

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

AUGUST 23, 2006

A meeting of the Personnel/Administrative Affairs Committee was held on Wednesday, August 23, 2006 at 7:09 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Robert A. Dion, Vice Chair
Alderman Daniel Richardson
Alderman Greg Williams

Members Not in Attendance: Alderman David MacLaughlin

Also in Attendance: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large Fred S. Teeboom
Maureen Lemieux, Div. Dir., Administrative Services
John Barker, IT Manager
Roger Hatfield, Fire Chief, Nashua Fire Rescue
Donald Conley Dep. Chief Exec. Off., Nashua Police Dept.
Jim Mealey, Business Manager, School District
Thomas Corbett, Assistant Director, Nashua Public Library
David Fredette, Tax Collector/Treasurer
Sally Hyland, Recycling Coordinator
Richard Reine, Superintendent, Solid Waste

INTERVIEWS

Cable Television Advisory Board

Kathy Vitale (New Appointment)

Term to Expire: August 8, 2009

Chairman Tollner

If you would state for the record your name and address

Katherine Vitale, 8 Massasoit Road

I have been asked to serve on the CTAB committee. It follows right in line with my other involvement in the City starting with some downtown involvement progressing onto the Conservation Commission, my run for Alderman of Ward 1. After the last election, I approached the Mayor and asked that he would consider me for any future committees where he thinks that my interests would be helpful to the community. Therefore, I was then approached by Kelly Dowling if I would serve on the CTAB committee. I indicated I would do so.

Chairman Tollner

You are familiar with the work of the committee and how often they meet so you understand the commitment you would be entering?

Katherine Vitale

I am familiar that currently the committee is meeting once a month, and that might change depending on the progression of the committee as it is right now that they might look to meet more often on the Committee Chair's opinion. I could meet as often probably as possible with advance notice.

Chairman Tollner

Are there questions from the committee members?

Alderman Teeboom

I am the Liaison to CTAB. You said you were asked to be on the committee or you asked to be on the committee?

Katherine Vitale

As I indicated, I said I would be willing to serve on any committee that they saw that would be a good match for me. Therefore, I was asked if I would be willing to sit on the CTAB committee.

Alderman Teeboom

Now tell me why you think this is a good match for you. In other words, what is your background in cable television?

Katherine Vitale

I wouldn't say that I necessarily have a background with cable television, but I am a member of the community, I have an interest in education within our community. One of the things that CTAB will work on is work within the education community and getting that out there to the public.

Alderman Teeboom

You mean the education channel?

Katherine Vitale

Education channel correct.

Alderman Teeboom

Are you interested in the public access channel?

Katherine Vitale

Yes I am. I have been watching to see how it is developing within the community. I think it will be beneficial to the city as it all gets ironed out.

Alderman Teeboom

When you were an Alderman, the Cable Television Franchise came before you.

Katherine Vitale

Yes.

Alderman Teeboom

If you remember there was quite a bit of debate about the public access channel.

Katherine Vitale

That is correct.

Alderman Teeboom

You are probably aware that there is no funding at this point.

Katherine Vitale

That is correct.

Alderman Teeboom

Set aside in the contract, even though there is funding set aside for the government channel and there is funding set aside for the education channel. If you were interested in the public access channel and you were on the Board why did you not then move to make funding available for the public access channel?

Katherine Vitale

I thought as it came before the committee at that time, the timing was not appropriate to move forward with that, and I still stand by that decision.

Alderman Teeboom

Can you clarify what you mean by timing?

Katherine Vitale

Because there was not enough information out there at that time. I thought the decision was a hasty decision at that time. I thought it needed to be further explored before you automatically give funding to something that has not been fully explored.

Alderman Teeboom

Has your opinion changed?

Katherine Vitale

I think that it is coming further along. I don't think it is entirely there yet, but I do believe the committee has made, along with the policies and procedures manual, moving forward with hiring someone, I think that could be discussed. I also think that it could be put out there to the public sector to be funding. As I sit with the committee and listen further I will be able to answer that better than I am today.

Alderman Teeboom

So you are familiar with the policies and procedures manual?

Katherine Vitale

I have been looking it over. I wouldn't say I could quote anything at this point.

Alderman Teeboom

Would you generally concur with what is in the policies and procedures manual?

Katherine Vitale

I think we have done a pretty good job of putting it together. I know that you yourself have done quite a bit of work on that. As the committee moves forward everybody will be able to know where it needs to be tweaked.

Alderman Teeboom

Basically what you are telling me on the public access channel, which is described in there, that you have an open mind.

Katherine Vitale

I wouldn't be working with the public if I didn't have an open mind.

Chairman Tollner

I think the Board of Aldermen last term as far as funding the public channel, given the concerns that we had with the overall budget situation in the city, wanted to take baby steps before we would make the commitment to fund the public channel. I won't say maybe the entire Board, but I would say more than a majority of the Board felt that same way. That is a whole different topic, but I just wanted to make sure everybody was aware that wasn't just a lone opinion from former Alderman Vitale. I think the whole Board were moving into this process, creating a new channel with the new arrangement, we didn't think we were in a position both financially to fund it as well as the fact that we wanted to walk before we ran.

Alderman Williams

Good evening Ms. Vitale. I just had a quick question. I believe the CTAB board meets Friday mornings. Will you be available at that time?

Katherine Vitale

Yes I am.

Alderman Williams

Great. Thanks.

Alderman Richardson

I know that you are a former Alderman. I don't know a whole lot about your involvement in the Board at the time. At the time I wasn't paying a whole lot of attention to what was going on on the Board. I am told that the present needs of the Cable Television Advisory Board are not so many chiefs but a lot of Indians – people that need to be able to do things. I wanted to ask questions about your time, your talent, and inclination to contribute to CTAB. I was wondering if you could relate to me the level of your – looking at your own performance on the Board of Aldermen or any other civic activity, could you relate to me your level of contribution during your service?

Katherine Vitale

I think anybody that votes studies what is before them is contributing at every single meeting that they attend whether it is an informal meeting or a formal Board of Aldermen meeting, and every time you are there you are committed. Every phone call that you take from constituents is a level of commitment. If you want to go back, I have been involved within the school community. I have served as a PTO President, I have substituted very occasionally, I would say that since I moved in the 12 years, almost 13 years I have lived in Nashua, I have been extremely involved within the community.

Alderman Richardson

Could you tell me how many pieces of legislation you have sponsored?

Chairman Tollner

Alderman Richardson...

Alderman Richardson

I am talking about level of involvement.

Chairman Tollner

Okay. I think for the record, I think there are 3 Aldermen here that were on the Board last term with Alderman Vitale, and I would say that all three of us would say that her involvement was either equal, at the minimum equal to every other Alderman that worked on this Board. She sat right next to me. Her attendance was if not equal to better than anybody else that was on the Board at that time.

Alderman Richardson

Good. Then she will have no problem answering that question.

Chairman Tollner

The amount of legislation someone puts in doesn't necessarily correlate to the amount of effort that they put into the position. I just want to state that for the record.

Alderman Richardson

I understand.

Katherine Vitale

To answer your question, I did not think a necessity to count the number of pieces of legislation that I did. To this day I wouldn't be able to tell you. I would say that speaking with different Aldermen, I personally didn't feel the need to have my name at the top, that I could feel that I was representing my constituents by supporting legislation or even talking to people, that therefore put the legislation in. That was not an importance to be to have my name at the top.

Alderman Richardson

Okay. Thank you. Could you tell me what committees you were on?

Katherine Vitale

I served on the Finance Committee. I was on Planning & Economic Development, Joint Special School Board, the High School Building Committee, Child Care Advisory board.

Alderman Richardson

Did you hold Ward meetings?

Katherine Vitale

Yes I did.

Alderman Richardson

Several – 1, 2?

Katherine Vitale

I held a couple. Basically during the time of my term the biggest discussion was the Broad Street improvements.

Alderman Richardson

Thank you.

Chairman Tollner

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

Katherine Vitale

I don't have any questions. I just say I am more than willing to serve on this committee. I think that it has come a long way since the first discussions that I was involved in, and I think it is going to be – what will be produced will be a great benefit to the community. I look forward to being part of that.

Chairman Tollner

Knowing that the Board members that are on there now I think your joining that group would round it out quite nicely. Thank you.

Katherine Vitale

Thank you.

Ethics Review Committee

Larry Taylor (New Appointment)

Term to Expire: December 31, 2007

Larry Taylor, 14 Amory Street

I find this to be an opportunity for a person such as myself and my background to serve the community in the best way that I know how.

Chairman Tollner

You are familiar with how often the committee doesn't meet because the committee hasn't met that often over the last few years – it has met recently, but I guess over the last 5-7 years hasn't met that often. I guess the gist of the question is you are quite familiar with the responsibility and how often and why the committee would be called to meet?

Larry Taylor

Yes I am. I am aware that it doesn't meet that often.

Chairman Tollner

Are there questions from the committee members?

Alderman Richardson

I would like to be the last one to ask questions because I have several questions. If any other Alderman would like to ask questions I would yield.

Alderman Williams

Welcome Mr. Taylor. Thank you for coming. There was some confusion initially with your nomination with the Mayor's Office for Ethics Review Committee and the Ethnic Awareness Committee.

Larry Taylor

That is correct.

Alderman Williams

I believe at this point you have been nominated for both. Is that correct?

Larry Taylor

That is correct.

Alderman Williams

Have you, being nominated for both, have you given any thought to potentially why your name was submitted for both and not just one? Do you know why?

Larry Taylor

Perhaps because I do work in the community. Maybe you gentlemen are not aware I do serve on the Economic Development Board for the NAACP. Also I have participated in the Chamber of Commerce Leadership of Greater Nashua. I am a graduate of this year. One of my commitments to that organization is to volunteer our services to the community in a capacity which we think will be best beneficial for the community and to live up to the obligations is one of the catalysts that drives me here today to accept these nominations for these committees.

Alderman Williams

I believe tonight we are looking at just the Ethics Review Committee. This is obviously a highly sensitive topic, ethic review; any person that is brought before an ethic review it is a very sensitive area. Is there anything in your background that you bring to that to help make balanced decisions?

Larry Taylor

Well I served our country, our great country of America, in the military unit in the United States Army. I also have been extended by the federal government a job offer, which is National Passport Security Office, and am now being looked at as having a security clearance as far as public confidence. Just my commitment to integrity and ethics as a person I think qualifies me to do this.

Alderman Williams

Thank you for answering my questions. Thank you for coming.

Alderman Teeboom

We have at least 29 boards and commissions from my count. That is a lot. Why did you select if in fact you selected it, the Ethics Review Committee?

Larry Taylor

This is a very interesting process. I was looking to be on the Ethnic Awareness Committee, and like the gentleman said it got confused. When that proposition was offered I said yes. This is a way for me as being a public figure and somewhat of a role model for minorities within the community, to be able to send a strong message that Nashua is a place where minorities can develop and also participate in the city government on a positive note.

Alderman Teeboom

Well your name was originally submitted for the Ethnic Awareness Committee.

Larry Taylor

That is correct.

Alderman Teeboom

Wouldn't you say that if that is your interest and exposure of making minority citizens more aware, elevating their viewpoint, wouldn't you have a larger forum on the Ethnic Awareness Committee than the Ethics Review Committee?

Larry Taylor

I really don't have an ulterior motive except to serve my community. What is offered to me if I find that it is agreeable to me and is something that I can commit to it is what I do. I am not looking to illuminate myself any more than necessary, but I do want to make a difference within the community.

Alderman Teeboom

And you think you can do more so of that on the Ethics Review Committee than the Ethnic Awareness Committee?

Larry Taylor

It is a start.

Alderman Teeboom

It is a start – okay. Are you familiar with the conduct regulations of the City of Nashua?

Larry Taylor

I am in the process of reading them and becoming familiar with them now yes.

Alderman Teeboom

So you started looking at them after you're appointment or before your appointment?

Larry Taylor

Actually when I received the paperwork about a week ago is when I started.

Alderman Teeboom

Well it is ... **tape inaudible** ... Let me just understand the process that motivates you if you were appointed. Let me just say the Ethics Committee has been around for many years, but I think it only met once, and just recently it met once on a complaint by a citizen on a member of the Planning Board and a conflict of interest situation. That is Ethics Review. There was a claim made on this individual, I won't name him, but anybody who has tracked it knows who it is, that he was in clear conflict of interest. This individual claims he was not. The citizen had to file a formal complaint so it is not easy – had to file a formal complaint, put their name on and file an Affidavit – swore to this complaint. It is like if you file a complaint with the Police Department. Then it went to this hearing and the next thing you know the hearing there were no minutes, it was very difficult for us to obtain minutes, I tried to get minutes, couldn't get the minutes, had to go to the City Attorney to get the minutes – not even sure the meeting had been advertised. Ultimately it came down to a closed session, non-public, where only one member was allowed to vote. The other members had to be recused because there was claim made by the individual this claim was against that the other individuals had a conflict in voting on that Ethics Review Committee. It was a pretty tricky situation. Nevertheless it turned out the Chairman was the only one allowed to vote, and the Chairman is the only one that voted. I have never seen the non-public minutes because they have never been made public.

What I have problems with is the ethics of the Ethics Review Committee. I am very vocal about that. The reason is how can you have a Ethics Review in non-public session by one member voting? One member was judge and one member was jury.

Chairman Tollner

Alderman Teeboom if you give me one second I just want to clarify...

Alderman Teeboom

Let me go on – that happened, that is fact.

Chairman Tollner

I am not disputing that, but behind that there really weren't enough members first of all there wasn't a total membership on the committee – they were vacant either 2 or 3 positions, and if I am not mistaken one of the members recused himself for very valid reasons. If you had a committee of 5 and there were only 2 people that were active members and one had to recuse themselves that is why there was 1. I don't want the public to think that there were 5 members of the committee and 4 people recused themselves and only one person voted.

Alderman Teeboom

I made no mention... I only have one fact and that one fact is that the 1 member voted. That is why I want your opinion. I am looking for the process. I have a problem with the ethics in the Ethics Review Committee. You are going to be a new member if you are appointed, and I need to understand your motivation, your thinking – if you were in that situation sir and you were to find that you were the one judge and one jury in a non-public session on whether that person conducted ethically or violated that conduct regulation or not would you vote or would you hold

the vote until you had adequate representation on that committee?

I have explained to you the situation, I need to understand your...

Chairman Tollner

Alderman Teeboom let me – before you respond to that, I think you are putting Mr. Taylor in a very difficult position because there are a lot of things that happened in that meeting that no one would have expected to which in the very end there was only one person that was able to vote.

Alderman Teeboom

Yeah.

Chairman Tollner

I won't speak for Mr. Taylor, but my response would be I don't know all of the information that was presented to the committee at that time and what took place at that time to put ourselves in a position where only one person was able to vote.

Alderman Teeboom

This is an Ethics Review Committee and you cannot predict what happens when ethical situations occur in the Ethics Review Committee. It deals with a code of conduct.

Chairman Tollner

Before Mr. Taylor responds...

Alderman McCarthy

If I might clarify, of the 5 members – first of all the Ethics Review Committee has met precisely once in the 11 years it has existed. Of the 5 members who were appointed, two of them at the time of this meeting were dead. It was unlikely they were going to be qualified to vote. The third one had been re-appointed in contradiction to the terms of the ordinances, and was, therefore, not eligible to vote, the fourth was not challenged by the person named in the complaint, but in fact recused herself because the wife of another party named in the complaint is on the Board of Directors of the charity on which she serves on a daily basis. I would hate for anybody to think that the route to get to only 1 voting member was anything less than ethical on the part of the members of the committee. I think what is demonstrated is the lack of diligence on the part of this Board and on the Administration in keeping that committee staffed.

Alderman Teeboom

I still have the floor Mr. Chairman, and on that point I just disagree that mistakes were made in committee. I am not interested that much about that committee. I have problems with that committee. That is my problem. What I am looking for from you is if you were in that situation that Alderman McCarthy just described, through a set of circumstances this may or may not be

logical – you are the only one left to vote as judge and jury and you have to make a judgment – tell us now that you understand this a little bit better what would motivate you and how would you conduct yourself?

Larry Taylor

I really appreciate that. Plato always struggled with the question of justice. I am new to this and I am looking forward. I cannot give comments on a situation that I am not aware of the events that have occurred before my sitting in this chair tonight. To get direct with you and to answer your question, if there has to be an executive decision to be made, hopefully it will be one that is given with wisdom, fairness, and complete confidence in the decision to be made. If the Board required to have more than 1 person to sit upon it as a jury then its structure should have been there. The whole thing about it is conflict of interest so I assume that some remove themselves because of conflict of interest. Only because of the structure that was up until this point, and hopefully improves in the future, was not adequately addressed. I don't think it would be fair to me to say that I would be able to give you a truthful evaluation of what I would think would occur should I have been one on one to make a decision, but if I was given that role, with the power of common sense that I would make the right judgment to satisfy that decision should I find myself in that position. Hopefully I would never find myself in that position.

