

A regular meeting of the Board of Aldermen was held Tuesday, September 24, 2019, at 7:43 p.m. in the Aldermanic Chamber.

President Lori Wilshire presided; City Clerk Susan K. Lovering recorded.

Prayer was offered by City Clerk Susan K. Lovering; Alderman Tom Lopez led in the Pledge to the Flag.

The roll call was taken with 14 members of the Board of Aldermen present; Alderwoman Kelly was recorded absent.

Mayor James W. Donchess and Corporation Counsel Steven A. Bolton were also in attendance.

President Wilshire

First I'd like to welcome the new City Clerk to our meeting; thank you for being here and thank you for taking on this most important job. Alderwoman Kelly was not able to join us this evening. Mayor, do you wish to address the Board?

REMARKS BY THE MAYOR

Mayor Donchess

Yes Madam President. There are a few items on the agenda that I wanted to address and a couple of other things. First I think most importantly we have R-19-172 which would apply \$4.5 million of the revenue surplus to a reduction of the tax rate. This has been recommended by the Budget Committee. This is consistent and similar to what we have done in previous years. We applied \$4.5 million dollars of last year's surplus to the tax rate. We budget, estimate revenues conservatively to make sure we come in above the estimates and this is how at least this portion of the surplus is generated. We, I believe, and I think you agree, owe to the tax payer's to apply a good part of the surplus to tax rate reduction.

Next, I do need to address R-18-102 which is the proposed contract in the Police Department. Now this is not to take anything away from the Police Department or the great job that the officers do for the City. But this is a group of a civilian employees and the main objection I have to this contract and why I believe it should not be approved is that it increases the payout for unused sick time substantially. The City, over a period of years, has tried to reduce this unfunded liability; and it is an unfunded liability because there is no money behind the obligation, there is nothing in the bank. So we have to spend this money as it becomes due. When it does become due, it reduces the amount that we can spend on services; Police Officers, ELL Teachers, whatever else. Now over the period of the last 15 years, the City worked to reduce the obligation which the City has to pay out these unfunded liabilities. The standard previously had been 720 hours pay out for sick time unused, that is a third of a year's pay.

So over the years, for nearly all civilian employees in the City, that was reduced to 20% of all accumulated sick time which amounts to a maximum of about 20% of pay. And at this point, virtually all civilian employees in the City are at 20% of pay. Now if all City employees were given the 720 hours, it is 1/3 of the annual payroll, that's a \$60 million dollar unfunded liability. Now the employees in this civilian group, lawyers and some other people, entered the workforce with the expectation that they would be paid only 20%. This was a provision negotiated and paid for by some concession by the City 15 years ago. And all this whole entire group of employees began and has worked their entire career with the expectation that they would get a 20% payout.

Now, the proposed contract would extend that to 720 hours. This would be the second group of employees. Now there was a special reason for the last one which is not necessary to get into now, but this is the second group of employees. There are thousands of other civilian employees, other lawyers in the School Department, in City Hall, throughout City Government that did not have this benefit. People in the private

sector generally don't get paid any sick time. We are paying out about 20% of pay in addition to pensions, in addition to payout for unused vacation time. I think it is a bad precedent and mistake to approve this and I would ask you to consider that point of view.

Next Madam President, on a happier note, Money Magazine gave us the award again; we are in the Top 100 Best Places to Live in the United States. We are not number 1 as we have been a couple times but we did pretty well. We are third in New England, first in New Hampshire and I think it is a credit to everybody who is a part of the community and works so hard to make Nashua a great place to live; our School Department, our Board of Aldermen, all of the volunteers that we have working in so many areas. So I always feel good when we get that award. We have gotten many others, but this is a new one and I am very happy that we got it.

I wanted to next, Madam President, announce that we are working to create a Mental Health Task Force to address the issue of suicide prevention and other mental health issues. The first step there, Madam President, and you and I and the Vice President have talked about this; the first step will be to hold on October 21st a public training regarding the signs of depression and suicide risk. This is something that Alderman Lopez has been advocating so that is set up for the 21st and you will be hearing more details about that later.

Next a significant step forward in terms of organizing cities at least to have a common front with respect to many issues, State Aid and the like, was a meeting of Mayors and City Managers that we hosted here at City Hall. We had 8 different cities of the 13 attend here in Nashua. Two had something come up at the last minute but we had Mayors and/or City Managers from Manchester, Concord, Keene, Rochester, Franklin, Lebanon, Claremont. The discussion was very positive and we agreed that we should definitely be working together on many different fronts. There is another meeting going to be scheduled in Concord come sometime in November; that has yet to be scheduled but that is something that I believe can in the end be of great help to Nashua.

Finally, as we talked about many of the volunteers and people that work hard on behalf of the community we have a lot of appointments to approve tonight. I am not sure, I think I've got everybody here who is actually here to be sworn in. We have Gloria McCarthy, Amber Logue, June Lemen, Kim Regan, Carl Andrade and I think Ed Webber was here but he might have left. I hope I haven't missed anyone. I want to thank all of them for agreeing and their commitment to the City and to the community and all the other people who are working so hard on behalf in our Official Boards and in many other respects on behalf of our community.

With that Madam President, I conclude.

RESPONSE TO REMARKS OF THE MAYOR

Alderman Lopez

I just wanted to thank the Mayor for this leadership with the formation of the Mental Health Task Force as well as the mental health first aid training. I think we are unintentionally tone deaf when we laud our City's progress in being Top 100 Best Place to Live in this reason or that when there are people in our neighborhoods, our friends, our family that are struggling with the will. So I appreciate that and I appreciate the effort that is being made. I believe this to be a regional issue, it is not specific to Nashua, it is a larger phenomenon that is taking shape and I think this is another example where Nashua needs to lead. We are regional leaders in the public health sector and I look forward to the work ahead of us that will make our City a better place to live for everyone.

RECOGNITION PERIOD – None

READING MINUTES OF PREVIOUS MEETINGS

There being no objection, President Wilshire declared the minutes of the Board of Aldermen meetings of September 10, 2019, accepted, placed on file, and the reading suspended.

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS - NonePERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

Fred Teeboom Thank you Madam President. My name is Fred Teeboom, I reside at 24 Cheyenne Drive and I wish to address the communication on your agenda where you asked to approve the design concept for the Performing Arts Center. Let me talk about the good, the bad and the ugly. Let me first talk about the good of the Performing Arts Center. You have an outstanding architect on the contract, that's very good. You have a theater operator who requires absolutely no subsidy on the 5 year extendable contract, no subsidy. That is very good. And you replaced the Duncan Webb study design on the fire trap chamber on the second floor; that's gone. That was a fire trap. That's good.

Let's talk about the bad. The Telegraph featured an article about the design a few months ago and it was really fantastic. That was ICON's, the architect's schematic design, their initial design. However and I'll get to cost in a minute, the cost had to be cut, the audience chamber had to be rotated. Instead of the stage inside the four story building next to the Alec's Shoe Store, the stage is now next to Surf Restaurant. So the whole chamber of the audience is parallel to Main Street. Obviously that reduces cost because you don't have to modify as much of the four story building.

The theater space itself has been reduced the current concept of 52,000 seats to 41,000 seats. That is a significant reduction. Therefore the audience of 750 seats in the theater which is required by the operator to operate without a subsidy, 750 seats, the 750 seats are more compressed. As an example in the drawings that I have seen the audience chamber of 85 feet has been reduced to 67 feet, the length of the chamber. That's a 21% reduction. Therefore it creates a much steeper tiering of the seating. The top seat in the back I call a nosebleed seat and obviously the viewing angles from the side are more compressed, the view angle into the stage is not as good from the side seats. There are less features, for example what is really outstanding in the original design, there is no outdoor roof terrace. That's to be an option but not included in the current design. There is less loading dock and there is many other changes I won't go into tonight.

There is, and this is significant, there is no rental income in the retail space to compensate for the annual \$50,000.00 loss of taxable income when this property, Alec's Shoe Store, was a commercial property. There is no compensating retail income because the retail floor is gone. There's a gallery that is going to be, I believe, partially in the basement and the lobby. And there was very, very little public input to this design. I attended most of the meetings of the Steering Committee and I also reviewed all the proposals, but most of the time I was the only public member there. So for Tim Cummings to say that there was a lot of public participation, there wasn't.

Now let's talk about the ugly. The cost projected initially was \$15.5 million dollars. That was the bond, that was authorized. ICON's original design, the schematic design that was featured in the Telegraph was priced at \$24.4 million dollars. It then went through reduction because the Committee said, "reduce it". They reduced the design to \$23.1 million dollars, didn't get to the \$15.5. So now the architect rotated the chamber like I explained earlier and now the cost is projected to \$22.3 million dollars, so a million dollar reduction from the schematic design to option 1; \$1 million dollars less to option 2 another million dollars less; \$23.1 million which includes \$1 million dollars to make what you call street changes. I didn't make these numbers up, you will find them in the minutes of 26 June of the Committee.

