will. That may be so. We haven't negotiated the contract. I certainly wouldn't want to try and anticipate what it is, but if they did, then that would be probably resolving the fact that for some time they have been working at a lower wage than the job that they have been doing.

We do actually have Jim Mealey here to answer some of the questions that I can't answer. I hope you will give this your consideration, and I hope that you will decide to approve it. Thank you very much.

PETITIONS – None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Joint Convention with the Edgewood Cemetery Trustees

MOTION BY ALDERMAN MCCARTHY THAT THE BOARD OF ALDERMEN MEET IN JOINT CONVENTION WITH THE EDGEWOOD CEMETERY BOARD OF TRUSTEES FOR THE PURPOSE OF ELECTING TWO TRUSTEES

ON THE QUESTION

Alderman Teeboom

I have never understood what the word joint convention means because we never seem to convene anywhere except where we sit. Could you explain what that exactly means or why we use that language?

President Rootovich

It means that ...

Alderman Bolton

We use it because that is what the legislation establishing the cemetery boards require for the election of a trustee. A joint convention means when two bodies meet as a single body, meeting jointly, meeting in convention, meaning they convene together. That is what we do when we elect successor trustees.

Alderman Teeboom

The trustees then appear with us at the same meeting?

Alderman Bolton

Yes.

Alderman Teeboom

When they speak in the audience that is when they...

Alderman Bolton

Right.

Alderman Teeboom

I didn't know that. Thank you very much.

MOTION CARRIED

President Rootovich called for nominations.

Thomas Maffee nominated the appointment of Allan Barker, 15 Bartlett Avenue, Nashua, and Norman Hall, 66 Manchester Street, Nashua for terms to expire March 31, 2012.

**MOTION BY ALDERMAN MACLAUGHLIN TO CLOSE THE NOMINATIONS
MOTION CARRIED**

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

Yea: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman Flynn,
Alderman LaRose, Alderman Dion, Alderman Bolton, Alderman MacLaughlin,
Alderman Richardson, Alderman Deane, Alderman Teeboom, Alderman Cookson,
Alderman Williams, Alderman Plamondon, Alderman Rootovich, Norman Hall, Morgan Hollis,
Thomas Maffee, Mayor Streeter

19
0

Nay:

MOTION CARRIED

President Rootovich declared Allan Barker and Normal Hall duly appointed to the Edgewood Cemetery Board of Trustees for terms to expire March 31, 2012.

Oath of Office administered by Corporation Counsel to Norman Hall.

**MOTION BY ALDERMAN BOLTON THAT THE CONVENTION NOW ARISE
MOTION CARRIED**

REPORTS OF COMMITTEE

Budget Review Committee 02/21/07

There being no objection, President Rootovich declared the report of the February 21, 2007 Budget Review Committee accepted and placed on file.

Budget Review Committee/Board of Education Jt. Mtg. 03/05/07

There being no objection, President Rootovich declared the report of the March 5, 2007 Budget Review Committee/Board of Education joint meeting accepted and placed on file.

Budget Review Committee *Action Rpt* 03/05/07

There being no objection, President Rootovich declared the **action** report of the March 5, 2007 Budget Review Committee accepted and placed on file.

Finance Committee 02/21/07

There being no objection, President Rootovich declared the report of the February 21, 2007 Finance Committee accepted and placed on file.

Committee on Infrastructure 02/28/07

There being no objection, President Rootovich declared the report of the February 28, 2007 Committee on Infrastructure accepted and placed on file.

Human Affairs Committee 03/01/07

There being no objection, President Rootovich declared the report of the March 1, 2007 Human Affairs Committee accepted and placed on file.

Joint Special School Building Committee 02/05/07

There being no objection, President Rootovich declared the report of the February 5, 2007 Joint Special School Building Committee accepted and placed on file.

Alderman Teeboom

I have no objection. I would like to make a note, which is this report and the next one stating that the Joint Special School Building Committee transfers \$2,572,353 back for reassignment, which we understand goes back to the School Capital Reserve Fund to be I think appropriated to the HVAC of three elementary schools. I think that was an outstanding report. Alderman McCarthy and Alderman Bolton should be commended. Thank you.

Construction Projects Committee 02/05/07

There being no objection, President Rootovich declared the report of the February 5, 2007 Construction Projects Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

UNFINISHED BUSINESS – RESOLUTIONS

R-07-153

Endorser: Mayor Bernard A. Streeter

RELATIVE TO THE TRANSFER OF \$150,119 FROM ACCOUNT 596-86580

“CONTINGENCY RETIREMENTS – CITY” INTO VARIOUS ACCOUNTS

Given its second reading;

**MOTION BY ALDERMAN WILLIAMS FOR FINAL PASSAGE OF R-07-153
MOTION CARRIED**

Resolution R-07-153 declared duly adopted.

R-07-163

Endorsers: Alderman-at-Large David W. Deane

Alderman Marc W. Plamondon

Alderman Robert A. Dion

Alderman Daniel L. Richardson

Alderman-at-Large David Rootovich

Alderman-at-Large Fred S. Teeboom

RELATIVE TO THE TRANSFER OF \$92,200 FROM ACCOUNT 592-85993

**“BONDED DEBT – TRANSFERS” INTO ACCOUNT 531-75019 “POLICE
DEPARTMENT – CONFINEMENT FACILITY TOILET REPLACEMENT”**

R-07-164

Endorser: Mayor Bernard A. Streeter

RELATIVE TO THE DISPOSITION OF CERTAIN TAX-DEEDED PROPERTY

IDENTIFIED AS LAND AND BUILDINGS AT 10 EAST PEARL STREET

(SHEET 35Q, LOT 39Q)

Given its second reading;

**MOTION BY ALDERMAN DION TO AMEND R-07-164 IN ITS ENTIRETY BY REPLACING IT
WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA
MOTION CARRIED**

**MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF R-07-164 AS AMENDED
MOTION CARRIED**

Resolution R-07-164 declared duly adopted as amended.

