

A regular meeting of the Board of Aldermen was held Tuesday, October 13, 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 Fred S. Teeboom led in the Pledge to the Flag.

President Bolton

For those citizens viewing at home, we did have a presentation about the assessing update prior to this meeting. We had intended that be broadcast. Unfortunately our videographer was unavoidably detained with car trouble so that prevented that update from being broadcast. We will try and make information concerning that available when the minutes get transcribed. The slide presentation can be appended to those minutes.

The roll call was taken with 13 members of the Board of Aldermen present; Aldermen MacLaughlin and Plamondon were not in attendance.

President Bolton

I understand that Alderman Plamondon is ill with the flu. I know we all wish him a speedy recovery.

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

REMARKS BY THE MAYOR

Thank you Mr. President, members of the board. Tonight, I would call your attention to the positive recommendation for the re-nomination of Rob Shaw to the Zoning Board. I believe he has served the community well as a member of that board. We continue to benefit from those in our city willing to volunteer.

Also on the agenda this evening for a first reading, are my nominees to the Business Improvement District Advisory Committee. I look forward to introducing them to the Personnel/Administrative Affairs committee.

In addition, under unfinished business, 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, which is to be moved into the special education expendable trust fund.

As I have said many times now in many forums, this is the next step relative toward resolving the school FY2010 projected shortfall. 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 it does take a significant step in that direction. It is also important to note, that I cannot with confidence say that this will insure that there are no other financial shortfalls within the school district as we continue through FY10.

I know all of us understand that we still need to have a clear understanding of how this happened, which, of course, can provide the additional framework to implement polices and procedures that will prevent it from happening again. Those polices and procedures will, of course, be best developed by working with the school, to determine those that they need to implement and those the city needs

to implement so the checks and balances are correctly aligned. This process, since the problem was discovered, has been successful so far because of us working together.

I would like to take a moment, however, to mention our undesignated fund. I was very concerned when it was reported in the Telegraph, and I quote “I know the city does have reserve funds that it can draw on or tap into”. That was in the context of the story about the Board of Education’s discussion about looking at the last year of the school contract and the next contract. We never recommend use of our reserve funds lightly. Let me make myself perfectly clear, the careful financial planning that we have done to maintain adequate reserves are the factors that keep us in a strong financial position, which includes our solid bond rating. The ability to respond to emergencies when they occur is merely one of the benefits of operating from a position of financial strength. As always thank you for your kind attention tonight.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Deane

Thank you. That comment, and I believe I read the same comment in the paper, was made by the union representative, Mr. Sherman, about suggesting that we tap into our undesignated fund balance. I couldn’t agree with you more Mayor. It took a lot of hard work to get our reserves where they are today and to just tap into them for any reason anybody wants to, I guess it would take the majority of this board to do, but it just didn’t make any sense that we would want to do that. I think the process that has been laid out before us with work being done by the Board of Education and this board considering \$1 million this evening to help out with some of the shortfalls is a good plan. Thank you.

RECOGNITION PERIOD – None

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARINGS

**MOTION BY ALDERMAN MCCARTHY THAT THE MINUTES OF THE BOARD OF ALDERMEN MEETINGS OF SEPTEMBER 21, 2009, SEPTEMBER 22, 2009, AND SEPTEMBER 30, 2009, AND THE PUBLIC HEARINGS CONDUCTED BY THE HUMAN AFFAIRS COMMITTEE ON SEPTEMBER 30, 2009 BE ACCEPTED, PLACED ON FILE, AND THE READINGS 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 and BSP Liaison
Re: BSP Liaison Report: Management of the Broad Street Parkway

**MOTION BY ALDERMAN TEEBOOM TO ACCEPT, PLACE ON FILE AND REFER TO THE COMMITTEE ON INFRASTRUCTURE
MOTION CARRIED**

From: J. Bradford Westgate, Esquire
Re: 122 Coliseum Avenue – Petition for Abatement of School Impact Fee

**MOTION BY ALDERMAN TABACSKO TO ACCEPT, PLACE ON FILE AND REFER TO THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE, THE NASHUA CITY PLANNING BOARD AND THE ADMINISTRATIVE OFFICER
MOTION CARRIED**

From: Mayor Donnalee Lozeau
Re: Contract Award for Haines Street Sewer Separation

**MOTION BY ALDERMAN DEANE TO ACCEPT, PLACE ON FILE, AND APPROVE THE CONTRACT AWARD TO PARK CONSTRUCTION IN THE AMOUNT OF \$1,069,418.20 AND THAT THE PROVISIONS OF NRO 5-90(F) REGARDING THE RECONSIDERATION PERIOD BE WAIVED
MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING - None

PETITIONS – None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointments by the Mayor

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

BID Advisory Committee

Mary Lou Blaisdell (New Appointment) 206 Main Street Nashua, NH 03060	Term to Expire:	November 30, 2012
Arthur Bruinooge (New Appointment) 24 Railroad Square Nashua, NH 03064	Term to Expire:	November 30, 2012
George Katis (New Appointment) 129 West Pearl Street Nashua, NH 03060	Term to Expire:	November 30, 2012
Richard Lannan (New Appointment) 7D Taggart Drive Nashua, NH 03060	Term to Expire:	November 30, 2012
Sy Mahfuz (New Appointment) 227 Main Street Nashua, NH 03060	Term to Expire:	November 30, 2012

Dr. Praveen Suchdev (New Appointment)
8 Prospect St
Nashua, NH 03060-3925

Term to Expire: November 30, 2012

Green Team

Arden Cala (New Appointment)
15 Taylor Street
Nashua, NH 03060

Term to Expire: December 31, 2011

Mine Falls Park Advisory Committee

David B. Silva (New Appointment)
120 Sherburne Road
Pelham, NH 03076

Term to Expire: December 31, 2012

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

REPORTS OF COMMITTEE

Budget Review Committee 09/09/09

There being no objection, President Bolton declared the report of the September 9, 2009 Budget Review Committee accepted and placed on file.

Budget Review Committee 09/21/09

There being no objection, President Bolton declared the report of the September 21, 2009 Budget Review Committee accepted and placed on file.

Budget Review Committee 10/05/09

There being no objection, President Bolton declared the report of the October 5, 2009 Budget Review Committee accepted and placed on file.

Finance Committee..... 09/16/09

There being no objection, President Bolton declared the report of the September 16, 2009 Finance Committee accepted and placed on file.

Finance Committee..... 10/07/09

There being no objection, President Bolton declared the report of the October 7, 2009 Finance Committee accepted and placed on file.

Human Affairs Committee 09/30/09

There being no objection, President Bolton declared the report of the September 30, 2009 Human Affairs Committee accepted and placed on file.

