

A regular meeting of the Board of Aldermen was held Tuesday, February 19, 2019, at 7:50 p.m. in the Aldermanic Chamber

President Lori Wilshire presided; City Clerk Patricia D. Piecuch recorded.

Prayer was offered by City Clerk Patricia D. Piecuch; Alderman-at-Large Michael B. O'Brien, Sr. led in the Pledge to the Flag.

The roll call was taken with 12 members of the Board of Aldermen present; Alderman Ken Gidge and Richard A. Dowd\_were recorded absent.

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

REMARKS BY THE MAYOR - None

RESPONSE TO REMARKS OF THE MAYOR - None

RECOGNITION PERIOD - None

READING MINUTES OF PREVIOUS MEETINGS AND PUBLIC HEARING

**There being no objection, President Wilshire declared the minutes of the Board of Aldermen meetings of January 22, 2019, and the public hearing conducted by the Human Affairs Committee on February 11, 2019, accepted, placed on file, and the readings suspended.**

COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Larry D. Goodhue, Chief Executive Officer

Re: Request for Approval of Loan from the New Hampshire Drinking Water and Groundwater Trust Fund to Pennichuck Water Works, Inc.

**There being no objection, President Wilshire accepted the communication, placed it on file, and referred it to the Pennichuck Water Special Committee**

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

Andrew Olding, 8 Royal Crest Drive I signed up to speak on this O-19-037, the Raising of the age for possession of tobacco products and e-cigarettes from 18 to 21. I think we all know Keene recently just did this and it is not been very popular with the people that I've talked to in Keene. We just listened in the upstairs during the State of the City address about the desire to have more young people move to Nashua. Well if you treat young people between the ages of 18 and 21 like they are children, they are not going to want to move to Nashua. Then the other part of this is the possession thing where it is illegal to possess. So, if you buy cigarettes in Manchester and drive to Lowell and you get pulled over in Nashua for something completely unrelated, that is illegal. And I think that might be an oversight. But yeah. Thank you.

COMMUNICATIONS REQUIRING FINAL APPROVAL

From: Mayor Jim Donchess

Re: Purchase of Formax FD 2002 AutoSeal Pressure Sealer

**MOTION BY ALDERMAN O'BRIEN TO ACCEPT, PLACE ON FILE, AND AUTHORIZE THE EXPENDITURE OF CERF FUNDS FOR THE PURCHASE OF THE FORMAX FD 2002 AUTOSEAL PRESSURE SEALER  
MOTION CARRIED**

PETITIONS

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

***There being no objection, President Wilshire accepted the petition, referred it to the Committee on Infrastructure and scheduled a public hearing for Wednesday, March 27, 2019, at 7:00 p.m. in the Aldermanic Chamber.***

NOMINATIONS, APPOINTMENTS AND ELECTIONS

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

Conservation Commission

Sherry Dutzy (Reappointment) 18 Swart Terrace Nashua, NH 03064	Term to Expire: December 31, 2021
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Cultural Connections Committee

Sandra Pratt (New Appointment) 24 Gingras Drive Nashua, NH 03060	Term to Expire: March 1, 2022
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Downtown Improvement Committee

David Grebowski (Moving to Full Member) 172 Main Street Nashua, NH 03060	Term to Expire: December 31, 2019
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Mary Lou Blaisdell (Reappointment) 32 Webster Street Nashua, NH 03064	Term to Expire: December 31, 2020
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Richard Lannan (Reappointment) 7D Taggart Drive Nashua, NH 03060	Term to Expire: December 31, 2020
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Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment) 7 Burritt Street Nashua, NH 03060	Term to Expire: March 1, 2022
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Nicholas Serpa (Reappointment) 9 Joston Place Merrimack, NH 03054	Term to Expire: December 31, 2019
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***There being no objection, President Wilshire accepted the Appointments by the Mayor as read and referred them to the Personnel/Administrative Affairs Committee***

REPORTS OF COMMITTEE

Finance Committee..... 02/06/2019

There being no objection, President Wilshire declared the report of the February 6, 2019, Finance Committee accepted and placed on file.

Human Affairs Committee..... 02/11/2019

There being no objection, President Wilshire declared the report of the February 11, 2019, Human Affairs Committee accepted and placed on file.

Committee on Infrastructure ..... 01/23/2019

There being no objection, President Wilshire declared the report of the January 23, 2019, Committee on Infrastructure accepted and placed on file.

Personnel/Administrative Affairs Committee..... 02/04/2019

There being no objection, President Wilshire declared the report of the February 4, 2019, Personnel/Administrative Affairs Committee accepted and placed on file.