Typically though none of these costs were presented to Personnel Economic Development Committee which last week reviewed this design. Cost never came up. Alderman Jette who normally asks about cost didn't bring up cost and no cost was presented. So I am announcing them here, a lot of money.

The lowest cost which is \$22.3 million dollars is \$6.8 million dollars above the \$15.5 million or 44% increase, that's enormous. I won't get into how it happened, I've addressed that before, basically there was a lot pulled with the original estimate. But that's what people think this thing is going to cost, \$15.5 million; nowhere close, nowhere close. There will be more cost if the Pearl Street Streetscape is improved to make theater access safer; specifically making a one direction street so lots of people cross the street they are not taking their lives into their hands. And making the sidewalk wider, like 5 feet, which the architect recommended and I mentioned is an excellent architect.

Also there has been absolutely no information presented, now or anytime previous about the charitable contributions in terms of dollar figures. I've heard a \$2.5 million projection but no one has yet announced a penny of what is actually being committed. They've got until next year to get \$4 million or they've got to change the Resolution or the project ends. There has been absolutely no information presented about the New Market Tax Credits which has been projected to be between \$4 million and \$5.2 million. Now if we've got the \$2.5 million charitable and the \$5.2 million dollar New Market Tax Credits, we could afford the lowest cost solution. It is very unlikely that it is going to happen. So as you approve the design concept, you have to be aware that you probably have to approve additional funding. I mentioned this to the Committee many times, this issue that if this Board adds additional money, you endanger the New Market Tax Credits and all the conditions by it, I think the whole thing is not going to happen. I don't think you are going to get any New Market Tax Credits. And if you approve this communication, you have to be aware that you have to subsidize this funding.

I recommend therefore that the design proceed, that you table the approval of the design concept. There is no need for you to approve the design, there is no specific date set for that and that you order a charrette and for those of you who don't know what a charrette is, Kathy Hersh, when she was the Committee Development Director used to hold charrettes. Basically they are public meetings and discussions about the design, we did it on the Broad Street Parkway, it was done I think about the improvements around the Broad Street Parkway. Years ago it used to be quite common, at least with Cathy Hersh it used to be. I recommend that you set up a meeting, a Director meeting be set up by the Committee Chair, by the Committee, people be invited, advertise in the Telegraph and all participate. After all, this project only had a 1.5% approval out of 10,000 votes and the non-binding referendum passed by 1.5% out of 10,000 votes.

Also I recommend, because it hasn't been done, no arm waving, no hand waving, that you get the construction manager that you pay good money to, Harvey Construction, a competent outfit, appear before this Board, a half hour before you meet and have them present a summary of their costs, exactly how the \$23 million dollars that I mentioned breaks down and whether there could be alternatives. Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Tim Cummings, Economic Development Director
Re: Design of Performing Arts Center

MOTION BY ALDERWOMAN MELIZZI-GOLJA TO ACCEPT, PLACE ON FILE, AND APPROVE THE DESIGN CONCEPT PLANS FOR THE PERFORMING ART CENTER
MOTION CARRIED

PETITIONS

Petition for Street Acceptance: Pilgrim Circle

There being no objection, President Wilshire accepted the Petition as read, referred them to the Committee on Infrastructure and scheduled a public hearing on Pilgrim Circle for Wednesday, October 23, 2019, at 7:00 p.m. in the Aldermanic Chamber

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Joint Convention with Library Board of Trustees

There being no objection, President Lori Wilshire declared that the Board of Aldermen meet in joint convention with the Board of Library Trustees for the purpose of electing a trustee and called for a nomination.

Trustee Linda LaFlamme nominated Kristen Kane for a seven-year term to expire on March 31, 2026

There being no objection, President Wilshire closed the nomination.

A viva voce roll call was taken on the appointment of Kristen Kane which resulted as follows:

Yea: Alderman O'Brien, Alderman Gidge, Alderman Harriott-Gathright, Alderman Dowd, Alderman Klee, Alderman Laws, Alderman Lopez, Alderman Caron, Alderman Jette, Alderwoman Melizzi-Golja, Alderman Tencza, Alderman Schmidt, Alderman Clemons, President Wilshire, Trustee Paul Bergeron, Trustee Linda Laflamme, Trustee David Pinsonneault, Mayor Donchess	18
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Nay:	0
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MOTION CARRIED

President Wilshire declared Kristen Kane duly appointed to the Library Board of Trustees for a term to expire March 31, 2026.

Oath of Office administered by Corporation Counsel.

There being no objection, President Wilshire declared that the Joint Convention now arise.

Appointments by the Mayor

The following Appointments by the Mayor were read into the record:

Conway Ice Rink Commission

David Fredette (Reappointment) 229 Main Street Nashua, NH 03060	Term to Expire: December 31, 2023
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Citizen's Advisory Commission

Patricia Casey (Reappointment) 15 Pine Hill Avenue Nashua, NH 03064	Term to Expire: October 1, 2022
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Jason Telerski (Reappointment)
5 Shakespeare Rd.
Nashua, NH 03062

Term to Expire: October 1, 2022

Beth Quarm Todgham (Reappointment)
14 Ellis Drive
Nashua, NH 03063

Term to Expire: October 1. 2021

Tax Increment Financing Advisory Board

Michael Cerato (Reappointment)
4 Water Street
Nashua, NH 03060

Term to Expire: September 30, 2020

Tim Cummings (Reappointment)
229 Main Street
Nashua, NH 03060

Term to Expire: September 30, 2020

Eric Drouart (Reappointment)
52 Main Street, # 206
Nashua, NH 03060

Term to Expire: September 30, 2020

David Fredette (Reappointment)
229 Main Street
Nashua, NH 03060

Term to Expire: September 30, 2020

Chris Lewis (Reappointment)
670 North Commercial Street
Manchester, NH 03101

Term to Expire: September 30, 2020

Sarah Marchant (Reappointment)
229 Main Street
Nashua, NH 03060

Term to Expire: September 30, 2020

Tia Phillips (Reappointment)
2 Clocktower Place
Nashua, NH 03060

Term to Expire: September 30, 2020

Arthur Spilios (Reappointment)
15 Technology Way
Nashua, NH 03062

Term to Expire: September 30, 2020

There being no objection, President Wilshire accepted the Appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee

REPORTS OF COMMITTEE

Budget Review Committee..... 09/16/2019

There being no objection, President Wilshire declared the report of the September 16, 2019, Budget Review Committee accepted and placed on file.

Finance Committee..... 09/18/2019

There being no objection, President Wilshire declared the report of the September 18, 2019, Finance Committee accepted and placed on file.

Personnel/Administrative Affairs Committee..... 09/09/2019

There being no objection, President Wilshire declared the report of the September 9, 2019, Personnel/Administrative Affairs Committee accepted and placed on file.

Planning & Economic Development Committee..... 09/17/2019

There being no objection, President Wilshire declared the report of the September 17, 2019, Planning & Economic Development Committee accepted and placed on file.

Substandard Living Conditions Special Committee..... 09/12/2019

There being no objection, President Wilshire declared the report of the September 12, 2019, Substandard Living Conditions Special Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Animal and Dog Park Advisory Committee

There being no objection, President Wilshire confirmed the appointments of June Lemen, 18 Manchester Street, Nashua, and Amber Logue, 20 Lock Street, Nashua, to the Animal and Dog Park Advisory Committee with terms to expire September 10, 2022.

Oath of Office administered by Corporation Counsel.

Business and Industrial Development Authority

There being no objection, President Wilshire confirmed the reappointment of the following individuals to the Business and Industrial Development Authority: Lydia J. Foley, 2 Bruce Street, Nashua; John E. Tulley, P.O. Box 600, Nashua; and Bradley Vear, 456 West Hollis Street, Nashua; for terms to expire September 13, 2020; Jason B. Haviland, 29 Todd Road, Nashua, and Deborah Novotny, 65 McKenna Drive, Nashua, for terms to expire September 30, 2021; Kim Reagan, 30 Temple Street, Suite 400, Nashua, for a term to expire May 1, 2022; David M. Denehy, 45 Sherri Ann Avenue, Nashua, for a term to expire September 1, 2022; H. John Stabile, 48 Lutheran Drive, Nashua, and Carl Andrade, 12 Mountain Laurels Drive, #203, Nashua, for terms to expire September 13, 2022.

Oath of Office administered by Corporation Counsel.

Conservation Commission

There being no objection, President Wilshire confirmed the appointment of Gloria McCarthy, 65 Musket Drive, Nashua, to the Conservation Commission for a term to expire December 31, 2021.

Oath of Office administered by Corporation Counsel.

