

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

DECEMBER 20, 2004

A special meeting of the Personnel/Administrative Affairs Committee was held on Monday, December 20, 2004 at 7:00 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Kevin E. Gage, Vice Chair
 Alderman-at-Large Steven A. Bolton
 Alderman-at-Large David Rootovich
 Alderman Richard D. LaRose

Members Not in Attendance:

Also in Attendance: Alderman-at-Large Brian S. McCarthy
 Alderman-at-Large David W. Deane
 Alderman-at-Large Paula I. Johnson
 Alderman David D. Lozeau (7:20 p.m.)
 Timothy Hefferan, Chief of Police
 Thomas A. Maffee, Police Commissioner
 Roger Hatfield, Chief, Nashua Fire Rescue

INTERVIEWS

BPW Retirement System Trustees

Frank Anderson (New Appointment)

Term to Expire: December 31, 2007

Chairman Tollner

Mr. Anderson will be interviewed at our January meeting. I received a phone call today from the Mayor's office – they want Frank to sit down with Carol Anderson, Mr. Fredette, and the Mayor. We will hold that appointment when we come to it.

Ethnic Awareness Committee

Daniel Arellano (New Appointment)

Term to Expire: December 31, 2007

Chairman Tollner

If you would be kind enough to come up here, take a seat, and explain to the committee your interest in serving on the Ethnic Awareness Committee.

Daniel Arellano

I feel that I can bring a lot to the Ethnic Awareness Committee because of my unique background, experience, and abilities. I was born in South America. I immigrated to the States 15 years ago. I had an opportunity to go to Nashua High School. I then went to Rivier College. I have a Bachelor's in Psychology. I have been working in the community as a Case Manager for Community Council and other agencies. In the last year or so I have been starting a new business as a videographer. Right now I have a new business called Granite State Video Productions. I do a lot for weddings, etc. I feel that because of my unique background and my interest in business I will be able to be a liaison between our local government, the business community, and other communities as well.

Chairman Tollner

Are you familiar with how often the committee meets?

-
Daniel Arellano

-
Yes. It could be demanding, but I am willing to do good work. As I said before I have lived in Nashua, I feel proud to be a Nashua resident and there are a lot of things that we can work together to make work more effectively.

Chairman Tollner

Have you had an opportunity to attend an Ethnic Awareness Committee meeting to date?

Daniel Arellano

Yes I did. I attended the previous meeting where we explored the possibility to start the cultural festival, which I would like to get involved with. I think it is a great opportunity for building relationships with the minorities in Nashua.

Alderman Johnson

How did you hear about the opening on the committee?

Daniel Arellano

I was living in Manchester for a little while and heard about the committee, but didn't have the opportunity to get involved. In Manchester I had the opportunity to become Community Access Producer for the Manchester Community Access Channel. Also I became the Vice President for Latino's United, which is a non-profit organization that fundraises money for scholarships for minorities in the state. I have been getting involved in the community. It was in the Manchester community, but now I just moved back to Nashua, and wish to become more active in this community.

-
Alderman Johnson

I don't think he answered my question. How did you hear about the opening on the Ethnic Awareness

Committee?

Daniel Arellano

I met the Vice Chair of the committee at a Hispanic networking meeting and she told me about the opening. We discussed it a little bit and I sent her my resume.

Alderman Rootovich

Based on Mr. Arellano's resume and his background I think he would be a great asset to this particular committee. Good luck in your endeavors.

Daniel Arellano

Thank you.

Chairman Tollner

Are there any further questions or comments? Do you have any questions of us?

Daniel Arellano

I am curious. I don't know if this is the right place to ask this question, but when in the process of planning – we are thinking about thinking about creating – I was wondering about funding for such an event as the cultural festival in the future. I would like to hear if there is some money available for funding.

Chairman Tollner

I think there is some money available from different sources; sponsorships and things like that from some companies. For the most part I don't think a lot of the programs you are thinking about are funded directly by the city. They might be through some volunteers or some corporations. There is support from the city and the different agencies within the city, but as far as the city providing actual funding for those events other than city staff, public works possibly working on some of those...

Daniel Arellano

I am familiar with fundraising money so I know what you are referring to.

Chairman Tollner

What we will do tonight is we will interview I think it is two candidates that are here, then the process will be we will vote on the candidates in committee and then forward those recommendations to the full Board, and then the full Board of Aldermen will vote. The Aldermanic staff will get in touch with you. Thank you very much for your willingness to serve.

Daniel Arellano

Thank you.

Christopher King, Esq. (New Appointment)

Term to Expire: December 31, 2007

Chairman Tollner

If you could state your name and address for the record, and let the committee know why you have an interest in serving on the Ethnic Awareness Committee.

Christopher King, 15 Beasom Street, Nashua

I have lived in Nashua for approximately two years, and my entire background has been very civic minded. My father was a committee man when I was just 6 years old. Ever since then I have been active in community events. I was helping him out and going out to undergrad I was a reporter dealing with City Hall issues all the time, helped with committees there whenever I could. Continuing that I founded a non-profit organization to help out with children at risk. We would discuss the issues of life and the value of education with these at risk students in the City of Cleveland. It was wonderful. Continuing in that vein I currently have a non-profit here in New Hampshire and we have on our board what we will be doing basically is getting money together to get it to students to improve standardized test scores. We will target again at risk youth in the Southern tier of New Hampshire. We are very pleased to have on our board the Director of the New Hampshire Guidance Councilor's Association, Mike Dalton. This is my life. I was a civil rights lawyer forever and am currently the legal chair here in Nashua for the NAACP. This is what I do.

Chairman Tollner

Are you familiar with how often the committee meets?

Christopher King

Absolutely. At a minimum there is the monthly meeting and then the sub-committees do whatever we need to do to effectuate closure on whatever project we are working on.

Chairman Tollner

Are there any questions from committee members?

Alderman Rootovich

Based on his personality and energy level I think he will be a great addition.

Chairman Tollner

Do you have any questions of us?

Christopher King

If you were to name the top two initiatives or areas of concern that you all have for the committee what would you think?

Chairman Tollner

I guess the first one I would have would be open communication and dialogue with the different boards whether it be the Board of Education or the Board of Aldermen and maybe a plan – a one year or two year plan as far as the objectives that the committee would want to work on over the next year or two.

Alderman Rootovich

I was just going to say to continue doing what they are doing now. They are doing a great job. Hopefully it will expand and more people will get involved. I think they are doing a great job.

Chairman Tollner

Thank you for your willingness to serve as well.

Historic District Commission

Timothy S. Glenday, Alternate (New Appointment)

Term to Expire: September 30, 2005

Chairman Tollner

Please state your name and address for the record. Maybe you can take a second and express your interest in serving on the Historic District Commission.

Timothy S. Glenday, 7 Lucier Street, Nashua

I am a native of the city and have tried most of my life to get involved with anything that I can volunteer some time to make my city a better place to live in. In that role of behind the camera I have watched a lot of issues come up in the last few years about either renovations or non-renovations of buildings that have been in the district. I was very interested when there was a plan many years ago to convert the church at the corner of Franklin and Main Street possibly into office buildings. You might recall that was defeated because there were plans to put skylights in that would not have been visible from Main Street, but from the top of Library Hill would have changed the historic look of that building. As other changes came to Railroad Square and Alan Manoian started giving us slides and walking tours of the native city I too became more interested in the fact that I would like to preserve some of the windows and facades and some of the things that we have in the city. I have my own institutional memory of what a lot of this has looked like since the 1950s. It is a committee that I have the time to serve on because unlike some of the very important committees here in the city it does meet just one night a month, which means our other videographer could take over these duties while I was

attending such a committee meeting yet I am available during the day to meet with Carter Falk or some of the staff people here that might want to show me their upcoming plan or proposal that is coming before the Historic District Commission.

By about September I developed an interest in this and I inquired of the Mayor as to whether there were any openings, and he said there was a need on this Board that a couple of seats were either changing or certainly in the last year or two the alternates have had to participate quite a bit in order to have quorums.

I subsequently talked with the current Chairperson of that committee as well as Carter Falk who I see every couple of weeks at ZBA meetings and said what do you think could I help. They all said yes. Therefore I asked the Mayor for his appointment and he kindly agreed to do so.

Chairman Tollner

Are there any questions from committee members?

Alderman Gage

Tim the Mobil station on Concord Street – a number of years ago there was a big deal over there with a canopy they wanted to expand. That went down at the time. What was your feeling regarding that?

Tim Glenday

I didn't think that was necessary at that site. The city has gone through a great deal of conversions of gas stations into where they have become mini-marts as opposed to full time service stations where they have been able to keep the general character of the buildings the way they are. They have modernize the pumps and been able to do things like that, but have been able to take what were previously the bays of the service stations and simply turn them into the stores. I do recall at least the drawings of that being in the Telegraph and it seemed out of character with what is right across the street – the canons and the buildings that have white columns and everything – to me that would have hurt that little corner.

Alderman Gage

Thank you very much.

Chairman Tollner

Are there any further questions or comments? Do you have any questions of us?

Tim Glenday

No. I just have one final comment – I agree with what you were saying at the last full Board of Aldermen meeting Mr. Vice President – for some reason it has become unpopular to say Merry Christmas. I too have heard a discussion about all of these songs being changed so it is about

snow and wind and leaves and for some reason we can't say anything about the old traditional carols so I just want to wish the members of the Personnel/Administrative Affairs Committee if it doesn't get me into hot water Merry Christmas.

Chairman Tollner

Thank you.

—
Hunt Building Board of Trustees

Marilyn Solomon (New Appointment)
December 31, 2005

Term to Expire:

Chairman Tollner

I had received a communication that she is not able to attend tonight. We will take up her appointment at our January meeting as well.

COMMUNICATIONS

From: Jay Minkarah, Economic Development Director
Re: TIF Advisory Board

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

From: Chief Roger Hatfield, Nashua Fire Rescue
Re: Department Vehicles

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

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

From: Mayor Bernard A. Streeter
Re: Action of Personnel/Administrative Affairs Committee At its Meeting of November 29, 2004

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE

ON THE QUESTION

Alderman Bolton

I guess I prefer that we not accept it because it does not end the conversation or it doesn't actually respond to what we needed responded to. I say that for a couple of reasons – apparently the Mayor is unable to find Mr. James Miller's address. Maybe we could ask someone to supply him with that. I know Mr. Miller lives in Ward 1 – either on Columbine or ..

Chairman Tollner

I think it is 15 Columbine.

Alderman Bolton

Maybe that could be communicated to the Mayor as he requests in the letter or in his memo to us. The other thing is the Mayor seems to have agreed with us that the questions raised by Mr. Miller were properly or could properly be answered by the Mayor except that, which is what we wanted to have the Mayor do when we asked him to respond except he doesn't answer the questions. He says he could answer the questions, it would be proper for him to answer the questions, but he doesn't provide us with any answers to the questions. Perhaps we could not accept this, but refer it back to the Mayor with Mr. Miller's address as well as asking that he in fact respond to those questions and let us know his responses.

Perhaps we could not accept this, but refer it back to the Mayor with Mr. Miller's address as well as asking that he in fact respond to those questions and let us know his responses.

Chairman Tollner

Just for the committee's information I did meet with the Mayor maybe the week before last. This one issue did come up because the committee had requested that he attend this meeting. During that meeting he said that he would sit down with Jay Minkarah and ask him to respond to some of the questions and that he would respond to some of the questions. It is dated December 17th. I got it via e-mail this afternoon at 4:15 p.m. If it was on the 17th I think we would have gotten it in our packets. I would like to accept it and if members of the committee have some further questions I can forward them on to the Mayor. I will also send a memo to the Mayor asking him to take another look at our request and to respond with a little more detail to those TIF questions.

