

## BUDGET REVIEW COMMITTEE

MARCH 28, 2022

A meeting of the Budget Review Committee was held Monday, March 28, 2022, at 7:19 p.m. in the Aldermanic Chamber and via Zoom which meeting link can be found on the agenda.

Alderman Richard A. Dowd, Chairman, presided.

Let's start the meeting by taking a roll call attendance. If you are participating via Zoom, please state your presence, reason for not attending the meeting in person, and whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

Members of Committee present: Alderman Richard A. Dowd, Chairman  
Alderman John Cathey  
Alderman Ernest Jette  
Alderman John Sullivan (via Zoom)  
Alderman-at-Large Lori Wilshire

Members not in Attendance: Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Shoshanna Kelly

Also in Attendance: Alderman Derek Thibeault  
Jennifer McCormack, Library Director  
Linda Laflamme, Library Board of Trustees Chair  
Kevin Rourke, Police Chief  
Steve Bolton, Corporation Counsel  
Kim Kleiner, Administrative Services Director

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### ROLL CALL

#### Chairman Dowd

Before I go into public comment, there are two items on the agenda that are going to be tabled this evening. First is R-22-008 on Court Street because it was referred back to the Budget Committee so that Alderman Clemons could speak to it. Due to a family emergency, he is not here this evening nor is he on line. So I'll entertain a motion to table.

The other item that's going to be tabled this evening is the Teachers contract that was just referred to Budget. There has to be a public hearing on the funding for that. So the public hearing will be on April 11<sup>th</sup> and Budget will follow that same evening – April 11<sup>th</sup>. That is not on the agenda for tonight. Can somebody please make a motion to table?

PUBLIC COMMENT - None

### COMMUNICATIONS

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

From: Lisa M. Fauteux, Director of Public Works  
Re: Referrals from Board of Aldermen – R-22-013

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

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

**R-22-008**

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

**ESTABLISHING AN EXPENDABLE TRUST FUND FOR 14 COURT STREET EXPENSES, FUNDED BY APPROPRIATIONS**

**MOTION BY ALDERMAN CATHEY TO TABLE R-22-008, BY ROLL CALL**

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan,  
Alderman Wilshire, Alderman Dowd 5

Nay: 0

**MOTION CARRIED**

**R-22-013**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman-at-Large Melbourne Moran, Jr.  
Alderman Thomas Lopez  
Alderman Alex Comeau  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman John Cathey  
Alderman Derek Thibeault  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED SIX MILLION TWO HUNDRED EIGHT THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$6,208,325) FOR THE CITY'S SEWER INFRASTRUCTURE PROGRAM AND SEWER STRUCTURES**

**MOTION BY ALDERMAN WILSHIRE TO RECOMMEND FINAL PASSAGE, BY ROLL CALL**

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan,  
Alderman Wilshire, Alderman Dowd 5

Nay: 0

**MOTION CARRIED**

**R-22-014**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee

Alderman Thomas Lopez  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Derek Thibeault  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE TRANSFER OF \$44,400 FROM ACCOUNT 70100 “GENERAL CONTINGENCY” INTO DEPARTMENT 179 “LIBRARY”, ACCOUNTING CLASSIFICATION 53 “PROFESSIONAL AND TECHNICAL SERVICES” TO FUND HALF THE COST OF A FACILITY ASSESSMENT AND MASTER PLAN FOR THE LIBRARY BUILDING**

**MOTION BY ALDERMAN WILSHIRE TO RECOMMEND FINAL PASSAGE, BY ROLL CALL**

ON THE QUESTION

Alderman Wilshire

So I think we all know that the Library is one of the biggest assets in our city. I think this work that they need to do is long overdue. So I urge you all to support this. Our Library is just a great asset and we don't want it to fail any more – the infrastructure of it to fail any more than it already has. I really urge all of you to support this.

Alderman Klee

Thank you. I know I'm not on this Committee but I wanted to share with everybody one of the things that I do in Ward 3 is I look at a lot of the different aspects of it. The Hunt Memorial was really kind of our regional library. In 1970, the library moved to the current location on Court Street. So when I look at that, I look at that this building is 1970 and I'm not sure how much work has been done on the building since 1970. I was still back in high school at that time. It needs work. I think for us to put forward this amount of kind of sharing or matching kind of funds I think is a good way of spending our money. It's a great resource not just the books that it houses but the activities that it does.

Alderman Jette

So Mr. Chairman I think there's somebody from the Library here. So if I could ask...

