

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

APRIL 1, 2019

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, April 1, 2019, at 7:00 p.m. in the Aldermanic Chamber.

ELECTION OF COMMITTEE CLERK

**MOTION BY ALDERMAN LOPEZ TO NOMINATE ALDERMAN-AT-LARGE BEN CLEMONS TO SERVE AS COMMITTEE CLERK FOR THE REMAINDER OF THE 2018-2019 TERM
MOTION CARRIED TO ELECT ALDERMAN CLEMONS AS COMMITTEE CLERK FOR THE REMAINDER OF THE TERM**

Chairman June M. Caron presided.

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

Members not in Attendance: Alderman Ken Gidge

Also in Attendance: Alderman Richard A. Dowd
Alderman-at-Large Brandon Michael Laws
Alderman Ernest A. Jette
Alderman-at-Large Lori Wilshire
Steven Bolton, Corporation Counsel
Mayor James Donchess
Alderwoman Mary Ann Melizzi-Golja

PUBLIC COMMENT

Chairman Caron

So this is the part that we do our public comment. I see a lot of people in the audience. I would ask, I will call you up, you can raise your hand and then come to the front. You need to state your name and address please. But we'd ask you to try to limit your speaking time so we can get everybody at the mic tonight before we get into our business at hand. So who would like to lead the group, step up. Ok Chief, would you like to come forward?

Andrew Lavoie, Chief of Police

I'm here in support of Resolution R-19-021 which is the renaming of Panther Drive to James Roche Drive. Officer Roche was shot and killed in 1928 in the line of duty. He is one of four Nashua Police Officers killed in the line of duty. Sargent John Yurcak is the Sargent that spearheaded this certainly with a tremendous amount of support and endorsement from the Aldermen. We certainly very much are in favor of this, we think it is long overdue. Certainly this recognition is appropriate and it certainly frees up Panther Drive if Nashua High School certainly decides to take that sort of as Titan Way with the Nashua North Titans. And again, we are the only building on Panther Drive at this point, so certainly the neighbors agree with us. Thank you very much.

Chairman Caron

Thank you Chief. Ok, next. Hi Jan.

Janet Valuk Good evening, my name is Janet Valuk I live at 41 Roy Street, Nashua, New Hampshire. live in Ward 6. I am going to share with you first and I know probably a lot of you have already seen this. No, I did not take this ad out in the paper although it could have been something that I would put in there in regards to raising the legal age to purchase tobacco products to 21. This is an ad, a paid advertisement by the company that now dominates the vaping industry so much to the point now where it is referred to as juling. They are the makers of the number one product which is called JUUL.

I'd like to encourage all of you to support the Ordinance that has been introduced by Alderman Ernest Jette O-19-037. I feel raising the age to 21 would be the best thing for Nashua youth and here are some reasons. I will tell you that most of my reasons are based on science and facts and not just my opinion. In my conversation, which I did have a conversation with Chief Lavoie earlier in February, he stated that it will not cost the Police Department any extra money to enforce the age moving up to age 21. He also noted as with any Ordinance passed by the Board of Aldermen, the Police Department will enforce it as they do with any Ordinance that you pass. Stores that are licensed to sell alcohol and/or tobacco can still utilize underaged employees; they don't have to be 21 to sell it.

I spoke to the Market Basket manager from Somerset Plaza and she said – At our store 16 and 17 year olds can still sell as long as they are signed off by somebody. And I also understand that one of the reasons to not raise the age is because at 18 in the State of New Hampshire they are considered a legal adult. They can enlist into the military, they can take out college loans etc. But if you look at those things, going to college, taking out a loan, serving the country, none of those actions will destroy their brains.

ENDS or Electronic Nicotine Delivery Systems and here are some facts about that from some very reliable sources. Johns Hopkins Medicine reports that both E Cigarettes and regular cigarettes contain nicotine which research suggests may be as addictive as heroin and cocaine. What is worse, many e-cigarette users get even more nicotine than they would from a regular tobacco product as you can buy extra strength cartridges which have a higher concentration of nicotine; or you can increase the e-cigarette voltage to get a higher hit or a greater hit of the substance. American Cancer Society reports that although the term vapor may sound harmless, the aerosol which it is actually an aerosol not a vapor, that comes out of an e-cigarette is not water vapor and it can be harmful. It can contain substances that are addictive and can cause lung disease, heart disease and cancer. It is important to know that most e-cigarettes contain nicotine and there is evidence that nicotine harms the brain development of teenagers. If used during pregnancy, nicotine may also cause premature births and low birth weight babies.

Besides nicotine e-cigarettes and e-cigarettes vapor contain propylene glycol and/or vegetable glycerin. These are substances to produce stage or theatrical fog which have been found to increase lung and airway irritation after concentrated exposure. In addition, e-cigarettes and e-cigarette vapor may contain the chemicals or substances listed below. Volatile organic compounds can cause eye, nose and throat irritation, headaches and nausea and can damage the liver, kidney and nervous system. Flavoring chemicals that some of them are more toxic than others. Studies have shown that flavors contain different levels of a chemical called diacetyl that has been linked to a serious lung disease called bronchiolitis obliterans and formaldehyde. This is a cancer-causing substance that may form if e-liquid overheats or not enough liquid is reaching the heating element.

The FDA does not currently require e-cigarette manufacturers to stop using potentially harmful substances and I will say that diacetyl is a proved to be ingested. So one of the results of e-cigarettes is what is referred to as popcorn lungs and it was identified in a factory that made microwave popcorn and it is in the popcorn, you can eat it, but you can't inhale it. When you inhale it, it destroys your

lungs. It is difficult to know exactly what chemicals are in e-cigarettes because most products don't list all of the harmful or potentially harmful substances contained in them. Some products are also labeled incorrectly.

From the newest Surgeon General, on December 18 Surgeon General Jerome Adams issues a rare advisory; the fourth in ten years from his office. "I'm officially declaring e-cigarette use among youth an epidemic in the United States." Why is nicotine unsafe for kids, teens and young adults? First of all it is the nicotine. It can harm the developing adolescent brain and the brain keeps developing until the age of 25. If I had my druthers I'd say, raise the age to 25 along with alcohol and any other mind-altering substances. Using nicotine in adolescence can harm the parts of the brain that control attention, learning, mood and impulse control. Each time a new memory is created or a new skill is learned, stronger connections or synapses are built between brain cells. Young people's brains build synapses faster than adult brains and nicotine changes the way these synapses are formed and it may also increase risk for future addiction to other drugs.

There is a lot of other risk involved and unfortunately we are still, scientists – not me, but scientists are still learning about the long-term health effects of e-cigarettes. Children and adults have been poisoned by swallowing, breathing or absorbing e-cigarette liquid through their skin and eyes. I also want to add that there has been an increased visit of owners with their pets to veterinarians because the pets have either licked up some of the e-juice that has spilled. The bottom line, and there is research to show this, is that the lower the perception of risk, the more likely a young person is to try something. Many ads say that e-cigarettes are a safer alternative to smoking and can help a person quit. But why do kids use them when they are not smokers at all? There is no reason to quit. From the FDA, again, e-cigarettes are not approved by the FDA as a quit smoking aid, so far the research shows there is limited evidence that e-cigarettes are effective for helping smokers quit; there are other proven, safe and effective methods for quitting smoking.

Safer is not accurate, this is a fairly new product and there is a lot of testing to be completed. In closing I would like to leave you with this. This is not a war on tobacco, it's not a war on the convenience stores or the people that sell these products. This is in defense of the brains of our children and young adults; and is the money that might be lost by the stores more important than the health of our young adults? I am asking you to please not put money above health. Nashua can be an example as Keene and Dover have done, to send a message to the State that this should be done State-wide. I want to just show you something. I have a little show and tell. As many of you know, I taught Health Education in the High Schools for quite a long time and in my connections with people at the High School still, these are all of the devices that have been confiscated at Nashua High School North and Nashua High School South since the beginning of the school year. The majority of them are the JUULS, I will say that, there is one bag here that's all JUUL stuff. Thank you very much for your time. As you can see I am very passionate about protecting our youth and hopefully this important Ordinance that Alderman Jette is proposing will pass. If you have any further questions, please do not hesitate to contact me. Thank you.

Chairman Caron

Who is next, come forward. Please give your name and address please.

Dottie Oden 16 Cathedral Circle and just for clarifying, I am a member of the Board of Education here in Nashua. I am here tonight to support Resolution O-19-037 raising the age to purchase use, possess and tobacco products and e-cigarettes from age 18 to 21. I want to thank Alderman Jette and Alderman Lopez for this Ordinance. We have a serious problem, vaping problem at our two high schools as just about every other high school in the country is dealing with. Within the past few years, we had reduced the number of smoking offenses to only a handful of students. Unfortunately things have changed; now we have students who have never smoked a cigarette but are vaping throughout the day. Our schools are being overwhelmed by the growing number of students vaping.

We also have a smaller number of students vaping at our middle schools, but if the national trend continues, that number will grow also. The JUUL brand is the most popular vaping device and liquid. It is used by over 80 per cent of those who vape and has grown into a \$15 billion dollar company in just over two years. I understand JUUL took out a full page advertisement in support of an Ordinance similar to what Alderman Jette has. They also advertise frequently on Boston's WBZ radio station. They always end the ad with this statement – Warning: This product contains nicotine. Nicotine is an addictive chemical.

Research tells us that the brain is not fully developed until the age of around 25. Because the brain is not fully developed, in our students the damage done by nicotine is more harmful to them. It takes a shorter time vaping for nicotine to alter their brain than it does for an adult. It is believed that an altered brain development could make them more susceptible to having addiction problems throughout their life. Our administrators and teachers are spending much time and effort on controlling the vaping issue. Our health teachers have incorporated the dangers of vaping into their curriculum; but sadly peer pressure and the allure of vaping are strong and difficult to combat. Unfortunately many parents do not understand or are unaware of the dangers and lifelong damage that vaping can cause their children. The sweet smell of some of the flavored juices that contain nicotine are appealing and give the impression that it is only a container of flavoring and not like a cigarette that contains nicotine which we know is not true.

Our schools need help and they need it now. I am asking for your help. We have a great many needs in educating our students which are not being met due to budget constraints. I ask you support this Ordinance as there is no money involved, only your vote. It will not eradicate the problem but will send a strong message that vaping is harmful for our young people. It might also free up more time for administrators and teachers to ensure our schools are safe and students needs are being met. We need help in many areas and this is one of them. Again, I am not asking for money, only for your vote to support a strong message that this community is supportive of doing what is right and best for our children. Thank you.

Chairman Caron

Thank you Dottie. Next, don't be shy, just come to front.

Laurie Ortolano 41 Berkeley Street. I don't know if you are going to take up the position for the Director for the Assessing Office. I don't have an agenda so I don't even know if that's on there.

Chairman Caron Yes it is.

Ms. Ortolano It is on there, ok. So I just wanted to convey a few concerns I might have in that area. It is very difficult for me to think that we can run the Assessing Office without management down in the office and that is not the first area we are focusing on to stabilize what has been a difficult situation down there. I am a little bit concerned after the meeting a month ago that the Mayor talked to some of us and mentioned that hiring a Chief is very difficult, they are positions that are very hard to fill and get. If that's the case, it makes me wonder whether the whole focus of the technical part of assessing should be an outsource job for the City. I know most cities don't do that, I know many towns in New Hampshire do do that and I don't know if you will spend any time discussing the differences of the possibility of outsourcing the technical part; the running of the model, the creation of the cards, the inputting of the permits, the MLS verification. If that could be handled as an outsource piece, with the clerical work supported internally by staff in Nashua, but I've focused and moved towards that opinion in the last month because I see so many obstacles down there in staffing and getting the right resources to do the quality of work that we want to have with our cards and our data system. I don't know if the Mayor brought the directorship forward with possibly in mind the idea of outsourcing the work down in the Assessing Office and that just hasn't been shared publicly; maybe that is his intention,

I don't know. But it just seems to me like that might be a direction we should look at. I just wanted to share that with you as a concern. Thank you.

Chairman Caron

Thank you. Next? Step up.

Mr. Graves I am a resident of 23 Serotta Ave., Nashua, New Hampshire. Thank you to the Honorable Board of Aldermen and to my fellow Nashua residents for sacrificing your evening for this important cause. As you all know we are gathered here today to support Alderman Ernest Jette's proposed Ordinance to raise the age from 18 to 21 to purchase and possess tobacco products in Nashua. Truthfully, however, we are all here for one basic reason and that reason is that we all want to do what is best for the youth of our City. My name is Mr. Graves and I have been living in the beautiful City of Nashua for 11 years. I am currently a high school freshman and I have been attending an on-line accredited academy for the last four years. I am honored to be here today and I am proud to express my strong support for Alderman Jette's proposal.

I would like to begin with a quote by Franklin D. Roosevelt which states "We cannot always build the future for our youth but we can build our youth for the future". Today, right now, each one of us has the chance to build our youth for a future of happiness and health. The difference that we make today is a difference that could save lives. Two years ago my eldest sibling entered high school bright and enthusiastic student. Slowly he transitioned from "I only tried it once" to "it helps relax me" to finally he had developed an addiction to vaping. Now due to the effects of his vaping, his mental health has suffered greatly and he is no longer able to attend the local high school. Numerous times he told me "you can get anything you want at high school". Raising the age from 18 to 21 for the purchase and possession of tobacco products could prevent brilliant students like my brother from going down the dark road of addiction. It would prevent 18 year old high school students from buying and distributing harmful tobacco products to younger students. As my brother stated, you can get anything at the local high school as long as you are willing to pay the price.

Since the late 1950's, tobacco products have purposefully advertised to children, explaining that it was vital to the survival of their industry. Back in the mid-1970's, Claude Teague, Assistant Chief and RND at RJ Reynolds stated in a paper, "If our company is to survive and prosper over the long-term, we must get our share of the youth market. Thus we need to brand designs to be particularly attractive to the young smoker while ideally at the same time appealing to all smokers". It is in that statement alone that the tobacco industry's true motive becomes apparent. They don't care about the health of our youth as long as they are making billions of dollars each year, they are willing to quite literally sacrifice lives.

According to the American Lung Association every day roughly 2,500 children under the age of 18 will try their first cigarette; 400 of them will transition to becoming regular day smokers and half of them will eventually die from their habit. If this pattern continues and we fail to put precautions in place an estimated 5.6 million of today's youth will ultimately die prematurely from smoking related diseases. Today smoking is the leading cause of preventable death in the United States. Smoking damages both your heart and circulation increasing conditions such as coronary heart disease, heart attack, perfusable vascular disease and cerebral vascular disease. If you smoke you are 50% more likely to have a stroke which can lead to permanent brain damage or even death. Smoking causes 84% of deaths from lung cancer and 83% of deaths from chronic obstructive pulmonary disease.

Furthermore, smoking causes at least 15 different types of cancers. The US Department of Health & Human Services stated that roughly 90% of adult smokers began smoking during their teenage years. A study in 2014 showed that 62% of current smokers in both middle and high school attempted to quit but were unable to do so. It has been proven that people who begin smoking at an earlier age are more likely to develop a severe addiction to nicotine than those who start later in life. Though conventional cigarette smoking has declined over the past few decades, there has been a substantial

increase in the use of electronic cigarettes or electronic nicotine delivery systems. E-cigarettes are devices that electronically deliver nicotine without combustion through a process calling vaping. When they were first imported into the US around 2007, the smoking industry claimed that e-cigarettes were developed as smoking cessation tools. According to the Center for Disease Control and Prevention, 20.8% of high school students reporting using e-cigarettes and 4.9% of middle school students reported the same, making e-cigarettes the most popular method of tobacco use for youth in the United States.

Unlike traditional cigarettes, e-cigarette marketing is not restricted, thus they are being advertised on television, in magazines, at concert events and music festivals and sporting events and kids are noticing. Since the kickoff of the e-cigarette market in the US, the tobacco industry has bought out several e-cigarette brands and promoted them as safer alternatives to smoking and introducing appealing flavors to attract youth. Honestly, we don't know the long-term effects of vaping. But a study conducted by the University of California San Francisco Center for Tobacco Control Research & Education linked adolescence use of e-cigarettes to higher odds of progressing from experimental to established use of combustible cigarettes.

So what might I ask happened to the tobacco's industry's claim that e-cigarettes would help quit smoking? I would like you all to remember that the City of Nashua has the second biggest population in New Hampshire, with roughly 88,000 residents. Is it not our duty to set an example as a major City in New Hampshire? Today we have a chance to set the bar high and join other communities like Dover, Keene and Newmarket, who have already made changes with regards to smoking. If the second biggest in New Hampshire can raise the age from 18 to 21 to purchase, use and possess tobacco products, who is stopping the rest of the State from following? It isn't just what we do for our City that counts. It is the example that we set for other cities that truly matter. The opportunity that we have for our City today is a step towards making all of New Hampshire a better State for our youth. If we can save even one life from passing this Bill is it not worth it? I'm not standing here today to throw statistics at you. I'm here today because we have a chance to save lives and there is nothing more important than the health and the future of our youth. Thank you and good night.

Chairman Caron

Thank you. Next, come on up.

