

BUDGET REVIEW COMMITTEE

SEPTEMBER 27, 2021

A meeting of the Budget Review Committee was held Monday, September 27, 2021, at 7:14 p.m. in the Aldermanic Chamber and via Zoom which meeting link can be found on the agenda.

Alderman Richard A. Dowd, Chairman, Chairman, presided.

Members of Committee present: Alderman Richard A. Dowd, Chairman  
Alderman-at-Large Ben Clemons, Vice Chair (via Zoom)  
Alderman-at-Large Lori Wilshire  
Alderman-at-Large Michael B. O'Brien  
Alderwoman-at-Large Shoshanna Kelly (via Zoom)  
Alderman Jan Schmidt  
Alderman Ernest Jette

Members not in Attendance: Alderman Jan Schmidt

Also in Attendance: Alderwoman Elizabeth Lu  
John Griffin, CFO  
Kim Kleiner, Administrative Services Director  
Tim Cummings, Economic Development Director

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ROLL CALL

PUBLIC COMMENT - None

COMMUNICATIONS

From: Fred S. Teeboom  
Re: Unacceptable restriction and aldermanic participation during Public Hearings

From: Matthew Sullivan, Planning Manager  
Re: Referral from Board of Aldermen on Proposed R-21-169, relative to the authorization of the City of Nashua to enter an Agreement and Consent to Joint Use with Liberty Utilities and making a supplemental appropriation of \$38,394

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

***There being no objection, Chairman Dowd suspended the rules to allow for a communication that was received after the agenda was prepared.***

From: Lisa M. Fauteux, Director of Public Works  
Re: Referrals from Board of Aldermen – R-21-165, R-21-166 and R-21-169

***There being no objection, Chairman Dowd accepted the communication and placed it on file.***

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

**R-21-163**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman-at-Large David C. Tencza  
Alderman Linda Harriott-Gathright  
Alderman June M. Caron  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire

**ESTABLISHING THE USE OF FUND BALANCE FOR TAX RATE**

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL OF R-21-163**

ON THE QUESTION

Alderman Jette

Is Chairman Griffin going to give us a presentation regarding this?

John Griffin, CFO

Good evening. I certainly can. I'll talk a little bit more about this particular Resolution. John Griffin, CFO.

This particular Resolution is an annual resolution that you've been accustomed to where we take surplus and essentially reduce the amounts needed for the tax rate. So in this particular case, the Mayor is proposing \$4 million to be used against the calculation of the tax rate that's coming up in the next month or so. As you may recall, every \$2 million is approximately 1 percent of the tax rate. As the Mayor had indicated in his most recent remarks, he is trying to bring the increase in the tax rate in around 2.6 – 2.7 percent. So without this particular approval of this Resolution, and as I mentioned every \$2 million is 1 percent on the tax rate, the tax rate will be in the mid 4s. So this would be a good strategic move to reduce the increase in the tax rate this year by the \$4 million.

This particular Resolution is tied to the Mayor's annual notification of overlay and surplus that's supplied to the Board of Aldermen no later than September 1<sup>st</sup> of each year. So that was distributed to the members of the Board of Aldermen and I can speak to that if you'd like. That is essentially what we're trying to accomplish here with this particular Resolution.

Chairman Dowd

And I believe this will be on the agenda tomorrow night for the full Board of Aldermen meeting. Any questions?

Alderwoman Lu

Thank you. If I could just ask about last year's overlay. I know after the overlay was set in the budget in 2021 budget, it was decided to add an additional \$3 million I believe to it. My recollection is it was due to the uncertainty of the COVID and how tax revenues would be affected by the COVID-19. My understanding is tax revenues didn't suffer during the 2021 period. Has there been any consideration given or any re-assessment done as to whether that additional \$3 million that was added after the budget session in '21 might not actually needed and might be available for increased tax relief?

John Griffin, CFO

My Chairman if I may. As you recall last year, we recommended \$2 million, which is a typical amount that we advise in a non-reval year let's say and COVID kind of hit us as a once in 100 year event. What we did and you recall, we moved the \$2 million to \$3.5 million for last year. So the mechanics on the financial side is we put instead of \$2 million in the calculation we put \$3.5 million.

With regard to the effect of use of that, Director Kleiner who is responsible for the Assessing Department, she would be able to speak to that as well as to what's happened on the abatement side. That as you know, that is an amount and they call it an "overlay" but that's the amount in the tax calculation to pay for abatements that are filed by residents or businesses. There is no amount remaining to give back. In addition that September 1<sup>st</sup> memo that I speak about from the Mayor, he was comfortable at that time with going with a \$2 million amount for this year coupled with the remaining amount that we had from last year. We do have a reserve of \$1.5 million for those purposes in the unassigned fund balance but we haven't used it since I've been here. If you want a little bit more detail, I'm sure Director Kleiner would be able to explain part of your question that you asked of me.

