

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

MARCH 4, 2019

A meeting of the Personnel/Administrative Affairs Committee was held on Monday, March 4, 2019, at 7:00 p.m. in the Aldermanic Chamber.

Chairman June M. Caron presided.

Members of the Committee present: Alderwoman-at-Large Shoshanna Kelly, Vice Chair  
Alderman-at-Large Lori Wilshire  
Alderman Tom Lopez

Members not in Attendance: Alderman Ken Gidge

Also in Attendance: Alderman Ernest A. Jette  
Alderman-at-Large Brandon Michael Laws  
Alderman Richard A. Dowd  
Alderman-at-Large Michael B. O'Brien, Sr.  
Kim Kleiner, Chief of Staff  
Jill Stansfield, Parking Manager  
Alderwoman Mary Ann Melizzi-Golja

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PUBLIC COMMENT

Chairman Caron

We are now into Public Comment and the Clerk will call your name up. Would you please come to the mic, give your name and address please, before you speak. Thank you.

Bobbie Bagley Good evening. Bobbi Bagley, Division of Public Health & Community Services, 18 Mulberry Street. I am here to speak on behalf of the increasing the age for tobacco to 21 to reduce smoking and saving lives as a public health initiative in support of Alderman Jette's legislation ordinance for this evening.

As a Public Health Official, a part of my responsibility working for the City is to promote and protect the health of our citizens in the Nashua area. One of the components of Public Health is also in policy development. The Ordinance that Alderman Jette wants to put forth is an Ordinance that we in Public Health believe is important in reducing access to tobacco, to youth under the age of 21. There is research that actually shows by increasing the age of access to 21 reduces the age of younger adolescents having exposure to or access to cigarettes. Some of the data also shows that the younger adolescents actually get their cigarettes from individuals between the ages of 18 to 21. So if we put some environmental barriers in place it actually reduces that opportunity for kids at the younger age of having access to cigarettes.

It also reduces cigarettes in the schools which is really important. One of the things that we found is that nicotine does change the brain structure and it operates the same way that any other substances operate on the brain in adolescence. So the earlier youth are exposed to cigarettes and nicotine, the greater impact it has on their developing brains and sets them up for addictive behaviors later on in life.

As you all know we have been dealing with an opioid crisis in Nashua for a number of years now. One of the things that we learned in dealing with the opioid affect is that it is harder for individuals to stop using opioids if they are using tobacco. As a result of early on exposure to tobacco for adolescents it sets them up on a trajectory for other high risk behaviors. Our Youth Behavioral Risk Survey Data also shows that in our high schools at the younger age, we might have up to 17% of youth that are smoking early on but by the time they get up to senior status in high school, that goes up to about 30%. And so again in support of Alderman Jette's Ordinance, this is an important Public Policy to protect our youth later on in life. Thank you.

Eric Kilbane How are you? Eric Kilbane, Castro's Back Room right here on 119 Main Street. I am born and raised in Nashua, New Hampshire. I think it is not what the Federal Government regulates, I don't know who is going to regulate this and I don't see the connection between opioid use and tobacco. There's no connection there.

I've been in business here since 1996. I also have locations in Manchester, Keene which just happened to pass this law and a lot of people are very upset about it. I don't know if you've read any of the editorials in the paper about it, people are steamed about their rights older, 21, 18, all writing stuff in the paper about it. It has been challenging and a little bit upsetting. I've had many people who have worked for me under the age of 19, I have two that are going to be doctors, I have one that owns two restaurants downtown, I have one that works for the State House in Washington, DC. If they weren't surrounded by these type of people in my stores, you can come and visit the stores anytime and check it out for yourself, which I encourage you to do, they would not be, they say, in the position that they are in today because of it. So I would like you to think really carefully about it and consider people's rights. Thank you.

Michael Watt 5 Briar Cliff Drive, Nashua, New Hampshire. As many of you know, I am very active in the community. Personally I like to focus on a lot of special projects and I just try to provide a positive return and investment to the City. A lot of times I like to ask myself questions like – How can I attract more people to events, how do I help small businesses and big businesses thrive? What will it take to get more people involved in our community? The ideal goal is for win/win enhancements. So I ask myself – Where is the win/win? The conclusion I come to is this is not a win/win for the City. I think that the enforcement is going to be difficult and it will also result in economic loss. It will drive business out of the City. And not only that, but if someone is between the ages of 18 and 20 and let's say they get pulled over in the City, now they bought in a different town, are they going to be fined \$50.00; are they going to get fined \$10.00? It is almost like checkers. I mean I think there needs to be a little more consistency and right now it is inconsistent. What I am trying to say for a win/win, I think Nashua has got a robust 27 members to the State House. I think having them work at it at the State level is a better result. It is just really hard at the City level is what I am trying to say. Thank you.

Dr. Albee Budnitz Hello I am Albee Budnitz, 27 Wheaton Drive here in Nashua, I've been here for over 40 years and practice on 280 Main Street, Internal and Pulmonary Medicine for that time period until I retired last summer. I have been volunteering in the town all of that time and when I first came to town in 1977 actually I brought bronchoscopy to the town and found a new case of lung cancer about every other week. I worked for Matthew Thornton at the time and therefore we took care of our own patients and almost all of those lung cancer patients died within 6 months. That's how I got involved with tobacco. Full disclosure, I've been in the tobacco wars with C Everett Coop and others for the last 40 years.

Raising the age to 21 as Bobbie Bagley has already mentioned and I've sent you a long letter already to support Mr. Jette's Ordinance. I think the biggest thing is that it prevents kids from starting. We know since the data done by the CDC and the National Cancer Institute in the 90's that nicotine and tobacco is a gateway, addicting drug. It is a gateway to opioid there is a lot of data on that I have it here if you want to review it, I'm happy to review it with you and to alcohol and to cocaine and methamphetamine. Now true it does not give you impairment the way some of these other drugs do but adolescent brains

are particularly susceptible to this and a very small amount of nicotine exposure will get their brains changed forever and then susceptible having to fight other addicting drugs like opioids and alcohol for the rest of their lives.

So I think the biggest thing is in prevention, I'm working in that in many different venues. I have all my 40 years here both at the local and state level and I think the 21 bill is just one part of a comprehensive community program. I sent you a long letter, I'm not going to go through it. If you have questions, I'll stick around to answer any of them; I can back up all the data. The biggest piece of data that I'd like to say is that for 18, 19 to 20 year olds, if the age goes up to 21 you will prevent between 20% and 30% of 15 to 70 year olds from starting nicotine.

The last thing I'll say is that nicotine, the only cost effective way to get it and the vice president of the NH Vape Association told me this actually, is to get it from a tobacco plant. So these are tobacco products and I think all tobacco products should be age 21. And I'll stop there, thank you very much.

David Garofalo My name is David Garofalo, 15 Spit Brook Road in Nashua, New Hampshire, I own Two Guys Smoke Shop that's there. Currently the age restriction is for 21 years old and there seems to be no problem with that. I'm hearing some of these people talking about we are trying to save 12, 13, 14 year olds and by raising the rate to 21 it is going to keep the 15 year old from smoking a cigarette, it is against the law for them to do that and I don't see how one would correlate with the other. Right now, no person under the age of 21 shall purchase, attempt to purchase, under 18 will attempt to purchase or possess any tobacco product, e-cigarette or nicotine. Any person under 18 years old shall not represent their age for the purpose of purchasing tobacco products. That's the way it is in the State of New Hampshire and most places, not just around the United States, but around the world. With the exception of some entrapment that happens with the City bringing somebody into our shop or the State bringing somebody into the shop, it really doesn't happen. Are they getting it from a 21 year old, is a 15 year old getting it from a 21 year old, that is beside the point, I don't know if that's true. I don't know how there could be data on that but that is what has been claimed here.