CONFIRMATION OF MAYOR'S APPOINTMENTS

Cultural Connections Committee

***There being no objection, President Wilshire confirmed the appointment of Jean Adie, 2 Elaine Drive, Nashua, to the Cultural Connections Committee for a term to expire December 31, 2021***

Oath of Office administered by Corporation Counsel.

Mine Falls Park Advisory Committee

***There being no objection, President Wilshire confirmed the appointment of Richard Gillespie, 15 Spencer Drive, Nashua, to the Mine Falls Park Advisory Committee for a term to expire December 31, 2021***

Oath of Office administered by Corporation Counsel to Sara Ceasar and Jennifer Latouche.  
Nashua Arts Commission

***There being no objection, President Wilshire confirmed the appointment of the following individuals to the Nashua Arts Commission: Attorney William H. Barry, III, 161 Kinsley Street, Nashua, and Sara Ceasar, 3 Pine Street, Nashua, for terms to expire April 1, 2019; Paul Laflamme, 28 Lutheran Drive, Nashua, for a term to expire April 1, 2020; and Jennifer Latouche, 7-2 Hickory Lane, Hollis, for a term to expire February 1, 2021***

Oath of Office administered by Corporation Counsel.

CONFIRMATION OF PRESIDENT OF THE BOARD OF ALDERMEN'S APPOINTMENTSHunt Legacy Trustees

***There being no objection, President Wilshire confirmed the appointment of the following individuals to the Hunt Legacy Trustees: Arthur Olsson, 169 Coburn Woods, Nashua, for a term to expire December 31, 2019, and Mary Greene, 38 Concord Street, Nashua, for a term to expire December 31, 2020***

Ira F. Harris Lecture Trustees

***There being no objection, President Wilshire confirmed the appointment of Jane Hanle-Olsson, 169 Coburn Woods, Nashua, to the Ira F. Harris Lecture Trustees for a term to expire December 31, 2020***

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

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

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

- Amended and Tabled pending Public Hrg scheduled for 3/12/2019 at 7 PM in the Chambers

**R-18-098**

Endorsers: Mayor Jim Donchess  
Alderwoman Mary Ann Melizzi-Golja  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee

**AUTHORIZING THE SALE OF TAX DEEDED PROPERTY LOCATED AT 38 ½ WEST HOLLIS STREET TO MANCHESTER HOUSING SERVICES, INC. D/B/A NEIGHBORWORKS SOUTHERN NEW HAMPSHIRE**

Given its second reading;

**MOTION BY ALDERWOMAN MELIZZI-GOLJA FOR FINAL PASSAGE OF R-18-098  
MOTION CARRIED**

Resolution R-18-098 declared duly adopted.

**R-19-105**

Endorsers: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman Mary Ann Melizzi-Golja  
Alderman June M. Caron  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman Ken Gidge  
Alderman-at-Large Michael B. O'Brien

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$25,000 FROM JSI RESEARCH AND TRAINING INSTITUTE INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "FY19 ENVIRONMENTAL HEALTH TRACKING"**

Given its second reading;

**MOTION BY ALDERMAN SCHMIDT FOR FINAL PASSAGE OF R-19-105  
MOTION CARRIED**

Resolution R-19-105 declared duly adopted.

UNFINISHED BUSINESS – ORDINANCES

**O-18-025**

Endorsers: Alderman Tom Lopez  
Alderman Ken Gidge  
Alderman Linda Harriott-Gathright  
Alderman Mary Ann Melizzi-Golja

**AMENDING VENDOR LICENSE ORDINANCES**

Given its second reading;

**MOTION BY ALDERMAN LOPEZ FOR INDEFINITE POSTPONEMENT OF O-18-025  
MOTION CARRIED**

Ordinance O-18-025 declared indefinitely postponed.

**O-18-032**

Endorsers: Alderman Jan Schmidt  
Alderman Richard A. Dowd  
Alderman Mary Ann Melizzi-Golja  
Alderman Tom Lopez  
Alderman-at-Large Lori Wilshire

**AUTHORIZING STOP SIGNS AND RIGHT AND LEFT TURN ONLY LANES AT THE INTERSECTION OF PINE HILL ROAD AND CHARRON AVENUE**

Given its second reading;

**MOTION BY ALDERMAN SCHMIDT FOR FINAL PASSAGE OF O-18-032**

ON THE QUESTION

Alderman Schmidt

Thank you everyone has in front of them a map of the intersection that we are talking about. There has been a lot of discussion in Ward 1 about this. Because Pine Hill Road has changed a lot in the last five years or so a lot more traffic is on it and because of the changes made to Sharon Avenue, Amherst Street

and Broad Street Parkway, the people aren't local as often on this street as had been in the past. Sharon had added a right turn only coming onto Pine Hill, that has helped a great deal, thank you very much DPW for that. But the left hand turn that has been created is very difficult for people. There is a house on the corner of Sharon and Pine Hill that blocks view. DPW actually had a study, they had someone sit there and watch traffic for awhile and they found out that really what has to happen is that the traffic going west on Pine Hill really does need to stop so there is better controlled traffic there. So, to meet the request at folks that live on and near that street, I ask that we put a 3-way stop there. Thank you.