Ms. Arunkumar My name is Avika Arunkumar I am a resident of 19 Preserve Drive in Londonderry. You may ask why I am speaking to the Board of Aldermen when I am from Londonderry. As you all know, Nashua has been and still is a major City in New Hampshire. If this Ordinance is passed in the City of Nashua, I predict that there would be a domino effect in nearby suburbs and maybe even spread northwards throughout New Hampshire. If Nashua sets the precedent of increasing the age when one is permitted to purchase tobacco products I feel that we, as the State of New Hampshire, can save the lives of so many teens and adolescent's plagued by this problem.

This Ordinance could provide momentum for a State Bill for the increase in the legal age of tobacco use. Before I begin I would like to share a small anecdote relating to this issue that I experienced in my freshman year of high school. In Londonderry all high school freshmen are required to be enrolled in and complete a freshman science course. One day in that class we took a short hike to a pond on our campus in order to conduct an experiment relating to ecology. While at the pond a group of students brought out an e-cigarette, inserted a nicotine pod and started to vape with the e-cigarette. I was absolutely shocked to see some peers putting toxic and addictive substances into their bodies. These are the very people I had known and they lost an innocent part of themselves at the young age of 15. I then decided to ask them why they had started using the tobacco products, just out of genuine interest and concern. They replied with "I just like the way it makes me feel and everyone else is doing besides it is not as harmful as others smoking cigarettes".

I expected to hear the first reply but the second one completely shocked me. I was taken aback when I heard that my own peers had the notion that e-cigarettes or menthol cigarettes were much less harmful than cigarettes.

Though e-cigarettes are marketed by the tobacco industry as less harmful and addictive than e-cigarettes that is not the whole story. Just like regular cigarettes e-cigarettes also contain nicotine. Nicotine is proven to be one of, if not the most addictive of drugs available either legally or illegally. It is compared to cocaine and heroin. I would just like to take a moment to explain the neurobiology behind the effects of nicotine as that can truly show how harmful nicotine can be for those whose centers of cognition, planning and decision-making are still developing.

Nicotine is a substance which easily enters the bloodstream no matter the method of ingestion, smoking, chewing, sniffing or etc. Nicotine effects the relationship between a neurotransmitter by the name of acetylcholine and its receptors and neurons. Acetylcholine is responsible for maintaining heart rate, breathing, memory and muscle movement so one can imagine how detrimental damage to this system can be. Nicotine has a molecular structure similar to acetylcholine so it can take the place of acetylcholine in its receptors. Repeated use of tobacco products leads the neurons to think that there is an excess of acetylcholine which causes the number of acetylcholine receptors to decrease. This decrease in the receptors is what leads to addiction to nicotine. Withdrawal from nicotine can cause issues such as tremors, trouble sleeping, increased appetite, irritability and lack of alertness.

All of these issues can be harmful for students in school and at home causing them to have a lower quality of life. Additionally nicotine activates the release of the neurotransmitter dopamine, which allows the user of the drug to associate smoking with a sense of pleasure. This causes them to continue using the drug and develop a strong addiction to it. With the knowledge of the neuroscience behind the manner in which one can be addicted to nicotine, I feel that it is completely logical to say that the level of the addiction will increase with longer use. If teens start using nicotine, a drug that has a degree of addictiveness comparable to illegal drugs such as cocaine and heroin, imagine the outcomes they would face on later in life.

I would like to leave you with a quote from the former Prime Minister of the United Kingdom, Benjamin Disraeli. "The youth of a nation are the trustees of posterity". In order to remain true to this maxim and keep the future of our youth in good hands, the Ordinance to increase the legal age of tobacco product purchase must be passed. If we have the chance to save the health of our youth and start a ripple of change throughout the nation, I think we should take it. Thank you and have a great night.

Chairman Caron

Thank you. Ok next please come forward.

Susan Haas Good evening, my name is Susan Haas, I live at 18 Waters Edge Drive, Nashua and I am in Ward 2. I am a passionate community activist for drug and alcohol prevention. I'm an advocate for youth-based leadership training and activities that invest our youth in their community and then further on in life. I have spent 35 years working with youth at all levels and in many situations. Youth need to know what we care, that we will mentor them and that we will make an investment in their lives. When we entice our youth with bubblegum or sweet cherry flavored e-cigarettes what do you think will happen? More likely than not addiction. Bubblegum leads to nicotine; nicotine leads to whatever their next addiction of choice may be and off we go again. We are we kidding? If middle school students can vape in school bathrooms, we are opening pathways that began a half a century ago with warnings on cigarette packages. It's like we are back pedaling. Some states are contemplating a total ban on flavored e-cigarettes along with other flavored tobacco products. Supporters are aiming to make e-cigarettes less alluring to our adolescents. The National Youth Tobacco Survey found that youth vaping surged 78% between 2017 and 2018.

Health officials have said that teen vaping is of great concern because the nicotine in adolescents can disrupt the brain circuits as others have spoken about that control attention, learning and can lead to increased impulsivity and other mood disorders. And finally, studies are showing that middle and high school students are becoming addicted at very high rates to nicotine caused through vaping. We must raise the age of purchase to 21 for vaping purchases and absolutely remove sweet flavored e-cigarettes from being purchased by anyone under the age of 21. I am first a mother, a grandmother, an aunt. And I am committed to help our young people stay straight, sober and enjoy life drug free. I beseech you to vote on behalf of our youth, on behalf of your children, your grandchildren, your nieces, your nephews. Please raise the age of e-cigarettes to 21. Thank you.

Chairman Caron

Thank you Susan. Ok who is next?

Heather Raymond Hi everybody, I'm Heather Raymond, I live at 19 Dunbarton Drive. As many of you know, I am the current president of the Nashua Board of Education. I'm also a mom, I have an almost 11 year old and an almost 9 year old at home. Both of them have friends with older siblings who are vaping. Both of them have seen it and I had to have a conversation with both of my children about the fact that e-cigarettes are not candy that they are, in fact, the same as cigarettes and that they will damage their lungs. They were surprised to hear this because our youth does not understand that the vapor in e-cigarettes is not harmless. I'm not going to go through the statistics and all the medical stuff because we had some really wonderful youth here who explained it much better than I could.

I came prepared with a bunch of statistics but people have already said all of them at this point. To me I think the biggest thing that I want everyone to think about today is the fact that in our schools right now we have youth who are vaping every day. Our Code of Conduct says that if you get caught with an e-cigarette, it's just like getting caught with a regular cigarette and it is a suspension. And I am very concerned about the effect of our discipline and getting caught with these things on some of these kids who don't understand why we have these rules. They don't understand that what they are doing can damage themselves. It is also really hard on our teachers, I mean kids are blowing it down their shirt, they are hiding it in the bathroom, some of them don't have an odor, especially if you are using a JUUL to use marihuana, that doesn't smell. It's not like when I was a kid and things smelled strongly, you know, you could always tell if someone was smoking in the bathroom. But now there is no way for our teachers to know unless a child is careless.

I really strongly feel that if we raise the age, it will keep teenagers from purchasing and sharing with their friends and then their friend's younger siblings. So thank you very much.

Chairman Caron

Thank you Heather. Okay who is next? Come on up.

David Garofalo Hello my name is David Garofalo, 15 Spit Brook Road in Nashua, New Hampshire. I was here last month at the meeting. I heard a lot of misconceptions so I actually went to work to try to gather as much information as I can to set the record straight. Even hearing some misconceptions today but this bill is on raising the smoking age. What I heard is a lot about vape. And I'm not in the vape business, I'm in the cigar business, but this is about all tobacco products and how they are going to effect the people into this City that have put everything they had into this. I own Two Guys Smoke Shop in Nashua, New Hampshire. I opened up about 12 years ago and I became the highest volume cigar retailers in the world and of all places, operating here in Nashua, New Hampshire. And you have a couple of the biggest cigar retailers in the world operating out of this City. What this Bill says is, from what I am hearing, we have a problem with vape, so let's just corral everybody together and say all tobacco products.

So I have some data here with me and in my hand right here is 521 pages of recent information, I'm not going back to the 1970's like I am hearing some of these things talking about. But this is up-to-date information, data that has been received from government funded and government led studies that prove premium cigars are a unique product category and almost exclusively enjoyed by older adults infrequently. They do not have an age problems. Some of the age problem that we are hearing with vape that people are mentioning are the problems of 15 year olds. Well to the 15 year old people there is a law that says 18 is the law and obviously they can't control the 18 year old. I don't how we are going to control a 20 year old when the age becomes 21. May I put this down?

Chairman Caron

Yes please.

Mr. Garofalo In these studies, 521 pages, and again this is not from me, a 34 year old cigar retailer, 34 years in the business, I've sold millions of cigars and I didn't do these studies. It was done by PATH that is the Population Assessment of Tobacco & Health. Also in there is the FDA, the Food & Drug Administration, also the NLM National Longitude Morality Studies and it has been covered and published in the Journal of American Medicine. These studies are over 350,000 Americans and they covered them right up to date over 3 decades. The average age of a cigar smoker is 30 years old, the average amount consumed is 1 cigar every 30 days. 97% of cigar smokers do not consume daily and that is because it is a non-addictive product. It is between 1% and 3% nicotine, when a tomato is 5%, eggplant is 9% and many, many foods have nicotine in them. Nicotine is not the most addictive product there is, it's caffeine. And unless we are going end up stopping every coffee shop consuming coffee, or every soda company that uses caffeine, that is the most consumed, addictive product that there is, not nicotine. Nicotine is in a lot of foods that we eat. There is no significant risk in smoking related diseases found between premium cigars and a non-smoker. And let me say that again, no significant risk in smoking related diseases found between premium cigar smokers and non-smokers. This is what their study says. Cigars are different and should never be included in these other products, these electronic products that are chemical based products. There was a problem with tobacco and now the problem is chemical based products.

But back to the case in hand, raising the age from 18 to 21 in Nashua only. The State of New Hampshire decided not to raise the State Tax and here's some reasons why they decided not to do that. You can make the decision to get married here in New Hampshire at age 16. You can make the decision to get divorced in the State at age 16. You can operate a motor vehicle at age 16. Some people even want to change the voting age to 16 because they feel that a 16 year old can make proper decisions. But right now it is 18, at 18 they can vote, they can also get a credit card, join the military without consent, serve on a jury and choose the fate of another person. At 18 they can change their name if they want; they can donate blood and become an organ donor. They can gamble, play the lottery in the State and at 18 they can adopt a child; you can adopt a child at age 18 but you are saying a 20 year old cannot choose whether to buy a cigar or not at the age of 20. There are some 20 year olds that should not be making decisions, but who are we to choose? Who as a City to choose who and what can make those decisions, certainly it shouldn't be a City that would make that decision.

I know a 20 year old Air Force pilot, his name is John McGuire and I see him once a year when he comes in the store. He comes in to buy a cigar, I tried to get him here to be with me, he has already served a three year tour in the military; he's married and has a child. I wanted him to be here so he could tell his story, his brain is not fully developed, I think he would argue that decision with you and when he comes back from a tour, can he come into our store in Nashua anymore to buy a cigar? That's going to be your decision to make. This is a border town, many struggling brick and mortars cannot afford to lose any customers, even a few 20 year olds like we may have in our cigar shop. And like John, the military pilot. This commitment is overstepping I feel for any City to make this decision, it is an abuse of power and I ask you please do not make this decision.

My heart goes out to any child that chooses to take on smoking and certainly nobody wants that. Maybe there is a parental problem here where a 15 year old is going inside there, but a 20 year old deciding to have a cigar once or twice a year should not be an issue. We are, I am crammed in with this and certainly choose not to lose any customers at all. Thank you.

Chairman Caron

Thank you. Anyone else? Come forward please?

Albee Budnitz My name is Albee Budnitz and I live at 27 Wheaton Drive, Ward 1, Nashua for the last 40 years or so and I am not going to repeat what others have said or what I said a month ago. I do want to address some of the things, actually first what I want to say thank you to all of you guys are elected in here evenings running our City for a second job after your day job. And the second thing I want to say, and that's not just you guys, it is – I have more time now so I've been up at the State Legislature as well and all of you do an amazing job; I could not do it.

I also want to thank these kids who talked tonight. What I am doing now besides talking to legislator types, is I teach at Dartmouth Medical School and University of New England Medical School. We are going to be in good hands so I think we have actually a lot to be optimistic about, especially when you hear stuff like this from freshmen in high school.

Anyway let me just say that nicotine is addictive, all nicotine that we get that is commercially available is made from tobacco products. Nicotine is addictive and commercial products including cigars come from tobacco so it is a tobacco product. It effects the susceptible developing brain more than any other substance and leads to a lifetime of an indelible memory that is left. I won't go into the acetylcholine receptors and all that because you already heard about that and she's totally correct on it. But those receptors, the triggers for those receptors never go away and we've known, and I'm using old data because there's also new data that confirms all of this from Stanford, from Mayo Clinic, from University of Wisconsin. I have pages of references I am happy to supply you that leads to other substances, specifically opioids and alcohol. We don't know necessarily about cannabis or not.

So my thrust is that for the developing brain should not be exposed to nicotine, you know for the 30 year old who wants a cigar once a year, fine. But if you look at the Surgeon General's report from the mid-1980's, a premium cigar, Havana Cigar, maybe I shouldn't say Havana, but they carry a tremendous amount of nicotine. Second Dr. Rosenblum said this well last time, ingesting it as opposed to heating it and inhaling the nicotine effects the brain totally differently and I won't go into the amounts but it's something like 22 kilos eggplant you would need to ingest to get the same amount of nicotine in the brain as one cigarette.

So the data is clear, I think the main thing is we don't want our kids and I think we agree on that actually, addicted to nicotine and to start that and then to be open to other addictions. And again I think I said this last time but if I didn't I'm going to say it again anyways. Not to dis the opioid crisis, it is a crisis, 480 people died in New Hampshire last year of that. But 1,900 people died of tobacco related disease. You don't die at a young age like 25 or 30, you die at an old age but much younger than myself, 40's, 50's or 60's. That's premature death. Tobacco-related disease leads to that, still causing 1,900 deaths in this State; 480,000 deaths in our country. And with that I'll stop, thank you.

Chairman Caron

Thank you, okay anyone else, please come forward.

Eric Kilbane How are you doing, I'm Eric Kilbane, I own Castro's Backroom down here on Main Street at 119. I've been open since 1996 and I just feel like this is a situation we are in a collective type of punishment here. We are putting cigars into, all I've heard about is vape, I don't sell any vape, I don't

really know a whole lot about vape. I'm sure kids are doing it in school, I saw the bag of stuff there. But that's not where we should be involved in getting that, pulled into that realm there, that's not where it is, it is a separate thing altogether. We shouldn't be involved in it, I don't know how the Police are going to enforce it when they go to the next town over, the buy a vape or whatever legally, are they supposed to pull them over or what is going to happen there? You know, it is legal, the Federal Government is not going to do the stings, who is going to do the stings on this stuff? The City of Nashua? Who is going to pay for the stings? What is going to happen with the Master Tobacco Settlement? It is going to down, the State will get less money from the tobacco companies and who is going to pick that up? The tax payers are going to pay all that money that the State is not receiving any longer? I don't know, the age thing is, I mean I know kids 15 years old shouldn't be smoking vape that's good, but nice clean cigar when you are 18? A lot of people come in when they are 18, they come in on Father's Day, they come in on Christmas, they come in on 4th of July. They might buy a cigar or two. As far as the Federal Government is concerned, that's the legal age. That's all I'd like to say about that. Thank you very much.

Chairman Caron

Thank you. Anyone else? Yes?

Michael Watt 5 Briarcliff Drive, Nashua, New Hampshire. Don't worry, I only have one paragraph. Hello, I spoke on this issue last time and if you remember I used the word "win/win situation". Just like what I am hearing from a lot of people it sounds like I keep hearing about the liquid tobacco and devices, is there any wiggle room to make that amended to just be that? It sounds like there is a whole bag full of those but are there bags of cigarettes too? Ok.

Chairman Caron

Thank you. Anyone else. Do you have 5 more pages? That's fine if you'd like to get up and speak once more, you're welcome. You still need to give your name and address please.

Mr. Graves I am a resident of 23 Serotta Ave. I just wanted to say really quickly once again, this is either a choice between money or the health of our youth as I stated in my report that 90% of current adult smokers stated that they started smoking as teenagers. So not only would this save our youth, but this would also help the adults who are smoking and helping their disease as it would to prevent them from smoking. As we said, in my report that 90% start smoking as teenagers, so this Ordinance would stop teenagers from buying and also stop them possibly from growing up with health issues as they grow older. Thank you.

Chairman Caron

Ok last call for Public Comment.

Alderman Jette

Madam Chair I know Chief Lavoie came at our or your invitation and I don't know if you want to wait.

Chairman Caron

I'd rather wait until the Ordinance comes up if you don't mind. Thank you. So Public Comment is over and we will start with interviews. The Mayor is here. Thank you Mayor. We are going to let the Mayor introduce you.

Mayor Donchess

So this is Sandra Pratt who I am appointing to the Cultural Affairs Committee. She can explain her background to you but she is multi-lingual. She has been very involved or tri-lingual, Sandra is tri-lingual, she's been a special ed teacher, she's been an ESL teacher and in the City here she is very involved in reaching out to some of our different ethnic communities and trying to involve them in the City. So she is like a perfect appointment for the Cultural Connections Committee, so I am very pleased to recommend her and appoint her for your consideration tonight.

Chairman Caron

Thank you. Ok Sandra would you like to give us a little feedback as to why you'd like to join the Cultural Connection?