Personnel/Administrative Affairs Committee 10/08/09

There being no objection, President Bolton declared the report of the October 8, 2009 Personnel/Administrative Affairs Committee accepted and placed on file.

School Construction Projects Committee 09/23/09

There being no objection, President Bolton declared the report of the September 23, 2009 School Construction Projects Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Zoning Board of Adjustment

MOTION BY ALDERMAN COX TO CONFIRM BY VOICE VOTE THE RE-APPOINTMENT OF ROB SHAW, 14 SWEET WILLIAM CIRCLE, NASHUA, NH TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE SEPTEMBER 11, 2012

ON THE QUESTION

Alderman Teeboom

I have one issue, and would like to address it to the Mayor. In the minutes of the Personnel/Administrative Affairs Committee meeting where they discussed this briefly, there was reference not discussed, they do appear in the minutes, a memorandum from Mr. Shaw and there is also a memorandum from the Mayor to the Personnel Committee dealing with Mr. Shaw's attendance. I guess an issue was raised about his attendance or the lack thereof, and Mr. Shaw's excuse was that I had personal commitments on Tuesday nights from September 2008 through May 2009, but I expect to be able to meet a 75% attendance rate.

Now I don't think a 75% attendance rate is satisfactory. I think we expect 90-100% attendance rate. I don't know what his attendance rate was before that. It must have been quite a bit less than 75%. On what basis, why should he be appointed?

President Bolton

Do you care to address that Madam Mayor?

Mayor Lozeau

Certainly. When I look at members and I look at whether or not they should be re-appointed I look at their attendance record. When I looked at Mr. Shaw's current attendance record it was very low. The comment that I made to him when we discussed it was that I expected at least 75%. Now when I meet with people I make it very clear that I expect them to have 100% attendance. They should be able to be at all meetings. But I also understand that the volunteers that we bring into those meetings or onto those boards also have jobs and other commitments that could sometimes interfere with that and so 75% is the least I will accept when considering a re-appointment.

Because his attendance was so low, we had a lengthy discussion about that. Prior to that commitment that he mentions in his letter, which I asked him to please provide to me so I could give it to the committee, his attendance record was very high, well above the 75% actually. That was unusual, which is why I asked.

Alderman Teeboom

Thank you.

President Bolton

Is there further discussion?

MOTION CARRIED

President Bolton declared Rob Shaw duly appointed to the Zoning Board of Adjustment for a term to expire September 11, 2012.

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-09-231

Endorser: Mayor Donnalee Lozeau

RELATIVE TO THE TRANSFER OF \$100,000 FROM ACCOUNT 591-86005 "FY2009 GENERAL CONTINGENCY" AND \$100,000 FROM ACCOUNT 591-86016 "FY2009 CONTINGENCY – FUEL & ENERGY" INTO ACCOUNT 953-5329 "DPW SNOW REMOVAL EXPENDABLE TRUST FUND"

Given its second reading;

MOTION BY ALDERMAN COOKSON FOR FINAL PASSAGE OF R-09-231

MOTION CARRIED

Resolution R-09-231 declared duly adopted.

R-09-232

Endorsers: Mayor Donnalee Lozeau
Alderman Michael J. Tabacsko
Alderman Marc W. Plamondon
Alderman-at-Large Ben Clemons
Alderman-at-Large Brian S. McCarthy

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF AN ECONOMIC DEVELOPMENT INITIATIVE GRANT IN THE AMOUNT OF \$190,000 INTO SPECIAL REVENUE ACCOUNT #374-7030 "EDI DOWNTOWN RIVERFRONT REDEVELOPMENT" FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Given its second reading;

**MOTION BY ALDERMAN TABACSKO FOR FINAL PASSAGE OF R-09-232
MOTION CARRIED**

Resolution R-09-232 declared duly adopted.

R-09-233

Endorsers: Alderman Marc W. Plamondon
Alderman-at-Large Fred S. Teeboom
Alderman Michael J. Tabacsko
Alderman Mark S. Cookson
Alderman-at-Large Ben Clemons
Alderman-at-Large Lori Wilshire
Alderman-at-Large Brian S. McCarthy

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF A NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES BROWNFIELDS CLEANUP REVOLVING
LOAN FUND PETROLEUM SUBGRANT OF \$200,000 INTO SPECIAL REVENUE
ACCOUNT #371-7035**

Given its second reading;

**MOTION BY ALDERMAN TEEBOOM FOR FINAL PASSAGE OF R-09-233
MOTION CARRIED**

Resolution R-09-233 declared duly adopted.

R-09-234

Endorser: Mayor Donnalee Lozeau
Alderman Michael J. Tabacsko
Alderman-at-Large Ben Clemons
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF AN ADDITIONAL \$92,495
INTO SPECIAL REVENUE ACCOUNT # 341-6449 "FY 2010 EMERGENCY
PREPAREDNESS GRANT" FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF
HEALTH & HUMAN SERVICES**

Given its second reading;

**MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF R-09-234
MOTION CARRIED**

Resolution R-09-234 declared duly adopted.

R-09-235

Endorser: Alderman Michael A. Tamposi

**AUTHORIZING THE TRANSFER OF \$4,000 FROM FY2009 CDBG CONTINGENCY FUNDS
INTO CDBG ACCOUNT 374-07163-7109 "UPPER ROOM COMPASSIONATE MINISTRY"**

Given its second reading;

MOTION BY ALDERMAN TAMPOSI FOR FINAL PASSAGE OF R-09-235

ON THE QUESTION

Alderman Teeboom

I have some difficulty with this particular resolution. If you look at it, it says Upper Room Compassionate Ministry. I didn't quite know what that meant so I looked up the minutes. I didn't attend that particular meeting. Page 7, Alderman Deane, "I had one more question. Thank you very much. Does the Upper Room Compassionate Ministry offer any religious services?" Katie Patrini who testified on behalf of this ministry "We do have on Sunday morning there is a church that meets down below our church." Later on page 8, Alderman Deane "But your ministry does not provide any religious services?" Katie Patrini, "That is the only religious service. We have a group of volunteers that choose to come to our bible study during their lunch time on Wednesday, and nobody is obligated."

I have a problem and I have a question to our Attorney. Are we donating money to, even though it is partial, a partial religious organization? I am referring to separation of church of state in these issues. I wonder if we can address that through...

President Bolton

Are you asking a factual question or are you asking is there any legal impediment to this going forward?

Alderman Teeboom

Obviously if we are giving money to a church is that an issue? Is there a legal issue in fact?

President Bolton

If we pass this will we be in violation of the law Attorney McNamee?

James McNamee, Esq.

No you won't because the money is programmed for non-sectarian purposes.

