

BUDGET REVIEW COMMITTEE

SEPTEMBER 25, 2023

A meeting of the Budget Review Committee was held Monday, September 25, 2023, at 7:06 p.m. in the Aldermanic Chamber.

Alderman Richard A. Dowd, Chairman, presided.

Let's start the meeting by taking a roll call attendance.

Members of Committee present: Alderman Richard A. Dowd, Chair
Alderman-at-Large Michael B. O'Brien, Sr., Clerk
Alderman-at-Large Lori Wilshire
Alderman June M. Caron
Alderman Ernest Jette
Alderman John Sullivan

Members not in Attendance: Alderwoman-at-Large Shoshanna Kelly

Also in Attendance: Alderwoman-at-Large Gloria Timmons
Alderman-at-Large Ben Clemons
Alderwoman Patricia Klee
John Griffin, CFO/Treasurer/Tax Collector
Tim Cummings, Administrative Services Director
Mayor James Donchess

ROLL CALL

PUBLIC COMMENT - None

COMMUNICATIONS –

Without objection, Chairman Dowd accepted the communication that was received after the agenda was prepared.

From: Tim Cummings, Administrative Services Director
Re: Expenditure of Funds for Cyber Attack Events

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

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-23-152

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderwoman-at-Large Shoshanna Kelly
Alderman Alex Comeau
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Lori Wilshire

ESTABLISHING THE USE OF FUND BALANCE FOR TAX RATE

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Jette

Mr. Chairman?

Chairman Dowd

Yes.

Alderman Jette

Didn't we already adopt this the last meeting?

Chairman Dowd

We had first reading.

Alderman Jette

I looked at the minutes and the minutes said there was a motion to recommend final passage.

Alderman Sullivan

We approved this already.

Mayor Donchess

Well it was on the agenda so we came anyway but I think that might have been...

Chairman Dowd

Yeah, you're right now that you mentioned it. I don't know if Donna put it on here. I'm pretty sure we did that too.

Alderman Sullivan

It's a third reading.

Chairman Dowd

No but it will be on the agenda tomorrow evening for final passage.

Alderman Klee

Tomorrow, yeah.

Mayor Donchess

All right. So you don't need us.

Chairman Dowd

Not unless you want to add something.

R-23-154

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

Alderman Richard A. Dowd
RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$425,000 OF FY2023 ASSIGNED FUND BALANCE INTO DEPARTMENT 128 “RISK MANAGEMENT”, ACCOUNT 89650 “TRANSFER TO PROPERTY AND CASUALTY SELF INSURANCE FUND”

MOTION BY ALDERMAN O’BRIEN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Dowd

Director Cummings already provided input. Are there any questions before we vote? Alderman Sullivan.

Alderman Sullivan

Thank you Mr. Chairman. I was hoping that both Director Cummings and Mr. Miseirvitch might be able to kind of take us through where we stand right now not only from a financial standpoint how much have we spent so far on this incident and then from the actual incident that’s happened kind of where are we in the process just to kind of refresh our memory would be great.

Chairman Dowd

If you’d both like to come up and take a seat.

Tim Cummings, Administrative Services Director

Yes Mr. Chairman if I may. Again, Tim Cummings, Director of Administrative Services. We did that on August 8th in a non-public meeting. If you want to go into non-public we’ll be happy to have that conversation in more detail but while this event is going on and until we get guidance from legal counsel, I wouldn’t want to have too much comment in public.

Chairman Dowd

I realize you can only provide what’s - can’t be discussed.

Alderman Sullivan

Do we have access to those minutes? How do we get access to those minutes? Do we have to unseal them?

Alderman Klee

City Clerk.

Chairman Dowd

They are sealed. So you would have to look at them privately. Alderman Klee.

Alderman Klee

Yeah I had to do that in the past. You go to the City Clerk’s office. They’ll put you in a room with them and you can read them. If there’s an audio, I think you can listen to it as well. I didn’t. I just read what was written but Mr. Healey will be able to help you.

Alderman O’Brien

Clarification. Point of order.

Chairman Dowd

Yes.

Alderman O'Brien

Where records in a non-public meeting have been sealed by that particular Board, it's really for the eyes only at that particular time of sitting Aldermen. Am I correct in assuming that Mr. Chairman?

Chairman Dowd

Yes.

Alderman O'Brien

Okay, thank you.

Chairman Dowd

Alderman Jette.

Alderman Jette

Since we're here, I'd be happy to make a motion to go into non-public. I just don't remember the formula. If someone can provide me the wording, I'd be happy to make the motion.

Chairman Dowd

It's under R31?

Alderman O'Brien

Point of order again Mr. Chairman. Did Director Cummings bring to our attention besides just going into non-public? This item may need Corporate Counsel present, am I correct? Is that what Director Cummings stated?

Tim Cummings, Administrative Services Director

If I may clarify. I wouldn't want to be speaking without getting consultation with Corporation Counsel first on this very sensitive subject relative to making public comments.

