

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

MARCH 2, 2020

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, March 2, 2020, at 7:00 p.m. at City Hall in the Auditorium, 3rd floor.

Chairman June M. Caron presided.

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

Members not in Attendance: Alderman Thomas Lopez

Also in Attendance: Jim Donchess, Mayor
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman Ernest Jette
Alderman-at-Large David C. Tencza (arrived after roll call)

PUBLIC COMMENT

Tracy Pappas 12 Swart Terrace. I am coming here regarding the change to public comment. This is the second time in either a two to four year time period that limitations are being placed on public comment. The first limitation occurred that public comment or the public is no longer allowed to speak during the first public comment period during the first reading of an ordinance. As such, citizens can't speak to the full board until the item has gone through a Committee where only few Aldermen attend. By the time citizens get to speak with the full board, most of the minds have been made up.

In my experience citizens who feel strongly about an ordinance are happy to come to both aldermanic meetings and they also were very happy to show up to Committee meetings. In my personal experience, most recently that concerned me, December 23rd, 2019 I came to speak regarding the Public Works Facility. That was not an easy thing for me to do, I am very concerned over health hazards as to the employees. My concern was that the expensive plan did nothing to help most of the rank and file AFSME employees. When I came to speak regarding the DPW Facility to express my concern about the unhealthy work conditions, in a very short period of time, I was interrupted twice by the Board President.

I also happen to notice that later during the Public Comment period, the Deputy Chief of Police went on for quite some time advocating for a raise, a 3% raise for his employees. I don't blame him, I am simply looking for fairness. Perhaps in an effort to be fair, there should be a clock run for every public speaker. I don't like public speaking, I find it distracting to be interrupted unfairly. I don't believe that the public should be treated like barbarians at the gate. As such, I think not only should you limited public comment further, I think that you should change the latest effort to the last 2 to 4 year period where the public should be able to speak during the first public comment period when the Legislation is first introduced. Thank you very much.

Gary Galbo I'm the owner of Nashua Coins & Collectibles at 202 Main Street. The reason we are here tonight is there is an amendment to legislation proposed for the second hand dealers holding laws which up until recently did not apply to coin dealers. All of a sudden we are finding that after 30 years they are being applied to us. I am here to explain our position on holding of rare coins. The legislation initially was proposed and set into law to legislate pawn brokers.

Coin dealers are not pawn brokers or second hand dealers; we deal in rare coins as investments and for collectors. The 30 day holding period would essentially put me out of business because we don't work like pawn dealer. We don't buy a one ounce gold coin for the bullion value, we buy it for the coin value and we work on about 1 ½ %, so if I have to hold it for 30 days that means I am going to have to pay a lot less to the customer, to the collector, to the investor, which is not fair to them. As it stands right now, the pawn shops will usually send people to us if they have coins for sale with the explanation that all we do is buy gold and silver.

There's been legislation attempted across the country. In New York City they tried to put a similar statute into effect back in the '70's and the coin dealers in the City refused to follow it. They took one of them to Court and it was thrown out of Court because Cities and Towns and Municipalities cannot regulate rare coins or coins which in themselves are legal tender. The only person with authority to do that is the Federal Government. So the case was thrown out of Court and to this deal they are not trying to make coin dealers in New York City hold coins.

Nobody in this State, no City or Town in this State is trying to do that. No City or Town in the Country is trying to do that. There is legislation in California state-wide that specifically states that coin dealers are not second hand dealers and are exempt from any laws governing second hand dealers and pawn shops. There's a lot more things I can say but at this point I guess that pretty much covers it. I am here and we may end up having this carried on and if that's the case, I'll come back again.

Laurie Ortolano 41 Berkeley Street. I am here to speak to the change in the ordinance for community comment. I am concerned a little bit about it. What is written in here, first four items that are Part C, I full understand. I raised a question in the e-mail about Item 5, the first five minutes and then the three minutes in the end on what that meant and I am hoping tonight I don't have to go over it again, but you could explain what the 5 minutes and the 3 minutes how they apply. And what happens at a Hearing when you have two comment sections for "for and against" just so that there is clarification. I am concerned with Item 6, the presiding officer may allow questions at the presiding officer's discretion.

I feel that I have been a controversial individual who has come to the microphone and if you are not liked, you are not treated as well as individuals that share complimentary comments to the Board. I just want to make certain that I am not treated differently from anyone else because my comments are dissatisfactory to you or anyone here as an entire Board. So I think that you need to institute a time clock procedure to treat us all fairly, so that's the way it is done. Because I notice when I go to the microphone I am warned before I am even out of my seat and I chuckle a little bit because I see other people go up and they are not warned at all.

I also think that the e-mails are great and providing copies is great. I've had a lot of trouble getting responses from the Aldermanic Body to e-mails, that's where all this assessing stuff kicked off. I will say that the e-mail that I sent regarding this Ordinance, I got three responses back from the Aldermen on and I am very, very pleased and appreciative of that. It says, "excess repetition and irrelevant remarks are discouraged" – that is a little subjective. Item 10 says, "the speakers remarks have to adhere to this Ordinance or other applicable law". I don't know what other applicable laws are and that needs to be defined for me.

One example I'd like to give you is that I spoke at the May 28th meeting last year. And I addressed a sore topic with the Aldermen which was about our senior assessor who goes out and writes on the board, "I'm heading out to the field and going to check properties" to find out that he was actually in parking lots for 2 ½ hours and driving around and going to the Holiday Inn. When I brought that topic up, the President Wilshire said to me, this Board has nothing to do with personnel matters so I respectfully ask that you keep your comments to the Board to what the Board has purview of; we don't have purview of personnel matters. And I said, "Well I think it's OK and who has perview of performance issues". "How do we address performance" and that's reasonable, I am addressing something that the Mayor addressed at the meetings, the public meetings that he holds.

He brought up this demoralizing nature of the report. I was at your meeting addressing it. Then I was interrupted again, "what I am telling you Ms. Ortolano is the Board does not deal with personnel matters for City Employees". I said, "Well I am not asking you to deal with it or reprimand, but I am asking you to listen". Then I was interrupted again,, "we've been listening for weeks of the same thing, over and over again about this employee". I said, "No you haven't, the report just came out, I have never addressed this employee at the microphone". And then Alderman Dowd said, asked for a ruling from Corporate Counsel.

My concern is, would this be an example of what the President could turn around and just shut me down on right from her seat with this change of the Ordinance? Because if it is, I am not in favor of this at all, and I am really concerned by that. So I have something else I want to address with you but I will do it – oh the other thing is on this list, I think you should put that if there are more than 5 people at the end speaking they would obviously be using the 15 minutes and the Board should make every reasonable effort to hear the input of all those who sign up at the end. Let's say you have to go 20 because there's 2 more people, I would hope that you'd do that. And if there is only one person in, like I was there last week for community input and no one was there, would you extend it more than 3 minutes or is that not going to be allowed? Those are questions I have, thank you.

Alderwoman Kelly

Let the record show that Alderman Tencza has joined us at 7:12.

Laura Colquhoun 30 Greenwood Drive. I am here to speak about the public comment ordinance. I feel that the time limit for the public is totally against the residents of Nashua. We should have a right to voice our concerns and to be time limited is ridiculous. I also feel that the presiding officer should not be able to stop somebody from saying something because she may feel that it is inappropriate when we feel that it is appropriate. I also want to make a comment that my sister said that the City is starting to run like brown shirts and I think that is totally unacceptable. It's just like this ordinance is trying to be pushed through when hardly residents even know about it. If we had time to discuss this, in public where the residents would know, I think we would have many more people up here saying that they are against it. Thank you.

Chairman Caron

Now I am going to ask the Committee if you mind if the gentleman who came in late could come forward and speak. Fine, please come forward.

Farrell Woods Chairman of the Nashua Airport Authority Board of Directors. Madam Chairwoman, thank you very much for this opportunity to speak. I rise to support the nomination of Miss Jessica Holland to the Nashua Airport Authority Board of Directors. She will elaborate on this but she is a native Nashuan, I've known her for a number of years. I believe that she will bring a keen new perspective and intellect to our Board. I very much look forward to working with her, you know, with your approval. And I will let her introduce herself in a moment, but again, I rise in support of Miss Holland's nomination to the Board. Thank you very much.

COMMUNICATIONS

From: Fred Teeboom

Re: O-20-005 – Maintaining Gender Identity

There being no objection, Chairman Caron accepted the communication and placed it on file.

From: Fred Teeboom
Re: O-20-005 Violates Charter and State Laws

There being no objection, Chairman Caron accepted the communication and placed it on file.

INTERVIEWS

Chairman Caron

Mayor, you are up. We have quite a few today.

Nashua Housing and Redevelopment Authority

Helen Honorow (New Appointment)
46 Raymond Street
Nashua, NH 03064

Term to Expire: October 14, 2024

Mayor Donchess

Well first Madam Chair I'd like to thank everyone who has agreed to serve on the various Boards and Commissions, the people that are coming before you tonight. As I've said many times and I know all of you agree that if we are going to move Nashua head, this is a big group effort and all of our Boards & Commissions involve many volunteers who are working very hard to make Nashua a better place to live and so I think we owe a debt of gratitude to everyone who is willing to serve. Now specifically the first nominee here is Helen Honorow for the Housing Authority. Helen, I think many people know her, you probably all already do, has been in the community for 30 or so years, a practicing attorney, has been on the State Board of Education for some years and has so many volunteer activities and boards listed on her resume that I won't go through them all; Big Brothers/Big Sisters, the Huntington, Gateways, the Rotary Club etc.

Right now, the Housing Authority I think has a great opportunity to help to create more affordable housing in the City; a need that we certainly have. And this is something that Helen and I have spoken about and therefore for the many reasons, because of all her qualifications, because of her commitment to Nashua, because of her professional expertise, she will make an excellent nominee to the Housing Authority. And I will just turn it over to Helen to say a few words and again, thank you for your willingness to serve.

Helen Honorow Thank you, thank you very much. I've only lived here for 31 years so I am not a native, never will be But my first experience in coming to Nashua was serving on the Review and Comment Committee which was an incredible experience because you get to know the City and all the things that matter to the City, that go on in the City. I have forever cherished that experience. My first job out of Law School was working for the Department of Housing Development in Washington DC. So this arena has been important and has mattered to me for quite some time. I do care about affordable housing, I hope that that's somewhere that the Housing & Redevelopment Authority, I like that that's the new name, newish, will move in that direction. I have spoken to some of the members of the Commission, I feel as if I understand what the responsibilities are. I have a lot of experience in looking at budgets and approving them. I understand there are also occasions for reviewing personnel issues and I would very much like to be a part of this.

Chairman Caron

Thank you. Any questions from Committee Members?

Alderman Clemons

Thank you. Thank you for your willingness to serve on the Committee. Obviously you have my respect and you have a tremendous record in the City. So you have my full support, but while I have you, the opportunity to ask you, what is your opinion or what is your view on the potential of redeveloping the Bronstein Apartments with the understanding that putting the people who live there first, being the priority but also recognizing that you know there might be an opportunity there to kind of do something different.

Ms. Honorow Well thank you for that softball question Alderman Clemons. I will be perfecting honest, I would not be able to say I have an opinion on something as consequential as that without understanding the entirety of the situation. I think residents in our City have to be our top priority and any sort of redevelopment of any public housing, any area that would displace citizens needs to be part of a global solution that addresses everyone's concerns. And I would need to look very carefully at that before being able to opine, sorry.

Alderman Clemons

No that's perfectly good. I am actually glad to hear that because that's exactly the kind of openness I think that we need. We need somebody there that is willing to look at such things. Because I think that is what is missing right now or was missing at least a few years ago from that Board. So I really appreciate just the openness, so thank you.

Alderwoman Kelly

Thank you and again, thank you for your willingness to serve. My question is, so I Chair Human Affairs and we are doing our five year plan and as we spoke to the community affordable housing did bubble up. I am learning, you know, as I am growing in my role here, but I would be interested knowing your background, if you have any ideas. It really is a tough situation that we are in, affordability but also our vacancy rate is just .1% in Nashua.

