

## PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

MARCH 7, 2016

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, March 7, 2016, at 6:30 p.m. in the Aldermanic Chamber.

Chairman Benjamin M. Clemons presided.

Members of the Committee present: Alderman-at-Large David W. Deane, Vice Chair  
Alderman June M. Caron

Members not in Attendance: Alderman Tom Lopez  
Alderman Don LeBrun

Also in Attendance: Mayor Jim Donchess  
Alderman-at-Large Brian S. McCarthy (Arrived after roll call)  
Alderman-at-Large Lori Wilshire (Arrived after roll call)  
Alderman-at-Large Michael B. O'Brien  
Alderman David Schoneman  
Alderman Ken Siegel  
Alderman Richard A. Dowd

---

PUBLIC COMMENT – None

### INTERVIEWS

#### City Solicitor

Steven A. Bolton, Esquire (New Appointment)

Indefinite Term at the Pleasure of the Mayor

#### Mayor Donchess

This is mostly for Mr. Bolton to speak with the committee and answer any questions but I thought I would come to introduce him. I think everybody is familiar with Attorney Steve Bolton. He was the city attorney for several years when I was Mayor before and he did a very good job and I found that he represented the city very well and that I was able to work very easily with him. He then went on to private practice and to serve in various elected positions. I know he can do a good job for the city again and he will be City Attorney and not a member of the Board of Aldermen or anything like that and I think he is one of the state's leading experts in municipal law and therefore will do a very good job representing the city's interests.

#### Attorney Bolton

I am at your disposal to answer all of your questions. I've practiced law now for over 30 years, early in my career with the city and in more recent years I have worked for myself with a general practice in Nashua. Even though I left the full-time employment of the city back when Mayor Donchess was in his first administration, I think most of you know that I've stayed involved with city government. I served on this Board as well as the Board of Education and I think that will provide me with even greater perspective on what the role of a City Attorney is and how I can best interact with people on the Board of Aldermen and people in other elected and appointed positions. I'm pleased to have this opportunity to continue to serve and once again serve the citizenry of Nashua.

Chairman Clemons

Steve, I will say that it was a pleasure serving with you on the Board of Aldermen previously and I agree with the Mayor that you have a very good record regarding municipal law and I look forward to working with you.

Alderman Schoneman

I'm not on the committee but I'd like to ask a question. I'm not an attorney but I do know that laws are written for a particular purpose and then there's the interpretation of laws. I'm curious about your viewpoint on the interpretation of laws that affects the city. Is the job as the City Attorney to interpret it the way the Board of Aldermen interprets it or the way the Mayor interprets it or the way a taxpayer might interpret it?

Attorney Bolton

I think my approach will be and should be that I am going to give the Board and the Mayor and whoever opinions as to what I think will happen if challenged. For example, if we end up in court because someone else says that we are interpreting it wrongly. The rules of statutory construction which applies to ordinances and city charters as well, would be that you first look to the words of the statute of the ordinance or the city charter and if they are unambiguous, if there is only one plausible interpretation then that is what a court will go with. If though there are two reasonable ways to interpret the wording of a provision the court will then look to other indications of legislative intent or in this case the Board of Aldermen intent. Some of the things that they look at are the entire scope of all enactments that deal with the same subject. For example, if the city or through its Board of Aldermen and the Mayor enact a piece of legislation that bares on something that the state legislature has provided for the court will assume that the city is not trying to overreach or do something contrary to a state law, it will say that if one interpretation is contrary to the state law and the other interpretation is in harmony with the state law then they will go with the one that is in harmony. Sometimes they look into legislative history of an enactment so that while something is under consideration and the court later determines that there are two possible interpretations the court will look back and say well what was said by the proponents of that; by the Aldermen who voted in favor of it at the it was enacted so they will go back through the minutes of the Board of Aldermen meetings and perhaps through the minutes of committee meetings. If the Aldermen say well we are doing this to reach this problem and we tend to operate in this manner, if that is in accord with one of the possible interpretations then the court is likely to follow that interpretation. If you get to court and you are an advocate for one side or the other and you are trying to bring forth to the court's attention all of the things that benefit the city and someone is on the other side saying no, you are applying this wrong or it's unconstitutional because it violates the state or federal constitution or it's what they would call an unauthorized act in Latin, an ultra vires act, which mean the state has not authorized municipalities to enact legislation covering that issue. I would say that I would try as best I could to predict in advance when asked for an opinion, what the court would do. On many of these things you can't know for certain. It's my opinion that a court would rule "X" way but that's not a certainty and in extreme cases I might say it's a toss-up or it's 60/40 and I would probably then say that it's not really up to me. If we want to go to court and try to defend it, even if I'm thinking that it's 60/40 the wrong way, it's not me that makes that decision and depending on the case it might be the Board of Education, it might be the Mayor or it might be this Board or the Board of Assessor's. That's how I view the interpretation and opinion role of the City Attorney.

Chairman Clemons

Thank you for your time, we will take up your appointment in a little bit.

Cultural Connections Committee

Rafael Calderon (New Appointment)

For a Term to Expire: February 28, 2018

Sylvia E. Gale (New Appointment)

For a Term to Expire: February 28, 2018

Deepa Mangalat (New Appointment)

For a Term to Expire: February 28, 2019

Ms. Kim Kleiner, Special Assistant to the Mayor

Tonight Mayor Donchess brings forth three community members to appoint to the Cultural Connections Committee. Although all three do have unique experience, we do see them serving the community in many of the same ways.

Rafael Calderon recently organized the celebration of Dominican Independence and he works for Lamprey Healthcare mainly dealing with the Hispanic population.

Sylvia Gale has been an activist in Nashua for many years. She works with the Community Conversation on Race and Justice; the immigrant sub-committee of Cultural Connections Gate City Initiative.

Deepa Mangalat has lived in the community for over 25 years and she has worked with relocating refugees as well as the India Youth Group coordinator. We are delighted that they have come forth to serve the city.

Chairman Clemons

Thank you very much for stepping up to the plate to donate your time to the city.

Mr. Rafael Calderon

It's a pleasure for me to be here. I've been involved in Nashua from many aspects. I concentrate on the cultural aspect of healthcare. I started working as a certified Spanish medical interpreter over 10 years ago when I noticed that sometimes in my Hispanic community a person might be shy for cultural reasons so I would be a bridge between them. I then realized that the more that the city as a whole, not just the healthcare people knows about different cultures the easier it would be to have people remain healthy. With that in mind, last Saturday we celebrated the Dominican Independence Day both here at City Hall and at the Boys and Girls Club. It will be on Channel 96 at [accessnashua.org](http://accessnashua.org). To me it's about embracing different cultures so we can all be together and make a stronger Nashua.

