

BUDGET REVIEW COMMITTEE

JUNE 26, 2023

A meeting of the Budget Review Committee was held Monday, June 26, 2023, at 7:00 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 Michael B. O'Brien, Sr., Clerk
Alderman-at-Large Lori Wilshire
Alderman June M. Caron
Alderman Ernest Jette
Alderman John Sullivan

Members not in Attendance: Alderwoman-at-Large Shoshanna Kelly

Also in Attendance: Alderman Alex Comeau
Alderman Patricia Klee
Matt Sullivan, Community Development Director

ROLL CALL

PUBLIC COMMENT - None

COMMUNICATIONS

From: Lisa M. Fauteux, Director of Public Works
Re: Referral from Board of Aldermen – R-23-123 and R-23-128

There being no objection, Chairman Dowd accepted the communications and placed them on file.

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-23-126

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

**ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS FOR THE NASHUA
MULTICULTURAL FESTIVAL**

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Sullivan

Thank you very much. I don't know if the people that sponsored this are here that could speak to it. I was just curious kind

of what the impetus behind it was. Before I reviewed the agenda, I think everybody on this Committee knows that I had sent an e-mail out about expendable trust funds, how many there are, why we have them, how we can spend them, how we fund them. So I just had some questions around that. Not sure if there's anybody here to do it. I'll show my hand just to be transparent, I'm not at this point willing to support this only because we have a City Events Expendable Trust Fund right now - 7583 that has a good size balance in it of \$26,899 that's as of the latest financial statement. So I was thinking why we couldn't just pay for this festival, nothing against the festival. I think a festival is fine, I think it's a great cause, and it could be good for the city. However, my concern about setting up another trust fund is it funded from the general fund? How is it done? Just adding another list to all of the trust funds that we have in the city is my concern.

Chairman Dowd

Just one thing. If somebody will speak to it. This is only to accept donations not funded from the city.

Alderman Wilshire

Thank you. There are times when people want to donate money to a certain thing. They don't want it to go to the general fund, or to city buildings, or city parks. Someone might just want to donate money to this cause and that's why the expendable trust fund. I mean we could put it in another account but then there's nothing that says it has to be used from that account.

Alderman Sullivan

Okay.

Alderman Wilshire

I mean that's basically - I mean it's like a nonprofit organization. If you receive money from a donor and says I want to put that money towards your playground, we have to spend the money towards that playground. We can't use it for operating, we can't use it for a new widget. It has to be to that playground. So I get why people do this. They only want to send money if it's going to be used for that purpose.

Alderman Sullivan

Could I follow up with a question?

Chairman Dowd

Follow up?

Alderman Sullivan

So what you're saying is in order to do that, basically you're setting up a savings account that's specifically for this. I mean you couldn't take donations, put them in the general fund, and then have the event.

Alderman Wilshire

It's really hard to keep track of that if it's in the general fund. That's why the expendable trust funds are set up. I mean like the snow expendable trust, the police overtime expendable trust. That's why those are set up that way because when the money is needed for that, it's there. You don't have to go looking in the budget for it somewhere or using other monies from other accounts so.

Alderman Sullivan

Okay.

Alderman O'Brien

Yeah I want to echo what was stated by Alderman Wilshire. I appreciate Alderman Sullivan's concerns but let's look at the history of this board. In the past, Nashua has gone through some pretty lean years and yet there's been years such as this year we're not so lean, you know. So how can you guard something that really gives like the general public, the citizens of

Nashua something to celebrate and stuff like that? When you have a board that really has their thumb down on the budget for that particular, you know, that year and it cannot be done particularly if it's going to come out of the general fund. So when you have something like the expendable trust, maybe that might assist a worthwhile project such as this to go on for that particular year and not to rely on somebody that's really trying to watch all the beans in the jar let's what they say. So to me, I would support it.

Alderman Sullivan

Okay.

Chairman Dowd

Alderman Wilshire follow up?

Alderman Wilshire

Well yeah and I agree that what Alderman Sullivan brought up at a prior meeting that we should take a look at all these expendable trust funds at some point – have a meeting just to discuss those. Get people in here who set them up or who are authorized to expend those funds and, you know, take a look at all of them. So I'd be supportive of that.

Alderman Klee

Thank you, Mr. Chairman and I agree. I agree with exactly what was said that we do need to look at all of them who's overseeing them, etc. I think in this particular case where it's donations and usually its citizen's donations or perhaps a charitable organization that is giving to this and you do want to reassure them through full transparency that their monies are going to be used for that particular thing. It very specifically says in the analysis that it's a trust fund for donations. It doesn't say that it would be funded through any other kinds of funds and so on. I've learned in the past, even from my own accounting, I put money aside for vacation, and then a leaky roof comes up, and I have to pull from that account to do this. But if I have a vacation account, I know how much money I've taken out of there to do this and in this case, we couldn't do that. We would have to leave that particular money there. It gives full transparency to those that have donated as well as to the citizens. If they see us putting a multicultural festival on and something isn't happening, we can say to them we can still do this because we have this funds that have been earmarked for that through donations not through your tax dollars and I think that's makes it a really good thing to have a kind of a trust fund. It reassures the public that we're not willy nilly using their money. So thank you.