Alderman Deane

I would just suggest Alderman Tollner that if you are going to respond to that in the form of an e-mail don't take three days to push the send button if you date your e-mail.

Chairman Tollner

I will try and send that out tomorrow.

Alderman Johnson

I am a little bit confused with the Mayor's recollection and Mr. Hill's recollection on the conversations that went on. One says that they never spoke to him and the Mayor says yes they did. I would like a little more clarification when exactly they sat down with Mr. Hill and who exactly really sat down with him because I saw that meeting last night too. This is kind of confusing. Unfortunately again the Mayor is not here to answer it and it is back on the 17th – I did make a note on it that it was obviously written on the 17th but delivered on the 20th – two different recollections on who met and what conversation was brought up at that point in time.

Chairman Tollner

I did speak with the Mayor and I think actually it was Mr. Minkarah that sat down with Mr. Hill, but I will get some clarification on that as well.

Alderman Johnson

Thank you.

Alderman Bolton

I would also like to point out if I may that the memorandum indicates that a copy if legislation is attached and I got no such copy.

Chairman Tollner

In the Mayor's or Mr. Minkarah's?

Alderman Bolton

The memo from the Mayor. The third paragraph down "I am attaching a copy of that legislation" I don't know if I am the only one, but there is nothing attached to mine so I think maybe that ought to be reflected as well that if we accept this it will appear for all time as if it came with that attachment and it did not.

Chairman Tollner

So the motion is to accept the communication and place it on file with a caveat that I will follow up with the Mayor with another request tomorrow for a little more detail and to get a copy of the legislation. Is there any further discussion on the communication?

MOTION CARRIED

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

APPOINTMENTS BY THE MAYOR

Auditorium Commission

Arthur Olsson (Re-Appointment)

Term to Expire: December 31, 2007

169 Coburn Woods

Nashua, NH 03063

Dennis Schneider (Re-Appointment)

Term to Expire: December 31, 2007

32 Clearview Drive

Nashua, NH 03062

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE AUDITORIUM COMMISSION FOR TERMS TO EXPIRE DECEMBER 31, 2007: ARTHUR OLSSON AND DENNIS SCHNEIDER

MOTION CARRIED

BPW Retirement System Trustees

Frank Anderson (New Appointment)
17 Rancourt Street
Nashua, NH 03064

Term to Expire: December 31, 2007

MOTION BY ALDERMAN TOLLNER TO HOLD THE APPOINTMENT OF FRANK ANDERSON TO THE BPW RETIREMENT SYSTEM TRUSTEES FOR A TERM TO EXPIRE DECEMBER 31, 2007

ON THE QUESTION

Chairman Tollner

I make that motion to hold in committee again with a caveat that I think it will be Alderman Deane, Mr. Fredette, Carol Anderson, and the Mayor are going to sit down with Mr. Frank Anderson prior to our next meeting.

MOTION CARRIED

Ethnic Awareness Committee

Daniel Arellano (New Appointment)
313 Brook Village Road, #3
Nashua, NH 03062

Term to Expire: December 31, 2007

Christopher King, Esq. (New Appointment)
15 Beasom Street
Nashua, NH 03064

Term to Expire: December 31, 2007

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE ETHNIC AWARENESS COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2007: DANIEL ARELLANO AND CHRISTOPHER KING
MOTION CARRIED

Historic District Commission

Randall Wilbert
(Moving from Alternate to Full Member)
51 Concord Street
Nashua, NH 03064

Term to Expire: September 30, 2007

Timothy S. Glenday, Alternate (New Appointment)
7 Lucier Street
Nashua, NH 03064

Term to Expire: September 30, 2005

MOTION BY ALDERMAN GAGE TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE HISTORIC DISTRICT COMMISSION: RANDALL WILBERT FOR A TERM TO EXPIRE SEPTEMBER 30, 2007

AND ALTERNATE TIMOTHY S. GLENDAY FOR A TERM TO EXPIRE SEPTEMBER 30, 2005

MOTION CARRIED

Hunt Building Board of Trustees

Marilyn Solomon (New Appointment)
16 Durham Street
Nashua, NH 03063

Term to Expire: December 31, 2005

MOTION BY ALDERMAN TOLLNER TO HOLD THE APPOINTMENT OF MARILYN SOLOMON TO THE HUNT BUILDING BOARD OF TRUSTEES FOR A TERM TO EXPIRE DECEMBER 31, 2005

MOTION CARRIED

Personnel Advisory Board

Leigh Bodington (New Appointment)
110 Spit Brook Road
Nashua, NH 03060

Term to Expire: June 30, 2005

MOTION BY ALDERMAN BOLTON TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF LEIGH BODINGTON TO THE PERSONNEL ADVISORY BOARD FOR A TERM TO EXPIRE JUNE 30, 2005

MOTION BY ALDERMAN TOLLNER TO HOLD IN COMMITTEE THE APPOINTMENT OF LEIGH BODINGTON TO THE PERSONNEL ADVISORY BOARD

ON THE QUESTION

Chairman Tollner

I have not spoken with the Mayor since the last Board of Aldermen meeting. I am not sure whether the Mayor has had an opportunity first of all to meet him since our last Personnel Committee meeting. I would hope that he wouldn't go before the Board of Aldermen again without having a chance to pass. My motion is to hold the appointment in committee.

Alderman McCarthy

I am wondering what clarification it is you expect to get. What I heard at the full Board was we didn't intend to confirm him because he doesn't live in Nashua. That is not likely to change based on a conversation with the Mayor.

Alderman Rootovich

I would agree with Alderman McCarthy either we vote up or we vote down, but to hold it in committee and keep this gentleman on the hook until we make a decision I think is unfair to him. Let him get on with whatever he has to do.

MOTION WITHDRAWN

Chairman Tollner

The motion on the floor is to approve Leigh Bodington.

MOTION FAILED

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND INDEFINITE POSTPONEMENT OF THE APPOINTMENT OF LEIGH BODINGTON

MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS - None

- UNFINISHED BUSINESS – ORDINANCES – None

- NEW BUSINESS – RESOLUTIONS

R-04-153

Endorser: Alderman Kevin E. Gage

PROPOSING AN AMENDMENT TO THE CITY CHARTER DEFINING THE TERM 'CITIZEN' TO INCLUDE RESIDENCE IN NASHUA WHEREVER IT APPEARS IN THE CHARTER

MOTION BY ALDERMAN GAGE TO RECOMMEND THAT R-04-153 IS NECESSARY AND THAT A PUBLIC HEARING BE SCHEDULED

ON THE QUESTION

Chairman Tollner

What is the date of the public hearing?

Alderman LaRose

January 10th I believe. I think it is the Board of Aldermen that has to set the date not us.

Alderman Bolton

I am just going to ask if the sponsor of the resolution might explain the rationale and if in fact a comprehensive look at the Charter has been done so that we can identify any place where this may change the existing situation and can understand whether it is going to create a problem or not.

Alderman Gage

What I was looking for – what I met with Legal about was we have had some issues regarding do we have people that live in the City of Nashua that apply to these committees or commissions or don't we. We were talking about it and looking through the Charter and I said well what is your definition of the word citizen then when it says in something you must be a citizen to be a member of this committee. We

looked at it and there are two definitions of citizens – citizen of a country or citizen of a city or state could be defined. What I wanted to do was define that word citizen in the Charter when it comes up to you must be a citizen to be a member of this particular committee or whatever as being a citizen of the City of Nashua or resident of Nashua with certain exceptions to a city employee like say Director Russakow who lives in Massachusetts. He is a member of a certain committee or if he needs to be a member of a certain committee – he does live in Massachusetts but he is a city employee. I would like to have that amended so that if you are a city employee you would come under this in the Charter so that you can be a committee member of something if you understand what I am trying to get at Alderman Bolton.

Alderman Bolton

Are you only speaking about committees that are defined and identified in the City Charter or are you trying to somehow impact for example the TIF Advisory Board that we had some brief discussion and communication on earlier tonight? That is created by Ordinance rather than by Charter so how would changing the definition in the Charter impact that or does it matter if it does?

Alderman Gage

I am not looking at necessarily any of the current pieces. I was just looking at the Charter perse so that when the Charter speaks of a citizen it is defined as talking about a citizen of Nashua and then we get into some future date of looking at different things that come under the ordinances then that is a different issue.

Alderman Bolton

Other than elected positions, which already require residency in the City of Nashua, what boards or commissions are mentioned in the Charter that this would impact?

Alderman Gage

None that I am aware of, but what I was looking at was just defining the term citizen so that the Charter is just defined that way.

Alderman Bolton

Wouldn't it be good to try and make us all aware of it or – shouldn't someone look at the Charter and determine whether this makes some difference or no difference?

Alderman Gage

We can do that and I will ...

AMENDED MOTION BY ALDERMAN GAGE TO HOLD R-04-153 IN COMMITTEE

ON THE QUESTION

Chairman Tollner

Between now and maybe the next meeting you can touch base with Corporation Counsel and get a list of

those committees that might apply to the Charter and some of those committees that you may have a concern with?

Alderman Gage

That is fine. Thank you.

Alderman McCarthy

I want to ask a follow up to that and perhaps Alderman Bolton knows the answer to – there is one committee I am aware of that is defined in the Charter, which is the Planning Board, however, the language that is in the Charter in the Planning Board simply mimics the language that is in RSA 674, which establishes planning boards for cities slightly differently but in a compatible way – can we change the definition that is used in 674 or are we preempted from ...

Alderman Bolton

This is one of these things that there is no real good answer to and I will tell you why. Up until the 1960s Charters in municipalities in New Hampshire were created by acts of the legislature. Then there were amendments to the State Constitution, which provided that you had to have a referendum in the affected municipality if you were going to change any provision of the Charter and then there came to be the authorization for an actual – the enabling legislation to allow communities to adopt their own charters and their own form of government within the community. Back when the State Legislature did it all it was crystal clear that a municipality's Charter could deviate from the general law of the State so the State Legislature passed a general act about planning boards and defined how a planning board would be constituted, then adopts a special act which created a charter for a community and provided something special for that community. It was clear that was fine. The legislature in being more specific about the City of Nashua could deviate from the general requirement. It was the same body with all of the powers to do that.

The Legislature having done that now charters being amendable by local actions would seem reasonable to say that the provision being in a Charter and the enabling legislation existing to allow it to be amended we could do that. There is however some law which one Supreme Court case at least which says that the authority conferred upon municipalities to adopt Charters, which provide for forms of government and specific means of governing themselves is limited to choosing from among the available forms of government; Mayor and Alderman, Town Manager and Town Council, City Manager and City Council and there are about 4-6 different options that can be taken, and then the applicable provisions that enable some municipality to operate under that form.

It may be that the Supreme Court of New Hampshire if faced with the question would look at it and say the operation of the Planning Board is governed by State Statutes and is outside of that limited authority to determine and provide for appropriate provisions to enact a form of local government. On the other hand I think it is equally likely that the Supreme Court looks and says the Planning Board provisions adopted by the Legislature in the past were valid when they were adopted, continue to be valid today, and now that Nashua has the right through a Referendum of its citizens to adopt provisions can make modifications to that as long as they are not completely at odds with the purposes that the Legislature is attempting to further in having planning enabling legislation in the State as a whole.