Alderman Teeboom

If you had been in that situation and had been the one person left and had been the only judge and jury left as one person, you might have proceeded to make that vote or you might have just stopped the proceeding until you felt you had more adequate representation?

Larry Taylor

If it was within the parameters of the law and responsibility of the Chair yes.

Alderman Teeboom

Thank you.

Alderman Richardson

Welcome Mr. Taylor. I have a lot of questions. I spoke with the Mayor, and he informed me that you had sought out appointment to the Ethics Review Committee, and we have gone over I guess your motivation to do that. I want to relay to you that I consider this committee to be the most important committee to the viability of city government. It holds the crown jewels of credibility and fairness to city employees and its citizens. As it is similar to a quasi-judicial body, citizens must have the utmost confidence in the integrity of its members and if not any other city effort is for not.

My belief is that the members must have unquestioned integrity and absolutely no appearance of impropriety to sit on it. Do you believe that would be the case for you?

Larry Taylor

I do.

Alderman Richardson

I am compelled to ask you several questions that you might not feel comfortable with. If you do feel uncomfortable just decline to answer please.

Chairman Tollner

Before you answer take a look at me, and I will let you know.

Alderman Richardson

I don't have very sophisticated tools for looking into individuals that come up as candidates. I typically go on line to look up background of individuals whether they have been involved with news articles or whatever. For you I came up empty handed, which for me was a little uncomfortable. Usually you can google somebody and there is something. It was only with a special request to the Mayor's Office that I received a copy of your resume. I provided copies to the other Aldermen. Otherwise they would have nothing about you. It was more or less a job-seeking resume. There was a lot of your background on that. Thank you very much.

It didn't contain your address. Now we have your address. How long have you been a resident of Nashua?

Larry Taylor

Since 2000.

Alderman Richardson

Where were you previous to that?

Larry Taylor

Ayer, MA and before that I was at Fort Devins.

Alderman Richardson

There is a recent Telegraph article that you were quoted in stating that you were a gang member in Philadelphia.

Larry Taylor

That is correct.

Alderman Richardson

I was wondering if you could tell me the nature of the gang.

Larry Taylor

I don't understand the nature of the gang, but a gang back in the '60s was a gang. It was inner-city life; it was a way of life if you will.

Alderman Richardson

Was it a violent gang, did it commit crimes – I am just trying to understand the nature of the gang.

Larry Taylor

I don't know of too many peaceful gangs within inner cities coming up during the '60s. Yes it was violent.

Alderman Richardson

This is a little outside of my realm of experience so I have to explore that sort of thing.

Larry Taylor

I welcome it.

Alderman Richardson

In being a gang member, do you have to commit any kind of crime to be involved in a gang?

Chairman Tollner

Alderman Richardson I think probably the appropriate thing is to allow Mr. Taylor, and I think you have done it already, to describe to you what events took place in his life. I think they were a long time ago. If you would like a general overview of what gangs did I think he has already provided that for you. I think he would say that he wouldn't be a member of a gang today, but I just want you to be very careful as you proceed.

Alderman Richardson

I understand. As I had asked him if he feels uncomfortable answering questions...

Larry Taylor

I don't feel uncomfortable. I am not ashamed of anything I have done in my life. We are dealing with culture here. Let me give you a little story before you continue your questions. I was born on a farm in North Carolina, big farm, animals, pigs, corn, etc. That is what I was comfortable with growing up. For whatever reasons my parents decided to migrate to Philadelphia. I never fell in love with Philadelphia. Philadelphia is where I learned how to fight not because I was in a gang it was because I was from North Carolina and I had an accent. I got into fights everyday. I was like a punching ball. After a while you get tired of being beaten up, and you learn how to fight good. After a while you get to understand the politics of the city especially during the time

of the Civil Rights Movement and black on black crime. I hated Philadelphia. I hated that type of city. Gangs had beaten me up everyday for not joining their gang. I got thrown into trashcans, beat up and sent home because I wouldn't join a gang.

As I sit before you today, always a person that had vision so I say now I know I can fight, how can I protect my interests within this community of gangs. Half of them I had learned to fight so well because we were young kids at the same weight, pretty much the same height, and as I said I happened to be one of the dominant figures during that time so I created my own gang within that gang. I did that for two reasons; one is for self-protection and the second was to protect my family because if you did not belong to a gang at that time or at least could contribute to what they called the turf back then. I don't know what they call it today because there are no boundaries today I guess, but back then we had a turf. If you couldn't contribute to that you were always picked on or your Mother's pocketbook got snatched or your little brother got beaten up. What I did was I took the initiative to form my own gang within that, and I went and negotiated with them guys and said look I am going to be your buffer. It was 21st and West Morland so you can look that up, and they had a gang called ... **tape inaudible** ... rival gangs – what I did was since I lived on Ontario Street that lead off of Grats and West Morland, I created a gang called Grats and West Morland. I initiated my stuff and that way since I was the leader of the gang I controlled what violence took place and what violence did not take place. Believe me I was a robin hood.

I believed in serving my community even back then. The appearance was the importance thing back then to me – how can I protect my interests, and that was my family and the friends within my community of Grats and West Morland. I built that, we appeared to be with this gang, but because of the love for my Mother I never wanted to get into trouble. She to this day didn't know I belonged to a gang just out of respect for her. She never had any problems. She could go down the street and do what she wanted and no one would disrespect her because they know Larry was the leader of Grats and West Morland. My community was safe. The small community that we had they could go out at night, sit out under the nights until a rival gang would come into the neighborhood. Basically I would let the main gang, which was the 21st and West Morland Street know that they are here and they would do what they needed to do, and we would just sit back. In the process of our observation I learned the intricacies of gang warfare, gang mentality, and how to avoid it. Yes I was in a gang, but it was motivated out of a conscious decision.

Alderman Richardson

Thank you very much. I have another question for you as I related to you my belief in the most serious importance of this committee that I feel compelled to ask you – I have asked it of many other individuals for many other appointments – is not about you, but I ask the question if you have a criminal record.

Larry Taylor

No I do not have any sort of a criminal record.

Alderman Richardson

Thank you very much.

Larry Taylor

That is why I joined the gang.

Alderman Richardson

Do you consider that you have ever committed ethical trespass?

Larry Taylor

Yes I have. I would have to say that I have when I was younger. I will put it on the façade of being in a gang.

Alderman Richardson

What have you personally learned about ethics from your experience of any kind of formal training in ethics?

Larry Taylor

Sir my family is very ethical. My motivations of, since you are so interested in gangs, my interest in gangs come from my ethics from my love for my parents – to protect them. When I was a gang member I was a robin hood of a gang. I had a reputation of being a good guy, being a protector of my little area in my neighborhood, my little patch of area, my little safeguard. My intent was not to deceive, my intent was to protect. Ethics was embedded in me from day one. Not only that I am a southerner sir. Southerners do have a high code of ethics.

Alderman Richardson

Very good. I am glad you feel that way. I am from Illinois and we usually have a slight diction problem, which makes people think that we are from the south also. I don't detect any diction problem with you.

Larry Taylor

It was beat out of me. When you get beat up everyday for talking southern you drop a lot of slang or slurs.

Alderman Richardson

I noted in that same newspaper article that you observed that the predominant Tree Street demographic group was not among the 30 meeting attendees, and you warned of profile in that meeting. Is that an accurate statement?

Larry Taylor

That is correct.

Alderman Richardson

Would this indicate to me that you have some feeling that there is prejudice with regard to the Tree Street area?

Larry Taylor

No.....

Chairman Tollner

Alderman Richardson I am not sure what that question has to do with his candidacy that we are here for tonight.

Alderman Richardson

The follow on statement will indicate that.

Chairman Tollner

Why don't we just go to that follow up statement then because I don't understand how that correlates whatsoever to the committee he is being interviewed for tonight. Thank you.

Alderman Richardson

In review of ethics charges against a city employee, you will need to demonstrably put aside any prejudice that you might have or knowledge of any subject that you might have in making decisions, and you need to make the decisions solely based on evidence and testimony presented to the review committee. Do you believe that you will have that capacity?

Larry Taylor

I was born with that capacity sir. For clarification, although I do say profiling, I am going to address that question for a minute.

Chairman Tollner

If you feel strongly that you need to that is fine. I just don't want to go down that road because I want to make sure we guardrail these questions about the committee that you are being interviewed for.

Larry Taylor

Thank you. I want this gentleman to go home and rest easy tonight. No I do not believe that there is prejudice. I believe that there was fear that can entice unwanted profiling if that helps you at all.

Alderman Richardson

As I said I have a lot of questions. I have a question also I ask of people being interviewed for the Ethics Review Committee in general – do you or have you ever conducted business with the City of Nashua being the customer? Have you had business dealings with the City of Nashua?

Larry Taylor

No I have not. If I understand you correctly no.

Alderman Richardson

Do you have any relatives by blood or marriage who are employed by the City of Nashua or serve on any board?

Larry Taylor

I do not.

Alderman Richardson

Do you have any indebtedness, personal favors, monetary to any business that does business with the City of Nashua?

Chairman Tollner

Alderman Richardson he doesn't need to answer that question. If there is a conflict that comes before any topic or subject that any committee does under that circumstance they should recuse themselves. I don't think that question is an appropriate one.

Alderman Richardson

I do think it is appropriate. I think that the public needs to know who will sit in judgment and decide matters of ethics within the community.

Chairman Tollner

I don't think the public needs to know that any candidate for any committee or commission that sits in that seat whether anybody is indebted – for instance if they owe money to a bank or anything like that. It is irrelevant. I think you have asked a question, which pretty much covered it before – do you have any relatives or relations – anybody that has worked for the city that you have a relationship with. The fact that someone may owe money to someone that that person may or may not do business with the City I think that is stretching it.

Alderman Richardson

Would you like to answer it?

Larry Taylor

What would you like me to answer? Now you have me confused.

Alderman Richardson

My question was do you have any indebtedness, personal favors, monetary to any business owner who does business with the City of Nashua?

Larry Taylor

I do not.

Alderman Richardson

Thank you.

Larry Taylor

Unless you consider my 2006 Nissan an indebtedness to the Bank of New Hampshire or something. I don't know what you are getting with that. I do not.

Alderman Richardson

You have already indicated that you have read sections of the NROs concerning the duties of the Ethics Review Committee, and you know the requirements of that as far as time goes. It is not a lot of time, but when you are appointed a member you will be quite busy in certainly things that you are not familiar with. Let me ask the question – you have read the NROs concerning code of conduct and I wanted to ask you are you familiar with parliamentary procedure?

Larry Taylor

Yes. I sit on the board of NAACP and we do follow the procedures as well sir.

Alderman Richardson

Do you feel comfortable in a role requiring the observance of rules of evidence, testimony, and examination?

Larry Taylor

I do.

Alderman Richardson

Do you feel that the NROs comprehensively cover all the aspects of ethical behavior in which you could make a recommendation to the Board of Aldermen and to the Mayor?

Larry Taylor

I can use fair judgment yes.

Alderman Richardson

Thank you very much Mr. Chairman.

Chairman Tollner

Thank you.

Alderman Dion

Mr. Chairman I have a couple of quick questions for Mr. Taylor. Mr. Taylor I have been reading your resume here, and I don't see anything about your marital status, children, or place of employment.

Chairman Tollner

Alderman Dion that question is totally out of line.

Alderman Dion

Why is it out of line?

Chairman Tollner

Marital status, children, anything like that...

Alderman Dion

Employment?

Chairman Tollner

Employment yes.

Alderman Dion

All right employment.

Chairman Tollner

I think he has already broached that already. He can repeat it, but ...

Alderman Dion

I don't see it.

Larry Taylor

I am in the management program with WalMart. I am also management of UPS.

Alderman Dion

How long have you been working there?

Larry Taylor

I graduated from Southern New Hampshire University in May; I sat in awaiting my appointment until this coming week as a matter of fact. UPS I have been there over a month.

Alderman Dion

Where did you work before that?

Larry Taylor

I was working with a realtor. I worked for a sheet metal company – anything I could to pay my way through school. I also worked for Sears as a salesperson while I was attending school. Prior to that I was a layman working as a master presser for a cleaners. I went to school for it. Prior to that sir I served my country as a medic in the United States Army.

Alderman Dion

I read that. You have been with UPS. You just started the job right?

Larry Taylor

Yes. Upon graduation, I, as every graduate will do, they look for the job they choose to pursue. Management and WalMart and UPS was the trade that I wanted to pursue because of my research in school. I graduated as a Business Major with honors. I pursued it and so far it has come to fruition.

Alderman Dion

Thank you.

Chairman Tollner

Are there any other questions? Do you have any questions of us Mr. Taylor?

Larry Taylor

I have no questions, but I say I welcome the concerns, and I thank you for your interview today. I hope I have addressed the issues that concern you. I look forward to your decisions to accept or deny me serving the community of Nashua. Thank you very much.

Chairman Tollner

Thank you. Thank you for being patient during the questioning.

Just for the two people that we interviewed tonight, what will happen is the committee, just to give you an idea of how the process works, the committee will vote on the appointees and then that recommendation whatever it is will be forwarded to the full Board of Aldermen and the full Board of Aldermen will vote on that interviewee or the candidate as a whole, and then after that vote you will be sworn in. You will be notified by the Aldermanic Office. Thank you very much.

Larry Taylor

Thank you. Have a good night gentlemen.

**MOTION BY ALDERMAN DION TO GO OUT OF THE REGULAR ORDER OF BUSINESS TO
TAKE UP PUBLIC COMMENT
MOTION CARRIED**

PUBLIC COMMENT

Susan Rousso, Donna Street

Expressed her concerns about appointments to the Planning and Zoning Boards. She asked that the committee, when considering members for appointments or re-appointments, look at what has occurred with zoning decisions in the past 5 years. She specifically cited condominium type dwellings being granted variances to place them in people's backyards and driveways. She went on to state for 2003 and 2004 approximately 87% of variances were granted. She believes that indicates that either 87% of the petitions were correct in that the zoning regulations restricted them or it can mean that 87% of the time the zoning regulations of

this City, which are supposed to protect neighborhoods and citizens have either a loophole or someone is allowing certain developers free rein in this City to develop multi-family dwellings in single-family areas.

William Hammer, 21 Green Heron Lane

Questioned whether or not the Aldermen were considering raising the tax exemption for the elderly, specifically for those over 80 to \$40,000 from the present \$36,000.

**MOTION BY ALDERMAN DION TO RETURN TO THE REGULAR ORDER OF BUSINESS
MOTION CARRIED**

COMMUNICATIONS - None

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE –

None

APPOINTMENTS BY THE MAYOR

Cable Television Advisory Board

Kathy Vitale (New Appointment)
8 Massasoit Road
Nashua, NH 03063

Term to Expire: August 8, 2009

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF KATHY
VITALE TO THE CABLE TELEVISION ADVISORY BOARD FOR A TERM TO EXPIRE
AUGUST 8, 2009
MOTION CARRIED**

Ethics Review Committee

Larry Taylor (New Appointment)
PO Box 416
Nashua, NH 03061

Term to Expire: December 31, 2007

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF LARRY
TAYLOR TO THE ETHICS REVIEW COMMITTEE FOR A TERM TO EXPIRE DECEMBER 31,
2007
MOTION CARRIED**

Nashua Airport Authority

Griffin T. Dalianis (Re-Appointment)
90 Walden Pond Drive
Nashua, NH 03064

Term to Expire: August 31, 2011

MOTION BY ALDERMAN WILLIAMS TO RECOMMEND THE CONFIRMATION OF GRIFFIN

T. DALIANIS TO THE NASHUA AIRPORT AUTHORITY FOR A TERM TO EXPIRE AUGUST 31, 2011

MOTION CARRIED

Zoning Board of Adjustment

Sean W. Duffy (Re-Appointment)
2009
9 Cheyenne Drive
Nashua, NH 03063

Term to Expire: September 11,

MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF SEAN W. DUFFY TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE SEPTEMBER 11, 2009

ON THE QUESTION

Alderman Teeboom

Parliamentary Inquiry – we don't interview re-appointments?

Chairman Tollner

We don't interview or re-interview re-appointments unless it is requested by the committee members or members of the Board of Aldermen prior to the committee meeting.

Alderman Teeboom

I would like to ask Mr. Duffy some questions. I am not a member of the committee, but I certainly would like to ask Mr. Duffy some questions.

