

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

SEPTEMBER 10, 2020

A meeting of the Personnel/Administrative Affairs Committee was held Thursday, September 10, 2020, at 7:00 p.m. in via teleconference.

Chairwoman Caron

As Chairman of the Personnel/Administrative Affairs Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

***a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:***

We are utilizing Zoom and the meeting link can be found on the agenda as well as on the City's website. You can also join by telephone by dialing: 1-929-205-6099; Meeting ID: 873 9259 7426 and Passcode: 829831. The Public may also view this meeting on Comcast Channel 16.

***b) Providing public notice of the necessary information for accessing the meeting:***

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at [www.nashuanh.gov](http://www.nashuanh.gov) and publicly noticed at City Hall and the Nashua Public Library.

***c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:***

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

***d) Adjourning the meeting if the public is unable to access the meeting:***

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. **When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.**

Alderwoman Kelly called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her. The roll call was taken with 5 members of the Personnel/Administrative Affairs Committee present:

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, September 10, 2020, at 7:00 p.m. at City Hall in the Auditorium, 3<sup>rd</sup> floor.

Chairman June M. Caron presided.

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

Also in Attendance: Alderman Patricia Klee  
Alderwoman Elizabeth Lu  
Alderman-at-Large Lori Wilshire  
Mayor Jim Donchess  
Steve Bolton Corporation Counsel  
Kim Kleiner, Director Administrative Services  
Sarah Marchant, Director of Community Development

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Alderman Clemons

Yes, I am here, I can hear everyone and I am at home per the Governor's social distancing guidelines.

Alderman Lopez

I can hear everybody, I can see everybody, I am alone except for two cats which are wandering around and I am isolating.

Alderwoman Kelly

As the Clerk I am here and I can hear everyone. Alderman Cleaver?

Alderman Cleaver

I am here, I am alone and I am practicing social distancing according to State Guidelines.

Chairman Caron

Yes I am here, I am alone and I can hear everyone.

Alderwoman Kelly

We have 5 members present.

Chairman Caron

OK can you tell me who else is in attendance.

Alderman Kelly

Sure, there's a long list, hold on one sec ... Also in attendance is Alderman Klee, Director Kleiner, Alderman Lopez, Attorney Bolton, I'm not going to list off all the (inaudible) we have Alderman Lu, Alderman Wilshire, Mayor Donchess, Director Marchant. Who am I missing, I'm going to Page 2, hold on. Did I miss everyone? That's what I got.

PUBLIC COMMENTChairman Caron

OK, thank you very much. Ok at this time we will take public comment for anyone who would like to speak on any of the items that will be taken up this evening during our meeting. Alderman Kelly, can you see if anyone is out there that is looking to speak.

Alderman Kelly

Yes I will let you know.

Chairman Caron

Thank you.

Alderman Kelly

Beth Scaer would like to speak.

Beth Scaer Hi yes, Beth Scaer, 111 East Hobart Street. I am speaking to give public comment on the Ordinance 20-029, "Supplemental Requirements Relative to Face Coverings". Under the proposed Ordinance businesses would be required to enforce the wearing of masks by their customers or force those customers to leave. Business owners who do not follow the new rules could be turned in by their own customers or fellow business owners and fined by the Police. My concern from the beginning with the Mask Ordinance has been that our Nashua small businesses are already struggling under COVID restrictions, would lose customers. I can't imagine how tough it would be for these businesses to send badly needed customers away, perhaps never to return.

Nancy Kyle, President of the New Hampshire Retail Association was quoted in the Union Leader as saying, "this is going on all over the country. Our National Association and Retail Leaders are adamant that retailers should not be policing this. In some instances, these would be 16 year old kids who are being asked to enforce this". She stressed confrontations about mask use have already led to verbal and physical altercations through the nation. John Dumais, President of the New Hampshire Grocer's Association said that there has already been reports of strong language and shouting from belligerent customers towards teen grocery store workers who are asking them to wear masks and to businesses. He told the Union Leader, "they get intimidated very quickly and that is unfortunate because they are already working extra hard to keep things sanitized in the store. We are there to serve the customer and not to enforce masks".

So I am asking you to please strike Item 11 from the Ordinance which requires businesses to enforce mask wearing. Thank you.

Chairman Caron

Thank you Beth. Alderman Kelly, is there anyone else?

Alderwoman Kelly

Yes.

Chairman Kelly

Hello? Yes? Could you please give your name and address?

Sue Neuman Yes this is Sue Newman, 25 Charlotte Avenue.

Chairman Caron

OK Sue, what would you like to speak about?

Ms. Newman Ok, Chairman I would disagree, I respectfully listened to the previous comments but I would support the Ordinance. Many of the following reasons why I think it's a good idea. Very recently, like in the last couple of weeks I was in one of the larger grocery store chains in Nashua. There was a man at checkout area not in the check-out lane I was in but about three lanes over. He was probably in his 40's and there was no mask but we were all checking out. When I went to the check-out lane I was in, I asked the cashier if there was a store policy on what you do if you don't have a mask. So there was one of the managers right there, so I spoke to him, I checked out, he went over to the unmasked person and he came and he was courteous enough to speak to me. He said he had a medical condition and he said there's nothing they could do, that's fine. The cashiers, one of them that was in the area quietly said to me, "Thank you, it's very difficult for us because they can't do anything". The managers can do something and I think one of the issues I've had since the Ordinance started has been the assortment of signs I have seen at front entrances. Some are a lot clearer than others; some clearly state "Masks Required", others have "Mask Ordinance in Nashua" and so forth, but I think signage would be the first wave of at least getting people's attention.

I read the and I saw the retail people that put a letter into the editor and open letter to you all a couple weeks ago and I respectfully read it, I can see their point. But I think it is the manager's job to do something. Any of the places that I have gone into and there aren't zillions of them, there's a manager there or somebody that is appointed to be taking care of things. I recognize that these people don't want to have any confrontation, I have become aware from one out of state employer that has a business in Southern New Hampshire, that they had training opportunities or at least they were going to look at it for their personnel, like a conflict resolution in case there was any problem going on.

The bottom line when I spoke with this man who was up in Maine, he basically said he supports masks. One of his store employees that was in Southern New Hampshire had indicated to me a couple weeks earlier that if there was a State Mandate for masks, it would have made it a lot easier. But when I spoke with one of this head person up in Maine he did say, do I have any suggestions? And my suggestion to him was at that particular store, people want to go in, they want to comply because they really want to go in and to take the opportunity to go in I felt was motivation enough for people to mask up. On a subsequent visit there, that's exactly what was going on, good signage – masks are required. Their personnel was walking around, making sure that things were orderly, that people did have masks and everything got along just fine.

In this day and age, we don't have a vaccine, we don't know when one is coming, we have few options and I guess I am just befuddled to think that some people just deliberately refuse to comply. I have had people say to me, "I don't care about your Ordinance" and I have other people just give me "the look" and one person mentioned to me that at one of the stores, when she was in there, that the manager was getting frustrated because apparently there was a hint that the customer didn't want to be compliant and was going to refuse to be compliant and may even have a weapon.

And it's like, are you kidding me? So we've got take out, we've got on-line ordering, we've got pick-up and delivery service and there are people that would do shopping for people I don't see any reason why for the duration, until we get beyond where we all understand COVID a lot better, and it remains out there, we just don't have the mask Ordinance and it's in Nashua. This is what we have and people comply and that's it.

Chairman Caron

Ok thank you Sue.

Alderman Kelly

Robin Russo would like to speak.

Chairman Caron

OK thank you. Please state your name and address please?

Robin Russo Hello, sorry I had to figure out how to unmute myself. My name is Robin Russo, I live in Portsmouth, New Hampshire, I live in Market Square actually. I am a former Zoning Board Member for Portsmouth and Durham and I am a CPA and I was listening to you guys before you started your meeting and you look like a really fun team so I am glad. Nashua is lucky they have nice people on their Board. So I got an e-mail and I saw this Ordinance you guys are talking about tonight and I'm like "Oh God, this sounds like Nazi Germany, right". I love to go to Nashua, I love the Lucky Dog Restaurant downtown, they do really great work for animals and I love eating Indian food over there. And I also like to do project work for Outpost International.

So I saw this and I am like "Oh Gosh, this is pretty damn serious". It sort of reminded me of the Salem Witch Trials, right, where there were a lot of people very fearful of what was going on and they would blame it on sort of witchcraft. And I sort of feel like people are afraid of COVID right now. I read the numbers, I am a CPA right, I like numbers. And the new numbers are 9,400 people out of 330 billion people in our country actually got sick because of COVID alone and 80% of those people were over the age of 80. Actually, the rest of the numbers were all people who had existing conditions. So there's a lot of fear out there and there's a lot of misinformation. By the way, that 9,400 is on the CDC Website, you have to fish around for it a little bit, but it's there and it's quite shocking that we would really take extreme measures for such a low number. I think those numbers have been sort of updated, they get updated all the time.

I just think that, you know, we the people of New Hampshire, we love our freedoms and we all went to that field trip when we were in school to Salem, Mass right? We learned about mass hysteria and that we need to respect the rule of law and in this case we need to respect real evidence that people are getting sick and to what level. And, you know, I think in my personal opinion, our actions on a State level have been extreme. That 21 day sort of emergency order is coming up real quick. I know I'm in downtown Portsmouth, I'm in Market Square, it's booming right now. People are out and about, nobody is sick in Portsmouth and I talked to the hospital, Portsmouth Regional, nobody is getting sick there either, and coming in for COVID they are quite empty actually. So I wanted to just give my 2 cents on that and I appreciate you taking the time to listen to me. You guys have a great meeting tonight.

Chairman Caron

OK thank you. Is there anyone else?

Alderman Kelly

There's a few more June, we have Mike Apfelberg.

Chairman Caron

Yes, thank you. Mike would you please state your name and address?

Mike Apfelberg Yes Mike Apfelberg with the United Way of Greater Nashua. We are located at 20 Broad Street in Nashua. So first of all, with respect to the prior caller, I am not sure how many people she knows who have actually died of Coronavirus, but I have had 3 close friends who have. Maybe the perspective would be a little bit different if she had personal experience, I don't know that she hasn't, but I have and I can tell you that makes a very big impact on you when you have had close relations who have actually passed from this disease.

As of today, the United Way of Greater Nashua has passed out in our community 89,619 face masks. We have been doing this for months now, starting in the malls, the farmer's markets, downtown, and also to the various locations that are owned and operated by non-profits in our community. I am not going to advocate for or against the expansion of this Ordinance, I think you can probably read between the lines on where I would stand on that. But what I will tell you is the United Way's commitment is that to the extent that there is a need for face masks in our community I can give you my personal assurance that we will make sure that every person in our community has zero excuse to say, "I am not wearing a face mask because I don't have one, or I can't get one, or I don't know where to get one". We will be there to make sure that happens. We have about 80,000 face masks currently on hand available to the public and our non-profit sector as well.

So thank you for listening today and I appreciate you taking up this conversation.

Chairman Caron

Thank you Mike. Anyone else?

Alderman Kelly

OK there was someone else in line but go ahead.

Chairman Caron

Ok could you please give us your name and address, please?

Blythe Storer My name is Blythe Storer I live at 9A Abbott Street Nashua. I'd like to support expanding the Ordinance and comment on – two comments. One comment is regarding the caller before the previous caller who was from Portsmouth, you know, I've heard that before, saying "oh there's only a few thousand cases where COVID was the only possible condition". Well OK, I've got some issues, pre-diabetic perhaps and etc. I am in my 60's so if I die of COVID I'd be in the category of I didn't die only of COVID I died because I had these other health issues.

So that's just a silly kind of trope that's been out there and it's just false. She mentioned the CDC, the CDC is recommending that people wear face masks, right? And we are going to see an increase I believe in New Hampshire as schools open, right. And it doesn't matter that most of the people who died in New Hampshire are over 80. We should be protecting them too.

OK so that was one thing. The second thing is just that you know I see not that great enforcement of this Ordinance. The original ordinance was enacted for very good reasons, we want to prevent the spread of COVID and you know are we going to listen to somebody who is not a scientist saying "Oh I read some numbers and this is how I interpret them"; I mean with all respect a CPA is not an epidemiologist. So I think that the science is very strongly in favor of face masks and we should, you know, when in doubt, stop the spread of COVID. So the way to do that we are being told is face masks and I don't see any conspiracy or any willful misinterpretation of actual scientific data on the part of the CDC you know which is to be honest I hear a lot of that kind of stuff among friends and acquaintances and just people I don't know. I see not enough people are wearing masks and taking this Ordinance seriously and I think we to put some teeth into it and start enforcing it.

I see grocery store, convenience stores, out on the street just many, many people not taking any care at all, not wearing a mask, no social distancing. I have seen political candidates, photos of them on primary day some of them out there with no masks and next to supporters who have no masks. You know, face masks are politicized now, it should not be a matter of politics, it should be a matter of science and that's why I support what you are trying to do by expanding this Ordinance. Thank you, I'm done.

Chairman Caron

Thank you. Anyone else?

Alderman Kelly

I see "Robert", I don't have a last name.

Chairman Caron

Please state your name and address.

Robert Farinelli 92 Ledge Street.

Chairman Caron

OK? You're up.

Mr. Farinelli Ok I am here to voice my dissent for this Ordinance. First of all before going that for all of you out there who want to wear your face masks, go ahead wear your face mask, it's none of my business. If you feel that's the best way to protect yourself from the virus, go ahead. But last time I checked, when I bought a face masks, it said right on the label, "Does not protect against Coronavirus" and I have seen multiple – more evidence on that from people using (inaudible) and such that show that that when they exhale, that exhale goes freely outside the mask when people are exhaling. So we want to talk about science for this decision but based on required labels on products and actual scientific experiments, we can clearly see that these face masks that you are recommending do nothing, unless you want the Ordinance to recommend that everyone wear an N95 mask which actually does something, but that's just my first part here.

The second point is on the data. We have heard two numbers being thrown around today for the number of deaths. We have the CDC number which last I checked was 180,000/190,000 somewhere in that ballpark and then we heard 90,000. So I work as a data modeler and you can make data show whatever you want to support your beliefs. You can model it in any way and visualize it any way to support any argument you want. So I don't think it's fair that every Coronavirus death here was solely the fact of Coronavirus or the people who died of Coronavirus are the ones that only should be counted.

There's a lot of theories in the death certificates if you look a little closer, personal injury, Alzheimer's, somethings that might not have to do with Coronavirus and others that you could say "alright, yeah that is probably from Coronavirus". Some people died of other respiratory causes so if we are going to take a number here, my number nationally I am going to take is about 60,000 or so if we really dig through all those death certificates and look at the causes and break them down by "Ok the person who died in a motorcycle crash who also had Coronavirus is not a Coronavirus death" but the person who had respiratory failure, this is a respiratory disease, yeah that probably is a Coronavirus death but nevertheless if we look at the numbers here in New Hampshire, as of yesterday, we have 236 current infections, 7 hospitalizations, no ICU's and no one in the ICU. And if you look at the total deaths, 80% long-term care facility and we have 433 total deaths and over 70 that 379, I don't want to break down that percentage but regardless of the fact, we are going to pass the Ordinance apparently and when business owners who want to run their business the way they want to, you know, no one is forcing you to go these amusement areas, no one is forcing you to go to a pizza joint if you are very scared of getting the virus and don't want any social distancing.