INTERVIEWSCultural Connections Committee

Sandra Pratt (New Appointment)

Term to Expire: March 1, 2022

Sandra Pratt Like the Mayor already say I do a lot of work for the community and this is more like a formal part but I should be able to do other things. I am part of One Greater Nashua as a navigator I work close with immigrants and refugees. I am part also of the Latino Counsel and that's where I work closely with individuals that are newer to the community so they don't know a lot of English. So it is more like in Portuguese or in Spanish. I also start reading at the library to little kids to just reinforce their, you know sometimes they are embarrassed, little kids to say that they speak Portuguese or Spanish. So I am reading every first Thursday at the library for the little kids in Portuguese and Spanish. It is another way to reinforce the value of other cultures and I have been trying this for many years. Get books, since my kids were little, my younger son is 8 years old now and my older son is 14 years old, so it's great that you know I didn't have the opportunity to read to them when they were little kids, but I am an early childhood educator from the heart, you know from the background. So that would be great when they were younger but that was not the case but I am glad to do that right now. I am not now working as an early childhood educator right now but I work for Gateways Community Services. I am a trilingual service coordinator and I am very happy because it is a kind of job that I serve my community and that is what I like to do and enjoy the most is to serve my community. So if you all have questions, I didn't prepare for this, I didn't know what to expect, so I am sorry, but I am here to answer any questions.

Chairman Caron

You did fine, thank you. So anyone from the Committee have any questions.

Alderman Clemons

Thank you I just want to say thank you for coming forward and for volunteering your time to the Cultural Connections Committee. I am reading your resume and I am very impressed. I think you have the perfect amount of experience that somebody would want on that Committee. So again, thank you for your time and for stepping forward for that.

Ms. Pratt Thank you I appreciate it.

Chairman Caron

Anyone else?

Alderwoman Kelly

I just wanted to comment that I appreciate you stepping forward as well. I've seen the work of the Navigators and I am personally so very proud of the immigrant population and the diversity that I get to live in and my daughter gets to live in and I know you will be a great asset to the committee so thank you for stepping forward

Ms. Pratt Thank you.

Alderman Lopez

Yeah I am familiar with Sandra with her work through the Learning Center, with the work with the One Greater Nashua Cultural Navigators. I was just curious, do you have any opinions on immigration ceremonies here in Nashua. I know at one point I was trying to get one at the 4th of July Celebration so that people could swear their Oath of Citizenship in front of their friends and families instead of having to be shuttled off to Portsmouth and hitch a ride back and all that kind of stuff.

Ms. Pratt I think that's a great idea and I think it would be the option of the person because some of them would like to step up to go to Concord and I think they do have the option to do like right at the office. We had like a meeting last week with one of the officers from immigration, I think if I'm not wrong, Manchester. So it is an option but I think we should you know say their names and I don't know the word right now I am just a little bit nervous to be here.

Alderman Lopez

Welcome them?

Ms. Pratt Not really welcome them but well anyway to have a list of the names of all the citizens that became you know citizens of the United States, recognized. That's the word, recognize them and talk about them and you know I think that would be nice at our multi-cultural festival or any other occasion would be great. But it is more up to the person to go up to Concord or not or to be more formal or not.

Alderman Lopez

Thanks for the answer you did a great job.

Chairman Caron

Anyone else? Ok thank you Sandra for staying because I know you are upstairs in the Citizen's Academy.

Ms. Pratt Yes.

Chairman Caron

We will vote on you later on and then you would come to the next Board Meeting to get sworn in if you are approved, so you don't have to wait until the end of the meeting. Thank you. You can go back to your Academy.

Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment)

Term to Expire: March 1, 2022

Ms. Pratt Go back to the Academy. Thank you very much.

Chairman Caron

Mayor is Lisa Hardy here?

Mayor Donchess

I don't think Lisa is here. I nominated her to the Mine Falls Advisory Committee, but I don't think she is here for you to interview.

Chairman Caron

Ok so then we will postpone Lisa's nomination until our May meeting if that is ok with everyone.

Mayor Donchess

Now Madam Chair, I am also here on O-19-040 but I'm also trying to attend the Citizen's Academy upstairs as much as I can so if you wouldn't mind I would leave and then come back for that discussion.

Chairman Caron

Yes that's fine, it'll be awhile.

Mayor Donchess

Alright, thank you very much.

Chairman Caron

You're welcome.

COMMUNICATIONS

From: Andrew J. Lavoie, Chief of Police

Re: Resolution R-19-120

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

From: Tim Cummings, Director of Economic Development

Re: Communication Providing Additional Details as Requested on O-18-030

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

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

APPOINTMENTS BY THE MAYOR

MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF SANDRA PRATT, 24 GINGRAS DRIVE, NASHUA, TO THE CULTURAL CONNECTIONS COMMITTEE FOR A TERM TO EXPIRE MARCH 1, 2022.

MOTION CARRIED

Chairman Caron

We will hold Lisa Hardy to our May meeting. Thank you.

UNFINISHED BUSINESS – RESOLUTIONS**R-18-073, Amended**

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

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

- Re-Referred to Committee – 3/12/2019

MOTION BY ALDERMAN CLEMONS TO AMEND R-18-073 IN ITS ENTIRETY BY REPLACING IT WITH THE PROPOSED AMENDMENTS PLACED ON OUR DESKS THIS EVENING

ON THE QUESTION

Alderman Clemons

Thank you. So the amendment that was placed on your desk tonight and we got in our packets on Friday basically brings this proposal back to the way we used to fill vacancies prior to 2006. In short what that does is essentially allows the Board of Aldermen, or any Board in the City, to fill a vacancy by electing a person amongst, for example the Board of Aldermen amongst the members remaining and have that person fill out the term until the next regularly scheduled municipal election. So what that effectively does is make sure that no one is every being appointed for more than a 2 year period and in most cases it would be less than that.

So that way you know I think it balances the compromise of we want to make sure that the people's voices are being heard in the sense that we want to give them the democratic vote of electing their representative. But on the other hand, it fills the expediency of we need them to be represented in the meantime without incurring a \$30,000.00 per election cost. So I think it balances that. Nothing in this prevents the person who is appointed from running for office at that next election. I think we tried the experiment of the special elections originally back in 2006. I actually came before the Board of Aldermen and spoke in favor of that, but I think you know as time has gone on, the costs of elections have increased a lot and I think it is not always the most effective or best way to fill a vacancy. I think we are better served by waiting until we have an election scheduled to add that position to the ballot and then fill the vacancy from there. So that is what this amendment would do.

Alderman Kelly

Thank you, forgive me if this is the wrong way of addressing this. I know there is a motion on the floor. I would like to table it. I feel like we got quite a bit of revisions, even just today. I don't feel like I have had the time to look at this, this is a really important issue and I want to read through it all and have some discussions before I need to vote on it.

Chairman Caron

I think that this is time-sensitive; either Counsel Bolton could you answer that.

Steven Bolton, Corporation Counsel

We don't have unlimited time. I don't know that if tabling it for a month is going to prevent us from being able to get it on the ballot. But we are not going to be able to expend a lot more time if that is done. And there may be other things that cause delay down the road. This still has to be submitted to the State Attorney General, Commissioner of the Department of Revenue Administration and the Secretary of State for their review. But I don't want to hurry anybody, if you need to table it, you need to table it.

Alderman Kelly

If I could just respond. I'm with you, I understand that, I don't want to belabor things either, but I also feel like the Ordinance has changed quite drastically in the last week and even today. Maybe it hasn't?

Attorney Bolton

It has had a number of iterations as I've either made mistakes in writing it or I've had other things pointed out to me that I hadn't considered. So I think the intention has remained the same but we tried to bring more clarity to it.

Alderman Kelly

I feel less clear but thank you.

Alderman Lopez

I was going to say that my recollection was that the City Clerk said that we really needed to have this voted on by the full Board in whatever form by June in order to get it to the State in time for it to be on in November, that's my recollection. So the City Clerk is probably writing this down right now and will correct me if I'm wrong. But I believe that we should be very, very careful with this. I didn't necessarily have a problem with the original iteration of it so I would suggest that the biggest hang up in this entire process with respect to the scheduling of the Board and this Committee, is this Committee, it only meets once a month so if it is possible to maybe refer it back to the Board of Aldermen with this amendment along with it, rather than just tabling it again. We don't have to imbed the delay, we could just take this up with full Board and everyone can sit down and like commit to reading ahead of time, talking it out when we actually have the Board. Like typically we try to do the work in Committees, but I would say I agree with Alderman Kelly's concerns and Attorney Bolton's observation that there have been several recent reiterations. The public should have a chance to look at it, so I'm not sure we should immediately send it back to the Board with the recommendation if even our fellow Aldermen haven't seen this going on. If it going to end up there anyway why not just re-refer it to the Board and try to figure it out there.

Chairman Caron

Ok before I call on you Alderman Laws, Ms. Piecuch, could you come forward and maybe kind of give us the schedule between you and counselor, just to make sure. Thank you.

Patricia Piecuch, City Clerk

Good evening, for the record my name is Patricia Piecuch and I am the City Clerk. So I had done up a timeline relative to the amendment and when it needs to go back to the Board. You've got to remember the Board of Aldermen only meet once in the month of July and once in the month of August as well. So in looking at the final report, because say again like Corporation Counsel said, once the Board approves this it is going to need to have another Public Hearing. So you have the 7 days for that Public Hearing and then when the Board reports it out, they have within 10 days to file a report with me, 7 days for day, and then I have 10 days to get it to the State. The State then has within 14 days has to acknowledge that they've received it and then they have a 45 day window in which to get back to us as to whether or not there is any, whether it conflicts with any other State laws. And that is the three different state agencies as Corporation Counsel mentioned. So if we look at the final report coming out at the June 25th Board of Aldermen meeting, that is going to put you into the month of August for that coming back to us. The June 25th meeting will be at the end of August so either way a Special Board Meeting would have to be held but if we go any later than the middle of June, if we push into July then we are really pushing it because we are now into the September election and you are really pushing it close as far as the getting everything ready for the ballot and everything.

Chairman Caron

If this Committee met, let's say we had another meeting before our May meeting, would that be helpful to you, say we had a meeting in-between the April Board of Aldermen meeting would that help you, would that help?

Ms. Piecuch

It would be again, as long it gets reported out by sometime in June we are all set. It depends on what this Committee decides to do and discussion held in the committee.

Alderman Laws

Thank you Madam Chair. First of all I support what Alderman Lopez said, I think since it is so time sensitive I have no problem with it going to the full Board so we can discuss it. But I just had a question about, let's pretend that we need to fill a vacancy, 7 people on the Board want Ben Clemons, 7 people on the Board want Fred Teeboom. How do we nominate and how do we break that tie?

Attorney Bolton

You keep voting until somebody gets a majority.

Alderman Laws

Ok thank you.

Alderwoman Kelly

If I could ask a question to the City Clerk. The way you explained the process, we would have to have another public hearing after we vote? Is that, I want to make sure I understood.

Ms. Piecuch

If I'm not mistaken because of the changes that are involved with this amendment, I think last time Corporation Counsel did suggest that we have another public hearing on it.

Attorney Bolton

I think the changes are material enough that you should, then it is clear.

Alderman Kelly

So to clarify you are saying we wouldn't need that public hearing? I was just confused by having a public hearing after we have already made the vote?

Attorney Bolton

No I said that the changes are material enough that we should have another public hearing to make it clear that we have complied with that requirement.

Alderman Kelly

Why wouldn't we have the public hearing before we took the vote? I mean if people come in and all say we are against it we don't have another vote scheduled?

Attorney Bolton

You have the public hearing before the final vote and report to the City Clerk.

Alderman Kelly

Ok so I misunderstood. I understood it the other way around. Thank you.

Alderman Clemons

Thank you. Yeah I don't have a problem I guess either way either advancing this to the Board of Aldermen as amended if we were to make this amendment tonight or if we were to have a special meeting of this Committee sometime later this month I would also support doing that, probably before the second meeting so that we could get it out to the last meeting of the Board of Aldermen in April. I wouldn't have any objection to that either. But you know I do understand the time sensitivity of this and really you know there will be, I mean I guess I get the you know we don't want to, we want to look at this and know if this is something that we want to do. But I know the language isn't straight forward but the way that it works is pretty straight forward. It is a compromise hybrid between the last iteration of this and the only I guess issue if you will or anything would be a tie vote as Alderman Laws has brought up.

But maybe Counselor Bolton can enlighten us, have you ever seen that happen in all of your time at the City when there was a vacancy prior to the way that the Charter reads now?

Attorney Bolton

A tie vote you mean?

Alderman Clemons

Yes.

Attorney Bolton

No I've seen a situation where 3 people are nominated and on the first ballot no one gets a majority. Typically what you see happen is the person who was in third place bows out either formally or people see the way the wind is blowing and then of the remaining two somebody gets a majority is more often the case. But I would say in the last 30 years we have had 3, 4, 5, 6, maybe 7 of these situations before the Charter got changed. So it doesn't happen all the time. But it is not unusual for it to come up every year or two.

Alderman Lopez

So there are two things I kind of want to see happen. I want to see us discuss it as a Board and actually make some decisions on it. But I also want to make sure we enact the public meeting. So this question is for Attorney Bolton. In order to do that, we actually do have to recommend it for final passage this meeting is that correct or is that something that can just be scheduled?

Attorney Bolton

We have time, we have until June to send it along. I think this complies with the law but the legislator has a reason they want us to send it to the AG, the Secretary of State and the Commission of DRA. If one of them comes back and says – You have to change it and you have to change it significantly, then we will probably run into an inability to get something that would pass muster on the ballot because we wouldn't have enough time to go back up there for 45 days on a further amended version. But right now you've got time, my caution is that you don't have unlimited time. Anyway that is sort of what the issue is. We started working on this thing sometime back and a lot of time has gone by. There has been a desire to either change it or make it more comprehensive and clear and so we are still analyzing how best to do that. I guess that is what you are doing. But time has gone by and at some point it will become urgent and at some point we may be waiting for another two years if we end up not getting it on the ballot for this year's municipal election.

Alderman Lopez

So to Alderman Kelly's point we just received this as of Attorney Bolton pointed out, it has been difficult to even get it written because of all the changes that are being in the last minute. And my experience with the State is that if they have a maximum window, then that is their bottom like – if they say they have to do it within 14 days what they mean internally is that they have to do it within 13.5. That's when you can expect them to move. So I just want to be conservative with our time because we don't know if they are going to send it back or if other issues will come up. But I am inclined to table it based on what I am hearing just to give us a little bit more time to read it.

Alderman Dowd

A couple things, one I did get a chance to read all the iterations and send a couple notes back to Corporation Counsel. But I am fully comfortable with the final version and most of the changes in these iterations were relatively minor and didn't change the context of the ultimate legislation. I know that the way the legislation is written now is the way that has worked in the past. I was elected by the Board of Education to fill one of their vacancies off of the Zoning Board so I think it worked. I ended up being on the Board of Education for 10 years. It really concerns me, we say we have a lot of time, anytime you send something to Concord, you are in trouble. And if we don't get it through the full Board, you have another meeting and there's another change and then you have to have another public hearing. I would rather go to the full Board, get it ironed out, make sure we are comfortable with it and you know, get it on its way. Because I am very, very concerned that if we don't do this expeditiously that we will end up missing the window and going another two years. And heaven knows how many special

elections we might have. I think it is worthwhile to send it back to the full Board. They referred it here, some of the changes were made, legislation appears to be in pretty good shape at this point. You'd have time to review it before the full Board of Aldermen meeting and then if there is any discussion we can bring it up at the full Board meeting. Hopefully there would be no major changes, because if there is, now you go back to the public hearing and every time you do that, your window is closing.

Alderman Clemons

Thank you. Yes I as I am listening to everybody discuss, I have every confidence in the world in Attorney Bolton and him writing this and it meaning what is described here. So in that regard you are either for or against that. Not to say that there couldn't be anything that is hidden or whatever. But I think there is enough time between now and next Tuesday to advance this and if there are any significant errors or whatever, we can address them at the Full Board of Aldermen but essentially you either like this or you don't. So to me, it is a matter of is this how we want to fill a vacancy for this Board and other Boards or do we want something else. Obviously my opinion is that this is the better way to do it. So I guess I would encourage us to move this forward and then that way we will be able to schedule a public hearing where people can come and tell us if they like this change or not.

Alderman Jette

I support Alderman Kelly on this. I've been watching the, you know with all due respect to Attorney Bolton and Alderman Clemons' confidence in his drafting ability, he's struggled with this. So this is the third iteration, he thinks he's got it right, but I would like, I mean I'm a lawyer and I'm having trouble reading this. It is not easy to read, it is complicated. And you know I think Madam Chairman you suggested that you have a special meeting of the committee that would move things along. This work is supposed to be done in the committee and if you send it to the full Board of Aldermen as is, you know the rest of us are going to struggle just like you are struggling and what if they send it back to you? Why not do the work, why not make sure that you are comfortable with it? That this committee is comfortable with it and then can recommend it to the full Board of Aldermen with confidence.

