

A Public Hearing was conducted by the Personnel/Administrative Affairs Committee on Thursday, June 5, 2003 beginning at 7:05 p.m. in the Aldermanic Chamber.

Vice-Chair Stephen C. Lamos presided.

Vice-Chair Lamos

I want to let everyone know Chair Tollner is on route from work. He should be here in the next 5-10 minutes. He has asked me to Chair this committee in my capacity as Vice-Chair until his arrival.

Members of the Committee present: Alderman-at-Large James R. Tollner, Chair  
(arrived at 7:11 p.m.)  
Alderman-at-Large Paula I. Johnson  
Alderman Timothy B. Nickerson  
Alderman Robert A. Dion

Also in Attendance: Alderman-at-Large David Rootovich  
Alderman-at-Large Frederick Britton  
Alderman-at-Large David W. Deane  
Alderman Kevin E. Gage  
Alderman Brian S. McCarthy  
Alderman Scott A. Cote

PUBLIC HEARINGS

R-03-193

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO  
AUTHORIZING REVISION OF THE WARD BOUNDARIES BY ORDINANCE

Alderman Nickerson

This resolution is simply a way to change the way in which the city establishes a ward boundary. The last time that we had to do this was for the constitutional requirement to even out ward boundaries for the State Representative and State Senate seats. There is a constitutional requirement to do only one percent variance. This actually will clean it up so that it will allow the city to determine ward boundaries by ordinance as opposed to doing it as a referendum of the voters. There are a couple of stipulations in here that I think are important to have in. One of them is to say that we can only do it based upon after the ten-year federal census and another is

in order to comply with the constitutional requirements to equalize the populations. This does have a public hearing on it as well as public meetings in each of the affected wards. I think that the voters and the residents in the city will still be fairly represented with this Charter change itself.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

None.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

None.

The Public Hearing was declared closed at 7:07 p.m.

R-03-191

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO REMOVING THE MAYOR FROM THE BOARD OF PUBLIC WORKS AND REPLACING THE MAYOR WITH AN ADDITIONAL ELECTED MEMBER

Alderman Johnson

Over the past several months there seems to have been issued with the Board of Public Works and the Board of Aldermen and being able to get information to us. There was also a resolution put before us to abolish the Board of Public Works. I don't think that is really the right thing to do at this point in time. I think we really need that checks and balance. I thought about what does

the Board of Public Works consist of, and the Mayor is really part of the Executive Branch and we are the legislators, and I look at the Board of Public Works as part of the Legislative Branch. I decided that it really needs to be five independent bodies that are elected that have nothing to do with the realm of government in City Hall and part of the process of how it works. I thought about this very hard, and decided that I think it would be better – I think five independent minds is the best thing to do – that it is not within the division or the department or the head of the City that works with Public Works. I think sometimes five people are better than anybody from the inside. This is why I proposed this Resolution. I think it is a good way rather than abolishing the Board of Public Works. If it doesn't work you can always come back to the table and look and see two years later whether or not you should abolish it. I believe that there had to be a check and balance in the City and it is a good working board. I truly believe that there needs to be five independent minds there. I think one other thing – when you see – I don't care who the Mayor is of the City – I think when you take a look at the duties sometimes maybe it becomes overwhelming for some people to sit on that board and to be able to do the rest of their duties at the City. Like I said I think it serves its purpose of the Board of Public Works, but I do truly believe that we need five independent elected officials that really answer at that level to the citizens of this City and know the full working details, and that is what they really focus on are the details of the Public Works Division. Thank you.

#### TESTIMONY IN FAVOR

None.

#### TESTIMONY IN OPPOSITION

Tim Lavoie, 22 Dodge Street – BPW Commissioner

Dot Nice, 8 Maywood Drive

#### TESTIMONY IN FAVOR

None.

#### TESTIMONY IN OPPOSITION

None.

The public hearing was declared closed at 7:11 p.m.

R-03-183

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE  
TO ABOLISHING THE BOARD OF PUBLIC WORKS

*Vice-Chair Liamos stepped down and Chair Tollner presided.*

Alderman McCarthy

I think this piece of legislation is fairly straightforward. By Charter the policy making board of the City of Nashua is the Board of Aldermen. We have a Board of Public Works basically for more or less historical reasons. In New Hampshire, as I think everyone on the Board is aware, most of State law is organized around towns because we have some 250 of those and only 19 cities. In small towns in days past the ability to deal with what were essentially public works issues was vested in things like road agents who were an independent person who dealt with contracting the maintenance of roads such as it was or is in small towns. What we chose to do when we became a city was to vest that in an elected board that still oversaw a fairly small department at the time. I disagree with the logic on the previous resolution. The management and the oversight of the departments is precisely the function of the Executive Branch of government and should be performed by the Mayor. The need for the individual scrutiny of items should not be there anymore. We have a professional staff that conducts public works and we expect them to do that in a manner that is consistent with policy. The problem that I see, and this is no reflection on anyone who is involved in that board, is that of its very nature when you take a board and you have it that close to those issues and those issues have to be in concert with policy that is set by this Board there is going to be conflict because people who are focused on a particular issue will not have the same policy view of those issues that the Board of Aldermen, which has to look at everything has. I believe that we should consolidate that into those things, which must be overseen should be overseen by the Division Director and the Mayor.

The items that require scrutiny such as finance go to the Finance Committee now. Often the Finance Committee finds itself at odds with what was recommended by the Board of Public Works. That is a clear example of the problem that I described where policy as viewed by a board that is concerned only with public works differs from policy that is viewed by global board responsible for the oversight of the City. The Resolution that is in front of you poses to put that question before the voters. I think it is important to note that we are not asking the Board of Aldermen to make that choice, we are asking the people from whom the consent to govern is drawn whether they would favor that change in the operation of government having watched the way the current government behaves.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

Tim Lavoie, 22 Dodge Street – BPW Commissioner

George Crombie, Division Director, Division of Public Works

Jack Currier, 6 New Searles Road

Dot Nice, 8 Maywood Drive

Daniel Gagnon, BPW Commissioner

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

None.

The public hearing was declared closed at 7:45 p.m.

Alderman Timothy B. Nickerson  
Committee Clerk