

A regular meeting of the Board of Aldermen was held Tuesday, September 22, 2009 at 7:30 p.m. in the Aldermanic Chamber.

President Steven A. Bolton presided; City Clerk Paul R. Bergeron recorded.

Prayer was offered by City Clerk Paul R. Bergeron; Alderman-at-Large Ben Clemons led in the Pledge to the Flag.

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

Her Honor Mayor Donnalee Lozeau and Corporation Counsel James M. McNamee were also in attendance.

### REMARKS BY THE MAYOR

Mr. President, members of the board, tonight I would call your attention to the positive recommendation of the Personnel and Administrative Affairs Committee for the re-appointment of Sean Duffy and the new appointment of Brooke Arthur to the Zoning Board. As I know you can all appreciate, this is a board that puts in a significant amount of time on the city's behalf, I believe both will represent the city well, and I appreciate their willingness to serve.

Under unfinished business resolutions, I am pleased that the Personnel and Administrative Affairs Committee and the Board of Public Works have provided a positive recommendation to O-09-71, which organizationally moves our parking department from the Division of Public Works Traffic Department to the Community Development Division's Transit Department. This reorganization also changes the Transit Department to the Transportation Department and makes it a stand alone department within the Community Development Division. This will provide the perfect opportunity to look at all the components surrounding transportation especially with the inclusion of rail in this department's oversight.

Also I believe the Budget Committee is going to request you take action tonight relative to their recommendations on R-09-229, relative to the transfer of \$2.5 million from the Employee Benefit fund into the general fund "undesignated fund balance" for the purpose of increasing the undesignated general fund balance, along with its companion legislation R-09-230, applying \$4.7 million of the "undesignated fund balance" to calendar year 2009/FY 2010 tax rate. At this point, we believe this will provide the necessary funds, which will result in the majority of our citizens paying the same or somewhat less taxes this year as compared to last year.

In addition under new business is R-09-243, relative to the appropriation of \$1 million dollars from "undesignated fund balance" into the school department, \$850,000 of which is a budget adjustment and \$150,000 to be moved into the special education expendable trust fund.

This is the next step relative toward resolving the school FY2010 projected deficit. As we move through this process, from my perspective, which, I believe is a shared perspective, we need to at a minimum address the following issues; fund the projected deficit, resolve the catastrophic aid dilemma, re-establish confidence in budgetary controls, and maintain a contingency for unanticipated special education costs.

This legislation does not accomplish all of these goals in and of itself, but I have confidence that it takes a significant step in that direction. While our city and school administrations have been working toward these goals, I hope to present this legislation to the full Board of Education at their next board meeting Tuesday evening for discussion, and I am hopeful they will support this resolution. As I said this is the next step, there certainly is more work to be done.

Lastly on a very somber note, I too would like to extend my heartfelt sympathies to former Alderman Dion's family. Alderman Dion was a dedicated public servant. He was an outspoken advocate for our community through years of public service as a State Legislator and as an Alderman. He took pride in fighting what he saw as the good fight for the little guy. Words would be inadequate to try and describe what his family has lost, but Nashua has certainly lost a true champion. As always, thank you for your kind attention tonight.

RESPONSE TO REMARKS OF THE MAYOR – None

RECOGNITION PERIOD – None

READING MINUTES OF PREVIOUS MEETING

**MOTION BY ALDERMAN MCCARTHY THAT THE MINUTES OF THE BOARD OF ALDERMEN MEETING OF SEPTEMBER 8, 2009 BE ACCEPTED, PLACED ON FILE, AND THE READING SUSPENDED  
MOTION CARRIED**

COMMUNICATIONS

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

From: Fred S. Teeboom, Alderman-at-Large

Re: Correcting the Sign-Up Sheet for the First Public Comment Period

**MOTION BY ALDERMAN TEEBOOM TO ACCEPT, PLACE ON FILE AND PLACE THE FULL LANGUAGE OF NRO 5:14(I) ONTO THE SIGN-UP SHEET FOR THE FIRST PUBLIC COMMENT PERIOD**

ON THE QUESTION

Alderman Teeboom

Well this issue came up I think the last time we met and there had been an amendment made to the first comment period, which is covered under NRO 5:14(I). That is the additional language. If you look at the communication before you, that was the additional language that does not appear today on the sign-up sheet, and the language reads as follows: "If there is a reasonable expectation by the President of the Board that final action shall be taken on an order of business not on the agenda or considered in a communication, the President shall allow comment on that item of business." You may notice the word "shall". This was done because actions are taken as they are taken at this point with a formal motion, which do not appear on the agenda. Nevertheless they are before us and they may even be resolutions. In fact, this very evening there are items being proposed, R-09-230 and R-09-229, that are not on the agenda. I don't even have the original language for those resolutions.

This was done, and Alderman Cookson can address if he wants to, why he moved that amendment earlier this term. I certainly was a co-sponsor on it. Citizens are entitled to know what they can comment on. We shouldn't be hiding that from them. Even though the President has some discretion because you have to make some judgment it doesn't say may it says shall. If there is communication where action is contemplated even though public comment may come after, it could be delayed to some later point in time. It doesn't matter. Public is entitled to comment. Public comment has been around since 1994. I am very proud of the fact that the very first thing I did in

1994, I will never forget it, O-94-01, Alderman McCarthy was here. The very first ordinance we passed in term '94 was the public comment period because public comment period before that did not exist at least not to my knowledge for years before that.

I am going to ask for a roll call vote on this. I think it is very important especially with an election coming up that citizens are entitled to know the rights that are given to them when they address this board. Thank you.

Alderman McCarthy

Just a technical point; I understand the purpose of what is in front of us, and I think that in the particular case that it deals with, we did have a communication that anticipated taking an action. I want to commend that we have changed the language around the comment periods several times, and I would hate to see the spirit of what was done to them lost. The reason that the wording is the way it is is that when we first started it we had a single public comment period, some time later we added a public comment period at the end for general topics, and one at the beginning for topics that were on the agenda.

There were folks who wanted to come and talk to us or talk to the audience about topics that were not going to be on the board's agenda that night or in some cases ever, and in order to do that at the front of the meeting instead of the end, people took to simply sending us a communication and then speaking to the communication that they had sent us. The intent of the ordinance is unless the motion that will be made around the communication is not simply to accept it and place it on file, but to accept it and to take some action, those are the ones where we allow comment on, and those are fairly rare on our agendas. I would hate to get back to the point where somebody who wants to make a speech about ethanol production will send us a letter and then get up and spend a half hour at the beginning of the meeting rather than waiting for the second comment period.

President Bolton

Is there further discussion?

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

Yea: Alderman McCarthy, Alderman Chasse, Alderman Deane, Alderman Wilshire,  
Alderman Clemons, Alderman LaRose, Alderman Tamposi, Alderman Cookson,  
Alderman Cox, Alderman Tabacsko, Alderman Teeboom, Alderman Flynn,  
Alderman Plamondon, Alderman Bolton

14

Nay:

0

**MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

Daniel Richardson, 70 Berkeley Street

Remarked two weeks ago he came to speak about a communication that was on the agenda, which would have action that evening, and was not allowed to speak. Remarked he had a copy of the law with him, dated 7-8-08. Stated he has always carried that with him because that is what gives him his right to stand in front of the board to speak on such a communication. Commented he was dismayed he was unable to speak, and realized the President was not aware the law had changed and he was disappointed in that.

President Bolton

Responded he was incorrect and that he fully knew what the law was.

Daniel Richardson

Responded yet you denied me the opportunity to speak.

President Bolton

Responded he continues to believe he did not have the right to speak given the provisions of the ordinance.

Daniel Richardson

Stated he had not realized it was a debate with the public period. He had thought it was a public comment period. Asked if he was mistaken.

President Bolton

Asked that he please continue.

Daniel Richardson

Stated again he was denied the right to speak. Stated the President did allow him the courtesy of requesting the Board of Alderman take a vote on whether he should or should not speak. Again, he was disappointed as the majority of the board did not vote to allow him to speak. Questioned what was so terrifying about hearing the public speak.

Stated the subject that evening was a communication regarding Alderman David MacLaughlin. Remarked he had nothing unkind to say about him. Commented he sat next to Alderman MacLaughlin and every time he came into the Chamber he had no hint of being inebriated, no hint of having any kind of inhibition or misjudgment. He had always been coming into the Chamber as a gentleman. That is what he had wished to relay. However, that is not the point; the point is there was a failure of leadership in the board. Commented the President was aware of the situation 2 months prior to informing other members of the board of the fact Alderman MacLaughlin would not be returning.

President Bolton

Responded that is untrue. Remarked he will not allow untruthful statements to be made.

Daniel Richardson

Responded all he knows is what is in the newspapers and he contended that is a failure of leadership. He applauded Alderman Teeboom for coming forward with requests for a change to the sign-up sheet and that the President show some leadership with regard to the subject of an Alderman who would not be returning.