R-07-166

Endorser: Alderman Mark S. Cookson

APPROVING THE COST ITEMS OF A SIDEBAR AGREEMENT BETWEEN

THE NASHUA BOARD OF EDUCATION AND THE NASHUA TEACHERS UNION,

LOCAL 1044, AFT, AFL-CIO, UNIT C – SECRETARIES

Given its second reading;

Alderman LaRose

Parliamentary Inquiry – why did we skip R-07-163?

President Rootovich

Because it was tabled at the Full Board, and nobody made a motion to take it off.

Alderman LaRose

Thank you. That explains it.

MOTION BY ALDERMAN COOKSON FOR FINAL PASSAGE

MOTION BY ALDERMAN TEEBOOM FOR FINAL PASSAGE WITH THE REJECTION OF COST ITEM #1

ON THE QUESTION

Alderman Teeboom

The analysis that you have seen for the sidebar says the impact is 2%. That is a very misleading analysis. If you look at what is really happening here, and it took some time to get this information together – I discussed this at some length in Budget Committee so I will be brief – there are 98 employees in this union. Only 20 employees are affected by this cost item. The 20 that sit in category 1. If you look at the money that we are talking about, the \$50,000+, it is distributed among those 20 employees only. The increase is \$2,500 in terms of compensation, \$2,800 if you look at it in terms of compensation plus FICA plus pensions – another \$300 per employee the city has to pay. It represents a 14% increase to these employees. It is a 16% increase if you look at the total package that I just mentioned. The others get nothing.

I tried to research this situation – why a sidebar. What does a sidebar mean – I had some discussion with Attorney Bennett, and the answer, as I said, is not as was stated in the public comment period – in fact it is in writing here – is that the only way you can go – the answer is that is the way it was negotiated, that is before us. Well no one asked my opinion of this. There is a complaint by 3 unions against three boards and the City of Nashua (Board of Aldermen and Mayor) stated in the complaint in several places that guidance from this Board was mixed/unclear. No one asked for this guidance. Why are we approving up to 16% increase in pay for 20 isolated employees? If the answer is it is for morale I would be very happy if I were in the 20. I would be extremely unhappy if I were one of the remaining 78.

The further question I had is why is this not done through an administrative action. If 20 members are in fact working at a different job level than a category 1 that is not what is being presented to us in terms of principal's telling us that. The City routinely awards compensation; 20% here, 15% there – we just had a memorandum from Jane Joyce about actions taken in January and February that were increases that ranged from 3-4% to 145% in a case where a person went from part time to more than part time.

Changes in job descriptions, which lead to increased pay are constantly done by administrative fiat. I don't understand why this is before us as a collective bargaining agreement. The other problem I have is if this happens on this particular bargaining unit how

many other bargaining units may want to try to piecemeal their collective bargaining agreements?

I researched that point. How many times has a sidebar come before this Board asking for a selective salary increase of select few individuals. The answer is there have been three sidebars in the past since 2001 is the furthest memory we have. One of them dealt with pagers for snow removal, one of them was to remove a sidebar so we don't even know what it is because I looked at the contract, which was in 2004, and one was an error made in a contract when the positions were described. None of those three sidebars dealt with providing selective wage increase for select few individuals. I think this sets a very bad precedent. I have been given no rational explanation. I don't know why we should be doing this. I am very much against this. I am kind of outraged that this is happening this way. Thank you.

Alderman Bolton

Thank you Mr. President. There is nothing magic in the title sidebar. It could have been called amendment, it could have been called supplemental agreement, it could have been called any number of different things. What it is is an agreement between the bargaining unit representative and in this case the Board of Education and with the cost items having to be approved by this Board an agreement dealing with a particular subset of the entire collective bargaining agreement. If there is something that needs to be address that is less than the whole thing, this is a very typical way that it is done.

Apparently what we have here is 20 employees are doing effectively equivalent work as other employees, and are not receiving equal compensation. They have, for whatever reason, gotten out of sync over time as far as what their duties are and what their compensation is. The desire to correct that apparently is felt on the part of the representative of all of the bargaining unit employees as well as the desire to correct it is felt by the school department acting through the Board of Education.

It is quite apparent that every time you try and correct the inequities the way that is going to turn out is the people who have been less favorably treated in the past will in fact catch up and I suppose if you just say well they are getting more and the others are standing still, you would say they are being more favorably treated by the change. I think they would say they are finally getting equal treatment not better treatment. As far as why this can't be done just administratively because the law is that when you have a unionized workforce represented by a representative of the bargaining unit, the law requires that you negotiate over any change in wages, hours, and terms and conditions of employment.