Cultural Connections Committee *There being no objection, President Wilshire confirmed the appointments of the following individuals to the Cultural Connections Committee: Eric Drouart, 52 Main Street, Unit 206, Nashua, for a term to expire December 31, 2020; and Nonyem E. Egbuonu of Interfaith Council for a term to expire July 9, 2022.*

Downtown Improvements Committee

There being no objection, President Wilshire confirmed the appointment of Edward Hayes, Terra Salon, 137 Main Street, Nashua, to the Downtown Improvements Committee for a term to expire December 13, 2019.

Historic District Commission

There being no objection, President Wilshire confirmed the reappointment of the following individuals to the Historic District Commission: Ed Weber, 4 Cabernet Court, Nashua, for a term to expire March 31, 2021; and Robert G. Sampson, 18 Sargent Avenue, Nashua, for a term to expire September 30, 2022.

Mines Falls Park Advisory Committee

There being no objection, President Wilshire confirmed the reappointment of Jeff Hannigan, 32 Houde Street, Nashua, and Paula G. Lochhead, 4 Westbrook Drive, Nashua, for terms to expire August 31, 2022 and appointment of Douglas Gagne, 1 Dunbarton Drive, Nashua, for a term to expire September 1, 2022 to the Mine Falls Park Advisory Committee.

Nashua Arts Commission

There being no objection, President Wilshire confirmed the reappointment of John Egan, 7 Beverlee Drive, Nashua, to the Nashua Arts Commission for a term to expire September 1, 2022.

UNFINISHED BUSINESS – RESOLUTIONS

R-18-102

Endorsers: Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman-at-Large Brandon Michael Laws
Alderman Jan Schmidt

APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF POLICE COMMISSIONERS AND UFPO LOCAL 645

PROFESSIONAL

EMPLOYEES OF THE NASHUA POLICE DEPARTMENT FROM JULY 1, 2018 THROUGH JUNE 30, 2022 AND AUTHORIZING RELATED TRANSFERS

Given its second reading;

MOTION BY ALDERMAN O'BRIEN TO AMEND R-18-102 IN ITS ENTIRETY BY REPLACING IT WITH THE PROPOSED AMENDMENTS MADE IN THE BUDGET REVIEW COMMITTEE

ON THE QUESTION

Alderwoman Melizzi-Golja

For the public, could Alderman O'Brien please review the amendments.

Alderman O'Brien

I am going to refer to the Budget Committee Chairman, Richard Dowd.

Alderman Dowd

I don't have the specifics, but this contract came in as you can see by the R-18, last year, it was brought back because what was sent to us originally had some issues. It went back and was renegotiated and what we have before us is the changes from that negotiation. Again I don't have the specifics in front of me but it was in negotiations for quite a while. It was discussed fully at Budget, I think it got unanimous approval at Budget if I am not mistaken. I do concur with the Mayor's concerns that we could not give this type of benefit to all of the Unions or all of the Bargaining Units because it would be cost-prohibitive. But we need to not get caught in the trap of one bargaining unit using other bargaining units to negotiate their contract. We have to take each contract individually and see you know what is fair for the bargaining unit, what is fair for the City and work on it that way. This was a long negotiation that ended up in this particular revision and the Police Department presented a very strong case for approving this. It is a small number of individuals, so this particular contract is not cost prohibitive to the City if it resulted in its worst case analysis.

Other contracts that come with larger bargaining units, we have to be very careful of what we approve, so we need to address each and every one of them individually and do what is fair for the individuals and what is fair for the City.

Alderman Lopez

I just want to echo Alderman Dowd's comments because he articulated exactly what I am struggling with where I understand the Mayor's point. I particularly advocated strongly for the last concession I guess and that was more because it was recognizing a prior agreement that had been changed without those employee's understanding. I am very strongly inclined to support his suggestion that we not go down this road because it could have potential consequences; but I'm also conscious of the point that Alderman Dowd is making and the points that were made at the Budget Committee that this is a specific situation that we can't just apply a blanket rule for. Sooner or later we are going to have to draw the line, I just am not sure this is the point yet. So I will support it even though I am kind of reluctant specifically because of that point.

I also want to point out that it was brought up by the Chief that there hadn't been clear direction that this was No Man's Land when they were negotiating and they did in order to address other concessions. So I understand their logic and their reasoning and the situation that they were in.

Alderman Tencza

Thank you Madam President, I know we are just discussing the amendment now so I'm not sure if this is the correct time to address concerns with the contract or to wait until after, we are actually just discussing the amendment.

President Wilshire

Yeah it's ok, right? We should discuss the amendment.

Alderman Tencza

I'll reserve my comments then until we discuss the actual contract, thank you.

MOTION CARRIED

MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-18-102 AS AMENDEDON THE QUESTIONAlderman Tencza

Thank you. Just to clarify at the Budget Committee there was one person who didn't support it for a lot of reasons that the Mayor outlined before. We are talking about the sick time which is the sticking point for this. I think roughly 16 employees of this bargaining group will be able to cash out 35% of their sick time not to exceed 720 hours when they retire, based on when they were hired after 2003. So my concern with this and I understand the Chairman and the comments that have been made, but my concern with this is that we are setting up a two-tiered system where smaller bargaining units, because the expense to the City is not as great as a larger bargaining unit. We are setting up two tiers where the smaller bargaining units are going to get this benefit, where the bigger bargaining units, we are going to have to say, "sorry it's too much to give you the increase to 720 hours or 35%" or anything like that.

And I appreciate what the Police Commission and the Chief is trying to do for the employees in trying to equalize them with other people and trying to give them this benefit. It's not a comment on whether they deserve it or not; someone who works for a couple decades for the City is able to accumulate up to 60 days and vacation time as well as up to 720 hours of sick time to be paid out when they retire. That is a significant benefit. We see, we all got in our mailboxes today, the print out, the sheet from the City about retirements and obviously the Chief's retirement is a little different since he's the Department Head. There is also someone, Deputy City Clerk on there with a significant amount that the City had to pay as a benefit that has been bargained for, for that employee as well, so all of these things do add up. I am not against compensating the folks fairly who are in this bargaining unit but I think we are getting into a slippery slope going down this path trying to approve or disapprove contracts because of this. I think we have to take a stand here and say across the board, it is what it has been and hope that other members of the Board will agree with me.

Alderman Caron

Thank you. I too have struggled with this but the group that we talked about, the 11 people that we were able to give them back their sick leave; they were hired prior to 2001 when the change was made for the City and we felt that it was fair that they should be grandfathered like everyone else that was working. This is a contract with a union and even though Alderman Dowd says we have to look at each contract differently, unfortunately that's when unions put their feet together, because if one group gets it, the rest want it. If these 15 people were hired under the new system which was 20% of their sick pay, then I think we need to stick with that. The people who suffered the most from some of these changes are those who are not unionized and those are the people who suffer the most. So I for one, I appreciate all the employees that work for the City, but if you are hired under a particular benefit, then I don't think it is fair to change it and anticipate that this small group is the only one that is going to be looking for that in the future. And that's really what we have to think about for future budgets, future employees. So with that, I am not going to support this particular contract at this time. Thank you.

Alderman O'Brien

I like to thank Alderman Caron for her comments; I am going to support this. But there are many different contracts out there and even within a contract or people that you say as a group, there are differences. And the case that I can speak of first-hand within the Fire Department you have the unionized members. But then you have the Deputy Chiefs, the Assistant Chiefs and the Chiefs of the Department that are in the merit system. So it happens, labor gets a raise by their contractual work but the merit system does not give out an equal pay raise.

So what ends up happening, there is compression that a Captain on the Fire Department will almost make, and it has happened, and if he works a little bit of shift coverage, more money than a Deputy Fire Chief, that has tested and went to school and college to obtain that type of credentials. In my utopic world, the City should not have any dealings with unions, unions should not exist. But they exist for a particular reason because somehow, somehow, somebody gets feeling that they are not being treated fairly. Maybe we need to take a general overview as my final comment on it to look at all contracts and come up with some form of matrix system that basically to say the baseline and have them on a matrix scale of what we expect. Then you could put different types of things in it based upon what their need is; such as you could probably designate hazardous duty pay such as Police Officers and Fire Fighters as compared to somebody and not to say that their job is not hazardous but that works for DPW or something like that. It needs to be addressed, when you come up to our unions and they all come in at different times, there's only so much in the kettle and it's almost like who is the first one at the door on Halloween who is going to get the most candy. It is a pretty unfair system and maybe we ought to take a step back as we look at this and maybe say maybe we can do a better job. So that's what I am taking from this, but I will support this. Thank you.

Alderman Klee

I have a question and may I ask Alderman Dowd, I don't know if you will know this, but we are talking about the 15 or 16 people who are getting this currently. If they were to leave and a new hire comes in, would they fall under the 720 or would they revert to the 20%?

