

REPORT OF THE FINANCE COMMITTEE

OCTOBER 18, 2023

A meeting of the Finance Committee was held on Wednesday, October 18, 2023, at 7:00 p.m. in the Aldermanic Chamber.

Vice-Chairman Klee, presided.

Members of the Committee present: Alderman Patricia Klee, Vice Chair
Alderman Alex Comeau
Alderman Tyler Gouveia
Alderman-at-Large Melbourne Moran, Jr.
Alderman-at-Large Ben Clemons

Members not in Attendance: Mayor Jim Donchess
Alderwoman-at-Large Gloria Timmons

Also in Attendance: Amy Girard, Purchasing Manager
Bobbie Bagley, Chief Public Health Officer
Heidi Peek-Kukulka, Health Officer (via Zoom)
Karen Smith, Nashua PD Business Manager
Sgt. Robert Powers, NPD
Matt Sullivan, Community Development Director
Mark Saunders, Deputy Engineer
Emily Martuscello, Emergency Management Director
Lisa Fauteux, Public Works Director

PUBLIC COMMENT - None

PRESENTATION/DISCUSSION - None

COMMUNICATIONS

From: Amy Girard, Purchasing Manager

Re: Purchase of two (2) Nissan Leafs in the amount of \$56,352 funded from 81500 Vehicles/CERF

MOTION BY ALDERMAN COMEAU TO APPROVE THE PURCHASE OF TWO (2) NISSAN LEAF VEHICLES FROM PATRIOT NISSAN IN THE AMOUNT OF \$56,352 (\$28,176 EACH). FUNDING WILL BE THROUGH DEPARTMENT: 173 ENVIRONMENTAL HEALTH; FUND: 81500 VEHICLES/CERF

ON THE QUESTION

Heidi Peek-Kukulka, Health Officer

I appreciate the opportunity to do this tonight. It saves me a long ride home later tonight. I'm Nashua's Health Officer and I work in the Environmental Health Department in the Division of Public Health and Community Services.

Chairman Klee

Did you want to speak to this?

Heidi Peek-Kukulka, Health Officer

In total we have three vehicles in Environmental Health which very conveniently matches the number of inspectors that we have out in the field every day. So one of these two replacement vehicles is replacing a vehicle that was totaled in a car accident. The other one has come up for replacement on CERF. We use these as I said every day for inspections for site visits, responding to complaints, and occasionally to deliver a sample to the State Public Health lab. Typically for rabies testing. These are both fully electric vehicles. I am looking forward to getting them so that we can limit what we're spending on mileage because we are spending more than we normally do with one car down. That's about it.

Chairman Klee

I know that in the past we have a delay in delivery. Do we know if this is a similar situation or are they ready to be delivered upon purchase?

Heidi Peek-Kukulka, Health Officer

I'm not sure. Amy would be able to speak to that better than I would. I know that in the paperwork it says 90 plus or minus days.

Chairman Klee

Thank you so much. Are there any questions?

Alderman Clemons

Yeah. Where are these going to be charged?

Heidi Peek-Kukulka, Health Officer

In the garage.

Alder4man Clemons

Overnight I assume?

Heidi Peek-Kukulka, Health Officer

Yes. We've met a couple of times to discuss this. Matt could probably give you the details better than I could but that's what the plan is right now.

Matt Sullivan, Community Development Director

For the record, Matt Sullivan, Community Development Director. That's an excellent question Alderman Clemons. We're in the process of purchasing several additional electrical vehicles and I'm sure that more will come in the future. These particular vehicles will be housed within the garage right out here. To that end, we recognize that the existing garage spaces are likely being used during the public at various times of the day and sometimes during the night other than when the charging shuts off. So what we're preparing to do here over the coming and in fact this 90 day delay or lead time benefits us here.

We are preparing to install additional charging stations within the garage, specifically intended to be used for city vehicles. There'll be a sort of RFD tag or there'll be another access system so that they're directly used for city vehicles. As more vehicles are implemented as EVs within the City Hall departments, we'll actually have sort of rotating schedule amongst those EV nozzles that are installed there. Our intent is, and you'll see further communication from me on this in the coming month, our intent is to actually seek the funds for the installation actually through the CERF as sort of an accessory expense related to these electric vehicles that are being purchased. So that will be coming forward but our plan is to install additional charging stations within the garage over the coming months to address this.

