

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

APRIL 15, 2019

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, April 15, 2019, at 6:03 p.m. in the Aldermanic Chamber.

Chairman June M. Caron presided.

Members of the Committee present: Alderwoman-at-Large Shoshanna Kelly, Vice Chair  
Alderman-at-Large Ben Clemons  
Alderman Tom Lopez

Members not in Attendance: Alderman Ken Gidge

Also in Attendance: Alderman-at-Large Lori Wilshire  
Alderman Ernest A. Jette  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien  
Alderman Jan Schmidt (arrived after roll call 6:40)

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PUBLIC COMMENT - None

UNFINISHED BUSINESS – RESOLUTIONS

**R-18-073, Amended**

Endorsers: Alderman-at-Large Brian S. McCarthy  
Alderwoman-at-Large Shoshanna Kelly  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Jan Schmidt  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderwoman 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**

- Tabled 4/1/2019

**MOTION BY ALDERMAN CLEMONS TO TAKE R-18-073 FROM THE TABLE  
MOTION CARRIED**

Chairman Caron

Would the City Clerk, Ms. Piecuch, come sit? Do you want to make a motion for final passage?

Alderman Clemons

I actually have a question. Did we amend this the last time; so it is the one that came with the agenda, correct? We already amended it?

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONAlderman Lopez

Well Alderman Jette has this version that he just dropped off which looks like just if I understand right you were proposing that we just all people to, all spaces to be filled would just be filled by the Board of Alderman?

Chairman Caron

Ok before we have Alderman Jette speak on his amendment, could we have City Clerk Piecuch talk about the amendment that we were provided tonight so that we have something to work with. Is that ok, does anyone have a problem with that? Ok, thank you.

Patricia Piecuch, City Clerk

Thank you Madam Chair for the record my name is Patricia Piecuch and I am the City Clerk. So the Resolution before you was discussed at the last Personnel meeting and everything like that and it was decided to have a Special Meeting just to deal with the logistics as the amendment was just brought in that evening. I know that Corporation Counsel did send out an e-mail to everyone, excuse me, Sue Lovering sent out an e-mail relative to the attachment and the Resolution being before you this evening. That changed it as far as still the Board still appointing for an unexpired term up to 60 days, but it all depends whether or not there is an election scheduled, whether or not, so it says if the unexpired is to conclude at the inauguration we'd have the election as normal, if elected by the Board at the municipal election, the individual shall continue in the office.

So if the Board should appoint somebody within that 60 day period, they run in that municipal election, then they would continue in that. If not, if that individual did not run or if they were not elected, then the individual that received the highest number of votes at the election then would take that term of office to fulfill that term of office until the January inauguration. As far as them talking about a qualified person in Charter 6A, what that just means it is the registered voter. So if it is a Ward vacancy, that means the voter would have to be registered in that Ward; if it is an at-large vacancy of course it would be as long as they were a registered voter they would be eligible to run. So basically that is the gist of it, but the main thing is if a person is an incumbent alderman that is running and they receive the most highest votes, it goes to the individual that is not a current incumbent.

Alderman O'Brien

Excuse me Madam Chair are you open for question at this time to the Clerk?

Chairman Caron

Yes.

Alderman O'Brien

Thank you. I would like to ask the Clerk if she may, can you help us comparatively to the original legislation, McCarthy original legislation and how is this different. And I really am looking for your opinion, what would make this head and shoulders above the original resolution that was written?

Ms. Piecuch

The original resolution would go back to what was prior to 2005 which allowed the Board to appoint a member to serve the term. So there would be no special election whatsoever, whether it is with another municipal election or not. That individual would fill the unexpired term; whereas this one, the individual would be appointed within the 60 days and everything but it would be filled depending on that term at that next municipal election.

Alderman Clemons

From my understanding from Corporation Counsel was that is not how we used to do it prior to 2006. So if you were an at-large Alderman filling a term that had 3 years left in it, the Board would appoint and then hold a special election for the next 2 years of that term which is what the amendment before us proposes to do. The way that the legislation was written before this amendment would simply have us fill the vacancy for the whole, for example, 3 years if that's what was left in the term.

