

A regular meeting of the Board of Aldermen was held Tuesday, April 26, 2016, at 7:30 p.m. in the Aldermanic Chamber.

President Brian S. McCarthy presided; City Clerk Patricia D. Piecuch recorded.

Prayer was offered by City Clerk Patricia D. Piecuch; Alderman-at-Large Michael B. O'Brien, Sr. led in the Pledge to the Flag.

President McCarthy

***Before I ask the Clerk to take the roll, Alderman Moriarty is participating by telephone and under the terms of the state law that allows him to do that, he needs to explain why he can't attend, if he can hear us, and who he is with, if anyone.***

Alderman Moriarty stated the reason why he could not attend, confirmed that he could hear the proceedings and stated who was present with him.

President McCarthy

***Acknowledged that those present could hear Alderman Moriarty as well.***

The roll call was taken with 14 members of the Board of Aldermen present; Alderman Moriarty was not in attendance but participated in the meeting via telecommunication; Alderman Deane was recorded absent.

Mayor James W. Donchess and Corporation Counsel Steven A. Bolton were also present.

President McCarthy

***Before we begin I am going to recognize Alderman Wilshire to make a motion so we can accept procedural motions without the roll call vote.***

**MOTION BY ALDERMAN WILSHIRE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE ACCEPTANCE OF PROCEDURAL ACTIONS WITHOUT OBJECTION**

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

Yea:	Alderman Wilshire, Alderman Clemons, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman LeBrun, Alderman Moriarty, Alderman O'Brien, Alderman Lopez, Alderman McCarthy	14
Nay:		0

**MOTION CARRIED**

REMARKS BY THE MAYOR

Mayor Donchess

I wanted to speak about a few things. First, you see on your agenda the appointment of Tim Cummings as the Economic Development Director. Tim is currently the Executive Director of the Economic Development Corporation in Marlborough, MA and has worked with other Massachusetts towns prior to that. We brought the applicant's down to two and an interview team consisting of a number of the division directors interviewed those two applicants and they unanimously recommended Tim Cummings and were very enthusiastic about him. I think you will find him to be a very qualified and capable individual. I believe the Personnel &

Administrative Affairs Committee is meeting on Monday so he will be there. He will also be in Nashua on Friday of this week and if anyone from the Board of Aldermen would like to meet him at that time it can certainly be arranged. I am going to talk to him a little more about what is going on in Nashua but there will be time for anyone who wants to get together with him. I believe you will confirm his appointment in the end.

Secondly, the legislature, the Senates Transportation Committee heard the 10 year transportation plan today. Many people from Nashua showed up and I thought did a very good job at testifying in favor of restoring this \$4 million back into the transportation plan that was removed in the House. The five member committee listened and was interested in the testimony. I'm not sure how it will come out but I think Nashua was well represented by Senator Lasky. I was there as were a lot of other people from Nashua, Tracy Hatch and other people. I heard that Alderman Mike O'Brien and Alderman Ken Siegel were there to testify in favor of the venue Bill and that they did a really good job and they make a really good team so we are keeping our fingers crossed on that.

The next item is that there is a routine resolution that is not on the agenda which is a resolution which would repurpose some funds that had been escrowed last year for the purpose of playground equipment at the Legacy Playground at Labine Park from playground equipment to construction costs. This is a technical change because of the way the various other funds that have been allocated to the Legacy Playground project at Labine have been allocated, some CDBG and some other public works money. This is simply going from a like to like escrow to an unlike to like escrow. If you feel comfortable with this it's the same amount of money, it's already been escrowed once. It would help if this were approved tonight on a second reading because then the contracts could be awarded more quickly. On the agenda also is for a first reading of R-16-029 and I thought I would explain why I proposed this. You will recall that the Clocktower project is generating for the city \$500,000 of unexpected revenue. When the Clocktower project was done the city got a federal grant; two very large federal grants and the money was channeled through the city and as a result the city was given a debt position even though no city money went into that project, behind all of the private debt that Clocktower borrowed in order to do the project. In order to get our permission to refinance their private debt they have agreed to pay us \$500,000 and this step was approved by this Board previously. Now I am proposing that we use this \$500,000 of unexpected revenue for the purposes of further enhancing the river walk and the river front. The reason I am proposing this to you is that this is derived from a project that is a river front project, one that has generated somewhere between \$10 million and \$20 million of property taxes over the course of its existence. It seems to me that it makes sense to devote this unexpected revenue to river walk enhancements so that we can encourage further development like this. We see that on the north side of the river, across from Clocktower we have the Cotton Mill Square Project which has done extremely well. Now we have the Brady Sullivan Project which is underway and is on Franklin Street and is expected to open possibly in the fall of this year although that may be optimistic. That will add many more residents so we will have close to a thousand people living near the river. There are some river walk projects, for example, we see the candle lit walkway around the Peddler's Daughter. The city has been seeking to do similar projects like that on the other corners near the Main Street Bridge and this proposal suggests that we put the \$500,000 towards advancing those river walk and candle projects. The kind of thing that we could stimulate if you think about it is that for example, we are looking at the millyard and the areas around it to try to bring about residential development but there are other areas in the downtown like east of Main Street where residential development could occur. There are some large parcels near Spruce and East Pearl where there are older but unused industrial buildings. If we could enhance the river walk that goes from the end of Spruce Street down the river on the south side to the library and then potentially around the former Telegraph building, we could create a very attractive and exciting amenity for not only the development of that area but for people that might live there. They could simply walk out of their front door and walk down the river walk all the way to Main Street along the river. If we reinvest money that we derive from some of these projects in the very valuable asset that we have which is the Nashua River, I think over the long term we can stimulate more development and more tax revenue which would help not only our downtown but our tax base. Obviously this is going to be referred to committee but I wanted to give you my rationale for that.

Finally we have on the agenda the pension legislation that's been talked about quite a bit. My perspective is that we should use money that was saved for a period of years for the purposes of offsetting the impact of

pension increases imposed by the State of New Hampshire for the purpose for which the money was saved. Therefore, at least in my thinking, that resolution should pass.

#### RESPONSE TO REMARKS OF THE MAYOR

##### Alderman Lopez

I have concerns about using the revenue from the Clocktower Projects to study doing a newer project when we have existing projects that really need more attention and development. The rail trail is an area where my Ward is particularly concerned about. The lights are all broken on it and need to be repaired. We made the decision on CDBG to allocate funds for that but we didn't allocate enough to complete the project. One of the things that I would be looking for before supporting a special fund to create a new shiny thing downtown is to make sure that we at least have a plan to take care of the existing facilities that we have. I agree that the river front is a valuable asset but I think the residents that live in our community are most important in terms of asset and making sure that they can get to and from places safely should be a primary concern. I did spend an entire weekend cleaning up the area along the library trail where the new development might go in and I think it's a gorgeous area that could use a lot of development and I'm sure the neighborhoods would like an inflow of new ideas and development but again, I want to make sure that we keep our focus on the people who live here now and make sure that they know that City Hall is taking care of them.

I also want to extend my appreciation to Alderman Siegel and Alderman O'Brien for their efforts in Concord. My Ward is the biggest example of landlords evicting tenants and not having the eviction hearings in proximity to those tenants. Our residents should have their day in court if they are being evicted.

##### Mayor Donchess

I wanted to mention to Alderman Lopez that I agree with his assessment of the rail trail situation and the Department of Public Works and I are committed to getting the money for that. I think there are two sources where we could derive the rest of the money and we will definitely do that. First of all there will be some surplus in the public works budget that could be devoted to the lighting of the rail trail which I agree is a very important project, one that we should definitely do as soon as possible. Secondly, in the budget that I will introduce for the next meeting, there will be money for public works projects, one of which would be that. I think that project is the highest priority for public works, getting the rail trail lighted properly and they have been pricing it and preparing to put it out to bid. I think you will find and I'm not suggesting that you should take a different approach, but I think you will find that we are going to be able to proceed with that project with other sources of funds.