Chairman Klee

Follow up?

Alderman Clemons

Yeah just one other question. Is that where those cars normally are stored now for Public Health vehicles?

Matt Sullivan, Community Development Director

Yes.

Alderman Clemons

Okay.

Matt Sullivan, Community Development Director

Just to address that quickly, that was a sensitive issue. We wanted to make sure that we weren't creating a significant walking distance or inaccessibility to vehicles. Public Health is very generous. Environmental Health is very generous. We're very comfortable with accessing the garage moving forward as well and snow storage is always an added benefit as well.

MOTION CARRIED

From: Amy Girard, Purchasing Manager
Re: Change Order 1 for the 2023 Rehabilitation Program Contract 3 in the amount of \$243,214.50 funded from 81700 Infrastructure Improvements/Bond

MOTION BY ALDERMAN COMEAU TO APPROVE A CHANGE ORDER 1 FOR THE 2023 REHABILITATION PROGRAM CONTRACT 3 WILL ADD ADDITIONAL DRAINAGE IMPROVEMENT WORK TO CONSTRUCT SMALL DRAINAGE AND PAVING IMPROVEMENTS ACROSS THE CITY FROM RWC ENTERPRISES IN THE AMOUNT OF \$243,214.50. FUNDING WILL BE THROUGH DEPARTMENT: 169 WASTEWATER; FUND: 81700 INFRASTRUCTURE IMPROVEMENTS/BOND

ON THE QUESTION

Mark Saunders, Deputy City Engineer

Good evening. This is for change order 1 with RWC Enterprise. RWC was the low bidder for the rehabilitation contract 3. Since the initial contract award, we have identified additional areas that could use improvements and this change order is going to add that work to the contract. We have found these through either CCTV or they have been documented along with sand and drain issues throughout the City of Nashua. Happy to answer any questions.

Chairman Klee

Are there any questions? Thank you.

MOTION CARRIED

From: Amy Girard, Purchasing Manager
Re: Amendment 2 for Heritage Rail Trail in the amount of \$39,907 funded from 54210 Construction Services/Grant and Capital

MOTION BY ALDERMAN COMEAU TO APPROVE AMENDMENT 2 FOR ENGINEERING SERVICES FOR THE DESIGN AND MANAGEMENT OF THE NASHUA HERITAGE RAIL TRAIL EAST PROJECT FROM CMA ENGINEERS IN THE AMOUNT OF \$39,907. FUNDING WILL BE THROUGH DEPARTMENT: 180 COMMUNITY DEVELOPMENT; FUND: 54210 CONSTRUCTION SERVICES/GRANT AND CAPITAL

ON THE QUESTION

Mark Saunders, Deputy City Engineer

Good evening. This is amendment 2 with CMA Engineers. They are the support for the Heritage Rail Trail East to give a little background on the project. This is the rail trail. This is going to go from Main Street to Denton Street. It's about .7 miles heading from Main Street to the east. It wraps around the Henry Hanger building. Currently, the project is in preliminary design. Through that preliminary design phase, we found that we will not be able to construct the project without having right of way impacts. The driving force for this amendment is to get the preliminary design over the finish line as well as help us out with permanent easements, recording, and the survey that goes along with that task. Happy to answer any questions for this project.

MOTION CARRIED

From: Amy Girard, Purchasing Manager
Re: Purchase of one (1) Nissan Leaf in the amount of \$28,176 funded from 81500 Vehicles/CERF

MOTION BY ALDERMAN COMEAU TO APPROVE THE PURCHASE OF ONE (1) 2024 NISSAN LEAF VEHICLE FROM PATRIOT NISSAN IN THE AMOUNT OF \$28,176. FUNDING WILL BE THROUGH DEPARTMENT: 186 TRANSPORTATION; FUND: 81500 VEHICLES/CERF

ON THE QUESTION

Matt Sullivan, Community Development Director

Thank you Madam Chair. This is a purchase of a sole Nissan Leaf identical to the other two vehicles considered this evening. This is a replacement vehicle in fact for a vehicle that was unfortunately totaled in an accident about a year and a half ago. The Transit Department primarily uses this as sort of a staff and transportation vehicle moving drivers back and forth and staff back and forth between the administration building and the transit center. We've been without this vehicle for about a year and a half and we've made due but are really anxious to replace it. Obviously, we have charging infrastructure in place at the transit administration building so that's not an issue with this particular purchase. Happy to answer any questions that you might have.

