

A regular meeting of the Board of Aldermen was held Tuesday, April 9, 2019, at 7:30 p.m. in the Aldermanic Chamber.

Vice President Michael B. O'Brien, Sr. presided; City Clerk Patricia D. Piecuch recorded.

Prayer was offered by City Clerk Patricia D. Piecuch; Alderman Ernest Jette led in the Pledge to the Flag.

The roll call was taken with 11 members of the Board of Aldermen present; Alderman Wilshire, Alderman Dowd, Alderman Harriott-Gathright, and Alderman Gidge were recorded absent.

Mayor James W. Donchess and Corporation Counsel Steven A. Bolton were also in attendance.

Vice President O'Brien

The acting president would like to note that many of the Aldermen that couldn't make it this have been properly excused. Some are ill and we wish and hope that they are feeling better. And I do know some people in this Chamber who are still suffering and I am glad that you're here so thank you.

REMARKS BY THE MAYOR

Mayor Donchess

Thank you. So I am going to try to keep my remarks brief tonight because I know there are a lot of people here would like to speak I suppose on both sides of the tobacco ordinance. But I wanted to speak about O-19-040 which is the Ordinance following up on the Assessing Audit which creates the position, or re-creates the position of Administrative Services Director. We have discussed in Committee and the Committee has recommended the creation of the position with some amendments, which are fine. But just for the sake of history, the Administrative Services Director was first created in around 1980 Maurice Arel was Mayor and the City was re-organizing and modernizing management within the City. And some of you I know, know about that first-hand. The Administrative Services Director position was created to oversee City Hall Departments including Assessing, Purchasing, IT, Personnel, etc. It remained as an effective City Hall position; a manager within City Hall for some decades through the administrations of Maurice Arel, myself, Rob Wagner, Don Davidson, Bernie Streeter. Then early in Mayor Lozeau's tenure, she decided to request that that position be changed to a so-called City Stat position and that remained in effect for some years and ultimately that was phased out.

But in the Assessing Audit, CFO Griffin and Chief of Staff Kim Kleiner recommended that we make a cost neutral change which was to eliminate and reorganize, to eliminate the position of Chief Assessor and reinstitute the position of Administrative Services Director. Now in looking back to history it turns out that at least in the 90's when there was an Administrative Services Director, there actually was no Chief Assessor. There was a Manager of Assessing, a person without Assessing expertise certification, but someone who managed the people who did the assessing. Now I have told the Committee and I think I've told the whole Board that as we move forward, what is going to happen, and we are going to report to you, the Board of Aldermen later in the month, regarding all of the changes and improvements that have taken place as a result of the audit.

In addition, in terms of procedure and work load and many of the things that are now taking place, so we look forward to be able to enlighten you regarding all of the changes. In addition, if we determine or if you believe that we should contract with an outside assessing firm to provide oversight beyond what is being done; but I suggest you hear the report at least before thinking about reaching any conclusions. We certainly can go ahead with that or if the Board of Aldermen were to recommend in the budget that a Head Assessor be re-hired, certainly you need to add to the budget to do that, but we would certainly proceed to try to hire such a position even though we think you should take some time and hear the reporting and make a decision later.

The Chief Assessor's position was one that was very difficult to fill last time; one applicant is one reason for what was recommended in the audit. The number I think is 190 residential abatement requests; 190 is in line with previous revaluation years. There are another 190 or so commercial abatement requests but they are in different in character in the sense that seeking, there's a business really that has evolved regarding seeking commercial abatements. Some property owners just file on every property every year. There are people out here who offer their services free of charge to any commercial owner who wants to seek an abatement and like a contingency fee on an attorney, agrees to take a share of the profit or the savings. So there is a bit of business and I think the residential are different in character from the commercial in the sense that the residential are really people who on their own individual homes believe they were improperly assessed. Certainly they should pursue the abatement process as far as it takes them; there are some abatements that are being granted and others denied by the Board of Assessors.

We have instituted some deadlines and other things in the office to try to handle the work flow, to try to complete as many of the abatement requests as possible by July 1, when abatement requests go up to the Board of Land & Tax Appeals or the Superior Court. We met with Commissioner Stepp who is the DRA Commissioner and her staff. She has said that Nashua is in compliance with all of their requirements right now and certainly we are going to continue to work with them, as every City and Town has an obligation too, to make sure that the assessing goes well. But again they reiterated that we are in compliance with all of their requirements. So I would ask that you enable us to move forward as quickly as possible with the improvement of City Hall Operations that will be accomplished by the creation of the Administrative Services Position; not only in Assessing but in other areas and that you pass Ordinance O-19-040.

The only other thing I was going to mention Mr. President, is the bond issue for the landfill. This will enable us to expand the landfill, so-called Phase III, to extend its life by 10 to 15 years. Right now there is maybe a year to a year and a half left on the life of the landfill. The next stage, which has begun, Public Works has begun to seek to license Phase IV which would extend the landfill for another 40 years or so. But the landfill is a valuable asset, this has of course received the recommendation of the Budget Committee and I ask you to consider it favorably. And of course I am available for questions or comments but that is all I have Mr. President.

Vice President O'Brien

Do any members of the Board have any response to the remarks of the Mayor?

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARINGS

There being no objection, Vice President O'Brien declared the minutes of the Board of Aldermen meetings of March 25, 2019, March 26, 2019, and the public hearing conducted by the Committee on Infrastructure on March 27, 2019, accepted, placed on file, and the readings suspended.

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Larry D. Goodhue, CEO/CFO, Pennichuck Corporation
Re: Annual Meeting of Sole Shareholder

There being no objection, Vice President O'Brien accepted the communication, placed it on file, and referred it to the Pennichuck Water Special Committee.

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING

Vice President O'Brien

Folks may I give you a caution. We've had something like 23 people sign up. The period that is allotted to this is supposed to be 15 minutes. We have a very active agenda this evening. But I want to hear and we all do want to hear what you have to say. So when I call you up, please give your name and your address and express your opinions before the Board. However, if somebody else also came up and expressed the same opinion, it would be appreciated if you recognize that somebody else has already spoken and that would be fine as well too and we will try to get through the list. So that being done, I will now call Andrew Olding to come forward.

Andrew Olding It's Andrew Olding.

Vice President O'Brien

Olding, thank you. May I ask sir, to you and to others, if I murder the name, your forgiveness please, thank you.

Andrew Olding You are forgiven. So I am Andrew Olding, I live at 8 Royal Crest Drive in the south part of Nashua and I wanted to speak against the smoking bill that is in front of you today. There's a bunch of points that I'm sure other people are going to be making here tonight. But the big one that I wanted to focus one is one that I brought up when this was first brought on this floor the night of the Mayor's State of the City address. In that address, the Mayor spent a lot of time talking about wanting more young people to move to the City. If you want young people to move to the City, treating 18, 19, and 20 year olds different than you treat 21, 22, 23 and so on year-olds when it comes to the purchase of tobacco. When the rest of the State doesn't operate this way outside of a couple cities, is not the way to do, this is not the way to grow Nashua. Thanks.

Jeffrey Creem Hi I'm Jeff Creem from 7 Celeste Street in the north end of Nashua and I am here to speak in opposition to the proposed smoking ordinance. I think for a few people in the room probably know on Thursday the House is going to vote on HB 2 and in there is the definition of what tobacco products mean which actually differs from the definition we've got in the ordinance here. Specifically in the House Bill that excludes products that are basically certified by the FDA to be used for smoking cessation and that's not really in our definition. So we will end up denying young adults ages 18 to 21 with the ability to purchase products that they might want to actually have access to in order to basically stop smoking

I guess I'd further go to say that there's a portion of this Bill that has re-education camp for cases when people are repeatedly going back and violating the ordinance. And in general most of the people who will be going through this will have already gone through 12 or now maybe 13 years of Government education and that still hasn't sunk in, so I don't really think that additional Government re-education is necessary. Thank you

Melissa Creem Hi I am Melissa Creem, 7 Celeste Street. I am also opposed to this bill, I agree with AJ and my husband that you are not encouraging young people to move to the City. There are 18, 19, 20 years old, they are old enough to go to war for this country; they are old enough to have a cigarette, they are old enough to have a drink as far as I'm concerned. Leave them alone, stop meddling in their lives, they are 18, they are adults.

Stacie Laughton I am Stacie Laughton, Ward 1 resident off of Broad Street in Nashua, 507 Broad Street, Nashua, New Hampshire. I'm not going to read all of these that I have put out, I had written up something but in the observance of time I am just going to basically say because I have seen the previous public hearings and I am sure everyone has the same things that I was going to say, have already been said.

You've all heard it. I am going to say I support this Ordinance. I can say from personal experience that when I was 18, yes I thought it was cool, I thought that it was something that you know, it was pleasurable I thought. In recent times I have decided to give it up. If I had been forced to wait until I was 21, when my mind was more mature, and thinking more appropriately, I would have said "No, I will not smoke". I support this Ordinance because we must protect our young people. What I saw in the last Hearing when there was a resident who brought up a bag full of e-cigarettes that were collected at our High Schools, I was appalled. I feel as though that should not be going on in our schools. We already have a problem with drugs in our schools; we have problems with a lot of things. We must protect our youth. We must protect their minds until they are fully developed. This is not about taking freedoms away, this is about protecting our young people. And if you are afraid that by voting for this in favor that you may not get re-elected because your people might think you are taking freedoms away, don't be afraid of that. Stand up for our young people, protect them and pass this Ordinance and I hope that the Mayor when it gets to his desk that he signs it and we make this an effective law in the City of Nashua. And let's make Nashua the prime example of protecting our youth. Thank you.

Janet Valuk Good evening, my name is Janet Valuk and I live at 41 Roy Street in Ward 6. And I did talk last week to many of you that were here, but not all of you were here so I am just going to highlight a few of what I said last week in lieu of the time and the number of people that do want to speak. First of all, nicotine is highly addictive, in fact it is as addictive as heroin and cocaine according to the National Institute on Drug Abuse. The Addiction Center reports that according to recent research that the five most addictive drugs in order are: Heroin, Alcohol, Cocaine, Barbiturates and Nicotine, in that order. It may seem like we are focusing on vaping right now but I want to emphasize that the FDA reports that the significant rise in E-Cigarette use among student populations has resulted in overall tobacco product use increases of 38% among high school students and 29% among middle school students, between 2017 and 2018 which has negated the declines that we have seen in previous years.

This is a cause for concern because tobacco use is the leading cause of preventable disease and death in the United States and nearly all tobacco products contain Nicotine. As adolescent brains are still developing, Nicotine exposure during youth and young adulthood can change the way the brain works leading to a lifetime of addiction and in some cases, causing long-lasting effects such as increased impulsivity and mood disorders. Studies also find teens who use e-cigarettes have an increased risk of trying combustible cigarettes.

While completing switching from combustible cigarettes to E-Cigarettes may potentially benefit addicted adult smokers, no tobacco product, including E-Cigarettes is safe for a teenager to use. For each teen and young adult prevented from becoming an established smoker, this will save them an early loss of life, lost wages due to illnesses, costly medical care, lower productivity and increased disability. And we don't know all of the issues with vaping but I do know last week the FDA is investigating whether or not E-Cigarettes may trigger seizures in some people who use the Nicotine vaping devices. They said Wednesday that it had reviewed 35 reports of seizures among E-Cigarette users, mainly in young people. And they did stress that it's not clear whether or not the vaping was the cause of that, but they encouraged the public to report information about the issue.