Alderman Dowd

I defer to Corporation Counsel.

Steven Bolton, Corporation Counsel

It depends whether this passes tonight.

Alderman Klee

If this were to pass?

Attorney Bolton

The contract that is currently being followed, the previous contract provides for 20%. If this Resolution to approve the cost items of this newly negotiated contract passes, that will become the new contract for everyone whether they are employed; whether they start tomorrow; whether they start next week. And that will continue until a successor agreement to this agreement comes into effect. And then it is whatever is in that collective bargaining agreement. So in theory it could go from 35% up to 50%, it could go from 35% back down to 20% but it is whatever contract is in effect at the time people retire, is what you go by. And in some contracts there are grandfathering provisions and if you are hired before a certain date you are under one program and after a certain date you are under another program. But the way that this contract reads that you are looking at tonight, 35% no matter when you were hired; the way the previous contract read – 20%.

Alderman Klee

So just – not that I need an answer to this question but just a comment. If they were to grow exponential or in other words if they had more staff or anything else like that, all of these people would fall into this 35% or 720 hours or something to that nature. So we have the potential of this becoming bigger, not that it would but there is always that potential. So I have a little anxiety about it. Thank you.

Alderman Dowd

Two things: One – this group is the Civilian Supervisors, they are the Senior Civilians in the Police Department and I don't foresee them growing especially not exponentially. The other thing that was brought out by the Police Commissioners and the Chief when he was here was that they did not get a lot of guidance from the City which I'll speak to in a second relative to what might or might not be acceptable. Now we can't dictate or set policy is what we are going to allow and not allow for union negotiations. But we can certainly say that these are the things that will be looked at very strongly and I don't care whether it is this particular line item or some other line item that causes an extreme expense to the City because of that bargaining unit.

When we negotiate a contract and we pass a contract here, we have to be concerned about the overall cost to the City, the fairness to the employees and the fairness to the City. In this particular group, they were negotiating for months and months on end. Negotiations are a give and take, if you've ever been part of a negotiating team. And they did not have an expectation when they came back to us with this revision that the City was going to say "no". To me, someone in the City needs to be sort of a guidance to the negotiating groups so that they have some idea what may or may not be accepted. And I think we have to address our cost concerns on a one for one basis, which is the only thing that we can discuss as part of a contract here at the Board of Aldermen; we can only discuss cost line items.

So in this instance where you know after all the negotiations over all that period of time with their Commissioners, at least one of which was a former Alderman and the bargaining group and the Police, I fully appreciate the Mayor's position on this with larger bargaining units that it would not be good. Just because we allow it for this contract, does not mean we need to allow it for every other contract if it is cost prohibitive, the whole contract is cost prohibitive and we would decline the contract based on cost.

Alderman Lopez

I hate to say it but to Alderman Dowd's point, I think the Mayor articulated his opposition to this pretty clearly when we did it last time to the point where he tried to veto it. And I can't in my mind pass this off to someone else. If the only way we can indicate what our preferences are is with our votes here right now in terms of like things that need to be bargained with and things that should not be attempted, I personally feel like I guess we do have to draw the line here as Alderman Caron has pointed out and as Alderman Tencza has said; because otherwise, we are not providing the guidance that perpetuated this in the first place.

Alderman Jette

So I've been away for about a month so I am trying to get back to and on-board but everybody is talking so fast and it's hard for me to understand. But I remember when we talked about this regarding the non-affiliated employees and there was a concern expressed about the idea that people could, I mean I understand and support the concept of people accumulating sick leave and if they get sick, being able to use that sick leave. What I objected to with the non-affiliated employees was their ability to cash in that sick leave. So if they are fortunate enough not to get sick you know they can, the idea of using this accumulated sick leave as a cash out is a concept that I am not comfortable with. I think that if people are sick, we ought to, the whole purpose of sick leave in my opinion is that if somebody gets sick, their family should not suffer because of their lack of income while they are sick. So we support them, we provide a steady income to them so that their families, they are and their families don't suffer during that sick time.

But if they are fortunate enough not to get sick, I'm not comfortable with giving them a payout, a cash out, if they leave or if they retire. As I'm looking at the summary of this thing, under Article 17 it says that "employees hired prior to September 16, 2003 can accrue up to a maximum of 1,080 hours of sick leave" and that's the equivalent of 135 days. But after they have served on death, retirement or resignation after 15 years of service, they get 100% of that sick leave accrued balance to a maximum of

720 hours or 90 days. But employees hired after September 16, 2003 can accrue unlimited hours and again they are limited upon death, retirement or resignation after 15 years they are limited to 35% of the accrued balance instead of the 100% that they had but still to a maximum of 720 hours. So I am not exactly sure what the change is. I don't know if Alderman O'Brien has an answer?

Alderman O'Brien

Well first I would like to say the sick leave and everything, you've got to be very careful when you bring that subject up. Because if take the people that this particular contract work with, if an officer calls in sick, then the City goes down in its manning. And it is determined when the City goes down in manning, that the street safety isn't there for the other officers. So the Chief of Police or the Chief of the Fire Department may determine, as I can speak wholly for the Fire Department, that they hire back on shift coverage. With the Fire Department it is at straight time, it's not really at the time and a half 100%. So therefore that keeps the minimum manning at a level of safety that the public demand. Now in order to have that public safety and to have that, you need to allow something in-between and that's why you have that collection of unused sick time. The City, by doing that, actually does save a dollar amount if they are not taking their sick time, they are not paying sick time and they are not paying for somebody to come back and replace them. So there is an economic savings and you've got to, you know, I'm just saying it to make aware of that. That's why that policy does exist, it has proven itself to work, thank you.

Attorney Bolton

Alderman O'Brien I don't think any of these positions when the person is out sick someone is called.

Alderman O'Brien

I didn't say so Counselor, I said they are working with people that are in that and that's why they are asking for it, I assume. Am I correct?

Attorney Bolton

I don't think that issue presents itself with these employees.

Alderman O'Brien

No I agree, I agree. But excuse me just for, I thought Counselor Jette made an overview of why he did not like the sick leave accumulation and maybe I misunderstood Alderman Jette's question and I was answering directly. But I appreciate your diligence in giving me an answer, thank you.

Attorney Bolton

You're welcome.

Alderman Jette

I don't think Alderman O'Brien answered my question and I don't know if Alderman Dowd can answer it.

President Wilshire

The Mayor can answer your question, Alderman Jette.

Mayor Donchess

So for the employees hired before 2003, September 1 I believe is the date, it is as you described initially, it is a maximum of 720 hours. Then in 2003 a change was negotiated in the contract for employees hired after that date. The current contract provides that employees hired after September 1, 2003 would be able to accumulate only 20%. The people that this change would affect are those hired after September 1, 2003 all of whom have entered the system with the understanding that they get 20%. The City gave some kind of concession to buy that change for the new employees. So now that system has been in effect for 16 years and some of these people have 16 years under the system.

The next part you were at is the proposed change from the current contract. The current contract says maximum 20%, the new language which you read would allow 35% of 720 hours maximum so that the amount of payout is being increased from 20% to 35% which is about, under the maximum accrual the difference between paying for 20% of annual salary up to about a third of 35%. So does that explain?

Alderman Jette

What about their ability to accrue unlimited hours? Is that currently the case or is that new?

Mayor Donchess

They can incur unlimited hours but they can only cash out for 20% and as a realistic scenario it is very difficult to accumulate more than a year's worth of sick time. So as a practical matter the maximum currently you are going to get paid out is 20% of your pay. Because maybe you can accumulate 2,200 hours or about a year's pay. As proposed in this contract now that would go to a third of a year basically because now it is 35% of 2,100 or 2,200 hours up to a maximum of 720.

Alderman Jette

Thank you.

President Wilshire

Could we have a division?

Alderman O'Brien

Division.

President Wilshire

Those in favor? Seven. That means the motion fails, 7 to 7.

MOTION FAILEDAlderman Clemons

I move to table.

**MOTION BY ALDERMAN CLEMONS TO TABLE R-18-102 AS AMENDED
MOTION CARRIED**

R-19-174

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman Richard A. Dowd
 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

ESTABLISHING THE USE OF FUND BALANCE FOR TAX RATE

Given its second reading;

MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-19-174 BY ROLL CALL

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

Yea: Alderman O'Brien, Alderman Gidge, Alderman Harriott-Gathright Alderman Dowd, Alderman Klee, Alderman Laws, Alderman Lopez Alderman Caron, Alderman Jette, Alderwoman Melizzi-Golja, Alderman Tencza, Alderman Schmidt, Alderman Clemons Alderman Wilshire	14
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Nay:	0
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MOTION CARRIED

Resolution R-19-174 declared duly adopted.