In other cases, where people may have gotten increases because they have gone from part time to full time or because they may have gotten promotions or because the job description may have been changed, that is either non-unionized workforce or an actual promotion from one grade in a union contract to another grade in a union contract, and, therefore, the wages are being paid in accordance with that contract. Any change in the pay you are going to pay a unionized employee has to be negotiated. That is why. It is not as if there is any other way to do it, and it is not that there is something magic about calling it a sidebar agreement. It is this is the way that has been chosen to deal with correcting those inequities, and it could not be done absent the agreement of both parties to the collective bargaining agreement.

Alderman Williams

Thank you. I am going to vote in favor of this this evening. I am also going to ask for a roll call. I spoke in favor of it in committee. I think to the contrary of two speakers ago, I think it is great that this Board retains control over all spending, and that it is not just done administratively – that we have it come before us and we get a chance to vote on it. I think that is a good thing. The previous speaker just stated that the law stands behind that. I think that is a good thing as well.

I contacted Jim Mealey from the School Department today just to get some clarification on what this Grade 1 was, what Grade 2 is, and how Grade 1 has become obsolete. He was gracious enough to send back a quick e-mail. I am just going to read what Grade 1 was expected to do – expected they will type 50 wpm, be able to maintain confidentiality, be courteous and tactful, and have the ability to work with peers and the public, perform other tasks as assigned by the Principal or Supervisor. When in fact these people are working as Grade 2, and here is a brief synopsis of that (this is not all inclusive) – is expected to be able to type 40 wpm, have prior office experience, be familiar with and able to work competently on a computer, be able to work with a starbase Microsoft office applications, route incoming mail, maintain permanent records and process requests, process budget forms and purchase orders, coordinate the college fair, maintain scholarship material, record meeting minutes, pace supply orders, post daily attendance to the manweb, must be familiar with the manweb, contact parents to confirm attendance, train grade 1 employees to do grade 2 work, provide support in inventory and ordering process, and perform other duties as assigned by the Principal or Supervisor.

I also asked him to research when the last person was hired as a grade 1 just to find out when this inequity process ended. It was in March of 2005, about two years ago. They have basically got an obsolete position, twenty people are classified as such, and I think it is the duty of this Board to correct that. I am going to support it. Thank you.

Alderman Deane

Thank you. There are other ways that this can be addressed although I think the Principals did it. They dissolved their union, they work under and are given raises under the guidance and suggestion and approval of the Board of Education. I have talked to Mr. Mealey on numerous occasions about this. I understand the inequity issues, but inequity issues are driven by the fact that if they want this change then bring a contract in to change it. Piecemealing inequity issues associated with contracts – you are going to find it all the time because it depends on who is negotiating the contract. It is just the way it works. If you get people that are in there negotiating you can bet your bottom dollar that if they are putting the time in they are going to be the ones or their group or their years of services or whatever – more often than not they are the ones that are going to benefit out of it. You are always going to have inequities. You are always going to have the ratification that has to be done before the contract gets sent forward. That is what happens.

Although I understand that the jobs have changed, I understand the people are working well beyond their suggested parameters of what they are supposed to be doing, I understand that as well – I thank them for what they are doing. I just think that this should come in as part of an entire contract and not as just a segment of a contract. That is what we should be looking at. I think that is the way to deal with it. We are getting from the job performance that they

are currently performing – now they want us to give this. I would rather get everything in one bunch than to start piecemealing portions of contracts. Thank you.

President Rootovich

Is there any further discussion?

Alderman Flynn

I usually do value what Alderman Williams has to say, but tonight I certainly would support the motion to reject this. When I left my house this morning on my front stairs there is just about 11 houses in my view; 6 houses on my street and 6 houses on Lynn Street, and \$50,000 is a lot of money. Fifty thousand dollars is probably the tax bill for those 11 houses. If I thought it did something meaningful I would consider my vote differently, but \$50,000 again is a lot of money. I don't see how this moves us forward on resolving this contract. It really – we some how have done something for 19-20 people. The union has 95 or 98 people. Three quarters of the membership we really have not seen what we need to do to resolve this contract. All we have done is commit \$50,000 or 2% raises to the total affect of the contract – quite frankly it is about 16% to these 16 individual people or the \$2,500 that you get when you divide the \$50,000.

Quite honestly when this contract was negotiated in the last series of contracts there was a meaning and there was a justification and a rational as to why we had different levels of positions, and that affected how the board decided to vote in terms of their generosity towards that contract. Until we see the total picture in this contract I don't see how we can understand what the impact is of going forward eliminating this position and awarding monies towards it. Again, this piecemeal approach as Alderman Deane calls it I am sure the Board didn't do that the last time it approved the contract, and it understood the total breathe of what it was agreeing to. Certainly I would take that responsibility as something that I wan to continue to do with any of these contracts. Again, \$50,000 is a lot of money without understanding where it is going and again it does not clearly show that we are going to move forward on resolving this contract. The other 80 people are unheard from. Clearly I will support the vote to reject.

Alderman Richardson

Thank you Mr. President. Inequity has been bantered about a bit. If you ask me at any time during my career I will always tell you that my compensation has been inequitable. I have always been underpaid. I would kind of like to caution people on the use of that term. I was the one who suggested and moved that we move this forward to the Full Board without a recommendation. My logic in doing that was that because we didn't have really enough information at that point in time, and we had a 30-day window to respond. Here it is in front of us.

The reason we didn't have enough information from my perspective was that we didn't really understand the meaningfulness of why we are getting this particular sidebar at this point in time. We didn't understand the date – November 1, 2006. We also didn't understand at that time why this couldn't be handled administratively. We have since found out that it should be handled as all CBAs are handled – we have a 30-day window to respond. We now have more information.

