

SPECIAL BUDGET REVIEW COMMITTEE

OCTOBER 17, 2019

A meeting of the Budget Review Committee was held Thursday, October 17, 2019, at 7:00 p.m. in the Aldermanic Chamber.

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

Members of Committee present: Alderman-at-Large Lori Wilshire, Vice Chair
Alderman-at-Large Michael B. O'Brien
Alderman-at-Large Ben Clemons

Members not in Attendance: Alderman Jan Schmidt
Alderman-at-Large David C. Tencza
Alderwoman-at-Large Shoshanna Kelly

Also in Attendance: Alderman Ernest Jette

Chairman Dowd

Alderman Schmidt is on a trip to Europe and will be back shortly but she's not here this evening.

PUBLIC COMMENT - None

COMMUNICATIONS - None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS

R-19-177 REMOVED AS VOTED ON AT BOARD OF ALDERMEN MEETING ON OCTOBER 8TH.

R-19-179

Endorsers: Alderman-at-Large Ben Clemons
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Ken Gidge
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman Tom Lopez
Alderwoman Mary Ann Melizzi-Golja
Alderman Jan Schmidt
Alderman-at-Large Lori Wilshire

APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF EDUCATION AND THE NASHUA SCHOOL CUSTODIAN UNION, LOCAL 365/COUNCIL 93, AFSCME, AFL-CIO FROM JULY 1, 2016 THROUGH JUNE 30, 2021 AND RELATED TRANSFERS

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Is there anyone here from the custodians or the school department? Discussion?

Alderman O'Brien

Since my time on the Board this has been one of the contracts that has been kind of out there and I think it is basically seems to come to a mutual agreement. Some of the conversations they had on both sides, both parties, they seem to like, again, have come to an agreement and I am glad to basically have that and put this away so we can look to forward things in the City. So it shows the good work that can be done in negotiations, thank you.

Alderman Clemons

So this has been a struggle and has been going on really since 2015 when the School Board decided to go down the path of privatization as opposed to just renewing what ultimately is this contract before us. And, you know, that as far as I am concerned was a stain on the City. But what's worse is not only the battle that those group of employees went through but then the fact that once it was finally settled that they went another few years without any negotiation, any real contract coming forward until finally some pressure what put on the Superintendent and the School Board by myself and some other Aldermen here and they finally got something done. So I am happy that this has come to fruition; I am happy that we can finally close this sad chapter in our City's history and move forward with something that I think everybody can agree is a good deal.

Alderman Jette

So I am disappointed that there is no one here from the School Department or the Administration to answer questions about this. I'm not opposed to approving this contract; I know the custodians have been waiting for this to get done for a long time. I know they have been through a difficult time and I support them. But I couldn't help but notice a couple of weeks ago we did not approve a contract involving civilian employees of the Police Department because, among other things, but mainly we were told that the City has been trying to reform sick leave to aim towards 720 hours of sick leave that you can accumulate. I noticed that this contract, it's not a change it's been that way, but full-time employees can accumulate 960 hours of sick leave. I have said before, and just so you understand where I am coming from, I think sick leave is an important benefit that we should provide to our employees. And the purpose of sick leave is so when people are sick they can take time off as necessary because of their illness without they or their family suffering any financial hardship as a result. So when they are sick they take time off and they still get paid.

What bothers me is the concept that people can accumulate sick leave and then even if they are fortunate enough not to get sick they can, when they retire or resign, they can cash that out. I don't think sick leave should be a bonus or an addition to compensation. I think it should be used for the limited purpose of making sure people are paid even if they are sick. I notice on this contract that they can accumulate up to 960 hours which is not a change I don't think and when they retire they can cash, after 10 years of employment, upon retirement or resignation, they can be paid for all accrued, unused sick leave up to under the current contract 50% and then if this contract is approved, for people how are hired after this it will go down to 40%. But that is still a lot more than the 20% that we are limiting other employees in the City to.

I also noticed in this contract that under the current contract, employees are provided with short-term disability insurance. The premiums are paid by the City and it goes into effect after 14 days and you get paid 60% of your pay for 25 weeks. Then there is also long-term disability which is fine, I think that's a wonderful thing to have. But under this new contract you are giving up that short-term disability for people that are hired after this contract goes into effect. I wish there was somebody here who could answer why we are doing that, why we are asking them to do that.

Chairman Dowd

Anyone else want to address that?

Alderman Clemons

Might we want to invite one of the Union Reps up to speak?

