

BUDGET REVIEW COMMITTEE

MAY 24, 2023

A meeting of the Budget Review Committee was held Wednesday, May 24, 2023, at 7:26 p.m. in the Aldermanic Chamber.

Alderman Richard A. Dowd, Chairman, presided.

Let's start the meeting by taking a roll call attendance.

Members of Committee present: Alderman Richard A. Dowd, Chairman
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr., Clerk
Alderman June M. Caron
Alderman Ernest Jette
Alderwoman-at-Large Shoshanna Kelly

Members not in Attendance: Alderman John Sullivan

Also in Attendance: Alderman-at-Large Melbourne Moran, Jr.
Alderman Derek Thibeault
Tim Cummings, Administrative Services Director
Dan Hudson, City Engineer
John Griffin, CFO/Treasurer/Tax Collector
Jennifer Deshaies, Risk Manager
Megan Caron, Strategic Initiatives Analyst

ROLL CALL

PUBLIC COMMENT - None

COMMUNICATIONS

**MOTION BY ALDERMAN O'BRIEN TO ACCEPT A COMMUNICATION FROM DIRECTOR TIM CUMMINGS
MOTION CARRIED**

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-23-116

Endorsers: Alderman June M. Caron
Alderman-at-Large Lori Wilshire
Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderwoman-at-Large Gloria Timmons
Alderman Derek Thibeault
Alderman Alex Comeau
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly

**RELATIVE TO THE TRANSFER OF \$25,000 FROM DEPARTMENT 194 "CONTINGENCY", ACCOUNT 70100
"GENERAL CONTINGENCY" TO DEPARTMENT 109 "CIVIC & COMMUNITY ACTIVITIES", ACCOUNTING
CLASSIFICATION 56 "OUTSIDE AGENCIES" FOR THE PURPOSE OF PROVIDING FUNDING TO THE NASHUA
ASSOCIATION FOR THE ELDERLY**

Chairman Dowd

Alderman Caron?

Alderman Caron

First of all, I just want to thank my fellow Aldermen for signing onto this piece of legislation. As you know, the Senior Center is self-supporting. They do utilize one of the public buildings but they do maintain it and this money really goes to help keep that maintenance up and to provide projects that they really don't have in their budget. We do require that \$5,000 be put in a reserve fund. This has been going on for 12 - 13 years now. This is going to be a big help because they have not had their website looked at in over 12 years and there's no one on staff that can do that redesign work. We're looking forward to getting this moved along.

On behalf of the Board of Directors for the Senior Center, I want to thank you very much for supporting them again this year. Thank you.

Chairman Dowd

Thank you. Any other? Alderman Wilshire?

Alderman Wilshire

Is there a motion on the table?

Alderman O'Brien

Yes, I did not make it and if I may. Thank you for bringing to my attention.

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Wilshire

I am going to support this because I think they do really good over there. They stretch it. They make that \$25,000 go far so I will support this legislation.

Chairman Dowd

And we've done this for a number of years now. Any other questions? Seeing none.

MOTION CARRIED

R-23-118

Endorsers: Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Michael B. O'Brien, Sr.

INCREASING THE MAXIMUM ALLOWABLE AMOUNT IN THE SNOW REMOVAL EXPENDABLE TRUST FUND AND EXPANDING ITS USE

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

I know that Alderman Moran would like to speak to it.

Alderman Moran

Thank you, Mr. Chairman. So this legislation came about trying to figure out how to give DPW some more access to funds in emergency situations where they can shovel, plow sidewalks in the City. Mostly focused on Ward 7, 4, and 3 the congested areas that have a lot of walking, especially the sidewalks towards schools. The School Department shovels

their own, and maintains their own school sidewalks, and they're always shoveled relatively well but these would be like example would be the intersection of Elm Street and Main Street. Those sidewalks going up to the school of Elm Street and various other schools around the high walk areas.

Saying that, so this legislation came about initially between myself, Director Cummings, and Director Fauteux. I met with them and they made the suggestion of how it's written now. Then subsequently, I had a conversation with Alderman Dowd and CFO Griffin and I'm hoping that someone on this Committee can offer an amendment and I would hope - and thankfully CFO Griffin's here and can answer questions directly. We're looking now to keep striking the emergency so this allows DPW to use with the sign off of CFO Griffin or the Mayor to use these funds quite rapidly and that emergency language was restrictive so they can't use it to shovel streets basically.

Second, to raise the cap by double to \$700,000 and at this time, strike the \$1.5 million and we'll seek through when there's extra money that hasn't been spent, we can then escrow it from board to board so we can then bring it up to that 700 cap as funds that haven't been spent versus giving it a full fresh \$1.5 million. Did that make sense? Did I represent that right CFO Griffin?