So from previous comments, I have expressed major concerns about mask wearers, well that's really none of your business, you really need, you don't need to go to a lot of these places. There are only really a few places that require masks, probably grocery stores and pharmacies, maybe convenience stores and gas stations, you really need a mask to go to. But nonetheless, we have also been talking about people who have been violent for not wearing masks. I have seen quite the opposite, I have seen people being very violent against, saying very mean and cruel things against me saying that wish that I would die of COVID and wishing my family would die of COVID and other obscenities to me when I have publicly voiced my dissent for mask wearing. So yeah, we when we making political data, I feel like the people who want to enforce this Ordinance are the ones making it political because they are (inaudible) it be citizens who are threatening with (inaudible) there is the City of Nashua who wants to pin a \$1,000.00 fine and now I guess they want to pin business owners who just want to run the businesses the way they want to. It's all threats to people from a disease that looking at the numbers, maybe we could call it slightly worse than the flu but if we do real digging in the data yeah I am looking at now from the New Hampshire Health Public Services data sheet...

#### Chairman Caron

Robert you have one minute please because I have a few other people who need to comment.

Mr. Farinelli Sure, you can cut me off here, I know I've taken awhile and apologies for my long rant, I just had, people said more things so I wanted to say more things. But I'll stop now thank you for letting me speak.

#### Chairman Caron

OK thank you. Alderman Kelly if someone wants to speak again, as long as they are not repeating what they already said, I have no problem with them speaking for 2 minutes.

#### Alderwoman Kelly

OK I see one person who I think has not spoken yet. HS is what I see? I assume there's a name connected with that.

Peter Schaefer Hello, my name is Peter Shaffer, I live at 15 East Street in Nashua. I just want to say that I am at personal risk and I think store owners should be concerned that I for example may not want to go to a store that doesn't want to, that doesn't care whether their customers wear a mask or not. I also think that the people who serve the customers in the store have a right to be able to have some distance and some protection that I think wouldn't be afforded if you didn't have a rule like that.

One more last thing is, is I was born in Germany, people should read their history. This is nothing like Nazi-ism, OK? This is cooperation. Thank you.

Chairman Caron

Ok thank you Peter.

Alderman Kelly

And then we have two who had asked for follow ups, I see Deidre.

Deidre Hyada Hello, yes this is Deidre Hyada, I am not 28 New Castle Drive in Nashua and this is the first time I am speaking. Just two points. There was a comment earlier about N95 masks, Just to clarify, the N95 mask when it used effectively it is only screening out .3 microns at its very best. The COVID particle, just like the Influenza particle, is around .125 microns. So that particle is smaller than the smallest opening in the N95 mask. So if you think about, if we really think that all of these medical masks and cloth masks are really going to help us, then me as a scientist, I study these things and looked into the data and it doesn't appear to be based on the statistics and based on the numbers, that even having the best mask out there, that you are still not going to get COVID.

The second point is you know for someone, so I live by myself and I consider myself you know a strong person as in you know mentally you know mentally aware and everything. But I find myself as I go to the ... I can only see people without masks at the park. And even at the park I see people with masks. So I am being affected by the fact that I am not seeing people's faces anymore and it is kind of weird. I mean maybe if you live in a big family it's cool because you can see your family members, but you know, I see this as something that is affecting me and someone like I feel like I am strong mentally but it is having some effect on me and I am glad no one here in the call is making a mask because that would be too much. But yeah those are my two points and I appreciate the time to speak today. Thank you.

Chairman Caron

OK thank you. Alderman Kelly is there anyone else? Hello?

Alderman Kelly

Beth Scaer had asked to follow up.

Chairman Caron

Beth, as long you are not repeating what you already said, you may speak for 2 minutes.

Beth Scaer Thank you, I just wanted to follow up. I am not asking for you to choose between science and helping businesses. I mean we can do both. You know, protecting people's health is important and protecting businesses is important and when you make your decision I want to you to protect the health of both. Because without our small businesses, Nashua would be a very sad place. And they are already having a hard time under the COVID restrictions. Thanks very much.

Chairman Caron

Ok, thank you Beth.

Alderman Kelly

I'll make a final call for Public Comment. I don't see any additional hands.

Robin Russo This is Robin Russo, I'd like to speak if that's ok?

Chairman Caron

Robin, as long as you are not repeating what you just said, you have 2 minutes, thank you.

Robin Russo I understand, thank you. So I heard some of the comments. I have many elderly friends, I love my elderly friends, but the statistics show that many people especially as you get older, your immune system is compromised and you really could catch any kind of virus, you can catch the flu a little bit easier than usual if you are a little bit younger. So I don't know that's an argument for this situation. We love our elderly people. We would not be not wearing a mask because we don't care about our elderly people or people with diabetes and other conditions. We love them. But unfortunately the science shows that their immune system is compromised and so I don't know that requires everybody else to be uncomfortable.

There's also, I don't know if you guys have seen the OSHA videos, but I've seen them where there's this test where you can, you know, there's a meter and you put it next to your mouth without a mask and you measure the oxygen level and then you put it under the mask and there's lights and alarms are going off. If you haven't seen those videos they are out on banned.video, YouTube grabbed them off but they are very real. So you know, we want kids to be healthy and not have to be sick with a mask on top of that, so you know, there is science but not everybody is watching those videos unfortunately. So we love our elderly I wanted to make that point, that unfortunately as you get older your immune system is just naturally compromised. So you are sort of open to a lot of different things, not just COVID. So that's all I wanted to add to that. Thank you for your time.

Chairman Caron

OK thank you. Anyone else, Alderman Kelly?

Lori Ortolano Sure Lori Ortolano, 41 Berkeley Street. I just wanted to speak very briefly that I support the use of masks, but I don't feel like we need to change the Ordinance to put more restrictions on business owners to do more regulations. I think our numbers and our data have been very good and our compliance has been good and I just don't support more regulations to solve problems that potentially don't exist. I don't know if there's information out there now that shows an issue. I know some of the public has asked Bobbie Bagley to get information on where the cluster outbreaks were at restaurants, but the City isn't willing to disclose that. And since we don't have – as the public – first-hand information on this, I just don't feel that there's enough cases and problems to constitute a more stringent restriction placed on the masks. So that's all I had to say. Thank you.

Chairman Caron

Ok, thank you. Ok so we will continue with the meeting.

COMMUNICATIONS - None

Sue Newman Hello, yes hi, this is Sue Newman again, I wondered if I could just make one last comment?

Chairman Caron

Ok Sue, you have two minutes.

Sue Newman I won't take two minutes. For everybody who has got a teenager or young adult who has a job and I'll just pick on a grocery store cause they have - some of the stores have a lot of kids there. I would want my child to be in the store knowing that they are masked, that the store personnel is masked and that the people coming into the store are masked. I don't want to see any of our young people be susceptible to the disease if they can help it, nor any of the older workers that are at the stores so as a courtesy to our businesses. I still support the Ordinance and I wish we didn't even need an Ordinance, that people would just wear the masks that they help and I am still coming down on the side of mandating or supporting the mask Ordinance. Thank you very much.

Chairman Caron

Ok thank you. Ok so we are Interviews for the Master Plan Committee. Mayor are you here today? Hello?

## INTERVIEWS

Master Plan Committee

Alderman Kelly

He was on maybe he's on mute.

Alderman Klee

He's on mute.

Mayor Donchess

Oh yes, sorry. Thank you Madam, as you will recall we passed a Resolution creating a Steering Committee for the Master Planning Effort which we are going to be undertaking over the coming months. The Master Planning effort has been delayed a little bit by COVID-19 but now we are bringing a group of the appointments before you. The first, at least on the list here, is Mary Ann Melizzi-Golja who I believe is on the call. She is, of course, familiar to all of you, she has served with great distinction as a member of the Board of Aldermen for 10 years or so. She's been on the School Board, she was Chair of the Planning Committee; very knowledgeable about city planning issues. I am sure she will be a great addition. She would be the Ward 8 Representative on the Committee.

Alderman Kelly

June, if I could ask a question, please?

Chairman Caron

Certainly Alderman Kelly.

Alderman Kelly

Mr. Mayor, before we go into specific interviews, I was hoping, this is a pretty important Committee and I am looking forward to talking to everyone. If you could talk about how the makeup of this Committee was put together?

Mayor Donchess

I looked for people who had broad community interest who I thought could contribute to the Steering Committee by helping to guide the staff regarding the future of the City. I mean the point here is we are looking 10 or 20 years out and therefore we want people who have thought a lot about Nashua and are familiar with and are familiar with our community. I believe that the people who have been nominated fit that bill.

Alderman Kelly

Was there any specifications on how many from, you know, are they all from different Wards?

Mayor Donchess

We might recall that the Ordinance requires one from each Ward, citizens one from each Ward as well as a Chair of the Committee.

Alderman Kelly

Thank you, I just wanted that out there for everybody as well. Thank you.

Chairman Caron

OK thank you Alderman Kelly. OK Mayor would you introduce Mary Ann?

Mayor Donchess

Yes I see Ms. Melizzi-Golja is on the camera.

Mary Ann Melizzi-Golja Hi, can you hear me?

Chairman Caron

Yes.

Alderman Kelly

You are a little bit crackly.

Chairman Caron

Mary Ann, would you give us a little background and as to why you want to be on this Committee?

Mary Ann Melizzi-Golja (audio cutting in and out) I believe all of you have the (audio cutting out) through the Mayor's Office....

Chairman Caron

Mary Ann, you are breaking up and we can't hear you. Do you want to hang up and try again and I'll have the Mayor move on to the next one?

Mary Ann Melizzi-Golja I will do that.

Chairman Caron

Ok, alright, thank you. Mayor would you mind going ...

Mayor Donchess

No of course not. Thank you, Madam Chair. Do you want me to go ahead?

Chairman Caron

Yes and Mary Ann will try to come in on another line so if you go to the next person that will move us along.

Homa Jaferey (New Appointment)  
5 Poliquin Drive  
Nashua, NH 03062

Mayor Donchess

Ok thank you. The next nominee is Homa Jaferey. Homa has been a resident of Nashua for about 20 years. She grew up in the UK, she works for Oracle Corporation down in South Nashua and she's been very involved in our community for a long time. She's been a volunteer for Great American Downtown, she was Treasurer of City Arts Nashua, was involved in events planning for them. She's been on the Advisory Board of Visualize Nashua and the Advisory Board for Positive Street Art. She has served as a member of the City's Review and Comment Committee. She has two kids, both of whom have gone to school here in Nashua and I believe Homa, as a Ward 9 Representative, will be a member of the Committee who will be able to provide a very meaningful contribution.

Chairman Caron

Thank you. Homa are you on?

Homa Jaffrey Yes, can you hear me?

Chairman Caron

Yes, we can. Can you give us a little background and tell us why you want to join this Committee.

Homa Jaferey Well I think Jim just basically said everything I was going to say. But yes, I love Nashua, I moved to the States when I was 23 years old and I didn't move straight to Nashua, I move from London to Memphis in Tennessee, and I just never felt like, it just never felt like home. I lived there for 10 years and I did not, I just did not like it. I didn't feel like I was part of the community or anything. And then when we moved to Nashua I at first like in 2000, downtown Nashua wasn't that great.

There wasn't much there. But as time went by, you know, things started changing and I grew to love Nashua and I feel like you know, I feel like this is my home. I can say I am an American and I live in Nashua and I love, you know, where I live. I have a home here which I purchased 20 years ago and my kids went to school here and I am very invested in trying to make sure that the kids go to school in Nashua, they grow up, but they come back after they go to college, that they can find jobs here. So I want to do my part to help the community and I really enjoy volunteering, I've done quite a bit of that and I am really happy and grateful to be invited from this Committee.

Chairman Caron

Ok, thank you. Do I have any questions from the members of the Committee? OK, Alderman Lopez.

Alderman Lopez

I just wanted to comment. Homa, I am glad you are willing to step forward. I worked with Homa during her term at Positive Street Art and also with her at Great American Downtown and City Arts Nashua and a lot of other programs that she helps support. She's always been very enthusiastic, she's always seen the best in the community and I think she's being a little modest when she says "things just started to change". A lot of it was people were looking to get involved and feel involved and Homa was a large part of making them feel welcome. So to her credit, I think she recognizes the value of diversity and how it offers an opportunity for positive change.

To Homa, I kind of want to ask, what areas are you looking at in terms of how you will help this community specifically? Are there areas that you think we need to better or areas that you have a passion for? I want to know what your thoughts are?

Homa Jaferey Yeah I definitely feel like Nashua needs to work on affordable housing because I have noticed that a lot of young people cannot afford getting an apartment in Nashua, it's just too expensive. And so a lot of them are leaving Nashua for places like Manchester. So I think that's really important that we need to look at for them and keep our youth here in Nashua. So that's one thing. And then, of course, I love – you know – I think that every great city needs to have a great downtown. So I've always been invested in making sure that we continue to make it a place where everyone enjoys so that we have, so that we can take advantage (audio cuts out) and other things like that.

Obviously I am thinking about the whole City and planning of how are we going to make sure that every Ward is looked out for, so I don't know. I am looking at the whole of Nashua because obviously I don't even live downtown, I live in South Nashua. We are very close to the border of Tyngsboro and there's a mall here but I wouldn't want to go shopping in the mall, I'd rather go to the stores downtown even if they might be less choice or might be a little bit more expensive, but I think it's very important to support our local businesses.

Alderman Lopez

I appreciate your thoughts. I agree that having a shared common area is very welcoming to people and I think you are a good example of somebody who (audio cuts out) and then was able to find other places from there. So I appreciate your stepping forward to volunteer. Thank you.

Homa Jaffrey

Thank you.

Chairman Caron

Thank you. Anyone else?

Alderwoman Kelly

Sorry Lori I didn't see your hand.

Alderman Wilshire

That's ok. Thank you. First off I want to say to the Mayor, I hope you are feeling well. This Committee that you have these nominations before us tonight are very impressive. I mean I know all but maybe one of these people and I can't tell you, I couldn't be happier with the selections you have made. And Homa, thank you so much for stepping forward. I know you have been very active in the community since I have known you and it's been a good number of years. I appreciate all you do and I know you will be really good for this Committee. So thank you and thank you all for stepping up; pretty impressive group. Thank you.

Chairman Caron

Thank you Alderman Wilshire. If there is no one else, Homa, we will take up your nomination at the end of the meeting. But you don't have to stay on-line to hear that, you will get notified as to when your swearing in will take place at the next Board of Aldermen meeting. And thank you for being willing to step forward.

Homa Jaffrey Thank you so much, I appreciate it.

Chairman Caron

Thank you. Shoshanna, did Mary Ann come back on?

Alderwoman Kelly

I am looking.

Mary Ann Melizzi-Golja (New Appointment)  
2 Amble Road  
Nashua, NH 03062

Mary Ann Melizzi-Golja Yes, I am here.

