

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

JUNE 27, 2002

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A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, June 27, 2002 at 7:00 p.m. in the Aldermanic Chamber.

Vice Chair Stephen C. Lamos presided.

Members of the Committee present: Alderman Stephen C. Lamos, Vice Chair  
Alderman-at-Large Paula I. Johnson  
Alderman Timothy B. Nickerson  
Alderman Robert A. Dion

Chairman James R. Tollner arrived at 7:20 p.m.

Also in Attendance: Maureen Lemieux, Director, Administrative Services Division  
Carol Anderson, CFO/Comptroller  
Jim Mealey, Business Manager, Public Works  
David Fredette, Treasurer/Tax Collector

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INTERVIEWS – None

COMMUNICATIONS

From: Board of Public Works  
Re: Favorable Recommendation of O-02-19

MOTION BY ALDERMAN NICKERSON TO ACCEPT AND PLACE ON FILE  
MOTION CARRIED

From: David G. Fredette, Treasurer/Tax Collector  
Re: Appointment of Deputy Treasurer/Deputy Tax Collector

MOTION BY ALDERMAN NICKERSON TO ACCEPT, PLACE ON FILE AND  
RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF RUTH E.  
RASWYCK TO THE POSITION OF DEPUTY TREASURER/DEPUTY TAX COLLECTOR  
MOTION CARRIED

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S - None

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APPOINTMENTS BY THE MAYOR - None

UNFINISHED BUSINESS - None

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NEW BUSINESS – RESOLUTIONS

R-02-68

Endorser: Mayor Bernard A. Streeter

ESTABLISHING POLLING TIMES FOR THE STATE PRIMARY ELECTION ON  
SEPTEMBER 10, 2002 AND GENERAL ELECTION ON NOVEMBER 5, 2002

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE  
MOTION CARRIED

R-02-69

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO  
REVISING  
THE LENGTH OF THE ELECTED TERM OF THE MAYOR

MOTION BY ALDERMAN NICKERSON TO HOLD R-02-69 IN COMMITTEE PENDING  
THE PUBLIC HEARING SCHEDULED FOR AUGUST 8, 2002 AT 7:00 PM IN THE  
ALDERMANIC CHAMBER  
MOTION CARRIED

R-02-70

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER REQUIRING THE  
MAYOR  
TO DELIVER AN ANNUAL STATE-OF-THE CITY ADDRESS TO THE BOARD OF  
ALDERMEN

MOTION BY ALDERMAN NICKERSON TO HOLD R-02-70 IN COMMITTEE PENDING  
THE PUBLIC HEARING SCHEDULED FOR AUGUST 8, 2002 AT 7:00 PM IN THE  
ALDERMANIC CHAMBER  
MOTION CARRIED

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NEW BUSINESS – ORDINANCES

O-02-50

Endorsers: Alderman-at-Large David Rootovich  
Alderman Timothy B. Nickerson

AUTHORIZING THE ESTABLISHMENT OF A ONE-MEMBER LIAISON  
COMMITTEE

TO THE CHILD CARE ADVISORY COMMISSION OF NASHUA, NEW HAMPSHIRE

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE O-02-50

ON THE QUESTION

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Alderman Johnson

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At the current time do we not have anybody or is this a new liaison position that we are starting?

Alderman Nickerson

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I was approached by Kathy Nelson, who is the nominating committee chairman of the Child Care Advisory Commission to serve on the commission. However, since I am on this Board I can't serve in a regular status. After discussion with Alderman Rootovich, it was decided to propose this. Pending any resolution to this, the President would then make an appointment of this body to that commission. Right now there is no one that serves on that commission as a representative from this Board.

Alderman Johnson

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Who is Ms. Nelson? Does she own Small World?

Alderman Nickerson

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She is the Executive Director of Small World at the moment, yes. I actually spoke to Ms. Nelson earlier today about this. They actually had a commission meeting this morning where this was discussed. The commission, itself, is very excited to finally get a representative from this body to that commission. They wholeheartedly endorse this concept.