RECOGNITION PERIOD – None

#### READING MINUTES OF PREVIOUS MEETING AND PUBLIC HEARING

***There being no objection, President McCarthy declared the minutes of the Board of Aldermen meeting of April 12, 2016, and the public hearing conducted by the Human Affairs Committee of April 11, 2016, accepted, placed on file and the readings suspended.***

COMMUNICATIONS

***There being no objection, President McCarthy declared that all communications be read by title only.***

From: Larry D. Goodhue, Chief Executive Officer, Pennichuck Corporation  
Re: Annual Meeting of Sole Shareholder

**MOTION BY ALDERMAN MCGUINNESS TO ELECT THE FOLLOWING INDIVIDUALS TO THE PENNICHUCK CORPORATION BOARD OF DIRECTORS, EACH FOR A THREE-YEAR TERM AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED: C. GEORGE BOWER, JAY N. LUSTIG, JOHN D. MCGRATH AND PRESTON J. STANLEY, JR.; AND, AUTHORIZE THE MAYOR TO TRANSMIT, BY PROXY CARD, THE VOTE OF THE SOLE SHAREHOLDER TO THE BOARD OF DIRECTORS OF PENNICHUCK CORPORATION**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

From: Mayor Jim Donchess  
Re: Contract Award for Amherst Street Improvements – Charron Avenue to Diesel Road

**MOTION BY ALDERMAN COOKSON TO ACCEPT, PLACE ON FILE AND EXTEND THE CONTRACT WITH MELANSON HEATH & COMPANY IN THE AMOUNT OF \$116,500**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

Mr. Paul Garant, Fire Commissioner

I would like to applaud Alderman Michael O'Brien for the action taken at the Budget Review Committee meeting last evening. Recusing himself from the discussion when the vote on this resolution was a mark of Mike's deep ethical foundation. It is without a doubt that if he had not recused himself this resolution would have been moved to tonight's meeting with a favorable recommendation. Rather it was moved with no recommendation.

Last night there were comments comparing this contract to that of the Police Patrolmen's and the police supervisors relative to the high level of compensation negotiated with the firefighter's contract. Let's compare those CBA's. The police contract provides for three 2.5% increases over a three-year period beginning in FY '16. Without compounding this equates to a 7.5% increase over the three years ending in FY '18. The firefighter's contract provides for an increase without compounding as well of 7.0% over four years beginning in FY '16; an average annual increase of 1.7%. The FY '16 increase is set in the firefighter's contract at 2.0% as opposed to 2.5% which was awarded to the police. In FY '17 the police will receive an additional 2.5% while the firefighters will forego any increase. In FY '18 the police will receive another 2.5% increase and should the CBA be approved tonight the firefighters will also receive a comparable 2.5%. The firefighter's contract extends into FY '19 and provides for an additional 2.5% increase. The contract for NPD will have expired and I assume they will be in negotiations so it is not possible to estimate the equivalent for the police. It's clear that the CBA contains compensation increases but put less of a burden on the city and taxpayers. It's fair to the taxpayers and firefighters, particularly when the fairness of the police contract to the taxpayer is considered. I urge you to pass the resolution and adopt the CBA that was negotiated with Nashua Fire Rescue.

Mr. John McCallister, 47A Williams Street

I am president of the Nashua Firefighters Local #789. I am here tonight to speak in favor and ask for your votes for our CBA that is before you tonight. This agreement was negotiated fairly and with good intent by both parties. We did take into consideration the fiscal hard times that the city is going through right now and we took a 0% raise this coming year as of July 1<sup>st</sup> with the best interest of the citizens in mind. The following two years I think that those are reasonable with regard to the other contracts that have passed and I ask you guys for your support tonight.

Deputy Chief Brian Rhodes, Nashua Fire Rescue

Chief Galipeau sends his regrets but even the fire chief answers to a higher power and a family vacation took precedent.

Later on this evening you will be voting on your firefighters proposed labor agreement. This agreement is the fruit of many months of negotiations and contains concessions that were agreed to by both the city and the labor group. The administration as well as the labor group is keenly aware of our economic climate, not only the employees of the city but a great many also are neighbors, taxpayers, coaches and volunteers who consistently give back to our great city. I'm not here to raise this group on a pedestal or to compare them to the hundreds of other dedicated city employees. This group of professionals is made up of ordinary individuals who perform extraordinary acts on a daily basis. They are our city's true first responders to emergencies large and small. All divisions of NFR are constantly striving to achieve efficiencies with the ultimate goal of providing our citizens with the most effective and cost effective service possible. This past month our mechanical division saved the taxpayers thousands of dollars by completely rebuilding the rear suspension of one of our ladder trucks that is 22 years old. Had it gone out to a private contractor it would have been thousands of dollars more. Our fire alarm division, in addition to being the calming voice to those in need, maintains and supervises our municipal fire alarm system that protects over \$1 billion dollars of assessed city property. Our Fire Marshall's office is extremely busy collaborating with developers and contractors who have and are continuing to construct hundreds of new housing units and existing building up-fits for new commercial tenants. For some this may be a difficult decision to support this agreement. All I ask is that you consider the difficult task performed by your firefighters without hesitation on a daily basis before you cast your vote.

PETITIONS – None

**NOMINATIONS, APPOINTMENTS AND ELECTIONS**

**Appointments by the Mayor**

The following Appointments by the Mayor were read into the record:

**Arts Commission**

Lindsay Rinaldi (New Appointment) For a Term to Expire: April 1, 2018  
705 Belmont Street  
Belmont, MA 02478

Roberta "Mitzi" Barrett (New Appointment) For a Term to Expire: May 1, 2019  
52 Wood Street  
Nashua, NH 03064

Bonnie Guerico (Reappointment) For a Term to Expire: April 1, 2019  
66 Meadow Drive  
Hollis, NH 03049

**Business & Industrial Development Authority**

Kim Reagan (New Appointment) For a Term to Expire: May 1, 2019  
30 Temple Street, Suite 400  
Nashua, NH 03060

**Cultural Connections Committee**

Bernadette Melton-Plante (Reappointment) For a Term to Expire: April 30, 2019  
41 Parrish Hill Drive  
Nashua, NH 03063

**Economic Development Director**

Timothy Cummings (New Appointment) For an Indefinite Term at the Pleasure of the Mayor  
92 Russett Road, #1  
West Roxbury, MA 02132

**Personnel Advisory Board**

Michelle O'Malley (New Appointment) For a Term to Expire: May 1, 2017  
13 Gettysburg Drive  
Nashua, NH 03064

Shelia J. Kabat (New Appointment) For a Term to Expire: May 1, 2018  
5 Oldham Lane  
Nashua, NH 03063

Carol Baldwin (New Appointment) For a Term to Expire: May 1, 2019  
42 Diamondback Avenue  
Nashua, NH 03062

**Zoning Board of Adjustment**

Mariellen MacKay For a Term to Expire: September 11, 2018  
(Moving from Alternate Member to Full Member)  
9 Webster Street  
Nashua, NH 03064

***There being no objection, President McCarthy accepted the appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee.***

REPORTS OF COMMITTEE

Human Affairs Committee..... 04/11/16

There being no objection, President McCarthy declared the report of the April 11, 2016 Human Affairs Committee accepted and placed on file.

Pennichuck Water Special Committee..... 04/19/16

There being no objection, President McCarthy declared the report of the April 19, 2016 Pennichuck Water Special Committee accepted and placed on file.

Substandard Living Conditions Special Committee..... 04/14/16

There being no objection, President McCarthy declared the report of the April 14, 2016 Substandard Living Conditions Special Committee accepted and placed on file.

**There being no objection, President McCarthy suspended the rules to allow Alderman Dowd to give an Oral Report of the Public Hearing and Budget Review Committee meeting held April 25, 2016**

Alderman Dowd

Last night, Treasurer Fredette was here. In 2006, the city sold an advanced refunding bond with payments in the July of every single year. The city is allowed to advance the refunding of these bonds which were originally bonds sold in 2006 at a mixture of old school bonds that were originally started in 1999 to 2002. The city is allowed to call advanced refunding of these bonds 90 days prior to the 10<sup>th</sup> anniversary of the bond, which falls on July 15, 2016. That was why the expediency of trying to move this forward, so Treasurer Fredette could act on this. The bond sold in 2006 had rates of approximately 4%. The current refunding bond will have rates in the 1.5% to 2.0% range over the remaining life of the bond, which is six years. The interest rate savings will be approximately \$1.5 million over the next 6 fiscal years. Thank you.