The Surgeon General reported on December 18th that this is his fourth in ten years from his office quoting him, "I am officially declaring E-Cigarette use among youth an epidemic in the United States". In closing I'd like to leave you with the same statement that I made last week, this is not a war on tobacco. It's not a war on the stores that sell tobacco or the people that are already smoking. This is in defense of the brains of our children and young adults. And if it is the money that might be lost by the stores, it is so important, please think about our youth's health, not about the profit. I'm asking you to please not put money above health. Nashua can be an example as Keene, Newmarket, Dover and our neighbors to the south, the entire State of Massachusetts has now gone to 21; to send a message to the State that this should be done state-wide.

And just to let you know what a problem this is in Nashua, as the person that spoke before me said, I guess I am considered the bag lady now. This is what was confiscated from students at both Nashua High South

and North since September. There's a large amount and the majority of the students in the High Schools are under 18. But also a survey an academic survey that was administered showed that 61.5% of youth who reported current use, get their devices from someone that is legal other than a parent. 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. Thank you.

Justin O'Donnell Thank you Mr. President, members of the Board of Aldermen, my name is Justin O'Donnell and I live at 355 Main Street in Nashua. Some of you may know me, I have run for federal office here in New Hampshire several times. I am again seeking federal office in 2020 as an independent candidate and I usually campaign on a platform of leaving all legislative and policy decisions to the most local level possible, which would be Boards like yourself in a Town or a City. However, just because I want to make those decisions at the most local level possible to keep the State and Federal Governments from meddling in people's lives, to give the most local control doesn't mean that exerting as much local control as possible is the right answer.

Now I understand all the fears and the hopes that we can do something to better the health of the children and our teens in our high schools. However emotions don't make for good public policy. Emotions ignore the facts. Emotions don't recognize that this bill you are voting on does not ban possession, it doesn't even penalize anyone for possession. It only penalizes students for the attempt for the purchase. It only penalizes 18 to 21 year olds if they attempt to purchase it and these stores that will sell it to them. It also exempts on-line sales, it doesn't prohibit anyone from purchasing anything on-line unless the distributor or retailer is in Nashua. Because an outside business doesn't care what your laws are, they care about their profit margin and that's it. Overseas sellers from China and Europe will ship the vaping products, I've purchased them on-line myself, there is no age verification, they don't care as long as you pay. They don't care where it comes from.

Our concern is about the kids in the schools who are getting access to these when it already illegal for them under 18 to purchase them in the first place. And the studies show they do that these students get their vaping products and their tobacco products from people other than parents over the legal age, the same people they get their alcohol from and their marihuana from, things we've already banned and made illegal for kids under the age of 21 yet still hasn't stopped. All this Bill will accomplish is to create an anti-business environment by driving those sales outside of Nashua because it's not illegal in Merrimack, it's not illegal in Hudson for 20 year olds and 19 year olds. It's not illegal in Manchester for anyone. You'll create a black market, you'll create an increased value for those who do travel to purchase them and bring them back to the kids who want them. You won't solve the problem you'll create a bigger one. This Bill has no teeth of enforcement. This Bill doesn't solve the problem; it just creates new ones. It is a Bill proposed on emotion to do something good without recognizing that the public policy is more important and noting how it is going to affect the community as a whole.

Our businesses in Nashua, some rely on tobacco sales, small independent family owned convenience stores that operate a tiny margin of profit to begin with rely on the fact that we are competitive and people from Massachusetts drive up here to buy their tobacco by carton at a time because we haven't legislated away their ability to do what they want. You will create a patchwork of regulation, you will create a disparity in law between Nashua and Merrimack and other States. And while I usually advocate for the most local level of control if you are going to do something like this, one it has to have teeth to enforce it and two it would have to be State-Wide because as of now there is no incentive for someone who lives on the border to just not drive to Merrimack, Hudson, Manchester, it's not that difficult to get them and bring them back to Nashua when there is no punishment for doing so. So this ordinance as amended is a waste of everyone's consideration as far as I'm concerned because it will change nothing.

And I understand the concerns; I agree with the concerns. I started smoking at 16, I've been quitting for 13 years now I say. It is incredibly addictive, it's very difficult to overcome. But if we are going to argue that 18 year olds aren't emotionally or mentally mature enough to make that decision for themselves, then why do we let them vote? Thank you.

Joerel Nieves Hello everyone my name is Joerel Nieves, I am 18 I go Nashua South. I live at 9 Forge Drive. I am going to leave all the big facts to them, they got all that. I am just here to say that this bill will prevent our youth to you know make it harder for them to find ways to get it and that's really all I had to say. Enjoy the rest of the time.

Desne Bueso Hello my name is Desne Bueso I live at 86 B Kinsley Street. I am here to support this new law. I believe that I represent the youth here in Nashua and from personal experience I know that a lot of high schools, middle schools, they all have access to this. And they all start addiction early and I do believe that we are the future and if we keep this up it will not end well. And I do believe that this may not ban anything as the gentleman said before me, but it is a first step in getting somewhere, because you must take steps forward to get to your destination. Thank you.

Albee Budnitz Hello I'm Albee Budnitz, I live at 27 Wheaton Drive here in Nashua. I first will reiterate or not reiterate but I am here to support Mr. Jette's Bill and I will support everything that Jan Valuk said prior. I just want to make maybe 2 or 3 new points. I think the most important point, well one that was brought up earlier, vaping is not FDA approved for tobacco cessation, it may be at some point, and that's being looked at but it is not approved for tobacco cessation right now. Number two, by increasing the age to 21, it will not solve all problems, but it is part of a community-wide, comprehensive program that has proven with combustible tobacco use to be probably the second most important advance that we've made in the last 70 years in public and population health after vaccination which is another story but we won't get into that tonight.

But I teach Public & Population Health to 3rd and 4th year medical students at Dartmouth University of New England and this is what they are getting. Two more points, one is that increasing the age to 21 has been shown and I have the backup data for that, to reduce initiation of use by 12 to 17 year old kids by 20% to 30%. That in turn results in remarkably reduced morbidity and mortality later in life. It is not like opioids where you die then at 18 or 20 or 30, you don't die until you're old, at 40's, 50's, and 60's and I am well beyond those decades, so fortunately haven't smoked. But it will save that morbidity and mortality for our youth when they get older.

Finally, just to reiterate Jan's point, the brain is not fully developed until the mid-20's, maybe the early 20's for girls, mid-20's for boys. And those brains are unbelievably susceptible to Nicotine which is a gateway drug to opioids and alcohol. Thank you.

Mike Apfelberg Good evening, Mike Apfelberg, 7 Edson Street, proud resident of Ward 3 speaking here in support of the tobacco 21 legislation. So you know according to Stanford University and the National Institutes for Health, as Jan and Albee mentioned, the brain is developing through the age of 25. And up to that point in time, it is therefore more susceptible to becoming addicted. Addiction is a brain disease, we have come to learn this. The problem with Nicotine is that every time you take a hit off of a cigarette or a vaping device, every hit that you get of Nicotine corresponds to a hit of Dopamine being released in the brain and that is what makes this drug Nicotine so addictive in and of itself.

Now Nicotine has not necessarily been proven to be carcinogenic but it has been shown to have a strong linkage to cancer. It is definitely known to create cardiovascular, respiratory, gastrointestinal diseases, it decreases your immune response and it can have harmful effects on your reproductive life in later years. One of the things that we've heard as an argument, why we should not move forward with this legislation is because you can do a lot of things at the age of 18. How many times have we heard this evening and on social media, you can send kids off to fight for us in war at the age of 18. I would remind you there are some things you can't do at the age of 18. And there are reasons for that. You cannot purchase and consume alcohol, you cannot go to a nightclub, you can't drive a school bus, you cannot adopt a child, you can't fly a commercial airplane, you can't rent a car, you cannot buy a handgun or ammunition for that handgun according to Federal Law. In Massachusetts at least, you cannot purchase marijuana.

So why is that we limit those things to people for later years? It is because we know that adolescents are not ready to make each and every decision in life. And so that could include the smoking of tobacco

products. You are also going to hear, and you've heard this argument about well you can go to Hudson, you can go to Merrimack. You know, I understand that argument, be can also be the first, we are the second largest City in the State and we can be the first of those two large cities to prohibit this and we can be the first then to lead a movement to hopefully make this a State-Wide initiative. So I do hope that you will consider supporting this legislation as it is written or as it might be amended. Thank you very much

Jon Shaer Good evening everyone. So I am personally not a resident of Nashua but I am here representing the convenience stores. I am the Executive Director of the New England Convenient Store Association and I have a number of members specifically Shell at 190 Amherst Street. So as I said I am the Executive Director of the New England Convenient Store Association. And what we have is we have a vape problem, we do, we clearly have a vape problem nobody is questioning that. Nobody is questioning the harmful effects of Nicotine or JUUL or any of that – granted. What we are here tonight to talk about is whether or not raising the age to 21 is an effective policy. Is it going to solve the problem, balanced with what hardships is it going to create for both adults here as well as the businesses here. 20.8% of high school students, in the latest National Youth Tobacco Survey are vaping, are using E-Cigarettes. Cigars, cigarettes, smokeless, have all fallen since 2011.

So the logic here is if an 18 year old, 18 year olds are still in high school largely and therefore raising the age essentially blocks that pipeline. I guess that makes sense logically, but the logic is flawed because it isn't an effective obstacle because it doesn't address really important loopholes such as on-line access, cross border sales or even the social sourcing frankly that it seeks to plug. In fact at the State SB248 which was a similar bill to raise the age to 21, our Association did not oppose and we didn't oppose it because it was State-Wide. We do oppose this because an individual City or Town for that matter does not effectively, it will not effectively do what it seeks to do because there are just too many other loopholes, it doesn't take much to go to another town to buy these products. And someone earlier said about the black market, it will happen. What it also will do is it will harm the convenience stores, my members, because these sales are now going to be exported to these other towns.

And it is not just the tobacco sales, it is the bread, it is the milk, it is the gas, it is everything else, it is the market basket as we refer to it. So this Board, which is certainly has the people of Nashua in mind, should also I hope have the businesses of Nashua in mind. The people that hire and invest in their community and that business will be exported. I should say retailers do stand with tobacco, there is a 97% compliance rate in this City among retailers, they are doing their job. What you may not know, maybe you do maybe you don't, but the State took in \$245 million dollars in tobacco related revenue in the latest fiscal year; spent \$140,000.00 on tobacco control programs, a paltry \$140,000.00. No wonder we have an epidemic. I mean I do a lot of cities and towns all over New England and often I hear "kids don't know it is addictive, parents don't know what to look for". I have no doubt, I have no doubt – when New Hampshire and other States are spending so little on education and cessation programs.

So here we are, let's raise the age and let's in effect punish the retailers and I know that isn't the direct reason for doing it but it is effectively what happens, when there are alternatives. And finally, and somebody mentioned it earlier, this Ordinance does not address use and possession. Someone said there is no teeth and that's true. So if all we are going to do is raise the age and continue to point the finger at the those that are selling it and not point the finger at those people that are using it, possessing it and using it when they shouldn't be, what are we telling our youth? Smoke 'em if you got 'em. If you get 'em great, smoke 'em. I see Officers in the audience; they wouldn't be able to do a thing. So I leave you with that. Happy to answer any questions.