Ms. Honorow You know I think part of my experience being on the State Board of Education and understanding issues that families and children face before they can even get ready to learn; one of those is being in a safe, stable housing environment. So that's really where some of my interest in housing comes from. I think it has to be an "all of the above" approach, to look at how in a City where we have, is it .1 vacancy rate, that's pretty astonishing and thinking about the cost of housing in Nashua. Part of making this the vibrant, welcoming community and continuing to make it so, has to be a focus on what can we do to develop affordable housing which I think requires public / private partnership, which requires all hands on deck to explore what's available, what's affordable both from the City's perspective and how we can leverage the Federal Government. How we can leverage HUD, how we can leverage private partnership to figure out how we can do this and it is a real interest of mine from the education perspective and from continuing to make this City grow. It can't serve just one resident, it has to serve them all. So I will get back to you on some ideas, I am glad to hear that that's bubbled up and that people are looking at it because it is critical.

Chairman Caron

Anyone else on the Committee that would like to speak?

Alderman Klee

Thank you so much for volunteering for your willingness. Full disclosure Hellen is in my Ward and when I decided to run for Alderman, one of the first people I spoke to, to get a feel for this was Helen. And Helen's concern was for Mount Pleasant, for the students within our school system and so on.

I was quite impressed with her direct questions, so Alderman Clemons, thank you for doing that to her. I truly appreciate that. But yeah and I loved your answer, I really did. I can't say enough kind things of a better, more deserving person to volunteer for us and no more qualifying person than she is. So thank you.

Chairman Caron

Anyone else? Thank you for wanting to participate. Again Mayor you brought someone very knowledgeable and willingness to serve. We will take up your nomination later and if – I'm sure you'll be approved – you will be sworn in next Tuesday. Thank you.

Conservation Commission

Carol Sarno (New Appointment Alternate)
15 Rocky Hill Drive
Nashua, New Hampshire 03062

Term to Expire: February 28, 2023

Mayor Donchess

Thank you Madam Chair, I have nominated Ms. Sarno as an alternate to the Conservation Commission. She has recently retired as a software developer, but over the years has had many volunteer opportunities in the wildlife area including she has been a volunteer for the Nashua Watershed Association which is down on Groton but is involved with the entire Nashua River, doing water sampling. She has been on the Flint Pond Improvement Association. She has done bird counts for the Cornell Lab of Ornithology as well as the Audubon. She's done fish counts for us at the Mine Falls Dam and has done other things as well. Sherry Dutzy is the Chair of the Conservation Commission and has talked with Ms. Sarno at length about this. Obviously Carol will do a great job a Conservation Commissioner, already has spoken with the Chair about what her role would be and therefore I am very pleased to be nominating Ms. Sarno for the Conservation Commission. And I probably left a few things out which Carol can fill you in.

Carol Sarno I think you did pretty well. So I have lived in Nashua, I'm new also, just 36 years. As the Mayor said, I retired about a year ago so I find myself with some time and I am looking for opportunities that include my interests which are nature and the environment. I like hiking and birding and kayaking, I am a volunteer at Naturalist and teacher at Beaver Brook in Hollis. I just thought that the Conservation Commission would be a good fit for me. And I hope I am a good fit for the Commission.

Chairman Caron

Questions.

Alderwoman Kelly

I don't have a question, I just have a comment. Your expertise looks perfect for the Commission' I was on the Commission as the liaison the last 2 years. And if you have the backing of Deb and Sherry I am sure they have made sure you are more than qualified. It is a lot of fun, it's a really fun Commission.

Alderman Clemons

I just want to say thank you for your willingness to volunteer; I am sure you will serve the Committee well. You certainly have the background for that. So thank you.

Chairman Caron

Yes I agree, I read your resume and I thought it was perfect for this Committee and I am glad to see you will have fun on that Committee. So your nomination will take place later this evening. Thank you.

Cultural Connections Committee

Rosemary Ford (New Appointment)
22 Nova Road
Nashua, NH 03064

Term to Expire: March 1, 2022

Donna Marceau (New Appointment)
37 Pinewood Road
Hudson, NH 03051

Term to Expire: February 28, 2023

Cecilia Ulibarri (New Appointment)
229 Main Street
Nashua, NH 03060

Term to Expire: February 28, 2023

Mayor Donchess

Madam Chair, we have three nominees for the Cultural Connections Committee. This Committee plays an important role in reaching out to all of Nashua's communities. A very important role for us in that we want to be a welcoming City where everyone can live and is valued. Each has a different background but all are very highly qualified. Ms. Ulibarri works in the Mayor's Office, is a founder of Positive Street Art and has been working with Cultural Connections for a long time now, specifically has been very active in getting off the ground the last two cultural festivals that we have held in the fall. This is something that we reinstated after a lapse of some years. We've held those twice over at St. Pat's, I think a very important festival in the City. So certainly Cecilia Ulibarri is a great nominee.

Ms. Ford works over at St. Joe's where her background is in, she is System Director of Interpreter Services, Chair of the Hospital's Diversity and Inclusion Committee. This is exactly the type of professional background that we need. She also will play a very positive role in the Cultural Connections Committee.

Donna Marceau who is here on my right, has been active as a volunteer in the City for a long time. She works at the Soup Kitchen, where she is an employment and education advocate, therefore, coming into contact with many people of many different backgrounds over at the Soup Kitchen. She has been a Spanish Professor, so she speaks Spanish. She's been a Latino Outreach Coordinator and has other background that will really help the Cultural Connections Committee.

So on behalf of all three of our nominees, I thank them again for serving and helping us with a very important outreach effort here in Nashua.

Chairman Caron

So let's start with Cecilia, give us a little background.

Cecilia Ulibarri I've been a resident for 33 years now so I was raised in Nashua, I've raised my children here and now my grandchild. And with that stake in the community I've been very committed to my community by volunteering. So I've reached out to many communities throughout my professional and personal life. I am coming up on my 2-year anniversary in the Mayor's Office as the Constituent Services & Cultural Affairs Coordinator for the Mayor.

So I fully support his welcoming efforts for Nashua, personally and professionally. So I really think that this is a good fit for me and I've been assisting with One Greater Nashua, Multi-Cultural Festival and other efforts throughout NH as well. So I wanted to bring that to the table and the committee as well.

Chairman Caron

So before we go any further, would you mind bringing your mics closer because I think they are not hearing.... OK so we will do each one separately OK and then if the Committee has any questions one question for all of you they can ask it later. Does anyone have any questions for Celia?

Alderwoman Kelly

So I appreciate your background. I think you would be perfect on this Committee. My question is more procedural. Would you be a private citizen as an appointee or would you be representing the Mayor's Office.

Ms. Ulibarri So the bylaws have a position as Mayor's Liaison and I've been that but I just don't have the voting privileges at this point so I have just been sharing the information with the Mayor at this point. But if there's not a quorum I don't meet that criteria to be able to vote on the minutes etc. So I would just be a voting member at this point.

Chairman Caron

So I am assuming Mayor that she is going to be your representation at the table if she's appointed?

Mayor Donchess

Correct.

Chairman Caron

OK thank you. Rosemary?

Rosemary Ford I have worked in Nashua going on 10 years and fell in love with the City and decided it was time to make my husband commute so we moved to Nashua with our two young boys. I have been working at St. Joseph Hospital, as mentioned as Assistant Director, but also Chairing our Diversity & Inclusion Committee. I am a Master Trainer through Harvard Pilgrim as a Cultural Competency Trainer. I am very active in different levels, State Level sitting on the Board of Licensure for Deaf & Hard of Hearing and various National Organizations involving diversity, inclusion and language access.

Chairman Caron

Thank you. Do we have any questions. Ok. And Donna.

Donna Marceau I work at the Nashua Soup Kitchen & Shelter as the Employment Education Advocate. And what I feel is very important is that newer people that are in our community, that they find jobs right away because that really helps them. And with this as the Cultural Connections Committee we try to make connections with people, we try to tell them what is available at the Soup Kitchen and also we try to get information from various groups that come to the Cultural Connections Committee so that we can bring that information back to the clients of the Nashua Soup Kitchen & Shelter.

On a personal level, I've always been interested in languages, Spanish, Portuguese, and Italian, so I've always just had that interest. So I try to communicate as much as I can with people in their native language. I am really happy to do this and I thank Cecilia and Mayor Donchess for this opportunity.

I wouldn't have actually applied myself but because I was asked to, I think it is really a great honor to have this here. Also one of my main focus this year is to work on the census, so we get an accurate count in Nashua because that is so important for so many things; funding and representation so that's the main thing.

Also I have always worked on the coat project at the Soup Kitchen and also for the bikes. So the immigrants get bikes, we have immigrants working on bikes and we try to get as many bikes as we can. So those are my three main interests at the Soup Kitchen. So thank you very much.

Chairman Caron

Do we have any questions from any members of the Committee?

Alderman Klee

I just wanted to make a comment to Donna. I am glad you brought up the census and that you are working so hard with that because that's extraordinarily important. I know when I do my newsletter I keep talking about what is happening over at the Library with the census and so on. So thank you so much for what you are doing.

Alderwoman Kelly

I actually just wanted to thank the Mayor for bringing such approaches to the Cultural Connections. I think everyone has a really different background, but I can see what they will bring. So I appreciate you bringing forward such well-rounded people.

Chairman Caron

I just have one question. I know it's been around a long time it was called something else back in the day. I know you do a lot with the youth and homeless and things like that. But what do you do for your seniors who have been brought here unexpectedly and really have no one to get to know or be part of. Well Cecilia you have sat on the Committee, but what do you think is needed for that population since we do have a large elderly population. So anyone of you can answer.

Ms. Ulibarri

I'm happy to answer. So at our last meeting, we actually have a member on our Committee who represents the elderly community. She's in the retirement group but as well she wants to reach out to the Senior Activity Center to see how we can get more diversity over there and also let them know what we are doing and try to get them involved and hear their voices. So we are trying to reach out to those different communities and we talked about it at length at our last meeting. So we are looking into different ways of reaching out to that group of individuals. The Mayor is hosting a Senior Summit in April and we plan to have some representation from the Cultural Connections there as well.

Ms. Ford

There's also at the Adult Senior Center, one of the representatives has been at the meetings so to try to get some Seniors that need some help during the day to go to that facility.

Chairman Caron

Thank you I think that's great, because I think that's a need that's out there but we don't always see it. So I appreciate that you're thinking about it. So that's great. So your nominations will come up in a little while and hopefully we will see you next Tuesday.

Nashua Airport Authority

Jessica Holland (New Appointment)
34 Franklin Street, Apt. 442
Nashua, NH 03064

Term to Expire: December 31, 2024

Mayor Donchess

Thank you Madam Chair. So I am nominating here Jessica Holland for the Airport Authority. As you have viewed her resume you will see Ms. Holland has extensive aeronautical experience. She originally graduated from Daniel Webster College with a degree in Aeronautical Engineering and Flight Operations. Currently she works for Lincoln Labs. She has been a flight instructor and is active at the airport. There really couldn't be anyone more qualified for the Airport Authority. Mr. Woods has at the beginning of the meeting spoken in favor of her conformation. We are always looking for women airport authority members because it is a field with more men than women I think. So it is great to be able to nominate Ms. Holland as a member of the Airport Authority. I will let her tell you a little bit about her background.

Jessica Holland Thank you Mr. Mayor, thank you Madam Chair, thank you to the whole entire Board here. It is an honor to be nominated to serve on the board and I appreciate your time and consideration. I am a native of Nashua, I haven't lived here quite as long as some of the other folks here but I was born here in Nashua; I graduated from Nashua High School and as the Mayor mentioned I graduated from Daniel Webster College. I will also say that the airport is my aviation home. I first flew an airplane there when I was 16 years old, it was a volunteer event, actually one of the current Board members took me for a flight and that really just spurred my aviation interest.

I became a pilot, I first soloed an aircraft at Nashua Airport, I passed my first FAA check ride at Nashua Airport and I continue to fly out of there. I believe that the airport is a great asset not only to the airport community but also to the City and to our entire community here. I am very proud to be a native of Nashua, I am proud to continue to work here, I'm proud to fly out of Nashua Airport and it would be a great honor to serve on this Board with my respected colleagues and do so on behalf of both the City and the Airport Community.

Chairman Caron

Any questions from Board Members?

