

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

JUNE 5, 2003

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, June 5, 2003 at 7:46 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

Members Not in Attendance:

Also in Attendance: Alderman-at-Large David Rootovich
Alderman-at-Large Fred Britton
Alderman-at-Large David W. Deane
Alderman Brian S. McCarthy
Alderman Scott A. Cote
Paul Bergeron, City Clerk
Maureen Lemieux, Division Director, Administrative Services
George Crombie, Div. Director, Division of Public Works
David Fredette, Treasurer/Tax Collector

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INTERVIEWS

Child Care Advisory Commission

Karen Harris (New Appointment)

Term to Expire: October 12, 2003

Chair Tollner

Please take a second and state your name and your interest in serving on the Child Care Advisory Commission.

Karen Harris

I'm interested in serving on the Child Care Advisory because I have a strong belief in the purpose and goals of the Child Care Commission. I would work very hard to fulfill my responsibilities on the Child Care Commission. I think that it is very important that there is diversity on the commission. I

think that there should be a business representative on the commission. I think it makes sense for that representative to be me because I am currently employed with BAE Systems who is the largest employer in this area. Many of our employees have children in childcare in the Nashua facilities, and I think that it is important that their issues are brought forth and that their views are represented as well as me being able to take back to them the information and issues that come up within the commission.

Alderman Johnson

Thank you very much for coming here tonight. Sorry you had to wait so long. How did you hear about this position that opened for an appointment?

Karen Harris

I have taken the position at BAE Systems that Diana Let who was the former commissioner – I am now in her job. She retired. She had introduced me to the commission and told me about its goals and purpose and had me actually come to a meeting to see what it was all about.

Alderman Johnson

And you really enjoyed being at this meeting?

Karen Harris

I really did.

Alderman Johnson

Thank you.

Alderman Nickerson

Ms. Harris has actually attended a number of the commission meetings and has already had some good insight on some of the discussions that we have had all ready. I'm sure she will – hopefully she will pass the committee and then the full Board, and will be a welcome addition to the commission.

Chair Tollner

I was just going to ask if you have had the chance to attend any of the meetings.

Karen Harris

Yes I have been to a few of them.

Chair Tollner

You are familiar with the schedule of the meetings and the commitment?

Karen Harris

I am.

Chair Tollner

Let me just tell you and everybody else that is going to be interviewed tonight – what we will do is interview everybody, the committee will vote on the appointees tonight, and then that vote will be forwarded to the full Board of Aldermen and then the full Board of Aldermen will vote as a whole, and then you will be sworn in.

Karen Harris

Okay.

Chair Tollner

The Aldermanic office will get in touch with you and let you know when you will be on the agenda. I do not think any of these appointees tonight will be on the agenda for Tuesday night. It will be the meeting after that.

Karen Harris

Okay.

Conservation Commission

Dr. Alexander P. Duran, P.E., PhD, Alternate
(New Appointment)

Term to Expire: December 31, 2003

Alexander Duran

Good evening. I live at 21 Manchester Street in Nashua.

Chair Tollner

If you could let the committee know why you have interest in serving on the commission.

Alexander Duran

My interest is in the improvement and maintenance of the natural environment in Nashua. I have worked in the field of environmental management and engineering my entire professional career,

and I am interested in sharing my insight and my commitment to the city with the Conservation Commission.

Chair Tollner

Have you had an opportunity to attend some of their meetings?

Alexander Duran

Yes, I have been attending the Conservation Commission meetings since the middle of February of this year.

Chair Tollner

I understand the commitment has been explained to you and you have an idea of how often they meet.

Alexander Duran

Yes I do.

Chair Tollner

Are there any questions from committee members?

Alderman Johnson

Thank you for coming tonight. How did you find out about this opening?

Alexander Duran

Through another commissioner with whom I work at Daniel Webster College. He mentioned that they had lost one of the alternate members and invited me to put my name in to participate in the commission.

Alderman Johnson

Good. Thank you.

Chair Tollner

Do you have any questions of us?

Alexander Duran

No I don't.

Alderman Lamos

Again thank you Dr. Duran for wanting to serve. The City is 93 percent developed – built out already so a lot of the development we see is re-development. In your brief tenure so far attending some of the meetings tell me what you see as some of the greatest challenges facing the city relative to re-development actions that we are seeing.

Alexander Duran

One aspect that I find myself focusing on is the preservation of the quality of the water supply here in Nashua and certainly the developed parcels that are in the process of being re-developed may currently be having an impact on the water supply in Nashua and my concern as I review proposals for re=development is that the impact of a re-developed site have no additional negative impact on the water supply in Nashua and potentially could have less of a negative impact on the water supply, and I would like to see that occur wherever possible.

Alderman Lamos

Thank you.

Alderman McCarthy

Can you explain your relationship with New England Organics?

Alexander Duran

That is my employer.

Alderman McCarthy

What is your capacity there?

Alexander Duran

I am a permitting manager – basically I am a regulatory specialist and a technical specialist. The type of work involves the beneficial reuse of a range of municipal and industrial organic waste materials.

Alderman McCarthy

Such as sludge.

Alexander Duran

Yes.

Alderman McCarthy

Can you explain to me what the dirty dozen award is?

Alexander Duran

No I can't.

Alderman McCarthy

Your company seems to have won it twice. I guess I have been asked to ask some questions about that. There are certainly some environmental concerns about the work of that company that are raised from the State of Maine and from other places so I guess my first question would be would you like to address those. The second question is I have a copy of a letter here from McMillan at the Pennichuck Watershed Commission I think and she has a letter from you in which you represented yourself as a member of the Nashua Conservation Commission.

Alexander Duran

I think I said I was a perspective member.

Alderman McCarthy

While I am looking for that could you address the other issue?

Alexander Duran

Casella Waste Management is a large company. I can't speak to most of it – I could speak to only a very small fraction of what Casella does because I am involved in a very small fraction of what Casella does. I am not sure I can really say much of relevance to your question.

Alderman McCarthy

Actually the letter says I am a member of the Nashua New Hampshire Conservation Commission.

Alexander Duran

Well that was not exactly correct. I am a perspective member.

Alderman McCarthy

Thank you.

Chair Tollner

Are there any other questions? Are there any questions of us?

Alexander Duran

I don't have any questions. Thank you.

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Ethnic Awareness Committee

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Paul R. Bergeron (New Appointment)
(City Clerk's Office Representative)

Term to Expire: December 31, 2005

Chair Tollner

This next interview will be very difficult to do. Boy do we have a list of questions to ask you. First of all I wanted to thank you for coming tonight.

Paul Bergeron

That is fine I was asked to be here for discussion of the ward boundary charter amendment anyway.

Chair Tollner

Maybe you could just take 2 seconds and state your interest in serving on the Ethnic Awareness Committee.

Paul Bergeron

Actually it is a mandate by the Board of Aldermen and the Mayor that the City Clerk shall have a representative on the Ethnic Awareness Committee. I assume that was done because they felt our office could probably contribute some services and information to the committee, and I would be glad to serve that role.

Chair Tollner

Are there any questions from the committee members? Thank you very much. Thank you for your willingness to serve by the way.

Christine Hagen (New Appointment)
(School Dept. Representative)

Term to Expire: December 31, 2005

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Chair Tollner

We'll go a littler easier on you.

Christine Hagen

I live at 344 Harrison Street in Manchester, and I am the Director of Human Resources for the school district.

Chair Tollner

Would you take a second and let the committee know why you are willing to serve on the committee?

Christine Hagen

Certainly. I have thought a lot about this ethnic awareness. I like to term it more of cultural diversity. Diversity of any kind is my passion. I think it is part of the reason why I am in Human Resources actually. I feel that especially in my role at the school district I can touch parents, I can touch students, I can touch employees, and I feel that – when the Superintendent first came to me to ask me if I wanted to be nominated for the school representative I thought it would be a great natural fit for what I do at the school district.

Chair Tollner

Have you had an opportunity to attend any of the Ethnic Awareness Committee meetings?

Christine Hagen

No I have not.

Chair Tollner

Are there any questions from committee members? Do you have any questions from us?

Christine Hagen

Just happy to serve.

Chair Tollner

Thank you very much and thank you for coming.
Lina Ruiz Mingote (New Appointment)

Term to Expire: December 31, 2005

Chair Tollner

That individual is not here tonight. We will hold that one.

Olga J. Tines (New Appointment)

Term to Expire: December 31, 2005

Chair Tollner

Olga is not here tonight.

Mine Falls Park Advisory Committee

Sue Camirand (New Appointment)

Term to Expire: December 31, 2005

Chair Tollner

If you could state your name and address for the record.

Sue Camirand

Seven Perry Ave.

Chair Tollner

If you could just state for the committee why you have interest in serving on the Mine Falls Park Advisory Committee.

Sue Camirand

My property abuts an area of Mine Falls Park. I also take time to enjoy the park. For both of those reasons I would like to assist in the maintenance and the supervision of the park.

Chair Tollner

Have you had an opportunity to attend some of their meetings?

Sue Camirand

Yes. I have.

Chair Tollner

You understand what the commitment is, how often they meet, and what they discuss?

Sue Camirand

Yes I do.

Chair Tollner

Are there any questions from the committee members? Are there any questions of us?

Sue Camirand

Nope.

Chair Tollner

Thank you very much.

Cheryl Cizewski (New Appointment)

Term to Expire: December 31, 2005

Chair Tollner

If you could state your name and address for the record.

Cheryl Cizewski

I live at 22 Meade Street in Nashua.

Chair Tollner

I guess I would like to ask you the same question – why do you have interest in serving on the Mine Falls Advisory Committee?

Cheryl Cizewski

I have lived in Nashua for over 10 years, and on a weekly basis pretty much I am in some of the parks and in Mine Falls. I have enjoyed it throughout all of the seasons and I would like to have an opportunity to give back.

Chair Tollner

Have you had an opportunity to attend some of their meetings?

Cheryl Cizewski

I have attended all of the meetings since November of last year except for one and all of the trail days.

Chair Tollner

Are there any questions from the committee members? Do you have any questions of us?

Cheryl Cizewski

I am actually just curious if there is anything that any of the Alder people have as particular priorities or concerns that they feel or have about Mine Falls group or the park.

Chair Tollner

Would anybody like to comment right now? We definitely have an interest, but in looking at the

number of people that we have tonight we probably should get moving along, but thank you very much and we will notify you. Thanks.

G. Matthew Dalianis (New Appointment)

Term to Expire: December 31, 2005

Matthew Dalianis

Ninety Walden Pond, Nashua.

Chair Tollner

If you could take a second and let the committee know why you are interested in serving on the Mine Falls Park Advisory Committee.

Matthew Dalianis

It is two reasons actually; I played soccer at Mine Falls for years and years and enjoyed it thoroughly and the second reason is I recently moved back to Nashua from Los Angeles – I lived there for 4 years – and one thing I noticed in particular about the City of Los Angeles is what that the park systems were really inappropriately kept, and unfortunately nobody really participated actively in maintaining and facilitating the parks and I thought that was a shame. It was a large city and I enjoyed my time there, though returning to Nashua I wanted an opportunity to participate civically in Nashua, and I thought this would be a unique opportunity for me seeing that I had played soccer at Mine Falls for 10-13 years in that capacity.

Chair Tollner

Have you had an opportunity to attend any of the Mine Falls meetings?

Matthew Dalianis

Unfortunately no. I have only recently been made aware of a potential opportunity for the commission. This is my first involvement in that participation.

Chair Tollner

Do you have any understanding of the commitment and how often they meet?

Matthew Dalianis

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Again, no – I am not fully aware of that commitment though my time is available for any commitment necessary.

Chair Tollner

Are there any questions from the committee members? Are there any questions of us?

Matthew Dalianis

No I don't have any.

James T. Laliberte (New Appointment)

Term to Expire: December 31, 2005

James Laliberte

I live at 4 Roby Road here in Nashua.

Chair Tollner

I will ask you the same questions – If you could let the committee know why you have interest in serving on the Mine Falls Park Advisory Committee.

James Laliberte

I was born and raised in Nashua. I went to school here, and have lived here the better part of my life. I have seen a large part of Nashua's natural areas disappear on us, and I think it is important that we maintain and improve this particular park.

Chair Tollner

Have you had an opportunity to attend some of the meetings?

James Laliberte

I have been a regular attendee since November.

Chair Tollner

Are there any questions from the committee members? You are familiar with how often they meet and what they do.

James Laliberte

I certainly am.

Chair Tollner

Do you have any questions of us?

James Laliberte

No.

Chair Tollner

Thank you.

Jodie Michon (New Appointment)

Term to Expire: December 31, 2005

Jodie Michon

One Anders Lane in Nashua.

Chair Tollner

If you could just take a second and let us know why you have an interest in serving.

Jodie Michon

I am also a native of Nashua. I grew up in the neighborhood that abuts where Stellos Stadium is now so I have really fond memories of going into the park as a kid. We biked, we hiked, we just really enjoyed the nature and did some fishing and things like that. It was a great childhood memory. Now that I have a young daughter I want to make sure that she has the same opportunities that I had as a child. I would like to do my part to help maintain and protect the park. I also think it is such a unique treasure to the city of Nashua that we really need to maintain and protect it.

Chair Tollner

Are there any questions from the committee members? Do you have any questions of us?

Jodie Michon

Nope.

Chair Tollner

Thank you very much.

Magnus Pardoe (New Appointment)

Term to Expire: December 31, 2005

Magnus Pardoe

Two Westray Drive, Nashua

Chair Tollner

Could you let the committee know of your interest in serving on the Mine Falls Committee?