Things that I still have questions about, which are yet unanswered, have to do with why we, the city side of this negotiation actually undertook this negotiation to begin with. Why the employer board would in fact pursue this, what instruction was given to the negotiator, what the negotiator's position was indicated to be so that he could then get something in value back for what we are giving as is the part of negotiation that is most attractive is having some kind of a fair exchange. These things are still quite foggy and unknown, and has been indicated earlier by other speakers, we just don't understand how this is doing the city any good when it comes to negotiating the full CBA when that comes before us. In fact, it seems if we were to resolve this and give more money at this time, that we would be actually disarming ourselves when it comes to negotiation position in the future.

I can't support this particular resolution because that it is in the best interest of the city. Thank you.

Alderman Dion

Thank you Mr. Chairman. Over two hours ago we listened to the Mayor present his budget. What we are doing here if we elect to spend another \$50,000 we are adding \$50,000 to the Mayor's budget. Let's not forget that \$50,000 will carry to next year, the following year, forever. You won't forget that. I think Alderman Richardson made the point clear, until we deal with the present contract I think it is premature to have a sidebar agreement pertaining to wages at this time. Therefore, I will support the motion to reject. Thank you.

Alderman Tabacsko

Thank you. I intend to support this. However, I need to clarify is the motion on the floor currently the motion to amend by rejecting the cost item?

President Rootovich

It is to reject cost item #1 only. To approve the contract with rejection of cost item #1.

Alderman Bolton

To amend. We have to vote on whether to make the amendment first correct?

President Rootovich

That is correct.

Alderman Tabacsko

I intent to oppose that, and hopefully this will come back for final passage after that vote. I do intend to support this, and the reason is precisely because the groups charged with negotiating have come to agreement, and have come to us and said this is what we can all agree to. There is a situation that needs to be corrected, and this is how we would like to correct it. It makes sense to me. I think we are spending an awful lot of time on something that really ought to be a lot simpler than that. With that thank you.

Alderman Teeboom

Just to add some information – it was mentioned earlier how do you do it – I will tell you how you do it. We have received from Jane Joyce compensation matrix for the months of January and February. It shows reclassifications. This cost item deals with reclassification. There are 4 positions reclassified. In fact, one of them is a 5.8% increase and one is a 26.5% increase. One is an 18.5% increase and one is a 5.8% increase. There are some other categories for promotion – I am not sure what the account is, and I am not sure what Miscellaneous is. That is the way it is done. If you have some employees – a subset of employees you take care of that – you have to change the PDF and take care of the subset of employees. That is the way it is done.

The other thing that really kind of gets to me 2.1% is usurped by 20 employees out of 98. The other 78 are going to share 1%, the Mayor's guidelines of 3% raises holds. They are not going to be very happy – 78 will share 1% and the other 20 will get 2%. Thank you.

Alderman Deane

My comment is the contract is expired. I think the employer board should be looking at the contract as a whole and not as a piece. This is piece. We should have the whole in front of us not a piece.

Alderman Williams

I just wanted a point of information from Corporation Counsel on Alderman Teeboom's remarks. It was presented to us in committee that they could not reclassify these unionized positions. Can Corporation Counsel advise us as to which way is correct?

Stephen Bennett

Are you asking me whether the school department's sidebar is the correct way of changing these...

Alderman Williams

Is this the correct mechanism?

Stephen Bennett

It is a proper mechanism. As Alderman Bolton pointed out when you have a contract and a union representing employees who deal with that union they have an agreement – wages in a mandatory topic for negotiation – I think the bottom line is the negotiating parties, and someone suggested earlier here that the Board of Aldermen is part of that negotiation – they are not – they are just here to either reject or accept cost items. They presented you a sidebar; they are changing the terms of their collective bargaining agreement. They are offering it under – whether it is expired or not they are still operating under it, and the proper way of doing that is through an agreement to amend the existing CBA, and that is what they have done. What remains to be done here of course is merely to either accept or reject not to negotiate.

Alderman Williams

Thank you. That is the way I understood it, and I do appreciate everybody’s input this evening. I want to reiterate that I am pleased that it is before us, and that we do have an opportunity to vote on it and it is not done through some backdoor mechanism. I am glad it is done in the clear view of the public. Again, I would like to just move the question as soon as possible.

MOTION BY ALDERMAN WILLIAMS TO MOVE THE QUESTION

MOTION CARRIED

Division Taken

President Rootovich

The motion before you is the amendment by Alderman Teeboom is to reject cost item #1.

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

Yea: Alderman Flynn, Alderman Dion, Alderman Richardson, Alderman Deane,
Alderman Teeboom

5

Nay: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman LaRose,
Alderman Bolton, Alderman MacLaughlin, Alderman Cookson, Alderman Williams,
Alderman Plamondon, Alderman Rootovich

10

MOTION FAILED

MOTION BY ALDERMAN BOLTON FOR FINAL PASSAGE OF R-07-166

Alderman Richardson

Parliamentary Inquiry – is that a proper motion. Should it not be a motion to accept?

President Rootovich

It is a resolution. We are approving the resolution, and the language in the resolution is to accept.

Alderman Richardson

Thank you.