I had if I may while the City Clerk is here, I had thought I fully support changing the way things are done now. The special election, because of the turnout, because of the expense, because of the time that our volunteer Ward workers spend on this thing, it's not working the way it is now. I think this change is a good change, but I also value the voters ability to give their input and I thought about rather than waiting for the next municipal election, whether or not we could accomplish avoiding the special election, accomplish the same thing but make it the next regularly scheduled municipal or State election. So it would be just a year that you would have an appointed member serving before an election. Attorney Bolton pointed out to me that there may be some problems with that and I have communicated with the City Clerk and she's indicated "yes" there could be some problems and while she is here, I'd like to give her a chance to talk about what those problems might be so that my idea you might say it's not workable and not worth pursuing.

Chairman Caron

Ok does anyone else have a comment and then I'll let City Clerk Piecuch speak on that question about having a local election during State elections or primaries? Anyone? No?

Alderman Lopez

I love the idea of just scratching off one of the additions here, at least figure out what won't work.

Ms. Piecuch

Alright, so you are correct I did talk with Alderman Jette today and everything like that. So let's talk Presidential Primary. That is an election that we never know when the Secretary of State will declare that. They need at least a 45 day window to meet with the deadline and everything like that but we are first in the nation that would be very difficult to do. But that's also a party primary which now brings me into the September primaries. If we were to do a September State Primary we have to remember that State Elections are Party Elections. City Elections are non-partisan. So as a voter goes into the polling location they do not need to declare themselves either Republican or Democrat in order to be able to cast a ballot. So you are going to have those extra complications there, where you would have to have additional ballot inspectors, you would have to have a second set of checklists. Because if somebody does not want to declare themselves and take a State ballot, we need to have that, because again we need to do the history of both voters. So and again there are still going to be those additional costs of printing of the ballots, the coding of the machines and the absentees and stuff like that. So now the extra postage for absentees, so we will have those additional costs as well besides like I said the scanning of the two elections.

Depending on what type of election, so if we look now to State General, whether it is a State General election or a Presidential General Election, I have a feeling this Board would not want to have a Presidential General Election at the same time as we are having a Special City Election because again we would be looking at maintaining two separate checklists. Due to the fact that again in November of 2018 we did that, we gave every voter two ballots but some voters didn't take their ballots and/or the checklists weren't marked properly. So our we, our election officials need to mark on the check list State Ballot or City Ballot. And some of our voters as well, what we call our UACAVA voters, which are the Uniformed Overseas Citizens Absentee Voting Act that respond to it. There is a 45 day window and in order when we are doing a State election in order to get those ballots out. Due to the fact that our filing period currently is no earlier than 40 days or no later than 30 days prior to an election that causes the additional again second mailing of absentee ballots and that's why again, maintaining that second checklist. And there is still a cost involved, you still have to print the ballots and if it is a Presidential election, you are going to be paying a much higher cost for the ballots. I will state that for the November 2018 election just in the printing of the ballots alone it was \$9,200.00 just for those ballots. That's not including the shipping of the ballots, which was another \$444.00 the coding of the ballots and everything like that. So if it is tied in, you still will have those additional expenses. So those are some of the challenges that we would face.

Alderman Lopez

Two things to clarify, the November ones; those are the ones that got stuck in the machines right?

Ms. Piecuch

That is correct.

Alderman Lopez

So that wasn't awesome. Then as an object example there's a lot of Democratic Presidential Candidates so if we had a municipal election like would they just be on the same ballot, they get squeezed in at the bottom or something?

Ms. Piecuch

Unfortunately Alderman we cannot put our City Ballot on the State Ballot. The City Ballot would have to be a separate ballot and would have to be a separate color, it cannot be the same.

Alderman Lopez

So we'd have to have a whole sheet of paper with two people on it.

Ms. Piecuch

Correct.

Alderman Jette

Just like the recent election.

Alderwoman Kelly

So excuse me if I missed it, but I wanted to know if you would have additional personnel because there is such a difference in a State versus a municipal election.

Ms. Piecuch

That is correct, and when you hire the ballot inspectors you have to have an even amount, so it would be an additional 4 ballot inspectors, so we are looking at a cost of up to \$3,600.00 for those ballot inspectors.

Alderman Dowd

Two things, the whole purpose of this, or one of the major purposes of this is to save money. It is going to cost additional monies if we try to tie it with a State or Presidential election so I'd be totally opposed to that. The other thing is the poll workers and the City Clerk have enough to do in those two big elections and not be concerned with a City election at the same time. I think it would be too confusing, it may add concerns in the election results. So I think this is the way we go, my opinion, I'm not on this Committee, but I would be totally opposed to tying it with a State or major election.

Alderman Laws

That's exactly what I was going to say. I think the entire point of this is to make it cheaper and more efficient and it does neither of those things and I think anybody who makes your job any more difficult should fight me in the street.

Alderwoman Kelly

So the question that I had as I read through this, if we have, so I am just going to use an example because it is easier for me to explain it. If we have an at-large person who comes in one year in and they are the ones that are up due. Then we have four at-large people that people would be picking? Do you think that would be confusing to voters. Do you follow what I'm saying? So if they are put on the next municipal election and there are 3 that are up but they are not one of the 3 that are up, there would be 4 that people would be choosing?

Attorney Bolton

There would be two separate elections. One would be vote for any 3 for the 4-year term and the other one would be vote for any 1 for essentially 2 years and 2 months.

Alderman Kelly

So it would be separated out.

Alderman Jette

But it would be on the same ballot?

Attorney Bolton

Yes she'd only have to print one ballot. Vote for the Mayor, vote for any 1. Alderman-at-Large vote for any 3. Alderman-at-Large again, vote for any 1. Board of Education vote for any 5. And you'd go down like that, all on one ballot.

Chairman Caron

So I have to agree with Alderman Kelly and Alderman Jette. Committees are here to weed out the legislation to talk about it, to talk about amendments, how they can do it. If we take this and send it back to the Board, I think there is going to be a lot of talk and questions asked, do we do this, do we do that and this could end up being sent back. I don't have a problem with tabling it and if the Committee members were in agreement, you know, I'm looking that we could do a meeting like on the 15th in two weeks and then it would go to the final Board Meeting in April and then if it had to come back it would come back on May 1st and Corporation Counsel, the public hearing it is usually at a Committee level, it isn't always at a Board meeting.

Attorney Bolton

You can do it either way.

Chairman Caron

So we could probably, you know if there was nothing there, we could probably do it as part of a main meeting.

Alderman Dowd

We have a Budget Meeting that evening so it couldn't be in this chamber.

Chairman Caron

What time.

Alderman Kelly

7.

Alderman Dowd

And by the way it is the Police Department.

Alderman Kelly

Could we do it at 6:00 if this is the only...

Alderman Lopez

If anyone will get us out on time it's the Police.

Alderman Dowd

As long as you end at 7.

Chairman Caron

Well if it is the only piece of legislation I would think we could get it done within...

Alderman Dowd

Or you could do it in 208.

Chairman Caron

We could but I mean if we have enough of our Committee that is available for 6:00 or 6:15 I think we could certainly get it done in time. So that would be my suggestion but the Committee – this is a Committee so you vote.

Alderman Clemons

I don't mind meeting earlier I can make that work. I do mind holding it simultaneously because I'm on the Budget Committee as well. So I'd like to be there and there. But the same day, different times that would work for me. I think it strikes a balance of giving people enough time to read this and get it to the full Board in a good amount of time that we could then schedule a public hearing and get this out the door. So I would go along with holding that so long as we were going to do a special meeting.

Attorney Bolton

Yes if I may make a suggestion. If you are looking this over and you see where there appears to be a flaw or something you don't understand, it might be wise and make your meeting on the 15th more efficient if you contact me in advance. And if I agree with you I might be able to do some revised version prior to the meeting or I might be able to explain why what you are interpreting is not really what it says. But just a suggestion.

Chairman Caron

Ok thank you.

Alderman Kelly

I don't want to speak anymore, everyone has said what I wanted to say.

Alderman Lopez

Should we attach this to the meeting minutes so that it is a record of what it is talking about?

Chairman Caron

We could have Sue send us a whole new copy for that special meeting of the amendment. Ok so your motion was to...

Alderman Kelly

To table until, do I say to table until we have our special meeting on April 15th?

MOTION BY ALDERWOMAN KELLY TO TABLE R-18-073 UNTIL APRIL 15th 2019
MOTION CARRIED

Chairman Caron

OK so we will plan to have a special meeting on April 15th at around 6:00 / 6:15 to discuss the Resolution, R-18-073 only and we will have Ms. Lovering send us the amendment that was put on our desk today. All set?

UNFINISHED BUSINESS – ORDINANCES

O-18-030

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

INCREASING FEES FOR LEASED CITY PARKING SPACES

- Re-Deferred to Committee – 3/12/2019

MOTION BY ALDERMAN LOPEZ TO RECOMMEND INDEFINITE POSTPONEMENT OF O-18-030

ON THE QUESTION

Alderman Lopez

I don't think it is going to end the world if we did at some point raise the lease parking, but I do think we clearly need a plan for what we are going to do in the parking garages, for the lease spaces, what we are going to do for the metered spaces. What we are going to do for the spaces around it, because that's half of our conversation was more about things that weren't what we were trying to change than we were. And I think the justification for raising it just because they do have places which have completely different like economic scenarios going on and different dynamics, it doesn't make sense unless we have a clear purpose for it. So I would like to indefinitely postpone it and if it ever came back I would like to see a specific like – We would like to pay for a parking garage attendant or We plan to use this for a special revenue fund to keep maintenance on the parking garages up-to-date. Or like a specific reason to do this other than we could get more money on it.

Alderman Laws

I agree with that and I am the one that sponsored this and I completely agree with what Alderman Lopez is saying. I think there might be a time in the near future, especially when the Performing Arts Center opens when we might need to re-open this and look at setting aside a special fund for a parking lot attendant or something like that. This is a conversation I had with Economic Development and the Downtown Improvements Committee several months ago, last year some time. And I really don't care either way whether or not we do it and I haven't heard any compelling arguments to support it so I got no problem tabling it indefinitely.

Alderman Clemons

Yeah I was actually asked a bunch of questions and we did get a communication tonight from Director Cummings about I guess answers to my questions but I was really disappointed in what I got. One of the things we received was a copy of the 2006 garage reports which we took care of those problems in 2010 with a bond I believe for both parking garages; so it wasn't relevant. The other problem that I had was I asked for a list of, you know I asked for outreach to see who you know who was spoken to as far as what businesses lease there, who are the residential folks who lease there. And the outreach that was done or was given back to me was and as the communication states that we received was well there was articles in the telegraph. And the way I look at these things is when you are going to raise a fee on somebody, you better know what you are doing and why you are doing it. And to get a report back from 2006 of issues that were fixed in 2010 and to say that the outreach was from or was done through the newspaper is to me unacceptable. And I can't justify raising parking fees for the sake of raising parking fees because other cities charge more than we do. The way that I look at; then that makes us more competitive. So I agree with Alderman Lopez and Alderman Laws about this. I think there needs to be a lot more research done, a lot more outreach has to happen and we really need to understand what raising those fees is going to do the lessees but also what the benefit would be if we were to do that for them, you know, if we were to do that to them, what benefit would they get out of it. And if it was a parking lot attendant, then it might be worth it, but I don't know, because I didn't get any of the answers that I asked for. So I certainly support indefinite postponement.

Chairman Caron

Ok you heard the motion to indefinitely postpone O-18-030. Anymore comments?

MOTION CARRIEDNEW BUSINESS – RESOLUTIONS**R-19-120**

Endorsers: Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderman June M. Caron
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Ben Clemons

CHANGING THE NAME OF PANTHER DRIVE TO OFFICER JAMES ROCHE DRIVE**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONAlderman Wilshire

Thank you. I support this Resolution. I was approached by John Yursak from the Police Department asking if we could change Panther Drive to James Roche Drive. As the Chief said the Police Department is the only address so this would affect no one except the Police Department and they are the ones requesting it. So I think it is a good piece of legislation and I hope that you all support it?

Alderman Dowd

I concur.

Chairman Caron

I think we all do and Chief it was nice that they brought this forward and we certainly look forward to the change in name.

MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-19-040

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

ESTABLISHING AN ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR POSITION

MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Caron

Mayor you came just in time.

Alderman Lopez

It's like he was watching.

Mayor Donchess

I was watching.

Chairman Caron

Were you hiding? Oh you were watching. Thank you.

Mayor Donchess

I was upstairs too.

Chairman Caron

We will give you the floor so that you can give us a little history about this particular Ordinance if you would please. I think everyone has a copy of the job description that I did ask Ms. Lovering to provide for the Committee?

Mayor Donchess

Alright, well thank you Madam Chair. So when the City was reorganized to run more efficiently during Maurice Arel's administration, the Administrative Services Director position was created to manage many of the internal City Departments; personnel, assessing, IT even though there really wasn't IT at the time, City Clerk and other things. Since that time IT was added. The first Administrative Services Director was someone Madam Chair that I'm sure you know and remember, probably others as well, was Russ Marcoux and he was there during Mayor Arel's time, during my term and into Wagner's time. Then after he went to another job, additional people may served in the interim, I wasn't watching that carefully, but the position continued through Wagner, through Davidson, through Streeter so it brought us up to the 2008/2009 timeframe. The last person who had the job was Maureen Lemieux who was a very capable City Administrator; formally a member of the Board of Aldermen and later went on to the CFO I believe for, she's got a big position with the City of Newton but I believe it is CFO. She still lives in Nashua. But Mayor Lozeau wanted to I think undertake many of those duties herself and she saw the need for CityStat so she asked the Board of Aldermen to approve a change that would substitute the position of CityStat for the Administrative Services Director and the Board of Aldermen approved that and CityStat existed for several years but later was phased out.

But the Administrative Services position was not recreated. All of the Administrative Services responsibilities were assigned to the CFO. So at the time the Administrative Services position was phased out, the CFO got everything; Personnel, Assessing, IT, City Clerk, Purchasing, Risk, all the internal departments here, basically all the internal departments here. Now the CFO traditionally and I think by expertise is principally a financially officer, I mean that is his principal job is to oversee the finances of the City and manage the financial team, work on the budget, do budget analysis. Also supervise the work of the annual audit, prepare and work with the auditors, prepare the so-called CAFA the annual Financial Report that is done. As a result, because of expertise and just because of time, I think that his focus rightly remained on the financial side of the City where his principal expertise and responsibilities are and I really believe that in hindsight it was a mistake to eliminate the Administrative Services Position. I've really always thought that but there was no particular crying need for that or it didn't seem as much. Then we did the revaluation and you all know the history of that. We had KRT do the revaluation. As a result of some of the comments that were made concerning the ... and because we went outside to do that because we were concerned and I recommended it to you and you approved it, we were concerned that even though it cost money to bring KRT in, we were concerned that because of the changes we could see in the residential market and that housing had gone up so much that the responsibility of handling that and explaining it to everyone involved may have been beyond the Chief Assessor.

So we went to KRT and they executed the revaluation but as a result of the follow up comments and as a result of some of their observations during their revaluation regarding the complication of the systems that they found here, and the unnecessary complication in terms of the background software and everything that allowed them to execute the revaluation. As a result of their observations as well, I asked CFO Griffin and Chief of Staff Kim Kleiner to do an audit of the Assessing Department. You have received, of course, their report in writing. And they made a number of recommendations, one of those recommendations is that we actually do, for the first time since 1991, that we do a full measure and list, meaning actually inspect or at least to inspect all properties in the City. That has not been done since 1991. When I say offer, the reason I say offer is that no homeowner, no property owner is required to let an assessor in. So this would be voluntary but still this has not been done since 1991 when I was actually Mayor before Madam Chair and you were over at the Recreation Department.

So they recommended that we do a full measure and list, they recommended that we re-institute, that there was a lack of coordination among some of the internal functions in City Hall that should be working more carefully together; IT, GIS, Assessing. And that the Administrative Services Position be recreated to manage these departments as well as some of the others in City Hall in a way to improve the operations of Assessing. The recommendation was also that the Chief Assessor position be eliminated and the reason in part that we did that is that I actually think that the Department will be run more effectively without that position because what we need is management expertise there. If we need to bring in assessing expertise, we can do that through a contract with a provider such as KRT. But if the Board of Aldermen thought you wanted a Chief Assessor, I mean you could put that in the budget and we could search. The last time we did search we had only one applicant and that was it, so there was no choice. But I think that's a decision kind of down the road if you wanted to look at that.

But I can say that since we have been examining the Assessing Department in far more detail after the audit was completed we have seen how definitely the assessing function can be improved. For example there are tables which are behind kind of the results that some of the, that arise during a revaluation and they have discovered and we have discovered in working closely with the people that are in the Assessing Department that the tables are managed by a confusing interplay of software systems that really should be simplified. There definitely should be corrections but things that can only be done in the context of a full measure and list. One of the things that should be done is to remove the unnecessary, the effective year build as such a predominant factor in the determination of value that condition should be the leading determination of value not the effective year build. A very confusing factor that people have a hard time understanding and which is difficult to really implement in a consistent way.

So in any event as we are getting more deeply into the Assessing function, definitely the function can be improved. The Administrative Services Director can undertake to do that. But in addition we need the Administrative Services Director because we can make improvements in operations in other areas as well; IT, Purchasing, in terms of managing Union negotiations. We need someone who attends all Union negotiations to articulate the City's position regarding benefits to all of the employer boards so we have a consistent, we try to have consistency across the Union contracts. I mean there are so many different benefit systems that the software that we acquired really probably wasn't the right system, very difficult for it to administer 17 different benefit systems at the same time. So there are many improvements in City Operations that we can, over time, accomplish if we can return to the Administrative Services Position.

