

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE
AUGUST 8, 2002

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, August 8, 2002 at 7:19 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Stephen C. Lamos, Vice Chair
Alderman-at-Large Paula I. Johnson
Alderman Timothy B. Nickerson
Alderman Robert A. Dion

Also in Attendance: Alderman-at-Large David Rootovich
Alderman-at-Large David W. Deane
Alderman-at-Large Frederick Britton
Paul Bergeron, City Clerk
Richard Reine, Superintendent, Solid Waste Department
Sally Hyland, Recycling Coordinator, Solid Waste Dept.

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Chair Tollner

We have a presentation this evening from the Board of Public Works. What I would like to do, however, is to take the interviews prior to that, which shouldn't take hopefully any time at all. That way the individuals that are here tonight to be interviewed don't have to stay here until 8:00, 9:00, or 10:00 p.m.

MOTION BY ALDERMAN TOLLNER TO GO OUT OF THE REGULAR ORDER OF BUSINESS FOR THE PURPOSE OF CONDUCTING INTERVIEWS
MOTION CARRIED

INTERVIEWS

Child Care Advisory Commission

- Kelly Ordway (New Appointment) Term to Expire: October 13, 2004

Chair Tollner

Kelly if you would be kind enough to state your name and address for the record.

Kelly Ordway

My name is Kelly Ordway. I live at 28 Shore Drive, Merrimack, NH

Chair Tollner

If you could take a second and convey to the committee why you have an interest in serving on the Child Care Advisory Commission.

Kelly Ordway

First, thank you very much for moving this up on your agenda. I do appreciate it. I am the Director of Development for Community Relations for the Youth Council here in Nashua. The Youth Council as you may know on West Pearl Street runs the city's court diversion program for youth. We are the suspension center for Nashua's schools. We provide the Child Assault Prevention Program in the Nashua school systems as well as counseling and prevention services for some of Nashua's neediest families.

It is important that while we do the daily work required of us as a non-profit agency that we keep an eye on the big picture, and that we have our finger on the pulse of the changing needs of Nashua's neediest families. I feel it is extremely important for us to participate with other agencies in the childcare field especially at a city level.

Alderman Nickerson

From your vantage point what do you see as the biggest obstacle facing childcare in the city itself – in the greater Nashua community?

Kelly Ordway

I see a couple of things that are starting to appear on the horizon; one is the increase in teen substance abuse. I think that is something that we need to be always aware of, and keeping our eye on. I think that in terms of populations, that we have an underserved population Latino community, and that we need to expand the continuum of care to see that no one is left out because of language barriers and other issues in the healthcare system.

Alderman Nickerson

Thank you.

Alderman Johnson

Did we get a resume? I didn't see one in my packet.

Alderman Nickerson

No, we did not.

Chair Tollner

Was your resume at the last meeting that we had?

Alderman Johnson

Not that I remember.

Kelly Ordway

I did give one to a woman named Susan.

Alderman Nickerson

Susan Lovering, okay.

Chair Tollner

I don't have it. Do you have some questions about the background of the candidate?

Alderman Johnson

I can't ask anything if I don't have a resume.

Chair Tollner

Maybe if you would like to take a second and give us a synopsis of your background.

Kelly Ordway

I have been in the state since 1974. I started my career in industry working for local government agencies out of Sanders, GTE, Colesman Instruments. IN the late 1980s when the government contracting fell out of the marketplace I decided that was a good time to make a career change. In 1990 I started a company in Merrimack, NH called CompuMail, which was a direct mailing marketing firm. I served in Merrimack as the President of the Chamber of Commerce for several years. I was their 1994 Business Person of the Year. In 1996 Fidelity Investment came to Merrimack and as I was the President of the Chamber at that time I spent an awful lot of time bringing them into the state. During one of my many weekends there on duty talking about the perks of living in NH one of their Vice Presidents asked if I was interested in the Public Affairs position, and basically made me an offer I couldn't refuse. For 4 years I was the Manager of Public Affairs for Fidelity Investment in the state. Around 1999-2000 I continued with Fidelity and began to work on their charitable strategies in this state. I began to get very involved with the non-profit community. I have served on probably 15-16 Board of Directors in this state including the New Hampshire Charitable Foundation

as well as the Governor's Celebrate New Hampshire and the Smithsonian Folk Life Festival, which took place in Washington, DC.

I have also become very aware of the need for professionals to sort of broaden their horizons. In 2001, I made the decision that I would like to start putting something back into the system as opposed to benefiting from it so I decided to go into the non-profit world. I worked with Betsy Abraham's at the Youth Council and have found the work extremely stimulating and probably some of the most challenging in my life. It is very rewarding. I think finding a way to connect business and the community with the people providing services in that community has been the most rewarding for me.

I would be happy to get you another copy of the resume if you would like.

Chair Tollner

If you could just send it over to the Aldermanic Office in the back. That way I can distribute it to the committee members.

Alderman Liamos

Thank you for volunteering to serve. We certainly appreciate the infusion of new blood into the community agencies. I applaud you, and again I want to thank you for your willingness to serve.

Kelly Ordway

Thank you. I appreciate that.

Chair Tollner

What we will do is finish the interviews, vote on the interviewees and someone will be in touch with you as to when you can come back and get sworn in. You could either do it during a Board of Aldermen meeting that is on T.V. or you could visit Mr. Bergeron downstairs and he would be more than happy to ask you to raise your right hand.

Kelly Ordway

That is wonderful. Thank you very much for your time.

Chair Tollner

Thanks for coming.

Ethnic Awareness Committee

-
Suzanne Harvey (New Appointment)

Term to Expire: December 31, 2004

Chair Tollner

Suzanne is here to be interviewed for the Ethnic Awareness Committee. Just like the last person that was here, if you could take a second, state your name and address for the record and the interest that you have in serving on the Ethnic Awareness Committee.

Suzanne Harvey

I live at 8 Crawford Lane in Nashua. I have been in Nashua for a year so we are fairly new residents. I started attending as an interested party the committee meetings about a year ago. I served on a similar committee on a county level in New Jersey. I found that to be an extraordinary experience. When I came here and realized how diverse a community Nashua is I thought this would not only be a worthwhile thing to participate in, but whatever way I could help would be worthwhile to me. Right now the committee is going through some changes in terms of figuring out what the direction should be, and I welcome the opportunity to be a voting member in that process.

Chair Tollner

We do have Ms. Harvey's resume in front of us. Are there any questions from the committee members?

Alderman Britton

Suzanne what are some of your ideas that you would like to bring to the committee when they are evaluating their new direction/defining their mission?

Suzanne Harvey

One of the important things right now I think is making sure that all of the important groups in town are participating in the committee. I don't mean each individual ethnic group, but the police. Right now we don't have any representation from the police. We don't have a representative from the religious community – that might be in the process. There are some groups that I think are very important. There is no one from the school system – the public school system. I don't think you can keep your pulse on what I would call – whether there is bias incidents in town going on and how they are being handles – how the groups are referring what the needs are that are not being met. I think it is more important to find out what is not being met than what already exists. I see in the paper everyday that there is a different celebration from the different ethnic groups, and that is great – as a committee we don't need to do that because I think the groups are doing that very well, but I think if we could be there as – we're going back and forth on this a lot – as a sounding board and somehow work out some kind of facilitation role perhaps. These are just ideas that we are throwing back and forth.

Another thing that I think is really important is that the students in Nashua from K-12 have some kind of background and understanding in conflict group resolution especially when it comes to ethnic differences. If we could play any kind of role in coordinating that with the school system I think that would be great.

Alderman Britton

I did serve for two years on that committee, and we did have police and school and religious representation. Maybe they just need to revisit those areas. Maybe new people perhaps to volunteer.

Suzanne Harvey

We just need – I think that is really critical. I think one of the things the committee could do is perhaps have an annual award ceremony – a citizen of the city – actually what I would like to see is for students to get awards – students who have gone way beyond the call of duty in displaying some kind of ethnic awareness and helpfulness in that sense.

Alderman Britton

Thank you.

Chair Tollner

Are there any other questions?

Alderman Johnson

What exactly would you like to see with this committee in Nashua? How do you want to see it broaden – different activities – different ethnic background activities – communities basically do that. Where do you see us expanding now?