Chairman Dowd

Since I was involved, I'll make the motion to amend the \$1.5 million to \$700,000 as a cap on that special revenue account and everything else would stay the same. So that's the amendment. Any questions on the amendment?

MOTION BY ALDERMAN DOWD TO AMEND THE \$1.5 MILLION TO \$700,000 AS A CAP ON THE SPECIAL REVENUE ACCOUNT AND EVERYTHING ELSE WOULD STAY THE SAME

ON THE QUESTION

John Griffin, CFO/Treasurer/Tax Collector

Alderman Moran did a nice job explaining it but I wanted for your benefit the Snow Trust Fund the reason why it was an emergency and one of the former Aldermen put in is you ran out of money. Fortunately I think the last time we used it was the snow storm Juno, I believe, in maybe 2015 where we had every Saturday it snowed significantly. What I think we have here, and we had a nice conversation Alderman Moran and I, it's not meant to be kind of a checking account. What happens is back then when Director Fauteux was basically counting the pennies left in the jar, she would come to the then Mayor Lozeau and me and we both signed off on it. So we moved the money from the trust fund into their budget so they could spend it. Most of it as you know is payroll.

So I think what you're trying to do here is make sure you have money if you have the people to actually clear the sidewalks. That's kind of one of the dilemmas that I see over time is you don't have anybody a) interested, and b) available. But putting the money in here is a good thing. You'll do that through an appropriation. You'll either do it in the annual budget or you'll wait until the end of the year to see if Director Fauteux doesn't have anything else she'd like to do and then you would appropriate it into the fund through the escrow process which is a good use of escrow putting it in. You don't want to get in the habit if you can help it put 300 in, take 200 out, put 300 in. That would be an operating budget that I would recommend but I know you'll probably have a lot of discussion tonight maybe but certainly during the budget when you have Director Fauteux and those folks come in to talk to you about snow operations.

Chairman Dowd

So to summarize something and then I have a question for you. So the reason that we change it to 700,000, we don't want a 1-1.5 million sitting in an account that we're not going to use. Also, it was okay going 700,000 because it hasn't been changed in a number of years. It was originally 300,000 and then it was 350,000 but salaries have certainly increased substantially since that was done. So if we have a severe storm and there's money in there, it can be used to continue plowing.

One question I have is can any of that money be transferred if you and the Mayor okay it to CERF to buy a sidewalk plow?

John Griffin, CFO/Treasurer/Tax Collector

Good question. I'd have to look into that but generally speaking, it goes from the Expendable Trust Fund into the operating account because you're literally need to pay the people and the contractors. It wouldn't be probably the Mayor and I. You could transfer an amount from any expendable trust fund to another if you ever wanted to do that or you would basically

approve the purchase of the sidewalk tractor in CERF. That would probably be the best way to do it.

Chairman Dowd

So part of our conversations with Director Fauteux is right now as we all know, they are short drivers right now. Same drivers that plow the streets do the sidewalks. We're obviously not going to hire people just to do the sidewalks because first of all we couldn't hire them because we can't find them. You need a CDL to plow the sidewalks so a commercial driver's license. Right now you can't find one because as you know, we're having that problem with the buses. We can't find people. So it's there if things improve and we have an emergency and not necessarily an emergency but if we needed extra funds rather than going back and allocating other funds from the budget or trying to take from Peter to pay Paul in the Board of Public Works account which isn't a good idea either, I think this is a good idea. The way the legislation is written, we're not allocating any money. We're just allowing the cap of money that can be put in there to rise. So there's no funds being moved at this point in time. Any other questions? Alderman O'Brien.

Alderman O'Brien

In the purchasing of equipment with this particular account, could that go into vehicle repair that is designated for snow removal?

John Griffin, CFO/Treasurer/Tax Collector

I would say anything related to the operations of the Department of Public Works relative to snow is in play.

Alderman O'Brien

Okay. Because I'll tell you where I'm going with this. I think in the CERF account, sidewalk plow is supposed to be coming up I think and to be replaced. So that means we can either trade in the old one, which I wonder what the value would be, or would it be more brilliant to transfer it to the Parking Department and to allow them to use that as well but it may be a situation where it's an older piece of equipment it could have some - it's not going to run 100%. We can anticipate that I'm sure.

Chairman Dowd

Okay. Any other questions? Alderman Caron.

Alderman Caron

Thank you. So when this was put together, this was to help the Board of Public Works if they ran out of money because of all these storms that we were having. This is what it was put in. That's why it was called "an emergency snow fund". My concern here, and I don't have a problem if we have the money left over and we can put in there to get it to 700,000, that's not a problem. It seems to me now you want to use it for different things - snow plows, this, that, and the other thing. That's not what this was set up for. This was set up for emergencies to help pay the crew above and beyond what we had in the budget because you can't anticipate how many snow storms you're going to get. Whether you're going to get 2 inches or you're gonna get 24 inches. So I'm a little concerned about taking out the wording "emergency" and trying to figure out how to buy equipment with this money. We have a CERF account. That's where it should be going into if that's what they want.