Chairman Caron

Ok so we will go back to Mary Ann. Thank you. So tell us why you want to be on this Committee?

Mary Ann Melizzi-Golja Ok well thank you. I think we have always appreciated Nashua since we moved here in the mid-90's and I think that the development of all of Nashua is somewhat at a critical point in terms of the amount of space we have left to develop as well as looking forward to how we are going to develop parcels and buildings and properties in the City. And I think that we need to look at a balance between businesses, both industrial sorts of businesses, light industrial businesses, different kinds of residential use, our downtown, small, locally owned shops and making sure that we have green space available across all of the City for people to come together and enjoy.

Although we are Master Planning for the City of Nashua, I think we always need to keep in mind of the role we play in the region. And that we are going to be interacting with our neighbors in Milford and Hudson and housing and businesses and roads and hopefully rail will not only impact us but have an impact on the region. So I think that having that local picture as well as looking at what we do for the region is important. And as many of you know, I have enjoyed being involved in Planning & Economic Development for the 10 years I was on the Board and continue to have an interest in that for the City of Nashua.

Chairman Caron

Ok thank you. Anybody from the Committee have questions for Mary Ann? No one? Shoshanna do you see anyone?

Alderman Lopez

So I know Mary Ann very well so I don't have any questions. I just wanted to express my enthusiasm that she's willing to step forward and do this. I know as an Alderman, she has a lot of really good experience. She was one of the first Aldermen that I knew before joining the Board because of her work with the Cultural Connections Committee. I found her to be a very, very, very effective community liaison and I think that's what the city and planning is going to need here and ensure the authentic needs of communities that are (audio cuts out) right now are not being pushed aside in favor of opportunities for development and growth and change because I think the strength that Nashua has is that it builds on its traditions in a very effective and positive way. That's a tradition of inclusion, with a tradition of multi-culturism; I would hate to see us embark upon a plan where we are more interested in looking at increasing the tax base or copying an image of a faraway City or something like that. Having people who are able to effectively communicate what the Committee is doing and what its reasoning is to the community I think is very able and having someone like Mary Ann Melizzi who is a former Alderman to do that, gives us a lot of credibility, because she's not a current Alderman, so she's not part of any like inner circles or anything but she is experienced, she is credible and she knows what she's doing. So thank you for joining, Mary Ann.

Mary Ann Melizzi-Golja Thank you Tom.

Chairman Caron

Ok thank you. Anyone else? Ok. Alderman Wilshire.

Alderman Wilshire

Mary Ann, thank you for stepping forward. I know this has been in your wheelhouse for the time you've been involved in the City and really appreciate you coming forward. It's a good time for you to come forward, so thank you for that.

Mary Ann Melizzi-Golja You're welcome.

Alderman Wilshire

It is going to be nice to have you back and involved. I really appreciate it. And I think with your background, you know, I think you'll serve the City well again. So I really appreciate that. And maybe you can also help the new Planning Manager with your expertise and things. Have you had a chance to meet Matt Sullivan?

Mary Ann Melizzi-Golja No I have not. I have not.

Alderman Wilshire

Ok we met him last night so I'm sure very soon you will have the opportunity. Anyway, thank you, you've got a lot of work cut out for you and I appreciate that you have stepped forward to do it; all of you who stepped forward. Thank you.

Mary Ann Melizzi-Golja You're welcome. I think it's very exciting.

Alderman Wilshire

I agree.

Chairman Caron

OK thank you and thank you Mary Ann for coming out again. You can't leave the City even though you're out of the circle. We will discuss your appointment later on in the meeting and you will be notified to attend the Board of Aldermen Meeting to get sworn in. So you don't have to stay on line to listen to the rest of the meeting if you choose not to. And again thank you.

Mary Ann Melizzi-Golja You're welcome. I am going to say goodnight and I hope you have a short evening.

Chairman Caron

Thank you.

Alderwoman Kelly

Can I just ask – sorry June – can all the Alderman, if possible, turn on their video. It's just really hard for me to – there's so many people on this call it's hard for me to keep track and then that way they get put into the top, if you have the ability that would be awesome. Thank you.

Alderman Lopez

Yeah but I believe we have also been told by IT not to turn all of our videos on because it ruins the bandwidth.

Chairman Caron

Right.

Mary Ann Melizzi-Golja I am going to say goodnight and have a good evening. Thank you, bye bye.

Chairman Caron

Ok, Mayor, your next nominee?

Gloria McCarthy (New Appointment)  
65 Musket Drive  
Nashua, NH 03062

Mayor Donchess

Yes thank you Madam Chair. For the Ward 5 Representative on the Master Planning Committee, I nominated Gloria McCarthy. Gloria has been a resident and in Ward 5 for about 40 years. She has been a very close observer of City Government and of all of the planning efforts of the City for a long time. She now serves on the Conservation Commission where I know she's doing a very good job. She's very concerned and interested about Nashua's future and again I think, I believe and I know that she will make a very positive contribution towards the Master Planning Effort.

Chairman Caron

Ok, alright. Thank you very much. Gloria, are you on-line?

Gloria McCarthy I am. Yes I have lived actually in Nashua for 40 years, 1 month and 4 days. So I have been around for a little while; some may still consider me a newcomer, but those extra 4 days might change that. I've worked in the School Department as a para-educator for 25 of those years and as Mayor Donchess said I'm an alternate actually on the Conversation Commission and our children Kim and John both grew up here in Nashua. So I appreciate the opportunity to serve on the Master Plan committee. I think that the Master Plan should look over what we have as a Master Plan and see what areas have worked out well; what was done that made those areas successful, what we might have not done yet or what we could do to make or what was done that wasn't successful and what could be done to change that so that the City as a whole is a warm, welcoming place to be.

That's about it except that if you want to have your hand raised, if you go to participants at the bottom of your screen, this is something I learned in school this week, you go to where it says "participants" at the bottom of the screen and you click on it and you get a whole list of everybody that's there. And one of the things you can choose is "raise hand" and a little hand will show up on the screen. So you don't have to stay and wave at the screen, it'll show up and then actually Alderwoman Kelly will be able to see who is trying to get her attention.

Alderwoman Kelly

Thank you Gloria.

Alderman Lopez

For the record, you also can lower your hand because some of our public comment have their hand up.

Chairman Caron

Thank you Gloria for that IT explanation. If there is anyone out there with a raised hand that has any questions for Gloria McCarthy?

Alderwoman Kelly

I actually have a question.

Chairman Caron

OK Alderman Kelly.

Alderwoman Kelly

Thank you for that. I don't envy you Alderman Wilshire, it's hard when there's this many people, I've got multiple pages of people. And trying to make sure it is not an easy task. I want to say thank you for stepping forward, obviously you have an incredible background for this. I'm just interested as someone, 40 years and a day, you said?

Gloria McCarthy 40 years, one month and a day.

Alderwoman Kelly

1 month and a day. What do you think some of the priorities are in your mind?

Gloria McCarthy Well I think we need, one of the things it has probably has been stated before, we need to have a viable downtown; have a place for people to go to have something interesting to do. Other than and nothing is wrong with the restaurants, but other than just going to a restaurant or going to a bar, there should be some other interesting things to do. I think it's important to have some green space around so that not everything is all built up. I think the neighborhoods as they are being built up you need to be considerate of what is going where. You want to be sure that the buildings that are being built are compatible to the neighborhoods that they are being built in and that the zoning that is in place is being adhered to so that you just don't have a whole patchwork of things all over the place.

Alderman Kelly

Thank you.

Chairman Caron

OK are there any other questions out there from the Committee?

Alderman Kelly

We have Alderman Wilshire and Tom Lopez.

Chairman Caron

OK we will start with Alderman Lopez.

Alderman Lopez

I just had a question for Ms. McCarthy. Regarding Planning and Zoning and that kind of stuff, do you have any experience or ideas about how to address the needs of residential neighborhoods where people could be obtaining a variance in some areas and starting to kind of edge in with a business and then put it onto someone else and then that person makes that business a little bit bigger, buying some parcels. Is that something that you anticipate looking at with the Zoning Board and Planning?

Gloria McCarthy I assume that everything is on the table when you are doing a Master Plan. I really have not done something like this before but I think you have to be careful just where you are putting things. You have to be respectful of the neighborhood. Like you wouldn't want to consider putting a casino in the middle of Ward 3 like right opposite Greeley Park, I think that's Ward 3, it could be Ward 2, something like that. So I think you need to be aware of where you want to put things and how that gets done.

Alderman Lopez

Well just for context, the mechanisms that you guys put in place are likely to be used by the Planning Board to approve future projects. So it is going to be important to identify different regions so that say you have a large growing dentist in the middle of a residential neighborhood.

Gloria McCarthy I'm sorry I didn't get the second part of that.

Alderman Lopez

So it will be important to create a mechanism, like a blue print for the City because then the Zoning Board is going to take your plan and move it forward over the next couple of years and it's important to foresee issues like businesses that might grow or exchange hands or have adjacent properties and

(audio cuts out) you are creating a scenario where a person can't insert say a large dentist into a residential neighborhood. That's a first-hand example from Ward 4. And it's kind of an ongoing issue where if there isn't a specific category for that neighborhood and a variance can be granted that basically opens it for a specific use to kind of sneak its way in forever.

Gloria McCarthy Right and I think that's something that needs to be addressed as we go along is to be sure that what is going into neighborhoods or what is going into downtown or what's going into the outer rural areas is what is there, needs to fit the character of the neighborhood.

Alderman Lopez

Well for guidance on that last one, I'm sure you can talk to Alderman Wilshire.

Chairman Caron

Alderman Wilshire, did you want to speak or ask a question?

Alderman Wilshire

I did want to speak, thank you very much. So Gloria thank you so much for stepping up. As long as I've been involved in Nashua politics, I've known you and you've been involved. You are, I don't want to say on the sidelines because that's not really where you were, but always involved, always at the events that your husband was at. I know you and I know that you are very bright, very interested in Nashua and I am so happy that you have stepped up to be part of this because I think it's important given all that you know and as long as you've been involved, you are a great asset to this Committee and I really appreciate it. So thank you.

Gloria McCarthy Thank you.

Alderwoman Kelly

Alderman Klee?

Alderman Klee

Thank you Alderwoman Kelly. I have more comment than question. But my first comment is I am definitely against a casino in Ward 3. We will not have a casino in Ward 3 not as long as I am Alderman; just want to get that on the record. Not at Greeley, not anywhere. Ok now that I've gotten that out, I too would like to say that since I've been around politics and so on which is just a mere shadow as what Ms. McCarthy has been around, she's been extremely involved. I've run into her many times, I've asked her questions about the way things had been and so on. So I believe that she has the intuitiveness and the ability to do this kind of job and I appreciate that she's stepped up as well as everybody else. I look forward to hearing from everybody on that list. Thank you.

Alderwoman Kelly

Are there any other Aldermen with questions? I don't see any hands June.

Alderman Lopez

I can't tell because their video is off.

Chairman Caron

OK thank you Gloria for stepping up to the plate, but come talk to me when you've been here 70 something years.

Gloria McCarthy Well see I said I was a newcomer.

Chairman Caron

You are. But I thank you so much for stepping up to the plate because you do have plenty to give to this Committee. And I will tell you the same, your vote will come up at another session of the meeting and you will be advised to attend the next Board of Aldermen Meeting to be sworn in and thank you so much for participating.

Gloria McCarthy Thank you, thank you all, have a good night. Take care Mayor Donchess.

Mayor Donchess

Thank you Gloria.

Chairman Caron

Mayor? You're up.

Peter Schaefer (New Appointment)  
15 E Street  
Nashua, NH 03060

Mayor Donchess

Yes Madam Chair. Next I have appointed the Ward 7 Representative, Peter Schaefer who I believe is on here. Peter are you here?

Peter Schaefer Here I am.

Mayor Donchess

Peter Schaefer is a Community Activist who is familiar to many of you because he attends many meetings and has shown a great interest in Nashua and in our future. He is an electrical engineer having received a degree for Villanova and a Master's in Computer Science from RPI, Polytechnic Institute. The principal reason that I have nominated Mr. Schaefer is that he is a strong advocate for the east side downtown neighborhood which is part of Ward 7 where there aren't a lot of community advocates. He does a very good job in speaking for the residents of that neighborhood and of inner city neighborhoods in general. I know he will be a strong contributor to our Master Planning effort.

Chairman Caron

Ok, Peter would you like to give us a little reason as to why you want to joint this Committee?

Peter Schaefer Sure, first of all I live within walking distance of downtown, even though I am on the far east of the City, I can see the bridge out my window. But I am still close enough to be downtown and I also lived in the southwestern part of Nashua years ago. I've been in Nashua over 30 years. I've always been interested in urban development, even though that's not my specialty. Livability is what I am interested it, beyond the city we have a lot communities with different flavors and so on.

And we want to be able to figure out and get around them and also show that flavor in each part of the City that can contribute different things to it. I am very much into (audio cuts out) parks for example. You know we have Mine Falls Park but we still have a lot of area, we have two rivers in Nashua. So there's still a lot of areas that we can add to that so that anybody in the City can get anywhere without having to walk on a busy street for example. So I think there's a lot of things that we can do.

My background is that I was born in Germany and we tend to think a certain way in this country, we tend to think in terms of 30 years because everything has a 30 year mortgage. So we think 30 years ahead. In Germany, where I was born, the Church in my hometown was 1,000 years old, so they think a little differently about how they develop things. I've also lived in Reston, Virginia, I don't know if you've heard of Reston, Virginia, it's a City that was actually designed before it was built, ok? So those are different perspectives, all those pieces don't necessarily fit well within Nashua, because Nashua is what it is, you know, it was meant for horses to start with. So we have to deal with those issues, but I think there are a lot of variables that we can work with to move Nashua head into the future. There's a lot of new technology as well that will impact us and we should look at that.

I do have some background in analytics which may be helpful. One more thing, I am the only one in the City that has a Nashua Economy (audio cuts out) ok? That's it.

Chairman Caron

Ok do we have any questions for Peter from Committee Members first?

Alderman Kelly

Alderman Lopez?

Alderman Lopez

Yeah I just want to start by thanking Peter for volunteering. I know he's been involved in many things going on. He attends all the Coffee with the Mayor and has been very involved in a lot of Planning Activities. I think Homa and I probably first met him when he was coming to talk about the Visualize Nashua thing, and his passion for the boat ramps. I hope you are pleased with all the progress we have made over the years because there's like four new ones. And so I think he has a great sense of (audio cuts out) and I also recall him coming to Board of Aldermen Meetings regularly regarding the roundabout and the reference we've been making to improve the area where Temple Street and East Hollis connect.

So he is very neighborhood oriented as well. I am a little jealous of your hat, that's ok, I can get my own hat. And I am just glad you are on the Board so I appreciate you coming.

Chairman Caron

Anyone else that from the Committee that has questions?

Alderman Shoshanna Kelly

Alderman Wilshire?

Alderman Wilshire

I know I'm not on the Committee but thank you Mr. Schaefer for stepping forward. As I mentioned earlier, I really appreciate the caliber of people the Mayor put forward to this Committee. As I said that I knew most of them; you're the only one that I don't really know.