Alderman Johnson

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Who else is on that board?

Alderman Nickerson

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I know there's Jan Poirer. She's from the Greater Nashua Child Care Centers. There's about six or seven others. I don't have the list with me. I can certainly make sure that I get that to you if you'd like.

Alderman Johnson

-  
The purpose of having somebody on this commission is to approve the child care Nashua recommended policies?

Alderman Nickerson gestures in the affirmative.

Alderman Johnson

- Does this mean that we will approve public day care as far as anything that is run by the city or is this private day care centers? How are we getting involved in something like this?

Alderman Nickerson

- This commission oversees child care policies in the city whether it be from zoning or mixed recommendations on those issues. It actually works with the Child Care Services Office from the Community Services Division. It works with that offices which currently employs a part-time person and works with policies in the city. It doesn't work with just the city program. It works with all child care in the city. It works with also improving liaisons and does referrals to child care facilities as well.

Alderman Johnson

- When we have legislation like this, it doesn't say very much. What authority does this Board have at this point in time? Is it just recommendations or does it have authority to change things in the city?

Alderman Nickerson

- There's actually hot a whole lot of authority. It's more of a recommendation. It's a commission; it's not an actually policy-making in an essence. It's more geared towards the promotion of early childhood education and promoting the overall perception of early childhood educators and promoting those principles.

Alderman Johnson

- Does it do any early childhood education or is just kind of like teaching who in this – the educators you are saying. Is it in the school department? Is it private schools? Is it just within her school? Where is this commission actually going that we need a liaison on it?

Alderman Nickerson

- They work with all the child care facilities in the city which amounts to somewhere around 50 or so, and making sure that the professional development is available and coordinating efforts. It's more of a networking type of atmosphere. It's making sure that our city has quality child care.

Alderman Johnson

- Wouldn't the state or the city regulate the child care and exactly what we do in child care? Because if they have no authority then they can go and make any recommendations they want, but they can't demand anything to be done. That's what I would say. Am I correct or incorrect?

Alderman Nickerson

- I have not served on the commission so I don't know all the details about what they do. I was approached by them in order to serve because of my experience in this field. They thought with the experience I have that they would be interested in getting a member from this Board. They approached me in order to do that. To be honest with you, I don't know all the details. That is why I would be interested in serving and this legislation has come forward.

Alderman Johnson

- I would like a message to be given to Sue or Dawn that we get more information on what this Child Care Advisory Commission really does. I think you really need all this information to make a sound vote on anything. I would like to know what their role is in the city, what is their authority in the city, what is their goals and objections and what do they want to see being done in the child care industry here.

Alderman Liamos

- Would you motion be to amend to hold, Alderman Johnson?

Alderman Johnson

- Yes it would.

MOTION BY ALDERMAN JOHNSON TO HOLD O-02-50 IN COMMITTEE UNTIL WE GET ADDITIONAL INFORMATION REGARDING THE CHILD CARE ADVISORY COMMISSION  
MOTION CARRIED

O-02-66

Endorsers: Mayor Bernard A. Streeter  
Alderman-at-Large David Rootovich  
Alderman-at-Large Fred Britton  
Alderman-at-Large David W. Deane

AMENDING THE ADMINISTRATIVE CODE TO MOVE THE FUNCTIONS OF THE FINANCIAL SERVICES DEPARTMENT FROM THE ADMINISTRATIVE SERVICES DIVISION INTO A NEW FINANCIAL SERVICES DIVISION

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Maureen Lemieux, Director, Administrative Services Division

