

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

DECEMBER 8, 2003

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, December 8, 2003 at 7:07 p.m. in the Aldermanic Chamber.

Vice Chair Stephen C. Lamos presided.

Members of the Committee present: Alderman-at-Large James R. Tollner (@ 7:15 pm)
 Alderman-at-Large Paula I. Johnson
 Alderman Timothy B. Nickerson

Members Not in Attendance:
 Alderman Robert A. Dion

Also in Attendance: Alderman Scott A. Cote
 Alderman-at-Large David W. Deane
 Carol Anderson, Chief Financial Officer/Comptroller
 Rick Seymour, Deputy Director, WWTP
 George Crombie, Division Director, Public Works
 Bob Mack, Manager/Welfare Officer, Community Health

Chair Lamos

Tonight we have a number of interviews coming up. I also want to speak to the Chair. I am sure Alderman Tollner is on route, and when he arrives I will relinquish the Chair to him.

INTERVIEWS

Nashua Housing Authority

-
Sr. Sharon Walsh (New Appointment)
273 Lake Street
Nashua, NH 03060

Term to Expire: October 14, 2007

Chair Lamos

If you don't mind please come forward, grab any seat in the very friendly confines here. Welcome. Thank you very much for your willingness to serve. Please if you would give a brief background to the committee as to why you have a desire to serve.

Sister Sharon Walsh

I am the Director of Margarite's Place here in the city. I have worked in housing probably for the last 30 years between Philadelphia and here and different facets of housing. Whatever contribution I can make to the City of Nashua for all that Nashua has done for us at Margarite's Place and MP Housing over the years I am happy to do that.

Chair Liamos

We're very fortunate to have you serving in that capacity. We look forward to you serving in this future capacity with Nashua Housing Authority. Do any committee members have any questions for Sister Walsh?

Alderman Johnson

Could you tell me how you heard about this opening?

Sister Sharon Walsh

I was invited by the Mayor to see if I would be open to serving on the Board, and I said yes I would and submitted my resume to him.

Alderman Johnson

Thank you very much.

Alderman Cote

Sister just knowing your schedule I think it is wonderful that you are willing to give up more of your time to work with members of this community. I thank you for your willingness to serve.

Sister Sharon Walsh

Thank you.

Chair Liamos

I am sure we all echo that. That was about as hard an interview as you will receive here.

Sister Sharon Walsh

This was easier than asking for money from you.

Chair Liamos

We do have a different mindset when it comes to money. Again, thank you very much for your willingness to serve. What the protocol is we will go through a number of the appointments tonight, we will, as a committee, have a vote up or down relative to recommendation for appointment to the full Board, then that will be taken up at the full Board of Aldermen meeting at which time you will then be notified by the Clerk's office as to when you can come down and get sworn in. Thank you very much.

COMMUNICATIONS - None

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

APPOINTMENTS BY THE MAYOR

Child Care Advisory Commission

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

Term to Expire: October 12, 2006

Dorothy Rodriguez (Re-Appointment)
62 Monroe Street
Nashua, NH 03060

Term to Expire: October 13, 2006

Deborah Root (Re-Appointment)
40 Chester Street
Nashua, NH 03064

Term to Expire: October 13, 2006

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE CHILD CARE ADVISORY: KAREN HARRIS FOR A TERM TO EXPIRE OCTOBER 12, 2006, AND DOROTHY RODRIGUEZ AND DEBORAH ROOT FOR TERMS TO EXPIRE OCTOBER 13, 2006
MOTION CARRIED

Historic District Commission

Frank H. Mellen (Re-Appointment)
10 Meade Street
Nashua, NH 03064

Term to Expire: September 30, 2006

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF FRANK H. MELLEN TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE SEPTEMBER 30, 2006
MOTION CARRIED

Nashua Housing Authority

-
Sr. Sharon Walsh (New Appointment)
273 Lake Street
Nashua, NH 03060

Term to Expire: October 14, 2007

Paul Deschenes (Re-Appointment)
57 Tyler Street
Nashua, NH 03060

Term to Expire: October 14, 2008

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE NASHUA HOUSING AUTHORITY: SR. SHARON WALSH FOR A TERM TO EXPIRE OCTOBER 14, 2007 AND PAUL DESCHENES FOR A TERM TO EXPIRE OCTOBER 14, 2008
MOTION CARRIED

Zoning Board of Adjustment

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

Term to Expire: September 11, 2006

Sean W. Duffy (Re-Appointment)
9 Cheyenne Drive
Nashua, NH 03063

Term to Expire: September 11, 2006

Judy Nessett (Re-Appointment)
43 Catalina Lane
Nashua, NH 03064

Term to Expire: September 11, 2006

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE ZONING BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE SEPTEMBER 11, 2006: ALTERNATE JONATHAN CURRIER, AND SEAN W. DUFFY
MOTION CARRIED

*Alderman Liamos stepped down as Chair
Alderman Tollner presided*

Chair Tollner

I would like to apologize for being late. I was driving up from Boston. Judy Nessett has withdrawn her name from consideration. We don't need to discuss that appointment tonight. I got that call from the Mayor's office this afternoon.

Alderman Johnson

Do we know why she withdrew her name?

Chair Tollner

I think she had some business commitments and was trying to juggle her agenda a bit, and decided that she wasn't going to pursue it.

Alderman Johnson

Okay because I was really surprised. I just wanted to praise her a little bit because I was at a Zoning Board meeting a couple of weeks ago and I want to say that she doesn't put up with anybody on a cell phone or anybody talking while those meetings are being conducted. I found her to be very professional in those meetings. When there was a conflict she would step down and recuse herself. I am sorry to see that she withdrew because if I didn't know her style before I realized that night that in that auditorium it was all about business and not about anybody sitting in that room with a cell phone and interrupting the business. I am kind of saddened that she has withdrawn her name. I just want it on the record.

Chair Tollner

All right. Thank you very much.

UNFINISHED BUSINESS – RESOLUTIONS

O-03-217

Endorser: Alderman-at-Large David W. Deane
Alderman-at-Large James R. Tollner
Alderman Kevin E. Gage
Alderman Scott A. Cote
Alderman Timothy B. Nickerson
Alderman-at-Large David Rootovich

AMENDING THE WASTEWATER SYSTEM FUND WITH REGARD TO
IDENTIFYING AND LIMITING THE SCOPE OF WORK AND CALLING FOR
ANNUAL DETAILED SUMMARY REPORTS TO THE BOARD OF ALDERMEN

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chair Tollner

What I would like to do is ask Alderman Deane if he would like to update the committee if he has any information before we invite city staff up.

Alderman Deane

I met with Carol last week. I sent her a follow up e-mail associated with the concerns she had about setting policy first. I felt as though this was policy, and if there were amendments that she would have liked to have made pertaining to the work that might be entailed on her behalf in her department that I was willing to sit down with her, and I didn't hear back from her. I don't know if she was busy or what. I just want to give you a brief history behind this legislation. I just felt as though the contracts I wanted to see a summary of the CSO contracts as well as having them in a timely fashion so that we understood wholly what the scope of work was and what was being done prior to the contracts being submitted to the Infrastructure Committee and with the timeframe, which sometimes they weren't delivered until a Friday afternoon and we would have Finance on a Monday. I wanted to look at getting the contract somewhat summarized so that we understood the scope of work and what work was entailed; the location and what the finished product was along with the cost so that there was a clear understanding of what the finished product was actually going to be.