Alderman Dowd

I just want to say your resume sounds very impressive. I have a little bit of experience with the Airport Authority, 30 some odd years ago I was on for 15 years and was the Chairman. I am glad to see that we are bringing somebody on that's a little younger than the current members and has the experience and background that you have. So I fully support your application.

Chairman Caron

When I read your resume I was blown away and I think that you are going to be an asset to a small community's airport and your willingness to serve on that just shows how dedicated you are and how proud you are to have started all your firsts at the Nashua Airport. So I think Mayor you made a good choice and we will take your nomination up shortly and hopefully we will see you next Tuesday at the Full Board Meeting. Thank you Mayor.

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

APPOINTMENTS BY THE MAYOR

MOTION BY ALDERWOMAN KELLY TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENTS TO THE CONSERVATION COMMISSION: GENE PORTER (REAPPOINTED MEMBER) WITH A TERM TO EXPIRE DECEMBER 31, 2022; CAROL SARNO (NEW ALTERNATE) WITH A TERM TO EXPIRE FEBRUARY 28, 2023; THE FOLLOWING NEW MEMBERS TO THE CULTURAL CONNECTIONS COMMITTEE: ROSEMARY FORD WITH A TERM TO EXPIRE MARCH 1, 2022, DONNA MARCEAU AND CECILIA ULIBARRI WITH TERMS TO EXPIRE FEBRUARY 28, 2023; THE FOLLOWING REAPPOINTMENTS TO THE ENERGY AND ENVIRONMENT COMMITTEE WITH TERMS TO EXPIRE JANUARY 31, 2023: GARY LAMBERT, BOB HAYDEN, AND SYLVIE STEWART; NEW APPOINTMENT JESSICA HOLLAND TO THE NASHUA AIRPORT AUTHORITY WITH A TERM TO EXPIRE DECEMBER 31, 2024; AND NEW APPOINTMENT HELEN HONOROW TO THE NASHUA HOUSING AND REDEVELOPMENT AUTHORITY WITH A TERM TO EXPIRE OCTOBER 14, 2024

MOTION CARRIED

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

O-20-005

Endorsers: Alderman-at-Large Ben Clemons
Alderman-at-Large Brandon Michael Laws
RELATIVE TO TITLES OF MEMBERS OF THE BOARD

MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Caron

Alderman Clemons you are the sponsor of this, would you like to speak?

Alderman Clemons

Yes I would thank you. So the reason that I brought this forward was because I was trying to see – where it originally started from was – I was trying to see if we couldn't have a more gender neutral name for the Board of Aldermen. So I looked into whether or not we could change the City Charter to become a City Council. According to Corporation Counsel, that would require the New Hampshire Legislature to change their wording in the State Statute because right now City Councils are what we call "weak boards: so in other words they have a weak Mayor, which means that they basically elect among themselves who is going to be the Mayor. But instead of a Mayor as we know it, there's a town manager or city manager.

Because of that, because we were unable to do that, I put some more thought into this and did some research to see if there was any other thing we could potentially do for this. What occurred to me was that although we will remain the Board of Aldermen, what this attempts to do is to allow each Alderman individually, to choose for themselves how they want to identify themselves. So yes we would remain the Board of Aldermen, however, an individual alderman would be able to choose whether or not they wanted to be referred to officially as alderman, alderwoman or alderperson.

And you know I think it strikes a balance where we need to, in my opinion, stand with the LGBTQ community. And while the State doesn't allow us to right now fully embrace that in a way that would be more practical, we can do this by amending or actually adding to our Ordinances this legislation which simply allows each elected alderman to make the choice of how they want to be addressed.

I had a discussion on the side with Alderwoman Kelly about this and I'll let her speak to it, there may be some, instead of Alderperson we may want to change that to Alders as a – I guess I'll let her speak to that. I'm for either one, either alderpersons or alders, either title I think is appropriate. But the point is that what this simply allows an individual to choose their title and that's all it does. So with that I would recommend that we pass this in some form tonight.

Chairman Caron

Anyone else on the Committee that would like to speak?

Alderwoman Kelly

So yeah I think that the intent of this makes a lot of sense. I've had constituents bring this to me as well and I've heard similar things about we can't do it at the State level. I personally would love to see us push a little bit more because for me it's more of an education piece. People don't understand what a Board of Aldermen is but people instantly and the base of the word get what a City Council is. So I know that's a State level thing but I think part of it is just pulling away from that and letting people understand what we do pretty quickly. If you say, "I'm an Alderman" people have no idea what you are talking about.

That was the discussion that we had was there's a little bit of that going on. I am not opposed to this as it, I was just saying that I wish we could get it out of the Board. So for example, the Goffstown they switched it and now they are the Select Board, not the Board of Selectmen. So is there a way for us to do something similar we'd be the Alder Board or the Board of Alders. Just so we can remain inclusive and in the name of the Board as well.

Alderman Dowd

Yes I am of the philosophy of "If it's not broke, don't fix it". Alderman Clemons and I have supporting ideas on many pieces of legislation. This one, it's been the Board of Aldermen since the Board of Aldermen was established decades ago. I had some concerns when we went to Alderwoman, although I didn't fight that, I said "fine". But the more names that you select the more confusing it is going to get. I can tell you as a Chairman of many Committees it gets confusing when you are trying to call on somebody, it's much easier if you say "Alderman Caron" rather than trying to figure out, well what is the title that goes with it. I'm not on this Committee but I don't favor the change.

Alderman Klee

Thank you. In some respects I agree with what Alderman Dowd had said. When I came to the Board they asked me what I wanted to be, Alderman or Alderwoman as far as my name plate was concerned and I said "just go with Alderman" because it was easy. And I do find that people come to me and say, "do I call you Alderwoman, do I call you Alderman, do I call you Alderperson". And that has been asked and I actually just say to them, "whatever makes you feel comfortable, call me that". I have no problem with Alderman, Alderwoman and Alderpersons. I agree everybody has their own feeling and they bring that to the table and that's a good thing.

I have a little issue with Board of Alderpersons just because I don't know, I look at us as humans, we don't look at hu-woman, hu-person or something like that. I don't look at "men" in this particular case as being gender identity. But the other thing that was brought up is the confusion of what an Alderman is.

I have also other confusions, people will say to me, “well what is a selectman” because a selectman in a town is something completely different than a selectmen in a City. When we are in Dillon rule kind of State rules where we have got towns that have one set of rules and cities that have another set of rules and it is all dictated by the State. That alone is confusion, so are we going to go through and fix everything? I would rather educate people what an alderman, alderperson or alderwoman does. I think that’s we really where we have to head, not just change the title to council or select or anything of that nature. And again, this is just my opinion.

I have gotten a lot of pushback not just from the person who sent us the letter, but just saying, you know I don’t mind calling everybody but I like the judiciousness of Board of Aldermen. I looked up Alders, because my book Alders has always been an elder, it was kind of the English word, but Alders technically is a tree. So we would be the Board of Trees if you want to take it that way. But it really was originally meant to be elders and the older I am getting the closer I feel to that “elders”. But again it just my opinion, I am not on this Board I don’t get a vote here, but I think the Aldermen, Alderwoman, Alderperson, I think that lets the individual be gender fluid to whatever they want to be. I think grouping the Board into Alderpersons or Alders is a little bit more confusing. So thank you.

Alderman Jette

I have a lot of thoughts I will try to organize them and be as short as I can be. I understand the intent of the legislation. Personally, you know, I come from a time when the term “man” includes not just the male gender but the female gender, but I’m not a woman so what do I know. I am sensitive to the women on the Board who preferred to be called Alderwomen, but we have been accommodating that without any change in legislation. So I question whether we need to do that. But I agree with Alderman Kelly that the real solution is to look at whether or not, and I think this was Alderman Clemons’ initial viewpoint was that looking at changing the term to City Council where we would be councilors which doesn’t have any gender problems with it. The City Charter of Nashua it was not adopted in accordance with the enabling provisions that exist now in the State.

Manchester and Nashua had separate charters that were adopted by the Legislature; they don’t conform to the Legislation that exists. We are special in many ways. So I think that we could look at amending the City Charter to change the term from Board of Aldermen to City Council and change the term Alderman to Councilor. You know I tried running this through the Legal Department but I didn’t get an answer back. I’m not on the Committee either but I would recommend that the Committee table this and invite the Legal Department to come where we could have a discussion with them about the ways that I think we could get to a City Council you know without – I think it’s possible under current New Hampshire Law. It would, I’m sure, require that the Legislature approve the changes to the Charter but I think it is a discussion well worth having with the Legal Department with all of us and to explore that issue.

I also question whether Legislation that is currently before you, whether or not that is even possible given the City Charter and the current State Law. Is that a timer going off? So I would recommend to the Committee that you table it and invite the Legal Department and also spending a little time researching what other towns have done.

Alderman Clemons

So Alderman Jette I have spent many, I’ve spent a lot of time on this going back and forth with the Legal Department. Corporation Counsel is adamant that we are unable to, under State Law, change our title to City Council. And I can forward you the e-mails, I can forward you the back and forth but they were adamant and, in fact, you know, I was told point blank that it needed to be done by the Legislature. So I don’t know that having Corporation Counsel come here to tell us the same thing is worthwhile. That doesn’t mean we can’t disagree with them and we can’t try to do – but from their perspective that’s what they are saying.

In regards to this, because it is a title that an elected official, who has been duly elected by the people, we can amend our rules to allow for variations of the word "alderman" to have a discussion or, I'm sorry, we can amend our internal rules of how we govern ourselves to allow for variations of the word "alderman" or "alderwoman" or "alderperson" when describing that individual person. Or in the case of alderpersons, when we are talking about for example a sentence like, "As Alderpersons what shall we do on this Ordinance". That was the discussion basically that I've had for months now with Corporation Counsel. What we have in front of us here is basically as far as they think we can go.

Alderwoman Kelly

I was going to let Skip speak since he hasn't yet.

Chairman Caron

You want to give up? OK.

Alderman Cleaver

Thank you. I think there are three options, structurally one is Alderman obviously, one would be Selectman, one would be City Council. Selectman is not possible because of our structure, City Council is not possible because of State Legislation and Charter. We are left with Alderman and I think we are perfectly fine with going with Alderman or Alderwoman at our choice. And I don't think any Legislation is required to make that because that already exists. I don't see any need for any legislation, I think it would tend to be confusing and make a bad situation worse.

Alderwoman Kelly

Thanks. So I think to your point, my understanding was the intent to allow people to continue. I think we have a Board now that is very open and accepting but that doesn't necessarily mean it is going to always be that way. So I think that was the thinking behind it. And I appreciate that everyone is fairly on board. I think that I am friends with everyone on this Board, I think we all have different perspectives that we bring here. But one of the things about this conversation that is a little frustrating is this idea that is tradition and we should just leave it.

When this was started, when we became the Board of Aldermen however many years ago, traditionally women stayed home. Traditionally women were not on the Board and they weren't even able to vote. So saying that tradition is the reason that we don't change it, I think is the coward's way out. And I think we should allow people to choose what they want. And I also think that if it were Alderwoman by default, we'd be having a very different conversation.

Alderman Dowd

A couple things, I know that there have been women on the Board for over 40 years that I am aware of and I could probably name them; they were always referred to as Alderman. The other thing that I have a question on and is when you are elected, you are elected as an Alderman or Alderman-at-Large. If we change the names, how does that effect the election laws, because you will be elected an Alderman or an Alderman-at-Large. I don't mind if they put their business cards, I mean if we use Alderwoman, but beyond that I just think we are trying to fix something that isn't broken.

Alderman Jette

I just wanted to say that as far as not being able to do this without the Legislature, I don't disagree with that but I don't think it would be a difficult thing. I mean the Legislature I don't think cares what Nashua, I mean all we are doing is just changing the name and to change our Charter to change it from Board of Aldermen to City Council, you know, the same thing we have now, a strong Mayor and instead of the Board of Aldermen, it would be a City Council. If you go back in history, there was City Council. There was a Board of Aldermen and a City Council; there were two legislative bodies. So I don't think it would be a big deal to get the Legislature to, you know, we just have to write it up and I think the Legislature would adopt it without any problem.

I think if we did become a City Council, we would avoid all these problems, we'd all be councilors, you know, no gender discrimination at all.

Alderman Cleaver

I wouldn't be so optimistic about the Legislature.