Alderman Teeboom

So even though there are religious services, the fact that it is donated for I think a sink hole in the parking lot, which is shared by everybody that uses the church?

James McNamee, Esq.

The money is not intended to support and they have evidently proven their case that it doesn't support their religious function.

Alderman Teeboom

Okay. Thank you.

James McNamee, Esq.

They offer other services.

Alderman Teeboom

It is a sink hole in the parking lot.

James McNamee, Esq.

That is in support of their services under the CDBG grant, which are not sectarian.

Alderman Teeboom

Thank you.

President Bolton

Is there further discussion?

Alderman Deane

I have a question for the attorney if that is the case. In the recent past, this board had approved funds to the Salvation Army for work on their facility. One of the buildings, it was roof repair for the chapel and a member of this board requested that Mr. Slattery look into it to find out whether it was appropriate to use that money because a religious service was held in that building, and it was to be pro-rated for the amount of time a service was used in the chapel per week along with the other activities.

What is the difference here? It is just repairing a hole in the parking lot?

James McNamee, Esq.

Did Mr. Slattery respond to that inquiry?

Alderman Deane

Currently they have started the work, but they are still looking into whether – I guess they have to take the amount of time that facility is utilized for religious purposes and then pay that amount of the bid price of the repairs to the building so if 8% of the time it was used for religious purposes 92% of the time it was not then 92% of the bid could be paid out of CDBG and the 8% would have to be paid for from other sources.

James McNamee, Esq.

I am not familiar with the details of this particular item that you are about to consider nor the one that you just described, but that I think very fairly characterizes what Mr. Slattery is supposed to do in administering the CDBG funds.

Alderman Deane

So we are left with religious services held in a facility and the money being spent on the facility in lieu of a parking lot hole being fixed where unless they are outside I guess performing their religious obligations that is where it would tend to come into play then so if it is not part of the structure then I guess it meets the criteria.

James McNamee, Esq.

It is either because it is not part of the structure or because it is pro-rated according to the rules that we use to administer the CDBG funds.

Alderman Deane

Could I ask Alderman Wilshire a question through you Mr. President?

President Bolton

You can ask.

Alderman Deane

Did you inquire about this at all? No? Okay thank you.

President Bolton

Is there further discussion? The motion is for final passage of R-09-235.

MOTION CARRIED

Resolution R-09-235 declared duly adopted.

R-09-236

Endorser: Mayor Donnalee Lozeau
Alderman Marc W. Plamondon
Alderman Michael J. Tabacsko
Alderman-at-Large Ben Clemons
Alderman-at-Large Lori Wilshire
Alderman Paul M. Chasse, Jr.

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF AN ADDITIONAL \$69,768 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INTO SPECIAL REVENUE ACCOUNT #341-6414 "HOPWA GRANT"

Given its second reading;

MOTION BY ALDERMAN CHASSE FOR FINAL PASSAGE OF R-09-236

MOTION CARRIED

Resolution R-09-236 declared duly adopted.

R-09-238

Endorsers: Alderman Marc W. Plamondon
Alderman Richard P. Flynn
Alderman Michael J. Tabacsko
Alderman Jeffrey T. Cox
Alderman-at-Large Ben Clemons
Alderman-at-Large Lori Wilshire
Alderman-at-Large Brian S. McCarthy

RELATIVE TO THE ACCEPTANCE OF DONATED MATERIALS AND SERVICES IN THE AMOUNT OF APPROXIMATELY \$100,000 FROM GREAT AMERICAN DOWNTOWN FOR IMPROVEMENTS TO THE RIVERWALK

Given its second reading;

**MOTION BY ALDERMAN FLYNN FOR FINAL PASSAGE OF R-09-238
MOTION CARRIED**

Resolution R-09-238 declared duly adopted.

R-09-239

Endorsers: Alderman-at-Large Lori Wilshire
Alderman Marc W. Plamondon
Alderman Michael J. Tabacsko
Alderman-at-Large Ben Clemons
Alderman-at-Large David W. Deane
Alderman Paul M. Chasse, Jr.
Alderman Jeffrey T. Cox

**RELATIVE TO THE USE OF HOME INVESTMENT PARTNERSHIP FUNDS BY
HARBOR HOMES FOR AN AFFORDABLE HOUSING PROJECT LOCATED AT
59 FACTORY STREET**

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-09-239
MOTION CARRIED**

Resolution R-09-239 declared duly adopted.

R-09-240

Endorsers: Alderman-at-Large Lori Wilshire
Alderman Michael J. Tabacsko
Alderman-at-Large Ben Clemons
Alderman-at-Large Brian S. McCarthy

**CREATING A SPECIAL REVENUE FUND FOR POLICE LAW ENFORCEMENT
TRAINING COURSE FEES**

Given its second reading;

**MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF R-09-240
MOTION CARRIED**

Resolution R-09-240 declared duly adopted.

R-09-241

Endorsers: 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 INTER-
NATIONAL 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 second reading;

MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-09-241

A Viva Voce Roll Call was requested, 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 Bolton

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Nay:

MOTION CARRIED

Resolution R-09-241 declared duly adopted.

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 second reading;

MOTION BY ALDERMAN MCCARTHY FOR FINAL PASSAGE OF R-09-243 BY ROLL CALL

ON THE QUESTION

President Bolton

I will note that a 2/3 vote will be required.

Alderman Cookson

Thank you Mr. President. At the committee meeting on October 5th, I made three requests to have a legal opinion based on the motion that Alderman Deane made, which slightly adjusted where the money was coming from in the title and body of R-09-243. I made the request through the Chairman, and I have yet to see a legal opinion based on that request. I was curious as to the request made and why haven't I seen it.

President Bolton

Who are you asking?

Alderman Cookson

Well I would certainly ask, through you to, either Legal or the Chairman of the Budget Review Committee.

President Bolton

Attorney McNamee has your office received any requests from anybody?

James McNamee, Esq.

I don't believe so. Which particular resolution?

President Bolton

Apparently it has something to do with R-09-243. Perhaps Alderman Cookson if you just ask your question...

Alderman Cookson

Perhaps the Chairman of the committee might be able to respond was the request made of Legal..

James McNamee, Esq.

Yes we have received a request. Alderman Deane requested information on this particular item I believe and may have received a response. I have Attorney Clarke's response to him if you would like.

Alderman Cookson

I am not sure what Alderman Deane requested, but my request was specific through the Chairman of the committee.

James McNamee, Esq.

We only received a request from Alderman Deane.

Alderman McCarthy

If I might, I did not send a specific request. In the past, I have done that sometimes and at other times that has been picked up when the minutes were transcribed. I don't think that happened this time. I apologize for not having sent it in. Attorney McNamee if you can answer it on the spot, the question is if we transfer money into an account from an already appropriated account, does that increase or not increase the base budget going into the following year?