My other question is their responsibility is to 1,500 feet of sidewalks leading up to schools. I can't remember the last time I saw anyone plowing the sidewalk other than in the school areas - Sunset Heights, Dr. Crisp, Elm Street. So number one, lack of staff. How many sidewalks do you think you're going to get done after a storm? That's the thing. I know they do Main Street because I hear about that all the time. Basically, my concern is number one taking out the word "emergency" because my feeling is this is set aside for emergencies because of snow problems that we're just overrun with snow plowing.

The other part is looking how you could buy a piece of equipment from this expendable trust. We have a CERF account. I think that's where it should be because back then it was different names. You have a CERF account where you can put in for equipment and I think that's where it needs to be looked at not trying to take money that is designated to pay people who are plowing snow during the winter time if we run out of money in our budget.

Chairman Dowd

So actually Mr. Griffin and I had a conversation about - this shouldn't be used to supplement the DPW budget.

Alderman Caron

Right.

Chairman Dowd

If we take out the word "emergency", we sort of have to define what it's used for but it still has to be approved by the Mayor, and Mr. Griffin, and no one else.

Alderman Caron

Because normally it's when the funding for snow plowing is depleted is the purpose of when we took it out and that was like in 2015 because we had those continuous snow storms that they were barely getting done and starting over again. So I just think it's important that we understand what we're putting this for. If you're going to use it for equipment, then you need to say that.

Chairman Dowd

Alderman O'Brien?

Alderman O'Brien

Yeah as a point of clarity, and this is not to debate with you on it, right now currently the only thing that is on CERF is purchasing a brand new one which would be for DPW. Anything for the Parking Department does not exist. It's not there in CERF because the equipment doesn't exist. So what happens, and I'm sure that you know and just to refresh and for the other Aldermen, usually I don't know if it's still in existence but when a piece of equipment is done and the end of life, it used to go up to the white farm. At that particular point, yes it was a farm and that's where you could buy old municipal vehicles. Some were better than others but if you ever wanted that police cruiser that ever went out in the back seat, you could go up there and buy an old one. The thing is the intention here was not to put a line item into CERF on it. We would probably at the end of life of this particular piece of equipment refer it back to the State and it would probably go up for auction. If it has a wee bit of life left would it still be better for the smaller work which would be within the Parking Department. I'm talking like the garages and the like. So it's just a point of clarity beyond that.

I agree with you 100% but right now if this potentially became a second vehicle, there's no line item in CERF for it. It will never appear. We're kind of instituting this. It's something historically we've done. When the Fire Department was done with the line truck and Nick Caggiano said that yeah he could use that to put the Christmas lights downtown, banners, and everything else. The Fire Department gave him that particular vehicle. It didn't meet the certifications for the high tension wires but it met everything for that type of work. So I only bring it up only to we pay for it trying to get the best full use out of it.

Chairman Dowd

I think if we were going to transfer it to another department, it would have to be transferred and the repair would have to be funded under that department.

Alderman O'Brien

Perhaps.

Alderman Moran

Thank you Mr. Chair. Thank you. So I just want to clarify when I sought this legislation out it wasn't to do with equipment. It was focused on paying people to work extra hours to get the sidewalks cleared. That's when I don't even think Director Cummings and I and Director Fauteux even discussed equipment during that particular meeting. It was all focused on what would make DPW more nimble and utilizing the funds to get the people and if we didn't have the people because of the many other jobs DPW does, the workers, that it could be even Director Fauteux posting for high schoolers to come out for \$25.00 a hour to shovel out the sidewalks. That's an extreme example. Just like we hire guards for the summer, we could hire shovelers for the winter just giving it a little bit more nimble use of the funds if we need it. Having the CFO and

the Mayor as a back stop to how these funds are expended even beyond the director level, I think there's a lot of checks and balances in place if we do change it to non-emergency.

Chairman Dowd

Yes, Alderwoman Kelly.

Alderwoman Kelly

Yes, thank you. So I'm going to support this. I think it's important that we give the support to DPW. I know that I have as a personal experience seen what happens in downtown when we have snow and I've also seen people on the way here walking in the middle of the road on Kinsley Street which is super unsafe. I think what the conversation has been whether or not I have brought up the tractor, I said is it an equipment problem? Is it actual bodies that can do the work problem? I would argue that it is an emergency if we're not clearing our sidewalks and people are walking in the street on the way to school. I can see the line there and I just think the nimbleness and being able to help so that we can keep everybody safe makes sense.