That is where my concerns lay. I think the other issue is there is no real defined policy on the use of these funds in place. It used to be that the areas that were disturbed that were associated with CSO storm water and sewer separation were to be replaced back to their original state and appropriate repairs made to sidewalks, but anything above and beyond that wasn't to be done with these funds. If you look back at when they signed a mandate they took a lot of the street paving money out because they looked at the amount of work that was being done and they figured that the streets were going to be paved in conjunction with this work. I think you Alderman Tollner could attest to that – they figured they were doing so many miles a year – they were going to take that out of the budget and street paving would be done with these funds because there would be no street left when they got done when they reclaimed it and did the separation work and replaced other utilities. That is why there was probably a drop in the street-paving budget over those few years. That is where I want to just have a defined policy on what we can and can't do with these funds so that we all have the same understanding along with the department of public works. I think Mrs. Anderson is sort of put in the way where she has to make decisions on approving expenditures or allowing proposed contracts to go forward with items in them where I don't think she should be put into that predicament. She has to look at something and justify whether the funds can or can't be used for expenditures for certain items. I would be interested, and I know she had some issues with the accounting end of it. I think for the most part if things were – if the contracts were summarized a little clearer I think it would make it easier for everyone so we would know right off the bat what was being done and what the finished product was. That is what I am looking for.

Chair Tollner

This being probably the last Personnel meeting before the end of the term I would like to see if we could develop some consensus at least at the committee level that we could move forward with. Carol why don't you start first – would you like to add to or respond to Alderman Deane's comments?

Carol Anderson

Just a few comments if I may. One of the things that I was looking at and when Alderman Deane

and I had met is I thought the more I spoke with him that it wasn't so much that there are problems with the legislation as it currently exists but rather that what Alderman Deane and the Board would be looking for would be more along the lines of a contract summary; some detail. It seemed to me that the concern was more as to what was in the contract and what was being paid from that than legislating how the money is expended. My feeling is that all of these contracts come before the Finance Committee and in those contracts it stipulates what the items are. There can be some times that it may be questionable as to whether that is or is not included. We have done our work and we go back to check what the items are that are in those contracts. Other than that I think the problem stems more from the very beginning with the Board members probably having more time to review the contract. We had talked about possibly having it on line so if someone wanted to access it they could review it from that, but if there was a detailed sheet outlining what those specific purchases would be that would be connected with that, and then I know the scope of the work is generally in there. I am certainly no engineer so I don't know if the scope isn't broad enough when it is brought forward or what, but I thought that – when I look at the language as proposed there is some language in there that concerns me as to what would be expected on finances end of it. More specifically when it says clearly identified because I believe from the financial reports that those are clearly identified.

If anyone wanted to see the actual warrant payments that is submitted to us, and that could be made available also, but you are talking about multi-million dollar projects, and when you are saying clearly identified I think everyone has to take into account that there are numerous expenditures that go through. The accounting records would not be able to maintain something to a micro detail like that. It would lose its meaning. I think somewhere along the line we have to figure out what it is that you would like to see and how we can best achieve that without getting too bogged down in too much paperwork.

George Crombie

The issue brought up tonight is the summary of the CSO contracts and scope of work. I think that is a good idea. I think we should be doing that. I have thought a lot about why we sometimes reach the Finance Committee and we have some of these issues arise. I think it has a lot to do with the way the structure of the system is put together. I will lay that out to you, but the Finance Committee is almost the last step in a long process of developing a project. Many times 2-3 years of work has gone into a project before it gets to the Finance Committee where they can see the final product. Before that point we have spent months sometimes years on designs, we have gone to the Public Works Commission, we have gone for regulatory reviews, we have gone to citizen review meetings, we have gone to the Planning Board, we have gone to the Conservation Commission, we have gone for federal review on many of our projects, and basically the last step in the process is the Finance Committee.

At that point, I have seen or watched a lot more questions take place at that meeting that probably should have taken place well up in the process, and maybe it is the Finance Committee or maybe it is the Infrastructure Committee, but maybe there should be a structure within our process where we come before the Board of Aldermen a lot earlier in the process. That right now is not in place. When we come before the Finance Committee there are always a lot of questions and issues, and it really is at the end of the process. I think if we had the opportunity to come in much earlier, which

we would be more than willing to do, it would give us an opportunity to really explain what we are doing, why we are doing it while we are putting it together. A lot of times I will watch the Finance Committee or will listen to some of the comments and will sit there and say to myself I wish we had the opportunity to really sit down and explain what we did or why we did it because there is nothing that we do, and you may not always agree with us, but there is nothing that we do that we haven't thought through and weighed the pros and cons of the things that we are dealing with. I know because of the structure and the way it is set up that is not always getting to the Finance Committee.

I think that whatever process you put in place is that is thought through. There was also mention a defined policy on the use of funds. I would more than endorse that type of policy, but it is the kind of thing that we really ought to think about what that should look like and what we are really trying to gain from that particular process and make sure that those things are in place.

Alderman Liamos

That question is what is the current process that we use in terms of categorizing expenses that come out of this fund versus coming out of the regular operational budget line items. If you could summarize that for me I would appreciate that.

George Crombie

Let's go back to the sewer separation project to begin with. I can remember the day I wasn't here a week and I walked in and read the Consent Order and the first thing that I did when I read the Consent Order then I went to the budget and said how are we going to pay for this and where are they going to get the funds to put it together because I knew that every time that you tear up a road to put drains, to put sewer you are going to have a lot of work and what I was told was well this program is also to fix the streets and sidewalks in the city. I said well where is the money going to come from to fix the streets and sidewalks. I never got an answer. We moved on from there. What we tried to do with that program – the sewer separation program, is number one we knew or we had a very strong feeling that wasn't going to get us the best water quality, number 2 we knew it wasn't the best way to fix the streets and the sidewalks in the city, and that we were doing everything possible to get out of that deal because of those reasons. We would have had to spend in the range of about \$12 million a year on an annual basis to do 5-6 miles of sewer separation on an annual basis. That was frustrating to have to work within that program.

When we came down to South Main Street we actually took some street and sidewalk money and put it in that program because we felt it should have been all paid for from the sewer department. I think way back there should have been a very open debate on how the sewers were going to be separated, the drains, and how the streets and sidewalks were going to be paid for. That is something that quite frankly I walked into. We made the best of it to get through that program and to cut it off as soon as we could. That is basically what happened. How many times did we have that conversation?

Rick Seymour

If I could reiterate some of the things George said there hasn't been a clear definition as far as what was spent for streets, sidewalks, and CSOs. To give credit to George when he came into office he

started delineating what was going to be spent for streets and sidewalks that was appropriate as part of CSO separation. There were times where some of the projects were lumped together. There were probably an exaggeration as far as how much of a street was going to be disrupted that had to be replaced, but it is difficult to go into a project and to delineate very clearly. I think George has done a good job of making sure that the staff is clear as far as the decision making process that they make in delineating between what is CSO and what is operations money or what is definite street or sidewalk money.

George Crombie

You take Sergeant's Avenue project – I wasn't here more than 2 years and we had a heavy rain, we had engineers go back and do the calculations on that particular project and we found that the portions of the drains that had been put on just 2-3 years earlier were not appropriate size. We had to go in and that whole system had to be re-designed. At that point in time, we said what is the best option to capture the money; should we take it down to the Nashua River that was one option we looked at – this is all information that we have that we had our consultants do. Should we take it down to the Nashua River what is the cost for that, should we put underground holding out on Sargent Ave. or somewhere else in that park – what is the cost for that, should we try to tie it into a park system – what is the cost for that. Each one of those options had things that you needed to do in order to do those projects. We chose the park because it was the most cost effective of those three options. I don't think we have ever had the opportunity to really bring that out and discuss that information so that it would be understood what we did. We found that the park option was the most cost effective. When you are looking at the sewer system what is the best for the users – to run sewer pipe or drain pipe all the way down the Nashua River or to try to incorporate it into the park. When you incorporate it into the park you will have certain costs because of where you are developing, but it is still cheaper than what it would have cost you if you had looked at one of the other alternatives.