Magnus Pardoe

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As a lifelong resident of the city and now having two children of my own I am concerned with the balance of need for recreation and green space against the every urban expansion that is going on in this city. I also believe that there is a need for a web site – having talked to some of the members that were – the past Chairman and stuff – I think I can lend my professional expertise in that area.

Chair Tollner

Are there any questions from committee members? Are you familiar with how often the group meets and its responsibilities?

Magnus Pardoe

Yes I am.

Chair Tollner

Do you have any questions of us?

Magnus Pardoe

Nope.

Chair Tollner

Thanks very much.

Lori E. Szydlik (New Appointment)

Term to Expire: December 31, 2005

Chair Tollner

She has withdrawn her name from consideration so we will go to Peter Testa.

Peter D. Testa (New Appointment)

Term to Expire: December 31, 2005

Peter Testa

I live at 12 Mapleleaf Drive here in Nashua. I have lived here for approximately 33 years. My son was born here, and we used to spend a great deal of time either bicycling in the park or walking in the park and we still do. I think that the park itself is an incredible gift to Nashua. Not many cities are blessed with such a gem, and I would like to do everything I could possibly do to make sure that it stays that way. I am also a retired teacher – science teacher – so I see great opportunities for the school system to use parts of the park for educational purposes.

Chair Tollner

Are there any questions from committee members? I understand you are quite familiar with the advisory committee and what they do.

Peter Testa

Yes.

Chair Tollner

Do you have any questions of us?

Peter Testa

No I don't.

Chair Tollner

Thank you very much, and thank you for being willing to serve.

Planning Board

Richard N. Filteau (New Appointment)

Term to Expire: March 31, 2006

Richard Filteau

I live at 60 Stillwater Drive here in Nashua. I have lived in Nashua most of my adult life. The opportunity to serve the city is one reason plus as an engineer I am curious about the workings of the Planning Board and everything it does. I look forward to serving for both of those reasons.

Chair Tollner

Are there any questions from committee members?

Alderman Dion

Mr. Filteau have you ever attended any of the Planning Board meetings?

Richard Filteau

Yes I have.

Alderman Dion

Are you aware of the responsibilities you will have on this committee?

Richard Filteau

Yes I am sir.

Alderman Dion

How do you feel about multiple housing in a residential area?

Richard Filteau

I think a balance has to be struck between all types of housing. I don't think a large apartment complex would fit in a housing area, but it would depend on the particular area.

Alderman Dion

Were you at the meeting a couple of months ago when the issue of 192 Kinsley Street was discussed?

Richard Filteau

No I was not sir.

Alderman Dion

You are not aware of what I am talking about?

Richard Filteau

No I am not.

Alderman Dion

Well for your information it was pertaining to adding 4 more units to a 2-story house – in other words make it a 7 family area on a ½ acre lot. I was wondering if you knew anything about that.

Richard Filteau

I do not know anything about it.

Alderman Dion

Okay. Thank you.

Alderman Liamos

Thank you Mr. Filteau for your willingness to serve the city. I just have a question on any potential organizational conflict of interest. Do you have any affiliations with any realtors, developers, vested interest in the development area of the city?

Richard Filteau

No I do not sir.

Alderman Lamos

Thank you Mr. Filteau. Thank you Mr. Chairman.

Alderman Johnson

Thank you for coming here tonight. I have a piece of legislation that is sitting in front of us that talks about the applicability that can be removed by city government and that we would have to abide by our own laws. How do you feel about any public – any Planning Board decisions now will become non-binding?

Richard Filteau

I really couldn't answer that at this point. I do think that it should be binding. The Planning Board is given the responsibility to decide if a new development or any kind of restructuring meets the city code, and that is what their function is so I think it should be binding.

Alderman Johnson

Do you think city should abide by the full extent of the law with their own regulations?

Richard Filteau

I think the city should follow the law yes.

Alderman Johnson

Thank you very much.

Alderman McCarthy

How did you become interested in the Planning Board?

Richard Filteau

I know someone on the Planning Board and I have always grilled them and asked questions about what is going on with the Planning Board, and when this opportunity came up they put my name in. I

talked to the Mayor.

Alderman McCarthy

Who would that be?

Richard Filteau

Steve Farkas.

Alderman McCarthy

I guess I was curious given one of your responses before about balance – the balance is basically achieved in the zoning of the city not in the individual decisions of the Planning Board for the most part. I guess I would ask you how you would feel about enforcing the ordinances of the city in cases where you might not actually think them to be correct to the situation at hand.

Richard Filteau

Could you give me an example of what you are asking sir?

Alderman McCarthy

Sometimes we get plans that are for example not in character with the neighborhood around them. You have the ability as a Planning Board member under the current ordinances to make a decision to reject a subdivision or a site plan for being out of character, however, it may look like a good idea at the time because of amenities that we will get or it is an improvement to a site that is in bad repair now, but really legally requires a judgment that it does not meet the ordinances. I am asking how you would feel about that.

Richard Filteau

Well if it doesn't legally meet the ordinances then it should be rejected, but at the same time you have to look at the overall benefits to the city. I suppose you could ask for input from the neighborhood that it is going to affect and balance – and get your decision from that.

Chair Tollner

Are there any other questions Alderman McCarthy?

Alderman McCarthy

No.

Alderman Rootovich

I apologize if this question has already been asked. I was upstairs momentarily. Can I ask how you balance the needs of the developer and those of the neighborhood?

Richard Filteau

I think what I was thinking of was putting a multi-story building in a single-family neighborhood – that wouldn't be appropriate. If you are going to get benefits from having a new development in an area such as better streets and sidewalks it probably would help the neighborhood – something that is not developed very well and ... I can't really go much more into it than that. I haven't given it a real lot of thought.

Chair Tollner stepped down and Vice-Chair Liamos presided.

Alderman Dion

Getting back to the character of the neighborhood – assuming you are sitting on the Planning Board and I will give you an example – there are 20 abutting neighbors to this site plan that appear to your committee and state they are against this because it is out of character of the neighborhood, it is a residential area – RA district, but yet they want to add two buildings on a ½ acre lot in back of the two apartments – would you listen to those abutters?

Richard Filteau

Yes I would.

Alderman Dion

You would?

Richard Filteau

Yes I would sir.

Alderman Dion

Okay that is good enough for me. Thank you.

Chair Liamos

Are there any other members for Mr. Filteau from members of the committee or non-members of the committee? Thank you Mr. Filteau and thank you members of the committee.

William P. Slivinski (Re-Appointment)

Term to Expire: March 31, 2006

Vice-Chair Liamos stepped down and Chair Tollner presided.

Chair Tollner

Mr. Silvinski is out of town.

Review & Comment Commission

Lauren Byers (New Appointment)

Term to Expire: November 24, 2003

Lauren Byers

Six Wanda Lane.

Chair Tollner

Thank you for coming and thank you for being so patient and waiting. If you could take a second and let us know of your interest in serving.

Lauren Byers

I have been a committee member on the Review & Comment Committee for the past several years and I know how important the job is that they do and how difficult it can be.

Chair Tollner

You are quite familiar with what they do and the responsibilities.

Lauren Byers

I am.

Chair Tollner

That is a good start. Are there any questions from the committee members? Are there any questions of us?

Lauren Byers

No.

Alderman Britton

I would like to thank you for your hard work. I know it is a lot of work in reviewing these applications. All of the needs are strong and there is only a limited amount of funding. There is a lot of work being put in by the committee members and now to become part of the commission I think is tremendous. Thank you.

Chair Tollner

Thank you very much.

Zoning Board of Adjustment

Jonathan M. Currier, Alternate (New Appointment)

Term to Expire: September 11, 2003

Chair Tollner

Mr. Currier is here as a new appointment as an alternate to the ZBA.

Jonathan Currier

I guess I will just fast forward to the question what is my interest in the ZBA.

Chair Tollner

If you could just state your name and address then you could fast forward to that.

Jonathan Currier

Six New Searles Road, Nashua. My interest in the ZBA – I guess I have had an interest to get on the board for a couple of years now. I have been on the Conservation Commission for about 5 years and actually the membership in that commission has been waning for a while so I didn't really want to jump ship, but the membership on the Conservation Commission is quite strong now so I think it is a good time. There is an alternate spot open and I have a – I think zoning is very important. With less development and more re-development and the re-writing of the zoning laws – I think it is just going to be more and more important for the city of Nashua. That brings me here.

Chair Tollner

How was this opening brought to your attention?

Jonathan Currier

Probably just a conversation with Carter Falk who I deal with on occasion. He mentioned that there was an opening and that was really all I needed to hear.

Chair Tollner

Are there any questions from committee members?

Alderman McCarthy

I will ask you the same question I asked the last applicant. What is your feeling on, as a member of

a board subject to the ordinances, enforcing the letter of the law and the intent of the law as opposed to simply making law by decisions around specific cases?

Jonathan Currier

I think I tend to probably favor more the letter of the law. I am an engineer by training. I think that has been my voting record on the Conservation Commission. I think I tend to vote along those lines, but not 100%, but that would definitely be my tendency – strong tendency.

Alderman McCarthy

Thank you.

Alderman Cote

Thanks for coming. How do you feel about some of the decisions that have been made by the Zoning Board over the past year? Are there any in particular that stand out as being of a concern to you?

Jonathan Currier

Probably the one that most caught my attention was the housing complex behind the International Paper Box Machine Company. There seemed to be a lot of conflict of interest in that. I think that the – you need to hold the line. I think that I have been involved enough now where I have probably grown and matured and even if it is an unpopular decision I think with the population if nothing else in the auditorium I think I am willing to stand by the right thing/the letter of the law and go with it. I think that is the tendency I think I would abide by.

Alderman Cote

Can I follow up?

Chair Tollner

Sure.

Alderman Cote

Just curious as to how you feel the working relationship has been between the Conservation Commission and the Zoning Board over the past year or so. The Conservation Commission for people that don't know is essentially an advisory board to the Zoning Board of Adjustment. I am interested in how you feel the relationship has been and the communication has been.

Jonathan Currier

Well it could always be better. Certainly it hasn't been confrontational. If anything there hasn't been a lot of communication. One thing that struck me as concerning shortly after I got on the commission was that really what our product is a recommendation favorable or unfavorable and a handful of words that go along with it, and that is the communication that gets passed upstairs. One element that I am proud to have started was instead of just a quick handwritten summary it is a formally types application with stipulations followed up afterwards that also has the reason why so there is a little bit of depth behind a decision and a stipulation. I think the commissioners often wondered does the ZBA care about or really adhere to what we are saying and the commission has talked about having an individual sit at the meetings, but there really just wasn't time for that. Should I find myself on the ZBA it will be an interesting learning experience, and I hope that what the commission does is an important factor of what the ZBA does, but I don't think anyone on the commission really knows that nor do I, but I hope that is good.

Alderman Cote

Thank you.

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Alderman Dion

Mr. Currier have you ever attended any ZBA meetings?

Jonathan Currier

Yes.

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Alderman Dion

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How many times have you gone to them?

Jonathan Currier

I would say probably 6 or 7 times.

Alderman Dion

Have you?

Jonathan Currier

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Yes.

Alderman Dion

Alderman Cote asked you a question pertaining to what jumps out at you as to what you have seen in the past. Does the Bower Street issue stick out in your mind? Are you familiar with what

happened there?

Jonathan Currier

- No I am not. I am not familiar with that.

Alderman Dion

Are you familiar with 192 Kinsley Street – 7 units on a ½ acre lot in a residential area?

Jonathan Currier

- I believe that was a relatively recent decision or case I should say that had quite a few exceptions involved with it and if I remember right pretty much the entire neighborhood was not in favor of it and I think it did get voted through favorably.

Alderman Dion

That is correct. The Bower Street was similar issue and they – the ZBA passed it, which I can't understand how they did, but they did. It went to court and the courts turned it over. In other words they went for the Plaintiffs – the neighbors, and it was killed. Are you aware of that?

Jonathan Currier

I wasn't aware of that. I am aware that the acceptance rate of the ZBA is in the 80 percentile, which that must be a lot of hardships in the City of Nashua, but maybe there are that many hardships – off the cuff it seems high. I don't know obviously those individual cases that well.

Alderman Dion

I must add that the one that you are familiar with – the one on Kinsley Street – are you aware that is going to court also?

Jonathan Currier

- Yes I am actually because Carter told me that one ...

Alderman Dion

So if you attended the meeting and saw where there was probably 20 abutters there speaking against it – do you recall that?

Jonathan Currier

I didn't attend the meetings for those two cases. I am familiar with the Kinsley Street just because I have read about it in the Telegraph, but I wasn't at the meeting no for those two cases.

Alderman Dion

I see. Assuming you were on the Zoning Board, how would you have voted?

Jonathan Currier

Well, let me answer the question this way – when a large contingent of neighbors who have lived in the neighborhood for many years claim that this application or a given application is out of character of the neighborhood – neighborhood character is a difficult thing to wrestle – it is a difficult thing to define, but I think it says a lot when land owning people of long decent, long tenure think it will change the character that would catch my attention.

Alderman Dion

In what way?

Chair Tollner

Can I just interrupt here for one second? I understand the question and the interest in getting an answer. I also just want to let you know that if you didn't have an opportunity to review the entire case nor were you at the meeting I don't want you to feel that you are obligated to give an opinion on something that you did not have an opportunity to review, read, participate in, and understand. I just want to preface that as you give your answer. I understand the question Alderman Dion. I just want to provide you with that latitude.