Ms. Piecuch

I'd have to look back because I wasn't prepared to look at the original before us.

Alderman Clemons

If I could, I just know that's a fact because that's the way we did the .. Having lived in Nashua and been involved in elections and things like that I just know that's how we used to fill a vacancy, particularly when it was an Alderman-at-Large.

Alderman Wilshire

Thank you. I guess my question is, as it stands the legislation would allow us to appoint somebody until the next general election, municipal election and so here's why I am asking. When I first got on the Board or when I tried to get on the Board, an Alderman-at-Large quit, left and a Ward Alderman was selected by their peers to take the Alderman-at-Large seat. So that was Fred Teeboom who left the Board and Tom Grant who was the Ward 7 Alderman was voted on by the Board to take the at-large seat and then the Ward 7 seat was also filled by the Board for the remainder of the term. I guess I am asking if that's what we are looking to do, to go back to that process. That's it, right?

Ms. Piecuch

So I found the original type of legislation, the original legislation that went back before the 2006, the proposed language the former charter language relative to filling vacancies the Board before the charter was amended in 2006; which stated that "vacancies shall be filled until the municipal election by the election of some qualified person by recorded votes of at least the majority of all members of the Board at the next regular meeting or a special meeting called for the express purpose of filling the vacancy within 60 days following the creation of the vacancy". So that was the exact wording back before 2006. So this just I think, I think amendment that is before you now, so you are correct Alderman Clemons so thank you, I did find that. But this just also expands a little more on it as far as the qualified voter and about an incumbent and everything.

Alderman Wilshire

So what I am not in favor of is giving the seat to the next highest vote getter. I'm not in favor of that because it could be someone who got 5,000 votes and someone who got 5. I mean if it were close I would say it's not a big deal. But a person who got 5 doesn't really have the support, you know, that they would need to do that. So that's just my concern that we don't do that.

Alderman Lopez

Just to echo Alderman Wilshire's point, I think somebody could just troll the election like the Ward Alderman could just like throw their hat in for the at-large and not run at all and then if any of the at-large had to step down they are an automatic upgrade. So I think just by allowing the math to automatically choose it, you are not giving anybody a better vote or you are not giving more rights back to the people, you are just letting an obvious flaw exist within the system. All you have to do is put your name in the hat and as long as there are only two people running, if something goes wrong with the first guy that you lost to, you automatically get his spot.

Alderman Klee

I agree with what both Alderman Wilshire and Alderman Lopez had to say as far as that is concerned. But I have a question, and I think I know the answer to it, so I apologize for being obvious. When, if in this case, I understand that Alderman Clemons ran for the special election and he'll run again because the term would have been up. But if that term had not been up, if in other words, if he had maybe two more years on that term, when they run for the special election do they run as a full Alderman-at-Large or just to fill those last two years, per this legislation.

Ms. Piecuch

That would be up to that Alderman to decide if they want to run for a vacancy, as you know there are three Aldermen-at-Large positions each year, whether or not they would want to run for the full term or whether or not they would want to run for, to continue on the unexpired term.

Alderman Klee

But when they've been elected by the Board, they are elected to fill that particular seat. When that seat would come up for election – when?

Ms. Piecuch

At the next municipal election.

Alderman Klee

At the next municipal election. So if there were still like say three years left on that seat, do they have to run again to fill those, because I understand how it would work with – I'm just a little confused as to, in this particular case it is easy because that position would have been up. But if there were still 3 years left on that how would that work?

Ms. Piecuch

So on that, that individual would have to re-run. But another individual could also run because it is a special election. So other individuals could still run for that position that's why it is within here that the candidate receiving the greatest number of votes who is not incumbent for that office would receive that seat. So if three people ran and Candidate 1 is currently the candidate in office but Candidate 2 beat

Candidate 1, Candidate 2 would now fill that unexpired term and start at the next, once the canvas of votes have been accepted, they would then start at that next meeting.

Alderman Klee

OK thank you.

Ms. Piecuch

You're welcome.