We have done that in all of the projects that we have tried to put together. I think when you look at the sewer project you have to go back to the basis of the foundation of how that project was developed to begin with. I can tell you the plans and the pieces that needed to be in place to move that project forward just weren't there so what we did was work with what we had until we could get out of it and go to a new plan.

Alderman Lamos

Thank you. Again, I appreciate the history lesson and I also appreciate the work done by the department in the absence of clear direction. What I was looking for and what I am looking for Mr. Chairman is that the department of defense where I have a little bit of familiarity sets up a series of accounts – in other words they set up logistics accounts, they set up accounts for procurement, maintenance, personnel – in each account they bin the money and in accordance with U.S. code what they call priority funding it states that only those funds allocated by the Congress shall be used for the sole purpose as designated by the Congress. Bringing that down to the City of Nashua we have expenses that go to the tax rate that our citizens pay through their taxes and that is through the budget process, we have expenses that are through the sewer users fee, again a separate bin of money, but again something that we are all accountable to the taxpayers. What I was looking for in

this legislation and why I support the legislation was the fact that I was looking to set up I guess that traceability that would allow this Board as well as the public the traceability back through where the costs for specific projects or efforts are located. It is meant strictly as a accountable action for the sole purpose – I am not questioning anybody’s integrity, not questioning anybody’s motives that is not at all it, but it is to question what does a project cost is it a dollar or a dollar and a half or is it 75 cents. It is clear from what we have heard tonight at the committee level that kind of guidance was not present at the time of the original consent order and it appears to be still not present and we are leaving it up to the department heads who have done an exemplary job in the absence of nothing they have gone forward and executed a plan that we all are looking for, but what I am also hearing Mr. Chairman is that the Directors present here are looking for guidance from this policy making board as to how we should designate as the policy making board for the city how we should designate how the funds should be spent out of the various accounts. Not to micro-manage, but to give policy guidance. I believe Mr. Chairman that is my interpretation and that is what I would be looking for us to try to set forth if not by this Board certainly by the incoming board in 2004. Again I applaud the work done to date. I commend them for the work done to date, but by the same token all of the funding that this city raises either through taxes or fees is accountable and we as the policy making board should help set that accounting up. We do that at the budget time to very, very finite line items. We should do the same here in terms of how expenses should be assigned to various categories. Thank you Mr. Chairman and thank you folks for listening.

Alderman Johnson

Boy he is a tough act to follow. I will miss him in the next two weeks. I want to thank Mr. Crombie for giving his overview. I think the information that he gave us was very important to me because I think when you look at the process, and he is right there are a couple of steps that are left out of the process that the Board of Aldermen through the Finance Committee maybe should be brought up to speed sooner on some of the projects versus at the end, and maybes some of these confrontations would never have happened. We are the policy making board and we also control the money in this city and a lot of us look at where every dollar goes.

I have a problem with some of the projects that are going on. I guess it comes back to I didn’t get to go to Anniversary Park when you had the ribbon cutting as I had previous plan that day, but I guess that is what bothers me. You are taking some of the money and then all of a sudden we get picnic tables and I would like to know what is the clarification and definition of CSO funds and what can you actually use them for. I think that is very important to really define what the money can and cannot be used for because I might say a picnic table and certain other amenities is not a proper use for CSO funds. There could be a definition within the federal government or the state that says yes it can be used for amenities for those purposes. I think we need a clear definition. I agree with Alderman Lamos – the projects costs break it all down and let us understand the clear meaning of what those funds can and cannot be used for. Think we can clear up some of these arguments/ miscommunications.

George Crombie

Let me respond to that because I think that is an important point. One of the things that is fundamental is that we allow our engineers to develop, design, and create. That doesn’t mean that

as a policy board that you will agree with that, but they have certain obligations to do that. I will give you an example. Steve Dookran we went over a piece today Professor Schuler who talks about how you integrate into the community an infrastructure project that it must fit with a particular part of a community. You wouldn't put a block building in a neighborhood. You have to put certain amenities. If you were going into a park there would be certain amenities that go along with it. That is what the obligation is of a designer and public works management to bring forward. At that point if the Board says we don't like the picnic tables, we don't like the bridge or we don't want this or that it is fine. We don't have a problem with that. What we have a problem with is when it comes to us after the fact. I think maybe if we spent more time looking at the project or describing the project to the Infrastructure Committee, Finance Committee, or whoever it may be then there would be more of an opportunity to lie out exactly what we were proposing.

Alderman Johnson

I think it is very important and I think that is where you made a very good point Mr. Crombie that maybe you should be coming before us at the beginning versus at the end, and the people who do not even sit on the committee should be given a breakdown too because some of us attend a lot of the Infrastructure and Finance Committee meetings – a lot of us don't. I think every Alderman has to be brought up to speed on the projects – using Anniversary Park why would you put a picnic table in there with CSO funds. Why did the design come out to this?

This might be a little bit off, but I am going to ask Mr. Chairman maybe at the end Mr. Crombie could quickly give the audience an update as far as the roundabout at the south end of town whether or not it is finished and when do we expect it to be finished given the snowfall now, and to make sure that we are still within budget because when things come out of the sequence on when projects are supposed to be done somehow it costs us more money. I guess the other issue here with the CSO projects is when a design fails somewhere and we have to go back and redo – I think Marshall Street might be where we have water in some of the driveways – who then pays to go back and have to correct any of the problems that might arise that weren't there before? I think that is another important piece because it now comes down to sewer user fee money probably being paid to correct a problem that maybe wasn't there before. I think all of these pieces of the puzzle play an important part for all of us to understand. I think it will eliminate maybe some of the headaches; some of the ill feelings so maybe we can all work together in maybe a little bit more harmony versus the past. It is also important because the new Board is coming on, and they will need to be brought up to speed on some of these projects that we have on hand. Thank you very much.

Chair Tollner

I would like to save the roundabout and the driveway discussion for later. I thin one thing I am hearing is communication, communication, and communication.

Alderman Cote

Actually that is what I thought this legislation was all about and why I endorsed it because it is kind of an interesting process, but if the Finance Committee as I am hearing anyway is the last step in the approval process and ultimately the final say in the approval process of contracts that can be

released you would think that would be the group that you would want to focus as much attention on if not more attention on than any other group that presentations have been made to. Interestingly enough and this question has been raised to the Mayor as well he is the Chair of the Finance Committee as well as the Chair of the Board of Public Works, and within the Finance Committee agenda there is an opportunity for discussion items that essentially the Mayor has the ability to determine what those discussion items should be. I am a little surprised I think George at a comment that you had just made that you are a little frustrated with the fact that you find out that there are concerns somewhat at the last minute. I actually think that is a little reversed because I think what is ending up happening is the Finance Committee is finding out generally after the fact that perhaps funds are being spent on a particular project or in a particular way that we didn't necessarily feel or agree that those funds should be spent that way because there is a tremendous pressure on every member of this Board as to how funds are expended. When this Board went through the entire process of establishing and increasing the sewer user fees to the level that they are at it was pretty clear then that the drive behind that was to bring us into compliance with the CSO knowing full well that there were going to be some sidewalks, that there were going to be streets just by nature of the work that you are doing that were going to be torn up, rebuilt, and replaced in that effort, but when you draw into question like what occurred at the park, the response that was provided back to us from the City Attorney was one that suggested well the Planning Board received a plan in front of them that included the amenities such as the picnic tables and the other vegetation that was there and so forth so therefore because the Planning Board approved that as a project of the whole then the expenditures were therefore appropriate to make. I really kind of took a little bit of an issue with that because we essentially laid out to the Planning Board what we felt would be appropriate and then the Planning Board made that approval before the contract actually came before the Finance Committee and we really had the opportunity to comment on whether or not we felt as elected members of this Board that the use of those sewer user fees were appropriate for that sort of use and perhaps those funds should have come from another avenue.