Ms. Deepa Mangalat

It's a pleasure to be here; I have lived here for a quarter of a century and have been a long-time volunteer. I began in the school. My oldest child who is now 25 was the first Indian child who went to Broad Street Elementary School and they didn't know how to deal with her and she didn't know how to deal with them. Then I became associated with the Indian Association of New Hampshire and we celebrated our Silver Jubilee in 2014. We started a youth with 40 active members all from high school from Nashua, Bedford, Amherst and Merrimack. Our big service is the focus with local communities in mind so we do serve at the Soup Kitchens; Nashua and Manchester. It's mainly to integrate the youth to become part of the community. I helped coordinate the Holiday Stroll. I think this is a great opportunity.

Ms. Sylvia Gale

It's a pleasure to be here and a great honor to be considered to be appointment to the Cultural Connections Committee for the City of Nashua. I'm so glad that the name has changed from the Ethnic Awareness Committee to the Cultural Connections Committee because it's a much more proactive title to talk about our changing community and our growing vibrancy and embracing our differences and that is what this is all about. I've been in and around Nashua for more than 40 years engaged in a number of different initiatives going back as far as 1976 co-founding what is now Bridges and I am very proud of that accomplishment but very sad that it is still needed. The Child Advocacy Center for Greater Nashua I also co-created when I was the supervisor at the DCYF office in Nashua for the last days of my career before I retired. I've always been involved and giving back and strengthening our community and that means bringing everyone together and learning about

one another and not leaving anyone out. I am excited at the prospect of serving.

Chairman Clemons

When I was on the Board of Aldermen previously I served on what was then the Ethnic Awareness Committee and it was a very good experience for me but I too am glad that the name has changed to the Cultural Connections Committee. I'm going to open it up to the floor, does anyone have any questions?

Alderman Caron

I thank all three of you for being willing to set the standards and come to the Cultural Connections Committee. I too was involved with that when it first started and it has really grown and all that you do now is going to be an asset.

Chairman Clemons

We will take up your appointment in just a little bit.

Director of Public Health

Bobbie Bagley (New Appointment)

Indefinite Term at the Pleasure of the Mayor

Mayor Donchess

As I stated before, this is mostly for you to have the opportunity for you to talk with Ms. Bagley but I wanted to introduce her to you initially. Bobbie is a very accomplished person in the area of community and public health. She previously has worked for the city as a public health nurse, as the Director of Public Health and most recently she's been employed by Rivier College where she teaches and is head of the program for Masters of Public Health. She is also a candidate for an on-line doctorate from University of Illinois at Chicago. One of the principle challenges that we have in the city is the epidemic of opioid addiction. One of the primary responsibilities that Bobbie will have is to help lead the city's efforts with respect to trying to make our response to the opioid crisis more effective. We have had a couple of meetings now of what we are calling the Mayor's Opioid Task Force. Bobbie led the last meeting and we've assembled a group of about 30 people from around the community who are involved in the opioid issues, treatment prevention, law enforcement and all of the other fronts. Bobbie has been doing a very good job in putting that together and trying to make our response more effective. I think Bobbie will do a great job as Director of Public Health & Community Services and leave it to the committee to ask any questions or make any comments that you have.

Chairman Clemons

Thank you very much for coming tonight, Ms. Bagley. I think I served with you on the Cultural Connections Committee before. Please feel free to introduce yourself.

Ms. Bobbie Bagley

Thank you, Mayor. I am honored to be offered the opportunity to come back and serve the city once again in the role as the director. I've had over 18 years of experience in public health as a public health and then as the chief public health nurse and the manager of our Community Health Department. I've also worked as a programs manager for a non-profit organization in Manchester, the New Hampshire Minority Health Coalition for a number of years and over the course of time I've had the opportunity to work in community planning and looking at health issues that have impacted communities to the extent where you have to work with partners to have a coordinated and collaborative effort in addressing some of these issues that are very similar to what we are facing now with the opioid epidemic. I've worked as the Director of Public Health Programs at Rivier University at both the undergraduate and the Masters level programs that I designed and built and was

responsible for the curriculum and bringing faculty on board to teach those programs as well. Again, with the leadership skills that I have been able to develop over the years with a focus on prevention and the promotion and protecting our public's health which is really dear to me and I am really excited to be back in Nashua, a community that I've grown to know a lot about. I have family that lives here and I've been in the area for about 25 years.

Alderman Siegel

Thank you for joining us this evening. What do you think your top three priorities are as the Director of Public Health?

Ms. Bagley

I think that one would definitely be to make sure that the presence of public health has a vision of what we want to do as far as serving the community of Nashua is known. In part it would be to make sure that we do what can do to get a good handle on what is plaguing the city with the substance abuse issues and other health issues and prevention for our vulnerable populations and protecting the health of our population as a whole. The other would be to make sure that we have a strong public health workforce and that we work with our community organizations to strengthen the work that is done so there are no gaps. I want to make sure that we support one another and all the work that we do in addressing issues as effectively and efficiently as we can. Then number three would be to make sure there are resources to provide the services that are needed for our workforce and to meet the needs of the community.

Alderman Siegel

Based on what you have seen so far, do you think that you have the personnel to accomplish these goals? I know you have a lot of things that need to be done. How do you think you stand with the current personnel?

Ms. Bagley

I am very impressed with the staff at the division. When I first started working in public health we had a number of public health nurses who had experience in working in disease prevention and our Environmental Health Department was strong. The difference now is that we have people who have stronger backgrounds in the sciences and in public health. We've got the years of experience as well with the staff that's been there and they understand what the issues and problems are. I do believe that as we continue to work together across the departments at the division we will do a really good job of taking care of what we need to.

Alderman Siegel

I would agree and we see that when they come before us but do we have enough of those excellent people?

Ms. Bagley

We could use some more.

Alderman Siegel

I ask that question in the context of what is clearly a big problem; we have an opioid crisis here and I think as Alderman Deane has pointed out, there is a public health crisis and you are right in the middle of it.

Alderman O'Brien

Ms. Bagley, your division will basically take the lead...for years we've heard the threat of the bird flu could come over here from other countries; all it takes is one airplane coming into Logan or Manchester. I would

imagine you have to tweak the division to be prepared for something such as that as well as the current opioid problem.

Ms. Bagley

When you think about the threats that can happen to the public's health, the division needs to be prepared to address a number of things all at once. The diversity of the staff that's there, the training that the staff has had as far as emergency preparedness; they would be ready for that as far as capacity as it was mentioned. We have to rely on our community partners and the division has worked very well to make sure that we have partners regionally that can support some of the efforts in the work that we do. These issues are complex and the dynamics of what we are going to be faced with...the imperative will be that we work very strongly with our partners to make sure that we can cover all of the things that we need to. If there is an opportunity for there to be more staff on board at the division that would be ideal.

Alderman Dowd

On the opioid crisis, one of the things that they talked about is the misuse of prescription drugs. Is there any way that we can educate people to get rid of drugs that they have in their house or keeping them away from kids so they don't get addicted? What types of things can we do in that vein?