All of that is a long way to say that this is a gray area in the law that there has not been a lot of decision on.

Alderman McCarthy

Another area where I have a question, which is basically on unintended consequences – the exclusion for municipal employees to make them not subject to that provision – my recollection is that compensated members of boards and committees with the exception of people who are elected to office are in fact considered employees of the municipality by law. Basically a person who was appointed to the Planning Board prior to their appointment would not be eligible were they not a citizen of Nashua, but in fact after being appointed would be eligible to hold that position because they are now an employee of the municipality and not subject to the provisions.

Chairman Tollner

I know that if you are a member of a board and you are considered an employee you are still not eligible for benefits. I am not sure whether you get characterized as an employee, but that is something that maybe Alderman Gage you could check. It is a good point to bring up. Is there any further discussion on this one? The motion is to hold.

MOTION CARRIED

R-04-155

Endorser: Alderman Kevin E. Gage

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE APPOINTMENT OF THE MAYOR'S ADMINISTRATIVE ASSISTANT

MOTION BY ALDERMAN GAGE TO RECOMMEND THAT R-04-155 IS NECESSARY AND THAT A PUBLIC HEARING BE SCHEDULED

ON THE QUESTION

Alderman Gage

I was just thinking when I first came on the Board we had a discussion regarding the Administrative Assistant to the Mayor when this current administration first came in office. I didn't like the process. To me I felt that whether you are the President of the United States, the Governor of the State of New Hampshire or the Mayor of the City of Nashua your basic chief of staff should be somebody that you should feel comfortable with working with, you feel can do the job, and I think that is how it is done in most levels of government that I can see being federal and state. I certainly think that future Mayors should have that option to step into it.

Alderman Bolton has been in a Mayoral race at least on one occasion. I don't know how he feels about it, but I would think and I would hope that he would want to have somebody that he felt he could place who he wanted in that position. That is just me asking a question.

Chairman Tollner

To clarify for the public that may be watching – the result of these changes basically in a nutshell would be that the Mayor shall appoint an Administrative Assistant and this legislation that would be put before the voters would eliminate the requirement that the Mayor nominate it and that the Board of Aldermen confirm that individual. What I would like to do is first of all before we go any further is to amend R-04-155.

MOTION BY ALDERMAN TOLLNER TO AMEND R-04-155 IN SECTION 45 UNDER MAYOR GENERAL DUTIES ADMINISTRATIVE ASSISTANT COMPENSATION WHEREVER IT IS STATED AS “HE” TO STATE “HE/SHE”

ON THE QUESTION

Alderman Johnson

I am not 100% happy with this because although I did run for Mayor too – it could be a he/she eventually. I think there should be a process – I don't think that it should have happened like what happened the first time and then an attack. I think questions should be asked of people who are going to be serving underneath the Mayor. There needs to be a process – not an attack process, but there needs to be a check and balance. I think what happened the first time was there was an attack on the person's credibility. There is a way of asking questions and then there is another way of asking questions. I think there still needs to be a check and balance that the Aldermen should be able to sit and ask questions of people that will be working in that office that we will be working closely with and to make sure that they are even qualified to work in the office. Anybody can appoint anybody to anything that doesn't mean that they are qualified. I am not 100% that this is the right way to go. Thank you.

Alderman McCarthy

I guess I am pretty much convinced the other way. If I go and look at these positions as we are trying to look at them elsewhere let's take a look at the Chief of Staff in the White House. This is the person who runs the country on a daily basis. This is the person who one must go through to even have a conversation with the President about issues that are important. This is the person to whom Cabinet Secretaries ask their daily questions about how things should work. If you scale that down back again to this neighborhood, what will happen if the Chief of Staff in this building is someone that 8 members of the Board of Aldermen do not believe they can possibly get along with? Is it really going to change anything or is it simply going to move the fight from the one we have at the beginning of the administration to one that would be perpetual throughout the course of the term? Not that we live in a situation where we ever have a confrontational arrangement with the Mayor's office, but I can just see where we would get a case where someone that the Board found totally unacceptable was put into that position and all that happened was we fought tooth and nail day after day after day.

It is much better in this particular political environment to keep that same level of scrutiny that we have now even though it may not produce results that we are proud of every once in a while and make sure that we get those things in place at the beginning of the term.

Alderman Rootovich

Although I agree with some of the dialogue that Alderman McCarthy has stated I am not sure that is the same in all administrations. I don't think that happened during the Davidson administration and clearly it didn't happen during the Wagner administration. There are other positions in that office that are clearly

just as important to some extent. You look at the individual who goes to Concord who is the Business Liaison in that office I think that position is a critical role as well and gives the Mayor advice on how to respond to issues in Concord and with the business community. I guess from my perspective it is that the individual that is elected as Mayor should be able to select his own staff as long as that individual is qualified. I have no doubt that the Mayor wouldn't want to hire anybody that isn't qualified for the position. Again he should be able to select whomever he wants.

Alderman Deane

I kind of look at it like this – we set the policy from the legislative side and the executive branch is to implement the policy. If the Mayor chooses somebody to serve in this position and the outcome of that person's actions are not what was expected by this Board or by the citizens themselves, by the type of service of job that they perform in that capacity then the citizens can do as has been stated in this room so many times – if you don't like it vote them out. I think – I wasn't here when the last course of actions went on with the disagreement on who was going to serve in that position, but I have read the minutes on it – it just seems like as Alderman McCarthy said you can sit there and scrutinize people, but in the long run the selection and the performance of that person and the outcome of that performance will be quite noticeable by the actions taken and by what is brought back in return of their job performance.

Alderman McCarthy

I guess I think the reason that we haven't had that happen before is that typically the nominees that are sent to this Board are just fine and the Board approves them overwhelmingly. I guess one of the questions I would ask and the line of logic we are on is well the Mayor should be able to select whoever he wants to work with and if that person doesn't work out right then the voters can fix that at the next Mayoral election. Why does that line of logic apply to every appointment the Mayor gets to make? If the Mayor wants to work with a particular person as a member of the Child Care Advisory Commission or the Planning Board or the Zoning Board or the Personnel Advisory Board why do we scrutinize those nominations at all and the answer is pretty simple because a tremendous amount of damage can be done in a fairly short period of time if someone whose decisions on a day to day basis will differ from this Board on policy. It is very difficult, as we have seen in the past to fix those things. Once the genie is out of the bottle it is very tough to stuff it back in.

I guess I would advise us to think very carefully about that. If people want to make sure that the Mayor's appointments are given the benefit of the doubt they should do that when those nominations come before this committee.

Alderman Bolton

Let me begin by saying this probably doesn't matter very much and the reason I say that is that having been involved in city government now for over 20 years working with 6 different Mayors, there has only been one occasion where the confirmation process of the Mayor's Administrative Assistant even bordered on being controversial. In every other case including the two different administrative assistants that the current Mayor has at different times proposed or has had those as well as all of the others went sailing right through without a hint of controversy. The one time there was any controversy I would really say the controversy stemmed not from the appointment of the individual but from some other things that were happening or there was a desire to have happen simultaneously. One was that the Mayor's intention was to create a new position in his office of legal counsel to the Mayor and have one individual serve as both

Administrative Assistant and legal counsel and be paid accordingly. The Board of Aldermen took some issue with that and that became somewhat controversial. As well the individual appointed initially refused to submit a resume or appear before the Personnel/Administrative Affairs Committee. That eventually happened, but the individual did not – I would say some members of the Board of Aldermen did not think that the individual involved exhibited an appreciation for the equal branch of government that the Board of Aldermen is as well as that individual made a vulgar gesture to a member of the Board of Education further demonstrating an indication that life would not necessarily be harmonious. Even at that point, it was not clear that the individual would not be confirmed. In fact it never came to a vote as the person moved on to other things and pursued other interests. In every other case, it has got to be in terms of numbers – ten or a dozen different appointments to this office of Administrative Assistant there hasn't been any controversy at all. That is why I say it probably doesn't make a lot of difference.

As a general proposition I would say that yeah if it is anywhere near a close call the Mayor should have the right to have his office staffed by people that he chooses and is comfortable with and the Board of Aldermen would be well advised not to interfere with that. Only in cases of severe difficulty exhibited by a complete lack of qualification or disposition to act in a collegial way with the Board of Aldermen should that change. In fact I think that has been our experience in this city and I am sure it is not only the 20 some odd years that I have been involved I am sure it goes back even further than that. I guess on the whole I come down with the old proposition that if it is not broke you shouldn't be fixing it. We may be best to leave this one alone.

Chairman Tollner

I agree with pretty much everything that everyone said tonight. You are right I think we haven't had many issues with this over the last few terms at least that I have been involved as a member of the Board of Aldermen, however, I do think that I feel the Mayor should have the opportunity to choose the individual that will be your Administrative Assistant. It hasn't been an issue as some of you have said in the last 12 years that I know maybe with the exception of one time. I do think that if you have been elected Mayor you should have a very flexible right to appoint your Administrative Assistant. As some other people have said tonight if that person over the course of time shows themselves unable to handle it there are ways that the Board of Aldermen can deal with it.

There was a term where some members of this Board of Aldermen didn't get the respect from the Administrative Assistant so there were ways of going around that Administrative Assistant right to the Mayor. I think everybody is accountable whether you are the Administrative Assistant, the Mayor, administrative person at the front desk, the Business Liaison or any other department head in the city. I do think though that it is a little different than these people that we appoint to committees only because these committees are made up of citizens that are introduced to the Mayor and the Board of Aldermen and they have – hopefully most of them come with a background that lend themselves to those committees and they also have a term that expires.

You are right I am not sure that I would write this legislation because I don't think there is a major problem right now, but at the same time I do think that the Mayor should be able to pick whoever he or she would like in their office. Down the road if this Board of Aldermen has a problem with it then we deal with it.

Alderman Lozeau

Can the Mayor dismiss his Administrative Assistant without approval of the Board of Aldermen?

Chairman Tollner

Yes.

Alderman Lozeau

Thank you.

Alderman Rootovich

I just want to address a comment that Alderman McCarthy had made, and I do respect his comments, but the first administration we served under did not use that position as a true “Administrative Assistant” or “Chief of Staff”. His guidance and his council – the things that a normal administrative assistant would do were given to another division director on a daily basis. It was more or less a glorified whatever. The Mayor can choose to use that position any way he likes not necessarily what we would consider an administrative assistant.

Chairman Tollner

Is there any further discussion? The motion is to recommend that it is necessary and to schedule a public hearing.

MOTION CARRIED

R-04-156

Endorser: Alderman Kevin E. Gage
Alderman Marc W. Plamondon
Alderman Robert A. Dion

SUBMITTING TO THE VOTERS AT THE NEXT MUNICIPAL ELECTION THE QUESTION OF WHETHER TO CHANGE FROM A POLICE COMMISSION APPOINTED BY THE GOVERNOR AND COUNCIL TO A POLICE COMMISSION APPOINTED BY THE MAYOR AND BOARD OF ALDERMEN

MOTION BY ALDERMAN GAGE TO RECOMMEND THAT R-04-156 IS NECESSARY AND THAT A PUBLIC HEARING BE SCHEDULED

ON THE QUESTION

Alderman Gage

I thought about this during the process that we have all at least I paid attention to watching up in Concord with a lot of appointments recently from Judges to our Police Commission. I just think it is ... tape flipped ... to have the appointments created or appointed from folks living or that are up in Concord. I think this originally was taken by the State due to the fact that there were a lot of communities that it was felt were so corrupt that they couldn't do these things in that fashion. Corruption in those communities including Manchester and Nashua were so bad that the State had to do this – came up with this process. They did put in the RSA the ability to take it back to the communities. I think it is almost 100 years ago that this was done. I think we are certainly in a position where we are not I don't think in the same atmosphere as was reported in the newspapers and such during the time that this occurred. Several of

the communities that were on that list have taken back the appointments of their police commission and I don't think there has been a large hooah over any of those situations so far including the City of Manchester.

