

A regular meeting of the Board of Aldermen was held Tuesday, March 10, 2020, at 7:30 p.m. in the classroom at the Nashua Police Department, Nashua.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderman Michael B. O'Brien, Sr. led in the Pledge to the Flag.

The roll call was taken with 15 members of the Board of Aldermen present.

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

REMARKS BY THE MAYOR

Mayor Donchess

First thank you again to the Police Department for hosting us here at the Police Station while City Hall is being fixed, so I want to thank P.D. I have a couple of items this evening, Madam President. First I wanted to ask you to consider passing R-20-022 which is on the Agenda a suspension of rules. What this would do, is provide funds for the City to deal with the Coronavirus situation. Bobbie Bagley, the Director of Public Health & Community Services is here and has been very active in terms of helping us along with Justin Kates to develop an Action Plan addressing all the health issues that are currently pending, trying to make decisions about how we should proceed.

As we have seen events of the last few days, Harvard and MIT both closed; we've seen other changes made with respect to scheduling, a lot of cancellations. We are trying to foresee events that the City may have to deal with. First, we do need to buy supplemental cleaning supplies, things we don't usually do; wipe down all City Services in City Hall and things like that. But also we have to think about the possibility that City Hall could be closed or that a number of people are not at work and need to work remotely. Justin Kates and all of the Department Division Heads are defining the City's essential services. Some of those include, for example, payroll, at City Hall we need to meet payroll no matter what. So in order to fulfill those essential functions, we may need to have people work remotely. Now that really doesn't happen that often. A few of the Division Directors typically work remotely but that is not done on a large scale, especially a whole group of people doing it at the same time.

We have a limited number of Citrix Licenses, which is the software license that enables someone to get on the system remotely. We may need to acquire more Citrix licenses. In addition we may need to acquire additional laptops for people to take home and work from home if they are needed for essential functions. I have asked in R-20-022 for you to on a suspension of the rules basis, pass that Resolution which would transfer \$50,000.00 for the use of the City in terms of dealing with the Coronavirus issues. This may not be enough, hopefully we won't need it, but it at least will help us defray some of the expenses if some events that could happen do happen in the next few weeks. So I would ask that you consider passing that under suspension of the rules.

Now the next item is one that you see on your desks which in this case I would ask just that you accept the Budget Resolution which is our normal procedure under suspension and refer it of course to the Budget Committee. It's the full Budget is not on your desk yet but they tell me it is going to be here by 10 to 8:00; they are binding it right now. You should have it by the end of the meeting. But overall I can give you an outline of what is contained therein. The Budget as proposed, the core Budget is \$284,000,000.00, which is up 3.25% over last year. As we have discussed a number of times, the main issue in the Budget is the \$3 million dollar increase of healthcare costs this year; 8.6% after, as you will recall, a \$3.3 million dollar increase last year. Those two years together, \$6 million dollars, equate to a 3% increase in the tax rate, just on that line item alone.

Putting aside healthcare, the Budget is up about 2.1%. The Budget also allocated and proposes the expenditure of the \$4.7 million dollars in temporary aid; this will be the last year of that unless it is somehow renewed, that the State Legislature provided us in the last session.

I have, following the recommendations of the School Department and some of our own, have proposed that those funds be used to fund one-time, non-recurring items so that we don't devote money that we know or we suspect may not come again to Operating Budgets, Building Operating Budgets that we wouldn't be able to sustain in the future.

Now we have the Waste Water and the Enterprise Funds, those are up \$500,000.00 and the Waste Water and Solid Waste Enterprise Funds, those are up \$500,000.00 and \$1 million dollars respectively. Those are separately dealt with in the Budget as always. Those are not truly discretionary budgets because all of those expenditures are required by regulations, both from the State DES and the Federal EPA. So we are continuing to meet our obligations with respect to environmental regulation.

Overall the objective of the Budget is to try to balance a few things; number one to pay the healthcare costs, number two to provide quality services for our citizens and number three, to keep, under these circumstances, property tax increases to a minimum. Now Nashua's economy is growing and has been healthy and strong but we do know that it could be affected by the Coronavirus situation, so many things are happening that that is another reason for caution here. We do know that many people are living paycheck-to-paycheck, having difficulty making ends meet. Therefore, at the beginning of the Budget process back in January, the financial team and I proposed Budget guidelines of 2.25% for the Police Department, for the Fire Department and for the School Department and 2% for all other Departments. Working together, all of us, we have limited tax increases over the last four years to an average of 2.6%. But this year, given the challenges that we are facing, the financial team is projecting that if the Budget is passed as proposed, that taxes will go up no more than 4.5% which is of course more than we would wish, more than we would like.

Looking at some of the individual budgets, the School Department has proposed an increase of 2.8% which is about \$600,000.00 over the 2.25% guideline. The Police Department 3.2% which is about \$200,000.00 over the guideline, and the Fire Department 5.1% which is about a half million dollars over the 2.25% guideline. Given the considerations that I have mentioned, the tax rate and the other things we are trying to balance, I have reduced the budgets accordingly, down to the 2.25% level to try to manage the situation that we have. There are two exceptions to that statement; one – the overtime cost in the P.D. for uniformed officers and for civilian dispatchers who are necessary to fill vacant dispatch and communication positions. There is a lot of overtime being spent there because we have a number of vacant communications and dispatcher positions. The underlying problem is the low level of pay that is provided to these employees so we have been working with the Police Department through the Chief and Deputy Testaverde to talk about how to raise those wages to fill the positions and therefore stop using so much overtime. There are funds there for in contingency for the Police Department in addition to the 2.25% to handle those raises and in the end, that may save money because by reducing overtime we may save more on that in that we spend on the additional wages.

Number two, within the one-time funds allocated for the School Department, I have followed most of their recommendations, but I have proposed that we spend \$200,000.00 for the pay and benefits for at least three ELL Teachers. We, as you know, the School Department is under a Department of Justice Audit with respect to the ELL Program and that is certainly something we want to address; we want to make sure we are serving our students who come to school not speaking English and we also want to help the School Department make sure that they succeed with respect to that audit. So that would be an exception and is over and above the 2.25% for the School Department.

We are taking aggressive steps to bend the curve on the rising healthcare cost. We have developed a plan design changes which, if rolled out to all of the employees through all of the Union Contracts and Non-Union Employees, would save considerable money. They also would encourage people to go into the high deductible plans, which is a very good option for people because the City pays them to go into the high deductible plan and therefore creates a lot of incentive for them to manage and save on healthcare costs. That money gets rolled over year-to-year so there is a lot to be gained by the employee going to the high deductible plan. In any event, you will be hearing more about those details in the near future.

In terms of the one-time temporary aid expenditures, following the recommendations of the School Department, there is \$700,000.00 to replace all of the Chrome Books for the students which are becoming obsolete. There are \$415,000.00 for the startup expenses to move Pre-K into the former Christian School Building on Franklin Street as well as to create the possibility that that building could also later house the Brentwood Facility, which we pay rent for. So in the end, this would be a very strong step for the School Department. There is also money proposed for technology upgrades at the Elementary and High Schools that are needed for good Internet access and there's \$175,000.00 for an upgrade of the Middle School Science Curriculum.

I did make a couple of changes. First I did increase the amount for school furniture because of reports that we have desks and chairs in many schools that are broken, from \$60 to \$250,000.00. As I have suggested, I allocated the \$200,000.00 for salaries and benefits for three more ELL Teachers. With respect to the one-time aid that we are receiving with respect to City Projects, the main allocations are to the Library Plaza Park that is partially funded at this time as well as to the Capital Equipment Reserve Fund or CERF. Of course, the Budget continues, a lot of our longer term projects, the Paving Plan of Action which would reach about 25 to 30 miles of streets with paving this year plus crack sealing of another 30 or 40 miles. We are continuing to upgrade the Waste Water Treatment Plant and replace aging sewer lines. Of course, we are working on the replacement of the Elm Street Middle School with the new school down on Buck Meadow Road. Again I mentioned the Library Plaza Project which is one of the things that would be funded through the one-time aid.

So that's the overall picture of the Budget. Of course I will come to the Budget Committee and talk through the details of when that is appropriate. You should be receiving the Budget books before the end of the meeting, they told me by 10 to 8:00. It is now 13 to 8:00 so hopefully they will be here.

Steve Bolton, Corporation Counsel

Donna just got called.

Mayor Donchess

What?

Attorney Bolton

Donna just got called.

Mayor Donchess

So maybe they are here now. Finally, Madam President one issue that has come up is the Eaton Street Bridge along the Rail Trail. Public Works believes that that will be finished within two weeks. That is an important bridge for people getting around downtown and Alderman Lopez has been asking about that. So we do believe it will be finished in fairly short order. Madam President, that concludes my remarks.

President Wilshire

Thank you Mayor. Response to the Remarks of the Mayor.

RESPONSE TO REMARKS OF THE MAYOR

Alderwoman Lu

Could you just explain why we approve this Budget at this point?

Mayor Donchess

Well we are not approving it, we are simply allowing it to be introduced and referred to the Budget Committee, because you see it's not on the Agenda. So we would just accept it and refer it to the Budget Committee.

Alderwoman Lu

Oh I see, thank you.

Alderman Harriott-Gathright

I just wanted to make sure I heard it correctly. You talked about Franklin Facility, a start-up for Pre-K and Brentwood possibly being together?