Right now there is a bill in New Hampshire for the State of New Hampshire, Senate Bill 248 actually to raise from 18 to 21. But the City of New Hampshire has decided that they actually want to try to do it on themselves and beat out the State version if that happens. Another thing that came up is this may be unconstitutional in New Hampshire as it speaks right now and some actions are being taken on this to see if this action, if it takes place, is unconstitutional. That bill is to stop that and that is Senate Bill 23 that is in action right now.

Currently in Nashua, New Hampshire you can be married at the age of 16. To join the military it is age 18 and to serve on the jury to determine the life and death of another individual is 18 right here in Nashua, New Hampshire. To buy a cigar in New Hampshire in most places in the world is 18 but there is a thought of changing that right here in Nashua, New Hampshire of all places. And why would that be? I don't sell cigarettes, I have never sold a cigarette before, I'm in the cigar business, and we are talking about nicotine content that I just heard how nicotine and all tobacco products, there's a mistake right there, because the products that I sell which are cigars, are between 1% and 3% nicotine. The other fact that was brought up was you can't get the nicotine from other products. Nicotine is derived from a lot of different things, a tomato for instance has 5% nicotine, where the products I sell is between 1% and 3% nicotine. An eggplant has 9% nicotine, much, much more than a tobacco product that is used in a cigar for instance. But this all tobacco products is how this bill is written.

There are two of the biggest cigar retailers in the world based here in Nashua, New Hampshire; and that's Castros who you met with earlier and myself as Two Guys Smoke Shop. So how can that be? Two of the largest cigar retailers in the world are actually based here in Nashua, New Hampshire. I've been in the business for 34 years and I put all my money and all my effort into the State of New Hampshire and typically in the majority, into here into Nashua, New Hampshire.

The fact is that Nashua is the border town where the majority of our customers come from other States into us here in New Hampshire for a lot of reasons including tax reasons.

You will be, by changing this law, you will be inviting our customers to go to the neighboring City, not even to leave the State or anything but to neighboring cities and actually wipe our business out. It is a lose/lose situation; no one is being saved on this. They can buy tobacco products in the next city. And there is a bill coming up and I actually hope it is defeated but there's a bill coming up for the State to actually do it State-wide. Nashua has a lot of problems and we heard the opioid problem, yes there are a lot of problems. The first time in my life I ever heard that if somebody smokes a cigarette and they get into opioids and stuff; could it be marihuana, could it be alcohol, could it be a lot of different things, but no it is tobacco products. It is low hanging fruit, it is the easy thing to go to and that is the misconception that's told over and over again until people start believing it.

Looking at the stats here for Nashua, New Hampshire so that I could understand what is happening in the State I looked at it and the only information I could find is 2017 because your 2018 hasn't been reported yet, but there are a lot of problems here. Violent crimes, there's 53 rapes, 30 robberies, 66 assaults, drugs are rampant, more than half of the cities in America are safer than Nashua, New Hampshire. Nashua does have a lot of problems but 18, 19, and 20 year old voters, military people and people serving on the jury, 18, 19 and 20 year olds who smoke a cigar or a tobacco products isn't one of the problems. We have a lot of problems but that isn't it.

Ben Molin South Hampton, New Hampshire. Dear Board of Aldermen, I am the Director of Operations for Rapid Refill. We have a store on 160 Main Street, Dunstable Road here in Nashua. We are opposed to moving the legal age to purchase to 21. It unfairly impacts the responsible licensed retailers here in town and it will do little to reduce youth access. We have expanded this approach in some of our Mass sites, as you may well know, Mass just went to 21 across the board here recently, but prior to that we had some towns switching ahead of time. What we saw was anywhere from 15% to 20% decrease in business which in essence we had to decrease our labor hours at those stores.

One thing I really want to point out is that we have some things in place, some training tools in place to help us better manage this. We have a great process that educates the employees to sell these age restricted products. Employees are trained when they are hired on what State ID's are hired. We also give them a test which they have to pass before they can start their first shift. It is the "We Card" training program, preventing tobacco sales to minors. The employees also sign off on an employment agreement stating that they could lose their job and/or be fined if they fail to follow company policy when it comes to tobacco sales.

For on-going training we partner with the buyer program, I'm not sure if anybody has heard of the buyer's program, very prevalent in the convenient store industry. They send someone in, and our policy is to card anybody that looks 30 and under. So they will send somebody in that looks like 29, 28 these employees of ours have to card those mystery shopper per se, if they don't card them, they get a red card. If they get 2 red cards within the course of one calendar year, we have to let that employee go because they are not following policy and procedure. If they get a green card, that means they've done their job and we enforce that positive behavior.

Finally as you all know, we also gets shops by the FDA, State and Local stings. If an employee fails one of those stings we have to terminate them immediately. So just some tools that we have in place to try to control the sale of tobacco to underage individuals. Thank you.

Dr. Stephanie Wolf Rosenblum Thank you very much. My name is Stephanie Wolf Rosenblum, I reside at 47 Berkeley Street in Nashua. I have come here today to ask your support for Alderman Jette's Ordinance to increase the age from 18 to 21. So many of you know I am a physician and I come here with a perspective of having been in the medical community for the last 30 years in particular as a Board Certified Lung and Intensive Care Specialist.

I am also a member of the Nashua Board of Health committed to safeguarding the citizens of our City. What is less well known is that I've also been a member of the Chamber of Commerce and have also been involved in other initiatives to promote the City of Nashua and its success including Vision 20/20 and the Chamber.

You've heard many statistics about tobacco; there is no one more knowledgeable on the subject than Dr. Budnitz and I know he's provided you with a lot of the science so I am going to confine my remarks and I will submit them in writing to some additional information and also some clarification of the information that you've heard tonight.

So there are two things; there's tobacco and then there is the active ingredient, the addictive ingredient nicotine. So tobacco has thousands of products many of which are also very dangerous including cancer causing and such, arsenic and so forth. But I'd like to clarify a couple of things. There is no question that nightshade vegetables contain nicotine, eggplant, cauliflower, tomatoes, potatoes, but there is a very big difference. The difference is that absorption through the nostrils the mucous membranes of the mouth is a very, very efficient way to get nicotine into the blood stream as opposed to something going through your digestive system where it is metabolized and not much gets in. So in order to duplicate the effect of one cigarette, you would need to eat 10 kilo, in other words about 22 pounds of eggplant to duplicate the effect of one cigarette. So that's one thing.

The second thing is that cigars are usually not used in the same way as cigarettes but they are made with premium tobacco. They have about 200 milligrams of nicotine per cigar versus 8 in a cigarette so these are some of the important factors I needed to bring to you today. There is no question that nicotine is an addictive substance; there's lots of science about it. In fact, I've heard people say, my patients say that when they came clean from opioids, that quitting tobacco was as difficult, if not more difficult than quitting heroin, morphine and such. And it is without question and all the science and I know that is has been provided to you and will be provided to you, that when your brain gets acclimated to being jazzed up by a substance, it gets into the habit and it is a gateway drug. We know we have a problem in Nashua and we know that we can save lives that every dollar spent on prevention saves on the order of \$18.00 in treatment and recovery.