Alderman Dowd

I don't have a problem putting in the new language about being a qualified person for the thing but I agree with Alderman Wilshire that I think when we appoint somebody that they go for the rest of the unexpired term the way it was before. Because I can see all kinds of predications with the way I just heard it described about the person that could run for the 2 years, they could run for the 4 years and then you got somebody new running for the 2 year. We don't need to make this any more complicated than it needs to be. We appoint somebody, they fill the remainder of the term.

Alderwoman Kelly

Sure thank you. Actually I wanted to go back to the point previous where we were talking about someone, I wanted to make sure I was understanding clearly and then there is a point of order that I wanted to ask. So when we talked about this last time, you had said if we have a ballot and we are running a special election there would be a space for the 3 who are up but also a space for a special election. So if I was running like Ben will have to in the fall, I would either choose to be part of the special election or choose to be part of that full....

Ms. Piecuch

If the term is continuing term. So if the term is not up in January but is continuing on for another two years, then yes.

Alderwoman Kelly

And you would just denote that and say "I'm going to run for the remainder of the seat" or "I want to run for the full four years that's up".

Ms. Piecuch

So on that we would have special paperwork. There would be paperwork for the regular candidates for the municipal general election and then we would have the paperwork for the special election. They would both still appear on the ballot; one would say the unexpired term and then it would be 4 years out or unexpired term 2 years out.

Alderwoman Kelly

Ok and then just my point of order I couldn't find the minutes, but I thought we only kicked it back to committee, I don't remember actually amending this as it was set in front of us. Because I remember having discussion about we've got a couple of different versions today, we are not feeling comfortable, let's send it back to Committee and talk about it there. But I don't remember ever saying "yes let's take these amendments".

Chairman Caron

I think it was something that we wanted verified by Corporation Counsel the amendment that we had in hand, because he was here, so we asked him if we could push this out a little bit because of the time line that City Clerk has. So I think that's why we asked for some clarification and that's why he sent, to make sure that we understood what we were putting in for that change that was taking place. Because there were a lot of little nuances that we weren't quite sure about. So we wanted clarification.

Alderman Kelly

That's not – I remember getting like two different versions of this that day when we kicked it back. All I am asking is whether we actually amended it or whether we kicked it back before amending it.

Chairman Caron

I think we kicked it back to Corporation Counsel so that they would clean it up and give us a final draft of that amendment.

Alderman Clemons

So just so everyone knows, what is before us here does not say that the person who comes in second gets to be, to fill a vacancy. What it says is that the Board will fill the vacancy until the next municipal election. So it is pretty clear in that case because all it does is basically say if there is less than 2 years left in somebody's term, then the Board is going to fill that position until the next election. If there is more than 2 years left, still the Board will fill that position until the next election. And so if you have a term that is less than 2 years, like a 2 year or less term, the Board will fill it, appoint somebody until the next election. If it's more than 2 years, the Board will fill up to the next municipal election and then the voters will decide the remaining 2 years, the balance of that term. So it is fairly simple in the sense that all it does is make sure that we are never appointing somebody for more than a 2-year period, presumably because we have a lot of Boards that are 4 year terms. There could be the case where there is a vacancy on there where the remaining of the term could be longer than the general 2 year period every 2 years when we have an election.

Alderman Lopez

Alderman Clemons just explained what I was trying to bring up as well. I would have used more puns. But my concern with what Alderman Dowd presented is only that like an Alderman such as myself who is like, I have to run in the fall, if there is an opening coming up and it's one that is for an at-large term with 2 more years, I shouldn't be allowed to run for that position, I should be able to run until the next election because my voters only voted for me for here. And there's a big difference between trying to convince other Board of Aldermen people that I want to fill a vacancy and the entire City. So that was my only concern because I think as Alderman Clemons said, we should only do it for 2 years and not leave that room for abuse in there.

Alderman O'Brien

Thank you. If the Board and this Committee remembers, I was a sole Alderman that spoke in favor of the original R-18-073 that was presented. The reason that I did that is I put a lot of trust into its author and the author was then-president Brian McCarthy. And though I wish he could be here to explain the points of view, I think we all could probably agree that he had and it has been documented over 25 years' experience on this particular Board. That would mean to me that he has seen people come and he has seen people go and therefore things that happened to other people, such as our current president has brought up with the replacement, it has been done before.