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

Yea: Alderman Tollner, Alderman Tabacsko, Alderman McCarthy, Alderman LaRose,
Alderman Bolton, Alderman MacLaughlin, Alderman Cookson, Alderman Williams,
Alderman Plamondon, Alderman Rootovich

10

Nay: Alderman Flynn, Alderman Dion, Alderman Richardson, Alderman Deane,
Alderman Teeboom

5

MOTION CARRIED

Resolution R-07-166 declared duly adopted.

R-07-167

Endorser: Alderman Daniel Richardson
Alderman-at-Large David W. Deane

AUTHORIZING THE TRANSFER OF \$3,500 FROM FY2007 CDBG CONTINGENCY FUNDS INTO ACCOUNT 374-07436-7107 “CDBG FY07 – FRENCH HILL CRIME WATCH”

Given its second reading;

MOTION BY ALDERMAN RICHARDSON FOR FINAL PASSAGE OF R-07-167

MOTION CARRIED

Resolution R-07-167 declared duly adopted.

R-07-168

Endorser: Mayor Bernard A. Streeter

RELATIVE TO THE TRANSFER OF \$4,737 FROM ACCOUNT 596-86580 CONTINGENCY RETIREMENTS – CITY” INTO ACCOUNT 531-11900 “POLICE PAYROLL ADJUSTMENTS”

Given its second reading;

MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF R-07-168

MOTION CARRIED

Resolution R-07-168 declared duly adopted.

R-07-169

Endorsers: Alderman-at-Large James R. Tollner
Alderman Mark S. Cookson
Alderman-at-Large David W. Deane

NAMING THE LOWER LIGHTED FIELD AT LINCOLN PARK “RONALD JACKSON FIELD”

Given its second reading;

MOTION BY ALDERMAN TOLLNER FOR FINAL PASSAGE OF R-07-169 AS AMENDED

ON THE QUESTION

Alderman Tollner

I would just like to thank Aldermen Cookson and Deane for their help on this. If anybody has worked with the baseball program down in Ward 1 they will know that this is well deserved. Mr. Jackson really put that program back on the map.

Alderman Richardson

I would just like to state that I am glad that this particular resolution had the opportunity to go through the process of coming before a committee, having it aired in public, having a full discussion about it, giving the public an opportunity to voice their opinions on the naming of city parks. It seems as though that has, in the past, been usurped by the process of having a second reading. I am glad that the public has had an opportunity. Thank you very much.

Alderman Tollner

I think the example that the previous speaker was bringing up was a situation I think that was well communicated to this Board and honored someone who worked in the city a great number of years.

MOTION CARRIED

Resolution R-07-169 declared duly adopted as amended.

R-07-170

Endorsers: Alderman-at-Large David W. Deane
Alderman Richard LaRose
Alderman Michael J. Tabacsko
Alderman Richard P. Flynn
Alderman-at-Large James R. Tollner
Alderman Marc W. Plamondon
Alderman-at-Large Steven A. Bolton
Alderman-at-Large David Rootovich
Alderman Robert A. Dion

**RELATIVE TO THE TRANSFER OF \$76,000. FROM ACCOUNT 944-5328
“WELFARE TRUST” INTO ACCOUNT 543-53075 “ENVIRONMENTAL HEALTH
PROFESSIONAL SERVICES” FOR THE PURPOSE OF SURVEILLANCE,
LARVACIDING AND EMERGENCY ADULTICIDING IN THE CITY OF NASHUA**

Given its second reading;

**MOTION BY ALDERMAN DEANE TO AMEND R-07-170 IN ITS ENTIRETY BY REPLACING IT
WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

MOTION CARRIED

MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF R-07-170 AS AMENDED

ON THE QUESTION

Alderman Deane

The original legislation came in with the transfer coming out of the trust account. That wasn't the initial intent. The amendment was made in the title and body.

Alderman Teeboom

Can the President or someone explain to me what adulticiding means?

Alderman Bolton

It means killing the adult insects that cause West Nile Virus and Eastern Equine Encephalitis. Larvaciding means killing the larva, adulticiding means killing the adult insects.

MOTION CARRIED

Resolution R-07-170 declared duly adopted as amended.

UNFINISHED BUSINESS – ORDINANCES

O-07-81

Endorser: Alderman Daniel Richardson

PROHIBITING CERTAIN TRUCKS ON CERTAIN STREETS

Given its second reading;

MOTION BY ALDERMAN RICHARDSON TO AMEND O-07-81 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PLACED ON OUR DESKS THIS EVENING

MOTION CARRIED

MOTION BY ALDERMAN RICHARDSON FOR FINAL PASSAGE OF O-07-81 AS AMENDED
MOTION CARRIED

Ordinance O-07-81 declared duly adopted as amended.

O-07-84

Endorser: Alderman Robert A. Dion

**CREATING A NO PARKING ZONE ON BOTH SIDES OF ALDER DRIVE
BETWEEN 7 A.M. AND 10 A.M., MONDAY THROUGH FRIDAY WHILE
SCHOOL IS IN SESSION**

Given its second reading;

MOTION BY ALDERMAN DION FOR FINAL PASSAGE OF O-07-84
MOTION CARRIED

Ordinance O-07-84 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

R-07-176

Endorser: Mayor Bernard A. Streeter

**RELATIVE TO THE TRANSFER OF \$143,780 FROM ACCOUNT 596-86580
“CONTINGENCY RETIREMENTS – CITY” AND \$5,222 FROM ACCOUNT
996-5330 “CITY RETIREMENT TRUST FUND”, INTO VARIOUS ACCOUNTS**

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

R-07-177

Endorser: Alderman-at-Large David W. Deane
Alderman-at-Large David Rootovich

**RELATIVE TO THE TRANSFER OF \$554,016.10 FROM ACCOUNT 981-5368
“SCHOOL CAPITAL RESERVE” INTO ACCOUNT 681-41 “SCHOOL SECURITY
SYSTEMS UPGRADE”**

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

Alderman Tollner

I have a question of the Mayor before we act. Mr. Mayor is there a sense of urgency with 178 and 179 or would it help expedite the funding of these two items if we were to approve it tonight?