R-19-175

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Lori Wilshire
 Alderman Richard A. Dowd
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman Ken Gidge
 Alderwoman Mary Ann Melizzi-Golja

**RELATIVE TO THE TRANSFER OF \$10,000 FROM DEPARTMENT 194 "CONTINGENCY",
 ACCOUNT 70100 "GENERAL CONTINGENCY" TO DEPARTMENT 181 "COMMUNITY
 DEVELOPMENT", ACCOUNTING CLASSIFICATION 55 "OTHER SERVICES" FOR A
 LANDSCAPING DESIGN PLAN FOR EDGEWOOD CEMETERY**

Given its second reading;

MOTION BY ALDERMAN DOWD FOR FINAL PASSAGE OF R-19-175

ON THE QUESTION

Alderman Dowd

If there's anyone that would like more amplification of the reasoning for this I would be willing to provide it. This is, if you are aware or not aware of the tree cutting at the Edgewood Cemetery that was a sudden shock to the neighbors. I will keep this very brief. They are very concerned that all of a sudden they looked out their windows and it looked like Lebanon after a bombing.

We are working with the Mayor, we are working to set this money aside so we can use our landscape architect to do a design that will be applicable and usable by the cemetery and pleasing to the neighbors so they can have some input.

Alderman Lopez

A question through the Chair to Alderman Dowd; this is the neighbors that were complaining, not the residents.

Alderman Dowd

They've been silent on the motion.

MOTION CARRIED

Resolution R-19-175 declared duly adopted.

R-19-176

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Ken Gidge
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman Tom Lopez
Alderman Mary Ann Melizzi-Golja
Alderman Jan Schmidt

**RELATIVE TO THE TRANSFER OF \$56,300 FROM DEPARTMENT 194 "CONTINGENCY",
ACCOUNT 70100 "GENERAL CONTINGENCY"**

Given its second reading;

**MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF R-19-176
MOTION CARRIED**

Resolution R-19-176 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

O-19-052

Endorsers: Alderman Patricia Klee
Alderman-at-Large Shoshanna Kelly

AMENDING NRO 93-6 IMPOUNDMENT OF DOGS, CATS, FERRETS AND CHICKENS

Given its second reading;

**MOTION BY ALDERMAN KLEE TO AMEND O-19-052 IN ITS ENTIRETY BY REPLACING IT WITH
THE PROPOSED AMENDMENTS MADE IN THE PERSONNEL/ADMINISTRATIVE AFFAIRS
COMMITTEE**

ON THE QUESTION

Alderman Dowd

Clarification on the amendments just for the general public.

Alderman Klee

Yes we replaced the term “Dog Officer” with the “Animal Control Officer” which is what his actual title is.

MOTION CARRIED**MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF O-19-052 AS AMENDED**ON THE QUESTIONAlderman Klee

May I speak to it?

President Wilshire

You may.

Alderman Klee

Hopefully this will put an end to the controversy of a bill that does nothing but clarify the existing law. While I've gotten many calls in favor of it because people are saying “put the cats on the leashes”; I've gotten quite a few negative. I won't go into those, I've belabored that too long. But I just want the clarification of this and for those who said that there's no way of identifying a cat that gets picked up isn't listening. You can chip your cat, just like you can chip your dog or any other animal. So you can put an identification, someone even said to me that that they do tattooing; well I have 2 greyhounds that have been tattooed, I don't recommend it. But chipping is harmless, it goes between the shoulder blades and it would be easier. This weekend there was a letter to the editor that stated that we should license cats and that way we can identify them. I do want to kind of address that really quickly; licensing of cats would be quite expensive to the City as well as the additional hiring of people, new software, etc. And if we are only doing this just to identify cats, again I run to “get your cat chipped”. I think I've said enough through the weeks as this has gone. Thank you.

Alderman Dowd

I think there has been much to do about nothing relative to this and I think the way that some of the way that some of the members of the public have treated Alderman Klee is absolutely wrong. And this basically, I've had my calls myself on this and once you explain it to people they have no problem with it. It's the same as it has been. We are not putting cats on leashes and we are not registering cats or anything like that. If a cat was causing an issue, it was sick maybe the animal control officer might go out to satisfy a complaint. But I can tell you in having talked to the Police they are not going to be chasing cats around if they see them loose just to pick them up. They have better things to do than that. I think the people that are making a big to do about this aren't really seeing what is trying to be done.

The other thing is I think there are other parts of NRO 93.6 that may have reference to the Dog Officer rather than the Animal Control Officer. If that is still the case, I'd like make an amendment that we change all references to the Dog Officer to the Animal Control Officer.

Alderman Lopez

I would also like to observe that while the Mayor and Alderman Klee were identified on the postcard, also there has been a lot of discussion about the animal control officer, who to my knowledge is not a homicidal maniac. He's not trying to collect animals and like do away with them. They go to the Humane Society; the Humane Society has a very long tradition of helping reunite pets with their

owners. There's a missing cat on Ledge Street right now and that family is looking everywhere for it, for more information consult Nashua Cats Who Have People, it's a Facebook group. But if you see a stray cat or missing cat or stray cat or seemingly like non-owned one, it should be everybody's responsibility to at least worry about it because somebody may be looking for it. If it's a clearly owned cat, it's domesticated, it's fairly well taken care of, looking confused, then this helps. Because people who are running themselves crazy looking for a cat, at least they know where to start. So I just wanted to express my support for the process that this trying to support. I think it is responsible for us to do it, as Aldermen and as a City.

Alderman Jette

I do not approve of the abuse that has been heaped on to Alderman Klee and the Dog Officer and other people concerned, I think it is totally inappropriate. So I had several concerns and I talked to Alderman Klee about perhaps sending this back to Committee and she reacted rather negatively to that suggestion. Attorney Bolton said that we could make these amendments here tonight. So the first issue I had was even though we just changed, we amended it to reflect the name of the Dog Officer as Animal Control Officer in paragraph A as Alderman Dowd has suggested, the term Dog Officer appears also in Sections B, C, D, E, F, G of 93.6. It also appears in 93.7 and 93.9 and I thought that he had made a motion to amend to make those, to change the term Dog Officer to Animal Control Officer wherever it appears in this section. I'm in favor of that. But I have a couple of other issues that I'd like to speak about after we vote on that.

Alderman Dowd

So I will formally make the motion to amend to change all references to the dog officer in NRO 93.6 to Animal Control Officer.

MOTION BY ALDERMAN DOWD TO AMEND NRO 93.6 TO CHANGE ALL REFERENCES OF "DOG OFFICER" TO "ANIMAL CONTROL OFFICER"
MOTION CARRIED

Alderman Jette

The other issue I had is probably more difficult to deal with but under 93-6A, with all due respect, this is changing the current law. Our current Ordinance does not provide, does not authorize the Animal Control Officer to seize or pick up cats. The fact that it appears in the title, our Ordinances specifically say that the titles to those paragraphs, those are made largely by the company that produces the book and the on-line version. In our Ordinances it specifically says that those titles are not part of the law; they are for convenience only. There is State Law that provides that authorizes the seizure of cats who have bitten somebody or how are displaying the symptoms of rabies. But stray cats, no. It doesn't talk about that. So I think the clarification that Alderman Klee is trying to make here is a good one and I support this amendment to the Ordinance.

However, I have heard it said during the discussions that the Animal Control Officer is not going to be going around picking up stray cats. If there is a complaint, if a cat is a nuisance or is injured or is displaying symptoms of illness, yes the Animal Control Officer will react to a complaint. But he's not going to be going around looking for stray cats. So I would like to suggest is if what we are really concerned about is cats that are being a nuisance, you know, they are off the property, they are bothering a neighbor, they are causing some kind of a problem, and under Section 6 of the amendment "any cat or ferret which is off the premises of the owner and either is a nuisance or is suspected of being or which is diseased or injured" I think that's what we are trying to do here and I think that's fine. Section 7 goes on to say that "any cat or ferret which the Animal Control Officer or other authorized person has reason to believe is a stray". So that part I don't think is necessary, I think it is a lot different than what the current law is.

The current law does not restrict cats. If they are causing a problem certainly, but if they are just off the property, you know, people have called me and said their cats go out and they have never restricted them to the property, they don't know how they would be able to do that unless they kept them inside. We have a cat, he's inside all the time, we never let him out. I'm thinking, I'm wondering whether or not we would be better off striking Paragraph 7 or Sub Paragraph 7 and I would like to propose that as a further amendment to the Ordinance to strike Sub Paragraph 7 so the remaining 6 sub paragraphs would remain.

Alderman Dowd

Corporation Counsel, can you amend a motion 3 times?

Attorney Bolton

We've already voted on the prior amendment.