Jonathan Currier

I think what your question is digging at is if say a large contingent of abutters have a certain position say against – sometimes the comments are not applicable. Let me give an example like the Majestic Heights development up off of Route 130 – some of the opposition really – a lot of folks owned the property for many years, but that abutting property they never owned they just saw a lot of undeveloped land and wanted it to stay that way. They really don't have the right to do it. The sort of comments along the line of I like looking out my backyard and seeing trees – I don't think – I tend to side with the developers – somebody else owns that land, they always have, they have the right to develop it. On the other hand, if there is a case that is going to clearly impact a neighborhood and I will throw out an example say the McDonald's over off Exit 5 –something I am familiar with – I felt that that is a case where some of the neighborhood testimony was relevant in terms of it will impact their property value and the character of their neighborhood – yeah I would take that into consideration.

Alderman Dion

What I am getting at is I think there are people that are more impressed – this is a statement – I just want to see how you feel – are more impressed with lawyers in three piece suits representing developers in nicely manufactured color charts – more impressed with them than they are with the people that are at the meeting that are directly involved and direct abutters that are there

contesting. Do you understand where I am coming from?

Jonathan Currier

Yes, and I feel that with my experience on the Conservation Commission I am very used to being in front of those same exact attorneys in nice suits with colorful charts and if the hardship is merited I am in favor of it, If the hardship is not merited I am not afraid to deny it.

Alderman Dion

Thank you sir.

Alderman Liamos

Thank you Mr. Currier for being willing to take the appointment if so confirmed by the committee to the Zoning Board. I am going to ask you the question that I asked the previous applicant – Mr. Filteau – do you have any organizational conflict of interest in areas of land development, engineering, surveying, or anything that would lead as a biased onto your position on the Zoning Board of Adjustment?

Jonathan Currier

No. I work in private industry. I am a licensed engineer – in the field of mechanical engineering not civil engineering, and so no I don't have any conflict.

Alderman Liamos

Do you have any family members that would be in the area of development in the city or would be beneficial of your appointment to this committee?

Jonathan Currier

No I don't. I appreciate your question. Years ago when I went to the first ZBA meeting and I can't even say when that was – I was surprised at the quantity of people who were involved in local real estate on the board because as somebody who showed up not wanting an application to go through I thought gee that looks like a conflict of interest to me – I am proud to say that no I have no conflict of interest. About a year and a half ago this Board approved a stipend for the Conservation Commission and I waved that because I feel it is just my volunteer work.

Alderman Liamos

Again, thank you very much for your answer and your willingness to serve.

Chair Tollner

Are there any other questions?

Alderman Rootovich

Just a quick comment with respect to Mr. Currier. I have known him for some years now and I think that having him as an addition to the Zoning Board of Adjustment will be very, very positive. He is an individual who takes information, dissects that information always taking into consideration the ordinances and the laws, and will make a decision that is best for the city and for the neighborhood. I want to thank you for serving as well.

Jonathan Currier

Thanks.

Alderman McCarthy

I would echo very similar comments. I have known Mr. Currier through his entire tenure on the Conservation Commission. I think we first met over the Maplewood Subdivision. I believe that his record on the Conservation Commission for adhering to the standards that are required of development is exemplary and that is one of the reasons I asked the questions that I did. I think that Jack understands fully the role of the ZBA and the constraints under which it operates and will probably be very good at redevelopment ---... tape inaudible... will do that with great happiness.

Chair Tollner

At the start it sounds like two votes before you even finish your interview right? Are there any other questions from the committee members? Do you have any questions of us?

Jonathan Currier

Just a statement – It is not really with the ZBA, but to Alderman McCarthy – I feel that Alex Duran has been a sincere and has a sincere interest in the Conservation Commission and he has certainly attended all of the meetings and site walks for quite some time.

Chair Tollner

I appreciate those comments. Thank you.

COMMUNICATIONS - None

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

Chair Tollner

I just want to let the committee know that at our next committee meeting we have asked a vendor to come. You should have a copy of that letter in the mailbox. This is an individual that has not responded to the City on numerous occasions. He will be one of the first in a long time to come

before this committee. We will see that individual Paul at our next meeting correct?

Paul Bergeron

He is being invited yes.

-
APPOINTMENTS BY THE MAYOR

Child Care Advisory Commission

-
Karen Harris (New Appointment)
42 Worthley Hill Road
Goffstown, NH 03045

Term to Expire: October 12, 2003

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF
KAREN HARRIS TO THE CHILD CARE ADVISORY COMMISSION FOR A TERM TO
EXPIRE OCTOBER 12, 2003
MOTION CARRIED

Conservation Commission

-
Dr. Alexander P. Duran, P.E., PhD, Alternate
(New Appointment)
21 Manchester Street
Nashua, NH 03064

Term to Expire: December 31, 2003

-
MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF DR.
ALEXANDER P. DURAN TO THE CONSERVATION COMMISSION FOR A TERM TO
EXPIRE DECEMBER 31, 2003
MOTION CARRIED

Ethnic Awareness Committee

-
Paul R. Bergeron (New Appointment)
(City Clerk's Office Representative)
229 Main Street
Nashua, NH 03060

Term to Expire: December 31, 2005

Christine Hagen (New Appointment)
(School Dept. Representative)
344 Harrison Street
Manchester, NH 03104

Term to Expire: December 31, 2005

-
Lina Ruiz Mingote (New Appointment)
43 Horse Shoe Drive

Term to Expire: December 31, 2005

Litchfield, NH 03052

Olga J. Tines (New Appointment)
83 Ledgewood Hills Drive
Nashua, NH 03062

Term to Expire: December 31, 2005

-
MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE ETHNIC AWARENESS COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2005: PAUL R. BERGERON AND CHRISTINE HAGEN
MOTION CARRIED

MOTION BY ALDERMAN NICKERSON TO HOLD THE APPOINTMENTS OF LINA RUIZ MINGOTE AND OLGA J. TINES TO THE ETHNIC AWARENESS COMMITTEE
MOTION CARRIED

Mine Falls Park Advisory Committee

-
Sue Camirand (New Appointment)
7 Perry Avenue
Nashua, NH 03060

Term to Expire: December 31, 2005

Cheryl Cizewski (New Appointment)
22 Meade Street
Nashua, NH 03064

Term to Expire: December 31, 2005

G. Matthew Dalianis (New Appointment)
90 Walden Pond Drive
Nashua, NH 03064

Term to Expire: December 31, 2005

James T. Laliberte (New Appointment)
4 Roby Road
Nashua, NH 03064

Term to Expire: December 31, 2005

Jodie Michon (New Appointment)
1 Anders Lane
Nashua, NH 03060

Term to Expire: December 31, 2005

Magnus Pardoe (New Appointment)
7 Westray Drive
Nashua, NH 03062

Term to Expire: December 31, 2005

Lori E. Szydlik (New Appointment)
31½ Amherst Street
Nashua, NH 03064

Term to Expire: December 31, 2005

Peter D. Testa (New Appointment)
12 Mapleleaf Drive
Nashua, NH 03062

Term to Expire: December 31, 2005

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE MINE FALLS PARK ADVISORY COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2005: SUE CAMIRAND, CHERYL CIZEWSKI, G. MATTHEW DALIANIS, JAMES T. LALIBERTE, JODIE MICHON, MAGNUS PARDOE, AND PETER D. TESTA
MOTION CARRIED

Planning Board

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE PLANNING BOARD FOR TERMS TO EXPIRE MARCH 31, 2006: RICHARD N. FILTEAU AND ALTERNATE HUGH MORAN

ON THE QUESTION

Alderman Dion

Mr. Chairman I didn't have a chance to talk to Hugh Moran. Is he here this evening?

Chair Tollner

No he isn't . He is a re-appointment. If you would like him to come in before the committee before we re-appoint him.

Alderman Dion

AMENDED MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF RICHARD N. FILTEAU TO THE PLANNING BOARD FOR A TERM TO EXPIRE MARCH 31, 2006

ON THE QUESTION

Alderman McCarthy

I have a problem with this appointment based on the interview. I am not going to be able to support this when it comes back to the Board. I asked the question I ask of almost everybody about what they will do and I am frankly quite concerned with people who are on board and commissions that are there to evaluate projects against the ordinances and who believe that they are there to strike

balance. The balance – they are to the extent that is allowed within the criteria specified in the ordinances, but that is not for the most part the latitude that is there. There is the interpretation of the ordinances, not interpretation of the intent or re-writing of the intent as we go along. I think this Board has a great deal of experience with problems in that area. Alderman Dion has brought up a couple of them this evening. Alderman Cote brought up one. I can point to numerous other items and frankly I would prefer to have members on these two boards who are mostly concerned with implementing policy on zoning as this Board has laid I out because it is this Board's responsibility to lay out those ordinances that strike that balance.

Chair Tollner

Is there any further discussion?

Alderman Johnson

I too have a problem with this appointment and some of the questions that were asked. I also have a problem with friendships on boards because I am afraid that we might not make the best decision because of knowing somebody on the Board. I know they are appointed by the Mayor, but you ask one question – I asked about the non-binding stipulations by the Planning Board and he didn't think it was right and then you ask him another question and I feel that he kind of contradicted himself here. I cannot support this nomination.

Alderman Liamos

I was comfortable with Mr. Filteau's responses. I understand some of the concerns raised by my fellow Alderman, but at the same time I know that we are trying to almost put a litmus test on appointees now if we don't like a particular decision in our Ward we ask for consideration on that issue and I understand that because these are important boards – they are important to our future and as Ward Aldermen I know in particular those are important points to us, but at the same time I don't see a problem with Mr. Filteau's appointment, and I very much think that he would be unbiased with no organizational conflicts, which I think is very important to us. I guess you might want to say that is probably one of my Litmus tests as we look forward to future appointees on these boards. I will support the nomination. Thank you.

Alderman Dion

I agree with Alderman McCarthy pertaining to these two important boards here that even if they are re-appointments it shouldn't be an automatic vote – to not even have them appear before the committee – during the course that they are continuing I am sure that – I am not sure, but there could be things that were voted on that were very controversial and I think we should have the opportunity to question and ask questions of these re-appointments pertaining to at least the Planning Board and the Zoning Board of Adjustment, which make very critical conditions. I agree with that philosophy.

Alderman Liamos

I am not going to debate the issue with my colleague. I agree with the fact that we should be allowed to ask questions I am just simply stating for the record that we have the process and we obviously look at – the committee weighs each individual very carefully. I understand that also. I just look that we are maybe steering ourselves down a pathway that we may be limiting the number of folks willing to come forward and serve. Again, I respect everyone's opinion here as well as respect those of the individuals coming forward. Thank you.

Alderman Cote

I am grateful for anybody that is willing to serve and go through all of this and so forth, but when you look at the Zoning Board of Adjustment and you look at the Planning Board those are really very, very critical positions, and in fact they are really the only two positions in my four years on this Board that I have ever voted no in terms of particular appointments because the decisions made on that Board as Alderman Dion pointed out are incredible and life lasting and life impacting on a number of people. The one question that was asked by Alderman McCarthy that was answered by Mr. Filteau is of a major concern to me, and that is when he asked the question about the interpretation of the laws and the policies that are essentially put into play by this Board. The response to that essentially was well I think that there needs to be some sort of a balance, and that is not really how the decision needs to be made particularly on this board in terms of looking out for balance. It is really following and understanding and following through with the master plan and the laws adopted by this Board. It is not the place of that board to do that and you have to understand that people going into those positions need to understand that is their responsibility and obligation. I believe he was being very honest in his comments, and because of that I guess I share Alderman McCarthy's and Alderman Dion's concerns.

MOTION BY ALDERMAN TOLLNER TO HOLD THE APPOINTMENT OF RICHARD N. FILTEAU IN COMMITTEE

ON THE QUESTION

Chair Tollner

I think that a lot of times when people come to this committee we do ask questions – sometimes we don't ask the right questions and sometimes we ask the question and the people are trying to provide an answer and maybe they are not comfortable answering it. I do think that this gentleman should get an opportunity to respond to some of the questions or concerns that some of my colleagues have brought up so maybe if we hold this individual in committee they could ask further questions. If we decide not to hold this gentleman in committee then I will vote to send it to the full Board.

The other thing that this committee can decide on -- in the past we have not asked for re-appointments to come before the committee unless an individual committee member has asked that. If we want to take another look at specific boards of commissions that we would want re-appointments to automatically come back to this committee and I am very comfortable with doing that for the zoning and planning board given their impact upon the city – maybe we should do that. We can discuss that at the end of the meeting.

Alderman McCarthy

I believe Mr. Filteau answered my question completely and honestly I just didn't like his answer.

Chair Tollner

I understand that.

Alderman Johnson

I think my concern is why type of different question are we going to ask him? Do we have to rephrase the question to get a rephrased answer? I think he is probably going to answer the question the same way. He was honest. I would rather have somebody be honest here than to give us an answer because of the answer that we want to hear from them. I don't want to hear what I want to hear, I want to hear what they feel is their answer. I think he was very honest and I applaud him for his honesty, but I think in some of our minds it was the wrong answer. I don't know how you are going to rephrase that question. Thank you.

Alderman Dion

If I read you correctly Mr. Chairman you are stating that you would like to hold the appointment of Richard Filteau in committee?

Chair Tollner

Yes.

Alderman Dion

Could I ask you Mr. Chairman why?

Chair Tollner

If we have additional questions or we have some concerns with the responses, let's provide him with another opportunity to come back. That is the only thing. If the committee doesn't want to do that they don't have to do that. That is all.

Alderman Dion

I think the committee had a chance Mr. Chairman to ask the questions this evening.

Chair Tollner

You had an opportunity and I agree.

Alderman Dion

I can't see what other questions they would have at the next meeting. ... tape flipped ...