Ms. Bagley

Education is really the key and there are a couple of our partnering community based organizations that are working on putting up campaigns regarding locking up meds. If we had more resources where the medications can be taken back and getting them out of their homes faster that would be ideal as well. The thing is to prevent access to medications to the individuals who are seeking to misuse the medications; teenagers that might be trying or testing or individuals who might go through homes searching for opioid medications. Prevention, the key to that would be education as much as we can for our community.

Alderman Siegel

I just want to point out that the police department already has a drop box for prescription meds and I think they have been pretty good at publicizing its availability.

Alderman Schoneman

You mentioned partners, who are some of the partners and what constitutes a partner?

Ms. Bagley

For instance, our partners would include Keystone, Harbor Homes, our Community Health Center, our hospitals, the Youth Council and the Prevention Coalition. We work with these partners now, the education that is needed to be provided where we may not have the capacity with our division staff to be in all of these different places we've got these partners that will actually provide information out with the leadership from the individuals from the division. For instance, we have a substance misuse coordinator who works with Prevention Coalition who works with our Youth Council that works with our task force to provide information, training and provide a typical assistance for them regarding emergency preparedness. Together we make up this system that works for prevention.

Chairman Clemons

Thank you very much for coming this evening, we will take up your appointment in just a little bit.

Downtown Improvement Committee

Simon Sarris (New Appointment)

For a Term to Expire: December 13, 2016

Ms. Kleiner

Mayor Donchess is excited to bring forth Simon Sarris to the Downtown Improvement Committee. Mr. Sarris is a young professional who works downtown and lives close to downtown and has resides in our community. He also spends quality time downtown so he brings all facets to the committee, one being an employee of the area and spending time in the area and bringing forth a vital, young professional to the committee.

Mr. Simon Sarris

Thank you for that introduction. I was born in Nashua and have lived here most of my life. I went off to college in upstate New York and came back and started working in software development on Main Street in the Landmark Building. I walk to work every day and I love Nashua and I love downtown. I spend a significant portion of my time in the downtown, especially in businesses like Riverwalk Café and the City Room Café. I am deeply interested in the future of Nashua and its downtown.

Chairman Clemons

I believe you may be taking my spot on the Downtown Improvement Committee. When I got elected I resigned that post but I am the Aldermanic Liaison to that committee so I am still very much involved there. It's a pretty active committee and it plays an important role in the city. Thank you for being willing to put your time in on the committee. I think it will be good to get another viewpoint from somebody who works and lives in the downtown.

Alderman Caron

Thank you for agreeing to be on that committee. Living and working in the downtown will give you a birds eye view of what is going on and what's needed and I think that's a great asset.

Alderman Schoneman

I'm not on this committee but I will vote at the full Board level. Your experience with downtown, what do you see are the critical needs?

Mr. Sarris

I think the goal level would be to get people to want to say "let's go to Nashua" in the same way as people my age say "let's go to Portland or Boston for the day." On the opposite end of that spectrum you will never hear anyone say "let's go to Hudson." There's no reason why you would go there as a destination for any reason. We would want to find a way to make Nashua interesting enough to make people want to come here for a day. Imagine you are driving south on Main Street and you notice the sign for Ja Ja Belle's on the left side of the street and you want to check it out, how do you do that? So you look around and there's a one-way street here and a one-way street over there and there's no signs for parking right now on Main Street and it's not terribly clear when you'll be able to turn around. I think there's definitely a lot of work there is to do. I don't know how obvious or easy the answers are going to be but I think approaching it from the sense of how you can make the downtown more interesting and discoverable is my angle.

Alderman Wilshire

I think Mr. Sarris will be a great addition to the Downtown Improvement Committee.

Chairman Clemons

Thank you, Mr. Sarris; we will take up your appointment momentarily.

COMMUNICATIONS

From: Sarah Marchant, Community Development Division Director  
Re: O-16-003 Administrative Enforcement of Ordinances

**MOTION BY ALDERMAN CARON TO ACCEPT AND PLACE ON FILE  
MOTION CARRIED**

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

APPOINTMENTS BY THE MAYOR

City Solicitor

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF STEVEN A. BOLTON, ESQUIRE, TO THE OFFICE OF CITY SOLICITOR, FOR AN INDEFINITE TERM AT THE PLEASURE OF THE MAYOR  
MOTION CARRIED**

Cultural Connections Committee

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF RAFAEL CALDERON AND SYLVIA E. GALE TO THE CULTURAL CONNECTIONS COMMITTEE FOR TERMS TO EXPIRE FEBRUARY 28, 2018  
MOTION CARRIED**

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF DEEPA MANGALAT TO THE CULTURAL CONNECTIONS COMMITTEE FOR A TERM TO EXPIRE FEBRUARY 28, 2018**

ON THE QUESTION

Alderman Wilshire

I've known Ms. Mangalat for a lot of years and I think she is a very fine person and I think she will be a great addition to this committee and I'd like to welcome her.

**MOTION CARRIED**

Director of Public Health

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF BOBBIE BAGLEY TO THE OFFICE OF DIRECTOR OF PUBLIC HEALTH FOR AN INDEFINITE TERM AT THE PLEASURE OF THE MAYOR  
MOTION CARRIED**

Downtown Improvement Committee

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF SIMON SARRIS TO THE DOWNTOWN IMPROVEMENT COMMITTEE FOR A TERM TO EXPIRE DECEMBER 13, 2016**  
**MOTION CARRIED**

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

**O-16-003**

Endorsers: Mayor Jim Donchess  
Alderman Ken Siegel  
Alderman Don LeBrun

**ADMINISTRATIVE ENFORCEMENT OF ORDINANCES**

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Alderman Siegel

I am the sponsor of this legislation but I believe Ms. Marchant had a presentation. Hopefully everyone has gotten that presentation. There is a change and Heidi Peek had sent out a memorandum which was distributed by Sue Lovering to us where there were really some housekeeping changes in the ordinance referencing which NRO's are being used to justify which fines. It probably would behoove the committee to recognize those changes and then vote on whether or not to accept them and then later on vote on the ordinance as amended. Table 4.1 of the proposed ordinance, the first NRO should be 170-2 and not 170-3; the next line should be HEP 2303.1 plus .02 A – O instead of HEP 2303.01 plus .02 A – M. The basic change is the O gets changed to M at the tail end.

Alderman Deane

I believe our ordinances allow the sponsors of legislation to make motions so I would ask Alderman Siegel to kindly move to make all of these amendments.

**MOTION BY ALDERMAN SIEGEL TO AMEND ORDINANCE R-16-003 SUCH THAT TABLE 4.1 THE FIRST NRO SHOULD BE CHANGED TO 170-2 AND THE NEXT LINE SHOULD BE CHANGED TO HEP 2303.1 PLUS .02 A – O**

ON THE QUESTION

Alderman Siegel

The modified legislation is attached to the agenda.