Chairman Dowd

Would anyone like to come up and address it?

Alderman O'Brien

Could you please introduce yourself so that you can be recorded?

Donna Grady, Chapter Chair of AFSCME LOCAL 365 Nashua School District Custodians Donna Grady,
Chapter Chair of AFSCME LOCAL 365 Nashua School District Custodians.

Chairman Dowd

Do you have a question for her Alderman Jette?

Alderman Jette

So my comment was that under this contract the custodians are getting or are able to accumulate more sick leave than what other people, you know, what the Mayor says that we are aiming towards with other employees in the City. But more importantly, under the current contract you get short-term disability insurance paid by the City and in this new contract you are giving that up and I am wondering why?

Ms. Grady We are giving it up for new employees.

Alderman Jette

For people hired after this takes effect yes?

Ms. Grady Right, basically because the district said it was costing too much money and that people were using it. They didn't want people to use it. People were getting hurt and when you get hurt you use the disability. That doesn't sit well with the School Department.

Alderman Jette

OK and you went along with that?

Ms. Grady The contract has been on-going for 3 years and 3 or 4 months, 114 people have been without a pay increase for that time. They are watching Unions all around them get increases; they were getting nothing. There had to come a time where we gave in; we actually gave in on a lot in this contract and it was basically to settle it because going through 3 years without a pay increase with everything going up around you? People are starting to have a hard time; if you are a custodian and living on the same pay from 3 years ago, they are having a very hard time making ends meet. So we have the sick time, we kept the long-term disability so hopefully people can accumulate enough sick time to get them into that long-term disability if they are seriously hurt. So it was kind of like the lesser of evils to give it up. And we didn't want to give it up, we fought against it but we didn't want to hold up the contract any longer than it was.

Chairman Dowd

I have a question, I know it is in here but when does long-term disability kick in, after how many days?

Ms. Grady 26 weeks; short-term disability goes to 25 weeks and then after that you have to re-do your paperwork and it goes right into long-term disability. One of the things that we tried telling them is that we were the one group in the School Department that we could come back to work on light duty. I mean if we have a broken arm or broken leg we can't stand there and teach a class; we are physically working. So the disability was a benefit for a lot of people who did get hurt. We have like rotator cuff injuries, things like that because of the repetition of what they are doing. People took advantage of it and like I said it was frowned upon. So we gave it up in hopes that people could accumulate their sick time to get them into long-term disability.

Alderman Jette

OK. Thank you.

Alderman Clemons

No contract is ever perfect that is certainly certain. You know my opinion had I been on the School Board negotiating this, I probably would have tried to get that back in. But we don't negotiate the contracts here, we only say yay or nay. I appreciate the explanation thank you. I think it is penny wise and pound foolish. That said, it is not going to stop me from not supporting this because, again, like you said, these folks have gone without an increase in pay for over 3 years. The pay increases in here are modest, you are talking I think it's like a half percent for the first 2 years and then you know and obviously that's going to be retroactive. Then you have, it goes up from there I think to 3% in the last year of the contract, 3.1%.

Chairman Dowd

An average of 1.68% over the five years.

Alderman Clemons

Right, so you know, it is like I said no contract is ever perfect but I think it is a happy day overall in Nashua if we pass this. Because we can move on, we can move on from the just basically ripping people apart which is what the School Board did back in 2015. I honestly think that had that not happened you would have a contract years ago.

Alderman Wilshire

I would just like to say that I appreciate that you've come forward. It is not easy to give something like that up. I know where I work we get 5 sick days a year that's it. So our short-term disability the employee pays for it and we get 60% after 7 days, an elimination period of 7 days. But it is important because we don't get much sick time so we count on that short-term disability but I mean if you have sick time on the books and you can accumulate it, I'll say like Alderman Clemons, it is not perfect. But at least you have something to fall back on. Maybe the next contract you can think about adding short-term disability that is employee-paid so you can have at least that benefit. It's not perfect but I am happy to see it come forward.

Alderman O'Brien

I'm going to each briefly I agree with Alderman Clemons, no contract is perfect. When you look at different contracts with all of our Unions there is a difference between apples and oranges. There's technically maybe seeking a raise is the commonality but the language within the different contracts are different because you are dealing with the fire who deal with fire hose and the police who deal with legal matters. There are two different things that come into play with that. Now you have the custodians, but we've come a long way, unfortunately too long on this particular contract. And if I seem to remember there was even a whisper out there of privatization of custodial work; that would have been a shame. To have people in our School System that we do not know that are working for a private contract coming in and supplying something.