But since kind of Assessing is what the audit which led to this, definitely within the Assessing Department we can realize and are already I think beginning to implement improvements. So you've seen the job description. Obviously I am here to answer any questions or answer any comments or whatever you want to say about it. But the Ordinance recommends that we follow the audit, again I believe that the audit was very good, I think it is already resulting in improvements in ongoing fashion. If we work and use the Administrative Services Position to manage the Assessing and other functions that we will see more effective City Hall Operations.

Chairman Caron

Ok we will start with members of the Committee first.

Alderman Kelly

I'm going to support this piece of legislation, I had a good conversation with the Mayor and I think there are merits of reducing the burden to the CFO and also having that collaboration across the different divisions that we haven't had in the past. I have to say I agree with Ms. Ortolano that I feel a little bit uncomfortable with getting rid of the day-to-day oversight when that's why we went into this audit. So I

think we need to consider, and as the Mayor pointed out, it doesn't have to be right now, but I think we need to consider, not necessarily just getting rid of the City Assessor. Because I think that makes me uncomfortable; we are basically saying there wasn't enough oversight so let's take someone and give them 5 divisions that includes this. So those are my comments

Alderman Lopez

I was just looking at the supervisory role and the number of departments and while I could see specifically it makes a lot of sense to put Assessing, GIS, IT into some coordination, I was confused a little bit about the Arlington Street Community Center and to some extent the Hunt Building. I mean one of them is a basically a combination youth program and events center. So we need a certain kind of supervision for engagement and recruiting and maybe granting, grant fund raising and stuff. And the other one, the Hunt Building is like a combination of event space / office space so I was wondering if you could tell us more about how a supervisor would corral all of that together?

Mayor Donchess

Well the Hunt Building could remain under Economic Development. It was just in a way the building maintenance, the building function which is under Risk would really be under the Administrative Services Director. So Hunt could remain under the Economic Development. The Arlington Street Community Center only because it is just out there and like who does that person really work for, we could have them work directly for the Mayor. We could have them report to someone else, but this seemed like it made sense. So there I think it is to provide some management to that function.

Hunt Building you know could stay under Economic Development, I mean I think as we ... the Hunt Building Administrator is actually beginning to work on Court Street. For example, the artist studios that we are leasing out on the lower level that were just completed and now have two or three occupants, those leases are being handled by the Hunt Building person, Amy DeRoche. So as we activate the Court Street Building there needs to be more direct involvement I think of somebody who is going to be managing the tenants and everyone else. Now Jay Hunnewell does all of the physical maintenance of the building but he doesn't deal with the tenants or the leases or what we are looking forward to the future of the building.

So the Arlington Street Community Center, to me the Hunt Building makes sense under the same manager but you know if you said – Well you'd prefer the Hunt Building to remain where it is, I don't consider that like a big deal breaker or something like that.

Alderman Lopez

I was just conscious of the model where the Assessing Office, I don't know if I'm reading in-between the lines here but I am going to say my impression is that it is actually inhibited by having the model that it has with that kind of supervision. So I'm not sure if that was the intent of this change but I was imaging Arlington in terms of its role and purpose, might make more sense to be supervised by Parks & Rec because it would be supervision along similar lines, versus the IT supervisor running a community center.

Mayor Donchess

Well it is a little bit of a stand-alone function, they are very involved with the schools, with the teachers at Dr. Crisp in providing enrichment and tutoring for students that need help in specific areas. And to me it seems like that is a very critical role that community center could play and we should try to expand on that. The school department has been very good in working with Meghan Caron. They do a very good job, they are volunteer teachers but that could be an increasingly important function that is played there.

So I'm not sure that the, I mean it just doesn't fit that well under anything and Park & Rec may not be the right place either.

Alderman Clemons

Thank you sort of along the same lines as Alderman Lopez was just pointing out, as I read this I had some questions as to the Director, it says "The Director shall be responsible for maintenance and repair of all City buildings other than schools". So my question to that is so that would include the Fire Department, the Police Department, and other sort of semi-autonomous?

Mayor Donchess

Well to the extent, maybe that could be reworked a little bit I mean to the extent that we – well certainly the Building Department Jay Hunnewell works for Risk and that was kind of put under Risk without Risk's, some of these changes you know the manager the CFO, Risk wasn't really looking for this. The Building Department now works under Risk and so Risk would be under the Administrative Services Director as we have proposed it here. Now I think what they are trying to say is building functions that aren't directly, I mean obviously they are not going over and take, I mean this person isn't going to go into the Fire Stations and take over the maintenance because they are basically handling much of the maintenance themselves. But to some degree we get involved, for example when they wanted to, they – the fire stations – wanted to increase building security, they came to City Hall and we worked out a bid and a system and we used, this is probably where it comes from, we used the City Building Fund to pay for those changes, right. So there is an interplay but the person would not have the absolute authority to just go in and run the maintenance of the fire station, same with the Police. So I think maybe that could be worded more artfully to express the actual relationship that would exist. But we do use the City Building Fund at times to make improvements to buildings in those autonomous or semi-autonomous departments.

Alderman Clemons

Also obviously you know along the same lines, you know we are going to have, hopefully we will have the Performing Arts Center as a new City Building. You know there are other, Hollman Stadium, I guess I am just wondering to what degree the umbrella will cover of this particular person and if it makes sense to kind of maybe re-look at this and kind of reorganize the way that, to really look at what is out there as far City Buildings go and how much of a How deep we want to get this person involved in the inner workings of different areas of the City because they are going to have a large role as it is. And the reason I bring it up is because I've been on the Board before where you know might have an Alderman that takes this to the letter of the law. And so you know, I think maybe we could re-look at some of the way this is worded.

Mayor Donchess

There is no problem in re-writing this. The intent with respect to City Buildings is really not to change any relationships that exist now. For example, Holman Stadium and that's really run by Park/Rec right? I mean and why change it is working pretty well, right? So to the extent that this might imply that that would change, it wouldn't. Same with the Fire Stations, we work cooperatively if they need help with a City Building. If there was a roof repair that was an emergency we would probably use the City Building Fund to do it you know immediately even with no money in the Fire Department or whatever. So we could rework this to kind of make what I think the reality clearer than it is, as you have suggested right here. I will definitely do that, send it back to you.

Alderman Clemons

Great.

Alderman Wilshire

Thank you. I was on the Board when we had Administrative Services Director and it is kind of a catch all, kind of somebody that reports to the Mayor and gets to see and know what is going on in the Departments. I mean the Mayor, he has a high-level position and he is not in the weeds every day, you know looking at what each department is doing, and nor should he be on a daily basis.

Alderman Clemons

Getting in the weeds at Hollman Stadium.

Alderman Clemons

There are no weeds at Hollman Stadium.

Chairman Caron

Thank you Mayor.

Alderman Clemons

In the back.

Alderman Wilshire

I think it's an important position when the prior Mayor introduced CityStat we thought that might be good and helpful but when that went away it seems like things; nobody was kind of taking all of these departments under their wing and looking at them individually and collaboratively, both. So I think this is a really good step to reinstate this position. I think it will help the Mayor and the City overall.

Alderman Dowd

My initial concern is that this person is supposed to be diving into the Assessing Department and straightening that out which ought to be the main thrust of the initial application of their responsibilities. But to have all the responsibilities that I see listed here which I assume now these fall under the CFO?

Mayor Donchess

Yes right now all of this including Assessing plus all the financial business of the City falls under the CFO. It's all under the CFO: Assessing, Purchasing, IT, all the financial stuff, Risk, everything is under the CFO.

Alderman Dowd

So my suggestion would be initially anyway, have this position take on some of these but the ones that are associated with revenue remain initially under the CFO and that would include City Clerk, maybe Purchasing, Risk – I'm not sure. But I don't think, because first of all I think the person that is going to be hired is going to be from the outside, I'm guessing. They are going to come in and not know anything about any of these departments. How can they focus all their attention or a vast majority of their attention on the Assessing Department when they are trying to learn all these other groups?

I would suggest that the ones that have anything to do with Revenue stay under the CFO at least initially and whoever comes in to fill this position gets their feet wet, and has the Assessing piece of this under control. That's my two cents.

Alderman Laws

I completely agree with that. I would just like the language cleared up a little bit more so we don't run into the same problem we had before with one person overextended trying to do many, trying to fill too many roles.

Alderman Jette

So when I look at the Ordinance Mayor I see it talks about Section 5-33 Administrative Divisions, Officers & Employees and under B "The Administrative Services of the City shall consist of the following Divisions" And one the Administrative Services Division and two is Financial Services Division, etc. you know it says the "Administrative Services of the City shall consist of the Administrative Services Division" that seems to be repeating itself and I am wondering under the organizational chart, this Administrative Services Director will report to you?

Mayor Donchess

Correct.

Alderman Jette

And the CFO, is the CFO an equal player with the Administrative Services Director?

Mayor Donchess

Yes they would be peers along with Community Development, Economic Development and the other Departments, Public Works, Public Health, those are all people who report to the Mayor. Can I partway through your question answer some of it? We did track, we didn't make this up out of whole cloth as they say. We basically took the old Ordinance because we were trying to return to history to some extent. We basically took the old Ordinance and used it almost word for word, I mean there were a few changes. One is in the old days sort to speak, the CFO actually reported to the Administrative Services Director. But that didn't, given the way City Government has evolved, that didn't seem like it would be a positive change right now.

Anyway, we tracked the old Ordinance very carefully and that probably was the way it was worded before. Now I see the issue you've raised, but I think we just followed what was there before it was eliminated. Because we had Legal research and go back and prepare something very close to what was done before.

Alderman Jette

So if this change takes place, what will that leave for the CFO to do and where does the Treasurer/Tax Collector come into this?

Mayor Donchess

So the CFO will do what the CFO did before we eliminated the Administrative Services position. I mean the CFO is the supervisor or the boss of the Treasurer/Tax Collector. He manages the financial people who work for the City; all of the financial functions, all of the accounting functions. The CFO is one of the principal people involved in budget preparation, he does all of the budget analysis. We project to

you what the tax rate is going to be if you pass a certain budget, it's not really guesswork it is an analysis done by the CFO and his team of how it will come out given the tax base we have. If the budget is passed as proposed with all of the factors plugged in, you know, where the tax rate is going to come out. They are always within a penny or right on or whatever; so all of that work. There is Annual Audit which is very time consuming; the CFO works with the auditors. Obviously as a public agency we've got to have a clean set of books. The audits have been very good, very few comments, no criticisms in the audits. The CFO works with the Treasurer and the financial advisors on bonding and bond rating and reporting to the agencies. There is an annual, what they call a CAFR, it is the Annual Financial Report which is 100 pages; it kind of grows from the audit. That is supervised by the CFO, so the CFO has a lot to do when it comes to the money management, financial management, financial reporting, budgeting of the City. So he or she had a lot to do before all these other functions were put under the CFO and were you to pass this the CFO will still have enough to do.

Alderman Jette

One last thing, I know that you are recommending and planning on the City doing this full measure and list within the next 4 or 5 years. Will the Assessing Department without a Chief Assessor and with the people they have, will they be able to do that?

Mayor Donchess

With or without the Chief Assessor, we cannot do a full measure and list internally, I mean there is not nearly enough people in the Assessing Department to do that. And no one who does that to my knowledge does it internally; you bring in a contractor and they send a lot of people out to go visit 29,000 properties. I mean that's what it takes, or to seek to, to inspect 29,000 properties. So this could not be done internally. What the audit recommended and what I think we should do is that we, over the next 3 years, do the full measure and list; that we take 1/3 of the City and inspect all properties and possibly do a revaluation right at the end of that. I mean maybe we don't wait the 5 years, maybe we just do another one in 3 years after all properties have been inspected. So again, that could not be done internally, it is an expensive thing, it has to be done externally

But back to the Chief Assessor, I do see the Administrative Services issue and the Chief Assessor issue as two different things. Yes it is two different issues. Yes we did recommend, the audit recommended and therefore I proposed in the budget that we remove the Chief Assessor position and add the Administrative Services position in part because given the taxes and the budgeting issues we have, I wanted to propose a cost-neutral approach. But if we could come back to the Board of Aldermen and report periodically, monthly, quarterly, whatever you want, on how things are going with the Assessing function. Together we could decide whether we think things are fine and we don't need to make any changes; whether we need to bring someone in by contract to supervise which a number of communities do. We could bring someone like KRT not full-time but to provide periodic review and oversight. Or you could in the budget a new Assessor and if you did, we would try to find one. I'm not really against it but I just think what I am really saying is we need the Administrative Services Director to help manage this Department. Even if we had a Chief Assessor, a person with assessing expertise may not be able to really understand. And to be honest we've seen it a little bit with maybe this one and maybe even the previous assessor, we need someone who can manage the Department; who can get into these systems and understand them and implement changes that are simplified and provide more transparency and provide more accuracy with respect to the results that come from the application of the various tables and other software functions that exist behind the whole system of assessments that you see. Not that was a long answer, I don't know, did I really answer the question?

Alderman Jette

Yes I think you did, thank you very much.

Alderman Melizzi-Golja

I just you know I've read over this and in listening to the discussion here and having other discussion and working in City Government like Alderman Wilshire when there was an Administrative Services Director. I certainly understand what you are trying to do and like Alderman Dowd, my concern is that what started all of this is what we see going on in the Assessing Department. I am concerned that this position, as it is outlined now, is just too much. And just looking at is there a way we can modify this job description so this new position has the time to spend managing that Department. Because I think it is important and certainly see where it will bring some efficiencies in terms of how different departments are interacting. But my concern is the amount of time that person is going to have to really dig deep into what is going on there and help manage that department if all of these other things that are listed that Alderman Dowd had already spoken to are part of the job description.

Mayor Donchess

Well I would say if you are going eliminate, now it would be in the Ordinance first, the job description in some degree backs up the Ordinance. I would say if you were going to eliminate things, I would first say the Hunt Building I mean it's kind of just the function that could stay with Economic Development. Tim won't love it but you know I'm joking there. He likes to work with the Hunt Building and there wouldn't be a problem there. And so that's number one; number two you could remove the City Clerk which functions with elections. Now there are certain administrative things that could be possibly improved by certainly the elections they do a very good job. Those would be two things. Now Purchasing I think should be left under this position; you should give this person the authority to bring about improvements in purchasing which we are not going to see I don't believe unless, which we've not seen to date, let's put it that way.

I think if you were to remove the Hunt Building, remove City Clerk, leave Purchasing, I mean we are still bringing about a big improvement in the sense that if this person can't manage this job, imagine what the CFO is dealing with, he's got like twice this. So no matter what is done we are improving it. So yes there should be a focus on the Assessing Department but I think as that progresses, the person can move and can focus on other departments as well. I mean I don't think it is beyond the capability of a single person to successfully or improve management when it comes to IT, Assessing Purchasing, Risk and City Buildings. City Buildings is there in a part in a way because it is already under Risk and Risk could be under this function. So I mean Alderman Clemons has pointed out that there could be an implication here that this is to expand the City Hall's responsibility concerning City Buildings and that is not the intention. It is kind of to leave things the way they are but just to point out that the City Building function, the maintenance function which is now under Risk would be as it currently exists, and would be under this position.

Alderman Wilshire

I agree with Assessing being or needing to be the focus at first and I think it will take some time for this person to get up to speed, because let's face it, there are a lot of different moving parts, right? You have standalone departments right now, initially and when this person gets on board they focus on Assessing and they spend time learning the other departments as well. I think it is just a matter of time, I think one person can do this and I think like the Mayor said, if we need to contract some of it to KRT or someone like one, that we have the ability to do that as well. But I think it worked well in the past when we had this position, I know Maureen Lemieux did a great job when she was here. So good that she got stolen by Newton, Mass.

Mayor Donchess

We already, since the audit, understand the Assessing function much more than we did before. We should do the full measure and list. There are software programs which sort of manage, that kind of

exist behind these 29,000 properties that should be simplified. And as it has been described to me, when an issue came up and this was under not the past assessor but under the previous one, who had a very solid knowledge of assessing but when a software problem came up, the fix was kind of a new program instead of a fix to the old one and then there was a new program on top of that. There is a lot of complication that can be simplified. So anyway, I mean I know the City, the management of the City is much more engaged with Assessing than it was before and understands Assessing far better than it did before. With the full measure and list that we will really be able to see significant improvements in the Assessing function. So I don't think it is beyond a single person's capacity to give enough attention to that, especially if when necessary we can bring in someone like KRT while at the same time trying to spend some time on the IT and the Purchasing functions, where I think we can bring improvements.

Alderman Wilshire

I think from a prior meeting I understood that we have a software program in place, actually several of them, right? The old admins and AssessPro or something?

Mayor Donchess

If you want to hear the details of this stuff directly, I mean we can deliver a person to you who can explain the way we understand it now. But I am getting this second-hand. I mean we are having staff meetings down there in Assessing frequently now. So I am getting this second-hand, although I have met with the Assessors, I am not intimately engaged in the software and all of the back of the house, back end functions in Assessing. But if you want to hear about it, and hear more directly what we have and how what we have can be improved, definitely we can bring someone forward who can explain those things.

Alderman Wilshire

I would like that.