Chairman Tollner

Mr. Duffy is here. I will leave it up to him whether he would like to come up or we can hold this appointment in committee. I am not sure whether he was prepared tonight to answer any questions. The procedures have been to give these re-appointments an opportunity, a heads up if members of this committee or members of the Board of Aldermen would like them to come in to be asked questions. I wouldn't necessarily call it an interview because they are already on the different boards. That has been the procedure for a number of years. Mr. Duffy I will leave it up to you whether you would like to answer some questions tonight or whether you would like us to take this up at our next meeting.

Sean Duffy, 9 Cheyenne Drive

I am available. If possible I would like to keep it to about 15 minutes. Current member of the Board. I live at 9 Cheyenne Drive. It is a very small home. I have never been in the Lafayette

Club. I am not an insider. I was weeding my lawn tonight before I came over here. There are also, as you know, Mr. Chairman certain things I cannot talk about with current cases. I would love to be able to try to help if I can.

Chairman Tollner

Or cases where maybe a vote has been taken, but there is a window for that decision to be appealed, etc.

Alderman Teeboom

I know nothing about your cases that you have going. I am glad to ask him now because the question I am asking now would be not able to say – not a question you prepare for. My concern is, and my question will relate to what you heard earlier and is typical of what I have been hearing, and not the first we have heard it as Aldermen. I am not sure about this committee, but it certainly appears for other committees – there seems to be unrest in this City expressed by any number of citizens who have called me personally – expressed concern about the Planning Board and the Zoning Board, and some of them don't know the difference between the Planning and Zoning Boards. Their concern is that they you look around the neighborhood and there is development going on, and they don't recognize their neighborhood.

There are places where there used to be one story single residence building and a garage and a nice piece of land, and the next thing you know the garage is gone, the grass is gone, and suddenly there are two buildings with a common wall so there are two residences on a single family lot – they call them condexes. People are upset about that because they don't recognize their neighborhood.

I don't exactly know because the planning and zoning laws are complex in my view. I have tried to study them and understand better. Let me ask you what is going on? Why are people in this city – you just heard a person who is upset enough that she asked to address this committee. You heard what she said. My first question is what is going on? Why are our citizens upset?

Sean Duffy

Alderman Teeboom I am not – I am a citizen of the City of Nashua as you know. I don't know why certain people are upset. All of our sessions as you are very aware are all taped. They are on television every week. All of the minutes of the meetings are made public. I am very proud to have served with many members of this committee - Mr. Courier, Mr. Shaw, Mrs. Douglas, past people that have really done a very nice job. As you know I am not a political person. I am supposed to sit in that session upstairs – we are a quasi-judicial board. If any person ever had a question about my ethics I would love to hear it because I am not a component of any good old boys network as some people may have thought or said or may feel. It is all perfectly part of this record. We are supposed to be quasi judicial. We are supposed to hear objectively. In the State of New Hampshire there is a reason why you don't hear zoning cases down here. I am just part of that process. I try to sit there, not be pre-determined, not be pre-judging. I am supposed to rule for both residents and developers and commercial interests. You have to sit there, and we have the ordinances that we try to interpret. I am one member of five, and there are many times we have split decisions as you do in this Chamber. There are many times we have unanimous decisions. We try to rule on each case independently given the Nashua City

Ordinances, given the State Ordinances, given the case law that goes on in the State of New Hampshire.

Since 2001, the last session I went to we had a training session of the whole state of all kinds of planning and zoning groups. As you know I have been to about 7 of those in the last 3 years specifically, but more than 12 since I have been on this board. We sit there, and this last time when I passed it into the Aldermen - since 2001 there is a 20 page handout of single spaced, two lines per case of all the case law that has happened in the State of New Hampshire from Berlin to Pittsburgh that affect the City of Nashua. I spend a lot of time going to that training. I have been to the places like Simplex. I have actually gone to the properties. I have sat in 9 other zoning and planning meetings, and I have seen about 7 or 8 other types of minutes from other zoning and planning boards – mostly zoning as it is my focus. I have tried to very independently and objectively rule on every case independently. I don't keep track record of a baseball score. I have heard from one person tonight and I have heard and read different things – the statistics of how many things we approve and disapprove – the City of Nashua is very fortunate compared to a lot of cities and towns in this State in that it has a very professional planning staff that spends a lot of time trying to weed out a lot of nos that they no absolutely you could go ahead and bring it forward, but it is probably not going to pass, but still everyone has a right to bring forward to us.

I feel personally that every case I have ever ruled on was objective and I have never regretted – maybe 2 different times of how you thought something was played out here in this room and how it actually gets built. Last night I recused myself – we were at readings until 10:30 p.m. last night just because of a personal friendship I have with someone, that my daughter had – I don't even know the family real well, but my daughter went to band camp and knew that person. I recused myself from that case just on any inkling of in impropriety that someone might thing well it is a friend of Sean Duffy's.

I cannot answer the question about why all the residents feel about it, but I can absolutely share with you my record of more than 5 years on that tape and in those minutes clearly reflect a very fair and honest depiction of what we are supposed to do; review on every case.

Alderman Teeboom

When you vote a variance on a zoning law you have to go by some principals right, and I am not familiar with all of these principals, but is character of the neighborhood one of the considerations you have to take into account when you allow a vote on a variance – character of the neighborhood?

Sean Duffy

It is, and there are about 7 different current case law items – for example if I can go back to – you have heard about the Simplex case and the Boucher case – these are case law items that were decided outside of our City that affect this City. I actually went up and visited those cities because usually what happens when case law occurs residents; developers or parties start to use the case law in their definition. You have heard the term reasonableness – you have a reasonable right to do that, but I was one of the ones on the board that actually took the time to read the case law and redirect the case law decision that people were trying to interpret all of these different parameters you are talking about.

Alderman Teeboom

Is character of the neighborhood a consideration?

Sean Duffy

It is actually essential character of the neighborhood, which we have used in a lot of our motions in the last ...

Chairman Tollner

Okay....

Alderman Teeboom

Okay let me stop you there ... what is your...

Chairman Tollner

Alderman Teeboom ...

Alderman Teeboom

I am trying to move this along fast. They are very lengthy answers and very simple questions.

Chairman Tollner

I don't want two people having a conversation at the same time.

Alderman Teeboom

I am just trying to cut to the chase. The question is, let me ask you again, if character of the neighborhood is a consideration of the variance and people complain about character of the neighborhoods being destroyed what is your definition sir of a character of a neighborhood?

Sean Duffy

When I drive around and do my visits one of the most important things in all of the things we look at is what does the house look like right across the street, what does it look like next to it, what does it look like up and down, but it is not always just the essential character of the neighborhood in every single case we hear. Again, I think all of the record of all of the minutes of everything I have ever been involved in are very clear and direct on why we made the determinations on all of the cases that we were asked to rule on.....

Alderman Teeboom

My question sir is what is your definition of character of the neighborhood. That is my question third and last time.

Sean Duffy

I did it. It varies by when you drive around the neighborhood. If I was going to use an example, in my street on 9 Cheyenne Drive, I am a single-family one-story building. If I were next to different stories of buildings I would be in a mixed-use neighborhood. When I drive around the neighborhood I look right at the street that we are on, I drive to the street behind, and I drive to the street over, then I listen to all of the testimony that is there from all of the current residents and all of the current abutters, and even non-abutters that come before us. I don't have a preconceived notion. I am there to listen, use my judgment and experience, and then make a determination. I don't have one rule that says this is what it is. I wish I could answer your question. I am not trying to be evasive. I think my record very clearly with all the minutes and the video show exactly you can see just like when we watch you in these Chambers what you are thinking and feeling and what you are trying to do. I think if I – I don't have an exact answer because there isn't one exact answer. There is a lot of case law that keeps coming to us that keeps redefining ...

Alderman Teeboom

Let me ...

Sean Duffy

I am really not trying to be evasive.

Alderman Teeboom

Let me just make this comment – it is precisely because the few times I have watched you on TV coupled to the complaints I get that motivates me to ask that very precise question sir. Thank you.

Alderman Dion

Thank you Mr. Chairman. Mr. Duffy how long have you been on the Zoning Board?

Sean Duffy

A little over 5 years now.

Alderman Dion

Five years? I have been watching that committee, the Zoning Board, and the Planning Board pretty closely for the last 3 years, and let me tell you something Mr. Duffy I am very disappointed with the decisions that have been rendered by both boards. I think there has got to be a major change in personnel. I think Mr. Shaw and Mr. Courier are two level-minded gentlemen that think about the neighbors, think about their complaints, and think about the character of the neighborhood. You have been voting most of the time, not all the time but most of the time, for the variances that are presented to you by developers and their lawyers. I can name you a lot of instances if you would want me to name instances – even last night on

congested 111, 42 units of elderly housing was granted on that road that is overflowing with cars as it is, and on top of all of that on 111 there are 42 more houses going there with WSMN is. This is poor planning. Route 111, 101, Spit Brook Road, Daniel Webster Highway completely congested to the hilt. We let it happen. The Zoning and Planning let it happen – no the Board of Aldermen. You are part of that.

What are your feelings about what I just said? Do you have any rebuttals?

Chairman Tollner

Just before – a lot of the decisions are based on state law where...

Alderman Dion

Common sense Mr. Chairman is what you have to have.

Chairman Tollner

I understand, but there are a number of cases Alderman Dion where the Planning or Zoning Board have voted projects down, and when it goes to court in very short order the courts look at the state law, which they make their decisions by, and those cases are quickly overturn. I am not saying in all cases, but a number of cases...

Alderman Dion

I haven't seen many at all.

Chairman Tollner

Just for the record. I am not sure that Mr. Duffy is able to discuss tonight the one project you are talking about since they just voted on it and the window for appeal is still pending.

Alderman Dion

I understand that.

Sean Duffy

I cannot speak at all to the Planning Board issues. That is not my focus or forum. I can be very honest and direct that first of all I think my record stands for all of my objectivity to hear fairly without prejudice, with objectivity the information that is brought before us based on the ordinances, based on the City, and I would understand if someone might respectfully disagree...

Alderman Dion

I do disagree.

Sean Duffy

I think that some of the information that was a little different is that there is maybe a perception, I have heard a little tonight, is that the developers are kind of running things. The preponderance of things that we have heard in my tenure there so far haven't been developers.

In all sincerity, in my personal opinion, I believe there would be developers and attorneys that would love to not be in front of that board because I am one of the ones that is a stickler and doesn't ... **tape inaudible** ...now that is my opinion, and you asked me what my feelings were so I am telling you how I am feeling about your question. My record is very clear. Personally I feel also I voted down more items than more than members in the past – since I have been on that board. I am usually a person who can try to influence decisions, but again it is a decision and a group decision of 5 people just like here you have that decision.

A lot of times I am on the losing side of a vote and I respect that and understand it and things go forward. There have been things that were very significant in size prepared by residents or developers, etc. that I have voted against and there are some that that I have voted for. It is very clear on the record what I voted for, and I stand by that.

Alderman Dion

Well Mr. Duffy let me say this in closing, I am not happy with your track record number one. I think I have expressed that to you before. I am not happy with the things that have happened in Ward 6; Lake Street, Kinsley Street, Main Street – there are a lot of areas in my ward that have been affected by your decisions. The North End many there also. I personally think that we have to make some changes Mr. Chairman. That is all I have to say for now.

Chairman Tollner

Thank you.

Alderman Richardson

I have about 9 or 10 questions. Very simple, but I will yield...

Chairman Tollner

Go ahead.

Alderman Richardson

Mr. Duffy I had questions about your past actions on the Zoning Board. Have you ever had to vote on issues where you were not completely or thoroughly convinced one way or another in

your decision making? Have you always been absolutely sure on your vote or is it one of those things that you toss up and ...

Sean Duffy

It is not something that you toss up in the air. There are two times I will abstain from votes that just pop into my mind now that when I feel that I have not seen the property of the application or the testimony at a certain time or if I am confused that I would actually abstain. I think that has happened at least twice. Again to be fair to the applicant. When we make a vote it is a discussion item, it is a forum for hearing all the testimony, and again 1 of 5 of the 8 or so that may be there in the evening. We do try to balance and listen to each other. Even when we disagree on one certain property we may completely agree on another property. We do have to balance and weigh a lot of different things. Again I am just 1 of that group.

Alderman Richardson

You have never had to make a decision where it was kind of on the fence?

Sean Duffy

I think we have tabled different things at different times. I don't believe I made rash decisions. If I were unclear I would have tabled.

Alderman Richardson

That is not the question. Have you ever been unsure of a legal point in your deliberations?

Sean Duffy

Yes. That is why we have staff there. Sometimes too we have tabled different things and sought legal council of the City of Nashua who is our prime contact for that.

Alderman Richardson

Who is this that you seek the legal advice from?

Sean Duffy

If there is a question usually we go to the City's legal counsel, the legal counsel you have here.

Alderman Richardson

You don't go to the Planning Department representatives for a legal opinion?

Sean Duffy

Not for legal opinions. We are supposed to do our own due diligence, training, and our own reading and interpretation. Again, they do a lot of the work. They have never told us this is the way a court has ruled or their interpretation of how a court has ruled.

Alderman Richardson

How do you view administrative decisions that come from the Planning Board for a given case? When you get an administrative decision that comes out of the Planning Board do you view that as having been sufficiently vetted that doesn't need to be questioned any further or do you consider it to be something that could possibly be in error?

Sean Duffy

I am guessing now – I think we have only had 2 or 3 administrative appeals that have come back from Planning to us. Again I don't have any specific – it doesn't happen that often. We are the board that by the city jurisdiction, state jurisdiction that we are the quasi-judicial group that will hear that process. Whether we agree or disagree we would review that as an application, we would review the minutes and review the testimony. I don't know if I have answered your question, but again we have to review it just as if it was a developer of a lot of condominium or a multi-unit.

Alderman Richardson

Have you ever had to make a judgment whether a Nashua Ordinance is trumped by State Statute? Have you ever had to make those decisions?

Sean Duffy

You mean that it is ...

Alderman Richardson

With regard to the land use laws that are in our ordinances versus what state statutes are?

Sean Duffy

Every time you make a decision you are in that venue because in a conflict process it happens. You have someone with an application and someone who will disagree. You have to make a determination based on all of the evidence and information you have. If I interpret case law and my experience is a certain way I have made a determination in my vote. Other lawyers or other developers or other residents or other Superior Court Judges or other Supreme Court Judges have every right and as part of that process to continue to have overview in that thing. Some of our decisions have gone up. Since I have been on the board very few have come back that showed we were in error. I don't try to say that trumps it I think it is part of the determination. Again I am trying to answer the question, but – it is like all the things you deal with here, all the ethics and all the questions and all the decisions you make whether it is a budget vote or accommodation for a stop sign – there are a lot of things you take in mind, and even the courts

look at your rules and ... **tape inaudible** ... I think I have felt comfortable with all of the decisions I have made.

Alderman Richardson

I have one last question. Can you name me a specific instance in which you voiced your opinion that the character of the neighborhood provisions of the land use ordinances were a compelling reason to deny an application?

Sean Duffy

I don't know the exact name of the cases, but even in the last 3 months there have been 3-5 cases that – since a case that was determined within the last year came out, a group of judges in Concord had made very specific that the wording and the terminology of essential character of the neighborhood is the phrase you have to use and then you have to describe as a Zoning Board member if you are the person making the motion why you feel specifically and what your terms and definitions are whether you approve or disapprove Yes I have personally, even last night two things were – I shouldn't talk about other cases, but in the last month I know even 2-3 nights before that specifically absolutely – again it is on tape. Essential character of the neighborhood is something we do try to listen to, and again for the record in the minutes explain what we mean by that. We can't just use the term. We can't just say reasonable use. We have to say there are 7 houses right across the street that are single family or there is another multi unit house three stories or twenty stories tall, etc. right next to it. We have to expand on that. Again, I think it is very clear on the record.

Alderman Williams

Thank you for coming. Thank you for speaking with us on short notice. A couple of papers were presented to me this evening by a constituent, and I just wanted to give you the opportunity to help explain how a couple of these photos of developments that happened came to be if you could just so I could understand. It is just a couple of pictures. I will show them to you in a second. I wanted to point out something that was also handed to me I thought that was very nice. It was an article it says Oakland Ave. paper street variance request denied. I believe in your tenure, on August 9, 2005 after months of discussion and postponed hearings, Nashua Zoning Board of Adjustment reviewed and ultimately denied developer's variance request that attracted a great deal of attention. At issue was a developer's interest in building homes in the city's Catherine Street/East Dunstable neighborhood on property lots that lacked actual street frontage. This was eventually denied by your board. I believe only one person voted in favor of it. I assume it was not you?