To kind of boil this thing down to something in very simple terms I think it comes down to who has the final say as to how these funds should be spent and have there been questions, not arguments or disagreements or confrontations, but have there been questions raised by members of the Finance Committee or members of the Board as to how those funds should be spent. I think a classic example of that is if you look two more resolutions down 03-266, which was opposing a water resource educational center, I don't think that this Board was afforded the opportunity to really understand what the intent was behind that because I think actually most of us learned about that in the newspaper before we fully comprehended or understood what the long range master plan was and how you wanted to make the program work. I felt that 03-217 was an opportunity to provide that structure that you are suggesting should be in place – the structure that would give you the opportunity to come before us, lay out your plan either under a discussion item for the Finance Committee or have a joint Finance Committee/Board of Public Works meeting, which we have had a number of different joint meetings where you have a major contract coming out that is in excess of several million dollars and is going to involve crossover of funds from several different areas that we get briefed on that well before it happens and not after it happens. I think that is the problem.

George Crombie

I don't think the process is in place. This language is very different I think than what we have been

discussing tonight. The language that is in there now goes well beyond that type of process. The problem Alderman Cote I think that is in place is that you have a Public Works Commission and the way it is set up is that is where the public works staff goes to give a lot of their information on projects and information that we provide them – we provide them with a packet like that, we spend 2-3 hours with them on projects and programs. If we knew that the structure was set up with the Board of Aldermen a structure for good discussion on projects as I indicated we would be more than happy to do that. What we can't deal with is after the fact when we believe we have gone through our list of 12 steps and then somebody goes out there and sees something that they don't particularly like and say well how are you paying for this or how are you doing this. The first question should be is first of all do you have authority to do that and either you do or you don't and the second thing is how did we miss that and what process should we put in place to maybe have more discussion on that particular item. I think that kind of structure is really what needs to happen. I think that would clear up a lot of issues.

We know where every dime that we are spending is. You can go to her books, you can go to our books – we know where every single penny is being spent. I think the question comes down to is a question of policy.

Alderman Cote

If I could finish – I don't think it does. I think it comes down to a question of maybe you know where every dime is going, but I don't think we do. I think that you understand that there is a structure in place, and I think that the structure that is in place now is that the Board of Aldermen is the policy making board of the city, the Board of Aldermen through its Finance Committee is the committee that makes the final decision on all contracts regardless of what your engineers design and regardless of what the Board of Public Works decided. The Finance Committee has the last say on whether contracts are approved or not approved. That should be in my opinion where the focus should be in addition to all the other – I agree that you have substantial obligations with the Board of Public Works and all of those groups to provide them information, but I think that the Board of Aldermen particularly members of the Finance Committee are feeling caught off guard when their constituents ask them why are we using sewer user fees for these particular items, and we sit there and we can't answer the question. I think that is where it is. I feel for you George and I understand the concern that you have about being questioned after the fact, but it is simply because the policy making board within this community does not fully understand what it is that you are doing when those contracts are presented to us.

The contracts are presented to us in such a way that they don't fully explain the intent of what is going on. An example of that is the work that is going on right now at South Main Street. There were some transfers that occurred there that I think certain members of the Board didn't fully understand that. It may have been all well intentioned, but just didn't simply understand what was behind it. When that happens it creates frustration among members of the Board. Although I appreciate your concern I think you really need to flip that in such a way that policy-making board of the city really needs to understand what is happening.

George Crombie

I think that is important because there is no disagreement from us on the issue of who makes policy in the city. It is the Board of Aldermen who makes policy for the city. What we need is a clear line of what that looks like so that we are able to adjust our system to that. The Finance Committee has changed drastically from the time I came to the city until now. Rick can tell you going back he and Carol have a lot more history too. The Finance Committee is very different than it is today. The Finance Committee today gets into a lot more detail than they ever did. I am not saying that is bad, but if the Finance Committee would say we want a presentation before the Finance Committee on your project and you will give us 40 minutes or an hour or whatever it may be we will have the right people here, we can plan for that, and we can lay that out and provide that information. If we don't know that we are trying to judge are they going to take 2 minutes on it, 5 minutes on it, or whatever it may be. It makes all the difference to us what structure you have in place for us to deal with.

Alderman Cote

I guess and I will turn that back on you again, again the Chair of the Finance Committee is the Chair of the Board of Public Works. My question to you is one have you ever had that conversation with him where you can express to him that you have a major contract coming up and knowing that people are concerned about how resources are expended Mr. Mayor is it appropriate for us to come in and make a presentation at the Finance Committee – George your staff does a wonderful job during those Finance Committee meetings. They are always here, the right superintendent has the right answers to the questions, and 95% of the time everything goes through, but when there is a contract of substance and a contract of concern where you know yourself just based on the number of years you have been doing this and the way the Finance Committee currently operates that there may be questions that come up as a result of something wouldn't it be within your best interest to insist that the Mayor provide you that opportunity to make that presentation to the Finance Committee given all of the work that you state that you do with every other committee before that?

George Crombie

I think it would also be helpful if we had a sense of what projects prior to that – hey there is a red flag there or we will really want a lot of information on this particular project. That would help us because I also have to judge how we use our resources. If I know that the Board wants a full presentation it makes all the difference in the world to who is going to come to this meeting and how much time we are going to spend or do we save them for something else. I think Alderman Cote it is a structural issue. It is not a question to us who has authority, it is not a question to us how we watch the money because those are all the kinds of things we are doing. If you look at the things that there have been issues on a lot of them have been after the fact when we have gone through the approval process and somebody said after the fact well how did you do that or where did you get the money for that. We've traced it back and provided the information to the Board. If there is a way to stop that up front I am more than open to do that.

Alderman Cote

My last question would be how can this legislation be amended to accomplish that.

George Crombie

I think that the two comments that were first laid out the issue of summary of CSO contracts and scope of work – to provide that. I think that is an important piece of the framework. The other one is a definition of policy on the use of sewer funds – that be developed. I don't think you can put that into an ordinance until you develop it.

Alderman Cote

I think we can amend this legislation tonight if the Chairman is willing to take out the concerns that Mrs. Anderson has in terms of requiring her to do financial auditing, but require that there be a structure in place to provide that reporting. I think whether that reporting is through the entire full Board of Aldermen or the Finance Committee whichever I think you will be successful. At least then it will be in plan and then if there is any argument or question as to providing you that venue it is then resolved.

Chair Tollner

I don't want to speak for all of the endorsers, but I think the intent of this particular piece of legislation is to address the concerns that both of you brought up. Alderman Cote is concerned that 95% of the effort or the project work or putting them project together is done and then you come to the Finance Committee. To your point George is you are saying that you are willing to do more of that communication up front. I think the intent of the committee work tonight is to try and address both of those areas.