Robert Sullivan, 12 Stonybrook Road

Speaking with regard to R-09-224, stated two years ago he asked for a resolution similar to this be put together and Alderman Bolton was good enough to do that. This year he came before the board and asked since the public channel was not ready that the resolution be extended. He thanked Alderman McCarthy for putting it together. Remarked he believes it to be a good idea. Is hopeful in the future there will be a public access channel budget allowing and can move on there and not have to put in a resolution every two years for this.

Speaking with regard to O-09-70 stated he believed it was already being done. Believes it is a fine idea put together by Alderman Deane, endorsed by Alderman Cookson, and approved by the Personnel/Administrative Affairs Committee. Stated he recalled watching a meeting where a contract was up and an employed board had indicated the contract did comply with the Spending Cap law, and it was discovered later during the meeting it was not. Believes this ordinance will rectify that situation so that when contracts they can be confident the pricing is appropriately performed.

Speaking with regard to O-09-67, stated he believes it will provide much needed relief for the senior citizens of Nashua, and is glad to see such an ordinance before the board.

Thomas McDonnell, 17 Ronnie Drive

Stated he is currently the President of Nashua South Cal Ripken. Thanked the Board for their consideration of the resolution to name the lower field after Dave Drescher. Stated the resolution contains the information on his bio, which he believes stands for itself. Commented Mr. Drescher had made a tremendous impact to the city, has been an institution for the City of Nashua, both the longevity and quality of time of his efforts has made a true impact, and by naming the field after him and honoring him in this way will truly leave a great symbol for the youth and residents of Nashua for the future.

Bob Burgess, 32 Bates Drive

Speaking with regard to O-09-67 stated he believes it to be a drop in the bucket. Stated the Telegraph would do a good service to the citizens of Nashua if they list the amount of people on elderly exemption, veterans' exemption, etc. showing the true and total amount of people to show what others have to pick up to pay the difference in taxes.

Believes there will be a lot more veteran exemptions down the road, which will be a burden on some of the young people and the working elderly. Believes it would do the citizens a good service to have that information in the newspaper.

Speaking with regard to R-09-243, stated he is disturbed over the deficit, and believes an investigation should occur to ascertain who was responsible for this. He believes the issue goes deeper than Mr. Mealey and Mr. Hottel. Believes the School Board shares in the blame as they should have had monthly reporting. Someone has to be accountable for this situation. Not sure if the issues goes all the way up to the Mayor's Office and the Finance Committee and Board of Aldermen, but it really disturbs him. Remarked the answer is not to bail out the situation with monies that could be used elsewhere.

Commented at the April 8<sup>th</sup> Board of Aldermen meeting, the Mayor stated the Board of Aldermen and city staff were thorough and responsible in fulfilling their rolls to monitor the cost of this agreement, referring to the teachers' contract. On Sunday, in the local newspaper, the Mayor was quoted as saying I can't really blame the contract for this, but maybe I would have had second thoughts in

signing this. Commented a few citizens appeared at meetings and spoke of the high raises, benefits, severance packages, etc., included in contracts. Suggested if the Mayor were to look at the figures in the budget they really do attribute the problem with the contract.

Spoke of the number of Assistant Principals, Headmasters, part-time teachers, teacher raises, and severance packages. Stated his belief a majority of the deficit can be attributed to the teachers' contract. Stated the answer is not to give the school department a million dollars and say we made a mistake. Somebody has got to be accountable for this.

PETITIONS – None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

*Appointments by the Mayor*

The following appointment by the Mayor was read into the record:

Zoning Board of Adjustment

Rob Shaw (Re-Appointment)  
14 Sweet William Circle  
Nashua, NH 03062

Term to Expire: September 11, 2012

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

REPORTS OF COMMITTEE

Personnel/Administrative Affairs Committee ..... 09/10/09

There being no objection, President Bolton declared the report of the September 10, 2009 Personnel/Administrative Affairs Committee accepted and placed on file.

**MOTION BY ALDERMAN MCCARTHY THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR AN ORAL REPORT OF THE BUDGET REVIEW COMMITTEE MEETING HELD SEPTEMBER 21, 2009, WITH RESPECT TO RESOLUTIONS R-09-229 AND R-09-230  
MOTION CARRIED**

*Alderman McCarthy, Chairman of the Budget Review Committee, gave an oral report of the Budget Review Committee meeting held September 21, 2009, with respect to Resolution R-09-229 and R-09-230.*

CONFIRMATION OF MAYOR'S APPOINTMENTS

Zoning Board of Adjustment

**MOTION BY ALDERMAN COX TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE ZONING BOARD OF ADJUSTMENT: BROOKE ARTHUR, ALTERNATE, 4 COVENTRY ROAD, NASHUA, FOR A TERM TO EXPIRE SEPTEMBER 11, 2010, AND SEAN W. DUFFY, 9 CHEYENNE DRIVE, NASHUA FOR A TERM TO EXPIRE SEPTEMBER 11, 2012**

ON THE QUESTION

Alderman Deane

I would like to act on these two appointments separately Mr. President if possible.

President Bolton

Okay. We will first take up the Brooke Arthur appointment as an alternate.

Alderman Deane

Thank you.

President Bolton

Discussion as to the confirmation of the appointment of Ms. Arthur?

**MOTION CARRIED**

President Bolton declared Brooke Arthur dully appointed to the Zoning Board of Adjustment for a term to expire September 11, 2010.

President Bolton

We will now take up the appointment of Sean Duffy as a regular member of the Zoning Board of Adjustment for a term to expire September 11, 2012. Is there discussion as to that appointment and confirmation?

Alderman Cookson

Thank you Mr. President. Just a brief statement; I reviewed the minutes of the Personnel/Administrative Affairs Committee, and I have to say there was a lack of conversation when it came to the re-appointment, and I think that it would be wise of the committee to determine what criteria they would like to evaluate the future personnel. For example, in this particular case, all that was discussed was attendance; 20 out of 27 meetings were attended by this particular individual, but it didn't speak to the quality of his judgment or decisions, and I think this Personnel/Administrative Affairs Committee would be suited to determine what criteria they would like to evaluate on either appointments or re-appointments. Attendance certainly is not something that should be the only criteria that is looked at. Thank you.

President Bolton

Is there further discussion?

Alderman Teeboom

I did not attend the personnel meeting as I had to be somewhere else, but I have known Mr. Duffy for quite a while, and although I have not tracked all that closely what he did, the few times I did I found him to be a very fair individual. I didn't necessarily agree with him. We had some disagreements on some legislation I proposed that eventually passed and he testified against it, but nevertheless Mr. Duffy is a very fair man, and I very much endorse his re-appointment. Thank you.

Alderman Cox

Thank you Mr. President. Several months ago we had a discussion about a process for re-appointments. The agreement was that any re-appointment that the Mayor would bring forward that she would do a careful review of the re-appointment and we, as a committee, requested that she simply speak to us about attendance, and obviously if any committee member has any further concern over and above that it is certainly open for discussion. But, we did discuss a process several months ago, and that is what we, as a committee, determined how we would handle re-appointments.

President Bolton

Is there further discussion? The motion is to confirm the appointment of Sean Duffy as a regular member of the Zoning Board of Adjustment for a term to expire September 11, 2010.

**MOTION CARRIED**

President Bolton declared Sean W. Duffy dully appointed to the Zoning Board of Adjustment for a term to expire September 11, 2012.

Oath of Office administered to Brook Arthur by Corporation Counsel.

CONFIRMATION OF PRESIDENT OF THE BOARD OF ALDERMEN'S APPOINTMENTS

Auditorium Commission

**MOTION BY ALDERMAN CHASSE TO CONFIRM BY VOICE VOTE THE APPOINTMENT OF JOHN J. MCALLISTER, 257 WHEELER ROAD, HOLLIS, TO THE AUDITORIUM COMMISSION FOR A TERM TO EXPIRE DECEMBER 31, 2011**

**MOTION CARRIED**

President Bolton declared John J. McAllister duly appointed to the Auditorium Commission for a term to expire December 31, 2011.

Oath of office administered by Corporation Counsel.