But we've mostly talked about the addiction aspects of tobacco and as physician and as a member of the Board of Health it is very important for the record that we note that asthma, chronic obstructive lung disease, diabetes, poor wound healing, decreased immune function, premature aging of the skin, gum, tooth loss, blindness due to macular degeneration and cataracts, peptic ulcer disease, decreased fertility and other adverse effects on the reproductive system are all the result of tobacco.

Now it is also important to note that about half of all Americans who keep smoking will die as a result of that habit and that every year close to half a million people in the United States die from illnesses related to tobacco; it is about 1 in 5 deaths in the United States. It kills more people every year than alcohol, car accidents, HIV, guns and illegal drugs combined. It will shorten your life by 11 or 12 years; it not only causes cancer but it damages every organ in the body.

As a lung and intensive care specialist I have seen up close and personal all of these things and the effect it has had on their families, so I will tell you I am also a family member. This is my memory of my beloved grandfather. A truck driver, a strapping guy, a ball player, in his golden years was so thin because his body, he couldn't eat enough, he couldn't metabolize enough because of his severe COPD and his last wish to me was for me to escort him down to the rest of the family in Florida with an oxygen tank and I had my whole medical kit to make sure that he could breathe on the plane so he could go there. What I will tell you is the only thing he smoked all his life was cigars. So in closing, with all due respect to the highly valued businesses in our City, in acknowledging that this Ordinance will be very difficult to implement, there's a lot of questions that have been reasonably raised, but that's not a reason to discount the overwhelming evidence that nicotine is an addictive substance, it is a gateway drug and it is a health risk to all, including those that get is passively.

Thank you for your time and consideration.

Chairman Caron

Thank you all. We will now do interviews and I see Miss .... Yes Alderman Jette?

Alderman Jette

There is someone else who walked in.

Chairman Caron

Did you want to speak sir? Please state your name and address please.

Mike Apfelberg I'm sorry yes, I was under the impression, I thought this meeting started at 7:30 but I apologize. Mike Apfleberg I am the President of the United Way and I am a resident in Ward 3 in Nashua. I did want to speak to the Ordinance to restrict tobacco products to ages 21 and over. I did present a letter to Alderman Jette that I believe he has forwarded to the full Board. I will read that into the record and then just make one or two comments.

"Dear Nashua Board of Aldermen: I would like to write you today in support of the proposed ordinance related to possession and use of tobacco products. As you know, this ordinance would modify the existing statute to raise the age of possession and use of tobacco products, including e-cigarettes, liquid nicotine, and other tobacco products, to 21 years of age.

From a public health policy perspective, United Way of Greater Nashua supports this proposal as it is validated by the existing science of brain development and addiction. Nicotine is a highly addictive chemical with known and unknown detrimental physical effects. The brain science currently shows that the young brain, particularly under the age of 25, is still in development and is highly susceptible to addictive products. Currently, in the City of Nashua we are seeing a veritable epidemic of vaping among our youth, with 23.8% of our High School youth, our High School youth in Nashua, reporting having "vaped" within the past 30 days.

According to a 2018 study from the National Academy of Sciences, by raising the smoking age to 21, it is expected that smoking among high school students could be expected to drop up to 25%. That was a nationwide study.

For us, this is simply a matter of smart public policy. Many will argue likely about personal rights, and while we don't disagree with those arguments at all, we feel that the public health benefits of raising the age of possession and use of tobacco to 21 is the right thing to do for the health of our community. Please consider adopting this legislation."

I will say that I have received quite a bit of feedback from people about arguments relative to you know if we can send somebody to war then we can of course allow somebody to smoke a pack of cigarettes or that it is very difficult to enforce this ordinance. And on the face while that might be true, and those might be reasonable arguments, we feel that the science behind this Ordinance is actually more compelling than that. So thank you for your consideration. And I'll leave I guess on the desk.

INTERVIEWS

Cultural Connections Committee

Chairman Caron

Thank you. Ok so I think that's it. So we will start our interviews. Mrs. Kleiner are you here to speak on your nominees. So we will start with the Cultural Connection Committee, Margaret Loret, Suzanne Harvey and you said Sandra Pratt is not here so just take some seats. Thank you.

Kim Kleiner, Chief of Staff

Thank you very much. I'm not sure if Lisa Hardy has joined us this evening. First, our apologies, I think you all know Mayor Donchess is upstairs with our City Academy which is why he is not joining us this evening. So first up for the Cultural Connections Committee is Margaret and Suzanne. First I have to say that looking at Margaret's resume you have to be impressed. She has quite a bit of very talented experience; so everything from the Nashua Community College to the Harvard School of Public Health, she has really been quite active in a number of things throughout her career. But what brought her to the Mayor's Office was that she had contacted us originally about a Polish Independence Day and celebrating that. We got to know her, she actually joined the Cultural Connections Committee and has been attending just as a citizen giving her input. She has already given some valuable input to the Committee and we are so thankful that she's agreed to step forward and join the Committee officially.

Chairman Caron

Margaret would you like to add to that? Please speak into the mic.

Margaret Loret (New Appointment)

Term to Expire: February 1, 2021

Margaret Loret Thank you for your gracious introduction, forgive my voice I am still recovering from the flu. It is my pleasure and honor to be here. I started being interested in this Committee, I heard about its accomplishments and wonderful activities and I participated in a few of them in the past. But what attracted me is its mission. The Cultural Connections Committee promotes or tries to promote understanding and appreciation of different cultures living here in Nashua. I can speak on behalf of the Polish Community, I am a member of, there are about 700 of people who claim Polish ancestry in Nashua. That's the official number, I'm sure there are many more as far as I know, that's a wonderful opportunity for people to contribute to this colorful City.

Among the activities that I've been involved in, volunteer activities since I've retired, the Polish American Congress of New Hampshire which is newly added chapter the existing 41 chapters of this old organization, one of the oldest in the States. And I also enjoy very much my weekly meetings of the library where I started the Polish Discussion Group which is conducted in English, you are all invited. I have a group of about 12 people and every time a new person shows up I conduct the discussion in English because it is mostly second generation or third generation of Polish people living here in Nashua and the area. We hope to participate as Polish-American Congress in Polish discussion group in Nashua in the upcoming festival in September. I hope to increase visibility and appreciation of my friends here in Nashua community of Polish heritage and the richness of its culture and history.

So thank you again for having me here. I will be delighted to join this Committee officially and I hope to work to the best of my ability for the success of the Committee. On a different note, Mr. Jette, I am in your Ward, Ward 5 and thank you for bringing this Ordinance about tobacco. I spent half of my life in public health not as a professional public health official but in a different capacity, but it is a long awaited initiative and thank you so much on behalf of people living here.

Alderman Jette

You are very welcome.

Alderman Lopez

Just a comment. I'm really excited to see somebody representing the Polish Culture. I Chaired the Cultural Connections Committee for I think 3 years before I was Alderman, and it is important that the Cultural Connections Committee reflect all of our cultures, not just cultural minorities but all of the diversity in Nashua because it raises all cultures to the level of something that we can celebrate. Our diversity becomes a trait that we embrace rather than focusing on trying to meet some unknown barrier or identify some exotic culture of need that we may not be familiar with. Having them in the same room with other cultures, experiencing the similarities, exploring the differences, I think that's what the Cultural Connections Committee is really all about. And from your comments, it sounds like you have the same passion for that. So I applaud you for that, because I think the passion for sharing one's culture is central to what the Cultural Connections Committee should be doing.