Mayor Donchess

The first step would be to lease part of the building for the Pre-K which the School Department believes could save some money. Ultimately the entire building might be used for the Pre-K and for Brentwood, maybe the City could entertain various options, continue to lease the building, possibly buy it. But we know we spend a lot of money on Brentwood. So there are various and it is a downtown location, so there are various alternatives that the City could pursue, the School Department could pursue once they gain a foothold through the initial lease of part of the building.

Alderman Dowd

On the Legislation for the Budget, it gets introduced tonight, it gets referred to the Budget Committee. At the Budget Committee we talk about it at the first meeting and then we table it for every successive Budget Meeting, bring it back off the table until we are done all the Budget Review Meetings. At that point in time we take a vote to send it back to the Full Board with a recommendation and I believe the date for the final reading is June 2nd, somewhere in June, I think it's June 2nd. I could be wrong but right about that time.

Alderman Lopez

So Mr. Mayor, first of all, thank you for working hard to get us the Budget on our desks before we actually have desks. I wanted to know about the expenses that we are talking about for the School District and particularly the supplies that we were talking about. Is the Grant Writer that we pay, that we added in last year's budget focusing on these? Because it is has kind of been my experience that you are more likely to find grant support for supplies and infrastructure; you definitely won't find it for any staffing or needs. Is that like buying desk seats or desk chairs, is that something that they might be able to help offset the expense from?

Mayor Donchess

Well this Grant Writer is working the School Department on a number of possibilities. The desks and chairs are not something we are likely to get a grant for, I mean I would be glad to ask her but that would be my impression. Those are usually for more ambitious things than simply getting additional chairs or replacing chairs and desks.

Alderman Lopez

Then my last question was although it is within two weeks, is there a way to put a sign up on Palm Street because people, it's like an 800 foot walk, and that's partly while people are getting so frustrated, because you can't visibly tell from the road when you're walking down the Rail Trail whether or not the bridge is open

or not. So people are going all the way down there and having to turn around. And I have heard some people are getting impatient and trying to like climb down so that's a little dangerous.

Mayor Donchess

I would be glad to talk to Public Works about that.

Alderman Lopez

Thank you.

President Wilshire

One bite at the apple Alderman Dowd.

Alderman Dowd

But just I wanted to explain that the School Department the Board of Education is still reviewing their budget and they have got a Public Hearing on their Budget. I don't have any idea at this point what the number is going to differ from the Superintendent's but what you have in here is the Superintendent's Budget.

Mayor Donchess

Correct.

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS

There being no objection, President Wilshire declared the minutes of the Board of Aldermen meetings of February 25, 2020 and February 26, 2020 accepted, placed on file, and the reading suspended.

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Lori Wilshire, President, Board of Aldermen
Re: Special Board of Aldermen Public Hearing on R-20-017

There being no objection, President Wilshire accepted the communication, placed it on file.

From: Lori Wilshire, President, Board of Aldermen
Re: Special Board of Aldermen Public Hearing on Street Discontinuance – A Portion of Palm Street

There being no objection, President Wilshire accepted the communication, placed it on file.

From: Lori Wilshire, President, Board of Aldermen
Re: Special Board of Aldermen Public Hearing on Street Re-Numbering Petition

There being no objection, President Wilshire accepted the communication, placed it on file.

From: Larry D. Goodhue, CEO, Pennichuck Corporation
Re: Notice of Annual Meeting of Sole Shareholder and Proxy Statement

There being no objection, President Wilshire accepted the communication and referred it to the Pennichuck Water Special Committee.

From: John Plourde
Re: Last Call Extension

There being no objection, President Wilshire suspended the rules and accepted a communication from John Ford regarding last call.

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

Selectman Stacie Laughton I am Selectman Marie Laughton, 80 Elm Street, Unit 1, right here in Nashua. Tonight I actually was only initially coming to speak about one thing but then I notice you want to extend last call. Now I live in Ward 4; we see a lot of different things. We see addiction, we see lots of people suffering from alcoholism, and I really feel like in the City, I am not saying that you know everybody I am assuming wants to make more money, but I mean when we are suffering from terrible addiction in the City such as alcoholism, drugs, and what not? I really don't think we should be extending the time in which we sell alcohol, not at a store, not at a bar. Now I'm Irish, everybody knows the Irish like to drink, but even I have to hold back sometimes. There's no way I need to drink until 2:00 in the morning. Maybe on New Year's we could drink until midnight, but I really don't think we need to extend it right now. I mean maybe with some more study, but I mean I am not sitting here saying that business are going to be like, "Well we'd like to make some more money". To be honest, I'd like to make some more money too, but not like this. That's what I have to say on that issue.

Also, welcome to the 21st Century. The Board of Aldermen is considering changing what it will call itself. We are changing or we have renovated City Hall in recent year, we are renovating the Aldermanic Chamber, now it is time that we renovate the name. Now I mean I am sorry I saw some comments on TV some Alderman had said, "Oh let's leave it the way it is". I am tired of leaving things the way they are. If you are non-binary why should you be called "men". If you are a woman, why should you be called "men", you know? I am openly transgender, I've served in office before and I am currently serving in a City position. Even my ID tag that is given to us elected officials says "Selectmen". I'm a woman, I should be like "selectwoman". I really feel like this Board has an opportunity to make a bold statement, you know, an Alderboard, Alderwoman, Alderman, Alderperson, that's, you know, we need to bring the Board of Aldermen in line with the 21st Century. I strongly suggest that you take a stand; sorry about for the folks that feel as though that we should just leave things the way they are. Again, I'm tired of leaving things the way they are. The Board of Aldermen has an opportunity to make a statement and kind of make itself it more LGBT friendly.

So again, I strongly support the passage of you changing what you call yourself. What if there is a non-binary person that comes to this Board; they don't want to be called "men". They want to be called women, they want to be a person, you know? I'm transgender, I identify as "she", "her" and "hers". And so if I happen to someday serve on this Board, I don't know, but no I am not taking your job Tom, but I just, I feel as though we really need to, you know, be in line with you know the way the LGBT Community and be more accepting. This would be putting the Board in line and being more accepting. Again, I'm sorry that the Board Members that might not agree; but it's time, you know? It's time that we, you know, that we do this. That's all I have to say on this issue and I've signed up for the next comment period. But that's what I have to say and I just hope that you make the change tonight. Thank you.

Fred Teeboom Good evening, my name is Fred Teeboom, I live at 24 Cheyenne Drive, that's Ward 1. I want to comment on O-20-005 which is the titles of members of the Board. This proposed Ordinance is a prime example of political correctness gone berserk. The Ordinance says "may" meaning this is permissive text that is meaningless as a directive. No future Board can be held to the procedural effects of the current Board. This is therefore a completely Ordinance. New Hampshire State Law and Nashua Charter Law is not changed with this Ordinance. So what about elections when you run either for Alderman or Alderman-at-Large? How does that relate to all the women or alderperson that you may want to call yourself. Some of the Aldermen in the Administrative Affairs Committee prefer to be called "councilmen" according to the minutes. These members have a lack of the understanding of the three forms of municipal government in New Hampshire; namely City Councils, the appointed City Manager, 11 of the 13 cities in New Hampshire have that form of Government; Board of Aldermen with an elected Mayor, called a "Strong Mayor". Two cities in New Hampshire, Manchester and Nashua have that form of Government and Board of Selectmen for towns who have a town meeting in all the towns, a couple of hundred have that form of government.

You cannot muddle these legally, well-defined government structures and positions, this arbitrary naming. But this raises an interesting question, possibly Nashua should change to a City Council form of government, same as 11 of the 13 cities in New Hampshire and replace the elected Mayor with an appointed manager with demonstrated, executive experience. This is actually recommended in a 1994/1995 period prompted by independent contractual study of government and financial mismanagement at that time in Nashua. And that recommendation to go to a council form of government, appoint a manager was endorsed by then Mayor Rob Wagner. I was an Alderman at the time. This approach would provide professional management, instead of electing Mayors who may have actually no executive experience. I am not talking about the current Mayor necessarily but there have been Mayors, you can start with Rob Wagner, but no executive experience whatsoever.

Alderman Clemons

Can we have order? This is not on the Agenda.

Mr. Teeboom This could be, I appreciate not being interrupted.

Alderman Clemons

Changing us to a City Council is not on the Agenda.

Mr. Teeboom This could be accomplished with a Charter change submitted to Nashua's voters as an Aldermanic initiative. As far as I know, RSA 49b, does not require legislative approval. It requires a charter change voted on by the citizens of Nashua. The political correct fanatics on the Board could be then be elected and refer to themselves as gender neutral councilors. Thank you.

President Wilshire

Mr. Focus, did you miss a sign-up sheet. Would you like to speak?