**MOTION CARRIED**

**MOTION BY ALDERMAN SIEGEL TO RECOMMEND FINAL PASSAGE AS AMENDED**

## ON THE QUESTION

### Ms. Shawnasey Madison, Code Enforcement Office, City of Nashua

I am presenting this ordinance on behalf of Sarah Marchant, who was unable to attend tonight. To start we thought it would be important to explain what the various procedures are. This ordinance wouldn't just be for code enforcement, although that is how it originated. It would encompass the Fire Marshall's office, planning and zoning, building safety, environmental health and code enforcement. Each department has various policies and procedures that it follows. Typically the way that it's done is there are various notices of violations, not just one; they are given numerous times. The difficult part of that is say you have a dozen violations at a property, if we give them a list of twelve items to fix and we go back and two are done then we consider that partial compliance and it really delays getting a complete resolution and we've received a lot of important feedback from various stakeholders in the community suggesting that we make some modifications. I think that we've done that and we are hoping that this will allow for a more expedited process for achieving compliance. The enabling legislation is RSA:31-39C and that is what gives us the ability to adopt such an enforcement. The important part when talking about this ticketing system is that a written warning must be given. This isn't something that we are anticipating using often or with any amount of frequency. There will be a minimum of one written warning given to whoever is under violation; no one can just show up in any of these departments and issue a fine. There has to be communication and ample opportunity for corrections to be made. This is not something that is intended to be used on a frequent basis but merely something to be used prior to us taking things to court which is what we do now. As a code enforcement officer I have seen cases under violation take anywhere from four to twelve months just to get to the point where we can serve a summons to get to court to get an arraignment date. When there are people who know how to utilize the system in a diplomatic way it can really delay the process so we are hoping to expedite things in the right situations but just in those situations. The following information is required to be noted on the citation when it's handed out. The ticket must have a detailed description of the violation, the fine amount, the date the fine must be paid by and the escalation of fines. It's similar as to how our parking tickets are set up. There will be two dates. The first 10 days it will be whatever the fine is and then from day 10 to 20 there will be an additional \$50.00 per violation that is noted on the ticket. The tickets can be paid the same way that our parking tickets are paid. They will be accepted in the rotunda in the Treasurer's Office, they will be in charge of taking the money and putting it in the general fund. Currently we are using criminal complaints to serve people with summons' to get them to court to get an arraignment date to get a trial. All of this information I am presenting tonight we have verified with Clerk's Office over at the 9<sup>th</sup> District. They are familiar with the form that we are utilizing. The RSA dictates that if we fail to achieve compliance then we defer to the 2655 which is a court document. They know how to receive them and when they are received by the courts would go back into the general fund. If they choose not to pay the court or to comply then we would go forward with what we have done before which is to default to a trial. Obviously the whole point of this is to reduce the amount of time that we are having formal court proceedings and we are gaining compliance at a faster rate.

### Alderman Siegel

I just want to amplify certain comments as the legislator on the other side of this. First of all I would like to thank the staff; they did a tremendous amount of research work on this. They are more lenient than I would have been. I had some comments about jacking up the fines fairly significantly when you get to the third time around. I think the whole point of this is not so much punitive but to make positive change happen. As was pointed out there are several players in the community that understand the way the court system works and they keep running around in circles and prosecuting these cases is very time consuming and expensive and we have a limited amount of legal resources to do that. For some of you who might think well what's the difference, people will just ignore this like they ignore the other stuff; there is going to be some companion legislation that's being worked on now to prevent that from happening. Step one is to change the way things are done so that we have something that is more administratively trackable and more streamlined.

Alderman Schoneman

The legislation looks good. You mentioned written warnings, is there a timeframe for a written warning? How long does somebody have if they get a written warning?

Ms. Madison

I think that will depend on the department and the internal policies for that department. Not to speak for building safety but there ordinances state that they are wishing to be able to ticket for or fine for building without a permit. Initially what should happen is if an inspector shows up and there's work being done without permits they issue a stop work order; that's what happens now. Say that order is written and they go back three days or a week later, whenever is reasonable for compliance to have taken place, that individual would have had ample time to rectify the situation and come down to City Hall and pull a permit. When the inspector returns they can then issue the fine if they are continuing to work without a permit and they were already given the written warning. Another scenario is the Fire Marshall's office is electing to utilize this with reference to hood suppression systems, with restaurants and various places of assembly. Different scenarios will call for different timelines so if compliance can take place immediately then they would return with 24 to 72 hours but other times it may be a month. It will be dictated by the circumstances surrounding the violation.

Alderman Schoneman

Would the same be true for how much time there is to comply? For the second occurrence is there another written warning?

Ms. Madison

Yes, I think we are allowed to give written warnings for a second time. If corporate counsel wants to interject, please feel free. They might be giving a shorter time in which to correct the violation but that's an excellent question but I think that written warnings are anticipated even for repeats.

Alderman Schoneman

So the written warning would be for any one of these line items in table 4-1. If someone got a written warning for exterior standards and the inspector came back and noticed that the exterior standards weren't fixed or maybe they were but there were also problems with the interior standards, there would have to be another written warning for a different line on this form.

Ms. Madison

To give an example, say we showed up at an address and we saw that there were exterior standards that weren't being complied with. We would give them a written warning with maybe 30 days to comply and we go back and it's done, okay, case closed. Say we go back two months later and find the same thing, exterior standards; if they have rectified the problem the first time then another written warning but maybe only a week this time to correct it and then they comply. If we go back two months later and we find the same thing then it's a written warning with maybe only 72 hours to comply and then they get the escalated second or third depending on what the situation calls for. There is a little bit of discretion given to the investigating official because every situation that we deal with is different and every property owner/landlord/restaurant owner is different and each situation will dictate that.

Alderman Schoneman

So each one of these lines could have a written warning associated with it?

Ms. Madison

Yes.

Alderman Schoneman

Is there any kind of appeal process if someone gets this written warning and says I think I comply?

Ms. Madison

Currently we haven't adopted a formal appeal process the way that we've tried to start this out slow and see how it goes and figure out if that's needed, a formal Board of Appeals. If someone doesn't feel that the city was justified in issuing this fine or they feel that it was unreasonable then they have the option not to pay within the 20 days and after the 20 days we issue that citation that's referenced as 31-39D and they have the ability to mail that into the courts just like you would a speeding ticket and say that I plead not guilty and I wish to have a trial. Then the impartial party would be a judge and I think that is an appropriate solution to our situation at this particular moment in time.

Alderman Siegel

I wanted to point out that second and third violations in this ordinance are within twelve months so warnings would probably fall under that.

Alderman O'Brien

I'd like to know if we did get into the court situation who is actually going to represent and do the prosecuting?

Ms. Madison

I assume it would be Attorney Leonard or Attorney Bolton. Our legal department has handled all of our cases thus far and they have done a great job of handling cases that we've had to bring forward, particularly code enforcement.

Alderman Schoneman

From an operational standpoint, do you anticipate making more frequent visits at businesses based on this being in place?

Ms. Madison

I think we are going to try to do business as usual and just see how the system works. If we feel there needs to be an uptake then that is what we will do. I think it's going to be a very customizable tool for each department who uses it and that itself will dictate how it influences their internal policies.