Alderman Gouveia

Thank you Madam Chair. The one question I have and you kind of brought it up is you went a year without this car and now you want to go and get it back. Is it just not sustainable to do it without a new vehicle or?

Matt Sullivan, Community Development Director

So that's a great question. So the two vehicles that we have over at the Transit Department that are non-fleet vehicles a/k/a for actually taking riders back and forth. We have one supervisor vehicle that's actually used to provide support in the event that a rider gets stranded or someone needs a direct one on one ride to a location due to a fleet issue or something to that effect. So that vehicle needs to be available if something happens out in the road or a bus goes down for repair. This secondary vehicle that we've gone without that we're seeking to replace frankly one of the reasons is we actually have federal transit funding available to use to replace the vehicle. The more important part is that for our staff down at the NTS down at the administration building they're using personal vehicles to go back and forth to meetings at City Hall. They're doing it to go to meetings in other communities. We'd like to move away from that approach. So that's how we've gotten by but we're anxious to have one vehicle that's dedicated to this moving forward.

Alderman Gouveia

Okay. Thank you.

MOTION CARRIED

From: Amy Girard, Purchasing Manager

Re: Purchase of a Mobile Column Lift 4 Post in the amount of \$43,625.23 funded from 81200 Buildings & Improvements

MOTION BY ALDERMAN COMEAU TO APPROVE THE PURCHASE OF A MOBILE COLUMN LIFT 4 POST FROM ARI PHOENIX, INC. IN THE AMOUNT OF \$43,625.23. FUNDING WILL BE THROUGH DEPARTMENT: 186 TRANSPORTATION; FUND: 81200 BUILDINGS & IMPROVEMENTS

ON THE QUESTION

Matt Sullivan, Community Development Director

This is the replacement of an existing four column mobile lift within the Transit Department maintenance garage. This is a piece of equipment that experiences significant wear as our buses are actually lifted in the air down at the garage repairs are done. Constantly being exercised throughout the day as issues arise with our vehicles. This is simply replacement of those through ARI Phoenix, Inc. We're familiar with this product and this vendor. We've used it before. I also know Director Fauteux and her team over in their fleet maintenance department are familiar and comfortable with this product as well so we're happy to move forward with it. Obviously, limited submissions is part of the bid process but very pleased to move forward with this product and happy to answer to any questions about it that I can.

MOTION CARRIED

From: Amy Girard, Purchasing Manager

Re: Renewal of software maintenance in the amount of \$85,962.25 funded from 54407 Software Maintenance/
General Fund

MOTION BY ALDERMAN COMEAU TO APPROVE THE RENEWAL OF CENTRAL SQUARE FOR THE DISPATCH AND RECORDS SYSTEM FROM TRITECH SOFTWARE SYSTEMS IN THE AMOUNT OF \$85,962.25. FUNDING WILL BE THROUGH DEPARTMENT: 150 POLICE DEPARTMENT; FUND: 54407 SOFTWARE MAINTENANCE/GENERAL FUND

ON THE QUESTION

Karen Smith, NPD Business Manager

This is an annual renewal for software maintenance for our records management for the CAD RMS system. We are currently going out to bid looking for a replacement system but until that process which can take probably 18 months for us to get through, we do need to renew the current software maintenance.

Alderman Gouveia

Thank you Madam Chair. So you're saying you want to move away from this. Is there a reason? Is it price point? Is it usability? What's the purpose for going out to bid and finding a new program use?

Karen Smith, NPD Business Manager

It's outdated. It needs to be renewed.

Alderman Gouveia

Okay.