Billy Focus Hi Good Evening, Billy Focus, I own Martha's Exchange in Downtown Nashua. I have been in the restaurant and bar business for 32 years, maybe a little too long. I am here to speak against the 2:00 AM proposal. I have seen, I know how this business works, people come in, get there about 11:00, 11:30, they are pre-gaming, I'm sure you all know what that means. And then at 1:00 AM it is last call. What I see happening even more pre-gaming, more drinking, going until 2:00 I see absolutely nothing but trouble coming from this. I also think our fine Police Department wouldn't appreciate it, I know my employees wouldn't appreciate it, I don't appreciate it. So I would like you to think hardily before we make that decision. Thanks very much and I appreciate it.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Doria Brown, Energy Manager

Re: Pre-Approval to enter into contracts with 3rd party suppliers for natural gas and electricity supplies

MOTION BY ALDERMAN ERNEST JETTE TO ACCEPT, PLACE ON FILE, AND AUTHORIZE THE ENERGY MANAGER TO ENTER INTO CONTRACTS WITH 3RD PARTY SUPPLIERS FOR NATURAL GAS AND ELECTRICITY SUPPLIES

MOTION CARRIED

From: Mayor Jim Donchess

Re: Contract for 2020 Paving Program – Contract 1

MOTION BY ALDERWOMAN ELIZABETH LU TO ACCEPT, PLACE ON FILE, AND AWARD THE CONTRACT FOR THE 2020 PAVING PROGRAM , CONTRACT 1, WHICH IS IN EXCESS OF \$1,000,000 TO SUNSHINE PAVING CORPORATION

MOTION CARRIED

From: Mayor Jim Donchess

Re: Contract for 2020 Paving Program – Contract 2

MOTION BY ALDERMAN LINDA HARRIOTT-GATHRIGHT TO ACCEPT, PLACE ON FILE, AND AWARD THE CONTRACT FOR THE 2020 PAVING PROGRAM, CONTRACT 2, WHICH IS IN EXCESS OF \$1,000,000 TO SUNSHINE PAVING CORPORATION

MOTION CARRIED

From: Mayor Jim Donchess

Re: Contract for 2020 Sewer Replacement Project

MOTION BY ALDERWOMAN SHOSHANNA KELLY TO ACCEPT, PLACE ON FILE, AND AWARD THE CONTRACT FOR THE 2020 SEWER REPLACEMENT PROJECT WHICH IS IN EXCESS OF \$1,000,000 TO SUR CONSTRUCTION WEST, INC.

MOTION CARRIED

From: Mayor Jim Donchess

Re: Contract Award for Single Stream Recycling – Amendment #2 – Two-Year Extension

MOTION BY ALDERMAN BRANDON MICHAEL LAWS TO ACCEPT, PLACE ON FILE, AND AWARD THE CONTRACT FOR SINGLE STREAM RECYCLING , AMENDMENT #2 FOR A TWO-YEAR EXTENSION, TO CASELLA RECYCLING, LLC, IN AN AMOUNT NOT TO EXCEED \$400,000

MOTION CARRIED

PETITIONS - None

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Joint Convention with Library Board of Trustees

There being no objection, President Wilshire declared that the Board of Aldermen meet in joint convention with the Library Board of Trustees for the purpose of electing a trustee and called for nominations.

David Pinsonneault My name is David Pinsonneault, Secretary for the Nashua Public Library Board of Trustees.

Trustee David Pinsonneault nominated Linda LaFlamme for a term to expire March 31, 2027

There being no objection, President Wilshire closed the nominations.

A viva voce roll call was taken on the appointment of Linda LaFlamme which resulted as follows:

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire, Trustee Pinsonneault, and Mayor Donchess 18

Nay: 0

MOTION CARRIED

President Wilshire declared Linda LaFlamme duly appointed to the Library Board of Trustees for a term to expire March 31, 2027.

Oath of Office administered by Corporation Counsel.

There being no objection, President Wilshire declared that the Joint Convention now arise.

Appointments by the Mayor

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

Historic District Commission

Penny Pardoe (New Alternate Appointment) Term to Expire: March 31, 2023
2 Westray Drive
Nashua, NH 03062

There being no objection, President Wilshire accepted the Appointment by the Mayor as read and referred her to the Personnel/Administrative Affairs Committee.

REPORTS OF COMMITTEE

Budget Review Committee..... 02/24/2020

There being no objection, President Wilshire declared the report of the February 24, 2020 Budget Review Committee accepted and placed on file.

Special Budget Review Committee 02/26/2020

There being no objection, President Wilshire declared the report of the February 26, 2020 Special Budget Review Committee accepted and placed on file.

Personnel/Administrative Affairs Committee 03/02/2020

There being no objection, President Wilshire declared the report of the March 2, 2020, Personnel/Administrative Affairs Committee accepted and placed on file.

Finance Committee 03/04/2020

There being no objection, President Wilshire declared the report of the March 4, 2020, Finance Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Conservation Commission

There being no objection, President Wilshire confirmed the following to the Conservation Commission: reappointment of Gene Porter, 77 Concord Street, Nashua, with a term to expire December 31, 2022; and appointment of a new alternate Carol Sarno, 15 Rocky Hill Drive, Nashua, with a term to expire February 28, 2023.

Oath of Office administered by Corporation Counsel.

Cultural Connections Committee

There being no objection, President Wilshire confirmed the following new appointments to the Cultural Connections Committee: Rosemary Ford, 22 Nova Road, Nashua, with a term to expire March 1, 2022; Donna Marceau, 37 Pinewood Road, Hudson, and Cecilia Ulibarri, 229 Main Street, Nashua, with terms to expire February 28, 2023.

Oath of Office administered by Corporation Counsel to Donna Marceau.

Energy and Environment Committee

There being no objection, President Wilshire confirmed the following reappointments to the Energy and Environment Committee: Gary Lambert, 32 Columbia Avenue, Nashua; Bob Hayden, 84 Dutton Road, Lyndeborough; and Sylvie Stewart, 44 Spring Cove Road, Nashua, all with terms to expire January 31, 2023.

Oath of Office administered by Corporation Counsel to Sylvie Stewart.

Nashua Airport Authority

There being no objection, President Wilshire confirmed the new appointment of Jessica Holland, 34 Franklin Street, Nashua, to the Nashua Airport Authority with a term to expire December 31, 2024.

Oath of Office administered by Corporation Counsel.

Nashua Housing and Redevelopment Authority

There being no objection, President Wilshire confirmed the new appointment of Helen Honorow, 46 Raymond Street, Nashua, to the Nashua Housing and Redevelopment Authority with a term to expire October 14, 2024.

Oath of Office administered by Corporation Counsel.

UNFINISHED BUSINESS – RESOLUTIONS

R-20-012

Endorsers: Alderman-at-Large Lori Wilshire
Alderman Thomas Lopez
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman June M. Caron
Alderman Tom Lopez
Alderman Jan Schmidt
Alderman-at-Large Brandon Michael Laws
Alderman Linda Harriott-Gathright

AUTHORIZING THE MAYOR AND CITY TREASURER TO ISSUE BONDS NOT TO EXCEED THE AMOUNT OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) FOR THE PUBLIC HEALTH AND COMMUNITY SERVICES DIVISION BUILDING RENOVATIONS

Given its second reading;

MOTION BY ALDERMAN SCHMIDT FOR FINAL PASSAGE OF R-20-012 BY ROLL CALL MOTION CARRIED

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

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire 15

Nay: 0

MOTION CARRIED

Resolution R-20-012 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

O-20-001, Amended

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

EXTENDING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES BY ON-PREMISES LICENSEES TO 2:00 A.M.

Given its second reading;

MOTION BY ALDERMAN CLEMONS TO AMEND O-20-001 BY REPLACING IT WITH THE PROPOSED GOLDEN ROD AMENDMENT MADE AT THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

ON THE QUESTIONAlderman Clemons

What the Golden Rod copy does is it adds a 90-day, it basically says that the Legislation will take effect 90 days following its passage.

MOTION CARRIED**MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF O-20-001 AS AMENDED**ON THE QUESTIONAlderman Laws

So I will try to be brief about this. I consciously attempted to stay neutral on this because of the fact that I am a bartender downtown and have been for 20 years. And I waited for people to call me who I knew so we could discuss it and nobody called. And then last night I had the pleasure of enjoying an adult cocktail with Alderman Clemons and we discussed this and he had moved me towards his side of the discussion. So today before I made a decision in haste, I decided to dip into my phone contacts and I did an informal phone bank of all the bar owners that I know in Nashua. Not one of them is for this. So granted I didn't talk to everybody but I spoke to Mr. Focus from Martha's; I talked to the owner of O'Brien's / Odd Fellows; my boss the owner of Penuche's; the owners of Fody's Tavern and then the message you got from John Plourde, the manager at Peddler's Daughter. Some of them are a little bit more indifferent to it; most of them are against it altogether. Along with all of the personal problems that I had with this such as overnight parking being a big issue, they ticket starting at midnight, the bars are open until 2, that's obviously a big issue that needs to be addressed. The fact that there is a tremendous amount of responsibility and liability on these servers and bartenders and establishment owners in New Hampshire, versus the people who are actually the ones committing crimes, getting you know drunk, not being responsible. I had spoken to a couple of my colleagues who are at the State House and agree with me and are willing to look at that. I appreciate Alderman Clemons wanting to do this. I think that he has a compelling argument; but if the argument is that this is something that is going to give restaurant owners more options and the restaurant owners don't want that option, then I think it kind of kills the entire idea for me. So because of that, I am going to vote against this.

Alderman Tencza

Thank you. I have thought long and hard about this as well and I think that ultimately where I come down in review of Mr. Focus and Mr. Plourde's comments on this, what downtown businesses want. For me, really a lot of it comes down to a public health issue with increased hours, extended hours of sales of alcohol. I think that it would only make sense that it would increase the responsibility of some people and the incidents of drunk driving and drunk driving accidents. And also you know I have been paying attention to the news as of late, and have noticed that there have been plenty of studies that have shown that the US especially around young people for liver related disease is on the rise and I think we've done a good job here in the City of trying to promote a healthy, resilient City. And I think this maybe sends the wrong message.