Chairman Caron

I was going to say the same thing.

Alderman Clemons

I have no objection, obviously my first intent was to do that in the first place, so yeah I mean if you know Alderwoman or Alderman Klee if you think that the Legislature could do it that would be great. But I think in the meantime this is the best that we can do and I think we should do that. And then work with our Legislators to do exactly what you said Alderman Jette. You know I think, I agree with you.

Alderwoman Kelly

I appreciate your optimism, Alderman Jette. I would like to see us pursue that for sure because it also is more progressive and people get it and it sounds like we are a little bit forward thinking as a City Council. But I agree with Alderman Clemons that this is a good first step and I think what it says even though maybe not broken in some people's opinion, is it says we are open to anyone who wants to serve, whether you feel that you identify as a woman, you identify as a man or you identify anywhere in-between you can be on this Board. And I think that is something that we as a welcoming City and a City that is very diverse should be putting out there.

Alderman Klee

Thank you. Alderwoman Kelly I'm sure you didn't mean it to sound as harsh as it came out when you said it was a "coward's way out". I don't think you meant it that way, it came across as a little abrupt but I'm sure that wasn't what you meant. I think this Legislation is good and I agree that we don't know what forward Boards are going to do. The only issue I have is to be known collectively as "alderpersons". I think if it remained as "aldermen" I think it would have less resistance speaking to the Legislation. I've watched Legislation as I'm sure you did Alderwoman Caron as well as Alderman Cleaver has when it comes up for Nashua. Now if we've got Manchester to buy in on it and we all kind of went up there, you'd have a better chance at it.

When something comes up for one particular like pocket in the State, they don't like doing it. And again I refer to us as being Dillon's rule, versus a rule, they don't like putting enabling in they don't like – and I know that Manchester and Nashua are special, I knew that even before Alderman Jette had mentioned that.

But there seems to be some bristles that come up when we go into the House of Representatives, I'm not sure about the Senate, I would never speak about those on the other side of the wall, but when it comes up for one particular thing, especially Nashua, bristles go up and they don't want to do it. I think putting Legislation through to say Alderwoman, Alderperson and letting people pick who they want to shows we are forward thinking shows that we are very gender fluid. I just don't agree with the Board of Alderpersons, it is just my opinion, again, Thank you.

Alderman Clemons

So just to be clear it would not change, we would still be the Board of Aldermen to be clear. What this does is it says whenever possible. So in other words, it is trying to put into the vernacular when we are speaking about the people around this horseshoe that we try to refer to ourselves as Alderpersons as opposed to Aldermen. Now no one is going to be taken to task if we are discussing something and we say "we as Aldermen should". All it does is it says, you know, it tries to basically say if you can remember it, if you can try, try to refer to "we as alderpersons" or "we as alder people".

There is nothing in there that forces the issue. We are still the Board of Aldermen, as far as the offices are concerned and the election, it does not change that. So in other words when you are looking at the ballot and you are voting for an Alderman-at-Large it is going to say "Alderman-at-Large" despite what the individual may want to refer to themselves amongst the group, what their card may say, how they may refer to themselves. The reason being, again, goes back to the Legislature. All this does is it makes sure that we are putting in an Ordinance that protects people's ability to identify the way that they feel is appropriate. I think with that said, I really feel confident that this is something that you know won't be an issue as far as some drastic change that's coming down the pike?

Alderman Dowd

I think everything has been said, I'd like to see us take a vote?

Alderman Klee

Again I'm not on this Committee, but I think if that last sentence "whenever possible was struck" you would probably have more buy in and it would feel more comfortable. I know you said that no one would be taken to task but I think it leads people to or leads the community to think that there are some people that would be against gender fluid, you know being gender fluid and so on and I think that kind of, it brings into political correctness of "Oh my God, I said Aldermen instead of Alderpersons". I just think in general, again I'm not on the Board, this is something for you to decide.

Alderman Clemons

I move to amend to strike the last sentence.

MOTION BY ALDERMAN CLEMONS TO AMEND BY STRIKING THE LAST SENTENCE

Chairman Caron

So you are amending your Ordinance to say...

Alderman Clemons

To just strike the last sentence.

Chairman Caron

Strike the last sentence. Ok we will have the Clerk read it again before we vote.

Alderwoman Kelly

I just have one final comment, hopefully a final comment. I just wanted to apologize, I didn't mean to come off as rash, I honor and understand everybody on this Board and I know everybody has got their perspectives. I get a little passionate about this but I appreciate everybody.

Chairman Caron

So now I am going to speak, and I understand your passion and I know how you feel but I remember when one of the alderwoman came on board, Alderwoman Brown from Ward 4 and she requested that her name and her chair say "alderwoman". That's been going on for a long time, 6, 8 years. We never had a problem. We have a lot more women on the Board than we ever did and I remember when the first woman came on Board and became President. So my concern is as Alderman Klee and Alderman Dowd said, you are saying Alderman, Alderwoman, Alderperson, it can get kind of convoluted. And as Alderman Cleaver said we have been doing this without Legislation. I think that everyone here respects everyone's position or feelings or how they want to be addressed so to keep adding, this. Another group may come in in four years and say "we are going to change it again".

So I think if you have no issue with this, I don't know why you would want to pursue this. The other thing is councilman, I mean the two biggest cities in the State, their members who govern are Board of Aldermen, because they have a lot more power and control over City Government than others, councilmen, selectmen. Selectmen here are those who work at the polls during election time.

So I understand what you are trying to do but I think that this could get very crazy. Because somebody else would come in and want something else and something else. I think that when someone is elected and they would like to be addressed as Alderperson, then we should honor that and try to be respectful of people's feelings and need for their particular title. But to have this, I'm not sure it is a great thing. I respect everyone but I won't vote for this because I just think as sometimes they did in the legislation, we put things in that we really didn't need because you were already doing a good job at what you were doing in that respect. I just don't think it is a need. So with that being said, does anyone else have any comment? No? OK so I am going to ask the Clerk to re-read the motion with your amendment Alderman Clemons and then we'll take a vote. OK? Thank you.

Alderwoman Kelly

The amendment is to change the Ordinance as follows: "Members of the Board of Aldermen may choose to be referred to as Alderman, Alderwoman or Alderperson, striking whenever possible members of the Board of Alderman will be known collectively as Alderpersons"

Chairman Caron

OK you heard the motion.

MOTION CARRIEDChairman Caron

Ok passes. Thank you.

Alderman Kelly

That was just the amendment.

Chairman Caron

OK next one.

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE AS AMENDED
MOTION CARRIED**

O-20-008

Endorsers: Alderman-at-Large Ben Clemons
Alderman Patricia Klee
Alderman-at-Large Michael B. O'Brien
Alderman Thomas Lopez

**CHANGING THE STARTING TIME OF THE OVERNIGHT PARKING TIME LIMIT RESTRICTION
IN CERTAIN LOCATIONS**

MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Caron

Alderman Clemons this is your legislation.

Alderman Clemons

So I would hope that the Chair could allow some and I will let you obviously decide how you want to do this but this actually a companion piece of Legislation to one that is currently tabled which is Ordinance 20-001 and that is extending the hours of sale of alcoholic beverages by on premise licensees. The reason that this is a companion piece and why I had Alderman Wilshire refer it here to us is because if we were to change the hours of the sale of alcoholic beverages to 2 we might want to consider changing the hours of the parking because right now what happens is that we start the overnight parking ban at midnight which essentially gives people until 2:00 AM to park. So what this proposal would do is move that by two hours to any parking spot that basically has a meter in front of it to accommodate so that those, if you are parked in one of those spaces, you wouldn't get a ticket right at 2:00 because obviously you'd be leaving the bar or whatever trying to get back to your car.

It came up after the fact, I would have tried to put this in to the original Ordinance but it came up after the fact as a concern and was one of the reasons why I asked to table it at the last meeting. So I don't know how you want to handle that, if you want to talk about the tabled Ordinance now. I know the Chief is here for that and he has been waiting patiently. So Madam Chair however you would like to.

Chairman Caron

So I guess the question to the Committee is would you like to talk about the tabled item first and that way because if it doesn't pass than the other one is mute or would you like to take this up first?

Alderman Cleaver

The tabled one first.

Alderwoman Kelly

We are going out of order and we are going to table in Committee O-20-001 extending the hours of the sale of alcoholic beverage by on premises licensees to 2:00 AM

TABLED IN COMMITTEE**O-20-001**

Endorser: Alderman-at-Large Ben Clemons
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman Thomas Lopez
Alderman Linda Harriott-Gathright
Alderman-at-Large Lori Wilshire

EXTENDING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES BY ON-PREMISES LICENSEES TO 2:00 A.M.**MOTION BY ALDERWOMAN KELLY TO TAKE OFF THE TABLE O-20-001
MOTION CARRIED****MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE OF O-20-001**ON THE QUESTIONChairman Caron

Alderman Clemons this is your Legislation, would you like to speak on it?

Alderman Clemons

I would thank you. So this Ordinance there is State enabling Legislation that was passed I believe it was 2013 that allows cities and towns to decide if they want to extend last call to 2:00 AM. I believe that there is only one City so far in the State of New Hampshire that has done it and that's Berlin, New Hampshire which obviously doesn't compare to Nashua. So the reason that I brought this forward is because Nashua is unique in that we are the largest city bordering Massachusetts that has our businesses compete directly with the businesses in Massachusetts. A lot of the people that will go out for the evening choose to go to Massachusetts because they can stay out longer and we can lose business at some points because of that.

The other reason I brought this forward is because it would put Nashua in a unique position to be a progressive City that tries to work with their business to help them compete. So I was approached by a couple of establishments, one of them being the casinos that think that this would be a boon for them because they would be able to compete and extend their charitable gaming time and things like that and help their business which in turn would help charities in Nashua and things like this.

So basically that was the premise behind why I brought this forward. I believe we would have an economic advantage. Obviously this comes with some concerns which is why I have talked to the Chief about this and to get the Police Department's input.

I think there is a lot of good discussion that was had with him and the alcohol or the liquor commission. So I think what I would like to do here tonight is have a good discussion and see if we can craft really good policy around this so that we make sure that we can do this but we can do it in a way that is both appropriate and that balances the need for public safety as well. And I think we can do that. So those are my reasons and Madam Chair, I mean I think it would be appropriate to invite the Chief up and have a discussion.

Chairman Caron

Certainly Chief Carignan, would you mind joining the Committee? Thank you so much.

Police Chief Michael Carignan

Thank you for having me.

Chairman Caron

I'm sure that Alderman Clemons has had some conversation with you, so would you like to give us your perspective and your feeling on it. Please state your name for the recorder?

Chief Carignan

Sure my name is Michael Carignan C-A-R-I-G-N-A-N, Chief of Police for the Nashua Police Department. Regarding this Legislation I spoke at length with my Captain and Supervisors and Patrol Officers on third shift who would be the officers mostly impacted by this legislation change. They feel that they can handle the additional work load without taxing our resources. That time between 1 and 2 tends to quiet down anyway regarding call volume so it would be not really an issue for us to handle that additional hour on the street, in fact, they would welcome some of the more active timing.

I spoke at length with the liquor commission they are also able to help support us, manage any changes regarding education to the legislation, heading out to the bars, talking about responsibilities, and serving and kind of reiterating what their roles and responsibilities are. I would suggest a couple things to include maybe some educational component put out regarding driving applications, whether it be Nashua Taxi businesses, whether it be Uber or Lyft or any other such to encourage people to take safe alternate ways home if they have had too much to drink. But we are definitely able to handle that legislation change.

Chairman Caron

Any questions from any Committee member?

Alderman Clemons

Chief I know we spoke, would this be something that your Department would coordinate with the Liquor Commission on doing like a seminar or something like that. Could that be done, maybe inviting owners or bartenders to do something where there's an education component like you said behind that. Would that be possible or is that something that you would welcome?

Chief Carignan

Sure we generally have a very good relationship with most of the establishments in the City of Nashua, very cooperative, they are easily engaged in conversations.

We would absolutely set up and this goes whether or not the legislation changes or not we would set up any educational component, where we could sit, reiterate the rules and talk about any different concerns that we have regarding this legislation. Both the Liquor Commission and the Nashua Police Department are very willing to have those conversations.