Ms. Loret Thank you very much for your kind comments. Yes I am glad you mentioned similarities because we should be looking more rather for similarities among different cultures than differences because differences may not lead to a desired outcome.

Alderman Jette

I'm not on this Committee but I hope that you move her on to the full Board and she'll certainly get my vote on the full Board.

Chairman Caron

We want to thank you for offering to sit on this Board because it is quite a group. So thank you. And Mrs. Kleiner you have someone else for this Cultural Connection Committee?

Ms. Kleiner

So I am sure many of us know Suzanne Harvey, she has served as a State Rep for 5 terms from Ward 2 and she has Chaired the State Commission on Human Trafficking in the Legislature. What some may not know is when Mayor Donchess came in to office we started working a group that Ms. Harvey sat on which is the Nashua Community Conversation on Race Injustice. We went to that group and we asked them for their work and their help and support in starting the Mayor's My Brother's Keeper Program. Ms. Harvey was truly an asset in helping us put that together and the Arlington Community Center which came as a result of that initiative and she still sits on the Arlington Street Community Center Board. So I've got to know Ms. Harvey very well over the last 3 years and we are really delighted that she'll join the Cultural Connections Committee.

She actually sat on the Committee back when it was the Ethnic Awareness Committee so I'm sure she will bring a lot of history to it. So the Mayor thanks her very much for coming forward.

Suzanne Harvey (New Appointment)

Term to Expire: March 1, 2022

Suzanne Harvey Yes as Kim said I did serve on the Committee when it was called the Ethnic Awareness Committee back in the early and then when I was elected to the State House I couldn't attend meetings anymore during the day. But I serve on it and it was a specific choice of mine when I first came to Nashua and started learning about the City and what was happening. That attracted me more than anything else. I think one thing that is important to me about that Committee; when I sat on it one of the main visions of it was to be a connection to be a liaison basically the more minority groups and all the different cultural groups in the City and City Government.

I think there is more to it than just kumbaya and holding hands and playing nice. I think making sure that everybody has a voice and if they need something that's City Government oriented, they could come to the Committee if need be and we would be there to help them. And I think that's a really important thing, I hope that's still happening. I think it is wonderful to have festivals, I'll roll up sleeves and help to have a multi-cultural festival, but I think this other half of it is just as important to really be a liaison with the City Government. This is sort of making sure that everybody has a voice has been important to me in everything I've ever done in Nashua or before. I know back in the days when I lived in New Jersey there was a very biased incident that happened in a neighboring town which had been in its history a covenant town. It happened at the high school and I thought I didn't want something to happen in our town in New Jersey. I went to our Mayor whom I did not know and I said Look, we have to do something preventative. We have to be proactive about this; and this was back in 1994. I came up with the idea of doing a diversity weekend based on First Night.

So all weekend long there were different activities, there were fun things like performing arts things, there were panel discussions and people could choose whatever they wanted to do all weekend and do multiple things and we even invited a guest speaker, one of Dr. Martin Luther King's daughters came up and was our keynote speaker. So it was very important to me, it is one of the things that I am really proud of that I was able to do to just showcase our town and say – That kind of talk is not welcome here. It's the same thing after I chaired the Commission on human trafficking in the Legislative, I was the prime sponsor of the first human trafficking bill which became law and basically said – Traffickers you are not welcome here, you know, we will find you and we will put you in jail.

Anyway I would be very honored to be on the Committee again and I would welcome the work that it takes. Thank you.

#### Alderman Lopez

So first I just want to clarify it wasn't called Ethnic Awareness Committee like way back in the history, I was chairing it at the time we changed the name and I think some of you were Aldermen and voted for it so it was 5 years ago. Just to clarify, because people kept saying back in the olden days. But I think Ms. Harvey is right when she says that both sides of the purpose are valid because there is the celebrating of diversity and there is fostering a connection with Government and ensuring that people's needs are represented. So I appreciate you bringing attention to that; particularly human trafficking is in the public eye right now thanks to an unfortunate sports franchise owner. And that is an issue that is not just for celebrities or international, it is an issue we have tackled here in Nashua.

One of the best ways to prevent human trafficking is to ensure that everybody has a voice; people know what their rights are and they feel like this Government, this City, these people all around will help them if they turn for help because human trafficking is very predatory. It is very much about restricting rights, documents, access to needs and isolating people. What the Cultural Connections Committee can do is include people and make sure we are building on the strengths of the celebration but also using that as a context to reach out. So I am very grateful that you are going to be at Cultural Celebrations, I would like to invite both of you to come to the Tree Streets Block Party on June 15<sup>th</sup>. We do try to have a cultural component to it with our "Best our Rice on the Block" competition. Everybody makes rice of some kind or the other, so why not showcase your rice and see who likes it. So you are definitely welcome to attend and help if you want.

Ms. Harvey May I add something? I've been on a group in Concord called, I don't the official name of it, it is a task force on human trafficking and I've been with this group since it began. So we meet every month and it is a very important issue to me. It was important enough, I've been involved and I'm sure you are aware of this little group, through Harbor Homes the Educational Forum Group and I am part of that Forum Group putting on the forums. We did one on youth homelessness and I insisted that we have a speaker on human trafficking because homeless youth are particularly vulnerable to trafficking.

So it is all these links that are really important to me and I like to make sure they get the attention that they need.

Alderman Lopez

I appreciate you being willing to serve.

Alderman Dowd

I'm not on the Committee but I think you have two outstanding candidates and I will support them at the full Board level. Thank you for volunteering.

Chairman Caron

And your appointments will be voted on towards the end of the meeting and you can be sworn in next week. Thank you. Miss Kleiner, you have the floor.

Ms. Kleiner

Thank you very much Madam Chair. So I have to tell you when Mr. Grebowski agreed to be on the Downtown Improvement Committee it was the Mayor's full intention to make him a full member. At the time we thought we only had an alternate position available. So he was brought forth to you and he joined the Committee as an alternate. It was a few weeks later and it hasn't been that long since you've been on we realized our error, we do have a full time position. So we thank Mr. Grebowski for coming forward again to meet with you and be interviewed. He has been attending the Committee and continues to be a great voice for it.

Downtown Improvement Committee

David Grebowski (Moving to Full Member)

Term to Expire: December 31, 2019

David Grebowski I'd be happy to answer any questions. I am honored as I was originally to be part of the Committee, I've tried to be as active as I can in the Community. I serve with Alderman Kelly on the Board of Directors of the Nashua Soup Kitchen & Shelter. I am also on the Capital Campaign Committee for the Nashua Performing Arts Center, the Advisory Board for the Nashua Community College. So anything that I can do to help be of service to the City I'm happy to do so.

Alderman Wilshire

So are you retired?

Mr. Grebowski No, no. I'm also a small business owner here in town as well.

Alderman Wilshire

Good for you, you are a pretty busy guy, thank you for your willingness to step forward and help us out.

Mr. Grebowski My pleasure.