Finally I will say too that there have been some comments that the casinos want this, it would increase their business, give back more money to non-profits. However, as Mr. Plourde points out, casinos are limited to 1:00 for their game of chance. So they wouldn't be able to extend the hours of the casino, they would extend the hours at the bar and thus make them more money but not necessarily giving back. So for all of those reasons, I will be voting against this tonight.

Alderman Lopez

I have comments to make but first I wanted to ask Attorney Bolton only because Alderman Laws brought it up in his comments. Is there any conflict of interest if employer or as a bartender if he votes?

Steve Bolton, Corporation Counsel

No.

Alderman Lopez

So I just wanted to get that out of the way. The second thing is, kind of already went around this circle in the past when we tried this the first time. I understand the point of the bartenders and the business owners that are opposed to doing it. But I don't see anything in the Ordinance that compels a restaurant to stay open until 2:00 AM. I think they can all set their own hours, I know some like Fratello's do close early because they don't want to deal with the late night crowd.

I think with regards to responsible drinking, as far as I know, the majority of emergency calls and over-drinking happens at home where there is unsupervised drinking. I know that's not necessarily a responsibility that bartenders want to take on or business owners. But they are trained and they are accountable to what they serve for people. So going out in public adds an extra step but I don't necessarily think that not raising the time frame until 2 is going to make a positive impact. I've been in cities where the alcohol curfew was like 10:00 and there is definitely still a lot of drinking happening, it's just happening under the radar and in casual settings. So I am still pretty indifferent on this. I am listening to business owners who say that they don't want to be forced to do this but I don't see anything in the Ordinance that mandates a restaurant to stay open until 2:00.

Alderman O'Brien

Thank you Madam President. I've had a long history with this particular Ordinance. It first started in the New Hampshire State House, being a Representative, I supported it and voted on it. I felt that it was up to each individual community to make their own particular decision with this. When I saw it in our office as you can look at the number two name that supported it. But since then, I have received, I did some research on it, went out there and took it upon myself to do an experiment, talking to a lot of bartenders and it was a tough assignment but I did do it. But the thing is, I agree this is a totally enabling Legislation that you could say it is up to the bar owner if he chooses to stay open. But is it? It's not enabling that somebody that has not mentioned yet, really to the employees.

If you are an employee in the bar business, there's nothing here in protection of the employee where the bar owner must come back to the employees and say, "how do you vote on staying open until 2:00". I have had some people say, "you know being the bartender isn't really my primary job". You know, he takes his position as like a second, moonlighting type of job. He is still expected to get up and work the next day. I am not against, I think that the Nashua Police Department could handle the 2:00 license. I firmly believe, not from personal experience, but if you are drunk at 1:00 you are just as drunk at 2:00. But the thing is, I think we've got to think of the employee and when it comes down to it. And maybe in the future when we look at this, because this goes as part of the puzzle if we start to get into the Performing Arts Center, we can address this again at that particular time and perhaps make a decision on really where we would like to go.

And then last but not least, it does come down, there's another dangling particle with the parking of 2:00. Right now it is 2:00, I wouldn't be objecting to looking but we do have a study that is pending that will come out. So maybe it is just not the right time for this, maybe we should wait and take another peek at it perhaps maybe next year and I would be supportive of that. Thank you.

Alderman Kelly

Thank you. We talked extensively in Committee about this and there were a lot of points brought up. But two things that stick in my mind is the liability, because I brought that up and also the piece that we got from the gentleman from Penuche's. As a bartender, in Committee everybody knows this, but as a bartender or server, if someone comes on to your premises and they are drunk and we serve them, that liability is now on you. So I think that if we have undue hardship with this, especially, one of the things that I said at the Committee meeting was people do get in their car and go to the next City that is open, that does happen. So I think putting that liability on the bartenders is just not fair. Of course, it is up to the business owners but then my second point is where are business owners? When we did the tobacco Ordinance, they lined up and they came in to discuss this, but other than Mr. Focus and the one e-mail, I didn't get a single call or e-mail saying, "we need this desperately, it'll change my business, this is an economic surplus that I am really looking forward to". So I would vote no.

Alderman Clemons

Thank you. Given what it sounds like is that people want to continue to force me to go down to Tyngsboro until 2:00, I am going to change my motion to recommend indefinitely postponement of O-20-001.

MOTION BY ALDERMAN CLEMONS TO RECOMMEND INDEFINITE POSTPONEMENT OF O-20-001ON THE QUESTIONAlderman Lu

Thank you. Was there an establishment that was interested in taking advantage of this extension?

Alderman Clemons

There were several and they were in the downtown south end and north end.

President Wilshire

The motion is for indefinite postponement, any further discussion on that?

MOTION CARRIED**O-20-003**

Endorsers: Alderman-at-Large Bandon Michael Laws
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Shoshanna Kelly
Alderman Tom Lopez

AUTHORIZING STOP SIGNS ON BEACON, BEARD, HIGHLAND AND LOCUST STREETS AT THEIR INTERSECTION WITH AUBURN STREET

Given its second reading;

MOTION BY ALDERMAN LAWS FOR FINAL PASSAGE OF O-20-003**MOTION CARRIED**

Ordinance O-20-003 is declared duly adopted.

O-20-005, Amended

Endorsers: Alderman-at-Large Ben Clemons
Alderman-at-Large Brandon Michael Laws

RELATIVE TO TITLES OF MEMBERS OF THE BOARD

Given its second reading;

MOTION BY ALDERMAN CLEMONS TO AMEND O-20-005 BY REPLACING IT WITH THE PROPOSED GOLDEN ROD AMENDMENT MADE AT THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEEON THE QUESTIONAlderman Clemons

Thank you. I would move to amend Ordinance 20-005 by replacing it with the proposed Golden Rod amendment made at the Personnel/Administrative Affairs Committee.

MOTION BY ALDERMAN CLEMONS TO AMEND O-20-005 WITH THE GOLDEN ROD COPYON THE QUESTIONAlderman Clemons

The amendment that was made at the Committee strikes the last sentence of this which is "whenever possible Members of the Board of Aldermen will be known collectively as Alderpersons". So instead the Ordinance would just read, "Members of the Board of Aldermen may choose to be referred to as Alderman, Alderwoman, or Alderperson."

President Wilshire

Further discussion on the amendment.

Alderman Lopez

Couldn't we just collectively all ourselves "The Board" as well?

Unidentified Speaker

There are other boards.

Alderman Lopez

That was my comment.

Alderwoman Kelly

Is that a motion? That was actually going to be my comment too, either "The Board" or "Alderboard". We were careful about titles so that it still worked, but since I have the floor I will quickly say what I was going to say as well. I thought a lot about this after the meeting, this was talked about a lot as well, it does not harm, it does no harm, we are doing it now. The only thing that it does it opens it up and it allows people who might feel that they are not included to feel included. So we are clearly stating it.

Alderman Dowd

I think that discussion was not involving the amendment, it was the full motion.

Alderwoman Kelly

Sorry I thought we already moved on.

Alderman Dowd

So I just wanted to point that out. We haven't voted on the amendment.

President Wilshire

Further discussion on the amendment?

MOTION CARRIED

MOTION BY ALDERMAN CLEMONS FOR FINAL PASSAGE OF O-20-005 AS AMENDED

ON THE QUESTION

Alderman Clemons

Thank you. I brought this forward to really start a discussion in this City about what we can do to start making things more equal. As my colleague has stated before me, this is really something that is pretty simple for us to be able to do. It just gives the individual the opportunity to be referred to as something that they deem to be respectful. Unfortunately, you know, our State Law does not allow us to have a Charter change to become a City Council because we have a strong form of government in so far as the Mayor is concerned. I believe in that government, I don't propose changing that government. What I would hope is that some of the folks around this horseshoe can work to try to allow the State to differentiate between a City Council that is a weak City Council and a City Council that is a strong City Council and simply have us change the title. Since that was not able to be done, this is the furthest that I believe we can go. And I think we should do it. So with that, obviously I will be supporting this.

Alderman Klee

I agree with a couple of statements. We do currently call ourselves Aldermen and Alderwomen, if it was someone who was binary, I would hope we would all accept Alderperson. Having said that, I don't see the harm in putting this in writing and making it official so if someone would feel welcome ... I don't have a problem with that. I'm glad that it was struck where it said "whenever possible the Board of Alderperson" because I think that kind of leaves a gray area. I disagree with this being a prime example of political correctness, I think we do want to be all inclusive. And I think we do make a statement, because we do have Alderwomen here tonight that prefer to be called Alderman. So I think we allow ourselves to choose what we want but this would make it official. But an aside, I spoke to the Deputy Secretary of State because one of the conversations that came up was our ballot, it says "Alderman" is that going to be confusing? He said, as long we leave as Aldermen there is no issue. He also said that there was not going to be a problem if we decided to be the Board of Alderpersons, he said he felt it would be confusing but we could do it and that wouldn't require a Charter change but anything else would. I am going to support this, I don't think it is necessary but I do think if it makes people feel that they would be more welcome, I will support that. But I think we are already doing it.