I know there is concern regarding the ability of our police department to investigate members of this Board or administration perse if something had to come up and they had to start to look into it - somebody brought their attention to something and they had to look into it. I think if the local police department finds something that they feel is starting to become a criminal issue or whatever the case and they are going to be uncomfortable doing that there are other avenues for the police department to go to whether that is asking the state police to come in and take the investigation or another agency.

I don't see it at least in the time that I have been on the Board the members that I have seen come and go from this Board in the last 5 years to be in a position where I would ever look at this Board as being corrupt. I at least would like to see this go to the voters and have the voters talk about it, discuss it, and make that decision. Thank you.

Chairman Tollner

What is the opinion of the committee? Would we like to provide some comments? I know the Chief is here, our Commissioner is here ...

Alderman Rootovich

I think you would allow some input from our distinguished colleagues in the audience on this particular piece of legislation.

Chairman Tollner

Do any of the Chiefs wish to come forward or the Police Commissioner that is here?

Timothy Hefferan

I would like to preface my remarks by first suggesting I in no way mean to suggest that the position that I have taken should suggest that I question the integrity or the ethics of the Board of Aldermen or the administration of the City. However, it is my belief that when you become involved in local politics it sometimes becomes a natural progression where politics sometimes become intertwined with the business of policing. I believe that I want what I believe the Board of Aldermen want and the residents want and that is a fair, impartial, and effective administration of justice. I have some remarks here prepared, but I guess I will start with what Alderman Gage just referred to. I can't let that go. The very fact that you are suggesting that we would have to go to the State Police in and of itself suggests to me that there would be concern about the legislation that you have proposed.

Currently we don't have to go to the State Police and if that is an alternative in order to make this work it doesn't seem to make much sense to me. We don't have to go to an outside authority. We have that autonomy and we feel confident that we are able to effectively and impartially investigate when we are called upon to do that. I witnessed first hand the nature of this scenario when I investigated the Aldermen back in 1993, and I was aware first hand at that time during the course of that investigation that several sources that made allegations and complaints against myself and my partner and once I learned the

actual sources it was immediately apparent to me as to their motivation and it was one to derail and somehow misdirect our investigation. I would submit to you I am confident today as I was when I testified about this issue in '93 that had they succeeded we would not have been as thorough and the investigation would have been curtailed long before we ended up with three different individuals being sent to federal prison.

On top of that, I spoke to Alderman Gage on Thursday about this and as he alluded to a few moments ago he suggested that this was an incident involving the Aldermen where it came about very very infrequently and I think he said to me the other day the scenario I just described occurred once in a hundred years. I would turn that back to Alderman Gage and suggest the scenario with the Governor and the objections over these appointments to my knowledge may have occurred once in a hundred years. The argument appears to be mute. I don't know if there has been wide spread objection to these types of appointments in the past. It appears that there was one series of judicial and a police commission appointment or nomination that have prompted this. We investigated then Mayor Davidson back in the '90s. I investigated him and I would like to say that I was able to do it impartially, fairly, and regardless of the outcome, I never for a moment was concerned about not my job, but any influence outside the department nor was I concerned about any adverse affect it may have on my career any ascension in the department that I may have moving up the ladder because of whatever the outcome of that.

We investigated Mayor Streeter this past year. We also investigated Mayor Davidson's son involving Mr. Teeboom back in the 90's and were able to do that without any fear of reprisals or interference. I have also had calls from Aldermen, from administrators in the past with respect to candidates that were applicants for police positions. What was nice is that I was able to make the judgments on who should be hired based on substance and not based on any other type of influence. In fact I can say that ahs become a significant recruiting tool for us, and I say that because most of our applicants come from Massachusetts and most of them when asked by me directly why they are applying to New Hampshire they talk about the way things work in Massachusetts and that if you don't have influence you rarely get a position. I can tell you I came here in '79 for those very same reasons from Massachusetts.

We are accredited as you all know and pay \$10,000 in order to go through that process every three years. What it is is a national board that describes and identifies what types of standards law enforcement should have in order to ensure that we are professional and that we maintain the integrity. We have 445 standards that we have to subscribe to. Every three years we have to attend a conference somewhere in the country in order to receive that award and get re-accredited. What it consists of is between 350-500 departments from around the country that convene in an area. In 2001 we responded to Greensboro, NC and during that process we appeared before the Board of Commissioners for the accreditation and we answer any questions and comments they may have. Again this is the board that we are trying to impress. This is the board that we pay money to go before and to have reaffirm to us that we are professionals.

During the course of that process, they made comments in front of many departments among other things about the agency's accomplishments, but one thing they did signify and I am paraphrasing – I certainly three years later don't recall the exact conversation, but they recognized the outstanding protocol that the Nashua Police Department has for putting police commissioners in place. They said it was rare in the country and that it was impressive to have this type of a structure. There were many in the room – they were referring to other agencies across the country that would love to have such a scenario. They said that they were more impressed with the fact that we have been able to keep that structure for so long.

Certainly as I said these people are in the business of establishing and recognizing professional standards and they were struck by the process that we have because they recognize that it removed any suggestions or home rule. In closing, I would ask that you carefully consider the process that has been put in place. It was put in place as Alderman Gage correctly testified to because there as corruption. I am not aware of any corruption in this department nor am I aware of any significant political influence that would suggest that there needs to be a reversal from what has worked now for 100 years. Thank you.

Thomas Maffee

I have to agree 155% with Chief Hefferan. Last week I did have a conversation with Alderman Gage and he knows my feelings on this – how I stand. I think Chief Hefferan put the nail in the coffin in Saturday's paper with everything he came out with and he did finish it up tonight. I would like to see this Board vote this down and let us stay with the State and we will continue to do a good job for the City of Nashua. Thank you.

Alderman LaRose

With all due respect to Alderman Gage from Ward 3, I think that this legislation is a reactionary type of legislation on how the last – the recent appointment of a new police commissioner. We may not agree on how it happened and why it happened, but it did happen. This Board is not immune to doing the same thing. If the Mayor has the right to appoint a Police Commissioner and we have to confirm him we are not immune to what happened in Concord a few weeks ago. I think that the system works well. It is a one-time happening. I don't expect it to happen again in our lifetime. The system is not broken. It works fine. I see no reason why we should be changing it. Thank you.

Alderman Rootovich

I also agree with Alderman LaRose. If there is any division in the city that must remain absolutely independent without any local political influence at all it is the police department. Other than the last appointment it has worked very well for 100 years and I would support leaving it the way it is. I will not support this as we go forward.

Alderman McCarthy

First a couple of questions to the Chief through the Chair if I might. Chief I was actually reading the articles in the Telegraph over the weekend. I hadn't thought about the number of investigations that had actually taken place in recent years that would possibly be compromised by changing that, but I was also when I looked at the ones that were there where the results had become public I know for example that last year one of your detectives and a representative from the Attorney General's Office investigated a complaint that was brought forward allegedly against perhaps myself and other members of this Board and the Board of Education regarding the building of the High School where your department concluded that there was no cause for action on the part of the department. That was not in the list that was in the Telegraph. I guess my first question is how many investigations have taken place where in the end the department decided that there was no basis to continue and that as a result those things never became public and known?

Timothy Hefferan

I don't have an exact number in answer to your question, but there have been a majority that no action was taken and someone was exonerated as a result of that inquiry – clearly the majority.

Alderman McCarthy

There are a substantial number of investigations of which we and the public may not in fact be aware where no wrongdoing was found in the end?

Timothy Hefferan

Yes sir that is correct.

Alderman McCarthy

Secondly and this one is a harder question to ask and I suspect an even harder one to answer – maybe I watch too much TV, but occasionally people will be granted immunity in investigations in return for cooperation. Have we ever had investigations where that has happened with respect to this Board where either your department or someone you are cooperating with has done an investigation and we don't know about it because there was cooperation?

Timothy Hefferan

I can answer that referring back to that investigation with the Aldermen – if this is what you are looking for – there were people during that investigation that we granted immunity to in exchange for their cooperation. That cooperation may have come in the way of wearing body wires, allowing us to monitor telephone conversations, investigative techniques that we would use and people that cooperated that may have had some criminal culpability themselves were given immunity in sense in an effort to progress further with that investigation. There have been other cases that I am aware of where similar negotiations have been struck.

Alderman McCarthy

I guess would you expect the same level of cooperation from a group of people who had more influence over the process in the first place?

Timothy Hefferan

I wouldn't.

Alderman McCarthy

I am not prone to fix it. I don't intend to work in a corrupt environment and I certainly don't ever want to work in an environment where that is even an issue that we have to deal with on a daily basis. Frankly I like the fact that we have an independent police commission, which provides us with a department that

scrutinizes these things in great detail. As a result I think everybody in this room can say – I take great offense at some of the comments I occasionally hear from the public of well the entire system is corrupt anyway because I think this system we have here in fact is not and it is quite the opposite. I am very proud of that. I think there are places where you can't say that and I would hate for this to ever become one. This is one where I truly don't – not only I don't think it is broke I think we are talking about breaking it.

Chairman Tollner

I would agree. I don't think there is really anything broken with it. I think the integrity is probably the defining word of this. We really don't have the ability to cross lines or influence the activity or investigations of the police department. I think it is pretty clear and I think it works. We may disagree from time to time with a particular appointment by the Governor and the vote of the Council, but there is that wall right there that the commissioners are the ones that work with the police department and there is a wall. I think that wall should be maintained. I agree with Alderman McCarthy. I think if we do tinker with it we will screw it up. Right now I don't think there is anybody out there that could honestly say that there is something going on between the Board of Aldermen trying to interfere. I think you have the police commissioners there that I think they are pretty legitimate group of people. Wouldn't you say so commissioner?

Thomas Maffee

I would have to agree 110% with what you said.

Chairman Tollner

I do think that it also allows the police department to feel pretty comfortable in responding the way we would want them to respond, and that would be independently doing their job without any undue pressure or influence.

Timothy Hefferan

If I could conclude by saying during this recent investigation involving Mayor Streeter, it was our oversight and my responsibility to ensure that we follow the statute of limitations. What concerned me and what I was more acutely aware of than anything was the suggestion that we may have intentionally orchestrated that in order to allow someone to escape justice. I think that bothered me. I know that bothered me more than any other facet of an investigation I have been involved in in the last 10-15 years it was the perception by members of this Board or the public that may have been orchestrated. I think that again speaks to the mentality and the history that we have had that we try to be impartial and try to be diligent in the administration of justice.

Chairman Tollner

Just for the public's information, no Alderman that is here tonight was involved in those investigations back in '92 – '93.

Alderman LaRose

Actually I found out about it when I was in the hospital in Boston getting my heart transplant.

Alderman Gage

I just want to thank Chief Hefferan, Deputy McDonald, and Commissioner Maffee for coming in this evening. I know the Chief originally when I talked to him had another scheduled event this evening. I do appreciate him coming in. I am glad at least we had the chance to have this discussion on the record. Thank you.