Alderwoman Kelly He took my comment. Mr. Grebowski and I actually serve on a number of boards together; he's extremely active and very committed to all of those. And I appreciate him also as a business owner, I see his business and we talk about that as well. So I appreciate you stepping forward and coming a second time to our committee.

Mr. Grebowski No trouble.

Alderman Laws

I'm not on this Committee either but I am on Downtown Improvements Committee and I hope I can speak for the rest of the people on that Committee that we are very happy to have Mr. Grebowski on the Committee with us.

Alderman Lopez

I am on the Committee and I feel like if you go regularly as an alternate that's all I need to hear we already grilled you with the question. The number one question really is going to be is the person going to show up and contribute. I think the consensus is you've earned this already.

Chairman Caron

Thank you. Your appointment will be brought up at the end of the meeting, thank you. So Ms. Kleiner did you say Lisa Hardy was here?

Ms. Kleiner

No.

Chairman Caron

Is Lisa Hardy here? No. Ok they will have to come to the next meeting in April. Thank you.

Mine Falls Park Advisory Committee

Lisa Hardy (New Appointment)

Term to Expire: March 1, 2022

COMMUNICATIONS - None

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None  
APPOINTMENTS BY THE MAYOR

**MOTION BY ALDERMAN WILSHIRE TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING APPOINTMENTS BY THE MAYOR: TO THE BOARD OF ASSESSORS: ALTERNATE MEMBER MARY LOU BLAISDELL FOR A TERM TO EXPIRE APRIL 24, 2021; TO THE CONSERVATION COMMISSION: SHERRY DUTZY FOR A TERM TO EXPIRE DECEMBER 31, 2021; TO THE CULTURAL CONNECTIONS COMMITTEE: MARGARET LORET FOR A TERM TO EXPIRE FEBRUARY 1, 2021, AND SUZANNE HARVEY FOR A TERM TO EXPIRE MARCH 1, 2022; TO THE DOWNTOWN IMPROVEMENTS COMMITTEE: DAVID GREBOWSKI FOR A TERM TO EXPIRE DECEMBER 31, 2019, AND MARY LOU BLAISDELL AND RICHARD LANNAN FOR TERMS TO EXPIRE DECEMBER 31, 2020; AND TO THE MINE FALLS PARK ADVISORY COMMITTEE: NICHOLAS SERPA FOR A TERM TO EXPIRE DECEMBER 31, 2019.  
MOTION CARRIED**

**MOTION BY ALDERMAN WILSHIRE TO TABLE THE APPOINTMENT OF LISA HARDY AND SANDRA PRATT TO THE CULTURAL CONNECTIONS COMMITTEE  
MOTION CARRIED**

UNFINISHED BUSINESS - NoneNEW BUSINESS – RESOLUTIONS**R-19-113**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Shoshanna Kelly  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd  
Alderman Patricia Klee  
Alderman-at-Large Brandon Michael Laws  
Alderman Ernest Jette  
Alderman-at-Large David C. Tencza  
Alderman Jan Schmidt  
Alderman-at-Large Lori Wilshire  
Alderman Linda Harriott-Gathright

**ADOPTING ENVIRONMENT AND ENERGY COMMITTEE RECOMMENDATIONS****MOTION BY ALDERWOMAN KELLY TO RECOMMEND FINAL PASSAGE**ON THE QUESTION

Alderman Kelly

I just wanted to quickly speak about this, I know you all have looked at it and quite a few of you have stepped up to support it but this Committee has been working very hard to bring these forward and to make sure that they are attainable and it is such an important thing right now with the more recent reports on Climate Change and how quickly that will affect us and our grandchildren. So I really hope that everyone will support it.

**MOTION CARRIED**NEW BUSINESS – ORDINANCES**O-19-037**

Endorsers: Alderman Ernest Jette  
Alderman Tom Lopez

**RAISING THE AGE TO PURCHASE, USE, AND POSSESS TOBACCO PRODUCTS AND E-CIGARETTES FROM EIGHTEEN (18) TO TWENTY-ONE (21)****MOTION BY ALDERMAN LOPEZ TO RECOMMEND FINAL PASSAGE**ON THE QUESTION

Alderman Lopez

I would like to also let Alderman Jette introduce his motion.

Chairman Caron

He can't motion he's not on this committee.

Alderman Lopez

Ok so if I make a motion is it open for discussion before I table it?

Chairman Caron

It is open for discussion now.

Alderman Lopez

I just thought maybe he'd want to introduce what he was trying to do.

Chairman Caron

Ok Committee members speak first. Does anyone have any comments concerning Ordinance O-19-037? No one from the Committee, ok. Alderman Jette would you like to speak on your Ordinance.

Alderman Jette

Very briefly because I know you've got other things to attend to and you've already heard a lot of comments and I understand that Alderman Lopez is going to move to table this because a lot of people who want to speak on this were not able to come tonight. So his motion to table will allow people who couldn't come tonight to come at the next meeting and comment further.

But just very briefly I introduced this ordinance because I've long been aware of the ill effects, the harmful effects of tobacco and tobacco related products. I learned this January that Keene had passed an ordinance very similar to this one, raising the age which people can sell or which they can obtain tobacco products from 18 to 21. I was surprised because as you know the City cannot do anything that the State doesn't allow it to do but I learned that the State Law, which is currently that people has the tobacco age at 18, that law has a provision in it that allows cities and towns to pass a higher age and Dover did this last summer I learned through the efforts of a youth group there that recognized that tobacco was a problem for the youth. Now vaping has become a problem and so they passed it in Dover and then Keene followed. Since then Newmarket has done this, I learned today that there are several other towns, Winchester, Lebanon I believe, Plymouth, and others that are considering this same type of legislation.

I learned that allowing people to buy tobacco and tobacco related products as young as 18 enables even younger people to obtain this product. I learned that the younger brain is not fully developed they tell me until the early 20's. So people, the younger people whose brains are not fully developed, cannot fully appreciate the decisions they make when they begin to consume these products. I also learned that the younger brain is more susceptible to becoming addicted and that the younger people start to use these products, whether it is smoking or vaping, the more addicted they become and the more difficult it is for them to stop later on in life.

I learned that this is causing a big crisis as far as health costs which we pay in our health insurance premiums and in our taxes. It also affects the health not only of the user but of the people around them, their families, people who smoke can become parents, their children are affected by this. So I thought that it would be a good thing for us to whatever we can to prevent people from being introduced to this and becoming addicted. And so I thought anything we can do to prevent young people from becoming addicted to these products is something that we seriously ought to consider and I think we should do.

That is why I introduced the Ordinance and I hope that you will support Alderman Lopez's motion to Table so that more people can speak on the issue. I know it is an important matter; a lot of people have strong feelings about it and they all ought to have a chance to tell us what they think. So I'll end there, thank you.

Chairman Caron

Let it be known that Alderwoman Melizzi-Golja has shown up at 8:00.

Alderman Wilshire

Thank you. I'd like to direct my question through you to one of our State Reps.

Chairman Caron

Do you happen to know Alderman O'Brien what the status is of the State Bill that has been proposed?

Alderman O'Brien

No I don't, but I do know that there is a State Bill currently pending right now that is probably one would say more egregious than what we are actually looking at right now. What it is, it is House Bill 230 which is smoking in a vehicle with passengers under the age of 16. Now I think we all can agree that children in a confined environment like that would be bad but then it got discussed in the Committee and as it got discussed in the Committee it says – Well what are you going to do – arrest the people for being bad parenting you know when it comes down to that. Many of us grew up in this situation, our parents didn't know the full benefits as we know now of the smoking issue. And many of us grew up where parties and smoke going on inside the house.