Alderman Sullivan

And maybe a legal question. It says here that this fund would be funded by donations for that specific purpose. However, there is no language in here that states, and this is my question, because it doesn't state that it will not be funded through the general fund is that a miss? You understand what I'm saying? So because it doesn't say for future boards that come along and say oh we want to put some money from the general fund in here. It doesn't specifically say that. So does that I guess not really handcuff a future board but does it allow the future board to do that?

Chairman Dowd

I'm not an attorney. We do have one (inaudible) but I would say with the lack of that language that it could not be funded by revenue unless additional action was taken by the Board of Aldermen. The only person that has authority to spend is the Mayor.

Alderman Sullivan

No I understand.

Chairman Dowd

You know I've talked to you. I fully agree with some of these have to be looked at. They're old, and they haven't been touched, and we probably need to clean some of them up. But in the past, there have been instances where these were, I wouldn't say misspent, but they were taken into the general account when it was specifically earmarked for something specific. That's why they came up with these expendable trusts and try to be very specific about how they get funded and who has the authority to spend. So in this instance it's by donations and the only one that has authority to spend it is the

Mayor. Attorney Jette do you want to give a legal opinion?

Alderman Jette

No, I do not. I hope Attorney Bolton is listening. So I am an attorney but I'm not the city's attorney so I would not.

Chairman Dowd

That's fair.

Alderman Jette

But I do have a question when it's my turn. Is it my turn? So perhaps it would be helpful if someone could tell us what the multicultural festival is? Who sponsors it? When does it occur? What does it consist of? Maybe it would help if we had a better understanding of what we're talking about.

Chairman Dowd

I believe that this legislation was initially enacted by the Mayor. Does anybody have any additional background on it? I think it has to do with a welcoming city type of thing. I don't have any additional information. I also don't think it's time sensitive if we want to table it till somebody is here. Several people sponsored but I think Alderman Timmons is she involved in it? I have a popped up answer.

Matt Sullivan Community Development Director

I had an opportunity to attend the festival last year and last year it was held at the Greeley Park area near the band shell but this year it will be held at the library pavilion on September 10th of 2023. Generally whoever made the comment, it is connected to the Mayor's welcoming city initiative but it's really a celebration of all of the diverse cultures across the City of Nashua and the way those are celebrated is through a mix of food, and dance, and art, and in general just community building. So if you were to attend the event, you'd see a variety of booths, nonprofits, and other community organizations looking for a membership. June - I think I saw you at the festival last year. All intended to be sort of building their membership and building connections across the community. So it's a bit of a hard festival to describe but you'll see every form of entertainment at this thing. One thing that stuck out to me is just sort of the dancing and the music piece of it but there's different food options as well. Again, celebrating diverse cultures across the community. So I know it's not very specific but it's a pretty broad event that takes place every year.

Chairman Dowd

So it sounds like we should probably move it along. Also since it's only by donations, there's no money involved at this point.

Alderman Caron

Thank you. I think it's also part of the Cultural Connection Committee that Alderman Timmons is on. It is part of that group that is trying to bring different factions of the city together and to see what they have you. You have that music school, they had some great dancing, the food was unbelievable there. So I think that's what this is part of. So, you know, the donations come in from those groups to offset that event. Thank you Director Sullivan I will mark the date for the seniors to be there.

Chairman Dowd

Any further discussion on this?

Alderman Jette

Yeah I certainly don't want to - it sounds like a wonderful thing and I certainly don't want to cause any problems. No offense to the people who have spoken but if I hear the expression "I think it's this", which I don't know If the person who said that is just a way of talking or I mean do you know that it is that or do you?

Alderman Caron

Yes because that whole group, Alderwoman Timmons' group, was there. That's the Cultural Connection Committee that meets once a month. They try to bring different groups in for events. Like they're working with the Senior Center to do a Hispanic program over at the Senior Center to bring that and the Indian families. They invited the Senior Center because they are a group of people that are diversified and want to see what is going on within the city. So she wouldn't have put her name on this if she felt it wasn't - I know they changed this name 15 times since I've been around. Yes when Director Sullivan talked about Greeley Park, I said oh that's what that is. That's what they called it. So I don't see a problem. I mean if you want to table it but you only meet once a month in July and August and if they're doing this September 10th might not give enough time.

Chairman Dowd

Yeah because the next budget is the end of July and then if we went back to the full Board, it only meets once in August. You're getting awfully close but it's definitely a thing because we've already had one and they've got another one scheduled so it's not speculative. It is it's a real event.

Alderman Caron

I think this has been going on for three or four years at least. So I don't know if they have any money in this account.

Chairman Dowd

Not in this account.

Alderman Caron

Not yet.

Chairman Dowd

They haven't put it together yet

Alderman Sullivan

I mean before it was a year. Now its three or four years. So how did we pay for it in the past?

Chairman Dowd

I don't know. I would assume it was done by donations but individually and somebody had to keep track. I think they want to have a - if I were speculating, I would say they want to streamline the process so they have one place for the money to go so they can set it aside and not have to worry about somebody handling it. Any further discussion? Yes.