Chairman Tollner

I think I spoke to the Chief Thursday or Friday to see if he wanted to come, and I do want to thank everybody for making themselves available. Is there any further discussion on the legislation? The motion on the floor is to recommend that it is necessary and that a public hearing be scheduled.

MOTION FAILED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND INDEFINITE POSTPONEMENT OF R-04-156

MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-04-57

Endorser: Alderman David D. Lozeau

AMENDING HEALTH AND DENTAL INSURANCE PROVISIONS OF THE PERSONNEL ADMINISTRATION MERIT SYSTEM

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Lozeau

This ordinance just for clarification this is only for new hires hired after the affective date of this ordinance. It goes on to say health maintenance organizations the city would contribute 85% of the cost for single coverage and 75% of the cost of two person or family plan, and dental coverage the city's contribution shall be 80% of the cost of single coverage and 60% for two person and family plan.

I introduced this ordinance first of all to try to make up for the increased costs of health and dental coverage that the city is incurring. Some people asked me if it should include all non-union and merit employees. I think that would be a little bit unfair because they were hired for the city under the pretense that they were going to get a certain package, which they got and deserve. I would ask for your support to include this healthcare coverage for all new hires that are non-union and merit.

Alderman LaRose

I guess my first question would be how does the system work now? I am assuming that the merit system is as far as the insurance goes is the same way as the rest of the city.

Alderman Lozeau

That is correct.

Alderman LaRose

I guess I understand what Alderman Lozeau is getting at and I guess it would be difficult as far as I am concerned to have a two-tier system. I think that when we negotiate our up and coming contracts with the unions that we need to negotiate with the unions that their membership has to pay more into the health insurance. If we were successful then that would lead the merit people on the same type of a system. I am not sure that we should pass this at this time. I don't have a problem holding it in committee and see what happens with the up and coming negotiations.

Alderman Lozeau

Just a comment on what you said Alderman LaRose is we can't mandate anything other than vote up or vote down a union package. That would be called an unfair labor practice I believe. However, we can send a message. That is part of the intention of this legislation.

Alderman Bolton

I think this or something like this may well be appropriate as part of a process to take a comprehensive look at the healthcare and dental care benefits and whatever other insurance benefits the city provides its employees, but I think we ought to do it as I say as sort of a comprehensive strategy rather than react quickly to take this in isolation. I don't think right now we have gotten a report from our Human Resources Department or employee benefits people as to what the current situation is, what savings we could expect to realize were we to pass this, how this could play out in terms of getting us a favorable bargaining position as we enter into union negotiations. I think we ought to as was suggested by Alderman LaRose hold this in committee and try and deal with it as part of an entire scheme rather than jump on this in isolation.

Alderman Deane

I believe the Telegraph had an interesting editorial about HB 101 I believe it was ..

Chairman Tollner

Senate Bill 110?

Alderman Deane

Yes, which pertained to who gained from that and it certainly wasn't the people that were paying the bills. The citizens are the ones paying the bills for these benefits. The other question I have pertaining to the legislation is it doesn't – this I would think kind of leaves the Mayor's office out of the equation because he himself I believe is entitled to these same benefits is he not and he is not hired he is elected. His staff is appointed and they still operate under the merit. Would the staff fall under this as well? I would think this should be amended eventually when people look at it to add the Mayor to it as well because he gets the

same benefits – he gets a pension and everything else that a merit person gets.

I noticed in the back room that there was a book from Human Resources Department that is about 2” thick like something from the ‘60s one of those big baseball card books that has all the different communities in Massachusetts and New Hampshire and perhaps maybe even Maine that shows what they pay out. Something was brought up here to review.

Chairman Tollner

That has been in the back for a few weeks now. We subscribe to it. If anyone wants to take a look at it they can look at it. I agree with Alderman Bolton and I had mentioned a couple of weeks ago this is a process that if we do it the right way it will take a considerable amount of time, and enormous amount of communication and patience between all parties – city administration, Board of Aldermen, H.R., the merit at least feedback from the merit employees as well as the unions. I am in the business and I think the cost of health insurance is exorbitant. It has gone up incredibly over the last 3-5 years. I think we could use this as a guide in the discussions that we are going to have. I still have not heard back from administration as far as when we will have that meeting that some of us have requested, but I think the whole Board is looking forward to that – that is to meet with the Board of Education, the Board of Aldermen, the Fire Commissioners, the Police Commissioners and the Chiefs and Department Heads as well as the Mayor’s office.

I think some of the concerns that the Board of Alderman has had is those people negotiating with the different parties in the past while they may have tried have not fully represented the mindset of this Board. It is difficult when we are having conversations with the public and different people have different employers, but for the most part I think the days of employers covering 95% or 100% I know for a fact are quickly coming to an end because of the cost impact and the financial burden that it places on employers. The city is an employer and the taxpayers are the ones that foot that bill. There are a number of options and there is an incredible amount of dialogue.

I deal with about 140 municipalities down in Massachusetts and if anybody thinks that this can be wrapped up and taken care of in 6 months or a year you are sadly mistaken because if the battle becomes bitter and the communication breaks down there is costs there that are never retrievable. I will ask the Mayor again for a date. I just asked Alderman McCarthy if he had gotten a date from the Mayor’s office as far as when we anticipate having this meeting, but I think after the first of the year the sooner the better. It is very important for all of the different entities to come and have a conversation and throw everything on the table.

I agree with some of the previous speakers that I would be more comfortable holding this in committee right now. I would also be more comfortable having some dialogue with Sue Jeffries and some of the other individuals that handle the insurance in the city. I will state as I have I am in the business. I am not involved whatsoever. If you want to do an investigation I am not participating in any discussions that my company has with the City of Nashua. I just want to clarify that and I will do that every time we have this discussion. I think it is appropriate to hold in committee and use this as one of the discussion items when we do sit down and have these conversations. I would say anybody that comes to the table whether it be management, union or the commissioners or department heads – come with an open mind and with a certain level of respect so we can get something done.

Alderman Rootovich

I am still just trying to find out what another meeting is going to do Alderman Tollner. We have sat through at least 5 that I can remember. We sat through with Attorney Mark Bennett during the Wagner administration, we sat through with Jamie McNamee during the Davidson administration, we sat through one here with the Streeter administration with Mr. William Wardwell and the one thing I left all five of these meetings with was a clear understanding from this Board that we wanted some impact with health insurance. The library came before us you heard from a negotiating member of the library team that was not even put on the table. I guess with all due respect and I guess I have to be a little more patient, but I don't see what will come out of another meeting. I guess I have no faith that anything will happen to adjust that particular concern that we have.

I have to agree that O-04-57 does send a clear message. I think the time is needed. I think the costs are getting so high as I said at the last three meetings, the average citizen pays their tax bill, the blue collar worker, the white collar worker has more and more taken out of their paycheck to pay for their own insurance and pay for other benefits and maybe if they are lucky get a 1-2% raise and they have to keep paying the high costs of these insurance premiums for the city. Something is wrong. Something is wrong. If you or Alderman McCarthy or anybody else can give me confidence that the next meeting we will have that we will see some serious impacts in health insurance in the right direction I am willing to do that, but again I have sat through 5. The last one I sat with I believe the Fire Commissioners were there if I am not mistaken and there were a couple of other boards and commissions there. I just haven't seen any change in that direction. The time has come.

Chairman Tollner

I think the next meeting we have there are members of the Board of Education that have not had the opportunity to participate in those discussions. If I look around the room and I am sure there are a few members of the Board of Aldermen that probably weren't at that meeting. You are right there have been 4-5 of those types of discussions. During that time the cost of healthcare has gone up 40-50%. I don't think we should stop trying and I am not saying that is what you are saying, but I think that we need to send a pretty clear message as far as a range of what this Board is comfortable with. We are not going to be in a good position if we say this is what we want and that is it. You can't have a discussion or bargain in that fashion. I think what we need to get is for the commissions and the chiefs to come in and give us their opinion and the different boards give us their opinion, but I do think we need to meet. In the end it probably will be more than one or two meetings. I would concur with you that I think the people that have negotiated on our behalf in the past probably aren't the people that we would choose for the future.

Alderman Johnson

I was recently in one of the city hospitals last week and I happened to mention to one of the employees about healthcare. We were talking about it. That hospital pays half and they pay half of their healthcare coverage. That is a hospital, a facility that can offer the care. I was talking to a taxpayer downstairs last week and she was saying to me her premium for her alone is over \$300 a month. What happened is she has a \$5,000 deductible? That is all she can afford is catastrophic insurance. I mean when we take a look at it, and you made a very good statement Mr. Chairman I mean these are the employees of the city. The employer is basically the taxpayers of the city. We are giving the employees better coverage than most of the people in the city have already. The taxes I spoke with somebody last night who said to me two children in college can't afford anything – can't afford the home anymore. The cost of health

insurance goes up and I am reading all over in the papers it is not 8% it is more like 10-15% every year it is going up. HMOs was not the best idea in the world. You can't pay nothing up front and then have all premiums at the end. Somewhere along the line it had to give and what has happened is it has given to the point that most of the people cannot afford health insurance anymore.

We will see what happens now that I am a newly elected State Rep. sworn in already finally – haven't started anything. I agree that SB110 needs to be repealed and we really need to take another look on how we are going to deliver healthcare in this state and how it will be affordable for the average worker for small businesses. My husband is self-employed – the cost of healthcare is skyrocketing. One employee knocks you right out of the ballpark. It was not a good piece of legislation. I look at all of the small businesses in this community and not only in this community throughout the State people can't afford to have health insurance. You can't give it anymore. There was a time and we stated before that many city employees and the state and federal government didn't have the higher rate of pay but they had great benefits and great pensions. Now it is equaling out. Something has to give. I think it is time that people have to contribute more. Maybe there can be some type of a tiering system that if you make up to X amount of dollars you pay one premium and if you are in management and make more money you pay a different rate. Some people might say it is not fair, but you know I guess not everything is fair in life anyway, but some people who make less money can't afford the high burdens of the healthcare coverage either. It is like that now throughout the state.

I think this is a step in the right direction and I think we really need to start moving forward on how we are going to get the cost down and how we are going to pay for it. It is unfortunate that we are going to have to ask the employees to pick up more of the cost of this coverage. Thank you.

Alderman Bolton

The remarks of Alderman Rootovich a few minutes ago and other remarks of members of this Board that I have heard in the recent past would I am sure lead listeners to believe and frankly leave me to believe that they may be unaware of what really have been enormous changes in the healthcare benefits provided to employees in this city over the last 6-8 years. Back 6-8 years ago during the time some of these meetings were taking place that have been referred to, the standard in this city which virtually all employees were offered was pretty much the Cadillac maybe the Rolls Royce of healthcare plans. That was the Blue Cross/Blue Shield Indemnity Plan, which pretty much paid for everything.

The way that worked in this city was every employee was offered that plan and merit employees had the city paying 85% and the employee paying 15% and that was single or two person or family depending on the circumstance the employee was in. Different bargaining units had different percentages in their contract. Some it was the city paying 90%. In at least one case that I recall it was the city paying 95%. Since that time or I should say at that time if you were willing to take a cheaper plan; an HMO or POS or whatever else was available the city would pay up to the same dollar amount that it would have had to pay toward the Blue Cross/Blue Shield Indemnity Plan.