The question was asked though to the New Hampshire State Police and they said – Could you enforce this? And they says – This puts the State Police as would probably put our Police into a very tough moral predicament. What would be, yeah smoking in a confined area with children in a car is bad but however now the Police are getting to be the moral judges of the particular issue. And they came up and said – It could lack enforceability. It is going to come down to the determination of the particular officer involved. And so they kind of would like to stay clean hands with it. So the Transportation Committee did vote, a vote of 11 to 7, to ITL, Inexpedient to Legislate the Bill. It is going to the floor Thursday and if the House goes with the Committee vote that particular bill will go down. That was heard by the Transportation Committee.

Alderman Wilshire

And do you think it was voted ITL because of the enforcement issue?

Alderman O'Brien

It was because of the enforcement issue and it put as the question went to the State Trooper and the State Trooper says everybody agrees that smoking is bad for one's health, that's out there. We've all seen the commercials, we know what our doctors tell us, everybody knows that. But now you are putting this into the hands of Law Enforcement the moral issue to come up and enforce a moral issue. I would like to see every kid in this State vaccinated. But they choose, parents have the right to choose whether to vaccinate their children or not, that's another moral issue that comes down to it, that the State chose not really to stick their hands into. So I can understand where the State Police felt the complexity with it. And I may also say it wasn't just the State Police it was the New Hampshire Police Chief's Association again didn't bite on it because of the enforcement issue.

Alderman Wilshire

I have a question for Alderman Jette. Alderman Jette do you know like Keene, Dover, Newmarket, the towns that have passed this Ordinance if it has helped. I mean certainly they can go to the next town to buy cigarettes, you know the next town or the next town over. Has it really had an effect, do you know any outcomes from that?

Alderman Jette

Well of course Keene did just did it in December.

Alderman Wilshire

Oh ok.

Alderman Jette

I spoke to the woman whose name is Kate McNally who works for the Cheshire Medical Center who was one of the leaders of getting this passed. She said, she told me that there has not been many complaints or any complaints. She did say that there was one, I don't know if it was a vaping store or cigar store, there was one that was upset about this and moved out of town. But other than that, she said that the Police said that they have no problem. Right now the law is that you can't possess or buy tobacco if you are under 18. The Police have not complained about an inability to enforce the law as far as the age of 18 is concerned. All this would do would be to raise the age 3 years to 21.

There was to your question about the State Legislation there was a Senate Bill that would raise the age from 18 as it is currently in the State Law to 21 sponsored by Senator Waters from Dover. That was before the Commerce Committee and the Commerce Committee voted to hold that Legislation in Committee which I am told means that it will not go to the Senate Floor for a vote but it is subject to being, that Senator Waters plans on bringing it up again in January but so right now it is not going to become a State Law this year.

Alderman Wilshire

Thank you for that.

Alderman Jette

And in Dover says that it has not been a problem, in fact the retailers, once it became law they embraced it and they started displaying the signs just like you see the signs now "18" they changed them to "21" and they have been cooperating fully in Dover according to Senator Waters who is in Dover.

Alderman O'Brien

Thank you and I appreciate what Alderman Jette ... usually when things get taken out of Committee it gets tabled and basically when it gets tabled, I can speak for the house, you need 2/3 of the House to vote on it to bring it back and that's like not good. You know? So I think maybe, perhaps the Senate has spoken. But the thing is that I look at this is we are talking about an 18 year old. Uncle Sam takes these 18 year olds and whether they are smoking or not evidently Uncle Sam, I hear, I understand I heard our Public Health Director explain the brain structure in adolescence and everything, but evidently Uncle Sam doesn't seem to care if the 18 year old smokes or not, trains them on M16s, hands them grenades and other different things and thinks their mental capacity is fine. I am very proud of our young men who do serve and I look at this, if they are willing to go and fight and die for this country

at the age of 18, then they are emancipated adults and they do have the right to make adult decisions. And I think this is what this Bill is all about. I am not going to argue the merits.

I fought fires for 35 years, I vaped probably a couple hundred cubic feet of smoke in my career and I smoked cigarettes during the majority of that time. I probably got the sort of damocles above my head, particular then I come to find out I wear gear that was supposed to protect me, is now I come to found out that the chemicals in it has provided me with cancer as well too. But the thing is these are choices that adults make, whether to go have a drink, not to drink and drive, other different things. And I think at issue here I don't want to get tied up into the moral aspect because I cannot. Common sense tells me smoking is bad for you, that's why I quit. But the thing that tells me is it is an adult choice and I can't go out and tell other people exactly what to do with their particular lives. My father and mother never argued about any girl that I brought home, and they hoped I brought the right one and I did. But they were very good not to get involved with my choices because I was an adult. And I think this is what we've got to look at this bill.

Take the emotions out of the equation and then come down and what is really glowing here is I haven't seen the Nashua Police. I've seen the Director of Public Health but I haven't seen the Nashua Police who have to do the yeomen thing of this to look at this. So if does not get, if it does get tabled, if you want to bring it back, I would probably recommend that you do have the Nashua Police to come out. Of course they are going to enforce any Law that we make, but I think we all know, sometimes some laws get enforced wholeheartedly and some gets blase. Because I have questions and the question I have what about the kid that bought cigarettes legally in Merrimack and then is driving down Main Street and he's got the cigarette butt in his mouth, he's 18, is that a chargeable offense to stop a motor vehicle and then subsequent offenses of anything that is found in a motor vehicle can now come into play legally? I think we are open for a moral issue, I caution. I caution, I think we are opening up a kettle of worms. I would much rather spend money into billboards, City money, into billboards to stop smoking. I agree with that 100%. It is a better way to do it. This is I think getting a little bit complex, getting a little bit deeper. And the Federal Law still is in effect since 1920, 18 is the legal age to smoke. So the Federal Government has not changed it and the State doesn't seem to be in any particular rush equally as well too.

#### Alderman Lopez

I was actually going to make my motion.

#### Chairman Caron

Oh ok then if you don't mind, I'll let Alderman Jette speak, thank you.

#### Alderman Jette

I wanted to respond to what Alderman O'Brien said about people at 18 being able to join the military. Since we were in the military they've changed things. Right now people who join the military number one it is a choice that they make they volunteer, they are not subject to being drafted like we were. If you do enlist, none of the branches allows you to bring tobacco products to basic training. During your basic training you are not allowed to use any tobacco products. After you complete your basic training, the Department of Defense has instituted a very rigorous program to try to discourage people from ever taking up smoking because it harms their health and it negatively affects their combat readiness. You cannot smoke inside a military building. You can't smoke on a submarine. The Department of Defense is actively trying to stop people from smoking. The idea of an 18 year old being a legal adult is true. But we recognize that people at 18 don't have the judgement of people that are older. For example, Alderman O'Brien people can vote at 18 but they can't run for the State Senate, they can't run for Governor's Council, they can't run for Governor, they can't run for Federal Office. People who are 18 can make legal contracts but they can't rent a car, you can't even adopt a pet from the

Nashua Humane Society at age 18. You have to be older. You can't drive a truck that carries hazardous materials, you can't drive a truck across State lines. So there are a lot of places, there are a lot of situations where we make different rules for people who are legal adults but we still discriminate by different age requirements. And of course they can't buy alcohol at 18 and if this recreational marihuana bill passes, you'd have to be 21 to buy marihuana. Massachusetts has raised the age to 21; Maine has raised the age to 21. So I understand your perspective and I appreciate your pointing out the different difficulties that you think that this would cause, but I think those are all manageable and I think that if we can do anything to stop a child and even an adult at 18 from becoming addicted to tobacco like we did, and then have to struggle once they figure out this is not a good thing, have to deal with trying to stop, anything we can do to stop that addiction to begin with, I would like to do.