Vice President O'Brien

Thank you, we don't have a question period but thank you sir for comments.

David Garofalo Hello my name is David Garofalo, 15 Spit Brook Road here in Nashua, New Hampshire. I own and operate Two Guys Smoke Shop. At Two Guys Smoke Shop we don't sell cigarettes, we don't sell vape, we don't sell chewing tobacco; we sell cigars. But we are grouped in with this, with all other tobacco.

Apparently it looks like vape seems to be the problem but we become one of the unforeseen consequences with this. Currently the legal age to purchase tobacco in the United States is 18 and New Hampshire and it is 18. Today the City of Nashua is considering overstepping its boundaries as far as I am concerned in trying to overstep the State and National Laws.

Talking about rights, you are considering taking away a 20 year adult rights. A person who can go into legal contracts, an adult who can be sued or sue somebody; an adult who can vote, join the military, go to war, get married and divorced, serve on a jury, have children and I believe can adopt a child even though I heard contrary here in New Hampshire. These adults have rights and can do all this but for some reason think they shouldn't be allowed to make a decision to buy a tobacco product or not. That would only be in Nashua, New Hampshire. If they do commit this crime, they would be charged as an adult, but I understand that has been taken off the docket here today also and that's because it turned out to be a in illegal act Unrealistic and inappropriate legal act for a 20 year old adult who can use tobacco product now and suffer legal consequences if they continued effectively encouraging to circumvent the law and exercise rights currently available to them today.

Talking about money, this action would have a direct negative fiscal impact on the State Tax collected in addition to our very own Nashua Retailers such as myself. Retailers will experience a sales decline of a legal tobacco product to a legal aged adult and only in the City of Nashua. The City would not only restrict the rights of a Nashua adult, 20 years old, but at the same time, hurt the Nashua businesses only. The brick and mortar retailers who are already struggling, like all brick and mortars, to compete on-line. Consumers can buy in the next City or buy the products on line with no consequences. It won't stop anybody who wants it, it will just take away the sales away from the retailers in the State including myself. It will hurt New Hampshire businesses and nothing more. As many adults from neighboring higher State tax, such as Massachusetts, currently purchase tobacco products in New Hampshire, the revenue lost for the State will be considerable. I do the highest cigar sales in the United States of America, maybe the World, at Two Guys Smoke Shop with cigars and we will be directly affected in a major way. Nashua is a border City and the reason why I moved my business from Massachusetts to New Hampshire.

I look at other costs, Law Enforcement if they are to somehow try to control this, the cost that would happen and the time and man hours that it would take away from the violent crimes and drug epidemic we have. Also the increased tensions would be taking away man hours from them. Talking about the law at the same time you should look at possible law suits that could happen if this action was to take place. The Attorney General in New Hampshire believed that Nashua was over-stepping its boundaries and that's why the change we have from last week into what we have here today. New Hampshire uses Dillon's Rule which is not the home rule status, meaning Nashua Government may engage in activity only if it is significantly sanctioned by the State Government. This is not, this action that is going to take place. Nashua cannot make it a crime to possess and use tobacco, once again a reason for the change to someone in New Hampshire. But I'll go as far as to say that this would also happen if the age was changed in the State and we will have to let the courts decide on that. A yes vote would only hurt the sales to retailers here in Nashua, New Hampshire and not stop the use or the possession for sure. I expect it to be unconstitutional with the sales as well. There is no upside.

Lastly employees, part-time summer help that I may hire from year-to-year that is typically somebody going to college and with me is one of my employees that started with me when he started college. He went through his college years and then decided to stay with us. He's now with our company for 25 years and he's not the only one. Please leave these actions to the State and Federal Government where they belong. This is not and should not be a Nashua Board of Aldermen issue. I believe you are over-stepping your boundaries and trying to hurt small businesses within your City only. That is not the position here that should be taken. You are here to help us, I hope, that's why I moved up here. US Congress has introduced a Bill to do this nationally and has added age verification for on-line vaping products, which doesn't exist right now. Right now 70% of tobacco products excluding cigarettes is sold on-line; 70%, the other 30% is for the struggling brick and mortar retailers that are out here.

This change will do nothing if they want the product they can get it. Vape seems to be what I am hearing from the crowd here and what I heard from the Committee in past hearings, the problem becomes vape. We don't sell vape, we don't carry vape, we are stuck in with all other tobacco products and it is not fair. Nashua needs to take a step down and stop the overreaching from this. Thank you.

Ed Santamaria Good evening, hi I'm Ed Santamaria, 15 Spit Brook Road, Nashua, New Hampshire and I work at Two Guys Smoke Shop. I am in opposition of this Ordinance as written does not curb use for possession. Past Committee meetings we heard Alderman Wilshire say that she thinks that people are going to go elsewhere to buy these products. They will go elsewhere, they'll go to Hudson or Merrimack as other people have mentioned. Right now they go elsewhere to Nashua, New Hampshire from Massachusetts from surrounding areas. If you've been to the Mall on the weekend, there are a lot of Mass plates. That's just business that is going to be lost. This Ordinance is an attack on local businesses; all businesses like I said the Mall, restaurants, other establishments. It's not good for business in the Nashua area. And I understand the pleas of those in favor, but this does not curb use or possession and I think that it is not going to solve the problem at all. Thank you.

Steven Elliott Hi I am Steven Elliott, 256 Pine Street, Ward 6. In about 2012 a couple years after State's started implementing bans on texting while driving, all the studies showed that texting related accidents increased in those states, including fatal accidents. And so one thing to do when you are looking at laws like this is to ask what are unintended consequences? And what you will probably see if since people between the ages of 18 and 21 are the poorest people, the fines are going to make them even poorer. That means that if you look at the data, poor people have higher birth rates, so you'll have people that are smokers having higher birth rates, which will probably increase the amount of smokers in the long run. So your law probably won't work. Thank you.

Quinn Bardon Hi I'm Quinn Bardon I live at 7 Royal Crest Drive in Nashua. My father is British and in his home country an establishment may serve a 16 year old with beer and wine that is purchased by an adult. Not coincidentally in that country youth alcohol poisoning and DUI rates are significantly lower than in the US. Adult authoritarian control of addictive substances merely creates a forbidden fruit effect where the targeted substance becomes that much more attractive simply because it is forbidden by those seen as stodgy and cool. Thus this Ordinance will be counterproductive in that respect.

See reverse psychology here is a genuine phenomenon and on that I'd also like to point out that I find it curious that many proponents of these types of restrictive policies, also advocate lower the voting age to something like 16. So apparently a 16 year old is qualified to choose someone with the power to initiate a nuclear conflict with Russia but has to wait 5 years to pick up a pack of smokes, very curious that. Thank you.

Howard Ray Good evening Mr. Mayor, Board of Aldermen. My name is Howard Ray, I live at 2 Clock Tower Place, 133 here in Nashua, New Hampshire, Ward 4. What we are talking about here this evening really is responsibility; responsibility for your health, your children's health and so forth. I find it nowhere that this municipality has the right, moral right or obligation, to tell me how to raise my children especially after he has reached the age of majority of 18. What right do you have over my child and the decisions that I make? I would say as a municipality none at all. And I would even argue obviously as a State none at all either.

My service, I spent 13 glorious years in the United States Army, my service in the United States Army wasn't for a group of local politicians to tell me how to raise my children. It was so that I could make the right decisions on my own to teach my child that perhaps at 18, he should not smoke. Perhaps he should join the military. Perhaps he may not join the military, perhaps he does smoke, that's my decision and his on his own. It's not yours. About these education camps that were mentioned earlier, you are going to send 18 year olds to tell them what not to do and as soon as they pay their \$50.00 they are going to go back to their home and they are going to pick up their E-Cigarette and go "Well that was nice". And they pay their 50 bucks and it's a wash. And they got caught again and who cares? Not the people that want to smoke, not the people that are 18 years of age or older.

And I am going to tell you as a person who is 18 years of age or older, you can buy a shotgun, you can buy a rifle, you become a pilot at the age of 16. So I don't want to hear this idea that 18 year olds somehow don't have what they need up here in their minds to make the right decisions. They can make the right decisions on their own especially if they have good parents leading them. That's all I have to say, thank you for your time.

Dotty Oden Thank you, I am here to support the ordinance. Dotty Oden, 16 Cathedral Circle, I am here to support the ordinance tonight, I am a member of the Board of Education but I am not speaking on behalf of the Board I am speaking as an individual. We have a serious 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 our high schools 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 quickly. It wouldn't be a surprise if we had elementary school students vaping also.

JUUL is the most popular vaping device, it is used by almost 80% of those who vape and so popular that vaping is often referred to as "JUULING". Just this past December, Altria the parent company of Philip Morris invested \$12.8 billion dollars to purchase a 35% stake in JUUL Labs whose value was placed at \$38 million dollars at that time. It certainly appears that the big tobacco companies are looking to ensure that they will have a new and younger generation to buy their cigarettes to their profits will continue to roll in. Ironically the first line of JUUL Lab Website reads "JUUL's Lab's Mission is to eliminate cigarettes".

Our administrators and teachers are spending much valuable time and effort in dealing with the vaping epidemic. 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. Many parents think that vaping is harmless because of the sweet smelling flavor and the fact that it is not a cigarette. Of course this is not true as a JUUL pod contains as much nicotine as a pack of cigarettes. Recently I read an article that stated, I'm sorry I had to cut some of this, "the long term effects of vaping are unknown but the long term effects of nicotine are not". And I think that's part of my concern about this is what past people have spoken to is how it changes the brain of these young kids who don't realize that for the rest of their life, they could be looking at a strong susceptibility to addiction.

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 that you support this ordinance as there is no money being asked for; only your vote. It will not eradicate the problem but will send a strong message that vaping is harmful for our kids. It might also free up more time for our administrators and teachers to ensure our schools are safe and students many needs are being met. We need help in many areas and this is one. Again this is not a money issue; I am asking for your vote to send a strong message that this community is supportive of doing what is right and best for our children and their future. Thank you.

Louis Alciere Hello I'm Louis Alciere of 28 Mobile Drive and I am against. It doesn't really make sense that most of my friends under this new bill would not be able to purchase tobacco or whatever else they may be or like everyone else has alluded go over state elsewhere. Massachusetts has already implemented this State-Wide and I would like, I'm sorry I'm a little nervous. New Hampshire is supposed to be about Live Free or Die. And you are trying to take away some of my friend's freedoms. That doesn't make any sense. And I am speaking for those friends are already in Massachusetts schools that have to drive up an hour to get their products because of the law that has been implemented in Massachusetts. I had a lot to say and then Justin O'Donnell literally said word for word everything I had. So thank you. That is all I have to say.

Sue Newman Yes good evening, Sue Newman, 25 Charlotte Avenue, Ward 2. I support this ordinance. We all have the responsibility I believe to make good health decisions in the best interest of our families, our children, our community and especially for our young people. We all know how dangerous nicotine is.

I sent a brief e-mail to you all just yesterday so I don't know if you had a chance to look at it, but from a site, Tobacco Free Kids, the total of tobacco in New Hampshire the following information was put out.