In an effort to lessen the burden on the city, through negotiations and through enactments by this Board, we no longer even offer the Indemnity Plan. The plan that is the measuring plan now is a POS plan, which is much cheaper than that Indemnity Plan. In most cases, the city will pay 85% of the premium for a single person and in many cases a lesser percentage for two person and family. The city will not pay equal dollar amounts toward a cheaper HMO plan. Even in the case of a cheaper HMO plan the city will pay whatever is less cost to the city of 95% of that cheaper plan or 85% of the POS plan.

The intention in negotiations in recent contracts have been to try and get more people into that cheaper HMO plan where even though the city pays 95% that is a cheaper number than the 85% of the POS plan. The more people you can get into that the cheaper it will go. That has been the strategy that the Human Resources Department is presently undertaking. All of this has resulted in great savings as compared to what would have been the case if we had been static as to what had been in place 6-8 years ago. It is not that steps haven't been taken and it is not that we need a first step. There have been as a result of negotiations great strides made and there are plans in place to attempt to get further concessions in a different contract. I think that is why we need to have these meetings that the Chairman has spoken about so that all members of the Board of Aldermen can fully understand what has been done and what the strategy is to go even further.

I will tell you it may well be that there are other employers out there offering other things, but you are not going to be able to go into union negotiations with public works employees, the teachers, the fire fighters, the police officers and say we are going to offer you a raise that amounts to \$50 a month and we are going to change your health insurance benefits so you have to pay an additional \$100 a month. No one will agree to that and you will not accomplish anything. You just have to recognize that. People are not going to agree on an ongoing basis to take that step backwards. We have to be more organized and have more of a strategy in place than to do something like that.

Alderman Lozeau

I just don't want anybody to think that I just half hazardly pulled these numbers out of thin air. These numbers came from a lot of phone calls and looking at that book in the front office. For instance, Salem, New Hampshire's healthcare coverage is 85%. I agree with what Alderman Bolton said, but if you look back on what we paid ten years ago for health insurance or five years ago and what we pay today, the city is paying way more. As Alderman Rootovich said we have to send a message and we have to start somewhere. This is a great place to start. It affects nobody that is working for the city right now, but somebody that is hired by the city will come to work for the city with the knowledge that this is the plan they are getting. Thank you.

Chairman Tollner

My sense is that we are going to hold this in committee. Keep that in mind because I think we will be discussing this in great detail.

Alderman McCarthy

I appreciate the intent behind the legislation and the fact that we need to make progress in this area, but I am concerned. I guess in the time I have been on the Board and been watching we have had times of very low inflation and times of moderately low increases in salaries as well. As Alderman Bolton points out, people who are negotiating contracts on the other side are very shrude about whether they are getting ahead or behind the curve. In public employment in New Hampshire, there is absolutely no reason to ever give up anything. The only advantage that we have when we sit at the negotiating table is that salaries are eroded by inflation. They aren't eroding very fast in the last decade so we don't go to the table with an awful lot of bargaining chips in our pocket to buy things back. I think that causes frustration.

I do believe that through some of the changes we have made we have gotten significant changes. What I

am concerned about is that this action does in fact send a message. The message it sends is that we are going to treat the merit employees differently than we treat those people who are protected by a contract. The message I would get whether this affects me or not as a merit employee were I one is that, that I will be treated differently. I will not have the same protections that a union employee gets by virtue of public employment law and that what I ought to do is get myself into a union as quickly as possible so that I can't be affected in the next time when we decide to make a change that does in fact impact us. The last time we had an area where we made substantial changes of this type we created 3 or 4 more bargaining units on behalf of the city and got professional members of our staff to unionize. We're now saddled with that and will have that forever.

I would prefer to make sure that we keep our employees treated equally so that we keep things at least the way they are. I think we make it harder for us to make progress as we go along and do things to the merit employees that will cause them to seek other protection than they get just by the will of their employer.

Alderman Johnson

I remember many years ago when I had health insurance that was affordable. I remember a family of 5 was about \$400 a month. It was the 80/20 plan. I listen to what is being said here. This plan that the city employees have is still the Cadillac of plans that most people don't even have in this community anymore. Many of our employees and they are good employees and nobody is knocking the employees we are just saying the cost of insurance is out of control. They pay between 5-15% of their coverage and the city picks up the rest. That means the citizens pick up the rest on this. Our homes are over-inflated now with taxes. They can't afford to stay in their homes. We will have elderly people selling their homes because their Medicare increases that they got now went for their healthcare costs because they have supplemental insurance and that is maybe at \$500 a month for people who are on fixed incomes who can't go out to work because some of them are sick. Do you like to see elderly people bagging at the grocery stores because they have to make money to pay for the cost of living increases?

When I hear that we might be forcing people to join unions and bring unions back in – all this is trying to do is try to start up a standard that hopefully maybe we can get the unions to start working with. To start moving the city in the direction of cost being picked up more by the employees because the citizens can no longer do it. I guess there has to be a trade off sometimes – salaries versus benefits. Benefits are going up anywhere between 10-15% more a year. That is out of control. It is higher than the cost of living increases by the CPI index, which is about 2.5% if you average it out over three years.

Chairman Tollner

The medical CPI is going up about 3.5% higher each year than the regular CPI.

Alderman Johnson

So I guess I rest my case Mr. Chairman. Thank you.

MOTION BY ALDERMAN LAROSE TO HOLD O-04-57 IN COMMITTEE
MOTION CARRIED

O-04-63

Endorser: Alderman Kevin E. Gage

PROHIBITING USE OF CITY-OWNED OR LEASED VEHICLES FOR TRAVEL TO AND FROM WORK WITH CERTAIN EXCEPTIONS

MOTION BY ALDERMAN GAGE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

This particular piece of legislation is very similar to O-04-65, which is endorsed by Alderman Johnson. I think the major difference is this particular piece of legislation allows chiefs and certain other city personnel I think a total of maybe 6-7 individuals to take the cars home or if I am not mistaken Alderman Johnson's legislation would require them to drop it back off on city premises and take their own vehicle home. Is that correct Alderman Johnson?

Alderman Johnson

Yes. May I just say something quickly please? Alderman Gage's legislation – the Director of Public Works doesn't even have a car right now. I have the list. I don't know if everybody else has the list of who has cars, but also this wasn't really complete because there were 4 vehicles that were going home for Driver's Ed from the school department. That is what I was told. The Director of Public Works doesn't even get a car, but we are giving him a car in this legislation.

Alderman Deane

He receives a stipend.

Alderman Rootovich

I guess another example of reactionary legislation. Prior to an indiscretion that happened by an individual in the corner office there was never anything on the table with respect to city vehicles. Because of this individual having an indiscretion we are kind of painting everybody else in the city with a broad brush now and making changes citywide. I am not going to support any one of the four pieces of legislation before us. I think that the people who clearly take home vehicles including the Police Chief, Fire Chief, Deputies, and the other individuals that are on the list are entitled to vehicles. Most of them work 24 hours a day. They have responsibilities and accountabilities. They have all acted in a very very responsible way. To penalize them and not allow them to utilize vehicles based on their job description and what they are accountable for is ridiculous. Again an individual had an indiscretion. That indiscretion will be settled in the court of law and again you have 4 pieces of legislation that came out over this.

Alderman Deane

Where is the other one?

Alderman Rootovich

The city seals.

Alderman Deane

That has nothing to do – that is your interpretation.

Alderman Rootovich

Alderman Deane I am not going to argue with you or start a conflict or an argument I am just saying there are 4 pieces...

Alderman Deane

You are wrong.

Chairman Tollner

No further comment except for the person that has the microphone, and that is Alderman Rootovich.

Alderman Rootovich

I am all set Mr. Chairman. I am not going to even finish my comments.

Alderman LaRose

Personally I think that we should hold all of these resolutions and ordinances. The city does have a policy that was affective April 1, 1994, and city-owned vehicle usage – this policy excludes the Nashua Police and Fire Department vehicles. Generally the City of Nashua complies with the existing Internal Revenue Service guidelines for the use of employer provided vehicles for commuting purposes. The City of Nashua has permitted certain employees to commute portal to portal in city owned vehicle. The primary objective of this policy is to establish rules for the usage of city owned vehicles for commuting and business use purposes. Commuting is taking employer vehicles to or from work site and the employee's residence. This is an I.R.S. business expense benefit section 1993.

Special Requirements – 1) As of April 1, 1994, no city owned vehicle shall be used for commuting beyond a ten mile radius from City Hall except as may be specifically approved by the Division Director for accessional business related purposes such as meetings or conferences, seminars, travel for other purposes not approved in advance shall not be permitted. 2) As of April 1, 1994, the use of city owned vehicles for personal use other than an approved commuting and deminis and incidental use that is stopping for a personal errand on the direct way home shall be prohibited. 3) Any employee hired after April 1, 1994, shall not be permitted to commute portal to portal in the city owned vehicle. The city owned vehicle will be available for business related purposes only and parked in a city-designated area. The employee's Division Director may make one time exceptions to this rule from time to time for occasional business related purposes.

That is what is in affect today. I don't know if they are following their rules and regulations, but that is what is in affect. There are rules by the IRS pertaining to this and I don't know what the city is doing. They said

they are in compliance so I have to assume they are in compliance. I do know reading the IRS benefits what I got out of it was some of this stuff is taxable. It has to be part of their reporting of their federal income tax if they are using these cars. I also got information from the City of Manchester. I am not going to go through all of it because it is kind of similar to what we do probably I guess there is more to it in Manchester than there is in Nashua. I think what we need to do is we need to get the people from personnel in here and explain the situation and how the city operates for the use of city vehicles by employees of the City of Nashua before we just go out and pass laws.

My personal feeling is I don't have a problem with the Mayor can only use the car for city use, but I do believe that he should be allowed to take it home and come to work with it because there are times when he may be leaving home in the morning and going to a meeting somewhere or vice versa – leaving City Hall and going to a meeting and then going home. I think that we can't – we should not be punishing the Mayors that are coming in the future for something that happened yesterday. Thank you.

Chairman Tollner

First of all I agree with Alderman Rootovich. There are pieces of legislation that are popping up ... tape flipped ... legislation that is as a result of the circumstances that occurred a couple of months ago. I think Alderman LaRose brings up some pretty good points, but I can tell you each one of those sections right now is being abused. Without a doubt they are being abused or stretched or being taken advantage of. I think that at least in three pieces of legislation that we have tonight I do think that we should get some legitimate feedback and have a conversation with the Personnel Department. I don't think that the Mayor should at the end of the workday bring his car back to City Hall, park it. He could be on the other side of town close to his house and have to come back to City Hall, park his car when he is at a city meeting or dinner or whatever. I feel the same way about the Police Department and Fire Department and probably a couple of other divisions.

I would like to applaud the Fire Department. I had a conversation with the Chief last week. They have already addressed the situation in advance. I think they have pretty good control over it. Let's be somewhat sensible. I don't think that you can expect 4-7 of these positions in the city to conduct their day to day business and then drive their car back and park it in a garage over night. Sometimes it may even be further for them to drive it back to the garage than it would be to park it in their driveway. I do think that there is an expectation that this Board has and the citizens have that if there is a use of a city owned vehicle that people conduct themselves in a manner and they use it in a manner that is appropriate. If they are getting used for personal use just like any company car that large employers provide their employees, they get the full use of that car, but for every mile that they drive that is personal use either one or two things happen – either they pay the company back for those personal miles or they are taxed on those miles. I think that goes to the guidelines that you were discussing there.