Alderwoman Kelly

So I am a little conflicted on this one, I understand the economic boon on this. My concerns is that it puts us, and this isn't necessarily pointed at you but maybe you've talked to people about this but it makes us the destination for the last call. So if you are in Manchester and you are having a good time with friends and then you'd say, "Oh we could go to Nashua until 2", now you are getting in your car and you are driving to Nashua and that server when you walk in (inaudible) you had to drink. So that's my concern, I want to support it and be as progressive as we can but I want to make sure, I have a business on Main Street, I've seen it on Saturday night. So that's my comment.

Alderman Cleaver

Question to the Chair. Are we intending to keep these separate or are we amending this legislation to include the parking issue?

Chairman Caron

No it will be two separate. Thank you. I have a question Chief. Since the Liquor Commission has to be involved in this, does this Legislation have to go to all restaurants and bars that they would all have to stay open until 2 or is that discretionary?

Alderman Clemons

If you want I can answer that. It's discretionary, it would be up to the business to decide whether or not they wanted to do this or not, just the same as it is now where a business could decide to close at 10:00 when in reality they really could stay open until 1. So it really doesn't change anything in so far as that.

Chairman Caron

OK Thank you.

Alderman Dowd

You can't force anybody to be open, they can close at 9 if they want to. Some of them close at 10. I support this legislation but I had a talk with the Chief as well. If the Police Department had been against it, I wouldn't have voted for it, I'm not on this Committee anyway. I do support this. I don't think anybody is going to drive a half an hour from Manchester at 1:00 in the morning to be here to have a last half hour, maybe from Hudson or Hollis but I don't think that's going to be a big thing. I think they'd come earlier knowing they can stay until 2:00 in the morning. So they wouldn't come for last call, I just don't see that happening.

Alderman Klee

Thank you Chairman. I have conflicted, much like Alderwoman Kelly has, conflicted feelings on this. My concerns is that we are increasing the hour that you can drink but we are not asking them to increase the hour of food given. And I've always been of the nature that within the State, I kind of think it is a game that they play depending upon what your liquor license is, determines what food you have to have.

But in all of them there is some type of food; whether it is a bag of chips and hot dogs or if it is a full meal kind of thing depending upon what your liquor license is. You pay the \$700.00 or the \$1,200.00 liquor license. So that's one of my concerns is that we are adding an hour of alcohol without necessarily requiring an extra hour of food.

But, having said that, I also know that just because I offer food at my restaurant doesn't mean anybody is going to eat it, and I don't have to watch the food intake is. So that's why I am conflicted on that type of thing. The other thing is because of all of this, my biggest concern is the liability to the employees and the bartenders, that extra hour of alcohol, again I am going to bring it back up, without food. Without the ability to have food, it's not just that food. I don't really drink, if I have one drink, you better feed me because otherwise you are going to have to carry me out of the place, I just would not be able to handle that. I am a true light weight when it comes to something like that. But yet I know people who could truly drink all night long without eating and while they would still be legally intoxicated and should never drive, they would probably be better off than I would be after just one drink. So I know everybody is a little different and I like the idea of education and Uber and Lyft and maybe getting groups of people in here. I think this is too soon to vote on it but I think there are so many more questions you have to ask. Thank you.

Alderman Cleaver

I am very impressed with the Chief's presentation and I respect your opinion so I will be voting for it. I think as far as food is concerned, most kitchens close at 9:00 and even though the establishment is opened until 1 so I don't think that's an issue.

Alderwoman Kelly

I actually was going to make the opposite point that if the kitchens close at 9 and we are letting people drink longer, they are going longer without food. So everybody has their own perspective on it but I would love to hear more from the downtown businesses who aren't here right now. I'd love to hear what their thinking is on it. I know that you have but we are not hearing from them right now.

Alderman Clemons

So regarding the food, I actually looked this up and the Liquor Commission requires that a certain percentage of your sales have to, in other words, food has to be a certain percentage of your sales in order to maintain your Liquor License. So if the establishment being open an extra hour, bumped the sales of alcohol above whatever that and forgive me I don't have the threshold but bumped it above that threshold, they would require them to do something to mitigate that. So the Liquor Commission is very much on top of this even now with some businesses because of that.

There are some establishments here that keep their kitchens open until an hour before they close. I know O'Brien's does for that reason, I know that even Peddler's will keep their kitchen open, Fody's for example, The River Casino. So there are, you know, we have, the thing is we have responsible business owners already doing the right thing here in Nashua. If there was an issue with a particular business, I believe that the Liquor Commission would come in and shut them down before we even knew about it.

That being said, the Chief has promised us here that you know his Department can handle issues like that and certainly I am sure and I don't want to speak for you, but I do believe that if this became a problem you would address it with the Board, is that correct?

Chief Carignan

Correct. If the Legislation is changed, you know, the enforcement mechanisms are in place and I'll be clear, I am here to tell you that we can, I'm not representing the Police Department to support or not support the bill. I am here to say we are able to manage this with our resources. The enforcement piece would be the same it is just extended an hour and if bars are violating those laws and those rules, then the Liquor Commission will help us enforce those as they currently do.

Alderman Kelly

Thank you. Alderman Clemons I was interested to know if you talked to other cities because there are obviously other viable cities in the State that could do this. I'm wondering if there's reasons why they haven't?

Alderman Clemons

No I haven't, to be honest with you I don't think it's come up in other cities and towns. You know I think it was flirted with in Portsmouth but it never came up as Legislation. And really this is the only City that has pursued it. Why that is? I can only speculate, but I think as far as Nashua is concerned this is something that makes sense for us given our geographic location.

Alderman Cleaver

I think that's a good point I think the neighboring State issue is one unique to Nashua. The other good point is that it is up to the establishment. They can either stay open or not at their discretion. So whatever makes business sense for them would be in their best interest if they stayed or not.

Alderman Clemons

So now that we've a little bit of a discussion there, there was an amendment that I did want to put forward to this and it has to do relative to the education piece of this. So what I would recommend we do is further amend this to say that this ordinance shall take place on a particular date forward. What I am going to ask through you Madam Chairwoman through you to the Chief is do you have a time frame that you would recommend us between now and whatever date forward that you would think would be an appropriate time to both get your staff up to knowing that this is going to happen as well as inform the community at large?

Chief Carignan

I don't think the time frame for us would be all that large once we know the legislation is going to pass, it would be a matter of coordinating a couple of meetings with the Liquor Commission who has been very supportive of any actions we take; we work very well with them to come down and educate any of the bar owners or any of the establishment owners to what the change is and what the consequences are. We were doing a program with the Liquor Commission where stores were selling to intoxicated people on a regular basis, some of the frequent fliers we have seen downtown.

The first step for us was to go into all those stores with a sheet of paper reminding them of what the laws actually were and what the consequences were if they were violated. The second option then was we would then go in and give them a warning; the third option they would go in and they would get a summons or a ticket for the offense. So something similar to that could take place; again we will manage it without taxing our resources and the Liquor Commission's very happy to work with us. So we could manage that, however, we would take a lot of their advice as well.

Alderman Klee

Thank you so much, I'm glad that it was brought up I had forgotten that this is not going to mean that everybody has to do it, it is just enable. In other words, whoever wants to do it can do it. I would hope that responsible businesses would do it. But to answer something that Alderman Clemons had said about we were the first one to do it, I believe this has only been passed a year, within this past 2019 from the State Legislature that allowed these businesses to stay open 2019. It's been since I've been in, so it was either 2018 or 2019.

Alderman Clemons

It was 2013 I believe, it was passed under Governor Hassan.

Alderman Klee

OK because I know we just voted on something similar to this within the past year so I don't, I think it's not quite that old. I think it may have been but I think something in it changed, I think that may be why it never really went through to the other places. But keeping that in mind I was just trying to say that not enough people have had enough time to digest it. But understanding that it's a business by business and they get to make the decision and so on. And knowing how good our Nashua Police Department is and the Liquor Commission are, I mean I feel comfortable that everybody would do the right thing. I just think that it shouldn't pass on, and I'm glad you made that comment on the amendment, pass on passage, you know that it would be starting on passage. But I do know that the businesses that want it, want it before the summer begins, because that's when the drinking begins. Just wanted to say that.

Alderman Jette

I would just point out to the Committee that this was tabled and you've brought it up unexpectedly and I don't know that anybody from the public would have any input for or against if they knew, you know, I understand Legislation and the work of Legislation happens in Committees. When it gets to the Full Board of Aldermen there is usually little or no discussion. So I would just respectfully suggest to you that you allow the public to know that you are taking this off the table and that it is coming up and give them a chance to provide some input.

Alderman Cleaver

May I suggest that we add an amendment to say 90 days after passage it goes into effect 90 days after passage, which would allow the education of the City employees and the general public.

Alderwoman Kelly

My question was something you had brought up the education piece I think you said, drive is that what it's called when you have a specific program so that if people need a ride home they can get one?

Chief Carignan

I was just simply saying that it would be helpful or it would be wise for the establishments to have ready access to driving apps or driving options, whether it be city cabs or Uber or Lyft or anything like that just a mechanism to remind people that there are safe alternatives for them to drive home.

Alderwoman Kelly

So the reason I asked is because I know that they Nashua Taxi has kind of changed hands a few times, Uber and Lyft are few around here, it's not like Boston where you've got 10 lining up on the street.

That's why I asked about it, because I think it makes sense, I just don't know if we have the infrastructure for it.

Alderman Clemons

I think on the amendment, I think that's a perfect time frame. Just going back to what Alderman Jette had said. I did make it clear at the previous meeting that you know this would likely be coming up at this meeting because there was companion legislation coming with it, that being the parking. And that you know the Chief would be here. So I made all of that clear at the previous meeting. I wasn't at the last Board of Aldermen meeting, I would have had that announced but you know I think there's been, plus there's been a couple of newspaper articles about it as well.

Chairman Caron

Anything else? I too have concerns as you and I spoke and you tabled this because of some of those concerns. I agree with Alderman Dowd, having the Chief and feeling that his officers can handle an extra hour of downtown businesses being open. How many, doesn't matter. For this I think that's fine. I don't think, when we talk about going somewhere to drink, I can't imagine someone leaving an establishment a half an hour before they are closing to go a half an hour down the road just so they can drink for 45 minutes. In this day and age, I think it's kind of crazy, maybe back when it was something people did. But we have to recognize that. And as far as us being the only City, I am in a quandary because Manchester is a lot bigger than Nashua and they have a convention center and they have a lot more activities that go on there than Nashua does so you would think that they would have gotten on the bandwagon to extend their hours to 2:00 you know because their Elm Street is very busy because of the convention center, Fisher Cat Stadium.

Alderman Clemons

No one is better than our Police though.

Chairman Caron

That's true you didn't let me finish. That's OK so if you add that amendment that Alderman Cleaver suggested of 90 days, I have no problem voting for it. And I appreciate you coming Chief to explain that and that we weren't going to overburden the Department as we already have. OK so, I'll ask the Clerk to re-read the motion.

**MOTION BY ALDERMAN CLEAVER TO AMEND O-20-001 EXTENDING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES BY ON PREMISES LICENSEES TO 2:00 AM BY ADDING A PROVISION DATE 90 DAYS FROM PASSAGE
MOTION CARRIED**

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE OF O-20-001 AS AMENDED
MOTION CARRIED**

O-20-008

Endorsers: Alderman-at-Large Ben Clemons
Alderman Patricia Klee
Alderman-at-Large Michael B. O'Brien
Alderman Thomas Lopez

**CHANGING THE STARTING TIME OF THE OVERNIGHT PARKING TIME LIMIT RESTRICTION
IN CERTAIN LOCATIONS**

ON THE QUESTIONAlderman Clemons

So now going back to the order of business, I would recommend final passage of 20-008 which is changing the starting time of the overnight parking time limit restriction in certain locations.

Alderwoman Kelly

I'm fine with this change but I am wondering what happens if this passes but the other one doesn't.