MOTION CARRIED

From: Amy Girard, Purchasing Manager

Re: Purchase of an NPD bomb trailer in the amount of \$371,589.57 funded from 81500 Vehicles/CERF

MOTION BY ALDERMAN COMEAU TO APPROVE THE PURCHASE OF A 42-GT-SCS NABCO TOTAL CONTAINMENT VESSEL (TCV) BOMB TRAILER FROM NABCO SYSTEMS, LLC IN THE AMOUNT OF \$371,589.57. FUNDING WILL BE THROUGH DEPARTMENT: 150 POLICE DEPARTMENT; FUND: 81500 VEHICLES/CERF

ON THE QUESTION

Sergeant Robert Powers

The purpose of this replacement is to replace our current single vent bomb disposal trailer. It's extremely old technology and it was actually donated over 20 years ago when the Police Department received it. It's going to be replaced by much newer explosive safety and chemical containment technology.

MOTION CARRIED

UNFINISHED BUSINESS - None

TABLED IN COMMITTEE - None

NEW BUSINESS – RESOLUTIONS

R-23-167

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

Alderman-at-Large Lori Wilshire

**APPROVING THE CITY'S PARTICIPATION IN THE NEW HAMPSHIRE PUBLIC WORKS MUTUAL AID PROGRAM
AND AUTHORIZING THE RELATED MUTUAL AID AND ASSISTANCE AGREEMENT**

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Lisa Fauteux, Public Works Director

Good evening. With me also is Director Martuscello and she has some information. The NH Public Works Mutual Aid Program is a network of municipalities that assist one another during emergencies. This program has helped numerous communities repair and restore damaged infrastructure. This is probably something we should have done long ago. This is much like police, fire, our Building Department currently has in place and almost all cities in New Hampshire participate, including the City of Manchester and Pennichuck also. The key here is that this is only for emergencies. This is not to help with projects or anything like that and it's very short term assistance. This has been approved by the AG's office, by our Legal office, and also by the Board of Public Works. It's completely voluntary. If we're busy, we don't need to send anybody. It's completely our discretion if we can help.

With the extreme weather that we've been having – tornadoes, all of the rain that we've had, ice storms, things of that nature. I think this is something important to have in place because we're not immune to having an emergency in our own community where we probably could use some assistance.

This is another, I think, key important thing and Emily can speak more to that is that if a federal emergency is declared, this will help facilitate FEMA reimbursement since reimbursement is often contingent upon a pre-existing assigned to NH Public Works Municipal Agreement. So that's another benefit to this. I'd be happy to entertain any questions.

Alderman Moran

Well not a question but a statement. Should we wait until everyone has asked their question?

Chairman Klee

I was going to say if you wouldn't mind for Director Martuscello to speak first.

Lisa Fauteux, Public Works Director

Is there anything you want to add Emily?

Emily Martuscello, Emergency Management Director

I'll probably just add a couple things here. You stole my thunder. So yes we have emergencies here. So I briefly want to talk about disaster recovery. When we have a disaster, the key to recovery is resources. So we have a lot of resources in the City but when something happens, and it will happen, it's not a matter of if it's a matter of when, we are going to need resources. So having this mutual aid agreement in place will give us parity with police and fire who have these agreements in place.

Those give us a couple of things. One – it also comes with liability coverage. Having all this in place through these mutual aid agreements gives us all this liability coverage that we would need. It also likely as Lisa mentioned helps us with reimbursement and cost recovery. We also have a saying in disasters – when there's an emergency it's not time to exchange business cards. We don't have time to put agreements in place during an emergency. We need to use our sunny days like this to prepare for our rainy days. So I really agree with Lisa. It's kind of past time that the City of Nashua we were probably on borrowed time for getting this agreement in place so that when, when we need this – and I'll say this when – we will end up using this – when we need assistance from our partners, we have all of our ducks in a row to bring in additional resources in an orderly fashion that then is going to allow us to do that disaster cost recovery.

Alderman Moran

I think this is a wonderful idea. Obviously, I co-sponsored it when there are additional sponsors. I think when Public Works joins that type of response to the fire and PD already have kind of also touches on that key piece of climate change

where we're expecting you guys to do more and more. Having mutual aid to help respond to crisis like that is going to be great for the city. Thank you.