But thank you for introducing yourself and I am sure you will be asset to this Committee. I especially appreciate that, you know, coming from Ward 7, there's a lot going on in Ward 7. So it's good to have a representative from that area. And thank you for stepping up to do it.

Alderwoman Kelly

I don't see any other hands raised.

Chairman Caron

OK, Mr. Schaefer I want to thank you personally for offering to sit on this Committee. I know how dedicated and passionate you are about that neighborhood, in Ward 7 which is my Ward. I have worked with you on a couple of Committees and I know that you give 110% so you will be a great asset on this Master Plan Committee. We will take your nomination later in the meeting; and thank you so much.

Mr. Schaefer Thank you.

Chairman Caron

Okay, Mayor, next on your list?

Gene Porter (New Appointment)  
77 Concord Street  
Nashua, NH 03064

Mayor Donchess

Thank you Madam Chair. Next I have nominated Gene Porter to represent Ward 3. Gene is, of course, known in Nashua for all the good work that he has done in terms of promoting the use of our rivers. He has worked to establish a boat ramp on the Merrimack River; also a strong advocate for the Nashua River, a very strong supporter of the Nashua River Master Plan and all of the things we are trying to do to enhance people's enjoyment of these very important bodies of water.

Gene is a graduate of the US Naval Academy, he also has a degree in Physical Oceanography. He has formerly worked on as a member of the Navy or as a Navy Service Member, Nuclear Submarines. He has worked at the Department of Defense down in Washington. He could not be more committed to Nashua. So again, I know, we will make a very strong contribution.

Chairman Caron

Thank you, Mr. Porter, are you on-line?

Gene Porter I am.

Chairman Caron

Ok, would you please give us a little background and tell us why you'd like to be on this Committee?

Gene Porter I am pleased to do and I appreciate the Mayor nominating me for this important Committee. I put down roots in Nashua several decades ago after having knocked around Washington and the Nuclear Navy for a while. I (audio cuts out) and long-range planning both at the Pentagon and 10 years at Sanders Associates here in Nashua.

So I am committed to Nashua for the future and I am particularly appreciative of being nominated for this Committee because I am a strong supporter of what the Mayor and Sarah Marchant have been doing in downtown Nashua; both with the Nashua River Waterfront Project and the Mayor's efforts to stimulate more lower cost housing downtown and more business development. Additional issues in the downtown area are pedestrian and bicycle access so people don't have to drive half a mile or a mile from their apartments to the downtown; they should be able to bike and walk from the new apartments that are going up around the downtown area. So I am pleased to see the rail trail extension is moving along, moving from Main Street towards the Merrimack River.

Also as a member of the Nashua Conservation Commission, I've become enamored of Nashua's natural resources that are pretty well protected and are going to need to be protected in the future. And that's just the northwest conservation zone and the southwest trails area but there are other natural resource areas in Nashua that warrant protection. So I am looking forward to working with this Committee and Sarah Marchant's team to put together a Master Plan that moves Nashua forward and is useful to the City not just documents that sit on the shelf; but has some meaningful input to the actual future of the City. So thanks again for the nomination, Mr. Mayor and I hope you are feeling better.

Chairman Caron

OK thank you. Do we have any members of the Committee that has any questions for Mr. Porter? Shoshanna?

Alderman Kelly

I see Alderman Klee with her hand up; I just wanted to make sure there weren't any Committee members first since that's what you called for.

Chairman Caron

OK Alderman Klee?

Alderman Klee

Thank you so much. Again it's not so much I have a question for Mr. Porter but to add to his endorsement, Mr. Porter is one of my constituents and I can tell you that I get regular updates. He watches over the City probably as much as I do I believe. I think he'd be a great advocate for this position and he's not the kind of person that would just sign off on something that would just be done. He is going to want follow through, he is going to want to know how something like this can be done. He is a very detail oriented, obviously having the engineering background and so on. That is what is going to help too; so I would strongly recommend Mr. Porter.

Chairman Caron

OK thank you Alderman Klee. Anyone else?

Alderman Kelly

Alderman Wilshire.

Alderman Wilshire

Thank you. Well thank you Mr. Porter for representing Ward 3, my former Ward. I agree, I mean there's so much change going on. Last week I was driving through the City and I'm like, I'm a native, I've lived here my whole life and I've seen a lot of change here in Nashua.

But the change I've seen recently with all the trees gone is so nice to see the river. I mean what an asset that's just been hidden for so long and those types of things. I mean I am really excited about that. So I know that you will do a great job and that you will represent Ward 3 very well and thank you for stepping forward to do that.

Chairman Caron

Ok, thank you Mr. Porter for putting your name out there to join this Committee and we will take your name up for a vote later in the meeting.

Mr. Porter Thank you.

Chairman Caron

Mayor, your next nomination?

Jonathan Spira-Savett (New Appointment)  
39 Coburn Avenue  
Nashua, NH 03063

Mayor Donchess

Sorry I wanted to mention my nomination of Rabbi Jonathan Spira-Sevett as the Ward 1 representative. Rabbi Jon as we know him could not be here tonight but I'll speak briefly about him anyway. I think he will be a very important member of the Committee. He's of course not only Rabbi at the Temple Beth Abraham where he's been for quite some time. But he also is Chair of the Interfaith Counsel and has really served as a moral leader in Nashua for a decade or so. He is a strong advocate of affordable housing and that's one of the big reasons that I wanted to see him on the Committee.

In addition to that, in his Ward, Ward 1, we do have the former campus of the Daniel Webster College which is one of the parcels that we are asking the Master Planning Consultants and the Committee to look at as far as recommending a future direction for that parcel, even though, of course it is privately owned. So again Rabbi Jon could not be here tonight but I was very glad when he agreed to serve as a member of the Committee. You might want to bring him back for another meeting and I understand that completely but at least I wanted to tell you about why I appointed him.

Marjorie Bollinger (New Appointment)  
67 Cannongate III Road  
Nashua, NH 03063

Mayor Donchess

Next Madam Chair is Marjorie Bollinger, she is a very active member of Nashua's Arts Community, specifically in music and has been such for a long time. Also very community oriented, very downtown oriented. She's the Music Director of the Merrimack Flute Choir. She has performed with numerous orchestras and ensembles. She is currently the principle flute of the Merrimack Valley Philharmonic. She's been on the Great Boston Flute Association, other musical organizations. She is past president and founding board member of City Arts Nashua.

I thought it was important to have someone who has an arts background and has an arts interest because having a vital, a vibrant, a significant arts scene and music scene here in Nashua is very important to the community's and the City's future. So I believe Marjorie will be a very strong nominee and strong member and will contribute a lot to our Master Planning effort.

Chairman Caron

Ok, thank you Mayor. I just want to go back to the Rabbi. He will be attending our October Meeting after he sent note that he could not attend tonight's event. So Marjorie are you there and we'd like you to speak on why you would like to be on the Master Plan Committee?

Marjorie Bollinger Hi, can you hear me?

Chairman Caron

Yes, we can.

Marjorie Bollinger I've lived in Nashua since 2003 and I've actually been involved in the music scene here since 1993. I've seen a lot of changes here since I've been coming to Nashua and living in Nashua and some really amazing changes downtown. It has just been so delightful to get involved in the community. We have amazing people here, amazing volunteers. I almost feel like I live in a small town even though we are a City of almost 90,000 people.

I am passionate about the arts of course, the Mayor mentioned that. You know, I (audio cuts out) the Committee because I was honored to be asked and I have talked to a few people about it before I committed. And one of the people who told me I had to be on this group is Mary Goyette, she said I had to say yes. She's been telling me what to for a while. But seriously, I am really impressed with everything that the nominees have said so far. We need to consider the diversity in our City, we need to consider accessibility, transportation, our natural resources, the river. It is amazing our plans for the river. I think we need to make sure that those happen. They are one of the things that make this a beautiful place to come to, to attract people not just the people who live here but people that would come (audio cuts out) just for the beauty and the ability to enjoy our recreation and things to do. We need more things to do than just eat downtown of course. We kind of need to take a holistic view on all the plans. We need to look at transportation, we need to look at walkability. We need to think about how the different neighborhoods are and look for maybe inequity, and livability you know make sure that all of our neighborhoods are livable for the people who live there and that the people in all of our Wards have opportunities in their Wards to do things, or have access to parks or transportation and things like that.

I don't even know what I'm saying, you know, I am just hoping we can a holistic view, a futuristic view, I mean we have come from where we were to a great place and we can even better and a greater place to live. And I hope that we can lay out our plans in a way that that can be realized.

Chairman Caron

Thank you. Do we have any questions from any of the Committee members?

Alderwoman Kelly

Alderman Lopez?

Alderman Lopez

So Marjorie I have worked with you at City Arts Nashua for quite a while and I know you are a very passionate type person. And I like what you are saying about holistic approaches to amenities and entertainment and that type of thing, because I do feel like we do have a lot of restaurants and bars downtown but we are adding things like walkable pathways. There are a number of community centers sort of unrecognized. There's not very much that is done to promote the Veteran's Center of the upcoming Recovery Community Center.

What are your thoughts about we could better recognize the monuments and the history of service that Nashua has. We have the monument over along Ledge Street, which the pathways to it have degraded and reduced funding in that area and some of the existing infrastructure that if we focus entirely on the river, we would be neglecting those even further.

Marjorie Bollinger Oh absolutely and we want to make sure that our resources are accessible to all of our residents in all of our Wards. And Ledge Street isn't that far from the river it's not that far from downtown; it should be easily walkable for anybody that lives there. And I think most of the City should be that way and I think there's a way we could make that happen. I lived in Ward 7 for years and I absolutely adored and loved it there and found it very walkable even in places with no sidewalks. But I am up here in Ward 2 now and I am driving home from work and seeing people standing in the street waiting for the bus, you know. There's no sidewalks and there all these bus stops and it's so dangerous on Amherst Street. I just think that's one thing we can look at. Of course, I think we need to look at everything. But I think we can; there's enough people on this Committee and amazing people. I would be honored to work with anyone here in this group.

Alderman Lopez

Have you been introduced to the idea of form based code?

Marjorie Bollinger Yes, from Jim Vale, a little bit yeah.

Alderman Lopez

I have no idea how you apply that to a City like Nashua, there's like 12 different centers. But it sounds like something that would be interesting and I am really looking forward to see what you can do with the Master Plan.

Marjorie Bollinger Yeah I am really excited to look at what we have and learn more about this and help the City be livable and wonderful for everyone in it.

Alderman Lopez

I think your experience with the symphony will be very, very helpful because you need to have an innate understanding of how things work together in a sophisticated manner and you are looking at multiple plans all playing. And I think that's going to be a very good (audio cuts) for us to see on the Planning Board. So thank you for stepping forward to volunteer.

Marjorie Bollinger Thank you.

Chairman Caron

Anyone else that has questions?

Alderman Kelly

Alderman Wilshire

Alderman Wilshire

Thank you. First I want to give a huge shout out to Mary Goyette, bless her for realizing and knowing that arts are a very important part of our community and should be included in our Master Plan. So thanks to Mary Goyette for making you do this.

Marjorie Bollinger I'll tell her you said that.

Alderman Wilshire

Thank you Marjorie for stepping forward. I know that your input in this process will be valuable and I appreciate you doing that. Thank you.

Marjorie Bollinger Thank you.

Alderwoman Kelly

I don't see anyone else Alderman Caron.

Chairman Caron

OK, alright thank you. Thank you Marjorie for stepping up to the plate to sit on this Committee. There's a lot of work to be done and I'm sure you are willing to get your hands dirty. You will be appointed later on during the meeting and you will get a phone call concerning the next Board of Aldermen Meeting to be sworn in. And again, thank you so much.

Marjorie Bollinger Thank you so much.

Chairman Caron

Mayor?

Amber Logue (New Appointment)  
20 Lock Street  
Nashua, NH 03064

Mayor Donchess

Yes my last nominee that's coming before you tonight is Amber Logue. Now I've nominated her to be Chair of the Steering Committee. She, throughout her life and she's got an extensive resume that she's forwarded to the Committee, has shown herself to be a very strong leader. She is an entrepreneur and has helped start a number of businesses, some of which have received interesting awards; Top Women Led Companies, Fastest Growth Privately Owned Company in New Hampshire on those kinds of lists. Also in the community she has taken a very strong role and organized totally the effort to establish a downtown dog park. She has proven to be very thorough, a very good researcher, someone who is very diligent and persistent in terms of pursuing community goals.

She has also been a Board Member on I believe Positive Street Art, You Go, of course she's now on the Animal Advisory Committee. I thought that since we are here planning to try to make Nashua a place that will be a wonderful place to live not only now but in 10 or 20 years and that we are doing a lot of this for our future, our younger generation. In my view it was important to have someone that represent the upcoming generation beyond the Committee and in this Chair the Committee. Amber will be a representative of her generation, will bring a very I think sophisticated perspective to the Committee regarding the future and what and how in the future we can make this a place where she and her cohort will want to continue to live and come to live. So, again, I have nominated her because she's a strong leader, really well-organized, very diligent and will be a great leader for this project.

Chairman Caron

Ok thank you Mayor. Amber are you on-line.

Amber Logue I am.

Chairman Caron

Thank you, please give us a little background and your willingness to participate on this Committee.

Amber Logue Sure, thank you and thank you Mr. Mayor those are very kind words and I hope you are feeling well and have a speedy and safe recovery. So to add on to that I was born and raised here in Nashua. I have attended several of our public schools and like many people within my generation, if you will, moved and came back. So I left the City for about 10 years, headed out west and had this nagging feeling to come back home. So Nashua has been home again now for just about 8 years.

In those 8 years I have thrown myself into developing a future that I would want to not just live in for myself but also from what I've seen my peers discuss, and also people across the vast diversity of different businesses, housing needs, generations, social, economic needs, etc. And even those without – even our furry friends with four legs and really creating a City that is something that we are even more proud of than we already are. So it was an honor when the Mayor had asked me to consider serving in this position. I at first had no idea what that meant and really took some time to reflect on what that would be and leading this dynamic and incredible group, Committee is just an incredible honor. I would be proud to serve in that capacity.

Chairman Caron

Alright thank you. Do we have any members of the Committee who have questions? Alderman Lopez.

Alderman Lopez

So I want to thank Amber Logue for taking this position on. I assume this won't take away from her duties as the founder and president of Operation (audio cuts out) Welcome. She, as far as I have experienced has been a very capable leader, she's very grounded and she's very engaging to people. As the Mayor said she does her homework very thoroughly and I think that's largely what is responsible for the success that Excel Mobile and the other places that she's worked have enjoyed. Amber, can you tell the Committee a little bit about your connection with the Tree Streets?

Amber Logue Sure. So I was born on Walnut Street, lived there for a while, moved to little Florida and then back to Vine Street. And during that time, only realizing this later in life, not realizing it at the time, was a recipient of the Marguerite's Place and helping to find suitable housing. And was actively using the backdoor entrance to the former Soup Kitchen and thought that it was just somebody's kitchen that they were letting us come in and take some food. I thought that was really nice, that I was tired of macaroni and cheese. However, it was an interesting time and even then returning back to work off of Chestnut Street for about 7 years and ended up hiring a major portion of residents that came from that area to join our company because it was walkable. It was a place that they could quickly get to and we didn't have requirements of maybe other jobs that they would necessarily have like a degree, English as a first language. So it was an honor to be able to not just live and work in that community but also to support it.

