

BUDGET REVIEW COMMITTEE

APRIL 24, 2023

7:15 or immediately after Special Board of Aldermen

Aldermanic Chamber

---

ROLL CALL

PUBLIC COMMENT

COMMUNICATIONS

From: Kevin Burgess, Chairman, Board of Fire Commissioners  
Re: Fire Apparatus Replacement - R-23-103

From: Kevin Burgess, Chairman, Board of Fire Commissioners  
Re: Fire Apparatus Replacement - R-23-104

From: Chris Lynch, Airport Manager  
Re: Request to be excluded from FY2024 Budget Committee meeting

From: Len Fournier, Superintendent, Woodlawn/Pinewood Cemeteries  
Re: Requesting to be excluded from FY23 budget hearing meeting

From: Kenneth J. Lennox, Superintendent, The Edgewood Cemetery  
Re: Fiscal Year 2023 highlights and objectives for Fiscal Year 2024

UNFINISHED BUSINESS

NEW BUSINESS – RESOLUTIONS

**R-23-103**

Endorsers: Alderman-at-Large Melbourne Moran, Jr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Alex Comeau  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman June M. Caron  
Alderman Derek Thibeault  
Alderwoman-at-Large Gloria Timmons  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) TO PURCHASE ONE NEW LADDER TRUCK FOR THE FIRE DEPARTMENT**

**R-23-104**

Endorsers: Alderman-at-Large Melbourne Moran, Jr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Alex Comeau  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman June M. Caron  
Alderman Derek Thibeault  
Alderwoman-at-Large Gloria Timmons  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO PURCHASE ONE NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT**

**R-23-111**

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

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$365,083.34 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7024 "OPIOID ABATEMENT EXPENDABLE TRUST FUND"**

**R-23-112**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman-at-Large Ben Clemons  
Alderman Richard A. Dowd  
Alderman June M. Caron  
Alderman Derek Thibeault  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$18,009 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7026 "CAPITAL EQUIPMENT RESERVE FUND"**

**R-23-113**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman-at-Large Ben Clemons  
Alderman Richard A. Dowd  
Alderman June M. Caron  
Alderman Derek Thibeault  
Alderwoman-at-Large Gloria Timmons  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$35,360.50 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7026 "CAPITAL EQUIPMENT RESERVE FUND"**

**R-23-114**

Endorsers: Mayor Jim Donchess  
Alderman Richard A. Dowd  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE TRANSFER OF \$5,000 FROM DEPARTMENT 194 "CONTINGENCY", ACCOUNT 70100 "GENERAL CONTINGENCY" TO DEPARTMENT 144 "EDGEWOOD & SUBURBAN CEMETERIES", ACCOUNTING CLASSIFICATION 51 "SALARIES & WAGES"**

**R-23-115**

Endorsers: Alderman Patricia Klee  
Alderman-at-Large Melbourne Moran, Jr.  
Alderman Thomas Lopez  
Alderman-at-Large Ben Clemons  
Alderman Alex Comeau  
Alderman Richard A. Dowd  
Alderman Derek Thibeault  
Alderwoman-at-Large Gloria Timmons  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE MAYOR TO ENTER INTO A FEDERAL AID PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE FOR THE PURPOSE OF CONSTRUCTING AN ACCESSIBLE RAMP TO THE COTTON MILL TRANSFER BRIDGE AND TO ACCEPT AND APPROPRIATE \$300,000 FOR THE PROJECT**

NEW BUSINESS – ORDINANCES

TABLED IN COMMITTEE

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

ADJOURNMENT



**Nashua Fire Rescue**  
Administrative Office  
70 East Hollis Street, Nashua, NH 03060  
[www.nashuafire.com](http://www.nashuafire.com)

Steve M. Buxton  
Chief of Department  
Nashua Fire Rescue  
(603) 594-36451  
[BuxtonS@nashuanh.gov](mailto:BuxtonS@nashuanh.gov)

To: Donna Graham, Legislative Affairs Manager  
From: Kevin Burgess, BOFC Chairman  
Date: April 5, 2023  
Re: Fire Apparatus Replacement / Finance Meeting

The City of Nashua, with input from Nashua Fire Rescue, has crafted a Capital Equipment Reserve Fund (CERF) schedule for the replacement of the organization's capital equipment. Within this schedule Nashua Fire Rescue is currently due to replace an aerial apparatus in FY 2027. Current Build time for this type apparatus are 32-36 months.

R-23-103 is the resolution authorizing the Mayor and the City Treasurer to issues bonds not to exceed one million seven hundred thousand dollars (\$1,700,000) to purchase a 2026 Pierce Aerial Apparatus with associated equipment.

At the BOFC meeting on April 5, 2023 the commission voted to support this purchase, and through this correspondence we would like to inform you of our support for R-23-103.

If you have any question or concerns please feel free to contact me.