James McNamee, Esq.

The question here is a transfer of money from an account specifically an expendable trust fund for the employee benefit self insurance fund?

Alderman McCarthy

Yes.

James McNamee, Esq.

That money having already been appropriated and considered in past and current year budgets would not increase because it would be considered a transfer so it would not increase the base line budget for the upcoming year.

The additional money, I understand you have it in two parts, what is being considered is \$500,000 from that account and \$500,000 from the fund balance. That money not having been previously appropriated would be an increase to the base budget.

President Bolton

Trying to unravel back where we were, does this address the issues you wanted raised Alderman Cookson?

Alderman Cookson

Thank you Mr. President. The conversation that took place on the evening of October 5th was that if we changed the source and took \$500,000 from the healthcare reimbursement fund that it would decrease next year's budget by \$500,000. I don't think I heard a response to that particular question.

President Bolton

I don't understand your question. We have not yet adopted a budget for next year so how can anything decrease something that doesn't yet exist? What year are we talking about? Are we talking about FY10, FY11?

Alderman Cookson

Certainly Mr. President I appreciate that, but I am taking the statement that Alderman McCarthy made during the Budget Review Committee meeting. Alderman McCarthy made the statement that if we were to take funds out of the health reimbursement fund that next year's budget, as we adopt it, would be decreased by \$500,000 because of taking it out. Maybe Alderman McCarthy would like to address the statement that he made.

Alderman McCarthy

I would because that is not what I said. Let me clear up the misunderstanding. What I said was the legislation as it was submitted anticipates the appropriation of an additional \$1 million from the fund balance. That adds \$1 million to the base budget for next year, which in this case the department will depend upon because this is an ongoing expense that is not adequately covered by the budget.

Were we to make the amendment that was on the floor at the time, which was to change it to appropriation \$500,000 and transferring \$500,000 out of the healthcare account, then the base budget next year would be \$500,000 less than it would be if we passed the legislation as it stands before us this evening.

I believe that Attorney McNamee's opinion was that is correct.

President Bolton

When you say base budget you mean the so called Cap number?

Alderman McCarthy

Yes.

President Bolton

Okay.

Alderman Cookson

Thank you.

President Bolton

Does that clear up all questions and legal opinions and so forth at this point?

Alderman Cookson

Our counsel confirms that statement?

James McNamee, Esq.

Yes.

Alderman Cookson

Thank you.

Alderman Deane

Thank you. That brings me back to R-08-137, which was the \$1.347 million that has been held since the 23rd of June. Right now we are \$1.4 million from the Cap. In previous actions taken by this board, the reason why this didn't pass is because we moved a lot of money around that pushed us up further against the Cap in prior years.

Whether the school district is a million or two and a half or three and a half million dollars shy of what they might need for next year that is a budget that has yet to be put together. I am going to amend this. I am going to make the same amendment I made in committee.

MOTION BY ALDERMAN DEANE TO AMEND IN THE TITLE AND BODY BY CHANGING THE SOURCE OF FUNDING TO "\$500,000 FROM ACCOUNT #299-00 – UNDESIGNATED FUND BALANCE AND \$500,000 FROM ACCOUNT #308-91-6105 – EMPLOYEE BENEFITS FUND"

ON THE QUESTION

Alderman Deane

It will give the same total end result amount of the legislation that was brought forward, but instead of pushing us up \$400,000 to the Cap because there is other pending legislation in here that is going to end up being further problems down the road. Next year's school budget hasn't been figured yet. I am going to make this amendment. It will keep us within \$900,000 of the Cap for the remainder of

the fiscal year because it is only what the 13th of October and we don't know what is going to happen between now and next July. It will retain some wiggle room for us.

I understand it is only going to add \$500,000 to the base and I guess we will deal with that with the budget that doesn't exist, next year at that point in time.

Alderman McCarthy

I am not going to support the amendment for the same reasons I stated in committee. This is not a one shot expense. It needs to be repeated next year at at least this level, and, therefore, the base budget should be adjusted.

With regard to what it does for us with the Cap and appropriations, I would point out that if we don't take this action we are left with \$500,000 in the healthcare account that is not needed by the healthcare account that we can transfer. If a \$500,000 event takes place some time between now and the end of the fiscal year we can transfer that money to pay for it with 8 votes in front of this board. If we pass the amendment then \$500,000 while it might fit more easily under the Cap, requires 10 votes to get there and leaves us in exactly the same fiscal position. I don't understand where we get more wiggle room by making it harder to deal with a situation that comes up somewhere during the fiscal year.

Alderman Clemons

I could not agree more with my colleague and his comments. I too will not support this amendment.

Alderman Teeboom

What is very strange about this argument is I believe one meeting ago maybe two meetings ago there was a transfer of \$2 million. It was going to be \$2.5 million, until it was reduced to \$2 million from an appropriated account. I forgot which one it was, employee benefits account of some kind to an un-appropriated account, fund balance. The exact opposite direction that is being argued here, and I said I don't understand that, why would you take an appropriated account which you can use in the future requiring only 8 votes and transfer it to an un-appropriated account so when you now want to use that money you need 10 votes. It didn't make any sense. It doesn't make any sense. This whole argument doesn't make any sense although McCarthy's argument didn't make much sense to me then and doesn't make any sense to me now.

Now as far as the jockeying of this manipulation of the base budget, now we increase the base budget, that budget goes on forever in the future. That is the whole point of the Spending Cap to try to keep the base budget at least the supplementals to the base budget reasonable so you don't keep increasing budgets by large amounts like what happened under the Streeter administration most of the years he was Mayor. They kept overriding the Spending Cap and budgets went up by enormous amounts.

I think Alderman Deane is going in the right direction. I don't think he is going far enough. But, we shouldn't be changing the base budget just so we can have more wiggle room next year because that base budget is going to chase us around in an increased amount from now until dooms day. Thank you.

President Bolton

Is there further discussion?

Alderman McCarthy

The \$2 million transfer was in fact from this same account. The reason it made sense to do that even though it would have been nicer to keep that two million appropriated dollars out of there, is that we have an articulated policy about how much needs to be in the fund balance at any given point in time, which we could not have met after we set the tax rate if we hadn't transferred that \$2 million back into the general fund balance, which is why we did that.

We didn't transfer the \$500,000 because that was able to be kept out of the general fund where it wouldn't have to be appropriated again.

President Bolton

The motion is to amend. Is there any further discussion on the motion to amend? Everyone understands what the amendment is about?