Alderman Lopez

So I am excited about nomination because what you are describing about how your experience with the Soup Kitchen was is exactly what the founders had in mind. Same with Marguerite's Place and there are a lot of places particularly in Ward 4 and in the Tree Streets that may have a public perception but they work very, very hard to make sure that the experience of people who are working with them and in need of their services is very, very different.

We are a little bit light on Ward 4 representatives at the moment so I am glad that you can bring that perspective. And then also to invite other Committee members to look at the sign behind Amber's head when you ask her questions. As part of your awesome movement that Greg started a couple years ago and I think it says a lot about Amber that she has chosen to keep that up on her wall.

Amber Logue Thank you Tom.

Chairman Caron

Anyone else?

Alderman Kelly

You have Alderman Wilshire and then Alderman (audio cuts out).

Alderman Wilshire

Thank you Amber for stepping up to do this, I think you got maybe bit by the Committee bug several months back for the Dog Park, well it's probably been longer than a few months. But thank you once again for stepping forward. You've got a big job here, if you are going to be Charing this, you have got a big job and I am very impressed with the group of people. So I think they are going to make the work easier for you. Just good luck and you know whatever you need but this is a pretty fantastic group of people you have to work with and I'm sure you are going to be great doing it. So thank you.

Amber Logue Thank you.

Chairman Caron

Anyone else?

Alderman Kelly

Alderman Klee.

Alderman Klee

Thank you very much. Again I don't have a question, I just want to make a comment. I echo the words of Alderman Lopez and Alderman Wilshire. Amber is also again one of my constituents here in Ward 3 and Tom you can't have her, she's ours. She is incredible for the City, just the fact that one of the stories that I know about Amber is walking by the Delaney's House and seeing that they didn't have enough or any Christmas decorations and she said that that just wasn't acceptable and created the Christmas Tree Decorating Contest. She and Alderman Lopez and others have worked on that for so many years and so on. But this the type of person that Amber is. When she sees something isn't right, she doesn't just continue walking by; she does something about it. And I believe she is the perfect job to lead this incredible group of people. So thank you so much Amber for accepting and to standing up.

Amber Logue Thank you.

Alderman Kelly

Alderman Clemons?

Alderman Clemons

Thank you. I wanted to save my comments to the end. I just want to thank everybody for coming forward and participating in the Committee. I think that you are all going to bring something different to the table and I look forward to seeing the results of everything. So thank you very much for your participation and your willingness to serve. I appreciate it.

Alderwoman Kelly

Alderman Cleaver?

Alderman Cleaver

Yes, thank you very much. I'd just like to say thanks to all of these people who are stepping forward; very, very impressive list of people. The Mayor has done a masterful job of putting together the Master Planning Committee and I am looking forward to their work.

Chairman Caron

Thank you Alderman Cleaver. Anyone else? OK. Amber, we are delighted that you said yes to the Mayor and you are willing to take the big chair to oversee this Committee. You have some wonderful people to work with. And again Mayor, you have done a good job on the nominations for this Committee. So we will take up your vote shortly and you will get a phone call concerning your swearing in. Again, thank you Amber.

Amber Logue Thank you.

Mayor Donchess

And Madam Chair, I think that's the last of my nominees that you are interviewing tonight. The rest are all reappointments.

Chairman Caron

Right, yes it is Mayor and we thank you for stepping in and coming to visit us today and we hope you and your wife Vicky are feeling well and on the mend.

Mayor Donchess

Alright, well thank you very much.

Chairman Caron

Thank you. OK we will get back to the meeting.

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

APPOINTMENTS BY THE MAYOR

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING APPOINTMENTS TO THE BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY: JACK TULLEY (REAPPOINTMENT) WITH A TERM TO EXPIRE SEPTEMBER 13, 2023, MARK PROLMAN (REAPPOINTMENT) WITH A TERM TO EXPIRE APRIL 30, 2023; ENERGY AND ENVIRONMENT COMMITTEE: ANITA ARDENCALA (REAPPOINTMENT) WITH A TERM TO EXPIRE MARCH 31, 2023; THE FOLLOWING NEW MEMBERS TO THE MASTER PLAN COMMITTEE: MARY ANN MELIZZI-GOLJA, HOMA JAFEREY, GLORIA MCCARTHY, PETER SCHAEFER, GENE PORTER, MAJORIE BOLLINGER AND AMBER LOGUE; MINE FALLS PARK ADVISORY COMMITTEE: GREG ANDRUSKEVICH (REAPPOINTMENT) WITH A TERM TO EXPIRE JUNE 30, 2023; NASHUA AIRPORT AUTHORITY: DAVID HEALTH (REAPPOINTMENT) WITH A TERM TO EXPIRE AUGUST 31, 2025; NASHUA ARTS COMMISSION: PAUL LAFLAMME (REAPPOINTMENT) WITH A TERM TO EXPIRE APRIL 1, 2022, AND JUDITH CARLSON (REAPPOINTMENT) WITH A TERM TO EXPIRE APRIL 1, 2023; NASHUA PLANNING BOARD: MICHAEL PEDERSEN (REAPPOINTMENT) WITH A TERM TO EXPIRE JANUARY 1, 2024; SCOTT LECLAIR (REAPPOINTMENT) WITH A TERM TO EXPIRE MARCH 31, 2022; LAWRENCE HIRSCH (REAPPOINTMENT) AND MAGGIE HARPER (REAPPOINTMENT) BOTH WITH TERMS TO EXPIRE MARCH 31, 2023; AND THE FOLLOWING REAPPOINTMENTS TO THE TAX INCREMENT FINANCING ADVISORY BOARD: SARAH MARCHANT, CHRIS LEWIS, DAVID FREDETTE, ERIC DROUART, TIM CUMMINGS, MICHAEL CERATO, AND TIA PHILLIPS ALL WITH TERMS TO EXPIRE SEPTEMBER 30, 2021, BY ROLL CALL.**

ON THE QUESTION

Alderman Kelly

Madam Chair if I may, I'm just surprised there was no term to expire on the new Committee. Is that a typo?

Chairman Caron

I don't know I didn't see it either so maybe it is only until the Master Plan is put together so we can double check with Donna tomorrow or the Mayor's Office.

Alderman Kelly

Director Marchant is waving her hand.

Chairman Caron

Ok, alright, before you call, Sarah would you like to speak?

Sarah Marchant, Director of Community Development

Yes thank you. There is no end term because this specifically to complete the Master Plan; this is a 12 to 15 month process. So it isn't supposed to be an extended period of time and that is why there is no end of the term. And thank you everybody for the nominations.

Chairman Caron

Thank you.

Alderman Kelly

Thank you Director Marchant for that clarification, I appreciate that.

Chairman Caron

Would the Clerk please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez,  
Alderman Kelly, Alderman Cleaver 5

Nay: 0

**MOTION CARRIED**

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

**R-20-064**

- Endorsers: Mayor Jim Donchess
- Alderman Patricia Klee
- Alderman Richard A. Dowd
- Alderman Linda Harriott-Gathright
- Alderman Thomas Lopez
- Alderman-at-Large Lori Wilshire

**RELATIVE TO THE APPROPRIATION OF \$99,800 FROM DEPARTMENT #194,  
“CONTINGENCY, ACCOUNT #70100 “GENERAL CONTINGENCY” INTO VARIOUS  
ACCOUNTS IN DEPARTMENT #103, “LEGAL”**

Chairman Caron

And I think Director Kleiner is here to speak about this particular Resolution are you still here?

Alderman Kelly

Director Kleiner is still here and Attorney Bolton also unmuted himself.

Chairman Caron

Ok who would like to speak first?

Kim Kleiner, Director of Administrative Services

Good evening, Madam Chair and Members of the Committee. So I did speak with Mayor Donchess today and he asked me to speak a little bit about the position as we spoke with him. HR was worked with the Mayor about and we have engaged with the New Hampshire Municipal Association and written a draft of the job description which we have forwarded to Attorney Bolton for his review and his additions.

As you know, the City has been faced with number of Right to Know requests, which many Departments worked on gathering the information for these requests. Attorney Bolton can speak more to the work load that has been entailed by the Legal Department. But as many of the Administrative Services Division Departments have been involved in these requests, it takes a significant amount of time.

We look for direction on what documents need to be pulled and coordinated. This position is not one that abnormal to large municipalities. What we have found that is positions very similar to this are located in other municipalities. It will provide more coordination. Some of the things that we have realized that this position should be engaged in is really working with all City Employees and Elected Boards to instruct, advise, assist and monitor statutory compliance. They will help to implement policies and procedures and manage governmental records, help us to conduct internal research to locate relevant paper and electronic records when a request is filed with the City; ensure that accurate and legal decisions are made regarding the disclosure or non-disclosure of information. And assess across the City kind of in a uniformed manner how we coordinate that response.

So we feel very strongly in Administrative Services and HR that this position will add significant value to the City and to our residents and to members of the public who may form these requests and file them with the City. We have looked upon other jobs and we have placed this on the scale as an unaffiliated, merit employee which is where you find the request for funding. We have found that this would be a classification Grade 15 and that is what we have advised the Mayor as to what the request for funding should be. And I'll turn it over to Attorney Bolton for more information.

#### Steve Bolton, Corporation Counsel

Thank you Director Kleiner. Over the past few years, Right to Know requests and Right to Know Requirements in responding to those requests and adhering to the open meeting provisions of the Right to Know Law have become more and more exacting and time consuming. They have been taken more and more seriously by the Courts. It creates an area of exposure at a higher level that was recognized in the past. We have seen over as I say the past 4 or 5 years a propensity for pre-litigation, investigation by law firms requesting a great deal of background information on areas of our infrastructure including roads and bridges and sewer/storm water drainage, etc. A lot of this requires legal knowledge in order to coordinate the replies. Much of it requires the specific subject matter expertise of our various departments. It has created quite a demand, particularly in the last year to two years we have had a few citizens exercising their rights to request large volumes of documents to explore what they believe may be deficiencies in the quality of service provided by the City. Whether or not we agree with them, whether or not anyone agrees with them, most of City records should be made available to the public, should be made available within a reasonable time and that has created a greater demand than we are presently really capable of fulfilling.

Over the last year two members of the Legal Department, Deputy Corporation Counsel Celia Leonard and Legal Assistant Manuela Perry have devoted essentially half of their time to dealing with Right to Know Law issues, producing documents, reviewing documents, redacting information that should not be available for disclosure because of certain exceptions or exemptions in the law which are in the law for a good and reasonable purpose not just to hide things or keep things secret but there are some things that are not appropriate for full disclosure or at least not appropriate at certain times when you may be in the midst of negotiating settlements of claims or purchasing property, or settling Union Contracts or grievances. Obviously you can't do that, it would be like playing poker and showing your hand to your opponents.

That being the case that has taken away and I should say although those two employees have devoted approximately half their time, the remainder of the staff have also devoted significant time in these areas. That being the case, it has been thought that the City really requires a specialist in this area, someone who would have expertise in the statutory requirement as well as develop and infinity to work

with various departments and learn what records they maintain, how they maintain them, what is readily available and what is either not available at all or is available only with significant research and effort. Having this specialist position will enable us to more effectively and efficiently respond to these inquiries which we are required by law to respond to and will free up personnel who are needed for other purposes.

It may not be obvious what goes on in the Legal Department on a day-to-day basis, all of you Aldermen are obviously aware of the Legislation that comes in at every meeting, much of that at your behest. We draft and/or review all of those things. We draft and review all contracts before they are presented to you, even smaller contracts that don't rise to the level of your scrutiny. We represent every City Agency in various types of Court Proceedings and Legal Matters. We negotiate Collective Bargaining Agreements, we negotiate contracts for the purchase of property, both real and personal. We could justify hiring more lawyers and more legal staff but at least this is the first step if we can take some of this Right to Know work off of our plates, it will free us up not to have hire outside counsel in some areas and will allow a better response to all aspects of the Right to Know Law which we really have no choice but to respond to. Citizens have a right to have open meetings which they can view and find and be aware of as well as a right to see almost all City documents within a reasonable time upon their request. I'm available for any questions.

Chairman Caron

Thank you Attorney Bolton. Do we have any questions or comments from members of the Committee first and then other Aldermen after that?

Alderwoman Kelly

Alderman Clemons.

Alderman Clemons

Thank you. I think this is a good idea. I think we, it's something that has been apparent that we have needed for a while. I am just hoping that \$100,000.00 is enough to attract somebody to take the abuse that they are probably going to get from the job. Thank you.

Attorney Bolton

I probably ought to add that the \$100,000.00 approximately is not salary is also includes benefits and related expenditures. So if we can find an appropriate person for this much, I think we will be very fortunate.

Alderman Clemons

We will be very, very fortunate.

Alderwoman Kelly

I have a question. So thank you Attorney Bolton this seems to make a lot of sense for the current situation and trying to free up your staff. My question is you said that there has been a rise in the last couple years. If those requests go back what would this staff person then do?

Attorney Bolton

I'll find work. There is plenty to do.

Chairman Caron

Ok, anyone else?

Alderman Wilshire

Alderman Wilshire.

Alderman Lopez

Alderman Lopez had his hand up.

Alderwoman Kelly

I was on mute, sorry. Alderman Lopez and Alderman Wilshire put their hands up.

Alderman Lopez

With regards to this position, would they be able to help, assuming there's a lull in the Right to Know Request and that kind of stuff, would they be able to help maybe brief Committee Chairs? For example the Cultural Connections Committee or the Downtown Improvement Committee that might be incoming and less experienced on how to navigate things, certain requirements on how to file their minutes and their notes and all that kind of thing?

Attorney Bolton

That is one of the tasks that I envision that would be assigned to this position yes.

Alderman Lopez

Ok.

Alderman Wilshire

Thank you. What are the credentials? Is this person a member of the bar or not an attorney at all?

Attorney Bolton

We are not setting it up to require a member of the bar, I'd love it if we could attract a young lawyer who would be interested in doing this. So that is definitely a possibility; another possibility is someone who has worked as a paralegal, someone who has worked in a City Town Office, perhaps a City Clerk's Office or in a Town Administrator's Office, a Town or City Manager's Office. There are a lot of different tasks that might familiarize someone with the kind of work we envision. But those are a few examples of people that I would certainly be considering.

Alderman Wilshire

Thank you, appreciate that.

Chairman Caron

Thank you, anyone else? Anyone else?

Alderman Kelly

I have one more question.

Chairman Caron

OK Alderman Kelly?

Alderman Kelly

Forgive me if this is putting you on the spot and you don't have it your hands, but I was wondering if there has been overtime over this because of current requests?

Attorney Bolton

Manuela has put in some overtime hours and you may remember we had a small amount of money, I believe it was \$10,000.00 transferred in last year to provide for some overtime hours for Manuela to work. As it happens Celia and Dorie and I are exempt from the overtime requirement so we just work many, 60 or 70 hours a week if we choose at no additional compensation. But we did pay Manuela a little bit for overtime last year; not the full \$10,000.00 however.