Mayor Streeter

There is no sense of urgency on 178. We have already received – we are in the process and should receive it momentarily for 179.

R-07-178

Endorser: Mayor Bernard A. Streeter
Alderman-at-Large James R. Tollner
Alderman Michael Tabacsko
Alderman David MacLaughlin
Alderman-at-Large Brian S. McCarthy
Alderman Mark S. Cookson
Alderman Marc W. Plamondon

**ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS
FOR THE OFFICE OF ECONOMIC DEVELOPMENT HIGH TECH EXPO**

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

R-07-179

Endorser: Mayor Bernard A. Streeter
Alderman Richard LaRose
Alderman Michael Tabacsko
Alderman-at-Large Brian S. McCarthy
Alderman-at-Large David Rootovich
Alderman Marc W. Plamondon
Alderman Mark S. Cookson
Alderman-at-Large James R. Tollner
Alderman David MacLaughlin

**ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS
FOR THE INTERNATIONAL BIKE RACE FESTIVAL**

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

Alderman Tollner

I would beg the Board's indulgence. I was just told that if we were to pass R-07-179 tonight that would help in collecting the funds.

Alderman Deane

We are meeting tomorrow night.

Alderman Tollner

That is fine. It is not on tomorrow night's agenda, but if the Chairman is willing to add it to his agenda.

Alderman Deane

We can bring it in.

Alderman Tollner

Okay.

Alderman Deane

We can take care of both of them tomorrow night.

Alderman Tollner

Thank you.

NEW BUSINESS – ORDINANCES

O-07-91

Endorser: Alderman-at-Large David W. Deane
Alderman David MacLaughlin

**REVISING THE APPOINTMENT PROCEDURE FOR THE DIRECTOR OF
ECONOMIC DEVELOPMENT**

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

O-07-92

Endorser: Alderman-at-Large Fred S. Teeboom

**AMENDING THE COMPETITIVE BIDDING PROCESS REGARDING CERTAIN
NASHUA POLICE DEPARTMENT VEHICLES AND EQUIPMENT**

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

PERIOD FOR PUBLIC COMMENT – None

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Williams

I don't know about some of the other Ward Aldermen, but I have had a number of speeding car complaints in Ward 9 recently. One of my constituents was able to write down the tag number of the car that was racing and crossing marked lines and whatnot. We got it over to the Police Department, but I would like to ask any other residents that observe this erratic dangerous behavior to see if they can get the plate numbers down, and forward them to the police department or myself or anybody else here on the Board, and we will get it to the police department and see if they can stop these people.

Other than that, they have stepped up some enforcement on Harris Road and there is also going to be some stealth monitoring in some other areas of Ward 9. If you are one of the speedsters we are going to get you. Thanks.

Alderman Cookson

I would echo those sentiments in Ward 1. With the snow thawing and the warm weather coming, we have had some excessive speeds happening on Sanborn and Cheyenne towards the back of the high school. We also have enforcement in that area as well. For those students and parents who are dropping off students at the back entrance of the high school, police will be there in the mornings and in the afternoons. Thank you.

Alderman Teeboom

Can I ask a question of the attorney? The question raised by Alderman Williams about changing the category of unionized personnel, and your answer was it is the proper thing to do. My question to you is there are different categories – some are miscellaneous, promotion, contract, etc. Can union personnel only change category through a CBA or can union members be changed in category by management action?

Stephen Bennett

Without looking into it, based on information I have available to me now, I would think any positions covered by a CBA agreement is going to have to – the only way you are going to change that is by agreement through the bargaining unit. You are going to have to make some modification.

Alderman Teeboom

That applies to all categories?

Stephen Bennett

Frankly Alderman I don't think I can give you a very complete or accurate answer off the cuff. If you would forward that request...

Alderman Teeboom

I would because I am very confused on that issue.

Stephen Bennett

My answer was that it was the choice of the department of education of how they wanted to approach this. If there are other options, even if there were other options available – they chose to do it by a sidebar so then the only question left of the legislative body is to accept or reject not to – I think I told you earlier to – wonder what the strategy was.

Alderman Teeboom

I understand that, but I was looking for other ways.

Stephen Bennett

I have seen it done I think on individual cases, but I would have to do more research to answer you.

Alderman Teeboom

I appreciate your answer.

It is tax time. As the unlicensed tax advisor let me point out to you that there is a line number 24 on 1040 and that allows stipends for government officials to be deductible. If you look at 2106, and if you are in the tax bracket, probably most of you are in the 25% tax bracket, if the entire stipend is less than \$5,000 it is deductible. You have fill out 2106 plus even if you fill out \$4,000 because that is the money you spend doing the things you do doing constituent service. You could probably deduct – I am deducting the full \$5,000. At 25% that is a \$1,250 tax gain – you don't have to pay. If you deduct only \$2,000 you get \$500. AS your unlicensed tax advisor take a look at line 24 of your 1040. Thank you.