Alderman Comeau

Yes, thank you. So this is just speculation so take that for what it's worth but we're not appropriating any money into this. It's just creating the account. I imagine that for the Mayor to suggest such a thing either somebody - I would guess somebody has, you know, suggested that they're prepared to make a donation or he might know of people who be interested in making a donation and just a precursor to accepting that money. Where we're not appropriating anything into it, just kind of opening the account. I don't see the harm.

Alderman O'Brien

Yeah thank you, Mr. Chairman. I also, too, don't see any harm because I think like Alderman Wilshire said, Alderman Sullivan brings up a good point. I think in the future we're going to look at all the expendable trust funds. If we just pile one more on to the mix, you know, that could be judged, and weighed, and vetted as the other ones at the particular time. I mean there's no age requirement or anything else like that so any questions can be answered. With one pending coming in the future if this assists the event, then I think we've got a way to balance to look. If we're going to support these multicultural events, this might be the right venue to do so and to let it go through this year and then we could look at a later date on your concerns which I agree. We should.

Chairman Dowd

If there's no further discussion.

Alderman Sullivan

Well it's interesting because tonight we're adding two to the list. We're adding two trust funds to the list.

Not to be flip but when you said we're going to look at other trust funds, I said do you promise that we're going to look at them because I'd really like to look at them.

Alderman O'Brien

I think it came out of Alderman Wilshire's mouth and she is El Presidente. I think, you know, I'll work with you on that and we could bring it up. Like Alderman Wilshire stated it at this particular meeting, maybe its own separate meeting to take a look at it. There seems to be a lot of questions. Maybe all expendable trust funds will exist. It's just we don't have the complete information on all of them why they do exist. Then once we get deep into the weeds, we'll probably find out this is a damn good idea. Evidently at one time, it was a good idea. So that's why they funded it.

Chairman Dowd

So I've already talked to John Griffin about setting something up so that's going to happen. All right.

Alderman Jette

So one last thing. Like I said, I don't want to do anything to threaten this. It sounds like a worthwhile thing. I don't want to do anything to harm it in any way whatsoever. But, you know, this is another example of the -I'm gonna pick on the administration because this is the administration that's putting this forth. They send things to us and they don't send anybody here to explain to us what it is they're asking for. I've talked about this and I think other Aldermen have talked about this in the past. It's unfair to us to just send this piece of legislation to us without anyone here to explain it without anyone to answer our questions. I'm certainly not going to do anything to harm this event but if you could ask the administration so when this comes before the full Board of Aldermen if they could please have somebody here to explain to us what this is all about and answer the questions we've asked tonight. That would certainly be helpful. In the future, you know, if you could please whoever sends us something - I hate to give you more work Mr. Chairman but if you could make sure that they know that they should have somebody here because otherwise, we're going to maybe if they don't send people to support what they're asking for maybe we won't pass it. So thank you.

MOTION CARRIED

R-23-127

Endorsers: Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderwoman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderwoman-at-Large Gloria Timmons

APPROVING THE COST ITEMS OF SIDEBAR AGREEMENTS BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND THE FIVE NASHUA POLICE DEPARTMENT UNIONS REGARDING A POLICE DEPARTMENT RECRUITING INCENTIVE

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Now I will say that I got a call from the Chief this afternoon asking if they could not send somebody because they're stretched and did I think they were gonna have any problem with this? We've talked about this before. It's all being funded within their own budget and it's an incentive to get more police officers so I didn't think it was something that we needed to debate any further than what we've done already in the past because we have talked about it.

Alderman Wilshire

I believe they brought it up at the budget hearing.

Chairman Dowd

Yeah they did. So any other discussion?

Alderman Sullivan

I was just gonna say I do remember them talking about it. The information that they provided in the packet was pretty thorough. I did see that I endorsed it because not only because it's the police, not only because we need more police on the street, but this is actually a really good idea. It works in the private sector beautifully. It really turns everybody in your company into a recruiter and it works really, really well.

Chairman Dowd

Okay. Any other questions? Seeing none.

MOTION CARRIED

R-23-128

Endorsers: Alderman Patricia Klee
Alderman Alex Comeau
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman John Sullivan

**RELATIVE TO THE ACCEPTANCE OF AN ELECTRONIC SCOREBOARD LOCATED AT MURRAY FIELD
DONATED TO THE CITY BY THE KYLE BEDINGER MEMORIAL TRUST AND ESTABLISHING AN EXPENDABLE
TRUST FUND RELATED TO THE SCOREBOARD, FUNDED BY APPROPRIATIONS**

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Wilshire

We did have an amended version on our desks this evening so I'd like to make a motion to amend Resolution-23-128

MOTION BY ALDERMAN WILSHIRE TO AMEND R-23-128 BY REPLACING IT WITH THE COPY PLACED ON THE DESKS

ON THE QUESTION

Alderman Klee

I'm just going to speak briefly to it but Alderman Comeau is truthfully the person that this is originally brought to...

Chairman Dowd

Is this on the amendment or you want to wait till the final?

Alderman Klee

I think we need to talk the amendment. The amendment changes the original one and that's what you want me to talk to, correct?

Chairman Dowd

Yup.

Alderman Klee

Okay. The reason for the amendment is the original one we had an agreement with the group of individuals - the stakeholders I'll call them - and we came up with a particular split. We used that split for up to \$10,000 and in conversation afterwards. Again, I would like Alderman Comeau to speak to it as well. We decided that there's always the potential that there won't be the \$10,000 and it was necessary to split any kind of funding that came in for this. So that's what the change to the original one was relative to it. We can speak for the need of this entire R-23-128 once you approve the amendment. If possible, I would like Alderman Comeau to speak as well.