Respectfully submitted,

Kevin Burgess  
Board of Fire Commission, Chairman  
Nashua Fire Rescue



**Nashua Fire Rescue**  
Administrative Office  
70 East Hollis Street, Nashua, NH 03060  
[www.nashuafire.com](http://www.nashuafire.com)

Steve M. Buxton  
Chief of Department  
Nashua Fire Rescue  
(603) 594-36451  
[BuxtonS@nashuanh.gov](mailto:BuxtonS@nashuanh.gov)

To: Donna Graham, Legislative Affairs Manager  
From: Kevin Burgess, BOFC Chairman  
Date: April 5, 2023  
Re: Fire Apparatus Replacement / Finance Meeting

The City of Nashua, with input from Nashua Fire Rescue, has crafted a Capital Equipment Reserve Fund (CERF) schedule for the replacement of the organization's capital equipment. Within this schedule Nashua Fire Rescue is currently due to replace an engine/pumper apparatus in FY 2026. Current Build time for this type apparatus are 28-32 months.

R-23-104 is the resolution authorizing the Mayor and the City Treasurer to issues bonds not to exceed nine hundred thousand dollars (\$900,000) to purchase a 2026 Pierce Pumper Truck with associated equipment.

At the BOFC meeting on April 5, 2023 the commission voted to support this purchase, and through this correspondence we would like to inform you of our support for R-23-104.

If you have any question or concerns please feel free to contact me.

Respectfully submitted,

Kevin Burgess  
Board of Fire Commission, Chairman  
Nashua Fire Rescue



93 Perimeter Road  
Nashua, New Hampshire 03063  
Tel (603) 882-0661 · Fax (603) 881-5415

Ms. Donna Graham  
City of Nashua  
229 Main Street  
Nashua, NH 03060

Dear Donna,

Please accept this letter as our request to be excluded from the FY2024 Budget Committee Meeting. As you are aware, historically Nashua Airport does not request any operational funding from the City of Nashua and is not in need currently. If the need arises in the future, we will reach out to you.

Thank you for your continued support of Nashua Airport. If you have any questions, please do not hesitate to contact me or Susan Clancy.

Regards,

A handwritten signature in black ink, appearing to read 'Chris Lynch', written over a large, stylized circular flourish.

Chris Lynch  
Airport Manager



## *Woodlawn Cemetery*

Chairman  
NILES F. JENSEN JR.

Len Fournier - Superintendent  
Mayor JIM DONCHESS - Ex-Officio  
101 Kinsley Street  
Nashua, New Hampshire 03060  
Phone: (603) 594-3354 Fax: (603) 594-3418

Treasurer  
JOHN L. GRIFFIN

April 7, 2023

Nashua Board of Alderman  
Attn: Donna L. Graham  
City of Nashua  
229 Main Street  
Nashua, NH 03060

Dear Donna,

The Chairman of Trustees for Woodlawn/Pinewood Cemeteries, Niles Jensen and myself are requesting to be excluded from the FY24 Budget Hearing meeting scheduled on May 18, 2023.

Woodlawn Cemetery has operated self-sufficiently since 1995 and does not request funding from the City of Nashua. The Trustees take pride in the Investment Committee and will continue to meet regularly on a monthly basis to continue their financial achievements.

Respectfully,

Len Fournier  
Superintendent  
Woodlawn/Pinewood Cemeteries

CC: Niles Jensen, Chairmen of Trustees

**Incorporated 1895**



CITY OF NASHUA

NEW HAMPSHIRE

TRUSTEES OF  
**THE EDGEWOOD CEMETERY**  
Incorporated March 24, 1893

Dear Board of Alderman,

Edgewood Cemetery develops suitable burial spaces for citizens of Nashua and interested parties. We work with area funeral homes, and we perform interments 6 days a week. Our crew of 5 full time workers maintain the buildings and grounds located off Amherst Street. We raise flowers in our greenhouses which we use to plant flowers on 435+ cemetery lots in addition to beautifying our own grounds. We install concrete footings for all monuments and install all markers which are purchased by lot owners.

Our objectives for the upcoming year focus on preserving the safety and esthetics of both Edgewood Cemetery and Evergreen Cemetery. These include but are not limited to the following projects: Continuing with the removal of dead and dying trees. Installing young trees to replace those trees that are removed. Laying out additional 4 grave lots in our newly developed area at Edgewood Cemetery. As well as laying out more grave lots at Evergreen Cemetery in the South Section.

Fiscal Year '23 highlights included hiring an additional full-time employee to help take care of Edgewood/Suburban Cemeteries. After 50 years, Edgewood/Suburban Cemeteries now have a Superintendent, Foreman and 3 Groundskeepers. Edgewood Cemetery named a new Superintendent Ken Lennox who replaced Jeff Snow who retired July 2022 after 37 years of service. An additional vehicle (2023 Ford Ranger) was purchased to eliminate the need for personal vehicle use and monthly reimbursement costs. The interment fees and grave box fees have been raised in accordance with other area cemetery rates.

