

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

JUNE 3, 2019

7:00 p.m.

Aldermanic Chamber

ROLL CALL

PUBLIC COMMENT

COMMUNICATIONS

From: Paula Johnson
Re: O-19-044

INTERVIEWS

Downtown Improvements Committee

Phillip Scontsas, Alternate (New Appointment) Term to Expire: December 1, 2021

Environment and Energy Committee

Bob Hayden (New Appointment) Term to Expire: January 21, 2020

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

APPOINTMENTS BY THE MAYOR

Downtown Improvements Committee

Phillip Scontsas, Alternate (New Appointment) Term to Expire: December 1, 2021
169 Main Street
Nashua NH 03060

Environment and Energy Committee

Bob Hayden (New Appointment) Term to Expire: January 21, 2020
84 Dutton Rd
Lyndeborough, NH 03082

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

O-19-044

Endorser: Alderman-at-Large Brandon Michael Laws
Alderman Patricia Klee
Alderman June M. Caron
Alderman-at-Large Shoshanna Kelly
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Lori Wilshire

AMENDING THE BOARD OF ALDERMEN COMPENSATION ORDINANCE

O-19-045

Endorser: Mayor Jim Donchess
Alderman Linda Harriott-Gathright
Alderman Patricia Klee
Alderman Tom Lopez
Alderman June M. Caron
Alderwoman-at-Large Shoshanna Kelly
Alderman Jan Schmidt
Alderman-at-Large Lori Wilshire

UPDATING THE FINANCIAL STANDARDS FOR THE CITY'S WELFARE GUIDELINES

TABLED IN COMMITTEE

Appointments by the Mayor

Downtown Improvements Committee

Edward Hayes (New Appointment)
Terra Salon
137 Main Street
Nashua, NH 03060

Term to Expire: December 13, 2019

Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment)
7 Burritt Street
Nashua, NH 03060

Term to Expire: March 1, 2022

Resolutions

R-19-128

Endorsers: 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 Tom Lopez
Alderwoman-at-Large Shoshanna Kelly
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt

EXTENDING AND ENLARGING THE NASHUA RAIL TRANSIT COMMITTEE

- Tabled 5/6/2019

DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

PAULA JOHNSON
15 WESTBORN DRIVE
Nashua, NH 03062
Pij53@aol.com

May 27, 2019

Board of Aldermen
229 Main Street
Nashua, NH 03061

Re: O-19-044

Dear Members of the Personnel & Administrative Affairs Committee:

I'm sorry that I could not appear in front of the committee this evening as I'm out of town.

Please review O-05-115 (this was the ORIGINAL Ordinance).

Adding an Attendance Requirement to The Board of Aldermen's Compensation.
(No Action was taken).

Brief history: This was written because an Alderman didn't show up for many committee meetings and it got to the point that it was out of control. If I remember correctly (since this is from 2005 – 14 years ago) questions that were asked at the full board and reasons for decisions could have been asked and better understood if the Alderman attended the meetings. You can't do committee work at the full board and that's why you have committee meetings and your EXPECTED to attend unless the reasons mentioned in the O-05-115. I felt that if your getting paid to represent a ward then you need to show up. Back in 2005 we didn't have the have the phone or electronics in the Right-to-Know Law as we do now. So, now you don't have to miss a meeting unless your seriously ill or out-of-town at a funeral you can phone in, facetime, skype etc.

The Ordinance/Sec.2-21 Compensation:

Each Alderman shall receive as compensation the **maximum** sum of five thousand dollars (\$5,000.00) per year, quarterly based on attendance at meetings of the full board of alderman and the meetings of the standing committees to which the alderman is assigned. An absence will be excused only if due to an illness or death in the alderman's family. If an alderman has more than five unexcused absences in a quarter, then the alderman's quarterly compensation will be reduce proportionally based on the number of meetings attended during the quarter.