MOTION CARRIED

MOTION BY ALDERMAN NICKERSON TO HOLD IN COMMITTEE THE APPOINTMENTS OF ALTERNATE HUGH MORAN AND WILLIAM P. SLIVINSKI TO THE PLANNING BOARD

MOTION CARRIED

Review & Comment Commission

-
Lauren Byers (New Appointment)
6 Wanda Lane
Nashua, NH 03062

Term to Expire: November 24, 2003

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF LAUREN BYERS TO THE REVIEW & COMMENT COMMISSION FOR A TERM TO EXPIRE NOVEMBER 24, 2003

MOTION CARRIED

Zoning Board of Adjustment

-
Jonathan M. Currier, Alternate (New Appointment)
6 New Searles Road
Nashua, NH 03062

Term to Expire: September 11, 2003

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF JONATHAN M. CURRIER AS AN ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE SEPTEMBER 11, 2003

MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS

R-03-183

Endorsers: Alderman Brian S. McCarthy
Alderman Scott A. Cote

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO ABOLISHING THE BOARD OF PUBLIC WORKS

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman McCarthy

During the public hearing I think I heard us confuse the record of the division with the issue over whether or not we should have a separate Board of Public Works. As I was listening to the Director speak a couple of things became fairly clear to me. First, the division does have, in my opinion, a reasonably good record on some of its results. Certainly while I have some issues with projects that the department has undertaken I will readily say that the condition of most of the public works projects over the last 3 ½ years is infinitely better than it had been at any time prior to that while I was on the Board. I think the reason that I have issues with it is that the department has taken on so many projects in that period of time in an attempt to catch up with essentially the neglect of our infrastructure for decades prior to that.

I can't help but feel that is more a reflection on the division than it is on the structure of our government at this point in time. We have what I consider to be an excellent set of managers in the Public Works department at this time, and I don't know that I have ever said that before and I believe that is the reason why we are seeing the results that we are seeing. In the past, we have had a much stronger influence by the Board of Public Works itself in the policies and the administration of the department and not had the continual attention of professional managers who were good at what they did in order to make that work. I will go through a couple of specifics. On the project that the Director handed out a couple of things that are on there under solid waste are adopted a plan to allow more items to be recycled. That is an issue that has been of contention since I was elected to the Board the first time 10 years ago, and in fact before I served on the Board I served on the Solid Waste Advisory Committee with someone who became a member of the Board of Public Works at the same time I became a member of this Board. The Board of Public Works at that time did not favor any expansion of the recycling program, and in fact came to the Board of Aldermen with recycling programs in the early years as you will recall Mr. Chairman that even I could not support because they came forward with proposals that would have cost us millions of dollars additionally to extend the 30 year life of our landfill to approximately 31 years. There was no substantial savings in the recycling programs that were put forth in that time. In fact, now since the recent changes to the department of public works we have a recycling program which is by far and away superior to anything we have done in the past, which actually has a capture rate that is significant in terms of the recycling that we are able to achieve, and again that is because of the structure of the department and the fact that our professionals have been able to achieve that.

We also have an item on here about the solid waste bailer. I would point out to the Board that the bailer, which was approved by this Board was approved based on recommendations from the Board of Public Works of a project that was in fact proposed by a Commissioner of the Board of Public Works and not by the department so you have a case where right now we have a very strong department, which is backed up by a Board of Public Works that agrees with a lot of good ideas that they have. We have not been that lucky in the past. I would also point out that we have had – if I look at issues of policy, a number of years ago when in 2000 when I introduced a piece of legislation to reform the subdivision regulations of the City of Nashua and one of the issues that was before us was traffic and traffic speeds, and the standard to which we built roads, John Vancor who was our city engineer then advised us to legislate that the size of the roads be made smaller in order to achieve some of the neighborhood character issues that this Board was looking to achieve. The Public Works Commission sat here and told us that we couldn't do that, that we needed nice wide roads with nice wide shoulders on them because we had to be able to plow snow and we really

needed the curbing and those were the things that drove us and that in fact what the Board of Public Works wanted was roads that were not built to the standard to accommodate quality of life, but simply to accommodate public works maintenance issues such as snow plowing. Those are the kinds of issues I am talking about in terms of the inevitable changes in policy.

Let's talk about the sewer system for a minute. We have known for a long time that we had to do work on it. Even prior to the CSOs this Board took the step of raising the flow rate on the sewer user fee in order to build up a capital reserve fund so that large equipment at the treatment plant could be replaced when it was needed. If you recall members of the Public Works Commission filed suit against the Board of Aldermen charging that we didn't have the right to put money aside for a capital reserve fund in order to be able to replace sewer equipment, and in fact the Board of Aldermen's position was ultimately upheld by the New Hampshire Supreme Court. Here is a Board saying we didn't even have the right to plan for the future. That this Board can't do that.

This piece that was handed out by the Director I think is the most telling piece in terms of the process. The Board of Public Works is mentioned 6 times on this piece of paper. In Item #11 they are mentioned because the department gives them updates during the course of projects. The other 5 references are cases where something must be approved by the Board of Public Works, which in the following step has to be approved by the Board of Aldermen. There is duplication in every involvement for the Board of Public Works in a project that is done by the department. I guess I can't help but think that we could cut 5 steps out of this burdensome list of process and eliminate 5 opportunities for decisions to be made by the two boards that do not agree, which is what we see continually at Finance Committee meetings, at the Budget when we debate bonding on capital projects – it just seems to me to make sense to streamline it, and I guess I would sort of question why anyone would want to have 5 bosses instead of 1. I think we ought to go forward and put this question on the ballot. It is 2003. It is not 1930. We don't have a road agent. We are a city of 86,000 people and 2,000 employees plus we have professional managers, we have professional staff, we have professional managers who find good solutions to problems.

Let me cite one more example – the CSO project, which the Director referred to, which Metcalf and Eddy has found a good solution to for us – the solution we had that we have now discarded came from another consultant who was chosen by the Board of Public Works in order to give us advice on how to proceed with the CSOs and they recommended complete separation. I can't help but feel that from a policy standpoint we will be better off, from an operational standpoint things will be more efficient, and again it does not reflect in any way the members of the current Board of Public Works. It reflects simply the structure and the fact that times have changed and that this Board should be making policy decisions and the executive branch of our government should be executing that policy.

Alderman Cote

Much of what I have to say is going to be somewhat repetitive, but I will try to keep it as brief as I can for you. As the Director had mentioned during his presentation there is clearly a communication problem, and I believe that the system is broken. There is no doubt about that. I think that the relationship between the two boards is really almost set up to be adversarial at best and it is not working. The Board of Aldermen sets policy. The Board of Public Works, in my opinion, often

changes direction with little to no regard to the policy set by the Board of Aldermen and also with very little regard to communicating the reasons why those changes have occurred. That is troubling for me. One of the things that is really troubling for me is that I believe that our city government is fat. It is ineffective in its current form, and it needs to be changed in many areas. I think that we should start with this effort. I heard nothing this evening during the public hearing that convinces me that this legislation should not move forward to the voters and allow the voters to decide if they think that this should change – allow the opportunity for the debate to occur in the public forum. This is how we change our Charter. This process is necessary in order to be able to do that. If the Board of Public Works is truly convinced that their services are necessary then I am sure that the voters will understand that and vote the right way.

The 1994 MAI study for those of you that have had the opportunity to read that, and I know that many of you have, that study recommended the suggestion of a number of boards. In fact, almost all of them I think in a certain way. The purpose for that recommendation was to begin the process of streamlining and creating increased efficiency, effectiveness, accountability, and more importantly improving communication. Things are very different today than they were a number of years ago where the oversight that is spoken of isn't necessarily a positive thing in many ways and it often holds us back. The Director will tell you himself by handing out that list that the process is cumbersome; it is lengthy, and difficult.

Some of the more personal issues as far as being a Ward Alderman – I have over the past 4 years received countless phone calls on Public Works issues. I know Alderman Rootovich – the first thing he told me when I became the Alderman in Ward 9, the phone is going to ring, it will ring often, and what we provide here in the community is basic infrastructure issues – it surrounds trash, it surrounds the condition of the streets and so forth. I have made a conscious effort over the past 12 months every time I have gotten a phone call to ask a question as to whether or not the constituent who has called me has happened to have spoken to a member of the Board of Public Works Commission. The response I have gotten every time is “Who?”.

I have had countless Ward meetings over the past 4 years and many of those Ward meetings were all surrounding public works issues. The Director will attest to that because he has sat at most of them. At any one of those meetings was there ever a Public Works Commissioner in attendance at those meetings? Never. Not at one of those meetings. I don't believe the Public Works Commission is in touch with what is necessary for my constituents and that is a concern to me.

Here is the big issue in terms of efficiency and effectiveness and that is duplicated efforts. All you have to do is go down the Director's list. The professional staff within this department have to make comprehensive presentations 2, 3, sometimes 4 times and they start with the Board of Public Works and they work their way on down through. I have to tell you I am not certain that is the best use of their time in order to do this. What I am encouraging all of you to seriously consider is the opportunity just to put this before the voters, allow the debate to go out in public – I think this is the first of many changes that need to occur in government in order to be able to make us more effective and more efficient in terms of how we deliver services and how we function. Thank you for the opportunity to speak to that.

Alderman Dion

I remember the Board of Public Works Commission was operational 40 years ago. I really don't know how long the Board of Public Works Commission has been in existence, but I can tell you this much – it has been over 40 years anyway. I remember back a year and a half or two years ago when there was a move made to abolish the Board of Public Works and the Fire Commission. That was voted down. I am opposed to this legislation because I am under the philosophy that if it isn't broken don't try to fix it. You think you are getting phone calls now – abolish that Board and see how many more phone calls the Board of Aldermen will get because they do receive a lot of phone calls. I think it is a good check and balance to have two boards looking at this instead of one and if we are going to go that route then I will use the extreme. Why don't we get rid of our Mayor form of government and Board of Aldermen and get a Town Manager in here? I think that is just as ridiculous as saying that. I will not support that. No way.

Alderman Liamos

I'm going to take a play out of one of our former colleagues Ward 2 Aldermen Steve Densberger – a debate we had on abolishing both the Fire Commission and the Board of Public Works on 7-7 at the full Board meeting, and I am sure if we had not gone out of order to approve then President Hersh it may have prevailed 8-7 – that is history and in the rear view mirror – going forward I thought that Alderman Densberger articulated quite well. He said “the citizens should have a right to seek the type of government and that determination, and we as a Board should allow them to make that decision.” I believe that is the crux of the matter here. It goes right to the heart. I agree with the comments of Alderman Dion that if it is not broke don't fix it, and I agree with the comments of my colleague Alderman McCarthy who said that nothing is meant personally to the individuals serving on this Board. I value everyone's service on the boards that they serve in their capacity to the City, but I do think it will allow some degree of efficiency, and I do agree again quoting former Alderman Densberger that we should allow our citizens to make that determination. I will be supporting this resolution. I ask my fellow committee members to actively consider their support. Thank you.

Alderman Rootovich

I guess in my perspective I look at it a little differently. I look at what the – when I speak about Mr. Crombie and the senior management I also take that in the same pie as the Board of Public Works. It really is a team. I guess I have to weigh the performance and the accomplishments of that division as opposed to the turf and territory policy issues. From my perspective I believe in the perspective of the average town today – they look at the performance and the accomplishments of the division. They have accomplished a lot in the last 3 years. I have had conversations. Alderman McCarthy eloquently said that prior to Mr. Crombie coming on board that division never, never performed anywhere to where they perform today. Saying that I just want to address a couple of things as well. I think it is important. We talked about some of the things Alderman Cote and Alderman McCarthy brought up about steps. I want to point out a few steps that might seem a little ridiculous, but we don't address those. One I want to bring is with respect to the school building projects. We have an invoice that comes in for \$4.95 – that is an extreme example, but it actually happens – that invoice goes to Mr. Conrad in the School Department who we all know is more than capable of making a decision for paying an invoice of \$4.95. However, one must type up a piece of paper and it must first go- then it must go to the High School Committee who has a meeting and votes an

invoice for \$4.95. That same invoice mostly the same night goes to the Joint Special School Building Committee who then votes on it, and then it is passed on to the Finance Department in which the Treasurer and Chief Financial Officer approves that and then it goes to the Finance Committee. There are 5 levels in which that \$4.95 invoice must go through.

Let's talk about the Fire Department, talk about steps. The Fire Department does a renovation to a building. The administration proposes that to the Board of Fire Commissioners, then it must go to the Infrastructure Committee, then it goes to the full Board of Aldermen. You can say the same thing for the library. Every one of our boards and commissions, from my perspective, have several layers of management and several layers of approval processes that aren't necessary. It is bureaucratic, it takes times, and it is unnecessary, however, that is the process that we have. If you want to look about changing some of the efficiencies in the city let's look at all of them across the board and not pick on just one division. I have heard testimony in which individuals of this Board said well we don't get along. There are members of this Board that don't get along with members of the Planning and Zoning boards. There are members of this Board that don't have the best relationship with the Board of Education. There are members of this Board that don't have the best relationship with the Police Commissioners, Fire Commissioners, Library Trustees, and members of the other I believe 27 boards and commissions that are around the city, however, we are professionals and we can do anything in our part to work with them diligently to make things better. I am not convinced that eliminating this particular board is the way to go.