	Internments	Cremation Lots sold	Single Lots sold	Two Grave Lots Sold	4 Grave Lots Sold
FY 22	114	12	4	24	12
FY 23	92	8	11	15	5

Additionally, in the future we will be researching and looking to add some Columbariums at Edgewood Cemetery to provide additional options for cremation interments and to bring in more revenue for the cemetery. Edgewood Cemetery could possibly be sold out of plots in the next 2-5 years. Future discussions with the City, should include purchasing new land for cemetery use.

Sincerely,

Superintendent Kenneth J. Lennox



## RESOLUTION

### AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) TO PURCHASE ONE NEW LADDER TRUCK FOR THE FIRE DEPARTMENT

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor of the City of Nashua and the City Treasurer of the City of Nashua are hereby authorized to issue and sell general obligation bonds of the City in an aggregate principal not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000). The proceeds of said bonds shall be used to purchase one new Ladder Truck for the Fire Department. The useful life of the truck is fifteen years. The vehicle is listed in the Capital Equipment Reserve Fund (CERF) report for FY 27.

Pursuant to Nashua City Charter §54-a, this resolution requires a “duly advertised public hearing.” Also see N.H. RSA 33:9, which requires a 2/3 vote for passage of this resolution.

The bonds shall be general obligations of the City of Nashua, payable as to principal and interest from ad valorem taxes, which will be levied without limitation as to rate or amount on all taxable property within the territorial limits of the City of Nashua.

The bonds shall bear the manual or facsimile signature of the City Treasurer and the Mayor. In accordance with Chapter 91 of the New Hampshire Acts of 2005, bonds issued pursuant to this resolution shall not require an authenticating certificate of a bank or trust company doing business in the State of New Hampshire or The Commonwealth of Massachusetts, or the Commissioner of Revenue Administration.

The bonds are to be issued in fully-registered form by means of a book-entry system or otherwise and shall have such terms and conditions and be in such form, subject to the provisions of this resolution and applicable law, as shall be determined by the Mayor and the City Treasurer.

**RESOLVED FURTHER**, that the Mayor is authorized to enter into the required contracts therefor as well as any amendments to be made thereto or any other documentation necessary for the receipt of said funds.



**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

R-23-103

**PURPOSE:**

Authorizing the Mayor and City Treasurer to issue bonds not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000) for the purchase of one new Ladder Truck for the Fire Department

**SPONSOR(S):**

Alderman-at-Large Melbourne Moran, Jr.

**COMMITTEE  
ASSIGNMENT:**

Budget Review Committee  
Board of Fire Commissioners

**FISCAL NOTE:**

It is anticipated that the bond would be sold in FY 24 for a fifteen (15) year term. It is estimated the interest rate will be approximately 4.5% and the total cost of the bond will be \$2,312,000.00 including interest. The average annual payment will be approximately \$154,133.00 with the beginning years at a higher amount. The Ladder Truck was scheduled for purchase in the FY27 CERF schedule/budget.

---

**ANALYSIS**


This resolution authorizes the City to issue and sell general obligation bonds in an aggregate principal not to exceed \$1,700,000 for the purchase of one new Ladder Truck for the Fire Department. The Ladder Truck was scheduled for purchase in the FY 2027 Capital Equipment Reserve Fund plan.

As this legislation is an authorization to borrow money, this resolution requires a "duly advertised public hearing" pursuant to Nashua City Charter §54-a. NH RSA 33:9 requires a 2/3 vote of all the members for the issuance of bonds. This resolution is also a specific non-budget, supplementary appropriation, permitted by Charter Sec. 53. Requirements for that are notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Charter Sec. 49. This legislation should be referred to the Board of Fire Commissioners for review and approval.

---

**Approved as to account  
structure, numbers and  
amount:**

**Financial Services Division**

By:  \_\_\_\_\_

**Approved as to form:**

**Office of Corporation Counsel**

By:  \_\_\_\_\_

Date: 15 March 2023



## RESOLUTION

### AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO PURCHASE ONE NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor of the City of Nashua and the City Treasurer of the City of Nashua are hereby authorized to issue and sell general obligation bonds of the City in an aggregate principal not to exceed Nine Hundred Thousand Dollars (\$900,000). The proceeds of said bonds shall be used to purchase one new Pumper Truck for the Fire Department. The useful life of the truck is twelve years. The vehicle is listed in the Capital Equipment Reserve Fund (CERF) report for FY 26.

Pursuant to Nashua City Charter §54-a, this resolution requires a “duly advertised public hearing.” Also see N.H. RSA 33:9, which requires a 2/3 vote for passage of this resolution.

The bonds shall be general obligations of the City of Nashua, payable as to principal and interest from ad valorem taxes, which will be levied without limitation as to rate or amount on all taxable property within the territorial limits of the City of Nashua.