Alderman Schmidt

I don't think stray cats means your cat got out and somebody is going to grab it. I know that's not what it means. The Animal Welfare League defines stray cats as "cats who have at some stage been domestic but for some reason have had to fend for themselves, whether they have become lost or become abandoned. These cats can often be rehabilitated if they are taken into care". Stray cats means cats that on my back deck for a week that have been looking for something. Cats that have summered over because somebody dropped them in our cul-de-sac and it's wintertime. That's when you call the Animal Control Officer and you say "this cat needs help". I don't think anybody would assume that "stray" just means that somebody opened the door and the cat got out. So I would really like to leave "stray cats" in as a part of this NRO.

President Wilshire

Ok would you phrase that in form of a motion? To strike paragraph 7.

Alderman Jette

Yes that's my motion.

MOTION BY ALDERMAN JETTE TO STRIKE SUBPARAGRAPH 7

ON THE QUESTION

Alderman Jette

And if I could respond? Thank you for that definition but that definition is not in the Ordinance and the dictionary definition of "stray" isn't as well defined as what you have proposed.

Alderman Schmidt

Animal Control League.

Alderman Jette

Well the Animal Control League is not part of our Ordinance. Maybe we would add that definition if that's?

Alderman Clemons

Thank you. I just I don't understand what we are arguing over, to be honest with you, I'm at a loss. We have an Animal Control Officer and it is his job or her job to go out and control animals that are uncontrollable right? So if there's a cat that's in my yard and I don't want it there, I should be able to call the Animal Control Officer to have the cat removed. The same thing that I would do with a dog or any other animal for that matter. So whether or not is defined as a stray, as far as I'm concerned if there is a cat on my property and I don't want it there, it's not mine and I don't know whose it is, then it is a stray. Now the onus is on the owner of the cat, get your cat chipped because what will happen is the cat will go to the Humane Society and when they read the chip, they will call you and they will say, "we have your cat, it was found on Alderman Clemons' property and it was really annoying him and he called the Animal Control Officer". So I don't know what we are arguing about here and I won't support taking that out.

Alderman O'Brien

I am too a little confused and I do question when you strike out a whole complete section I think we are getting a little more in-depth here, as changing a name from Dog Officer to Animal Control. So through the Chair, can we ask the question to the Committee Chairman, does the Committee Chairman see merit to bring this back to the Committee for such a large striking of a particular section?

President Wilshire

Does the Chair wish to respond?

Alderman Caron

So I think we have kind of mulled this over, not once but twice and to Alderman Klee's credit, she suggested some of these amendments because if you look I think on the van, it does say "Animal Control Officer" it doesn't say "Dog Officer". People have been picking up stray cats for a long time. I had someone tell me that they put out a Have a Heart Trap in their yard and they catch 3 or 4 of them and if they don't who the owner is, they bring it to the Humane Society. So to eliminate that, I don't think that's right, I think that if someone wanted a major change like that, I think they should have been, no offense, if you were on vacation, but they should have been at the Personnel Meeting, because we really talked about this in length there the last two times. So no I don't think it should be sent back to Committee.

Alderman Harriott-Gathright

I just have a question in number 7? Who is the authorized person, is that the resident or owner where the cat is?

Alderman Klee

To be very honest with you I am not really sure who the other authorized person is but I would assume that it is. Seeing that I have the mic may I just say something? Alderman Caron brought up the point of the Have a Heart and the truth is that when a cat or an animal the size of a cat goes into Have a Heart and you try to pick that up and you try to bring that to the Humane Society, it's quite heavy and sometimes the cat is a little unruly. So the truth is in a situation, they may call Animal Control and ask them if they could transport it from one place to another. This authorizes the Animal Control Officer to do it in a humane and legal way. I think it should remain there. I don't think that we should strike it, I think this, as is, is the way it should go. And I appreciate it being left as is, thank you.

Alderman Caron

To Alderman Gathright's question, I think that if the Animal Control Officer isn't available, they probably send a Police Officer there because the Animal Control Officer isn't on duty 24/7. So I think that's what that means.

President Wilshire

That's correct.

Alderman Jette

I would just like to, with all due respect, suggest that if the cat is on Alderman Clemons' property and he doesn't want it there, then it meets the definition of nuisance under Section 6, not 7. I mean every time people talk about stray cats, I watch the meeting, I looked at the minutes, I've heard it said numerous times, represented that the Animal Control Officer himself has said he's not going to go around picking up stray cats. So if he's not going to do it, if that's not what we are intending, why put it in? If we are only talking about cats that are a nuisance, sick or injured, then why don't we leave it at that? Why say something that we apparently acknowledge is not going to happen? Every time, you know, I've heard it said several times to other people who have raised this issues, this is not going to happen, they are not going to go pick up stray cats. They are only going to be picking up cats that are causing a problem. So why don't we just say that?

Alderman Dowd

Everything that has been said and to Alderman Klee, I move the question.

President Wilshire

The motion is to move the question.

Alderman Klee

I'm confused about this. So aye means that we strike number 7?

Alderman Dowd

No.

Alderwoman Melizzi-Golja

End this discussion.

President Wilshire

The motion to move the question passes.

MOTION PASSEDPresident Wilshire

The Motion on the floor right now is to delete or strike subsection 7.

Alderman Dowd

No, who made a motion?

Alderman Klee

Alderman Jette.

President Wilshire

Alderman Jette made the motion.

Alderman Dowd

Oh I'm sorry, OK.

President Wilshire

Further discussion on that Motion.

Alderwoman Melizzi-Golja

No we just moved the question.

President Wilshire

Ok then the motion is for final passage. To strike #7 there is no discussion OK. All those in favor of striking section 7 signify by saying aye.

MOTION FAILS

President Wilshire

Now we are back to the Motion of final passage of O-19-052 as amended.

Alderman Clemons

I don't want to belabor the subject but I do think that having that subsection is in there is good, I'm glad we just made that decision. The reason I say that is because if there was an issue with stray cats, particularly if they rabies or if they had some other kind of disease and they were in a neighborhood and it had been identified that it was a problem, then I would hope that the Animal Control Officer would go after those particular stray cats because they would have an identified disease or at least we would think that they did. Again not to belabor the point, but there's a reason that that section was there.

Alderman Dowd

The same point I made a minute ago, I move the question.

President Wilshire

Motion is to move the question.

MOTION PASSED

President Wilshire

The Motion before us is for final passage of Ordinance 19-052 as amended.

MOTION PASSED

Ordinance O-19-052 declared duly adopted as amended.

O-19-053

Endorser: Mayor Jim Donchess

AUTHORIZING SIGNATURES FOR CONTRACTS LESS THAN \$1,000

Given its second reading;

MOTION BY ALDERMAN O'BRIEN FOR FINAL PASSAGE OF O-19-053

MOTION CARRIED

Ordinance O-19-053 declared duly adopted.

NEW BUSINESS – RESOLUTIONS

R-19-177

Endorser: Mayor Jim Donchess
Alderman-At-Large Michael B. O'Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
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 Ben Clemons
Alderman-At-Large Lori Wilshire

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$26,500 AS A DONATION FROM A.W. ROSE, L.L.C. TO BE USED FOR THE INSTALLATION OF A MULTIPURPOSE SPORT COURT AT THE ARLINGTON STREET COMMUNITY CENTER

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

R-19-178

Endorser: Mayor Jim Donchess
Alderman-At-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-At-Large Brandon Michael Laws
Alderman Ken Gidge
Alderman Tom Lopez
Alderwoman Mary Ann Melizzi-Golja
Alderman-At-Large David C. Tencza
Alderman Jan Schmidt
Alderman-At-Large Ben Clemons

AUTHORIZING THE SALE OF CITY LAND LOCATED AT 141-143 BURKE STREET (MAP 11, LOT 158) TO LOYAL HOLDINGS, LLC FOR \$3,900,000

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE and the NASHUA CITY PLANNING BOARD by President Wilshire

Alderman Lopez

Can I make a comment really quickly? There was an article in the Telegraph today that claimed that this sale was for the entire property. So I just want to make it clear that it is not for the entire property; it is for a portion of it.

R-19-179

Endorser: 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

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

There being no objection, President Wilshire suspended the rules to allow for the first reading of a resolution received after the agenda was prepared.