Chairman Dowd

Do you have a question for somebody from the Library?

Alderman Jette

Yeah, I'd like to give them the opportunity to explain what this about and why they're asking for this.

Jennifer McCormack, Library Director

Jennifer McCormack, 14 Chadwick Circle. I'm the Director at the Library.

Linda Laflamme, Chair of Board of Trustees

Linda Laflamme, 49 Abbott Street. I'm the Chair of the Board of Trustees for the Library.

Chairman Dowd

Questions? Do you want to just give us a brief overview?

Linda Laflamme, Chair of Board of Trustees

Sure. I think you said it very well. The new library has turned 50. When you turn 50, things don't always work the way they did when you were young. Unfortunately that's what's happened with our building. To look forward to the next 50 years, we thought it would be wise to get some advice from some experts as to what needed to be done, what needed priority to be done, and what are some realistic costs to have those things done to protect the city's investment for the next 50 years and build on it as a library's role changes.

So we went through an extensive search process and found a firm that was more enthusiastic about 1970s architecture than I thought was possible beyond the 70s. They have done buildings very similar to ours. Buildings with more complicated problems than ours and so they know what to look for beyond perhaps the obvious, which we found very reassuring. The goal is to get a report from them that will give us, as I said, a timeline, some priorities, what we need to do, and perhaps in what order. You don't want to fix your inside ceiling only to find out your roof is leaking. So those sorts of things. The Trustees are very willing and very ready to put some trust funds to cover the cost of this however, we truly hope the city will partner with us so that we can also retain some funds for contingency and emergency purposes. As Jenn was just telling you, we've got HVAC repairs that we need to do. So things come up. As I say, by splitting the costs with the city, we're able to keep something for a rainy day but still kind of plan for a future.

Alderman Cathey

Didn't the library just recently complete a Master Plan or am I mistaken?

Jennifer McCormack, Library Director

No, we completed a strategic plan which is related to services and programming. So this Master Plan is purely for the facility. So DesignLab will look at the building envelope, the mechanical systems, electrical, plumbing, furnishings, and come up with a plan for capital improvements.

Alderman Cathey

When was the last time that the library had a Master Plan completed before now?

Jennifer McCormack, Library Director

I don't believe it ever has.

Alderman Cathey

Okay, thank you.

Alderman Thibeault

Thank you Mr. Chairman. I'm not part of this committee and probably shouldn't be speaking but I just wanted to thank Ms. Laflamme and Director McCormack for coming out tonight and talking to us. I would (inaudible) in there a bunch of times during the month. I was just there for the Mayor's book reading for the winter challenge. I think it's one of the jewels of Nashua and the area. I saw the strategic plan as far as the curriculum and all that stuff that you guys were talking about. I think that's great and I hope we can support them for the other things as far as structure, infrastructure so we can keep the building going. It's as old as me, almost exactly. I know I'm breaking down so if anything we can do, that would be great.

Chairman Dowd

There won't be any funding to help yourself.

Alderman Thibeault

No, zero for that.

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan,  
Alderman Wilshire, Alderman Dowd 5

Nay: 0

**MOTION CARRIED****R-22-015**

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

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND TEAMSTERS LOCAL 633, FROM JULY 1, 2022 THROUGH JUNE 30, 2026**

**MOTION BY ALDERMAN WILSHIRE TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONKevin Rourke, Police Chief

Thank you for allowing me to speak tonight. I would like to speak on behalf of the collective bargaining agreement between the Nashua Police Commission and the Teamsters. Just give you a little background of what makes up this union. It's made up of 27 members. They are an extremely important part of our agency. They're made up of three building maintenance employees, two fleet maintenance employees, four detective administrative specialists, four records technicians, three finance specialists, three legal assistants, three civilian booking officers, one data analysis manager, three administrative assistants from the Services Bureau, Professional Standards Bureau, and the Uniform Bureau, and last but not least – one accreditation manager who is very important to us.

Essentially they are the glue that keeps the agency together. They are spread out through the building but they perform different tasks. They're also our lowest paid employees of our five unions. The union does not have insurance with the city. They receive their union through the Teamsters. So I know the major topics of the Mayor is the give back on the HMO healthcare. They do not have the healthcare with the city so this doesn't affect them.

Just to let you know that during these negotiations, Director Kleiner and Attorney Steve Bolton were in the room providing advice and guidance. When we came to this agreement, both sides obviously agreed on this. So with that being said, we felt that this contract in front of you tonight is very fair and reasonable. The Police Commissioners and I are in absolute support of this contract. At this time, I would open it up for any

questions.