Alderwoman Lu

If I could just follow up. Thank you. So you're right. I had misremembered so it wasn't \$3 million additional, it was \$1.5 million additional above what had been planned in the budget process. So I'm just wondering was any of that – how much of that – well I know you can't really tell because it takes several years. That's fine. I don't think I need any more information. It's felt that it needs to remain as an overlay/contingency on related abatements.

John Griffin, CFO

If I may Mr. Chairman as a recap, we have the reserve of \$1.5 million. We have a carryover from prior years of 3.1, and then we have the fresh \$2 million this year. That totals \$6 million. We're comfortable with that number at this time for this particular tax year that we're going into.

Chairman Dowd

All set?

Alderwoman Lu

Just one question. How does that compare to usual?

John Griffin, CFO

Mr. Chairman if I may, it's very comparable. As you may recall several years ago, a few years ago, we put the \$3.5 million to protect against the reval. and abatements that come in. It's a good number we feel comfortable with. Prior to the reval. probably from 2010 to 2016/2017, we used to put \$2 million in. As you recall back in 2010 – 2014, assessments were going down because the values were weakening. Then from 2014 – 2018, they were rebounding quite substantially. This particular amount is a comfortable amount going forward into this particular tax year.

Alderwoman Lu

Okay. Thank you. I just want to follow up with one. I think it would have been helpful and informative to have the Vision update in anticipation of this discussion.

Kim Kleiner, Administrative Services Director

Good evening. So there is analysis that we do in conjunction with the CFO's office on the overlay account and we'd be happy to get that to you. I know we've given that to some members of the Board and you may consider that helpful. As far as abatements, there are still abatements that are under consideration back from the 2018 revaluation. So not all of those appeals have been processed. Looking at those appeals that remain and adjusting for any abatements that we may receive this coming spring, we are confident in the number that we have projected. I would say that I understand that there's a lot of questions regarding Vision and the revaluation. We have scheduled a November 15<sup>th</sup> meeting for that. The reason for doing that is our Chief Assessor has to look at sales and whether those sales have been qualified or unqualified. The more sales that they have an opportunity to review and qualify, the better the information. So we feel confident that come November we'll have some solid information to share with the Board and we'll certainly ask Vision to be at that meeting. If you are looking for some information prior to that, Vision will be attending the Board of Assessor meeting on October 6<sup>th</sup>.

Chairman Dowd

All set Alderman Lu?

Alderwoman Lu

Yes. Thank you. Oh – did you say that there was a report that some of the Aldermen had received on the overlay analysis? I'd be happy to receive that if you could e-mail it to me. Thank you.

Kim Kleiner, Administrative Services Director

We'll send it to the whole Board.

Chairman Dowd

Do you have question Alderman Jette? You look like you had perplexing question ready to go?

Alderman Jette

Thank you. I didn't you could tell through my mask. While Director Kleiner is here, I don't know if she would be prepared to give us a report as to how we've been doing on abatements. Have we been winning, or losing, or can you give us any kind of a sense about that?

Chairman Dowd

We probably should get a summary if you can do it. A full explanation probably should go to the full Board so everybody has that but you certainly could give us a quick overview.

Kim Kleiner, Administrative Services Director

Certainly. So as you know with the appeals, that entails working with our Legal Department and we do very well. I think we work with a mediation process that is both fair and just both to the City and to the taxpayer. We still have a number of commercial appeals that are not finished. Part of that is the delay that you saw with the courts during COVID. So there's just a backlog at the BTLA and the Hillsborough Superior Court. In most cases, I feel very confident in saying that working with the Legal Department and that's their specialty generally fair well for both the city and the taxpayer.

Alderman Jette

Thank you.

Alderman Dowd

All set? Any other questions? No.

Alderman O'Brien

Mr. Chairman when I call for my motion, I did not say because we have members of the Committee on Zoom, it has to be by roll call.

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Clemons, Alderman Jette, Alderman Wilshire  
Alderman O'Brien, Alderwoman Kelly, Alderman Dowd 6

Nay: 0

**MOTION CARRIED**

**R-21-164**

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

**RELATIVE TO THE TRANSFER OF \$30,000 FROM ACCOUNT 70100 "GENERAL CONTINGENCY" TO ACCOUNTING CLASSIFICATION 51 "SALARIES & WAGES" IN ADMINISTRATIVE SERVICES (\$25,000) AND ECONOMIC DEVELOPMENT (\$5,000) FOR THE PURPOSE OF FUNDING SALARIES**

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE BY ROLL CALL**

ON THE QUESTION

Alderwoman Lu

Will there be a presentation of why the salaries are – is this the one about the salaries? Thank you.

Chairman Dowd

We did have an explanation during the public hearing. Did you want some more information?