The bonds shall bear the manual or facsimile signature of the City Treasurer and the Mayor. In accordance with Chapter 91 of the New Hampshire Acts of 2005, bonds issued pursuant to this resolution shall not require an authenticating certificate of a bank or trust company doing business in the State of New Hampshire or The Commonwealth of Massachusetts, or the Commissioner of Revenue Administration.

The bonds are to be issued in fully-registered form by means of a book-entry system or otherwise and shall have such terms and conditions and be in such form, subject to the provisions of this resolution and applicable law, as shall be determined by the Mayor and the City Treasurer.

**RESOLVED FURTHER**, that the Mayor is authorized to enter into the required contracts therefor as well as any amendments to be made thereto or any other documentation necessary for the receipt of said funds.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-104**

**PURPOSE:**

**Authorizing the Mayor and City Treasurer to issue bonds not to exceed Nine Hundred Thousand Dollars (\$900,000) for the purchase of one new Pumper Truck for the Fire Department**

**SPONSOR(S):**

**Alderman-at-Large Melbourne Moran, Jr.**

**COMMITTEE  
ASSIGNMENT:**

**Budget Review Committee  
Board of Fire Commissioners**

**FISCAL NOTE:**

It is anticipated that the bond would be sold in FY 24 for a twelve (12) year term. It is estimated the interest rate will be approximately 4.5% and the total cost of the bond will be \$1,163,250.00 including interest. The average annual payment will be approximately \$96,938.00 with the beginning years at a higher amount. The Pumper Truck was scheduled for purchase in the FY26 CERF schedule/budget.

---

**ANALYSIS**

This resolution authorizes the City to issue and sell general obligation bonds in an aggregate principal not to exceed \$900,000 for the purchase of one new Pumper Truck for the Fire Department. The Ladder Truck was scheduled for purchase in the FY 2026 Capital Equipment Reserve Fund plan.

As this legislation is an authorization to borrow money, this resolution requires a “duly advertised public hearing” pursuant to Nashua City Charter §54-a. NH RSA 33:9 requires a 2/3 vote of all the members for the issuance of bonds. This resolution is also a specific non-budget, supplementary appropriation, permitted by Charter Sec. 53. Requirements for that are notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor’s budget. A roll call is required under Charter Sec. 49. This legislation should be referred to the Board of Fire Commissioners for review and approval.

---

**Approved as to account  
structure, numbers and  
amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 15 March 2023



## RESOLUTION

### RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$365,083.34 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7024 “OPIOID ABATEMENT EXPENDABLE TRUST FUND”

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua to appropriate \$365,083.34 of FY2023 unanticipated revenue from Department #118 “Other General Government”, Account #43594 “Opioid Abatement Funds” into Fund #7024 “Opioid Abatement Expendable Trust Fund”.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:** R-23-111

**PURPOSE:** Relative to the supplemental appropriation of \$365,083.34 of FY2023 unanticipated revenue into Fund #7024 "Opioid Abatement Expendable Trust Fund"

**SPONSOR(S):** Mayor Jim Donchess

**COMMITTEE ASSIGNMENT:** Budget Review Committee

**FISCAL NOTE:** This resolution will reduce FY2023 year-end General Fund surplus. The current balance in the Opioid Abatement Expendable Trust Fund is \$40,853.

---

**ANALYSIS**

This resolution appropriates \$365,083.34 of FY2023 unanticipated revenue into the Opioid Abatement Expendable Trust Fund. The amount received represent the City's proportional share of funds received from the State of New Hampshire for all opioid-related settlement funds or judgements. The City anticipates future unknown payments from the State of New Hampshire which will also be supplementally appropriated into this Expandable Trust Fund.

Charter Sec. 53 permits specific non-budget, supplementary appropriations. There should be notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Charter Sec. 49.

---

**Approved as to account structure, numbers, and amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 4 April 2023



## RESOLUTION

### RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$18,009 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7026 “CAPITAL EQUIPMENT RESERVE FUND”

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua to appropriate \$18,009 of FY2023 unanticipated revenue from Department #118 “Other General Government”, Account #45690 “Insurance Reimbursements” into Fund #7026 “Capital Equipment Reserve Fund”.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-112**

**PURPOSE:**

**Relative to the supplemental appropriation of \$18,009 of FY2023 unanticipated revenue into Fund #7026 "Capital Equipment Reserve Fund"**

**SPONSOR(S):**

**Mayor Jim Donchess**

**COMMITTEE  
ASSIGNMENT:**

**Budget Review Committee**

**FISCAL NOTE:**

**This resolution will reduce FY2023 year-end General Fund surplus.**

---

**ANALYSIS**

This resolution appropriates \$18,009 of FY2023 unanticipated revenue into the Capital Equipment Reserve Fund. The unanticipated revenue was generated by an insurance reimbursement for the loss of a 2016 Ford Fusion used by the Environmental Health Department. A new vehicle will need to be purchased from the Capital Equipment Reserve Fund.