I think we just need to tighten these situations up. I think this came up a few years ago. There were a larger number of cars at that time than there are today. I think at that time it had to deal with Park & Recreation. I think it was June Caron – for her to finish an event for the city at 10:30 p.m. over Greeley Park to have to drive the car back and park it in a city garage for her to take her car back – there are a number of examples. To me it doesn't make sense. I think we need to have some common sense as far as how we handle this. All three of those situations that you mentioned in your conversation Alderman LaRose there have been – we have not applied those to the letter of the arrangement there. I do think that we need to tighten it up.

I think that the Police Chief should have a car at their disposal 24/7 and it would be ridiculous for the Fire Chief or the Police Chief to get called in, run to the police department or headquarters to get a car to go to that situation. We have to be cognizant of that.

Alderman Johnson

I too commended Chief Hatfield for coming right up to the plate and I thank him. It is not that I am trying to penalize the people who I know that need the vehicle. I wanted to make a statement. We even have part time Driver's Ed instructors taking vehicles home from the city and Risk Management didn't know about this. We had a DWI incident with a Driver's Ed instructor. There are issues here. Last year I brought this legislation up and the Mayor kind of forgot sometimes we forget things – have someone turn the plate in – the Mayor with the Union Leader Streeter said Johnson proposed the same ordinance last year and it failed. Well so I went back to last year's minutes of course in the Personnel/Administrative Affairs Committee and I quoted what I said this is my legislation restricting Mayoral vehicle use – basically what I would like to do is bring it down more in line with other city vehicles in the city. Well come to find out we have vehicles going home that Risk Management didn't know about.

It would be used for related business purposes and when the day is done whoever has the car what would happen is it would be put back in the garage. Why because I saw the Mayor abusing his privileges during the campaign last year out campaigning with the city vehicle. We also have in the paper and this was back in November 25th and it says "Yesterday Mayor Streeter declined to say whether his use of the car that day was for business or personal reasons." Some reports have quoted him as saying his family was attending the circus although he previously told the Union Leader that he went shopping after the accident. The car is for city business. Did I jump the gun? Was I hasty? I don't think so. I remember last year and it is also in here the reason this came out because on the way to a debate when I was running for Mayor with my distinguished colleague next to me, the Rotary West Debate, there was the Mayor. Three of the people who were working on his campaign unfortunately the vehicle was not supposed to be used for campaign purposes – it is just for city business. The biggest concern is that if you are on a campaign purpose and you get into an accident and you have three people in the vehicle we are liable. It doesn't become petty it becomes costly with insurance. That is where my biggest concern is.

I don't mind people using vehicles, but when we restrict vehicles from the Public Works Department they couldn't take them home anymore and that is where my main concern is. I came back to the same issue that I brought before the Board last year on the vehicles. You then said last year what I would like to do is talk to H.R. a little bit and develop an amendment to this legislation. I am not comfortable with it in the form that it is in right now, however, if the endorser of the legislation, that was me – I take the credit for it last year and this year – I thank the Mayor for reminding me I did this last year – would like to hold this in committee and work on it some amendments because I do think she brings up a valid point, which we agreed on last year and this year, as far as driving around in one's campaign it is probably not the appropriate

use of city vehicles. Is it appropriate use of city vehicle to go to the circus or go shopping in Manchester, get into an accident, and what has been reported in the paper – the incident that followed? No that is not the appropriate thing. That is why it came back to the table.

Everybody's argument is that at the end of the day the Mayor has to drop off the vehicle. Well his own personal vehicle sits in the garage here. At the end of the day he can just hop in his car, put the Mayoral

vehicle in the garage, and go home. If he has an appointment early in the morning oh well when you have an appointment early in the morning you get up a little bit earlier and get to your appointment – so he has to come to City Hall and swap cars around. It is unfortunate. It wasn't just this year it was last year with the vehicle also. When Channel 9 called me today and interviewed me and so did the Manchester Union Leader on this, I didn't change my position. The issue is that he did not react and take careful use of the vehicle. There has to be consequences. Are all of the Mayors going to be punished later on? You can always open up the legislation once it is on the books and you can always go back and change it if need be. Not every Mayor will want a vehicle. Not every Mayor uses a vehicle. There has to be some type of standards here for vehicles.

Now, my next question is here I don't have a problem with the Chief of Police or Deputy Chief of Police taking home or with the Fire Department. I have a problem – does the Superintendent of the Streets Department need to take a vehicle home other than winter months – probably not. Would I have a problem with him taking it home during the winter season absolutely not I think he is an honorable man. Do I have a problem with the Superintendent of Recreation taking a vehicle home – yes I do. Show me just cause why that person would have to take it home. Joseph Giuliano, Superintendent of Schools has a vehicle. Do I have a problem with part time employees taking a vehicle home for Driver's Ed – you better believe that I do. We just had an incident and Risk Management didn't know about it. There are some reasons why people should be able to take vehicles home and there should be reasons why they shouldn't. If we are not adhering to the policy now hey if the commander and chief abuses the privileges why shouldn't anybody else if they can? I am not saying that people do. I am just saying there has to be some type of policy in place and that everybody adheres to it.

With that said I would ask Mrs. Anderson also to come and let us know outside of personnel how they are being charged back and what they are getting for tax purposes. Thank you.

Alderman Deane

I look at this legislation in a different light. I really appreciate the fact that Alderman LaRose sat there and read us the policy that is in place. It is unfortunate that I believe that falls under privy of Risk Management. Is that who you got that from?

Alderman LaRose

I got it from Human Resource Policy #9402.

Chairman Tollner

I think it is safe to assume it is from Risk Management.

Alderman Deane

If it is from Risk Management my question would be who enforces that policy somebody that works in the administration and has to go in and tell their boss that they are doing something wrong and they can no longer do it? That is where the problem lays. I believe the policy was probably put in place as nothing more than a tool or mechanism for people to operate under so that they understood the parameters of the use of the vehicle. It is unfortunate when people are using vehicles during the day at shopping malls,

unloading bags of flowers in the drunks, picking up pool chemicals and things of that nature during work hours and the policy cannot be enforced by anyone. I just think somehow that has to be addressed. Thank you.

Alderman McCarthy

I had a question about one of the items that came up before. Does anybody know if we own the Driver's Ed cars or lease them? I think it has been traditional for car dealerships to simply loan those to the city for use in Driver's Ed programs for a period of time. If they do I don't know where we get much control over whether they are taken home or not.

Chairman Tollner

I think some of them are probably leased to us or donated. I know Lovering Volvo for years had donated some, but I also know that there are some Ford and Mercury. I think some of them Geo plates on them. Regardless I think the city can set policy. If that is one example that the Board has a concern over I would concur with that concern. I can't imagine any reason why someone would have to take it home.

Alderman LaRose

When they had the newspaper article about the accident the Business Manager said something to the affect that the reason he was taking it home is they had no place to park the car. I don't know if it is a city vehicle or a loaner or if it is leased, but certainly the city should have some mechanism where they can keep that car. I have to assume that the liability for accidents and personal liability if there is an accident that happens belongs to the city.

Alderman Gage

I will yield to Alderman Johnson for a minute because I believe she can answer the question.

Alderman Johnson

We have some cars that are from Lovering also. The other ones were the ones I believe that went home especially the one that was involved in the accident.

Alderman Gage

The President's question was are they owned – do we own the Driver's Ed vehicles or are they leased?

Alderman Johnson

I think they are city vehicles and then two of them are Lovering. We are insuring them.

Chairman Tollner

I think the genesis of this legislation possibly is for us maybe at the next Personnel meeting is to have Sue Jeffries come in from Risk Management and maybe the department heads that have vehicles that are

used or possibly taken home.

Alderman Gage

I am going to ask that we hold this piece of legislation. My reason behind this was I felt that there was – some of the other pieces of legislation coming down the road I felt we had to make some exceptions to this whether it is the Police Chief or the Fire Chief bringing it home and something drastic happens in the middle of the night they need to get to where they need to get to quickly, safely – they can do that especially in their particular vehicles. I think they do a lot of business around the community where I think they need to have access to those vehicles. I did take the on call Department of Public Works foreman from my colleague that lives in Ward 3, Alderman-at-Large Deane, mentioned that to me as I was talking to him about this piece of legislation due to the fact that the city needs to have somebody that can go out if a tree goes down somewhere – I think that was the example he used – somebody going out and checking okay now we have to get something done with it. I certainly think you can't blanket say nobody can use anything, everything comes back. I don't agree with that. I don't see it as that black and white.

MOTION BY ALDERMAN GAGE TO HOLD O-04-63 IN COMMITTEE

ON THE QUESTION

Chairman Tollner

I am confident that you and Alderman Johnson will get together before the next Board of Aldermen meeting and have a compromise to these pieces of legislation.

MOTION CARRIED

O-04-64

Endorsers: Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson

REQUIRING THAT THE CITY SEAL BE PLACED ON ALL CITY-OWNED AND
LEASED
VEHICLES FOR IDENTIFICATION

MOTION BY ALDERMAN LAROSE TO RECOMMEND FINAL PASSAGE

MOTION BY ALDERMAN LAROSE TO AMEND O-04-64 IN THE SECOND SENTENCE TO READ "THE CITY SEAL SHALL BE PERMANENTLY AFFIXED TO THE FRONT DRIVER AND PASSENGER SIDE DOORS AND SHALL BE CENTERED IN THE PANEL", IN THE FOURTH SENTENCE TO READ "THE FACSIMILE OF THE CITY SEAL SHALL BE NO LESS THAN NINE (9) INCHES IN DIAMETER, SO THAT IT MAY BE CLEARLY AND PROUDLY DISPLAYED.", AND BY DELETING THE LAST SENTENCE "CITY VEHICLES THAT ALREADY HAVE MARKINGS IDENTIFYING THEM AS CITY VEHICLES, BESIDES THE MUNICIPAL PLATE, SHALL BE EXEMPT."

-
ON THE QUESTION

-
Alderman Deane

We currently have nine inch seals in stock so why incur another expense when we have boxes filled with these. The last sentence can be interpreted any which way someone wants to – they can put a little tiny half inch city seal in the corner of a license plate and say it already has markings. I don't know why or who added the last sentence.

Chairman Tollner

That was not part of your legislation?

Alderman Deane

No it was not.

Alderman LaRose

I think if we are going to do this – like at the State level they have the State seal and then they put down the department that it is from. I think we should do the same thing. If it is a Public Works car it should say Public Works. If it is a library car it should say library, etc. The Police Department and the Fire Department are not part of this.

Alderman Deane

The Police Department is not part of this. The Fire Department is.

Alderman LaRose

The Fire Department as far as I know already is identified.

Alderman Deane

When I pulled in this evening there is a vehicle parked in this back parking lot that is driven by the Fire Department that has no markings on it other than the government license plates.

Alderman LaRose

I guess ...

MOTION BY ALDERMAN LAROSE TO FURTHER AMEND TO INCLUDE “THE CITY SHALL ADD/IDENTIFY EACH DEPARTMENT BY ADDING THE NAME BELOW EACH SEAL”

ON THE QUESTION

Alderman Deane

I would like Alderman LaRose to propose his amendments. I don't know how he wants to word it, but the department in which the vehicle is assigned to ...

Alderman LaRose

That way if you see a car that has a city seal and God forbid they are doing something wrong you haven't got the faintest idea of what department – all you know is it is a city car.

Alderman Deane

Also if you see a car or a series of cars in a neighborhood say like from the Traffic Department people shouldn't be concerned because they can identify the vehicles are associated with perhaps some parking problem or whatever.

Chairman Tollner

Just for the record Alderman LaRose your amendments would be to add "permanent" shall be added in the second sentence, "ten (10) inches" should be changed to "nine (9) inches", and adding/identifying each department by name under each seal.