Alderman Clemons

That's a perfect and acceptable thing. What I am going to ask Alderman Wilshire to do is to try to have on the Agenda the previous Ordinance first, which is should just base on its numbers. That way if that Ordinance does not pass, I will and I promised the co-sponsor Alderwoman Klee the same thing that I would recommend indefinite postponement of this because it would be unnecessary. So it's an awesome question and just if I could while I have the floor. If I could add, so right now the way this is worded, and some Aldermen brought this up and I thought it was worth discussing, is that it basically extends it two hours so from rather than a person first being able to get a ticket at 2, the first opportunity to get a ticket, if you will, would be 4.

I didn't know if there was a want to do a compromise in-between like 3:00 or something like that. But I will say that the reason we chose the 2 AM was two-fold. One obviously was for the patrons who may be out and want to leave their car on the street without a ticket. And two was for the workers in these establishments. They, if they are closing at 2 AM they may not get out until 3:30 in some cases, depending on how busy the night was and what they have to do to close up the bar. Because remember if last call is at 2:00 you are probably going to think that people probably would be out until 2:30 that's another hour. I've talked to people that are in the industry about this and that was the concern. So they feel that the extra two hours is enough time for employees. So this gives both employees and patrons the ability to find a space to park, in other words it is a metered space., you know you can leave your car there until 4:00 AM. It won't be an issue so that's why this legislation is before us.

Alderman Klee

Thank you while I am not quite certain I agree with the other Ordinance, this one was brought to my attention because of if you look at the Ordinance and you get down to B and you'll see that those are non-metered spaces and all of those streets are within Ward 3 and that's for the establishments that are within Ward 3. And I agree with Alderman Clemons that if we did pass 20-001 we are kind of doing a disservice to the employees as well as the patrons that may stick around until 2:30. I was concerned about that. I was at one point concerned about 4:00 what if they drank too much, and they're going to leave their car there and they are going to get ticketed. But it is no different than us closing at 1:00 and they leaving their car there past 2:00. I don't know whether we add an hour or 2 hours, I'm fine with the 2 hours. This keeps getting spoken about as in metered spaces, and I just want to make it clear that we have no metered spaces outside of the downtown or over on the other side on Canal Street, we do have some metered spaces than downtown. However, we do have a parking study going on and there could be more metered spaces put into areas that are not necessarily around liquor establishments.

So I think saying in any metered space, we may be setting ourselves up if we add meters. This is just something that I kind of want to add and if that parking study comes through, puts in meters that aren't in those areas, we may have to revisit this, if it does pass. I just want to put that out on the table for something to be considered.

I know on certain streets like Orange Street, I think maybe Lowell and Clinton, there are some overnight parking permitted spots. Right now I don't think they are being affected by these establishments, I don't think they would be affected by it staying open a little bit later. So that's why I did sign on to this and I signed on to it only because I think it is important if 20-001 does pass, we need to do this. I'm not necessarily in favor of 20-001 but this has to be a companion and it has to go together, 20-001 first and then this one.

Alderman Jette

So I am on the Infrastructure Committee and I know this is going before our Committee as well. But we are just starting a parking study, I don't know I think Wednesday night that it is going to be going before the Finance Committee. So it is supposed to start really soon. And every time anybody has brought in an Ordinance before the Infrastructure Committee for the past, I don't know, it seems like the past year, the parking enforcement department has said, "Don't do anything because we are going to do this parking study and we don't want to make any changes until we get the benefit of the parking study". So I know Alderman Lopez has had several ordinances and he's been very frustrated because it never gets anywhere because of this hold because of the parking study.

I noticed that parking enforcement department isn't here tonight. How did you get this far with this without their being involved number one. And number Two why are we talking just about non metered space on these four limited areas in Ward 3? What about the businesses on Main Street that might be parking on Quincy Street for example? What about them? Why isn't this City-wide. Why don't we change the 2:00, you know the after midnight, the two hours after midnight, why don't we change that City-wide? Have it start City-wide at 2:00 AM, because there are people in my neighborhood, I don't think there are any liquor establishments in my Ward, but people have guests, you know they have house parties. Why do they have to jump on the pumpkin wagon at midnight when the people in Ward 3 can stay until 3:00?

Alderman Clemons

One to your first point about the parking study I understand that. I look at this as different. This is something that if we pass 20—001 we've got to do something for the people who work at these businesses and we have to do something for the patrons who will be staying. We can't say, "yes come to Nashua and we will give you a ticket if you stay until 2:15 in the morning". I mean that's ridiculous to me. So this was just something that came up out of discussions with people who work in the industry that they need to have a mechanism for both patrons and the employees to be able to not have a ticket. I don't believe that, maybe there's an appetite here to get rid of overnight parking. But I don't think there is so this was a compromise that how do we balance the needs of the businesses with the needs of wanting to keep that overnight parking ban in place.

So this is tailored specifically to downtown because most other places around the City, let's say if Uno's wanted to stay open or the Golden Dragon will probably stay open until 2, they have parking lots. So they, you know people can park in a parking lot there and they have to follow the rules of whatever those individual private parking lots are. But Downtown is unique in that there isn't that opportunity to do that. So you know, the other areas, these were the areas that were identified as being concentrated with establishments that might be affected by 20-001 and then how can we work with those businesses to make sure that their patrons aren't getting tickets; that their employees have a place to park. So this was the compromise that was discussed. To be frank with you I didn't talk to the parking department because I think it is common sense to me, you know? That's basically how this came about.

Alderman Klee

Thank you. And I mean no disrespect Alderman Jette, the reason why these four streets from Ward 3 were brought up is that they around a particular establishment of Penuchi's and if anything else, where the Cattlemen and Fody's. So that's why we discussed these and I was afraid what would happen to the employees. I agree, I have been to those infrastructure meetings even though I'm not there and I've seen the frustration and you heard me at the last one and I said I have seven people calling me on a regular basis that they want overnight parking because of and so on.

This is going to be a hard pill to swallow is we are saying is that we are making a provision for this yet we are not making a provision for Alderman Lopez's streets of 8th Street and so on that he spoke of. So I do think this is unique because we are considering legislation of 20-001 and we can't pass 20-001 by the Full Board if we don't pass this. And that is going to be quite a problem. So if we pass 20-001 and we don't pass this particular one as a companion, I would have liked to see them both put together, but if we don't pass them as a companion, then these establishments, at least in my area around Clinton and Lowell and so on they aren't going to be able to stay open because they are going to hurt their employees if they don't have a parking lot. So then we are only catering to those who have parking lots and I think we are kind of doing a disservice to those businesses. Personally I don't want to see 20-001 passed, that's just my feeling. But I have a feeling it will pass and I need this to be passed in that way. And I do understand what you are saying about people having private parties in your ward where maybe overnight parking wouldn't be an issue. I'd like to see what the parking study has to say for the entire City. We have to do this carve out if we pass 20-001. They have to go together.

Alderman Cleaver

Call the question please.

Chairman Caron

OK because I haven't had a chance to speak and ask a question.

Alderman Cleaver

I withdraw then.

Chairman Caron

Thank you.

Alderman Jette

Just very quickly the only bars in town are not located on these streets. You know, you've got Main Street, they don't have parking lots. Up and down Main Street there are bars.

Alderman Clemons

Main Street is included in this.

Alderman Jette

It is.

Alderman Klee

Yeah because it is metered.

Alderman Jette

Where there are meters, Main Street has meters but there are side streets off of Main Street that don't have meters. I am just envisioning that employees who work in the Main Street, you know, surrounding, you know on West Hollis Street, there are bars. You know there are a lot of bars in town where the employees don't have a parking lot and would, I would think would be looking to park on the side streets and they are not included in this exception that you've carved out here. That's all I am; saying.

Chairman Caron

I am going to speak. Chief, quick question, I know that you are not involved with parking anymore, but is there a time limit for the parking garages, for them; to vacate. I'm not talking snow emergencies. Are they allowed to leave their vehicles there all night?

Chief Carignan

I believe they are.

Chairman Caron

They are, OK. I am not in favor of this and I have to agree with Alderman Jette. I have been holding on to legislation for several people because of this so-called parking study, which has been going on since last February. And every time I see a piece of legislation concerning parking on street whatever, it really bothers me because you are supposed to be doing a study, so why do you keep bringing these things in? I don't care if it was an emergency like you need a handicap space, but I am sorry if that 001 gets passed, ;you can bring this in, because it is still 90 days before you are even going to have that in place. And I'm sorry, I have a pub that's in my Ward, yeah they have a little bit of parking but most of their people park on the street. So that means they will get a ticket if they decide to stay open. If you look at this legislation, Alderman Klee, it just basically takes care of your little world, not the City as a whole. And I understand what you are saying Alderman Clemons, that maybe it is something to be looked at all over but either do a study or don't do a study. But you can't keep bringing legislation concerning parking constantly until you get that report. I mean we tried to do a Master Plan and we are trying to do things so that we have somewhere to go in the future, whether we are here or not. To me this just circumvents the whole purpose of having a parking study. I am not going to support this. I think this could wait and I'm sorry I just don't agree with this. I am going to let you both talk and then I am going to honor Alderman Cleaver's motion to move the question.

Alderman Clemons

I agree with the need for the parking study for sure. And I also recognize that there may be other areas where we might want to add a street here or there to this but I do think it's important that we recognize that this is outside of the parking study insofar as we need to be able to do something to help these employees that may be at these establishments. Knowing that we have 90 days if the other one passes to do this and maybe look at it a little bit more in depth, I have no problem with that. But I think it is outside of the study because only in the sense that we are creating something that hasn't, it is sort of a side effect right of another piece of legislation. So we really need to look at what can we do for the business owners, their employees, and the patrons?

I agree with the study I have no problem with the study. I think just common sense would dictate that the study would tell you, "yeah if your bars are open to 2 you should probably, unless you want to make people angry you probably shouldn't be ticketing them at 2:00 in the morning". I don't mind looking at this further but I think it truly is an exception to that rule, which by the way, I'm not on the Infrastructure Committee but I don't necessarily agree with just because we are doing a parking study we can't bring parking legislation, but that's just my personal opinion. So with that said, I mean whatever the Committee wants to do.

Chairman Caron

So Alderman Clemons would you have a problem then with tabling this until after the Board of Aldermen Meeting next week? Because if that other piece of Legislation doesn't pass, this is mute.

Alderman Clemons

True.

Chairman Caron

But that's up to you because you are the sponsor of this legislation.

Alderman Clemons

No I would have no problem tabling this knowing that the other one we put a timetable in and we would have time to work on this. The only reason I asked Alderman Wilshire to forward it here was for the purposes of discussion because I think it is an important discussion to have. This really belongs in the Infrastructure Committee to be honest. So you know what I might recommend that we just move this out without a recommendation and let the Infrastructure Committee hold it. Whatever and we will work on it there.

Alderwoman Kelly

I was going to suggest tabling as well. I would be in favor of tabling. I think there have been a decent amount of concerns brought up not just the parking study but also well what about other streets that aren't necessarily next to Penuche's. I appreciate that's your Ward but there are other streets that should be looked at. And I would like to know if anyone knows when this parking study is supposed to be done?

Alderman Klee

At the Infrastructure Committee they talked about. They are going to be starting it up I think March 25th is the kick off. They are going to go through June/July and they will have a final report in August. So we are looking way off to have any real information to bite into.

Chairman Caron

So Alderman Clemons would you just like to table this?

Alderman Clemons

Sure.

**MOTION BY ALDERMAN CLEMONS TO TABLE 0-20-008
MOTION CARRIED**

O-20-009

Endorsers: Alderman-at-Large Richard A. Dowd
Alderman-at-Large Ben Clemons
Alderman Linda Harriott-Gathright
Alderman Patricia Klee

RELATIVE TO PUBLIC COMMENT**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONChairman Caron

Before we have some comments, Alderman Dowd is here to speak on his piece of legislation.

Alderman Dowd

So this proposed Ordinance has not been put forward to limit anyone providing input to the Board of Aldermen or City Government. It is to bring our meetings in line with other cities and towns in New Hampshire relative to the rules for Public Comment. While limiting the amount of time a person has to provide comment at a meeting, it does not preclude anyone from providing written comment of any length to the Board of Aldermen or other City Board, whoever adopt this Ordinance. I believe this Ordinance may still require work and discussion before final passage and hopefully we can start that discussion this evening.