Chairman Dowd

Certainly.

Alderman Comeau

Yes, thank you. Just to add on to what Alderman Klee was just talking about. We did have a great many meetings with the stakeholders with Public Works. The original legislation is basically the agreement that we took out of that meeting. The proposed amendment is what most of us all consider to be a much more equitable split. Alderman Klee and I both agree. Public Works also agrees with the amendment. It just basically ensures that all the parties involved will get an equal share of the revenue that the scoreboard will generate and so that's why we believe that the amendment is a much more fair version of the legislation. Like I said, it does have the support of Public Works, and has the support of both of us as sponsors, and so we would appreciate moving forward with the amendment.

Chairman Dowd

Any other discussion?

Alderman Jette

Thank you. So when you say all the stakeholders are - is that the word you use "stakeholders"?

Chairman Dowd

Yes.

Alderman Jette

Will have an equal share but I see 45% to Cal Ripken, 45% to Greater Nashua Little League, and 10% to the Expendable Trust Fund Park Rehabilitation. That doesn't sound equal to me.

Alderman Comeau

We're referring to an equal split between Cal Ripken and Nashua Little League and then we also wanted a small portion of the revenue to go into the Expendable Trust Fund for Park Rehabilitation just so that Parks and Recreation has small stream of revenue to make minor improvements to the all the ball fields in the city - things like planting seed, and bringing in dirt for the infield, and things like that. Just a small stream of revenue in addition to what will be going to the two major baseball leagues.

Alderman Klee

May I add to that?

Chairman Dowd

Well I don't know if he's done yet.

Alderman Jette

I am.

Alderman Klee

No I just wanted to add to help if that's okay with you Alderman Jette?

Alderman Jette

I'm done so go ahead.

Alderman Klee

Yes just to add on to what Alderman Comeau said. The equitable if you if you look at the original one, it was 5545 and not until you get to the \$10,000 and that meant at some point that little league might not get anything. We just felt that it was equitable. Even though it's sitting in the Cal Ripken field through certain circumstances and so on, it was best that we looked at it as give to this, give to that, and as he said the 10%. The city now takes care of the field at least at that particular field, which didn't happen before. Now it's not going to come out of the taxpayers. It's actually gonna be revenue there'll be generated to reduce the taxpayer input to it. So I think it's a true win/win without the city making a grab for all that revenue. It guarantees that it goes to those leagues.

Chairman Dowd

I can tell you having talked to the Park Rec Manager, they need every penny they can get, including people too.

Alderman Sullivan

Thank you. Looking at the recipe, the second paragraph, how the city will put out to bid the space on the back of the scoreboard and enter into contracts for advertising in the back of the scoreboard. How does that work? You put it out to bid. Obviously, there's maybe an RFQ process that goes out, highest bidder gets it? Is it scheduled out? Does the city - lot of questions coming I'm sorry - but does the city have the right to refuse an advertiser? Maybe there's content on the board that they don't feel is appropriate or whatnot? Can the city put the stop sign up?

Chairman Dowd

I can address that. Yes it does. There's any contract that goes forward has to be approved through Legal and if they find something that's offensive, or not allowed by city ordinance, or they will not allow it. We do this all the time.

Alderman Sullivan

Okay.

Chairman Dowd

School Department does this all the time put out RFPs. Any other questions? No. I think we're still voting on the amendment.

MOTION CARRIED

MOTION BY ALDERMAN WILSHIRE TO RECOMMENDED FINAL PASSAGE AS AMENDED

ON THE QUESTION

Alderman Klee

Thank you, Mr. Chairman. There was a lot of discussion as to whether or not we would just put all this money into Public Works, or general fund, or if we would create an expendable trust fund. I think the truth of the matter is much like the previous discussion, the only way of being able to allow our accounting and finance people and complete transparency was to have that revenue go into a trust fund where they could see would be split appropriately and so on and there wouldn't be any controversy about it.

This particular sign as it was donated, the proper methods weren't followed. It was donated more to Cal Ripken and not to the city as it should have happened. We're writing that wrong by now accepting it, and putting out the contract, and not hurting Cal Ripken at the same time. That was one of the concerns was that the people donating it wanted to do what they could to help the Cal Ripken League. While we think that's admirable, it wasn't done in a proper procedure so we're fixing that and still not hurting Cal Ripken.

The problem was that the contract also went out at what we all feel is quite low. It was a perpetual contract. I think I said that properly. Meaning that it went on forever. That was also plus it's on a State highway and no one asked for permission so the State kind of came knocking on the door and said how dare you have this advertising, and this lighted signage, and you don't have the permit, and we went what sign? So it started a lot of it. I think that's how Alderman Comeau got involved. It is in my Ward which is how I got involved. We're trying to right the wrong and in the meantime, we're trying to find out how we can get the best of funds. As Alderman Sullivan brought up, you know, the highest bidder that is appropriate for a child ballfield and the neighborhood because it faces the neighborhood. Right now the sign that there is, is perfectly lovely. Really upstanding, good citizen and business of the city. Just sadly it, it could do better and it could do more and that's kind of where we started this conversation and at the same time, did not want to hurt the Cal Ripken League. So we want to make sure that they've got money but at the same time benefit Little League too. Why should they not just because they don't have a field and a benefactor of such nature. They're a field that doesn't. We've already kind of talked about the split but that's how this kind of came about. We're really just trying to right that wrong and make it come into the city properly.