UNFINISHED BUSINESS – RESOLUTIONS

**R-08-137**

Endorsers: Alderman Jeffrey T. Cox  
Alderman Michael J. Tabacsko

**APPROPRIATING \$1,347,754.73 FROM UNANTICIPATED REVENUE-ACCOUNT #481-629 "SCHOOL DEPARTMENT REVENUE-SPECIAL EDUCATION, CATASTROPHIC AID" INTO ACCOUNT #981-5375 "SPECIAL EDUCATION EXPENDABLE TRUST FUND, AND EXEMPTING THE ANNUAL BUDGET LIMITATION BY \$1,747,755**

**R-09-208**

Endorser: Alderman Jeffrey T. Cox

**RELATIVE TO AUTHORIZING THE EXPENDITURE OF \$2,210,000 FROM THE SCHOOL CAPITAL RESERVE FUND FOR THE PURPOSE OF UPGRADING THE SCHOOL ACCESS CONTROL SYSTEM**

**R-09-216**

Endorsers: Alderman Jeffrey T. Cox  
Alderman-at-Large David W. Deane  
Alderman Richard P. Flynn  
Alderman Michael J. Tabacsko  
Alderman-at-Large Steven A. Bolton

**NAMING THE LOWER FIELD AT KIRKPATRICK PARK “DAVID DRESCHER FIELD”**

Given its second reading;

**MOTION BY ALDERMAN COX FOR FINAL PASSAGE OF R-09-216**

ON THE QUESTION

Alderman Deane

Thank you. I think this is a great honor to Dave Drescher. Anyone that knows him and the time and effort that he has donated to the community and to the kids is something to be marveled. I think a lot of folks in the community know him. There are probably children playing down at Nashua South now whose Fathers played there and Dave was a part of their life. I think Tom left out an important part; it is really ironic Dave has no idea that this is going on, none. His Son Steve is here. In my many years of knowing Dave he has always told me that he has been the one responsible for Steve's success as an umpire and he taught Steve the strike zone, which he is very proud of. I think it is a great day for the community; it is a great day for the Drescher family. Thank you.

President Bolton

I have witnessed some of his instruction to umpires as to the strike zone.

Alderman Deane

He is very proactive.

Alderman Cox

I don't have a problem with this at all. In fact, I think it is a great idea. I look back, and we will have to go back a few years, 1965 I played Babe Ruth baseball in the City of Nashua. As of today there is still a guy that is coaching. It is Jim Sanderson. Also giving about 40 years of his time was Willy Kearsted, Dwanye Ericson, Bob Morin who worked for the Park & Recreation Department who just retired from coaching a couple of years ago so we are talking about individuals that have given 35-40 years themselves. It would be nice to see if we start changing some of the names and give some recognition to anybody who dedicates all of these years to the kids because to me that is well earned. Thank you.

President Bolton

Is there further discussion? The motion is for final passage of R-09-216.

**MOTION CARRIED**

Resolution R-09-216 declared duly adopted.

**R-09-224**

Endorsers: Alderman-at-Large Brian S. McCarthy  
Alderman-at-Large Fred S. Teeboom  
Alderman Richard P. Flynn  
Alderman Michael J. Tabacsko  
Alderman Jeffrey T. Cox  
Alderman Mark S. Cookson  
Alderman Michael A. Tamposi  
Alderman Richard L. LaRose  
Alderman-at-Large Ben Clemons

**AUTHORIZING THE USE OF THE GOVERNMENT ACCESS CHANNEL (CHANNEL 16) OR THE EDUCATIONAL ACCESS CHANNEL (CHANNEL 99) FOR 2009 MUNICIPAL ELECTION DEBATES AND FORUMS AND AUTHORIZING PAYMENT OF THE VIDEOGRAPHER'S EXPENSES FROM THE PUBLIC ACCESS CHANNEL ACCOUNT**

Given its second reading;

**MOTION BY ALDERMAN MCCARTHY FOR FINAL PASSAGE OF R-09-224**

ON THE QUESTION

Alderman Teeboom

I am generally of course in favor of showing the debates. There is no question about that. In fact, I am not totally sure that isn't part of the policy for that channel. The problem I have, was pointed out to me by Director Barker, is charging the videography accounts to the public access channel. It is not clear to me why we are doing that. There is not that much money in the public access channel, and the RFP for the public access channel is about to go out. It is in the draft stage. It is not out yet because of multiple things on Mr. Barker's plate.

There is sufficient money. There is quite a bit of money in the government and the education channels because that automatically comes in from the franchise fees. The public channel comes from also the franchise fees, but it is not automatically deposited into a special revenue account. We had quite a bit of debate over that last term. That money in the public access channel is necessary because to get the public access channel off the ground will take a lot of expense; equipment, personnel, all that stuff. There is quite a bit of money in the government and education channels.

**MOTION BY ALDERMAN TEEBOOM TO AMEND R-09-224 BY CHANGING THE LAST SENTENCE IN THE BODY OF THE LEGISLATION TO READ "THE COST OF THE VIDEOGRAPHERS' COMPENSATION WILL BE CHARGED TO THE GOVERNMENT CHANNEL ACCOUNT AND THE EDUCATION CHANNEL ACCOUNT IN PROPORTION TO THE PROGRAMS ON THOSE CHANNELS RESPECTIVELY"**

ON THE QUESTION

Alderman Teeboom

Did you get all of that Mr. President or do you want me to write it down?

President Bolton

My problem is you may want to say 50% to each or some percentage to each because otherwise it is not going to be clear which account to charge things to.

Alderman Teeboom

I don't mind doing that.

President Bolton

I don't want to tell you what to do, but what you have done will lead to an ambiguity.

Alderman Teeboom

It is proportional to the programs shown and expense against each of the two channels respectively so it ought to be pretty clear. If there are three debates on the education channel and three debates on the government channel then it would be proportionally shared 50/50.

President Bolton

Mr. Clerk have you captured that amendment?

Paul Bergeron

I will try and re-state what I have. The last line would be changed to read "the cost of the videographers' compensation will be charged to the government channel account and the educational channel account in proportion to the programs on those channels respectively."

Alderman Teeboom

Yes.

Alderman McCarthy

I am not going to support that. The reason we have the channels separated is that the franchise agreement specifically puts a portion of the franchise fee aside to be used for educational and government purposes. Debates are neither of those they are part of the public access channel. This is not using money in concert with the way it is allocated in the franchise agreement with Comcast. I believe this is a public access channel function and should be paid for out of the public access channel funds because that is what our agreements anticipate.

President Bolton

Is there further discussion? The motion is to amend in order to have the cost of the videographers paid for out of the government and the education channel accounts in proportion to the programming shown on each one subject to the legislation respectively.

**MOTION FAILED**

President Bolton

The motion before us is for final passage of R-09-224. Is there discussion?

**MOTION CARRIED**

Resolution R-09-224 declared duly adopted.

**MOTION BY ALDERMAN MCCARTHY THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE SECOND READING OF RESOLUTIONS R-09-229 AND R-09-230  
MOTION CARRIED**

**R-09-229**

Endorser: Mayor Donnalee Lozeau

**RELATIVE TO THE TRANSFER OF \$2,000,000 FROM ACCOUNT #308-91-6105  
“EMPLOYEE BENEFITS FUND” INTO GENERAL FUND “UNDESIGNATED FUND  
BALANCE”**

Given its second reading;

**MOTION BY ALDERMAN MCCARTHY TO AMEND R-09-229 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PLACED ON OUR DESKS THIS EVENING  
MOTION CARRIED**

**MOTION BY ALDERMAN MCCARTHY FOR FINAL PASSAGE OF R-09-229 AS AMENDED**

ON THE QUESTION

Alderman Teeboom

I have a question before I make my comments to the Chairman of the Budget Review Committee. Are the funds in the employee benefit funds, that is 308-91-6105 currently appropriated money?

Alderman McCarthy

I believe that they are. That is money that has been appropriated in the past into those accounts.

Alderman Teeboom

That is correct as I understand it. This is going in the wrong direction. You take the money that has been appropriated, it doesn't have to be re-appropriated, it is not subject to any cap of any kind because it has already been appropriated. You put it back into an account, which is general fund balance. If you want to get that money back out of general fund balance you have to re-appropriate it. That goes the wrong direction and doesn't make any sense. Why appropriate, then un-appropriate, and have to re-appropriate again subject to other constraints?

At the same time, it occurred to me that if you have this spare money, and I did watch the budget committee yesterday on television until I started watching Dancing with the Stars, a better program actually. I was watching it and no one brought this question up while I watched that part of the discussion. If I had been here, I wasn't feeling that well, but if I had been here I would have brought that up. I would have brought this up, but now it comes under suspension and you don't have the minutes in front of you so you really don't have the details.

The fact of it is that if we have this spare money of \$2.5 million, that is surplus money, we shouldn't be putting it back in fund balance we should be appropriating where it is best and most needed and already appropriated. The place where it is most needed because it basically will rob this account is the school capital reserve fund. The school capital reserve fund was sitting at \$19.5 million in 2005. today it is sitting at \$4.4 million because every time there is a deficit, and this happened back in 2005 and happened this year, money is taken from that fund to cover deficits. That is why \$19.5 million of appropriated money became \$4.4 million.

I think the better use of this \$2.5 million is not to move it to fund balance, but to change it and move it to the school capital reserve fund 91-5368, and I think the number needs to be verified, but that is the information I have in front of me.

**MOTION BY ALDERMAN TEEBOOM TO AMEND R-09-229 IN THE TITLE AND BODY BY REPLACING “GENERAL FUND “UNDESIGNATED FUND BALANCE” WITH “SCHOOL CAPITAL RESERVE FUND 91-5368”  
MOTION FAILED**

President Bolton

The motion is for final passage of R-09-229 as amended. Is there further discussion?

