PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

APRIL 1, 2019

7:00 p.m. Aldermanic Chamber

ROLL CALL

ELECTION OF COMMITTEE CLERK

PUBLIC COMMENT

INTERVIEWS

Cultural Connections Committee

Sandra Pratt (New Appointment) Term to Expire: March 1, 2022

Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment) Term to Expire: March 1, 2022

COMMUNICATIONS

From: Andrew J. Lavoie, Chief of Police
Re: Resolution R-19-120

From: Tim Cummings, Director of Economic Development
Re: Communication Providing Additional Details as Requested on O-18-030

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

APPOINTMENTS BY THE MAYOR

Cultural Connections Committee

Sandra Pratt (New Appointment) Term to Expire: March 1, 2022
24 Gingras Drive
Nashua, NH 03060

Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment) Term to Expire: March 1, 2022
7 Burritt Street
Nashua, NH 03060

UNFINISHED BUSINESS – RESOLUTIONS

R-18-073, Amended

Endorsers: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large Shoshanna Kelly
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Jan Schmidt
Alderman Tom Lopez
Alderman-at-Large Brandon Michael Laws
Aldermanwoman Mary Ann Melizzi-Golja

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO FILLING VACANCIES ON Elected BOARDS BY MAJORITY VOTE OF THE REMAINING MEMBERS OF THAT BOARD

• Re-Referred to Committee – 3/12/2019
UNFINISHED BUSINESS – ORDINANCES

O-18-030
Endorsers: Alderman-at-Large Brandon Michael Laws
Aldermanwoman Mary Ann Melizzi-Golja
Alderman Patricia Klee
Alderman Linda Harriott-Gathright

INCREASING FEES FOR LEASED CITY PARKING SPACES
• Re-Refered to Committee – 3/12/2019

NEW BUSINESS – RESOLUTIONS

R-19-120
Endorsers: Alderman-at-Large Lori Wilshire
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
Aldermanwoman Mary Ann Melizzi-Golja
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Ben Clemons

CHANGING THE NAME OF PANTHER DRIVE TO OFFICER JAMES ROCHE DRIVE

NEW BUSINESS – ORDINANCES

O-19-040
Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O’Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Lori Wilshire

ESTABLISHING AN ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR POSITION

TABLED IN COMMITTEE

O-19-037
Endorsers: Alderman Ernest Jette
Alderman Tom Lopez

RAISING THE AGE TO PURCHASE, USE, AND POSSESS TOBACCO PRODUCTS AND E-CIGARETTES FROM EIGHTEEN (18) TO TWENTY-ONE (21)
• Tabled 3/4/2019

DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT
Dear Members of the Board of Alderman,

I am requesting your consideration and approval for changing the name of "Panther Drive" to "Officer James Roche Drive".

The reasoning behind this request is to make a historical connection between the name of the street and the only tenant on the street (the Nashua Police Department), and to publicly honor the first NPD officer killed in the line of duty.

Additionally, re-naming the street would make available the street name "Panther Drive". This would allow Nashua High School South to use the name, much like Nashua High School North has "Titan Way", should the school so choose.

I thank you in advance for your consideration in this matter.

Sincerely,

[Signature]

Andrew J. Lavoie
Chief of Police
To:       June Caron, Chair  
From:     Tim Cummings, Director of Economic Development  
Cc:       
Date:     March 22, 2019  
Re:       Communication Providing Additional Details As Requested on O-18-030  

Parking Utilization  
There is an attached spreadsheet outlining covered/uncovered lease utilization per your request.

Outreach  
As for outreach it my understanding that in December of 2017 when the permits were exchanged or given out this item was addressed. There has been a couple newspaper articles on this subject including an article on this topic six or so months ago. The below link will take you to the Telegraph article when the fee increase legislation was first mentioned which was when it was first introduced to BOA – date of article December 14, 2018.


It should be noted, the language was specifically drafted in a way to ensure proper notice would be given (approximately 6 months) before it would take effect.

Lastly, the lease rate has not gone up in decades and is below the market. There is never a good time to take such actions, but the data supplied shows that an adjustment is necessary.