The Ordinance defined the following:

1. Attendance
2. ILLNESSES OR DEATH in the alderman's family
3. Compensation

Chapter 5. Administration of Government

Part 2. Board of Alderman

Article II. General Provisions

§ 5-6 Compensation

- A. Each Aldermen shall receive as compensation the sum of \$5,000 per year, payable quarterly.
- B. If, in any quarter, any member of the Board of Aldermen is recorded absent at three of more regular meetings of the Board, the City Clerk shall transmit a communication stating that fact to the Board of Aldermen, and the stipend for that quarter shall be withheld. In accepting the communication, the Board may also determine by vote that for good cause shall include but not limited to attendance at committee and other meetings, or health or other extenuating circumstances for the absence. Additionally, the Board may find that the attendance of any member within a quarter has been unacceptable and by a majority vote withhold any or all of the stipend for that quarter.

Health, illness and extenuating circumstances pretty much covers it ALL.

Now under the Right-To-Know Law 91-A:2 we have different ways to attend meetings if one cannot.

91-A:2 Meetings Open to Public. –

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters.

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

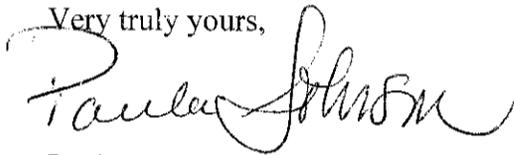
(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

Former Alderman Moriarty called into meetings if he was away on business and BOE member Bill Mosher calls in for ALL full board and committee meetings due to illness.

I have attached my comments from the Board of Aldermen's meeting dated May 14, 2019.

Thank you for allowing my communication to be read.

Very truly yours,

A handwritten signature in cursive script that reads "Paula Johnson". The signature is written in black ink and is positioned to the right of the typed name.

Paula Johnson
Former member of the
BOE, BOA and NH State
Representative

Board of Alderman Meeting - May 14, 2019

NEW BUSINESS – ORDINANCES O-19-044

Endorser: Alderman-at-Large Brandon Michael Laws

Alderman Patricia Klee

Alderman June M. Caron

Alderwoman-at-Large Shoshanna Kelly

Alderman-at-Large David C. Tencza

Alderman Jan Schmidt

Alderman-at-Large Lori Wilshire

AMENDING
THE BOARD OF ALDERMEN COMPENSATION ORDINANCE

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

PERIOD FOR GENERAL PUBLIC COMMENT:

Paula Johnson, I still live in Nashua, exhausted from this whole thing. I don't know how I ever sat on this, maybe 'cause I was younger. I would like to thank the Aldermen for that bill, the smoking, I want to say it takes courage to vote what you feel is right, you beat a dead horse to death, you know, it went round and round. And some of the Aldermen that I don't agree with many times, I want to say thank you, because yeah does it have to be at the State Level? Board of Aldermen 05-14-2019 Page 40 Yeah I think it's better at the State Level that they address it so then it's at throughout the State, not just one community, another community, State Law supersedes City anyway. I'm here to talk about and I know it's going for its first reading, O-19-044. Let's talk about that legislation and what has happened. I was the original sponsor of that legislation, remember Alderman Wilshire, remember Attorney Bolton. No? Well let me refresh your memory. The reason I did the compensation and what was the intent of this? The intent didn't have anything to do with pregnancy or adoption, it wasn't the reason why. And it had nothing to do with any of this. It had to do, we had an Alderman, if you remember correctly that never came to Committee meetings. He would show up more times at the full Board meeting and yet he was being paid to sit around the horseshoe for meetings and the full Board meeting. That was the intent of this. Not the intent of somebody being pregnant or adoption. And I'm a woman and I have the right to say that. And I have the right to say what the intention was; because I was the original maker of it and there was no action. But over the years, it got watered down a little bit. And the reason I made so clear and I sat down with Dori Clarke and we really worked on this. So nobody would be left out but the question was, why should you be paid for meetings that you did not attend? Simple as all that. You go to work, you get paid; you don't go to work, you don't get paid. There is no sick time really here because it's not a job. That's why we never put in certain things because this is not a job this is an elected position. You go to the polls, you have the voters vote for you; you get a stipend, it's not a paycheck it is a stipend. By rights it is not even supposed to have taxes taken out if you look at the US Code. This was added in after. So this is why I wrote this piece of legislation. No action was taken because that person, after it got written, decided to show up to the meetings again. So this isn't a job and if you can't fulfill your duties because of maternity or adoption, there are other ways to be in touch with the Board. You can Skype, you can FaceTime. There is a member of the Board of Education that doesn't come to any meetings anymore because he's ill and he's telephonically. So you don't have to have this in legislation that says because you are pregnant or you have an adoption that you can't come to meetings. You can call in at every meeting and you can still be part of the meeting and be paid for your presence. So when we did this, it was based on the