Alderman Teeboom

I am not going to support that even though I think the idea is right. I think it is fundamentally bad budgeting. If you guys are confused about the fact this is happening, it is happening under suspension so I can understand that. You haven't seen the minutes I understand that. This just came as a great surprise to me to see these little sheets on my desk. If we have that spare money we should not be putting it back in undesignated fund balance we should find a better use for it. Thank you.

Alderman McCarthy

A question for Corporation Counsel if I might; what constraints are we under in terms of I know one of these pieces, and I believe it is R-09-230, the fund balance tax rate offset, needs to be passed by ordinance this evening. Is that correct?

James M. McNamee, Esq.

I didn't actually draft these pieces of legislation so I am not sure if there is a timeline.

President Bolton

That is correct.

James M. McNamee, Esq.

Thank you.

President Bolton

R-09-230 would have to be passed this evening. We are now addressing ourselves to R-09-229 however.

Alderman McCarthy

A question for anyone that can answer it is are we in a position where if we set the fund balance offset, the \$4.7 million, as is anticipated by the amendment, but did not transfer \$2.5 million back into the fund balance, would our fund balance be at a level that is high enough to satisfy the ordinance regarding how much we are to keep in the fund balance?

Mayor Lozeau

Currently the fund balance after this legislation passes would be \$27.3 million, which is approximately 11.8%. I know that when I did the calculation for R-09-243 and looked at taking another million out it would have dropped it to 11.3%. I would anticipate taking another million out would not drop it below the 10% minimum.

Alderman McCarthy

We do need to pass some portion of the transfer however correct?

Mayor Lozeau

My understanding is that the need is to pass at least \$4.2 million that we started with that we thought we were going to ask for setting that tax rate.

Alderman McCarthy

I understand we need to set the tax rate. What I am debating is whether I want to make a motion to re-refer this to the Budget Review Committee and perhaps if I just lay out the entire scenario we can sort this out. Alderman Teeboom brings up a very good point. Later this evening we have legislation that we will take up at the next budget meeting that anticipates a supplemental appropriation out of the fund balance essentially to deal with the education shortfall. At last night's Budget Review Committee meeting we had substantial discussion over the fact that if we do that and if we set aside the field money for the North fields, which we really ought to do, we are dangerously close to what the Cap allows us to appropriate this year, and in fact if we have any supplemental need for an appropriation we will not be able to handle that.

We are about to put half a million dollars extra back into the fund balance and have a resolution that will immediately take it back out and appropriate it to another purpose. The only difference, if we don't put it in the fund balance in the first place, is we don't run up against the budget cap. That being the case, I am going to amend this resolution back to the original amount of \$2 million. I will still make the motion to amend the fund balance transfer because we are still fine with putting \$4.7 million towards the tax offset, but then we can debate further what to do with the additional \$500,000 with regard to whether we lapse it back to the fund balance or move it to another account while it is appropriated.

**MOTION BY ALDERMAN MCCARTHY TO AMEND R-09-229 IN THE TITLE AND BODY BY CHANGING THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) TO TWO MILLION DOLLARS (\$2,000,000)**

ON THE QUESTIONMayor Lozeau

It occurs to me Mr. President that there is a special board meeting I believe one evening next week. I think the purpose of that meeting is a public hearing. I don't think that it would be a problem to delay action on either of these to that meeting, which would give us an opportunity to look at these two items rather than make a move that might be difficult to change. I don't think one week would alter our ability to do what needs to be done here, and I would just offer that for your consideration.

President Bolton

My understanding is that the designating a portion of undesignated fund balance to be applied against the revenue that would otherwise be raised by taxes has to be done by this board by the second regular board meeting of September. Maybe R-09-229 could be handled that way, but R-09-230 definitely cannot be. If that is in anyone's mind I guess I would want to dissuade you of that. We ought to, if we want to reduce taxes, take action on R-09-230 this evening.

The motion before us is to amend R-09-229 by reducing in the title and body the figure of \$2.5 million to \$2 million. Is there further discussion as to that motion?

**MOTION CARRIED**

President Bolton

The motion now is for final passage as amended. Is there discussion?

Alderman Teeboom

Half a million dollars more or less I am still against it for the very same purpose. First of all the 10% issue, fund balance is an objective goal, it is a good goal and I am all for reserve funds. Reserve funds are good things to have. That is why I tried to make my earlier motion to get money into school capital reserve fund instead of robbing those funds, but this is going in the wrong direction. Whether it is \$2 million or \$2.5 million it is going in the wrong direction.

If you can delay this, I don't think this was taken up at all at the budget committee. I listened to it very carefully. There heard a lot of discussion about how much money this is going to be, half a million dollars in my calculation is about \$14 on the tax rate. On the average tax bill that means \$14. The \$4.7 million means \$135 on the average tax bill. Again, I have not been able to verify these because with this coming in under suspension there is no chance to react. I think we are talking about a lot of money here. We ought to hold both of these, take a look at this again, take a look at that whole fund balance question, and see what we need to do, but we should not rush and throw money in the wrong direction. I will not support this.

Alderman Deane

Thank you. I think the President stated that we have to take action on R-09-230 regardless. It has got to be done this evening. Looking at what has been stated; we did adopt a policy associated with maintaining a 10% reserve on our total operating budget. The reserve account plays a major roll when this board decides they are going to go out to bond to build or purchase or whatever they are going to do with the money. The bonding agencies look at the health and welfare of the finances of the city. That is how we get our bond rate. To maintain that fund balance I think is important to do.

The other thing that I am quite concerned with is there are a lot of resolutions in the pipeline where money sits in undesignated fund balance now that are being contemplated along with the \$1 million one that the Mayor has brought in tonight with some co-sponsors. There are 1 or 2 other pieces of legislation. If those pieces of legislation are successful, it will deplete the account down below that 10% line I think if they are successful. Some of them require an override. I tend to agree with Alderman McCarthy, I think we should get a good look at everything that is in the pipeline before we act on disposing of this as it has been amended. Thank you.

President Bolton

Is there further discussion?

Alderman Flynn

Thank you Mr. President. I am a big believer in reserves. I don't have an issue, certainly I support that notion. I like it especially when reserves come from things like unanticipated revenue. These funds that we are talking about tonight in Department 308; these are funds that were raised from taxes. I think I asked this question several times last night of CFO Gilbar trying to get a real feeling of where this money came from. This was money that was raised in taxes in the FY09 budget under Department 508 and transferred to Department 308. At the end of this fiscal period, there was more money transferred from 508 to 308 for employee benefits, for health insurance/life insurance. There was more money transferred than was necessary.

I think I tried to pin him down and he did state it finally in the end that this money really was money from FY09. My position is we raised taxes higher than we had to in FY09. If we had had the right numbers, it is very difficult to do setting the working rate for health insurance and it is kind of an educated really sharp pencil worksheet that comes up with those final numbers, but if we had known that ahead of time we wouldn't have raised these taxes. It is the same thing as the employees the employees pay 10% of the working rate. If the working rate comes in lower, we reimburse them. All we are doing here is apparently the working rate came in lower, we don't need all of the funds that we appropriated in FY09, on the citizen share, if there is a surplus, just like we return to the employees if it came in under the working rate, I would think that we would return to the taxpayer if we came in under the working rate as well for their 90% of the contribution that they are making.

I am very comfortable with doing this and to use it to offset the tax rate on the subsequent resolution that is coming forward. Like I say I am a big fan of reserves, but when it is the very next year and it is a chance for us to adjust what we raised from taxes that turned out to be actually unnecessary I am certainly in favor of moving it forward with the legislation we have and then the subsequent one, and use it to reduce our tax rate for FY10.

Alderman Clemons

Just briefly, I would like to say that I agree with Alderman Flynn, but I would like to add that all of the money that is in our undesignated fund balance is money that we over taxed our citizens with or the great majority of it anyway because that is what that surplus is. When there is talk that we have such a great surplus as we do, we should also remember that was citizens' tax money that we raised and we have on reserve. Thank you.

Alderman McCarthy

I think we are putting money in piles and we are differentiating them. As Alderman Clemons points out, it all came from one place in the end. Some of it comes from other revenue sources most of it comes from taxes. I don't think it is fair though to say that the fund balance was generated by over-taxing. We have some fairly obvious and direct purposes for which we raise taxes, things like snow plowing, trash pickup, etc, we have some indirect ones like maintaining the overall fiscal condition of the city, which is what the fund balance does, and it may appear to be money we just put in the bank and are keeping there, but on days when things happen like the roof collapsing on one of our junior high schools, I think the wisdom of having those reserve accounts demonstrates itself quite adequately.

What we are doing right now is simply adjusting the piles so that we are back to what we view as a good condition overall. There is money that has been appropriated, there is money that has not and is in the fund balance. I think the point shouldn't be lost that transferring money that has already been appropriated or putting that back in the fund balance and then taking it back out for another

purpose does not change the amount that is in the fund balance or the bottom line at all it simply changes on what side of the appropriation line, which is what we are looking at. I don't think there is any question about adjusting those numbers down so that the total cash reserve we have is at the right level and taxes are minimized for the year. There is a question about whether we transfer money from an appropriated account into the fund balance or transfer it from one appropriation to another appropriation and leave money in the fund balance.