Alderman Kelly

Thank you. If there's no one else, Alderman Kelly would you like to make a motion?

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez,  
Alderman Kelly, Alderman Cleaver 5

Nay: 0

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES

**O-20-029**

- Endorsers: Mayor Jim Donchess
- Alderman Patricia Klee
- Alderman Richard A. Dowd
- Alderman Linda Harriott-Gathright
- Alderman Thomas Lopez
- Alderman June M. Caron
- Alderman Jan Schmidt
- Alderman Skip Cleaver
- Alderman-at-Large Brandon Michael Laws
- Alderman-at-Large Lori Wilshire

**SUPPLEMENTAL REQUIREMENTS RELATIVE TO FACE COVERINGS**

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE AS AMENDED, BY ROLL CALL**

ON THE QUESTIONChairman Caron

Attorney Bolton, would you like to explain your amended version to us?

Attorney Bolton

Yes, and I have to apologize for this I made a confusing mess out of this I'm afraid. When I went to add another section it was pointed out to me that it needed some help or that the Board might want to consider. Instead of having in front of me what has been introduced to you and what is currently on your Agenda, I had an older draft so if you'll notice what I had sent to you earlier in this week added a new section 16 which concerned medical advice against wearing masks. The Ordinance in its current form before you, in fact, has a section 16 so if you were to desire the additional language provided in the version I sent earlier this week, I would suggest you number that as 17 and add it to the version that is actually had been introduced previously and is before you.

More in general, the purpose of this Ordinance is to try and address particular types of businesses which the current Ordinance, the one you passed earlier this year did not address or did not address fully or may have left some vague areas. So for example we talked about in Section 13 what is referred to as places of amusement and examples of Bingo Halls and Bowling Alleys, Charitable Gaming Facilities, and so forth where food may be served but the primary business is doing something else, bowling or playing pool or playing Bingo. The theory there is just because food is served does not mean anytime you are sitting down the mask should be removed, the mask should be removed while food or beverage is being consumed and not just all the time.

Similarly with requirements at gyms where the mask can be removed is social distancing is maintained and exercising or using the exercise equipment is being done. When we passed the original face covering Ordinance back in May, we were right on the threshold of allowing restaurants to offer outdoor dining and outdoor dining was addressed then. Since then, as you know, we are having indoor dining, with some limitations the previous mask Ordinance, the current mask Ordinance did not address indoor dining but merely outdoor dining, because that was what was being contemplated at that time. This adds the same requirement indoors that the mask should be worn except when seated at a table and engaging in dining or at least in an anticipation of dining.

It also provides for a notice of the requirement of face covering to be posted at the entrance of businesses. So in general it tries to address areas that were not addressed at all or seemed to be not addressed as fully as necessary in the previous legislation.

Chairman Caron

OK thank you Attorney Bolton. Does anyone have any questions for Attorney Bolton?

Alderman Lopez

I don't have a question I just wanted to speak on the Ordinance.

Chairman Caron

Thank you, you may.

Alderman Lopez

So I had reached out to Attorney Bolton earlier (audio cuts out) following a number of complaints that I had regarding (audio cuts out) where what we had adopted was being implemented in larger scale settings. Because when we first implemented it, it was very controversial, we had a ton of public comment about it but it was unquestionably the right call in the middle of watching a hot spot explode in Boston and pages of obituaries emerged. Something needed to be done because the State wasn't going to (audio cuts) on the whole State Level. So we were successful out of lockdown and have our businesses downtown thriving without hotspots and outbreaks interrupting our daily business, we enacted the masking Ordinance. When it first came out, and we were first coming out of lockdown, they were very diligent and they were very careful. Businesses were only open outdoors and there was very limited interaction. And I think at that time it was an appropriate measured step.

But I think since then we have been seeing a tremendous amount of mask fatigue, COVID-19 misinformation spreading, a lot of dilution of valuable public health knowledge has been happening where you can have a CDC report that literally says one thing and have a number of people who (audio cuts out) with the complete opposite interpretation and confidentially. So I think people in general have such a various number of opinions about face masks, but this is an important Ordinance first and foremost because it requires that the actual (audio cuts out) be posted at businesses. Because I have seen a number of businesses posting part of the Ordinance, imaginary sections of the Ordinance exempting different store employees or people in different circumstances and basically speaking on behalf of the Board of Aldermen which we did our due diligence. We met with the Board of Health, we consulted a lot of medical professionals and came up with basically what we felt was necessary to address the situation. I think it's wise, especially in a situation where there's so much (audio cutting in and out and other voices) Sorry somebody is interrupting. For us to do that too what we need to do is have clear messaging going into the fall where we are at greater risk as people move indoors, as restaurants are fully open and where children and college students are returning to school, seeing a more flow.

I do think that the concept of the mask itself is well proven. The State around us have enacted full State Mask Ordinances and it has been directly correlated with a drop in the outbreak that we have seen. But masks (audio cuts out) and the absence of effective use of them on the voluntary level could involuntarily engage a bunch of (inaudible) in what is happening to that individual. So the Mayor tested positive COVIDV-19. Individuals interact with the Mayor, I interact with individuals, chose to wear a mask everywhere that I go including working at the polling station and because of that I have reasonable confidence that I didn't catch COVID-19 and then unwillingly spread it to other people. But as we engage in more public activity and more engagement and as we move ourselves indoors, we can't take it for granted. I think ensuring that individuals are reminded that we need to do this, the change in the mandate so that employers are also re-engaged in the system is crucial at this particular time.

There were some amendments added regarding gyms and social distancing use there that Attorney Bolton went over, I think those are good amendments. This was thoroughly reviewed by the Board of Health and reviewed again when an Alderman came to the following and asked for additional information. It was observed by Board of Health Members that they are seeing exactly what the concerns raised several months ago are, that in group settings you are seeing less mask adherence and allowing people to start spreading it here in Nashua. I see an outbreak I am seeing more numbers of people contacted with contract tracing even though we have a smaller number of positive cases, so I would hate to see us not act as prudently as we did in the past and create a scenario of the decisions of a few people can create a problem for many.

Chairman Caron

Thank you Alderman Lopez.

Alderwoman Kelly

We have Alderman Clemons and myself.

Chairman Caron

Ok, Alderman Clemons and then Alderwoman Kelly.

Alderman Clemons

Thank you. I have a few questions, that I am not sure how the Ordinance works so I wanted to ask the attorney if possible. It is my understanding by reading this Ordinance that this Ordinance compels a manager or somebody in authority in a store or a place of service let's say, to enforce the mask Ordinance if somebody walks in to the establishment not wearing a mask. This compels them to basically tell them they have to wear a mask and if they don't wear the mask then they have to ask this person to leave, is that correct?

Attorney Bolton

That is essentially correct, I would not use the term "enforce" I would say though it is correct, it compels them not to allow someone to remain on the premises unmasked.

Alderman Clemons

What is in the Ordinance, what happens if that doesn't happen?

Attorney Bolton

Then the person who has violated the Ordinance is subject to the usual penalties for an Ordinance Violation which can be a fine of up to \$1,000.00.

Alderman Clemons

So how in your mind would that be proven or how in your mind would a summons of some kind be issued to a business if this were to occur? Let's say, I'll give you a scenario, let's say you have a business owner that decides they are not going to enforce the Ordinance.

Attorney Bolton

Well again Alderman Clemons I would not use the word enforce in that sense. A business owner must obey the Ordinance but has no authority to enforce anything. They can ask people and they can direct people on their premises to leave. If the person fails to leave then that person can be arrested for trespass if that person fails to leave and is themselves in violation of the face covering requirement, they can be subject to a fine. So if the business owner or the manager in charge calls the Police when someone fails to leave, the Police can respond just as if the person was disruptive in any other way. So this is not the business enforcing the law, this is the business complying with the law. Now if a business says, I don't care about your law City of Nashua, if there is someone else on the premise that is concerned about people following the law, that person could call the Police. If the Police arrive and there is someone who has been allowed to remain on the premises without the face covering, the Police could cite the business and the non-complying individual.

Alderman Clemons

Ok so my question on that then is the following: What about, so you suggested in your I believe it was in the amendment and correct me if I'm wrong that we have, if a person has a medical issue that we require them to carry a note from a doctor. Is that correct.

Attorney Bolton

That is what the suggested amendment would require, yes.

Alderman Clemons

And that does not violate HIPPA Laws?

Attorney Bolton

No.

Alderman Clemons

Ok I mean the State of Massachusetts says that it does.

Attorney Bolton

Well I disagree.

Alderman Clemons

So what happens then if a person, if a manager has seen the so-called letter or whatever it is, but someone else in the store didn't know the manager ...

Attorney Bolton

Alderman Clemons ...

Alderman Clemons

I am asking these questions because these are legitimate scenarios that could happen under the Ordinance....

Attorney Bolton

You understand, let me make a point please. I am not promoting this. I have written what someone has asked me to write. So when you say the "so-called letter" and attempt to denigrate what I have done or suggest that my ideas are not valid, these are not my ideas, I've tried to put them in a proper legal framework, but if you choose to accept them, that's fine. If you choose to reject them as being inexpedient that's fine too. I am here to explain but I have no stake in the game.

Alderman Clemons

Right and I don't mean to come off as saying that ... I understand that you are doing what you were asked and I get that. But I am asking from an enforcement perspective how realistic this really is and whether or not we think that this is actually going to work. Because my concern is this, if we pass this Ordinance and in the way that it is written now, how much time are the Police going to actually spend.

If a person is upset that somebody is walking around the grocery store without a mask, are they going to get calls every day in order to you know, that's what I am worried about. I am worried about are we putting into the hands of the public the ability to call the Police on their neighbors and getting stores into trouble and managers into trouble who may not know what is going on in a giant supermarket like Market Basket for example.

I guess I am wondering out loud whether or not this is something that is actually enforceable and whether or not it is something that we can legitimately think is going to help the situation. I guess that is where I am coming from and I don't expect you to have an answer to that, but it would be nice to hear from the Police Department on what they think about it. It would be nice to hear from some stores and we have. I've also heard from restaurants that are not happy about this Ordinance coming in place, because again they feel that they are being put into a situation where they have to not – where they can be put into a situation by somebody else, a third party and have to deal with the Police because somebody else sees something but they don't understand the entirety of the situation. So a guy walking around the store that has already talked to the manager and has permission to be there, he has the note in his pocket and you know he's doing his grocery shopping and then somebody else in the store goes to the manager and they don't believe the manager and they call the Police. I can see this happening and so I am just worried to what extent this is going to happen, because from what I understand it's been a problem with the Police and it doesn't seem like this is going to fix the problem it seems like it's going to make it worse. So that's just my opinion.

Attorney Bolton

I don't think I hear that there is a question here?

Alderman Clemons

No.

Chairman Caron

Thank you Attorney Bolton. Yes, Alderman Kelly?

Alderwoman Kelly

Thank you, Madam Chair. So I am going to support this Ordinance I think. What we have in front of us is a clarification of something that has already done a good job of helping us control what's going in a 2020 pandemic in our City. And I look at it is clarification and we got some calls right after things changed, you know, what do I do when my gym opens, that kind of thing. So that simply is allowing businesses to have more outline for how they are able to do business. So I appreciate that in terms of being able to clarify for everybody.

I strongly disagree that having something like this is unenforceable or is a due hardship for businesses. I don't see it any different than a business having to tell someone, if they walk into their restaurant, that they have to put shoes on. It has become entirely too political, it is to support the recommendations of our public health experts who are telling us this is what we need to do. It's simply what we have to do, our public health experts are out there telling us this is what we need to do and we need to make sure that it happens in our City not just for ourselves but for those around us.

Chairman Caron

Thank you Alderman Kelly. Anyone else?

Alderman Kelly

We have Alderman Klee, Alderman Cleaver, lots of people, Alderman Lopez and Alderman Lu.

Chairman Caron

OK so let's do our Committee Members first and then we will do the others. Alderman Cleaver?

Alderman Cleaver

Yes thank you. I think we are making this far too complicated as I agree with Alderman Kelly, no shoes, no shirt, no mask, no service. I think it is not complicated and I think that the medical scientific data is sufficient by far to say that we should do everything we can to enforce this in the City of Nashua. It's the least we can do; it's the only thing we can do really. I think we are over-thinking the whole thing, it's just something we need to do.

Chairman Caron

Thank you Alderman Cleaver. Alderman Lopez?

Alderman Lopez

Yeah I was speaking (audio cuts out) with Alderman Cleaver. There are certain things that restaurants are entitled to do. If a restaurant is over-serving, then they are liable for that, if they over-serve somebody they can ask them to leave if they are intoxicated or acting disorderly and if that person doesn't then they do have the right to call the Police. They manage that situation pretty regularly so I don't think this is anything unusual in that regard.

I also think that Nashua residents have a right to express concern to the Police at any time if they see a crime or it's being violated, whether it is somebody is parking in front of their driveway or somebody launching fireworks, I wish more people report that. That's part of what the community does. I don't think it's handing anything unfair to the community especially in the middle of a pandemic. I think this has been somewhat spun adding the responsibility for enforcement on to businesses but the reality is that we wrote the Ordinance, the reasoning behind it, we could explain or businesses could explain that the City had an Ordinance and that people needed to follow it.

The alternative choice by businesses that straight up said, "Oh well Ordinances aren't laws, we don't need to follow that". So they are the ones who introduced the concept of if you break the law I won't tell on you because that's not my role. Now in a pandemic, we kind of need to work together. It's not really helpful to keep calling everybody "Karens" with respect to Chairman Caron and making light of the fact that people are doing their due diligence and informing an authority meant to regulate. I think we need to be conscious of that and when people start to act out, instead of being collectively intimidated and saying, "Ok well we have biological menace right now, but people don't like it so let's lower our bar" that is not productive and that's not responsible as Aldermen. I think this is a case where if people do start calling the Police to say certain businesses are not enforcing, the Police are well-trained in identifying a situation and seeing what's going on. And the same rules apply to any other type of enforcement activity. I have full confidence that the Police will enact the City Ordinance and I believe the Police Chief was very clear that if we pass an Ordinance they will enforce it and they are willing to enforce. So I don't have those concerns.

And then finally, I have spoken to a lot of the restaurant owners downtown as well as the retail. And the restaurant owners that I have (audio cuts out) are not particularly concerned because most of their business is done seated and eating, so as far as they are concerned, they just need to make sure somebody is wearing a mask coming in. It's not that hard or they can seat them quickly.

Now the stores, the retail stores, (audio cuts out) shop was brought up by one of the individuals who spoke in public comment, I've been going there every week and giving them free masks because they give them out to everybody and they want people wearing masks in the store. They've been very good about making sure, because they don't want their staff to get sick and they don't want their customers to get sick.

There is a number of small retail stores that are capable of doing that. We have had as Aldermen are almost exclusively the larger retail establishments, they have the capacity to manage what is going on in their building. They better have the ability to manage what is going on in their building, they are just choosing not to. They are putting their effort elsewhere and I don't think that's necessarily an intentional policy decision because many of the chains that I've heard complaints about, not adhering to the mask policy here in New Hampshire are doing it in Massachusetts. I think here in New Hampshire people are just tired and we don't have the same kind of useful guidelines so they are cutting corners and I think that's dangerous. If we have a store or supermarket closed because there's a COVID-19 outbreak, that's part of our food supply chain and I think it's important for the Aldermen to recognize that and take measures that are appropriate.