Alderman Lu

Well I only heard a reiteration of the resolution.

Chairman Dowd

Yeah this is a typical resolution that we do because we keep our money for raises in contingency. When it comes time for those to be approved, we transfer the money from contingency by resolution into the department's account. Are you interested in who?

Alderman Lu

No – well are you tell me that the \$30,000 is one or more raises?

Chairman Dowd

Yes.

Alderman Lu

Okay. I didn't know that. I thought they were hires. So if there's any more expounding.

Kim Kleiner, Administrative Services Director

Sure. Director Kleiner – Administrative Services. I'd be happy to speak to this. So currently in Administrative Services we lost our Administrative Assistant who decided to move on. We have a Program Supervisor in Risk Management that worked as the Office Administrator for Administrative Services for many years when it was Director Maureen Lemieux. We have decided to reorganize and move that individual into Administrative Services where she can fully use her skillset that she developed over those years. This will be a much more detailed and robust position. She will be basically handling the organization of the different departments and working alongside me very closely. She'll be handling all of the Right-to-Know for all of the Administrative Services Department working with the Right-to-Know Lawyer Nicole Clay. She will be overseeing the vehicles that we now have three vehicles in Administrative Services that were negotiated on behalf of the UAW contract. She'll be handling the Docuware system that we are overseeing as well as contract management. So moving that position from Risk Management into Administrative Services requires the additional \$25,000 to funding that salary.

If Director Cummings isn't here, I can handle his as well.

Chairman Dowd

I don't see him.

Kim Kleiner, Administrative Services Director

Director Cummings has made a change taking the Hunt Memorial Building and Arts Commission Administrator and moving that to half time office of Economic Development Coordinator in conjunction with the Hunt Building Memorial. So raising that position, that will require with some additional monies that Director Cummings has an additional \$5,000. So it's basically taking that position and now giving it two functions.

Chairman Dowd

So bottom line is two people are being elevated to a new work position that typically pays more in salary and these are to make up the difference.

Alderman Lu

Yes I see.

Chairman Dowd

All set? Any other questions? No? All right.

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Clemons, Alderman Jette, Alderman Wilshire  
Alderman O'Brien, Alderman Dowd, Alderman Kelly 6

Nay: 0

**MOTION CARRIED**

**R-21-168**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright  
Alderman Skip Cleaver  
Alderman-at-Large Lori Wilshire

**ESTABLISHING AN OPIOID ABATEMENT EXPENDABLE TRUST FUND FUNDED BY APPROPRIATIONS AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$27,223.40 INTO THE EXPENDABLE TRUST FUND**

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE, BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Clemons, Alderman Jette, Alderman Wilshire  
Alderman O'Brien, Alderman Dowd, Alderman Kelly 6

Nay: 0

**MOTION CARRIED**

**R-21-169**

Endorsers: Alderman Patricia Klee  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Ben Clemons  
Alderman Skip Cleaver

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO AN AGREEMENT AND CONSENT TO JOINT USE WITH LIBERTY UTILITIES AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$38,394**

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE BY ROLL CALL**

ON THE QUESTION

Chairman Dowd

It has a favorable recommendation from the Planning Board and from the Board of Public Works. Are there any questions?

Alderman Jette

It's not a question, just a comment. We're appropriating money that we're going to be getting from Liberty. So this is not

costing us anything. We're just accepting money from Liberty and we're going to spend it on this project.

Chairman Dowd

Yes. We have to do that by resolution though.

Alderman Jette

Right so I'm just pointing out that it's a good deal.

Chairman Dowd

It's probably good for the people that are watching that may have missed the public hearing too. If there are no further questions, Alderman O'Brien would you call the roll.

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Clemons, Alderman Jette, Alderman Wilshire  
Alderman O'Brien, Alderwoman Kelly, Alderman Dowd 6

Nay: 0

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE - None

GENERAL DISCUSSION

Alderwoman Lu

I just wanted to ask about the letter from Fred Teeboom that was included in the agenda packet and wondering whether – he seems to me that he's correct that we are meant to take a vote on limits to public hearing times. Has anyone else...

Chairman Dowd

Typically the Chair of the committee on a public hearing has the latitude to limit the amount of time for public hearing discussion based on the number of people attending. If it's a small group, yes we can probably give them additional time and I think if they ask a question and there's somebody there that can answer it right then and there, then we won't hold that time against them.

Alderwoman Lu

Yeah I thought so too. Then I read his letter and it seemed verbatim from our Ordinances. I'm not sure I checked on it. Could it possibly be that he has an old Ordinance when he used to be on this Board? His letter did specifically quote and I don't have my device here.

Chairman Dowd

Yes, he's quoting some older text. The new Resolution that went through address the time including what I just mentioned about a public hearing.

Alderwoman Lu

That's what I thought initially so thanks. I just wanted to ask about that.