As I pointed out last night, one of the resolutions that is in front of us, the one to appropriate the money into the field maintenance accounts for the north school as a result of the litigation settlement, that is not only money that we raised by taxes, it is money we borrowed and we are paying back by taxes, we are paying interest on it, and it is doing nothing but sitting in an account losing value at this point rather than being applied to the fields that it is supposed to be paying for. I think one of the things that I want to look at when we re-examine what to do with that additional \$500,000 is whether that is a reasonable way to deal with that, leave the settlement in the fund balance, move an already appropriated amount to the same purpose, and then we can adjust things in a more straightforward way.

I am fine with transferring \$2 million back because I think we are going to wind up doing that anyway. Let's do that, let's set the fund balance offset to what we anticipated it to be, and then we will worry about which pile the last \$500,000 comes out of when we have more time to talk about it at a committee meeting.

Alderman Plamondon

Thank you. I am just looking for some clarification in like of the discussion we have had thus far. Where the NROs state that the fund balance has to be acted upon by the second meeting in September by the full board, my question to you Mr. President or Corporation Counsel is would an action of holding or suspending the legislation this evening allow us to do what we are trying to do and work out the finances at a later date? We could transfer the monies later.

President Bolton

I think we can hold O-09-229 or re-refer it to committee and we can adjust it later on in order to set fund balance appropriately. If we are going to use any of the undesignated fund balance in order to offset money that would otherwise have to be raised in taxes, which is what the next legislation does, R-09-230, that has to be approved by the end of the meeting tonight by 10 votes of this body or else taxes will be higher. Does that answer your question?

Alderman Plamondon

I think so.

President Bolton

Is there further discussion?

Alderman Teeboom

I think we are getting R-09-230 mixed up with R-09-229. R-09-229 is not required to be acted on this evening. I think we are moving hastily on this.

**MOTION BY ALDERMAN TEEBOOM TO RE-REFER R-09-229 TO THE BUDGET REVIEW COMMITTEE**

ON THE QUESTION

Alderman Flynn

I thought this got good dialogue last night frankly at the Budget Review Committee. I don't think this, maybe people don't like the word that they were over taxed. Maybe we weren't over taxed, but we raised taxes that we didn't need to raise to fund this in retrospect. The numbers for the working rate was set higher than necessary and we are giving it back to the city employees, we should give it back to the citizens. I thought that discussion was had last night in Budget Committee and everybody had a chance to explore it fully. Thank you.

Alderman Tabacsko

A question to clarify please; if we move to re-refer this and we do re-refer this piece, and we act on R-09-230 as it is amended now, I think the question was asked before and I want to make sure I understand, there is enough in that undesignated fund balance that we still maintain that the percentage that is established correct?

President Bolton

No. If R-09-229 is not passed in some form the passage of R-09-230 as presently contemplated will cause the undesignated fund balance to, when all of that is accomplished, drop below 10%. It doesn't happen today because all this does is authorize certain things to be done. They will not be done today, but as to R-09-230, that authorization has to happen today. It is then possible to, in further contemplation of R-09-229 or other things, to fix the level of undesignated fund balance at a level that we think is appropriate. That ought to be done before we have to explain ourselves to bond rating agencies, auditors, and people like that.

Alderman Deane

Thank you. So the motion that passed to amend was to leave the additional \$500,000 in 308-91-6105. Now the current motion on the floor is for \$2 million and that is for final passage.

President Bolton

The current motion is to re-refer to the Budget Review Committee.

Alderman Deane

If Alderman McCarthy could explain to me, we talked about this \$500,000 last night and about putting it back into fund balance and I guess leaving it in there and using the \$2 million so now we are going, if we leave the \$500,000 in the existing account, the employee benefits fund, we will have an overage of what was recommended to us through the consultants or Mr. Gilbar or whatever. We will have an overage of about \$500,000 in reserves in that account. The wisdom in doing that is what?

Alderman McCarthy

As Alderman Teeboom points out, that is money that is already appropriated. We can transfer it to another account rather than lapsing it into the fund balance and then re-appropriating it. We have had this discussion about when we go to do the next appropriation to either take care of the special education revenue or the field maintenance account those will get us closer to the appropriations

that come out of this year's budget and the Cap. If we transfer already appropriated money it doesn't have that feature. The cash winds up the same in the end; it is what we have appropriated in FY10 remains lower however.

Alderman Deane

Thank you. I am not going to support re-referring this. I will support the amendment and then addressing the other issues at a later date at the Budget Review Committee. Once we vote on this motion, if it fails, I am going to move to recommend final passage as amended. I think we should take action on both of these and put the \$2 million into undesignated fund balance and follow through on R-09-230. Thank you Mr. President.

President Bolton

The motion is to re-refer to the Budget Review Committee.

**MOTION FAILED**

President Bolton

The motion before us is for final passage of R-09-229 as amended, which means the \$2 million level. Is there discussion as to that motion?

**MOTION CARRIED**

Resolution R-09-229 declared duly adopted as amended.

**R-09-230**

Endorser: Mayor Donnalee Lozeau

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

Given its second reading;

**MOTION BY ALDERMAN MCCARTHY TO AMEND R-09-230 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PLACED ON OUR DESKS THIS EVENING**

ON THE QUESTION

Alderman Tamposi

Thank you Mr. President. If we amend it, doesn't it stand at the original price unamended?

President Bolton

It currently provides for \$4.2 million of undesignated fund balance to be used to offset the amount, which would otherwise have to be raised in taxes. The substance of the proposed amendment is to increase that \$4.2 million to \$4.7 million. If there further discussion?

**MOTION CARRIED**

**MOTION BY ALDERMAN MCCARTHY FOR FINAL PASSAGE OF R-09-230, AS AMENDED, BY ROLL CALL**

ON THE QUESTION

President Bolton

As I had said while we were discussing the previous resolution, we are required; if we are going to do this, to do it this evening and it does take 10 votes to accomplish that purpose and pass this this evening. Is there discussion?

Alderman Deane

Thank you. So the \$4.7 million now is if we look at the prior resolution we just passed it was minus \$500,000 so we are going to be taking an additional \$500,000 out of fund balance to bring it to the \$4.7 million?

President Bolton

According to what the Mayor told us her rough calculation was that would leave us at just over the 10% guideline for undesignated fund balance.

Alderman Deane

Thank you.

President Bolton

Is there further discussion? The motion is for final passage as amended.

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

Yea: Alderman McCarthy, Alderman Chasse, Alderman Deane, Alderman Wilshire, Alderman Clemons, Alderman LaRose, Alderman Tamposi, Alderman Cookson, Alderman Cox, Alderman Tabacsko, Alderman Teeboom, Alderman Flynn, Alderman Plamondon, Alderman Bolton

14

Nay:

0

**MOTION CARRIED**

Resolution R-09-230 declared duly adopted as amended.

President Bolton

If the board would indulge me for a moment, I note that Mr. Sean Duffy has returned to our Chambers. We previously had confirmed his re-appointment to the Zoning Board of Adjustment. Unless there is any objection I would like to invite him to come forward and have the oath of office administered.

Oath of Office administered to Sean W. Duffy by Corporation Counsel.

UNFINISHED BUSINESS – ORDINANCES

**O-09-62**

Endorsers: Alderman Mark S. Cookson  
Alderman-at-Large David W. Deane  
Alderman Michael A. Tamposi, Jr.  
Alderman Paul M. Chasse, Jr.  
Alderman-at-Large Ben Clemons  
Alderman Richard P. Flynn

**RELATIVE TO THE DISPOSITION OF RESOLUTIONS TO APPROVE  
THE COST ITEMS OF COLLECTIVE BARGAINING AGREEMENTS**

**O-09-67**

Endorsers: Alderman Richard P. Flynn  
Alderman Michael J. Tabacsko  
Alderman Mark S. Cookson  
Alderman-at-Large Ben Clemons  
Alderman-at-Large David W. Deane  
Alderman-at-Large Brian S. McCarthy  
Alderman-at-Large Steven A. Bolton

**AMENDING THE EXEMPTION FOR ELDERLY PERSONS BY INCREASING THE MAXIMUM  
ALLOWED COMBINED NET INCOME FROM \$36,000 TO \$40,000**

Given its second reading;

**MOTION BY ALDERMAN FLYNN FOR FINAL PASSAGE OF O-09-67**

ON THE QUESTION

Alderman Flynn

I did send out a note once to the Board of Aldermen and once to the Personnel/Administrative Affairs Committee pretty much 8 pages of information of where we stand as a community in trying to assist our elderly residents. I didn't get any questions back from anybody so hopefully that was pretty clear and you were in agreement with what I was proposing.

Essentially I think if you look just at the first paragraph it shows that we as a city just the four years that I have been here and actually since 2002 have been very willing to try to assist the senior residents in our city. I think if you look at the comparison between ourselves and similar towns, we have done our best to assist them. This resolution just asks us to broaden the pool of people. That \$36,000 was a number that the Board of Aldermen saw in its wisdom in 2002 as a reasonable income limit for married individuals. This asks us to broaden that pool a little bit and recognize that 7 years have passed and to open it up from \$36,000 to \$40,000 for married income limits.