Now whenever you get into a situation as with contracts and everything else like that, one comes up when a gray area occurs is the test of time of what we call "past practice". It seems that the original amendment, the original referendum that came through, resolution that came through, has stood the test of time, it has followed up. Now you keep in mind in generalities. What I heard at that meeting when I voted in favor and a lot of you voted against on it, was there seemed to be a lot of confusion on the original amendment. It seems that this current amendment is well-thought and well-written and I'm not going to throw it out with the baby with the bathwater. But, however, I think the original was also equally well-written by an experienced member of the Board.

The thing is, it goes in to fill the seats. Now we all run our elections, some are running twice, such as myself that runs in the State as well as within municipal. It is a lot and I think the newly elected Alderman-at-Large Clemons could attest to come in quickly and to fill that vacancy that was left by our past president, Brian McCarthy. It was a lot of work and he did a fine job in doing it. But I think by going with the original, kind of eliminates a lot of that, that you've got to get the fund-raising, you've got to get the signatures, you've got to get a lot of things out.

So in the temporary fix, it seems Alderman McCarthy was well-thought in going with the original motion. Number one it was a mirror copy of what was originally the law of this Chamber and Number two it set the time of convenience for the candidacy of the people who were running. And at the end of that person's term then they may go for the general election that does occur. And I am so glad it doesn't mention number 2 taking over because there are mandates and number 2 doesn't take into account the mandate. If the people wanted the number 2 candidate they would have made him the number 1 candidate. There is something to be said to that. So therefore, I like the amendment I am not going to anchor it down or cause it to sink, but at the same time too, I wish somebody could tell me why we have to reinvent the wheel where the original amendment seemed to have answered the question and was adequate.

#### Chairman Caron

Ms. Piecuch can you answer Alderman O'Brien's question, isn't this basically the original charter from 2005 or before 2006?

#### Ms. Piecuch

If you look at the analysis that Legal did with this amendment and everything it says that it would provide that the vacancies in the Boards are to be filled by a majority vote by the remaining members. 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 boards were put in place which required special elections if more than six months remaining in the unexpired term. So that was after the charter. What they state is this amendment further clarifies when the individual is elected to fill vacancy take office and provide that vacancies also caused by death or declination or prior to inauguration are also filled in the same manner. So if somebody decides to decline the position before inauguration, you would fill it in the same manner. So it's basically the same; it just states that it is clarifying it.

#### Alderwoman Kelly

I have to agree with Alderman O'Brien. I feel like the intent of making these amendments was to make it more clear but I think that some of the language doesn't. And I think calling it simple and straight-forward is a little bit disingenuous because there are a lot of people around this horseshoe who are asking questions and multiple lawyers who have made multiple revisions to this. So if we are looking at the incumbent language, what I am confused by is it says "then the candidate receiving the greatest number of votes for that office who is not an incumbent shall complete remaining...". It seems like a lot of extra words to say that the person who won, gets it. Am I right.

Ms. Piecuch

So on that what you have to think about though is if it is a current incumbent member of the Board that's running. So you would want that incumbent to receive that position. But you are correct it is going to be a separate race, it would be separate race on the ballot.

Alderman Lopez

Yeah I was, I guess I'm not sure though, I thought the language said that to Alderman Shoshanna's point it is confusing, I thought what it was saying that the person who won the most votes in the follow-up election was the one who won the remainder of the term. So step 1 is appoint somebody to get to the next election and then step 2 is whoever wins that election wins the rest of the term.

Alderwoman Kelly

So quick follow up to that, the way I am reading this language makes me think that if someone who is an incumbent on the Board runs but wins, they don't get it either. So say someone who is an incumbent runs for the at-large space in the fall, because it says the person who is not an incumbent and gets the highest votes, shall complete.

Ms. Piecuch

So in looking at this way, I think what they mean by that, so let's take for instance Alderman Clemons, he's currently the incumbent. So if he was to be appointed into the position, he is currently the incumbent for that position.