Alderman Deane

I have a couple of – I want to go back to the South Main Street project. When that was originally presented at the Board of Public Works \$465,000 of CSO money was scheduled for those enhancements down there. It wasn't until that was removed and changed and street paving funds were brought forward to be used for the roundabout, the traffic signal, and some of the sidewalks. The curbing at Dartmouth and Hill Street that wasn't part of the original plan \$200,000 worth of curbing that Eric Teitelman stated twice was not part of the design because it had nothing to do with controlling any of the storm water running into the drains and that he had major concerns about water ponding on residents' properties. That is why it wasn't included. I asked the Mayor that night at the Finance Committee meeting – that was brought forward the \$200,000 expenditure for that curbing was brought forward using wastewater user fees. When I thought it was inappropriate I asked the Mayor that question and he said that it was an appropriate use of those funds. At that time I felt as though people were playing politics with the sewer money, which is exactly what was going on. It shouldn't be allowed to happen. The asbestos abatement behind Anniversary Park if that money had to come out of an operating budget believe you me we would be going after that situation and recapturing those funds. To date we have heard nothing. The amenities at Anniversary Park – the place came out beautiful. I took a stroll down there with Alderman Tollner. When I asked a public works engineer in this very Chamber to give a scope of work we were told there were two retention ponds with a raised culvert. That is what we were told. It is in the minutes of the Finance Committee meeting. Not once did she mention picnic tables, park benches, winding

asphalt paths, \$65,000 worth of planting, stone facade bridge. Then the opinion that we got from Dave Connell I thought was absolutely ludicrous telling us that we needed a bridge to drive a vehicle over.

George I commend you for the job you did down there. In fact I was the one that brought the film footage down and gave it to Eric Teitelman that July 6th or whenever it was that it rained. It was unbelievable. Things that were done before were incorrect. I asked then City Engineer, Rudd, to take care of that and because of the problems those people were having up there – it was unbelievable. Every time we got heavy rain it was beyond belief – there were 20” of water going into peoples’ garages. It was crazy.

The water quality education center – that was like the real kicker for me because \$3 million – you renegotiated the Consent Decree, but that was never mentioned to anybody. Then to put it into Mine Falls Park. Nothing was ever said. I just think that is wrong. These are just certain items that I think some of them shouldn’t have been funded with sewer user fees; some of them weren’t funded with sewer user fees such as the South Main Street project. If there was some sort of plan to take \$3 million of wastewater funds to put up a building – if it will be added in the Consent Decree – I talked to that woman down there and she told me that the city wanted to add that.

George Crombie

That is correct, but there is a reason for that. There is a reason for that. Let me talk about the projects that you brought up Alderman Deane. The first one is South Main Street. We had a long discussion. Rick was involved in that, I was involved in that, Eric was involved in that, and we said we can’t use sewer money for all that work. We said the only way we should do that is to take some paving and sidewalk money to finish that project off. If I wanted to be a hero I would have taken that street and sidewalk money and spent it somewhere else in the city and used sewer money there. We had that discussion. We didn’t do that because we believe that it should not come from the sewer system and that we should use street and sidewalk money. We took a real hit on that, but that was the reason we did it.

The second thing is ...

Alderman Deane

Can I just jump in on that? George when that was originally presented to the Board of Public Works it was presented using sewer user fees.

George Crombie

Absolutely.

Alderman Deane

I brought it up at that meeting. You took it back down and then it was brought back in at a later meeting and the funding source was changed.

George Crombie

Alderman Deane we had discussions internally on that back and forth what we were going to do there.

Alderman Deane

Yeah but it was changed after the fact. When you originally presented it you were using sewer funds for the roundabout, for the traffic signal, and for the other sidewalks that weren't there and then the other funds that you came forward with afterwards when you changed it were the street paving dollars.

George Crombie

We had constant discussions on how we were going to use that money and what should and shouldn't be eligible. If you take the sidewalks up on the Sargent Avenue project - the curbing, we were asked for an opinion on that and they said to us why didn't you put it in the project. We said you could put it in the project or you couldn't put it in the project but we couldn't make that recommendation. The residents wanted to have the curbing and it was a recommendation by the residents to the Board of Public Works. The Board of Public Works asked the staff for an opinion and we said we could not give you an opinion up or down and they made a recommendation to put the curbing on. The curbing then went to the Finance Committee for a vote and was voted for by the Finance Committee. You were there. You were part of that.

Alderman Deane

I asked that question. Why wasn't it included in the original design?

... Tape flipped...

George Crombie

The third thing with Sargent Avenue I still think we did the right thing and that was the best deal for the city.

Alderman Deane

I am not saying it wasn't the best deal for the city I am just saying when I sat here and asked Amy for a scope of the work that was being done there she said there were retention ponds and a raised culvert. That is it – that is all there is.

George Crombie

Maybe at that particular point maybe that is what was there, but that design changed as it developed. We brought it to the Planning Board and they asked a number of questions on what we

were going to do and how we were going to address it.

Chair Tollner

What I would like to do is get us back to the legislation at hand. Alderman Nickerson do you have any comments on the legislation?

Alderman Nickerson

Not at the moment.

Chair Tollner

I think what we want to do is any amendments to this legislation we want targeted at making sure that we address the communication mechanism that has resulted in some of these situations. Alderman Cote you have some suggestions. That is wonderful. I want Rick, George, and Carol to feel very comfortable in giving us some feedback because if we are going to improve the communication I want to make sure that everybody is at least for the most part comfortable with what we leave here with and that it addresses the intent of the legislation.

Alderman Cote

Thank you. I think the suggestion I am going to make to resolve some of Carol's concerns based on the two second conversation I just had with her a few moments ago and at the same time will provide a mechanism that I think Public Works can identify themselves how they want to make it work as long as they meet the intent of what is here, which is providing the reporting mechanism. I think if you go under the subparagraph (a) that begins "(a) The wastewater system fund" drop down to the first underlined "clearly identified" and strike that. Then in the same sentence but the next line down is starts off "including" and again it says "clearly identified", strike that. Then down to line 11 where it begins "complete and restore disturbed areas to their original state" and insert "as deemed appropriate by the Board of Public Works and the Board of Aldermen". Then in the last line of that body where public works is stricken add that back in so it would read "approval of the Board of Public Works and Board of Aldermen". I think what that will do is it will provide you the reporting mechanism and it also makes it clear that the responsibility for the flow of this project is now communicated between both the Board of Public Works and the Board of Aldermen.

Chair Tollner

Can I just read that back so everybody understands where we are?

Rick Seymour

There is one line in there that talks about separation of wastewater and storm water related to the storage. It should say treatment too because separation and storage are two of the functions. Treatment, storm water, and wastewater are an important function of the system.

Chair Tollner

So related to storage, treatment, and separation of wastewater or storm water?

Rick Seymour

Yeah.

Chair Tollner

So items related to the storage, treatment, and separation of wastewater or storm water, and conveyance systems.

MOTION BY ALDERMAN NICKERSON TO AMEND O-03-217 IN SUBPARAGRAPH (A) BY STRIKING ON LINES 4 AND 5 THE WORDS "CLEARLY IDENTIFIED", BY ADDING ON LINE 9 AFTER "ITEMS RELATED TO THE STORAGE" THE WORD "TREATMENT", STRIKING THE WORD "OR" AFTER THE WORD "AND", ADDING THE WORDS "AND CONVEYANCE SYSTEMS" AT THE END OF THE SENTENCE, BY STRIKING IN LINE 11 THE WORDS "TO THEIR ORIGINAL STATE" AND ADDING "AS DEEMED APPROPRIATE BY THE BOARD OF PUBLIC WORKS AND THE BOARD OF ALDERMEN", AND BY AMENDING THE LAST SENTENCE TO READ "THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS AND THE BOARD OF ALDERMEN"

ON THE QUESTION

Chair Tollner

That is correct right? Why don't we amend that and then we can move forward.

Alderman Deane

I just want to know how we will come about the policy for these restored disturbed areas. That has to be identified. The Board of Aldermen might have a different theory than the ...