There is really no way to tell how much this is going to cost the city. I have really had several e-mails and I have talked directly with the Chief Assessor. He doesn't seem to feel strongly that there will be too much impact, but despite his professional contacts and his relationships with other communities he wasn't able to really put any kind of price tag on this as to what it costs. I like to be cautious about what the costs are going to be. I think this is something that we could re-visit maybe in a year or two and see how much this really did impact us, and see if we can even broaden things a little bit further for other individuals. Up front, this seems to be a sensible area for us to go in is to raise it by 11% since it has been 7 years. Thank you.

President Bolton

The motion is for final passage of O-09-67. Is there further discussion?

Alderman McCarthy

Question if I might to Alderman Flynn; I am sorry I didn't pay a lot of attention to this. I thought we were moving just the maximum income, which we had previously set for both single and married to the same amount. Does this anticipate only increasing the married amount?

Alderman Flynn

My legislation does only the married.

Alderman McCarthy

I just want to site again the reason why we had it set the way we had it set so that they were both the same, which is if we look back to the generation that are now our seniors where many of the families had single bread winners, someone who is in the range of between the single and the married allowance for income is now given a great gift when their spouse dies by losing their elderly exemption. That is not the case?

President Bolton

The State Legislature has fixed that.

Alderman McCarthy

That has been fixed. Thank you very much.

President Bolton

The motion is for final passage. Is there further discussion?

Alderman Teeboom

I just have one question. I didn't follow this all that closely, but in the analysis, maybe the sponsor of the resolution can answer this, but if you look at the back of O-09-67, there were 6 couples that would not have been denied. We have 6 couples would have qualified for the additional exemption. Of course it says it is not clear – well maybe the sponsor can tell me how many couples does he assume/estimate will be affected by this.

President Bolton

I think you have already answered this Alderman Flynn, but give it another shot.

Alderman Flynn

As I said, the Chief Assessor couldn't put a number on it. I made my own assumption and stated in committee what I thought the number was going to be, but I think you can attach any number to it yourself. I don't have any professional information. I would say that I believe that those that are applying or looking for an exemption, they are pretty savvy. They know what the number is and they don't turn in their application. These six people are people who for whatever reason have submitted

their application even though they were over the income limit. I would imagine that there have to be people out there as well who are savvy enough to know that when they crunch their numbers it doesn't turn out right and that they wouldn't be eligible under the \$36,000 limit.

I think it certainly must be more than the 6 that have applied and were denied. Keep in mind that this is for all age categories from 65 up so there is a pretty good sized pool of people that may be able to get some assistance from this. I certainly hope that the Telegraph does something about publicizing this as one of the citizens said tonight that we should get the message out there, what it does cost the other taxpayers to support the elderly. I don't have a problem with that and we should also get the message out there what the Board of Aldermen have decided as a body that makes sense for us to support those elderly citizens and the cost associated with it, the number of people we are able to assist...

President Bolton

I think we are going beyond answering the question now Alderman Flynn.

Alderman Flynn

I think you are right. Thank you.

Alderman Teeboom

I am a senior myself, but I don't qualify for this. How did the \$40,000, why not \$45,000, why not \$38,000, why not \$50,000? How did you come up with the \$40,000 number?

President Bolton

If you can answer that Alderman Flynn.

Alderman Flynn

No I can answer that. What I did say earlier is that I wanted to be somewhat prudent; I wanted to be cautious because I don't know how many people this would affect. I thought that 11% for a 6 year period or a 5 year period was a good first step and that this should be re-visited perhaps in another year and see where we are.

Alderman Teeboom

The only comment I can make then, I will finish up with this, I am a senior myself and don't qualify, but if we don't know how many couples are going to be affected by it, if we don't really know why we came up with \$40,000 – just a number, and it seemed like a nice number, we didn't really quantify it by any means. You have your spreadsheet, but I don't see any substance behind the numbers or the justification. I can't support that. I can't support it. It could be \$45,000. I don't know what the impact is; I don't know what the impact is on the taxpayer. Nice thing to have, election time sounds great, but I don't understand the impact. I am not going to vote for that because I don't understand the impact.

President Bolton

The motion is for final passage of O-09-67. Is there any further discussion?

**MOTION CARRIED**

Ordinance O-09-67 declared duly adopted.

**O-09-70**

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

**PREPARATION OF COST ANALYSIS OF COLLECTIVE BARGAINING AGREEMENT  
UPON REQUEST OF EMPLOYER BOARDS**

Given its second reading;

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-09-70**

ON THE QUESTION

Alderman Deane

Thank you. I think we can all remember some of the cost analyses that were coming in in the recent past with some of these Collective Bargaining Agreements that were generated in their own departments. Unfortunately, there were some issues with some of it, but what this ordinance does is it adds H, which states "Upon request by an employer board, the financial division shall prepare a cost analysis of a collective bargaining agreement for the employer board's review or consideration." I think it is of ultimate importance for all of the employer boards to understand the total fiscal impact of a contract when they are moving forward on it and not to find out after the fact or have us get our cost analysis, which is due when you look under the resolutions that require them. I think it created a lot of unnecessary problems that were dealt with in this room.

I think it is not requiring the employer boards to do this; it is giving them the opportunity to take advantage of the services that are offered here for the financial analysis for the collective bargaining agreements. Thank you Mr. President.

President Bolton

Is there further discussion? The motion is for final passage of O-09-70.

**MOTION CARRIED**

Ordinance O-09-70 declared duly adopted.

**O-09-71**

Endorser: Mayor Donnalee Lozeau

**REASSIGNING PARKING FUNCTIONS FROM THE TRAFFIC ENGINEERING  
DEPARTMENT TO TRANSIT**

Given its second reading;

President Bolton

I should make you all aware that the Board of Public Works recommended favorably on the legislation and its amended version should that amendment be made.

**MOTION BY ALDERMAN DEANE TO AMEND O-09-71 IN ITS ENTIRETY BY REPLACING IT  
WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

ON THE QUESTION

Alderman Teeboom

I looked at the amended golden rod versus the unamended and I guess the big change is paragraph E. In fact E does not exist in the unamended version. It is kind of nice to know what we are voting on. It isn't clear when you look at these sheets without the white sheets. I have a question to the Mayor on that. In E it mentions in the third line the Mayor shall appoint a department head. The question I have to the Mayor is, is that a new position and if so what is the pay rate?

President Bolton

It is not a new position.

Alderman Teeboom

Not a new position?

President Bolton

The same as the current Transit Manager. Changes the title.

Alderman Teeboom

There is a manager in transit today?

President Bolton

Yes.

Alderman Teeboom

Okay. Thank you.

President Bolton

Further discussion as to the motion to amend?

**MOTION CARRIED**

**MOTION BY ALDERMAN DEANE FOR FINAL PASSAGE OF O-09-71 AS AMENDED**

ON THE QUESTION

Alderman Deane

Maybe the Mayor can help me with this, maybe you already told me, but the one employee that is currently working under the Public Works Division, paying into the Public Works Pension Plan, will no longer be in Public Works. The job that currently exists will be under this department?

Mayor Lozeau

The job that currently exists is a position that is, as you know, under the Traffic Department in Public Works.

Alderman Deane

And they pay into the Public Works Pension Plan.

Mayor Lozeau

Correct. Under this scenario that position will become a UAW position in the Transportation Department. We have not yet finished our discussions with the union about how we potentially might handle that position and the other position is currently vacant.

Alderman Deane

But the individual that is in the position has paid into the pension plan for 23 years, they need 2 more years and they retire and their job has been shifted.

Mayor Lozeau

We are working on trying to find the resolution to that. There are some options available.

Alderman Deane

I think the Public Works Pension Ordinances are really clear on the fact that they have to work within the division to pay in. There was an exception made back when the Park Department was a standalone department and it moved in under the Public Works umbrella they allowed the opportunity of either staying in the state plan or come to the Public Works plan. I wonder if that option was reviewed whether that might be acceptable since that is a past practice that was used. Just an idea. That was my only concern with this or question with this. The individual that is employed in that position has paid into the system for 23 years they are 2 years from retirement. That is one thing that still has to be ironed out. Thank you.

President Bolton

Is there further discussion? The motion is for final passage of O-09-71 as amended.

**MOTION CARRIED**

Ordinance O-09-71 declared duly adopted as amended.

**O-09-73**

Endorsers: Alderman-at-Large Steven A. Bolton  
Alderman Marc W. Plamondon

**AMENDING THE DEFINITION OF A “SECONDHAND DEALER”**

Given its second reading;

**MOTION BY ALDERMAN PLAMONDON FOR FINAL PASSAGE OF O-09-73**

ON THE QUESTION

Alderman Teeboom

I notice that President Bolton was a sponsor. Maybe you can respond to my question. I looked at this and I couldn't quite figure out the purpose for this change. I looked at the minutes and the

minutes had no discussion at all on page 14 of the Personnel/Administrative Affairs Committee meeting. They didn't discuss it.