Suzanne Harvey

My personal interest is to ensure that if there are any bias incidents in town that they be addressed quickly and completely. That would be a part of what I would like to discuss with the committee in terms of how we would actually be that kind of facilitating committee. Would we be able to have good communications with the police department for instance, the school – the Superintendent of Schools, and be there if called upon – not proactively, but if called upon. I don't think the committee is in a position to be proactive. That is one thing. That is my personal interest. The other thing that I see and have written a proposal on is for student awards.

Alderman Johnson

You said that you don't see the committee as being proactive.

Suzanne Harvey

In the sense of – I don't think legally the committee will have a way to do that. I am not sure. I don't know the bylaws of the committee that well yet. If we can be proactive great, but I think like even in

the County Committee that I served on in NJ, we waited to be called by either a private citizen who was having a problem that was based on a bias incident or the school system or whatever it was, and then we would act as facilitators to do whatever we could.

Alderman Johnson

Do you see yourself maybe going and working with the Board of Education to try to introduce what you would like to in the school system – working close with them and the Superintendent?

Suzanne Harvey

I think it would be great if the committee could do that – sure.

Alderman Johnson

Thank you.

Suzanne Harvey

Let me just add that I don't know what is in place in the school system. They might have a wonderful program in the city, and until I am in a position to really know – I could sit here and guess, but would hope that Nashua is in the forefront in that kind of thing because it is such a diverse school population.

Alderman Johnson

I just wanted to see if you were the type of assertive person that would be willing to go out and even if nobody walks in and there is no problem in the school that you would be assertive enough in the committee to say that this what we need and this is what we need to do.

Suzanne Harvey

Absolutely. In the town I lived in NJ there was a pretty serious bias incident in the high school in the next town, and it disturbed me enough that I went to our Mayor who I did not know and said we need to be proactive about this so that this kind of thing doesn't happen here. As a result this was the program of a diversity weekend that I chaired (showed a brochure to the committee) and it was based on the design of First Night – New Year's Eve First Night. There were a lot of activities going on at the last town all over town throughout the weekend. It was basically my idea, and I

brought it together and oversaw a committee of volunteers and we met with the police and the religious community and the school system. It was a real coordinated effort that I am very proud of.

Alderman Johnson

May I ask you how you came to find out about the Ethnic Awareness Committee here in Nashua?

Suzanne Harvey

It was listed here in the paper.

Alderman Johnson

Thank you.

Chair Tollner

Thank you very much for your willingness to serve. If you will give us a minute or two we will vote on your candidacy as well.

Health & Community Services Division Director

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Mary S. Nelson (New Appointment)

Term to Expire: Indefinite

For the record Chair Tollner stated that the Mayor, at Mrs. Nelson's request, withdrew her appointment at the Special Board of Aldermen meeting of August 1st

MOTION BY ALDERMAN TOLLNER TO REMOVE THE APPOINTMENT OF MARY NELSON FROM THE AGENDA
MOTION CARRIED

APPOINTMENTS BY THE MAYOR

Child Care Advisory Commission

-
Kelly Ordway (New Appointment)
112 West Pearl Street
Nashua, NH 03060

Term to Expire: October 13, 2004

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF KELLY ORDWAY TO THE CHILD CARE ADVISORY COMMISSION FOR A TERM TO EXPIRE OCTOBER 13, 2004

ON THE QUESTION

Alderman Johnson

I'm not saying that she is not qualified for this position, but I am a stickler about resumes. That information should have been across our desks, and I would have been a lot happier if I had seen her resume. I will not be voting to accept her nomination at this point. That doesn't mean that I will not accept it the full Board once I have that information in my hands. I want to be consistent.

Chair Tollner

I understand, and I will ask for the record – Sue if you could get a copy of the resume us before August 13th.

MOTION CARRIED

Ethnic Awareness Committee

Suzanne Harvey (New Appointment)
8 Crawford Lane
Nashua, NH 03063

Term to Expire: December 31, 2004

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF SUZANNE HARVEY TO THE ETHNIC AWARENESS COMMITTEE FOR A TERM TO EXPIRE DECEMBER 31, 2004

MOTION CARRIED

COMMUNICATIONS

From: Chris Lister, Coordinator, Child Care Services Office

Re: Response to 7/03/02 Request for Child Care Advisory Commission Information

MOTION BY ALDERMAN TOLLNER TO ACCEPT AND PLACE ON FILE

MOTION CARRIED

Chair Tollner

We also have another communication received just before the meeting from Lester Gidge dated August 8th. I won't read it now. I will read it when we discuss the legislation.

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

MOTION CARRIED

From: Lester Gidge

Re: Broad Street Parkway

MOTION BY ALDERMAN TOLLNER TO ACCEPT AND PLACE ON FILE

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RETURN TO THE REGULAR ORDER OF BUSINESS

MOTION CARRIED

Chair Tollner

Just for the public's information they are not able to see this meeting on television tonight – Andrew if you could put a little note in the paper that they weren't able to see it tonight, but this meeting is being taped, and they will be able to see this at noon on Sunday. It is important for the public to be aware of this so that they have an opportunity of the presentation.

For the people in the audience – we will listen to the presentation and entertain questions from the committee. Let me rephrase – if you have any questions allow them to do their presentation first and then after the presentation if anybody has any questions maybe we can address them at that time.

PRESENTATIONS

- Superintendent Richard Reine and Sally Hyland, Recycling Coordinator of the Solid Waste Department gave a presentation on Ordinance 02-69 - Amending Chapter 10 "Garbage, Trash and Refuse".

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S - None

UNFINISHED BUSINESS – RESOLUTIONS

- R-02-69

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REVISING
THE LENGTH OF THE ELECTED TERM OF THE MAYOR

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

Whether you are for or against my position it is important that we allow this to go to the ballot and let the people decide on it and vote on it. I feel that it is the democratic process here. I have had many constituents call me and ask me to please change the length of time. Thank you.

Alderman Dion

If the way of attacking this is to put it on a referendum – first of all how did it change from 2 to 4 years? It would have to go on a referendum then I assume. Am I correct?

Chair Tollner

Yes.

Alderman Dion

If the people of Nashua voted to change it from 2 to 4 years why should they be asked to change it back to where it was? For what reason?

Alderman Johnson

This was voted on in 1971 the change. We are now in 2002. There have been different types of leadership through the city.

Alderman Dion

It wasn't 1971 Mr. Chairman.

Alderman Johnson

That is when I found the change in the Charter in 1971.

Alderman Dion

It has only been about 8 years.

Alderman Johnson

It has been longer. I found in the Charter that it was revised in 1971.

Alderman Dion

It was '81 with Mayor Arel after he had served two two-year terms.

Alderman Johnson

Then the Charter is wrong.

Mayor Streeter

A typo I am sure.

Alderman Johnson

Then let's go back to 1981 and we are at 2002.

Alderman Dion

I didn't think it was that long.

Alderman Johnson

Yes, it has been that long because as long as I have lived in the city it has been 4-year terms. It worked very well in the past. The Governor runs every 2 years. The Mayor of Manchester runs every 2 years.

Alderman Deane

I don't support this for one reason – currently it is on TV and radio. The people run for elected positions, and they succeed. If you are not happy with them then when they run again you vote them out or you can petition to vote them out, but if you look at our Governor or any 2-year term the person runs for office, get elected, they spend a year acclimating, then they spend the next year with taxpayer's money, because they are on payroll, running for office again. For the life of me – it takes somebody time. I don't agree with a 2-year term on something like that in a position like that because sometimes it takes longer than 2 years to get things done or things started – programs or projects. I can't support that.

Alderman Nickerson

I also will not support this. I think that right now the term of a 4-year Mayor is actually appropriate – not only the whole issue of campaigning in the last year of the person's term, which in essence would be half of the term at that point, but also the impact that it has on the city staff if it were to be a 2-year term. The city staff also has to acclimate to a new administration – to a new Mayor, that that Mayor's initiatives that he or she wants to get done, and I think that in order to have people put through a change every two years I don't think is appropriate. Yes, that may be the case in private employ, but I think that in order to have that change – we certainly have ways to limit that and I think that we could have that by keeping the 4-year term for the Mayor. There are other communities that do have 2-year terms such as the Governor or the Mayor of Manchester, but the form of government in Manchester is certainly very different. They have an elected position, which is Mayor, which is really a figurehead and the Chairman of the Board of Aldermen and the Board of Education whereas they also have a City Manager that runs the regular day-to-day issues in the city whereas we don't have that type of position. I think that keeping a four-year term for the Mayor in the City of Nashua is certainly the right thing to do here.