Chairman Caron

Thank you Alderman Lopez. Alderman Lu did you want to speak?

Alderwoman Lu

Yes I'd like to just weigh in on this, thank you. I just wanted to share my perspective on this. I started out disliking the mask ordinance because I didn't like the idea of legislating personal behavior. But what really convinced me is just that there was an Executive Order that was conditioning the opening of businesses on employees wearing masks. That was a Governor's Order, that was a law in effect I presumed. You can't hear me?

Chairman Caron

Yeah you keep going in and out Alderman Lu.

Alderwoman Lu

Well let me turn off my video. So when employees were required to wear masks, I became convinced that employees also deserve the protection. Now if you can't hear me still then I'll just ...

Chairman Caron

No, we can hear you, you're ok.

Alderman Lopez

I'm actually hearing your sound really well, I'd keep going.

Alderwoman Lu

Ok so that's why I voted for the mask. When this new amendment came up I went and visited a lot of the establishments in my Ward. And I was surprised to find that everyone one of them, all but two, were incredibly compliant. They had signs and I think that maybe the City has done a really good job in the last couple of weeks with the signs, or maybe not the City but some of the organizations in town because everyone seems to have signs now. All but two were very strictly enforcing it.

The way I feel about it now is it seems to me that the people that aren't enforcing it are often the essential types of stores that never did close down. There was never a difficult period where they were unable to open, there are a couple of small convenience stores and then the grocery store. So I do feel now that we need to at least ensure, I'm sorry, the business responsibility because too many of them put their own employees at risk and they, especially when (audio cuts out) their employees are not wearing masks in the two convenience stores I went to and at the grocery store, it just seems as though they are not taking the effort to simply say at the register, "I'm sorry I can't sell this to you". So it just seems like a fairly easy thing for them to do; the few that I see that are not doing it. And if that's what is going to take, then I think it's a good idea. Thank you.

Chairman Caron

Thank you Alderman Lu. Alderman Klee?

Alderman Klee

Thank you Madam Chair. I have a few things to say but I do have a question for Attorney Bolton more of a clarification. The changes to this, let me preface it with, often we have been hearing that it's not fair to force the employees, lower paid individuals to force this type of an ordinance on these. But we are actually putting the onus more on the owner and / or supervisor, am I correct on that?

Attorney Bolton

You are largely correct. Well it would count any employee, if any employee sells or provides a service to someone not wearing a mask, they would be in violation of the Ordinance. So sale of a good, providing a service, they are supposed to say, "No I can't do that it would be against the law". So I don't take it as any different than if you've got an 18 year old running the cash register at a convenience store if some 17 or 18 year old comes up with a six pack of beer, they've got to tell them; "no". And it does not strike me as we are treading new ground here.

Alderman Klee

Thank you for that clarification, may I continue Madam Chair?

Chairman Caron

Yes, you may.

Alderman Klee

Thank you. I do have a couple things to say about this and recently I wrote something that said we need to continue with our mask ordinance and I love the clarification in this particular one because it talks to gyms and so on and I know places like Planet Fitness, are having anxiety. They don't want to allow people to break the rules as we have it written. But for me to not have this Ordinance would be equivalent of having some type of illness where the doctor gives you antibiotics and you are feeling better so you say, "Well I'm not going to finish the antibiotic". Well more than likely you are going to get sick right back again and possibly even worse.

Well, our numbers may be low but our numbers are low because we are continuing to go with our mask ordinance and so on. The other comment that I want to make is a lot of people have said, "Well if you are risk don't go to those places". Well I don't think that's fair, are we going to say that they can't go to grocery stores or they can't go to the pizza joint or they can't go here or they can't go there. I don't think that's fair limiting these people when the simple task is, if you can wear a mask you wear a mask and you keep those people that are at risk.

And I think that's really the only fair thing. And if you can't wear a mask, I believe Attorney Bolton had suggested another paragraph that I assume that you guys will be trying to put towards an amendment.

The other thing is the anger, anger towards masks, those wearing them as well as those not wearing them. I can tell you as a person who stood outside the polls for 14 hours, I had people literally coming up to me, grinding it in my face to yell at me and call me a communist because I was wearing a mask. The bottom line is that is because it has been politicized. I don't believe we are trying to politicize this. I think we are just trying to do the right thing. CDC has said that masks are a critical preventative and they are essential in times when social distancing is difficult. We want to remain open and we want to stay healthy and we are on the border of the Massachusetts who are doing this also. I think it's only the right thing is to continue this. I like this change, I think that this addition, supplemental, whatever you want to call it, clarifies things and I appreciate what Attorney Bolton and those that are sponsoring it, such as myself are doing to do this. CDC has it on their website. I've made a lot of calls to different organizations for the ADA. Some of them of course wouldn't give me information because they say they will represent the people and therefore they can't. But there is a site that I did go to at the southeast ADA center. They are well-known and they specifically talk to masks and they talk about the necessity of wearing a mask and to ask someone to wear a mask or even to ask them for a piece of paper is not against the ADA or their rights.

So I think that we are doing the right thing. I think that we have to do the supplemental, to add things to gyms and to other various types of places. Let's see I wrote so many notes, I apologize here for pausing to try to get this out there. And I can tell you, recently I had a phone call from a very upset person because there was a shop that refused masks; their employees didn't have masks on, none of the customers had masks on. And when they said, "You're in Nashua, there's a mask Ordinance", they said, "We don't care, we will take the fine". The person called me so I called Chief Carignan to speak to him about this particular thing to find out what we were doing. And as he has been doing, he said we are just going to go talk and educate and that's really where the first line is trying to educate these people to say, "you have to". Now in that particular case as Alderwoman Lu had pointed out, they were against the Governor's Order because the employees etc. were not wearing masks. I would not ask our Police to enforce but you know they would do what they have to do. I have not followed up with Chief Carignan, but one of the questions he asked me was, "Have you guys passed that supplemental". It'll make their job easier once we can pass this supplemental.

So I think it would be good if you did a positive vote and pushed this forward to the Board of Alderman. And with that I'll stop. Thank you so much.

Chairman Caron

You're welcome. Alderman Clemons did you have a comment?

Alderman Clemons

Yes, just in conclusion, I will not be supporting this this evening. I can't vote for something that is going to subjugate kids and other employees at stores to \$1,000.00 fine when somebody may have a legitimate medical reason but not have a doctor's note on hand. I'm not also going to not refuse that person to be able to get service at a grocery store or a pharmacy either. So I am going to be voting no on this because I think the \$1,000.00 fine that comes with this, the up to \$1,000.00 is way too high I thought that before, I remain in that frame of mind. I do think it is important that everyone wears a mask, I do think that the Ordinance, if it didn't have such a high fine would be something I could support minus what I feel is a violation of people's HIPPA rights. So for those reasons I am going to be voting "no".

Chairman Caron

Thank you Alderman Clemons. Anyone else? Ok, Attorney Bolton, a couple of questions and maybe you can't answer them.

Attorney Bolton

I'll try.

Chairman Caron

Ok, has the Health Department made sure that especially our small businesses have a sign at their front door saying that masks are required within the building?

Attorney Bolton

Our Health Department has these signs, they have been distributing them. Many businesses have posted them already. Any business who wants one and does not have one or two, could call and get them. It doesn't require that our signs be used, it just requires that wording, "Face Covering Required" so if they wanted, they go do their own design of such a sign. But I know our Health Department is distributing appropriate signs.

Chairman Caron

Ok thank you. And Alderman Clemons' concern about a \$1,000.00 fine, has the Police Department given citations?

Attorney Bolton

I am not aware.

Chairman Caron

You're not aware?

Attorney Bolton

I'm not aware that any citations have been given. The Police Department does not choose the amount of fine imposed. Upon conviction, it is the Judge that imposes the sentence, up to \$1,000.00 in an egregious case or after several prior convictions I can see \$1,000.00 fine being imposed. In a particularly hostile situation where a business owner refuses to post the required sign essentially invites people to flagrantly violate the law, I can see potentially \$1,000.00 fine being imposed. For a first offense on an individual I would think it highly unlikely that the fine would go that high. But the State provides the City with the ability to enact fines of that nature of that quantity and utilizing that gives the Judge the discretion to apply the appropriate fine to the circumstance presented.

Chairman Caron

Ok thank you. This idea that we are infringing on people's rights, when you look at these small businesses, especially restaurants that are looking to get people into their restaurants to eat and partake and then you read about a restaurant that has to close for 3 days because people weren't wearing a mask and they find out that people who have been at their establishment have gotten the virus.

So to me, it would be easier to follow the law that we put in place and as Alderman Cleaver said, No Shirt, No Shoes, No Mask, No Service". That should be simple, that's been around forever, No Shoes, No Shirt, No Service.

So I don't think that we are infringing on people's rights or HIPPA. If a manager knows that a certain person that goes into their particular store does not wear a mask and he can prove that for medical reasons, then that shouldn't be an issue. And if someone went up to him and asked, he can tell them, well the customer can either believe him or not. But I think that we as Aldermen see a store or a business that is not complying with the law and are letting people come in without a mask, then we should be notifying the Health Department and/or the Police Department and let them go down and give them an educational point of view. Because when I went on-line the other day, all these big stores, Walmart especially, Bed Bath & Beyond, BJ's, Sam's Club, you can't go into their store without a mask. And they don't have someone standing right at the door, but they have signs. But if someone sees you, they'll tell you, you can't come in.

I think that our local downtown businesses would take that on and not feel that it is a burden and that they should not have to do this. And I saw that some of the changes that we put in like hairdressing salons and tattoo parlors, you can take the mask off while you are having a particular service, I don't think that should be an issue. We are not making this and saying, we are just making it a little bit tighter so that the Police have a little bit more handle on how to handle this. And I don't think, as I spoke to Chief Carignan, they are not out there looking for people without a mask, they are looking to educate people who are not wearing a mask.

So if there is no more questions or comments, I will ...

Alderman Kelly

Alderman Lu is ....

Alderman Lu

May I? Just a couple quick points?

Chairman Caron

Alderman Lu.

Alderman Lu

I felt a little anxious before because of my, I just want to point out that I've spoken with the Police Department and they have said that they have not had any citations. It seems to me, I saw a report on the number of calls and I noticed that most of the calls were for enforcement of people without masks, customers asking for enforcement of other customers. So it just leads me to feel that if we could just get these store owners to be more responsible.

There's just two other things. I feel that we would do ourselves a favor if when we talk about this, I feel it is important to point out that this our Health Department, our local very illustrious health department that is recommending this. I feel as though that there is nothing good that can come from trying to site CDC studies because we know our Health Department knows those and follows them and they build their protocol on those reliable studies. I just feel that when you start pulling out different studies, they are so easy to, you know, then your argument, you know, then everyone is pulling out a study, who has time to go and review the validity of different studies? Our Health Department is a strong enough authority for us to depend on I feel for this.

And lastly a question for Corporation Counsel, just as far as reporting these and asking for enforcement, something that I had wondered, the only concern I want full disclosure, would that require, would that become something that if someone said, "who reported me" would the officer have to say, "Well Alderman Lu reported you"?

Attorney Bolton

Very often reports ....

Alderman Lu

Right To Know Requests or what?

Attorney Bolton

Very often reports come in anonymously on things like this. People call up and they don't even give their name. If they give their name but ask that it not be used or not disclosed to an alleged perpetrator, usually the Police will try and honor that in my opinion. That question might be better addressed to the Chief or Deputy or one of the Officers. But my belief is they would try to honor a request for confidentiality in that regard. If someone has to go to Court and testify obviously their name is going to become known. If you don't give your name they don't know it. So that's about all I can tell you.

Alderman Lu

Thank you.

Alderman Lopez

I have a question.

Alderman Kelly

Alderman Lopez and then Alderman Clemons

Alderman Lopez

Just for Attorney Bolton so to clarify, if everybody in Nashua is reporting a mask that was not being worn in public said their name was for example, "Ben Clemons" then that would be what was written down?

Attorney Bolton

If you call up and give a name I think they probably write down the name you give. Ben Clemons is easy to remember. Just putting it out there.

Alderman Clemons

Thank you. I would never report anybody for this. My question is let's say, well this is my other, this is my real question is this, if we were to amend this ordinance so that it had let's say like a fine that was a set amount, I don't know, \$50.00, \$100.00 whatever the Committee wanted to make it. Would it eliminate the step of this going to Court. So in other words, if we set a fine that said that fine for this is \$50.00 and you have two options, you can pay the \$50.00 or you can go to Court to fight it, versus right now it has to go to Court, is that correct?

Attorney Bolton

It would go to Court, now somebody could plead guilty and you would not necessarily have to have a trial if somebody pled guilty. I don't think we authorized to institute a plea by mail system for housing code violations and building code violations, we do have an administrative fine procedure, where somebody can pay the fine and not go to court. But for general public health ordinances that's not, I do not believe we have the authority to have the administrative fine system.

Alderman Clemons

Ok so there's no way to get around the, because that's my other concern, if somebody was to be cited on this, it's an awful lot of expense in my opinion. You have to have the Officer come to Court, you have the people there, they are fighting this. Now I understand that this hasn't happened yet, thankfully somehow we've been lucky, we have had compliance or the Police have been lenient, whatever the case may be. I am just hoping that we are not bogging down the Court System with fines and these types of cases going forward.

I guess it is a shame that we can't have a better way to eliminate that. And again, just another reason I am voting "no" so thank you. I support, I should say I support in general, if we were able to lower this fine, if we were able to get the administrative part of it out of, in other words a person could just, you know, a cop comes in, yup you're not wearing your mask, whatever, here's our \$50.00 ticket, you have to pay it whatever, never sees the light of day in Court. That's something that I could potentially get behind but I can't, it's not worth the cost to me. You know, it's a hassle and you have, most people that aren't wearing a mask are probably going to have a pretty good legitimate reason as to the reason why they are not. And I just think is going to cause more headaches. So thank you.

Chairman Caron

Ok thank you, anyone else.

Alderwoman Kelly

Alderman Lopez and Alderman Klee have their hands up.

Chairman Caron

OK so do what you have to. Alderman Lopez and then Alderman Klee.

Alderman Lopez

So I just wanted to point out with regard to the Ordinance citing the most expensive possible scenario. Funerals are more expensive and avoiding them is even more expensive than that once you catch COVID-19. There's a tremendous amount of work that's going in on the healthcare side that we should probably be respectful of, not to mention among educators who are basically rewriting how they teach and how they educate and students who are going through all kinds of difficulties trying to learn from a computer because we are trying to control an outbreak. So I think the quicker we get through this and the less grandparents we have to bury and outbreaks have to cripple economies the better. And I think this is a good medium, wearing a mask, it's not an overwhelmingly expensive prospect, It's the cheapest possible mechanism. And if you can't wear a mask for medical reasons, you should be getting medical treatment that confirms those reasons.