Charter Sec. 53 permits specific non-budget, supplementary appropriations. There should be notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Charter Sec. 49.

---

**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

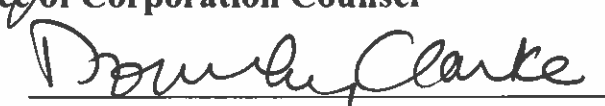
**By:**



**Approved as to form:**

**Office of Corporation Counsel**

**By:**



**Date:**





## RESOLUTION

### RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$35,360.50 OF FY2023 UNANTICIPATED REVENUE INTO FUND #7026 "CAPITAL EQUIPMENT RESERVE FUND"

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua to appropriate \$35,360.50 of FY2023 unanticipated revenue from Department #118 "Other General Government", Account #45690 "Insurance Reimbursements" into Fund #7026 "Capital Equipment Reserve Fund".



**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-113**

**PURPOSE:**

**Relative to the supplemental appropriation of \$35,360.50 of FY2023 unanticipated revenue into Fund #7026 "Capital Equipment Reserve Fund**

**SPONSOR(S):**

**Mayor Jim Donchess**

**COMMITTEE  
ASSIGNMENT:**

**Budget Review Committee**

**FISCAL NOTE:**

**This resolution will reduce FY2023 year-end General Fund surplus.**

---

**ANALYSIS**

This resolution appropriates \$35,360.50 of FY2023 unanticipated revenue into the Capital Equipment Reserve Fund. The unanticipated revenue was generated by an insurance reimbursement for the loss of a 2021 Chevrolet Bolt used by the Transit Department. A new vehicle will need to be purchased from the Capital Equipment Reserve Fund.

Charter Sec. 53 permits specific non-budget, supplementary appropriations. There should be notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Charter Sec. 49.

---

**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 

**4 April 2023**



## RESOLUTION

**RELATIVE TO THE TRANSFER OF \$5,000 FROM DEPARTMENT 194  
“CONTINGENCY”, ACCOUNT 70100 “GENERAL CONTINGENCY” TO  
DEPARTMENT 144 “EDGEWOOD & SUBURBAN CEMETERIES”, ACCOUNTING  
CLASSIFICATION 51 “SALARIES & WAGES”**

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua that \$5,000 be transferred from Department 194 “Contingency”, Account 70100 “General Contingency” into Department 144 “Edgewood & Suburban Cemeteries”, Accounting Classification 51 “Salaries & Wages”, for the purpose of funding FY2023 additional overtime wages.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-114**

**PURPOSE:**

**Relative to the transfer of \$5,000 from Department 194 “Contingency”, Account 70100 “General Contingency” to Department 144 “Edgewood & Suburban Cemeteries”, Accounting Classification 51 “Salaries & Wages”**

**SPONSOR(S):**

**Mayor Jim Donchess**

**COMMITTEE  
ASSIGNMENT:**

**Budget Review Committee**

**FISCAL NOTE:**

**Reduces amount available in general contingency by \$5,000 that could be used for escrow or surplus in FY23. The current balance in the general contingency account pending passage of this resolution is \$250,000.**

---

**ANALYSIS**

This resolution authorizes the transfer of \$5,000 from General Contingency into Edgewood & Suburban Cemeteries Salaries & Wages for the purpose of funding FY2023 additional overtime wage expenses. The Cemetery Trustees will reimburse the City for the additional wages which will be deposited to the General Fund as FY2023 revenue.

Charter Sec. 53 permits the Board of Aldermen to transfer any unencumbered appropriation balance or any portion from one department, fund or agency to another. NRO 5-130, H provides that “when proposed legislation to transfer or re-appropriate a particular appropriation or purpose thereof has had its first reading, such funds shall not be expended or transferred while the legislation is pending”.

---

**Approved as to account  
structure, numbers and  
amount:**

**Financial Services Division**

**By:**

  
\_\_\_\_\_

**Approved as to form:**

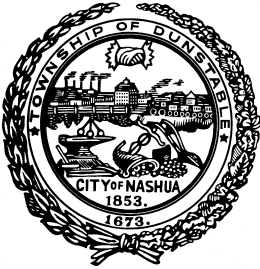
**Office of Corporation Counsel**

**By:**

  
\_\_\_\_\_

**Date:**

  
\_\_\_\_\_



## RESOLUTION

**AUTHORIZING THE MAYOR TO ENTER INTO A FEDERAL AID PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE FOR THE PURPOSE OF CONSTRUCTING AN ACCESSIBLE RAMP TO THE COTTON MILL TRANSFER BRIDGE AND TO ACCEPT AND APPROPRIATE \$300,000 FOR THE PROJECT**

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

**RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is authorized to execute the attached New Hampshire Department of Transportation Federal Aid Project Agreement for the purpose of constructing an accessible ramp to the Cotton Mill Transfer Bridge in Nashua.