Chairman Klee

Comments? Questions? I'm just going to add to what Alderman Moran had said. I, too, agree that this is and I spoke to Director Fauteux very briefly before the meeting. I agree it is time to – often times as I was saying to her, we hear from the public saying why should we give mutual aid for free and so on. If we look at our fire and police report, we get mutual aid too. So it comes, we give, we get, and I think this is a great program. Director Fauteux had reminded me of recently we've had all those tornado warnings that were going through. If they had hit us, we would have been in deep, deep doo doo. So having something like this – tornadoes tend to come through one area and don't always hit every other area so to be able to use other people's resources or to help others that are in need and considering the floods that have been happening throughout just the city here as well as throughout the State where roads were washed out and so on, it would be nice to have be able to have something of that kind of nature. I think this is a good idea and thank you so much for bringing it forward.

Having said that, are there any other questions? If, not.

MOTION CARRIED

NEW BUSINESS – ORDINANCES – None

RECORD OF EXPENDITURES

MOTION BY ALDERMAN COMEAU THAT THE FINANCE COMMITTEE HAS COMPLIED WITH THE CITY CHARTER AND ORDINANCES PERTAINING TO THE RECORDS OF EXPENDITURES FOR THE PERIOD SEPTEMBER 15, 2023 TO SEPTEMBER 28, 2023

MOTION CARRIED

MOTION BY ALDERMAN COMEAU THAT THE FINANCE COMMITTEE HAS COMPLIED WITH THE CITY CHARTER AND ORDINANCES PERTAINING TO THE RECORDS OF EXPENDITURES FOR THE PERIOD SEPTEMBER 29, 2023 TO OCTOBER 12, 2023

MOTION CARRIED

GENERAL DISCUSSION - None

PUBLIC COMMENT

Laurie Ortolano

Laurie Ortolano, 41 Berkeley Street. I wanted to just give you a little input on audits. There is an RSA 21J:19 that requires that all audits done by a city have to be completed within 12 months. They just passed new legislation which is RSA 21J:20-a that says failure to commit an audit to produce an audit for the DRA and the citizens within 90 days after the 12 months deadline will result in the \$250 fine every day thereafter. The city did not comply with the State statute to complete the audit and that was inexcusable. The information given to me by the Mayor was all of a lie. The document provided was a draft document not a final document. It was full of errors and quite frankly, the city does not allow preliminary draft material to be released. It has been exempted and denied from me for four years. That night you handed out a draft document without identifying it as a draft document that was full of errors. At least 40 pages that went well beyond the formatting problem because it wasn't completed and there was no audit done. You didn't live up to the State statute and you didn't do it correctly. I would hope that we have an audit done for 2023 in December this year.

Secondly, I want to address Derek Thibeault's comments. I find that man to be a complete moron. Okay. He is always talking and badmouthing citizens who challenge him and he says if there's problems with the finances why isn't it called out? Why hasn't somebody stepped in? Well to let you know, we filed with the FBI. The FBI does not respond to you when you send one in. We filed with the Attorney General's office. It's with the Public Integrity Unit under investigation but these things take time. It took the DRA 20 months to level charges and on top of that, you have a whistleblower in City Hall. Rosemary Evans has been on the phone to me, calling me, and disclosing for hours. What is going on in that finance office and she has 23 years of experience. She better get herself a lawyer and not go to the city and count on them to cover her. Get her whistleblower protection because every call and every detail she has provided me I have documented and given to the FBI, the State, and I've also disclosed these legal matters with Judge Temple who is

required to disclose as well. It's been also sent to a number of Washington federal agencies. County Attorney John Coughlin returned a call in 24 hours and said...

Alderman Comeau

30 seconds.

Laurie Ortolano

...he would make certain it was in the hands of the Attorney General's office. So for Derek Thibeault to sit here and say I omit information, or why hasn't somebody done anything, because Derek it's going to take probably two years to clear this up. That's what it takes and I believe your whistleblower and your whistleblower has said there's a lot of things wrong and that loan was not properly recorded. You have not managed your books correctly.

Alderman Comeau

Time.

Laurie Ortolano

And I was told by her that her and Mr. Griffin...

Chairman Klee

Times up.

Laurie Ortolano

...will be resigning should the Mayor win again.

Chairman Klee

Thank you. Any other comments? Seeing none.

REMARKS BY THE ALDERMEN - None

ADJOURNMENT

**MOTION BY ALDERMAN CLEMONS TO ADJOURN
MOTION CARRIED**

The Finance Committee meeting was adjourned at 7:27 p.m.

Alderman Alex Comeau
Committee Clerk