Let's talk about attendance. Alderman Cote is absolutely correct in his comments. This Board of Commissioners have not been the best at attending certain meetings that Ward Aldermen have, but being on the Board for 10 years we have had Commissioners that have been at every single meeting. Alderman Deane was one of them when he was a Commissioner. Commissioner Peterson was another one. Commissioner Peterson went to every one and participated in every single discussion among many, many other members. As Alderman Dion said there is a long history of commissioners. Some have been very active. Members of this Board and prior boards of the Aldermen have not been very active in participating in certain events – Ward meetings, issues around the city – I have been on the Board for 10 years along with Alderman Tollner and Alderman McCarthy and I think they can both say there have been many issues around and prior boards where the attendance was overwhelming by members of the Board of Aldermen. We can look at this commission or we can look at the commission as a whole and look at the history of the commission. They do play a valuable role in this city. Whether we think so or we don't. I was the Alderman back in 1996 who submitted legislation to start the role of the liaison between the members of the Board of Aldermen and the Board of Public Works. I was the first member to serve on it. My intention back then was to attend those meetings, which I did, and to listen and to be able to report back to any member of the Board who had questions or concerns with respect to the Board of Public Works, and I think it worked very well. I really believe that every member of the Board of Public Works and every board and commission in the city has the best interest of the constituents of Nashua and the taxpayers of Nashua at heart, and like I said earlier this particular board may not attend certain ward meetings, may disagree with certain policies, but we have the power to change those policies and submit ordinances that we feel necessary to curtail any decisions that they make. I think eliminating the Board of Public Works because they have had some differences with out policies, and I agree they have, is not the way to go. I find it very, very difficult to support a piece of legislation to put on the ballot. There are other legislations that have come before us, but I have to

say I haven't gotten one call from one constituent anywhere in the city whether it be on the phone, walking down Main Street, attending an event – nobody has brought this to my attention – hey by the way that particular legislation that you have before your Board I want you to give it consideration pro or con. Saying all of that I just don't think I can support putting that on the ballot this time. Thank you.

Alderman McCarthy

I just wanted to respond to a couple of comments. The process for approving invoices for schools is actually not terribly burdensome. Every month the committee is presented once with a list of the invoices that have come in, which runs to approximately anywhere from \$3 million to \$10 million per month. I don't think anybody in the city would say that we want \$10 million worth of invoices to be simply paid because the business administrator says it is okay without oversight by some governmental agency. That approval is done by the High School Committee and the Joint Special School Building Committee. It is important to note that one of those is a subcommittee of the other. We don't send it off to the School Board and say what do you think and then send it to the Board of Aldermen afterwards and say and what do you think and maybe you could think differently. The rest of the steps are in fact Performa. After the Joint Special School Building Committee has approved it by state law those invoices are to be paid. That is a two-step process, which involves the subcommittee and the committee in the same night. It does not have the same problems with policy that the existing one does.

If I look at other boards and commissions we have separate boards for things like zoning and planning because you want someone to objectively apply the law to a specific situation and that is exactly the case that caused me to ask the questions I did before. You want an objective application of the law. You don't want some other board that makes policy – again this is a case of where we were looking at multiple boards that make policy that is binding on the city not providing an objective review to a third party who has rights. This is dealing with affairs that are completely within the city. I guess I would go back to Alderman Dion's comment that if it ain't broke don't fix it. Nowhere is that maxim more well known than in the software industry, and my contention is it is in fact broke and we do need to fix it.

The contention that eliminating the Mayor is ridiculous – I would point out that is in fact the final recommendation of the MAI report in 1994 was that we should convert to a council manager form of government and in fact an examination of the towns and cities in New Hampshire shows we have the only strong Mayor of the type we have in the state. Many other communities and if you go look at Concord's charter by the way you will find out that it is almost word for word identical to the City of Nashua's except that it does not have a Mayor who is the Chief of the Executive Branch it has a City Manager. It has a Mayor who essentially is the same function as the President of the Board of Aldermen here. That is a policy debate that at some point we will take on, and in fact our Mayor has suggested we should have that debate at some point.

In this case, I really think it is time for this. As Alderman Dion has pointed out the Board has existed for 40 years or more. I believe it goes back closer to a century. This is not the same place. It is not the same government and it is not the same situation and we ought to keep that in mind.

Alderman Nickerson

Hearing discussion tonight there are actually I believe three different arguments in favor of this or centered around this. The first one is basically a problem with decisions made by the Board of Public Works and there is another as far as the performance of the division, and the final one is the structure of our city government and whether this is the right way to go or not. As far as the problems with the decisions made by the Board of Public Works, that I believe is actually the only one of those three that I believe really applies to or at least in my mind is convincing me to vote in favor of this. The first one as far as problems with the decisions made by the Board of Public Works – I believe that is really more of an issue with the members of that board as opposed to why that board is there. I believe that people don't like the way the decisions are made by a certain board or not then they should not vote for that person. The second as far as performance of the division that was brought up during the public hearing and I really don't think that has any credence to this discussion either. The final one as far as structure of our city government I believe that is the only one that does. This does have a by eliminating this board I believe it will streamline city government. As Alderman McCarthy had said it would remove several of the steps for the project approval for the division and I think that is only appropriate for us to do.

As Alderman Dion had said as far as if it is not broken don't fix it – I believe it is. There have been several examples stated here tonight as well as over time that there is an issue with the structure and I think we need to improve it. I believe this is one way to do that. Also Alderman Rootovich had said that it is not necessary to have several layers of approval when he was giving the issue of the High School Committee and Joint Special School Building Committee and invoices and so forth. I agree that it is unnecessary to have several layers of approval and I ask why don't we fix it. I believe this is one way that we can actually fix our city government. It will allow us to move things faster. It will allow us to reduce a lot of the contention and it will improve services that we provide the citizens. I think it is only appropriate that we do. I will be voting in favor of this tonight.

Alderman Johnson

Of course I am partial to my piece of legislation. When we were at the full Board almost two weeks ago and it was myself, the Alderman from Ward 5, the Alderman from Ward 8, and the Alderman from Ward 2 we were the 4 that voted on O-03-182 and not to send this to committee. We all got bombarded with e-mails from the soccer community saying that we were taking the people's rights away to voice their opinion. It wasn't that we were taking people's rights away it was the intention of the legislation and what was the far-reaching outcome of that legislation and what it will do in this city. Although I am on the fence with this one I am questioning to myself do I send it to the full Board and let the full Board have that right to have everybody speak on this and hopefully people from the community will come in because a lot of people don't realize that sometimes they can ask for permission and they don't know about the public hearing in time to speak on this and they wait until the full Board or do we kill it here. I guess when I think about what was said to me in an e-mail that I took the people's rights away to voice their opinion and I guess their opinion is also at the ballot box that we talk about so many times that my distinguished colleague from Ward 8 talks about if they don't like us they will boot us out at that ballot box.

I'm really wrestling with this because I think it is broken. I think there are many pieces that are

broken and I will speak about being broken when my piece of legislation comes up also, but I guess the question is I wish more members from the full Board would have been here tonight because this is something that is really going to affect if we send it to the ballot or it will either be passed or defeated. The issue is here where does it go from here? Do we let the full Board now debate it and some people don't believe that it should ever be debated at a full Board meeting and it should just stay in the committee. I wish we had some more dialogue on this because I am really on the fence on where this one should go. Thank you.

Alderman Britton

First of all I want to congratulate Director Crombie and his staff for the outstanding work they have been doing. They are true professionals. I think the Board of Public Works is part of their success story. I do want to point out that there may be some of the board members that let's say don't have the same interests, may not have the same technical background, and may not be as strong as others, and in my 8 years on the Board we have seen some that are very strong and very dedicated and others that may not be that way. This is the second time this legislation has come to the Board in 2-3 years. I am not sure of the exact timeframe. I think the same issues are still there. I think this board provides some oversight. It provides some checks and balances that are necessary. They are elected by the public, and I think that is a very important issue. The public – as a matter of fact this fall two of the Commissioners are up for re-election and the Chairman by Charter of the Public Works Commissioners is up for re-election – the Mayor. There is a chance to change people that people may not be satisfied with – a chance to change the members. In the proposed legislation, all of its powers and duties of the Public Works Commission with respect to land and buildings and infrastructure of the city and its functions in administering the division of public works would then be subject to control by ordinance adopted by the Mayor and Aldermen in accordance with applicable state statute. I think what would happen here is more than likely the Infrastructure Committee is probably the appropriate committee if that happened and then of course the full Board of Aldermen.

I want to point out as others have pointed out that the police department, fire, BPW, library – all other boards have to come before the Board of Alderman, have to come before the Mayor on these projects – the Budget Committee, the Finance Committee, The Board of Aldermen, the Finance department, etc. There is this same duplication; this same process is followed by many of our boards and commissions.

I think the communication between the Board of Aldermen and the Board of Public Works is a real issue that we have to deal with and I think that we need to have some special meetings maybe through Infrastructure where the Board of Public Works is invited to come and discuss with the Board of Aldermen issues of policy maybe even a full Board or Committee of the Whole. I am not sure, but we certainly need to meet with them more often. I know that there are several members of the Board of Aldermen that are very discouraged with the Board of Public Works and we hear this constantly at meetings. Others are more neutral. Others may appreciate what they are doing and we all have the right to speak whatever we want, but at this time the communication has failed and we need to improve it. I will not support this legislation to be sent to the voters for all of the same reasons as last time. That is how I feel about it. Thank you.

Alderman Deane

Having served on the Board of Public Works and being part of the group that interviewed and hired the current Director and other members of his staff other than Rick Seymour because I think he has been here for years, I think one of the main issues that I see in attending these meetings, and I have my issues, but is the need to stage the priorities that this Board has that we get from our constituent base. What I mean by that is let's get back to the basics. There are three basics in this city that we should be dealing with. The number one priority should be to educate our children. The number two priority should be to pave our streets. The number three should be getting the trash off our streets. It seems to me in these economic times that people are going in all sorts of different directions, and there are no integrated priorities amongst any of the city departments. I think a lot of money is not being spent wisely. When the Director comes and says he needs \$6+ million to pave – drive down the street and you will know that he is correct in doing that, but that still isn't being done. I think monies this year from these departments should be redirected into the paving and sidewalk account and what we should do is get that program in gear, back up, and put these other projects on hold for a while and let's get caught up on our street and sidewalk program. I don't think there is anybody in this room that could say that is not a good idea. We hear it from our constituents, we drive on those roads, the muffler shops and strut people must love it, tire people must love it, but it is time to get the priorities.

It seems to me that the Board of Public Works when I sat there we spent a little time on different things and yeah we made mistakes, but I will tell you the board that sits there now and the Director that is there now he has made his share of mistakes too. That is just part of life. People have done a lot of good things and some things just didn't work out – that is the way it is. I would like to see the priorities met with what this Board would like to see as well and I believe paving is one of them. To sit here and look for money that is being moved around and spent on other things I think it is time we just put a halt to that and started paving our roadways. As of getting rid of the board I think that as Alderman Britton stated I think there should be some conversation with the board members as well as the Director. What I see and I attend all of those meetings – I didn't attend the one on the 8th of May – nobody asked any questions but one person. It is the way the people are. They are as involved as they want to be. Maybe they are so overly involved on the flip side of a meeting – maybe I am wrong to assume that – I don't know, but when it comes to the meeting there is absolutely little or no discussion on any of the items at all. It appears that decisions have been made prior to those meetings even being held. That is my perception of it. Do I think they do their work – yeah they sit on committees, they do a lot of work, but when I sat on different committees before and when things come and the Director needs people to pick somebody for contracts or park work or hiring of management staff, which I thought was always good to get an input from somebody that is going to be actively involved with the day to days and I liked doing that. I thought that was an interesting thing to do. I think that it is time to get our priorities straight between what this Board wants and what is currently going on in the division. That is where I have some concerns. As Alderman Britton had stated maybe a joint meeting with them would probably be a good idea. Thank you.

Chair Tollner

A number of us have been on the Board for about 10 years so we have seen quite a change in the

Board of Public Works. There is someone who has been on the Board of public Works and now is a member of the Board of Aldermen. A number of years ago when we disagreed vehemently with one of the Board of Public Works Directors decisions that they made – made a decision that he was going to run and he had people, myself included, that supported him because we disagreed with the decisions that some of the Commissioners made at that time. Right now we have the strongest Public Works Department that we have had in – I could say in 10 years since I have been on the Board – there may be a difference of opinion as far as the board members go. I think some good comments were made tonight that we would like to see more involvement in neighborhood meetings and project meetings and we think that the Board of Public Works Commissioners should be at those meetings. Throughout the 10 years there has been a very good checks and balance. When we had a very strong or strong willed Board of Public Works Commissioners the department wasn't running at top form. I think George Crombie and his managers have done an exceptional job in the work that they have done over the last 3 or 4 years. I agree with Alderman Britton's comments that there is a communication problem. I have met a couple of times with the Director and some of the Commissioners to say that we need to improve the communication between the different boards, and I think it is imperative that we get together and we do list the priorities or the programs that this Board thinks is important and make sure that they moiré or less coincide or match up the best that we can with the projects and objectives of the Board of Public Works.

Communication has been poor at best. I think every member of the Board of Aldermen as well as every member of the Board of Public Works and the divisional director need to make a concerted effort to open the lines of communication. I have been very clear. I think Roby park looks great. I expressed to the Director that I was disappointed that project went ahead when the Board of Aldermen decided not to do that project. It is a beautiful project. Would I have had a problem if the Director had come to us and said listen I understand that you didn't approve that in the budget that if I take the money from here, here, and here and I think I could put some things together and I think we can have a beautiful park down there for that area of the city? I think this Board would have been for the most part very comfortable with that. Communication I think is the key. I do think that the boards need to get together, but I don't believe that we should abolish the Board of Public Works. Right now we may be a little frustrated. It has worked very well at times and it provides good checks and balances. The only thing I would hope is that this Board gets together and we move in the right direction – we get together, get focused, and we share the same strategy on the projects.