Alderman O'Brien

Mr. Chairman if may I be recognized?

Chairman Dowd

Yeah.

Alderman O'Brien

Then I think at this particular time I would not support that because without Corporate Counsel present and we should perhaps wait until we have a better authority on the matter.

Chairman Dowd

If people would like to find out more information about what was covered in the non-public session that we're more than willing to do that and if later with Corporation Counsel seated if you want to go into a non-public again we spell that out for future meeting but right now I think we need to approve this so that we can proceed with the procedure that was laid out at that meeting and take care of the items that need to be taken care of, including paying our bills. Anybody object with that?
Alderman Jette.

Alderman Jette

Well if I could?

Chairman Dowd

Yes.

Alderman Jette

I don't want to make a mountain out of a mole hill here but this is a fairly important matter. Maybe I'm wrong but apparently I'm not the only - I have a similar concern about where we stand and what's going on. I don't want to make life any more difficult than it already is for the people dealing with this problem. In the future, I don't know maybe I'm wrong but it seems that if you're going to be coming to us and asking us to recommend the expenditure of an additional \$425,000 to the full Board, you ought to come to the meeting prepared to take questions, answer questions, and make a full exposition of what the money is being used for but that's just my opinion.

Chairman Dowd

I think that the entire process was laid out at that non-public session. You may not have been here. You may have been on vacation when we did that but the whole process was laid out and the times that they were going to have to come back for more funding was laid out. I believe the funding this right now is kind on a critical timeline unless I'm wrong Director Cummings?

Tim Cummings, Administrative Services Director

No it is on a critical timeline.

Alderman Sullivan

It's not on the agenda tomorrow night.

Chairman Dowd

It's on the agenda for tomorrow night.

Alderman Sullivan

No it's not.

Chairman Dowd

It's not?

Alderman Sullivan

It's not. Unfinished Business, Resolutions. This is a Resolution, correct? It's not. We could table this.

Chairman Dowd

If we did, then we'd have to have another budget meeting. We're already going to have another Budget meeting on the 17th. How time critical is this Director Cummings?

Tim Cummings, Administrative Services Director

Yes, thank you Mr. Chairman. It is critical. I was under the impression this was going to get a verbal report for tomorrow night. I'm not sure if that's going to happen or not but nonetheless, we have been in this position since August 8th or thereabouts and so we've been waiting for this meeting and we have consultants working on this matter. As soon as we can get this done, I would recommend it.

Chairman Dowd

Alderman Klee.

Alderman Klee

Thank you Mr. Chairman. If I may ask the President of the Board. You have the ability or we as a body have the ability, correct, to take something up that wasn't necessarily on the agenda under special consideration of some sort, is that correct?

President Wilshire

You're looking for someone to give an oral report of tonight's meeting?

Alderman Klee

Right.

President Wilshire

Yes.

Alderman Klee

And we can do that and then we can vote on it as appropriate?

President Wilshire

Yes.

Alderman Klee

Okay, thank you.

Chairman Dowd

Director Cummings were you anticipating that this was going to come off of this agenda for tomorrow night?

Tim Cummings, Administrative Services Director

I was.

Chairman Dowd

So I think if people want to have a non-public and have Attorney Bolton here for a short period of time before we vote on it tomorrow, I assume we could do that but be advised that if we take it up tomorrow night and then vote on it, we won't have another Budget meeting. It won't go before budget. It will go directly to the full Board and that's what I'll recommend if we're not going to vote on it tonight. Questions? Alderman Sullivan.

Alderman Sullivan

More of a comment. I think it would be good to know this. I think it would be good to know in advance of tonight an alert sent out or something to say just to remind you of the timeline, this is a very sensitive piece of legislation. That was today's September 25th that is almost 60 days ago. A lot has transpired between now and then. Some type of an alert to say we're voting on this. It's going to be on the agenda for this night. It would be good for you to refamiliarize yourself (if that's a word) with what's happened where we are in the process so you can vote on it.

Chairman Dowd

Alderman Klee.

Alderman Klee

Thank you Mr. Chairman. I mean no disrespect to my colleague to my left here but I think we've been elected to be sitting

in these seats and it is our job to do our homework when there's something on the agenda. It behooves us to seek out that information. We should not have to be treated like children and reminded that we have to bone up on something. I apologize if it comes off sounding cocky and I do apologize to you for that. I've heard this argument before and the truth is I think that we are adults and we should do our homework. I know you do. I've heard you speak to many of City Hall members and so on so I think this might have just been something you missed so thank you.

Chairman Dowd

In summary I think what you're saying is it was referred to this Committee by a full Board of Aldermen meeting so there was time prior to tonight's meeting. Alderman Clemons did you have...?

Alderman Clemons

My only comment is that we scheduled a public hearing for this legislation. I mean that is the notice. That's what the public gets. That's what we get. We're the ones who scheduled it so.