Alderman Schmidt

Thank you, I too did a little research up in Concord and I found out that in 2008, I think, that they changed the law to allow Selectman as government of towns were allowed to change it so that they were selectwoman, selectperson. So they didn't change the name of the Board itself, but they just simply allowed it.

So it is passed into law, why they didn't do the Board of Aldermen at the same time, I have no idea but we can certainly do this. We can take care of this next year. So I see absolutely no problem with this, in preparation for the change that we see coming. I will vote yes.

Alderman Dowd

I don't have any ... two years ago when people wanted to be called Alderwoman, I had no problem changing that, making the name tags and I have under the circumstances, calling someone an Alderperson. I just don't think we need Legislation to do it, because if you have Legislation and somebody slips are they breaking the law? I think that in another two years somebody can come on and change it. I think we have more Legislation already that we don't need. So I think if the Board is amendable we use those titles for anybody that wants them on their tag, that's fine. I just don't think we need the Legislation.

Alderman Clemons

Thank you. The reason that we need the Legislation is because we have people in our community who have served in this position before, attacking this very Legislation. And if people of that mind were to get elected to this Board simultaneously with somebody who would prefer to be called an "Alderperson", passing this now would require them to go through the rigmarole of rescinding the Ordinance, which would be embarrassing for them. So that's why it is important that we pass this now. Because if a future Board decides that this is too politically correct for them, they can be more than happy to submit Legislation to rescind the Ordinance but they would have to go through that process and the public would be made aware of it. And so that's why it is important that we pass this tonight.

Alderman O'Brien

Thank you. I think it was Shakespeare who said, "a rose by any other name would still be a rose". And the thing is, when you come down to it, what are we really doing here? We are changing a name, OK? So up at the State House we had a really big issue. What the big issue is what do people really want to call themselves. So when it came down to licenses, now when you do your driver's license, you have to clarify your sex. You could either be a male or female, were the traditional choices. But we, in my Committee, approved a non-binary that you could be X if you so choose, OK? That was doing something. Changing the name is not doing much. Coming out with a statement from this particular Board that says, "We as Aldermen do not support any discrimination based on race, color, sex, or creed or sexual orientation" that would be making a statement, not changing a name. I am not going to support this because it's just a name change. But I would definitely support and I throw myself right behind trying to, I don't care what people call, but let's be unified as a Board and say we are a welcoming City and we want to support that everybody from all walks in the City, feel welcome to serve on this Board, regardless of what your title – the title means nothing. Again a rose is just a rose by any other name. When you come here non-discriminatory.

Alderwoman Kelly

Thank you. So I am going to start by clarifying one thing. There was a comment that there was in discussion at the Committee that we wanted it to be City Council and we realized that was how it was set up at the State, it's not feasible. There was discussion that City Councilor is non-gender specific and I really appreciate that from that perspective but also because people know what a City Councilor is. I tell people I'm an Alderman or Alderwoman and people's eyes glaze over. I think they pointed out that two cities in the whole State are Board of Aldermen.

I appreciate the perspectives of everyone on this Board. But I would like to remind people that the Board didn't always look like this. One of the things I talk about when I talk about our Board is how proud I am that we are a true representation of our City; we have 7 women. We have 4 or 5 people under age 40; we have 2 people of color.

The Board didn't always look like this and there is a reason why my sign says Alderwoman. Because if there's a little girl in Nashua who wants to be on our Board, I want her to know that she can be. So it's not just a name change.

Alderman Lopez

While I understand and appreciate the eloquence of Alderman Mc'Brien's comments regarding names, I think they do make a difference. I know we've already had a debate and half of us were on the Board when we decided whether or not to remove the word "man" from the end of "chair" on the Committee roles. And the apparently persuasive argument was that if we lose the word "man" from it, people might think we are talking about furniture in the minutes. I think whatever gymnastics we go through to justify continuing to do things the way they always are, flies in the face of progress. I think this does no harm, it just enables and empowers somebody to feel a little bit more welcome. And I would argue that if it makes someone feel more welcome than it is needed. To Alderman Clemons' point, we do set up a standard and a precedent for future Boards, and they do have the authority to remove it if they feel passionately enough and if they can persuade their fellow Board members to do so, then they can do so. But that would be a very intrusive argument. And I hate to say it, but I think this is a pretty intrusive argument for people who are non-binary or not of equal gender privilege because we are talking about their right to be called what they want to be called, a right that many of us have already and they don't. I mean I agree with Alderman O'Brien and I was kind of poking fun when I called him "Mc'Brien" before, but I do think we should make a statement of equality; but at the same time I do think people can be very sensitive to names and how they are presented. Given that the word "alder" means older, I would just argue that anybody who thinks there is no sensitive issue here, would you prefer to be called "senior" or "elder".

Alderman Tencza

So I may be the fifth person that Alderwoman Kelly referred to as being under 40 for a couple more months. You know, I did a little research too just to see around the country who else or where else the Board of Alderpersons is found. And where I found the areas where this is used in the Midwest, do not strike me as being you know in a progressive period or that it used in a way that's meant to be anything other than respectful to the people who are serving on the Board. Just a quick Google search shows that Burnsville, Missouri, Crystal Lake, Missouri, a number of towns in Wisconsin, all refer to their Board as either Alderpersons or the Board of Alderpersons. So I think this is kind of bringing us up with the times. And as Alderwoman Kelly stated before and Alderman Clemons stated, it makes it more inclusive for anyone who wants to think about serving on the Board.

Alderman Laws

So there is nothing that I can contribute that is as eloquent or well said as some of my colleagues here. But just simply, the reason I am going to support this is that for the people that it is important to, it is part of their identity. And for the people who are against this it is just a matter of their personal opinion. And for me, when you weigh those two things out, you want to support the person. You want to support someone's identity, more than you want to support someone's opinion. So thank you.

Alderman Jette

So as someone who is neither under 40 nor a woman, I still feel part of this Board. You know I kind of, since I'm not a woman, although I am a person, but you know right now we allow people to be referred to as Alderman or Alderwoman, and I am sure that if someone wanted to be called Alderperson we would allow that also. You know, I agree with whoever said that this this Legislation I don't think is really necessary but I am going to support it because this is what we are doing now and I am sensitive to the people who feel that it is necessary to do so. But I also share Alderman Kelly's observation that people who aren't from Nashua, even people who are from Nashua, have trouble understanding what an Alderman means, what it is.

I know when I ran for Alderman and I told people I was running for Alderman, they looked at me quizzically, not knowing exactly what that job was. The way I explained it was, "it's really like being a member of a City Council". So I would support efforts to move us in that direction. I know that we can't do it by ourselves, that we have to get the Legislature to assist us in moving in that direction, but I would support that. But I will also support this Ordinance.

Alderman Harriott-Gathright

Initially I was not in favor of it, I like the idea that he did remove the last part of it. But I think back to when I came to the Board and Brian was here. And I remember he went around and he asked each one of us what we would choose and some said "Alderman" and some said "Alderman". But what I liked was the fact that he as the Chairperson or the President, you know, really took the time to talk to us about what we wanted. It wasn't a male telling us about these things, he was asking what or how did you feel about it. For example, when I ran, I ran to serve on the Board of Aldermen and that's the way my conversation was with people that I am running for the Board of Aldermen to serve on that Board. So I never had a problem with whether it was Alderman or Alderwoman, or whatever. I went pretty much by what was in the books. And it never bothered me because I knew who I was. As far as the little girls out there, they know who each one of us are without a doubt in their mind. They don't need to be, a name is definitely going to tell them it's (inaudible) but I will support it. But I really didn't think we need Legislation for that because I think that everyone on this Board would never have a problem of someone being called Alderman just as we didn't have a problem with people who wanted to be called Alderman.

Alderman Dowd

Again, I really don't think we need Legislation to do this and we could very easily call people like we did with Alderman. But because of the feelings associated behind the movement of to be all inclusive and because I do support the fact that if they want to be called Alderman or Alderman, I didn't have a problem with that, I just didn't think we needed the Legislation. But I will support the Legislation.

President Wilshire

So I just want to chime in on this, as Alderman Kelly did say, that this Board hasn't always looked this way. I mean one term I was the only woman on the Board. And it was all middle aged and older white males.

Alderman Lopez

Alderman's?

President Wilshire

Alderman's. They weren't really bro's though. And I appreciate this coming forward. Does it need Legislation? Maybe not, but I am going to support it. I think it's a good idea, I think we should move forward with this. But I have to say that this Board did not always look like this and I am very happy that it does right now.

Alderman O'Brien

Yes being definitely afraid of sensitivity training, I think I'll change my vote. It's come to that now.

Alderman Lu

I just wanted to, a couple things, I feel as though I never had any thought that I couldn't be Alderman, it never occurred to me. It only gave me the impression that it was a surprise and I guess I feel as though since already its in effect and taking place and I guess I kind of sense that we don't enact Ordinances

unless there's a need. I'm under the impression that's a no, an overriding idea. But I don't see a problem, I mean, I do think it should be somewhere a little bit different in the code because I don't understand how putting it in with Legislative assistant makes it easy to reference. I looked, it's 10.2 right, Section Five, 10.2 and that references legislative assistant I think. So I think 15 or 14 would make more sense. That's all.

Alderman Clemons

You'd have to talk to Corporation Counsel.

Attorney Bolton

Is there a question?

President Wilshire

Is there a question?