There being no objection, President McCarthy declared the oral report of the April 25, 2016 Budget Review Committee public hearing and regular meeting accepted and placed on file.

WRITTEN REPORTS FROM LIAISONS – None

CONFIRMATION OF MAYOR'S APPOINTMENTS – None

UNFINISHED BUSINESS - RESOLUTIONS

**MOTION BY ALDERMAN SIEGEL TO TAKE FROM THE TABLE R-16-015**

**MOTION CARRIED**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

**R-16-015**

Endorsers: Mayor Jim Donchess  
Alderman Ken Siegel  
Alderman-at-Large Brian S. McCarthy  
Alderman-at-Large Lori Wilshire  
Alderman Richard A. Dowd  
Alderman June M. Caron  
Alderman-at-Large Michael B. O'Brien, Sr.

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR STATE EMPLOYER PENSION COSTS  
AND APPROPRIATING \$2,230,000 FROM FUND BALANCE ASSIGNED FOR THIS PURPOSE  
INTO THE EXPENDABLE TRUST FUND**

Given its third reading;

**MOTION BY ALDERMAN SIEGEL FOR FINAL PASSAGE OF R-16-015 BY ROLL CALL**

ON THE QUESTION

Alderman Siegel

Here we are again, I appreciate the curtesy from the last meeting and unfortunately it was somewhat awkward. I was thinking of myself of something like Prometheus bound where an eagle was going to come and peck my liver out. Mr. Teeboom isn't here so I will use a different analogy and perhaps I am Sisyphus rolling a stone up the hill. I am going to break this down so everyone gets my perspective on this because we've been given a lot of different perspectives and why I came up with this legislation and the thinking behind it. It's no secret that we have the state obligation and we needed some way to get to it in such a way that is constructive. So we had this money set aside and at the last term the Mayor tried to construct some legislation which would allow us to transfer similar to what we are doing now but there were a couple of flaws which prevented me from supporting that legislation. The first flaw was that expendable trust fund had no lapse point so to me it was a side door forever until our obligation was satisfied. Once that \$2.3 million went away, and that's the \$2.3 million that has no effect on the taxpayer burden which I believe is the point of the spending cap. The last term that burden, once that \$2.3 million which was set aside for this purpose, went away then the burden was change and I couldn't support that. The other thing was that there was no notion of trying to solve the problem which is ultimately the state pushing down the obligations to us and so there was no sense of okay we are going to give ourselves a certain amount of time to solve the problem and it's going to be finite and if we can't at the state level then we have to swallow our medicine and follow a different path. I spent a lot of time thinking about this legislation because I'm concerned about the effect on the city. I'm not going to say the world is going to fall apart but I think we are going to have real problems. Again, the money was set aside for a purpose. You say to yourself what do I do if I set money aside for a purpose and there is no way to move it across. That to me is more a flaw in the way that our spending cap is constructed. I am for the spending cap but one of the ways that it is constructed is if you transfer money across you don't legislatively have the opportunity to say okay well I want this money to be used to this purpose but I want to still pin the cap number at the same level. If I could have done that in this legislation I would have. That's a flaw in the mechanisms by

which the Charter reads right now. It is what it is but I still felt that this is something that is worth doing. We have the money and I don't think anyone that I have spoken to feels that the money wasn't set aside; nobody has said if we spend that money it's going to have an effect such as that our bond rating will change. I am going through each of the elements hopefully describing what I might view as the possible problems and how to address those objections. We have this pool and we can use it but we won't because we have this flaw in the way the spending cap works. So if we decide to move it over we have this perceived problem that we bump the cap number. We haven't bumped what we are spending; we've bumped a virtual number. Imagine the case where you wake up and you say to yourself, oh, low and behold, Visa has raised my spending limit. I believe we are all relatively prudent and the fact that Visa allowed you a different number doesn't mean that you go out and spend the money. I certainly wouldn't and I suspect that most people wouldn't. You didn't ask them to raise that number it just happened and that's the way I view this. Again, the good part of saving that money for the purpose can't be satisfied because of this impediment due to a flaw in the legislation. We have this problem and it seems to me that the people I have spoken to, this is the main sticking point; that somehow this number goes up and what do we do about this virtual number going up? I would say to all of you in the horseshoe that I don't remember at what point we abdicated our ability or responsibility to make decisions that were of sound fiscal decisions. We did that in a couple of terms, several of my colleagues that were on the Board at the time rattled off a series of amendments or motions where we took the existing budget and restored the POP unit and the principals and we still cut the budget by \$550,000, again, acting responsibly and prudently doing our homework. We still have that opportunity; I don't think that anyone is any less talented in this term to be able to do that. When I first discussed this legislation with Mayor Donchess I specifically said this is not an enabling piece of legislation to allow us to run wild with spending so one of the consequences of that, as much as I admire NFR and what they said is absolutely true, that doesn't fit within the constraints of this situation that we find ourselves in and that's why I won't support this because again, if I am going to support a philosophy of changing this number and using that money to address a state mandated burden on us I can't then turn around and say we have more flexibility to do something we shouldn't be doing. It's sad and I wish we were not in this position but there we are. I don't have any other solutions for this problem that we face. We have the money set aside but we are artificially deciding that we aren't going to use it and it is artificial. The reason for some of this range from an understandable concern about the spending cap number to flat out political posturing; I'll be blunt, like oh good, I get to waive the flag of fiscal responsibility and yet be inconsistent in some other issues and that's going to potentially happen and that's disappointing. Ultimately you're out-of-pocket is exactly the same whether we vote for this or not except I walk out of the grocery store with one less bag of groceries for the money that I have available in a sense. We do not have the ability to say okay I'm going to use it for a different purpose, it's in a pool and it's stuck there. So, are you actually doing taxpayer any good by creating the exact same burden no matter which way you vote but one way you vote is going to cause some issues. The city is not going to fall apart but it will be demonstratively diminished in my mind because it's a fairly large number and that's the argument that I have. It's all well and good to play hero but I think it's my job to be brutally pragmatic no matter what the consequence is in a certain sense. I don't personally care about higher office or any of that nonsense, that's not my game here, I care about the city and I do care about the spending cap and this does not affect the taxpayer burden. I appreciate your accommodating my long-winded explanation.

#### Alderman Schoneman

I appreciate the arguments in favor and certainly Alderman Siegel does his homework all of the time. Regarding the legislation that came up last term when Mayor Lozeau suggested it, the amount she wanted to move was \$2.7 million and this year it's \$2.23 million. That's a reduction of \$470,000 and I presume that went to the purpose for the funds were earmarked which is to pay this excess burden, the pension fund liability that the state has put upon us without effecting the tax rate. If this fund does not move the tax rate still will not be affected and the money can still be spent just like it was last year; to take the balance from \$2.7 million down to \$2.2 million. I asked Mr. Griffin what the amount of money for this year for the additional pension funding was going to be. It looks like it's going to be approximately \$350,000. That's a \$350,000 problem with a \$2.2 million solution. I don't think that we need to move this money, which it really is an appropriation and while it's acknowledged that this does up the limit and theoretically we don't have to spend to that limit, the likelihood is that we are going to and it's practically already spent. If we were to take the budget from last year and assume

that the spending cap limit is 1.3% but give the police department 2.5% and the schools 2.0% we can pretty quickly see and everyone else 1.3% that the fiscal '17 spending cannot be contained within the original fiscal '16 appropriation plus the cap. It needs this in order to make those numbers work and to then try to reduce that is going to be extremely difficult. I was against it before and I'm still against it now. I think that it essentially allows more spending for a purpose that I don't feel is necessary in order to accomplish the goal of saving taxpayer money and still meet this pension fund obligation.