Sean Duffy

I don't really recollect the exact case.

Alderman Williams

This is I think the essence of what people here this evening are asking is to not let these type of things happen if you are re-appointed. Would you share that sentiment?

Sean Duffy

Again, I feel very comfortable with what I have been able to do. I hear from a lot of people around the City at different times – it is amazing to me how many people actually watch the ZBA hearings too, but again I have had tons of positive response. Last night specifically two people that had a certain colored button on actually had approached us after the meeting and commented what a wonderful job, it seems things are different. I have been a member of that board as a Vice President, as a Clerk, and as an Alternate member, and again I think my record is really I will try to take a look again ...

Alderman Williams

Please take a look at these four photos for me, and see if you can explain how these things came to be.

Sean Duffy

I do feel kind of uncomfortable. I am one member and ...

Alderman Williams

If you can help us – if you can't you can't. If you could

Sean Duffy

Again, as many of you Aldermen are here who know me or any in the audience too – I don't know those areas and such. Again because we do see some 8-14 every two weeks – again I really apologize I didn't have time to prepare. I have always felt that I feel that my contribution as noted by citizens that I meet is very valued as compared to those who may feel that they may not be that is a personal opinion again. That is not for me to share other than – I wouldn't have sought the appointment if I didn't think I could make a very valuable and helpful contribution to all of the concerns that are in the ordinances for everybody's sake.

Alderman Williams

Thank you for speaking with us on short notice. I do appreciate it. Thank you.

Chairman Tollner

I waited to go last because I know that some of the projects and topics that were brought up by the public tonight – there has been a concern and an outcry of some of the zoning decisions that the Zoning Board has made in the last 5 years. I would agree I think Mr. Courier and Mr. Shaw are good additions. I will also tell you that I have distinct recollection that 5, 4, 3 years ago when there were other people on the Zoning Board, at that time people were commenting and making the same comments about Mr. Duffy. I think there was a stretch of about 2-3 years where if there were 1-2 votes against a project he would have been one of the two votes against a project. We need to be careful not to tattoo one individual for the concern that we have with the entire Zoning Board.

Personally, this is my opinion, we have categorized Mr. Duffy's tenure there as a moderate. I don't think anybody could look at his voting record and say he voted one way or the other way.

I can also tell you that being involved in Nashua activities, I have known for a number of years purely on a community perspective that he has done his homework, he rests on the state laws. There will be a lot of times where we don't like the decision of the Zoning Board and the results of those decisions can go two ways; either the Zoning Board looks at it, rest on state law, and vote that way or they could vote against it, and very quickly the developer or any individual who has an interest in changing that situation takes the City to court. I am not aware of many cases where when they take the City to court the city actually wins.

At times when we are frustrated with how developments come out they base their decisions on state law. I think that Mr. Duffy is a moderate and we should be careful in using a broad brush in discussing what has gone on in the Zoning Board over the last 5 years and use that brush on one individual.

Alderman McCarthy

I would echo many of those comments. I have known Mr. Duffy throughout his tenure on the Zoning Board and believe that he does approach these cases objectively. I guess I would also point out that we are often handcuffed not only by state law but by our own law. Alderman Dion mentioned two projects on West Hollis Street, and the Senior Housing project is allowed by exception, but that is an exception that was worse in terms of density in the old zoning ordinances, but we did carry it forward into the new zoning ordinances. That is an allowed use under our zoning law. The housing subdivision is one that is permitted by right. Our current laws absolutely approve that subdivision and neither board has any right to disapprove it. There is a fair amount of that that is in fact that responsibility does rest in this Chamber as has been discussed before the Planning Committee. I know you are all aware that we are working on some amendments to deal with specifically some of the issues that came up here this evening, but I have to say as the author of the portion of our zoning ordinances that addresses character of the neighborhood to the extent that they do, that those are difficult to apply given that the standard is somewhat subjective and has to be applied on a case by case basis by the boards. Those are things that we need to address, but it is much more difficult to do that job, and I know I have sat on that board, than it might look in terms of what freedom the board does have within the law, what freedom there is when appeals come, and simply the fact that the cases are never as black and white as one would like them to be.

Chairman Tollner

The one other thing I would add is any time anyone had a question of Mr. Duffy he has taken the time to sit down and discuss that with everybody. Some comments tonight – you are on the fence, I would look at this now and say Mr. Duffy is the Chairman of the Zoning Board of Adjustment right now. I think if you take a general consensus of over the last few months have things changed they have changed. The only reason why you are the Chairman of the ZBA is your fellow ZBA members put you in that position. Under his brief leadership, I do think that

things have changed. Like I said I would definitely categorize his processing as one of a moderate.

Are there any further comments?

Alderman Richardson

I have a question of the Chair regarding appointment terms. I was surprised that a prior appointment session a couple of months ago where we had on our information sheets the terms to expire and subsequently found out at full committee that we had been operating under wrong information, that the terms were actually different than what we had been previously lead to believe. Do we know if these are the proper terms by ordinance?

Chairman Tollner

By ordinance this particular position that is up for re-appointment September 11, 2009 is the proper timeframe.

Alderman Richardson

My interest is in all of them. For instance the appointment to CTAB is 2009 the appropriate year and also for the others?

Chairman Tollner

That has been verified by the Mayor's Office, and the information we get from the Mayor's Office is the information we need to go by so I would say I would assume those are correct dates as far as the length of the terms of those particular appointments.

Alderman Richardson

These terms have a primary impact on how I vote.

Chairman Tollner

What you have in front of you I would say yes they are the correct terms.

Alderman Richardson

Thank you.

Chairman Tollner

They are checked with Legal by the way before we get them. I think the last time around was just a typo if I am not mistaken. Thank you. The motion on the floor is to recommend confirmation of Sean Duffy to the Zoning Board of Adjustment for a term to expire September 11, 2009.

Alderman Dion

I will not support that motion nor do I agree with the comment that you made under your remarks respectfully. I will not go into detail. All I can tell the committee is this – some of you are new on the Board. I have been on the Board for 9 or 10 years. I have never seen anything like what has been going on for the last 3-5 years. Everybody I talk to – I have heard more people, I have been to more Planning Board meetings and Zoning Board meetings than the whole 4 of you put together. I know what is going on over there. Listen to me when I tell you this, changes have to be made. This is the time to start. If you are satisfied with the way the Zoning Board and Planning Boards have been making these decisions then by all means keep electing these people. If you are not happy with the decisions that you have seen and heard in your short tenure, then by all means let's get a new slate of people in, and we have already started that process and I hope we keep on going.

Chairman Tollner

That is the broad-brush opinion correct?

Alderman Dion

Pardon me.

Chairman Tollner

That is the broad-brush approach.

Alderman Dion

It is not the fuller brush no.

MOTION BY ALDERMAN RICHARDSON TO HOLD THE APPOINTMENT IN COMMITTEE TO ACQUIRE FURTHER INFORMATION

ON THE QUESTION

Alderman Richardson

I do not feel that I am quite prepared to make the decision, and I am not sure if others are prepared at this point also.

Chairman Tollner

Would you state what additional information you may be looking for after listening to the questioning tonight?

Alderman Richardson

I would be interested in other people's comments.

Chairman Tollner

What other people?

Alderman Richardson

From the public.

Chairman Tollner

Alderman Richardson we don't do that.

Alderman Richardson

I do that.

Chairman Tollner

Tonight we entertained comments from the public because this appointment was on the agenda. We're not going to have 1-4 meetings – we have never had that when we are interviewing a candidate for especially for a re-appointment. You can make your motion, but if the intent of your motion is because of that reason to get more public comment ...

Alderman Richardson

This is personal comment from individuals whose opinions I trust.

Chairman Tollner

Alderman Richardson this has been on the agenda – you have had the agenda for quite some time.

Alderman Richardson

Yes I have.

Chairman Tollner

You had an opportunity to go out and seek that public opinion prior to tonight's meeting.

Alderman Richardson

And I have had a limited amount of input.

Chairman Tollner

If your motion is to hold I don't agree with the reason because you had sufficient time – we don't hold people at committee because people want to go out and survey the rest of the community on a particular point.

Alderman Teeboom

Point of Order Mr. Chairman – I don't think the Chair can question motivation of a motion. You can vote on a motion – vote it yes or no, and the motion to hold in fact is a non-debatable motion. I question the Chair and the member can also challenge the Chair on that decision. If the Chair decides the motion is out of order, which I didn't hear, I heard the motivation. If the Chair decides the motion is out of order then Alderman Richardson can challenge the Chair. I don't think the Chair can hold because of his opinion about the motivation of this motion.

Chairman Tollner

The motion is appropriate. It is the reasoning I was questioning.

Alderman Teeboom

You don't have that authority.

Chairman Tollner

The motion is to hold.

MOTION FAILED

Division Taken

Alderman Williams

I just wanted to speak to a comment we had just a moment ago from Alderman Dion who I respect very much. I do take what you say quite seriously. In weighing your comments on making some changes because we may or may not have been happy with decisions that have been made on the Zoning Board. I am struggling with making wholesale changes to the board instead of looking at each individual and the individual's decisions and not the overall decisions of the board. Let me use the closest thing I can that resembles that. I was so unhappy with the decisions of the previous Board of Aldermen I decided to run last Fall. If we had taken your analogy and put it to the last Board of Aldermen election, you shouldn't have gotten re-elected because you sat on that Board even though your votes, in my opinion, were good votes. Does that make sense?

Alderman Dion

No not really.

Alderman Williams

Well it makes sense to me. It makes a lot of sense to me.

Alderman Dion

What makes sense to me Alderman Williams is that for the last three years – I will repeat it one more time, I have been following the results of the cases on the Zoning and Planning Boards. In my opinion, I am very dissatisfied with the decisions that have been rendered. Most of these people on these boards listen to the lawyers and the developers and they don't listen to the people that are affected in the neighborhood or the character of the neighborhood. That is my complaint. My complaint is this – we have only made 1 or 2 changes on those boards. There are 10-12 people and with alternates there are probably 14 people. We have only made 2 or 3 changes on that board in the last 3 years. There is nothing wholesale. Once the opportunity arises like tonight you have got to take advantage of it or else you will get the same situations.

Alderman Williams

I do want to address that. That is a good point, but if we are not reconfirming someone that is defending the neighborhoods or at least moderately defending the neighborhoods...

Alderman Dion

Now you are listening to the Chairman again, and I don't agree with that moderate characterization. I do not agree with it. If you want to believe it then go ahead and believe it.

Alderman Williams

Then I will tell you what I would like to do because I voted –

MOTION BY ALDERMAN WILLIAMS TO HOLD IN COMMITTEE

ON THE QUESTION

Chairman Tollner

The motion to hold is probably the one that we need to consider because there is a committee members that is absent tonight, and that is the problem when you have a committee members that is absent – you have an even number.

Alderman Williams

To Mr. Dion's point though and he has a good point, and I think we should make a very specific look into the voting record. If this gentleman here, Mr. Duffy, is actually defending the neighborhoods I would like to see him re-appointed. I need to do my due diligence and review his voting record.

Alderman Dion

I might say this in rebuttal if I may Mr. Chairman – Alderman Williams if I didn't have any complaints I wouldn't be saying anything.

Alderman Williams

I appreciate that.

Alderman Dion

If I thought this gentleman was doing the job that I think should be done, I wouldn't be saying a word.

Alderman Williams

I appreciate that.

MOTION CARRIED

Chairman Tollner

I ask every member of this committee do your homework before the next meeting because this should never happen again. This gentleman has been on this agenda for weeks. For us to come here tonight, ask him these questions, and then still say I have more questions, is extremely unfair to the candidate. I also will ask each committee member not to use a broad brush when we are making a decision on one individual because we are upset with the Planning Board as a whole. If you have an opportunity go back and do your research, but if this was the intent of this committee we never should have invited this candidate up here tonight to answer these questions now, we should have held it and given him his due notice. I think everybody around this circle right here is very clear, if there is a re-appointment on the agenda, and I do not receive an e-mail or memo requesting that person come to be interviewed we don't interview that person out of respect for the people that come here for a re-appointment. It is a courtesy, a professional courtesy that everybody that is a re-appointment deserves. I think some of you know better. Thank you.

Alderman Richardson

Mr. Chairman how many meetings of this committee have there been since June?

Chairman Tollner

All the more reason for you to be more prepared – plenty of time.

Alderman Richardson

There has been a lot of time.

Chairman Tollner

Then we should have come with the questions and the answers and there should be no need to go to the public to ask for more opinions. We're done with this conversation. We're moving forward with the agenda.

Alderman Richardson

I agree.

Chairman Tollner

Thank you. Some of you out in the public may have on your agenda the appointment to the Ethnic Awareness Committee and that appointment has been withdrawn – for the record.

UNFINISHED BUSINESS - None

NEW BUSINESS – None

**MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-06-27
MOTION CARRIED**

O-06-27

Endorser: Alderman-at-Large Brian S. McCarthy

**ESTABLISHING THE INFORMATION TECHNOLOGY DEPARTMENT AS A
NEW DIVISION**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

As you all know you all got a copy of the memo asking the different departments to come and provide us their comments on creating this department as a new division. I will ask Mrs. Lemieux to come up and I think the first department we will take will be the Nashua Fire Department.

Maureen Lemieux

Having been the Division Director for about 6 years now, it became very clear to me a few years ago that this City really needed to make a much greater commitment to technology than we had been doing. Alderman McCarthy and I have had conversations for years now on the subject of whether or not IT should be a standalone organization. The benefits of having IT be a standalone organization is that it is really important for us to focus on IT much in the same way that we do the Legal Department of Financial Services. Those three organizations ought to be standalone, they ought to be at the table whenever we are having division level conversations, they are an integral part of every employee's performance within this city, and I certainly am in support of this. I think it is something that is long overdue. I look forward to the input from the other Division Directors, and hope that you certainly consider this favorably. If I may Mr. Chairman I would like to introduce the new Manager of IT.

Chairman Tollner

I think the wind is blowing in that direction. Hopefully this won't be a lengthy conversation.

Roger Hatfield

As probably one of the larger departments that gets its services from the City's IT Division due to the fact that the Fire Department doesn't have its own identity, and I have had many conversations already with John and I have some good feelings in regards to the directions that he is heading. I need to say that I am in support of this, the Board of Fire Commissioners have discussed it and we are in support. Due to the fact that I am kind of preaching to the choir as I look at the Aldermen that are here, Information Technology is a fast growing item that we use in the Fire Department as more and more of the departments that have been using it, it has trickled in our area.

We depend on it heavily and 50% of his workload in the IT division right now is the Fire Department. We have supported the idea of using the efforts of City Hall's It Division versus putting our own IT Division in place in our department. It has worked out well, but I do need to tell you our concerns. Our concerns are as it sits right now with the department being a department, we're growing, our needs are growing, our fire trucks have computers now being put in through Homeland Security. That is adding a lot more workload on a department where I think that as Maureen had brought up, their place in city government has to be looked at in higher level. I realize that. The Board of Fire Commissioners realize that. That is why we fell by them being a division they might have a lot more say that they should be having in regards to what direction the city is heading as a whole.

I do believe that right now you see the Police Department and the Fire Department utilizing the joint efforts on software that we would have never seen before, but we see the need for IT to be duplicated and that those resources have to be joined at the hop if you want to look at it in that way. I think that the efforts that we have worked on our hardware is really critical. It shows with the police and fire departments as we speak. I think we would be missing a very good opportunity if we don't try to continue to do the efforts citywide. We are in support of this. We have worked out some plans on where we see the future, but we are going to need the support of the Board of Aldermen. I think with them being a division we can get a clear picture of where the City is heading and where all of our needs will be addressed.

Chairman Tollner

I have one question. Would you think that if the citywide IT Division came up with a recommendation as far as purchasing hardware that was compatible you would lean on the new IT Division to make those decisions?

Roger Hatfield

We have been doing that from day one. Whatever recommendations that – we basically leave it up to them to tell us what kind of hardware we need that best suits the whole city because we are on the city network. Without their input I know for a fact I would make some big mistakes.

Chairman Tollner

Thank you. Are there any other comments for the committee as far as the Fire Department is concerned?

Roger Hatfield

No.

Alderman Richardson

In going through this proposal, it looks like we are not doing much. We are creating a department as a department. It doesn't really clearly identify what this department's responsibilities are...

Chairman Tollner

I think that is a good question. Can I just ask you to hold that question until we get the rest of the departments to come up and give us a little feedback and then we can talk about the specific legislation or did you have a specific ...

Alderman Richardson

That would be wonderful.

Chairman Tollner

Thank you.

Donald Conley

I am here on behalf of the Nashua Police Department and the Police Commission.