Alderman Cote

We took out to their original state and put in as deemed appropriate by the Board of Public Works and Board of Aldermen with the understanding that the original state may change dramatically in the event of some normal routines of redesigning something, but how will it work I think was the question that Alderman Deane was asking, and it works I think through the reporting process that is outlined within this document that there will be an annual report if you will of what is planned or an updated report as to what is planned for the project and thereby getting buy in if you will from both the Board of Public Works and the Board of Aldermen as to what the projected plan is, but I don't think you can lock yourself into that original state given the nature of the changes that may occur as a result of

putting in a different treatment system.

Alderman Deane

So that allows you to build whatever.

Alderman Cote

It has to be approved by the Board of Public Works and the Board of Aldermen.

Chair Tollner

An example of say picnic benches if that would ever come about, hopefully it won't, but that would have to be approved by both the Board of Public Works and the Board of Aldermen. I think what Alderman Cote is getting at is if there were say 4, 60 year old elm trees in the middle of a roadway and we were expanding and we had to rip that area of the road up that would never go back to its original state, but if we were to make changes putting in a turning lane or whatever it might be or doing something that has to come before the Board of Public Works and the Board of Aldermen.

Carol I want to get your comments because I know you said you had a commitment and had to leave.

Carol Anderson

I apologize for that commitment. I would be very comfortable with the legislation as it is amended here. One of the things I just wanted to be on record I didn't have an opportunity to respond, but when we were talking – I think Alderman Lamos had brought it up, about the expenditures and how they are identified, I think what happens is people don't realize how clearly identified they all are. They are through the budget process and they are also through the financials. I think of all the accounting systems we have reporting mechanisms when you look at wastewater they identify their operations, they identify their capital, and it is in the budget except the capital is a very large number. Two years ago we started with identifying both CSO and the storm water and those are separately identified. I could give you any number of financial reports that I can just print out at any time and show you it will identify even by project. I was showing Alderman Deane the other day like I have French Hill, Canal Street, I have Sargents Ave., I have South Main Street. It shows engineering and the easements and construction. Everything is broken out. I have another report that shows all the purchase orders on there and I can break that out by project; it will show what is left on the purchase order, what has been expended. I just wanted everyone to know that we do have these reports and they are readily available. I think what happens is through the budget process that we go through it is such a lengthy process that by the time we get to the wastewater and solid waste it is at the end of the process and we don't go through it as clearly as we do the other operating budgets, but it is all there and I am sure the staff would be more than glad to respond. People look at this large number and then we move forward, but the information is there for everybody and it is there on a daily basis – it is updated. I wanted everyone to rest assure that it is clearly identified.

Alderman Lamos

Reports of where money is spent I have no question about their accuracy, and that wasn't the intent of my comment earlier this evening. What I was looking for Mr. Chairman and members of the committee is guidelines to provide to the department on how the money should be spent – that guidance is clear in 4 years sitting here that it has been subject to interpretation. We heard tonight from the division director that in the absence of any guidelines they have gone forward and done their own guidelines, and I applaud them for that.

I am well aware of how our money is spent. I am also well aware of the controversy that swirled around the use of CSO funds that I have been privy to as the members of this Board have been privy to discussions over my tenure here where someone will say it came out of CSO well how was that decision made. That Mr. Chairman is what I am looking for this legislation to accomplish is to allow this policy making board, the Board of Aldermen, the opportunity to set the guidance, and we can do that in any number of ways; budget is one of them, but to state how the money is to be spent and for the purposes it is to be spent so that we don't have surprises. I guess the best way to characterize it is surprises. Who determines that picnic benches will be part of the CSO expenditure or not be part of the CSO expenditure? That determination Mr. Chairman should be here, and we owe it to the department as we owe it to our citizens that we are prepared to provide that guidance. Thank you.

Alderman Johnson

He took the words out of my mouth. I think that we all have to have that understanding on what is the appropriate use of the CSO funds. I agree that you have reports, I know you can print them out in a flash, which you are the only department that is willing to print things out in a flash – I hear that it takes hours and hours to print reports, but the money is collected for a specific use and the use is for the CSO. When we again where we brought up the picnic benches – was that the appropriate use? My eyes say no. Is it the appropriate use for a roundabout I don't think that it is. The average taxpayer would never have a clue as to where the money is coming from unless they watch channel 16 and have their money there – sewer user fee money is being spent. They would think it is being used for something that has to do with the sewers. That would be the most logical way to spend the money, but the surprises come down and I think that we really have to have the appropriate guidelines as to how this money will be spent and what it will be spent on.

I just wanted to add one other point. My biggest concern is that we do talk about change orders, but in the change orders if we are going to have any changes in designs are they going to be coming back to us before a year to give us updates? I remember I asked that one other time at a meeting and Alderman Deane was so kind to find my comments regarding another issue and I had asked Mr. Crombie if there is every any changes in any of the designs or the scope of work will you be coming back to the Board of Aldermen and Mr. Crombie had said yes he would. Then somehow they don't come back. I would like to see that in this legislation that if there are any design changes or anything that they would have to come back to us and give us a complete update – not in a year-prior to any reports. I think that is going to be very important because plans can change tomorrow if there is a complete issue of any fault in the design.

Alderman Nickerson

I believe actually the Division of Public Works has been pretty good in coming to the Finance Committee whenever change orders are necessary. That is typically the process whenever there is an additional expenditure or a change in the funds that were tabulated – have come before Finance and discussed that purpose there. I know with Sargent Ave. CSO there have been 4 or 5 of those that somebody has come forward with.

George Crombie

I go back to a process in place – if you think about the public works division there are 200 employees, there is a \$21.2 million operating budget, and we do about \$10 million worth of capital work on an annual basis. On a daily basis there are hundreds of transactions that take place, hundreds that take place in that organization. That organization spends out over \$7,000 an hour is what it averages out to. There are all kinds of decisions. I think the thing that is important to us if there is a process in place where we are able to at certain points in the projects to come forward and say here is where we are, these are the changes we are making, here is where we are going, here is what we are doing. That happens on a constant basis. If we were able to come through with 25% of the projects, 50%, 75% that would be great. We would more than like that, but there has to be order to the process. There really does because it is happening – unless we slow the organization down to a dribble and that is the thing that – I have never said this to this Board

before, but one of the things that I saw when I came here was this organization was just moving too slow for a city of 90,000 people – it just wasn't moving fast enough. I think we have been criticized at some point well you are going too fast, well we have to go faster because if we hadn't we would fail, but that doesn't mean that there aren't ways to communicate in a better way.

Alderman Cote

The change order issue I think has been dealt with pretty well through legislation that I know that Director Crombie and I and Alderman Bolton and others worked on. I think that takes care of it. To address your concerns specifically Alderman Johnson it does say submission of plans and/or change orders shall contain only what is necessary to complete and restore described areas as deemed appropriate by the Board of Public Works and the Board of Aldermen. That covers it.

Alderman Deane

I just wanted to comment on that area too because right now there is the South Main Street CSO where there is a conceptual design that was presented last week at the Sunset Heights Elementary School that Amy did. There is still – they did some soil borings and they are still looking at certain ways to do this with either an upper detention pond and deeper pools, and so what they brought forward to the residents in the area was a conceptual design where there is still two golf course architects working together. They brought forward what is hopefully someday going to be, but it is not totally complete – it is a conceptual so that people down there have a basic understanding of what is going to happen. It wasn't exactly what was on the drawing, but they had a pretty good idea, which is what I would like to see. That is where you have to start. What I want to see is at the end

when the thing is done it will – the expenditures will come forward and then you will have the costing on it and it will come to Finance, and at that point that is where I would like to see a contract summary of this is what is being done and this is the cost. That way it is done. We know there will be 4 ponds and we know X amount of dollars are being spent on whatever and then if you don't read the summaries that are given to you then shame on you for not doing it. For a good part of the time that I sat on Finance those contracts associated with some of these projects were dropped off on like a Friday afternoon and we had Finance on Monday night. It is kind of hard to go through something – a lot of it is boilerplate. I don't want that boiler plate I just want to see a summary of what the job is and go on from there because most of it is just meeting the specifications and criteria of the project and some of the product.