Alderman Dion

I just want to reiterate what Alderman Deane said. I certainly – getting away from the Mayor's position for one second. Alderman Deane touched upon the Governor – two-year terms in the State of New Hampshire. I do not agree with a two-year term. I think it should be a four-year term. Like Alderman Deane said, and he is absolutely correct, it takes about a year to get acclimated in the job and the following year you are campaigning for reelection. The same thing applies in the U.S. Congress. I do not believe that a two-year term in the U.S. Congress for Charlie Bass or John Sununu whatever is the right term. It should be a four-year term. The same thing applies there – a year to get acclimated, a year campaigning – you are continuously running for office, which I think is taking away from the closeness you should have with your constituents and taking care of the

problems that your constituents have. Therefore, getting back to the Mayor's position, I think you are a lot better off with a four-year term than a two-year term. Thank you Mr. Chairman.

Alderman Johnson

I will defend this to the hilt. First of all I believe in term limits, and I think half of our elected officials in Washington should probably go already. That is neither here nor there. Again, it is not whether or not you are for or against this. It is whether or not the people have the right to vote on this. This is what we call a democracy. Democracy only works best when the people speak. We can be the mouthpiece for a lot of our constituents, but it is where the polling goes, it is where they decided whether they want us or not right Alderman Liamos?

Alderman Liamos

You would be correct.

Alderman Johnson

That is where they decide what type of legislation they want. If we have to campaign out of our office that is pretty sad. That is not what our job is here to do – campaign. If you are a good Mayor or good Governor you will just repeat yourself because you will run on your accomplishments. The issue is here that even if you are a horrible year why should you have him or her for four years? You would want to get rid of them before damage is done in the city. The issue here again is not whether or not we want this, it is whether or not we should allow the people to vote on it. That is the way it should be. Send it to the ballot, let the people vote on it, and let them make their choice. If they don't want 2 years they will vote to keep it 4 years. If they decide they want 2 years then that is the way it will stand. Thank you.

Alderman Nickerson

Alderman Johnson made a comment stating that democracy works best when the people speak. That is true, however, we actually have a representative democracy in the City of Nashua where the citizens elect representatives for their government and they give us the authority to determine what things are appropriate and allow us to make the laws and resolutions for the city. That is the vantage point that I am coming from in that I don't think that this is something that we should burden the citizens with having to deal with. However, if there are enough citizens/voters to determine that this is something that they choose to have put on the ballot and allow their fellow citizens to come forward and have a vote on then so be it – they can start a petition drive and get the signatures in order to get this on the ballot. I am not going to support putting this on the ballot from this Board. Thank you.

Alderman Johnson

That is why we do elect the Ward Aldermen and At-Large Aldermen, but we are also here to make decisions and put things to the ballot boxes. That is where people speak the loudest – at the ballot boxes. Petitions can be done at any time because we know who can do petitions and who can't do

petitions. They said it would never be done to remove a Mayor from office – people did it because the people spoke. Again I will just say send it to the ballot, let the people vote on it, let them decide whether or not they want to change the Mayoral term – that is all we have to do. Thank you.

MOTION FAILED

MOTION BY ALDERMAN NICKERSON TO RECOMMEND INDEFINITE
POSTPONEMENT
MOTION CARRIED

R-02-70

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER REQUIRING THE
MAYOR
TO DELIVER AN ANNUAL STATE-OF-THE CITY ADDRESS TO THE BOARD OF
ALDERMEN

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

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The reason I wrote this legislation – I guess this is probably a no-brainer here – is because of the fact that we all supposedly got invitations to the Mayor’s State of the City Address at the Chamber of Commerce. The invitations were in the mail, but never got there. It says in the Charter “The Mayor will keep the Board of Aldermen apprised of the day-to-day operations of the city”. Well, the President gives the State of the Union Address to Congress, the Governor gives it to her legislative body. I can’t figure out why would the Mayor be giving it to the Chamber of Commerce versus his legislative body, which is us. I wrote this legislation and I think this is very appropriate for the city – for him to be giving us the State of the City Address in the month of February before he gives it to any civic organization. That is why I wrote this legislation.

MOTION FAILED

MOTION BY ALDERMAN NICKERSON TO RECOMMEND INDEFINITE
POSTPONEMENT
MOTION CARRIED

UNFINISHED BUSINESS - ORDINANCES

O-02-19

Endorsers: Alderman Marc W. Plamondon

Alderman-at-Large Fred Britton

Alderman Robert A. Dion

AMENDING THE ORDINANCE REGARDING THE POSITIONS AND DUTIES
IN THE TRAFFIC ENGINEERING DEPARTMENT

MOTION BY ALDERMAN TOLLNER TO RECOMMEND INDEFINITE POSTPONEMENT

ON THE QUESTION

Chair Tollner

I got a phone call from Jim Mealy, and he said that there is no need for this legislation. We did refer it back just to be safe, but there is not need for this legislation. This is just a housekeeping item.

Alderman Deane

Why is there – can you elaborate on why amending the ordinance regarding the positions and duties in the traffic engineer department –

Chair Tollner

It was a duplicate – duplicate to 70. What we did was refer it back to committee just to be safe.

Alderman Deane

70 and this were one in the same?

Chair Tollner

Right.

Alderman Deane

70 was also the position that wasn't funded by the Board of Aldermen.

Chair Tollner

Right.

Alderman Deane

So why would you not indefinitely postpone both of them? If the position isn't funded why would you...

Chair Tollner

We don't have the other one in front of us right now.

Alderman Deane

This is odd that they would only do one when the position isn't funded. Why would they need that position? Nobody knows right?

Chair Tollner

He just called me and said housekeeping – you can get rid of it, we've taken care of it and we don't need it – indefinitely postpone it.

Alderman Deane

Thank you.

MOTION CARRIED

NEW BUSINESS – RESOLUTIONS

R-02-71

Endorser: Alderman-at-Large Paula I. Johnson

SUBMITTING TO THE VOTERS AT REFERENDUM THE QUESTION OF
WHETHER

THE CITY SHALL USE ALL AVAILABLE MEANS TO TERMINATE THE BROAD
STREET
PARKWAY PROJECT

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chair Tollner

Before I allow comment I just want to let everybody know that I did speak with the Mayor tonight. They are looking into making some substantial adjustments to the Broad Street Parkway. Given that information and not knowing what those final adjustments or amendments are to the plan or the project he asked that this would be held in committee.

Alderman Johnson

I have been sitting through a lot of these meetings and I received the minutes of the Public Works meeting. Alderman Deane was there when it first happened. The other night we were up at the meeting. The sad thing is that they have come and admitted that the original design was flawed, that there have been changes to the design. I spoke with Mr. Crombie after the meeting and came up with some ideas. I also have a call into Congressman Bass regarding the money because I don't know where Corporation Counsel made his decision from. It doesn't say that he spoke to any of the delegates. I don't know exactly where he got his comments in regards that we pay \$10,000,000. I have a call into Congressman Bass. My idea was since this whole thing is flawed and they are saying that we need an east/west crossing here – is that we come up with a new design because it is the biggest mess in the world. I also got the information – the Memorandum of Understanding with the Broad Street Parkway – I don't know if everyone else has it, but I am in the process of reading it and highlighting areas. When they designed this 35 years ago there was a reason why

they designed the Broad Street Parkway. Needs have changed in the city because we opened up the highway and we don't have as much congestion. I keep asking the person from DOT what is the traffic count, the air pollution, the difference now from what it was when the voters had this in I believe 1977. The voters voted on what was almost like an open-ended question – it is not the original design that they have now. I said to Mr. Crombie here is an idea – I was going to change the wording to add “submitting to the voters at referendum the question of whether the city shall use all available means to terminate the current plan of the Broad Street Parkway Project” – let's start from ground one. My question to Mr. Crombie was what happens if we went to our federal delegates and said to them look this is what we have to do – we have to redesign this whole parkway – we will give you new plans and whatever money we don't use – I know this is a hard thing for everybody to digest – we will give back to the federal government. If we don't need it why use it. There is about \$8-9 million in urban funds for repaving our streets. We're bonding for street pavement right now and the budget passed with the bonding in there. That is what my conversation with Mr. Crombie was.