Alderman Siegel

One of the desires of this piece of legislation is to enable us to be not a reactive. Right now code enforcement is reactive, somebody makes a complaint and then code comes out and takes a look. This allows it to be a little bit more proactive if that's something that we desire to do.

**MOTION CARRIED**

*Inaudible questions addressed to Chairman Clemons by a member of the audience.*

**O-16-004**

Endorsers: Alderman Benjamin Clemons  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Tom Lopez  
Alderman Richard A. Dowd  
Alderman-at-Large Brian S. McCarthy

**EXTENDING HOURS OF SALE OF ALCOHOLIC BEVERAGES BY ON-PREMISES LICENSEES**

**MOTION BY ALDERMAN CLEMONS TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Chairman Clemons

I am proposing this so I would like to speak on it. In 2013, the legislature voted to allow for the extension of the hours of operation for serving alcohol at the will of each community. The law went into effect January 1, 2014, and so far the only city in New Hampshire that has adopted it is Berlin, NH. When it was proposed I was an advocate of it because Nashua being a border city our businesses are competing with Massachusetts and they have been for years. While our downtown is thriving and does very well as well as the business districts on D.W. Highway and Amherst Street, it's always been my opinion that we as a community should allow the businesses within our jurisdiction to operate at the full extent of the law. Right now that is until 2:00 a.m. if we so choose. I think that this would be a benefit because it would allow businesses if they so choose to stay open until 2:00 a.m. and it would also allow people who wanted to stay in Nashua and not have to travel to Lowell or another place to go out and enjoy themselves a little later in the evening and opportunity to do that. That was the premise behind why I brought this forward and I would like to see what other people think.

Alderman Caron

You and I have had some conversation about this but I am not in favor of this. I have talked to a lot of people who are in the industry, workers, bartenders and kitchen help and for the amount of little profit they are going to make they don't feel it's worth that kind of time. It means their night is extended until 3:00 a.m. or 4:00 a.m. When you talk about Massachusetts, that law has been in effect for 40 or 50 years. The other concern that I have is that the state brought this up in 2014 and the only little town that has approved this is Berlin and I would think that if this was so important that Manchester and Portsmouth would have jumped on the band wagon even though they are not border towns. They are big communities that deal with bar hops and beer runs and there's a college community there. I haven't been convinced that this is good for us. I don't think that it's going to change the dynamics of people being out there staying in Nashua to drink or whether they want to go to their favorite bar in Lowell, MA. I am not in favor of this and I will not be supporting this legislation.

Alderman McCarthy

It doesn't mandate that they have to be open until 2:00 a.m.; it just says you can and I would expect any business owner that realized that they are not making money during an extra hour of their being open not to be open then. I grew up in a small town in New York with about 19,000 people where the closing time was 4:00 a.m. and somehow some of the bars managed to stay open until then and make money. I've heard comments that people will just be in there for hours and hours and I don't think that's the case. I think there are people who tend to go out later and stay later and there are people who tend to go out early and go home early. My kids are both 32 and when Nashua starts closing at 12:30 a.m. there are a lot of people that drive down to just south of the mall in Massachusetts to get the last call. I think it's a lost opportunity for us in downtown and it creates what may be a safety problem if you've got people going out of town and then going back. I don't think there's a lot of harm to be done here and I think it's up to the businesses to decide and we will see what they do with it.

Alderman O'Brien

When this bill came up at the State House I did support it but I did also hear some of the concerns and there is some legitimacy to them. We are trying to build things up for Nashua and I see this as a totally enabling legislation for the businesses downtown to give them the opportunity to make their own choice on where they want their particular business to go. A bar owner may choose not to get into this. If I had a bar I would sit down with my employees and discuss the issue and see where my business would want to go with this. This will allow this type of dialogue to go on and maybe the business owner will decided to do it. I've talked with some members of the police department and we have the same amount of cops on at 1:00 a.m. as we do at 2:00 a.m. and looking at the habits of the young kids today they choose to come out later in the evening. And, I'm all in favor for beating Manchester just once so if it's a 2:00 a.m. closing then albeit.

Alderman Siegel

I have to officially recuse myself from this discussion so I am going to leave the horseshoe for right now.

Alderman Wilshire

There are people who work until 10:00 p.m. or 11:00 p.m. at night and they want to go out and have a cocktail after work and I don't think an added hour is going to make a huge difference in crime or anything else. I think it's up to the proprietor whether keep their shop open until 2:00 a.m. or not. I will support this.

Alderman Schoneman

I appreciate the comments about it being up to the proprietor but there are certain things that a community decides as well about what it wants to be. I've heard from a few people from Ward 3 and none of them were in favor. There was one suggestion that maybe bars and restaurants that are close to residential areas might not be allowed to stay open later because of the disturbances. One gentleman who called said that the people in his neighborhood have been bothered by the noise at 1:00 a.m. and they don't want to be bothered at 2:00 a.m. From my own personal perspective, I am not out at those places at that time but I will say that the people who have reached out to me have not been in favor.

Alderman Wilshire

My response, Alderman Schoneman, would be that if people are being disturbed by business at 1:00 a.m. I would hope that they are calling the police department to have them settle down.

Alderman Schoneman

They are.

Alderman O'Brien

I did not mention before and this may help. When this was discussed at the State House we realized to throw it to the local control and they can decide. If we empower this to go through, to allow a 2:00 a.m. call, and if it doesn't work out then I'm sure the author can probably say that we could come up equally with legislation to eliminate it. I want to go forward with this, we should try it. I can see future benefits with livening up our downtown because it would make it as a destination place, particularly for some of our young people. I want to give the business the community an opportunity to thrive with this.

Chairman Clemons

I will note for the record that I have received feedback. A lot of the Board was copied on some of the e-mails. There were opinions against this and there are valid points on either side but I've also received comments

from people that are very much in favor of it. They tend to come from the service industry. I think Alderman Wilshire indicated that if you work at an establishment that closes at 11:00 p.m. and you want to go somewhere and have a drink yourself after a long days' work this might afford you that opportunity without having to drive to Tyngsborough. The other aspect of it is some people see this as a way that if their restaurant or bar stayed open they would be able to earn more money and it would help them personally. Of course the other thing is that there are some people in the community that simply want this. It's something that they want to see happen for various reasons. I've gotten a few people telling me that government shouldn't be involved in business people's decisions and I tend to agree with that. Some people just say that they would enjoy it and like to see it happen. As a community I think that this strikes a balance. We live in a city that is close to many towns that stay open until 2:00 a.m. and people do leave the city. Also on the other end there are people that don't come up to Nashua for the very same reason. Again, it's up to the business owner, they can try it and see if it works; if it's not they can stop doing it and if it's successful then maybe they can thank the Board of Aldermen. That's my two cents.