First of all the change says that the secondhand dealer, the definition doesn't apply to any person who doesn't purchase directly from the general public. That means he can purchase from anybody else and are not called a second hand dealer. Well a secondhand dealer is a secondhand dealer. There must be a purpose for this. It says here that thrift shops are exempted under the analysis. That is the only place the words thrift shops is mentioned. Maybe somebody can explain to me because I can't tell from the minutes and I certainly can't tell from the language, why are we making this change?

President Bolton

There were communications from the City Clerk that fully explained this. I will ask Mr. Bergeron if he can encapsulate the purpose and what he had previously put in his memorandum.

Paul Bergeron

This proposed amendment came about after some communications with a national chain based in Seattle called Savors, which was interested in leasing the old Circuit City warehouse if you will call it that on Daniel Webster Highway. Part of their merchandise is used clothing bought in bulk from different providers, and their attorneys called us to find out if their business would have to be licensed under the secondhand dealers ordinance and we said no we don't license thrift shops. But their attorney said well under your ordinance you should because it says any person or corporation that deals in secondhand articles has to be licensed and abide by the reporting requirements that the police have designed for pawnshops and precious metal dealers.

When I spoke to Attorney Bennett about this he agreed that not only would this apply to this particular company, but it would apply to the Grey Nuns and the Salvation Arms and a number of other charitable organizations in the city that obtain secondhand goods primarily through donations. The fact that they are simply dealing in secondhand merchandise meant that they would have to fall under the ordinance that was intended for pawn brokers.

Alderman Teeboom

So you are exempting anyone that buys anything from anybody who is not the general public and that leads you back to what is the purpose of the entire ...

President Bolton

The purpose Alderman Teeboom is that if someone steals a television set and goes and sells it to a secondhand television shop, that secondhand television shop has got to be licensed, has certain reporting requirements, and is required to take down the person's name and so forth so that when the police find out that the television set was stolen they can trace it back to the thief. The difference in the kind of operation described in the ordinance is that this bulk used clothing is not being purchased from someone who broke into a house in Nashua or the related area, it is coming from big bulk purchases all over the country and further the Salvation Army and the Grey Nuns and stores of that nature, they get their material primarily through donations, which obviously don't have the same possible criminal background. That is the purpose of the distinction.

Alderman Teeboom

Thank you.

President Bolton

Further discussion? The motion is for final passage of O-09-73.

**MOTION CARRIED**

Ordinance O-09-73 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

**R-09-241**

Endorser: Alderman-at-Large Lori Wilshire  
Alderman Michael J. Tabacsko  
Alderman-at-Large Ben Clemons  
Alderman Marc W. Plamondon

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), PROFESSIONAL EMPLOYEES OF THE NASHUA POLICE DEPARTMENT, LOCAL #2232, THROUGH JUNE 30, 2011**

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

**R-09-242**

Endorser: Alderman-at-Large Lori Wilshire  
Alderman Marc W. Plamondon  
Alderman Michael J. Tabacsko  
Alderman Jeffrey T. Cox  
Alderman-at-Large Ben Clemons

**APPROVING THE COST ITEMS OF A SIDEBAR AGREEMENT BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND NASHUA POLICE PATROLMAN'S ASSOCIATION EFFECTIVE TO INCREASE THE OUTSIDE DETAIL COMPENSATION RATE FOR FULL-TIME EMPLOYEES**

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

**R-09-243**

Endorsers: Mayor Donnalee Lozeau  
Alderman-at-Large Steven A. Bolton  
Alderman-at-Large Brian S. McCarthy  
Alderman Jeffrey T. Cox  
Alderman Michael J. Tabacsko  
Alderman Richard P. Flynn  
Alderman-at-Large Ben Clemons  
Alderman-at-Large David W. Deane

**RELATIVE TO THE APPROPRIATION OF \$1,000,000 FROM ACCOUNT #299-00 "UNDESIGNATED FUND BALANCE" INTO ACCOUNT #581-99985 "SCHOOL DEPARTMENT – BUDGET ADJUSTMENT" (\$850,000) AND ACCOUNT #981-5375 "SPECIAL EDUCATION EXPENDABLE TRUST FUND" (\$150,000)**

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

NEW BUSINESS – ORDINANCES

**O-09-76**

Endorser: Alderman Marc W. Plamondon

**ESTABLISHING NORFOLK STREET AS A ONE-WAY STREET**

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

**O-09-77**

Endorser: Alderman-at-Large Fred S. Teeboom

**AMENDING THE ORDINANCE ON COMPENSATION TO MEMBERS OF THE BOARD OF ALDERMEN**

Alderman McCarthy

Before we refer it to a committee, I would like to move to amend in the body of the legislation the number \$6,000 to \$5,000, and I would like to speak to that.

**MOTION BY ALDERMAN MCCARTHY TO AMEND IN THE BODY BY CHANGING THE FIGURE OF SIX THOUSAND DOLLARS (\$6,000) TO FIVE THOUSAND DOLLARS (\$5,000)**

ON THE QUESTION

Alderman McCarthy

I have actually tried to solve this problem before and ran into a substantial amount of complication with it. I think there are a number of problems with this ordinance and ordinances like it. That is fine to discuss at the Personnel/Administrative Affairs Committee. I would not, however, want the public to even think that in the course of that debate we are considering giving ourselves a 20% raise at the same time as this changes the Aldermanic compensation from \$5,000 a year to \$6,000 a year, and if this passes, we will be in a deficit situation with regard to the Aldermanic budget because we don't have enough money to pay that expense unless less than 12 ½ people show up for each of our meetings. I note that this evening we are at 14 so we are running in the negative if it were to switch to this form of compensation.

President Bolton

The motion is to amend the \$6,000 down to \$5,000. Is there further discussion?

Alderman Teeboom

Well that is a little strange to have this amended before it gets a first reading.

President Bolton

It had its first reading.

Alderman Teeboom

The \$6,000 is done because proportionally I have data about how many meetings there were during the year. I don't have data on how many individual Aldermen were absent. It has nothing to do with whether you have 14 members present, or 13 members present or 12. It has to do with statistically how many Aldermen are absent let's say during a – and I have not put the statistics together yet, but I have the data for the last five years. Typically you are going to have let's say 30 meetings so to get

back to the \$5,000, which is typically where you would be to have let's say a 20% absence – say 30 meetings like 4-5 meetings you would have to be absent and you are back to \$5,000. The idea was not to try to get people pay cuts because otherwise you would.

If the pay was \$5,000 and you were absent today it would be less than \$5,000. It has nothing to do with whether the citizens understand or don't understand. I think the citizens have enough smarts to understand what proportionality means. The whole point was to try to get some equity and meet the requirements of our Charter. The \$6,000 is based on how many meetings are you absent. If you are present for all of them you are going to get \$6,000. If you are absent let's say 3-4 meetings you are going to get the \$5,000. If you are absent more than that you are going to get less than \$5,000. It is as simple as that.

Alderman Clemons

I find it difficult to support the ordinance in general. Just on its base measure...

President Bolton

Right now we are talking about amending it from \$6,000 to \$5,000. There will be plenty of time for the ordinance in general discussion later, hopefully much later.

Alderman Clemons

That is the crux of my position. I guess I can support moving the compensation down, but I don't want the public to think I support this ordinance. I do not. I will not be voting for final passage of this.

Alderman Deane

Thank you. Pretty much in the same vein, I am not going to support amending anything at this full board that hasn't been referred to committee for discussion. So many times we have said that is why we have committees, that is where the discussion takes place. I am not going to support amending anything. I think the discussion and the votes should take place at the committee level not here after its first reading. Thank you.

Alderman McCarthy

I wouldn't make the motion but for two things; one we have a piece of legislation in front of us that anticipates giving this board an effective 20% raise in a time when our school department budget is \$3 million short. I think that is at best reckless, and I think we ought to acknowledge that we don't even want to have that debate at this point in time. More important we are setting by ordinance the compensation of this board to require \$90,000 a year to fund. We have \$75,000. Unless 2 ½ people are absent from every meeting we hold, we will overrun that budget.

We are required by law to have \$90,000 to pay them; we are in the deficit situation that the Charter provision recognizes if we pass this because we have a contractual obligation to ourselves that is not met by the line items in the budget.

If we want to change that compensation we need to make a supplemental appropriation into that account at the same time. I don't intend to support either of those things, and I would rather just get the discussion of that out of the way now so that when we get it to the committee we can try to look at a framework for how do we deal with attendance at this board.

Alderman Deane

That is why we can hold it at committee for as long as we want and have all the discussion we want at the committee level. I think the legislation should go down there as is. I necessarily agree with you, I don't think the compensation should be changed, I am not looking for any more money, but I think the particulars should be worked out at the committee level. That is why we have committees.