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

Yea: Alderman Chasse, Alderman Deane, Alderman Cookson, Alderman Teeboom, Alderman Flynn
5

Nay: Alderman McCarthy, Alderman Wilshire, Alderman Clemons, Alderman LaRose,
Alderman Tamposi, Alderman Cox, Alderman Tabacsko, Alderman Bolton
8

MOTION FAILED

President Bolton

The motion is for final passage of R-09-243.

Alderman Teeboom

Okay now to the merits of this particular motion as opposed to worrying about baseline of caps and budgets.

I think Mayor Lozeau it is an approach. It is not different than the approach we took in 2009 deficit where we basically took \$3.4 million out of the school savings account called Capital Reserve Funds to fix the schools, which is now down to about \$4.4 million where it used to be \$19.5 million.

Here we take a different slant we are taking \$1 million out of the undesignated fund balance, our city's piggy bank. It is a different account, un-appropriated account. But it does not solve the core problem it just takes care of a pot hole. It doesn't fix the road. It also mixes up catastrophic aid, which has nothing to do with the deficit. That is a different issue. I don't know whether the \$150,000 is adequate or not. That should really be a different resolution altogether. It mixes up two different things. The deficit is \$850,000. Now why do we know the deficit is \$850,000 because there is a report from the school department. It is on the education web site, it published a report, a very fancy report, and I suggest you take a look at it. It is many pages and it analyzes the FY09 deficit and the FY10 shortfall, expected or projected deficit.

There is also a very interesting memorandum preceding this from Mark Conrad to the Board of Education. You all received a copy dated August 26th, a 2010 budget shortfall update. It deals with that particular issue. He finally comes to the conclusion after all of the cuts he has made and all of

the holds he has done and all of the positions he won't hire, which will last into the future unless he is going to hire them, says I still need \$850,000. That is the conclusion, I need \$850,000.

Mayor Lozeau said let's take it out of our city's piggybank. But the core problem is not that. The core problem is not Mr. Mealey who has sort of been made a goat lately. It is not former Superintendent Hottel who I think everybody is now sort of blaming, but he did quite an adequate job of explaining himself in the Sunday Telegraph in his guest editorial.

The core problem is the teachers' contract, and it says so clearly in the report. It doesn't mention the contract, but it mentions the deficit being due to salaries and severance payments and yes catastrophic aid. I have gone over this before. If you were a step 10 you were getting 26% increases, double step increases. Twenty six percent increases to every teacher on step 10, 26%. I took another look at some of the spreadsheets; 128 teachers last year got more than a 20% increase last year. I will provide that data to anybody. It is all on the web site. You just have to sit and manipulate the data a little bit.

If you print out salaries, and that is available on the web site, and you print out your little search and say any salaries from \$65,000 and up in teachers, 66 teachers are making over \$65,000 as their gross pay, 66 teachers. There was an article in the Telegraph about how public employees are way outstripping I think by 33% private employees in terms of their wages and the benefits. They call it platinum.

It is the contract that was the problem; severance payments – last year in '08 60 teachers' average of \$28,000 or \$29,000 severance pay for 60 teachers. In '09 it was 57 teachers with an average of \$26,000. In 2010 60 teachers was \$29,000 average. It is the contract. Then administrative salaries; headmasters increase of \$19,851 or 33%, headmaster at north. Another headmaster at north \$14,000 an increase of 22%, another headmaster at north \$18,000 or 29.8% increase. Headmaster south not to be left out \$16,000 increase or 26%, another headmaster south \$18,000 or 30% increase, headmaster south \$20,000 increase or 33%. It is the contract.

The '10 contract salaries total of, that is this contract, \$55.66 million in salaries and \$78.8 million if you take into account the overhead; pensions, health insurance, and sick time. It is like a 40% overhead. That is this year's contract salaries are \$56 million rounded up and the total contract cost for teachers only \$78.8 million.

Can we keep affording it? Even the school board today at 7:00 p.m. entertained, under new business, a motion to authorize the Superintendent and the negotiating committee to request that the Nashua Teachers' Union re-open the final year of the current Collective Bargaining Agreement scheduled to expire on June 30, 2011 and commence negotiations on a successor agreement. Even the school board is now proceeding to ask to authorize negotiations to ask the teachers to re-open the contract for the final year. Even they recognize the core problem is the teachers' contract. My worst vote in my entire 6.5 years as an Alderman has been to vote on this contract. The only guy that didn't vote for this contract was Alderman Flynn. As far as I am concerned, on that contract, you are the one with any sense.

I have an amendment to make Mr. President. I am going to ask for a Roll Call. The amendment amends the entire text of R-09-243.

MOTION BY ALDERMAN TEEBOOM TO AMEND BY REPLACING THE TEXT OF THE RESOLUTION IN ITS ENTIRETY WITH “WHEREAS THE BOARD OF EDUCATION HAS ANNOUNCED A PROJECTED SHORTFALL OF EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000) IN ITS FY10 OPERATING BUDGET, AND WHEREAS THE BOARD OF EDUCATION IS NOW CONSIDERING A REQUEST TO THE NASHUA TEACHERS UNION TO RE-OPEN THE FINAL YEAR OF THE CURRENT TEACHERS’ COLLECTIVE BARGAINING AGREEMENT SCHEDULED TO EXPIRE ON JUNE 30, 2001; THEREFORE, THE BOARD OF ALDERMEN REQUESTS THE NASHUA BOARD OF EDUCATION TO RE-OPEN THE FINAL TWO YEARS OF THE TEACHERS’ CONTRACT SCHEDULED TO EXPIRE ON 30 JUNE 2011 FOR THE PURPOSE OF COVERING THE PROJECTED FY10 SCHOOL BUDGET DEFICIT AND PROJECTED DEFICITS GOING FORWARD

ON THE QUESTION

President Bolton

Let me clarify Alderman Teeboom; is your intention that this text be added to the existing text or replace the existing text?

Alderman Teeboom

I said earlier Mr. President it would replace it in its entirety.

President Bolton

Do you wish to have any amendment made to the title of the legislation?

Alderman Teeboom

That is a good question. I forgot all about that. It is still for the purpose of covering the projected FY10 school budget deficit.

MOTION BY ALDERMAN TEEBOOM TO FURTHER AMEND BY REPLACING THE TITLE, IN ITS ENTIRETY, WITH “FOR THE PURPOSE OF COVERING THE PROJECTED FY10 SCHOOL BUDGET DEFICIT”

ON THE QUESTION

President Bolton

Having heard the amendment, is there discussion on the amendment?

Alderman McCarthy

A better title might be wishing costs were lower because I don’t see anything in the text of the resolution that helps us to cover the shortfall in the school budget. We can ask to have the contract re-opened. When you think about it and what that actually means, it doesn’t save us anything nor is there any reason for either side not to request it or even to entertain that because all that means is we will sit down and talk about making a change.