Chairman Caron

Thank you. Alderman Klee.

Alderman Klee

Thank you Madam Chair. I just want to make clarification and make sure I am understanding this right and I believe that I am. Attorney Bolton, you don't foresee that any point if someone were to either accidentally or even purposely not have masks that they would be cited immediately. Do you agree that there would be probably be an education process of the Police trying to speak to them and explain that this is the way it is supposed to be. So a first time offense, I don't know how to say that properly, but they are not going to be basically given a summons that they have to go to jail and then get a \$1,000.00 fine, is that correct? It will be an education process.

Attorney Bolton

That would be my expectation that our Police Officers are going to be reasonable in their enforcement. If someone is sitting in a restaurant and eating their dinner and has their mask off as is allowed, and for whatever reason they get up and visit the restroom or briefly go out to their car to retrieve something momentarily forgetting to redon the mask., I don't think the Police are going to jump out from all directions and arrest the person as part of some sting operation or something. I expect if someone is in a grocery store, is told to put on a mask or leave, I expect 99 times out of 100 they will leave. If the Police are called to the scene, they will try and encourage the person to leave or put on a mask. It's only in cases where people are really recalcitrant that I would expect there to be an arrest or summons issued. I do not expect the Police Department to go at this hammer and tongs in a belligerent manner. That's just not my expectation and not my experience with our Police Department.

Alderman Klee

Madam Chairman can I just continue for a moment?

Chairman Caron

Yes.

Alderman Klee

Thank you. And I absolutely agree with you, it was kind of a question I just wanted to get out there for the public to hear that. And I can tell you that when I did speak to Chief Carignan, yes he indicated that we have never cited anybody but they talk and they do education. I believe that with this ordinance and with the original ordinance, if someone was belligerently, they won't, they won't, they won't, then I do think that steps would be taken, whatever those would be. And I think that's the way things would work. And I don't believe that like I said the first offense anybody would get a \$1,000.00 fine or even a \$10.00 fine or cited to go to Court. I think it would have to be something that they would wantonly and knowingly down and I know that my husband will kill me at this point.

We have all probably done it at one point, I walked into a store and he came in behind me and I looked at him and went "Mask" and he was like, "Oh right" and he ran out and got his mask. No one is going to pull him, cite him and give him \$1,000.00 fine. It was an honest mistake and I've done it before, I've walked right up to the grocery store and realized I had to go all the way back to get my mask. I try to almost put it on when I come in the car and hang it off my neck so I don't do that. But I don't believe that would happen to anybody and I just wanted to make that statement. Thank you.

Chairman Caron

Alderman Kelly, did you have a comment?

Alderwoman Kelly

Yeah I was saying I don't see any other hands.

Chairman Caron

Ok thank you. So if there is no other comment or concern, would you please read the motion for the Ordinance.

Alderwoman Kelly

Sure, happy to read it.

Andy Cooper (inaudible) audio cuts out.

Alderwoman Kelly

I can't hear whoever is trying to speak.

Andy Cooper Yeah I raised my hand a while back. My name is Andy Cooper, you might have heard of me.

Chairman Caron

I'm sorry ...

Alderman Lopez

This not public comment.

Alderwoman Kelly

This is not public comment.

Chairman Caron

Excuse me, we are not doing public comment, I'm sorry.

Andy Cooper That's fine, I was asking if there was going to be public comment.

Chairman Caron

We already had public comment at the beginning of the meeting.

Andy Cooper I see, I was unable to hear that unfortunately.

Chairman Caron

Ok, I'm sorry.

Andy Cooper Well it's a little disturbing but I will let you go.

Chairman Caron

Thank you. Alderman Kelly, when you do the Motion do you have to it, to include the amendment, we are voting on the amendment to the motion first.

Alderman Kelly

So the way it is written in what I read earlier Madam Chair was, "I move to recommend as amended by roll call" is that enough or do we need ...

Chairman Caron

Yes.

Attorney Bolton

Let me suggest that what you want to do is amend proposed Ordinance 20-029 by adding a new section 17 to read, "the exception to the face covering requirement for health reasons contained in Section 7 of O-20-018 shall require a person to have in his or her immediate possession a written document, executed by a medical doctor, registered nurse practitioner or physician's assistant, authorized to prescribe medication, which document certifies that the practitioner has warned the individual that he or she should not wear a face covering because it would pose a risk to his or her health".

Alderman Kelly

So the Motion to amend as just outlined by Attorney Bolton.

**MOTION BY ALDERWOMAN KELLY TO AMEND AS OUTLINED BY ATTORNEY BOLTON**

A viva voce roll call was taken which resulted as follows:

- Yea: Alderman Caron, Aldermen Lopez,  
Alderman Kelly, Alderman Cleaver 4
- Nay: Alderman Clemons, 1

**MOTION CARRIED**

Chairman Caron

Ok so now we are voting on final passage.

**MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE OF 0-20-029 AS AMENDED BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Caron, Aldermen Lopez, Alderman Kelly, Alderman Cleaver	4
Nay:	Alderman Clemons,	1

**MOTION CARRIED**

TABLED IN COMMITTEE

**R-20-021**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman Skip Cleaver  
Alderman Linda Harriott-Gathright

**ESTABLISHING AN INFORMATION TECHNOLOGY STUDY COMMITTEE**  
(tabled at 6-1-20 mtg)

Alderman Clemons

I was going to suggest that we take 0-20-008 off the table to recommend indefinite postponement, because it's no longer necessary and we should just clear it off the docket.

**O-20-008**

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

**CHANGING THE STARTING TIME OF THE OVERNIGHT PARKING TIME LIMIT RESTRICTION IN CERTAIN LOCATIONS**  
(tabled at 3-2-20 mtg)

**MOTION BY ALDERMAN CLEMONS TO TAKE O-20-008 OFF THE TABLE BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Caron, Alderman Clemons, Aldermen Lopez, Alderman Kelly, Alderman Cleaver	5
Nay:		0

**MOTION CARRIED**

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND INDEFINITE POSTPONEMENT OF O-20-008**

ON THE QUESTION

Chairman Caron

Ok you heard the Motion for Indefinite Postponement. Do we have any questions or comments?

Alderman Lopez

Just a comment for the public.

Chairman Caron

Alderman Lopez.

Alderman Lopez

This is just the overnight time extension from, I think Alderman Clemons made a not successful stab at extending the hours to which restaurants could serve to 2:00 and that wasn't well received so we don't need to extend the parking to go along with that because we didn't extend the time frame. Alderman Clemons, is that about right.

Alderman Clemons

That is absolutely correct and as I promised one of the co-sponsors, Alderman Klee, I said that if the other Ordinance didn't pass that I would move for Indefinite Postponement of this. And so I am following through on my promise to her.

Chairman Caron

Ok thank you. Anything else? OK would the Clerk please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez,  
Alderwoman Kelly, Alderman Cleaver 5

Nay: 0

**MOTION CARRIED**

**O-20-009, AMENDED**

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

**RELATIVE TO PUBLIC COMMENT**

(tabled at 3-2-20 mtg)

**O-20-010**

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

**CLARIFYING THAT COIN DEALERS ARE NOT SECONDHAND DEALERS**

(tabled at 3-2-20 mtg)

GENERAL DISCUSSION - None

PUBLIC COMMENT

Lori Ortolano 41 Berkley Street. I just wanted to speak briefly and quickly to the new position being created to address Right To Know issues, that's going to be addressed up at the Legal Office. I have a couple concerns about this and I have been no stranger to the Right To Know issue. I really feel strongly that you have to do a great deal of training within your Department about Right To Know through the New Hampshire Municipal Association. I get the people who are closest to the information knowledgeable about what information is public and what information isn't. I am really leery and not happy about a position up in Legal to cover this because it has been a nightmare for me going through Legal, stepping two and three layers away from the Department that has the information, trying to get information requests satisfied. It's not working. Now in Assessing, you had one individual who's PDF Performance Description, Job Description basically put them in charge of handling information requests to the public and that woman was removed. And nobody else held that job. Then another individual came in and took the job and that woman has quit. Right now you have nobody in Assessing who is covering Job Description Forms by PDF who is knowledgeable on fulfilling Right To Know Requests or that I am aware who is trained through the NHMA.

And that leaves a huge hole and that job isn't even posted. So that really concerns me, and I can tell you with my Right To Know, I had the ability at one point in time from when I started in September of 2018 until June 1<sup>st</sup> of 2019, I was getting information strictly working through the Assessing Office without incident. If you look through all the minutes and records there were no complaints from anyone publicly on record of all this chaos I was causing because the individual down there who was in charge of handling Right To Know Requests was doing her job and handling it. And if I had questions, she answered them, and if she didn't understand something I had, she called and asked for clarification and it worked really easy.

But then once you changed and got rid of the Chief and put somebody in charge who wasn't as qualified, it became a nightmare. And the person who was able to handle the information was told they could no longer do that. They were not allowed to address Right To Know Issues with the public and there was nobody left down there. The other area for me, I was able to go over to the Finance Area, Rosemary Evans over there, there were probably only four times I interfaced with her. But if I went into Finance and asked Rosemary a quick question about an invoice paid, that woman could give me answer in five minutes. I was trying to get information through Legal on whether tablets had been purchased and paid for. I wrote 3 Right To Knows, they were all numbered different Right To Know to go in my pile of 300, they were not responded to. I was frustrated as heck, I wrote to Steve Bolton and said, "Why is this happening?". Well it was because when I saw Rosemary in the hallway when City Hall was open, she said to me, "I can't talk to you anymore you have to go to Legal".

And what happened is that any avenue that I had available to me to get the information from the source that had the information was slammed shut and it was thrown up in to Legal. I am really concerned that it is going to be a total roadblock for the public. I really feel strongly that you want your Departments to be able to handle Right To Know Requests and be trained. DPW, Lisa Fauteux, I viewed her as a very competent person, but the City doesn't believe she can handle a Right To Know Request and it got thrown to Legal and they are in charge.

And I don't understand that. I just don't understand it, it's been a nightmare. I have to write Right To Knows three, four, five times. And I send Right To Knows to Legal that I get responses back from Celia Leonard that the information doesn't exist. I backdoor and have a number of them down to Assessing where I basically demand the information and I get it.

But that shouldn't be happening. And there are e-mail chains for these Right To Knows that I can go 14, 15 letters deep between Legal and myself before I finally get the information; not because I wrote them in appropriately but because they kept saying it didn't exist when I knew it did. So I am really concerned about a legal position. And just to end it, I was offended by Ben's comment that when he said that I hope \$99,000.00 is enough money for all the grief or what they are going to have to put up with. We have to change the culture in City Hall. You have to treat the public who comes out to get information not like we are barbarians at the gate and enemies of the City. It's public information, my Right to Know to access finance information is one of the most basic fundamental Right To Know that a citizen would request. And I had to work my butt off to get it. I mean I am so deeply offended by that comment. I appreciate what Attorney Bolton said, I think he understood that the public is asking for more information and you have an obligation to provide it. It's 2020 in a digital age and I feel strongly about open access.

And I know most of you do not care for the work I did or the type of research I did or what my quest was or what I was believe in was wrong in the Assessing Office. I know I don't have the backing of this Board, but I fundamentally believe things were wrong. And the information I got gave me the information I needed. I know you don't recognize it, I know you feel there really was no problem. But it was what I requested. And regarding cost, I want to speak to Ben Clemons on this, he made a big deal about the \$8,000.00 I spent hiring a PI to follow an Assessor; how horrible it is that a citizen would lay down money like that and attack an innocent City Worker and smear their reputation. I've had to work my tail off on these Right To Know Issues, I'm \$100,000.00 into it and I know it's a \$200,000.00 experience for me to legally challenge these Right To Knows. And I am so strongly opposed that the only people who can challenge their City for information are people who have some wealth and means. I have had more people come to me show me Right To Knows are not fulfilled and want help or wish they could do something legally and they don't have the means. Any information should not be for the wealthy

Chairman Caron

Mrs. Ortolano, you've had 5 minutes.

Lori Ortolano I'm done.

Chairman Caron

Thank you.

Lori Ortolano

Thank you.

Chairman Caron

Anyone else, do you see Alderwoman Kelly.

Alderwoman Kelly

I was wondering if that gentleman who wanted to speak with still on but I don't see him.

Beth Scaer 111 East Hobart Street. I just wanted to say I listened to the discussion about the mask ordinance update and I am more confused than ever. If this is like shirts and shoes, requiring shirts and shoes I assume there's no fine for employees that serve people without shirt or shoes. There is a huge penalty for employees serve alcohol to minors. Are we saying that requiring masks should be treated like serving alcohol to minors or should .. or is this trying to be more like shirt and shoes? This discussion has been all over the place and it is really frustrating to think that a 17 grocery worker who sells something to somebody without a mask could be under the gun for a huge penalty. Thank you.

#### REMARKS BY THE ALDERMEN

##### Alderman Clemons

Yes thank you. I would just like to respond to what was said. I have no idea why Ms. Ortolano thinks I was talking directly to her or to anybody in the public It's just that that job is going to be a very stressful job and I am very happy that we are going to have somebody here to do it, to take care of all of the needs that, you know, she has. I mean if she spent \$100,000.00 of her own money, it would seem to me that having a position like this would save her an awful lot of money. So I'm not really sure where her comments at me are coming from but I certainly meant no ill intent to her at all. And you know, perhaps she should reflect inward if she felt that my comments were somehow disrespectful, because they certainly had nothing to do with her. In fact, I tried to avoid Ms. Ortolano, for the most part, I've learned my lesson. Thank you very much.

##### Alderman Lopez

Yeah I just wanted to say that we had a pretty good meeting for the most part and I am excited to see all the new volunteers that are going to be working on the City's Master Plan. I cannot understate how important this is moving forward. We have had a lot of zoning issues that have been created just by not having an updated Master Plan so that's very, very excited. We don't have a Ward 4 designee yet, so we have to work on that a little bit. But we have people in mind. So I was excited about that and I do have a lot of enthusiasm for the position that we are creating with regards to Right To Know especially because it offers the opportunity to help all of our Commission and Committee Leaders to understand their role, understand the resources available to them.

When I first started on the Cultural Connections Committee, it was a little bit overwhelming trying to figure out exactly how much I had to do but once I figured out, "Ok this person takes notes, they give it to the City Clerk, the City Clerk makes sure they are up" like it was much easier and simpler for me to focus on what I was trying to do as a volunteer. So I think that's going to be a good position and I think the Legal Department is the perfect Department to do it. To be honest, because it is sort of like trouble shooting before you get into trouble.

##### Chairman Caron

Ok thank you. Did I miss anyone else? Ok, Alderwoman Kelly?

POSSIBLE NON-PUBLIC SESSION – None

ADJOURNMENT

**MOTION BY ALDERWOMAN KELLY TO ADJOURN BY ROLL CALL**

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Caron, Alderman Clemons, Aldermen Lopez,  
Alderwoman Kelly, Alderman Cleaver 5

Nay: 0

**MOTION CARRIED**

The meeting was declared closed at 10:26 p.m.

\_\_\_\_\_  
Alderwoman Kelly, Committee Clerk