Not that it has anything to do with the legislation, but we need to re-prioritize the money that we are spending in Public Works over the next 1 or 2 years to really concentrate on the infrastructure. I think if we do that we can get back on track.

Alderman McCarthy

I guess I want to talk about the priorities first. The other night I sat here and watched three members of the Board of Aldermen spend \$120,000 on automatic vehicle locator. Three other members of the Board of Aldermen voted no. Nine other members never got to vote. The authority that approved that expense was the Board of Public Works and three members of the Finance Committee. Do you think if we took the city's priorities and listed them top to bottom that the next \$120,000 the Board of Aldermen would have spent was on automatic vehicles locators? We heard a lot of questions

asked. I never heard a justification that would cause me to expend that \$120,000 there. That may be the top priorities for the Board of Public Works because they only look at public works projects and that is part of the problem. We look at global priorities. Maybe there was something more important in the fire department or the police department that should have gone to. We have expenses that we are routinely saying no to for things that in my estimation are much more important than that that we could have handled with that money. That is the kind of policy decisions that I am talking about.

Alderman Deane is trying to redirect that money into paving streets and fixing potholes. While that is happening without the ability of the Board of Aldermen to even vote on it that money is being spent out from under that resolution. That is the kind of policy changes that I am talking about that I think are impacting us and are impacting our constituents. It was mentioned that we don't get phone calls saying eliminate the Board of Public Works. I have never gotten a single phone call that said the city shouldn't be responsible for its own zoning laws either. I have gotten phone calls that say we ought to be able to use Stellos Stadium for particular things and that seems to be what motivates that solution. With regard to the Board of Public Works I get tons of phone calls about why is Ridge Road and open soar while other areas of the city are being paved and while X other things are being done that I don't understand. Those phone calls are the ones that frankly when I analyze them caused me to put in this legislation.

It is a very wide spread issue with respect to the way it affects our constituents and do we get phone calls that suggest this particular piece of legislation no we don't. Do we get phone calls that are based on the problems that are caused by not having this piece of legislation – absolutely every one of us gets them all the time whether we want to admit it or not. Alderman Tollner you yourself said some time ago we had a strong board and the division didn't work very well. I would submit that sometimes those are quite related. We have professional managers running a professional department. If you have decisions on the technical aspects of how to run that department that are being made by people who have that sort of interest and not by the people who are running the department and who are the professionals that is very likely to be the case. I believe that we need to put that division under the executive branch where it can be run like any other division.

It was suggested that one of the problems we have is communication and that we should meet more regularly with the Board of Public Works. Just on its surface I don't know when we are going to do that. I am taking days off from work, I am taking my vacation days to fit meetings in because we don't have time left in the schedule to do anything. If you think the communication problem with the Board of Public Works needs to be resolved and you think that having antonymous boards and commissions is a great idea then we better put aside time to meet with the fire commission, the board of library trustees, the board of police commissioners – it goes on. The better solution is to use the time that is spent by the department and by this Board in communication over the policy issues ad not to have to have another board involved. I think we are simply resistant to change and in fact I have yet to hear – no one has told me a single thing that has come out better because we have a Board of Public Works. I have heard a lot of we have a lot of successes and we have a Board of Public Works. I haven't heard we have successes because we have a Board of Public Works. Thank you.

Alderman Dion

I would like to just go over what Alderman Britton had to say pertaining to the Board of Public Works Commissioners meeting with the Infrastructure Committee. I don't think it is a bad idea at all. I think that would sort of get communications working a little better between the Board of Aldermen and the Board of Public Works Commissioners. I don't see any problem with that. That is probably a way of fixing some of the problems that we have other than going to the extreme of what some people want to do. The one thing I didn't say Mr. Chairman in my opening remarks is I was speaking strictly on the resolution pertaining to the Board of Public Works Commission – I have noticed that a lot of Aldermen have talked about the performance of the Board of Public Works starting from the Director down – top management, and I didn't say anything in that line, but I will – I must say that his is the best Board of Public Works management team I have seen in all of my years. I have never seen the snow removal as good as it is today and the other services; rubbish pick up, etc. The landfill runs very meticulously, and I am very happy with the parks – especially the parks. We have like 25 or 30 parks in this city now. I remember when there were only ½ a dozen or so. I think the Park & Recreation who of course is under the auspices of the Board of Public Works is doing a super job. I thought I would bring that out. I think your idea Alderman Britton pertaining to probably getting two of the Commissioners at every one of our meetings or rotate them would be a great idea. Thank you.

Chair Tollner

Are there any other comments pertinent specifically to the legislation?

Alderman Britton

I would like to make some comments related to comments that were made concerning the legislation. The Roby park issue – that issue was approved by the Public Works Commissioners and the Finance Committee and the Board of Aldermen when they accepted the Finance Committee meeting minutes as far as the ice rink was concerned. The priorities are established by the Board of Aldermen and I think they should be followed. We have a Budget Committee that I welcome any member of this Board to come before, but wrap-up starts Monday night. If they feel that proper monies aren't being allocated for paving then I ask that they come and request from a committee member that they introduce a resolution to add additional money to the FY '04 budget to take care of paving. Ten million dollars was asked for by the Public Works Department. What has been preliminarily approved is \$1.6 million. The AVL program was mentioned. It is kind of a controversial issue. I certainly am not going to question the way any Board of Aldermen member votes so I think we all have that privilege and that right and we do our homework and we vote the way we think things should be. Then the Board of Aldermen either accepts or does not accept some of those recommendations. Escrowed accounts or the Board of Aldermen first of all approves the money that will be spent by the Public Works Department. We also approve escrow accounts, which transfer money into other accounts by the full Board of Aldermen. How much control do you want? There is the control that we have. If you don't want to approve it then don't vote for the budget. If you want more then add more to it, but let's don't blame them saying they don't have the right amount of money to spend that they need. Come and ask for more money to be put in there. I think we are wrong in going in and trying to change – in my own opinion there is a better way to do it – going in to try to change line items and get them to spend it – don't spend it here, but spend it there, don't spend it there, but spend it there – when we have already approved how that money should be

spent. Come before the Budget Committee and ask for more money. That is the answer to it. Thank you.

Alderman McCarthy

I just want to point out that it is not my right and privileged to vote against the AVL system. I don't ever get to vote. The Board of Aldermen does not approve the actions of the Finance Committee. It merely accepts the minutes. By Charter the approval of expenditures by the Finance Committee is final, and the Board of Aldermen doesn't get to vote on it. By my count the number of members of the Board of Aldermen who voted for that who my constituents got to elect was one out of 15.

Alderman Johnson

If I were on the Finance Committee I would not have voted for that AVL system. That money could have better put into the street paving. I am going to vote to send this to the full Board only because I think it is the right thing to do. I think we need to debate this. I am hoping that my colleagues will take my piece of legislation and vote to send it to the full Board to let everybody else debate on whether or not it should go to the ballot. This is where I am going to put the plea in here. Now I am going to really lobby at this committee. I don't really sit back and lobby for very much, but I think what is fair is fair. I think both pieces should go to the full Board. I think both pieces really should go on the ballot and let the people decided here because after the e-mails I got on Stellos' stadium let's talk about the merit of everything here. This is where it belongs because the people put us in and the people can put us out. The people should vote on everything. Of course, I think my legislation is better because I don't want to abolish – I really don't want to get rid of the board I just think we need to change the Chairman of the Board because I don't think it works – I think that is where part of the broken pieces are. It doesn't mean that the full board is broken I just think the Chairman because they don't get the right under the Charter to elect a Chairman it is already elected. Whether the Chairman is good or bad they have no choice – it is by Charter. I am going to vote to send this to the full Board. That doesn't mean I will vote to send it to the ballot, but I want to hear everybody's concerns at the full Board. Thank you.

Chair Tollner

Alderman Johnson I think I can guarantee you that both this legislation and your legislation will be sent to the full Board regardless of what shape it is in.

Alderman Johnson

I hope it is in better shape than we all are in right now.

Alderman Britton

A brief comment. In my term – 8 years on the Board, we have had two different legal opinions of the Finance Committee and what it votes on and whether it is binding or not. We have had at least two instances where the full Board of Aldermen have taken an item from the Finance Committee's agenda and have voted it down and it was not approved. One was cars for the police department in

the Davidson administration. There is a difference of opinion here among us about how the Finance Committee operates and whether the vote is final or not. Thank you.

Alderman Deane

I had a question to Alderman Britton on the last comment he made. Are you inferring that at the full Board level I could take that AVL out of the Finance Committee minutes and kill it?

Alderman Britton

We had a specific example of vehicles that the police department wanted to buy about 5 years ago and the full Board of Aldermen took that item out of the – separated it from the recommendation of the Finance Committee and we had a full Board of Aldermen vote on it and the Board of Aldermen overturned the decision of the Finance Committee.

Alderman Deane

Thank you.

Alderman Rootovich

Just before we wrap up, I will ask Corporation Counsel for his written opinion prior to the full Board so the Board will have the communication.

Alderman Deane

I would like a copy of that.

Alderman Johnson

I would like a copy too.

Alderman Rootovich

It will go to the full Board.

Chair Tollner

The motion is for final passage of R-03-183.
MOTION CARRIED

Chair Tollner

For the public's information it will probably not appear on Tuesday night's ... tape flipped... I will correct myself. The next Board of Aldermen meeting is a week and a half from now so it may be on

the agenda. There will be a Board of Aldermen meeting on Tuesday night. This legislation will not be on the agenda.

Paul Bergeron

If I might, as State law requires I think within 7 days after the public hearing a Charter Amendment must be voted on by the Board.

Chair Tollner

So it will be on the agenda.

Paul Bergeron

It should be.

Chair Tollner

Thank you very much. There will be a meeting and the legislation will be on the agenda.

R-03-191

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REMOVING THE MAYOR FROM THE BOARD OF PUBLIC WORKS AND
REPLACING THE MAYOR WITH AN ADDITIONAL ELECTED MEMBER

•Also assigned to the Board of Public Works

Chair Tollner

I would ask the committee members that are here to confine their conversation or opinions to the legislation if you can so we can try to get through some of this agenda.

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

What can I say anymore after the last round? Again, I would appreciate it if my colleagues would send this to the full Board so the full Board would have a chance to talk about this and decide whether or not it should be on the ballot and – it is very important to know that if this is passed by the voters the Mayor would continue to serve as a member of the Board of Public Works until December 31, 2005 as a replacement commissioner could not be elected until November, 2005 and take office until 2006. It wouldn't be that you would transition somebody in if you are just going to throw them off. I think it is important again that we take a look and see what the makeup consists of and how

responsive the board is at this point in time. Again, the Chairman is automatically the Mayor by the Charter of the City. Again, let's just take it on the merit and let's vote on it and send it to the full Board. Thank you.

Alderman Nickerson

I guess looking at the two pieces of legislation that have to deal with the Board of Public Works there is basically a conflict. If both of these were put on the ballot and if both of them were to pass the one that would truly take affect and override the other would be R-03-183 that deals with abolishing the Board of Public Works. R-03-191 since its effective date is not until January 1, 2006 would never go into effect if both of them were to be approved by the voters. I'm not sure – I see Mr. Bergeron shaking his head in the back. I am not sure if he has an opinion on that as well.

Paul Bergeron

I am not positive of this, but I am pretty sure that the question that gets the higher number of votes is the one that is approved.

Alderman Nickerson

Thank you.

Alderman Johnson

Just let it go to the full Board. Let the full Board decide what they want to do – whether or not they want it on the ballot or not. I think that is really the way it should be. Let the full Board hash this whole thing out.

Alderman Liamos

While I don't support the legislation I will support sending it to the full Board. Thank you Mr. Chairman.

Alderman Dion

I am requesting a roll call vote.

Alderman McCarthy

I want to point out that I think the situation is a little more complex than the City Clerk may have stated with all due respect. I believe that when there are multiple Charter questions and all of them pass that all of the non-conflicting language is adopted from both of them and that where there are conflicts the one which got the most votes is the one that prevails. I have no idea how that would be interpreted with these two particular pieces because changing the composition and eliminating them are not inherently conflicting provisions. We might well wind up with a one member Board of Public Works with the replacement for the Mayor.

Alderman Johnson

Neither one might ever make it to the ballot. One might and one might not or they might all just be killed at the full Board. There is no harm in sending it to the full Board and letting the public if they decide they want to come out and speak on it again. If we don't let the public speak on it and give them the chance we will get e-mails saying that we have shut down the process. I want to keep the process open and the dialogue going and let's see what happens. May the best piece of legislation win or lose.

Alderman Dion

I just want to make one comment – I am trying to compare one resolution to the other – it is a comedy of errors really; one of them you are trying to abolish the board and the other one you are trying to add another one to it. It just doesn't make sense. It is really hilarious – it is like the Jerry Springer show. I still want a roll call Mr. Chairman.

Alderman McCarthy

Mr. Chairman I think I take offense at the characterization of legislation submitted by a Board member as hilarious. I wish you would take appropriate action.

Alderman Dion

Mr. Chairman I could care less what the Alderman from Ward 5 says.

Alderman Johnson

Point of Order Mr. Chairman.

Alderman Cote

That is reasonably evident.

Alderman Johnson

We are getting out of control here. We're trying to have a healthy debate and we don't need any sarcasm.

Chair Tollner

I just want to keep everything on an even keel here.

Alderman Cote

Mr. President.

Alderman Rootovich

Alderman Dion your remarks to the Alderman from Ward 5 are inappropriate. I think an apology at this time is needed, and I would ask your concurrence for that apology.

Alderman Dion

Mr. Chairman I didn't start this debate.