- We're actually very happy to be here this evening. For those of you who may not know, close to two years ago when Carol Anderson assumed her role of CFO and when I assumed my role of Director

of Administrative Services, we re-wrote the ordinances at that point in time. Up to that point the CFO was a direct report to the Director of Administrative Services and, I believe, a dotted line to the Mayor. About two years ago we flipped those around and made the CFO a direct report to the Mayor and a dotted line administrative report to the Director of Administrative Services. Back then we probably should have just made it a direct report to the Mayor and not kept the dotted line at all. Clearly for all of you who know what we do here at the city, Carol certainly deserves to be strictly a direct report to the Mayor and not dotted lined administratively to me at all. Carol certainly has not worked for me in the two years; we've worked as peers throughout the time that we have been in our positions. We think this is probably the best thing to do for the city. The CFO ought to be completely in charge of financial services and be able to objectively do exactly what is right for the city with no feeling that they are part of some other division, much the same as we have corporation counsel as a stand-alone area. We would certainly hope that you would support this.

Carol Anderson, CFO/Comptroller

The only thing that I would like to state and Maureen has stated it quite well is that even with all the changes that are going through, most of what has occurred should have been done several years ago. I was talking to someone just today and they were talking how finance has changed over the years. I have seen it just since I have been here in 1993. This person has been here since 1971 and she started telling me what the function was like back then who was doing it. Clearly finance over the years has changed significantly. In other communities this is exactly how it would function with Administrative Services being one function and with Financial Services being another function. Maureen and I both feel, however, that we make a great team. Even though we will be separate as divisions, we will still continue to function as a team. I look forward to that. Also as Financial Services continues to grow and as we keep assessing the needs within that department, we can see where some of the functions can change. We're hoping to get greater efficiency in that department. We're looking forward to the growth in that department to serve the administration and also the Board of Aldermen at the same time. I would appreciate your support. Thank you.

MOTION CARRIED

MOTION BY ALDERMAN NICKERSON TO SUSPEND THE RULES TO CONSIDER O-02-70, WHICH WAS ASSIGNED TO THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE AT THE JUNE 25<sup>TH</sup> BOARD OF ALDERMEN MEETING

MOTION CARRIED

O-02-70

Endorser: Mayor Bernard A. Streeter

DELETING THE POSITION OF SEALER OF WEIGHTS AND MEASURES

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

Why is this being done so quickly and we have to suspend the rules for tonight? Why couldn't it go

onto the next agenda meeting.

Jim Mealey, Business Manager, Public Works

- I'm not sure what the O-02-70 is. I was here to speak on O-02-19 regarding the weights and measures position.

Alderman Nickerson

- Seventy is the weights and measures; 19 is the traffic engineering.

Mr. Mealey

- I can answer any questions regarding that, but I cannot answer of why ...

Alderman Dion

- I think, Mr. Chairman, they are both the same. It sounds it to me. The positions and duties of the traffic engineering department and the one on our desk, O-02-70, is exactly what it says. I don't know why we changed it from 19 to 70.

Mr. Fredette

- I had heard that the city attorney's office made a slight change in number 70 from 19. What I had heard was that was the one you were supposed to actually discuss and vote on. I don't know what the change was.

Alderman Nickerson

- We made amendments to 19 at the last Personnel/Administrative Affairs Committee.

Alderman Dion

- Maybe that one is dead now and we'll go with 70 because that's where the changes are. If you look at the language on 70, you'll see where some of the lines are struck out.

Alderman Nickerson

- However, 70 does not incorporate all the amendments that were made at the committee level last time.

*Chairman Tollner arrives at 7:20 p.m. Alderman Liamos relinquishes the Chair; Alderman Tollner presides.*

Alderman Nickerson

- The difference between these two is 19 incorporates a description of a parking manager and the responsibilities of the parking manager. That is not in 70.

- Alderman Tollner

- I apologize for being late. I got caught in traffic down in Wesseley. I was on the phone with the Mayor and Corporation Counsel a little before 6:00 p.m. tonight. The legislation that was submitted to the full Board on Tuesday night is the legislation that we should approve, not the legislation that was forwarded to the committee two Aldermanic meetings ago. The reason for that is because of some legal issues regarding RSA 438:16. The Mayor did say along with Corporation Counsel that if we did pass this legislation that we could at the special Board of Aldermen meeting on Monday night approve it. That way the State could start their work for the city on July 1<sup>st</sup> which is Monday.