Mayor Donchess

Because here I am, I am explaining, I am not a software engineer, I don't know that much about software and yet I am explaining second-hand things that I believe to be true. So I can definitely, we can definitely basically whenever you want, bring someone in to discuss the details of all of this in much greater detail than I am able to do.

Chairman Caron

So I think that would probably be something that you would want before the Full Board not just one Committee.

Alderman Wilshire

Yes perhaps we could have a Special Aldermen's meeting just to discuss that issue.

Mayor Donchess

However you want to do it.

Chairman Caron

Ok, alright. Alderman Dowd and then Alderman Lopez.

Alderman Dowd

We are interested we can find out about the software things, but the thing I am more concerned about is the person that is going to be taking this role is going to have to learn that software. And from all the things I heard about Assessing this new person coming in is going to have to develop procedures and an overall plan for this Department moving forward. To that degree, I agree that we probably ought to take the Hunt Building and the City Clerk and maybe Risk, because doesn't Risk work pretty closely with financial; away from this job description.

Mayor Donchess

I would say this, look Risk doesn't take that much management, so I would leave it under this position. We have Jen Deshaies there, Risk functions very effectively. I don't think having Risk under ... Ms. Deshaies has come before you, at least the Finance Committee at various times to discuss litigation and the like, settlements.

Alderman Dowd

That may actually be a reason for not putting them under this person at least initially and certainly the City Clerk doesn't need a lot of oversight. Again, I think that the person filling this position coming in here is going to have to get up to speed on all of City Hall. Maureen Lemieux was mentioned, Russ Marcoux was mentioned; they were both Aldermen, they knew City Government before they even got into that job.

Mayor Donchess

They were both Aldermen.

Alderman Dowd

The other thing I wanted to say is I remember Maureen Lemieux's office, there was more than her in that office. So how many support people is this person going to have?

Mayor Donchess

Well we are going to reorganize some of the support personnel. I mean I'm trying to propose, again, a cost neutral, let's not raise taxes kind of solution to you. And yeah, we could add a whole bunch of people, but I'm trying to, we've got budget problems, we need ELL teachers, we need Police Officers, so I am trying to give you a solution that I believe and I think we are showing some results, that can work without increasing cost that much. And suggesting that we monitor what is going on carefully as time goes on, and make decisions as time goes on if we think we need more help.

Alderman Dowd

I would be fine with this if we took some of the burden off the Hunt Building, City Clerk and if there were any other. I would like this person to come in, get familiar with City Government, familiar with City Hall, focus at least half their time on the Assessing Department to do these procedures and overall plan at least initially. And see where that goes.

Alderman Lopez

Yeah I just wanted to ask because I am getting the sense that we don't have all the information here to make a movement tonight, but out of respect for the public came out and made considerable public comment about two hours ago.

Can we table this until we can have the presentation that was just discussed?

Mayor Donchess

Well here is the problem I have with that, look, I mean we want to get going. To the extent we delay; we delay, we delay, we discuss, we discuss, yes we are making improvements in Assessing right now. But it would help to be able to move forward with the reorganization, with the audit and get the stuff done. So if we delay this for a month, ok we just delay doing anything about Assessing. We will be working on it in the interim, but we delay the solution by a month in reality.

Alderman Lopez

To that point though I would say, this is not just the Assessing Department. You added a lot of departments, so while the Assessing Department is urgent, effecting the infrastructure of all of these departments at the same time is not necessarily something we should do very quickly.

Chairman Caron

Ok I have a question Mayor, this position cannot start until July 1 right because it will be new to the budget?

Mayor Donchess

We could start it, we could I mean it is only a partial year right? So as soon as we have someone we could transfer money in. That's what I would say.

Alderman Dowd

I believe that you already have this position in the budget.

Mayor Donchess

It's in the budget, but she is asking if we could start it before the budget, before July 1, and my answer is yes.

Alderwoman Melizzi-Golja

I guess to that there was something else I was going to ask but like Alderman Wilshire I forgot. But Mayor how long do we think it will take to advertise and find someone for this position. What is the timeline that you are looking at?

Mayor Donchess

I think we can find someone quickly.

Chairman Caron

Anyone else? So I get to speak. Yes I was here when Russ Marcoux became the first Administrative Director. And it was a good position because he was able to work everyone together. And then when Maureen took over, that was another excellent pairing working with the Mayor and these departments. Why it changed? Everyone wants something a little bit different. I agree that you could probably take the City Clerk out of here and the Hunt Community, but all these other departments were part of the Administrative Service Division before. Our problem is with one particular department and as I spoke to you Mayor, my concern about eliminating the Chief Assessor, because this person is going to oversee

other people and obviously they are going to take a greater interest with Assessing until we get back on our feet. So I want to make sure if there was a need and it doesn't need have to be called Chief Assessor, it could be someone else who has that knowledge in Assessing that can oversee it and is reporting directly to the Division Director so that they know what they need to do at any given time. I think that the budget should have the Chief Assessor's line in there with \$1 so you are not trying to reinvent the wheel. I think this is a good thing, I don't think we need to table it; I think you could just bring back this job description and the Ordinance as an amendment for the next Board Meeting and make those minor changes. Unless someone really sees something....

Mayor Donchess

Madam Chair I do have another idea as far as something we could remove. I mean we could have the Arlington Street Community Center report to the Mayor's Office, because that is kind of what happens now, right. I mean it's just, so if we took out the Hunt Building, we take out the Arlington Street Community Center, we take out the City Clerk, the other functions should really all be working, I mean they are more extraneous, right. So the other functions are working within City Hall more carefully. That reduces the responsibility but allows the Administrative Services Director to focus on the departments within City Hall who work excluding also the City Clerk, that work together in terms of the internal operations of the City basically.

Chairman Caron

I agree. I think like I said they were part of this before so I think that they could still work together. And yes the person who comes in and takes over has to take a big leap, a lot of faith that that person is going to be able to go in there. Some of the things that are probably happening within a Department, it is internal so that person can see and correct and make changes as needed. And how policies and procedures are put into place; I don't think that person isn't going to be knowledgeable or be able to do that. And of course they report, all these Division Directors report directly to the Mayor anyway. So they are not going to do anything without his final approval. So I don't have a problem with this. I just feel that title, "Chief Assessor" or "Acting Manager" or whatever needs to be there so that 6 months down the road, that the Board sees there might be a problem, makes the suggestion, "Hey you need to look at bringing somebody in to help get that back".

Mayor Donchess

So what I could do is I could get the amendment prepared for the Board Meeting that would eliminate the 3 departments, the 3 areas we discussed; the Arlington Street Community Center, the Hunt Building and Court Street to the extent that would be included and City Clerk. Also, again I wanted to propose to you a cost-neutral position. I can get people to report to you what is going on with Assessing whenever you want, once a month, once every two months, whatever you want. If going forward it seems like we really need the Chief Assessor, or we should have KRT or someone providing supervision, it's not like I am against that, I am not. You know if it seems like that is what is required, let's do that. But I don't think we should, I am just asking you not to hold this up now over whether we are going to have a Chief Assessor, which really is a budget decision. I mean we can give you various reports between now and June and if it seems like a Chief Assessor is needed, put it in the budget. And if you do, we will try to hire it.

Chairman Caron

No I am not looking that we would hold this up, I think we could put this, make those amendments for the Full Board meeting and act on that. I just want that in the back of your mind, that we could do that. I don't sit on the Budget Committee but I am sure that's something we could do. And I am sure the President of the Board could set up a meeting so that we have some kind of report, quarterly or whatever.

Alderman Clemons

I was going to amend my motion to recommend final passage. I would move to recommend final passage with the understanding of the coming amendment from the Mayor's Office

Mayor Donchess

We can get that done to go out with the agenda which will be Wednesday or Friday.

MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE WITH AMENDMENTS FROM THE MAYOR'S OFFICEON THE QUESTIONChairman Caron

So Alderman Clemons has changed his motion do we have any discussion?

Alderwoman Kelly

I just wanted to ask about the Special Board of Aldermen meeting that we discussed, will we still intend in doing that, would it be specifically for this piece or just about the Assessing Department? I just want to make sure I understand?

Alderman Wilshire

My intent was Assessing, to understand the function and what is going on.

Alderwoman Kelly

Ok not necessarily this piece of legislation.

Alderman Wilshire

No not necessarily, no.

Chairman Caron

Anyone else? Ok the motion is before you.

MOTION CARRIEDChairman Caron

Ok motion carries, thank you Mayor and Ms. Lovering will be happy to get that information. We appreciate it.

Mayor Donchess

Alright and I apologize to everybody who waited so long. And because I promised Alderman Jette I do support, he wanted me, I know there are differences of opinion on this legislation, but to the extent that it matters to anyone, which it probably doesn't, I support the legislation.

TABLED IN COMMITTEE**MOTION BY ALDERMAN LOPEZ TO TAKE FROM THE TABLE O-19-037
MOTION CARRIED****O-19-037**

Endorsers: Alderman Ernest Jette
Alderman Tom Lopez

**RAISING THE AGE TO PURCHASE, USE, AND POSSESS TOBACCO PRODUCTS AND
E-CIGARETTES FROM EIGHTEEN (18) TO TWENTY-ONE (21)**

- Tabled 3/4/2019

MOTION BY ALDERMAN LOPEZ TO RECOMMEND FINAL PASSAGEON THE QUESTION

Alderman Lopez

And may I speak to it?

Chairman Caron

Yes you may. And may we have the Chief come up and join us please, Chief Lavoie. Thank you for your patience, because I know last time we had questions, but we probably all forgot them now. Thank you Chief for joining us.

Chief Lavoie

Sure.

Chairman Caron

Ok Alderman Lopez you are first.

Alderman Lopez

I held back last month because I thought my role was really to introduce and let Alderman Jette make his piece. As the only sponsor besides Alderman Jette, this came without fanfare and it was introduced to the Board so I think it took people a little bit off guard that it was even happening and they wanted to kind of see where it was going; if it was possible, what the support would be. I think it was just out of nowhere. It wasn't for me though, my experience working with teenagers and after-school programs, with people struggling with addiction there is a very clear relationship between all of the factors that we are talking about. Whether it is adults with addiction, whether it is kids first taking those steps down that road. And it is not clearly, it is not as blatant as well anyone who picks up a cigar is immediately going to be an addict. But there is a relationship between people who pick up an easy to access habit and then it translates to chemical addiction versus a behavioral addiction and then it becomes a life-long habit. And there is an abundance of medical research which shows you go down the path of behavioral addiction, you are configuring your brain to be much more receptive to addictive tendencies; to experience mood disorders, impulsivity, a number of factors. We look at people as adults and say – Wow if only this could have been changed, like how did this person get this way? And there is very clear evidence and there has been for decades as to how addiction first starts. Politics have always gotten in the way. It has always been somebody else should do it, somebody else should make the stand, why didn't the Federal Government do it when they started raising the age in the first place.

There is always going to be – Why doesn't somebody else do this. So in my opinion, when the motion was being proposed, the Ordinance was being proposed, it wasn't necessarily time to make a decision, but it was time to hear the argument. So I appreciate that we've gotten this far and that we are in this meeting on the first day of Public Health Week. And I really appreciate the public comment that has been made on behalf of the legislation. I think it was said in the public comment that youth will pave the future; this is the way the wind is blowing. For me it is a matter of how many people can we help now with legislation. I think this Ordinance is well within the City's authority and scope, it's not an overreach, we actually have a City Ordinance that outlaws dancing after 2:00 a.m. in the morning because you can't have somebody dancing at 2:15 a.m.

Chairman Caron

You haven't been to Alderman Dowd's house.

Alderman Lopez

I just apologize to Chief Lavoie for the burden that must place doing all the stings on the dance clubs, but we have laws to interdict certain behaviors that are undesirable. We have some silly ones, but this one is not silly; it is a public health issue that we have known about for years. And it is a little bit harder to grasp as a reality because we are talking about kids and we are talking about the impact that 18 and 19 year olds who can legally obtain cigarettes, e-cigarettes, vaping all of that nicotine and tobacco products, the access that they have to younger kids. But we are also talking about looking forward to families that have parents that they have lost too early; or sisters or brothers that are struggling with it. People who are changing their lifestyle because they can no longer breathe properly, because they are struggling to fight cancer. These are things that are directly associated with tobacco use and they are fueled by the chemical addiction which is prompted by nicotine. We know this; all 3 States around us know this. They've already made decisions to raise their smoking age to 21. I understand the concerns from a business perspective at any kind of change that might limit your potential population to sell to. I think most of our cigar shops don't seem to sell to mostly an 18 to 20 year old population; it seemed to be hard to get them to come out. It wasn't hard to find kids that were willing to speak up against it. So I think there might be an impact on the smoking community; I think there might be an impact on the cigar shops in the near future if we pass this. But I think the real impact is going to be further down the road and that's where we need to look at money versus health. Are we trying to make money off of addictive substances, are we trying to make money off of issues that cause a bevy of public health issues? Or are we looking at the public health and are we looking at the future and listening to constituents who come forward and say this is what they want?

Chairman Caron

Before I call on Alderman Clemons, on the last meeting there were some questions concerning if this was put into effect, how the Police Department would handle it considering that towns and cities around us, at this point in time, do not have this age limitation. So if you could, I know you have to enforce the law, but how would you be able to enforce it?

Chief Lavoie

Well as Chief, when it comes to City Ordinances I try my best not to advocate for or against, I mean that is certainly the Aldermen and Alderwomen's purview and the citizen's purview. Certainly we are the enforcement leg of that and as long as you are making a City Ordinance, which we have confidence is legal, which we certainly do. Attorney Bolton, we have no doubt that has reviewed it and I've reviewed it, it certainly appears legal, enforcement is our job. As far as how will we enforce it, my opinion is that the possession portion of this Ordinance is the key to the entire Ordinance. If you don't have the possession Ordinance in here you might as well as not even have it because then everyone can literally just go purchase at another jurisdiction where it is allowed and bring it back.

The way this Ordinance is written now, it bans possession of it, so it doesn't matter if you purchase it legally in another jurisdiction, in my opinion, you are still possessing it. And I can equate that to laws and ordinances, you know in the great State of or the Commonwealth of Massachusetts you can possess 10 ounces of marihuana for recreation use which is by math more than half a pound of marihuana. You can't do that in New Hampshire yet, thankfully. And you can be in the parking lot of the Pheasant Lane Mall and you come across into Nashua and it doesn't matter that you are allowed to do it in Mass, you are no longer in Mass, we have laws against that. You are going to get arrested for that. Consequently too, our carrying a concealed weapon or even having a hand gun there's virtually no restriction on that, if you are allowed to have one. Yet if you go across into the parking of the Pheasant Lane Mall, you are going to go to prison for having that same handgun if you walk out the wrong entrance.

So again, it doesn't matter if it is legal in a certain jurisdiction, you come into another jurisdiction where it is not legal, whether that be law or ordinance, then certainly you are breaking that law or ordinance and the Police will enforce that. As far as logistically how will we enforce it, it is a City Ordinance with a monetary fine, so it is giving someone a summons unless they are in fact under 18, certainly then they get a summons but also their parents get notified and they have to handle it as a CHINS offense or depending on their age, there's like 27 different factors if they are under 13 it is handled all different ways. You know it is a City Ordinance Violation. I am not going to sit here and tell you we don't have the manpower to do that, that's not true at all. We certainly have the manpower to enforce any City Ordinance. I will say if you change the age from 18 to 21 it most definitely is going to increase that contact, but I can't imagine that would be something - I am telling you we will enforce it and I can't imagine that would be something that would exceed our manpower and our personnel and at least initially I would imagine there would be a lot of enforcement activity until people realize certainly that this in effect. Then I would imagine it would be cut back somewhat, I would hope, but again our job is to enforce it, we have no problem doing that and certainly we do have the manpower to do so

Chairman Caron

Thank you. Alderman Clemons.

Alderman Clemons

I have a couple of questions for the Chief if I could. So under this provision, so from what I understand that if somebody was passing through Nashua from Hudson to Hollis and they were stopped and they were say 20 years old and they had a pack of cigarettes on the front of their seat, they would get a fine, is that correct?

Chief Lavoie

Well certainly there is always the officer's discretion but certainly they would be violating the City Ordinance because they are in possession. What you are describing is what would be considered a secondary contact which in my opinion would be the vast majority of our dealings with that, such as we get called for something else. I certainly don't want my officers you know - OH that person looks like they are under 21 and having that as a sole reason for the stop and that is certainly something I can address in our policy and procedure within my department. But again that's a secondary offense, just like if you have anything else there, you are violating that ordinance and certainly it is the officer's discretion just like giving someone a summons for a moving violation is ultimately the officer's discretion. But yes, as possession you would be in possession in Nashua which the Ordinance prohibits.

Alderman Clemons

My second question is how would you enforce a large event. Let's say the Stroll for example. If there were a group of kids that were on break or whatever and came to Nashua to the Downtown Stroll and a

few of them were smoking, maybe they look like they are under 21. I don't know, how would you approach those individuals, would you stop them, would you ask them for their ID's to identify themselves, how would that interaction go?