**MOTION FAILED**

**MOTION BY ALDERMAN DEANE TO INDEFINITELY POSTPONE O-16-004  
MOTION CARRIED**

DISCUSSION – None

PUBLIC COMMENT

Mr. Gene Parent, Hudson, NH

I own property in Nashua and I am also a property manager for a multitude of investors. This proposal for changing the ordinances, right now I don't recall anybody having any amount of fees given to whenever we have a violation. Usually one of the code officers says Gene, we've got this and it needs to be fixed. By instituting fees right away, I can't understand that.

Alderman Siegel

You are wrong.

Chairman Clemons

That's not the legislation. It reads and the state law says that we have to give a written warning first.

Mr. Parent

And how long is that written warning for?

Chairman Clemons

As was described earlier it depends on the situation, it's case by case.

*Inaudible statements from a member of the audience.*

Mrs. Elise Parent, Hudson, NH

No one as a landlord in Nashua has been notified of this meeting and this fine going into effect. Did you advertise it? You represent everyone, the tenants and the landlords.

Chairman Clemons

Yes, it's been on the website and it's been posted at the Nashua Public Library and all of the public notices for this meeting have been posted appropriately.

Mrs. Parent

Will we get a list of what constitutes a violation according to your standards?

Chairman Clemons

Yes, it is available on the website.

Mrs. Parent

Well, not everyone goes on the website.

Chairman Clemons

I can give you my e-mail address and I can print it out for you or you can get a copy at the City Clerk's office.

Mrs. Parent

I can get a copy at the City Clerk's office?

Chairman Clemons

Yes.

Mrs. Parent

If it happens to be a big repair or something like let's say you have a flat roof on a building and it's wintertime and a tenant on the top floor says I have a leak and we go up there several times and shovel the snow and look at it and we can't find out where the leak is because it's a rubber roof. Is that going to be a violation? Are we going to be fined until, no matter what effort we make, when you make an effort to fix it and you even hire someone to fix it you shouldn't be fined.

Chairman Clemons

I'll only say this; I think we have a very fine Code Enforcement Department. If they see that the landlord is doing everything in their power to fix a violation and they are truly attempting to fix whatever the problem may be, I don't think that you have anything to worry about as far as getting a fine. I can't say that for a fact that you won't get a violation but if you are working with them then there is no reason for them to fine you. That's my personal opinion. This is legislation that gives the city a little bit more power for those that don't cooperate.

*Inaudible statements from a member of the audience.*

Alderman Siegel

Since it's my legislation let me talk to it directly. I think if you were listening during the presentation it was fairly clear that there were warnings so that's off the table. This isn't designed to be something punitive. Anyone making a good faith attempt to do a repair is not going to be continually hassled; we are not the Gestapo here, okay. These are ordinances put into place to provide for a better way of dealing with the administrative actions we are trying to take already. We don't want to have to be dragging people to court, I hope that's

obvious. This idea that somehow you will be struggling to find a leak on the roof and there's going to be people like handing out pieces of paper at \$50.00 a pop; there's nothing in this ordinance that has anything like that.

Mrs. Parent

What is going to determine the amount of time that you have...

Alderman Siegel

It's depending. I'll give you a specific example. If the Fire Marshall comes by and sees that there is a fire egress blocked then that's got to be fixed immediately. If there is some problem with your exterior such that there is some work that needs to be done then obviously that's going to be taken into account differently. Life safety and health department things are all different. And, by the way, there's a code enforcement handbook that is available to you and as someone who is in that profession, I would say that you should have it and you should be aware of everything. What's being codified in this ordinance isn't something new, we are not plucking things out of the air; they are already things that have to be dealt with for code enforcement. I wouldn't look at it like you are being persecuted because it's not like that.

Mrs. Parent

In this process what will start this violation procedure?

Alderman Siegel

I'll tell you what, I would suggest that you read the ordinance, it's right in front of you and it's right on the website. You may not want to go on the website but it's there. If you don't want to go to the website then you can go to the City Clerk's office and you can get a copy there. Everything that you see is associated with a particular violation and what needs to be corrected. There are no mysteries here, it's all transparent.

*Inaudible statements from a member of the audience.*

Chairman Clemons

Sir, if you have a specific question that we can answer I will allow you to speak.

Alderman McCarthy

I just want to amplify Alderman Siegel's point. Our goal around this horseshoe, code enforcement's goal and the legal department's goal is to gain compliance with the building codes and we do that through a number of ways of doing things. Most landlords are really good about saying if that's a problem then we will fix it and we understand that those fixes take time. Some landlords, however, and we have a few, throw the notices in the trash and will not take care of them and that's what this is aimed at. If you are someone who is working with the Code Enforcement Department to fix the violations; let me put it to you this way, if you have never been taken to court by the Code Enforcement Department you are not likely to ever get fined by them because that criteria doesn't change. They will look at the specific situation and they will use their discretion to determine how dire the circumstance is. As Alderman Siegel pointed out, if there is a blocked fire access then that is something we will probably be back tomorrow for. If it's a leak in the roof that you can't find and you are going through the process of finding it then we will probably be back in a week or two and ask about that. Really the purpose of it is to give some teeth when we can't get compliance from a landlord who just doesn't care. That's where it would be enforced and the fines would be levied.

Unidentified Speaker

I understand that. My concern is that this opens up a door. Let's say next year that the fee is going to triple or quadruple or the code enforcement officer tacks on anything that they feel that is justified.

Alderman McCarthy

That's not the intent and that's not what I would think this Board would expect from them.

Unidentified Speaker

It's opening the door.

Chairman Clemons

I would say that is your prerogative to fight something like that and to bring it up to us as public officials because ultimately we make these decisions and we have to live by them and so do you so we want make sure we are doing the right thing. I appreciate your concerns but in my opinion I think this is the right thing to do and I don't think that the process is going to change from anything that you are used to.

Unidentified Speaker

The good guys are being put up against the wall somehow. Instead of going strictly after the bad guys, why don't you initiate them instead of going across all of the landlords?

Chairman Clemons

I think we've explained that and at this point I think it's a matter of opinion. I think several of us have given you our interpretation of it and you have a different interpretation and that's okay but at this point I don't think we can answer your question any further.

Mr. Michael Dobbins, Nashua Resident

Alderman Siegel, you specifically had mentioned that this is an opportunity for code enforcement to be proactive. What were you implying and what were your thoughts on that?

Alderman Siegel

I think I said what my thoughts were. If you would like I can amplify them at the full Board meeting but we are not going to redo the whole discussion that we just had. If you would like I can speak to you afterwards, briefly but I don't want to take up the whole committee's time at this point.

Mr. Dobbins

Will we have an opportunity to speak publicly in two weeks?

Chairman Clemons

Yes.

Mr. Nick Peck, 99 Taylor Street

I've been a resident most of my life here in Nashua. We had a new process that was in Nashua for years. I've been working in this city for 45 years. What is wrong with the process that we have now? If you think that

somebody is going to take a \$50.00 fine and pay it and correct an action, it's not going to cure anything. They are still going end up with him in court so that menial fine isn't going to enact any power at all. That's my comment. I don't understand what you are trying to accomplish.