Chairman Dowd

So one other thing we're doing not directly related to this is getting a map of all the sidewalks in the City and marking them up as to whose responsibility it is for plowing because sometimes there's confusion and see where we stand. The one thing if we start using our equipment to do other sidewalks that we're not doing now, we would have to inspect them this summer to make sure they're not damaged because otherwise you will be looking to repair that sidewalk plow. So there's a little bit more in that thing but that doesn't affect this particular legislation. Did you have a follow up?

Alderwoman Kelly

I was going to reply to you yes. I think that's important too because I think there are definitely patches and this isn't a Nashua only. When I went to Boston, I would figure out which way to walk because some of the sidewalk parts wouldn't be shoveled. I'd love to hear how other municipalities fix this problem because it is tough to navigate when you don't know whether that piece of sidewalk is going to be shoveled.

Chairman Dowd

Alderman Jette.

Alderman Jette

So I have a question. So what's before us now I think a Motion to Amend to change the \$1.5 million to \$700,000. Okay. I have nothing to say about that.

Chairman Dowd

All right if there are no other – oh Alderman O'Brien.

Alderman O'Brien

Well City Engineer Hudson is here. So that everybody knows at home and in this Chamber, I think around 1890 somebody says I am not going to shovel the sidewalk because we don't own the sidewalks. Now you bring up a very good point if you look at Massachusetts. They put a sidewalk in front of your house, that's part of your property and you are responsible to have it shoveled. But somehow Live Free or Die here baby, they got the Supreme Court to agree to it and unfortunately through tax dollars we have to shovel certain sections if we put in the sidewalk. Am I correct Mr. Hudson?

Dan Hudson, City Engineer

Yes.

Alderman O'Brien

Okay. The short answer. Outstanding.

Chairman Dowd

All right. Any other questions on the amendment? Seeing none.

MOTION CARRIED

Chairman Dowd

Now the R-23-118 as amended.

Chairman Dowd

Any questions? Yes, Alderman Jette.

Alderman Jette

Yes, thank you. So I thought the genesis of this was Alderman Moran's witnessing somebody near the High Street garage trying to get to the Harbor Care Medical and either falling or near falling. So I thought that Alderman Moran was trying to address that problem. I'm concerned that increasing the \$700,000 that's available to the Department of Public Works may not be accomplishing his goal because I think the area that he's talking about is under the jurisdiction of Parking Enforcement. I don't know but then I don't think Parking Enforcement is going to be able to dip into this fund. I don't know if anybody has an opinion about that.

Alderman Moran

I can answer this question. So yes it started there and then I met with Director Cummings and Director Fauteux and he already had a resolution for downtown but utilizing independent contractors through the funds he already has available. He already has a contract set up with someone that's going address that particular need.

Secondary like immediately following that witnessing of the gentleman falling down and hurting himself, I received a constituent complaint of four middle school children going to Elm Street School and one nearly being struck by a car because they were walking in the street. All four went into the snowbank. What was underneath the snowbank, the sidewalk that wasn't able to be shoveled. So that was the second issue that I had regarding the sidewalks. One was able to be resolved through Director Cummings at that initial meeting with Director Fauteux and him and then we brainstormed about the school piece with this particular change in legislation if that helps.

Alderman Jette

Okay, thank you.

Chairman Dowd

Follow-up?

Alderman Jette

Please. So do we know the area that you're now trying to take care of - the Elm Street School area, which is only going to be there for another year, is that under the jurisdiction of Department of Public Works or Parking Enforcement?

Chairman Dowd

I know.

Alderman Moran

You know but I also have some more. It's DPW but it's not just that Elm Street area. I wish Director Fauteux was here because we talked about the zones that this would be used towards. Maybe Director Cummings if you recall of the top of your head better than I do but it's the schools in the high walk areas of Ward 7, 3, and even going to Library Hill towards Amherst Street School. It's not just going to be for that Elm Street area. It's going to be for the high density walk areas that we have because other parts of the City are not walked as much.

Chairman Dowd

Director Cummings?

Tim Cummings, Administrative Services Director

Yes, Alderman Moran is absolutely correct. I just want to continue by adding it's the walking school districts and to use another example, I think would be very appropriate would be Lock Street. Thank you.

Chairman Dowd

Yeah typically around the schools there's a combination of School Department and Park & Rec who fall under DPW. One of the reasons I wanted that map to start marking it up is to know who plows what, who's responsible so if something isn't plowed, we know who to call. There's also going to be plowing done under Parking now. Maybe we get Director Cummings a CDL. So there's going to be plowing covered under the Parking and I believe you're also going to be responsible for in front of the new Center for the Arts?

Tim Cummings, Administrative Services Director

Yes.