Chair Tollner

Can I respectfully ask you to do me a favor – we don't know what direction the Broad Street Parkway is going in – say unanimously the Board of Aldermen were to approve this particular piece of legislation – we would be putting before the voters to ask them to decide whether we should do the Broad Street Parkway or not when we don't know today what that actually looks like or what it would look like if we did some redesigns. It would be inappropriate I think for us to throw this in front of the voters because I am not sure whether anybody in the city at that time could explain to the voters what the Broad Street Parkway looks like. There is a committee that is set up and we could go on for another half hour and talk about the pros and cons of the Broad Street Parkway, however, until – we get some better clarification on what we are doing I think we are not being fair to the public to ask them to vote it up or down at this time. There may be some people in this city that are adamantly opposed to the Broad Street Parkway regardless of what it looks like, but when it went before the ballot although it probably will be different than what it will end up being the voters did approve it ... tape flipped ...

Don't think that we are set right now to push this legislation, approve it, and ask the voters to vote on it. I think the question we get back to is vote on what. I will finish by asking you if it would be okay if we held it in committee.

Alderman Johnson

My concern is here that this parkway design has been changed so many times, and the people don't know what is going on. We have businesses here. I sat in on many of the meetings – I don't know if you attended – I attended the meeting right after I became a member of the Board of Education and the design change had changed again. It keeps changing. What about the businesses that have been waiting for their property probably to be taken. They keep waiting and they can't do any design changes that they want in their businesses. I was at the committee meeting Monday night. You weren't there, but I listened to the whole thing sitting there. This is a nightmare. The committee doesn't even know what direction they are going in. My concern is – and I had asked Mr. Crombie and Alderman Rootovich if I could sit with the four member panel to hear what they were discussing

because I thought they could have a woman's perspective on it – I come up with some pretty good ideas here at times although a lot of people on the Board don't like my ideas, but that is okay. I won't take it personally. What goes around comes around sometimes. I think at this point in time the people of the city have to have an idea where we are going with this. The plan that we have in front of us now as far as everybody is concerned is what you are going with. The conversation with the DOT they are just going along with the design plans and spending more and more money so where do we stop the state from spending money and taking property that probably won't need to be taken? We can leave this in committee and the state continues to do what they are doing or we can put an end to this right now and sit down and say we need to redesign the whole thing and that is where we are going. That is the concern I have with holding it in committee.

Chair Tollner

Maybe what we do is ask the Mayor if he can give us some type of timeframe as far as when he thinks we will come up with a recommendation, and at that time, if the recommendation is drastically different then we would entertain legislation like this.

Alderman Johnson

When is our next meeting?

Chair Tollner

September.

Alderman Johnson

If I held this in committee until September ...

Alderman Deane

Nothing will be done by September.

Chair Tollner

I don't think anything will be done for a few months, but ...

Alderman Johnson

I guess the question is either I hold it in committee or you all vote against me probably. That is my option. It is not me you are voting against, you are voting against the people – that is what you are doing – who came out to all of these meetings and have protested with petitions all of these months and years on this – that is what it is.

MOTION BY ALDERMAN TOLLNER TO RECOMMEND TO HOLD IN COMMITTEE

ON THE QUESTON

Chair Tollner

There is a certain percentage of the population that is not in favor of this, but I also would like to think that there is a certain percentage of the population that is in favor of it. We're really not giving them a fair shot at making their minds up as far as the project is – is it a reasonable one to consider – because it is constantly influx.

Alderman Deane

I think that is unfair.

Chair Tollner

That is life in the big city.

Alderman Lamos

I support the motion to hold based upon the evolving design that we are hearing. I do think though that once that design is finished given what we have heard relative to the potential cost growth of this project and its impact on the taxpayers of this city that at that time the taxpayers definitely deserve a shot to take a look at it. Clearly we have seen traffic counts as a result of the turnpike widening project – traffic downtown improve. I am not looking to debate any of those issues. I do agree with the Chair on the premise to hold, but I also agree with my colleague, Alderman Johnson, that the voters do deserve a shot at this once a design comes before us that incorporates the changes that – I will let the committee do their work, but let's let the voters have their shot too.

Alderman Nickerson

I will support holding this in committee. The reason for that is not – I would have voted against the original motion based upon the legislation itself not based upon the maker of the motion nor the endorser of the legislation. When I make votes on this Board or any other committee that I am serving on I do not vote on issues based upon my feelings towards that individual. The only time I make votes against a person is in the ballot box. I will be supporting the motion to hold this in committee.

MOTION CARRIED

Chair Tollner

Alderman Johnson just to be fair to you hopefully we move the process up a bit, but I don't anticipate us having any more information than we do today by the next meeting.

Alderman Johnson

I just don't want to see this another two years. People are suffering. This is what my fear is.

Alderman Deane

Absolutely.

Chair Tollner

I agree with you. I would hope that the Mayor would come up with a solution. Let's give them 4-5 months to get their act together and let's do something about it.

R-02-82

Endorser: Mayor Bernard A. Streeter

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REVISION OF
THE BOUNDARIES OF WARDS 4, 6, 7, AND 8

MOTION BY ALDERMAN NICKERSON TO AMEND R-02-82 IN ITS ENTIRETY BY
REPLACING IT WITH THE COPY PLACED ON OUR DESKS THIS EVENING

ON THE QUESTION

Alderman Nickerson

Just a refresher question. Mr. Bergeron you may have mentioned this earlier, but what is the difference between this one and the one that was introduced with the agenda or at the last Board meeting – the Board meeting when this legislation was introduced? Is there anything substantial or maybe a little street here or there?

Paul Bergeron

Nothing substantial. In the original language the eastern boundary of Ward 8 would have been South Main Street. Under this one it is essentially the Daniel Webster Highway. There were a couple of blocks that were different between 6, 4, and 7. I also caught a clerical error in Paragraph 2, which referenced all of the State Representatives – the Senators who were in office as of November, 2002 it said. I corrected that to November 5, 2002.

Alderman Nickerson

Okay. Thank you.

MOTION CARRIED

MOTION BY ALDERMAN NICKERSON RECOMMEND FINAL PASSAGE AS AMENDED
MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-02-69

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Alderman Kevin McAfee
Alderman Marc W. Plamondon
Alderman Robert A. Dion
Alderman-at-Large James R. Tollner

AMENDING CHAPTER 10 “GARBAGE, TRASH AND REFUSE”

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 IN ITS ENTIRETY BY REPLACING IT WITH THE COPY PLACED ON OUR DESKS THIS EVENING
MOTION CARRIED

Chair Tollner

I do recall a couple of the items while in committee – while not every committee member was in agreement – we discussed possibly leaving the charge for the \$5 sticker with the understanding that the \$5 cost would be waived for senior citizens. Is that everybody’s understanding?

Alderman Deane

What is the definition of a senior citizen?

Chair Tollner

We would match it up to the same benefits that someone would get for credits – do we look at 62 or is it 65? We can match it up with the tax credits that they get on their tax bills.

Alderman Deane

The senior exemption?

Chair Tollner

The senior exemption. That makes it very clear.

Rich Reine

Someone could argue ... tape inaudible ...

Chair Tollner

Please come forward.

Alderman Dion

Getting back to the \$5 permit fee – are we in agreement that this will stay in effect?

Chair Tollner

That is what we will be talking about after Alderman Deane's comments.

Alderman Dion

I certainly agree with that. Since we are giving out over 10,000 permits at \$5 dollars that is \$50,000. If we are running a deficit we certainly can use that \$50,000 a year. I agree with that concept.

Chair Tollner

Rich can I ask you do we need to make any amendments to the legislation? It just said we won't be able to charge any fees higher than \$5 right?

Rich Reine

I think it stays the same because it is not to exceed \$5 as long as we are able to have some flexibility with the seniors as you noted as well as if someone was coming in for recycling only we wouldn't charge them.

Alderman Deane

Years ago we used to give out recycling stickers.