Alderwoman Kelly

For that position, not for the Board, got it. OK.

Alderman Dowd

Yeah a couple things, one by the way if the legislation ever said that the second highest vote getter would get it, I'd vote against it no matter what the words were.

Chairman Caron

It doesn't say that though.

Alderman Dowd

The original purpose, having spoken with Alderman McCarthy many times about this, was the fact that we were spending a lot of money on special elections, so we were trying to make the situation better and not spend all that money. If you go by this amendment where we don't appoint the person, say he's got 3 years left and we don't appoint him for the 3 years we go for one year and then a special election. Let's say there's an Alderman that does that and then somebody on the Board of Education the same situation, all of a sudden you've got 3 or 4 elections going, you are verifying signatures for a whole bunch of different elections. When people go in to vote they are be all confused about who am I voting for.

Chairman Caron

Ok the point of this amendment is to not have special elections. The point is as Alderman Clemons stated, someone whether it is Board of Aldermen, Public Works, Board of Education, if that term is for 2 years or less, that Board appoints them. And then they run at the next municipal election, which is every 2 years, ok? If it is longer than that, then that person is only in that seat until the next municipal election and then they either run to finish that term or they run for a four year term of whatever that position is. This eliminates all these special elections. So it's not us appointing someone to sit, supposedly you have an election this November and this person decides they are moving away. They have a four year term. We would appoint that person but they would only be able to sit on the Board, whatever Board it is, until the next municipal election which would take place in two years and then that vacancy would have to be filled by either the person we appointed or other people who might want to run for that seat, for that vacancy. That would be separate from the general election for any other seats within any Board.

Alderman Dowd

I understand that but what I was getting at was the way you just described it. There is 3 years left on a term. We appoint somebody, the election comes up at the end of that year. Now you are going to have to elect somebody for the balance of the two years on that. It is going to be separate than the 3 people running, a separate sheet, a separate ballot.

Alderman Clemons

No same ballot.

Alderman Dowd

Different page as I understand it.

Ms. Piecuch

No it would be on the same ballot.

Chairman Caron

It would be on the same ballot.

Alderman Dowd

But you are still going to have to verify signatures differently.

Ms. Piecuch

The verification of the signatures would be the same but it would be additional because you have that extra office.

Alderman Dowd

So if we had appointed that person for 3 years rather than 1 year, you wouldn't have had to have verified any signatures.

Ms. Piecuch

That's correct.

Alderman Dowd

And you wouldn't need the extra counting that's involved. And the other point I was making is somebody is going to go into the election and have no idea what has been discussed here and they are going to go and "Well how come these 3 are running for 4 years and this person is running for 2 years for Alderman-at-Large, I don't understand". So you are going to have all that. So I don't know why we are confusing this thing. It worked, as somebody that was involved in City politics while this worked for many, many years prior to 2005, there was never a problem. Again, I don't mind defining the person more but I don't see why we are making this so complicated.

Alderman Clemons

Thank you. This is how it worked prior to 2005.

Alderman Dowd

No it isn't.

Alderman Clemons

Yes it is. Yes it absolutely is. This amendment is exactly how the charter worked before 2005. I promise you. I asked Corporation Counsel this question; the City Clerk has just answered that for us here tonight. The way that this is amended is exactly the way it worked prior to 2005. The way that the legislation, the way Alderman McCarthy had written it, is that it would be different both from the way that the charter is now and different from the way it was in 2005 and prior to that in that it would just plainly fill the vacancy. Now I love Brian McCarthy to death and I wish he was here but you know what, we didn't always agree. And I wouldn't have agreed with him on this one. I would have said "let's change it back to the way it was before 2005" and that's what this amendment does.

Ms. Piecuch

Just a clarification because like I said before the previous, before 2005, it did state that "the vacancy shall be filled until the next municipal election by the election of some qualified person". So again the Board would appoint but at the next municipal election they would then in turn, if it was more than 3 years, go ahead and re-vote on that candidate or another candidate.