Chairman Dowd

That's why I want to mark that map up so we know who's plowing what. We do focus immediate attention on past the schools. School Department only does up to point X. In talking with Director Fauteux, they do what we'll call the "safe routes" to school. So just for my own edification, I want to know who's plowing what. By the way, they're not sidewalk plows, they're snow blowers - big riding snow blowers. Any other questions? Alderman Jette.

Alderman Jette

Yeah, thank you. So through you to Engineer Hudson, this 700,000 I agree with Alderman Caron. I think the original purpose of this fund was to cover times when we have more snow than we expected or budgeted for so we need a fund to draw upon in order to make sure that we clear the roads and we pay our people. I'm just wondering can Engineer Hudson tell us is this 700,000 is that an appropriate amount? Historically, how much more over budget have we had to drip into this fund to come up with the money to make sure the streets were plowed when we have those unusual storms?

Chairman Dowd

Director Hudson?

Dan Hudson, City Engineer

So we're delving into areas that I'm not intimately familiar with. I think to CFO Griffin's testimony previously, I don't think it's been dipped into a lot recently. As was noted, I'm aware of the staffing issues as was noted. The same people that plow the streets are the same ones that clear the sidewalks and usually the street plowing is the first thing they do. I can't speak to adequacy of the fund. It's being doubled it sounds like versus the funds that are in there. So that certainly will help and provide opportunities. We can try to contract help. That can be challenging as well depending on what the market is out there but certainly having a fund with money in it provides additional flexibility which is always welcome.

Chairman Dowd

I just did a quick look at the budget and the snow plowing isn't broken out separately. So I mean if they run out of - in their accounts, they have snowplowing but if they ran out of money for snowplowing, this is available to them. With increased costs, it may be having to go up on salaries because we can't find CDL drivers and they're short already. So they may be going up. This money they may run out of their budget money even if it's not a horrendous winter and this would be money that they can bring into their budget and use, especially if we're doing more sidewalks. Do you have another question Alderman Jette?

Alderman Jette

I do. My concern is that various people have talked about ways that this fund will be used but the language of the Ordinance authorizing this fund and the way that we're changing it is silent about those issues. When I hear people talk about offering \$25.00 an hour to high school students, somehow I think we've had issues about we have a very strong union that is very protective of its function. I think in the past there have been - and my idea of hiring students to trim the weeds off of the islands and stuff was greeted with we can't do that. It's got to be a union person has to do that. So I'm wondering would that prevent Alderman Moran's idea about having high school students come out and shovel. Is that a legitimate concern?

Alderman Moran

It was hyperbole.

Chairman Dowd

If you're going to hire additional people, then you're going to have find people with CDL's. Right now they're not available. But who knows in a year from now, two years from now, there may be a lot of people with CDL's that are looking for jobs and then you could hire them if you had to if we had a bad storm and the drivers were all off duty because they've been plowing streets or still plowing streets. We need to clear the sidewalks to schools or it becomes dangerous. This is sort of an in-case fund. The reason it's increasing is because salaries have increased and probably going to increase more. For them to use it effectively, we need to have enough money in it. Again, it's just the Mayor and the CFO that are going to make the determination. That's why I wasn't concerned about taking the word "emergency" out. It's an arbitrary decision anyways and what constitutes an emergency. So I think that - Mr. Griffin.

John Griffin, CFO/Treasurer/Tax Collector

Great questions. We deal with this all the time. I came before you last week talking about how big should the Welfare Assistance Expendable Trust Fund be. So the last thing you want to do is put 700,000 here into an escrow and not do something else that you want to do. All we're doing here I believe is moving it from 350 to 700. I can tell you that since 2015, we haven't had to use it. Furthermore being a Massachusetts guy where they don't even budget for snow and ice enough, you raise it on the recap the next year. We have a lot of money we budget for snow and ice removal and that's because we care about it. We don't want to run out and then raise it next year. Maybe when Director Fauteux comes and you have that nice discussion on snow removal, you'll have the numbers. It's X for salt, W for sand, 900,000 to a million for payroll.

Then I think its great discussion here. Who's supposed to clear the sidewalks and under what circumstances do they? The sidewalk stuff confuses me because we live in New England and the snow and ice fall and is that the shop to clear it, or is it me, or I don't even know. Good discussion. I don't think tonight you're going to move any money in but we could probably study it a little better and say we haven't run out and in close since 2015. Practically how that worked was Finance Manager Carolyn O'Connor worked with Director Fauteux, and they make a phone call to me, and the Mayor at the time, and we say yup you've proved to us you need money. We're going to be it in because we're going to pay people. We have to. That's kind of how it works.