Until both sides agree on the actual language of a change, the contract as we have it is going to stand, and we are going to have to pay according to that contract. This is not going to address the shortfall in the school budget. This is just a way of saying well let’s not worry about the million dollar

shortfall, let's think about getting somebody else to give it up out of their paycheck voluntarily instead, and it is not likely to happen.

If we get to a point where we have reached an agreement that is great, we might find ourselves with a surplus in the FY10 budget, but I am not holding out that that is going to happen at this point tonight. I am not going to support making that amendment.

I think we need to go forward as if the contract were going to stay in force for the remainder of the fiscal year.

President Bolton

Let me point out that amendments are required to be germane to the original subject matter. I would have to say I have allowed this amendment to be entertained, but I regard it as meeting that requirement arguably at the bare outer edge. For one thing, even if the wishful thinking that Alderman McCarthy refers to were to reach fulfillment that savings would still have to be appropriated and the original measure concerned the appropriation wherever we realize savings from.

In any event, the amendment before us is Alderman Teeboom's amendment relative to a request for the re-opening of that contract. Is there any further discussion?

Alderman Teeboom

I just wanted to mention, I wouldn't have mentioned it, but the reason it is totally germane is because in the current language of R-09-243 it mentions the word for the purpose of covering the FY10 school budget deficit. This is an alternate way of covering the deficit for a year that is not over so it is totally germane.

President Bolton

I don't want to debate this Alderman Teeboom. I said we are going to allow discussion and action on your amendment, but your amendment does not in fact meet that purpose because even if these savings were to be realized, you would still have to make an appropriation to spend the money. Be that as it may, if there is no further discussion?

Alderman Deane

I wanted to make a point on this. As much as we see the financial problems that the school district has, I guess to layer a blame of why there is so much money short in so many different areas can be attributed to a lot of different problems they experienced over there, but we went through the contract negotiations, we were given numbers, and we voted on the thing. I don't think anybody in their right mind from the teachers' union is going to even entertain opening this thing up. It is just not going to happen.

I think we can ask them all day long, but the contract was negotiated, the problems occurred due to mismanagement, misunderstanding or whatever it was through the administration's financial issues that they have discovered after the fact, but opening up a contract at this point in time just isn't going to happen.

From what I read in the paper, the next time the teachers' union meets is the 4th of November. Put the date in perspective. I am not going to support this. I don't think it is a feasible way to deal with it. I think the bargaining has happened, the contract is over with. I have about 500 e-mails to attest to

that. We have to suck it up and have Mr. Conrad take a good hard look at his operating budget. Thank you.

President Bolton

Is there further discussion as to the amendment?

Alderman Flynn

I would just say real briefly, the information that Alderman Teeboom has shared with us is very interesting stuff. Most of it I am pretty familiar with. Sometimes you have to be careful of what you wish for. If we ask them to re-open the contract it doesn't mean that when it came back to us next time it would be something that would be very favorable to us in future years depending on how they decided to word it. I don't think anybody is just going to step up and give back money so there is going to have to be some give and take, and I am not sure we would gain on whatever that give and take is. We don't have a good success rate at that. I'd be very careful what I was trying to get back from a re-negotiated contract. I don't know if we would benefit at all so I won't support it.

President Bolton

Is there further discussion on the amendment? The amendment is to amend the legislation in its entirety essentially asking that the teachers' union agree to re-open the contract. A yes vote is in favor of that amendment.

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

Yea: Alderman Teeboom

1

Nay: Alderman McCarthy, Alderman Chasse, Alderman Deane, Alderman Wilshire,
Alderman Clemons, Alderman LaRose, Alderman Tamposi, Alderman Cookson,
Alderman Cox, Alderman Tabacsko, Alderman Flynn, Alderman Bolton

12

MOTION FAILED

President Bolton

The motion before us is for final passage of R-09-243. Is there any discussion?

Alderman Teeboom

Point of Inquiry – how many votes does that take to pass?

President Bolton

There are 13 of us here. It would require 9 votes.

A Viva Voce Roll Call was requested, 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 Flynn, Alderman Bolton

12

Nay: Alderman Teeboom

1

MOTION CARRIED

Resolution R-09-243 declared duly adopted.

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-09-75

Endorser: Alderman-at-Large Fred S. Teeboom
**AMENDING NASHUA REVISED ORDINANCE SECTION 1-11 REGARDING LIMITS ON
ACCEPTABLE CITY CONTRACTORS**

Given its second reading;

MOTION BY ALDERMAN COX FOR INDEFINITE POSTPONEMENT OF O-09-75

ON THE QUESTION

Alderman Teeboom

I am the sponsor of this particular ordinance. I need to have a point of clarification; I thought sponsors of ordinances read the introductory motion.

President Bolton

There is no rule to that affect.

Alderman Teeboom

There is no rule to that affect?

President Bolton

Is there further discussion?

Alderman Teeboom

Certainly I am shocked and trying to think about this for a second. Just give me a second here. This particular subject came up and I forgot exactly when and where, but I received a memorandum from Attorney McNamee and the memorandum from Attorney McNamee addressed the question of O-09-111 and indicated that he thought it was not legally enforceable. When this discussion came up during the Personnel/Administrative Affairs Committee meeting, Alderman Bolton appeared as an ex-officio member and claimed that the city has a legal right to enforce this ordinance.

The issue of course is whether someone who has not fully paid his taxes should be withheld any license or any other favor by the city/any permitting by the city including obviously zoning permits. It came to that point, and I would now like to ask and address the question to Attorney McNamee. Attorney McNamee you wrote a memorandum, I am trying to find it, but you wrote a memorandum addressing the question. You referenced a memorandum back to 2006 from Attorney Connell and he said he thought it was illegal. I looked at this. Would you address this question versus the claim by Alderman Bolton, and he can speak for himself, but Alderman Bolton stating that it was legitimate under prudential affairs of the city to enforce this ordinance? Could you address your memorandum please?

James McNamee, Esq.

I wish I could take credit for the memorandum. I think I was just passing on Attorney Connell's memorandum, but I fully agree with it. I don't have much to add on the memorandum itself. It is very clear and I think the arguments that you have heard for this legislation is that it is effective, it does good job, but the fact that it is effective and does a good job doesn't make it legal. It is our opinion that there is no legal basis in state law to permit this sort of legislation. That is our job to just tell you what that is.