R-19-180

Endorser: Mayor Jim Donchess
Alderman-At-Large Michael B. O'Brien, Sr.
Alderman Ken Gidge
Alderman Patricia Klee
Alderman-At-Large Brandon Michael Laws
Alderman Tom Lopez

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LEASE AGREEMENT WITH 131 BURKE STREET, LLC FOR 141 BURKE STREET

Given its first reading; assigned to the FINANCE COMMITTEE by President Wilshire

NEW BUSINESS – ORDINANCES**O-19-054**

Endorser: Alderman Tom Lopez
Alderman Linda Harriott-Gathright
Alderman Patricia Klee
Alderwoman Mary Ann Melizzi-Golja

REMOVING THE THIRTY-MINUTE PARKING TIME LIMIT ON A PORTION OF THE WEST SIDE OF WALNUT STREET

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

O-19-055

Endorser: 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 Ben Clemons
Alderman-At-Large Lori Wilshire

AUTHORIZING THE POLICE DEPARTMENT TO DONATE LOST OR ABANDONED BICYCLES

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

O-19-056

Endorser: Mayor Jim Donchess
Alderman-At-Large Michael B. O'Brien, Sr.
Alderman Ken Gidge
Alderman Linda Harriott-Gathright
Alderman Patricia Klee
Alderman Tom Lopez
Alderman Jan Schmidt

UPDATING THE ENVIRONMENT AND ENERGY COMMITTEE

Given its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by President Wilshire

O-19-057

Endorser: Alderman Tom Lopez
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-At-Large Brandon Michael Laws
Alderwoman Mary Ann Melizzi-Golja
Alderman Jan Schmidt

INCREASEING THE PARKING TIME LIMIT AT METERS IN ZONE I

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

Alderman Clemons

Could you forward that to the Downtown Improvement Committee as well?

President Wilshire

I will also assign to the Downtown Improvement Committee. Yes.

Alderman Clemons

Thank you.

O-19-058

Endorser: Alderman Richard A. Dowd
Alderman Linda Harriott-Gathright
Alderman Tom Lopez
Alderman Ken Gidge

AUTHORIZING STOP SIGNS ON DINSMORE STREET AT ITS INTERSECTION WITH DOUGLAS STREET

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

PERIOD FOR GENERAL PUBLIC COMMENT

Stacie Laughton Stacie Laughton, 80 Elm Street, Nashua, New Hampshire, Ward 4. I come before you tonight raising an issue we talked about earlier this year. That was, we were talking about raising the minimum smoking age to 21. And as we have been seeing lately in the news, people are actually starting to die from these devices and the nicotine and the vaping products. I am not specifically talking about cigarettes; I'm talking about the vaping devices. We've seen a lot of deaths, we have seen a lot of additives being added to them and they are not a safe product to have in our stores for anybody to consume at any age. We saw today in Massachusetts, the Governor of Massachusetts put a 4 month ban on vaping devices and the City of Boston in itself as a City is taking action.

That's why I am here tonight. As a City, we can still bring this issue back up, we can either raise the minimum age, we could potentially ban the sale of vaping devices throughout the City and set an example for the State. Hopefully we can get Governor Sununu to do something similar if he's allowed or something needs to be done. These products are very dangerous and I think they are even more dangerous than the combustible cigarette which is dangerous in itself, yet the complications and death that could occur from regular combustible cigarettes will take longer, but we've only seen vaping devices out for a short few years now and they are causing heart failure, all kinds of other deaths, other types of problem. I am a medical cannabis patient and I am even questioning if the dispensary should be carrying the cannabis type of vaping products at this time until, I mean, we can determine fully if vaping is 100% safe. So even as someone who would be interested in using a cannabis vape product, I don't even think it is safe for my own consumption.

Also, on a separate note, when I was here last and speaking about that, I had mentioned that I had been eligible to serve in public office. That was confirmed recently by the City's Legal Department. I had filed to run as a selectman in the City; however my petitions were not verified due to a certain complication. However, my Committee that I spoke about last time, my exploratory committee has shifted gears. We are now the Committee to Elect and I am running as a write-in candidate for Ward 4 Selectman. With that I will end my comments for tonight. Thank you all. And I would also like to welcome the new City Clerk, Susan Lovering.

Laurie Ortolano 41 Berkeley Street. Just wanted to address a couple of things. The new Assessing Manual and procedures was released at the Board of Assessor's meeting on the 29th of August. That was of pretty big interest to me and a few other people based on a lot of the concerns that we had and what we were looking for. I was excited, the newspaper was there, they covered an article, they asked for comments and you know Ms. Kleiner had said that the concerns of the public were addressed. Any concerns brought forth citing the manual addresses many of the concerns brought forth by Ortolano and others. They are all addressing concerns that the public brought to us so it's not like they haven't had any input because they have. We listened to those concerns and we constructed the procedures. These are policies on updating a property record card, how you look at grade and condition, what constitutes fair and poor and that's very important that we get all our assessors looking at properties the same way.

When she presented the Board with the book she said that they welcomed any questions and I want to make certain I have the words correct, that she was presenting them with the new procedural manual. And inside you would find it divided into two sections. I took the time, a week after it was released, it was put down in the Assessing Office to view and I took the time to go down there, I spent about 2, 2 ½ hours down there reviewing the manual and I typed up a paper on it, on what I thought was missing and what areas thought might have some weaknesses. But what shocked me is that any of the concerns I raised, and I mean I know I am not liked, but there was nothing in there, absolutely nothing for the concerns that I addressed. I mean I really think there was nothing.

Policy hearings, one of the things I had asked about months ago, was well if you are going to write these policies the old manual had no headings, no revisions, no dates, no page numbers. If you are doing Policies & Procedures you want to have revisions and some way of tracking when they were activated and what their standing is. So this new manual comes out, there's none of that. The Condition and the Grade Issues were not in the book, I started getting very confused. The EYB was not in the book. The other one was the Ratings on Kitchens & Baths; when we had talked last November, how do we look at fixtures, how do we look at something that is good, average, fair, excellent. What are the qualities of a bathroom and kitchen that would give those ratings and that is independent of an upgrade for AssessPro5. That's just how the Assessor is looking at this stuff; that wasn't in there.

Documenting abatements and how we would document abatements on property files; that wasn't in there. The percentage increase concern I had, the increase on properties when we would send a letter home, I did address that I was concerned about using a fixed number because lower income people are hit harder. A \$200,000.00 home is experiencing a 10% increase to have a letter delivered and a \$600,000.00 home is only experiencing a 3% increase and they get a letter. And for people at lower income notifying them earlier or based on a percentage might be better financially for them. And EYB and Grade; so I was shocked and I was struggling down there. I was struggling with the manual because I couldn't find these things. I kept thinking I was missing them, so I went Friday, I went Tuesday, Wednesday, Thursday morning before the Board of Assessor's meeting I went in for 2 minutes and I asked for the manual. And I stood at the counter and I looked and I realized pages were missing, were missing little segments of pages are not in the book and they are not in the index; the EYB, the Grade & Condition, the Bathroom, Total Rooms & Kitchens. Those sections were all missing. I said to the woman at the counter, I said, "All these pages are missing". "What?" I said, "There are no pages so all the information I've been looking for isn't here". She was shocked and she looked at me and said, "I don't know why". She walked back to an assessor and she said, "All these pages aren't in the book" and the Assessor went "Hmmm".

I come out tonight and I hear Ms. Kleiner mention you know EYB and Condition and stuff are going to be addressed with AssessPro5. I don't understand why the Board wasn't told that and the Board was presented with this manual as if it was a complete manual. I don't have any way as a citizen to go and ask them, "where's the stuff" because for me it becomes a Right To Know Request. It goes up to Legal, it could spend 4 weeks up there, it can get denied because it's not a document request. This one would be provide me with the documents. As a matter of fact I wrote 2 Right to Know's before coming out here; one to the Board of Assessors and one to Kim Kleiner for all of this missing documentation, because I have no way of getting it. I can't ask a question at the desk because they wouldn't tell me the answer anyway.

But it is just disappointing that you do all of this work and you wait so long and somebody who in charge of the office goes to the press and says, "All of this is in there, we've looked at grade and condition and what constitutes fair and poor, it's all in there". And I'm digging around and I can't find any of it. I feel that's not transparency, that just isn't transparency for me; that's shutting the public out, making us run through hoops, making me work extra hard to try and figure it out. I know that she really dislikes the public, because in her thanks in the end, there was no recognition of the work that the public has done to try to help with what's gone on in Assessing.

And that happened every presentation she has given. She has thanked the City but never the public and that just shows a very strong dislike and I'm not the only one. She mentioned she took input from other people, I don't know if she incorporated theirs, but she's not overly appreciative of any input.

On a second note, at the prior meeting on August 13th, Ms. Kleiner got up and spoke about investigations that have been going on. She mentioned, because I submitted a letter, that there was concern on my part studying what happened in an audit report to \$24 million dollars that was reduced from 12 properties. She said during the 2018 update it was determined that the base rate for school colleges, what we call Assessing Code 72 was incorrect. Correcting the table for Code 72 resulted in the bulk of a \$24 million dollar adjustment that you keep hearing about. This has been verified by KRT. I am not certain how much you've all heard about the \$24 million dollar adjustment. What happened, and this was the launching of Right to Know requests. I requested an audit report and in that audit report I discovered that one assessor, two days before the MS1 was going out, made a \$24 million dollar adjustment to 12 properties. It was unprecedented; it was strange. I was really concerned because when I tried to look on the property cards to understand what happened there wasn't full documentation. I did find that a Code 72 change was done on a few of them. All of those properties that were changed are not all tax paying properties, some were exempt, but some were tax paying properties and they got massive reductions, massive.