Chief Lavoie

Well certainly it's like anything else. An officer can go talk to anybody, I mean you know, especially if they are just walking, the officer can certainly contact them express their concern. Again, I don't want to use the term "it's only a City Ordinance Violation" because we have City Ordinances for a reason. But you know we are not going to shut the Holiday Stroll down with a line of officers and search people's property. I know you don't mean that drastic of a scenario. But again, a lot of this stuff is a secondary offense, but certainly nothing prohibits the Police from walking up and talking to anybody. And if they are walking, they certainly don't have to talk back quite frankly if they don't wish, you know? And that is a law as well. The Police aren't using it as a vehicle to contact people for other methods is basically what I am telling you straight up because we certainly have a policy to prohibit that. But again, I certainly don't think that's the intent of the Ordinance of the first place. And it just like any other Ordinance, I mean we have leaves in the road Ordinance, we have snow getting blown Ordinance, we now have a chicken Ordinance, we have all kinds of Ordinances. And we will happily enforce that if it's broken, if they break that. So it is just another Ordinance, granted it certainly has a lot of potential ramifications, but the Police, we look at it the same way. Certainly it is our discretion if you are violating it, we certainly can give you a summons for it and certainly seize the product as well.

Alderman Clemons

So thank you for your responses, I appreciate that and quite frankly your responses were exactly what I had envisioned happening. And you know it's, I could see somebody arguing this point on a State level where they may want to equalize the balance of it and say you know it is a public health issue that effects the State, not to say that it doesn't affect Nashua because it does. But we have businesses here that are long-standing businesses in the community and I although I am not a smoker, I do understand that in my opinion, if you are an adult you have the right to engage in adult behavior. And of those behaviors is smoking. You know I am not inclined to support this ordinance because I don't think that ... I come from a standpoint of, I enjoy my liberties and although I find smoking offensive and I don't, would never do it myself, I do enjoy cigars every once in a while, so I guess, does that make me a hypocrite? I don't know.

I look at doing a vape and a cigar as two different things, cigarettes somewhere in the middle maybe. But I look at this as though, for me it is a personal freedom and I was elected to protect the rights of minorities. And you know I appreciate the fact that all of the people here care about our youth care and youth care about youth as well. But I don't think that banning a product for an adult at any age is necessarily the right thing to do for a certain age group of that subset of adults. If you are going to ban something, ban it because it is a terrible thing or don't. And in my opinion cigarette use or nicotine use is something that is a personal choice that people make. I understand the point here is to curb youth smoking, and I'm sympathetic to that, but at the same time, if a merchant is giving or selling tobacco products to a person who is under the age of 18, they are breaking an existing law. If you know a brother or sister gives their sibling tobacco products and that person is under the age of 18, they are breaking the law. Same thing is a parent were to do that so that I think is where the focus really needs to be. Because to say to a law abiding person, who is 19 and wants to go to Castro's or 2 Guys or anywhere else in the City to enjoy a cigar or a cigarette or whatever, to tell them that they can't do that, is to take away one of their rights that they hold now. And I will not do that, I will never be on record to take away a right that somebody has now and rip that away from them. I won't do it.

Chairman Caron

OK any Committee members? No? Ok, Alderman Dowd.

Alderman Dowd

I don't smoke, although while I was in the service and a little while after I would occasionally have a cigar. I don't like people smoking. I don't oppose it if they are old enough. I'm not going to tell them they can't. But when it comes to kids, that's a different story. I am totally against vaping. I definitely would support banning vaping until you are 21. I don't have a problem banning cigarettes until they are 21.

A lot of people call me a moderate. I look for some sort of middle ground. I would hope that if the kid is not 21 and they work at Market Basket or Hannaford's or any of the other stores that it is not against the law for them to sell it to adults. Just like liquor, they can't sell it until they are 21 year olds. That would put a burden on the store.

A discussion about one of our veterans having a cigar when he comes home from service, I can tell you that in the military there is a lot of soldiers, sailors, marines, special forces who smoke cigars to take a little of the stress off being in combat. Perhaps if it is possible and it is legal, if they are in a cigar store, like Castro's or the Smoke Shop, if they are in that store and smoke a cigar and they are between 18 and 21, that would be fine with me. I don't know if you can make that distinction. I will say as far as the cigarettes and the vaping, I have no problem banning it until they are 21. I don't think they should have it after that, but that's beside the point.

The other thing is I fully believe that this ought to be a state issue and belongs up in Concord. Like a lot of things, they are dragging their feet. It doesn't seem to be getting anywhere. I think we should look at some lightning of in fact that if a kid is working at a job at Hannaford's or another grocery store and an adult comes up over 21 and he wants to buy a pack of cigarettes they can sell it to them without having to get a manager to come. If there's a recognized cigar establishment and someone comes in there between 18 and 21, and they want to smoke in the establishment, I don't have a problem with that. Taking it out is a different story. Whether you can make those changes or not, I'm not on this committee but I will be thinking about it when we go to the full Board.

Alderman Laws

I would respectfully ask my honorably colleague, Alderman Clemons, to go back to the time when you had the right to buy coca cola that had cocaine in it or buy cough syrup that had opium in it or the right to insulate your house with asbestos. Those all became public health issues. I think right now we are dealing with something that kills one in five adults, more than gun violence, HIV, alcohol abuse and drug overdoses combined. If we have the opportunity right now to prevent children, like myself who has been struggling with nicotine addiction since I was about 18 years old, prevent a few of them from over going down the road of addiction, and not just with nicotine.

As Alderman Lopez pointed out, it changes the chemistry of your brain and makes you more susceptible to addiction to other things. We're dealing with an opioid crisis right now which is another public health issue. I think it's our role as community leaders to look at these very difficult questions and make tough decisions about them. Of course, I don't want to see any businesses, particularly one of the citizens tonight who employed me for several years, and I am grateful to him. I don't want to see them lose any money, but you have to look at the cost benefit analysis of this. I don't want to sound hyperbolic but are we really going to say that it is more important to make some money than it is to potentially save the life of somebody? I just don't see how that plays out.

Alderman Clemons

The thing that you mentioned, cocaine and coca cola and the asbestos, they are banned for everybody, not just 18 to 21 year olds. No one can go out and legally snort a line of coke or put it in coca cola. No

one can legally go out and put asbestos in a home anymore. They are public health problems that the government recognized was a problem for everybody. Cigarettes are a legal drug in the United States. It is a legal drug in New Hampshire, and if you are 18 you should be able to use it.

Alderman Lopez

To the point of legal drugs, my understanding of what was said was to point out that things change over time as we have more understanding. Yes, some things were legal in the past that aren't now. We're the legislatures here. We're the ones with the decision in our laps because the state hasn't done anything. I'm not sure if anyone is doing an informal poll as I am as to who is opposed and who is not, but I am not seeing all of our state representatives come forward and say you guys have to move this. There's nobody to make this decision but us right now for the City of Nashua. We do restrict rights. We're in the middle of looking at right now the public has the right to a special election every time there's an opening. We're about to modify that and change it. That's a right that everybody is not going to have because we're going to have boards self-select their own members. That's worth heavy consideration and so is this.

With regards to age limits, the age limits in New Hampshire are ridiculous. You can be 16 years old and get married. You can be 16 years old and divorced. Then you're 18 and you can adopt a child after being married and divorced, probably. The age limits don't make any sense. We already do restrict smoking to people under 18. We already are taking rights from some and not for all because we have concluded at some point that 18 years old is the magic number where you are a fully aged adult.

Science cognitive awareness, this is new stuff. We haven't really been able to look at the brain in the past without cutting the skull open. Now we can watch how things happen. We understand that addiction is not so cleared cut as you're an adult now and you can blow your whole life on some bad decisions. Biology does not follow our own legal traditions. There's always a point where someone says kids that are 12 probably shouldn't be working in factories. This is similar. We're trying to have kids be able to develop in a healthy way to extend their life span. Public health is not doing bad. We're living longer than we ever have before. If we have people dying 20 years earlier than the average person who doesn't smoke, it's something we need to be looking at.

In addition, I do want some clarification on Alderman Dowd's proposal because I don't know if it's a possibility. Is it possible to expect that an individual 18 to 21 who purchases a single use cigarette, can the amendment be written that way, Attorney Bolton, so they could use it on site? Cigars are okay but cigarettes is no. That's not a scientific... I think legally they were treated as a product, right? No one is going to say you have a cigar, that's a vape. Legally speaking, can you age restrict a product to a site?

Attorney Bolton

I don't see why not. There may be reasons I am unaware of which I will have to research, but as I am sitting here I think you can allow on premises smoking of cigars while still banning cigars off premises and banning vaping or cigarettes. You have to do something about a definition as to a cigar but that must be available somewhere.

Alderman Lopez

Out of obligation to some of the constituents that I have talked to, I did talk to the vape shop. They consider themselves harm reduction, whether that's medically borne out or not, I think that's a point of debate, but they consider themselves a bridge from chemical addiction with nicotine to you can substitute it with something else and then you can replace that. In my experience, that's not exactly how addiction works but I think it is worth pointing out that while vape is the current devil that everybody

is talking about in the room, nicotine and tobacco are what the ordinance addresses because chemically those are the things that are the most immediately harmful. Yes, some forms of vaping also contain carcinogens and a number of bad things. And, yes, vaping specifically might need to be looked at because it wasn't really well vetted when the FDA first approved it. But this ordinance is talking about nicotine and tobacco for a reason. Nicotine is an addictive substance and tobacco is the carcinogen health nightmare.

Alderman Melizzi-Golja

To try to continue with Alderman Lopez's comments, if you look at the research that comes out of the American Academy of Pediatrics and the National Institute of Health, they are both really clear about the impact of nicotine, not only in terms of receptors and addiction but also on frontal lobe development. With all of the brain research that has come forward in the past ten to fifteen years, we know that the human brain is still developing beyond high school. We know there are still things going on in the frontal lobe in terms of ability to focus, ability to be organized and even moods. All of that is still going on. The research is pretty clear that is being impacted also by nicotine.

The most recent article that I could find from the Academy of Pediatrics was really clear. Nicotine should be outlawed, banned, whatever, until the age of 21. That was what their comment was in terms of the health hazard it's providing again along the order of brain development and what it is doing. I've heard young people having this conversation. I'm only vaping; it's not like I'm smoking a cigarette. There's some numbers out there that show that kids are vaping because they think it's okay. It's then leading them into other drugs.

I'm going to support this when it comes to the full Board of Aldermen, although I am not a member of this committee. Pediatricians will tell you they can't give certain drugs to young people because it's not good for their bodies. This is one of those drugs we need to look at and look at what it does to the individuals who are consuming it. Thank you.

Alderman Wilshire

I came into the committee tonight thinking I was not going to support this ordinance. Now I have my doubts. I may and I may not support it. I have until next week to really figure it out. I don't have to vote tonight; I am not on the committee. I kind of agree with Alderman Clemons, and then I agree with others. There's so much to take in. Do I think we are taking away people's rights? Yes, I do. Is someone at 18 years old able to make their own decisions? I believe they are. But when I heard people from the audience talking about school, it kind of sways my decision a little bit. I don't know how I am going to come down on this one.

Alderman Kelly

I'll echo what Alderman Wilshire was saying. I've been torn on this. I really want to say thank you to everybody who has come and brought their testimony, for the Chief for coming. We have business owners who I frequent. I like cigars. I was actually surprised with some of the testimony as well. I wasn't sure how students were going to fall on this. I am going to support this. I have a list of reasons why.

One of the things that was brought up that I think is really critical is the point of access. Some 18 year olds can still be in high school, which mean they have access to people who are younger than 18. If you put it at 21, it's a little bit harder for them to find someone to get them the vaping piece or cigarettes. The Telegraph did an informal poll, obviously not comprehensive but there was a lot of support. I think it was 64 percent. I think the students who came to speak tonight and also the educators who talked about it, especially vaping being such a problem that was really hard to argue with. You saw that woman's bag full of stuff. That was a hefty bag.

I think we have heard from a lot of prominent health leaders, school leaders, doctors, and they are all very much in support of this. One of the things that came through was the idea that Needham did this. I know I was concerned that someone will just go to Hudson. Needham did this and all the towns around them were still allowing it, and they still saw a 47 percent reduction in the amount of smoking that was happening at the high schools. How do you argue with that? That's pretty big.

Then I think the most surprising to me was the actual industry saying we must do this. There was a full page ad where they said raise it to 21. They are doing it in Utah, we are okay with this. And this was JUUL. Then there was an opinion piece that was sent to me where a CEO of a very large corporation was saying the same thing.

I don't like making tough decisions like this, but that's what we are here for. I think that we have a range of responsibility as an alderman. It might be picking out whether or not to put a stop sign or a fill a pot hole. Sometimes it's about taking a stance. I ideally would like to see it at the state level. I really would. I think that would be a step in the right directions. A lot of the states around us have done that, but they are dragging their feet. I think it's time for us to make that stand and help lead the conversation.

Alderman Clemons

I think what this is going to do is make criminals out of 18 year olds, and I'm not for that. I understand and I am sympathetic to the issues that are going on in schools. When I was in school, when I was in middle school, it was a junior high back then, kids smoked. They smoked on the playground, they smoked inside the bathrooms and stuff like that. That's when I was in seventh grade. This stuff has been going for years. It's an adolescent thing.

It is unlikely to be curbed or prevented. You might prevent some of them from doing it, but it is still going to happen. It's funny to hear the comments I hear because it seems to me that it's an education problem and not so much a problem from a point of sale. From everybody here what I've heard is, I didn't know this was bad for me. That's an education problem. How do you not know that putting a chemical inside your lungs and exhaling it is not good for you? I don't know; I don't understand that. To me that's a matter of you need to get a better message across.

But, I don't think the right way to do that is to tell adults who have the ability to make decisions such as whether or not to join the Army or the military and defend their country, go over to Afghanistan and die in a battlefield at the age of 19, you can make that decision, you can vote for your commander in chief, you can vote for me, but you can buy a cigarette though. I have a problem with that. I have a big problem with that.

I have a problem with the drinking age being 21. I think it should be 18. I have a problem with that. You're an adult. You're 18 years old. That is what we have decided what an adult is. Now, I'm not going to suggest that we reduce the age of the drinking age to 18 because I think that would be culturally unacceptable, and I would never support such a thing. But personally, I have a problem with it because to me if you are going to give somebody the responsibility to vote, which by the way, is your number one, in my opinion, civic obligation, if we say that somebody is 18 years old has that right and ability to make that decision then they should be able to make every other decision as well.

I just can't support taking away somebody's right to make a decision for themselves along those lines. Now, I understand the medical issues. I understand that it's bad for your health. And, I would support doing more education in the schools behind this. I would support making this more of a public awareness campaign, but I can't support raising the age to 21. I just can't. It philosophically rubs me the wrong way.

Alderman Lopez

Education can only happen in a culturally supporting environment. If we, as adults, are contradicting, as leaders we're saying we're still not going to make a move on this, kids are not going to listen to books that tell them one thing or numbers because we're seeing that example right here. A doctor can come up and tell us this stuff is dangerous and is poison, and our inclination socially is still to say nothing can be done. There's going to be a problem with it. If any plan has a flaw in it, we shouldn't do it and to try to blow it into larger issues because that's our natural inclination culturally.

There is an importance to making this stand in Nashua, particularly, because it will enhance the education being delivered. The CDC specifically says multiple strategies should be pursued including all of the following. It includes raising the age to 21, and it includes education. They are not mutually exclusive; they are co-dependent. You need to address the system of a person who is younger and encounters nicotine and starts using it regularly with dissemblance of harmlessness through vaping and then maybe starts using it more regularly as that young man describes, loses their vaping device because the school collected it and then switches over to cigarettes so they can curb that craving.

There's a progression here and there's a culture and there's a community. There are obviously associations and socializations happening completely around this. Castro's isn't just a store where you just walk in and leave with your product. It is comfortable. There's the game on. There's people there hanging out. You're in a social environment downtown. I'm not disputing on my side that that is part of our culture. I do think it would be excessive to entirely ban nicotine. If we think we're going to have trouble collecting guns, try banning nicotine. Watch a bunch of people how are in withdrawal over nicotine and see what they do. That's not going to happen.

What we can do is we can take micro steps here to identify the most vulnerable populations and advocate for them as adults, the same way we put in stop signs to say don't just drive in to the intersection recklessly. I agree there is dissemblance that we could be criminalizing younger kids, but I would also point out that we are talking about a \$50 fine and we're talking about kids who are already doing it. Eighteen and nineteen year olds are giving nicotine products to younger kids. They are dealing. This reduces the likelihood of that actually happening to the youngest populations, the more ridiculous level of 14, 15 and 16 by adding a social agent that says there's less of you all collecting within four or five years of each other, you don't have that guy that you knew who was a junior last year and is now a senior and has cigarettes and you're in the same school. There's less of that because we're spreading the age out. There is a social deterrent here. It's based on a lot of study and a lot of statistics. It's based on precedents that are used elsewhere.

The challenge is going to be culturally speaking, we're live free or die, emphasis on die. We weren't quick even just putting in air bags. If memory serves, we only made 16 the marrying age maybe two or three years ago. Before that it was like 14 if your parents sign off on it. New Hampshire is not a progressive, liberal front. In this particular case, we have a clear call to action and we can take it. I can't save the whole world, but I only represent Nashua.

Alderman Kelly

Just a few comments regarding remarks by a few folks. I was interested to see where 18 year olds fell. I was a little bit worried about this, but not a single 18 year old showed up and said you're taking away my rights. Not a single one. I was expecting a line of them saying that. I was. It may save a few. I think it's worth it if it saves a few.