Chairman Dowd

So two points. This legislation is going to keep John Griffin's accounting very simple because it's all in this. You don't have to worry about taking money out of the city somewhere else.

Also, I don't know how effective that sign is until this legislation came up, I never noticed it.

Alderman Klee

I will tell you if I may. I did notice it and what I truly admire the person whose name is on and they liked the sign too. They did a beautiful job. I noticed it. I did not realize that it was illegal and the city wasn't part of it. I did not get had a complaint from your Ward or Ward 4 that from across the street on it so I never thought anything of it but I did notice it. It is definitely very attractive.

Chairman Dowd

Okay. Any additional comment Alderman Comeau?

Alderman Comeau

Yes, thank you. Just a couple of brief things to add on to that. I wanted to give some quick background for those that hadn't been involved in the whole process. But basically what happened was the Kyle Bedinger Trust donated the scoreboard to Cal Ripken to put up at their field. After they installed it, they asked permission from Parks and Rec to do some advertising on the back of it. This was a couple of years ago. The people involved are no longer with the city but they gave Cal Ripken permission to do this when it turns out that they didn't really have the authority to do so because it's on Amherst Street which is a State highway. So the State, you know, raise a stink about it. Somebody from Cal Ripken approached me about how we could go about getting a permit which is kind of how we started the whole conversation and that's when we started expanding the scope of that discussion to the idea that yes, Cal Ripken does play at this park but it is a city owned field. Because it's a city on field if we were to keep this, it's going to have to be something that the city maintains and manages. Since the city would be managing it, it only made sense that, you know, something that benefited more than just the one organization because well it's true that Cal Ripken does play there now, that's not always necessarily going to be true. The leagues, you know, changed hands of fields quite regularly depending on the size of the league and the usage. Several years ago, Cal Ripken was in charge of Lajoie and based on registration numbers and things like that, Lajoie was transferred over to Nashua Little League. So there's no guarantee that next year, or the year

after, the year after that it will still be Cal Ripken playing on that field. So because it's the city's field and they allow Cal Ripken to play there, the city needs to make sure that, you know, it benefits both of the leagues equally and that we cover all of our bases legally as far as how to get it properly permitted with the State and things like that. So this should close all those loops on things that should have been done initially that, you know, some people didn't realize needed to get done. This will make it fully legal. It'll protect everybody and its overall just a good thing for youth baseball in general in the city and it's gonna benefit a lot of kids that want to play baseball.

Chairman Dowd

Okay if there's no further comments.

Alderman Jette

Yes, thank you. So I had these questions before but now that I hear the discussion, I have even more questions. So is this sign is this the same sign that's there already? It's not going to – we're not talking about a new sign?

Alderman Comeau

Correct. So the scoreboard was installed I want to say either three or four years ago and the advertising has been on the back of it ever since about six months after the scoreboard went up. So the advertising is there. It's lit. It's actually a really nice billboard. It's a good location. It gets a lot of vehicular traffic. It gets a lot of eyeballs on it but it is already there. This isn't going to add anything to it. It's just kind of closes the loops with permitting, and permissions, and things like that.

Alderman Jette

So the has the signed been permitted by the city? There's a sign ordinance that requires that there be a permit for a sign.

Chairman Dowd

I think we have to accept it first.

Alderman Comeau

I don't know if it is permitted. I would defer to Director Sullivan.

Chairman Dowd

Well I would venture to guess that it can't be permitted until we own it at least not by us anyway.

Matt Sullivan, Community Development Director

I can't answer that question actually right now. I can certainly get back to the Committee with that response. I don't know if the sign was permitted. I think it partially predates me perhaps but I can I can find out and report back Alderman Jette. I just don't know. Sorry.

Alderman Klee

I'm gonna use the "I think" word but I'm pretty sure that I think I do believe that we talked and that it is not permitted as far as the city is concerned. It did not go through Planning. It did not go through anything like that. When Cal Ripken got the advertiser and the way that that happened was that the person whose name is on it did all the lighting and so on. Out of respect for them, they put up the signage. We can't go and ask for this to be permitted from Planning until it is ours. We could have forced them to go and say okay shut the lights off and go through the permitting process. It probably could have happen but trust me, Alderman Comeau and I have been working on this for well over a year just trying to get us to here. The next phase would have to be, I believe, it is advertisement. It is advertising which is still signage. So I think it would possibly still have to go to Planning but I can pretty much assured that it has never gone there either through Cal Ripken or definitely not through the city to the best of my knowledge.

Chairman Dowd

All set Alderman Jette?

Alderman Jette

No, I'm not. So I'm well familiar with the sign. I mean I've driven by it. I've been to games at the field. I've seen the scoreboard and I've seen the sign on the back. The question - I'm fairly active in my own Ward about this sign and enforcing the sign ordinance. This is not my Ward but the question arose in my mind, you know, as to is this your Ward?