Roger Hatfield

Basically all of our fire department vehicles are already marked with the Nashua Fire Rescue patch. The seal aspect wouldn't actually work for the Nashua Fire Rescue without stripping all of the logos off of every single fire apparatus that we have right now.

In regards to the vehicle in the parking lot, that is mine. Basically the administration we have four vehicles that are not marked for multiple reasons that are similar to the Police Department in regards to investigations and so on. We use magnetic markings. In certain locations I will put the magnetic markings on when necessary. In other situations I don't. Again we leave that as priority of the administrator chief.

Alderman Deane

Alderman Tollner it appears to me as though the Chief is offended by having to identify his vehicle. Chief I have seen your vehicle 1,000 times and I have yet to ever see anything that identified it.

Roger Hatfield

I guess the reason why is if there is a reason for the Chief of the department to have a marking on his vehicle that I have done something wrong then I would like to know what.

Alderman Deane

It has nothing to do with doing anything wrong. If you read the legislation it states to be proudly displayed.

Roger Hatfield

Absolutely. We have markings on all of our vehicles.

Alderman Deane

There is nothing on that ...

Roger Hatfield

At certain times Alderman Deane that we have to do investigations, but sometimes it wouldn't be appropriate to have markings.

Alderman Deane

What are you investigating here tonight that didn't require the markings on your truck?

Roger Hatfield

What was the reason why I need the markings on the truck?

Chairman Tollner

Hold on one second ...

Alderman Deane

You know something Alderman Tollner...

Chairman Tollner

We can continue this.

Alderman Deane

Absolutely we will.

Chairman Tollner

I just want people to be recognize so we don't have a conversation that leaves out most of us.

Alderman Deane

I just feel that vehicles should be identified period.

Roger Hatfield

Anyway the City of Nashua Fire Department has proud markings already identifying all of our fire apparatus and our specialty vehicles. We have four vehicles in our staff that are not marked for reasons of doing investigations at nightclubs, doing any other types of investigations that are necessary by the Fire Marshall's Office or by the administration. We also have magnetic markings so they are markings on them if we want to put them on at the time. It is a judgment left by the Chief and the administration on those four vehicles. Very similar to the law enforcement aspect of this city that has the same purposes – they have to go out and do their job like we do.

MOTION BY ALDERMAN GAGE TO FURTHER AMEND BY ADDING THE WORDS “AND THOSE VEHICLES DEEMED APPROPRIATE BY THE NASHUA FIRE RESCUE CHIEF” AFTER THE WORDS “EXCEPT FOR THOSE VEHICLES USED BY THE NASHUA POLICE DEPARTMENT” IN THE FIRST SENTENCE

ON THE QUESTION

Chairman Tollner

So the amendment would be “All city owned and leased vehicles will have a facsimile of the City seal affixed to such vehicle, except for vehicles used by the Nashua Police Department and the Nashua Fire Rescue.”

Alderman Gage

Their seal if I understand it right from the Fire Chief the seal on the Fire Chief’s is different than what is shown here tonight by Alderman Deane. The city seal is incorporated on those markings on the trucks, but it is just solely not the – it is the patch instead of just the seal. I want to make sure that the Fire Chief can have those vehicles currently marked the way they are and also would leave it up to them with those four vehicles that the Chief had stated. I think there are appropriate times for the Fire Commission and the Fire Chief to have vehicles marked, and I do understand – I was the liaison to the Fire Commission last term and there was discussion regarding the Fire Marshall’s vehicles and some other things – they are aware of those issues. I would prefer to leave it in that manner to the Fire Chief and the Commission. Obviously anybody that sees any of those marked vehicles going down the street from Nashua Fire – I remember when they were all red – every truck was completely red and then they went to the red with a little white on them and then changed and went to the God awful yellow, but you can tell they are a fire engine. It says clearly on it Nashua Fire Rescue. I think that is certainly easy enough – if you had that seal even incorporated into the marked Nashua Police cruisers you would have to change the markings on the Nashua Police cruisers because they use the badge, which doesn’t have the Nashua seal in the middle.

We need to exclude, in my opinion, Nashua Fire Rescue vehicles because number one that patch seal on the side is different than the city seal that you have shown today Alderman Deane. I would leave it up to the Fire Commission and the Fire Chief to make a decision on those other four vehicles due to the fact that they have done and do so many investigative issues. Thank you.

Chairman Tollner

Chief I just have a couple of questions before I go to Alderman Deane. You say there are four vehicles?

Roger Hatfield

Yes.

Chairman Tollner

What percentage of the time that those four vehicles are used where you do not think that it would be

appropriate for the fire department logo to be on the car?

Roger Hatfield

It would be a small percentage, but I guess the key thing is that as Alderman LaRose brought up the policy that has been written on vehicle use was exempting the Fire and the Police Departments. Looking at the markings they are basically the same type of situations – the Board of Fire Commissioners and the Police Commissioners have looked at the markings on vehicles to make sure that they are identified, that they are visible, that we have pride in our vehicles in our departments. I look at this as the same thing in regards to its markings. We use our fire patch – it does have the city seal in it, but our fire patch has a lot of pride for the members of the Nashua Fire Rescue and it does show everybody in the city our vehicles. In regards to having unmarked that was a decision made by the Board of Fire Commissioners. We haven't as far as I have heard ever abused that situation. We have the ability to put markings on them at any time by using the magnetics. I usually end up not putting them on because I always seem to forget to take them off or put them on and they will get misplaced. That is my fault and I apologize, but we do have them in every single one of those unmarked vehicles. In fact I could show you mine it is sticking right in the side of my vehicle.

Chairman Tollner

The vehicles probably for the most recent ones that you purchased I do recall when I came on the Board the Chief had a vehicle that was littered with decals as far as this was the Fire Chief's car. At that time I think it was a larger truck or something like that.

Roger Hatfield

You are talking about the Deputy Chief's vehicle. That is on the road 24/7. That is being actually run as the Shift Chief's Commander's vehicle. Past Chief vehicles have been Crowne Victorians and again it was also at the time expense that we were looking at. We just didn't; see the need to bring that expense into the lettering. We also have found that it is beneficial to not have them on there.

Chairman Tollner

When you say a small percentage of the time is it 10-15% of the time?

Roger Hatfield

Hard to tell. I would speculate that if you looked at the amount of time at the Fire Marshall's office going out and doing inspections of nightclubs, sometimes on the heavier loads we will have our Assistant Chiefs go out and assist the Fire Marshall's office in looking at the fire loads – it is usually during the holidays or some type of event. Sometimes we have to check on other things that wouldn't be appropriate to discuss on open mic.

Chairman Tollner

Would you be willing at the next Fire Commissioner's meeting to reiterate a policy that the I guess the magnetic emblem of the Fire Department be placed on those four vehicles all the time unless they were

doing investigative work? I think the concern between the intent of the legislation – I don't think the intent of the legislation purely is to have the standard city seal affixed on every vehicle as much as it is – if it is a city vehicle we want it identified as a city vehicle. For your concern you would rather have the Fire Department seal/logo affixed to the vehicle, but your concern is that it would be detrimental to your responsibilities or the performance of your department that if it was on the vehicle the whole time it would jeopardize some work that you do correct?

Roger Hatfield

We can put the magnetic decals on there and I will bring that to the Board of Fire Commissioners at the next commission meeting and we can discuss it and come up with a procedure that they feel is appropriate.

Alderman Deane

I just had a question – I am kind of confused or maybe I don't understand, but Chief if you go to do an inspection or an investigation are the personnel in uniform?

Roger Hatfield

If we are going into the facility yes. If we are outside watching the facility or whatever is there sitting in the vehicle then yes they are always in uniform when they are performing their duties.

Alderman Deane

Thank you.

Chairman Tollner

When is the next Fire Commissioners meeting?

Roger Hatfield

January 2nd or 3rd. I think that some of the commissioners wanted to discuss moving it. The second is Sunday – it is the 3rd then on Monday.

Chairman Tollner

You are fine with the amendments that we have made to date right, which are identifying the four vehicles for Nashua Fire Rescue?

Roger Hatfield

Yes.

Chairman Tollner

Making them – separating them, but with the commitment that you are going to identify those vehicles with the magnets unless they are doing an investigation.

Roger Hatfield

Yes. Again I will bring it to the Board of Fire Commissioners for discussion.

Alderman Rootovich

I just wanted to point out that we are spending more time talking about seals than we did about a \$6 million fire station construction.

MOTION CARRIED

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

Chairman Tollner

Alderman Johnson would you request that the committee hold your legislation in committee?

Alderman Johnson

Well I wouldn't want to see it get killed.

Chairman Tollner

We're not going to kill it we will just hold it. What I will do is ask Risk Management and Personnel to come to our next meeting.

Alderman Johnson

I would ask that Alderman Gage maybe sit down with me and we can maybe tweak something out that is really good.

O-04-65

Endorser: Alderman-at-Large Paula I. Johnson

PROHIBITING USE OF CITY-OWNED OR LEASED VEHICLES FOR TRAVEL TO AND FROM WORK

MOTION BY ALDERMAN LAROSE TO HOLD O-04-65 IN COMMITTEE
MOTION CARRIED

HELD IN COMMITTEE

Appointments by the Mayor

TIF Advisory Board

Ed Huminic (New Appointment)
1 Harbor Place, Suite 465
Portsmouth, NH 03801

Term to Expire: October 31, 2005

Mark Maynard (New Appointment)
Morgan Ryan Realty Trust
99 Wright Road
Hollis, NH 03049

Term to Expire: October 31, 2005

Michael Conneely (New Appointment)
Toureen Realty, LLC
45 Wingate Street
Haverhill, MA 01832

Term to Expire: October 31, 2005

Bradford Hill, Trustee (New Appointment)
Bradford J. Hill Revocable Trust
14B Broad Street
Nashua, NH 03064

Term to Expire: October 31, 2005

Richard Seymour (or Designee) (New Appointment)
Department of Public Works
165 Ledge Street
Nashua, NH 03064

Term to Expire: October 31, 2005

Resolutions

-
R-04-126

Endorsers: Alderman David D. Lozeau
Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Alderman Robert A. Dion

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO FILLING VACANCIES IN ELECTED BOARDS BY APPOINTMENT OF THE PERSON WHO RECEIVED THE MOST VOTES FOR THE OFFICE AT THE PREVIOUS ELECTION WITHOUT BEING ELECTED

-
Ordinances

-
O-04-45

Endorser: Alderman Marc W. Plamondon
REQUIRING THE PARKS AND RECREATION DEPARTMENT TO CHARGE A FEE TO NON-RESIDENTS FOR RESERVATION OF CITY-OWNED PARKS AND SPORT FIELDS

-
O-04-49

Endorser: Alderman David D. Lozeau
Alderman-at-Large Paula I. Johnson

Alderman-at-Large David W. Deane

AMENDING THE ORDINANCE REGARDING THE DUTIES OF THE
ADMINISTRATIVE
SERVICES DIRECTOR

O-04-55

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

DISCUSSION

Alderman Deane

I just wanted to comment Mr. Chairman that you now have 7 pieces of legislation held in committee.

Chairman Tollner

Yes we do.

Alderman Deane

We can't keep holding things we have to act on them. Holding them does not make them go away.

Chairman Tollner

Three of them are ballot questions.

ADJOURNMENT

MOTION BY ALDERMAN GAGE TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 9:48 p.m.

Alderman Richard D. LaRose
Committee Clerk