Chairman Tollner

Your situation is a little different than the Fire Department correct?

Donald Conley

It is a little different as it is very different from most of the other city divisions. We are certainly open 24/7. We have a number of issues that we deal with concerning confidentiality depending upon the information that we need in order to do our job successfully and to insure that the rights of the public are maintained. I can state that the department does support the concept of

the independent IT Division. However, I think it is vitally important that they would understand the uniqueness of all of the city divisions especially I think the Police Department and our needs concerning the project that we have recently got to in the past year and a half. Certainly the technology is ever changing, it is incredibly expensive, and I am sure it is only going to get more expensive and complicated in years to come.

Chairman Tollner

In your opinion, would the Police Department and the Police Commission prior to making a major purchase on hardware let's say, the first or second step would be to contact this new division to see what is going on in the Police Department to try and correlate or take advantage of hardware purchases and things like that to gain pricing ... **tape ended** ...

Donald Conley

..... really partner with that entity if you will, and certainly take whatever feedback we could. We could certain apply that to the technology that we use in order to stay abreast and do our jobs professionally. Absolutely.

Chairman Tollner

In your opinion, how often would you like to have the new department meet or check in to make sure the right hand knows what the left hand is doing as we move forward?

Donald Conley

Well I think you would have to perhaps develop a users group and maybe have representatives from all the divisions, and probably meet, at the top of my head, I would say monthly to ensure that if there are developing issues that you attempt to solve those issues or at least address them before they become major problems.

Alderman Teeboom

For the Chief – to me IT Technology is a technology, making things happen. It is not using the system. Using the system that is your job. You may want encryption systems to really protect so you may need help with encryption systems and IT would help you with the technology. How you finally do key control – as an example you mentioned confidentiality and security that is your business. I am curious that do you find the confidentiality in the Police Department is special to the Police? Doesn't the Fire Department have confidentiality issues and the Human Resources have confidentiality? Why is your confidentiality issue any different than anybody else's?

Donald Conley

To be honest with you sir I am not a fireman and I am not someone who works in H.R. so I can't address those issues. I do know that it is very important to us because there are two issues; if I were to intentionally violate any code of confidentiality involving a juvenile then I could be prosecuted if you will. If I did so unintentionally then I could perhaps put either myself, my boss or the City involving a civil litigation. I can only say from my perspective, and I can't speak from

anybody else's perspective, it is very important to us. If Jane Joyce were here she might say well it is equally important to her and I would respect that. I think that our business alone and what we do I think that it is very important that we have significant input on whether it be the software, procedure or policy. I am sure that all of that would be discussed as part of this IT Division, and we would have to ensure that we would be a significant part of that.

Alderman Teeboom

I respect that very much because it is partnership that is in place because the IT Division has the knowledge of people that can help you with that confidentiality. People penetrate the Pentagon all the time. That is no joke. They penetrate the Pentagon with the attempt to get weapon secrets.

Chairman Tollner

Alderman Teeboom ...

Alderman Teeboom

And the same applies to the Police Department.

Chairman Tollner

That is good – I just want to ...

Alderman Teeboom

That is the point, and the point is that they can help you. It seems to me that in a competent IT Department that works in partnership can help you improve your confidential areas of concerns because you have to deal and increasingly deal with issues of penetration, viruses, spoofing in particular, when they act like they are someone looking for information that is not authorized to get that, but acts like he is, they can help you improve your confidentiality. I am now worried about whether the technology is in place within the department to deal with those kinds of ...

Donald Conley

I think that is why the Police Commission and Chief of Police, Tim Hefferan, agree and support the position.

Chairman Tollner

Any questions of us?

Donald Conley

No.

Chairman Tollner

The School Department – you have one of the biggest departments in the city. I think both your

area and the City could definitely benefit from this new IT Division. What does the School Department have to say?

Jim Mealey

To tell you the truth I am here more just to learn as much as I can about this. We don't know what form it is going to take. As Alderman McCarthy can attest we are currently participating with other departments in the City in looking at facilities, and we are certainly participating in the process of looking at this as a possibility moving forward, but obviously would need more information.

Chairman Tollner

Not to put you on the spot, but the School Department is open to working with and cooperating in trying to gain synergies with this new division. Is that safe to say without ...

Jim Mealey

Without commitment for the Board of Education right. In participating in the process certainly.

Chairman Tollner

I see Mr. Dowd back there so he is somewhat comfortable with that correct? Not that you are speaking for the whole board. Okay. Thank you. So you are looking forward to working with this new division and checking these opportunities out right?

Jim Mealey

Right. It makes sense to do that yes.

Alderman Teeboom

Last time I looked you were the Business Manager, but you do have an IT Manager in the School Department. I am kind of curious why he is not here.

John Barker, IT Manager

I had a conversation this afternoon with Rick Farrenkopf. Talked a little bit about this. He shared some of the initiatives and actions/information sharing that has been going on to this point. We talked about points, economies of scale. He was very open to participating with us. We look at the school system as an equal partner in planning processes. We talked about strategic planning, which is a very important next step for us. He talked about the strategic plans that you folks are actively working on and can bring to the table as something to help germinate our process. There has been some communication although it is a little late this afternoon. We have started the process of talking.

Alderman Teeboom

He concurs?

John Barker

Yes. I am telling you he concurs.

Jim Mealey

The other part of that is there was some confusion – at first it was thought it is going to include schools and then prior to the meeting the conversation I had with Rick he thought it did not include schools. That is part of why I came to get that clarification, and now I have that.

Chairman Tollner

So all the time you waited are you saying it was worthwhile?

Jim Mealey

Well I am also here in case we talk about facilities as well.

Chairman Tollner

Thank you very much. We have Library and BPW here. Come on up.

Thomas Corbett

I am the person responsible for the IT Management at the Library. I can't speak for the Board because the Board doesn't meet in the summer so we haven't been able to discuss this particular issue, but I can say I can speak for the administration that we strongly support developing a division and putting IT at a division level as long as we understand – one caveat that we are concerned about trying to trade a very centralized IT structure where one size fits all approach wouldn't work well with the Library and with other organizations such as ours that report to a Board of Directors with specific policy goals and objectives that we try to align our IT objectives with. I think in my discussions I have had with John I think the creation of the IT Division will be very productive, and we would be excited about working with that division.

Chairman Tollner

Any questions? I apologize you had to wait so long. Thank you for staying. Is there anybody else here? The motion on the floor is for passage of O-06-27. I know that we have discussed this at length the last meeting that we had. Anybody have any further comments on the motion on the floor to add to the discussion not repeat what we discussed the last time?

Alderman Teeboom

Was I here the last time?

Chairman Tollner

Yes you were sir, and you did a very good job I might add.

Alderman Teeboom

As always. I am just going to say that I think that technology is much more complex now and becoming increasingly more complex in our lives. I just mentioned a few of them that are really becoming important. It is not just the common systems – I listed communications, surveillance, computer technology, telephone systems, internet technology, software, hardware – it is becoming very complex. It is difficult for individual departments to deal with all of that. There was a very recent example of that in the Finance Committee. The IT Department is now actually reviewing the complex, not the costing in that case, but the complex procurement. That is what I see the IT Division doing; set standards, set purchasing standards, review standards, technical standards, help in RFP formulation, sign off on RFP purchases. When I am on the Finance Committee and I see a complex technological initiative/contract coming before us like the surveillance I would like to look and say did IT sign off on it without having to take a lot of discussion and motions to get it back to IT. That is my view. I think it is something that is really necessary in any large city like ours.

I can even remember before I had these issues there were fiber optics, telephone systems – I can think of many. I have been in the business for 44 years and 33 years I have been involved in IT.

Chairman Tollner

So you are in favor of this?

Alderman Teeboom

We need to have it. I don't think we can live without it, but we have to have a very strong IT presence. Whether it is called a division or department I don't care what you call it, we have to have a very strong IT presence along the lines I just outlined. Thank you.

Chairman Tollner

Thank you.

Alderman Richardson

I am actually very much in favor of having a strong IT Department. I think that is a superb idea. Unfortunately, this ordinance proposal does not do that. What this ordinance proposal does is it creates a larger bureaucracy to cover its costs, you need more money, and it doesn't have any kind of budgetary authority over the purchases made by the City. The line items for computer expenses and software expenses are still be carried, under this legislation, in the various departments. There is no centralized authority for this IT Department. For this particular legislation, the way it is worded right now, the way it is scoped out, I don't see it being of any benefit other than getting an opinion, which you can get already. I don't support this, this version of this legislation. I do support again the concept of a very strong IT Department. Thank you.

Chairman Tollner

I view this legislation as totally taking this division, focusing on our IT piece, and that is what the

city needs. The legislation doesn't ask for more money. I think a lot more due diligence for the most part will be done if one division is driving the IT decisions and support that will help all of the other departments in the City.

Alderman McCarthy

Functionally we have policies that allow for exactly what was just described where certain purchases cannot be made out of department budgets without signoff from the centralized department that oversees them. I would hate to see us muck up the budget by moving all of the technology expenses into the IT Department because then we don't get to see what the other programs in the city cost us. As you know Mr. Chairman that has been an issue for this Board for a decade or more that we want to have centralized control over the purchases of certain items, but keep the truth in budgeting and keep them in the budgets.

This legislation furthers that by making IT as important as a Division and not just a department that is not represented at the highest levels of management in the City.

Chairman Tollner

I agree. The motion on the floor is to recommend final passage.

Alderman Williams

My question is for anyone that can answer it, probably Director Lemieux – if we pass this ordinance and establish an Information Technology Department as a new division, to Alderman Richardson's point – I just want to clarify – once we do that we already have an IT Manager, someone to oversee it, so that doesn't cost in overhead, but in a typical division, what other layers of management would be needed?

Maureen Lemieux

As I try to think about the other divisions that would be reporting directly to the Mayor, I don't know that any of them are typical. The one thing that we have eliminated in the IT Department, which I could envision us thinking would be necessary as we move forward, is some level of administrative support. That is regardless of whether or not this becomes a division. We currently have our supervisor, our technical support doing much of the spec writing and purchase orders. Our IT Department actually does approve most computer purchases throughout the City. Most things have to be approved through the IT Depart. We did, a few years ago, eliminate the administrative support function, which was probably about a \$25,000 a year job. We have in the last two years since we have not had that position realized that may have been penny wise and pound-foolish because we have people who are earning more money doing the functions that person would have done. Beyond that I would think that any decisions we would make as far as staffing levels would probably and should probably be the same whether it is a division or a department.

I don't think by passing this legislation there is a tremendous amount of overhead that will come forward with it when we bring the FY 08 budget to you.

Alderman Williams

I just have one other question on the same vein. It is not a staffing or personnel question because you just addressed that, but I guess I just want to make sure that I at least am cognizant of any unintended consequences of passing this. The other unintended consequence that I can envision I doubt will happen, but with a new division do we all of a sudden now need new office space? Do we need that kind of – I just want to clarify.

Maureen Lemieux

Actually the IT Department is located on the third floor. The department itself, the space is large enough for the current level of staffing. We actually also on the third floor have one available office that is actually technically behind the stage for the auditorium. The conversations that we have been having about the PEG Program Manager we would probably locate that person in that office. There is room. We do have or will have within a week or so two vacancies in the IT Department. Assuming that we go out and backfill those positions, there is space available for those people.

Alderman Williams

You understand where I am going. I don't want to pass this and then have something else brought forward that says okay you passed that ordinance so now we need \$600,000 to put an addition on this and we need \$3000,000 for this Deputy Director. That is just what I want to clarify tonight. So you feel that there is really no large incremental increases?

Maureen Lemieux

What I would expect – I wouldn't want you to walk away from this conversation thinking that you wouldn't see requests for significant amounts of money. That should happen because we need to make a real commitment to technology as a city. We are operating our admin system is more than 20 years old. Within a few years we won't even be able to get support for that system. We can't find admin. programmers out there. What I would anticipate that you will see, and again this is probably regardless of whether it is a department or a division, I would expect to see as Mr. Barker completes the audit that he is going to do and then really begins to develop the strategic plan, I would expect if I were you to see significant capital requests for us to upgrade some of our systems.

Alderman Williams

But that is irrespective of a division or a department?

Maureen Lemieux

Absolutely.

Alderman Williams

That is what I want to be clear on. Thank you.

Chairman Tollner

The motion on the floor is to recommend final passage.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO TAKE O-06-25 FROM THE TABLE

MOTION CARRIED

O-06-25

Endorser: Mayor Bernard A. Streeter

**ESTABLISHING AN ADDITIONAL MOTOR VEHICLE REGISTRATION FEE
TO FUND A CITY RECLAMATION TRUST FUND UNDER RSA 261:153 V AND
149-M:18**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

Mr. Fredette maybe you can briefly explain for us the purpose and intent of this legislation.

David Fredette

Thank you Mr. Chairman. Again this year I was volunteered by the Mayor to the Liaison to the Division of Public Works during the budget process. One of the tasks that we look at each year is there any way to raise additional revenue for different departments within that division. The Ordinance in front of you for the reclamation fee is a state law that has been around for a long time. We looked at it and proposed it this year. I know Sally Hyland has some information on it and could probably talk about it more in detail. That is how it started anyway.

Chairman Tollner

Mrs. Hyland if you would just take a second and give us maybe just a very brief overview of the intent and purpose of the legislation maybe we can move forward with it.

Sally Hyland

This original enabling legislation came into being at the state level in 1989, and as was said, it allows communities to add a fee to vehicle registrations that would be earmarked in a special reclamation fund with a portion of that to administrative costs, which would be used for

specifically the costs of dealing with automotive wastes; oil, anti-freeze, batteries, and tires and so forth. The legislation additionally said that if there were any monies left over from that fund they could be used for general recycling in the community. That has been on the books for a long time. There have been several other communities in the state, which have taken advantage of that and have established the reclamation trust fund for vehicle registration.

In this community, we would be doing the same thing. It would be collected as part of the registration process and again a special fund set up for the money that comes in from it.

Chairman Tollner

What would be the additional charge?

Sally Hyland

State legislation sets up the additional, what is allowed to be charged, and there are three different levels - \$5 for heavy vehicles, \$3 for regular automobiles and light vehicles including trucks, and \$2 for special use vehicles like all terrain vehicles.

Chairman Tollner

Why would an all terrain vehicle be less money than a car?

David Fredette

It is the law.

Sally Hyland

I don't know. There is probably fewer of them. They certainly all have tires.

David Fredette

They are smaller a lot of times.

Chairman Tollner

Oh the little all terrain – not RVs. Okay. I guess I would ask the three of you some people may view this as additional tax so how would we respond to that?

Richard Reine

I think it is a tax, but I think it is a targeted tax. It is a tax that goes to the people who generate the waste rather than a broad tax that is covered by all parties.

Chairman Tollner

Okay, and then these costs are already covered in your budget now right?

Richard Reine

That is correct.

Chairman Tollner

What would you do with the money that you are no longer spending on this item in your budget?

Richard Reine

That is a good question, and that is why we want to make sure that it doesn't come across that there will be a reduction in the budget by that amount – we are going to be incurring significant costs for certain programs that are really state mandates now. There is a mandatory electronic waste recycling, which is coming up in July 2007 – FY 08, and that is going to require the City to separate all of the electronic waste, any video display monitor greater than 4" will no longer be allowed in a landfill. It will be a significant cost to the city, probably somewhere between \$50,000 and \$100,000 in costs – HB1455 that was passed a while back. We see that the recycling costs for those types of programs – appliance disposal, equipment replacement are going to increase, and this will allow us to offset some of those additional costs.

Chairman Tollner

Thank you. Mr. Fredette do you have something to add?

David Fredette

I just wanted to make sure you understood that this is actually revenue and you bring in additional revenue through a fee you don't have to raise it through a tax.

Chairman Tollner

That is a spin coming out of the Treasurer's Office. It still is a tax is it not?

David Fredette

It is a targeted fee. It is not a tax.

Alderman Williams

I just want to clarify this question with either Treasurer Fredette or Mr. Reine. On the Ordinance, there is a strikethrough for the deposit of a motor vehicle tire – there is currently a charge of \$1?

Richard Reine

There is a charge for \$1 for car tires and I think it is \$2 for truck tires.

Alderman Williams

You are striking that. Is that charge no longer exists?

Richard Reine

With the passage of this RSA and this trust fund you no longer can charge individually at the disposal site for those tires so that would no longer be in existence with this passage.

Alderman Williams

How much is collected in that?

Richard Reine

Very small amount. I think he got \$6 from me so there is 1 in a row.

Alderman Williams

That is not going to shrink your income that much.

Richard Reine

No – it will be very insignificant.