Alderman Rootovich

However, your comments were inappropriate. Any legislation that any member of this Board submits should be taken seriously. They have the right to do so and deserve the same debate as any legislation you would submit Alderman Dion.

Alderman Dion

Thank you.

Chair Tollner

The motion on the floor is R-03-191 for passage.

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

Yea: Alderman Lamos, Alderman Johnson, Alderman Nickerson

3

Nay: Alderman Tollner, Alderman Dion

2

MOTION CARRIED

Alderman Nickerson

In between this meeting and our meeting of the full Board I would actually request that a legal opinion is gathered as to what parts would actually pass if both of them were to eventually go on the ballot and also be approved by the voters. That is actually the true indicator as to whether I am going to support it at the full Board or not. I supported it just to merely get it out of committee at this point, and whether I support it at the full Board or not is a totally different decision.

Chair Tollner

Paul if I could ask you to work with Corporation Counsel. Thank you very much.

R-03-193

Endorser: Alderman Timothy B. Nickerson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
AUTHORIZING REVISION OF THE WARD BOUNDARIES BY ORDINANCE

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman McCarthy

I guess I hadn't – I may not have read it carefully enough, but I think the constraints that Alderman Nickerson described before the public hearing I believe were actually a little too stringent for some situations, and I give you a specific, which is the Ward boundary between Wards 5 and 9 used to run down Conant Road to its intersection with Buck Meadow and then up Buck Meadow. We approved a plan several years ago, which relocated those roads so there no longer was an intersection. At times where something occurs that causes us to need to relocate the boundary just for the sake of clarity we ought to be able to do that by ordinance. I agree that normally the redistricting would only be done after the 10 year census, but in just adjustments of road boundaries, etc. we ought to be able to make the ward boundaries make sense when we need to.

Chair Tollner

Paul would you like to come up and just comment?

Paul Bergeron

I actually think that is a situation that we had never discussed a response from myself or legal. I remember hat situation. It was kind of bizarre. If the legislation could be amended to allow for some accommodation of ward line changes to address that I think it would be helpful. Understand though that will also impact perhaps house districts and senate districts and I am not too sure what kind of stack of dominoes we are setting off if we start doing that.

Chair Tollner

Paul is it your recommendation that we do it in committee or do we pass it tonight and then maybe between now and the meeting you can come up with an amended version to address the concerns that Alderman McCarthy just mentioned?

Paul Bergeron

I think that is doable. If the committee would approve it this evening between now and Tuesday night we will talk to Legal and see if we can come up with language that would address Alderman McCarthy's concern.

Chair Tollner

Thank you. Thank you for your comments Alderman McCarthy.

Alderman Johnson

Do we want to amend it saying pending corporation counsel's opinion so we make sure that nothing is in conflict with the State and everything ...

Chair Tollner

I think that we are all here so we know that we are going to amend it Tuesday night. We will approve it tonight with the understanding that it needs work at the full Board level.

MOTION CARRIED

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS

R-03-205

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE
MAYOR'S
REPORTS AND RECOMMENDATIONS

MOTION BY ALDERMAN NICKERSON TO HOLD R-03-205 IN COMMITTEE
PENDING THE PUBLIC HEARING SCHEDULED FOR AUGUST 7, 2003 AT 7:00 PM
IN THE ALDERMANIC CHAMBER
MOTION CARRIED

R-03-207

Endorser: Mayor Bernard A. Streeter

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
CONFIDENTIALITY
OF VOTER REGISTRATION INFORMATION

MOTION BY ALDERMAN NICKERSON TO HOLD R-03-205 IN COMMITTEE
PENDING THE PUBLIC HEARING SCHEDULED FOR AUGUST 7, 2003 AT 7:00 PM
IN THE ALDERMANIC CHAMBER
MOTION CARRIED

R-03-209

Endorser: Mayor Bernard A. Streeter

CHANGING THE NAME OF DEPARTMENT 517 - CITY HALL, TO BUILDING
MAINTENANCE – CITY ADMINISTRATION

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chair Tollner

If I am to understand all we are doing is changing the name and that is it. Hopefully there is no discussion on this particular piece of legislation.

MOTION CARRIED

R-03-210

Endorser: Mayor Bernard A. Streeter

CHANGING THE NAME OF DEPARTMENT 506 – TELEPHONE SYSTEM, TO
TELE-
COMMUNICATIONS

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman McCarthy

Telecommunications is actually a fairly wide-ranging name that includes not just wire systems but wireless as well, which don't actually fall under that department.

Maureen Lemieux

I will be happy to go along with any name that that anybody wants to name it. It is just that over the last couple of years because the cost in that department, the 506 line, has become substantial – the T1s are there, there is just a lot – because of the data that we have installed and the networking that we've put – the T1s are in different buildings – some of those costs have gone up substantially. I will be happy to name it anything that anybody wants. It is just that I think that telephone has become a misnomer for it. I can go along with anything. I am not tied to any name at all. I just think a number of times people look at it and say oh my God you are paying all this money for telephones when there is just so much more that really travels over those lines nowadays.

Alderman McCarthy

It is fine with me.

MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-03-173

Endorser: Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Alderman Stephen C. Lamos
Alderman Kevin E. Gage
Alderman Scott A. Cote

REDUCING THE FLOW CHARGE RATE FOR THE CALCULATION OF THE
SEWER
USE FEE FROM \$1.67 TO \$1.22 PER ONE HUNDRED CUBIC FEET

MOTION BY ALDERMAN TOLLNER TO HOLD O-03-173 IN COMMITTEE
ON THE QUESTION

Alderman Tollner

My reasoning is that right now the city is in discussions with the feds as far as a somewhat different arrangement on a number of the different projects that we have doing on right now, and conversations with some city staff it was suggested that if we were to approve this legislation right now the federal government might not look as favorably upon the City of Nashua if this was passed versus if we held it in committee. Not that I am in favor of this particular piece of legislation, but I think it is wise for us to hold it in committee at this particular juncture.

Alderman Deane

I have some questions I forwarded to the Mayor and he said he would forward them to the division of public works to get some answers. One had to do with how the sensitive negotiations would be affected by lowering our flow rate charges. I haven't gotten an answer to that yet. Another issue I had was with the reduction – the \$1.9 million reduction and the amount of work that was being done. Another issue I had was with the amount of salaries that were being taken out of these two accounts and how the percentages were figured. I'm still waiting for these answers. The Mayor said he was going to have the division work on it and get back to me.

Chair Tollner

Do you have a date of when you asked him and when he said he would get the information ...

Alderman Deane

I sent him an e-mail – oh yeah I have every e-mail correspondence that I have had with the Mayor. It was over a week or so ago.

Chair Tollner

Maybe Mr. Crombie...

Alderman Deane

He did respond.

Chair Tollner

He did?

Alderman Deane

The Mayor did respond and said that he did forward that to the division of public works.

Chair Tollner

George if you would like to respond.

George Crombie

This is a perfect example of communication. Alderman Deane meets all the time with the Public Works Commission – could come in our office, we could sit down and explain it – these are sensitive negotiations. We are trying to put a package together and we are trying to save tens of millions of dollars of the taxpayers' money. The Alderman who goes to the Public Works Commission meetings will not even sit down with the public works Director. I have been to 5 Aldermen on this Board asking that Alderman to sit down with me. I have written an e-mail and it doesn't happen. How can I communicate with this Board when the Alderman that is representing this Board will not even talk with the public works Director? How can you run a division when there is a resolution like this when it hasn't even been discussed to come in sit down with Rick Seymour, myself, and go in detail and deal with this? How do you deal with that? The same thing came up with Roby Park. Roby Park the question of the ice rink – that issue I went to my commission, I asked their permission. I went to Legal and got their permission. I got permission from Finance, and I went to the Finance Board and got commission. There is a sense out there that we did that without any permission. There is a breakdown of communication. The breakdown of communication is nothing that we are doing is being transferred to this Board.

Alderman Deane

Point of Order Mr. Chairman – this does not pertain to this issue at all.

George Crombie

It does. There are millions of dollars....

Alderman Deane

No it doesn't.

George Crombie

At stake there and Alderman Deane not to come in and discuss it with us is unfair.

Alderman Deane

Chairman Tollner I would like to respond. The Roby Park ice rink issue – everybody received a phone call but myself so the backdoor politicking that was done on that violated the element of trust with myself as far as I am concerned. That is not a road I chose to go down. That is not a road I chose to go down George. You did. So when you see massive reductions – and then I was given a directive by the Mayor as was Alderman Johnson to send my questions through his office, which is what I did. That is what he wanted me to do so I did that. He replied back to me that he was going to forward them on to you. I take him for his word that is probably what he did.

Chair Tollner

Okay we are not going to go back and forth. I think we talked about communication a little earlier. I am not sure whether any of the endorsers have had an opportunity to talk to Mr. Crombie or Mr. Seymour before submitting legislation. Surely they don't have to do that, but it might be a good idea if they did that. I have been told that we are involved in sensitive negotiations. When somebody asked a questions well what affect would this have – if the federal government right now is considering a new arrangement for the City that would benefit us from a financial perspective and we were to pass this legislation to reduce the sewer user fee at this particular point in time the federal government might look at this and say well maybe they don't need as much aide or flexibility in this arrangement as we were lead to believe. The reason why I made a motion to hold this in committee was that particular situation will take approximately 60 days give or take a month and then when that is done we can decide what we want to do with the legislation. The one thing I would request is if colleagues on this Board have questions that they put their differences aside and sit down with the divisional director and air out any problems that they have. The only way we are going to progress is if we are willing to sit down and have a conversation. I don't care how that conversation goes, but you will not start progress until you sit down and have a conversation.

Alderman Liamos

I appreciate the Chairman's motion to hold and his reasons for motioning to hold. I just would like to make two comments. Perhaps we should be in non-public session so we can discuss this issue among committee members either at this time or in the future. That is what non-public session is for and we should move to do that. The Chair may be privy to information that I as a sitting Alderman of the committee am not privy to. I respect the Chair and his position, but I also feel that as a member of the committee I am dealing with half a deck as opposed to an entire deck. In my respect for you and your position I will support the motion to hold, but at the same time I will ask the Chair that when we take this legislation up either in a public or in a non-public forum that the individuals come prepared to speak and present the data to this governing Board since that is our right and privilege. Thank you.

Chair Tollner

Thank you Alderman Liamos. I just want to make it clear – I don't have any additional information. When this came on the agenda as Chairman I sent a memo out inviting Mr., Seymour, Mr. Crombie, Mr. Fredette, Mrs. Lemieux to the meeting – if we were going to have discussions on what affect this would have and ... tape inaudible ... to the public works department and ask questions on my

own, but no one has provided me any information I did that, and I just don't know if any of the endorsers have had any detailed discussions with Mr. Seymour to ask him what affect this legislation would have at this particular time or did we just put this legislation on the table and say let's start the discussion. I think the reason why, in my opinion and others opinions that are working on this, that we hold this is because this is a very sensitive time period.

Alderman McCarthy

A couple of points – I guess I have to in part echo the Director's comments about working with the departments. On a piece of legislation like this I think we do need to put whatever differences we have aside and do that and I would encourage the sponsors of the legislation to do that. If in fact the problem is that the Mayor has forbidden those people to speak to the Division Director then the Mayor should retract that as well so that can be addressed. I do want to comment that I had specific concerns about the legislation when I saw it regardless of what negotiations may be going on. I guess what I want to see is a long term cost projection for the CSO project and the operation and maintenance of the plant and make sure that the rates that we calculate make sense with respect to the sustained cash flow of the system over time. I suspect at some point we wind up with what is an effectively lower rate in today's dollars because you almost have to given the magnitude of the savings, but I am not sure that I want to – I want to understand why we are changing the rate to what we are changing it to and how that will fit against what the normal inflationary curve would be from this rate or any other rate so that we – I think what we have learned about costs on a public is they don't like surprises. They bare expenses, they hate surprises. If we lower the rate to \$1.22 this year and 6 months from now figure out that it had to be \$1.35 in order sustain a cash flow over the next ten years the fact that it went down by \$.50 will not be remembered, the fact that it went up by \$.10 will so we ought to have a long term model of what the cash flow and system looks like and put a rate structure in place that will match that cash flow before we take any action.

Chair Tollner

I have repeated those same comments over the last couple of days.

Alderman Johnson

I don't mind holding this in committee as we wait for the information, but I agree with what Alderman Deane said. I am one of the Aldermen that cannot ask questions throughout the city anymore by telephone nor by memos and I get no answers back because I am waiting on sensitive information right now about the landfill on issues that have happened up there. I don't have a problem holding this. Maybe this will open up the dialogue that needs to be done to give us information like what Alderman McCarthy said – maybe we need a spreadsheet, maybe we need to see what the cost projections are – I don't have a problem talking with the feds and trying to reduce – any more than can go back to the taxpayers – I remember when the increases came in. At that time I believe it was Alderman Pressley who put the increases in and people were outraged by the increases. I believe it was at that time. I will take it back, but whomever it was these increases went in and people were outraged. Now we are looming --- we did get the rate increase. I will hold this in committee pending all of the information. I agree with Alderman Liamos if we need to go into a non-public session to discuss the strategies and what is going on then let's do it and move past this so we know where we

are going with this because I think it is about time the citizens of this city if we can at all reduce the sewer fees because God only knows what they will get hit with with trash in a couple of years or in a year. They need not to be over-burdened over here.

Alderman Dion

I will support the motion to hold because I think it would be premature on our part to make a decision at the present time. It is also premature to say this, but I was just thinking that if there is some way that we could reduce the rate at some future time providing everything goes well in negotiations maybe that savings if Alderman Deane would consider that would be to try to offset the deficit in solid waste. That is just an idea.