Alderwoman Lu

If you wanted to be, I don't know, if you want it to be visible or final or at least don't tuck into Legislative Assistant information.

Alderman Clemons

I'm not sure I understand because it says it's in the Chapter that pertains to the Board of Aldermen, Article II General Provisions. So it's just a provision of the Board.

President Wilshire

Are you all set Alderwoman Lu?

Alderwoman Lu

I'm fine.

President Wilshire

OK so the motion before us is for final passage of Ordinance 20-005 as amended.

MOTION CARRIED

Ordinance O-20-005 as amended is declared duly adopted.

O-20-007

Endorsers: Alderman Patricia Klee
Alderman Thomas Lopez
Alderwoman Linda Harriott-Gathright

REMOVING THE HANDICAPPED PARKING SPACE IN FRONT OF 7-9 LEMON STREET

Given its second reading;

MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF O-20-007

ON THE QUESTIONAlderman Klee

May I speak to it? The reason that I brought this forward was because there was a handicap parking space that has not been used for a very long time. Parking went and checked to make sure that this was, in fact, that the neighbors aren't able to use this parking space because it doesn't have a handicapped person there that it had been awarded for. This was kind of the concern that I had when I asked for another place to get a handicap parking space is because when they no longer need it, we have no way of knowing. And I keep bringing this forward and we do have to something on it, finding a way of being able to put a sunset on it, these type of legislation or that every year they have to come in and re-app for it or make it a sunset for one year or something. But anyways, in light of that, that we don't have that, I am asking to remove the handicap parking space in front of 7 – 9 Lemon Street

Alderman O'Brien

Thank you. As the Chairman of Infrastructure, I'd like to thank Alderman Klee for mentioning that. Throughout the City and it's going to really depend upon the good people if they see it, such as is the situation where there may have been a disabled child and that sign went up in the neighborhood and now the child has moved out of the City and has children of their own. The sign is still there. There is no real record right now. I mean perhaps maybe we should have, as was suggested, a sunset clause to visit it, but it would take somebody to do that and right now it doesn't exist. So I am going to rely and make the public service announcement to the good people out there, if you see an old sign that is no longer germane to the situation that it was well intended to be put up to please call the Public Works Department. I think that's a good start right there and we can start taking some of these down. Then it might increase the effectiveness for the ones we do need.

Alderman Lopez

I guess just a question to Alderman O'Brien, wouldn't this be something we could ask the Parking Study to do while they are studying parking? I assumed they were going to do an inventory of parking spaces?

Alderman O'Brien

I can't tell you, without seeing a complete parameters, but I think we could bring this up, but I think it can be done. I will see if we can definitely work towards that goal.

Alderman Lopez

If you would prefer I could represent Alderman O'Brien on March 17th.

Alderman O'Brien

I unfortunately had to cancel one cultural event to attend the meeting.

MOTION CARRIED

Ordinance O-20-007 is declared duly adopted.

NEW BUSINESS – RESOLUTIONS**R-20-018**

Endorser: Alderman June M. Caron
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Tom Lopez
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman Linda Harriott-Gathright
Alderman-at-Large Lori Wilshire

RELATIVE TO THE TRANSFER OF \$25,000 FROM DEPARTMENT 194 "CONTINGENCY", ACCOUNT 70100 "GENERAL CONTINGENCY" TO DEPARTMENT 109 "CIVIC & COMMUNITY ACTIVITIES", ACCOUNTING CLASSIFICATION 56 "OUTSIDE AGENCIES" FOR THE PURPOSE OF PROVIDING FUNDING TO THE NASHUA ASSOCIATION FOR THE ELDERLY

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

R-20-019

Endorser: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Tom Lopez
Alderman-at-Large David C. Tencza
Alderman-at-Large Brandon Michael Laws
Alderman Skip Cleaver
Alderman-at-Large Lori Wilshire

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

Given its first reading; assigned to the BUDGET REVIEW COMMITTEE by President Wilshire

R-20-020

Endorser: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Tom Lopez
Alderman Jan Schmidt
Alderman Skip Cleaver
Alderman Linda Harriott-Gathright

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$69,566 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION INTO TRANSIT GRANT ACTIVITY "FEDERAL TRANSIT AUTHORITY ("FTA") OPERATING GRANT"

Given its first reading; assigned to the HUMAN AFFAIRS COMMITTEE by President Wilshire

R-20-021

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

ESTABLISHING AN INFORMATION TECHNOLOGY STUDY COMMITTEE

Given its first reading; assigned to the PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE by President Wilshire

President Wilshire

I am going to suspend the rules to allow for a second reading of Resolution 20-022. As the Mayor indicated, this money is much needed for preventing, hopefully, some of the coronavirus spread that might go through the City.

President Wilshire suspended the rules for a second reading of R-20-002.**Second Reading of R-20-022**

Endorser: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman Skip Cleaver
Alderman Linda Harriott-Gathright

RELATIVE TO THE TRANSFER OF \$50,000 FROM DEPARTMENT 194 "CONTINGENCY", ACCOUNT 70100 "GENERAL CONTINGENCY" INTO FUND 6500 "PROPERTY AND CASUALTY FUND", ACCOUNT 68360 "LOSS PREVENTION"President Wilshire

Do I have a motion?

Alderman Lopez

I was going to ask should vote on that or is it implied because of "without objection" I think we should probably vote on it. Suspending the rules to allow for a second reading?

President Wilshire

So "without objection" no one objected.

Alderman Lopez

OK.

Alderman Jette

Point or order. Did you mean to have a second reading of O-22 or were you talking about suspending the rules to allow the introduction of O-23?

President Wilshire

No, I suspended the rules for a second reading of O-22 this evening. That's the money that the Mayor had asked for at the beginning of the meeting, the supplies for the Coronavirus and all the additional materials that the City is going to need.

Alderman Lopez

OK I thought 23 was for that.

President Wilshire

That's coming.

Alderman Lopez

Can I just object then so we vote?

President Wilshire

Can you object to what?

Alderman Lopez

To not voting on it. Frankly if we are going to talk about setting aside our responsibilities as Aldermen to oversee budgetary items, for an emergency, we should it make it very clear that we know what we are doing when we do it rather than there being confusion among Board members about whether we just suspended the rules or didn't.

Alderman O'Brien

Thank you Madam President. I would like to be recognized with a motion of final passage of R-20-022 and if I may speak to my motion?

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE OF R-20-022ON THE QUESTIONAlderman O'Brien

Thank you. And I appreciate my colleague, Alderman Lopez, but I think as we all watch the news, we are living in very unique times right here with this Coronavirus and I think what the Mayor is asking, not to put words into your mouth on this, but I think the citizens of Nashua want us to be prepared if something should happen. Looking at the dollar amount, it's \$50,000.00 but that's short money if it should ever really hit in force into the City of Nashua. So I think in order to prepare for this, I am willing to support the Mayor to delegate this and to have it at the ready in case we need to get in to defeat the Coronavirus. If we posture on this, by the time we meet as a Board and try to approve it, it may be too late. So I'd much rather think like a Boy Scout and be prepared and get ready for this and approve this right now and have it ready in case it – I hope it never happens. But if it manifests, I want to be prepared. Thank you.

Alderman Klee

Thank you. I just had a quick question. The money that we are going for this, the account the contingency account that has \$84,750.00, do we take this \$50 out and then we also support another that is going forward, the \$25,000.00 out of the same account would leave us \$9,750.00.

If we need more, I'm sure the Mayor could write us a check for it. I just want to make sure that this \$50,000.00; I guess I have a little anxiety that it's not going to be enough, especially hearing all the things that you were talking about.

Mayor Donchess

Well if we need more, we will have to come up with another place, for example, you know we haven't had a tough winter. So there are various places where we probably would have money, that we could potentially possibly use.

Alderman Klee

Thank you.

Alderman Lopez

So in response to the comment about posturing, I was trying to point out that we hadn't actually made it clear what we were doing and I was concerned that members of the public might see as not having done this clearly, given that other Aldermen had asked the question. So from my perspective I would say posturing is just driving right past that. So Madam President, Mr. Vice President, if you guys want to run the meeting that way that's fine. I just want to make it clear, I just want to make sure that we are following the procedures, because I would hate for us to do this and then somebody to challenge us on how we did it. That's going to be Attorney Bolton's issue to deal with. I consider it just a matter of protocol within the meeting. When it comes to the actual support for keeping the City functioning during a potential outbreak or impairment of services, I don't have any objections.

President Wilshire

What do you think I did I wrong over here?

Alderman Lopez

I think it would have been good if you had said "without objection we will suspend the rules" instead of just saying, "we are suspending the rules" and then when I pointed that we didn't do that, we could have just had a vote, you both just drove right past it. So it is clear now that what we are doing is what we are doing, but by not making the vote on the procedural part, anybody who objects to it on procedural grounds is now being positioned as though they object to being ready for the Coronavirus, instead of just saying "wait we should have made sure we all agreed to suspend the rules".

President Wilshire

OK.

Alderwoman Lu

I think I understand Alderman Lopez correctly, you are just asking for a vote on moving it to having the second reading, am I correct?

Alderman Lopez

That's what I was asking for before, but we've driven past that point.

Alderwoman Lu

How did we get past it so quickly.