Alderman Williams

Can any of these monies be applied towards – I also was lucky enough to contribute \$5 to your department for what was considered demolition because I threw in my garage door – will any of this money be able to be applied to that for residents that show up with a couple hundred pounds like a garage door and you have to pay an additional monies? It was 230 pounds so I had to pay you \$5.

Richard Reine

How do you mean contribute?

Alderman Williams

Can you use this money and eliminate a residential charge for showing up with 230 pounds?

Richard Reine

No. I think the residential charge for C&D is a completely separate issue. This is for recycling only. Any funds that ...

Alderman Williams

Isn't C&D recycled?

Richard Reine

No C&D is disposed. Any additional funds over and above automotive expenses can be used for the recycling program so like I was saying earlier the costs that we are going to be incurring for the program, which is recycling, collection, vehicles, containers, those things.

Alderman Williams

You will apply it towards the special collection of the hazardous wastes as well? Would it apply to that?

Richard Reine

That is another very controversial issue because right now the State is looking – Sally can speak to this better than I can, but the State is looking at cutting the funding grants for that program so we are, the Nashua Solid Waste District and the Regional Planning Commission is struggling with how that is going to be funded. It may be an opportunity for Nashua singly to use some of this money for that. I don't know if it would be able to be put into the current program.

Alderman Williams

That's all the questions I had. Thank you.

Chairman Tollner

Thank you Alderman Williams.

Alderman Richardson

I have questions about what is stated as in the RSA. I haven't looked at the RSAs – the fees – you said \$5 for one thing and \$2 for something else – you are referring to vehicles. How does the vehicle relate to a disposal of tires?

Sally Hyland

The way it was set up in the legislation was specifically about the way they chose to delineate is to go by it seems like the weight of the vehicle so that the heavy vehicles including heavy trucks and vehicles that exceed 18,000 lbs – they even had that weight in there, would be \$5. That fee is set by the legislation. Then the smaller vehicles and the lower weights are the lowest price,

the \$2.

Alderman Richardson

If I show up at the landfill with 4 tires how much am I going to be charged?

Richard Reine

What type of tires Alderman?

Alderman Richardson

Something like 5/16th.

Richard Reine

So from a passenger vehicle?

Alderman Richardson

Yes.

Richard Reine

A dollar each.

Alderman Richardson

How do they get that out of this RSA?

Richard Reine

You won't be charged when you show up at the landfill if this ordinance is passed. It will be charged separately through your motor vehicle fee and those monies would be collected in a different way.

Alderman Richardson

This is through the motor vehicle fee?

Richard Reine

Exactly.

Alderman Richardson

This is charged at ...

Richard Reine

When you register your motor vehicle.

Alderman Richardson

I see. So this hits everybody no matter whether they dispose of anything or not. This is non-discriminatory. It is not a user type fee it is a fee that hits everybody regardless of whether we use it or not.

Richard Reine

In fact it is actually more of a targeted fee because typically the people that are registering motor vehicles are the ones that are disposing of waste oil, tires, batteries, those types of things, and all of those would be eligible for these monies that are raised to offset the costs for disposal of those items.

Alderman Richardson

I don't understand how is someone registering their car going to be attributed to being disposing something?

Richard Reine

When you register your vehicle the likelihood that you will be replacing those tires at some point in the future is pretty high so when you replace those tires the disposal of those four tires that are on that passenger vehicle would be a cost born by the city and would be eligible for reimbursement through this fund by these monies collected.

Alderman Richardson

For myself I take it to the National Tire Warehouse whoever and they keep the tires.

Richard Reine

But they charge you for it - \$4 each.

Alderman Richardson

Okay. So it is a pass through kind of thing?

Richard Reine

Exactly so this way you could elect not to have them keep them, dispose of them at no charge, and your cost has been paid up front through registration fee.

Alderman Richardson

It is not payment at the landfill, it is not a guy that comes around and picks up the garbage and charges you. It is through the registration. Are we in the business of reclaiming oil now?

Richard Reine

We have been in that business for quite some time. We have been collecting waste oil there for ...

Sally Hyland

Since the mid to late '80s. We annually in the city – what I checked on represents about 16,000 gallons. The other thing that will be coming up because of the household hazardous waste collection problems with the reduced grants from the State is that residents may, this is under consideration now, may no longer bring anti-freeze to the collections. In that case we would have to provide something for them. This fee would be able to be used for that.

Alderman Richardson

What kind of a trust is this?

Sally Hyland

It is specified by the State and it is called a reclamation trust fund and I think it is the Department of Revenue Administration which establishes how that is done.

Alderman Richardson

What is its nature? Is it a special revenue fund? Is it an expendable trust fund – terms that we are familiar with?

Richard Reine

It is probably an expendable trust fund that you transfer money in to offset other costs.

Alderman Richardson

So then it stays there?

Richard Reine

It can't be used for any other purpose.

Alderman Richardson

It goes on from year to year?

Richard Reine

Exactly. I think their technical term is a non-expiring trust fund.

David Fredette

It is what you would consider an expendable trust fund. It's balance is forwarded year after year after year.

Alderman Richardson

Do we need to take any special actions as far as the Board goes to have that done?

David Fredette

No. Passage of this ordinance would create the trust fund.

Alderman Richardson

Thank you.

Alderman Teeboom

How much money are you raising with this a year?

Richard Reine

Our estimates – you have those numbers in the financial analysis.

David Fredette

It is approximately \$250,000.

Chairman Tollner

It is \$261,000.

Richard Reine

That is based on the number of registrations times passenger vehicles, which is the predominant vehicle.

Alderman Teeboom

How much are you spending on reclamation now?

Richard Reine

It is probably somewhere between \$20,000 and \$50,000 depending on what is eligible.

Alderman Teeboom

So you will have \$200,000 plus extra. I go to the Tire Warehouse to change my tires and charge me \$3 - \$4 a tire. If I show my registration slip from having paid this \$5 fee will they no longer charge me ...

Richard Reine

You put them in your trunk and drive them to the dump. There is no relationship between what they charge and what the city does.

Chairman Tollner

The answer to that question is no.

Alderman Teeboom

The answer to that question is no so I still have to stick them in my trunk.

Sally Hyland

There have been other communities that have made arrangements with local tire companies and required documentation of local residents who if they don't get the tires from the entire region, but local residents, and the tire company would have to agree to do a manifest. That has been done in the City of Dover. It worked there. There can be ways of allowing it to be a little bit more convenient for residents.

Alderman Teeboom

What I am coming to is the Tire Warehouse must dump their tires in the City of Nashua.

Richard Reine

They have the same options to get rid of their tires as we do. In fact, years ago there was legislation passed that we don't accept tires from commercial entities. I think it was during the Bridgestone fiasco where hundreds and hundreds of tires were being generated and we were concerned because a lot of those tires were trying to come into the landfill for disposal at \$1 each when commercial entities when our costs were significantly higher. We don't take tires from commercial entities.

Alderman Teeboom

Okay. The final question is you mention that you will be paying \$50,000 to \$100,000 for recycling of electronics. I thought there was a law in the State of New Hampshire that if the State passed a law that tossed the local community money they have to reimburse you. It is a

constitutional change. How can we get charged for something that they are passing?

Richard Reine

I suggest you talk to legislator about that, but I would surmise to say that the charge is not a mandate or the action is not a mandate. There are other options for disposal of waste. We will be giving those to the Board of Public Works shortly. In fact, we have a technical session coming up to explore those options. It could be a direct fee to the residents where they have a CRT or a video display device they want to get rid of, there is a number they call, and that person comes and picks that material up or there is a charge directly for those residents. It is not considered a state mandate.

Alderman Teeboom

I see neighbors that toss away refrigerators, washing machines, dryers, large items, mattresses – landfill people come and pick them up no charge. It seems to me – I have a problem with this tax or a fee. A fee is a tax and a tax is a fee. In my mind there is no difference. It comes out of the same pocket. It is just another sneakier way to charge people and not charge against the home property tax. Still to me it is a fee. It seems to be better that you have a use fee. I am not sure I support this. I can't vote on this committee, but charge people for the services they use. That seems to me to be a fairer way than charging everybody broad brush whether they take the tires somewhere it doesn't make any difference. Charge people – if they call you up and say I have a refrigerator to haul away – that takes time, takes all kinds of cost, charge them – refrigerator \$50. That is the kind of law that I like to see. This trust fund sounds great, easy way to go, nice way to collect another \$200,000 extra revenue. I say it is an extra tax. I am not sure I like it. If you say the State tells us we have to collect it I don't think the state can mandate to you to collect things without the state paying you.

Richard Reine

We didn't say the State is mandating us to charge this. That was the eways bill that we were referring to. This is a voluntary program this RSA in creation of this reclamation. It is not something we are being obligated by the State to create.

Alderman Williams

My comment is I just want to clarify something for anybody watching – I want to be clear that this is for hazardous motor oil, batteries, tires, anti-freeze, and if you ask someone to show up and pull dollars out of their pockets to dump oil at the landfill in the container they have some people may be motivated to not bring it there and take dollars out of their pocket and the damage that can cause dumping motor oil anywhere else could cost us far more money and far more problems for the community at large then letting them dump it there for free and then charging them when they register their car, which is how they generated the oil anyway. I go that piece. I have one question though to your point if we are only going to spend \$40,000 a year what are we doing with the other \$220,000?

Richard Reine

I think I kind of mentioned that earlier – probably wasn't very clear on it – we have consider costs coming up in that program.

Alderman Williams

The electronic piece that you said was going to be about \$50,000.

Richard Reine

Somewhere between \$50,000 and \$100,000.

Alderman Williams

You have another \$150,000. I still want to know where it is going.

Richard Reine

We have significant costs that are coming up in that program. Our solid waste equipment replacement fund for equipment; recycling trucks, different types of recycling barrels, collection containers and those types of things – actually they won't be eligible in this program. The other items that would be eligible which would allow us to decrease the budget by that and be offset by this trust fund and then increase the budget to properly fund the other programs.

Alderman Williams

So when people's collection at their home – eventually the lid breaks off – you will be able to replace it for free?

Richard Reine

Those right now are under warrantee for 10 years, but we are looking at other containers and other trucks and other types of equipment.

Alderman Williams

Thank you.

Chairman Tollner

Treasurer Fredette the Mayor is in favor of this legislation and you are in favor of this legislation?

David Fredette

I never have an opinion on legislation.

Chairman Tollner

Do you think this is good legislation? Would you recommend for us to pass this legislation?

David Fredette

Yes.

Chairman Tollner

And the Mayor is in favor of it and the Board of Public Works and ...

David Fredette

I don't think it is a sneaky fee either. I think it is a more fair way of charging.

Chairman Tollner

And the Mayor is in favor of it correct?

David Fredette

I think he is the endorser of it so yes.

Chairman Tollner

And the Board of Public Works has approved this?

David Fredette

Yes they have.

Alderman Dion

I won't hold my breathe Mr. Chairman, but I am waiting for the day when someone comes in here and says they are going to reduce the fees by \$4-\$5 instead of increasing them. Do you think we will ever see that day Mr. Chairman?

Chairman Tollner

To be realistic Alderman Dion I don't.

Alderman Richardson

I just want to get a point of clarification – so if we pass this we will be paying extra during registration time for the purposes of disposal, and the same people who pay that fee when they take their motor oil, waste, tires, etc. to the dump they will be charged again at the dump?

Richard Reine

No. They won't be charged.

Alderman Richardson

I thought you told me that when I put the tires in the back of the truck and I take them down to the landfill I will be charged.

Richard Reine

That is right now. With the passage of this legislation that is eliminated. That is the strikethrough in there.

Alderman Richardson

Okay.

Richard Reine

These costs are real costs. They are occurring – the funds have to be raised one way or another through a tax, through the general fund or through a fee. This fee provides a more targeted fee as Alderman Teeboom had mentioned to the users of the product.

Alderman Richardson

I believe that it is targeting residents absolutely. My concern about this is that we will be having infiltration from other areas using the landfill, and not paying their fair share. I know you have addressed that, but you didn't address it to my satisfaction. I don't know how we can prevent that in the future.

Chairman Tollner

You can't come in the landfill unless you are a resident of Nashua or you purchase a permit.

Alderman Richardson

I have a friend in Massachusetts, he wants to get rid of some tires, and I say no problem throw them in the back of the truck I am heading up to Nashua today – I have a sticker for the landfill – no problem.

Richard Reine

I would suggest we bring that to the Ethics Committee.

Alderman Richardson

You hear me though?

Chairman Tollner

I hear you. That could happen ...

Richard Reine

I will tell you that sure just like people will steal from shopping centers and commit crimes people will try to come into the facility without the proper permits and will try to pull stunts like that, but when we have suspicions of that we are pretty good at kind of ferrying that stuff out.

Alderman Richardson

There is no way of detecting that.

Richard Reine

If someone wants to come up from Massachusetts with two tires rather than paying the \$3 they will.

Alderman Richardson

It can be on a wholesale level too.

Chairman Tollner

They could, but it is illegal.

Alderman Richardson

It is nice. There are a lot of people in the world that aren't all that pristine when it comes to their morals.

Chairman Tollner

It could exist today under the existing arrangement.

Alderman Richardson

I thought we were paying at the landfill when we dispose tires.

Chairman Tollner

But they are not Nashua tires so under that scenario where someone from Chelmsford says hey Alderman Richardson take my tires and dump them in there you are still paying, but it is illegal because they are not Nashua tires they are Chelmsford tires.

Richard Reine

You could take it to the next level and say they will load up their pickup truck...

Chairman Tollner

It could happen now. If the legislation is enacted or not that situation could still....

Dot Nice offered remarks from the back of the room, which were inaudible – away from microphone.

Richard Reine

Depending on the market for product sometimes batteries for example could be a revenue item at times and could be a cost item, metal can be a revenue or cost. It depends on the market. I was just at Sullivan Tire – I was charged \$4 for disposal of a tire right on the invoice.

David Fredette

I am not sure if I was clear, but currently like Mr. Reine said these costs are real costs now and they are being paid for by 27,000 property tax payers. Instead this would be shared now by 90,000+ registrations. We have many people who come in the city and register 3-4 vehicles in one year – they buy and sell, buy and sell. It is a way of spreading that cost out to a bigger group of users.

Chairman Tollner

That is why you are in favor of it?

David Fredette

Yes.

Chairman Tollner

The motion on the floor is for passage.

Alderman Dion

I might add to Treasurer Fredette's statement that he mentioned the word 90,000 I think it is not right because most houses have 2-3 cars so you could divide that by half so you are probably talking 50,000 people.

MOTION CARRIED

**MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-06-26
MOTION CARRIED**

O-06-26

Endorser: Mayor Bernard A. Streeter

**AMENDMENTS TO FEES FOR SOLID WASTE DISPOSAL PERMITS AND
DEPOSIT OF WASTE**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Richard Reine

There are three ordinances that we are looking at – one is permits, one is an additional cost for mattresses, and there is also a minimal charge for commercial. When we are talking about this it is pertaining to commercial accounts. We have looked at a couple of things. First of all difficult to handle waste – I will start with that – when we look at mattresses being disposed at the landfill it is a significant problem for us mattresses – poor compaction, a lot of equipment maintenance, mattresses cause significant problems with the trucks when we wrap around drive shafts which happens pretty much every week and pulls out pinning gears and air lines and things like that. We said if we are going to be dealing with mattresses and they have such an impact on the landfill capacity and life we should charge a minimal fee to cover some of that and recoup some of those costs. We looked at in the industry what is the norm for those types of charges and we looked at some New Hampshire and Massachusetts landfills and saw a range for example Turnkey Waste Management up in Rochester, Fitchburg, MA, and what they charge for mattresses. It is \$75 charged by that commercial entity up in Rochester and \$10 for a small and \$20 for a large at the landfill in Fitchburg, MA. We proposed a fee for those mattresses coming in of actually higher than \$10 per ton, and it was decreased by \$10 each on top of the tonnage charge and decreased by Board of Public Works and set a maximum of \$10 per mattress would be charged to commercial entities.

We then looked at the second piece, which was the minimum charges for commercial entities. We have significant quantities or significant transactions of very small quantities of material – construction, demo, and waste coming in. As you see on any day there is queuing problems there, there are traffic issues, and we want to try to minimize that and make as less frequent trips as possible of consolidating those loads. It really is a burden and a significant cost for us when we have to process 4-6 transactions to the same commercial entity coming in that many times per day for \$2.20 invoice. We looked at those and came up with an account of how many times that happens. What we are saying is we would have a ½ ton minimum for commercial entities only and that ½ ton minimum would be for both C&D construction demolition debris as well as waste. That fee never has to come into play if people are consolidating loads and coming in one time rather than 5 times. I think that would be apposite impact on the landfill by decreasing traffic, decreasing working phase traffic at the landfill, and increasing the safety at that facility.