Rich Reine

We can get those.

Alderman Deane

People that just wanted to recycle could get these stickers.

Rich Reine

We could put that in place.

Chair Tollner

Alderman Liamos do we want to just go through the legislation – each section?

Rich Reine

I took notes. The other piece was the yard waste.

Alderman Nickerson

I have additional ones beyond yard waste too.

Chair Tollner

Is that okay with you Alderman Liamos, and if your question is up front in the legislation we will address it right now, but ...

Alderman Liamos

Why don't I just ask it up front just to find out where – just a curiosity thing Mr. Chairman. Richard how do you arrive at a 95 gallon container – I know it is probably compatible to the truck, but we have X amount of households in the City of Nashua – some may use more and some may use less. Are you getting towards the free stickers for those folks to cart their own stuff over to the dump? How do you arrive at 95 and know that is a really good number – one container versus 2 – things like that?

Rich Reine

They are standard sizes that the manufacturers make. All of the manufacturers make in and around 60-65 gallon containers, 90-95 gallon containers, and some make as high as 105-gallon containers. That is really the standard size that has been determined by the manufacturers. Typically a 95-gallon container will hold a week's worth of trash from an average family who is also recycling to some degree.

Alderman Liamos

Is this a way to force your enforce program?

Rich Reine

I think you will certainly get some benefits to the recycling program, but it is not the way to enforce it. I think there are other ways if we were to look at enforcing recycling.

Alderman Liamos

You will have two recycling bins per household plus this container?

Rich Reine

Correct.

Alderman Liamos

We'll move along and talk a little more about it.

Rich Reine

It is a range. 95 gallon is what is written in there. Depending on the low bidder the specifications on that could be the 90-gallon could be as high as 105 gallon at some locations that we deem it necessary for larger ones.

Alderman Liamos

In the towns – in your experience, the cities that are in your surveys how often do these things get replaced?

Rich Reine

There are actually ten-year warranties on these. If a wheel breaks, a lid breaks, a handle breaks they are replaced as long as it is within ten years with no charge and that is all of the manufacturers for the most part.

Alderman Liamos

Your department would be taking care of that warranty work?

Rich Reine

Well to some degree, but in this Request for Proposal is language regarding the replacement and how it gets done, and the manufacturer has to have a local representative to be able to do that.

Alderman Liamos

Thank you Mr. Chairman.

Chair Tollner

You are very welcome Alderman Liamos. Why don't we go by each page? Does anybody have any questions on page 2 or 3?

Alderman Johnson

Section 10-4 – Automated Collection, Line B “The Superintendent of Solid Waste Department” this is new language right?

Rich Reine

Yes, that is all new.

Alderman Johnson

Who had control before?

Rich Reine

It was actually – this is all new because it is all underlined in the automated program so there was no issue of need for control.

Alderman Johnson

There were no controls on the other cans for anybody?

Rich Reine

That was the Board of Public Works.

Alderman Johnson

That is all, thanks.

Alderman Nickerson

Page 5, section E, number 3 – on the third line it says “City MSW”. Even though I know what that means there is no definition as to what MSW means in the definition section of this. Do you want to put something in the definition for that?

Rich Reine

Good point. It is the standard acronym in the business, but we could certainly – that is an oversight on our part.

Alderman Nickerson

We want to make our ordinances such that the regular person can understand those. Do you have language that you would want to have for MSW?

Rich Reine

What we would do is clarify that and add it to reflect Municipal Solid Waste and we won't use the acronym.

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 ON PAGE 5, UNDER (E)

CONTAINERS (3) BY REPLACING “MSW” WITH “MUNICIPAL SOLID WASTE
MOTION CARRIED

Alderman Nickerson

I have another one on Page 4; it mentions the New Hampshire Department of Environmental Services under soft yard waste. We actually just went through an issue at the Planning & Economic Development Committee on Tuesday night when we were referencing FEMA, and we made a comment in there to include “or its successor agency” as there are times when those types of things do change. We don’t want to deal with keeping tabs on all of those items and then have to deal with those minor changes to our ordinances later on.

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 ON PAGE 4, UNDER (c) SOFT YARD WASTE, TO ADD FOLLOWING NH DEPARTMENT OF ENVIRONMENTAL SERVICES “OR ITS SUCCESSOR AGENCY”

Rich Reine

Successor agency or potentially you may want to put “or the appropriate regulatory authority in case it switches to another authority entirely.

Alderman Nickerson

Sure.

Rich Reine

Or the appropriate state regulatory authority.

Alderman Nickerson

Actually it might be better to keep it regulatory authority in case there is some type of regional authority that gets established years down the road.

AMENDED MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 ON PAGE 4, UNDER (c) SOFT YARD WASTE, TO ADD AFTER NH DEPARTMENT OF ENVIRONMENTAL SERVICES “, ITS SUCCESSOR AGENCY, OR THE APPROPRIATE REGULATORY AUTHORITY”
MOTION CARRIED

Chair Tollner

On 4 and 5 – Alderman Liamos do you have a question?

Alderman Liamos

I have a question on the term overloaded – shall mean the automated container or cart is so full of refuse that its lid is not completely closed, thereby exceeding automated carts rated capacity. I understand what that means. In the real world, are you telling me that you will not pick up the guy's trash if his thing is overloaded?

Rich Reine

No. I think it is a learning process, and I think if someone has a cart that is overloaded to the point where it can't be handled by the automated collection vehicle we would have a conversation with that individual and try to educate them on what the requirements are. If it were a continual abuse of the program and non-compliance then we would go to the next step.

Alderman Liamos

I have a question under General Requirements (1) where you say they provide automated collection container instructions. Have you got buy-in from your employees unions because I can remember a few job actions in years past where they only picked up right according to the words in their contract, which was at that time a tin barrel, twenty gallons, and nothing else.

Rich Reine

We have had several conversations with the union. We have taken the union -- a photo in the presentation is a picture of us taking the union to Springfield. We're having a continued dialog with them. There are a lot of changes that will be necessary in just our contract with them to implement the automated collection. We're having some dialog – I would say some positive dialog. In fact, we have a follow up meeting on the 12th – Monday, to put some language together than we will all be able to use to make the program successful. The answer to your question is yes.

Alderman Liamos

A definite maybe.

Rich Reine

No. It is a yes. We do have buy-in.

Chair Tollner

We have done page 4 and 5. Now we are on page 6. does anybody have any changes on 6 or 7?

Alderman Nickerson

The item begins on number 5, but really wraps around to number six. Under containers is basically the cost and the replacement of the faulty or normal wear and tear of the item. The last sentence says that the "if the container is unusable through normal wear and tear then the replacement will be provided by the city". It doesn't say that it will be provided by the city at a cost to the city.

Rich Reine

Can you point out where you are?

Alderman Nickerson

Page number 6, the first paragraph. Paragraph number 5.

Chair Tollner

“If the container is rendered unusable through normal wear and tear or through the fault of the city then a replacement container will be provided by the city”.

Alderman Nickerson

It doesn't specify at the cost – at a cost to the city. In here earlier you made a statement to the effect that only these containers – the automated containers are provided exclusively by the city and I think in this section I think we also want to state that it will be at a cost to the city for these replacement containers. Am I clear on that or is it still a little cloudy there?

Rich Reine

I'm reading this through – the last sentence “if a container is rendered unusable through normal wear and tear or through the fault of the city then a replacement container will be provided by the city”. You would like to add at no cost or something to that effect?

Alderman Nickerson

At a cost to the city or with the city bearing the cost.

Alderman Cardin

At the city's expense?

Chair Tollner

I think right at the top it says any customer in possession so what you are saying is that if I have one and I have a problem what you want to make sure of is that the city will give me a new one.

Alderman Nickerson

Exactly and that there isn't any type of read in here that the city can then go ahead and charge the resident for this.

Rich Reine

That is fine.

Chair Tollner

So you are saying provided by the city at no cost or...

Alderman Nickerson

At a cost bore by the city.

Rich Reine

Can I make one recommendation from a legal standpoint? These containers are warranted for ten years, and if it is a damage that has occurred through normal wear and tear under ten years the manufacturer is responsible for that.

Alderman Nickerson

Unless covered under warranty?