Alderman Klee

Yes.

Alderman Jette

So the question arose in my mind as to whether or not, you know, and is this part of the Historical District as well?

Alderman Klee

No, it is not part of the Historic District. Actually Holman Stadium to the best of my knowledge is not actually part of the Historic District either. It goes up almost up to that. I think there's multiple streets like where the fire station is and so on. It doesn't go much beyond that. So no it is not part of the Historic District so they don't have to meet any of those requirements.

But as far as the signage is concerned, this truly just kind of popped up and it became like white noise. Every time I particularly drove by it and others, and I think I've talked to people even here on the Board about this particular sign and so on. We get the same comments from everybody. Oh, that's a really nice sign but I don't think any of the steps were followed from it coming to the city, to getting the permits, and so on. That's why I say I'm saying the word "think" but I'm pretty much reassured that none of that has happened. So I do appreciate that question. That would be something that has to get done probably before we can even put out an RFP.

Alderman Comeau

Yes, thank you. I just wanted to apologize to Director Sullivan. The English language is a tricky thing. When I said permitted, I didn't mean having a permit. I'm almost positive that that's not the case. What I was asking Director Sullivan was whether this type of signage was allowed under current ordinance or whether it was something that was going to require, you know, a variance or something like that. I don't know what the regulations are around lit billboards, and where we can put them, and things like that. So when I said "permitted", I meant to be permitted - allowed pretty much. So I wasn't asking you if they had a permit. I don't know if it's something that is going to require additional steps or whether what we do tonight will be sufficient to allow it.

Chairman Dowd

Again, I'm pretty sure and Mr. Sullivan can verify but I don't think the city can permit a sign that we don't own, correct, til after this legislation is passed?

Matt Sullivan, Community Development Director

I respectfully Mr. Chair, I would I would disagree with that. The city, and I think there is - I need to be clear on which permit I'm using here. There's the permission of the zoning ordinance which can be applied at any point in time regardless of whether the city accepts it or not but any sign whether private, nonprofit, public, municipal, State does require the filing of a sign permit with the city. So I think there's an opportunity here to, you know, work on ensuring that our signs are appropriately submitted and permitted through the zoning department. But Mr. Chair, I also can't speak to - and this is my own and a little embarrassed here - I don't know the sign particularly well. So I apologize for not being able to answer the question of whether or not it meets the zoning regulations but I can certainly look into it.

Chairman Dowd

So I know that other people could have permitted to sign but the city can't permit a sign that they want to permit unless they own it. Anybody else can if own it...

Matt Sullivan, Community Development Director

Understood.

Chairman Dowd

...but we can't permit something we don't own.

Matt Sullivan, Community Development Director

Understood and I agree. Yes Mr. Chair understood.

Chairman Dowd

Thank you.

Alderman Klee

Mr. Chairman.

Chairman Dowd

Yes, amplifying information?

Alderman Klee

Yes, yes. I really am - I'm not going out on a limb here but the fact that they didn't get State permission - I'm gonna try to get away from the word "permit" - they didn't get State permission although they did speak to someone from the city Parks and Rec and felt that they were doing all the right things. It was just that yes, you can do it. It was and that yes you can do it but then you've got to go to Zoning Board or whatever to get the permissions for the sign. So I don't feel like I'm going out on the limb. I want to reiterate that because the city doesn't - technically we haven't taken it and accepted it. We're not going to go and get that until that happens. I really feel very confident they did not do that. I do feel that they have to do that. So I don't think it's just allowed to put up a sign, I think they have to ask for the zoning or whichever board it is that this would fall under. So that's why I just want to reiterate that no, none of this has happened through any of the appropriate boards.

Chairman Dowd

If there's no other comments? Yes.

Alderman Jette

So is this resolution simply accepting the donation of this sign and agreeing that or I guess accepting the donation of a scoreboard and agreeing that the advertising on the back of the sign is going to be put out to bid and then the revenue is going to be distributed in accordance to this. I guess this is not saying that the sign is, you know, conforms to the sign ordinance. That's another step tonight.

Chairman Dowd

No it'll still have to go through the steps.

Alderman Jette

If I might ask Director Sullivan. So now that this has come up will you be asking Code Enforcement to look at the sign and see whether or not it complies and ensuring that the proper steps are followed for the permitting of the sign? I want to make sure that the people in charge of this thing all of a sudden don't turn this thing into a, you know, electronic messaging thing so that it violates the sign ordinance and that they somehow think that this has permission to do anything they want there.

Matt Sullivan, Community Development Director

Thank you, Mr. Chair. To respond to the question I think to address Alderman Jette's first question. I believe the action

before you this evening is simply to accept the sign. I would agree with you that I'm not sure you were saying this but I would say that acceptance of the sign as property does not imply that it fully conforms with the zoning ordinance. So I think you can accept it without necessarily certifying that it's compliant. I would say that yes it wouldn't actually be directly to Code Enforcement, it would in fact be to the zoning staff to review whether or not the existing sign is compliant with the zoning ordinance.

There are few things that need to be confirmed here - the width of the right of way and where the sign is actually located. Obviously, the size of the sign and the typology but yes I mean the first conversation that will need to happen is between zoning and obviously, the folks who have the specifications for the sign as it was constructed. We need to have those details to make a determination. We're happy to do that subsequent to the vote this evening or at a later time but I can't speak to the compliance this evening unfortunately.