### **MOTION CARRIED**

Ordinance O-18-032 declared duly adopted.

### **O-18-034**

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

### **DESIGNATING PARKING ON CHESTNUT STREET FOR FIRE DEPARTMENT EMPLOYEES**

Given its second reading;

### **MOTION BY ALDERWOMAN MELIZZI-GOLJA FOR FINAL PASSAGE OF O-18-034**

### ON THE QUESTION

Alderwoman Melizzi-Golja

Thank you, just to remind people that in our budget for this year, the last quarter we will be adding additional staff at that location so this is to meet the parking needs for those additional staff members. Thank you.

### **MOTION CARRIED**

Ordinance O-18-034 declared duly adopted.

### NEW BUSINESS – RESOLUTIONS

### **R-19-107**

Endorser: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman Tencza  
Alderwoman Mary Ann Melizzi-Golja  
Alderman June M. Caron  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.

### **RELATIVE TO THE SUPPLEMENTAL APPROPRIATION OF \$50,250 OF UNANTICIPATED REVENUE FROM FUND #1000 "GENERAL FUND", ACCOUNT #43295 "REVENUE FROM FEDERAL GRANT" INTO FUND #7074 "SCHOOL SPECIAL EDUCATION EXPENDABLE TRUST FUND"**

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

**R-19-108**

Endorser: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman Tencza  
Alderwoman Mary Ann Melizzi-Golja  
Alderwoman-at-Large Shoshanna Kelly  
Alderman June M. Caron  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$15,573 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES, EXOTIC SPECIES PROGRAM AND AUTHORIZING THE TRANSFER OF MATCHING FUNDS**

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

**R-19-109**

Endorser: Alderman-at-Large Lori Wilshire  
Alderman Jan Schmidt  
Alderman Tencza  
Alderwoman Mary Ann Melizzi-Golja  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.

**AUTHORIZING PENNICHUCK CORPORATION AND PENNICHUCK WATER WORKS, INC. TO BORROW FUNDS FROM THE STATE OF NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER TRUST FUND**

Given its first reading; assigned to the PENNICHUCK WATER SPECIAL COMMITTEE by President Wilshire

**R-19-110**

Endorser: Mayor Jim Donchess  
Alderman-at-Large David C. Tencza  
Alderwoman Mary Ann Melizzi-Golja  
Alderwoman-at-Large Shoshanna Kelly  
Alderman June M. Caron  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Lori Wilshire

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LEASE AGREEMENT WITH MAKEIT LABS, CORP. FOR 25 CROWN STREET**

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

**R-19-111**

Endorser: Mayor Jim Donchess  
Alderman Jan Schmidt  
Alderman-at-Large David C. Tencza  
Alderwoman Mary Ann Melizzi-Golja  
Alderwoman-at-Large Shoshanna Kelly  
Alderman June M. Caron  
Alderman Tom Lopez  
Alderman-at-Large Brandon Michael Laws  
Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman-at-Large Lori Wilshire

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF AN ADDITIONAL \$138,937.92 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO TRANSIT GRANT ACTIVITY "FEDERAL TRANSIT AUTHORITY ("FTA") OPERATING GRANT"**

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

NEW BUSINESS – ORDINANCES

**O-19-036**

Endorser: Alderman Tom Lopez  
Alderwoman Mary Ann Melizzi-Golja  
Alderwoman-at-Large Shoshanna Kelly  
Alderman Patricia Klee

**DESIGNATING AN ADDITIONAL SECTION OF BOWERS STREET ONE-WAY EASTERLY**

Given its first reading; assigned to the COMMITTEE ON INFRASTRUCTURE by President Wilshire

**O-19-037**

Endorser: Alderman Ernest Jette  
Alderman Tom Lopez

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

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

**O-19-038**

Endorsers: Alderwoman Mary Ann Melizzi-Golja  
Alderman June M. Caron  
Alderman Tom Lopez

**AMENDING THE SIGN ORDINANCES RELATIVE TO ADDRESS NUMBERS OF GROUND SIGNS**

Given its first reading;

***There being no objection, President Wilshire accepted the first reading of O-18-038, assigned it to the Planning & Economic Development Committee and the Nashua City Planning Board, and scheduled a public hearing for Tuesday, March 19, 2019, at 7:00 p.m. in the Aldermanic Chamber***

PERIOD FOR GENERAL PUBLIC COMMENT

Jon Shaer, 242 BridleTrail Road, Needham, Massachusetts I am the Executive Director of the New England Convenient Store and Energy Marketers Association. Thank you for taking the time to hear me and I'll be brief because I know that the Tobacco 21 Bill was just referred to Committee.