Chairman Dowd

Do any of the Aldermen have questions for the Chief? Okay. Good job. If there are no questions, call the roll.

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan, Alderman Wilshire, Alderman Dowd	5
Nay:	0

**MOTION CARRIED**

**R-22-022**

Endorser: Alderman-at-Large Lori Wilshire

**APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF EDUCATION AND THE NASHUA TEACHERS' UNION, LOCAL 1044, AFT, AFL-CIO FROM SEPTEMBER 1, 2021 THROUGH AUGUST 31, 2025 AND AUTHORIZING A RELATED TRANSFER AND SUPPLEMENTAL APPROPRIATION**

**MOTION BY ALDERMAN WILSHIRE TO TABLE TO APRIL 11, 2022, BY ROLL CALL**

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan, Alderman Wilshire, Alderman Dowd	5
Nay:	0

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE - None

GENERAL DISCUSSION - None

PUBLIC COMMENT

Laurie Ortolano

Laurie Ortolano, 41 Berkeley Street. Couple of things with the Budget Committee. I have been pretty outspoken about my concerns with the funding and what's going on with the Legal office – the Right to Know Coordinator and in general city responses with Right to Know issues. I'm really concerned when the city offers legal representation to any employee who is not truthful under oath, or in court, or in general to its citizens. I feel very strongly that we should not be paying for that. We should not be paying for that representation out of our tax dollars. I think under New Hampshire Bar rules and to some extent ABA rules, there are pretty strict guidelines on ethics on representing somebody who isn't truthful.

I finished a trial on Thursday. That was very taxing and challenging and there were discoveries of information that wasn't provided that was very frustrating given a year. The cities have all the power to really abuse the law. The courts are backlogged. 91-A is priority law, which means you're supposed to get into court quickly

but because they're so backlogged, it's almost impossible to do so. This records request was done a year ago. You're in court, you know, figuring out how to fix the problem twelve months later. At that point, a lot of times the records are far less relevant. In this case, they weren't but the city discovered more records – 11 ½ months later because the lawsuit was in place. There was an e-mail not provided that was very informative about e-mails I had sent into the city that didn't appear in the record search.

The 45 day retention policy for e-mail storage and retention is a major issue for me that I think I'm going to back into court on. I really think it's illegal. I think it's not being done correctly. I think that police should be thrown out and we should call it something else and we should write it differently. Enough people have been under oath to say that they aren't even aware of it in this city – or workers. I don't think we're...

Alderman Klee

30 seconds

Laurie Ortolano

...living up to the law when it comes to e-mail record retention and doing the right thing. Just because the city lawyers can go in there and tell a judge, "oh we throw our e-mails in different files and they're not searchable. We get rid of our transitory e-mails. I'm just finding what they say isn't really the case and the training in there doesn't match that. You saw today I sent you the lawsuit that the Judge ruled on in favor to hold the ruling on for a win. Thank you.

Chairman Dowd

The budget process right now is in the hands of the Mayor. The Aldermen will not get it until May 10<sup>th</sup>. Any questions, concerns on the budget until that time have to be related to the Mayor. All the Divisions meet with him and they come up with a budget that he'll present to us later. I don't think the Board of Aldermen has anything to do with lawsuits between residents and the city. It's the Legal Department.

#### REMARKS BY THE ALDERMEN

Alderman Cathey

I just have a clarifying question about the budget review. Are the meetings once we have the budget in hand are they going to be different than normal budget review committee meetings? There's going to be more of them spaced out?

Chairman Dowd

Yes. When we start going through the budget, we're going to be going through Division, by Division. We will have a meeting with the Division Director and it's an opportunity for them to present what they've given the Mayor for their budget, what their needs are, and it's a meeting between the Division Directors and the Budget Committee. The public will have input at the public hearing on the budget which will be held at Nashua High North. I can't remember the date off the top of my head. That's when the public can come. All the Division Directors will be there, questions can be asked at that time, and they can get answers. It is more like a working session between the Budget Committee and the Division Directors and there will be several meetings.

Alderman Cathey

So we will have these type of meetings and those meetings?

Chairman Dowd

Well we'll have regular Budget meetings for legislation that has to get approved.

Alderman Cathey

Right, and then we'll have like work group bunch of meetings.

Chairman Dowd

Yes, which are just part of the budget process. We'll be spending a lot of time with the Treasurer who is sitting in the audience.

Alderman Wilshire

To Alderman Cathey's question, we might be meeting a couple times a week just to review the budget.