Chairman Clemons

The process itself is not changing, just to clarify.

Alderman Siegel

Yes, it is.

Mr. Peck

By enacting a fine this way; if someone is in violation and doesn't want to fix it then he's not going to fix it. You are going to end up in court anyhow so I think this is a waste of your time. I've worked with code enforcement for 40 years. I'm a licensed electrician, plumber and gas fitter. I built in this town for many years. A \$50.00 is not going to solve your problem.

Mr. George Leocauckos, Columbine Drive

Who determines who is at fault for the violation when it comes to landlord vs. tenant? When the tenant moved in there were no code violations and all of a sudden there are code violations when they are up for eviction. Who determines that the landlord is at fault when they remove the smoke detector or something like that?

Alderman Siegel

If there is a landlord/tenant dispute then that is a civil action and it's not the city's purview to get involved. By the way, I appreciate your concern about that particular issue which is that certain tenants can be problematic.

Mr. Leocauckos

But it goes in front of code enforcement. They get calls about that all of the time.

Alderman Siegel

I understand that, but you asked who the arbiter is between a landlord and a tenant and it's not the city.

Mr. Leocauckos

But when it comes to the fines...

Alderman Siegel

That's all I have to say about it. The fines then become; the landlord is the property owner.

Mr. Leocauckos

So basically the landlord gets screwed.

Mr. Gene Parent, Hudson

A perfect example is smoke and CO2 detectors, we are going to get written up, I always do. The problem is that I put them in but the tenant takes them out and I get the violation.

Ms. Diane Bouchame, Nashua

I've been a landlady for 36 years and as far as I am concerned the code enforcement in the City of Nashua is doing a wonderful job and I am not worried about getting any fines. The only time there is a problem is when you have tenants that do not want to cooperate. 99% of the time that code enforcement has a complaint is when tenants are complaining about us and they are the ones causing all of the problems. Other than that this is only a concern for slumlords. The people that are here are good landlords; the people that are slumlords are not here. Any one of you can come and check out my apartments because I run a tight ship. There ought to be a law that says landlords have to be accountable for their property. There are a lot of slumlords in Nashua.

Chairman Clemons

Alderman Siegel did point out that there is a companion piece to this but it hasn't been presented yet but obviously I think that is something that we will have to look for in the future.

Mrs. Elise Parent, Hudson

You know already know who are the people that are causing problems with code enforcement. Why come after all of us instead of going after them? Why is the city sending them tenants and paying them the highest rent that they can pay? We don't charge high rent, I like to have good tenants with clean apartments. You are going to come after us because one of these days I might make a mistake and get a bad one? You can't punish everybody. Go and do your job and go after the people you know are causing the problems and not after everybody. Once this process starts it will keep getting worse and worse. It's like tax, it always goes up and never down.

Mr. Guy Tremblay, 5 Hutton Street

It was mentioned earlier that is was a customizable tool. That kind of scares me and that's all I have to say.

Unidentified Speaker

My elderly aunt charges \$500.00 per month for a 3-bedroom and I tell her she's getting ripped off but she feels bad so she lets this woman in and she tears out the heating system. You should be getting way more than \$500.00 for a 3-bedroom apartment and she's destroying the apartment and stops paying the rent. If this woman decides she wants to stay there longer paying no rent I'll call code enforcement and report her. How does she afford to pay for all of this and tenant won't leave and you are being fined by the city.

Chairman Clemons

It wouldn't work exactly like that. A situation like that could happen but that's not how it would play out as far as the fines.

Unidentified Speaker

So what happens if you say you have 30 days to fix the apartment and 30 days go by and the tenant won't let you in there and now you are getting fined and these fines are pretty high?

Chairman Clemons

We could go through every scenario this evening but the bottom line is that in a situation that you described is like Alderman Siegel said, it's a civil matter and certainly the code enforcement would take that into consideration.

Unidentified Speaker

So they would waive the fee?

Chairman Clemons

I can't tell you exactly what they would do but again, we are talking about a hypothetical situation anyway.

*Inaudible statements from a member of the audience.*

Chairman Clemons

The city is not out to get people and that's what you need to understand.

*Inaudible statements from a member of the audience.*

Chairman Clemons

All I can do is assure you that is not the intent and again, if this goes through it is something that you folks are going to have to come to us and tell us if it's being abused and if it's not being used in the proper way. It's like any other legislation, if we say we are going to put a stop sign here, well, if we put a stop sign here and no one stops then it's the neighbors and the people that live around that stop sign that have to come and tell us and then we get the police department involved and things like that. It needs to be observed by everyone involved. I thank you for your concerns.

*Inaudible statements from a member of the audience.*

Ms. Cecile Marquee, P.O. Box 3854, Nashua

I am a property manager and I also own property. I can see both sides like health and safety but I think the reason we are all here tonight is that we kind of got blind sided with reference to the new rules which I guess are on the books maybe but nobody has told us that all of a sudden there are going to be fees with it and there are tenants that don't abide by their code and I have actually called the health department and got cited because the tenant was a hoarder. I think if you could table it and give us a chance to have a meeting with everybody instead of passing it and we have no choice. Maybe this ordinance is going to go through but these landlords are going to sell and they are going to move and then another landlord will come in from another state and they won't take care of the property. The problem that we are having with a lot of apartment buildings in Nashua is that they are coming from Portsmouth and other places and they are buying but they are not here. You call the emergency number but you don't have that person. By the time you take them to court there is another entity that just bought it, which is part of the same entity but they just changed the deed in order to avoid the problem. These landlords as well as myself care about Nashua and the property. There are tenants that sometimes break things or tenants that are really poor and the landlords will keep their tenants and charge them much lower rents. These landlords have taken the brunt because there tenants are 80 years old and they are in a 2-bedroom apartment that they have lived in for 30 years. Do you take that person and say because of the new rules we have to bring your rate up to the standard of \$800.00 per month. Those people are going into housing and even housing has problems right now. The federal government's housing program has bed bugs and other problems like drugs. All of the landlords behind me are fighting the same problems that code enforcement wants us to correct but we can't totally do this without the city's help. We are willing to work with the city but I think if you are going to pass a bill then at least allow the citizens of Nashua who have owned buildings for 40 years to have a say. They might not like what you agree to but to pass it tonight without letting them have their opinion and at least venting to someone, I think that is really a bad fact because these landlords will sell these buildings and get new landlords that don't care. I'm not saying that every young landlord that comes into the city don't care because there are a lot of new landlords that have a good idea of renovating. If you look at city 20 years ago and look at it now y will see that there are

a lot of nice buildings being fixed up in the tree streets and French Hill. Yes, we are still going to have crime and drug problems and until we figure out that problem we will have it but the tenants need affordable housing and the landlords behind me have been a rock to this city because we have kept the rents low and we appreciate our tenants and we don't treat them badly. The landlords are scared because once you press something in paper saying you are going to get fined; maybe we are the best landlords in town but we are still going to have that fear. I am asking you tonight to take into consideration the landlords who have been your rock for tenants and for your elderly and people of low income and give them a chance to voice your opinion. We did not know about this law going into effect until tonight and I think there are almost 100 hundred landlords that would have come tonight but couldn't make it. I'm not saying it's not a good law but I think we need to talk about it.