The Mayor is hereby further authorized to accept and appropriate the “Participating Federal Share 80%” for this project in the amount of \$300,000. Both the City’s “Participating Local Share 20%” in the amount of \$75,000, and “Additional Non-Participating Funds” in the amount of \$765,000 will be spent from the Riverwalk Project Bond authorized by R-21-193, approved on December 15, 2021, for a total project cost of \$1,140,000.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:** R-23-115

**PURPOSE:** Authorizing the Mayor to enter into a Federal Aid Project Agreement with the State of New Hampshire for the purpose of constructing an accessible ramp to the Cotton Mill Transfer Bridge and to accept and appropriate \$300,000 for the project

**ENDORSER(S):** Alderman Patricia Klee

**COMMITTEE  
ASSIGNMENT:** Budget Review Committee

**FISCAL NOTE:** Fiscal impact is a \$300,000 federal grant to the City to be used for a specific purpose with \$75,000 in City matching funds and \$765,000 in additional non-participating funds coming from the Riverwalk Project Bond authorized by R-21-193.

---

**ANALYSIS**

This resolution authorizes the Mayor to enter into the attached Agreement with the State of New Hampshire and to accept and appropriate federal grant funds for the purpose of constructing an accessible ramp to the Cotton Mill Transfer Bridge.

Charter Sec. 53 permits specific non-budget, supplementary appropriations. There should be notice and a public hearing. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Charter Sec. 49.

---

**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

**By: /s/John L. Griffin**

**Approved as to form:**

**Office of Corporation Counsel**

**By: /s/Celia K. Leonard**

**Date: April 5, 2023**

**FEDERAL AID PROGRAM  
PROJECT AGREEMENT  
FOR**

**CITY OF NASHUA**

STATE PROJECT #: 44141  
FEDERAL PROJECT #: X-A005(325)  
STATE VENDOR #: 177441  
UNIQUE ENTITY IDENTIFIER #: \_\_\_\_\_

THIS AGREEMENT, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, between the State of New Hampshire, acting through its Department of Transportation, hereinafter called the "DEPARTMENT", and the City of Nashua, hereinafter called the "PROJECT SPONSOR".

WHEREAS, the DEPARTMENT and the PROJECT SPONSOR have determined that a project to construct an accessible ramp to the Cotton Mill Transfer Bridge in the City of Nashua is an eligible project for funding under the Federal Aid NH-088 Program created under the Consolidated Appropriations Act 2022, Congressionally Designated Spending; and

WHEREAS, the DEPARTMENT has established Project #44141 (the "Project") for the aforesaid project, with the project funding and target ad year as represented in the table below; and

<b>Programmed Year of Advertisement</b>	<b>Participating Federal Share 80%</b>	<b>Participating Local Share 20%</b>	<b>Additional Non- Participating Funds</b>	<b>*Total Budget</b>
<b>2023</b>	<b>\$300,000.00</b>	<b>\$75,000.00</b>	<b>\$765,000.00</b>	<b>\$1,140,000.00</b>

Additional Administrative Documentation Information: If this information is not available at the time of the Agreement signing, documentation will be sent to the PROJECT SPONSOR by the DEPARTMENT as soon as the information is available:

**FEDERAL FAIN #: {Not yet available}**

**CFDA #20.205 and DESCRIPTION Highway Planning and Construction**

**SUBAWARD Period of performance start date: {Not yet available}**

**SUBAWARD Period of performance end date: {Not yet available}**

**NHDOT Managed: Yes \_\_\_\_\_ No x \_\_\_\_\_**

**{If Yes, include description of funding with percentage federal funds and source of funds here}**

**NHDOT Indirect Cost Rate: N/A x 10% \_\_\_\_\_**

**Is award Research & Development: Yes \_\_\_\_\_ No x \_\_\_\_\_**

WHEREAS, the PROJECT SPONSOR has submitted an Application to sponsor the Project (the "Application") and the DEPARTMENT has accepted the Application; and

WHEREAS, the Application, by reference, is hereby incorporated and made a part of this AGREEMENT; and

WHEREAS, the PROJECT SPONSOR desires to act as Sponsor and Manager of the Project; and

WHEREAS, the DEPARTMENT desires to cooperate with the PROJECT SPONSOR in accomplishing the Project;