Alderman Dowd

One other thing, if we appoint someone from the current Board, a 2 year Alderman to fill the at-large seat which has one year remaining, now we are going to appoint somebody else to fill their position, at the end of that year, there could be an issue with a person being on the Board any longer and I would see people saying "Hey I'm not doing that I'm on the Board now".

Alderwoman Kelly

So I think that what is being said is the same as what is before, it definitely may in its intent say the same thing, but it is not the exact language that was there before, that is correct right? There is probably a paragraph more of information in there. I don't think I fully understand why those changes were made and why we just didn't go back to the 2006 the way it was, if it is saying the same thing.

Alderman Clemons

The only real difference is because it had to be changed to update with the, like you had to be a qualified person. I think before the way the charter was written was you didn't even have to be registered to vote in order to run for an office but now we require that and I think that had something to do with it. As far as why it was written the way it was written, I don't know, other than the intent is that it goes back to the way the original charter was. For all I know, Corporation Counsel probably wrote it so that it is more explicit than the old charter was, but I'm guessing.

Alderman Jette

I just want to remind everybody that what we are doing is we are changing the current system. The current system was changed because people objected to the fact that the Board was appointing people as opposed to the voters being able to elect people. And the only reason that we are doing this now is because the special elections have been, you know, there's been poor turnout, and at great expense and not only in money but in time of the volunteer checklist, poll workers, etc. So it was in response to that; we said these special elections just aren't working, people aren't turning out. They are not exercising their right to vote at great expense, so we decided well maybe it's not worth doing it that way anymore. But in essence, I remind my fellow Aldermen what we are doing is we are taking away from people the right to elect their own representatives.

So by doing this and I'm in favor of this, we are saying, "Ok if there is a vacancy that's created, the Board will in the first instance appoint a replacement until the next municipal election, until the next regularly scheduled municipal election". So that the voters will have a chance to express their wish as to who they want to represent them but we won't be incurring the expense of a special election. I have spoken to Attorney Bolton about this, I think what he was trying to do was bring it back to the way that was suggested by Alderman McCarthy but there were some questions you know like people have brought out. What if a Ward Alderman is appointed to fill an at-large position.

So now you have another vacancy and at that election, the next election, if the person that was appointed was a Ward Alderman, now his position becomes vacant and does the person who was appointed by the Board continue until the next inauguration or does he take over immediately. What if the person that's elected, whoever the people have elected, it would make sense to get them in the position as soon as possible like what happened with Alderman Tencza when he replaced Alderman Deane. You know he won the election, he was the top vote getter out of the 3 at-large positions, so we put him in right away. But what if the person we select isn't elected by the people, does he continue to the inauguration or does the newly elected person get in? So Attorney Bolton was trying to answer all of those questions here. And I think what he did you know does the job. What I handed out to you tonight, I know it's, I should be shot for doing this at the last minute, but I talked to Attorney Bolton, I found the language difficult to understand.

For example, it says, so in the new language that he proposes, it says "until the next municipal election by the election of some qualified person" and he added "See Charter 6A" because of Mr. Teeboom's complaint that qualified wasn't defined "by the recorded votes of at least the majority of all the 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 60 days following the creation of the vacancy". That's the language that was there before. But then he went on to say "If the unexpired term is to conclude at the end inauguration following said municipal election" and I really think there ought to be a comma there "the election shall be conducted in the usual fashion". And I said to him "what does that mean what is the election being conducted in the usual fashion"? And he said "Well you know the election occurs like it normally does". But then if the individual elected by the Board of Aldermen is elected at the municipal election, so if the individual that was selected by the Board of Aldermen as a temporary wins the election at the regular election then he will continue in office until the inauguration.

If the individual elected by the Board of Aldermen is not elected at the municipal election, so if the voters choose somebody else, then the candidate receiving the greater number of votes for that office and we are talking about that election, the person who receives the most votes at the election, the winner in other words who is not an incumbent, who isn't already a member of the Board, shall complete the remainder of the unexpired term beginning at the next regular meeting.