Deferred Maintenance  
It is my understanding in 2010 a bond was issued that took care of some minimal deferred maintenance, but the attached document outlines what is necessary.
Background on Historic Demand of Garage Leases

Garage Lease Parking Utilization 2017-2019

<table>
<thead>
<tr>
<th></th>
<th>ESG</th>
<th></th>
<th>HSG</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Lease Area</td>
<td>Covered</td>
<td>Uncovered</td>
<td>Total Lease Area</td>
</tr>
<tr>
<td>2017</td>
<td>109%</td>
<td>109%</td>
<td>109%</td>
<td>108%</td>
</tr>
<tr>
<td>2018</td>
<td>110%</td>
<td>111%</td>
<td>110%</td>
<td>104%</td>
</tr>
<tr>
<td>2019</td>
<td>108%</td>
<td>114%</td>
<td>95%</td>
<td>88%</td>
</tr>
</tbody>
</table>
Parking Garage Conditions Study
<table>
<thead>
<tr>
<th>Year</th>
<th>ESG</th>
<th>HSG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Lease Area</td>
<td>Covered</td>
</tr>
<tr>
<td>2017</td>
<td>109%</td>
<td>109%</td>
</tr>
<tr>
<td>2018</td>
<td>110%</td>
<td>111%</td>
</tr>
<tr>
<td>2019</td>
<td>108%</td>
<td>114%</td>
</tr>
</tbody>
</table>
Position Title: Administrative Services Director  
Division: Administrative Services

Position Code: 
FLSA: Exempt

Reports To: Mayor  
Date: March 2019

GENERAL SUMMARY:

Plans and directs the operation of the Administrative Services Division, to include Assessing, City Clerk, Human Resources, Information Technology, GIS, Purchasing, Risk, the Arlington Street Community Center, and the Hunt Memorial Building.

Performs an integral role in budget planning and the City’s fiscal policy. Plans, develops, and executes short and long term City projects, and coordinates (on behalf of the Mayor) with departments outside of the Division.

ESSENTIAL JOB FUNCTIONS:*

- Manages Administrative Services Division, to include budgets, goal setting, performance management, and performance improvement.
- Influences matters of City policy, planning, budgeting, strategy, and operations. Collaborates with CFO in developing the City-wide budget.
- Represents the Mayor’s interests and goals as directed, largely as related to City government administration, particularly in areas requiring coordination / collaboration between multiple divisions / departments. Acts on behalf of the Mayor in both administrative and public capacities as directed.
- Communicates broadly in furtherance of the provision of Administrative Services and coordination of projects and programs with citizens, City managers and directors, Legal Department, boards and commissions, external agencies.
- Oversees department heads within the division. May function directly in such roles when vacant.
- Nature of the position is that its emphasis may vary over time dependent upon priorities identified by the Mayor and the incumbent, and changes in departmental circumstances.
- Ensures consistent application of City policies related to administrative services.
- Participates in developing collective bargaining strategy and may join negotiations.
- Perform other duties and special projects as assigned.

SKILLS/EXPERIENCE/TRAINING REQUIRED:

Experience: Experience in a similar leadership role in local government is desirable. A Bachelor’s degree in public administration, business, or finance, is required, Master’s desirable. Experience that has prepared the incumbent to be a self-sufficient credible municipal leader is preferred.

Ability to: Organize and set priorities; multitask effectively, communicate clearly and effectively orally and in writing; prepare clear, accurate and concise records and reports; establish and maintain effective working relationships with all levels of City management and staff; maintain confidentiality as appropriate;
use tact, discretion and diplomacy in dealing with sensitive situations and concerned individuals and customers, both internal and external.

**SUPERVISORY RESPONSIBILITY:**
- Oversee and direct department heads within the division.

**WORKING CONDITIONS/PHYSICAL DEMANDS:**
- Normal office environment, not subject to extremes in temperature, noise, odors, etc.
- Regularly uses computer keyboards, calculator and other office equipment requiring eye-hand coordination and finger dexterity.
- Sufficient clarity of speech and hearing or other communication capabilities which permits the employee to communicate effectively.
- Sufficient vision or other powers of observation which permits the employee to review a wide variety of written material in electronic or hardcopy form.
- Position requires ability to regularly lift and carry up to 10 pounds.
- Position requires ability to occasionally lift and carry 11 to 25 pounds.
- Position requires ability to travel in-City frequently, in-state routinely, and out-of-state occasionally

*External and internal applicants, as well as position incumbents who become disabled as defined under the Americans With Disabilities Act, must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case by case basis.*

---

Division Director Signature: ___________________________  Date Approved: _________________

HR Director Signature: ___________________________  Date Approved: _________________

Employee Signature: ___________________________  Date: _________________
RESOLUTION

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO FILLING VACANCIES ON ELECTED BOARDS BY MAJORITY VOTE OF THE REMAINING MEMBERS OF THAT BOARD

CITY OF NASHUA

In the Year Two Thousand and Eighteen

RESOLVED by the Board of Aldermen of the City of Nashua that pursuant to RSA 49-B:5, the following amendment to the Nashua City Charter is deemed necessary and shall be submitted to the voters by placing it on the ballot at the next regular municipal election on November 5, 2019, in the manner required by NH RSA 49-B with the following summary:

Shall the municipality approve the charter amendment summarized below?