#### Alderman Dowd

I agree with everything that Alderman Siegel said. As Chair of budget and having looked at the numbers that are coming in from the various units, we are going to have a problem but as Alderman Siegel said, if we approve this legislation we don't have to spend \$2.3 million to increase our spending but it will certainly give us a little cushion because we are going to have a very difficult time meeting our budget this year to the point of I'm not sure how I can even see that passing. I haven't got the budget from the Mayor yet and I know he has a significant challenge in trying to meet numbers. I have been involved in the Board of Education budget and they are struggling mightily, they just can't come up with anything else to cut. If we get to that point in meeting that arbitrary spending number we are going to have to take money away from the schools and that could result in a number of things that I don't think people with children in school are going to appreciate. I for one also don't want to take substantial monies from the police department or the fire department because that puts us at risk. I appreciate people being concerned about the spending cap and I agree that we need to have controls over the amount of spending every year but I think that we also need to use common sense. If the arbitrary number that they came up with some number of years ago puts the city in an untenable position, I think that we need to do whatever we can to try and solve the problem. People have said that they have taken pledges not to override the cap. This isn't an override of the spending cap; this is taking money that was earmarked for a specific purpose and allocating it for that. The problem we have with the regular budget was passed down to us from the state. The state, in the pension fund agreed years ago to pay 35% and all of a sudden they said 0%. We are not the only city in New Hampshire that's got a problem because the state passes that down to us. We have to a) solve that problem and b) we need to make sure that things like that don't happen again coming from Concord. I am going to support this.

#### Alderman Schoneman

I want to address some of Alderman Dowd's comments. It is most definitely a spending cap override for fiscal '16. There's not the room in the fiscal '16 appropriation limit based on fiscal '15 numbers to accommodate an additional \$2.2 million under the fiscal '16 cap. It's not a fiscal '17 override but it is a fiscal '16 spending cap override. Regarding spending, it's true that if this fund were established it would not need to be spent on day one, it could be spent over the course of three years and in that sense, by appropriating it we are not spending that money. As Alderman Dowd also eluded to, the school department and perhaps others are counting on the \$2.2 million increase in the fiscal '16 appropriation number to give them the room they want to spend in fiscal '17 so while the \$2.23 million has moved over and won't immediately be spent, this does create the room within the fiscal '16 appropriation number to spend more in fiscal '17 and that will effect taxpayers because that's spending an additional \$2.23 million.

#### Alderman Clemons

As a taxpayer I have a couple of different perspectives on this legislation. They all have to do with the fact that in the past the city at some point set aside this money for the purpose of using it for pension costs. I know that a lot of us here talk about the spending cap and not overriding the spending cap. My prior four years on the Board, from 2008 to 2011, I remember that all of those budgets under Mayor Lozeau were under the cap and they came in; I think one of them was close, maybe \$250,000, some of them were \$500,000, maybe \$1 million under the cap. Subsequent to that we have always been under the cap. The city could have said, the Board of Aldermen could have said the limit is \$300 million and that's what we are going to make the budget but we didn't do that. We looked at what was appropriate to spend that year and if it happened to be \$500,000 or \$1 million under the spending cap then that's what it was. The point that I am trying to make is that there comes a

time when we need to use the mechanisms that we have in place because things are at a point where we have no control over them. This being the pension costs coming down to us from the State of New Hampshire. I look back as a taxpayer who has owned property in Nashua since 2007; multiple properties, and I think to myself that I have paid in to this pension cost, my tax paying has gone into this and the reason we have set it aside is because we knew that some of these costs were going to be a burden to us later on down the road. I also look at it from a taxpayer perspective as we have the spending cap and in years past we have not gone over it but have been under it. When I combine the fact that we've had millions of dollars of savings over the course of the last twenty years because this Board has done the prudent thing and kept the budget under the spending cap, I look at this situation and I say to myself why wouldn't we, at this point, spend the money that we've put aside so that I, as a taxpayer, don't have to worry about the fact that \$350,000 extra is going to go just to pensions instead of maybe going to the schools or the fire department or the police department or any number of city services that we pay hard earned money for. I look at this situation as it's been a long time coming and we are now at the point where we need to say this is the year that the spending cap has to be overridden because we have costs from the state that are mandated to us that we have no control over and we have to pay. We can either pay the money from the taxpayer's money that we put aside or we can spend the money from the taxpayers that we are going to collect from them next year and leave the money that we already have aside. I think we ought to spend the money that we already have instead of taxing people in the future for these costs.

#### Alderman Moriarty

We could debate whether this principle and interest exclusion is equivalent to a spending cap override. By virtue of the fact that it requires ten votes, implies that it essentially has the same mathematical equivalent as a spending cap override. To blame the financial challenges that we have on the existence of the spending cap is somewhat like blaming the speed limit for being tardy to an appointment that we knew about well in advance. Four years ago when I joined the Board of Aldermen I could foresee these challenges ahead of us and I've been voting accordingly and tonight I am going to continue to vote the same way and vote no on this item.

#### Alderman Siegel

Nobody is blaming the spending cap on anything. None of the discussion blamed the spending cap. In fact, my reference was a flaw in the way the spending cap Charter legislation works in that it doesn't allow me to ratchet back the number. The flaw is woooo's me there's a spending cap, the flaw is gee, it would be nice if there was a tool that was even friendly to the taxpayer to allow me to do this and still ratchet it back. I think that characterization is just false. I have an idea, my plan B, to hopefully address some of the concerns. It seems to me that the biggest concern is the bump in the cap and the possibility of that being filled up by promises made that have nothing to do with my purpose in this legislation. It's so frustrating for me. I feel like the intent of this has been diluted by this idea that somehow oh, we made all these promises and this is the only way we can do this, like that was the intention. When I was thinking about this I didn't hear about any promises or anything. This is strictly intended to deal with the downshift in the pension cost. The plan B I have is to take the effective problem which is to say we are taking that one lump money and we are putting it all at once into the trust fund and that has the unfortunate side effect of bumping everything up by that amount. The trust fund is set up right now to be available in thirds over three years so the plan B, and I've actually hand changed the legislation but it wouldn't be appropriate to have all of those legislation changes at the full Board, is to say okay, how about we take the one third and set that aside as the kicker because it doesn't have the type of dramatic bump in the cap number and it hopefully reinforces the notion that this is not intended to be everybody's saving grace to get some magical contract approval, that's not the point. This is a change that we could actually fairly easily make. Again, I wouldn't do it at the Board level, we would have to send it back to budget where it could be properly vetted and I'd certainly like to pass it by CFO Griffin to see if I haven't missed anything while I was editing it today. I went over the legislation point by point to see if this was feasible and it appeared to be. I am hoping that for those who have objected to the raise in the ceiling that this is something that maybe would say okay, I'd be willing to consider that because it's hopefully more clearly for a purpose. These are not contracts you can slip in under that cap number and we could work with it that way. I'm not sure that we have enough people comfortable with the arguments that were made to pass this and I'm concerned

that if there is an alternative that might be acceptable I would like us to address it. I leave that out there as a possibility.

Alderman Schoneman

I want to state again that I never thought that the legislation was done for the intent of bumping it up and I have the utmost respect for Mayor Donchess and Alderman Siegel who put this legislation together. I expressed my feelings that it was an inadvertent consequence of something that sounded noble and certainly had noble intent. I think that the idea of shrinking this down to some other number, we can do it committee and we will have plenty of discussion there, it could be palatable but I think we need to flush it out at the committee level plus I'm not sure the \$750 is the right number, maybe \$350 is the right number if that is the amount for fiscal '17 that is the amount to be impacted. Again, I think we should do it at the committee level and I would certainly be amenable to have that conversation.

Alderman Lopez

If I understood Alderman Siegel's presentation and Alderman Clemons' we are not abdicating our right to be pragmatic in making decisions about budgeting, this is just intended to solve a single issue so reducing the amount of...instead of \$22 million making it \$700,000; we are still exercising the same authority aren't we?