Chairman Dowd

In fact I think it was R-19-121. I can't be sure of that. 009 I think it was. Anyways.

Alderman Jette

I think I disagree. I think the language that former Alderman Teeboom quoted I think is the current language. What it says is that this is different than our regular meetings. This specifically addressed public hearings and it does say that the Chair may set or extend time limits for each member of the public speaking. So like as you point out if there's a large crowd in order to give everybody a chance, we have to limit – it's reasonable to limit the amount of time they speak. So the Chairman as I interpret this, the Chairman does have the authority to do that. That's what it says, "The Chair may set or extend time limits for each member of the public speaking". But then it goes on to say, "subject to motion and affirmative vote by members of the board or committee holding the hearing". I'm not the City Corporation Counsel and of course Corporation Counsel could provide better guidance about that. I think what that means is that the committee can by majority vote change, extend the time, or shorten the time, do something different than what the Chairman has set out. I think that would only be done under extraordinary circumstances but I think what this says is the Chairman can judge the room, and how many people, and determine what's reasonable. If it happens where someone needs more time and the committee wants to hear more from a particular person, the committee could vote to do that.

Chairman Dowd

I do think the language changed in the latest version of the resolution when we go the new clocks and it mentions the timing and everything. I think some of the wording was changed. That was the way it was when I first got on the Board ten years ago but it's been changed. We can look that up in the new resolution.

Alderman O'Brien

I think I know where Alderman Jette if I may. Where I think you're coming from was from an Infrastructure meeting to which I did refer the question to Legal. According to Legal, the Board of Aldermen which has voted and changed the ordinance sets the tone voted by the Board of Aldermen. It now blankets down or cascades down to all committees. If you ever sat as a State Representative or like Madam President when you're President of the Board of Chairman of the Committee, it's a powerful position and his or her job is to dutifully run a meeting and get it to a proper conclusion.

But anyways, I did research your question. I did ask Legal and that was the answer I got from Corporation Counsel that the Chairman can in his or her committee set the times. Of course you're free to have your own communication with Legal if you wish but that is what Legal told me.

Chairman Dowd

I believe Attorney Leonard is very familiar with new one because I think she wrote it.

Alderman Jette

Okay thank you.

Alderman Wilshire

Can I weigh in on that?

Chairman Dowd

Yes.

Alderman Wilshire

I think there was some confusion at one point when we had public comment versus a public hearing. So the public comment period that we passed the ordinance on said 3 minutes. That's what we set the clock to. The public hearing, I'm not quite sure that we limit – not to 3 minutes not the public hearing. Public comment period yes. Public hearing you can I suppose gauge the room if you have 50 people that want to speak. You say 3 minutes but I think we should look further into that because I believe that what Ernie is saying is right.

Chairman Dowd

We can get a copy of that and look at it but I think the last one when it came up there were like 50 people in the audience

and to be fair, the amount of conversation was limited. I think the one thing that we needed to expand on is if somebody had a question from the public on what was being talked about and there's somebody there that can answer it. We won't count that time against them to get the answer. If there's no one there that can answer it, then they will have to get the answer either in an e-mail or writing at a later time. We can certainly look into what the new Ordinance says.

Alderwoman Lu

Thank you. It was the public hearing that Fred Teeboom was referring to not the public comment at a regular scheduled...

Chairman Dowd

But there were a significant number of people here and if we gave everybody 20 minutes to a half hour to speak...

Alderwoman Lu

I'm sorry. I was just going to say that he referenced 528 and I have this Code of the City of Nashua here that says updated and Donna Graham. 528 says, "The public hearing shall not be limited in duration nor members of the public be denied the opportunity to speak but the Chair may set or extend time limits for each member subject to motion and affirmative vote." So "subject to" sounds to me and I believe it means as long as a motion and a vote is taken.

Alderman Wilshire

And passes, yes.

Alderwoman Lu

So anyways. It's right here. It's 528.

Chairman Dowd

We'll talk to Legal and get a legal opinion.

Alderwoman Lu

Sure. Oh yeah, let's get a legal opinion on 528 d.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN TO ADJOURN BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Clemons, Alderman Jette, Alderman Wilshire Alderman O'Brien, Alderwoman Kelly, Alderman Dowd	6
Nay:	0

**MOTION CARRIED**

The meeting was declared closed at 7:49 p.m.



# THE CITY OF NASHUA

*Division of Public Works  
Administration*

*"The Gate City"*

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## Memorandum

To: Board of Aldermen

From: Lisa M. Fauteux, Director of Public Works 

Date: September 24, 2021

RE: Referrals from Board of Aldermen – R-21-165, R-21-166 and R-21-169

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Please be advised that the Board of Public Works met on September 23, 2021 and voted to provide the Board of Aldermen with positive recommendations concerning proposed resolutions R-21-165, R-21-166 and R-21-169.