If the unexpired term continues for an additional period following the next inauguration – so in the situation you have an Alderman-at-Large where the term isn't expiring like in Alderman Clemons' case, if the Alderman-at-Large had two more years to go, 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. So it's, I know it's language that cumbersome but he is trying to dot all the I's and cross all the T's. What I handed out to you today was my feeble attempt at trying to make it a little simpler but doing the same thing that he said, but just adding some commas and making it a little clearer.

### Chairman Caron

Alderman Jette what you handed us though only specifies that Board of Aldermen, it doesn't include the other Boards that is all encumbered in this thing. I think what Corporation Counsel was trying to do was to make sure that we had all the I's dotted, all the T's crossed, so that anyone looking at it would understand that an appointment was for a specific amount of time, which means the next municipal election, not a special election. And that position, if there were 2 years left on that position, whatever Board it is, then someone, whether the person that was appointed to that position runs, or someone from the outside runs and then they win, then they would take over that seat, just like Alderman Dowd and myself, because both of the City Aldermen had passed away and that election happened in November but we took our seat right after the election and then were inaugurated that January. That's basically what that is saying, but lawyers being lawyers, add a lot of information to it.

I know you were trying to make it simpler but I think we want to make sure that everyone understands that someone isn't going to get appointed by any Board, and sit in that seat for more than 2 years. I think that is the primary concern of the voters. As you said, you know, if we are appointing, we are not allowing the people to vote, but we are because we are only letting that person sit in that seat until the next municipal election and they either run or they don't or they run for something else. So I think that is really what this amendment comes down to, is going back and then making sure that we have all that information out there so that everyone understands it, when and if this goes before the voters, hopefully in November.

### Alderman O'Brien

Thank you I know we have them coming close, but I just want to say and not that I say anybody here misspoke but I too do a lot of research and I did talk to people in Corporate Counsel and I said "what was the Genesis of the McCarthy amendment" and I was told it was basically, and I don't want to use the term "cut and paste" but it was referred back prior to 2005. And if I may say to Alderman Jette, you've got to keep in mind, what really brought us here. When you are in the majority you are going to win ok? And when you are not in the majority you are going to lose and then the losers come up with other words of favoritism and collusion and other different things if they are not very happy with the choice. And in this case where the Board does have the authority to pick somebody, and to fill the spot and you are in the minority, you probably could use some of those terms. Would it be fair? Probably not because I think we do pick qualified people.

Keep in mind, one of the qualifications is to be a citizen of the City of Nashua. So we are actually picking amongst our citizenship to fill the particular position. But in keeping in mind, I feel like we've gone around the rotary a couple of times.

I'm not really truly against this particular amendment, but keep in mind, in reading in my interpretation was crystal clear, exactly what Alderman McCarthy wrote before and now we come back to yes it is a little bit more friendlier words to it but again Alderman McCarthy was well-spoken in the original amendment. So thank you.

Alderman Wilshire

So does this amendment, so the person who is appointed and then we have a regular municipal election and someone is elected to that seat, they would take over right away and the person who was filling in would be out? Is that how it works?

Chairman Caron

Yes

Alderman Wilshire

OK just checking.

Alderman Lopez

As a Committee member, I'm inclined to recommend final passage for the Bolton Amendment I guess we could call it. Only because it seems to be cooperative in the spirit of what Alderman McCarthy was trying to do. It just specifies more specifically some areas such as if a person dies or wins and then decides that they don't actually want to take office. It is just more detail oriented. I appreciate Alderman Jette's attempt, it sounds like a lot of the concerns that he had were mostly in the grace of the amendment and some of the grammar and some of that can be done with Corporation Counsel if we do recommend final passage. We do move the process forward. But it seems like we are just really talking about whether we should amend with this amendment or not in terms of context. And I see the wisdom in appointing until the next election; having that election and then as Alderman Wilshire just pointed out, if the will of the people supersedes the will of the Board, then yeah I guess that winner takes the office as soon as possible.