I do have some concerns with what will happen if it is not corrected. To give you an idea of what those are, I took a look at some Supreme Court cases dealing with protection that private property enjoys under the Bill of Rights for both the State and Federal Constitutions and there is language from those decisions that are directed directly at this issue where the Supreme Court said "The municipal officials having authority to adopt ordinances and regulations have a constitutional duty to observe the protections of property under the constitution" and in another case the court actually specifically warned planners and municipal officials in the words of the court "of possible personal liability for bad faith violation of the land owners' constitutional rights including federal violation civil rights claims".

Those are the sort of things we are concerned with in the legal office that there could be a damages action against the city or an award of attorney's fees. This has happened before and we are just trying to advise you on what is appropriate legislation for the city to pass.

Alderman Teeboom

Based on that presentation, I would like to move to re-refer this to the Personnel/Administrative Affairs Committee where they can debate and consider this in more detail.

**MOTION BY ALDERMAN TEEBOOM TO RE-REFER TO THE PERSONNEL/ADMINISTRATIVE
AFFAIRS COMMITTEE
MOTION CARRIED
*Division Taken***

**MOTION BY ALDERMAN COOKSON TO WITHDRAW FROM COMMITTEE ORDINANCE O-08-43
MOTION CARRIED**

Division Taken

O-08-43

Endorser: Alderman Mark S. Cookson

**REQUIRING DISCLOSURE OF CONTRIBUTIONS, GIFTS, TESTIMONIALS,
AND HONORARIA BEFORE VOTING ON THE COST ITEMS OF A COLLECTIVE
BARGAINING AGREEMENT**

Given its second reading;

MOTION BY ALDERMAN COOKSON FOR FINAL PASSAGE OF O-08-43

ON THE QUESTION

Alderman Cookson

Thank you Mr. President. This ordinance has been in the Personnel/Administrative Affairs Committee for as I am looking at it almost a year this evening. It was tabled in November of 2008. It was tabled, at that particular time, and was then again reviewed later as unfortunately Alderman Plamondon who was Vice-Chair of the committee at the time and chairing the committee during Alderman MacLaughlin's absence had requested that this ordinance sit in committee to give Alderman MacLaughlin an opportunity to personally respond. Unfortunately Alderman MacLaughlin has been not able to attend the committee meetings, and, therefore, this ordinance continues to sit in committee.

It is my belief that this ordinance should move forward and would like to have final passage this evening of that. This ordinance in essence is requesting that an Alderman who accepts a contribution from a special interest or political action committee make reference vocally, verbally to that prior to voting on a collective bargaining agreement, which has that special interest associated or attached to it. Thank you.

President Bolton

Is there further discussion?

Alderman McCarthy

I am not prepared to vote for this piece of legislation in its current form. There might well be a successor that I would vote for, but frankly this is a very narrow piece of legislation. There are members of this board who have accepted contributions from organizations that are in an adversarial position to the city and then voted on matters that concerned that adversarial disposition, notably the acquisition of Pennichuck Water Works by the city.

That is yet another case that is subject to the identical suspicions of conflict that this bill proposes to address. I am not sure we have even thought through all of the other cases where someone might be accused of being in conflict because their supporters have a vested interest.

I think on the general issue, I tend to believe that people tend to support those who agree with them and that is an affect rather than a cause of the agreement. We have a set of campaign laws, which require us to disclose carefully and completely who gives us money during campaigns. Frankly, I think that is sufficient. The piece of legislation itself picks out one situation out of dozens that may arise in the course of the year and says one set of Aldermen are going to have to do something

special because of that without addressing the other cases where the same issue of conflict may occur. Until that is addressed so that anyone who has accepted a contribution that might influence the next thing they vote on is going to have to stick their hand up and declare it, until we get that generalization in the bill I am not voting for this specific piece.

Alderman Clemons

Thank you. I agree with the previous speaker. In addition to that, I think that this board has dealt very favorably with disclosure laws. Earlier in the year we passed an ordinance that was my ordinance that came through to have the City Clerk post on the web site everyone's campaign contributions and expenditures in a timely fashion after those are reported in addition to obviously keeping records in the clerk's office that are available to the public. There are two places where a citizen who is interested can go and access this information. They can go on the web site or they can go into the City Clerk's office and request that information.

I think that is the best way to disclose those types of contributions. I think to have a process where before a vote we have to publicly announce any contributions that may be from a certain pack or organization I think is counterproductive to the meeting process that we have, I think it is counterproductive to the overall public image that we have amongst ourselves and that we give to the public.

In fairness to this particular ordinance that is before us, I understand that the intent is for disclosure and that is to be admired because I think that disclosure is the best tool for a voter to understand where a campaign is being financed from. However, I think this is the worst method possible to get the disclosure out to the public. Therefore, I will not support it. Thank you.

Alderman Teeboom

Normally when I look at legislation I study the legislation at least things that I am really interested in. This union stuff I certainly am. I just recently published those of us who received campaign contributions from unions and those who did not or special interest and those who did not. I published a list. However, I don't have the legislation in front of me so I can't even make amendments. That is very difficult. This is an important piece of legislation. Basically I think what you have to say is if you got a contribution and you are dealing with a contract you are supposed to say I got this contribution – I believe that is what it says, but I would like to look at the wording.

Mr. President I would like to move to table at the board level so the next time it comes up there is no haste to do it so the next time it comes up we all have a chance to take a look at it. Then we can take it off the table when we have it actually on the agenda.

**MOTION BY ALDERMAN TEEBOOM TO TABLE O-08-43
MOTION CARRIED**

Ordinance O-08-43 declared tabled.

NEW BUSINESS – RESOLUTIONS

R-09-244

Endorser: Mayor Donnalee Lozeau
Alderman-at-Large Lori Wilshire
Alderman-at-Large Ben Clemons
Alderman-at-Large David W. Deane

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$290,929 FROM THE UNITED STATES DEPARTMENT OF JUSTICE INTO SPECIAL REVENUE ACCOUNT #331-6271 “JUSTICE ASSISTANCE GRANT 2009 (MULTI-JURISDICTIONAL)”

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

R-09-245

Endorser: Mayor Donnalee Lozeau
Alderman-at-Large David W. Deane
Alderman Michael A. Tamposi
Alderman-at-Large Ben Clemons
Alderman Mark S. Cookson

RELATIVE TO THE ACCEPTANCE OF DONATED PRODUCTS AND SERVICES IN THE AMOUNT OF APPROXIMATELY \$4,890.30 FOR THE RENOVATION AND REPAIR OF THE CANNON AT GREELEY PARK

Alderman Deane

I have a question to the Mayor about this if you don't mind. Mayor looking at the time of the year it is, is this work going to be able to be done before the snow flies on the Greeley Park cannon?