7.8% of our high school New Hampshire kids smoke. 23.8% just under 24% of our New Hampshire high school kids are using E-Cigarettes. The number of cancer deaths in New Hampshire attributable to smoking, 27%. Kids now under 18 and alive here who will ultimately die prematurely from smoking, 22,000. Then getting to the money end of it, health care costs in New Hampshire directly caused by smoking - \$729 million dollars and that was reported to be an annual figure. From a February 11, 2019 FDA report, I am quoting, "The epidemic use of E-Cigarettes among children is one of the biggest public health challenges currently facing the FDA. Additionally while E-Cigarettes might be a successful tool to help currently addicted smokers quit, the sale of these devices just cannot come at the expense of addicting a generation of kids to nicotine". So I thank you and I close with saying we have the responsibility to make some good decisions for our young people.

Tom Alciere Good evening my name is Tom Alciere, I live at 28 Mobile Drive in Hudson. I was briefly a State a Representative from here in Nashua and those of you who don't remember my opponent in the Libertarian Primary has already spoken here today. On 24 May 1979 Governor Hugh Gallen signed Hate Crime Legislation here in New Hampshire. Hate Crime Legislation, Raising the Drinking Age from 18 to 20 when I was 19. Those of you who remember my brief tenure in the NH Legislature saw just how grateful I was. If it's all about saving lives by hiring gun toting goons in bullet proof vests who intimidate people into living a healthier lifestyle, you don't win if the targets of the legislation to whom it is totally unacceptable, spend every waking hour for the rest of their lives like a merciless chess player looking for every possible opportunity to make you wish you hadn't; such as the time I spotted an opportunity to run for New Hampshire Legislature.

I don't know how you can pledge allegiance to a Republic With Liberty And Justice For All; Liberty is an unalienable right which by definition preempts the rule of law when the two things conflict with each other. And then from Hate Crime Legislation against people just because it is easier to pick on people under 21 then it is to pick on people older than 21. I mean I've heard all the excuses, oh sure, drinking during pregnancy harms the baby so let's impose this on men under 21 and not on pregnant women over 21. The same thing is true of smoking cigarettes. It harms the baby, so let's impose this on men under 21 and not on pregnant women over 21, because it's not as easy to pick on people over 21. And there are Libertarian chess moves that would do better. There is a State Law forcing businesses to hire smokers. It is illegal to discriminate against applicants that smoke. That denies jobs to people like the gentlemen that my son – when he's out looking for a job it's not fair that they should pass him over in favor of some smoker if they, they shouldn't have to. Non-smokers deserve a job more, they won't drive up the cost of the company group health plan as high and companies can save money, they'll have an incentive to give jobs to people who deserve jobs instead of giving them to smokers.

On 14 February 1997 in Manchester, a smoker got into a taxi, it's illegal to smoke in taxis in Manchester and that's beside the point because the owner of that car said there is no smoking allowed in that car. That's the property right; the smoker would have none of that and the cab driver wound up drawing a Glock 9 Millimeter, fired 8 shots and extinguished the smoker and wound up going to prison for second degree murder as if the cab driver was the one doing something wrong. That has to stop, people have to be able to defend themselves against the smokers. Just like the time the Turkish Air Force shot down a Russian Jet Liner that was on its way to bomb Syria cutting through a corner of Turkish Air Space, that's how they defend their air space. That's how non-smokers can defend air space too.

If a smoker and a non-smoker both need a lung transplant, why should the non-smoker who has never smoked in their life wind up dying so that that lung transplant can go to a smoker that deliberately destroyed his or her lungs. There are Libertarian chess moves that can make smoking history instead of using unprovoked violence to try to intimidate people into living a healthier lifestyle.

Bobbie Bagley Good evening, I'm Bobbie Bagley, I work at 18 Mulberry Street. I don't live in Nashua but I spend a great deal of time in Nashua and I have quite a bit of family that lives here as well. A couple of

weeks ago I had the opportunity to participate in an Awareness is Healing Walk with over 300 people who were there to remember loved ones that were lost due to overdose due to their addiction. There were family, there were friends, their hearts were hurting, they were sad; but they were also happy to be there together with their community to make a difference.

This issue is about what Nicotine does to the brain; how it changes the brain chemistry. Imagine if we could spend, if we could expand the life expectancy of all of those members in our communities so that they could meet their full potential and contribute to society living long and healthy lives, free of chronic diseases, free of hypertension and free of addiction to substances. Imagine if we could extend the time of a young person developing the habit of using tobacco or Nicotine to allow for their full development. We don't have to imagine this. We can make this a reality here in Nashua; in support of O-19-037.

I've heard this economic impact on businesses. A while ago we passed legislation to not having smoking in restaurants. At that time there was a thought that business would be lost because people wouldn't go because they couldn't smoke in the restaurants; that didn't happen. What do we know? We know that \$729 million dollars were spent on tobacco-related diseases with 19,000 deaths in 2018. This is a Public Health Issue and the Public Health is our entire community's responsibility and preserving the health of our youth in this community and the communities abroad, is all of our responsibility.

I have a letter here from one of the members of our Board of Health who is a pediatrician who practices here and he did send a letter out to members of the Board of Aldermen. It is a long letter and I'll just read parts of it. Dr. Cappetta does apologize for not being able to be here this evening because of a prior commitment. But he does stand in support of this legislation and does believe in raising the age of purchasing tobacco to 21. That would include all tobacco-related items such as cigarettes, cigars, chewing tobacco, and Electronic Vaping devices.

The well-known addictive properties of Nicotine, which is the main substance in all of these above-mentioned products is especially relevant to him as a pediatrician for over 30 years. The development of mature brains does not take place until the age of 25. This fact is well-known is scientifically supported and is indisputable. As we all know the brain is a computer control at the top tower of the body and is made up of a complex system of nerves and neurons that send and receive messages to and from all parts of the body to do everything we take for granted; talking, walking, breathing, movement, digestion, etc. Without these intricate series of sequentially transmitted messages being passed along from nerve to the next, like the game of telephone tag we used to do in elementary school, we would not survive.

Each nerve cell sits next to each other separated by a small space called a synapse, much like two neighboring houses on the same street, separated by a common driveway between them. In order to get from one house to another, the neighbors need to cross the driveway to get to the other side. Furthermore, in order to actually enter your next door neighbor's house, with permission of course, you need to have a specific key to allow for you to enter. This simplistic view of how these friendly neighbors coexist with each other can now be applied to how Nicotine affects this transfer of messages. Nicotine is similar to an unwanted intruder in the neighborhood who has somehow gotten ahold of the house key and is able to get into that house and to the house next door and cause havoc with them.

Nicotine acts by attaching itself to one end of the same nerve cells which in turn triggers the release of feel good chemicals such as the hormone called Dopamine that leads to the body thinking that this good feeling is great and it is wonderful and it wants to continue to get more and more of this stuff. And who does not like to feel good? This deceptive action of Nicotine to stimulate the increased release of good feeling hormones is the beginning of addiction. The incipient feelings of physical addiction lead to the body wanting more and more of that which caused such a great rush or high in the first place. Thus, smoking, chewing, or vaping activities increase to sustain this powerful sensation of a great feeling.

This in turn leads to the hardest part of Nicotine usage, the mental addiction, where now the brain is fooled into thinking that the Nicotine that was once considered bad is now considered good because of the need to have more and more of it in order to produce the same effect – aka the definition of tolerance. In this

case, more and more Nicotine must be taken to reproduce the same initial effects on the body and now on the brain. That is why trying to break the cycle of tobacco, the use and addiction is extremely difficult. The known physical ill effects and consequences of Nicotine use causes cancer, hypertension, stroke and etc to name just a few that are taken over by the brain's false thinking that it needs more and more regardless of the continuing damage of the Nicotine upon the body itself.

The adolescent brain does not fully mature until 25 and so it at more risk than the adult brain to be fooled by this negative impact and this cycle that is very sneaky and this very bad home invader. Since the younger brain, under 25, continues to build better and faster driveways or synapses between nerve cells than the older one, the addiction potential is that much stronger and that much deadlier.

He apologizes for the length of this letter but is in full support of the passage of O-19-037 to raise the tobacco purchasing age of 21 without hesitation to allow the developing brains of our future leaders, as we have heard from a couple of youth here this evening of tomorrow who will someday be sitting in these seats; the same seats that you occupy tonight. More valuable time to not be exposed and traumatized by this powerful and dangerous drug. Dr. Cappetta says that he is available to meet and talk with anyone about the things that he has submitted in this letter. Thank you.

Ben Bolen Good evening, my name is Ben Bolen and I am from South Hampton, New Hampshire. I am the Director of Operations of Rapid Refill. I will keep this brief, I promise. As I mentioned at a previous meeting we have a convenience store here in Nashua. We are adamantly opposed to cities and towns unilaterally moving the legal age to purchase tobacco to 21. It unfairly impacts licensed retailers in the city and does little to reduce youth access. It will also result in a loss of a sales which in turn reduces labor hours that we were able to allocate to our dedicated employees.

I will reiterate what I said last month which is that we have a proven process in place that educates our employees on how to effectively sell age restricted products. In closing and to be clear, we would fully support moving the legal age to purchase tobacco to 21 if it is done State-Wide and enacted at the same time. Thank you.

Vinayak Graves It's Vinayak Graves, I live at 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 I said I have been living here for 11 years, I am currently a high school freshman and I am attending an on-line accredited academy for the last 4 years. So I know we've already heard a lot of statistics tonight so we could be here all night if I go over them all over again. So I want to give you a quick personal experience.

Two years ago, my eldest sibling entered high school a bright and enthusiastic student. He was a part of the National Juniors Honors, he had a perfect GPA. Slowly he transitioned from "I only tried it once" to "It helps relax me" until finally he developed an addiction to vaping. I would to let you all know that going into high school he wanted to be a lawyer, now today due to the effects of vaping, his mental health has suffered greatly and he is no longer even able to attend the local high school. Numerous times he told me "You can get anything you want at high school" so this is not just about the smoking and the health; this is a business in these schools that these kids, these young children are making into a business.

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. 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 problem 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.

As we've heard earlier tonight, many people have said this will not 100% fix the issue of smoking and that is true. It is not 100% going to fix the issue of smoking; but the fact is that if this Bill can save one life, then

is it not worth it to pass it? If it can save people like my brother from going down these roads is it not worth it? I know it is not going to solve the problem 100% but it is a step in the right direction. I also have heard people say that kids can go to Hudson, they can go to Merrimack, they can go to other towns, but I would like to remind you all 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 that 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 City in New Hampshire can raise the age from 18 to 21 to purchase and distribute tobacco products, what is stopping the rest of the State from following? I'm sure if we can do this today that Hudson and Merrimack can start a similar movement. It isn't just what we do for our City that counts, it is the example that we set for other Cities that truly matters. The opportunity that we have for our City today is a step towards making all of New Hampshire a better State for our youth.