Chairman Dowd

Oh, at least.

Alderman Wilshire

At least twice a week.

Alderman Cathey

I assumed as much. I was just unclear about if they fell under regular Budget Review meetings or it was like an addition.

Chairman Dowd

Donna and I for some time now have set up some meetings and who we meet with. We've been doing this for a while. The Division Directors have sort of been given a – they fed us back nights that they definitely could make it. So we've adjusted the dates. Everybody will have their opportunity and if we're discussing large budgets like the School Department that will be a separate night. When we're discussing City Hall, we do all of City Hall. The Mayor's office, the Board of Aldermen, the Legal office...

Steve Bolton, Corporation Counsel

Yeah, I'll be ready in September.

Chairman Dowd

At that point in time, you could...

Steve Bolton, Corporation Counsel

I've got to commit myself to representing all the people who are not telling the truth and all that so that takes up a lot of time.

Chairman Dowd

So you have an opportunity to ask the Division Directors questions, take notes. We will have a wrap up session where you can motions if you so desire. At that point in time, you'll have knowledge of all of the Divisions and how they interact and what the overall budget looks like.

Alderman Cathey

Okay, cool, thank you.

Alderman Sullivan

Thank you. I also have questions specific first for the Teachers' contract. I know from sitting on this Committee that we have 30 days from a first reading but it's my understanding that there is health insurance, open enrollment, so there is a hard stop. I think it's April 15<sup>th</sup> from what I've heard from my questions about vetting the contract. So could you confirm that?

Chairman Dowd

We'll be taking the final action on the teacher's contract, presumably the final action, on April 12<sup>th</sup>. If it passes on April 12<sup>th</sup>, then it opens up. Director Kleiner do you want to give the dates because I don't want to go out on a limb.

Kim Kleiner, Administrative Services Director

Good evening. Director Kleiner, Administrative Services. So there is language in this contract that affects the budgets for Fiscal Year 2023. It is important in order for us to work with our consultants and produce all the benefit guides and open up open enrollment that we have that information by April 15<sup>th</sup>.

Alderman Sullivan

I had a follow up more specific to the general budget but thank you Director Kleiner for clarifying that.

You had mentioned that you're lining up the meetings with the city directors. My request is that we get the schedule of meetings as quickly as possible. With the pandemic subsiding, business travel has now become a thing. Fortunately I can plan my business travel and I just want to make sure that I'm in person for those. If we could please just get that schedule of meetings out and socialize as quickly as possible, I would greatly appreciate it.

Chairman Dowd

So yes we're going to give it to the Division Directors first in the case they have hard conflicts but then I missed that part of it. We will then send it out to all the Budget Committee members so that they can give us information on their availability because obviously we need to have a quorum of people here to discuss any one budget but there will be several budget meetings. In past years, it's not always possible for every member of the Budget Committee to be here for all of them. If there are major conflicts, we'll try to work around that for you.

Alderman Sullivan

Okay, than, you.

Alderman Klee

Thank you. Just for clarification as to what Alderman Cathey had been asking. These budget hearings that you have and so on, it does not contain public comment and it's a work group. I just wanted that to be on the record. Thank you.

Alderman Jette

Thank you. So I don't know if that was the last meeting or the meeting before, I expressed my confusion

about the status of the spending cap and how that affects this budget that we...

Chairman Dowd

We have a special meeting on that and that hasn't been set up yet.

Alderman Jette

Okay. So since we have until May 10<sup>th</sup> before we get the budget, so some time in April we'll...

Chairman Dowd

That's the plan.

Alderman Jette

Okay, thank you.

Chairman Dowd

Anyone else?

ADJOURNMENT

**MOTION BY ALDERMAN KLEE TO ADJOURN, BY ROLL CALL**

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

Yea: Alderman Cathey, Alderman Jette, Alderman Sullivan,  
Alderwoman Wilshire, Alderman Dowd 5

Nay: 0

**MOTION CARRIED**

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

Alderman Patricia Klee, Acting Committee Clerk



# THE CITY OF NASHUA

*Division of Public Works  
Administration*

"The Gate City"

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## Memorandum

**To:** Board of Aldermen

**From:** Lisa M. Fauteux, Director of Public Works 

**Date:** March 24, 2022

**RE:** Referrals from Board of Aldermen – R-22-013

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Please be advised that the Board of Public Works met on March 24, 2022 and voted to provide the Board of Aldermen with positive recommendations concerning proposed resolutions R-22-013.