Chairman Tollner

Section C, passenger vehicles and non-commercial vehicle permits shall not exceed a fee of \$10.00.

Richard Reine

That is separate from what I just talked about. I was talking about the commercial portion first. We were talking about commercial on the tipping fee charges and then in this legislation also is an increase in residential and commercial permits proposed to go from \$5 for residential to \$10 and from \$35 to \$50.

Chairman Tollner

Is that for the sticker?

Richard Reine

That is for the sticker/for the permit. To Alderman Teeboom's point, the charges that you see for refrigerators and appliances and metal is very common that those are charged for pickup and drop off. We don't have any of those charges for pickup or drop off at our facility and we have a very very low permit fee of \$5. Some communities have permit fees that are set up that you could drop off anything without a charge at over \$100 per year for residential customers. We are proposing to increase that to a maximum of \$10 and \$50 for commercial and the senior citizen exemption would still be in place.

Chairman Tollner

How much money would you raise just by raising it from \$5 to \$10?

David Fredette

It is listed as \$70,535 for the permits.

Alderman Williams

There is a piece here you just addressed about the demolition – this is for commercial only so if a resident shows up with his garage door it is not a minimum of \$60?

Richard Reine

The minimum does not apply to residential whatsoever.

Alderman Williams

So for Alderman Williams who just voted for his three vehicles at \$3 more dollars per vehicles, which is \$9 that was from the right pocket so from the left pocket we are going to go \$5 to \$10 on the sticker.

Richard Reine

Exactly unless Alderman Williams is 65.

Alderman Williams

That is it that will cost the average homeowner. Is there any provision for residents to just pay for example the \$5 or \$10 fee for the sticker - is it per vehicle or per address?

Richard Reine

It is per vehicle for non-transferable. That was one of the pieces we were concerned about- people taking a permit and putting it on another vehicle so we have actually put ...

Alderman Williams

The address has 3 registered vehicles why can't we have 3 stickers for the \$10?

Richard Reine

Because the ordinance as it states right now it says it is per vehicle and it is non-transferable.

Alderman Williams

It could be changed right? We are not going to have people from Massachusetts borrowing my wife's Honda Accord to go drop off trash.

Chairman Tollner

We don't want them to transfer the permit. When it is attached to the vehicle you can't transfer the permit.

Alderman Williams

Why can't I just pay the fee and if I show up with a different one of my own vehicles why do I have to keep buying stickers?

Richard Reine

You only buy the stickers for the number of vehicles you have.

Alderman Williams

Why can't I just pay the \$5 or \$10 for all of my vehicles?

Richard Reine

The legislation that is in place right now it provides for a sticker per vehicle non-transferable.

Alderman Williams

Okay.

Alderman McCarthy

I guess I have to agree with Alderman Williams' concern on that because I have traditionally had a sticker on one of my cars, which is the one that I take to work, which means my Wife can't take the same bag of trash that I would have taken to the landfill during the week only because my car is at my office and not in the driveway. I guess I sort of look at is the fee ought to be on a household basis and not a vehicle basis. Now the other side to that is well we register it into the cars so that we won't find that they are being put elsewhere and ...

Alderman Williams

If you show up with a registration and walk into the booth ...

Chairman Tollner

Alderman Williams I don't want ...

Alderman Williams

I apologize.

Alderman McCarthy

I guess what I have heard is antidotally that there are enough of those stickers that are winding up on cars that aren't allowed to have them to begin with.

Richard Reine

I don't think that is factual Alderman McCarthy.

Alderman McCarthy

I can tell you that I have first hand knowledge from people who have campaigned at the landfill on Saturdays that people have come up to – with a sticker on the car, and when they something to them and people say well I live in Hollis and don't actually vote here – there are cars with Massachusetts plates with Nashua dump stickers on them. I understand that we have a process in place to stop that, but I think that it is not working as well as we might like.

Richard Reine

I don't claim that doesn't happen at all, but you characterize that there are a lot out there. I don't think there are a lot. I think there are some out there. Somehow someone will peel off a sticker and sell it to his friend or somehow get it on another vehicle. I don't contest that happens. Massachusetts plates yeah that seems odd when you see a Massachusetts plated vehicle with a Nashua permit and we have a process in place where if someone has a company vehicle registered in Nashua ... **tape flipped ...**

MOTION BY ALDERMAN TOLLNER TO AMEND O-06-26 BY LEAVING THE RESIDENTIAL PERMIT CHARGE AT FIVE DOLLARS (\$5.00)

ON THE QUESTION

Richard Reine

Can we just ensure that the legislation reads “shall not exceed \$5” because with that language we are allowed to go to zero dollars on the senior permit.

AMENDED MOTION BY ALDERMAN TOLLNER TO AMEND O-06-26 IN ITEM 1(C) TO READ “PASSENGER VEHICLES AND NONCOMMERCIAL VEHICLE PERMITS SHALL NOT EXCEED A FEE OF FIVE DOLLARS (\$5.00).”

ON THE QUESTION

Chairman Tollner

What I am saying is just removing the word ten and striking the line through five, and leave it that way.

Alderman Richardson

Can I ask the maker of the motion his purpose in doing this?

Chairman Tollner

To eliminate an additional tax and fee on this particular portion of the legislation for the residents.

Alderman Richardson

Thank you.

Alderman Teeboom

I am not allowed to make amendments, but why can't you have an amendment made to charge the residential – I heard you talk about commercial – residential users when they call to pick up a refrigerator charge them for a refrigerator, not just the \$5 charge them \$50 to pick up a refrigerator? Why isn't that in there?

Chairman Tollner

You could do that, but that opens up a whole different can of worms.

Alderman Teeboom

Like someone will dump a refrigerator in the neighbor's yard?

Chairman Tollner

Well that is one of the concerns we have, but then you will have to separate – how will you separate your refrigerators from washers, dryers. etc.

Alderman Teeboom

I am saying generically – I am saying any big ticket items over 100 pounds – you can define...

Chairman Tollner

You will find them all over the city then.

Alderman Teeboom

Is that your problem? You are not in favor of that kind of ...

Chairman Tollner

If we want to talk about that later

Alderman Teeboom

That is something I would like to consider because I do think it is a significant cost, and I don't think it is fair – you are charging more and more charges as your operation gets more expensive. I wonder how many cities allow you to pick up refrigerators for free.

Chairman Tollner

We have discussed that in the past, and ...

Alderman Teeboom

Well we need to discuss it more.

Chairman Tollner

If you want to draft some legislation we could discuss it.

Alderman Teeboom

Who drafted this legislation?

Richard Reine

Recommendation from the Mayor.

Alderman Teeboom

Can you draft something along those lines?

Richard Reine

We could talk about it as part of the budget process that we will be entering pretty soon anyway.

Chairman Tollner

He can't draft legislation. Only the Mayor and a member of the Board of Aldermen can.

Alderman Teeboom

I will ask the Mayor.

Chairman Tollner

Thank you. The amendment on the floor is just to leave it at not to exceed the \$5 and leave the rest of the legislation the same.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE AS AMENDED

ON THE QUESTION

Alderman Richardson

It might have been discussed before – please let me know the answer – on item C I think – commercial vehicle permits shall not exceed the \$50 – what is the present?

Richard Reine

It is \$35 sir.

Alderman Richardson

It doesn't show up in the ordinance?

Richard Reine

We looked at that. I think that is an artifact of an old ordinance that it was never incorporated in, and we saw this as an opportunity to incorporate it. I think it was more of a policy or regulation that carried along, and we thought this was the time to incorporate it in the ordinance.

Alderman Richardson

I thought I heard you talking about item 3 – did you state that item 3 applies only to commercial?

Richard Reine

That is correct. The minimum charges? Yeah that is commercial only.

Alderman Richardson

So this minimum of ½ ton ...

Richard Reine

Commercial only.

Alderman Richardson

Okay. Thank you.

Richard Reine

I just want to be clear that it will take some minor adjustments to our system to allow these fees to go in place so there will be a little bit of a lag time before it goes in.

MOTION CARRIED

Chairman Tollner

Alderman McCarthy you may want to stay for the next one.

Alderman McCarthy

Mr. Chairman at some point I do have to leave to take care of some other obligations, but I would like to briefly address the facilities department legislation and just say that I hope the committee will simply continue to hold it at this point.

Chairman Tollner

It is being held now so we won't even take it from the table.

**MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-06-19
MOTION CARRIED**

O-06-19

Endorser: Alderman Daniel Richardson

INCREASING THE BLIND AND THE ELDERLY PROPERTY TAX EXEMPTIONS

Chairman Tollner

Like I would like to do before taking your comments maybe Director Lemieux can brief us a little bit about the legislation as it is originally written, and I think you may have some information on the amendment, the difference between the two?

Maureen Lemieux

Yes I do.

Alderman Richardson

Excuse me Mr. Chairman – we should be discussing the amendment when the amendment is made.

Chairman Tollner

That is fine. She is just going to bring everybody back up to speed on the original piece of legislation so we know where we are starting from. After she does that then we can discuss the amendment.

Maureen Lemieux

Thank you Mr. Chairman. I did put on all of your desks this evening a comparison that we prepared when we first sat down with Alderman Richardson and Alderman Dion to discuss what it was that they were going to be proposing for legislation. I believe that many of you have seen this chart before. What we did back in May was go through the major cities and the surrounding towns to get an idea of how Nashua compared in the exemptions that we gave, what our income limits were. The one thing that was surprising to us at that time was our blind exemption. Most of the categories, as a community, we are quite generous. The blind exemption, however, really jumped out at us. It's only a \$15,000 exemption currently. Many of the surrounding communities have much higher exemptions for people who are legally blind.

Chairman Tollner

For the public who may be watching, if I am reading the grid correctly, the elderly exemption between the ages of 65 and 74, the City of Nashua offers the most generous elderly tax exemption from the perspective of the highest amount - \$130,000.

Maureen Lemieux

That's correct. There could be some community out there in New Hampshire that offers higher than us, but what I wanted to do was compare the major cities of the state and the surrounding communities.

Chairman Tollner

Right. For the public's information, the reason why I am looking at the cities is so important is cities tend to have a higher percentage of retirees as residents than towns do. The reason why we should just pay attention to that is the fact that if there are more potential retirees that could qualify for this exemption, the greater percentage against the budget that we would have to make up. To take that a step further, for the public's information, the elderly exemptions for age 75 through 79, there's only one other community similar to Nashua that offers a greater dollar amount, and that is Portsmouth. Every other city, Manchester, Concord, Salem, Keene, Hudson, Merrimack, Milford, Wilton and Amherst, all fall considerably below Nashua. In the elderly tax exemption 80 or over, Portsmouth again offers the greatest amount. Nashua is at \$201,000. Every one of those other communities I just mentioned offer less. For the newer aldermen, I think that's a reflection of some of the legislation that Alderman McCarthy put in a couple year's ago. If I am not mistaken, three out of the last five years, we have made adjustments to the elderly tax exemption.

Maureen Lemieux

I believe it is. It has really corresponded with any assessing updates that we have done. We have increased the exemptions proportionately.

Chairman Tollner

I think as a city, as a board of aldermen, at least the past boards, we have been pretty cognizant of the concerns of the elderly and we have made those adjustments. Now getting back to where you were, I would agree – and this is one area where Alderman Richardson wanted to concentrate – the blind exemption we do need to increase that exemption to be fair and reasonable.

Maureen Lemieux

To identify for you, we've calculated what the total assessed valuation for the legislation as written is. If the over 80 exemption is increased to \$225,000 that will result in just under \$8.6 million being taken off the tax rolls. If we increase the blind exemption from \$15,000 to \$75,000 that will result in just under \$3.5 million being taken off the tax rolls. As the legislation is written, it will result in about \$12 million being taken off the tax rolls. That translates into the same impact as if we were to add \$206,000 to the budget or .14 percent. That's what gets shifted to all the other taxpayers.

Alderman Williams

This is a very nice spreadsheet. I was told by my predecessor that you don't know what you don't know. At the time I really didn't understand what he said. I do know. I look at this sheet and if I were to just look at this, based on this, and no disrespect, but we've cherry-picked. For example, we said we took comparable cities, which is true, but we picked Wilton. We did not pick Brookline; we did not pick Peterborough; we did not pick any of the communities that are right around Wilton. I wonder why because Wilton is not comparable to Nashua. It brings me to mind to my predecessor's point that you don't know what you don't know. Inquiring minds want to know so I am going to look up Peterborough, and communities like Brookline and the like and see if they vary from this or we just cherry-picked.

Maureen Lemieux

The day that I prepared this back in May, what I did for a lot of this is go online. Wilton must have had a good website which is why they landed on my list. The key ones really were the cities: Manchester, Concord, Salem, Keene.

Alderman Williams

That argument holds a lot of water. That makes a lot of sense. They are comparable communities. I do understand that. I just want to be cautious in my judgment. I'm not saying there's anything wrong with this sheet.

Maureen Lemieux

I don't think we would ever look to model ourselves against Wilton's numbers.

Alderman Williams

The \$206,000, if this were to pass as it stands – which it doesn't sound like – it sounds like there's going to be some modifications – do you have a number as to what that would do to the \$16.32 on the rest of us?

Maureen Lemieux

We haven't set the tax rate yet, and we don't have the total valuation yet for the city, but if all the other assumptions hold true, we would be passing along a 4.97 percent increase. If the legislation passes as written, we would add .14 to that so we would be passing along a 5.11 percent increase to the tax rate. The \$16.32 ends up being about \$17.15. It's two cents on the tax rate.

Chairman Tollner

Does everybody understand where we are right now?

Alderman Richardson

I don't think everybody does understand where we are right now. It says on here "effective for December, 2006 tax bill." The ensuing discussion that we have had is that Nashua has been generous. The problem talking about this is people might be viewing these other communities as being static in their exemptions. Everybody all over New Hampshire has had major increases in valuations. This is not unique to Nashua. Everybody is considering these. These other communities are not remaining static in their own exemptions. Just like Nashua, they will be considering increasing their exemptions.

Chairman Tollner

With the exception of Portsmouth, I would agree with you that I would hope those other cities would increase their tax exemptions. For instance, Keene is at \$27,000. Nashua is at \$130,000. They have to more than quadruple what they are at right now. The same thing with Salem. They are \$30,000. Concord is at \$67,000. Manchester is less than half of where we are. I would agree with you that those other ones are going to have to change, but they have a long way to go before they get to where Nashua is right now. And we're talking tonight about increasing that.

Alderman Richardson

In this comparable analysis, we fall susceptible to that very logic of saying that this is a comparison in generosity. Therefore, we are so generous we don't need to be any more generous.

Chairman Tollner

No one is saying that.

Alderman Richardson

But we could fall into that trap.

Chairman Tollner

You're not paying attention, alderman.

Alderman Richardson

I believe that's where we are leading ourselves.

Alderman Richardson

These exemptions are based on prior year assessments. With the ensuing major increase in valuation of properties, these numbers are seriously inadequate for the elderly.

Chairman Tollner

Last year when we dealt with the increase in the assessed value, we made adjustments, did we not, as a result of those?

Maureen Lemieux

Yes. It was about 30 percent. It was comparable to what the increase was in overall valuation for the city.

Chairman Tollner

The assessed value was recalibrated. As a result of that, at the very same time we took into account and made adjustments, at the same time, did we not?

Maureen Lemieux

Yes.

Chairman Tollner

I don't want anybody to think that with the new assessed value, we didn't do anything. Exactly at the same time, we made those adjustments.

Alderman Richardson

What was the date of that legislation?

Maureen Lemieux

It was probably in September. I don't think we had the updated values until well into August. I would image it was introduced and passed very quickly in September – in time so we could have the tax rate set with the new exemption values.

If you all recall as property owners, we actually increased the value two years a in a row. Each year we had a corresponding increase to the exemptions.

Alderman Richardson

I agree that is a very good thing to do. We should increase it every year.

Chairman Tollner

So long as the value of the property increases.

Alderman Richardson

Absolutely.

Alderman Williams

While you were speaking, I did a comparable analysis. Although some of the other communities on this list have a smaller exemption, I went through it and I have a list from the state's website of the income threshold to qualify for the smaller exemptions. Interestingly enough, we have the lower increase threshold out of the entire list. Although we may have the most generous tax exemption, it's the hardest to qualify for. Salem, you can make up to \$40,000. Hollis, \$40,000. Hudson, \$48,000. Merrimack, \$60,000. Wilton, \$40,000. Amherst, \$52,500. That's from the State's NH gov revenue website. They do offer less of an exemption, but they offset it by having a higher income threshold. Has anybody ever explored that to see if that ends up helping more people?