Then, and I'm probably going to regret saying this, I agree that education needs to happen. I'm in marketing. I know how effective marketing is. A lot of us are psychology double majors. Our job is to manipulate people. Right now people are out there saying vaping is okay and kids are eating that up. They are believing it because that's the culture, and that used to be the culture. Joe Camel was the

culture that sold cigarettes to kids, and we got rid of that. I think we really need to consider that. It is a very strong pull especially for young people.

Chief Lavoie

I've listened to everything. When I say we have no trouble enforcing it, that's our job. We most certainly will enforce it. I did want to emphasize a point of discretion, and I can assure you that I'm not pulling my POP unit with this opioid epidemic to check IDs in the cigar shops. That's not going to happen. We're not sending undercover narcotics people into the cigar shops to see if there's underage people buying a cigar. It's a city ordinance, and we will certainly do our job. I just don't want anyone to get the impression we're locking people up for this. It's a city ordinance; it's a fine. Again, if you make it is ordinance, we will enforce it. That's our job, but discretion is a big part of that. We understand that we work for the entire population for Nashua, and again, we're not doing alpha-strikes on anybody's business certainly not without 100 people going with hard evidence that they are violating the city ordinance.

Alderman Dowd

Two quick things regarding Alderman Clemons' comments before. Our age restrictions in this country are strange to say the least. The federal law says you cannot buy a hand gun unless you are 21 years old. If you're in the State of New Hampshire, you can carry it on you without a permit at 18. How much sense does that make? I don't know how you enforce that, Chief.

Chief Lavoie

It's definitely not easy. You can't buy the ammunition, but you can carry the gun.

Alderman Dowd

There's a lot of instances like that. I agree if the guy is going to fight in combat, taking a cigarette or a cigar away from him particularly while he is in the military is crazy. I got to believe that the police department is going to use a lot of discretion. We talked about the hand gun if you're in the parking lot in Massachusetts. I'm sure you know that if I'm in New Hampshire and I have a gun and I go through Massachusetts to New York, that's fine. You can still carry it in Massachusetts. It's a federal law. Don't stop in Massachusetts. You have to keep going.

Chief Lavoie

You might not want to tell the Massachusetts' authorities that.

Alderman Dowd

That was just a court case that was in the paper. There's a lot of crazy things like that. There's a couple of exceptions that I would like to see but basically I'm in support of it.

Alderman Lopez

I wanted to defend the police chief's honor a little bit here. I walk up and down the rail trail at least 30 times a day. There's an above average amount of day drinking. The police are not locking people up for day drinking. They are having them pour out their beers and asking them not to do it there. They are not heavy handed. They are really good at engaging the community and spotting bigger and more important issues when it is necessary and appropriate to do it.

The idea also just occurred to me that there's a difference between losing your Natty Daddy and your ability to go get another one later and reoffend somewhere else and losing the e-cigarette which is expensive, especially when you are talking about someone 18 – 21 old. That actually might make a difference in their pattern because they can't easily replace that. They might decide it's too much trouble.

Alderman Jette

I'll try not to repeat anything that was said before, but I did want to point out that even though I think everybody agrees that the medical evidence that smoking and vaping for people under 21 is a bad idea and shouldn't be done, and it's a matter of do we pass this law in Nashua to prevent people between 18 and 20 to purchase this, for the stores to sell to them, and for them to give it to other people, and for them to possess it. What purpose does that serve?

Well, the research shows that raising the age to 21 is effective. It does reduce the tobacco use among people under 21. Not only the 18, 19, and 20 year olds, but the younger kids. They are getting it from those 18, 19 and 20 year olds. The research shows the fact that 18 year olds are still in high school. They can legally buy this stuff and bring it to the school or bring it to wherever they are and give it to their friends. Twenty-one year-olds don't typically hang around with high school kids or middle school kids. Making it illegal for people under 21 to purchase this does have the effect of reducing its use by the younger kids. This is based on research.

Alderman Kelly mentioned Needham, but everywhere. We're not the first city to consider doing this. This has been done all over the country. It started with cities doing it, towns. In Massachusetts it started with Needham. The other towns saw how effective it was. When Needham did it, even though they were surrounded by towns where people could buy it at 18, they had a significant reduction in its use in Needham. Other towns saw that success rate. They adopted it, themselves. They raised the age. There were like 221 towns and cities in Massachusetts which raised the age, including Boston. Finally the Massachusetts legislature raised the age state-wide. Similarly in other states.

Now in Hawaii, California, Oregon, Utah, New Jersey, Massachusetts, Maine, and most recently Virginia, where tobacco started, have raised the age to 21. Cities: New York City, a lot of other cities in New York state, Washington DC, Chicago, they have all considered the same thing. They have all had the same debate. Will it do any good to just do it. In Chicago, the suburbs around it are still at 18. They decided based on the success rate that this has had and has been shown, they decided to do it as well. Even the tobacco company, Altria, the old Philip Morris company, they made Marlboros, they recently had an editorial where the CEO of Altria said that Altria favored raising the age to 21. You've heard Juul has also done the same thing, the vaping people, because they recognize that raising the age does reduce the amount of tobacco use or tobacco-related product use by younger people. When towns do it, it eventually leads to states doing it.

I agree when people say New Hampshire ought to do it state-wide. I agree. There was a bill before the Senate that I went up and testified in favor of. But they held it in committee; they didn't pass it. Two years ago, the Senate defeated a bill to raise the age. It would be great if the state did it, but they haven't done it. They've had chances but they haven't done it. I don't think what the state did do was the law that makes it 18 also says that the local towns and cities can adopt a more stringent provision. They can raise the age to 21. The state legislature has told us that they aren't ready to do it state-wide, but you have the authority to do it. You can do it in Nashua if you want to, and I think we should. Dover did it, Keene did it, Newmarket has done it. I think if Nashua did it, there's some other places that are looking at it and if we do it, if other places do it, it would help get the state legislature to say well, maybe we should do it state-wide as they have in Maine, as they have in Massachusetts, and a lot of other states.

As far as local businesses are concerned, again research shows that we're just talking about 18, 19 and 20 year olds. Twenty-one to 121, they are still available. There are customers that are still out there. The research has shown that the percentage that the 18, 19, and 20 year olds represent is just two percent of total sales. Two percent is not going to make anybody go out of business. In fact, there are articles that show that the places that have done this, nobody has gone out of business. They have all survived. It's a small number of their sales. It's not going to put anybody out of business.

I understand and appreciate how passionate you are, Alderman Clemons, about personal choice. If we said that adults are 18 then they ought to be able to make their own choices. I understand that argument, but I also want to point out to you that we discriminate against 18 year olds in many ways. You talk about the right to vote. They can vote at 18, but they can't run for state senate. They can't run for executive council. They can't run for governor. They can't run for any federal office. They can't rent a car. They can't get a commercial driver's license to carry hazardous material.

Alderman Clemons

I agree that that is wrong.

Alderman Jette

You may think so but the law has made distinctions about people. I've heard you say that you think raising the age to consume alcohol or buy alcohol to 21, you didn't agree with that, but we have done it for very good reasons. When the law was lowered from 21 to 18, it was a disaster. There were a lot more accidents. A lot more people were killed. A lot more people were injured. A lot more people got into trouble because of consuming alcohol. We finally saw the light and raised it up to 21. And that's what we are trying to do here, just raising that age to 21. Twenty-one year olds can still consume tobacco products and vaping. We're just targeting those young kids.

It's not fool proof. I know that people say they will be able to go to Hudson and buy it. You have pointed out that when you were younger, kids got a hold of stuff. They probably got a hold of beer and alcohol, even though it was illegal. But a lot of kids didn't. A lot of kids weren't able to walk into a store and buy it. They weren't able to get it. Needham reduced it by 47 percent. If we can reduce our kids starting on the road to addiction to nicotine by 47 percent, by half, I think that would be a wonderful thing. I think it's well worth doing, even if it is 25 percent, even if it is ten percent. Saving some kids I think is well worth doing.

I think Nashua can take the lead, show the rest of the state that we value our children. Hopefully other towns including Hudson, Merrimack, Hollis, will adopt similar provisions and it will be even more harder for kids in Nashua to obtain these products. I understand Alderman Clemons' position. It doesn't sound like he is going to change, but I hope you, Madam Chairman, will vote in favor so this could be recommended to the full Board and let the full Board deal with it. Thank you.

Chairman Caron

I'm only to take two minutes. I was not in favor of this because truthfully I felt that it was the responsibility of our state with 400 people up there to represent this community as well as this state as a whole and they should have raised the age to 21. The second thing is I wish we could ban e-cigarette and vaping totally from this city because I think that has been a real big issue for our community and other communities as well. On the other hand, I understand the two cigar stores and I agree with Alderman Dowd. I wish there was some way we could allow them, if there was an 18 or 19 year old that wanted to go into their establishment to eat and have a cigar that that wouldn't be a problem, but I think that would make this resolution a little bit more complicated and maybe more difficult for the police and we certainly don't want to do that.

I appreciate all the testimony. You did your homework. I agree with Alderman Clemons in some respects. I just wish we could come to an agreement that the whole country goes to age 21. We should have banned tobacco 40 years ago when that came out. Alderman Kelly, it wasn't Joe Camel that brought people to smoke. It was the Marlboro man. Anyway, I appreciate it and whatever your testimony was, for or against, understand that we, as a board, have to do what we think is best for our community at large no matter whether we agree or disagree. We have to do what is the right thing for the community. I will vote for this in committee, and let's move it forward.

MOTION CARRIED TO RECOMMEND FINAL PASSAGE OF O-19-037

DISCUSSION - None

PUBLIC COMMENT – None

REMARKS BY THE ALDERMEN

Alderman Lopez

I just want to express my condolences to the community at Rivier University, Bishop Guertin and all the people who know Brother Paul Demers. He passed over the weekend. He was an inspirational person, and I would like to express my condolences.

Chairman Caron

I will have Sue Lovering take a poll and remind you that we will have a meeting in two weeks at 6:00 p.m. or 6:15 p.m. to talk about the resolution R-18-073.

ADJOURNMENT

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

The meeting was declared closed at 10:50 p.m.

Alderman Ben Clemons
Committee Clerk

From: Hugh Phillis [<mailto:hugh.phillis@gmail.com>]

Sent: Sunday, March 31, 2019 5:33 PM

To: jettee@nahsuanh.gov; Gathright, Linda; Kelly, Shoshanna; Laws, Brandon; Lovering, Susan; O'Brien, Michael (Alderman); clemonsg@nashanh.gov; Wilshire, Lori

Subject: Support of Ordinance O-19-037 Raising the age to purchase, use and possess tobacco prods and e-cigarettes

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Dear Alderpersons,

I am writing as a health professional and concerned Nashuan to support the ordinance brought by Ernie Jette. I will not belabor the health related points that are proven facts for cigarettes. They are a serious negative health habit with numerous health related factors. I have inserted text from the CDC related to cigarette use ([Health Effects of Cigarette Smoking | CDChttps://www.cdc.gov/tobacco/data_statistics/.../health_effects/effects...smoking/index.htm](https://www.cdc.gov/tobacco/data_statistics/.../health_effects/effects...smoking/index.htm))

- Cigarette smoking causes more than 480,000 deaths each year in the United States. This is nearly one in five deaths.^{1,2,3}
- Smoking causes more deaths each year than the following causes combined:⁴
 - Human immunodeficiency virus (HIV)
 - Illegal drug use
 - Alcohol use
 - Motor vehicle injuries
 - Firearm-related incidents
- More than 10 times as many U.S. citizens have died prematurely from cigarette smoking than have died in all the wars fought by the United States.¹
- Smoking causes about 90% (or 9 out of 10) of all lung cancer deaths.^{1,2} More women die from lung cancer each year than from breast cancer.⁵
- Smoking causes about 80% (or 8 out of 10) of all deaths from chronic obstructive pulmonary disease (COPD).¹
- Cigarette smoking increases risk for death from all causes in men and women.¹
- The risk of dying from cigarette smoking has increased over the last 50 years in the U.S.¹

Further the risks arising from nicotine use and exposure are the following:

[Harmful effects of nicotine - NCBI - NIH](#)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4363846/>

1.

by A Mishra - 2015 - [Cited by 55](#) - [Related articles](#)

Nicotine is well known to have serious systemic side **effects in** addition to being highly addictive. It adversely affects the heart, reproductive system, lung, kidney etc. Many studies have consistently **demonstrated** its carcinogenic potential.

[NICOTINE ADDICTION](#) · [NICOTINE AND CANCER](#) · [CARDIOVASCULAR SYSTEM--](#)

With these serious health risks as a concern, preventing their purchase and use by younger persons, potentially more at risk as they may not fully consider the health risks when purchasing or using the items, I fully support raising the age of use or purchase to one that allows more maturity and hopefully better evaluation of these risks.

Sincerely,

Hugh R Phillis, DMD

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Nashua Board of Aldermen
City Hall
229 Main Street
Nashua, NH 03061

March 4, 2019

RE: Ordinance O-19-037 introduced by Alderman Ernest Jette

Dear Nashua Board of Aldermen,

My name is Stephanie Wolf-Rosenblum, and I reside at 47 Berkeley Street in Nashua. I have come here today to ask your support in raising the age of tobacco sales and possession from 18 to 21.

Many of you know that I am a physician with the perspective of 30 years in the medical field, in particular as a board-certified lung and intensive care specialist. I am also a Member of the Board of Health of the City of Nashua, dedicated to the health and safety of our citizens. What is less well known is that I also have spent time working to promote the success of the City of Nashua, through my prior work on the Nashua Chamber of Commerce, the Vision 2020 initiative and others.

You have heard many statistics about why this proposed ordinance is important from others. Of particular note is the testimony of Dr. Albee Budnitz who is recognized throughout the State of NH as extremely knowledgeable about the science behind the risks of tobacco, especially in our youth. I will recap just a few key points:

- According to the Surgeon General use of tobacco products, in particular nicotine, prior to the time that the brain is fully developed at the age of 25 can prime the brain for addiction – and sadly, our City has seen what addiction looks like;
- According to the CDC (the Centers for Disease Control and Prevention), youth who use e-cigarettes are 3-4 time more likely to start smoking combustible cigarettes within the first year of use;
- According to the Center on Addiction, because vaping products are being advertised as having little risk, they are leading to an increase in youth marijuana use, as well;
- According to the most recent (2017) Youth Risk Behavior Survey in our own community, nearly 40% of Nashua High School North and South students reported having used an electronic vaping product, nearly 25% within the last 30 days;
- A change in the age to 21 would prevent and reduces youth tobacco and e-cigarette usage, and;
- For every \$1 we spend on prevention we save \$18 on the treatment/recovery.
- Most current smokers started using cigarettes before the age of 18.

In response to testimony given earlier in this hearing, I would also convey the following facts for the record:

- Cigars are made with premium tobacco and each has 200 mg. of nicotine vs. 8 mg. in a typical cigarette; unlike cigarettes, cigars have no filter, and even if you do not inhale, the nicotine is absorbed through the mucous membranes in the mouth.
- Nightshades, such as potatoes, tomatoes, eggplants and cauliflower, do indeed contain nicotine. However, one would need to consume 10 kg. (~22 lbs) of such a vegetable in order to equal the same amount as in one cigarette.

(The Nicotine Content of Common Vegetables, New England Journal of Medicine 1993; 329:437)

We have mostly spoken about the addiction aspects of smoking, but here are some of the other results of smoking:

- Asthma
- COPD (chronic obstructive lung disease)
- Increased risk of type 2 diabetes
- Poor wound healing
- Decreased immune system function
- Premature aging of the skin
- Increased risk of gum disease and tooth loss.
- Increased risk for loss of vision due to cataracts and macular degeneration
- Lower bone density (thinner bones), which means a higher risk for broken bones, including hip fracture
- Higher risk of developing rheumatoid arthritis
- Increased risk of peptic ulcers

It is also important to note that about half of all Americans who keep smoking will die because of the habit. Each year more than 480,000 people in the United States die from illnesses related to tobacco use. This means each year smoking causes about 1 out of 5 deaths in the US.

- Smoking cigarettes kills more Americans than alcohol, car accidents, HIV, guns, and illegal drugs combined.
- Smoking will shorten your life by 11-12 years.
- Smoking not only causes cancer. It can damage nearly every organ in the body, including the lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones.

As a lung and intensive care specialist, what I have seen up close and personal has included all of these conditions. I have been witness to how an addictive habit acquired in youth can lead to lifelong problems, effecting not only health and employment but the ability to engage in activities of daily living. I have also seen the effect it has on their families. So, I will tell you that I am also a family member of someone who smoked all of his life – and I only ever saw him smoke cigars. And here is what I will tell you about how my grandfather, Larry, of blessed memory. A vital, energetic man, a trucker, who was a champion boxer and avid ball player. He spent the “golden years” of his life severely debilitated. The last time I saw him was when I helped him fulfill a final wish, to travel to Florida to see family. He could only travel with oxygen and because I was able to accompany him and provide the medical attention he needed to complete the flight.

In closing, I acknowledge that this ordinance may not be easy to implement. But that is not a reason to discount the overwhelming evidence that nicotine is an addictive substance, a gateway drug and a risk to us all.

Thank you for your time and consideration

Sincerely,

Stephanie Wolf-Rosenblum, MD, MMM, FACP
47 Berkeley Street

Nashua, NH 03064
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