Chairman Dowd

And the public hearing requires a seven-day notice so it's been on the books for at least more than seven days. It was in the newspaper or newspapers. If we don't want to act on it tonight, then I'll accept the motion to refer the question to the full Board tomorrow night and we'll have – if it passes, then we will have Attorney Bolton here for a non-public but I don't know as how much more information we're going to have. I don't see anybody entertaining that motion. Is there any further discussion on this motion? If not, all in favor signify by saying "aye".

MOTION CARRIED

Chairman Dowd

It will come up I'm guessing off the agenda tomorrow evening and I'm sure that if necessary we can go into a non-public and Director Cummings and others can describe a quick review of the process and why it needs to be moved on quickly. I'm assuming it's to pay the people that we've hired to solve this issue.

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE

R-23-118 Amended

Endorsers: Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Gloria Timmons
Alderman-at-Large Michael B. O'Brien, Sr.

INCREASING THE MAXIMUM ALLOWABLE AMOUNT IN THE SNOW REMOVAL EXPENDABLE TRUST FUND AND EXPANDING ITS USE

O-23-056

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

PERMITTING CERTAIN FUNDING TRANSFERS WITHIN THE PUBLIC WORKS DIVISION

- Amended and tabled at 7/24/23 meeting

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman O'Brien

Thank you. I'd just like to give a shout to Nashua Fire Rescue. Looks like they had a tough one. Just yesterday I was home with the wife and yes, I am retired but I still have a scanner. I still listen. Mostly it's because it's not my scanner, it's the wife's scanner. She wants to make sure that my son is doing okay. I listened to it. It sounded like an extremely difficult fire. Kind of reminded me of the stuff we used to fight in the old days, old school. I'll tell you strong work brothers, outstanding work, and you are to be commended. That was in a tough neighborhood, very congested with Havana Street in the back and everything. I'll tell you, I'm very proud of Nashua Fire Rescue so they deserved a shout out. Thank you.

Alderman Klee

Thank you. I know I'm going to sound like a broken record but Main Street rail tracks are done as of 1:36 I believe they opened up. It didn't go without incident. There was a sinkhole last night and there was a CSX employee that had a very bad accident. I don't know how he's doing. I heard it was a broken femur from the rail falling on him. That was from the Jackson Falls Condominium. Jackson Falls Condominiums worked through all the issues and I want to give out a number of shout outs. Dan Hudson - our Senior Engineer Dan Hudson was right on the ball. He was sending Jackson Falls messages when they could go in, when they couldn't, told them if you don't get out by a certain time, you're not coming out or going in and he was outstanding. I know I've thanked everybody in the City from the Mayor to all the work that they've done but there's one person that is left out. Over six maybe almost a year ago, I reached out to CSX through Senator Shaheen's office. My point of contact at Senator Shaheen's office was Joanne St. John. She was truly, truly the person who gave me all the information so that I could get to the right person. So I want to thank her although my initial contact was not for this. It was for Thoreau's Landing. One lead to another and we had this done. So citizens matter. Someone like Joanne was very helpful. Our city employees were incredible at following up. I know Director Cummings was chasing to find parking spaces for the Jackson Falls. It was such great teamwork and I want to thank everybody for all their help so thank you.

Chairman Dowd

Anyone else? Alderman O'Brien.

Alderman O'Brien

Yes and thank you Alderman Klee for that update. Just to let Alderman Klee and the Board know, the picture that is out there right after it opened social media. They always say at the right place at the wrong time or the right place at the right time. The wife and I just happened to be there when they opened it up. She took the picture. Although she's not credited in the photograph but I'm going to start calling her "scoop". Thank you.

Chairman Dowd

Couple of things. Was the sinkhole under the tracks?

Alderman Klee

I'm not quite sure but I believe it was. It was on the side over by Jackson Falls, correct? Yeah, it was right over that area which is where the CSX employee was also hurt.

Chairman Dowd

Good thing that was taken care of before we lost a train.

The other thing just to stay – we had the Nashua Police Department had quite an active weekend. One individual on School Street tried to take on three police officers and I'm guessing that he lost in that confrontation. The Nashua Police are doing a great job as well so.

Anything else? Seeing none. Alderman O'Brien.

ADJOURNMENT

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

The meeting was declared closed at 7:27 p.m.

Alderman Michael B. O'Brien, Sr.
Committee Clerk



THE CITY OF NASHUA

Office of Administrative Services

"The Gate City"

TO: Board of Aldermen
FROM: Tim Cummings, Administrative Services Director
Date: September 25, 2023
RE: Expenditure of Funds for Cyberattack Event

When we last appeared before you in August, we provided an overview and outline breaking down the need for an additional \$425,000 for the known expenses best understood and needed to further mitigate the cyberattack matter.

If you recall, there are four data incident response phases and we are currently in the final phase that entails a manual review process by our cyber consultant of the remaining 135,000 files and analysis by our legal consultation to determine ultimate legal obligation. We continue to analyze our cyber security software/hardware needs in order to further continued protection of our systems.

In closing, please be advised that we will have a better understanding of any remaining expenses once phase 4 is complete. It is anticipated that additional funding will be necessary.