Maureen Lemieux

I think the answer is that you would certainly anticipate that more people are helped to a lesser degree. What Nashua has done historically is helped the lower level people to a higher degree. Currently, our elderly exemption totals about \$2.5 million. That is shifted to our other taxpayers. I believe the only other community in this state that has a higher elderly exemption is Manchester. I think they were well in excess of \$3 million that they move over. They are a larger community than we are. It might have approximated \$3.5 million. Nashua was second in line with our elderly exemption totally about \$2.5 million.

Alderman Williams

You just talked about two years in a row we have moved this exemption threshold up because valuations went up dramatically. Do you know if we increased the income piece? I know it is at \$36,000 now for a couple.

Maureen Lemieux

I believe it was Alderman McCarthy who sponsored the legislation. It used to be \$24,000 for singles and \$32,000 for married. The argument was made that it ought to be the same amount.

Alderman Williams

Was that in '04 that that was done?

Alderman McCarthy

It was September 28, 2004.

Alderman Williams

When we moved it from \$32,000 to \$36,000 two years ago, can we quantify the number of taxpayers that became newly eligible for this? I want to know what the impact was. The number of people and dollar impact. If we were to take the \$36,000 and move it to \$40,000 we might get some comparable analysis. I realize \$36,000 to \$40,000 is a whole other can of worms.

Maureen Lemieux

I think \$36,000 to \$40,000 really is a whole different can of worms. I think the impact from going from \$32,000 to \$36,000 was less than what we anticipated it being. I don't remember if it was 100 or 150 people more that qualified. We have close to 1,000 people who currently qualify for these exemptions. When we change income levels, we can't calculate what the impact is.

Alderman Williams

I realize a lot of this is dictated by state law, but could we introduce legislation that provided a smaller exemption for people \$36,000 to \$40,000?

Maureen Lemieux

I don't believe you can.

Alderman Williams

That's too bad because those people really don't need the full benefit because they make more. That's unfortunate.

Maureen Lemieux

I believe the state law is written such that the exemption amounts are set by the age levels and not based on the income.

Alderman McCarthy

When we're comparing ourselves to the surrounding towns, one of the things that we don't have in the work-ups is what the equalization rate is in any of those towns. We don't really have apples to apples on the value of the exemption. We also don't know what the tax rates are so we don't understand what the burden is on that town. While we have close to the lowest married exemption, we have close to the highest single exemption on the list of the towns that we got. I had proposed that a few years ago and continue to believe that is the right thing to do. The logic is if we had Salem's limits of \$30,000 and \$40,000 for example, and you make \$35,000 when your spouse passes away and you're 80 years old in Nashua, you're taxes would go up by about \$3,200 because you would lose the exemption on \$201,000. I think in one sense we're not doing as well on the 65 to 74 category, perhaps, but I think we're more on fold to those that are past 80. I do believe that we ought to try to figure out how the curve works with qualifications if we increase that number. It's clearly not linear but we don't know what it is. We should probably renew our request to the state to revisit the legislation. In the past we have requested that they look at having a scale where there is someone that would qualify for 100 percent of the exemption, someone that would qualify for zero, and in the middle it gets scaled. I think that makes a lot of sense.

Alderman Williams

Can we draft a resolution to lobby our delegation to do that?

Alderman McCarthy

We can do that, and we have. We can do that again. I would remind the board that the asset limitation, the way it is worded, is very difficult to deal with for some seniors. For example, if I have a pension plan and the cash value of my pension is \$300,000 but it pays me \$35,000 a year, I qualify for the exemption. If I have that same \$300,000 in a 401K, there's no way I can qualify.

Alderman Williams

How is an annuity calculated? The same way as a pension?

Alderman McCarthy

If you own the asset then it is an asset that is reported and you don't qualify for the exemption.

Alderman Teeboom

Someone who pays a pension is not counted as an asset.

Chairman Tollner

As painful as that is, there's nothing we can do. As Alderman McCarthy state, the pension doesn't belong to them. They just get it. A 401K or annuity belongs to you even though it is only allocated by the months.

Alderman McCarthy

I would be happy to find the legislation that we passed on to the delegation before and re-introduce it.

Chairman Tollner

Good. I'll be an endorser to that. We are under a time constraint right now. I applaud the efforts of the endorser of the legislation. When Director Lemieux and Treasurer Fredette. looked at the, for lack of a better term, the ying and the yang of it, the ying being the benefit to the elderly so they can get the benefit, the yang the dollar amount that we would have to make up in the budget that was pretty much palatable to everybody, I think the original intent was to get something approved and passed so it could get take effect when we roll out the tax bills for the fall.

MOTION BY ALDERMAN RICHARDSON TO AMEND TO INCLUDE THE OTHER CATEGORIES OF THE 65 TO 74 AGE BRACKET AND THE 75-79 AGE BRACKET TO HAVE THE SAME INCREASE IN EXEMPTION OF \$25,000 PER BRACKET AS IT WAS IN THE ORIGINAL LEGISLATION FOR THE ABOVE 80 YEARS OLD IN ACCORDANCE WITH THE COMMUNICATION DATED JUNE 16, 2006, WHICH ADDED PARAGRAPH 3 IN SECTION 2-740, ELDERLY EXEMPTIONS, SUBSECTION A(1) AND A(2) AND CHANGING THAT NUMBER WHICH IS EXISTING LEGISLATION AND BUMPING IT UP BY \$25,000

ON THE QUESTION

Chairman Tollner

Do you know how much money we would have to make up?

Maureen Lemieux

The most recent numbers I have now are that the 65 – 74 group would be just under \$5.7 million that would be taken off the tax bills. The 75 –79 would be just under \$3.7 million. That would be similar to adding an additional almost \$161,000 to the budget. The legislation as proposed and then the amendments would have an impact of \$367,000 that would be shifted or an additional .11. The total package would be .24 added on to the 4.97. We would now be at a 5.21 percent increase. Because we can only charge the tax rate on whole pennies, this one actually technically adds another two cents to the tax rate. The whole package at the moment is now four cents.

Chairman Tollner

Given everything that we've gone through with the budget process this year and how painful it was, I am more comfortable with the original legislation that Alderman Dion and Alderman Richardson after getting feedback from the meeting. I think that was a good initiative. I think that's a reasonable position to be in. I won't support the amendment, but in saying that, I will support the legislation that will provide additional dollars for the senior tax exemption which would cost the city \$206,000.

Alderman Richardson

The amendment is to increase the \$130,000 to \$130,000 plus \$25,000. The \$155,000 plus \$25,000 and the \$201,000 by \$25,000. To add \$25,000 to each of them.

Maureen Lemieux

Except the over 80, just increases to \$225,000.

Alderman Richardson

The blind goes from \$15,000 to \$75,000

Maureen Lemieux

When you increase all four categories, it is \$367,000

Alderman Williams

The amendment and the original combined is \$367,000, four cents to the tax rate. If you have a house that's assessed at \$300,000, which is the average, what does that add to their tax bill?

Maureen Lemieux

Twelve dollars. My intent is just to supply the information for you, but as your budget director I have concerns. There are many articles out there on the graying of New Hampshire. As we all know the baby boomers are turning 60 this year. Whatever we set up, whether it is this year or next, we are going to have more and more people who will be hitting these age limits. I don't know what the overall impact will be five years from now but it is something you ought to weigh as you make your decision.

Alderman Richardson

I think Director Lemieux just indicated that we would be pleasing an awful lot of people.

Maureen Lemieux

My fear is we would be shifting more and more to the remaining people.

Alderman Williams

This does nothing to address the \$36,000 threshold. Because of that, if we pass this as it is and we add \$12 to the average house, if we want to bump the \$36,000 by the CPI, that's going to cost us even more on top of that. In my mind, it is an either-or type of situation. It sounds quite prohibitively expensively to do both.

David Fredette

It sounded like some members of the committee were thinking about maybe not being as generous but trying to spread out the exemption to more people by increasing the income limit. I don't know if you can't do both without having a significant increase in your tax rate.

Alderman Richardson

I think it was discussed earlier that there's no means of judging it until it actually happens. You don't really know what people make out in there general populous. You don't know. To do both, we don't have a basis to say it is going to be much more costly or not.

Alderman Teeboom

How many people are we helping right now in each of these three categories?

Maureen Lemieux

The total is just under 1,000. I don't know by each category.

Alderman Teeboom

The total was 1,000 out of how many taxpayers?

Maureen Lemieux

I believe we send out about 22,000 residential bills so about 1,000 households.

Chairman Tollner

The last time we made this adjustment, approximately 10% additional qualified from where we were the year before.

Alderman Richardson

That is 100.

Chairman Tollner

Right 10%. We made that tweak the last time and it was 10%.

Alderman Richardson

So the 100 out of 22,000.

Chairman Tollner

No, no, no, I am talking about something completely different. Of the retirees that are qualified for this exemption when we made the change the last time we got an additional 10% increase in that population.

Alderman Richardson

Right, and I am just calculating it on a much smaller percentage number – 100 out of 22,000 is the same thing that you are talking about.

Chairman Tollner

You don't know. What we are going to do is we are going to possibly vote on legislation and we have no idea what it is going to cost us if we do vote for it. I don't think this board every voted – I know in Budget we never voted on anything unless we knew what we were spending.

Alderman Richardson

But sometime they moved it from 32 to 36 I think it was September of 2004, and we didn't know the cost of that time so we did vote at that time.

Chairman Tollner

Right we did vote for it, but we weren't doing both is what I am saying. Now we are talking about doing both.

Maureen Lemieux

As a clarification for the rest of you Aldermen who were not at the meeting when Alderman Richardson and Alderman Dion came and met with us, the reason that there was nothing in this – I don't know that it was Alderman Richardson's intent to begin with, but they met with us in early May, and the qualification date had passed for the elderly to file for the '06 tax bill. They have to file by April 15th. So there was no point in doing anything with the income levels at this point in time, because the '06 tax bill we couldn't take any more applications. If the Board is interested in doing something with income levels you would certainly want to revisit that thought so that it would be passed I would say by February 15th at the latest.

Alderman Richardson

So we couldn't add anything now to affect December's bill?

Maureen Lemieux

No. I wanted to make sure that I clarified that.

Alderman Richardson

That is very important to bring up right now. It is really not on the table at this time for the December bill. We could put it on, but it would not take affect for the December bill.

Maureen Lemieux

Exactly.

Chairman Tollner

The other thing too is they both work with each other so you are voting for this and then your intent is to vote again for an additional that \$367,000 is going to be ...

Alderman Richardson

I went to a hearing at the Nashua School, I think it was South, and they had 1,000 people stand up and say they wanted to pay an extra \$16 or \$30 for all sorts of stuff. I think they want to do this too. I think they want to help the seniors that are in a bad spot. I am pretty sure of it.

Alderman Dion

Mr. Chairman if I may – I am very interested – I think Alderman Williams brought up a good point and so did Dave Fredette – I am very interested in increasing the income level on the spreadsheet to the right in the total assets. In order to do this I know it is going to be hard for Maureen to come up with a figure, but maybe we can get a ballpark figure. I would like to see it, and I will write it down, I would like to see it changed from \$36,000 to \$42,000, and I would like to see the limitation total assets go from \$125,000 to \$150,000. Keep in mind that we don't do this very often. We probably did it twice since I have been on the Board.

Chairman Tollner

Alderman Dion we have done it three times in the last five years.

Alderman Dion

Well maybe 3 times, but we don't do it that often. I feel as though Alderman Williams brought up the fact of the re-evaluation and the tax increases have gone up tremendously. We have to take that into consideration for the elderly.

Chairman Tollner

Alderman Dion let me just stop you right here. When we re-did the re-assessments last year and again as I said earlier no one liked them, they were all ugly for everybody, at that exact time we changed the elderly exemption to protect the seniors from the increase in the assessment. We have done that.

Alderman Dion

When are we protecting for the proposed huge increase for next year?

Chairman Tollner

Well I am not aware that there is a huge increase in the assessments for the houses coming next year, and if that is the case then similar legislation ... I think the Board last term was very good in recognizing that ahead of the fact before they got their tax bills.

Alderman Dion

I would like to see the income level ...

Chairman Tollner

We can look at all of that, but I don't want you to think that we haven't done anything.

Alderman Dion

That is all I am saying.

Chairman Tollner

Is there any further discussion?

Alderman Williams

Has it been considered that because we are anticipating about a 5% tax increase so has it been considered to instead of adjust this from \$201,000 to \$225,000 for example, which is more than a 55% increase, to at least keep someone that is 80 year old to make it 5% of \$201,000 instead of \$201,000 to \$225,000?

Alderman Richardson

In my own personal experience, my assessment has gone up over 40%. I consider myself not unusual. Maybe Director Lemieux has a more average number...

Alderman Williams

But I am talking about ... I am talking about the increase in assessments that we have experienced over the past year. We increased the exemption last year okay. I think we need to do it on an annual basis. If you are talking about a \$350,000 house going to over \$460,000 it is more than \$100,000 increase. The amount of an exemption increase of \$25,000 versus that increase in valuation of over \$100,000 is not keeping up with it at all. As a matter of fact I would almost venture to say that increasing these categories by \$25,000 is inadequate....

Alderman Richardson

Can I ask a question? I don't mean to interrupt, but my question would be last Fall is when we got the big sticker shock, the big jump, and at that time we made an adjustment so my question is in addition to this 5% tax increase are we doing yet another re-evaluation this Fall? No. I didn't think so. To that point we have already accommodated that huge jump last year so this Fall we only jump someone 80 year old will see 4.97%. That is where I was going with this train.

Alderman Williams

I understand. My belief is that it was inadequate last year. That it was a palatable, political solution at the time, but I do believe that it was inadequate.

Alderman Richardson

So this is a bit of catch up?

Alderman Williams

Yes.

Chairman Tollner

I think the question that Alderman Williams had as far as looking into the income level and raising it next year, is a good one because if we pass the original legislation we are increasing the exemption for the people that have it. If we look at the income level in the Spring and pass legislation basically what we are getting at is what some of us I think would like to get at is be able to support and give money to more people, not as much, but introduce more people to this opportunity. The more I think about it I would much rather pass the legislation now and give the people the increase and then leave the legislation as it was originally and then in the Spring take a look at the income level because that is what I think a couple of people that you have spoken to want us to look at. That way we are addressing both areas. I think that is probably better for the seniors – give them the money now, and then also in the Spring see if we can reach more people.

Alderman Williams

In my Ward there are a lot of seniors, and every senior home that has a senior family in it their use of services is lower than if they can't afford the taxes they move out and then Greg Williams and his two kids move in right? My impact to the city right now is a net loss. If I pony up \$4,000 or \$5,000 and I have two kids in school, and if you left the house with 2 seniors in it and gave them a little discount you would be ahead of the game, but we taxed them out and I moved in.

Chairman Tollner

I was told my first term that is the way it always is. If you have a young family and you are raising a family you can never cover the use of services with what you pay in your taxes.

Alderman Williams

Right, but we don't want the senior to move out.

Chairman Tollner

No we don't want the seniors to move out.

Alderman Teeboom

Alderman Williams the seniors eventually all move out.

Chairman Tollner

The motion is on the amendment.

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE AS AMENDED

MOTION CARRIED

Maureen Lemieux

If I may Mr. Chairman, if you are interested in adjusting the income levels I would ask that you either as a committee if you wanted to come up with a number or however you would want to do it, if you would do that sometime fairly soon because I would think we would want that legislation passed by probably your first meeting in February at the latest. You would want to give us two months to be able to advertise the fact that the numbers changed, and give people some timeframe because they will have to apply for it by April 15th. We really would need you to pass whatever you are going to do by say your first meeting in February at the latest.

Chairman Tollner

Thank you.

HELD IN COMMITTEE

Appointments by the Mayor

Ethnic Awareness Committee

Luci De Biagio (New Appointment)
9 Kessler Farm Drive, Apt. 211
Nashua, NH 03063
Appt. Withdrawn

Term to Expire: December 31, 2006

Resolutions

R-06-36

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David Rootovich

**DETERMINING THAT REVISION OF THE CITY CHARTER IS NECESSARY
AND PROPOSING THE ESTABLISHMENT OF A CHARTER COMMISSION**

Ordinances

O-06-28

Endorsers: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large David W. Deane

**CREATING A FACILITIES DIVISION AND PROVIDING FOR A PROCESS
FOR THE EVALUATION AND PERMANENT ESTABLISHMENT OF SAID
DIVISION**

DISCUSSION

ADJOURNMENT

**MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 11:10 p.m.

Alderman Greg Williams
Committee Clerk Pro Tem