I would like to state a quote from 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. The tobacco industry has stated, in 2007, that the smoking industry claimed in 2007 when E-Cigarettes were first imported into the US that they were smoking cessation tools. However, according to the Center for Disease Control & Prevention, 20.8% of high school students reported 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, at music festivals and sporting events and kids are noticing. I would like to direct your attention to this advertisement I have here. As someone mentioned earlier, JUUL is one of the most common vaping and as we can see from its advertisement, as we can see from this advertisement itself, the JUUL Company is advising that we raise the age from 18 to 21. So when the JUUL Company itself is advising this, then I think we should all be concerned. The fact is we really don't know what the long-term effects of vaping is, it hasn't been properly researched. But I understand that today this has been less of a debate over the health the health of our youth but more of a debate about whether or not we should choose money over our youth. I think we can all say that the health of our youth is important than making money for the City. Thank you.

Adhvika Arun Hi my name is Advika Arun I am not a resident of Nashua, actually I am a resident of Londonderry but I have come here today as a representative of Londonderry and the State of New Hampshire. As stated before by Mr. O'Donnell, when you are 18 you can vote, you can adopt a child, so many other things, but those things that you are allowed to do when you are 18, those do not have biological effects. Things like smoking, drinking, doing drugs like marihuana and cocaine, those all have severe biological effects on the body. And when Nicotine is entering an undeveloped body and undeveloped brain, disastrous effects can happen. And I don't think we want for our youth and the future of our City.

Additionally I just wanted to state again that I am coming here from Londonderry because I really want this to happen; not only in Nashua but in all throughout New Hampshire. I think Nashua would be a great example and would set a great example for our country and even our State. I just want to say that Nicotine has severe biological effects, it manipulates the neurotransmitter called acetylcholine which is very important for muscle movement, heart rate, all things that can easily go wrong when the system is hijacked. Lastly I just want to end with a quote by the Prime Minister of the United Kingdom, Benjamin Disraeli from the 19th Century. He stated "that the youth of a nation are the trustees of posterity" I feel that the City of Nashua and maybe even the State of New Hampshire, I feel like we should stay true to this maxim and we should take care of our youth and our brains. As a representative of the youth of New Hampshire I hope that this Ordinance can be passed, thank you.

Vice President O'Brien

Thank you, that concludes our 15 minutes of public comment. I would like to say we got through it and for those of you that did try to remain brief, we really appreciate it and I'm glad that you were heard. Those that really gave it the good college try we do say thank you and again we are glad that you came before us and to be heard.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Mayor Jim Donchess
Re: Contract Award of Transit Service Operations

**MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO FIRST TRANSIT, INC., IN THE AMOUNT OF \$10,945,301
MOTION CARRIED**

From: Mayor Jim Donchess
Re: Contract for Pump Station Upgrades Project – Phase 1 Construction Services

**MOTION BY ALDERMAN JETTE TO ACCEPT, PLACE ON FILE, AND AWARD THE CONTRACT TO DEFELICE CORPORATION IN THE AMOUNT OF \$3,469,550
MOTION CARRIED**

PETITIONS

Resubmittal of Petition for Street Acceptance: Portion of Pine and Central Streets

**MOTION BY ALDERMAN LOPEZ TO GRANT THE PETITION FOR STREET ACCEPTANCE FOR PORTIONS OF PINE AND CENTRAL STREETS
MOTION CARRIED**

NOMINATIONS, APPOINTMENTS AND ELECTIONSAppointments by the Mayor

The following Appointments by the Mayor were read into the record:

Downtown Improvements Committee

Edward Hayes (New Appointment) Term to Expire: December 13, 2019
Terra Salon
137 Main Street
Nashua NH 03060

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

Zoning Board of Adjustment

Nicholas A Kanakis, Alternate (New Appointment) Term to Expire: September 11, 2020
159 Main Street
Nashua NH 03060

There being no objection, Vice President O'Brien accepted the Appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee

Joint Convention with Edgewood Cemetery Board of Trustees

There being no objection, Vice President O'Brien declared that the Board of Aldermen meet in joint convention with the Edgewood Cemetery Board of Trustees for the purpose of electing two trustees and called for nominations.

Trustee Maffee nominated Morgan A. Hollis and Andrew W. Armstrong for terms to expire March 31, 2024

There being no objection, Vice President O'Brien closed the nominations.

A viva voce roll call was taken on the appointment of Morgan A. Hollis and Andrew W. Armstrong which resulted as follows:

Yea: Alderman Klee, Alderman Laws, Alderman Lopez Alderman Caron, Alderwoman Kelly, Alderman Jette Alderwoman Melizzi-Golja, Alderman Tencza Alderman Schmidt, Alderman Clemons, Alderman O'Brien Trustee Andrade, Trustee Douglas Barker, Trustee Normal Hall, Trustee Hollis, Trustee Maffee, Trustee Slattery Mayor Donchess	18
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Nay:	0
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MOTION CARRIED

Vice President O'Brien declared Morgan A. Hollis and Andrew W. Armstrong duly appointed to the Edgewood Cemetery Board of Trustees for terms to expire March 31, 2024.

Oath of Office administered by Corporation Counsel to Morgan A. Hollis.

There being no objection, Vice President O'Brien declared that the Joint Convention now arise.

REPORTS OF COMMITTEE

Budget Review Committee..... 03/25/2019

There being no objection, Vice President O'Brien declared the report of the March 25, 2019, Budget Review Committee accepted and placed on file.

Budget Review Committee..... 04/02/2019

There being no objection, Vice President O'Brien declared the report of the April 2, 2019, Budget Review Committee accepted and placed on file.

Finance Committee 04/03/2019

There being no objection, Vice President O'Brien declared the report of the April 3, 2019, Finance Committee accepted and placed on file.

Committee on Infrastructure 03/27/2019

There being no objection, Vice President O'Brien declared the report of the March 27, 2019, Committee on Infrastructure accepted and placed on file.

Personnel/Administrative Affairs Committee..... 04/01/2019

There being no objection, Vice President O'Brien declared the report of the April 1, 2019, Personnel/Administrative Affairs Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Cultural Connections Committee

There being no objection, Vice President O'Brien declared Sandra Pratt, 24 Gingras Drive, Nashua, duly appointed to the Cultural Connections Committee for a term to expire March 1, 2022

Oath of Office will be administered by Corporation Counsel at a later date.

UNFINISHED BUSINESS – RESOLUTIONS

R-19-114

- Endorsers: Mayor Jim Donchess
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman Linda Harriott-Gathright
- Alderman Richard A. Dowd
- Alderman Ernest A. Jette
- Alderwoman Mary Ann Melizzi-Golja

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF SIX MILLION DOLLARS (\$6,000,000) FOR THE PHASE III LINED LANDFILL EXPANSION OF THE NASHUA FOUR HILLS LANDFILL, TO INCLUDE ENGINEERING SERVICES

Given its second reading;

MOTION BY ALDERMAN JETTE FOR FINAL PASSAGE OF R-19-114 BY ROLL CALL

Yea:	Alderman Klee, Alderman Laws, Alderman Lopez Alderman Caron, Alderwoman Kelly, Alderman Jette Alderwoman Melizzi-Golja, Alderman Tencza Alderman Schmidt, Alderman Clemons, Alderman O'Brien	11
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Nay:		0
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MOTION CARRIED

Resolution R-19-114 declared duly adopted.

R-19-117

Endorsers: Mayor Jim Donchess
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman June M. Caron
 Alderwoman Mary Ann Melizzi-Golja
 Alderman-at-Large Lori Wilshire

**CHANGING THE USE OF FUNDS FOR A WASTEWATER FUND CAPITAL IMPROVEMENTS
 PROJECT FROM BRIDGE STREET OVERFLOW DETENTION BASIN IMPROVEMENTS TO WET
 WEATHER FACILITY SCREEN AND RAKE UPGRADES**

Given its second reading;

MOTION BY ALDERWOMAN MELIZZI-GOLJA FOR FINAL PASSAGE OF R-19-117 BY ROLL CALL

ON THE QUESTION

Alderwoman Melizzi-Golja

May I? I would just like to comment for those who don't see the agenda. The Budget Review Committee recommended final passage and the Board of Public Works also gave a favorable recommendation for this.

Vice President O'Brien

Thank you Alderwoman; any other discussion on the Motion? Seeing none we will call the question by roll call.

Yea: Alderman Klee, Alderman Laws, Alderman Lopez
 Alderman Caron, Alderwoman Kelly, Alderman Jette
 Alderwoman Melizzi-Golja, Alderman Tencza
 Alderman Schmidt, Alderman Clemons, Alderman O'Brien 11

Nay: 0

MOTION CARRIED

Resolution R-19-117 declared duly adopted.

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

Given its second reading;

**MOTION BY ALDERMAN TENCZA FOR FINAL PASSAGE OF R-19-120
 MOTION CARRIED**

Resolution R-19-120 declared duly adopted.

R-19-124

Endorsers: Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt

**NAMING THE INTERSECTION AT GRAND AVENUE AND NORTH SEVENTH STREET
"LITTLE LEAGUE SQUARE"**

Given its second reading;

**MOTION BY ALDERMAN CARON FOR FINAL PASSAGE OF R-19-124
MOTION CARRIED**

Resolution R-19-124 declared duly adopted.

R-19-125

Endorsers: Alderman-at-Large Lori Wilshire
Alderman Richard A. Dowd
Alderman-at-Large Ben Clemons
Alderman-at-Large David C. Tencza
Alderman-at-Large Mary Ann Melizzi-Golja
Alderman Linda Harriott-Gathright

**APPROVING THE COST ITEMS OF A SIDEBAR AGREEMENT BETWEEN THE NASHUA
BOARD OF POLICE COMMISSIONERS AND UFPO LOCAL 645 PROFESSIONAL EMPLOYEES
OF THE NASHUA POLICE DEPARTMENT REGARDING SPECIAL PROJECTS**

Given its second reading;

**MOTION BY ALDERMAN CLEMONS TO AMEND R-19-125 IN ITS ENTIRETY BY REPLACING IT
WITH THE PROPOSED AMENDMENTS MADE BY THE BUDGET REVIEW COMMITTEE**

ON THE QUESTION

Alderman Clemons

The amendment, all it did was put the effective date of the legislation in there.

MOTION CARRIED

**MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF R-19-125 AS AMENDED
MOTION CARRIED**

Resolution R-19-125 declared duly adopted as amended.

UNFINISHED BUSINESS – ORDINANCES**O-18-030**

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

INCREASING FEES FOR LEASED CITY PARKING SPACES

Given its third reading;

MOTION BY ALDERMAN LAWS FOR INDEFINITE POSTPONEMENT OF O-18-030ON THE QUESTIONAlderman Laws

This has been talked about at length in many other Committees, but a quick synopsis is it was brought up by Downtown Improvements Committee and Economic Development. We looked into it, we had a lot of unanswered questions thanks to Alderman Clemons, welcome back. And we decided that we will re-visit this when the time comes, probably Performing Arts Center related, when we need to do some renovations to the garages.

MOTION CARRIED

Ordinance O-18-030 declared indefinitely postponed.

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)

Given its second reading;

MOTION BY ALDERMAN KLEE TO RE-REFER O-19-037 BACK TO COMMITTEEON THE QUESTIONAlderman Klee

May I speak to that motion?

Vice President O'Brien

There's a motion to re-refer back to Committee which is a high priority motion. You are allowed to speak on your motion.

Alderman Klee

My comments and the reason for wanting to re-refer this back to Committee is simply because there is an Ordinance, I mean I'm sorry I mean an amendment that has been put forward and sent to us and so on. I believe in the past when this has happened with this Committee any amendments and so on, it has gone back to the Committee, they refer to wanting to basically vet it out and do all the things that are necessary. And I'd like to have that voted on.