While I understand Alderman Jette's point about us taking a right away from the people, we are following the same procedure that did that in the first place, that amended this legislation in the first place. And then additionally, you are also taking rights of the people when you constantly obligate for officers that they are not turning out to vote for. You can't keep compelling people to give up their day and their job and all that kind of stuff for a special election just because somebody wanted to change the way replacements happen. Likewise, I don't think we should be looking at trying to take away all elections or more elections that was intended by saying "ok if there's a vacancy now the person can opt to run for 4". This is not what this amendment is saying, it is letting people be appointed to get to the next election point and then at that next election point they can choose whether they and the rest of the public can decide you know what, I'm going to run for the 2 year space, I'm going to run for the 4 year space. It leaves it open. So I think the amendment as it is presented gives us the best return to the value that we had before.

Alderman Jette

Yeah I have nothing.

Chairman Caron

Well thank you, I'm sure you have something Alderman Jette.

Alderman Kelly

I'm inclined to agree with Alderman Lopez, I think that the intent is right, what I think we can do, and I want to point out that this is not a unilateral decision by us, it'll have to go on the ballot because it is a City Charter change, is make sure that language on the ballot is very clear. Because obviously we have questions so I want to make sure it is super clear to everyone who goes out and votes on the ballot that they know what they are voting for.

Chairman Caron

So City Clerk Piecuch isn't this going somewhere to be looked at before it can go on the ballot?

Ms. Piecuch

So what has to happen is it has to come out of this Committee and go back to the full board where the full board would have to vote on it and find is necessary again. As Corporation Counsel Bolton said last time we would also request another Public Hearing because of the changes on that. That could really basically be all done in the May meeting, so May 14<sup>th</sup> it goes back to the Board, yeah so not next week's meeting but May 14<sup>th</sup> and May 28<sup>th</sup> you can also have at the same time the Public Hearing. From there the Board if it goes through at that Board meeting, they have, you guys now have 10 days to get it to me in order, no excuse me, 7 days for you guys to have it certified with State Law. You have to say it that it passed; I certify then to the State – three agencies – which is the Department of Revenue Administration, Secretary of State's Office and Attorney General's Office. I have 10 days by law to get it to them. They have 14 days by law to notify me that they are receipt of it and then they have 45 days to review it and file their report back with me. Once I receive it back I then have 7 days to notify the Board in which you have to have a meeting in order to determine whether or not it does go on the ballot.

Alderman Klee

I know I don't get to vote here, I'll vote at the Board but just a couple of points. One is that I want to clarify something, I don't think this is taking away the voter's right to vote, because in truth our special election not enough people show up so I don't think they are representative enough of that. But putting all of that aside, I agree with Alderman Kelly as far as clarify and making sure that everybody understands it because it is a little confusing hence my next question. Just so I have it clear, if it were an at-large position there will be a section that says "Aldermen-at-Large Pick 3" and then there will be kind of like a special election Alderman for 2 years, pick 1. So there will be two separate, it won't be pick 4 and the last one gets a position. It will be two separate pieces on the same ballot.

Ms. Piecuch

That is correct, it would be two because as with any type of election when we are filling an unexpired term it would show that term expires .. It would be showing fill unexpired term to January 5, 2020 like it was this year.

Alderman Klee

Ok thank you.

Ms. Piecuch

You're welcome.

Alderman Kelly

I feel confident enough especially with your explanation of the additional stuff that have to happen that there is enough checks and balances so I would like to move for final passage with the amendments that were sent for Attorney Bolton. Recommendation.

**MOTION BY ALDERWOMAN KELLY FOR FINAL PASSAGE AS AMENDED**ON THE QUESTIONAlderman Lopez

My comment is just that this is much easier to understand if it isn't two pages of crossed out prior, so I am sure the public can figure it out if we just give them a straight copy.

Chairman Caron

Right, ok. You've heard the motion. Anything else?

Alderman Wilshire

So this does not include Alderman Jette's.

Chairman Caron

No.

**MOTION CARRIED**

PUBLIC COMMENT - None

REMARKS BY THE ALDERMENChairman Caron

I appreciate you coming to the special meeting.

ADJOURNMENT**MOTION BY ALDERMAN LOPEZ TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 6:57 p.m.

Alderman-at-Large Ben Clemons  
Committee Clerk