This is a little bit interesting because I think what Director Fauteux is saying is it would be nice to have that up to 700,000 but maybe you need to kind of test like is there anybody out there that wants to do this work. They're experts at snow removal, right? We know that. So it's like at what point can you do extra sidewalk removal. I grew up in the City of Woburn and I lived on a main street. You never know when the sidewalk plows are going to come. I hated when they came because they plowed everything I shoveled back in. Tim knows where I live but maybe approve this, get it up reasonably because the salaries have increased and so forth, and then monitor it. You'll have choices with the escrow. There's not an infinite amount of money. Some of the expendable trust funds you decide. I think we straightened out the Downtown Improvement Committee thing but usually you decide how much you want to put into 14 Court Street.

Chairman Dowd

So again, we're not allocating any funds. We're just allowing if funds are available because they didn't use all their funds they can put in here. We are going to be meeting with Director Fauteux and her people before the next Board of Aldermen meeting so. Alderman Thibeault.

Alderman Thibeault

Thank you, Mr. Chairman. I hate when the Nashua plows do that to me too.

My question is last year we had to go, or this year I think, we had to go for more salt. Would this include like salting those same sidewalks that we're removing because sometimes it's the ice underneath, right, that's the problem not necessarily the snow. We had to go back and get 72,000 I believe for more salt. So could that be used for this too for the same sidewalks?

John Griffin, CFO/Treasurer/Tax Collector

It could be but they use the funds that are available. They weren't running out. They just needed salt not people shoveling. They watch that very closely too. They have generally \$465,000 a year and they monitor that - how much is in the shed and all this stuff. They do the brining now which helps dramatically.

Alderman Thibeault

Great, thank you.

Chairman Dowd

Any other question? Alderman Jette.

Alderman Jette

Yeah so I think you all know because of my training, I'm very interested in the language of the legislation that we pass. I've got some experience in this area and I see what we say in the legislation is if it goes to court, that's what the court is going to stick us with. The courts often say legislatures, including Boards of Aldermen, City Councils, whatever, that they look at the plain language of whatever's written and they assume that we meant what we say. They don't consider what things might have been said during a committee meeting. You know what somebody said when somebody says for example oh what about salt, can this be used for salt? The CFO says yeah maybe it could be or someone says what about repairing equipment. Could it be used for that? Well maybe, yeah, maybe that could be used.

This talks about to be used for snow removal. I'm in agreement with that. I think that there are occasions when we get more snow than we anticipated, and we need to remove it, and we want the money there to cover that if necessary. I'm uncomfortable with the idea that this money can be used - I mean I know we talk about checks and balances. We talk about the Mayor being involved, the Director of Public Works being involved. These people are all human beings and they can make a decision based upon the heat of the moment. I think we owe it to the taxpayers and we owe it to them to make sure that we say what we mean, and we mean what we say, and we give direction to the Mayor. The current Mayor may not - may be completely - probably is - the current Mayor is completely trustworthy but he's not going to be Mayor forever. It could be somebody else in the future that may not be so. So I think we owe it to the taxpayers to make sure that this language is precise and means what it says. When I hear the CFO say well there's going to be further discussion with the Director and I hear you say we're going to come up with a map to delineate whose responsibility it is for the various sidewalks...

Chairman Dowd

That has nothing to do with this legislation.

Alderman Jette

But the responsibility of who removes snow from which sidewalks will have an effect on this I think. So this is May. We don't anticipate any storms for a while. We've got plenty of time so I would like to move that we table this and we have further discussion with the Director of Public Works and whoever else could provide input, some more historical information about how much money has been used and what the appropriate amount might be. So I move to table this.

**MOTION BY ALDERMAN JETTE TO TABLE
MOTION CARRIED**

Chairman Dowd

In retrospect, we're not rewriting legislation. We're only moving one word. It's been in effect for 25 years. So somebody wants to rewrite it, you'll have to get new legislation.

R-23-119

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Derek Thibeault

CHANGING THE PURPOSE OF UP TO THREE HUNDRED AND FIFTY-FOUR THOUSAND SIX HUNDRED AND FIFTY-EIGHT DOLLARS (\$354,658) OF UNEXPENDED BOND PROCEEDS FROM THREE WASTEWATER PROJECTS TO THE SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

I believe City Engineer Hudson explained this fully. Is there any other questions before we vote? Seeing none.

MOTION CARRIED

R-23-120

Endorsers: Mayor Jim Donchess
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman Richard A. Dowd
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

AMENDING THE PURPOSE OF A FISCAL YEAR 2023 UNLIKE ESCROW FOR THE POLICE DEPARTMENT

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Does everyone understand why they're doing this? CFO Griffin.

John Griffin, CFO/Treasurer/Tax Collector

The Police Department as you know annually requests funds to put into their Expendable Trust Fund for overtime. They've got about \$13,000 left and the Mayor and I when we looked at the \$185,000 that we escrowed for two officers last year, they're not going to need that so we thought this would be a good idea to repurpose this to put it into the Overtime Expendable Trust Fund for police. Thank you.