Alderman Siegel

To answer that, yes we still have an obligation to be prudent and we still have the issue of a number going up but my sense in having spoken to people privately and my sense about the way the conversation is going is I don't get a feeling that the use of the money is the issue, it's the consequences to the cap bump and so if that cap bump consequence were contained and more palatable to those who object then I think that might be a workable compromise where we can solve some of our problems without introducing side effects. Right now the legislation transfers the entire amount in one bulk transfer which bumps it all the way up. Remember, as I originally explained this, the whole point of this was to give us three years to solve a problem which hopefully if we solve it in two years, the point is the expendable trust fund would lapse that money would go right back. If we allocate it in thirds and we have to approve it every year then by definition we were given that decision up front and again we don't have that same gap where people can be concerned that we are going to be fitting all sorts of magically additional spending. It's all about solving the pension issue forced upon us by the state. I am trying to work around that aberration in the way the cap is calculated. That's why I introduced plan B and I think it's worth reasonably vetting at the committee level.

Alderman Cookson

I appreciate all of the comments this evening. I've had conversations with Alderman Siegel with regard to the legislation and I think it's a good idea. I am more palatable to plan B and I will state so this evening. I think that we are also in a very unique position as a Board to have two members of it actually be state representatives as well. I think we have a meeting with the State Delegation on the 5<sup>th</sup> of May. Alderman LeBrun and Alderman O'Brien are in the enviable position of hearing what are concerns are as a Board of Aldermen and I'm hoping that you are able to represent that position as well to the State Delegation when we are able to have communications and conversations with them. As Alderman Siegel said, we are not the only city that is affected by this so I think there is a real opportunity to go back to the state and say zero is not the answer. We, as a state, have to support more for our cities and I'm not sure that you can say that zero is going to be your contribution to the cities any longer. This extends to Manchester, Concord and some of the larger cities that are going to be impacted by the state's decision not to contribute anything and while you may not have influence over other city's delegates, I think that you, as a representative of the State of New Hampshire have an obligation to take our concerns and express them to our State Delegation as we will also and get that seed growing so that hopefully we can take a multi-pronged approach to the problem. Hopefully the State Delegation can address it in another capacity.

Alderman O'Brien

I think most of us in the city delegation as far as state do take this very seriously but you must keep in mind that when this originally occurred, the money was supposed to be put back and it never did. This is what happens when you have an ultra-conservative opinion. What is unique to Nashua is that we have a spending cap and not all communities that are affected by this...yes, globally in the state, many cities and towns have this very same problem but they do not have a spending cap. Because of the spending cap this makes Nashua's situation extremely unique.

**MOTION BY ALDERMAN SIEGEL TO RE-REFER TO THE BUDGET REVIEW COMMITTEE**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 12  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja.  
Alderman LeBrun, Alderman O'Brien, Alderman Lopez,  
Alderman McCarthy

Nay: Alderman McGuinness, Alderman Moriarty 2

**MOTION CARRIED**

Resolution R-16-015 re-referred to the Budget Review Committee

**R-16-022**

Endorsers: Alderman June M. Caron  
Alderman Don LeBrun  
Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien, Sr.

**AUTHORIZING THE MAYOR TO APPLY FOR AND EXPEND THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") AND HOME INVESTMENT PARTNERSHIP PROGRAM GRANT FOR FISCAL YEAR 2017**

Given its second reading;

Alderman Wilshire

I will be recusing myself from this vote as my employer is an applicant for these funds in this resolution.

**MOTION BY ALDERMAN CARON TO AMEND R-16-022 IN ITS ENTIRETY BY REPLACING IT WITH THE GOLDEN ROD COPY PROVIDED WITH THE AGENDA**

ON THE QUESTION

Alderman Siegel

In honor of former Alderman Chasse, I would assume that Alderman Caron or some other appropriate person would be willing to discuss the changes in the golden rod copy.

Alderman Caron

I don't have my notes. We made some changes to some of the amounts that we had originally given out to the agencies. One was to Labine Park. The other was to give back to the Housing Improvement and the Project

Delivery. We didn't realize we had some extra money. When they tallied it up, we had some money left over so we wanted to come to a zero balance.

Alderman Lopez

There was \$10,000 left over from last year. \$4,000 or around that went to the Emergency Resilience Planning. Then we put money back into the grant administration and grant delivery.

Alderwoman Melizzi-Golja

Alderman Lopez is correct. We originally cut the emergency management proposed program. We put some of that money back in. We realized that some of the money that had been cut from the funds that were used to actually administer the office, we put money back in there. Alderman Lopez is correct.

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

Yea: Alderman Clemons, Alderman Cookson, Alderman Dowd, 13  
Alderman Caron, Alderman Siegel, Alderman Schoneman,  
Alderwoman Melizzi-Golja, Alderman McGuinness,  
Alderman LeBrun, Alderman Moriarty, Alderman O'Brien,  
Alderman Lopez, Alderman McCarthy

Nay: 0

Abstained: Alderman Wilshire 1

**MOTION CARRIED**

**MOTION BY ALDERMAN CARON FOR FINAL PASSAGE OF R-16-022 AS AMENDED**

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

Yea: Alderman Clemons, Alderman Cookson, Alderman Dowd, 13  
Alderman Caron, Alderman Siegel, Alderman Schoneman,  
Alderwoman Melizzi-Golja, Alderman McGuinness,  
Alderman LeBrun, Alderman Moriarty, Alderman O'Brien,  
Alderman Lopez, Alderman McCarthy

Nay: 0

Abstained: Alderman Wilshire 1

**MOTION CARRIED**

Resolution R-16-022 declared duly adopted as amended.

**R-16-023**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman Ken Siegel  
Alderman June M. Caron  
Alderman-at-Large Michael B. O'Brien, Sr.

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$28,600 FROM THE NEW HAMPSHIRE HIGHWAY SAFETY AGENCY INTO POLICE GRANT ACTIVITY "FY16 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP)"**

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-16-023**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

Resolution R-16-023 declared duly adopted.

**R-16-026**

Endorsers: Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large Lori Wilshire  
Alderman Benjamin M. Clemons  
Alderman Richard A. Dowd  
Alderman-at-Large Daniel T. Moriarty

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE MAYOR AND THE BOARD OF FIRE COMMISSIONERS AND LOCAL #789, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS FROM JULY 1, 2015, THROUGH JUNE 30, 2019, AND RELATED TRANSFER FROM CONTINGENCY**

Given its second reading;

**MOTION BY ALDERWOMAN MELIZZI-GOLJA FOR FINAL PASSAGE OF R-16-026**

ON THE QUESTION

Alderman O'Brien

I would like to recuse myself at this time due to a conflict.

Alderwoman Melizzi-Golja

I'm not going to repeat the points from last night's discussion. I'm sure for those who were not there, if you looked at the minutes or talked to others. Just a few points for those who may not be aware, the negotiations for this contract have been going on for about a year. Part of that negotiation also included mediation. This is not something that was arrived at lightly and without much work. The other point I think we need to think about is we all know, and one of us is an example of that, there has been retirements within the fire department. As we have heard from other people within the city, it's important that we keep our services in our divisions in a position where they can attract the best possible candidates to do the job. I think when we look at firefighting in the City of Nashua; we all realize that we have a variety of structures and a variety of businesses. From home fires to possible fires involving chemicals and gases, we need a bright, smart, well-educated group of firefighters. I think we need to think about what we're doing when we pass this contract or consider this contract in terms of our ability to continue getting the quality that our citizens deserve. Finally in thinking about the budget, I don't think any of us take the budget and the budget Cap lightly. Just as we have a responsibility to maintain a livable tax rate within the city, I think we also have the responsibility to make sure that we provide our residents and our businesses with safety and protection for their property. I would just ask you to consider that as you vote tonight.