Rich Reine

Yes, because I don't want the manufacturer to hang us out here – with any costs born by the city or something like that because it could be a no cost replacement, and we don't want our manufacturer to say it is the law.

Chair Tollner

You could even say replacement will be born by the city – forget about cost because – all you are thinking about is they get another barrel.

Alderman Nickerson

That is correct.

Rich Reine

A replacement container will be at no expense to the resident?

Alderman Nickerson

Sure. Thank you.

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 ON PAGE 6 (E)

CONTAINERS, (5) TO ADD AT THE END OF THE SENTENCE “AT NO COST TO THE RESIDENCE”

MOTION CARRIED

Alderman Lamos

Points of Collection – Automated containers shall be ..

Chair Tollner

What section are you at?

Alderman Lamos

G, page 6, last sentence. I understand the reasons why you are doing this – for your truck operation, but again I am looking at it from a reasonable standpoint, so I am looking for some language there that softens that a little bit because residents are responsible for ensuring accessibility to all containers at least 10 feet from a parked vehicle – the truck comes by, the water guy is there reading your meter – I am not responsible for that. I don't have control over parking on a public street.

Chair Tollner

If that happens to happen it would be rare. You can make a phone call just like if they skip a spot now, and they will go back and get it.

Rich Reine

I think it is important that we have some clear requirements for where the cart goes and what the requirements are for a away from and other types of obstacles. We deal with it day in and day out now, and once again looking at our expenses a lot of those expenses can be attributed to the fact that we have to go back because it is behind a snow bank, it is blocked by a vehicle, it is 4 or 10 feet up the driveway so we need to have, especially with this program, so we don't have a glorified manual collection system where our driver is getting out every stop because he needs to pull it

away from a fire hydrant or something. We need to have some specifics in there. Obviously if there is a case when there is an incident when it is blocked by an oil truck or something we will work around that.

Alderman Lamos

Okay. I still think you are basically changing a habit right now I guess.

Rich Reine

Absolutely.

Alderman Liamos

Everybody knows who has a rural delivery you have to shovel off so that the mailman can deliver the mail – everybody knows that, but not everybody does that. I just think that by – when I read this I find a little bit of this objectionable in that – I will wheel it down to the end of the driveway. I don't want somebody to tell me to put it in the middle of the driveway or the side of the driveway. It sounds foolish, but I think there ought to be some discretion to the system.

Chair Tollner

If you put it in the middle of the driveway and the truck can get it there will not be a problem.

Alderman Liamos

Right.

Chair Tollner

If you are not wise enough to realize that you cannot put it next to a telephone poll every week then – basically did you see the video – the video will tell you where to put it within reason.

Alderman Liamos

I understand.

Chair Tollner

Dealing with the last trash ordinance that we did, which was extremely painful, we have to be so clear in the legislation otherwise it will not work.

Alderman Liamos

Given what I see on the streets on trash pickup day that has been an arousing success. I am being a bit facetious there Mr. Chairman, but

Chair Tollner

Yes you are. That is the flexibility that I think that we have given so if they tell you to put it – basically what they are telling people with common sense is put it there where the truck can pull up and pick it up. There will be some people that don't have common sense so what we will be able to tell them is this is where you have to put it. If there needs to be some enforcement of this it has to have a little direction to it.

Rich Reine

We will be marking those sites. When these carts are delivered the first time there will be locations that people are asked to put their carts just like you saw on the video. We will be doing that. We won't have them have to take a transit out to find out exactly where it is. We will put a spot there, and if it is 10 inches or 2 feet away from that spot as long it is accessible that is fine.

Alderman Lamos

I would like to see the words within reason added to that.

Rich Reine

That would be subject for interpretation. I think you may not want to have that type of flexibility in the ordinance because some people now may look at a spot within reason that is unreasonable for us when we are trying to collect it with an automated truck.

Alderman Lamos

In my ward there are a lot of people with automatic sprinklers who may say I have a sprinkler head there and I don't want you to put the trash there.

Rich Reine

We will not put it in the yard.

Alderman Lamos

All right. I won't make that a formal motion Mr. Chairman.

Chair Tollner

Thank you Alderman Lamos for being so flexible. Are we okay with page 6?

Alderman Deane

You have to look at it like this – regardless of where you put it if it is not in the right spot they have to come back and pick it up anyway. If you go down through the Tree Streets now and see how people just lob trash out of second and third story buildings onto the sidewalk – they manage to pick all of that up.

Alderman Dion

I resent that Tree Street. That is a loose term.

Chair Tollner

Some streets in town you could say.

Alderman Deane

Some streets in town.

Alderman Dion

That's better.

Alderman Johnson

It just sounded like Tree Streets when you said some streets.

Chair Tollner

Are we okay with Page 7?

Alderman Lamos

Moving to page 7 the enforcement paragraph (l) to the top of page 8. "This section shall be enforced by either the Police Department, the Environmental Health Department, or the Code Enforcement Department or their duly authorized agents after initial notification to the violator by the Division of Public Works Solid Waste Department." With all due respect Mr. Chairman and Mr. Reine, we can't get the Police Department to enforce the speeding laws, we can't get the Code Enforcement Department to enforce the current code laws because they are understaffed, and the Environmental Health Department also. How do you really expect to get this thing enforced? That is my biggest hang-up in this whole legislation.

Rich Reine

It was my biggest hang-up.

Alderman Lamos

It is unenforceable.

Rich Reine

We have had significant conversations now with all three of those members. We have talked to Director Hersh, we have talked to Klaas Nijhuis, Acting Director, and we have talked to Chief Gross as late as this afternoon. I think when you are looking at this program and implementing it there will be a learning curve associated with it. You can't put carts out overnight and expect people the next day to be compliant with the program. There is a lot of education. There is a lot of information that has to be conveyed to people to make sure that this program is successful. The Division of Public Works does not have the ability to write fines. State law does not give us the ability through the

NRO 1.9. It only gives it to the entities that this Board allows. We want to work cooperatively with and have been working cooperatively with these departments. Today day in and day out everyday we do this on the front line. We are out there dealing with some of these streets that have piles of trash, that have clean outs, that have evictions, that have move ins, and our foreman, myself, Sally we're going into the assessor files finding out who owns that property, calling up the landlord, talking to them about getting that material cleaned up and off the streets, dealing with the people – the tenants to try to let them know what the program requirements are. We don't see this as being any different. It will be tough for a period of time, but once it is implemented and up and running we see this as being successful. If it gets to the point – we added in here after initial notification to the violator by the DPW Solid Waste Department – we will continue to do it as we are going along. If we need to put some teeth behind that we have been successful in talking with these other departments – the police department – and we know that we will have that backup.

Alderman Liamos

Do we currently have legislation Mr. Chairman or Richard with a fine structure in place that puts teeth into this?

Rich Reine

Yes. Everything ties into Section 10 –50 on page 19 – “Any person violating any provision of this article shall be punished by a fine not exceeding the provisions of Section 1.9 of these revised ordinances or the loss of dumping privileges or both.

Chair Tollner

That is not new.

Rich Reine

That is not new. That actually has been in the ordinance for some time now. 1.9 gives those entities the ability to fine up to \$1,000 for these types of violations. In addition, we have language in here that if people are just willingly non-compliant with this program then we can order them, we can terminate their service and order them to get private collection, i.e., put a dumpster in that area and deal with it in that manner.

We've worked with the President of the New Hampshire Property Owner's Association and we have met with them on several occasions to get their buy-in on this – to get them to understand that this program can only be successful if they as landlords agree that this is the way to go. They do, and we've been pleased with that. We will go to their meetings, show these videos, show these presentations.

Alderman Liamos

This is my biggest hang-up on really the whole legislation – I will still look for answers to this before supporting this because I really feel, as the Chairman has already mentioned, we already have laws

on the books that aren't enforced or the degree of enforcement is somewhat suspect in that the pictures are worth a thousand words. I would like to hear from the police department, from the code enforcement people how they plan on doing this and what kind of manpower requirements are they going to have to make this thing a success.

Chair Tollner

Maybe what I could suggest is if you could talk to different departments and maybe get a memo that you could get over to us.

Alderman Liamos

Yes, just implementation of this ordinance.