Alderman Caron

Thank you, I have no problem taking this back into Personnel, I think it is a very complicated process and I think with some of these amendments, there are a few more questions to be asked and we don't really have the answers to that at this point in time. So I don't see a problem with holding it until our May meeting.

Alderman Lopez

Personally I'm not in favor of re-referring it but I would also like to point out that the amendment wasn't actually formally made. It was proposed after the meeting which recommended final passage so if we are going to re-refer it due to an amendment, shouldn't we make the amendment?

Vice President O'Brien

To me the Ordinance that did come forward and is always open for further amendments and probably that's why it should get referred back to Committee. But I am going to refer to Corporate Counsel, that's why he gets the big dollars.

Steven Bolton, Corporation Counsel

The motion to re-refer it takes precedence over the motion to amend. So the motion to amend is not now in order.

Alderman Laws

Does that mean that the amendments that were proposed which were the catalyst for this being referred back to Committee are no longer being voted on tonight?

Attorney Bolton

Well it depends on how you vote on the motion to re-refer. So for example if you defeat the Motion to Re-Refer someone could make a Motion to amend. On the other hand, if you re-refer it, nothing prevents the proposed amendments from being taken up in Committee. So either way you can accomplish that objective if that is the will of the Board.

Alderman Clemons

I was originally going to make the Motion to Amend, but I have no problem with discussing this further in Committee.

Alderman Jette

I'm surprised by this. The Personnel and Administrative Affairs Committee has had two meetings on this Ordinance. People have come out and spoken for and against. The Committee listened to them; the Committee has received as the rest of the Aldermen, have received letters in support and against. At the last Committee meeting, it was recommended for final passage by the Committee 3 to 1. And the one person who voted against it, is the person making the amendments that was going to make the motion for the amendments.

In response to the objections and in response to the objections made by the person who voted against it, I suggested making amendments to it. Those amendments were discussed with many of you. The amendments were approved by the person who had the objection at the Committee. And the amended version was sent to you all and any questions were asked. I think sending it back to the Committee, I'm assuming the 3 people who voted for it are going to vote for it again and I'm assuming the person who

voted against it going to vote for it now because the amendments are in response to his objections. So sending it back to the Committee, I think, is just going to result in it coming back here with recommendation for final approval.

So I don't see that there is anything to be gained by sending it back to the Committee other than delaying it. So I am against sending it back to the Committee, the amendments have already been vetted and I think we ought to reject this motion and allow Alderman Clemons to make this motion to amend then vote on it.

Vice President O'Brien

I cannot entertain that motion because the motion to refer is the high priority and that is what is to be discussed in this discussion.

Alderman Klee

Two issues, one issue is I'm going to probably ask Attorney Bolton, but and maybe I jumped the gun, maybe I should have asked for the referral after the amendment had been put forward if we want to play that game of going that way. But in respect to Alderman Jette, the truth is that other Resolutions that have gone through Personnel including the one to bypass a special election has gone back and forth to the Personnel Committee and it has been talked about in that way. But again that's another issue, but we do have a precedence, especially with Committee and I sat there and heard that talked about. Now you had not voted on that, it was amendments and so on. But the comment that had been made was that they would be vetted out by the Committee. And I think there are a lot of changes to this amendment and I hate to talk before something, so perhaps I jumped the gun. Should I withdraw my motion and let the amendment come forward and then do it, because that's what I am going to do.

Attorney Bolton

That's up to you, you have the right to do that.

Alderman Klee

Would it be more appropriate that's what I am asking, as far as Parliamentary Inquiry and all that is concerned. I would prefer to just to have it sent back but if the sticking point is that the amendment isn't heard, in any case, I think it should go back. I think the amendments that have been sent to us by e-mail that have been talked about and so on, I think it should be vetted fully. Whether it gets voted 3 to 1; there's a lot of changes, there's a lot of changes in that particular one and I think they should be discussed by that Committee.

Vice President O'Brien

I am going to take the liberty to ask the question of Corporate Counsel. It seems that the good Aldermen would like to have it referred back to Committee so that the motion that she currently has introduced would exactly do that, refer it back to Committee, correct? Where it can receive additional amendments?

Attorney Bolton

Yes that's certainly would appropriate for the Committee to discuss, possible additional amendments.

Alderman Klee

That's what I'd like please.

Alderman Laws

I am just going to say that I'm going to vote against re-referring it. I spent a good part of my weekend negotiating the terms of this and trying to come up with some kind of compromise that everyone could agree with. All of the amendments actually weaken the original legislation, it's not like anything is making any stronger so the people who were for it in the first place are probably still going to be for it; and the idea was that the people who were against it would be able to come on board by having a little bit of leniency written into the law. So that being said, I feel like the amendments are ready to be voted on by the whole Board and hopefully have that opportunity tonight.

Alderwoman Melizzi-Golja

I'm not going to vote to re-refer it back to Committee but that being said, I think we have had some legislation come forward in the past year where once it got to the Full Board there was significant discussion that made members of the Board feel like it needed to go back to Committee to be discussed. It is also not unusual in my time on this Board as well as on the Board of Education for what you thought was a finished piece of legislation coming to the Board, and then finding out that someone would like to amend that at the Full Board. And it was discussed there and if the Full Board felt this was useful and let's just discuss it, amend it, and move forward, we have rather than taking additional time.

I feel like we've had this I believe Alderman Clemons is ready to speak to it based on his earlier comment. I feel at this point we should just listen to the amendment and then vote the amendment up or down and then make a decision on whatever comes out of that. An Ordinance that is amended or an Ordinance that is not amended and goes back to what we had and then decide where we should go from there. But I guess I just want to clarify that it's not standard procedure every time someone says "Oh I'd like to amend something that comes before the full board that it goes back to Committee". I think the circumstances have been interesting especially in the piece of legislation that you referenced about filling vacancies. Thank you.

Alderman Schmidt

I am going to vote to re-refer this. The reason is that I wasn't on the original Committee that discussed this. I didn't like that at all, it was just full of punishments and I didn't think that was the best way to deal with this. I received this amendment in an e-mail and I liked some of the changes but I really need more information on this. I can't make a decision just by reading this, I need to hear more about it. And just having it presented won't do enough. I will attend your, should we send it back, I will attend and listen and participate, because I think there is more in this than should be and perhaps a few things are missing. So thank you.

Alderman Lopez

I'd just like to speak to the example Alderman Klee gave regarding referral with regards to the election. Personally I was in favor of referring that because it included a public comment and the public didn't have an opportunity to review it before the public comment changes that were suggested. And then some major changes were suggested throughout Public Comment that I thought bore looking at. In this situation, I think the public has very thoroughly reviewed it, I think there has been plenty of discussion about it and we had the discussion at the Committee level to move it forward. There was a motion to amend it; I'm not personally in favor of the amendment because basically of what Justin commented on in public comment because I think removing the possession aspect of it, neutralizes most of the intent of the Bill in the context of us being a City not a State.

So I personally am not favorable to the amendment, but I don't see a purpose in referring it if we don't even approve the amendment because we would be referring it with no actually confirmed reason. So in my opinion the only reason to even considering referring it would be is if the amendment was proposed and then the ordinance was amended. If somebody had second thoughts about the amended version and

wasn't sure it was ready to go for a full vote I could understand that at that point but at this point there are no formal amendments. So it could go back to the Committee and the amendment dies stillborn.

Alderman Klee

I'd just like to add one other additional point to it and it really it has no bearing on it but I would like to point out that we are missing four members of this Board. I don't know, truthfully, I don't know how they would vote. But I think I would like to get a Full Board on this if we are going to be changing it on the fly.

Alderman Tencza

So I will just say I am favor of the proposal, I'm not sure I'm in favor of all of the amendments as they have been proposed. So I would think that tonight the best course of action for the Board is to re-refer it to the Committee. I don't know what Alderman Clemons would be proposing, whether it is a wholesale change or a piecemeal change, asking us to consider each amendment from the ordinance that came out of the Committee, but rather than go through that process tonight, I think it makes more sense to do that in Committee and come back at a later date and see. And I think there were points raised tonight and I agree with Alderman Lopez and many people have said "Hey possession should be" to give this Bill the intention that we are looking for. So for those reasons I support the Ordinance but think we should re-refer it to Committee. And I would just say too I mean on a number of things, I think well if I may ask a question of Corporation Counsel? There's an effective date of this Ordinance would that have to change at all if we took another two weeks and brought this back?

Attorney Bolton

I don't see any reason why two weeks would cause the effective date to require a change.

Alderman Tencza

Thank you.

Alderman Clemons

Roll call.

Vice President O'Brien

Roll call? Ok there is a request for a roll call on the vote. Would the Clerk please call the roll on O-19-037.

Alderman Laws

Are we voting to send it back to Committee right now or are we voting to pass it?

Vice President O'Brien

The Motion before is to refer it back to Committee.

Alderman Laws

Alright, thank you.

Yea: Alderman Klee, Alderman Caron, Alderwoman Kelly,
Alderman Tencza, Alderman Schmidt, Alderman O'Brien 6

Nay: Alderman Laws, Alderman Lopez, Alderman Jette
Alderwoman Melizzi-Golja, Alderman Clemons 5

Vice President O'Brien

Ok the motion to refer O-19-037 back to Committee has passed. This will be referred back to the Personnel & Administrative Affairs Committee.

Alderwoman Melizzi-Golja

Could you just have the date of the next Personnel & Administrative Affairs Committee Meeting so members of this Board as well as the public know when to show up?

Vice President O'Brien

As the Alderwoman does know that usually gets discussed at the end of the meeting but it's a fair question, Alderman Caron do you have a certain please?

Alderman Caron

Yes Monday, May 6 at 7:00 p.m.

Alderwoman Melizzi-Golja

I do know I just noticed they were getting ready to leave so I wanted to make sure our audience heard.

Vice President O'Brien

No I agree to keep the public informed, point well taken thank you.

O-19-039

Endorsers: Alderman Patricia Klee
Alderman Tom Lopez
Alderman Linda Harriott-Gathright

AUTHORIZING STOP SIGNS AT THE INTERSECTION OF FAIRMOUNT STREET AND CHARLES STREET

Given its second reading;

**MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF O-19-039
MOTION CARRIED**

Ordinance O-19-039 declared duly adopted.

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

Given its second reading;

**MOTION BY ALDERMAN SCHMIDT TO AMEND O-19-040 BY REPLACING IT WITH THE PROPOSED AMENDMENTS MADE BY THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE
MOTION CARRIED**

MOTION BY ALDERMAN SCHMIDT FOR FINAL PASSAGE OF O-19-040 AS AMENDED

ON THE QUESTION

Alderwoman Kelly

I just wanted to comment, I think that the proposed narrowing of scope makes this a little bit more tangible, so I am definitely going to support this. I still think that we should consider what that Chief Assessor looks like later down the road, but that's for Budget Committee.

Alderwoman Melizzi-Golja

I am going to support this but I am concerned and am going to be looking at what the impact is of not having a Chief Assessor. In terms of it being cost-neutral now I understand that, but I think we also need to look at what a contract with a private firm might cost the City. So I think that is something that we need to look at it moving forward. Do we actually hire someone or do we go forward with a contract. Thank you.