Alderman Richardson

I would just like to talk to the issue raised by Alderman Williams regarding traffic enforcement. I have had a personal experience in Ward 3 – in the early morning going to work I have witnessed two 18 wheelers going down Concord Street at an extremely high rate of speed. I won't name the trucking company. It is a local trucking company. I decided to follow them and find out how fast they are actually going through Greeley Park. I measured 50 mph through Greeley Park. That concerned me greatly. Given it was the morning, but still the speed limit is 30 mph. I called up the police, and I let them know about that and asked them what they could do about it. They said that they could call the trucking company and issue a complaint. I said well I would be willing to be a witness. They said well can you identify the driver – well no I couldn't because he came rushing by so fast. I could not identify the driver. They were unwilling to take any kind of action other than calling the company itself and suggesting that they deal with their drivers, council their drivers. They said that they would not do anything else – the police department.

It does do good to contact the Police Department. It gives the Police Department awareness, but I am not aware of any action that they could possibly take legally unless you can specifically identify the driver. Thank you.

Alderman Bolton

I was going down Concord Street the other day and I saw a truck going by at a high rate of speed, and I couldn't identify the driver of the truck, but the car following along going just as fast I identified that person. If the police need any help with that one they ought to contact me. If there is any IRS agents out there who are watching this please be advised that if any of us deduct \$5,000 as our Aldermanic stipend you can come get us because we don't get that much.

Alderman Flynn

I was going by Marmon Drive on Sunday, and was very disturbing to see the entire third floor at least certainly on the north side of that building, occupied with automobiles. Whatever is going on, and there isn't an awful lot of information coming out – certainly the dealership is progressing and doing his business just as blatantly and openly as he pleases at this point. To that end, I have talked with Alderman Tollner. I don't know if he will make an announcement tonight or not – I hope he does. I understand that we were going to have a meeting next week – now I think it is going to be the following week. I believe it is probably going to be at 6:00 p.m. As it goes around and we have committee announcements those people that are interested in this mess that is going down on South Main Street, that committee is going to get active. We are going to hold our first meeting. It probably is now not going to be next week, and it is probably going to be a 6:00 p.m. start. You can hear that if you wait around for committee announcements I think, but pay attention closely because it is not going to be the normal start time for the meeting. Thank you.

Alderman McCarthy

I had the pleasure last evening of watching the Nashua South Boys Basketball team in the playoffs. After being down by 17 at the half, they came back to be up by 5 just second before the buzzer, and finally won by 2 over Keene. I wanted to congratulate them on that amazing comeback, and wish them luck in the upcoming game, which is Thursday night at 7:30 p.m. at UNH against Salem.

Alderman Tabacsko

I just would like to take the opportunity to thank the leadership of both this Board and the Board of Education for their efforts in attempting to get some sort of cooperative level of agreement going back and forth. I am disappointed that we were unable to reach any sort of agreement tonight, and I am frankly embarrassed that this Board is unable to act in some sense of cooperation. I would hope that once this comes out of committee that at least we can make some steps in that direction. Thank you.

Alderman Tollner

Probably the most important one at the moment – to respond to Alderman Flynn yes we are jumping the gun on committee announcements, but we will have the first Investigative Committee meeting on March 26th at 6:00 p.m. here in the Chamber. The first meeting will be a brief one because we have a Budget Committee meeting that starts at 7:00 p.m. I think it is important that we have a meeting to at least get going.

While the wording in the memo that we were talking about as far as trying to improve communications and the relationship between the two boards may have not been amendable to people around the horseshoe, the only thing I would ask people to do is to try and pay attention to the purpose behind the memo. I think we could look around and all of us could do a better job in reaching out and trying to develop a better relationship between the two boards. The people that will benefit will be the people in this city. We will take it up at committee. Those people that had interest in sending it to committee I would be more than welcome to see all of you there for the Personnel meeting, and hopefully we can come up with something that is palatable to this Board and move forward with it. Thank you.

Alderman Plamondon

I just want to mention that next Wednesday, March 21st, the Tree Streets and Ledge Street Crime Watch will be holding a meeting at the PAL Center on Ash Street at 7:00 p.m.

Committee announcements:

Alderman Deane

Budget Committee Wednesday and Thursday of this week at 7:00 p.m. here in the Chamber.

ADJOURNMENT

**MOTION BY ALDERMAN DEANE THAT THE MARCH 13, 2007 MEETING
OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 9:45 p.m.

Attest:

Paul R. Bergeron, City Clerk

Board of Aldermen

City of Nashua
229 Main Street / P O Box 2019
Nashua, NH 03061-2019
(603) 589-3030 • FAX: (603) 589-3039



Memorandum

TO: Members of the Board of Aldermen

FROM: Fred S. Teeboom
Alderman-at-Large and CTAB Liaison

COPY: CTAB Members

DATE: 12 March 2007

SUBJ: **CTAB Policy Exemption to Announce Privately Sponsored Events Held on City Property on the Channel 16 Bulletin Board.**

REF: (1) Franchise Agreement between Nashua and Comcast, executed on 1 October '05.
(2) CTAB Policies and Procedures Manual, adopted 13 June 06 (R-06-54).
(3) NRO 2-108, Cable Television Advisory Board (CTAB).