Chair Tollner

I agree with you. It will be difficult to really enforce it, but looking at it realistically it is difficult to enforce it now – the legislation is better. I don't think it will be the silver bullet to allow us to be more effective in enforcing it, but if you have a question on how we are going to enforce it maybe we can get something in writing.

Rich Reine

I know that through my conversations with the other departments, they look at this as potentially a significant burden on them if we were to enact this and just say it is yours – you own it now and you are the only ones responsible for this. They understand that is a cooperative effort. They understand that we will be, as it states in the legislation, we will be the initial point of contact with these residents to deal with this. We are the ones that – we are all vested in this, but we are the ones that have to make sure that this program is successful. We will do our best to get some memo put together by these departments.

Alderman Liamos

I have no doubt that you will try. Enough said.

Alderman Johnson

I would like to expand on this a little bit. I would like to know if we could get in the memo how often do we have violators and how often have they gone out there and whether they were successful or not – which departments. If the Code Enforcement has gone out how many violators did we have and did they have success in clearing this up because I think this will kind of answer your question a little bit more if they have used them in the past and if it worked. I want to know basically if we sent them out and it has done no good and they don't do follow throughs because I remember Code Enforcement here was talking about they needed the computer to keep their day straight here because they didn't know how to do follow up on files here so if they don't have the computer yet are

they going to be able to know how to file the compliant, put it in, and do the follow up here. I think that is part of the problem here when I heard that they needed a computer program to be able to do this so that could be part of the problem here.

Chair Tollner

I think Alderman Liamos' question is a valid one. I personally am very confident that this will reduce the number of violators because you won't be able to throw your trash out like you saw on the video over there. It will have to be in the drum. The drums as you can see over there if you look at it each one will have a serial number on it so you will know which drum belongs to which household. You bring up a good point about – we will try and address that.

Rich Reine

I think If I could comment on this – I think that the ordinance itself – policy and structure needs to be put in place once the ordinance is passed and once we move into this automated collection system and who is responsible for what. I know that the Solid Waste Department will be responsible for dealing with these people initially, talking with them, and educating them. Having our conversations with these other entities we are confident that we will be able to work cooperatively. As far as going out on the street I know that they go out on Fridays and there is a team between the Police Department, the Code Enforcement, and Health. They deal with the problem stops. They visit them. I don't recall what number of fines if any fines have ever been written for people. I think they would rather talk with these people and try to get up to compliance another way. They are out frequently, and when we have issues that we can't handle we will call them and there will be a response.

Alderman Johnson

Do they do follow ups like if they get a summons they go back there the next week to make sure that they are complying?

Rich Reine

Yes.

Chair Tollner

We are on page 8 now or going onto 9?

Alderman Nickerson

I have a question on page 8 that may lead into a motion. Under section A (1) it mentions "until the startup of the automated collection program as determined by the Superintendent or Director" that could be understood in two different ways. One meaning until the startup anywhere in the city or until the startup at that specific residence. It could be interpreted in two different ways.

Rich Reine

I think that the intend of the language is that we can't start automated collection all at once in the city so there would be parts of the city that won't be automated that would have to have these existing regulations.

Alderman Nickerson

Would you object to something along the lines of "Until the residence has been transferred to the automatic collection program"?

Rich Reine

I don't see why that wouldn't be fine.

Alderman Nickerson

That way we are not leaving the possible openness to someone arguing that anywhere in the city.

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-69 ON PAGE 8, SECTION 10-5 RESIDENTIAL, (A) (1) TO ADD AT THE BEGINNING OF THE SENTENCE "UNTIL THE RESIDENCE HAS BEEN TRANSFERRED TO THE AUTOMATED COLLECTION PROGRAM"
MOTION CARRIED

Chair Tollner

Where were we addressing the grass and the ...

Alderman Nickerson

That is actually under number 1 – the very last sentence on page 8. It says "The only exception to this paragraph are recycling bins containing proper materials for recycled and approved bags or other containers containing soft yard waste" so we are not actually taking out the other containers. That is still technically in here.

Chair Tollner

A guy has a house, takes his garbage pale, is throwing the grass in there, has a sticker on it – he is okay?

Rich Reine

Yes. The soft yard waste bag only policy ties into a Board of Public Works policy so that policy would be changed, which would fall into this.

Chair Tollner

Next time could you revise your presentation?

Alderman Johnson

Page 11 – the term “Refuse” -- it says here “eliminators such as paper, cardboard”. No newspapers at all can go into the containers? What are you describing as paper?

Rich Reine

That is just for definition purposes – what rubbish actually is. We’re not saying that you can’t put those items in the container, but they are more the recycling is what that is.

Chair Tollner

It is just to push them to recycle and that we have expanded what we can recycle now.

Alderman Johnson

But if somebody does put that – you will not hassle anybody if there is paper in there or small pieces of cardboard?

Rich Reine

No.

Alderman Johnson

That doesn’t say that. You have eliminated that.

Chair Tollner

These are just definitions that’s all.

Alderman Johnson

Okay.

Alderman Dion

I’ve been looking through this amendment of O-02-69. Earlier in the evening Mr. Reine you spoke about the one tipping fee a year that the homeowners now enjoy will be taken away. On this ordinance where does it show that – which page?

Rich Reine

I think it is in some area where our permits are called out as well --

Alderman Deane

It is not a tipping fee they enjoy. It is a -- they get to dump a 30 yard container free.

Rich Reine

It is on page 14 -- the top of the page number 2 (c).

Alderman Dion

What number?

Chair Tollner

2 (c) halfway down the page -- it is all....

Alderman Dion

Okay. I just want to advise the committee that there will be a lot of resentment on this issue. Be prepared for phone calls if you agree with this.

Chair Tollner

If I can Alderman Dion there was a deficit last year of about \$145,000 -- it is over \$200,000...

Rich Reine

It is projected for FY '03 to be \$200,000. It was about \$157,000 in FY '02.

Chair Tollner

There have been concerns that have been stated by a number of the Board of Public Works Commissioners over the last number of years about how people are using this. You are allowed one free dump. There are actually contractors that are advertising -- We will take your refuse to the dump. Keep in mind that this is an enterprise fund. When you look at some areas of the fund where we are in a deficit we have to address those deficits. You are absolutely right -- people have enjoyed that in the past and this is one way to support the enterprise fund.

Alderman Dion

Mr. Chairman to go a little further. When you said people have been abusing it – there is no doubt that practically everything in this world gets abused at some time or another. Let me say this – having gone through this once myself you have to show your tax receipt, your property tax receipt in order to get this free tipping fee once a year so how can they abuse it – how can contractors abuse it without having the required receipt of their property tax?

Rich Reine

I think it was abused in the past where people – I heard a story where somebody went down to the assessor's office and got a bunch of addresses and filled out a bunch of free load programs and came in under that. That was done many years ago. We have seen people where jobs would be a half a contained filled at some other location and then brought to a location in the City of Nashua and filled with the rest of the material. It is tough to tell if you get a black roof in Hudson versus a black roof in Nashua it is difficult to count the number of square in there. We have seen that in the past. It is an administrative nightmare going around to all of these different locations and verifying that this material is coming from that house.

Chair Tollner

Also down at the landfill what they are going to do is you will be allowed, via this legislation, to bring approximately 10% of what you are bringing to the dump would be say roofing or 2 x 4s or plywood or whatever.

Alderman Dion

That would be a nightmare to keep track of too Mr. Chairman.

Chair Tollner

They will not actually measure it. It is just if you bring a truck with all garbage and there is a little bit of that other stuff in there it is fine. They are going to be very flexible and work with the individuals that bring it down there, but keep in mind again that we are running with a considerable deficit with this. We have talked about it for as long as I have been an Alderman – does it stay or does it go. If this plan is going to work this is just one component of the plan.

Alderman Dion

Mr. Chairman I must point out in closing that I understand exactly what you are saying. I understand that we are running at deficit that we have to cut costs in order to get that deficit down. I understand all that. The average individual doesn't realize that when it comes to paying whatever tipping fee it may cost to get rid of their old roofing or old siding. You try to explain that to a homeowner that has already had prior year had a free tipping fee and tell him that now he can't have it.

Chair Tollner

I agree with you, but it is something I will have to do.