Alderman Klee

I want to kind of reiterate what Alderman Melizzi-Golja said as well as Alderwoman Kelly had said. I agree, I would like to see a little bit more oversight directly within that organization. But I'm happy to pass this and as long as we are getting updated reports and so on and make decisions later as we go on. Thank you.

MOTION CARRIED

Ordinance O-19-040 declared duly adopted as amended.

NEW BUSINESS – RESOLUTIONS**R-19-128**

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderwoman-at-Large Shoshanna Kelly
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt

EXTENDING AND ENLARGING THE NASHUA RAIL TRANSIT COMMITTEE

Giving its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by Vice President O'Brien

R-19-129

Endorser: Mayor Jim Donchess
Alderman-at-Large Ben Clemons
Alderwoman Mary Ann Melizzi-Golja
Alderwoman-at-Large Shoshanna Kelly
Alderman June M. Caron
Alderman Tom Lopez
Alderman-at-Large Brandon Michael Laws
Alderman Patricia Klee

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO CONTRACTS WITH NASHUA COMMUNITY COLLEGE, RIVIER UNIVERSITY, TOWN OF HUDSON, TOWN OF MERRIMACK, SOUHEGAN VALLEY TRANSPORTATION COLLABORATIVE AND THE PLUS COMPANY FOR TRANSIT SERVICES

Giving its first reading; assigned to the FINANCE COMMITTEE by Vice President O'Brien

R-19-130

Endorser: Mayor Jim Donchess
Alderman Tom Lopez
Alderman-at-Large Brandon Michael Laws

AUTHORIZING THE SALE OF TAX DEEDED PROPERTY LOCATED AT 4 ½ - 6 CANAL STREET

Giving its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by Vice President O'Brien

R-19-131

Endorser: Mayor Jim Donchess

AUTHORIZING THE GRANTING OF AN EASEMENT TO THE NASHUA MILLYARD ASSOCIATES, INC. OVER LAND LOCATED AT 2 PINE STREET EXTENSION

Giving its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by Vice President O'Brien

R-19-132

Endorser: Mayor Jim Donchess

AUTHORIZING THE MAYOR TO ENTER INTO A SUCCESSOR "CONCESSION AGREEMENT" WITH GRANITE DIAMOND, LLC

Giving its first reading; assigned to the FINANCE COMMITTEE by Vice President O'Brien

R-19-133

Endorsers: Mayor Jim Donchess
Alderman Mary Ann Melizzi-Golja
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderman-at-Large Shoshanna Kelly
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SPECTACLE MANAGEMENT, INC.

Giving its first reading; assigned to the FINANCE COMMITTEE by Vice President O'Brien

NEW BUSINESS – ORDINANCES**O-19-041**

Endorser: Mayor Jim Donchess
Alderman Jan Schmidt
Alderman Mary Ann Melizzi-Golja
Alderman-at-Large Shoshanna Kelly
Alderman Tom Lopez
Alderman Patricia Klee

ADDING TWO STUDENT MEMBERS TO THE ENVIRONMENT AND ENERGY COMMITTEE

Giving its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by Vice President O'Brien

O-19-042

Endorser: Alderman-at-Large Shoshanna Kelly
Alderman-at-Large Ben Clemons
Alderman Mary Ann Melizzi-Golja
Alderman Tom Lopez
Alderman Jan Schmidt

DESIGNATING THE SOUTHWEST CONSERVATION AREA AS CITY CONSERVATION LAND

Giving its first reading; assigned to the PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE by Vice President O'Brien

O-19-043

Endorser: Alderman-at-Large Michael B. O'Brien, Sr.

UPDATING THE ORDINANCES REGARDING THE BOARD OF PUBLIC WORKS RETIREMENT SYSTEM

Giving its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by Vice President O'Brien

PERIOD FOR GENERAL PUBLIC COMMENTVice President O'Brien

We have six speakers. Again as what we spoke about earlier, we are going to try to keep at 15, it's been a long night folks. But we are willing to hear you.

Laurie Ortolano 41 Berkeley Street. I was kind of glad tonight I was last and there were people before me, but here I am. So I wanted to share with you after the last meeting, I went home and did a Google search knowing very well that what has happened in our Assessing Office has happened in other communities, surely we are not the first one to go through a struggle where we are trying to rebuild. I came up with an interesting article and a transition that happened in Chicago with their Assessing Office.

Chicago some has some areas that are notorious for their crime so they've had an assessing structure that has had a tough element to it because they Chief Assessor is an elected position. In the office over there, they were willing to accept gifts brought right to the office and donations brought right to the office which had just become a major issue among folks. So in comes February 21st or February 19th, a gentleman, highly educated, had never run for elected office, he had an MBA out of Stanford and worked 5 years in Russia as a financial analyst in a large mutual fund firm. He wins the election and he comes in and he has three principals that are going to guide his tenure as Assessor; ethics, fairness and transparency.

He starts writing Executive Orders immediately and generates a 100 day plan which is moving along nicely, I get an e-mail every day from them and he sets up a visitor's log, which we have done, so the public so would be aware of any meetings with direct level employees or higher people in the office. He wanted to end so-called access to preferential outcomes. He described his work as complex and difficult and the referendum and reform of the Assessor's Office would be objective of taking a complicated system and making it better. Another policy he implemented on his first day in office was terminating any employee who had been hired or who had any form of nepotism, he implemented a strict anti-nepotism policy. He looked to eliminate many appeals and he introduced a number of new staff members, including outside experts he hired from the IAAO, data scientists and assessing officials from other states.

He summarized it by saying the work isn't sexy but it is very important. And I thought it was interesting because I raised that issue regarding anti-nepotism in our policy and I know it struck a few notes but I think it's very important especially in an Assessing Office, because they operate with standards, ethic standards that are additional guidelines beyond an anti-nepotism policy that I think create a problem when there are relatives in an office at that level.

I just want to let you know that I did reach out to Larry Budreau and he was the one who sent me the policy and I wanted to meet with him to talk about what was going on. I received a response back that he did not feel a meeting would be productive and he was respectfully declining any meeting. I do feel that you have some issues with your Human Resources Department that you should address and the one issue or the one item I raised with him is "do we know what other departments we have relatives working in or related people". The response that I got back is that we have documentation on that type of information and because there is documentation there is no right under RSA 91:A to answer the question because nothing is in writing. Really when you create an anti-nepotism policy or any policy and you are going to violate a policy, you should do a manual over-ride. I have a friend whose been a Human Resource Director at a company with 30,000 employees for 30 years. And they were the ones who said to me "you've got have an over-ride, you can't break a policy without an over-ride and the over-ride should be signed off by the management chain and it should be fully documented".

I believe in that; I think that's good business and is good for the City and I am not certain we do have an over-ride policy. I am not sure all hires are going through Human Resources so that the screening for these issues can take place. You know if I had the chance to meet with him I would have said that I think it is important to send a letter to all Department heads to understand who might be in your departments that are related or have a relationship and identify them, identify what their titles are and do we have a conflict here? And hiring that is handled that's handled in non-public session that's very typical for hiring to be handled in non-public session, I understand that if you are discussing personnel matters. But I know when I was on a Board once we discussed those matters and we knew the individual was going to accept the job, we came into public session and put the nomination into public session and did our vote in public session so that the public would know who we are hiring.

My opinion is that if you are going to break an anti-nepotism policy in public session you should identify that and you should say "there is an issue here, we've over-riden our policies, we have the proper sign-offs on this and we are moving forward this is our decision". My feeling is if you're not comfortable doing that, then you probably shouldn't be doing the hire because if you want to keep it a secret and not say it, then maybe it's not the right thing to do. And I bring it up because I happen to have some information come my way that other departments have had hires that are relatives or have relations that have made it into the system

without an apparently screening process at all. So I don't think we are living up to our policy and I think it affects the quality of the work and the process and the product that we deliver here out of City Hall.

So that's one thing. The other thing is I know that Ben wanted details, I needed to be more detail-oriented on what I saw was wrong and all I can tell you is when I filed my PA71 with the State this is the binder that I delivered. It contained many, many property cards, probably 300 pages. I put together a lot of detail because I was disturbed by what I saw here in the City. I can't come to a meeting like this and address that kind of detail here. It just won't work. Anyone can reach out to me and ask me if you want to be more educated about the things I am concerned about, that's fine.

The other thing is the Board of Assessors, I would like to be able to take most of my issues to the Board of Assessors and have them addressed there. I don't think they belong here. But I can't make that avenue work and it's very frustrating. I delivered a letter on effective year build and concerns with an example on a property card to them three weeks ago. It was completely ignored, not even acknowledged for the record. They brought it back last week; they acknowledged it on the record but with no discussion. So if you can't get to a substantive discussion on issues that affect the quality of the assessing data base and a lot of home, then what good are they?

I tried to track your meetings and one gentleman is very combative, so it is very difficult for me because I see an individual who I believe has a personal agenda. They are not willing to look at the big picture stuff that affects – you know – sales chasing, effective year build, these are all letters I kind of had sent to you, MLS Correcting, Permit Captures. We are dealing with valuations; favoritism and unethical conduct when it comes to assessing properties of potentially influential people. Those are important issues and if you can't have substantive discussions about those, I really don't know how you improve the quality of the data. All the software stuff you are doing is great but the software does not create the assessment on its own; the judgements are coming from the people and ultimately the management within the office.

When I look at the Board of Assessors, last year they had 20 meetings, one cancelled, the average for those 20 meetings was under 30 minutes with almost half of them being under 20. They have meetings that are 6 minutes, 10 minutes, 10 minutes, 12 minutes, 13 minutes, 18 minutes, there are a lot of short meetings over there. I think there is room to up their meetings, take yours down by pushing these issues to them and getting them to respond. So it is super frustrating because they just won't recognize anything. They won't sink their teeth into anything or even acknowledge the need for potentially creating policy. So I think policy is so important on a lot of these issues and they just won't address it. I felt like we took a huge step backwards last week with the use of the equalization ratio. One member doesn't really believe in it; I didn't even know that was the case So that was difficult. There was a resident that came in to represent an abatement and I thought it went really poorly for that individual and you really get this "us against them" adversarial feel. It's horrible, it's uncomfortable; it was so stressful for the gentleman who came; he was exhausted for two days after that whole event.

So I hope that there is some way that someone can give some assistance to what is happening in those meetings so that they can become more substantive to work on what I think are the bigger issues. I know that the City's position, certainly with me, is "we've given you tons of time, you've talked to everyone, you're not happy, we're never making you happy". The reasons that I'm not happy is because the substantive issues aren't addressed. They are waived off and told they're nothing which is ultimately why I created a 3 inch binder that went to the State, because I couldn't get any of that really looked at here. And I'm really concerned about what is going on in that office. Management I think is very important; I'm super happy that a few of you spoke about potentially a Chief Assessor or some management in that office. I cannot tell you how important I think that is. I don't want to hear from anyone here how hard the staff is working; some work hard, some do not. We have some issues that have to be resolved; all is not equal. And that's just the way it is.