Attorney Bolton

I mean I may have missed it, but apparently Alderman Lopez believes that the President didn't say words to the effect of "unless there's any objection the rules will be suspended". I thought that's what she said, at least I'm pretty sure that's what she meant to say. What would have been proper, whether she said that or not, if someone did not want the rules to be suspended, someone of the members of the Board to at that point, say, "point of order, I would like us to vote on the suspension of the rules". No one did that then. If you don't speak up timely, you have acquiesced and that acquiescence is the equivalent of a unanimous vote to go along with what the President is proposing. So that happened. Meanwhile, the second reading occurred and then a motion for final passage was made. That's where you are now to go back a couple steps now to when the rules were suspended, as I say rightly or wrongly at the time, you've got to raise it immediately, you can't raise it a couple steps down the road.

Alderman Lopez

Point of order at the risk of interrupting, I did say "objection" and that was my purpose. If I used the wrong phrase and it wasn't clear to the President what I was trying to do then I apologize but I was literally trying to say we should object to just having the rules suspended without actually having a vote on it.

Attorney Bolton

These things happen and I am sure the President will be more careful and more aware in the future.

President Wilshire

Absolutely.

Attorney Bolton

But if you are trying to follow the rules, what's before you right now is the motion for final passage of this Resolution.

Alderman Lopez

And if I might interrupt one more time I would just, I was trying not to interrupt so that's why I didn't push it any harder. I should have probably better terminology.

Alderwoman Lu

My recollection was simply that Alderman Lopez asked and noted at that point the motion was made or after that point the motion was made so it doesn't seem to me that the motion had been made yet when the objection had come up.

Attorney Bolton

My recollection is the second reading had occurred before either Alderman Lopez or Alderman Jette indicated any objection. Now that may be wrong, but I don't really think it matters at this point.

Alderman Dowd

Relative to what we are doing, relative to this Ordinance, it was explained in detail by the Mayor at the beginning of the meeting on this particular Ordinance. So when this came up, it should have been anticipated what we were going to do.

That we were going to suspend the rules, get a second reading and pass this so he could fulfill what he asked to do at the beginning of the meeting. So I don't think there was any ambiguity as to what we were trying to do with this Ordinance.

President Wilshire

The motion on the floor is for final passage of Resolution 20-020.

Alderwoman Lu

Thank you. When I have been listening to the Mayor, I don't take that as instructions of what we are going to do. So I was not prepared for the instructions that will be suspending the rules. I understood it was a request but I thought it was something that could or would be voted on. Thank you.

Alderwoman Kelly

I apologize, I actually just want some clarity from Attorney Bolton. So if this were to happen again and someone objects do we not need to wait to be called on do we just interrupt and say, "I object" in order to get the timing you are talking about.

Attorney Bolton

The strictly correct way is to say, "point of order". Any time that you hear "if there are no objections" it is proper to say "I object, I do object" or words to that effect. And you don't have to be recognized and the same thing if you want to raise a point of order, you can raise that without being recognized. In this case the President or in Committee it would be the Chairman, Chairperson, Chair, interrupt the speaker and ask the person who called out "point of order", "what is the point of order" and a point of order should be something that has been done or is being done in violation of the rules. It should not be used just "I disagree". It should be calling the attention of the Chair to a transgression of the rules.

Alderwoman Kelly

Thank you very much.

President Wilshire

The motion before us is for final passage of Resolution 20-022. Further discussion on that?

MOTION CARRIED

Resolution 20-002 is declared duly adopted.

R-20-023

Endorser: Mayor Jim Donchess

**RELATIVE TO THE ADOPTION OF THE FISCAL YEAR 2021 PROPOSED BUDGET FOR
THE CITY OF NASHUA GENERAL, ENTERPRISE, AND SPECIAL REVENUE FUNDS**

Given its first reading;

There being no objection, President Wilshire accepted the first reading of R-20-023, referred it to the Budget Review Committee and scheduled a Special Board of Aldermen public hearing for Wednesday, May 20, 2020, at 7:00 p.m. at NHS-North Auditorium

Alderman Lopez

Point of order? What is O-20-023.

Alderman Dowd

The budget.

Alderman Lopez

OK because I have 20-020 that's why I was confused.

NEW BUSINESS – ORDINANCES – None

President Wilshire

Without objection, would suspend the rules to accept a communication placed on our desk this evening from Larry Budreau, H.R. Director, regarding UAW Professional Work Schedule & Pay Practices.

From: Larry Budreau, Human Resources Director
Re: UAW Professional Work Schedule & Pay Practices

There being no objection, President Wilshire suspended the rules and accepted a communication from Larry Budreau regarding UAW Professional Work Schedule & Pay Practices

PERIOD FOR GENERAL PUBLIC COMMENT

Stacie Laughton Honorable Board I am Selectman Stacie Marie Laughton, Ward 4, 80 Elm Street, Unit 1. I come before you tonight, that was a very interesting meeting. Not bad for this type of statement I have to make. My statement is kind of mixed. A little over a week ago, my wife, who is a former Selectman in the City, she passed away. And she was kind of looking forward to seeing some of the stuff I might do going forward and I have been in contact with the Chief of Police, Fire Department, some member of the Board, the Mayor. She loved this City, she loved this Board and she loved the fact that the one time she was, excuse me, I have a little cough, she loved the fact that one time when she was a Selectman we called her the "Ballot Box Girl". Interestingly enough in the last primary when I started my work again as a Selectmen, I was placed at the ballot box because I have an achilles / tendon issue. And you know, it's really sad that I come and I have to tell you that.

Also I just want to thank the City and Bob Mack and other people at my church. I have a copy of cremation ledger. There were not people of very much money, the City of Nashua was there for us in this time. And I just want to thank the Welfare Department and the City for making such services available to people like myself. With that, I always try to remain as non-partisan but I do want to say that she would be happy that I am serving as a Selectman with the City. She'd also be happy that I am also going to run again for State Representative. And I am going to run for her and I am going to keep my head clear. I have been very fortunate to be offered a second chance to be a Selectman. You know, people recall my past, and I will just say in the past I did call in a bomb threat unfortunately to the local hospital. In my past I committed felonies and I am sorry. I have never got a chance to say I'm sorry for 2012 and I've never got a chance to say I am sorry for the bomb threat. I am sorry. But I thank you for the opportunity to be able to serve within this government again. And hopefully we can take it to the next level. And I have to shout out to all the City services who helped my wife and I during this time, the Fire Department, all the personnel from Engine 4 and the Ladder Company and the various Police Officers who have helped with different things.

Also, a big shout out to Hearts Peer Support Center in Nashua. I am member there, I am on the Board of Directors and hopefully I will be running for that Board's president soon. I've also been a guest in their respite center. Because of my past, I didn't want to fall apart again. I didn't want to see the news come out where I was going to break the law again or be stupid. But I am here today strong and I am here ready to continue to serve this City because that's what my wife Lisa Laughton would want me to do. I know this is an odd statement for this Board but I am not just any individual. So I appreciate this opportunity and I appreciate this government, the City, all of its services, Bob Mack, Hearts Peer Support Center and coming up in May we are going to have an awesome celebration of life service for her. Selectman Lisa Laughton would only want the best for her service to remember who she was. Though her and I made mistakes, we are good people and I appreciate the second chance that I've been given to serve the City and hopefully a second chance at the State position that I lost, that I made history on in 2012. But my hope is that I can try to you know get to serve in that capacity.

I'll shut my mouth and I will let you finish your meeting and you have a great night and thank you for, again, a second chance to serve within this City. Thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

President Wilshire

Do you mind if I let the Mayor say a few things first?

Mayor Donchess

Very quickly.

Alderman Jette

Only one bite at the apple.

Mayor Donchess

We changed the presentation of the Budget this year making it book-like rather than this and including a lot more information with even some pictures and stuff and it is easier for everybody to get it to it and understand it and understand what the money is spent on. It's a lot easier to understand now, even Alderman Lopez will be able to follow it.

Alderman Lopez

No he can't.

President Wilshire

Are you all set Mayor?

Mayor Donchess

Yes.

President Wilshire

OK, Alderman Tencza, I am going to start down your end.

Alderman Tencza

I'm all set thank you.

Alderman Lopez

I want to express my condolences to Selectman Laughton. Lisa was a very strong presence in the community, she was well-liked. There were many, many community events where she was parked there with her wheelchair, she had the little dog, she's going to be greatly missed.

I also want to say I appreciate the courage that it took to come forward. I know for some of us politicians you might be like "what" all of these things just got thrown at us at once. But it takes a lot to open yourself up in that particular way. It takes a huge amount of courage to admit publicly that you did some things you aren't proud of and I respect that. I respect that you did apologize and I admire the strength that you are demonstrating here and your commitment to moving forward. I also appreciate your advocacy for people who are struggling with mental health issues because sometimes it is difficult, especially when we are dealing with a sudden loss or we don't know exactly what is going on around us, to act the way that the public expects us to. I think you are a very good champion for that; you are wearing my heart on your sleeve. I don't think this Board appreciates that.

Alderman Clemons

My colleague Alderman Lopez said it probably better than I could. But let me give you my deepest condolences and I accept your apology.

Alderwoman Kelly

I also wanted to thank you for your comments, it definitely is a lot of courage to get up share what is going on and that you are hopeful for the future. I am sorry for the loss of your wife. But I also appreciated your comments in the beginning around the title change it's a small victory (inaudible).