Chairman Dowd

Thank you. As liaison to the Police Commission, they're having problems hiring police officers to fill the open positions. So they hired two more. They don't have them so they agreed to this. Does anybody have any questions? Seeing none.

MOTION CARRIED

R-23-121

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman Richard A. Dowd

Alderman June M. Caron
Alderman Derek Thibeault

RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$24,550 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7026 “CAPITAL EQUIPMENT RESERVE FUND”

MOTION BY ALDERMAN O’BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Does everyone understand that this is insurance money provided to the City to pay for a cruiser that was damaged and allows us to buy a new cruiser? Okay, if there are no questions.

MOTION CARRIED

R-23-122

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O’Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman-at-Large Ben Clemons
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

AUTHORIZING THE MAYOR TO ENTER INTO A FEDERAL AID PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE AND THE TOWN OF HUDSON FOR THE PURPOSE OF REHABILITATING THE TAYLOR FALLS AND VETERANS BRIDGES AND A RELATED AGREEMENT FOR REIMBURSEMENT WITH THE TOWN OF HUDSON AND TO ACCEPT AND APPROPRIATE \$2,500,000 FOR THE PROJECT

MOTION BY ALDERMAN O’BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Any questions? Again, that was fully explained. Yes, Alderwoman Kelly.

Alderwoman Kelly

No question. Just wanted to compliment everyone who worked on this including Mr. Hudson. It sounds like there was a great effort to make sure these bridges get taken care of and they’re using federal funds to do it so I appreciate that. Thank you.

Chairman Dowd

It’s always great when we’re only involved in 5% of any project especially that size. Any other questions? Seeing none.

MOTION CARRIED

R-23-124

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O’Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman Derek Thibeault

RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$500,000 FROM FY2023 ASSIGNED FUND BALANCE

INTO DEPARTMENT 128 “RISK MANAGEMENT”, ACCOUNT 89650 “TRANSFER TO PROPERTY & CASUALTY SELF INSURANCE FUND”**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE
MOTION CARRIED**NEW BUSINESS – ORDINANCES - NoneTABLED IN COMMITTEE**R-23-125**

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ADOPTION OF THE FISCAL YEAR 2024 PROPOSED BUDGET FOR THE CITY OF NASHUA
GENERAL, ENTERPRISE, SPECIAL REVENUE AND GRANT FUNDS**GENERAL DISCUSSIONJohn Griffin, CFO/Treasurer/Tax Collector

This is really fresh in my mind and I appreciate what you've done approving \$500,000 transfer into the Property and Casualty Internal Service Fund. Now I've been here for 13 years. We've watched over this Internal Service Fund and it has grown. It's grown for a number of reasons. You've got a lot of Worker's Comp claims, you've got a hardening of the insurance market so the policies are higher, a lot of people are doing some things that require legal defense and other things. Just for a moment just picture last Tuesday's discussion with Corporation Counsel Steven Bolton. Basically, he's looking for a fourth attorney and he's explained eloquently on a number of occasions why he doesn't put all these legal fees in his budget because the practical matter is what is he going to budget? All right. What better fund than the Internal Service Fund when we talk about risk. It's the defense of the City. So as an example, he would put - let's say he put \$100,000 in his budget and he spends \$102,000? I can't pay the bill. He needs an appropriation to transfer from you folks. So you've got to look at it practically and do the right thing.

Now what the speaker was talking about is she looks at the Record of Expenditures and sees that the charges are there. Totally legitimate question. I can find them because I know where they're at. You're not going to be looking at the Fire Department, the Police Department, Financial Services. Can you imagine if we captured this information in the (inaudible) department? So it's one of the things we're proud of actually from a financial management perspective. Same with the benefits fund. Administrative Services watches over both of these funds. The purpose is to manage the efforts of the Risk Department, and they've done a fantastic job since I've been here, and the benefits is the same thing. You have to manage these things. Would you like to have full allocation like you do in corporate America? I know BAE probably does a lot of cost allocation for contracts but we don't do that here. We're trying to manage the efforts and whether it's a legal fee, whether it's a claim, whether it's a policy, it's better to have it in one location. So I know we've already passed Miss Deshaies and Mr. Cummings in regard to that but it was fresh in my mind. I want to give you a reason. I'm not burying anything. Matter of fact, it's an open checkbook, right? Record of Expenditures and we get questions. We provide the check and a back-up. Nothing better than that. Matter of fact, you can look at it in that account - that set of accounts. You don't have to look at it to see what Griffin is doing, what Buxton's doing, and Rourke's doing, right. So I wanted to leave you with that, that that's the practicality of it. It allows us to manage more effectively so I appreciate your time and thank you.