The Ordinance before you this evening, at the moment, limits public comment on items that appear on the Agenda to 5 minutes per speaker at the first comment period and limits public comment in the second public input period to 3 minutes each, with a total time limit of 15 minutes for the second public comment period. I have researched Manchester and Portsmouth, New Hampshire for their current rules and have found that both Manchester and Portsmouth limit their public input to just 1 comment period and I am not trying to do away with the second so don't get excited and early in the meeting for comments on agenda items only. They both limit each speaker to only three minutes; they further specify that the speaker may only speak once and may not allocate any of their time to another speaker. In addition they allow City resident and tax payers to speak before anyone outside of that group.

Here is the wording of the Portsmouth City Council Rules which are quite extensive by the way. Rule 43, Public Comment Session. A: Public Comment; a Public Comment Session shall appear on the Agenda of every regular Council meeting. This session shall be a period of time not to exceed 45 minutes during which any member of the public may have 3 minutes to address any topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Speakers shall be limited to 1 three-minute comment period per person, per meeting and may not defer any of their allocated speaking time to any other person. All speakers must register in person not electronically or telephonically with the City Clerk prior to the City Council Meeting. Residents, Business Owners and Tax Payers of the City shall be given speaking priority over any other speakers. All speakers must give their home address at the time of their speaking. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provisions of this rule may be modified on a per case basis, by a majority vote of the council. Comments for which a public hearing is scheduled under the same Agenda shall not be permitted. The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics presented. OK I am not looking to address that word for word.

I also researched Manchester as well and received input from Alderman-at-Large Dan O'Neil and actually went to Manchester this morning to verify the City Clerk's Office and get additional details. In Alderman O'Neil's e-mail to me he stated, "Rick, Public Comment is allowed before the regularly scheduled Board of Aldermen meetings which occur the first and third Tuesday of the month, July through September one meeting, excuse me, July and September only have one meeting. The Public is given 3 minutes to speak and it is timed by a member of the City Clerk's Office. Most are good about staying to the 3 minutes, any topics they wish. They are asked to state their name and address for the record. I hope this is helpful. All the best, Dan". I further found that this is before their regular meetings, not televised and if the Aldermen are there, they are there, if they are not, they are not. In further research this occurs before and not part of the meeting and is not televised. They only have this one period and residents are limited to 3 minutes each with someone from the City Clerk's Office timing each speaker.

After having reviewed the policies of Portsmouth and Manchester, I will be making an amendment to this Legislation, R-20-009 as follows: in paragraph A, (9a), I would change the period of public comment to 30 minutes maximum unless more time is required due to additional speakers wishing to comment and so voted by the majority of the members present. In paragraph A, (16), I would strike the wording of this paragraph and replace it with: At the end of the Board Meeting there may be a second period of public comment on items not on the Agenda or comments regarding actions taken by the Board during the current meeting. Under Paragraph B, I would strike the word "committees" and I would add the following after the Board of Aldermen, "Or Board Committees or other City Committees". In Paragraph B, (1), I would add after the word Agenda, "shall be limited to 30 minutes unless there are others who wish to speak and then may be extended by a majority of the Board voting to extend it for a time certain. Each person presenting during the Public Comment period shall be limited to 3 minutes each and may not defer any of their allotted time to another speaker. In addition a person shall only be allowed to speak once at each meeting during this comment period. Further if there has been a Public Hearing on the subject prior to the Board meeting on the same night, then there shall be no further Public Comment allowed on that subject".

Under Paragraph B (2), I would strike the entire paragraph and replace it with: "Public Comment at the end of the Board Meeting shall be for a period not to exceed 15 minutes and each speaker shall only be allowed 3 minutes to express their comment. No speaker may defer any of their time to another speaker and each speaker may only be recognized once during this period". I would strike Paragraph B (3), as I don't think it's clear and I have no idea what it's for. In paragraph C (5), I would change the 5 minutes during the first period to 3 minutes. In paragraph C (7), I would add after the word "discretion" "but only the Chairman shall address the question or call upon the most qualified person to answer the question".

I would suggest that we discuss the changes I have proposed and I welcome all comments. Again, it is not the intent of this legislation to limit the ability of anyone to present their opinion to the Board but rather to better control the time allocated to City Board Meetings. If someone has extensive comments they would like to present, they may provide written comments in advance of the meeting, or may hand out written copies at the meeting. The written comments may not be read into the record by the presenter. I will note that Portsmouth also limits their meetings to end no later than 10:30 and discontinues any topic for discussion after 10:00 PM. I am not suggesting that we add that, but just throw that out there. At this time I am not addressing the time limit of the meeting. It should also be mentioned that some Aldermen have discussed that when it gets late, good decisions may be jeopardized.

The co-sponsor of this Legislation is with us this evening. I would suggest after discussion that after we vote on the changes that I recommended, that we table further action on this Legislation until the next Personnel Meeting so that any comments on the Legislation by the members of this Committee and any amendments, including the ones I suggest get reviewed by corporation counsel.

In conclusion I would like to amend Ordinance R-20-009 with the changes just mentioned so we may discuss. And by the way, the attachments that I put on here, you got the first part of it is the actual Ordinance, you have the actual wording, the web site on Portsmouth on Public Comment. You also have the thing from their web site that talks to the timing of the meeting. There's a picture of their chambers; the next picture is where the people give public comment and you notice there is a timing light, red, yellow, green and they use it extensively and they abide by it and when it turns red, the mic goes off.

Also the e-mail I received from Alderman Dan O'Neil Alderman-at-Large from Manchester and the last two pictures are of the Aldermanic Chamber in Manchester which is quite large and quite extensive and very nice. So having done all that research, it needs to be a member of the Committee that makes the amendment and I would ask my cosponsor to make that amendment as indicated in the write-up and then we can discuss.

MOTION BY ALDERMAN CLEMONS TO AMEND 0-20-009 AS PRESENTED BY ALDERMAN DOWD

ON THE QUESTION

Alderman Cleaver

It occurs to me that we should have it reviewed by counsel before we vote on this.

Chairman Caron

This is only to put this amendment in so we can table it and have counsel review it again.

Alderman Dowd

Real quick, this document that I just handed out, Legal has reviewed it and they are OK with it but I didn't know what changes might happen whenever we are done with the Legislation because it is an extensive amendment and all of it should go back through Legal before final action is taken. Because you have to re-draft the Legislation.

Chairman Caron

So the motion on the table is to add these amendments to 20-009. Any other comment?

Alderman Clemons

What I would recommend is that we adopt the changes as proposed by Alderman Dowd and then have Legal mark up the whole thing so that we can read it through and then discuss it at the next meeting is what I would recommend unless there are other specific things that somebody wants to talk about.

Chairman Caron

Alright, so let's vote on the Motion to Amend.

MOTION CARRIED

Chairman Caron

OK the amendment passes.

MOTION BY ALDERWOMAN KELLY TO TABLE O-20-009ON THE QUESTIONAlderman Kelly

Comment or question? If there are further amendments that we want to discuss, are we ok with doing it after this has been drafted? Because I am trying to follow all of this and I hear the as things get late, good decisions get jeopardized so I would like to kind of look at this with a clear head.

Alderman Dowd

So my suggestion is to send it to Legal and let them make the amendments that just passed, get the full legislation back and then address each and every paragraph.

Alderman Kelly

Ok thank you.

Chairman Caron

So motion is to table and send the amendments back to Legal and then we will bring it up at our April meeting.

MOTION TO TABLE CARRIED**O-20-010**

Endorsers: Alderman-at-Large David C. Tencza
Alderman Thomas Lopez
Alderman Patricia Klee
Alderman-at-Large Lori Wilshire

CLARIFYING THAT COIN DEALERS ARE NOT SECONDHAND DEALERS**MOTION BY ALDERWOMAN TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONChairman Caron

The sponsor of the Legislation Alderman Tencza is here. Would you like to speak on that Alderman Tencza? Thank you for being so patient.

Alderman Tencza

Yes Madam Chair, absolutely no problem. And I apologize for being late, I don't know if Mr. & Mrs. Galbo's had a chance to speak at the beginning of the meeting.

Chairman Caron

Yes they did.

Alderman Tencza

OK great and they are really the experts in the field on this. If there are any questions I may ask for their guidance going forward. But Mr. & Mrs. Galbo own Nashua Coin & Collectibles on Main Street here. As some folks, might know, there's enabling legislation at the State level which allows municipalities to regulate pawn brokers and second hand dealers. Here in Nashua we have enacted an Ordinance. The business that the Galbo's are in however doesn't fall very clearly, well it doesn't fall at all within these two, as being a pawn broker or a second hand dealer. Pawn Brokers basically are businesses that will take something in as collateral, hold it for a period of time, allow someone to buy it back if they want at a later date at a greater price. Second hand dealers are they buy goods and re-sell them. If you are a pawn broker or a second hand dealer here in Nashua, there are certain requirements that go along with that including that you have to report things to the Police Department on a regular basis within 24 hours I believe of accepting those goods. And then also, you have to hold it for a 30 day period.

With coin dealers, however, it is a much different business model or the types of precious metals that the Gabbles and their business or any business that undertakes or that is in this industry I should say for a number of different reasons. First coins are not second hand goods, they are basically investments for people, whether you collect them as a hobby or collect them as an investment same with precious metals like gold and silver. What complicates things even further for the gold and silver bullions I think is what they are called, is that the way that this business works, the price of gold and silver is that it goes up and down dramatically, it can be dramatically on a day to day basis. So their business, if they had to hold these items for 30 days it would essentially not be able to function.

There is some question as to whether we are even able to allow or regulate the coins since they are well since it is money and regulated by the Treasury. So it is unclear whether we could even regulate them if we wanted to. What has happened is as people come through the Police Department, I think there's been and the Chief is here obviously, Chief if you have any opinions on this please let us know. But as people come through the Police Departments and Detectives are assigned to regulate the pawn shops and the second hand dealers, different Detectives may have different ideas of whether this business is included or any coin business is included. All this Legislation does is specifically exempts these transactions from the pawn and second dealer legislation or ordinances so they can continue to operate here in the City.

I'll take any questions.

Chairman Caron

Alright, Chief would you mind joining us again at the table only in case members of the Committee have questions? So Alderman Tencza said that your department kind of oversees second hand stores, pawn shops and things like that. Two questions, number one how many coin dealers do we have in the City now and how does your staff treat them, the same or differently than a pawn shop and then I'll come back to you.

Chief Carignan

Sure, Michael Carignan, Nashua Police Department, Chief of Police. Thank you for the question. Before I answer that I'd like to apologize. I was just made aware of that legislation this afternoon, that this legislation was being brought forth so I haven't had a chance to look at it. I do want to say that we are very respectful of business owners in Nashua for a long time. We think very highly of them. It's just not fair to, I just want to look at this legislation, I want to look at the difference between the second hand dealers and the pawn brokers.

My concern is that we need to protect victims. If somebody broke into your house and stole a bunch of coins that you owned, came and sold them there, and returned them and they turned around without the 30 day wait period we may not be able to link that in time before they have either been sold or melted down or whatever. I am just asking this to be tabled for a short period of time so I can read the Legislation which I haven't seen yet, understand the difference of it and speak to Corporate Counsel about a couple of concerns that I have. And to answer your question I believe they are the only coin dealer in Nashua and they would know better.

Chairman Caron

Quick question Mr. Galbo, are you now the only coin dealer in the City? OK.

Mr. Galbo I am the only coin shop, there are coin dealers in the City that don't operate in a store, but of course there's no way to regulate those.

Chairman Caron

Alderman Tencza, so the Chief hasn't had a chance to really look at this and has some questions. This is your legislation. So how would you feel if this was tabled for another month.

Alderman Tencza

So kind of just one comment, I will say the Galbo's have been operating here in the City since 2010 and the Police Department has not enforced the pawn shop regulations against them since they opened. But out of respect to the Chief I did just call him this afternoon to let him know this was coming up. I think as long as it doesn't affect the Galbo's business moving forward over the next month then it may be OK to table as long as there's ...

Chairman Caron

So I guess ... Chief is that going to be an issue?

Chief Carignan

No there's plenty of time. I just want to read the Legislation and speak to Corporate Counsel and just kind of get my hands around being able to protect victim's property.