NOW, THEREFORE, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

**I. DUTIES AND RESPONSIBILITIES OF THE PROJECT SPONSOR:**

- A. The PROJECT SPONSOR shall comply with all Federal and State of New Hampshire laws and rules, regulations, and policies as applicable under the Federal-aid Highway Program for Federal Aid Construction Contracts.
- B. The PROJECT SPONSOR shall manage the design, environmental study, right-of-way acquisition and construction of the Project. This management is described in the current version of the DEPARTMENT's document titled "Local Public Agency Manual for the Development of Projects", as it may be amended from time to time, and, by reference, is hereby made a part of this AGREEMENT.
- C. The PROJECT SPONSOR shall provide or cause to provide for both the maintenance of the Project during construction and subsequent maintenance of all Project elements together with the maintenance of sidewalks, which includes winter snow and ice removal in accordance with the requirements of 23 CFR 1.27 and 28 CFR 35.133, once the work under this AGREEMENT is completed. Should operational adjustments be necessary, the PROJECT SPONSOR agrees that no changes will be made without prior approval of the DEPARTMENT and the Federal Highway Administration.
- D. The PROJECT SPONSOR shall submit monthly progress reports and invoices to the DEPARTMENT for reimbursement of its share of the amounts paid to engineering, environmental and/or right-of-way consultants and construction contractors for the performance of the work set forth in the Application or agreed upon at the scoping meeting. The invoice structure shall include details of work completed consistent with the Scope of Work as defined in the Application, as well as backup information to support the charges. The PROJECT SPONSOR shall certify that the invoices properly represent payment for work that has been completed and paid for by the PROJECT SPONSOR.
- E. The PROJECT SPONSOR is required to maintain all project and financial records pertinent to the development of the Project for three (3) years beyond the date of the DEPARTMENT's final voucher. The DEPARTMENT will send a letter to the PROJECT SPONSOR with the date of this approval. If there is a failure to maintain this documentation, NHDOT and/or Federal Highway Administration could take an action up to and including requesting a refund of all reimbursed project costs. Any and all of these project and financial records must be made available to the DEPARTMENT and Federal Highway Administration at their request.
- F. The PROJECT SPONSOR shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the PROJECT SPONSOR or its subcontractors in the performance of this AGREEMENT. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State of New Hampshire or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this AGREEMENT.

G. Non-Discrimination:

1. The PROJECT SPONSOR agrees, for itself, its assignees and successors in interest, that it will comply with Title VI of the Civil Rights Act of 1964, (referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, (referred to as the "REGULATIONS"), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that no person shall on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the PROJECT SPONSOR receives Federal financial assistance extended by the State of New Hampshire. The ACT and the REGULATIONS are herein incorporated by reference and made a part of this AGREEMENT. This AGREEMENT obligates the PROJECT SPONSOR for the period during which Federal financial assistance is extended.
2. The PROJECT SPONSOR hereby gives assurance as required by subsection 21.7(a)(1) of the REGULATIONS that it will promptly take any measures necessary to effectuate this AGREEMENT, including but not limited to the following specific assurances:
  - a. That each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the REGULATIONS will be conducted or operated in compliance with all requirements of the REGULATIONS.
  - b. That the PROJECT SPONSOR shall insert the following notification in all solicitations for negotiated agreements or bids for work or material made in connection with this Project: *The PROJECT SPONSOR hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in consideration for an award.*
  - c. That the PROJECT SPONSOR shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the award and performance of any DEPARTMENT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The PROJECT SPONSOR shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DEPARTMENT-assisted contracts. The DEPARTMENT's DBE program, as required by 49 CFR part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this AGREEMENT. Upon notification to the PROJECT SPONSOR of its failure to carry out its approved program, the DEPARTMENT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*
  - d. That the PROJECT SPONSOR shall include the following assurance in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor: *The contractor or subcontractor shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the performance of this contract. The contractor shall carry out*



*applicable requirements of 49 CFR Part 26 in the award and administration of DEPARTMENT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy, as the recipient deems appropriate.*

3. The PROJECT SPONSOR shall insert a copy of the required provisions of Federally-assisted construction contracts in accordance with Executive Order 11246, Equal Employment Opportunity, and 41 CFR Part 60-4, Affirmative Action Requirements, in each contract entered into pursuant to this AGREEMENT. Required Federal contract provisions can be obtained through the DEPARTMENT's Labor Compliance Office (271-6612) or Online at: <http://www.nh.gov/dot/org/administration/ofc/documents.htm>
- H. The PROJECT SPONSOR certifies by entering into this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this Agreement by any federal agency or by any department, agency or political subdivision of the State of New Hampshire. The term "principal" for purposes of this Agreement means an officer, director, key employee or other person with primary management or supervisory responsibilities, or a person who has critical influence on or substantive control over the operations of the PROJECT SPONSOR. The PROJECT SPONSOR also certifies that it will verify the state and federal suspension and debarment status for all parties (consultant/vendor/contractor, etc.) receiving funds under this Agreement as a sub-Agreement and shall be solely responsible for any recoupment, penalties or costs that might arise from use of a suspended or debarred party. The PROJECT SPONSOR shall immediately notify the Department if any sub-Agreement party is debarred or suspended, and shall, at the DEPARTMENT'S request, take all steps required by the State to terminate its sub-Agreement relationship with the party for work to be performed under this Agreement.
- I. If the PROJECT SPONSOR defaults or fails to fulfill any part of this AGREEMENT, the PROJECT SPONSOR shall be required to reimburse the DEPARTMENT and/or the Federal Highway Trust Fund for all funds expended under this Project.