Now I've been out of school a long time but I had good old Mr. Kennedy as our custodian. Every kid in the building knew Mr. Kennedy and he knew you by the first name basis; knew your brothers, your sisters, the whole family and everything else. And that is something, but the thing is to have that ability and to maintain our working force. I thank you for the concessions, I respect the other Board that you have to deal with. They are duly elected, they have the authority over your contract where we just approve the money unfortunately. You unfortunately do not negotiate with us. But the thing is to have the continuity of the people that the children particularly know is very important and to have the service provided by a custodian in school who work for us and really care in equal parts. I've seen some custodians going the extra mile out in front of schools crossing kids and stuff like that. It is duly noted with me so I thank you for your coming to the agreement. So thank you.

Chairman Dowd

The other thing that I just want to point out is total cost for the contract is less than 2% a year from all the other contracts that we have been working with; that's at least a full percent a year below where we have been looking at. But we as the Board of Aldermen cannot dictate or even the Mayor cannot dictate what is going to be in the contract. We can find guidelines of what we are looking for but we can't dictate, that's not allowed. In this particular contract, when I looked at it, there's nothing in here that raises concerns relative to the cost to the City. There's 119 employees and they should be taken care of. So I think that's something, as I said, this has been on-going for a long time. When we start looking at contracts across the board, like you said, they are all different. If there's any particular cost item that we think is too excessive for the City Budget then we can work with that. But I don't think there's anything in this contract that is an excess on the City Budget whatsoever. And the monies have already been set aside to cover the previous cost in contingency and it is a pretty low number. The School Department, as part of this motion by the way, there is the transfer of the money from City contingency to the School Department to cover this. So I would like to see us put this finally behind us as a City relative to the custodians who, as was said, are very important to all of the schools and the kids and the parents in the school system. So I'd be supporting it.

Steve Bolton City Counsel

Somebody ought to make a motion.

Chairman Dowd

He did.

Alderman O'Brien

I did.

Chairman Dowd

For final passage.

Attorney Bolton

It wouldn't be final passage, it would be to recommend passage but no one has made a motion yet.

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND TO THE FULL BOARD R-19-179 APPROVING THE COST ITEMS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF EDUCATION AND NASHUA SCHOOL CUSTODIAN UNION LOCAL PA365 COUNCIL 893, AFSCME, AFL-CIO FROM JULY 1, 2016 THROUGH JUNE 30, 2021 AND RELATED TRANSFERS FOR FINAL PASSAGE
MOTION CARRIED**

NEW BUSINESS – ORDINANCES

O-19-055

Endorsers: Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Ken Gidge
Alderman Linda Harriott-Gathright
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderman June M. Caron
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Benjamin M. Clemons
Alderman-at-Large Lori Wilshire

AUTHORIZING THE POLICE DEPARTMENT TO DONATE LOST OR ABANDONED BICYCLES

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Any questions, concerns, discussion; I do know the last time I looked at it they were running out of space they had so many of them. I think this allows them to put them to good use rather than just sitting in a room somewhere.

Alderman Wilshire

Does the City still do those auctions? I know they used to auction off stuff, are you aware?

Chairman Dowd

I believe that – I think that they give them to somebody to auction off at the State level or something but it is not bicycles. They have never auctioned bikes; I think in the past they have had a practice of donating them to you know like all the charities.

Alderman Wilshire

Well they had mentioned this to me a year or two ago but they weren't able to donate them. They wanted to donate them to the Drug Court for people who couldn't drive. So I am a little confused.

Attorney Bolton

State Law changed.

Alderman Wilshire

State law changed?

Attorney Bolton

Now we are passing an Ordinance to take advantage of the change that allows the Police Department to donate to appropriate causes rather than auction it off and put the money into bicycle safety programs which the law had previously required.

Alderman Wilshire

Thank you and I support this I just wasn't sure why it didn't work a year ago but now it does so apparently the law changed.

Chairman Dowd

I knew the State Law changed I just didn't know how it changed.

Attorney Bolton

It used to require that the bicycles be auctioned and the money spent on only bicycle safety programs. Now it allows the Police Department to donate the bicycles to charity.

Alderman Wilshire

Thank you.