Alderman-at-Large David Deane approached CTAB with a request, considering much unprogrammed air time, to permit an exemption to the CTAB Policy and permit announcement of youth sports on properties owned or funded by city government on Government Access Channel 16 until the Public Access Channel is operational.

This stirred up a flurry of e-mails by CTAB members, affirmed and opposed. The debate centered on whether announcements on Channel 16 of activities by private organizations, such as youth sports and AARP tax preparation assistance for seniors, on city property such as parks and in the library, can be shown on the Channel 16 Bulletin Board.

CTAB on 9 March voted unanimously to adopt the following policy exemption:

"Announcements of privately sponsored events held on city facilities, submitted by city or school department staff or elected officials, may be broadcast on the Government Access Channel 16 Bulletin Board until the Public Access Channel is operational."

The Cable Television Franchise Agreement gives the city broad latitude what can be shown on Government Channel 16:

Government Access Channel: A specific channel on the Cable System made available by the Franchisee to the Franchising Authority and/or its designees wishing to present non-commercial programming and/or information to the public.

NRO 2-108 gives authority to CTAB to develop policy concerning what is shown on the municipal access channels:

NRO 2-108 (3) Develop municipal channel and future Nashua access channel policies.

The Policies and Procedures Manual adopted by the board of aldermen provides a more restrictive definition as to what can be shown on Channel 16 (see attached):

Appendix A. Government Access Channel Programs

Government access television serves as an impartial, objective, noncommercial, community resource to increase citizens awareness and understanding of municipal government and to encourage citizen participation in the process of democracy at the local level by televising the conduct of public business by government bodies.

Furthermore, the board of aldermen expressed that no changes can be made to the Policies and Procedures Manual without board approval:

10. Amendments

The bylaws of in Section 3 may be amended by an affirmative vote of two-thirds of the members of CTAB entitled to vote. All other sections are binding until modified by action of the board of aldermen.

I have requested a legal opinion on interpretation, but our legal adviser is on temporary leave.

There is some urgency to Alderman Deane's request, given the pending youth sports schedule.

To get this issue quickly resolved I request that the Board accepts this memorandum, place it on file, and approve the policy exemption recommended by CTAB.

CTAB POLICIES AND PROCEDURES MANUAL**Appendix A****Government Access Channel Programs**

Government access television serves as an impartial, objective, noncommercial, community resource to increase citizens awareness and understanding of municipal government and to encourage citizen participation in the process of democracy at the local level by televising the conduct of public business by government bodies:

Examples of government access programs are:

- Board of aldermen, planning board, and zoning board of adjustment meetings.
- Informational programs by either city officials or employees relating to their respective departments.
- Programming by government agencies that are determined to be of interest to local citizens.
- Training programs by and for government public safety organizations (e.g. state and local police, fire/rescue and FEMA)
- Municipal primary and election coverage, city sponsored events, which include cultural and economic development programs.
- Programs produced in conjunction with the health, airport, highway, fire and rescue, police and other city agencies.
- Programs produced by the US Military, US Center for Disease Control Environmental Protection Agency and Homeland Security.

The government access channel shall not cablecast programs which are sponsored by individuals, private organizations or non-governmental entities; or programs which provide political commentary or opinions rendered other than during the conduct of official business by a governmental body.

The government access channel shall not cablecast political advertising nor interview or present political parties or candidates for public office advocating or promoting their candidacy for elected or appointed political office, nor promote or oppose ballot issues by supporting groups or lobbying organizations.

No payment shall be solicited or accepted for any cablecast on the government access channel.

On-air and off-air fundraising exclusively to benefit the government access channel but not associated with any particular program or commercial enterprise shall be permitted, provided revenues collected shall accrue to a Special Revenues Account specifically dedicated to the operation of the government access channel.

Board of Aldermen

City of Nashua
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(603) 589-3030 • FAX: (603) 589-3039



Memorandum

TO: Board of Aldermen

FROM: David Rootovich, President, Board of Aldermen

DATE: March 12, 2007

SUBJ: Board of Aldermen/Board of Education Inter-Board Relations

In an ongoing effort to resolve existing conflicts and improve communication between the Board of Alderman and the Board of Education, President Dowd and I have agreed to report to our respective boards any consensus we reach to foster inter-board relations.

We are proposing that the following measures be accepted by both boards:

1. In the event a member of either board criticizes the other board or a member thereof, the respective president will interject with a reminder of the agreement to voice criticism outside of public view. All board members shall bring any concerns to their respective president. The presidents of the boards will work cohesively to reach resolution to all matters brought to their attention.
2. To be kept apprised, and eliminate duplication of requests, all members shall submit requests for information to their respective board president. The president will forward all requests to the other board president for processing.

3. To address several concerns that e-mails copied to the full membership of both boards are flooding mailboxes and damaging inter-board relations, e-mails shall be sent only to those individuals directly related to the subject matter.

President Dowd and I are hopeful that the above will improve the inter-relations between our two boards and look forward to both board's concurrence regarding this matter.

Thank you.

:sl

Board of Aldermen

City of Nashua

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Nashua, NH 03061-2019

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Memorandum

TO: Board of Aldermen

FROM: David Rootovich, President, Board of Aldermen

DATE: March 13, 2007

SUBJ: **Aldermanic Liaison to the Conservation Commission**

I am pleased to announce that Alderman MacLaughlin has agreed to serve as the Aldermanic liaison to the Conservation Commission. Therefore, I am respectfully requesting the Board's concurrence in this appointment.

Thank you.