Mayor Lozeau

Actually no, what happened is they took it out of the park because of rust and jagged edges, sandblasted it to see what shape it was in, found some problems with it, went out to bid to have the work done, found the bids ranged in quite a range; \$2,000 to \$11,000. This group that is in this resolution offered to do it for \$.95 because they really just want to do something nice for the community. The work will be done over the winter, and the cannon should be back in the park for the spring.

Alderman Deane

Thank you.

Mayor Lozeau

You are welcome.

Given its first reading; assigned to HUMAN AFFAIRS COMMITTEE and the BOARD OF PUBLIC WORKS by President Bolton

R-09-246

Endorser: Mayor Donnalee Lozeau
RELATIVE TO THE TRANSFER OF \$10,000 FROM TWO LEGAL DEPARTMENT ACCOUNTS INTO ACCOUNT 524-64040 “INFORMATION TECHNOLOGY-CITYWIDE COMPUTER SOFTWARE”

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

NEW BUSINESS – ORDINANCES

0-09-78

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

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

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

0-09-79

Endorser: Alderman Marc W. Plamondon

CREATING A HANDICAPPED PARKING ZONE ON PROSPECT STREET

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

0-09-80

Endorser: Alderman Paul M. Chasse, Jr.

ESTABLISHING BLANCHARD STREET AS A ONE-WAY STREET

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

0-09-81

Endorser: Alderman Michael A. Tamposi
Alderman Mark S. Cookson

EXPANDING THE BOUNDARY OF THE HISTORIC OVERLAY DISTRICT

Given its first reading;

**MOTION BY ALDERMAN TABACSKO TO ACCEPT THE FIRST READING OF 0-09-81, ASSIGN IT TO THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE AND THE NASHUA CITY PLANNING BOARD AND SCHEDULE A PUBLIC HEARING FOR TUESDAY, NOVEMBER 17, 2009, AT 7:00 PM IN THE ALDERMANIC CHAMBER
MOTION CARRIED**

PERIOD FOR GENERAL PUBLIC COMMENT

James Cutter, 86 Palm Street

Addressed the Mayor stating he had in his possession copies of his May 2, 2008 and July 27, 2009 letters asking for an appointment. Stated the reason she has refused to see him is because the Legal Department has led her astray. Stated Attorney Connell stated he could not give advice to citizens about their private legal matters and in turn influenced Mayor Streeter. Remarked Attorney Bennett calls it a private matter.

Stated there is no private matter when the city makes mistakes. Felt the first person he spoke with in Code Enforcement should have been the last if he had wanted to assist rather than get rid of him. Stated facts do not lie. The building inspectors who approved his neighbor's building permit licenses

with false boundary lines on plot plans caused his problem as they made his neighbors believe they owned a 3' wide strip of his driveway, etc.

Stated when he first talked to his neighbor about the fence he received a letter from his attorney who said it is and has always been their property. Reiterated the city influenced his neighbor into thinking he owned the property.

Stated the Building Department knows building permit plats and deeds should have the same boundary lines that are the actual dimensions of each lot or the application does not get a building permit license.

Reiterated the building permits licenses were approved by mistake. The city's interest is not infringed so there is nothing for the legal department to try to protect and the city cannot be sued by the neighbors and the land in question is part of his property.

Remarked the situation has gotten to where it is because city staff would rather get rid of him than assist him and some do not want to admit the city made mistakes.

Stated he would appreciate a timely reply.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Teeboom

Commented he has been bothered by conduct in committees. Remarked he introduced legislation dealing with compensation to members of the Board of Aldermen. It was introduced not because of any ill feelings for one person or another, but because Charter Section 45A requires members of the Board of Aldermen to be compensated according to attendance at meetings. Stated he spent quite a bit of time considering the issue and corresponding with Attorney Clarke prior to proposing the ordinance. Based on further discussion, he introduced an amendment, which should have been considered.

The legislation was referred to both the Budget Review Committee and the Personnel/Administrative Affairs Committee. The Budget Review Committee handled it properly in that the Chairman suggested, given the responsibility of the committee to deal with changes in costs associated with the budget, the legislation should be tabled until the Personnel/Administrative Affairs Committee takes action on the language. The motion was made to table and the Chair commented he would allow some discussion. Alderman Tabacsko promptly withdrew his motion to allow discussion to take place.

The same legislation came before the Personnel/Administrative Affairs Committee and there was some discussion about what the Budget Review Committee did with the legislation, which was immediately followed by a motion to table. Instead of discussing whether some leeway ought to be allowed to the motion to table, Alderman Chasse, maker of the motion, proceeded to discuss the merits of the legislation. In his discussion he stated "I understand where Alderman Teeboom was coming from with this, but I think this is just like grinding an ax." which inferred a motive of why the legislation was introduced.

Commented what Alderman Cox should have done as the Chairman was to request the motion to table be withdrawn so the merits of the legislation could be discussed. When the Chairman questioned whether there was further discussion Alderman Teeboom stated he resented the motion to table. Alderman Deane stated the motion was non-debatable. Alderman Teeboom was not allowed to discuss the merits of the legislation even though Alderman Clemons had pointed out if

one member was allowed to speak another member wishing to should have been given the same opportunity.

He had commented he was still recognized and was allowed to continue. He had some handouts including proposed amendments. Alderman Bolton called for a point of order stating a table motion cannot be discussed unless dealing with the issue of tabling. Commented Alderman Bolton did not object when Alderman Chasse spoke of the merits of the legislation and spoke to his character stating he had an ax to grind, but did object to discussion of amendments to what he referred to as the shortsightedness of the legislation. Alderman Deane had remarked there was no need for such statements.

Stated that was no way to run a meeting. He is unsure how the legislation will be addressed. It will require a member of the committee to motion to take from the table. Stated what occurred was completely inappropriately.

Alderman Tabacsko

Thursday night is the Trestle Brook Community Crime Watch meeting for October.

Alderman Cookson

The last 2009 Ward 1 informational meeting will be conducted Wednesday, October 14th at 7:00 p.m. in the lecture hall of Nashua High School North.

Alderman Deane

Expressed congratulations to the videographer and staff that were at the football game at Stellos' Stadium. Commented with the number of points scored, the videographers were up and down the field more than the players were. Stated they did a fabulous job and should be commended.

Thanked those who went up to Sullivan Farms on Saturday. The event lived up to its calling. With the soccer tournament that was in town over the weekend the farm was absolutely jammed.

Committee announcements:

Alderman Tabacsko

As there is nothing on the agenda for the Planning & Economic Development Committee for next week, that will be cancelled.

Alderman Wilshire

The Human Affairs Committee will meet Thursday at 7:00 p.m.

ADJOURNMENT

**MOTION BY ALDERMAN WILSHIRE THAT THE OCTOBER 13, 2009 MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 8:54 p.m.

Attest:

Paul R. Bergeron, City Clerk