George Crombie

This is a perfect example of an issue that we would be more than willing to come before the Board or a committee and whether it is public or non-public to discuss the issues and discuss the different parameters that we are working in right now. For instance, let's just throw out some of the parameters. Right now based on the consent order that we have before the city if we can't get it renegotiated then we are going to have to look at raising the rate somewhere between \$6 million and \$7 million on an annual basis. That is one. The second issue is if we can re-negotiate it what is that number? We don't know what that number is at this particular time. Once we have that number the third step is to sit down and strategize how much do you bond, how much do you put in escrow, how much would you reduce the rate to put all of those different pieces together. Those are the kinds of things that we are dealing with on a daily basis, and we would love to come before the Board on any of these issues.

The Street and Sidewalk program – I mentioned it earlier. I would love to come and talk about that and explain that to the Board, but we have to have that opportunity to be able to interact and to do it in a way that we can convey it to you in the appropriate fashion.

Chair Tollner

George has the Mayor forwarded to you Alderman Deane's requests?

George Crombie

He has forwarded it and I don't think I can answer that memo the way we are in negotiations right now because things change, dynamics change, and it is the kind of thing that it is a negotiation so it is the kind of thing that I need the ability to come before the committee or whatever it is and explain that.

Chair Tollner

Can you answer any of his questions? I don't know how many there were all together, but ...

George Crombie

Sure, but at this point I have to keep it very broad because now I am doing it – my preference would be to come in at non-public session because that is where I think we are in negotiations.

Chair Tollner

Alderman Rootovich and I will talk to the Mayor to see – I think it would be helpful if you could get together with Alderman Deane, Johnson, Lianos, Cote or any other Alderman that wants just to sit down, get together and have a discussion. I agree with Alderman McCarthy that in this particular piece of legislation whatever preconceived opinions or whatever that we have let's get together and get the – especially the endorsers – the opportunity to sit down with you and have a discussion.

George Crombie

I would love to do that.

Alderman Rootovich

I would suggest instead of just picking certain Aldermen that all of us have the opportunity to attend and have a one night meeting and I guess there is an opportunity to exercise the ordinance that we just passed with respect to the President calling a Committee of the Whole, and I will look for a night that we can do that where Mr. Crombie can come before the Board and lay out both programs I would say – the CSO and the sidewalks and street program and allow members to ask questions at that time.

Chair Tollner

I agree. I just wanted to allow the more intimate group of the endorsers if they wanted to have a pre-meeting and have a discussion.

Alderman Rootovich

My reasoning for that is I don't want to get misinformation. I want everybody to hear the same thing at the same time.

Alderman Nickerson

Technically I am not sure whether it would be a public meeting or a non-public meeting or whether – I believe it would actually be a non-meeting itself because we would be in negotiations. Obviously we would want to check with Legal to see what the proper – negotiations may only allow for contract negotiations.

Alderman McCarthy

It is only consultation with counsel that is a non-meeting.

Alderman Nickerson

There are also contract negotiations.

Alderman McCarthy

Ongoing litigation is things that you – we're typically consulting with counsel about negotiations, but we can hold a non-public session.

Alderman Nickerson

Okay.

Chair Tollner

George, I will just say that Alderman Deane, Johnson, Lamos, Gage, Cote should feel comfortable having a conversation with.

The motion is to hold O-03-173 in committee. Maybe throughout this process George you could provide us with an ongoing update in some fashion to make sure that everybody is informed.

Alderman Lamos

Before we vote on this Mr. Chairman I have just two questions – When is there a timeline when we send out the sewer charged – in other words is it October or November – when do we send these things out – that is the first question.

David Fredette

Quarterly.

Alderman Lamos

The second question is I would like the motion to be stated within the next 60 days that we bring this thing back up to the committee. I don't want this thing to just wallow. The reason I don't want it to wallow is because using our own summary of net assets for the City of Nashua dated June 30th we have total current assets of \$38.9 million and total current liabilities of \$15.9 million. The purpose of the city government is not to be a moneymaking entity. The purpose is to make enough money to balance our expenses. That sir, that Mr. Chairman is why I am one of the co-sponsors of this legislation – not to think that we did this in a vacuum. Thank you.

Chair Tollner

Thank you Alderman Lamos.

Alderman Johnson

What I would like to do is when Mr. Crombie comes before us maybe Mrs. Anderson can give us an update of what that balance will be in that account because if bills are being sent out quarterly more money will be accumulating into that account as we speak as the bills are being sent out and they are collecting on that fee. The amount that is in that annual audit report could be higher, it could be less, but I would like to get kind of a current feel of what is in that account.

Chair Tollner

We will do that. I know that there are some contingent liability figures that financials are not – they don't really mean exactly right George or Rick – I don't want to get into any of the financials, but it doesn't paint the same picture as someone might think – that we have this money -- it is there gaining interest for us to spend – it is a tax to certain commitments that we have in the future right? Is there cash committed to the CSO plan as of right now?

George Crombie

Excuse me?

Chair Tollner

I retract the question. We will forget it and will discuss it when we meet.

Alderman McCarthy

I just want to make it clear for anybody that is watching us that our statement of assets and liabilities talks about liabilities as in monies that are currently due and collectable that we have already expended or encumbered for expenditure. It doesn't take into account potential liabilities as in monies we can be forced to expend. In fact, in this particular case, that number under the terms of our current consent decree runs to over \$100 million so we – under current conditions and without a change in the order we are at a substantial deficit in the amount that we hold in that account versus what its eventual liabilities are.

Alderman Johnson

May I ask one more question please?

Chair Tollner

If it is anything financial we will be talking about it at a ...

Alderman Johnson

I just want to make sure we get the information because what I want to also get is how much we have expended to date so we get a clear picture of that so we can offset what we have, what we

project, and what we are going to need.

Chair Tollner

Can we get a copy of that?

Alderman Lamos

I can view the financial statement as well as anyone else and our total net assets are currently are currently at \$77.4 million and I recognize that also.

Alderman McCarthy

That represents the assets of the system – cash and physical plant and other assets that are non-depreciated.

Chair Tollner

The motion is to hold O-03-173 in committee for a period of sixty days from this date. Does that work for you Alderman Lamos?

Alderman Lamos

Yes it does Mr. Chairman.

AMENDED MOTION BY ALDERMAN TOLLNER TO HOLD O-03-173 IN COMMITTEE FOR A PERIOD OF SIXTY (60) DAYS FROM THIS DATE
MOTION CARRIED

Chair Tollner

Thank you very much for everybody's cooperation on that particular piece of legislation.

O-03-180

Endorser: Alderman-at-Large Fred Britton
Alderman-at-Large David W. Deane
Alderman Paula I. Johnson

PROVIDING FOR PUBLIC COMMUNICATIONS/COMMENT AT MEETINGS OF
STANDING
COMMITTEES OF THE BOARD OF ALDERMEN

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

Alderman Britton had to leave, and asked me to please speak on this for him. The reason this legislation was written was because of the day when we had the school budget meeting and he felt that one of our constituents wanted to get up to speak, but there was really no place in the committee meeting. This is basically why he is asking for this to be done. It is basically probably a formality in doing housecleaning – you allow anybody to speak, but this way it is on the books now and no questions can be asked because there was an issue that day if you remember.

Alderman Deane

I support this piece of legislation. This is something that Alderman Dion has allowed in my time on the Infrastructure Committee he has always asked for public input from anybody in the audience who was there and I think that is the right thing to do.

Alderman McCarthy

I guess I have a problem with memorializing this as an ordinance. It is basically something that the Chairman of each committee does when it is appropriate. If you pass it for example when we need to take a housekeeping measure in one of the committees you can no longer schedule a meeting for 10 minutes before another meeting because you have to allow for a 15 minute comment period in scheduling the meeting. If it is not appropriate to take comments based on what is on the agenda then why subject ourselves to that. I am of the opinion that this ain't broke and we don't need to fix it.

Alderman Nickerson

I agree with Alderman McCarthy. Although I think that getting public comment and so forth is certainly important and in no way by voting against this am I saying that I don't want to hear from the public, however, I think that the quick meetings as Alderman McCarthy had stated I think it really complicates that. It may be true that we may not have had many of those in the past so often, but it still comes up and it will then provide an issue with the way that we do business on this Board. I think that by having the Chair of the committee having the right of determining whether there is to be public comment or not I think that is the appropriate way to go and I think by putting this in our ordinances will hinder us from doing our business. Just by saying that it will hinder us doesn't mean that getting public input is a bad thing. I think it is good, but I think the Chair needs to have that ability to say whether we get it or not.

Alderman Dion

I believe in the Chairman of any committee giving the right to the public to speak at their meeting providing they have the time to do it. That is a practice that I have been using, but I can't see passing an ordinance forcing this. I don't think it is the right thing to do.

Chair Tollner

I agree with both of you. As a matter of fact even if the Chairman doesn't want to the committee

members can make a motion to allow public comment like we did at the school board meeting. I thought that the gentleman had a right after sitting there that long to provide his comments.

Alderman Johnson

I believe it was challenged that day also. This way it would not be challenged where a member from the public can't get up to speak. That is why the piece of legislation was sitting here. I think it is very valuable that people have the right. I will support it. Send it to the full Board and let them debate it whether or not they want it. Let every Chairman of a committee talk about it there.

Chair Tollner

I will vote for it to send it to the full Board for you tonight.

Alderman Johnson

Thank you I appreciate that.

Chair Tollner

I may not vote for it at the full Board, but I will vote for it to get it to the full Board.

MOTION CARRIED

MOTION BY ALDERMAN JOHNSON TO TAKE FROM THE TABLE R-02-71

MOTION CARRIED

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

Alderman Johnson

Just for discussion.

Chair Tollner

Maybe what we will do is make a motion for indefinite postponement and send it to the full Board. What do you think about that?

Alderman Johnson

I don't want you to indefinitely postpone this. I think part of the problems are right now – I mentioned Monday night at the Finance Committee that this has been sitting for a year in committee and we are waiting – I will use Alderman Deane's terminology – we are waiting for the valuable opinion from the Board of Public Works and we haven't gotten anything yet. It has been sitting here for a year. It has not come before them. They have now changed the design of the Broad Street Parkway in the committee – Broad Street Parkway Committee – people are pretty happy with the new design so if the new design comes through what will happen here? You have what the people voted on and yet you have a new design coming through. This piece of legislation really should be getting on the ballot question this year. Maybe the wording needs to be changed to the new design, but you can't put a new design out when you have an old design that was voted by the public. You really are in a catch 22 at this point.

Alderman Rootovich

The design is not approved by the Board of Public Works. It is approved by the New Hampshire DOT. This is a State project with federal funds so there is nothing you would put before the voters until the DOT says it is okay to do the design. That is what is currently in negotiations. I don't know what happened today. I know that the Mayor got called up to Concord to discuss the Broad Street Parkway – there were some meetings that were put together today so I don't know what came out of it, but again it is not approved by the Board of Public Works, the Board of Aldermen – it is a DOT project.

Alderman Johnson

May I just do a follow-up. Mr. Chairman may I ask the President a question?

Chair Tollner

Yes you may Alderman Johnson

Alderman Johnson

Well then this is really confusing to me – then why was it sent to the Board of Public Works for their opinion here?

Chair Tollner

I can answer that for you.

Alderman Johnson

Okay. Somebody is going to answer it because then by rights it shouldn't have been sitting here all this time.

Chair Tollner

When this was sent a year ago there was no design changes that were going to be requested by the DOT so at that particular point in time it did need to be referred or assigned to the Board of Public Works for their comments as well. In the meantime when that committee was set up numerous changes as you discussed earlier have resulted in significant changes to the Broad Street Parkway. Those changes now need to be submitted to the State.

Alderman Johnson

Then this needs to be changed because the reason it is being held – it should be done for purposes of the public – it shouldn't be stated tabled pending additional information from the Board of Public Works – it should be held in committee waiting for DOT's approval. That would be the right way so if anybody picked up this legislation now they could say well why has the Board of Public Works been taking a year to figure this out. It could be told that the real reason is waiting for approval from the DOT. I think that is the way it should be held in committee if that is the reason why then that is the reason that should be stated.

Chair Tollner

You will have both because it also has to go to the Board of Public Works as well. You are waiting for an opinion from the DOT as well as it being assigned to the Board of Public Works.

Alderman Rootovich

I don't want to get into – I am just saying that the change is significant to what the original plan was. Most of those changes are coming forth with constituents who live off Sargents Avenue who live in the Pine Street area as well as the businesses along the way and the construction of the original bridge, which was supposed to be enormous – they are scaling that down. Those are all parts of this project that may or may not be changed. It is just too early to find out which ones will be approved and not approved.

Alderman Johnson

I am saying if the chain of command – if the Board of Public Works really does not have to approve this – because they have no jurisdiction – then the real reason it is sitting now at the committee level is because we are waiting for approval of DOT and that is it. It should be all in DOT's hands at this point in time and that is what it should be.

Chair Tollner

You don't want me to ...

Alderman Johnson

Mr. Crombie is waving.

Chair Tollner

I would prefer to end the discussion because the legislation is not going to come out of committee. We need to wait for the NH DOT to come back with their favorable opinion. We will get the information and then we can work on it in committee. We can have another discussion for 15 or 20 minutes, but we are not going to come out with any different results.

MOTION BY ALDERMAN NICKERSON TO HOLD R-02-71 IN COMMITTEE
MOTION CARRIED

Chair Tollner

Alderman Johnson we will get some information from NH DOT and hopefully we will get that communication out.

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 10:40 p.m.

Alderman Timothy B. Nickerson
Committee Clerk