#### Alderman O'Brien

May I respond? Thank you Madam Chair. Alderman Jette you are correct, and I agree with you. But like I say in the case of the military, they can do all these things and make recommendations, this is exactly what I'm talking about, the moral issue. I mean we should scream from the mountains smoking is bad for you, nobody is going to sit here and say you are wrong in that particular point. The thing is even the Federal Government realized after you complete your basic training, you are emancipated, you are an adult. If you wish to continue smoking at that time, even the Federal Government recognizes your emancipation. The thing is, you said the key words, you said "States".

Now the 10<sup>th</sup> Amendment does say Nashua could act as a State or to govern itself to make that ruling, but generally I would feel much more comfortable if the State of New Hampshire made this ruling and not the individual City that we are, because I don't know what could be the possible challenges? Keene has not been challenged yet. Other communities have not been challenged yet. Could there be a challenge to it? I do not know. But why should Nashua get itself into a legal aspect where it could be challenged. Let the State make that decision. Let the 400 wise representatives and the State Senators up there come to that conclusion. And as what the State rules, then we could do it here and we will follow the law accordingly, but as it sits right now it is again, an 18 year old does have rights and right now it is that and that they can smoke legally. And again I don't agree with the health aspects but it is their right. Thank you.

#### Chairman Caron

Before I call it, anyone else? Any comments?

#### Alderman Wilshire

Just one last question for Alderman Jette. I agree that kids 18, no one should smoke, smoking is bad and you shouldn't smoke. But is this really going to stop somebody from smoking? They can go to Hudson it is not any different than going from one side of Nashua to the other. I don't see ... and I understand that it would be a good thing to do but I'm not convinced that it is going to do what you are expecting it is going to do. Is it going to stop somebody from smoking? I don't know the answer to that?

#### Alderman Jette

Could I respond?

#### Chairman Caron

Go ahead Alderman Jette and then Alderman Laws.

Alderman Jette

The research, the articles I was just looking at an article that was referred to me today from the, I'm not sure I remember the name of it exactly, but it is the Medical Journal for Preventative Medicine and they said that the places and there are many places, I think there a lot of cities that have done this and I think there are six States, there may be more who have already done this, you know, Maine, Massachusetts around here that have already enacted this type of thing. This article said that the research shows that right now at the age at 18, that 18 year olds who can still be in high school that they sell or give this stuff to the younger kids. And right here in Nashua we are seeing, not only smoking but these vaping devices now in the high schools and in the middle schools.

I attended the presentation at the Library by Breathe New Hampshire on vaping and there were parents that came there and they had, their son was in 5<sup>th</sup> grade at one of the Charter Schools and he has become addicted to this vaping, you know the vaping may be next, in April 1<sup>st</sup> you'll hear more about the vaping but it is, they have these flavors like bubble gum, fruit loops, they imitate other things and they smell delightful. And this kid, in 5<sup>th</sup> grade, has become addicted to the nicotine that is in the vaping product. So this article went on to say that by increasing the age to 21, it reduced the amount, did have the desired effect of reducing the amount of tobacco or tobacco-related products that were accessible by the younger kids.

And you know when people say that this should be done by the State, I can't disagree. I went up and testified on that Senate Bill trying in favor of doing it State-wide. Doing it State-wide would be much better, be more consistent and it would do away with some of these objections. Doing it country-wide would even be better but the State has not chosen to do that yet. The State Law allows us to do it so we in Nashua, we can't do it State-wide, but we can do it in Nashua and why wouldn't we do this? If we all agree that these things are bad and that kids shouldn't be getting them, anything we can do to discourage a kid from starting, I think we should do. And yes, they can go to Hudson, they can go to Merrimack, unless Hudson passes this, unless Merrimack passes this, but you know, is a 14 year old going, how easy is it going to be for the 14 year old to go to Hudson or Merrimack? Right now he can go to his neighborhood store or the 18 year old can go to the neighborhood store and it is much more accessible to the younger kids, the 18 year olds, they can legally walk in to their neighborhood store and buy it now. If they have go out of town to get it, it is more difficult and if it prevents some kids from not getting it, even if prevents one kid from going down this road of addiction, I think it something we ought to do.

Alderman Wilshire

I'm not sure, I mean I understand if it was State-wide if it was a Federal Law or something, I don't know that it is going to stop a kid from Nashua, a 14 year old or 18 year old getting on their bike and driving across the Hudson Bridge. It is so close it's not even a barrier I don't see that as a barrier, that is just my thought. I think it's good that we want to stop kids from smoking but I don't know that this is going to get us there.

Chairman Caron

Alderman Laws first and then Alderman Lopez.

Alderman Lopez

You promise?

Chairman Caron

I promise.

### Alderman Laws

I am very much on the fence with this one as a former smoker, Mark Twain said "Quitting smoking is easy, I've done it a thousand times". I started out, philosophically I am opposed to regulating what adults can do, that's just the way I feel about things, I don't believe in prohibition pretty much at large. But I think that this, my thinking has evolved on it a little bit, I haven't made a decision yet because I want to see what people have to say. First of all, as far as making it easier on retailers, the license in New Hampshire let's people know that kids are under 21 just by looking at the license so right off the bat, a cashier sees the license, knows the kid is under 21 they can't buy alcohol or tobacco if this regulation passes.

Second of all, you are right some kids can hop on their bike and go to Hudson and go to Merrimack. I grew up in the South end, right now I am on the border of prohibited Massachusetts if I am a child, I am not riding my bike 15 miles to get a pack of cigarettes. And more broadly, I think that one of the things that we need to appreciate here is we are talking about something that kills more people than heroin overdoses and gun violence and DUI's and all the other really terrible things that we think about on a regular basis and we want to protect our children from. It does it on a yearly basis, it's been doing it forever and we have an opportunity right now to do something that might as Alderman Jette said, prohibit a couple of kids from getting involved in it, you know. I think that's a very important and noble cause. So again, still on the fence, but I think there is a lot of merit, I think there is a lot of really important things to consider about this before we just toss the baby out with the bath water because of our moral objections to telling people what they can and can't do when they are adults. That's it.

### Chairman Caron

Alderman Lopez, you had your hand up.

### Alderman Lopez

Yes so I think what we need to do is listen and we need to look at the intentions behind this and we need to really study the material that has been sent to us with regards to Public Health. This doesn't need to be a moral issue, it should be a practical issue. We have the statistics, we have the information, we have data, we just passed the energy commission's recommendations because we believe in Climate Change we believe in data that suggests that our entire world might be changing. It is not illogical to believe that maybe Public Health has advanced a few steps since Vietnam. I don't think we should be looking at the US Military as a leader in Health Care Provision and Health Advocacy. I work with veterans pretty regularly, a lot of them are suffering from SUD, it is well-known that in this day and age we have the equivalent of 22 veterans committing suicide every day on an annual basis. That is not a benchmark to look at in terms of human rights.