MOTION BY ALDERMAN LIAMOS TO FURTHER AMEND THE LEGISLATION BY ADDING THE WORDS “AND APPROVAL” ON LINE 13 AFTER THE STATEMENT THAT READS “A DETAILED SUMMARY OF THESE PLANS SHALL BE UPDATED YEARLY AND SUBMITTED TO THE BOARD OF ALDERMEN FOR REVIEW.”

ON THE QUESTION

George Crombie

I am not sure how you would be able to do that because the work might already be done or the plans might already be done. I think Alderman Cote covered it when he said as deemed appropriate by the Board of Public Works and the Board of Aldermen. This to me sounds like a detailed summary is basically a summary of what we have done and what was approved.

Alderman Cote

I look at that actually a little bit differently, and I don't see it as that much of a show stopped for you that you might be concerned about. I think what this line is doing for your George is it is putting you in the position to get buy in from the Board of Aldermen as to what your plans are ahead of you at least for the next year with the understanding that those plans three years out that you have today may change, and I think the only thing the Board of Aldermen is asking you to do is just at least come before them at least once a year if not more than that or as your plan evolves just to get the okay before you go ahead and do that. I realize that the park portion of what occurred down at Sargents Avenue kind of came later in the game than what was originally thought of. That would be an opportunity to come before the Board of Aldermen at some point and bring that up to date and get approval.

Chair Tollner

How about this George if your concern is projects that are already started we could put in there a detailed summary of new/revised plans shall be updated yearly and submitted to the Board of Aldermen for review and approval. I don't want to speak for Alderman Liamos, but if a project is already half way down the road and there aren't any changes we're not going to go back and approve that again – that wasn't the intent right?

Alderman Liamos

That is correct Mr. Chairman. I am not looking to tie anyone's hands, but at the same time I am not looking for any surprises either.

Chair Tollner

Right. If we put in there a detailed summary of new or revised plans that is pretty much what you are getting at right?

Alderman Liamos

That is correct Mr. Chairman.

Alderman Cote

I don't really think that is necessary because the preceding paragraph above that really speaks to what it is that is intended to be done so it already speaks to the plans itself. By adding in more of that new or revised plans I think only actually complicates it. You've got a plan now in front of us – you've got a consent order – if the Board of Aldermen agree and approve that consent order on how they are going to execute that or not with a full understanding that annually that plan might change either a new technology or information becomes available or we run into issues associated with funding that they will come before you and provide an update as to that plan if it changes. A great example of that is the Sargent Avenue issue – that evolved over time. It evolved over floods when you learn more about what was going on over there. There was no reason why they couldn't have come before the Board of Aldermen based on the information that they had and updated us even before it went to the Planning Board.

Alderman Liamos

I appreciate my colleague from Ward 9, however, this looks like – I look at this as an opportunity to forward looking in advance of the action taking place as opposed to the action has occurred, here is what we have done, and now you can live with the results. That is why I am looking for the approval process Mr. Chairman so that I guess we do have that opportunity for our input. I don't see this language giving us that opportunity. Thank you.

Chair Tollner

Alderman Liamos your intent is to leave in for review and approval?

Alderman Liamos

That will scratch my itch. I guess we will just wait and see what the committee would like to see. If the committee doesn't want to see that strike it down and let the process go forward.

Alderman Cote

I think what Alderman Lamos has suggested is fine. I think what you don't need to add is new or revised.

Chair Tollner

I will remove that. That is the amendment to the amended version. We haven't even approved the first amendment first.

George Crombie

There needs to be a process to modify that if needed. Let's say we come in with a plan and it changes 4 or 5 months out. We need a process to modify that – a plan.

Alderman Cote

I think there is one and it is the next sentence above that. Submission of plans or change orders shall contain only what is necessary to complete and restore disturbed areas as deemed appropriate by the Board of Public Works and the Board of Aldermen.

George Crombie

What if I come in and say I am putting a screening facility over here in my annual plan and we find lights there and move it over 40 feet and then I come in with that plan and somebody says well you said you were going to put it over here.

Alderman Cote

Change order.

George Crombie

Before we even go to construction.

Alderman Cote

My view of that and I've got 24 days, 2 minutes, and 34 seconds left – my view of that would be that the intent was met. If you replace that screening facility with a major change to the program then that isn't necessarily meeting with the intent. I would assume everybody else would think the same thing. If you change that with a \$3.5 million independent sewer separation facility then I think that might be a bit of a problem, but if you follow the intent I don't think anybody looking at this from a reasonable perspective would have a problem with that.

George Crombie

Okay.

Scott Pollock

Maybe not so much as a screening facility, but we are looking at a unit at the treatment plant and it will be quite a preliminary design and if we come back to the Board every time we make a change in the preliminary design we will be in here every week because there is quite a layer of location, type of system, size of system, how the system integrates, hydraulics, and the like that is very complicated so for us to come in and come in and say this is what we are going to do in the preliminary process 3 months into design when the design process is probably going to last us 2 ½ - 3 years it will really be a difficult thing for us to do. An annual report is nothing more than kind of a mark in time. It will not give you what might have happened 3 months earlier or 6 months later. If we have to come before the Board to update them on situations that is fine. To try to get approval every time we update them on a situation it will be quite difficult. We will be coming in all the time. You get a \$26 million project that we are embarking on that will be extremely complicated. It is not just putting a tank in the ground.

Alderman Cote

That is not what this is intending to do at all. The change order process whether you are involved with the CSO money or you are involved with the general operating funds is clear. If it exceeds a certain level and there is a certain deviation from what was originally planned over a certain dollar amount you have to come back and let somebody know about that. I think you have done a great job so far even through the facility – making presentations to the Board of Aldermen saying this is our design intent, this is what we hope to do, that is not to suggest that if we don't run into inappropriate soil conditions, all of those other things that something may or may not change or we find some other technology to change that. I think what you are intending to do is to do nothing but improve the process so that will happen and you have done a good job updating that before. This isn't specifically saying any change you make you have to come back to us. The change order process is clear on that/.

Scott Pollock

I guess I am confused with the detailed summary – that annual detailed summary. I am not really sure what the purpose of that is.

Alderman Cote

The intent on that is for you to do much like what you do with the capital Improvements Committee, and much of your work is already done because of that – where you come in and you say this is our plan, this is where we currently stand based on the knowledge that we have today understanding that this may change as we go forward either due to construction conditions or technology changes that come forward. That detailed level of summary I think that this Board is looking for. I have an appreciation for this because I sat on Capital Improvements, is what you present to them. That is it. People will then know. If you are planning on doing what you did over on Sargent Avenue and you are planning on building a park let the Board know that is what you are planning on doing and the Board will then have the ability to say great job, move forward, or I have a little bit of a concern about

paying for picnic tables out of the CSO funds. It is as simple as that.

Chair Tollner

We will vote on the amendment.

MOTION FAILED

Chair Tollner

I will go with the original amendment that is on the floor right now.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE AS AMENDED

MOTION CARRIED

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

Chair Tollner

There is legislation that is being held in committee. Would anyone like to take action on anything being held in committee?