Alderman Dion

- That means the ordinance held in committee, O-02-19, would be indefinitely postponed. Is that correct?

Alderman Tollner

- That is correct.

Alderman Nickerson

- There is also another difference between 19 and 70 as I mentioned earlier. In 19 there is a description of a parking manager. Were you aware of why that is not in 70?

Alderman Tollner

- I think they are handling that under two different situations. The weights and measures positions is separate in and of itself. They told me that it was the intent of corporation counsel after looking at both ordinances and talking to the state that O-02-70 is the one we should approve. We could leave 19 in committee if people have concerns with the additional verbiage in that legislation.

- Alderman Nickerson

- In the first part of the legislation of 19 that was amended in committee last time, there was actually a slight modification on the fourth line down where it says "construction and erection of signs." It was modified to state "construction and erection of traffic signs." I believe the reason for that was by Alderman McCarthy. He had stated that there's other signage that obviously the traffic engineering department should not have the responsibility for and to clarify that their responsibility is for traffic signs. I'd move to amend O-02-70 by inserting "traffic" before "signs" on the fourth line so it reads "construction and erection of traffic signs"

MOTION BY ALDERMAN NICKERSON TO AMEND O-02-70 BY INSERTING “TRAFFIC” BEFORE “SIGNS” ON THE FOURTH LINE SO IT READS “CONSTRUCTION AND ERECTION OF TRAFFIC SIGNS”

ON THE QUESTION

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Alderman Dion

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I'm wondering if we're doing the right thing here. Everything is contingent on eliminating that job of sealer and weights and passing those duties onto the parking manager. Who says we're going to have a parking manager? This ordinance hasn't even been approved. There has to be a bond for a \$1.375 million passed in order to have this manager. If we abolish this job and the bond issue doesn't go then we are without a parking manager and a sealer of weights.

Alderman Tollner

-  
The parking manager position would go along if we passed the bonding legislation for the parking garages. The State will not take over those responsibilities for the weights and measures until we pass this legislation.

Jim Mealey

-  
It's not contingent upon the bond approval or the new parking program coming in. The position as it exists right now, the RFP states it is 85 percent weights and measure and 15 percent collection of parking meters. We could pick up the 15 percent. We already have actually. We don't have anyone in that position. That 15 percent is being picked up by another position in traffic. We can eliminate this position even if we don't have a new parking plan.

Alderman Johnson

-  
The person who is collecting the parking meters right now. Are they bonded?

Jim Mealey

-  
No they are not. But according to both legal and risk management in this city, the city nor the state requires that an employee be bonded.

Alderman Johnson

-  
I've never heard anything like this before; that you don't bond somebody who has cash like this on them. You always bond them. Why wouldn't we bond them if they are collecting parking meters?

Jim Mealey

-  
According to Risk, our insurance covers such a situation.

David Fredette, Treasurer/Tax Collector

- Mr. Chairman, we have two policies in this city. One is specific to certain positions and that's per state law, such as myself. I am listed in that policy. We have another policy in the city that is for general employees. This person falls under that policy and that person is insured for theft. There's no problem there at all.

MOTION CARRIED TO AMEND

Alderman Tollner

- This position is empty now, presently. The mayor did stipulate that if we were to approve this tonight and take it up at the meeting Monday night, the state could take over those responsibilities as of July 1st.

Jim Mealey

- We have received notification from the state that they could do that, yes.

Alderman Nickerson

- If the mayor calls a special meeting of the Board of Aldermen, he or she needs to state the reasons and which pieces of legislation are going to be taken up. Was O-02-70 listed in that as well?

Alderman Tollner

- If the mayor calls a special meeting of the Board of Aldermen, there could be a motion at that meeting to take something from committee even though it may not be on the agenda. Corporation Counsel was in on this conference call tonight, but good point.