Alderman Cookson

The first thing I'm going to do is not assume that everybody had the opportunity to review the minutes of last night's meeting because last night's meeting minutes don't exist yet. There is an audio of it, but the minutes don't exist. The oral report which was given this evening was about bonds with regarding to the Budget Review Committee meeting from last night and made zero mention about the contract, the CBA with the Nashua Fire Rescue. Let me go on to at least complement whoever put the agenda together to at least anticipate a recommendation from the Budget Review Committee and placing this on the agenda. That at least is more courtesy than we received several years ago when this same contract came before us in a very similar situation. It was a Monday evening Budget Review Committee meeting and that very next Tuesday evening, the very next night; it was brought in under suspension of rules. So thank you for the courtesy of having it on the agenda. The points that were made with regard to our public comment, Commission Garant, Mr. McAllister, Assistant Chief Rhodes, certainly make it seem like the contract is very appropriate. If the Board chooses, they may continue to support it this evening. I'm curious why not go through the normal course of action and have it on our regularly scheduled May meeting, Tuesday, May 10, where everybody including the public would have ample opportunity to review the minutes and participate. I think we have a process established that's in place. This is not the process. You do not anticipate to have a contract, a Collective Bargaining Agreement, out one evening at committee level and a little more than 24 hours later, maybe, have a decision that the full Board will take. It would be my recommendation to at least wait until the 10<sup>th</sup>. I don't think there's any reason to expedite this. Is there a rush or a hurry or something that requires it to be addressed this evening?

President McCarthy

When I was asked about it on Friday when we were putting the agenda together, I didn't know how long it had been since first reading and whether we had an urgency to it, so I asked to have it put on the agenda. As I explained at the Budget Committee last night, there is no urgency. The next meeting falls well within the statutory guidelines. If we want to hold it until the minutes of the Budget Committee are ready, there's no reason why that can't be done.

Alderman Dowd

The oral report that I gave was done at the request of the City Treasurer. It was only for that because of the urgency of the savings to the city.

President McCarthy

When we discussed it on Friday, there is urgency to the bond resolution which is why the question came up. They were both put on there. I think as of last night, we did not anticipate that it would necessarily be taken up tonight.

Alderman Cookson

When you suspended the rules this evening to allow Alderman Dowd to give an oral report of last evening's Budget Review Committee, it was Alderman Dowd's report that only gave reference to the bond issue and nothing else. Either it was an incomplete report or you would only expect that Alderman Dowd would expect to discuss the bond issue this evening. If you are going to give an oral report, give an oral report. Alderman Melizzi-Golja's opening comments were that I don't want to discuss everything that was discussed last night. Well, I think people need to know what was discussed last night if some people hadn't had that opportunity. Again, my recommendation, I'm not going to make the motion now because I want to leave it open for discussion, ultimately I would like to make a motion to have this on our agenda for the 10<sup>th</sup>.

Alderman Siegel

I agree with my colleague Alderman Cookson's desire to wait because it would be helpful to allow people to review the written minutes. I know Assistant Chief Rhodes gave some testimony which I think people would find valuable. Personally, I could repeat the remarks I made but I don't think that's a complete picture of anything. The process would be better served by allowing the minutes to be made available and just address this at the next full Board meeting.

Alderman Lopez

At the Budget Review Committee meeting, honestly I want to hear the objections to how the contract has been developed especially if they had a mediator who was involved. I know all of us understand that we have a very competitive fire department. It's a regional leader. I know in my ward we have had a lot of emergency calls, emergency issues. Nashua Fire has done an exemplary job in responding to effectively and efficiently. I do share Alderman Cookson's and Alderman Siegel's positions because I want to know what the objections are.

Alderwoman Melizzi-Golja

Alderman Cookson, I just assumed that it was on the agenda. People had taken advantage of whatever information was there and was in a broad stroke referring to the minutes because I knew it was available via audio, and made the assumption people take advantage of that. I am fine if we want to move this to the next meeting. I certainly understand people may want to get more information. I have no objection to that.

President McCarthy

Was that a motion to hold until the next meeting?

Alderwoman Melizzi-Golja

So moved.

**MOTION BY ALDERWOMAN MELIZZI-GOLJA TO HOLD R-16-026 UNTIL OUR NEXT MEETING**

Alderman Clemons

The agenda for this meeting has been out since Friday. This has been on the agenda since Friday. Clearly we had a number of people come tonight who expected this to be on the agenda. I don't want it to go unrecognized that although some people may not have known, a lot of people did. They took time out of their evening to come here tonight expecting us to move this forward or not move it forward or take some action on it. So, I won't be supporting the motion to hold.

President McCarthy

I would point out that I spoke to at least Assistant Chief Rhodes and Mr. McAllister today and pointed out to them that I expected that it would likely be held until the next meeting.

Alderman Cookson

I would just like to remind those who may have been on the board at that time that there were more people that came from Nashua Fire and Rescue when it wasn't on the agenda last time. While I certainly respect those who came this evening, I think it's the prudent thing to allow us to review the minutes, raise any additional questions or comments, if there are any. I'm looking forward to supporting the contract, but I certainly like to do my due diligence and review the minutes prior to giving my vote.

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

Yea:	Alderman Wilshire, Alderman Cookson, Alderman Dowd, Alderman Caron, Alderman Siegel, Alderman Schoneman, Alderwoman Melizzi-Golja, Alderman McGuinness, Alderman LeBrun, Alderman Moriarty, Alderman Lopez, Alderman McCarthy	12
Nay:	Alderman Clemons	1
Abstained:	Alderman O'Brien	1

**MOTION CARRIED**

Resolution R-16-026 held until the next meeting.

**MOTION CARRIED**

Resolution R-16-026 declared duly adopted.

**R-16-028**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Lori Wilshire  
Alderman-at-Large Mark S. Cookson  
Alderman Richard A. Dowd  
Alderman June M. Caron  
Alderman Ken Siegel  
Alderwoman Mary Ann Melizzi-Golja  
Alderman-at-Large Brian S. McCarthy

**AUTHORIZING THE MAYOR AND THE CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) TO REFUND ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY IN ORDER TO ACHIEVE INTEREST COST AND OTHER SAVINGS**

Given its second reading;

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE OF R-16-028 BY ROLL CALL**

ON THE QUESTION

Alderman Siegel

Wasn't that R-16-028 as amended? We did amend it in committee. The amendment was to put the fiscal note in for that Treasurer Fredette had supplied which is where Alderman Schoneman got the \$1.5 million dollar. Did you refer to that?

Alderman Schoneman

I asked the question last night.

Alderman Siegel

He asked the question and that was part of it. I just want to be clear that it's as amended with just that fiscal note that we asked for.

President McCarthy

We should make the amendment first. Why don't you move to amend it by including the fiscal note.

**MOTION BY ALDERMAN WILSHIRE TO AMEND R-16-028 BY INCLUDING THE FISCAL NOTE PROVIDED BY TREASURER FREDETTE**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION BY ALDERMAN WILSHIRE FOR FINAL PASSAGE AS AMENDED**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

President McCarthy

R-16-028 is amended. Motion on the floor is for final passage by roll call as amended. Is there any discussion on that motion? If not, would the clerk please call the roll.

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

Resolution R-16-028 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES – None

NEW BUSINESS – RESOLUTIONS

**R-16-029**

Endorser: Mayor Jim Donchess

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR RIVERWALK WALKWAYS, BRIDGES AND RELATED IMPROVEMENTS AND APPROPRIATING AT LEAST \$500,000 INTO THE EXPENDABLE TRUST FUND**

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President McCarthy

**R-16-030**

Endorsers: Mayor Jim Donchess

Alderman Richard A. Dowd

Alderman-at-Large Lori Wilshire

Alderman-at-Large Mary Ann Melizzi-Golja

Alderman-at-Large Michael B. O'Brien, Sr.

Alderman-at-Large Brian S. McCarthy

**CREATING A SPECIAL REVENUE FUND FOR SCHOOL CAREER AND TECHNICAL EDUCATIONS (CTE) TUITION FEES**

Given its first reading;

**MOTION BY ALDERMAN DOWD TO ACCEPT THE FIRST READING OF R-16-030, ASSIGN IT TO THE BUDGET REVIEW COMMITTEE AND SCHEDULE A PUBLIC HEARING FOR MONDAY, MAY 23, 2016, AT 7:00 PM IN THE ALDERMANIC CHAMBER**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

**There being no objection, President McCarthy suspended the rules to allow for the first reading of a resolution received after the agenda was prepared**

City Clerk Piecuch

Both readings, sir?

President McCarthy

If the Board is amenable to that, yes.