When it comes to HR and our Chief Position, we don't even have a policy where upper management the higher level people check in. The biggest issues is he wasn't at work, he was at work 20, 25 hours a week, this went on for years. So we don't have a way that our people check in and get recorded to be paid, our

top level people. I just find that odd. I asked myself what other departments do people not come to work and we don't know. To me if you're not going to come to work you should call Human Resources; say I have a sick or have a reason but not just your boss. This just totally feel through I don't know where and it went on for a long time. We really flushed half a million dollars down the drain in that position in 3 ½ years with benefits and everything else. That is expensive and it was very damaging. When I look back at – I'll end it with this comment and I thought about it last night. When I had my first interface with our ex-chief and I tried to address the valuation of my property which at the time was \$700,000.00 a year and a half ago. I had a brutal conversation on the phone where he was unrelenting and punishing that it was fair, it was right, there were no issues in his office. I look back at that now and think "how screwed were we". Because this was a chief who knew what the equalization ratio was and I didn't, none of you probably did either.

So when I'm on the phone going "\$700,000.00 is outrageous for the value of my home", that was really the assessment, at the time the ratio was about 80%. So the sales value of my home was actually \$840,000.00; I was upset at \$700,000.00 but this guy knew, talking to me, and I've got a lady here who is upset whose home is, I know what the ratio is, her home is really got a value of \$840,000.00 and I'm telling her, "you're fine, don't bother coming in, I'm not looking into, don't bother me, you bought it, you own, pay it, that's it". If that doesn't tell you how much it is us against them when that's going on, and we were totally taken because we didn't understand the ratio. And I've done a lot to understand what that means when you are looking at your value. So thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderman Schmidt

I'd like to apologize for the little error that I made earlier, I am very sorry everyone, I'll get better.

Alderman Jette

So I am a little disappointed that things didn't go the way I expected they would go tonight on the tobacco ordinance. But it has gone back to Committee and I think you all know that I've spent a lot of time on this. I've done a lot of research, I've talked to a lot of people, I've become quite knowledgeable in this area, not based on my own information but based upon readings and talking to people. So if anybody has any questions, I've sent you all e-mails asking you to call me with any questions that you may have. I think those of you who have talked to me have known that I'm receptive to suggestions and I've tried to be very fair in presenting a balanced view of what the information is that's out there. So I look forward to the next Personnel Administration Affairs Committee to see if we can come up with either the original ordinance or an amended version of it that you will all feel comfortable supporting.

I feel that this is the right thing to do and I hope that you all work with me and if you have an objection to it, you know, voice your objection to me so I can attempt to meet it.

On another note, this weekend I had the opportunity to get on my bicycle and enjoy the great weather that we had and I have personally encountered – I went through my Ward, I've encountered a lot of the pot holes that people have referred to. And I encourage people to report those pot holes to the Department of Public Works. My own personal experience has been when I've reported them and it is not because I am an Alderman, I think they react to any report of a pot hole, they try to go out there and fix it. So I encourage people to report those by contact it's DPWRequest@NashuaNH.gov and if they don't respond, let me know and I'll try to make sure it gets taken care of.

On a very high note, on my bicycle ride, I was going down Gilson Road and I encountered a woman who lives in the Tangle Wood Drive area with a wheelbarrow, gloves, and trash bags and she was cleaning up the trash along Gilson Road all by herself. I stopped and introduced myself and thanked her for doing that and I hope that to be able to organize to some degree some kind of a day, maybe in early May, to encourage residents, especially in Ward 5 to do the same type of thing that this woman was doing. The

Department of Public Works has told me that they cannot afford to clean up the roads, even on land owned by the City. They say they can't afford to clean that. So it's up to us residents as volunteers to do it. The Department will provide us with gloves and bags and we can just leave the bags of trash and they will come and pick it up. So look forward to that and I encourage all the other Aldermen to do something similar in their Wards so we can help keep the City neat and clean. Thank you.

Alderwoman Melizzi-Golja

Yes thank you, Alderman Jette's talk about being out in the nicer weather than we were having this evening reminded me that in the past week I have received 3 reports of bears. One was in our conservation area and I just think you know the Southern part of New Hampshire, we have parks and we have conservation area which adjoins conversation area in Massachusetts. So our bears have large roaming areas. There was a bear over in the Maplewood/Cherrywood area who took down some suet feeders and bird feeders which Fish & Game told us in the middle of March should be removed; so please remove those. And there seems to be a bear going up and down the hill between Shakespeare and the Flatley Property and Bicentennial School who has also removed a number of bird feeders. So I would just remind people, take down your suet feeders, take down your bird feeders. The bears are waking up, they are hungry, keep your garbage closed and once things are out there for them to eat, if you want to put your bird feeders back up in June, go ahead and do it. But right now your bird feeders are a feeding station for bears. So just a reminder to be careful especially if you are out and about walking at night with your dog or whatever.

Vice President O'Brien

Fair advice, given up on the finch, you want a bear, keep your bird feeder out.

Alderwoman Kelly

Almost from bears to chickens, the new Ordinance is in effect and I know people are starting to look into. There is an evening of information for anyone who is looking to do backyard chickens tomorrow night at the Library at 7:00 p.m. It should be in your mailbox. We encourage people who are interested in this to come out and learn the safe way to do this and hopefully bring this to the community that way.

I just want to thank people for supporting both the amendment to get the Student Members on board at the Energy & Environment Committee, we have a couple students in mind who have really gotten interested in the Committee and really brought some great information to us. They are pretty passionate about what they want to get done. So thank you for that.

The Conservation Land which will be sent was a legacy of Brian so I am excited to see that go through as well. So Saturday, 10:00 a.m. City Steps is a park clean-up, myself and members of the Energy & Environment Committee will be helping Great American Downtown get that kicked off. Last year we had 200 people go out so I am hoping for a few more. So come on out and help us, hopefully it will be a nice day for it.

Alderman Lopez

So first I just want to get this out of the way. With regards to the smoking ordinance, I wasn't aware that the ordinance had been altered due to any legal issues with it; that is what I understood some public comment to be saying that it had to be modified because of legal. I have had no information to that effect. And then second, there is considerable public argument that this is an indictment of the ability of an 18, 19, or 20 year old to choose. So I just want to clarify as someone who has a Masters Level Clinician and does a lot of work with people in addiction that when doctors are talking about brain development and maturity; they are not passing a value judgement on it. I could not think of a better analogy during the meeting but basically they are thinking maturity in terms of like cooking time. Like there is a certain point where your brain is no longer still as malleable still much more prone to developing pathways. So that's what they mean by younger people are more susceptible to it. It's not necessarily that your judgement is impaired at

an age just because of the age. Like when you drink a beer, your choosing to drink the beverage but you're not choosing when you get drunk or how drunk you are; that's just happening as a chemical process. So I felt the need to point that out but there was never really an opening for it.

The second thing is just reminding my constituents, many of whom have seen me repeatedly posting about it. I'm going to be in Honduras next week from Wednesday to the following Wednesday. I will still try to attend meetings remotely if possible but it's a third world country and internet is pretty spotty. I'm looking forward to it; it's an opportunity to see people that I've been working with for years trying to help them empower their community; build their businesses up and their own opportunities. And it's not very far away from where many people are fleeing from that has been of obvious public concern and has been represented in the news. So there's many ways to do things, sometimes you can trust the government to do it; sometimes you just have to go do it.

The next thing is volunteer day, I was going to mention that but Shoshanna Kelly kind of beat me to it. Great American Downtown has one scheduled for this Saturday at 10:00 a.m. and there have been a number of people cleaning up the trail ever since the snow left. So I want to thank everybody who has been doing that. I know the Rough Riders were out doing a section over by Palm Square, so do not litter there. And I wanted to also thank Mayor Donchess and Director Fauteux; residents have been asking for garbage cans on the Heritage Rail Trail and on the Library Walk for some time. We received confirmation that garbage cans will be placed there, hopefully in time for the clean-up. So I am very grateful for that.

Alderman Klee

I'd like to address a couple things. First off my re-referring, I hope you didn't take that personal in any way I really do feel that some of the things that were coming through that came through in that e-mail, I do have some concerns about that and I would like the Committee to address that. But I also want to clarify something that I heard the public state and I mean no disrespect to anybody who said that. But I don't believe for one second that that Bill in any way is an attack on businesses; I believe that it was done in good faith and with good heart. So anyone who feels that anybody was trying to, regardless of how they vote, I don't believe anybody on this Committee would attack businesses, I think they are very pro-business and I want to get that out to be very clear.

In reference to potholes, I will agree with what Alderman Jette. I personally have put in and it was taken care, but I ask my constituents when they call me to complain about a pothole to use that DWPRrequest. I get back great feedback, within a day, two days, that pothole has been filled. So I want to commend DPW on that very thing.

As far as bears are concerned, they are not just in the south. I live on the outskirts of Greeley Park and the bears are out and about and baby bears are coming out at this time too. So I am going to ask all members, all citizens of this, you see it, it's fine, take a picture from a distance, do not chase after it because they are more afraid of you than you are of them and they will probably go into a crowd, get hurt and we already know what happened to a bear just within a couple of years ago. So if you really do love animals, leave them alone. Thank you.

Alderman Lopez

I'm sorry I needed a second turn because I forgot something. I wanted to congratulate Alderman O'Brien for his presiding over us tonight, it was not an easy meeting and I appreciate the way you handled the public comment. There were a lot of people with things to say and I feel like you gave them a good chance but you were also pretty fair to the overall agenda.

Vice President O'Brien

Thank you sir. Thank you.

Alderman Kelly

If we are going backwards, Paul Shea just said to remind people that you have to bring your own rakes and gloves and stuff on Saturday.

Vice President O'Brien

I would just like to take a moment to express publicly my condolences to Corporate Counsel Steven Bolton on the passing of this mother. Us Irishmen have this old song, you never miss until a mother's love until she's buried beneath the clay. And God, us Irish love our mothers, so the thoughts and prayers from the O'Brien Clan go out to the Bolton Clan at this very difficult time that you are going through. I wish your family the best of luck. My other thing on a more lighter type of note, thank you for putting up with me on my first time driving untethered, so I appreciate it, you all were great. I think we had a tough meeting tonight and I think we got it down nicely. So I thank you all. It has been my pleasure serving with you and my pleasure presiding this evening. But Lori, you can have your job back.

We have a request for a unanimous consent by Alderwoman Melizzi-Golja.

Committee announcements:

Alderman Caron

Yes thank you. There is a special Personnel meeting next Monday the 15th at 7:00 and that is to discuss the Charter Change for Election of Members to the Various Boards and that is the only thing on the agenda.

Alderwoman Melizzi-Golja

PEDC will be a week from this evening in this Chamber and we will be starting with a Public Hearing regarding an amendment to the sign ordinance, regarding the size of numbers and letters on the sign. So next Tuesday.

Vice President O'Brien

So unanimous consent by Alderwoman Melizzi-Golja.

Alderwoman Melizzi-Golja

Ok so – you gave me a perfect opening. It is Spring, people are getting chickens, they are going to be building chicken coops. 5 hens, no rooster and just when you set it up and build it be aware of the proximity to your abutters. Enjoy.

Vice President O'Brien

Very good, very nicely done. And after receiving such a prestigious award there, do you have a motion Alderwoman Kelly.

ADJOURNMENT

**MOTION BY ALDERMAN KELLY THAT THE APRIL 9, 2019, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 10:02 p.m.

Attest: Patricia D. Piecuch City Clerk