attendance at meetings of the Full Board of Aldermen and the meetings of the standing committees; that's what you are paid for. All the work is really done in the Committee. Am I correct? Of course I am correct. And then you bring it to the Board to vote on it, which is assigned. And absence will be excused only if due to illness, which illness could cover pregnancy because you don't have to put down health, illness, and or death in the Alderman's family. Simple, it's simple. Let's not water it down and make it more complicated than it is. You are being paid to be here. When I was on this Board I was raising 3 children; worked part-time, ran a business with my husband because he worked all the time so I was basically raising them by myself and I managed to be at every meeting here. Very rarely did I take any time off unless I was sick. So if you want to be an elected official, you can still have children, you can still have a pregnancy, you can still adopt, you can still have a baby and attend every meeting. You can Skype, you can FaceTime or you can be on the phone. This piece of legislation was written probably for somebody, you know, and if I'm correct I think she's pregnant she just put her name on the legislation which I think is a conflict now. Self-serving and the mere fact that it should not be like this. These words on the original and the ones that were changed covers everything, maybe you should just add in there 'can be at the meeting by FaceTime, Skype and / or telephonically' like on does at the Board of Education. So there's no reason why you can't attend a meeting unless of illness and/or death in the family. Thank you very much.



ORDINANCE

ADDING AN ATTENDANCE REQUIREMENT TO THE BOARD OF ALDERMEN'S COMPENSATION

CITY OF NASHUA

In the Year Two Thousand and Five

The City of Nashua ordains that Chapter 2 "Administration", Article II "Board of Aldermen", Division 1 "Generally", Sec. 2-21 "Compensation" of the Nashua Revised Ordinances, as amended, is hereby further amended by adding the following new underlined language:

"Sec. 2-21. Compensation.

Each alderman shall receive as compensation the maximum sum of five thousand dollars (\$5,000.00) per year, payable quarterly based on attendance at meetings of the full board of aldermen and the meetings of the standing committees to which the alderman is assigned. An absence will be excused only if due to an illness or death in the alderman's family. If an alderman has more than five unexcused absences in a quarter, then the alderman's quarterly compensation will be reduced proportionally based on the number of meetings attended during that quarter.

The provisions of NRO section 2-271 et seq., Conduct Regulations, and other conflict-of-interest standards shall not apply to votes on ordinances setting compensation of the board of aldermen under charter section 45-a."

NO ACTION

City of Nashua, NH
Monday, May 13, 2019

Chapter 5. Administration of Government
Part 2. Board of Aldermen
Article II. General Provisions
§ 5-6. Compensation.

[NRO 1975, T. 3, § 1; NRO 1987, § 2-21; amended 2-25-1977 by Ord. No. O-76-115; 4-12-1978 by Ord. No. O-78-4; 6-24-1980 by Ord. No. O-80-53; 8-9-1988 by Ord. No. O-88-61; 12-8-1992 by Ord. No. O-92-11; 8-8-2000 by Ord. No. O-00-43; 8-8-2006 by Ord. No. O-06-18; 8-14-2007 by Ord. No. O-07-115; 12-22-2009 by Ord. No. O-09-77]

- A. Each Alderman shall receive as compensation the sum of \$5,000 per year, payable quarterly.
- B. If, in any quarter, any member of the Board of Aldermen is recorded absent at three or more regular meetings of the Board, the City Clerk shall transmit a communication stating that fact to the Board of Aldermen, and the stipend for that quarter shall be withheld. In accepting the communication, the Board may also determine by vote that for good cause shown that member shall receive a full or partial stipend for the quarter. Good cause shall include but not be limited to attendance at committee and other meetings, or health or other extenuating circumstances for the absence. Additionally, the Board may find that the attendance of any member within a quarter has been unacceptable and by a majority vote withhold any or all of the stipend for that quarter.
- C. The provisions of § 5-93 et seq., Conduct Regulations, and other conflict-of-interest standards shall not apply to votes on ordinances setting compensation of the Board of Aldermen under Charter Section 45-a.