**R-16-031**

Endorsers: Mayor Jim Donchess

Alderman-at-Large Brian S. McCarthy

**AMENDING THE PURPOSE OF A FISCAL YEAR 2016 ESCROW FOR THE PARKS AND RECREATION DEPARTMENT**

Given its first and second reading;

**MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF R-16-031**

ON THE QUESTION

Alderman Cookson

I am utterly confused. Don't we have to do a first reading and then...

President McCarthy

We just did.

Alderman Cookson

We did a first and second reading.

President McCarthy

I think the clerk was assuming that since the next sentence would be identical to the first we could read it once. If you would like to have it read again, we can do that.

Alderman Cookson

You're the president. I just want to be sure that we are following Robert's Rules and we are doing it appropriately and no questions asked.

President McCarthy

We actually follow Mason's Rules.

Alderman Cookson

Masons. Thank you.

President McCarthy

The rule is as long as everybody understands what we are doing, it's okay generally. I admit this is somewhat irregular, but I think that's the nature of the piece of legislation.

Alderman Siegel

I was just going to echo Alderman Cookson's concerns. We typically would have voted on a second reading. It's not a vanilla procedural motion in my mind. Again, I don't see any issue per se, but we are supposed to have some sort of a process.

President McCarthy

We do, and the process based on the motion that Alderman Wilshire made at the beginning of the meeting was that we accept that suspension unless there are objections.

Alderman Clemons

Is there an objection?

President McCarthy

I haven't heard one.

Alderman Moriarty

I'll second Cookson's confusion. It's not on my agenda. Since I'm not there, I didn't get anything on my desk. Can you remind me what we're doing please.

President McCarthy

In the appropriations for the Legacy Playground, there is some money that became useful to purchase equipment from another source. Therefore, the resolution is redirecting part of the escrowed money to pay for the labor instead of the parts, as I understand it.

Alderman Moriarty

Now I remember Mayor Donchess talking about this in his comments. Thank you.

Alderman Schoneman

The original purpose and amount was to fund the cost of playground equipment for \$40,000. This is to transfer it to cover construction costs for \$28,467. What happens to the balance? Does it stay there?

President McCarthy

I would assume it's paying for equipment. I believe the general purpose of this is money that we thought was going to pay for labor is actually intended to pay for equipment. We're swamping money that was intended to pay for equipment to pay for the labor. The total at the bottom is all the same.

Mayor Donchess

When this was escrowed last year, the stated purpose in the resolution adopted by the Board was to fund the cost of playground equipment for \$40,000. Different funds have come in. If we are going to use this money now \$28,467 of the \$40,000 needs to go to construction costs leaving the remainder \$12,000 and something still in the cost for playground equipment with that purpose. There would be \$12,000 roughly for the purpose of equipment and \$28,000 for construction costs rather than \$40,000 for equipment.

Alderman Schoneman

Was \$40,000 the sum total of equipment and whatever other costs the city was going to contribute to this playground? Is that everything?

Mayor Donchess

No, it's the amount of the money that was escrowed from last year. This isn't the total city contribution. It's simply the amount of the escrow from last year.

Alderman Schoneman

The \$28,467 construction cost is that being done by the city or is that being done by somebody outside?

Mayor Donchess

I think that's being done by somebody outside.

Alderman Schoneman

There was some equipment that was going to be purchased, namely that very expensive in ground merry-go-round. Is that still being purchased with city funds or otherwise?

Mayor Donchess

No, right now that's not in the plan. There are all different sources of money. There's money being contributed by the Legacy Playground group. There is money that had previously been set aside by public works. Money that has been escrowed. Now money from the CDBG resolution that was just passed. All of that together is enough to construct the playground as designed with the exception of the carousel and also to improve the bathrooms to the tune of \$20,000. The one thing that is not there is the carousel which is about \$60,000.

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 14  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty,  
Alderman O'Brien, Alderman Lopez, Alderman McCarthy

Nay: 0

**MOTION CARRIED**

Resolution R-16-031 declared duly adopted.

NEW BUSINESS – ORDINANCES

**O-16-11**

Endorsers: Alderman Don LeBrun  
Alderman Ken Siegel  
Alderman David Schoneman  
Alderman Tom Lopez

**ADOPTING PROVISIONS FOR REDUCED TAXATION FOR CERTAIN CHARTERED PUBLIC SCHOOL FACILITIES**

Given its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by President McCarthy

PERIOD FOR GENERAL PUBLIC COMMENT

Mr. Jim Cutter, 86 Palm Street

I have a couple of things. The first one is dated October 25 of last year. The reason why I'm reading it now is because I sent this letter to the Telegraph, but the political going's on's prevented it from being published. I asked them after the elections if they would do it, and they said yes but they never got around to it. "Dear Editor, We especially wish to thank Tracy Pappas and Paula Johnson for all their help and support for getting our sign returned. Also Alderman Schoneman, Alderman McGuiness, Dan Richardson, Barbara Nelson, Luke Diminski and the rest of the aldermen or their support. Thank you. Jim and Mary Cutter." My other is a letter to President McCarthy and the Board. "The Gilbertson's violated the building permit plan ordinance in 1971 by not using an exact dimension. When the building inspector approved it a second time in error since 1950, the Gilbertson's thought part of their driveway belonged to them. Since the mistakes were made by an inspector, we believe the city should be the ones to notify the Gilbertson's to correct their mistakes so our property can be returned. Sincerely, Jim."

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman O'Brien

Today I had the pleasure to share the morning with Alderman Siegel up at the Senate hearing which had to do with the landlord bill, one of the things that is coming out of the Substandard Housing Committee. Like Alderman Cookson said, it was good to see a member of this Board not state represent but show interest and come up there and testify. I could tell by the look in Alderman Siegel's eye how he admired our efficiency, how efficient our state government is. In other words to be polite, the hearing was long and the hearing was tedious. I complement Alderman Siegel for hanging in there. He and I did somewhat of a tag team that I think all of you here would be quite proud of. I think we expressed the points and concerns of Nashua on the issue. I thank Alderman Siegel for sharing his time and working on it. Also, in the same vain we had our Mayor up there, moving forward and discussing the commuter rail. Very important. There were several members of the Mayor's staff up there as well as well as Tracy Hatch and others. I think it vets well and I'm looking forward to the meeting with the representatives and the Board. It bods well to show that there is a very strong concern of what's going on up at the state. I hope this new collaborative keeps going, and I'm looking forward to working with it.

Alderman Lebrun

I would like to address a comment that was made earlier in reference to the pensions being the fault of an ultra-conservative legislature. I would just like to say that the pension problem goes back more than the past 16 months. If there's a fault to be laid on anyone, you can lay it on, and I don't want to say ultra-liberal, but on the liberal legislature as well as the conservative legislature. Thank you.

Alderwoman Melizzi-Golja

I would just like to thank Alderman Siegel and Alderman O'Brien for their efforts today. It's certainly important for our citizens here and for people throughout the state, so thank you.

Alderman Siegel

I would like to thank both of my colleagues, Alderman Lebrun and Alderman O'Brien for seeing me through the process. I know Alderman Cookson said they were in the enviable position. I suppose unless you are a committed masochist it's hard to imagine. I suspect that Alderman O'Brien was just teetering on the edge of having his clothes soiled by my exploding head. It was quite an experience, one hopefully I won't have to repeat too often.

Alderman Lopez

I just wanted to use my public comment time to explain why on my Facebook page for Ward 4 alderman I have been posting pictures of me doing 22 push-ups. There is a moved that is based on the VA's report in 2012 that the equivalent of 22 Veterans a day commits suicide annually. It occurred to me in one of our previous meetings that while as somebody who works in the social work field I might be aware of movements or concerns that are going on badly, the general public is not. I should be a better conduit for bringing those issues to the surface. While anybody who has worked in social work would have told you that then heroin epidemic was coming a few years ago, there was a blur of communication. I think the general public is only aware of it within the last year and a half or so. Likewise, suicide is on the rise. It's a tabooed that nobody wants to talk about. The statistics are there. The CDC released a report just last week stating that suicide on the national level was increasing. Especially with our veterans that is not something that we should be refusing to talk about. Our veterans served our country; they put their lives on the line. Without them we really wouldn't have the freedom that we have today. Doing 22 pushups isn't necessarily going to save the world, but doing it and announcing that the statistic exists and generating the conversation is all that I'm hoping to do. I'm hoping more resourceful people or people with better resources will become aware of this issue so we don't have another epidemic moving forward. I just wanted to explain my behavior on social media to people.