## **II. DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT:**

- A. The DEPARTMENT shall review the Project engineering plans, environmental documents and contract documents applicable to the Federal Highway Administration and State of New Hampshire requirements for a Federally-funded project and submit appropriate documentation to the Federal Highway Administration to receive Federal approval.
- B. The DEPARTMENT shall reimburse its share to the PROJECT SPONSOR after receipt and approval of properly documented invoices that have been certified by the PROJECT SPONSOR as properly representing work that has been completed and paid for by the PROJECT SPONSOR.
- C. The DEPARTMENT shall use its best efforts to obtain authorization of the Project from the Federal Highway Administration.

**III. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE PROJECT SPONSOR:**

- A. That the PROJECT SPONSOR will not incur any Project costs nor enter into any agreement with any third party, including but not limited to consultants, contractors, or engineers until such time that it receives a written notice to proceed from the DEPARTMENT to do so.
- B. That the maximum amount of funds available for this Project for reimbursement under this AGREEMENT from the DEPARTMENT shall be as set forth in the Table on page 1. As the scope of the Project is finalized, should the costs for the Project exceed the amount budgeted, the DEPARTMENT agrees to review Project costs for consideration of additional funding. Neither the DEPARTMENT nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the PROJECT SPONSOR under this AGREEMENT in excess of the above amounts unless the DEPARTMENT expressly authorizes additional funding prior to the work being performed.
- C. That the PROJECT SPONSOR shall invoice the DEPARTMENT for incurred costs on a monthly basis and the DEPARTMENT will process these invoices for payment in an expeditious manner.
- D. That the PROJECT SPONSOR agrees to commence the PROJECT within 6 months of AGREEMENT execution date noted in the first paragraph of page 1. The PROJECT SPONSOR agrees to complete the Preliminary Engineering (PE) Phase of the PROJECT on or BEFORE December 31<sup>st</sup> of the Programmed Year of Advertisement date noted in the table on page 1, unless earlier terminated as provided herein. The PROJECT SPONSOR may apply to the DEPARTMENT for an extension to either the START or END date. Such application for extension must be made in writing, providing an explanation of the reasons for the delay, and proposing a revised schedule. Failure to meet any deadline without good cause or failure to submit an extension request may cause the DEPARTMENT to cancel its participation in this Project at its sole discretion, in which case any remaining funds will be forfeited. The PROJECT SPONSOR is responsible for informing and coordinating a new Project completion date that will need to be approved by the DEPARTMENT if any condition arises that may result in either deadline being unattainable.
- E. That the PROJECT SPONSOR will attend a meeting with the DEPARTMENT's representative after signing this AGREEMENT to discuss the Project's scope, budget and schedule. The PROJECT SPONSOR will subsequently provide a schedule showing project milestones with dates. Failure to meet these dates could delay funding for construction.
- F. This AGREEMENT may be amended to incorporate changes in project scope, schedule, and/or budget that may arise through the development and design stages of the project, pursuant to approval by the Governor and the Executive Council as Item No. 47 on March 23, 2022. Such amendments will be effective upon execution of an instrument in writing signed by both parties hereto. Otherwise, this AGREEMENT may be amended, waived, or discharged only by an instrument in writing signed by the parties hereto, and only after approval of such amendment, waiver of discharge by the Governor and Executive Council of the State of New Hampshire unless no such approval is required under the circumstances pursuant to State law, rule, or policy.

- G. That this AGREEMENT is contingent upon the appropriation of sufficient funds from the State of New Hampshire Legislature and/or the Federal Highway Administration. If sufficient funds are not appropriated, the DEPARTMENT may terminate this AGREEMENT upon thirty (30) days' written notice to the PROJECT SPONSOR. Such termination shall relieve the DEPARTMENT and the PROJECT SPONSOR from obligations under this AGREEMENT after the termination date.
- H. Pursuant to authorization by the Governor and Executive Council, as Item No. \_\_\_\_ on \_\_\_\_\_ this AGREEMENT is effective upon the date shown on page one of this AGREEMENT. The DEPARTMENT will include this AGREEMENT in its annual report to the Governor and the Executive Council on the status of all active Federal Local Public Agency (LPA) projects.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the date first written above.

**NEW HAMPSHIRE DEPARTMENT  
OF TRANSPORTATION**

**CITY OF NASHUA**

By: \_\_\_\_\_  
William J. Cass, PE  
Commissioner  
State of New Hampshire  
Department of Transportation

Signature: \_\_\_\_\_  
Name (typed): \_\_\_\_\_  
Title: \_\_\_\_\_