When she said that this has been verified by KRT, I don't, now first of all, when this happened and was discovered in I'm trying to think when, May – I wrote a letter to her. I said, "Have you looked at that audit report you sent me, are you concerned by these reductions, do you understand why they are done, would it be helpful to meet, could you offer any explanation". I heard nothing. After 2 weeks I wrote back again. I got a letter from Legal saying this didn't meet the requirements of a document and therefore your concerns wouldn't be addressed. At that point I went to the Attorney General's office and several other citizens did and said, "We want to understand what happened with \$24 million dollars". And we camped out with our concerns at the AG's office and they pushed it down to Nashua and they came to us and said, "You've got to bring it to your Nashua PD". So the Nashua PD opened an investigation into this \$24 million dollars. When you hear that there is no investigation going on, there is no further investigation of the \$24 million you keep hearing about, to my knowledge there is an open investigation about this. And it frustrates me that it had to go to that extreme, that we had to involve the Nashua Police and the AG's office.

When I went and met with Mike Carignan, his comment to me was "Why didn't they just answer your questions, why didn't they just answer you". And I said, "Because they don't, they don't tell you why". It is even up at the DRA. You know, we as citizens should be able to question what happened to \$24 million dollars and you know why did the reduction happen. This Code 72 change that she says was verified by KRT what does that mean? You're a lawyer, you're a lawyer, we've got some lawyers in here? Did they verify that the change was correct? Did they verify, yes a change was made? Did they verify yes it was done by that Assessor? It doesn't mean they approved it. I don't know what that means.

So you know it is enormously disappointing because I hear a lot of concerns from this Chamber on the money I am wasting in this City looking at things like this. But I would waste so much less had there been some communication. Our PD wouldn't be involved with this; the AG wouldn't have been involved, the DRA wouldn't be looking at this. The Right To Know's wouldn't be happening.

President Wilshire

Ms. Ortolano, you have one minute left for our Public Comment Period, please.

Ms. Ortolano Yes I just wanted to make you all aware of this because I think it's important. Thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Tencza

Just briefly and I had hoped that Mr. Teeboom had stayed, but I wanted to congratulate to him. He sent an e-mail to the Board as to other members regarding a sculpture that has been included at the Holocaust Memorial over off of Main Street. It is an important memorial for the City; I credit his passion in bringing that for people to view and for all of us to continue to remember the awful tragedy that was the Holocaust. So if people have a chance, please go over and view the whole memorial but in particular the new sculpture that was, that is dedicated to the children who died in the Holocaust.

Alderwoman Melizzi-Golja

Yes I would like to join Alderman Tencza in congratulating Mr. Teeboom on the restoration of that sculpture. Certainly I think all of us who have attended events there, who have talked to Mr. Teeboom, know how passionate he is about the plight of children during the Holocaust. So I was happy to see he had gotten that restored.

Then just a reminder that the Brian McCarthy Foundation Fundraiser is coming up on October 5th at the Bounty from 7:00 to 11:00 p.m. Tickets are available on line and will be available at the door. There will be a cash bar, live music and some silent auction items, as well as raffle items. As I stated a couple of weeks ago, this is really the beginning of fundraising for the Foundation which is focused on supporting STEM activities and scholarships for students at Nashua High North & South. Thank you.

Alderman Lopez

First I would like to start by congratulating Great American Downtown on another great dinner on downtown event. It was really well-run, I know the Mayor volunteered; I was there as well. I would like to thank Shanae for telling me I had to wear a black T-shirt on a 70 degree day, that was great. It was a really great event and it was very well run. All of the chefs did an amazing job with their contributing restaurants and the meals that they prepared. The participants all very much enjoyed it as well as the performances, the show, all of that kind of stuff. I encourage anybody to attend it next year if they are able. If you missed it this year then you missed out on like quiet a snack.

Additionally, I wanted to call attention to this Saturday. The "Out of the Darkness Walk" is going to be Greeley Park. It starts at 9:00 a.m. The Walk begins at 10:00 a.m. and then it ends at 1:00 p.m. The "Out of the Darkness Walk" is hosted by the American Foundation for Suicide Prevention. I participated in it for several years; it raises awareness of a major issue in our community. But it also provides support and solidarity to people who have been impacted by that issue and I think we need to have more community conversation about that. Again I know the Mayor is taking steps to lead in that direction. So if you want to get involved immediately and support a very worthy cause, that is this Saturday, it is "The Out of the Darkness Walk" at Greeley Park. The Walk starts at 10:00 and then ends at 1:00.

Alderman Klee

Yes I'd like to start by thanking my fellow members here for your support and your kindness during all that I've been going through with this cat thing and I truly hope that it's literally put to bed and I don't have to see it again and the phone calls stop.

But I'd also like to mention something that I mentioned at the previous one, I really was so proud when I sat as a State Rep in a meeting that had DRA and the NH Municipal Association and hear that the go-to, boots on the ground person was someone who worked in our Assessor's Office, Louise Brown. I

really do want to take the time to thank her again. It did make me feel wonderful and they really had kind things to say. I know that we've gotten a lot of bad press and so on but I think they are heading towards the right direction and I think time will prove that out, so thank you.

And one more thing. I'd like to welcome Ms. Lovering as our City Clerk and our new Legislative Manger. And Donna I am so sorry I don't know your last name.

Donna Graham, Legislative Manager

Graham.

Alderman Klee

Graham. Thank you so much.

Committee announcements:

Alderman Gathright

I am announcing that on October 11th the Reverend William Barber who is the Co-Chair for the Poor People's Campaign, a National Call for Moral Revival, he will be here in Nashua at First Baptist Church, 121 Manchester Street at 5:30 p.m. on October 11th. And I would suggest that folks come out and celebrate and have a good time, a lot of music and everything.

Alderman O'Brien

Thank you. First I would like to congratulate all those who were appointed to the Committees, it is an exhaustive list. Thank you for serving. The second thing is the Mayor starting this Mental Health, I'd like to thank the Mayor for doing that because we had one Police Officer that tragically took his life and we had a month earlier a Fire Fighter took his life and a year before that another Firefighter took his life. For such a small percentage group, it is acute, you know, and the fact that the Mayor was to recognize that, I think that is good as well as the other residents of our City. So I think that's fantastic.

I would like to thank Chief Rhodes for bringing the newest to Nashua Fire & Rescue. The fire truck tonight, I personally enjoy fire trucks, I wanted a ride. I want you to all notice I have my steamer tie on tonight to welcome the new apparatus. But I wish the vehicle luck, that it takes the firefighters to their appointed watch and that they all come back safely.

One of the last things I'd like to mention, I don't know who did it, but whoever put the VeoBike on that stand in the middle of the river needs to be accommodated, that was quite a feat, I enjoyed it. And also the ones who are on Facebook or anything else, doing the art work, I never thought I would see ET on a VeoRide on the backdrop of Main Street, but it was very good.

And also to what Alderwoman Melizzi-Golja, the Brian McCarthy Foundation, Karen McNally is the entertainment and if you need another excuse to go there's gifts I should say, you can bid on them and everything else, so it's going to be a grand time. So I hope to see you all there. Thank you.

President Wilshire

I too would like to welcome Donna Graham our new Legislative Affairs Manager, she's going to be doing a great job for us; she already is. So welcome and thank you for being here.

COMMITTEE ANNOUNCEMENTSAlderman O'Brien

Tomorrow night 9/25 at 7:00 p.m. here in the Aldermanic Chamber will be a meeting of Infrastructure; you are all welcome, they are usually lots of fun. Thank you.

Alderman Dowd

Yes this coming Thursday, the 26th at Nashua High North we have a Joint Special School Building Committee. We are going to be giving some results of some of the tests that have been done on all four sites and some preliminary high level layouts of potential changes to the school. However the final report is going to be available for a Special Joint Special on October 9th at Nashua High North and that's when the architect will be presenting the final report. That is not the night when a final decision is going to be made. After that report comes out and everyone will get a copy, the Board of Aldermen, the Board of Education, the Mayor and others and then we will have a review of the Board of Education to get comments from them on what was presented. Then we are going to have a public meeting at some point so that the members of the public can come and see what the findings are. And after all of that is collected, then we will have, a yet-to-be determined date, but a Joint Special School Building Committee meeting to make the final decision on which way we are heading.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE SEPTEMBER 24, 2019, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED

The meeting was declared adjourned at 9:432 p.m.

Attest: Susan K. Lovering, City Clerk