President McCarthy

I wanted to thank City Arts Nashua for having organized the third annual Meri Goyette Art Lunch a week and a half ago. It was another fascinating event.

Committee announcements:

Alderman Cookson

Infrastructure, tomorrow evening at 7:00 p.m. in these Chambers. I believe we are going to have a wonderful presentation from our Downtown Specialist, Mr. Vayo. We have extended the invitation to our Planning & Economic Development Committee to join us for that presentation. Post the presentation, we will continue with our regular order of business on Infrastructure.

Alderman Clemons

The Personnel/Administrative Affairs Committee will meet here at 7:00 p.m. on May 2.

Alderman Melizzi-Golja

The Planning & Economic Development Committee will hold their next meeting on Tuesday, May 3, at the City Auditorium at 7:00 p.m. At that time, we will have a presentation on the Performing Arts Feasibility Study.

President McCarthy

As we pointed out before, we will also have on May 5 the meeting with the State Delegation here.

ADJOURNMENT

**MOTION BY ALDERMAN WILSHIRE THAT THE APRIL 26, 2016, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED**

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

Yea: Alderman Wilshire, Alderman Clemons, Alderman Cookson, 13  
Alderman Dowd, Alderman Caron, Alderman Siegel,  
Alderman Schoneman, Alderwoman Melizzi-Golja,  
Alderman McGuinness, Alderman LeBrun, Alderman Moriarty  
Alderman O'Brien, Alderman McCarthy

Nay: Alderman Lopez 1

**MOTION CARRIED**

The meeting was declared adjourned at 9:18 p.m.

Attest: Patricia D. Piecuch, City Clerk



## RESOLUTION

### AUTHORIZING THE MAYOR TO APPLY FOR AND EXPEND THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") AND HOME INVESTMENT PARTNERSHIP PROGRAM GRANT FOR FISCAL YEAR 2017

### *CITY OF NASHUA*

*In the Year Two Thousand Sixteen*

**RESOLVED** by the Board of Aldermen of the City of Nashua

That the Mayor be, and hereby is, authorized to file an application with the U.S. Department of Housing and Urban Development ("HUD") for the annual Community Development Block Grant ("CDBG") under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program under the provisions of Title II of the Cranston-Gonzales National Affordable Housing Act, and to execute all understandings, assurances and agreements as required therein;

That the following CDBG activities shall be carried out with an annual grant of \$611,629, estimated program income of \$40,000; and reprogrammed funds in the amount of \$72,184.83, as described herein, for a total of \$723,813.83. All activities are more fully described and shall be consistent with the proposals contained in the communications to the Human Affairs Committee dated February 2, 2016 and March 11, 2016:

Reprogrammed Funds:

FY11 Best Retail	\$12,421.00
FY15 Bridges Shelter	\$2,527.00
FY15 Children's Home flooring	\$292.60
FY15 Admin-CDBG	\$10,096.86
FY16 Children's Home roof	\$20,075.00
FY16 Contingency	\$10,343.37
FY11 Rail Trail	\$4,742.00
FY14 Rail Trail	\$4,187.00
FY14 Neighborhood Impact	\$7,500.00

**AMENDED  
RESOLUTION**

**R-16-022**

1. Public Services - \$91,744  
Support of human service programs principally benefiting lower-income persons of Nashua. Amount shall not exceed 15% of the entitlement award.
2. Nashua Children's Home - \$35,521  
Kitchen renovations, including commercial appliances at 125 Amherst Street.
3. Front Door Agency - \$15,000  
Roof replacement at transitional housing located at 65-69 ¾ Vine Street. Agency to contribute toward total estimated cost of \$22,500.
4. Girls Incorporated - \$54,360  
New playground and fencing at 27 Burke Street.
5. Nashua PAL - \$32,000  
Roof replacement and installation of interior roof access at 52 Ash Street.
6. Tolles Street Mission - \$16,500  
Improvements to food pantry portion of building as follows: construction of walls in intake area to enhance client privacy; construction of overhead storage for client files and office supplies; enclosing water heater; repair flooring; interior painting; redesign and reduce existing restroom.
7. City of Nashua; Labine Park – \$20,000  
Rehabilitation of the existing restroom including new roofing, plumbing/electrical upgrades and accessibility modifications, such as new doors, fixtures, partitions, walkways, walls and flooring.
8. City of Nashua; Nashua Heritage Rail Trail - \$95,000  
Funds will be used toward the cost of installing new, hard-wired lights along the entire length of the trail. Work will include purchase of new lights/hardware, trenching and electrical work. Total project cost is estimated to be \$300,000 - \$400,000.
9. City of Nashua; Vietnam Veteran's Memorial Park - \$22,500  
Funds shall be applied first to the rehabilitation of the basketball court, followed by rehabilitation of the walkway in the park as the budget permits.
10. Housing Improvement Program ("HIP") - \$92,940.23  
Financial and technical assistance to eligible, low-moderate income, owner-occupants in the form of deferred payment loans for essential repairs of 1-4 family residential properties. Minor rehabilitation including code and safety corrections, repairs, accessibility, etc. Funding reflects \$75,000 from the annual grant and \$15,000 subject to the receipt of program income.

**AMENDED  
RESOLUTION**

**R-16-022**

11. CDBG Grant Administration - \$122,326.60

General administration and planning costs of carrying out the CDBG and other related HUD projects by the Urban Programs Department, including but not limited to regulatory compliance monitoring, IDIS management, preparation of required grant reports, advertising, recording fees, etc. Amount shall not exceed 20% of the entitlement award plus actual program income received during the program year.

12. Project Delivery - \$115,922

Construction management related to physical CDBG projects and Housing Improvement Program, including but not limited to the direct cost of the Urban Programs Department staff to conduct environmental reviews, drafting scope of work, preparation of bid documents, bidding, construction management and Davis Bacon compliance.

13. Office of Emergency Management; Disaster Resilience Planning - \$5,000\*

Development, and implementation to approximately six pilot non-profit agencies, of a standard assessment toolkit to assist non-profit entities conduct hazard & risk-assessments, Emergency Action Plans, business continuity procedures, policies for documenting disaster expenses for FEMA reimbursement, determination of physical security, safety & resilience improvements; more fully described in a communication from Justin Kates placed on file at the April 11, 2016 Human Affairs Committee meeting.

\*Funding of this project is subject to the receipt of program income during the fiscal year as well as the CDBG planning/admin cap.

14. Contingency - \$5,000

Reserve funds that may be applied to any of the activities described herein for unforeseen costs; or other eligible urgent community needs as requested through the Board of Aldermen.

*That* all open and active CDBG activities from previous Action Plans be carried forward and entered in the FY17 Action Plan as applicable; and

*That* the following HOME activities be carried out with an estimated annual grant of \$289,197 and reprogrammed funds from FY15 Administration in the amount of 4,868.79, for a total of \$294,065.79:

1. HOME Grant Administration - \$28,920

Administration of the HOME Program by the Urban Programs Department, including determining eligibility, technical assistance to participants, compliance with program regulations, underwriting, preparation and review of construction specifications, environmental review, long-term monitoring and reporting to HUD.

2. Community Housing Development Organization (CHDO) Reserve - \$43,379.55

Mandatory set aside, equal to 15% of the annual grant, for specific activities to be undertaken by a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves. In order to qualify for designation as a CHDO, the organization must meet certain requirements pertaining to their legal status, organizational structure, capacity and experience as it relates to the project they are developing.

**AMENDED  
RESOLUTION**

**R-16-022**

3. Affordable Housing Development - \$221,766.24

Acquisition, rehabilitation and /or conversion of residential and/or non-residential buildings to create affordable rental and/or home-owner housing, occupied by HOME-eligible households. Projects may be developed by non-profit, for-profit or public entities.