Alderman Jette

I am reluctant to say anything but it happens more often than I would like that some Ordinance gets requested by some Department in the City and it comes before Committee and there is no one here to explain to us what its purpose is, why it is being asked, you know what the reasons for it are, what the effect is going to be. I would just like to put a plea to the Administration and the Departments that when you ask somebody to bring an Ordinance forward that someone show up to explain what it's for. I mean I appreciate your effort to try to explain it but you yourself admit that you don't know. And it doesn't seem like the way to run a Government for us guessing as to what the reasons are. I mean it sounds like a good thing so we are all in favor of it because it sounds like a good thing. But I'm not sure any of us really knows what it is.

Alderman Wilshire

I was just going to say I think Attorney Bolton addressed it. The fact that the State Law changed so we are able to do this. This has been something that the Police Department has been wanting to do for several years. You know, they don't want to stack up bicycles when they know that there are people out there in the community that could use them. So I think based on the change in State Law according to Attorney Bolton seems to kind of be the reason this came forward.

Chairman Dowd

I think that part of the reason that there is nobody here this evening is that this was called late in the cycle for a Special Meeting and I am not entirely sure that the word was passed to everybody like at the School District Office for instance or the Police Department. Yes, it is on the City Web Site and yes it is posted, but normally they have the 2 week notice and it wasn't on that because that was generated before we set this meeting. And in that light, we have another a very, very important Budget Meeting that is going to be Monday and I want to make sure that everybody can be here because it is very important that we have a quorum for that meeting. It has to do with monies coming down from the State. I will make sure that everyone involved in that is aware of it so the proper people are here to discuss it.

Of course in Monday's case it is going to be the Mayor, Mrs. Kleiner, Attorney Bolton, but I think it's Mrs. Kleiner I'm not sure if you're going to be here. And that just happened so that's a very important meeting on this coming Monday. Attorney Bolton did you want to mention anything on it.

Attorney Bolton

I think you ought to take care of the bicycles and then get into meeting announcements.

Chairman Dowd

Sure, yes so back to the bicycles?

Alderman Clemons

Yeah I mean just briefly I would generally agree with what you said with regard to having people at the meetings particularly like the contracts and stuff like that I think that's important. But with stuff like the bicycles, I don't know how much like if the Police really want to take that much time out of their day to discuss that. I mean sometimes it is things that it is just like allowing them to donate bikes. I mean I don't need to know more details; personally, I don't need to know more detail other than that. We are giving them the authorization to donate bikes. For me I don't need to know more. But on the other hand for the bigger things, I certainly agree with you. So I think it's a balance, do we want to have an employee come down here for a 5 minute discussion on bicycles and have to pay them overtime? I don't know that that's necessary.

MOTION CARRIED

GENERAL DISCUSSION

Chairman Dowd

Any discussion other than what I just had on the fact that we have a meeting Monday night.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman O'Brien

With Ms. Kleiner in the audience I would like to take the liberty to remind the public that there is a Grand Opening on October 25th at 5:30 PM and it has to do from 5:30 to 7:30 PM on the Grand Opening of the new Anagnost Basketball Court right there at the new Arlington Street Community Center. We are very grateful to the Anagnost Companies because they sponsored the project and it is going to be a wonderful opportunity for the citizens to come in and tour the facilities. If you look for the laughs of laughs, I did tell the Mayor, I mean he's taller than me, I admit that. But I am going to try to shoot the basketball. So if anybody wants to come down and see that, there will be paramedics standing by, so I am assured. It should be a lot of fun; this is a \$20 ticket, there is one drink and some hors d'oeuvres and everything. It is an over 21 event and if you can, contact the Mayor's Office I would say contact my Facebook Aldermanic Page but with the election I don't want to do that. I do have it posted there as well but contact the Mayor's Office if you are more interested and there is a link to go to the Web Site to get a ticket. So it's a good event, it supports that Arlington Street Community Project. I hope to see and get a lot of people to show up and come and support it. Thank you.

Alderman Jette

Do you want to tell us what the Monday – you said that there's a Special Meeting of a Budget Review Committee on Monday. Could you tell us what the subject is?

Chairman Dowd

As you well know, the State Budget was not passed early it was passed late. It just got passed not too long ago. The monies are coming down now to the City and there are some actions that we have to take in order for us to spend the money appropriate. That is Monday and it will be fully explained by the Mayor.

Alderman Jette

OK. Thank you.

Chairman Dowd

I'm not sure I could explain right now anyway. The other thing is because of the Budget Meeting on Monday, we had to change it, on Monday we were going to have a Special Meeting of the Board of Education to have the architects go over the Middle School Plan; that has been postponed until Wednesday because of the Budget Meeting on Monday, OK? Anyone have anything else?

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:34 p.m.

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