But first let me thank President Wilshire for the Communication this morning so that a lot more people didn't show up when they really didn't need to.

I do want to take this opportunity because it is my experience that by the time this does come back to the Board, the general board a vote is often taken quickly and so there is very little time for consideration. So, I said – hey I'll take the drive up and I'll give you guys my pitch and you'll have opportunity to consider it as the committee is considering the same.

As you likely know Senate Bill 248 is currently at the State House right now being debated as to whether or not the State should raise the legal age to purchase tobacco products from 18 to 21. My Association chose to not take a position on that Bill largely because while we think that there should be a nation-wide age if the age is going to be increased we believe that if not nation-wide that is acceptable for a state to adopt one age but what we cannot be silent on is if when cities and towns decide to do it on their own as it creates what we refer to as a patchwork of regulations which from a retailers perspective is an absolute nightmare particularly for those members of mine that have stores throughout the State, especially in regions or rather cities and towns that border one another.

Likewise, for adults that live in a community they can go to one community or another where the ages are different. The problem with a City or Town doing it on their own is it really doesn't impact what it is that you are trying to impact; which is to reduce use among minors. It is not a big deal to go to a neighboring community. So in terms of meaningfully reducing the access it is really not doing that but you can count on it doing is exporting sales both for those products that you are raising the age on but also what we also what we refer to in retail as the market basket so not just a pack of cigarettes or an e-cigarette pen but instead all of those other products that would also be bought along with that during those visits.

So, while it isn't going to meaningfully do anything to reduce the access for those underage what it will do is it will harm those businesses that are complying within Nashua. And speaking of complying there is a 98% compliance rate in this City which is remarkable. This information is available on the FDA compliance inspection report, you can check it out for not just your city but any city for that matter and I would argue that 98% is exemplary. So instead really what we should be doing is congratulating retailers for a job well done.

If this is about deciding whether or not an 18-year-old or a 19-year-old or a 20-year-old is an adult, I'm not your guy. I can't speak to that, everyone I'm sure has an opinion on that but if this is about trying to keep these products out of the hands of 18, 19- and 20-year old's, because or because you believe that they are re-selling them say to 17, 16, 15-year old's, then I would argue that doing this is not the right approach.

So, I hate it when people say, no,no,no and don't come in with suggestions. So here are some suggestions for you as an alternative to consider that won't harm retailers. The first is many of my members are participate in the "We Card" program. These are training programs, not every retailer does participate in "We Card" in programs. I wish I had the ability to mandate that every retailer participate in these programs but they are not all members of my association which is my problem I will figure that out. But that certainly should be a requirement they are wonderful training programs. I did it myself, it takes a long time, it is worthwhile.

The second thing that some of my members do that I would argue is a best practice which is to limit the number of e-cigarettes, I know this is mostly about e-cigarettes so limit the number of e-cigarettes or limit the number of any tobacco product that any one person can buy at a visit so if it is 2 units or 3 units, whatever it is, that's not a redistribution that is probably somebody using it for their own personal consumption. When somebody goes in and buys 5, 6 or 7, that is a wholesale business, right.

So finally, the other thing I would suggest is having a lower tolerance policy, less tolerance for mistakes. If somebody is going to make a mistake and somebody is going to sell to a minor or if you catch somebody re-selling to a minor come down hard, it will have an impact.

These are all things that you can do that will have an impact and that won't hurt the retailers that are doing a wonderful job in your community and contributing in a number of ways. Happy to take any questions, but thank you to all of those of you that read my letter from February 11<sup>th</sup> and it is a lot of the same information but I did want to come here and speak to you personally.

President Wilshire

As you know we will be taking that up in the Committee on March 4<sup>th</sup>. Thank you.

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Alderwoman Melizzi-Golja

A reminder that Empty Bowls is tomorrow evening.

President Wilshire

Always a good event.

Alderman Lopez

I'd like to clarify that the bowls are not empty you can fill them with soup.

Committee announcements - None

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN THAT THE FEBRUARY 19, 2019, MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED  
MOTION CARRIED**

The meeting was declared adjourned at 8:15 p.m.

Attest: Patricia D. Piecuch City Clerk