Alderman Klee

I am sorry for your loss. I know it's not easy to lose someone. I also just want to make a comment about the budget and everything that the Mayor shared with us. I know that the Administrative Director has been working very hard on the health care issues, and trying to do everything she can to get that cost down. I look forward to the Budget Hearings and I look forward and to see what changes we need to make and I know everybody is trying to cut their budget as much as possible and it'll be our job to kind of look at it. Thank you so much.

Alderman O'Brien

I would just like to again express my condolences. I knew Lisa as you know over the years from the O'Brien Family, our deepest condolences.

Alderman Harriott-Gathright

Same here Stacie, you've got my deepest condolences. I knew Lisa as well and I remember sitting in the car together and making it up to Portsmouth and other places that we've been. I wasn't aware that she had passed so I just heard this tonight, so I am truly sorry.

Alderman Schmidt

A loss is hard, thank you for sharing it with us.

Alderman Jette

I know that some people will be celebrating the Feast Day of a Minor Saint. But also next week we will be celebrating the Feast Day of a giant of the Church, a patron of the Church, of course I am speaking of St. Joseph. So to all of the people who will be celebrating the Feast Day of the Minor Saint and for the Great Patron Saint, St. Joseph my best wishes.

Alderwoman Lu

Stacie I am very sorry for your loss. I didn't know your wife but I am sorry.

I just want to share with you just that the Arts Commission met today and they are, a couple thing things, they are sponsoring a workshop at Nashua Public Library April 1st and it is being run by Ginnie Lupi who is the Director of the New Hampshire State Council on the Arts. It is how to advocate for arts in your community. They are re-doing their arts (inaudible) plan. And Community Music School is also holding a great concert with their staff and students. And also Oasis meets at Alpine Grove on April 18th.

President Wilshire

Without objection, I would like to apologize to Alderman Lopez. Thank you Alderman Lopez, I'll try harder next time. Stacie, I too extend my condolences to you. I know that it was a terrible loss for you but you know we are proud of you getting up here and speaking about your future and I wish you well.

Committee announcements:

Alderman Dowd

Ok we have received the bible or the holy grail on the budget. You all should have received with a cover memo the schedule for the Budget Review so the different departments. We will also be having other Budget Meetings to discuss things referred to Budget, because these tend to be complete evenings. Also, we are changing a few things this year. One thing is John Griffin, he and I put together some notes on, especially for the new people on how to interpret the different colored pages in the book. The other thing that is going to be done is Mr. Griffin and Mr. Fredette are going to discuss all the revenues at one time.

As you recall in the past, when we came to a Department we would talk to the appropriations and the revenue separately on each Department. We are not doing that this year; we are only going to be talking about the appropriations. There will be more coming out at the first Budget Meeting. Also, there should be a date, because these change, you know? The City keeps moving and things happen and things change. So always be sure that you have the latest version and it is fine to study the book. The other more important thing is if you have a question that you want to ask one of the Department Heads from many of the Departments in the City, please ask that question through Donna. When the answer comes back to Donna, she will share it not only with Budget Committee but everybody on the Board. I would prefer and sort of insist that you don't go directly to those Departments individually because everyone should have the same information as we go through the Budget, alright? And if you have any questions, just let me know.

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN THAT THE MARCH 10, 2020, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED

The meeting was declared adjourned at 9:28 p.m.

Attest: Susan K. Lovering, City Clerk



City of Nashua

Human Resources Department
229 Main Street - Nashua, NH 03060

MEMORANDUM

To: Board of Aldermen

From: Larry Budreau, Human Resources Director

Cc: Mayor Donchess
Kim Kleiner, Administrative Services Director

Subject: UAW Professional Work Schedule & Pay Practices

Date: March 9, 2020

Nashua resident Laurie Ortolano addressed the Personnel / Administrative Affairs Committee on Monday March 2. She expressed interest in a segment of the Police Department's Intradepartmental Communication regarding the Nashua Assessing Department Investigation.

"As a salaried employee Turgiss is entitled to his salary regardless of the actual hours he works as long as he works at some point during a pay period."

Ms. Ortolano read a section of the UAW Professional Unit collective bargaining agreement. Focusing on *"the normal work schedule shall consist of five (5) consecutive eight (8) hour work days,"* she questioned apparently conflicting information. Why does the union contract describe a 40-hour workweek and the Police memo state that *"as a salaried employee Turgiss is entitled to his salary regardless of the actual hours he works as long as he works at some point during a pay period?"*

Discussion

At the March 2 Committee meeting Alderman Tencza correctly cited the New Hampshire statute that is the basis for the remark in the PD memo. Please note the first sentence of the statute.

275:43-b Payment of Salaried Employees. –

1. A salaried employee shall receive full salary for any pay period in which such employee performs any work without regard to the number of days or hours worked

Source. 1994, 290:4. 2004, 145:1, eff. Jan. 1, 2005.

Mr. Turgiss confirmed Ms. Ortolano's allegation that he frequently took a lunch break for more than an hour in April 2019. Correspondingly, he generally arrived at work 45 minutes to an hour early

and sometimes worked beyond 5:00 PM. Neither the City's administrative investigation nor the Police Department's investigation concluded that Mr. Turgiss's schedule constituted theft of wages.

Ms. Ortolano's implied allegation or speculation that Nashua's salaried employees don't work a full work week is not valid in general nor for Mr. Turgiss. The normal schedule for most of the City's administrative functions is comprised of five 8-hour days that coincide with the hours that City Hall is open for business. (8 to 5, Monday through Friday.) That is generally, at minimum, when Nashua's salaried employees work. The City would not allow employees to routinely work less. In fact, had either investigation concluded that Mr. Turgiss' work performance or attendance was inadequate, he may have been subject to disciplinary action.

To the Nashua Board of Aldermen,

My name is John Plourde. I'm a lifelong Nashua resident and a homeowner in the city. I'm also the bar manager at the Peddler's Daughter on Main St. I've been employed there for almost 10 years and I've been bartending for over 20 years.

After speaking with the owners at Peddler's, as well as employees of many other downtown establishments, we'd like the members of the board to know that we're AGAINST the pending legislation attempting to extend last call and it's our hope that the board will, once again, decide that this is not the right choice for Nashua at the current time.

This bill is being pitched as something that will help Nashua businesses compete with Massachusetts. That's both misleading and misguided. People aren't choosing to go out in Boston because of a 2AM last call, they're going there because there's a ton of stuff to do. For proof of this, one needs only to take a trip across the border to Tyngsborough where they have a 2AM last call but not much else to offer and are not stealing business from Nashua bars. What I HAVE seen though, is people jumping in Ubers at 1AM to go to Tyngsborough for the extra hour (which is what we REALLY want to avoid, more on that later). I attended the committee

meeting on this last week and couldn't believe how quickly this was dismissed as something that wouldn't happen. I see it all the time and when I was younger I did it myself. It's going to happen here if this passes.

With that said, the real threat to Nashua bars and restaurants is Manchester. They've got a bustling downtown area filled with entertainment options, not to mention hotels (with 4 more being built). It should also be noted that Manchester is fine with a 1AM last call. Why is that? Perhaps because they realize that the destination is more important than the closing time. People aren't going to stop going out in Manchester because Nashua extends last call, those that want to keep the party going will just get here later. The best way to help Nashua businesses compete is to focus on getting people here from 5pm-12am, by offering them things to do. Simply giving people longer to party isn't going to open the floodgates for us.

That brings me to the largest concern we have, the unnecessary burden of liability placed squarely on the shoulders of the servers and bartenders in the city. If an intoxicated person enters our establishment, whether we serve that person or not, their safety immediately becomes our responsibility. That responsibility is much easier to manage if that person has been at your business and you know what they've consumed.

I was happy to hear the Chief mention additional training but the truth is that most establishments already require staff to take courses offered by the liquor commission as well as other alcohol awareness classes. Those classes help, but if a person is walking in late-night after being elsewhere it puts the server in the position of making a judgement call that can be incredibly difficult. Adding an extra hour of party time only makes that decision more perilous and makes the margin for error that much smaller.

It was also brought up in a Union Leader article as well as the committee meeting last week that the city's casinos would benefit from this, with it even being said at the meeting that they'd be able to make more money from their charity gambling. This narrative is, again, incredibly misleading. This wouldn't change the times their gaming tables can operate, that's set by the state of New Hampshire. Easier way to actually help the casinos would be revisiting the sports gambling proposal, but that's obviously for a different conversation.

The last thing I'd like to touch on is the parking issue. I understand there is a separate bill proposed to change the start time of the overnight parking ban and we appreciate the city trying to look out for the employees downtown who rely on municipal spaces for parking. I'm sure all of you understand the premise of that bill so I won't rehash it here. What I will offer though is that the overnight parking ban, as a policy, is completely antithetical to this extended last call proposal. We're asking people to come downtown, we're offering to give them until 2AM to consume alcohol, but we're going to punish them by giving them a ticket for making the right decision? If there's not a weather emergency there shouldn't be a parking ban downtown. While I don't expect anything to be done about the parking ban I'd be remiss if I didn't at least mention it.

Thank you for taking the time to read this note of concern and for considering our opinions on these matters. Much like all of you, we want the best for downtown Nashua and it's businesses. We're all in this together and we appreciate the efforts you put forward on our behalf.

John Plourde
Bar Manager

The Peddler's Daughter - Nashua
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