Chairman Clemons

Just for the record, the committee did make a recommendation to pass this for final passage to the full Board of Aldermen. It will appear on the agenda of the March 22, 2016, full Board of Aldermen meeting. Between now and then I would encourage you to contact us individually, send e-mails to the Board and tell your fellow landlords the same thing and reach out to us before that meeting and also you can come to that meeting and express your opinion. We want to hear from the community and we appreciate that and thank you very much for your comments this evening.

Alderman Wilshire

I wanted to make it clear that when and if you do come to the meeting on the 22<sup>nd</sup>, there will be a sign-up sheet in the back of the Chamber. You need to sign up for the first comment period because that will be before we take the vote.

REMARKS BY THE ALDERMEN

Alderman Siegel

Just to address some of the things that have been said, again, the city is not going after people and also we are not changing the types of requirements that we have in structures, we are changing the administrative enforcement of the rules that are already there and to the extent that there are bad tenants, everyone knows there are bad tenants. The bad tenants aren't going to become worse tenants because there is this rule in place and the city isn't going to become some kind of Gestapo organization running around trying to get fines out of people. That's not the intent of the legislation. The intent of the legislation is to keep everyone out of court so if you haven't been to court and you don't have those problems then you are not going to go to court, you probably aren't going to get fined.

*Inaudible statements from a member of the audience.*

Alderman Siegel

Public comment is over; it's my time to talk. At this point, this legislation wasn't poorly thought out, again, this is not supposed to be some sort of vindictive act; this is to make our jobs as a city more tractable and not end up having to take people to court for simple fines. There is more legislation to occur and people are more than welcome to come and provide public comment. There was a public comment period before this meeting, public comment was solicited before this meeting so anybody that was here before the vote was taken could have given their two cents but that didn't happen.

*Inaudible statements from a member of the audience.*

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

**MOTION BY ALDERMAN CARON TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 8:24 p.m.

Alderman Ben Clemons  
Pro tem, Committee Clerk

# ORDINANCE

O-16-003

ADMINISTRATIVE  
ENFORCEMENT  
OF ORDINANCES



# CURRENT PROCESSES

- ▶ VARIOUS PROCEDURES
- ▶ NOTICE OF VIOLATION
  - ▶ PARTIAL COMPLIANCE
    - ▶ DELAY RESOLUTION

# HOW IT WORKS

- ▶ ENABLING LEGISLATION

  - ▶ RSA 31:39C

- ▶ WRITTEN WARNING MUST BE GIVEN

- ▶ REQUIRED WRITTEN CITATION

  - ▶ FOLLOWING INFORMATION IS NOTED:

    - ▶ DETAILED DESCRIPTION OF VIOLATION

    - ▶ FINE AMOUNT

    - ▶ DATE FINE MUST BE PAID

      - ▶ ESCALATION OF FINES

    - ▶ HOW FINE CAN BE PAID

# DIRECT RESULT

- ▶ RSA 31:39D
  - ▶ CITIATION/SUMMONS
    - ▶ CURRENTLY, CRIMINAL COMPLAINT
    - ▶ VERIFIED WITH THE CLERKS OFFICE
  - ▶ FORMAL COURT PROCEEDINGS
  - ▶ ANY FINES WILL BE RETURNED TO THE CITY AND ENTERED INTO THE GENERAL FUND

# BUILDING SAFETY

<b>NRO</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
105-7	\$50	\$100	\$200
105-12	\$50	\$100	\$200
105-15	\$50	\$100	\$200
105-18	\$50	\$100	\$200

# CODE ENFORCEMENT

NRO	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
182-28 Exterior standards	\$50	\$100	\$250
182-29 Interior standards	\$50	\$100	\$250
182-30 Premises and accessory structure standards.	\$50	\$100	\$250
182-31 Emergency and Code Enforcement Dept Info.	\$50	\$100	\$250
182-32 Standards	\$50	\$100	\$250
182-33 Sanitary facilities	\$50	\$100	\$250
182-34 Mechanical requirements	\$50	\$100	\$250
182-35 Electrical requirements	\$50	\$100	\$250
182-36 Means of Egress Standards	\$50	\$100	\$250
182-37 Lodging Units	\$50	\$100	\$250
182-38 Number of exit ways	\$50	\$100	\$250
182-39 Egress Doors	\$50	\$100	\$250
182-40 Fire Escapes and Ladders	\$50	\$100	\$250
182-41 Smoke detectors/alarm devices	\$50	\$100	\$250
182-42 Fire Suppression systems	\$50	\$100	\$250

# FIRE MARSHAL'S OFFICE

<b>NRO 156, Art. IV</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
NFPA I	\$200	\$400	Court Appearance
NFPA 17A	\$100	\$200	Court Appearance
NFPA 96	\$100	\$200	Court Appearance
NFPA 25	\$150	\$300	Court Appearance
NFPA 72	\$150	\$300	Court Appearance

# ENVIRONMENTAL HEALTH

NRO/He-P 2300, Etc.	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
§ 170-2	\$100.00	\$250.00	Court Appearance
He-P 2303.01 +02 (a)-(o)	\$100.00	\$250.00	\$500.00
He-P 2304.04-22	\$100.00	\$250.00	\$500.00
He-P 2304.23+24	\$100.00	\$250.00	\$500.00
He-P 2304.29-35	\$100.00	\$250.00	\$500.00
He-P 2305.01-05	\$100.00	\$250.00	\$500.00
He-P 2305.06-08	\$100.00	\$250.00	\$500.00
He-P 2310.03	\$100.00	\$250.00	\$500.00
He-P 2311	\$100.00	\$250.00	\$500.00
He-P 2312	\$100.00	\$250.00	\$500.00
He-P2313.02	\$100.00	\$250.00	\$500.00
Plu 700 + He-P 2314.01-03	\$100.00	\$250.00	\$500.00
He-P2316	\$100.00	\$250.00	\$500.00
He-P 2321	\$100.00	\$250.00	\$500.00

# PLANNING AND ZONING

NRO	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
I 90 - Site Plan Violation	\$200	\$400	Court Appearance
I 90 - Subdivision Plan Violation	\$200	\$400	Court Appearance
I 90 - Zoning Use Violation	\$100	\$200	Court Appearance
I 90 - Zoning Dimensional Violation	\$100	\$200	Court Appearance
I 90 - Zoning - Sign Violation	\$100	\$200	Court Appearance
I 90 - Wetlands Violation	\$100	\$200	Court Appearance
I 90 - Flood Plain Violation	\$100	\$200	Court Appearance