Alderman Tencza

And well obviously this has gone through Corporation Counsel, I know that that Galbo's have brought up this issue with them as well so they are somewhat familiar with it when you speak with them. I appreciate the concern and with any pawn shop, the reason that there's a reporting requirement, the reporting requirement goes into the Police Department and through your data base if something is missing your Detectives are able to look it up right there. I will say I know that one of the reasons this came out about is because a Detective went down to the Galbo's business to ask them; something and they were very forthcoming with the Detective with whatever information they had. As far as information in the future, they may have had made a phone call rather than checking the data base but I'm not sure. But I know any coin dealer is going to want to work with the Police Department.

Chairman Caron

OK since you are not on the Committee I have to ask one of the other Committee members if they would table. But before I do that I do want to say that personally I know the Galbo's, Mr. Galbo has been a basketball coach for over 25 years.

I know them, we've worked with them on various activities so that's not an issue. But I think that considering that the Chief hasn't had a chance to look at this and if you as a sponsor has no problem, I'd like to see us table this so that we can have a better discussion about this in April. Does that work?

Alderman Clemons

That's OK but I would like to ask them a couple of questions on how they currently protect from that because I am sure you have a process that you go through. Like any trade there's different things or security protocols that you go through it doesn't matter what you are or what kind of business you run, there's always security there's things like that. So I'd be interested to know what they are as well from your perspective. The only reason I say this now is because you are here now. I don't know whether or not you will be able to be here in April. So that was my question and I would hope that the Chair would allow questions like that at the upcoming meeting.

Chairman Caron

Absolutely, absolutely not a problem.

Alderman Clemons

So with that said, I would make a motion to table 0-20-010.

**MOTION BY ALDERMAN CLEMONS TO TABLE 0-20-010 UNTIL APRIL MEETING
MOTION CARRIED**

GENERAL DISCUSSION - None

PUBLIC COMMENT

Laurie Ortolano 41 Berkeley Street. Quickly, I wish there has been copies of your amendments here for us that came along to follow this so that we'd have ...

Alderman Dowd

I had my own machine, so I only restrict them to the Committee and they change anyway.

Ms. Ortolano OK but it's hard to follow along and you're here for a long night and it's nice to be able to follow along because these were extensive changes. Also, I'd like to ask the Committee to consider putting the public input, all of it, at the beginning. I lived in Litchfield, we moved all of our input to the beginning for the public. It's grueling to come out and sit for 2 ½ and 3 hours for your three minutes of speech, it really is. It is miserable, I think people don't come because they are too busy working and it is too late.

Also I think that e-mail communications are like a flush down the toilet for me. I am writing e-mails to the Board and expecting a comment is really a dead end. I got into a heap of issues when I came to the Board of Aldermen with my concerns about Assessing; couldn't get anywhere. I switched over to the Board of Assessors, couldn't get anywhere; and after five months, I ended up up at the State which opened up a whole can of worms because nobody would give you an answer. So when I hear that I can write an e-mail and send it in, to me, it's a flush down the toilet and I might as well talk to a door. So it is really discouraging to me.

But I would like to address issue and I don't even know if I am at the right Committee. Personnel, there was an article in the paper about this whole Police investigation. One of the things that it said on a salary/personnel issue, is that a salaried employee, meaning he's entitled to a salary regardless of the actual hours he works, as long as he works at some point during a pay period. That's what our definition of a salaried personnel is.

Chairman Caron

I'm sorry, I hate to stop you, but that doesn't come under our jurisdiction.

Ms. Ortolano Who does it come under?

Chairman Caron

That should come under HR.

Ms. Ortolano I called HR; it doesn't come under them. I got an e-mail from Larry Budreau and here's what I asked. I looked up the Union Contract for these salaried employees and the Union Contract defines a work day or the work week as five, 8-hour days. That's what they are supposed to work. But then the article in the paper in the paper comes out and says they don't actually have to follow any hours; that they work – a salaried works regardless of the actual hours he works, as long as he works at some point during a pay period. Who defined that. How do I figure that out.

Alderman Tencza

If I may just comment. I think that may be definition under State Law and not the City's definition of it. I don't know if Attorney Jette has any other ...?

Ms. Ortolano Well then why do we have a Union Contract that calls out what a work week is?

Chairman Caron

I'm just checking with the Budget Chair, would that come under Budget because that's finances, that's money? So I don't know if that would come under the Budget because they deal with contracts.

Alderman Dowd

Only when we deal through the Budget with certain positions. A union contract, it's one thing. If you are under the City Employee, like Sarah Marchant is the Director or Lisa Fauteux, who by the way work a lot more than 40 hours I can tell you that.

Ms. Ortolano That's exactly what I thought, when you have a top manager, this really is what it falls under for salaried employees.

Chairman Caron

Ok it really doesn't come under us because we don't handle us, it is either the Finance Committee or the Budget Committee.

Ms. Ortolano So if it is a Union question I have where do I take it, because this individual operates under a Union Contract and a Union Contract does not call for this language. So where's the enforcement?

Alderman Dowd

The enforcement would be in the Union Contract, which is available to anybody it's on-line.

Ms. Ortolano Well I know, I read it, and that was the language.

Chairman Caron

OK so if this is a Police Department person?

Ms. Ortolano No.

Chairman Caron

I thought that's what you said.

Ms. Ortolano

No, oh, no, no, no. This came out of the Police Investigation, this is our employee in Assessing, this is how Assessing works.

Chairman Caron

The Director of, or the person who oversees that Department, that's the way I would perceive it. If it were the Police Department I would send you to the Police Commission because they would give you that direction. But Alderman Tencza may be right too because of the wording and I know Alderman Clemons you had a

Ms. Ortolano I mean I will check the State Law and see if this State Law if this is General State Law language. But I just don't understand how low level employees get to, if they work 2 hours a day and they did their job, whatever was defined by them, they are done. I don't even understand that.

Chairman Caron

I don't know but Alderman Clemons has a comment.

Alderman Clemons

Each individual Union Contract is unique to the Union. But in some areas of the City even the top employees are in the Union. Like for example we have a principal's union. So all of the principals of the school or most of them are in a union, they are in a collective bargaining unit. So just because a person is at the top of their Department if you will, doesn't necessarily mean they won't be covered under a Union Contract. So that's the only point I wanted to make. As far as your concern goes, are you getting that information from the Telegraph article.

Ms. Ortolano The Police Department Inter-communication document cited this as the City's rule, not the State Law. And then I read the Union Contract and there's no parallel. And I went to Budreau and said, "how can this be, how can this be, who speaks to this because it is our money, we are paying employees if they work two hours and the boss says you're done, they're done".

Alderwoman Kelly

May I address, ok thank you. Can you read it again because I have a different interpretation of what you said?

Ms. Ortolano

The employee, it says his name, Turgiss is a salaried employee, meaning he is entitled to a salary, regardless of the actual hours he works as long as he works at some point during the pay period. And what it says is investigators said that speaking with him they learned he often uses his lunch break to relax. In speaking with Turgiss' supervisors, the Human Resource Department, it appears that Turgiss was completing the work that was required and expected of him states the inter-departmental communication. So if he were given a task and it took two hours and he was done, sort of like mailmen, his day is over, it's over.

Alderman Kelly

Could I re-address please?

Chairman Caron

OK alright, we don't want to get into a debate here, I understand your question.

Alderman Kelly

And that was from the investigation. So my only point was that it says "during the pay period" so I am interpreting that, if that is the language, of they have a week to get 40 hours done whether they do two hours one day and ten the next, they are still doing the hours.

Ms. Ortolano No my clarification was 40 hours is immaterial. That's what bothers me because the Union Contract says, five 8-hour days, 40 hours. Like a postman doesn't have to work 40 hours, a postman has to deliver their route and when they fill their cart and deliver their route, if they get it done in 6 hours, postal workers are done. But it's a Saturday and they come in and they have a lot of mail to sort, they have to do a 10 hour day. And that's how it's done. They are not committed to a 40 hour work week.

Alderman Tencza

Ms. Ortolano, check RSA 275:43B on salaried employees.

Ms. Ortolano Ok for the State?

Alderman Tencza

Yes, for the State Law.

Ms. Ortolano So I don't know if I just don't understand what a Union Contract does if that is a salaried employee contract, what's the difference. Why do we have one? Why do we call out what their hours are? I don't know, that's just an interesting thing.

Chairman Caron

Well I think a salaried employee has to work a minimum of 40 hours, most of them work more. But I think they are defining the other employees who are not salaried, that they work a five day week, eight hour day to make their 40 hours.

Ms. Ortolano No because the contract is the professional contract is the salaried contract. They have different UAW Contracts, so I am looking at the professional one.

Chairman Caron

But that doesn't necessarily mean they are all salaried, that's what I am saying to you.

Ms. Ortolano Well there's only one set of language in there. I was trying to figure it out myself.

Chairman Caron

OK but I apologize, we tried to help you but really this isn't the Committee.

Ms. Ortolano Hard to know what Board, where to be. But I would appreciate considering moving public input to the front. It's grueling to have to sit here. Or call in, be progressive, I don't care what Manchester does. We are talking about being progressive for bars and everything else, let us call in and we can give you our input from home.

Chairman Caron

We have a hard enough time getting Aldermen to call. Thank you. Remarks by Aldermen.

REMARKS BY THE ALDERMENAlderman Dowd

I would have no problem with having only one public comment period as long it was constrained by a time limit. And that can be amended.

Chairman Caron

It certainly can be looked at when you or the sponsors have a conversation.

Alderman Klee

Relative to just one comment period, there are oftentimes that people do sit through the entire Board to hear what has been discussed and been talked about and sometimes things get tabled and then they want to add to whatever was discussed or they want to bring something forward. So just keeping that in mind. But also, it was commented and for the record because I see that the person who made the comment is leaving, relative to the public hearings and they talked about the first part and the second part, let's see if I get this right here. Part One – Administrative Legislation Chapter 5, Administration of Government, Part 2 Board of Aldermen, Article 3, Rules of the Business, Section 5-28. When you read that about Public Hearings, that does not fall under what you just talked about, with the Board Meetings and so, so Public Hearings is very separate. There is a for against a for and against.

The way the rule really is, is the first first for is to make your point. The first against is to make your point. The second for is a rebuttal period time and the second against is a rebuttal. And right in this Legislation it says, "opportunity for rebuttal by members of the public" that's what the second part is. And it also says, "public hearings shall not be limited in duration nor may members of the public be denied opportunity to speak". So what we are putting forward in this relative to public comment will have absolutely nothing to do with Public Hearing because we cannot, by our own legislation, limit their conversation. So I just wanted for the record, I wanted to make sure that that got out there. Thank you.

Alderman Dowd

For clarification, nothing of what I read has anything to do with Public Hearings or changing anything to do with Public Hearings. What it is saying and what basically what Portsmouth does, if you just had a two hour Public Hearing on a topic and you heard all the questions and all the comments, if you go right directly into a Budget Meeting, you don't repeat the same comments. You can talk about something else but anything that was covered in the comments that were given in the Public Hearing, you can't give again. That's the way they function in Portsmouth.

Alderman Clemons

I'll just say I want to thank everybody here this evening. I know the Chief isn't here but I wanted to thank him for coming tonight as well. I think when we work together we can create really go outcomes.

Alderman Klee

Madam Chair, may I take another bite at that apple. I wanted to make a comment...

Chairman Caron

Did I call on you?

Alderman Klee

No you didn't and I apologize. Thank you so much. And I meant to say it and I missed it when I was speaking. When the Galbo's were here, Mr. & Mrs. Galbo, one of the issues is that, and I hope that the Chief will be in favor of this because this is creating a financial burden on them. When they get something, especially when we have a volatile market as we have now, if they get coins in, they will hold them until they can get the best price. Right now with the market going up and down, they would want to sell them as quickly as possible. This affects them, if they have to wait 30 days, there could be a big drop within that 30 days and it does affect their income and their viability as a business. I just wanted to make that statement. Thank you.

Chairman Caron

That's fine, so that means you can't repeat it. So I just want to say thank you for everyone for listening, compromising and tab ling those things that we felt needed more work and discussion. At the next meeting we can certainly do that. I appreciate all those who sponsored legislation that showed up today because it makes it a lot easier for Committee members to have a good discussion.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT**MOTION BY ALDERWOMAN KELLY TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 9:49 p.m.

Alderman Kelly, Committee Clerk