MOTION BY ALDERMAN NICKERSON TO TAKE FROM THE TABLE O-03-218

MOTION CARRIED

O-03-218

Endorsers: Alderman Scott A. Cote
Alderman-at-Large David W. Deane
Alderman Brian S. McCarthy
Alderman Timothy B. Nickerson
Alderman-at-Large Paula I. Johnson
Alderman Marc W. Plamondon
Alderman-at-Large Fred Britton

AMENDING THE PORTION OF THE WELFARE GUIDELINES REGARDING RENT PAYMENTS

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Cote

First let me begin by thanking you for holding this at your last meeting. It was kind of a busy time, and I appreciate your holding onto it and giving me the opportunity to come here and speak to it. What I want to do this evening with this is to simplify the process. I know that Mr. Mack is here and perhaps he may want to join you at some point in time to talk a little bit about this. He and I spoke briefly before this meeting and I gave him an indication as to what I wanted to do. He was actually comfortable with that. I do want to step back and tell you that the original presentation that was made to the Legal Department in requesting this legislation was far less complicated than what is before you tonight. I did not want us to get into the whole issue about building code compliance, fire marshal's office nor anything else. My request was simply that if you are going to provide welfare payments that there be some form of verification that the site or building is in compliance with current land use codes. That simple. The other issue about whether or not the building is in compliance with building codes, fire marshals office and everything else may very well be something that the Community Development Division wants to take up next year and I think that is fine let them do that, but I think the intent of the legislation that I have in front of you is different than that.

Here is the amendment that I would ask some of you to consider please. Really all that was added was that lined in portion down the bottom of the paragraph which starts out "To be issued payment": I am suggesting that everything else that is written there be stricken and what be added to that is that "To be issued payment verification must be obtained from the Community Development Division that the building or site complies with land use codes." It is as simple as that. I have left that a little bit ambiguous and I have left it ambiguous on purpose because what I would like is for Mr. Mack and Director Hersh to sort out themselves how they will determine that process will take place. My guess is that Mr. Mack or whomever is working with Mr. Mack will simply make the phone call for any existing or new vendor over there to say hey we've got this condition here does it actually comply with the current land use codes and if they say no I am sorry it is really something else – but allow them the opportunity to determine what process works best for them, but it will ensure that the site is in fact in compliance with land use codes. That is it.

Chair Tollner

Mr. Mack are you comfortable with that?

Bob Mack

I do agree with Alderman Cote that there should be a change to this part of the welfare guidelines and that as simple as possible would be the best alternative. As far as the process as to how the verification would be obtained I do agree that there would have to be some further discussion as to exactly how that might happen. I may make a suggestion that to amend this particular portion of the guidelines to insert a piece rather than adding towards the end of the paragraph there that if you look up to the original sentence to be issued payment the vendor must be on the city's vendor file – I would just make a recommendation if I may that it just further state and the property must be in compliance with current land use control statutes and ordinances. This could be accomplished through a very simple process of requesting some additional information on the rental verification form as well as ongoing communication with the code enforcement office. That is just a suggestion if I may.

Alderman Cote

No problem.

Alderman Lamos

Will the adoption of this language prevent the situation that occurred recently regarding rental payments to that Main Street facility?

Chair Tollner

Yes that is the intent.

MOTION BY ALDERMAN TO AMEND O-03-218 BY STRIKING THE LAST SENTENCE BEGINNING WITH "TO BE ISSUED PAYMENT THE VENDOR MUST ALSO PROVIDE" AND BY ADDING THE WORDS "AND THE PROPERTY MUST BE IN COMPLIANCE WITH CURRENT LAND USE CONTROL STATUTES AND ORDINANCES" AFTER THE SENTENCE "TO BE ISSUED PAYMENT THE VENDOR MUST BE ON THE CITY'S VENDOR LIST"
MOTION CARRIED

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

HELD IN COMMITTEE

Resolutions

R-02-71

Endorser: Alderman-at-Large Paula I. Johnson
SUBMITTING TO THE VOTERS AT REFERENDUM THE QUESTION OF WHETHER
THE CITY SHALL USE ALL AVAILABLE MEANS TO TERMINATE THE BROAD STREET
PARKWAY PROJECT

R-03-266

Endorsers: Alderman-at-Large David W. Deane
Alderman-at-Large James R. Tollner
Alderman-at-Large Paula I. Johnson
Alderman Stephen C. Lamos
Alderman Scott A. Cote
Alderman Kevin E. Gage
Alderman-at-Large Steven A. Bolton
Alderman-at-Large David Rootovich

OPPOSING A WATER RESOURCES EDUCATIONAL CENTER PAID FOR BY SEWER USER FEES AND REQUESTING THAT THE MAYOR INFORM THE EPA OF THE CITY'S WITHDRAWAL OF ANY PROPOSAL TO DEVELOP A WATER RESOURCES EDUCATIONAL CENTER AS PART OF A CONSENT DECREE

Ordinances

O-03-189

Endorser: Alderman-at-Large James R. Tollner
Alderman Marc W. Plamondon

PROHIBITING THE SALE TO OR POSSESSION OF SPRAY PAINT BY A MINOR

O-03-204

Endorser: Alderman Marc W. Plamondon

AMENDING THE LICENSING REQUIREMENTS FOR OPEN AIR CAFÉS THAT ENCUMBER SIDEWALKS

O-03-221

Endorser: Alderman-at-Large Paula I. Johnson
RESTRICTING MAYORAL VEHICLE USE

DISCUSSION

Alderman Liamos

I just want to thank the Chair for entertaining this move of the meeting tonight. I appreciate the Chair's as well as the members' help with that. Thank you.

Alderman Nickerson

I just want to thank all of my fellow committee members for the last two years. It has been a fun ride. There have been some quick and some long meetings, but it has certainly been enjoyable.

Alderman Johnson

I would like to say good-bye to my committee members who will be leaving us. It has been a pleasure working with them over the last two years. This is one of the easiest committees I would say. You don't get that much back and forth movement on numbers. It has been a pleasure. I want to wish them the best of luck. I will miss them.

Alderman Deane

I wanted to make a comment on R-03-266 – Opposing a water resources educational center paid for

by sewer user fees and requesting that the Mayor inform the EPA of the city's withdrawal of any proposal to develop a water resources educational center as part of a consent decree – the Mayor has stated publicly that we will not be using wastewater user fees to fund any of this water quality educational center – that he will search out other funding mechanisms such as grants, and if it stands on its own merit then I wish the people looking for the grant money good luck.

Alderman Johnson

May I pose a question to Alderman Deane?

Chair Tollner

Yes you may.

Alderman Johnson

Alderman Deane this piece of legislation are you just going to let it go and have to re-introduce it maybe next year if anything happens or did you want to pull it off the table for final passage?

Alderman Deane

The Mayor stated that he was not going to use wastewater user fees for a funding mechanism. He sat in that chair over there and said that. He is a man of his word.

Alderman Johnson

I just wanted to make sure that he didn't want to take this from the table and request final passage and let the full Board decide whether or not they wanted to vote on it.

Alderman Deane

We could always do that at the full Board level too right?

Chair Tollner

Right.

Alderman Johnson

I am sure it is going to come around like some of my legislation.

Alderman Deane

We will see what happens. Thank you.

Chair Tollner

I would like to wish Alderman Dion – I know he is at home tonight watching this committee meeting; he is a committee member that wasn't able to attend tonight. He wanted to extend his thanks and best wishes to Alderman Liamos and Alderman Nickerson, as do I. I enjoyed serving the last two years with the committee members. I think we have gotten a lot of stuff done. We have conducted ourselves in an appropriate manner, and I enjoyed serving as Chairman on this committee – Dot Nice as well yes Dot you were here for most of those meetings as well so thank you very much.

ADJOURNMENT

MOTION BY ALDERMAN NICKERSON TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 8:55 p.m.

Alderman Timothy B. Nickerson
Committee Clerk