Alderman Teeboom

I didn't ask for this amendment. As long as you brought it up, you just transferred millions of dollars around, which I said was going in the wrong direction. You had absolutely no difficulty making those transfers. Now you are talking about if everybody is present at all times you need \$90,000 instead of \$75,000. You can certainly transfer \$15,000 out of some place instead of millions. That is an insane argument. You know it is an insane argument...

President Bolton

Alderman Teeboom, do not use insulting statements like that in these Chambers now stop it.

Alderman Teeboom

Insane is not an insulting statement sir...

President Bolton

Well it is ...

Alderman Teeboom

It is an insane argument sir...

President Bolton

...one by me, and if you are going to continue to use it you won't have the floor so please continue.

Alderman Teeboom

It is a ridiculous argument. Is that better?

President Bolton

No.

Alderman Teeboom

It is an inappropriate argument. Is that better?

President Bolton

That is fine.

Alderman Teeboom

Fine. Inappropriate argument. Inappropriate argument.

President Bolton

Is there further discussion as to the motion to amend?

Alderman LaRose

Thank you. I will not support the amendment at this time. I agree with Alderman Deane, I think it has to go to committee and I agree with what Alderman McCarthy said that a 20% raise isn't what this is about, and I think he brought it out to the public that we are not looking to increase our salary.

President Bolton

Is there further discussion? The motion is to amend O-09-77 by reducing the amount of compensation from \$6,000 to \$5,000.

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

Yea: Alderman McCarthy, Alderman Wilshire, Alderman Clemons, Alderman Tabacsko,  
Alderman Bolton

5

Nay: Alderman Chasse, Alderman Deane, Alderman LaRose, Alderman Tamposi,  
Alderman Cookson, Alderman Cox, Alderman Teeboom, Alderman Flynn,  
Alderman Plamondon

9

**MOTION FAILED**

Alderman Clemons

I would respectfully request that this be referred to the Budget Review Committee as well since it will affect potentially this year's budget.

Given its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE and the BUDGET REVIEW COMMITTEE by President Bolton

PERIOD FOR GENERAL PUBLIC COMMENT

Robert Sullivan, 12 Stonybrook Road

Commented the main reason he wished to address the board was to speak about Alderman Dion who recently passed away. Expressed his condolences to the Dion family and especially his Wife, Jackie. Remarked Alderman Dion was a character he will never forget. Stated one of the famous phrases he would use when a member of the public or another Alderman would disagree with him was "wrong answer". Stated he reminded him of an old style ward boss; what you see is what you get, direct, to the point, honest, open, a little gruff, but he had a heart of gold. Commented he will be missed.

Bob Burgess, 32 Bates Drive

Remarked Bob Dion will be missed. Remarked he was a champion of the little guy. He really considered the taxpayer. Remarked he was one gentleman he could say nothing bad about. He was a fine person and will be missed.

Stated his understanding there is a sidewalk committee. Asked if Concord Street from Hillsferry Road could be considered. There has been talk of sidewalks for several years. There are kids being bused ¼ of a mile to Pennichuck due to the lack of sidewalks. Commented this is a main artery coming into the city and should be taken into consideration for concrete sidewalks.

With regard to signs, asked the Mayor to get Mrs. Hersh to look at Bridge Street coming over the bridge from Hudson. Remarked it is a real eyesore. Remarked there are probably 30 signs lined up along the street. Believes it would serve the city to consolidate these into one large sign with all of the companies that are in the area.

Touched on a contract for the police department wherein there exists a fast day holiday, which has been done away with in the state for 18 years. He found that holiday strange to be in a contract. Remarked should consider cutting down the amount of days left on the books that they can be paid for once they leave city service. Stated the average teacher getting out after 20 years would be given \$30,000 a year. Believes it is something the city has to consider.

With the upcoming winter, hopes the city will consider the way the streets in the city are plowed. Stated there are plows going up and down the streets over 8-10 times when there is 1/4 inch of snow. To have the plows up and down the same street is a waste of taxpayer money.

Stated the city recently purchased some sidewalk plows. Not sure if they will be able to salt the sidewalks, which, even after plowed, are impassable.

Stated he hopes the working class will be out for the upcoming election. Remarked special interest groups get out, but a good many of the average homeowners do not get to the polls.

Commented Alderman Teeboom will be missed in the Chamber.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Plamondon

Expressed his condolences to Alderman Dion's family. Commented even though they did not see eye to eye on every issue, they were always friends, they respected each other, and he was always a gentleman.

Expressed his condolences to former Alderman, former President of the Board of Aldermen, and the current Community Development Director, Kathy Hersh on the loss of her Father.

Announced the Police Department, he, and residents in the Fairmont Street/Little Florida neighborhoods are starting a new crime watch in that area of the city. The first meeting will be Thursday, September 24<sup>th</sup> at the Amherst Street School at 6:30 p.m.

Announced Friday, September 25<sup>th</sup> at 1:00 p.m. is Mayor's Transportation Task Force meeting. Stated there is a lot of good discussion that takes place at those meetings.

Stated he is seeking support for the Boys & Girls Club. They are shy about \$57,000, which would leverage \$500,000 in private funding.

Alderman Teeboom

Spoke of two renovations; one of Nashua City Hall – referenced a report by Jordan Institute for renovation for energy efficiency, etc, priced at \$1.5 million on top of which there is a \$105,000 fee to oversee management of a design build award that will be managed by the Mayor and her staff. Stated he is told the Mayor will hold it to \$1.5 million. The second renovation is at Fairgrounds Elementary School energy components done by the Jordan Institute. The job is less complex, called a building shell priced at \$1.22 million. Stated therein is the difference between how city does business and the school does business because this job went from the Jordan Institute \$1.22 million estimate to an estimate by the construction manager of \$4 million. Questioned how you go from a \$1.22 million estimate to a \$4 million estimate.

Stated it demonstrates the extreme precision why the school department can't manage their budget. Remarked it has nothing to do with software but with how they do business.

Alderman Cookson

“For my friend Bob Dion, onward Christian soldier.”

Alderman Clemons

Commenting on recent work done on Grand Ave., complimented the job done by DPW and Park & Rec. Stated there was a neighbor with sewer line issues and a tree that was getting into the system. DPW was quick to respond, got to the root of the problem, and Park & Rec. removed the tree and the other problem was solved within short time. Stated today he viewed the sidewalk was repaired and the street was back to its smooth condition.

Alderman Deane

Expressed his condolences to the family of Bob Dion. Remarked he met Bob when he was elected to the board, he enjoyed his friendship, and found him to be one of the most down to earth people he has ever known. He will be missed.

Alderman Chasse

Stated he has received calls about yard sale signs. Asked if people place yard sale signs on telephone polls that they remove them as well. Remarked he has a problem with junk car signs and handyman signs placed on telephone polls.

Alderman McCarthy

Remarked he will miss Alderman Dion. Although they didn't see eye to eye on a lot of issues, he always enjoyed working with him. Remarked Bob was one of those people who would have disagreements inside the Chamber but would put it aside when the debate was over and go back to being a gentleman to the people around him. Remarked the last thing Alderman Dion said to him before he left the Chambers two years ago was don't let them take my stop signs down.

Expressed his condolences to Director Hersh on the loss of her Father.

Stated he believes the comments made about Fairgrounds may be a little bit premature as they have had a substantial discussion with the Jordan Institute over their estimates of complexity and Harvey's. At the last meeting the Jordan Institute freely admitted there were things in the Harvey proposal that they had not thought about when they came in with a proposal for energy saving measures and not the renovations to the building. Remarked that will be the topic of a meeting this week. However, the individuals management that project for Harvey Construction are the same ones who helped us save \$4 million plus in the high school project on top of the \$2 million in unanticipated hazardous material abatement that and to be paid. Feels it would be inappropriate to characterize the school department as reckless in its spending on that project. It is the Joint Special School Building Committee who has taken a project that was putting in an unviable application of an inappropriate technology and have changed that around to look at energy savings and a more appropriate project. He is confident in the end what comes down to construction will be a very good project that is of high value to the citizens of our city.

President Bolton

Remarked when he attended the calling hours and spoke to Jackie Dion, she was very appreciative and wanted him to extend to the board her thanks for the arrangement the board sent.

Extended Birthday wishes to Alderman Flynn and Alderman LaRose.

Committee announcements:

Alderman Wilshire

There will be a Human Affairs Committee meeting on Wednesday, September 30<sup>th</sup> at 7:00 p.m. in the Aldermanic Chamber.

Alderman Plamondon

The Committee on Infrastructure will meet tomorrow night at 7:00 p.m. in the Aldermanic Chamber. There will be an overview of the current status of the Broad Street Parkway with the Mayor.

Alderman McCarthy

I haven't finished setting it up yet, but I believe we will be having a Budget Review Committee meeting a week from next Monday.

ADJOURNMENT

**MOTION BY ALDERMAN CHASSE THAT THE SEPTEMBER 22, 2009 MEETING  
OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 9:39 p.m.

Attest:

Paul R. Bergeron, City Clerk