Chairman Dowd

Alderman Caron.

Alderman Caron

Thank you. Since we've had such a long discussion about snowplowing on sidewalks and streets, maybe the DPW before they come to our budget hearing could put an analysis together of how much money they spent this year or even the last two years on snow removal and how many people they are short, especially for truck drivers and what have you. I think that might help us when we're having that discussion with them concerning the monies.

Chairman Dowd

Okay, I'll talk to Director Fauteux.

Alderman Caron

Thank you.

Chairman Dowd

And your costs have increased. They have the brine machines. They wished they had more but they'd have to buy them and that saves them a lot of plowing. Alderman Thibeault.

Alderman Thibeault

Thank you Mr. Chairman and Alderman. I just wanted to say – I wasn't going to say anything but I wanted to thank CFO and Tax Collector Griffin for coming up and giving us that piece of information. I think the City does a really good job at managing its finances and puts us always in a good position out in the market with bond rating and things like that. I think making sure the budget doesn't have a lot of fluff in it and really making sure it's good for the citizens of this City. Thank you for explaining that. I appreciate it.

Chairman Dowd

I heard something very interesting today. This City has three AAA bond ratings with different companies. United States Treasury now is only a AA. So what does that say to the way we handle money here in the City? I just wanted to get that out. Yes, Alderman Wilshire.

Alderman Wilshire

Well it says a lot. You can't take it for granted. You've got to keep at it. I appreciate Alderman Jette trying to keep at it because that's why we're here right.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 8:25 p.m.

Alderman Michael B. O'Brien, Sr.
Committee Clerk



TO: Board of Aldermen
FROM: Tim Cummings, Administrative Services Director
Date: May 24, 2023
RE: Explaining Emergency Expenditure of Funds for Cyberattack Event

The Nashua School District is in the midst of a cybersecurity event. You were briefed in two non-public sessions where details were provided, which due to the security implications of our IT system need to remain non-public.

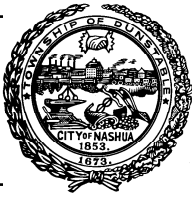
It is my understanding another briefing in non-public will be forthcoming, where a status update in detail will be discussed, because this sensitive matter is still unfolding.

The attached pages are being provided as background context as an overview and to help you better understand the essential breakdown on how these funds were used or will be used, which R-23-124 seeks to essentially replenish the Risk Department's budget.

If you recall when the incident first occurred the City needed to act quickly, which meant hiring and retaining two sophisticated consulting firms that have the requisite experience and knowledge to assist us through the event. Our insurance Broker recommended two firms as part of a pre-vetted list of competent trusted experts that specialize in assisting organizations when faced with such circumstances.

In closing, please be aware this is just an initial outline of costs associated with this event. There will be additional costs in the future, as we better understand the situation.

THANK YOU



Date: 04/30/2023

Subj.: Data Incident Response Services Outline

Phase 1 – Investigation - Collection/Analysis/Report

- Fixed fee
Additional Costs:
- Feeto deploy EDR Tool:
EDR – Endpoint Detection and Response – cybersecurity approach that focuses on detecting and investigating security incidents on endpoints like desktops, laptops, servers and mobile devices.

Collection

- 1) Hold discussions with counsel/client management and setup protocols for information exchange and analysis
a. Incident Response Notes to date
b. Remediation steps taken to date
c. Deploy forensic triage scripts
d. Deploy EDR
e. Copy of system logs
f. Acquire images of devices as needed

Analysis

- 1) Review and analyze scripts, logs and other artifacts to look for indicators of compromise (“IOCs”) and build out timeline of events
2) Review EDR for IOCs
3) Review email for IOCs
4) Perform live forensics
5) Perform external threat intelligence
6) Perform dark market reconnaissance
7) Determine other forensic tasks based on information received during the investigation, if any

Report

- 1) Communicate results and standard security practices on an agreed upon basis
2) Discuss window of compromise and other vulnerabilities identified

Phase 2: Negotiations

Phase 3: Data Processing and Initial Analysis, if requested

- A. Forensic Information Technology firm will process data to search for sensitive information.

Phase 4: Data Mining and Data Subject File Creation, if requested

Forensic firm will perform the following services

\$335,000

\$60,000

???

- \$65,000** { **Legal**
- 1) Identification and direction of the appropriate investigation into the incident
 - 2) Oversight of forensic investigation
 - 3) Determination of disclosure obligations we have to individuals, regulators and other third-parties and compliance with such disclosure and offering obligations.
 - a. Special notifications for victims
 - b. Breach notification laws
 - c. Legal implications of the incident

- \$100,000** { **City of Nashua IT Expenses To Protect System**
- Multifactor Authentication Implementation
 - Cyber Security Software