Alderman Jette

Okay.

Chairman Dowd

Do you have amplifying information or are we...?

Alderman Klee

No I actually have a question for Director Sullivan if that's okay.

Chairman Dowd

All right.

Alderman Klee

Thank you. My question for you Director Sullivan is when this goes to the Zoning Board as it exists right now and Public Works then puts out an RFP based on what the sign is right now before that sign can be new advertisement can be put on it, does that also then have to go to the Zoning Board? The reason I'm asking is that this particular Board has very intricate lights. That's why I keep doing this because they have like these down lights that go to the sign. The next person that came in, those lights are specific to the advertiser. It kind of enhances who it is that has currently has that advertisement. The next person who comes in might want a different type of light. So if that were the case, that's why I'm asking this question.

Chairman Dowd

I think we're getting into the zoning now. We're just trying to accept the sign first.

Alderman Klee

I agree but I want to add to what Alderman Jette's concerns are if this has to every time an RFP goes out has to go to and we're looking at three to five years on an RFP so.

Matt Sullivan, Community Development Director

Mr. Chair I believe I can answer the question. So we do not regulate nor is any municipality across the nation allowed to regulate or make zoning decisions based on the content that's presented upon any type of signage. So to that end changing of the entity that's being advertised does not modify how the zoning department would interpret the compliance with the zoning ordinance. With that said if lighting changes whether that's, you know, up lighting versus down lighting, or the lumens that are used, all of those things do need to be compliant both with the lighting ordinance and with the zoning ordinance. So if there are changes made to the sign, those will be fully subject to the zoning ordinance regardless of the advertiser or the entity being advertised rather.

Alderman Klee

Thank you. Thank you for helping me.

Chairman Dowd

Anyone else? All right. Thank you Director Sullivan. The motion on the floor is to recommend final passage of R-23-128 to the full Board of Aldermen as amended.

MOTION CARRIED**R-23-129**

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman-at-Large Melbourne Moran, Jr.
 Alderwoman-at-Large Shoshanna Kelly
 Alderman Richard A. Dowd
 Alderman Derek Thibeault
 Alderwoman-at-Large Gloria Timmons
 Alderman-at-Large Lori Wilshire

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO CONTRACTS WITH THE SOUHEGAN VALLEY TRANSPORTATION COLLABORATIVE, NASHUA COMMUNITY COLLEGE, RIVIER UNIVERSITY, TOWN OF HUDSON AND TOWN OF MERRIMACK FOR TRANSIT SERVICES

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGEON THE QUESTION

Matt Sullivan, Community Development Director

I didn't think I'd be speaking until now. For the record, Matt Sullivan, Community Development Director for the city. Here to address R-23-129 relative to the approval of five revenue contracts related to the Nashua Transit system here in the city of Nashua. If this looks familiar, it is. This is an annual revenue contract consideration that the Board undergoes. These are five entities that actually use MTS services whether through regular fixed route services or actually through paratransit services that actually contract with us. Just to get a sense of the financials here, and I've talked to transit financials more to this Board than you've probably ever, ever heard, but these revenues actually help us buy down the amount of city or general fund match that we're using when we take in the federal transportation formula grants. So the more revenue on our end, the better off for the city. So, you know, like any revenue contract, this is a good thing.

Just to quickly outline what's contained herein. Again, there are five entities: 1) Rivier University, 2) Nashua Community College, 3) the Town of Hudson, 4) Town of Merrimack, and lastly, the Souhegan Valley Transportation Collaborative knows that known as "SBTC". Again, we provide a unique service to each of these in one way, shape, or form. These are long-standing relationships and we're asking only to continue to accept their money, which I hope you have no objections to, but I'm happy to answer any questions about the specifics or the dollar amounts, the hours provided, and perhaps even questions related to service interruptions and the impacts on these contracts. Happy to address any questions you might have.

Chairman Dowd

Any questions?

Alderman Sullivan

Thank you. How much? How much do we get typically?

Matt Sullivan, Community Development Director

So we basically do these contracts on an hourly basis. They're actually each a little different. So let me walk you through each one. Relative to Rivier, the total contract is actually for \$13,000 on the year. The way that service operates, we actually call it a "U pass service". Every time a Riv. student gets on the bus, they simply show their ID and they're able to ride for free around the community as much as they'd like. That \$13,000 is modeled off of what we understand the ridership trends to be. We analyze that every year and reach a sort of a cooperative number with Rivier directly.

Nashua Community College is \$4,500. That's slightly smaller based on the ridership we've observed there. Again, that's

billed over the course of the annual fiscal year.

Relative to Hudson and Merrimack, these are actually they're a per hour charge. So we sort of have a picture this is a not to exceed revenue contract in a sense. The general not to exceed based on our estimates for the Town of Hudson is \$28,490. That's about 500 hours of paratransit and other service.

For the Town of Merrimack, it's \$38,857 which is about 752 hours worth of service. So those are really paratransit oriented service offerings to those two communities.