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE AS
AMENDED
MOTION CARRIED

Chair Tollner

As we leave this legislation I did get a couple of phone calls a few months ago with someone who looked at these trucks and was wondering how could we monitor what was actually going in the trucks if people weren't picking it up, and during the presentation I had a few weeks ago Mr. Reine told me that there are a number of cameras that will be on the truck and there will actually be a monitor in the truck that the driver will be able to look at what is falling out of the container into the truck – to answer the concern that resident brought up.

Thank you again for your presentation.

I would suggest that you follow up with Sue Lovering. Alderman Nickerson will provide the amendments just to make sure that everything is in sync. I think you were going to call a couple of Aldermen to catch up with them. I would urge the public to – Andrew again will put it in the newspaper so that people have an opportunity to watch it. This is an extensive piece of legislation. Thank you.

O-02-77

Endorser: Alderman-at-Large Paula Johnson

MAKING ELECTED BOARD MEMBERS INELIGIBLE FOR NOMINATION TO
CERTAIN
PAID CITY POSITIONS FOR TWO (2) YEARS AFTER LEAVING OFFICE

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

Again, I have had several phone calls from many constituents because they felt that last year although this piece of legislation here was closed up last year it wasn't closed up enough. People felt that when – this is getting really late and I can't even think anymore – You want to make sure that if you are an Alderman you can't get into any city position for two years after you are removed from the Board. It wasn't tight enough to make sure that you can't be on the Board today and step down tomorrow to take a city position. This is why I am trying to close that little loophole that was still there from last year.

Alderman Lamos

I might support this legislation. I will tell you why. The Federal Acquisition Regulation or the FAR as conditions for the employment of government personnel who have an oversight or a role in a

procurement action. Depending upon what their role was in that it is either a one-year abstention from having a job back in the area where you had a previous role or in the case where you have a direct procurement – you were responsible say for the purchase of a major subsystem and now you are going to work for the contractor that manufacturer that sub-system you would be required to have two years of abstaining from employment with that after leaving government service. Originally I wasn't going to be supporting this legislation because I didn't feel that it was necessary, but after looking at it and after looking at what we currently have in the federal level I look at if we are voting for approval on a budget or approval of a position and then we turn around and take that job with that department there could be in certain instances the appearance of a conflict of interest after the fact. I will support O-02-77, and I appreciate the Chairman allowing me to speak on that. Thank you.

Chair Tollner

Are there any other comments?

MOTION CARRIED

O-02-78

Endorser: Alderman-at-Large Paula Johnson

REMOVING THE POSITIONS OF THE ADMINISTRATIVE STAFF TO THE
MAYOR FROM

THE PERSONNEL ADMINISTRATION MERIT SYSTEM FOR PURPOSES OF
DETERMINING SALARY AND PROVIDING FOR SALARY TO BE SET BY
SEPARATE ORDINANCE

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE OF O-02-78

ON THE QUESTION

Alderman Johnson

During budget time when I saw the positions in the Mayor's budget I felt the raises were out of control compared to a lot of the other city workers who have been in City Hall for many years. I felt that it needs to be looked at. I mentioned it to you, and you had said to me Alderman Tollner that after the budget process – well here is after the budget process, and I am looking for your support on this because I feel that we need to take a look on how salaries are being handled around the Mayor's department and what is the judgment on what salary ranges should be given out in that department. I don't think it is fair for the other workers in City Hall who have been here 20 years or more or even 10 years – that some people have a greater salary than they do here. This is why I think it needs to be removed from the Mayor's discretion in that office on how salaries are given out.

MOTION BY ALDERMAN LIAMOS TO RECOMMEND TO HOLD O-02-78 IN
COMMITTEE

ON THE QUESTION

Alderman Liamos

The reason I would like to amend to hold is because I would like to hear from the City's Human Resource Manager, Mrs. Joyce, relative to from a H.R. perspective is there any – where this falls in terms of normalcy with our current merit employees, etc. I am interested in seeing are we that much out of whack with where our normal city employees are landing. Thank you.

Chair Tollner

The motion on the floor now is to hold.

Alderman Dion

I sort of agree with Alderman Liamos. Not that I disagree with the ordinance perse, but I would be awful curious to hear from the Human Resource Manager to let us know what the differential is in the pay scale that is paid to regular employees at City Hall and the employees that work in the Mayor's office. I think that is a reasonable request. I would be curious to hear those answers.

Alderman Johnson

I will vote to hold it because – part of my other reasoning is how is the Mayor's office a merit employee when they haven't been in the system that long compared to everybody. My concern – if you have been here during the budget meetings and I raised all of these questions – I thought the scales were tipped a little bit. I am never saying that they don't do a good job. It is just the way the salary structure is, and I think we really need to take a good look at this. I will be in favor of holding until we hear from Mrs. Joyce.

Chair Tollner

I will ask her to attend our next meeting. Sue if you could send her a memo. That is a good idea from Alderman Liamos.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-02-50

O-02-50

Endorsers: Alderman-at-Large David Rootovich

Alderman Timothy B. Nickerson

AUTHORIZING THE ESTABLISHMENT OF A ONE-MEMBER LIAISON
COMMITTEE

TO THE CHILD CARE ADVISORY COMMISSION OF NASHUA, NEW HAMPSHIRE

ON THE QUESTION

Alderman Tollner

This was being held because we were looking for some additional information.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE OF O-02-50

ON THE QUESTION

Alderman Johnson

I was the one who asked to hold it in committee until I got some information. I got the information. To me it is like an IEP for a child in special education in the school. I can't for the life of me, and I wish somebody would have been able to be here so that I could ask questions – there are just pages and pages and pages of what the committee is doing – its goals and objectives. I really don't understand it. They never meet any of these goals and objectives here. To me it is like an IEP of a kid. I will ask to hold it in committee again until we can get some further answers on this because I can't understand how a liaison will work.

MOTION BY ALDERMAN JOHNSON TO HOLD O-02-50 IN COMMITTEE

ON THE QUESTION

Chair Tollner

Alderman Johnson this particular piece of legislation is just to add a member of the Board of Aldermen.

Alderman Johnson

I understand that, but I am trying to figure out what is this person really going to be doing. You have so many papers here of what it is all about.

Alderman Deane

If you look at your cover letter it says, as always a childcare service office would be available to respond to any questions that the committee may have. The office may be reached at 589-4540. I think Ms. Lister could have – I went over and met her when Dolly had her open house over there. She is more than willing to answer your questions.

Alderman Nickerson

The commission if you were to take a look at the ordinance that actually dealt with creating this, which was passed back in 1987, it deals with recommending policies and advising the office of the Child Care Services. All this will do is actually add an Alderman to that commission in order to have fuller understanding of what that commission is doing on this Board. If you find that it is appropriate to not have this commission after getting further information feel free to introduce a resolution to abolish the commission.

MOTION FAILED

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE
MOTION CARRIED

Chair Tollner

Before we adjourn I had promised an individual in the audience that I would read Lester Gidge's letter so bear with me as I want to fulfill that.

This is to the Mayor and the Nashua Board of Aldermen dated August 8th. It is regarding the Parkway. "Approximately 20 years ago with Richard Crane as a planner for Nashua and myself as the head of the Planning Board the members met weekly for about two months to plan what we thought was another river crossing to plan for Nashua's growth. With the thought in mind to create a route centrally located to create the least disruption possible – this after discussing countless alternatives, our elected officials with much hard work have secured the funds, citizens have democratically voted their approval, this after many public meetings so everyone could be heard. Now that a few improvements have entered the picture, opponents are at work to derail all of these accomplishments. It should be noted police, fire, ambulance services are for this, Board of Public Works with another crossing would make their work more efficient thus saving money. The longer this project is delayed the higher the ultimate cost to all of us. Recently air pollution has been bandied about. I can't think of anything that adds more pollution that being stuck in traffic jams can you? If California can solve their air pollution problems by setting standards can't we? Last but not least this route will impact my company severely. Nevertheless I had to put on my citizen's hat and do what was best for the city. I was born, live, work, and will die in and forget the attitude not in my backyard. I trust the Aldermanic Board will move this project forward without further delays. If action isn't taken now by farsighted people can one imagine the problem twenty years into the future? Respectfully yours, Lester Gidge.

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 11:00 p.m.

Alderman Timothy B. Nickerson
Committee Clerk