This amendment changes the way that vacancies on the Board of Aldermen, Board of Education, Board of Public Works, and Board of Fire Commissioners are to be filled until the next municipal election. Currently, if there are more than six (6) months remaining in an unexpired term that has been vacated, the vacancy is filled by a special election held after forty (40) days but before one hundred and eighty (180) days following the creation of the vacancy, or, if the regular election timing is appropriate, the vacancy can be filled by the non-incumbent candidate who receives the most votes at the regular municipal election for the next term of office which is then vacant. This charter amendment would instead require vacancies on the Board of Aldermen, Board of Education, Board of Public Works, and Board of Fire Commissioners to be filled until the next municipal election by majority vote of the remaining members of that board within sixty (60) days following the creation of the vacancy. The amendment further clarifies issues concerning vacancies caused by death or declination of office before inauguration and when persons elected to fill vacancies assume office.

Amend the City Charter by adding new underlined language as follows:

“§ 44. Vacancy in office of aldermen

Vacancies occurring in the office of alderman [aldermen] from any cause shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board
of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the office of aldermen shall be handled in the same manner as nominations for the office of aldermen at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. Provided, however, that if the board of aldermen determines that the vacancy shall be filled on the date of the next regularly scheduled municipal election, the vacancy shall not be filled by a special election. Instead, the candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final until the next municipal election by the election of some qualified person (see Charter §6a) by the recorded votes of at least a majority of all members of the board of aldermen at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty (60) days following the creation of the vacancy. If the unexpired term is to conclude at the inauguration following said municipal election the election shall be conducted in the usual fashion. If the individual elected by the board of aldermen is elected at the municipal election, that individual shall continue in such office. If the individual elected by the board of aldermen is not elected at the municipal election, then the candidate receiving the greatest number of votes for that office who is not an incumbent shall complete the remainder of the unexpired term beginning at the next regular meeting of the board of aldermen. If the unexpired term continues for an additional period following the next inauguration then the municipal election shall include an election to that office for the remainder of the unexpired term and the candidate receiving the greatest number of votes shall complete the remainder of the term beginning with the next regular meeting of the board of aldermen unless said candidate is an incumbent member of the board in which case the person elected by the board of aldermen shall continue in office until the inauguration.”

[Board of Public Works]

“§ 59. How chosen: tenure of office

The board of public works shall be composed of the mayor and four members to be chosen by the qualified voters of the city at large, voting in their respective wards…. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the board of public works shall be handled in the same manner as nominations for the board of public works at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. Provided, however, that if the board of
aldermen determines that the vacancy shall be filled on the date of the next regularly scheduled municipal election, the vacancy shall not be filled by a special election. Instead, the candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final until the next municipal election by the election of some qualified person (see Charter §59-a) by the recorded votes of at least a majority of all members of the board of public works at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty (60) days following the creation of the vacancy. If the unexpired term is to conclude at the inauguration following said municipal election the election shall be conducted in the usual fashion. If the individual elected by the board of public works is elected at the municipal election, that individual shall continue in such office. If the individual elected by the board of public works is not elected at the municipal election, then the candidate receiving the greatest number of votes for that office who is not an incumbent shall complete the remainder of the unexpired term beginning at the next regular meeting of the board of public works. If the unexpired term continues for an additional period following the next inauguration then the municipal election shall include an election to that office for the remainder of the unexpired term and the candidate receiving the greatest number of votes shall complete the remainder of the term beginning with the next regular meeting of the board of public works unless said candidate is an incumbent member of the board in which case the person elected by the board of public works shall continue in office until the inauguration.”

“§ 73. Fire commissioners, how chosen

…..At each subsequent general municipal election three or two members of the fire commission shall alternatively be elected for a full four-year term, in order to maintain a board of five members…. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days nor later than one hundred eighty (180) days after the vacancy occurs. All nominations for the Board of Fire Commissioners shall be handled in the same manner as nominations for the Board of Fire Commissioners at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. Provided, however, that if the board of aldermen determines that the vacancy shall be filled on the date of the next regularly scheduled municipal election, the vacancy shall not be filled by a special election. Instead, the candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as
the election results are final. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final until the next municipal election by the election of some person, qualified to vote in the City of Nashua, by the recorded votes of at least a majority of all members of the board of fire commissioners at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty (60) days following the creation of the vacancy. If the unexpired term is to conclude at the inauguration following said municipal election the election shall be conducted in the usual fashion. If the individual elected by the board of fire commissioners is elected at the municipal election, that individual shall continue in such office. If the individual elected by the board of public works is not elected at the municipal election, then the candidate receiving the greatest number of votes for that office who is not an incumbent shall complete the remainder of the unexpired term beginning at the next regular meeting of the board of fire commissioners. If the unexpired term continues for an additional period following the next inauguration then the municipal election shall include an election to that office for the remainder of the unexpired term and the candidate receiving the greatest number of votes shall complete the remainder of the term beginning with the next regular meeting of the board of fire commissioners unless said candidate is an incumbent member of the board in which case the person elected by the board of fire commissioners shall continue in office until the inauguration.”