Then our relationship with Souhegan Valley Transportation collaborative is complicated for all very good reasons. We provide a variety of different on demand and paratransit service to the Milford/Amherst area for groceries and everything that folks need for those that are most vulnerable. We budget about \$170,000 of revenue from that contract but there's a lot of complicated formula funding behind that. The bottom line is that we estimate about \$170,000 coming into the city throughout funds from SVTC over the annual year.

Alderman Sullivan

Okay. The monies that you just mentioned for the SVTC for I think it was medical transportation mostly?

Matt Sullivan, Community Development Director

It's largely paratransit. So disabled individuals that need access to services, or appointments, the grocery store, that kind of thing.

Alderman Sullivan

I breezed through the contract but that is free to those folks, correct?

Matt Sullivan, Community Development Director

So there is – yes essentially and this is where my knowledge might end to some extent. I believe there are some trips that do cost the rider money but the bulk of services provided gratis, yes.

Alderman Sullivan

Okay. Great. Thanks.

Chairman Dowd

All set?

Alderman Sullivan

Yes.

Chairman Dowd

Any other questions?

Alderman Jette

Yes. I have a general question and that is I'm assuming that the cost of providing the service is less than the revenue that we're receiving?

Matt Sullivan, Community Development Director

Yes, that is correct. To that end if you were to look in detail at the prior year's contract, the costs were closer quite frankly to the revenue being brought in. Sorry. Let me restate that. In prior years, the cost of service was near or even above in some cases the service that was being provided. So that was problematic obviously. Over the last year, Transit Administrator Correa has done an in depth look at this, looking at all indirect costs - obviously, the direct capital costs,

maintenance costs associated with all this service and it's actually increased the hourly rate being billed to a lot of these entities. So as a result, some of the service offering hours have gone down. Again, the objective there was to bring the costs and the revenues closer together while also creating a predictable formula for the future. I would offer we were providing a larger subsidy in a way in the past. We've now reduced service to an extent while increasing the hourly costs to bring those two numbers closer together. Does that answer your question?

Chairman Dowd

Follow up?

Alderman Jette

So when you say closer together, are we getting reimbursed for what it's costing us to provide the service?

Matt Sullivan, Community Development Director

Yes, we are. We are. Now to add a fine point to that, there are some cases where we could have a, you know, catastrophic capital failure and then the formula sort of goes out the window but we have sort of a loaded hourly cost that's based on our expectations of ongoing capital maintenance and sort of indirect costs. It's as good as the numbers that go into it for the most part.

Alderman Jette

If I could just - obviously, we don't want to be burdening the Nashua taxpayers with the cost of providing transportation services to people in Hudson, Milford, wherever. We're happy to provide the service as long as we're reimbursed appropriately. That was my point.

Matt Sullivan, Community Development Director

And I think Alderman Jette to that point, I completely agree. I think we always have two competing priorities in transit. One providing, you know, regional service that allows people outside of Nashua to get into the community but also those in Nashua to get out to employers and other destinations. We don't want to do that at the expense of the Nashua taxpayer that's contributing to the general fund contribution. Obviously, I'd like to look at it in a way that the Hudson and the Merrimack taxpayer are also contributing. They're making a payment to the city but to your point, we would never want a system where it's clearly more balanced in favor of the regional offerings than it is the Nashua offerings because it is a Nashua service first. I understand your sentiment and this is a constant conversation among the transit folks.

Alderman Jette

Thank you.

Alderman Comeau

Yes, thank you. Through you to Director Sullivan. I apologize if you answered this earlier but when you mentioned the service provided to the two schools, you said that a student can show their ID and then ride the bus for free. Is that information like captured and studied so that if ridership for whatever reason went dramatically up or down next year we could use that data to, you know, adjust what we charge those two schools?

Matt Sullivan, Community Development Director

That's an excellent question. The answer is not really actually. We estimate the ridership from students and so that's giving me an opportunity to speak to something we're working on right now. We're going to be rolling out some new technology on our buses everything from Wi-Fi on the buses, to actually the ability to count by the fare type which we believe it or not, do not have right now. So when someone shows their badge, we really don't have a good way of documenting what type of pass it is. Even when you show your city ID - by the way, you can all ride the bus for free if you don't know that already. I do sometimes take the bus to work. I ride for free so maybe I'm being subsidized but that's okay. You just show your badge but unfortunately, we do not have a good way of actually tracking that. So that's something we're going to be rolling out so the driver can actually just, you know, tap and keep tabs on what we're doing. So we really estimate based on our understanding of trends but to your point, I mean if we were very successful working with any of the entities we're talking about, it gets a little tricky for us to then go back to them and require additional funds.

So that's something we'd like to address with the technology upgrades.

Alderman Comeau

Excellent. Thank you.

Chairman Dowd

Just out of curiosity, do the staff of the two schools get the ride free too?

Matt Sullivan, Community Development Director

Alderman Dowd that's a great question. I don't know the answer for certain but I believe that they do assuming that they have an ID badge. I could certainly get clarification. I don't know the answer.

Chairman Dowd

Just curious. I don't want to hold up the pipeline for but just curious. Okay, any other comments? Seeing none.

MOTION CARRIED

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE

R-23-118 Amended

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

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman Comeau

Yes thank you. I just wanted to thank the Committee for their support of R-23-128 and its amended version. Thank you very much.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 8:03 p.m.

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