The motion on the floor is to recommend final passage as amended.

MOTION CARRIED TO RECOMMEND FINAL PASSAGE AS AMENDED

HELD IN COMMITTEE

- MOTION BY ALDERMAN DION TO TAKE FROM THE TABLE O-02-19  
MOTION CARRIED

- O-02-19

Endorsers: Alderman Marc W. Plamondon  
Alderman-at-Large Fred Britton  
Alderman Robert A. Dion

AMENDING THE ORDINANCE REGARDING THE POSITIONS AND DUTIES  
IN THE TRAFFIC ENGINEERING DEPARTMENT

MOTION BY ALDERMAN DION TO RECOMMEND INDEFINITE POSTPONEMENT OF  
O-02-19

MOTION CARRIED

DISCUSSION

The Committee briefed Alderman Tollner on the business taken up prior to his arrival.

*Regarding R-02-69 and 70*

Alderman Nickerson

I spoke to corporation counsel in regards to those. Because of the wording of the motion that they were necessary and to hold a public hearing, the only time in which we could choose to recommend indefinite postponement or do anything with them was at our Board of Aldermen meeting Tuesday night. We actually needed to reconsider our motion that it was necessary so we need to have the public hearing on these.

Alderman Johnson

I wrote these pieces of legislation because my constituents called me. If the Board decides to indefinitely postpone them, we're taking away our constituents constitutional rights of the free and democratic society to have them have the right to speak on it. That's what our constitution is all about – freedom of speech. To speak on it and to possibly and most hopefully have the right to vote on it in a public booth, again, our constitution right of freedom and democracy.

Alderman Nickerson

I don't want to get into a whole debate about this because it's not actually before us; we've already acted on these tonight. But we're not taking away their rights. They do have the right to present a petition to the city in order to get them on the ballot, themselves.

Alderman Johnson

I am very good in creating people with petitions in this city because I'm one of the founders of how to recall people and get petitions going. You want to see petitions, I'll bring petitions in front of this Board that will make your hair curl. This is what our rights are. They talk about the pledge of allegiance today and what it is all about. It's all about the freedom of people and government representing the people. Unfortunately sometimes the representation isn't there. I'm doing what my constituents ask me to do. That's why it is before us. Thank you.

*Regarding O-02-50*

Alderman Tollner

Can I ask why we held that one in committee?

Alderman Nickerson

- There was a desire for additional information about the Child Care Advisory Commission does.

Alderman Liamos

- Roles and responsibilities, Mr. Chairman.

Alderman Tollner

- Okay because I was on the phone at length this afternoon with Ms. Nelson on that one as well.

Alderman Johnson

- Then maybe Mrs. Nelson should have been here to tell us about this. I'm the one who asked to hold it in committee so I could find out exactly what the roles, the duties, the goals, and what actually their authority is here in the city. If we don't have any information before us, it's hard to vote on something. Maybe Mrs. Nelson should have been here.

Alderman Tollner

- In defense of Mrs. Nelson, we'll get you the information that you need. She just happens to be one member, a volunteer serving. But we'll get you that information and take it up at our next meeting.

*Regarding O-02-66*

Alderman Tollner

- I'm pleased that a motion was made for final passage. I think this is a good piece of legislation. It will categorize and make it very clear the roles and the responsibilities of the different organizations as well as the roles and responsibilities within the financial services department. I just would like to say at this time one of the reasons why I was so comfortable with it is because of the work of Carol Anderson and her staff over the last three years. She's done a very fine job in detailing the financials, the budget. Every time we have a question, she knows where to go to provide us with the proper answer regardless of how different aldermen over the course of the years have positioned those questions. I want to applaud her for that. Thank you.

I'm also glad to see that the City Treasurer and Tax Collector, Mr. Fredette, is here tonight as well.

ADJOURNMENT

MOTION BY ALDERMAN NICKERSON TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 7:40 p.m.

Alderman Timothy B. Nickerson  
Committee Clerk