“§ 75. Board of education: How chosen

Four or five candidates shall be elected to the board at each general municipal election in order to maintain a board of nine members. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the board of education shall be handled in the same manner as nominations for the board of education at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. Provided, however, that if the board of aldermen determines that the vacancy shall be filled on the date of the next regularly scheduled municipal election, the vacancy shall not be filled by a special election. Instead, the candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is
not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final until the next municipal election by the election of some qualified person (see above in this section) by the recorded votes of at least a majority of all members of the board of education at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty (60) days following the creation of the vacancy. If the unexpired term is to conclude at the inauguration following said municipal election the election shall be conducted in the usual fashion. If the individual elected by the board of education is elected at the municipal election, that individual shall continue in such office. If the individual elected by the board of education is not elected at the municipal election, then the candidate receiving the greatest number of votes for that office who is not an incumbent shall complete the remainder of the unexpired term beginning at the next regular meeting of the board of education unless said candidate is an incumbent member of the board in which case the person elected by the board of education shall continue in office until the inauguration. If the unexpired term continues for an additional period following the next inauguration then the municipal election shall include an election to that office for the remainder of the unexpired term and the candidate receiving the greatest number of votes shall complete the remainder of the term beginning with the next regular meeting of the board of education unless said candidate is an incumbent member of the board in which case the person elected by the board of fire commissioners shall continue in office until the inauguration.”

“§ 27 Vacancies prior to inauguration

In case any officer chosen at a municipal election shall decline the office, or die prior to the first Sunday following the first secular day of January next following his or her election, the incoming board of aldermen, public works, fire commissioners, or education as the case may be shall fill the vacancy at its first meeting in the manner hereinafter provided as to a like vacancy occurring after its inauguration.

If approved by the voters at the November 5, 2019 regular municipal election, this charter amendment will be effective on that date.
LEGISLATIVE YEAR 2018

RESOLUTION: R-18-073

PURPOSE: Proposing an amendment to the City Charter relative to filling vacancies in elected boards by majority vote of the remaining members of that board

SPONSOR(S): Alderman-at-Large Brian S. McCarthy
Alderman-at-Large Shoshanna Kelly
Alderman-at-Large Michael B. O’Brien, Sr.
Alderman Jan Schmidt

COMMITTEE ASSIGNMENT:

FISCAL NOTE: The City Clerk estimates the cost associated with a charter amendment as approximately $200 during a regular municipal election.

ANALYSIS

This amendment would provide that vacancies in the Board of Aldermen, Board of Education, Board of Public Works, and Board of Fire Commissioners are to be filled by a majority vote of the remaining members of that board. Much of the proposed language is the former charter language relative to filling vacancies on the Board of Aldermen, before the charter was amended in 2006. In 2006, the language regarding filling vacancies on these four elected boards was put in place, which provides for special elections if more than six months remain in the unexpired term that has been vacated. This amendment further clarifies when individuals elected to fill vacancies take office and provides that vacancies caused by death or declination prior to inauguration are filled in a like manner.

The procedure for charter amendments is set forth in RSA 49-B:5. The Board of Aldermen must hold an initial vote to determine if the amendment is “necessary”. If the amendment is determined to be necessary, the Board of Aldermen must order that notice be given for a public hearing on the amendment. Notice of the public hearing must be published in a newspaper of general circulation at least seven (7) days prior to the scheduled hearing. The notice must contain the text of the proposed amendment and a brief explanation.

Within seven (7) days after the public hearing, the Board of Aldermen shall file with the City Clerk a report containing the proposed amendment. Within ten (10) days of filing, the City Clerk files a certified copy of the report to the secretary of state, the attorney general, and the commissioner of the department of revenue administration pursuant to RSA 49-B:4-a. Within seven (7) days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration, the Board of Aldermen may vote to order the proposed amendment to be placed on a ballot at the next regular municipal election.

Approved as to form: Office of Corporation Counsel

By: ________________________________
Date: ____________________________