When we have people who are willing to stand up and defend their country, we can point them at the enemy and tell them who it is. When someone is facing addiction, they become their own enemy, they have to fight themselves and that is something that doesn't necessarily manifest right away. It is something we have to take a longer look at if we are ever going to move past the crisis of the month, we need to start taking a longer term approach to what is science telling us about addiction? What is it telling us about brain development? It has been saying this for a while now and as we debate about who should make the first move and what the real ... like is this really going to anything? Instead of what our roles are as representatives in Nashua, people are moving down the pathway that you know science again is telling us there is a correlation between using nicotine, altering your brain during its crucial developmental phases and what we have to deal with later as a health care crisis.

So I think it is very important for us to listen. I don't think we should approach this from a particular perspective of I already know my answer and I'm going to look for the argument that will support it. I think all of us need to take a good look at the information and be willing to educate ourselves, because once the issue has been raised, we do have to make a decision. We can't just pass it down the river or throw it to a larger domain. We should listen and we should represent our people to the best of our ability. So that's why I'd like to table it.

Chairman Caron

So Alderman Lopez has asked to table O-19-037 and it is non-debatable.

**MOTION BY ALDERMAN LOPEZ TO TABLE O-19-037  
MOTION CARRIED**

TABLED IN COMMITTEE

**MOTION BY ALDERMAN WILSHIRE TO TAKE FROM THE TABLE O-18-030  
MOTION CARRIED**

Chairman Caron

Alderman Laws you have Director Cummings and Jill Stanfield to come forward to speak on your piece of legislation with you? Thank you. You have the floor.

Alderman Laws

Director Cummings explained this, you brought it to my attention in Downtown Improvement Committee about 400 years ago so I could use a quick refresher on it myself.

Mr. Cummings

Thank you Madam Chair. For the record Tim Cummings, Director of Economic Development here before you this evening asking for your consideration and endorsement of an Ordinance before you that is housekeeping nature. It has been quite some time since the City had updated its parking permit fees for surface and garage parking spaces. The Ordinance before you just tries to bring us a little bit better in line with the current market of what is currently being charged. I am going to defer to our parking manager, Jill Stansfield, who has joined me this evening who will go into a little bit more depth on this conversation and I'll be available to answer any questions if they do arise. Thank you.

Jill Stansfield, Parking Manager

Jill Stansfield, Parking Manager, Office of Economic Development. We met with the Downtown Improvement Committee last May and discussed the lease parking rates here in Nashua and I had also pulled together some data of surrounding municipalities and the rates that are around us. It was after putting all that data together, it definitely looks like we are behind the times a little bit with our rates. So I have provided along with the Memo here that data from the surrounding communities, with the different surface lot rates and the garage rates. And then also let's see the garages are both at or above capacity, they have been now for a couple of years. So that's another reason to try to bring these rates kind of to the market rate. Also the meter fees were increased back in 2011 and the lease parking rates were not looked at during that time. So we are just looking to kind of bring the lease parking rates up to where they should be based on market data.

The recommendations after our meeting with Downtown Improvement Committee was to go from 2 different lease rates in the garages; we have a covered rate, we have an uncovered rate and to bring

that all into one rate. So it would be more of a first come, first serve. The neighboring communities also practice that. And after meeting Downtown Improvement Committee, we decided to look at kind of phasing this in over a period of time so it wasn't such a big shock to our lease parking customers. So the recommendation was to for year 1 which would start January 1<sup>st</sup>, 2020 we would increase the lease parking rate in the garages to \$60.00 per month. And in year 2, starting January 1<sup>st</sup>, 2021 raise that rate up to \$75.00 per month. And in addition to that the surface lot rate would also increase, currently it is \$50.00 a month to \$65.00 per month starting January 1<sup>st</sup>, 2020.

Alderman Wilshire

So the increase this is to you parking manager, the garage lease space going from \$30.00 to \$60.00?

Ms. Stansfield

So the rooftop is currently \$30.00 yes so it would be going to try to bring that rate into one rate instead of having the two different rates it would go from for the rooftop would go from \$30.00 to \$60.00 yes.

Alderman Wilshire

And then the second one, the garage lease space, the following year would go from \$60.00 to \$75.00 that's what you're saying?

Ms. Stansfield

Yes.

Alderman Wilshire

Ok, thank you.

Alderman Lopez

I have two questions. One that garage you stated that was at our above capacity as in all the spaces are leased or as in the lease spaces within the garage are leased?

Ms. Stansfield

The lease spaces in the garage. So there's a certain number of spaces within the garage and we have oversold that number.

Alderman Lopez

Ok so I was just asking because there have been on-going complaints about every snow emergency whether there is space in the parking garage so I wanted to confirm that you are saying that in that kind of an event, that the lease spaces, there are already enough cars to take the lease spaces during the day so if there is an emergency and there is a surge of vehicles it's probably not necessarily adequate.

Ms. Stansfield

So the City tries to issue snow emergencies on the off hours. Our lease parking hours are from 7:00 a.m. to 5:00 p.m. Monday through Friday. That's one of the reasons that the City has been trying to issue those snow emergencies outside of the lease parking hours because it does cause a problem, there is not enough space because we ask all of our overnight parking folks to park in the garage during those snow emergencies.

Alderman Lopez

My other question is, is there a deficit like is there a reason we need to double some of the rates here? Like are we low on money?

Mr. Cummings

Madam Chair if I may. No there is not a deficit, but we are not keeping up with the times in terms of the market, but more importantly even than that, it is expensive to provide structured parking and we have a lot of deferred capital maintenance in the garages and I will just tell you that I know that we are going to need to invest in those structures in the coming months or in the coming years or sometime in the near future. If we can bring in additional revenue to help off-set that, that will be just good planning for the downtown.

Alderman Lopez

Just to clarify, I would say a need for capital infrastructure improvements is a kind of deficit if we know we are going to have issues with maintenance coming down the road it would make a lot of sense to actually plan ahead for that. I just wanted to find out if that was the case; like we know that we need to replace lighting or you know something is moving towards the end of its engineering life or something like that. If we can foresee a need that it is easier to justify this. I just, as the Alderman downtown, am I going to look forward to people saying – Wow you just raise taxes for fun over there.

Alderwoman Kelly

Just a question around where the fees go. I was under the understanding that parking fees go to Downtown Improvement Committee to make decisions so it wouldn't necessarily go up against Capital Improvements.

Chairman Caron

Not all the money from parking goes to the downtown it is a portion, right? It's a portion.

Alderwoman Kelly

It's just a portion of it, okay, thank you.

Alderman Dowd

Couple questions. Does this impact the agreement we have with a major employer here in town? So those fees stay the same? That's good. The other thing is do we have a special revenue fund that we put aside money for the repair of those garages or is that catch is as catch can? Even though we raise the fees, they can still let these deferred maintenance things go to heck in a handbasket. So should we have a special revenue fund and at least put a portion, if not all of the parking fees from the garages, into maintaining the garages?

Director Cummings

Thank you that is a great question and that is an on-going conversation that has come up within the last month or so within the current budgeting process. I would recommend at the very least a special revenue fund or some sort of proper account where you can segregate the funds. So the revenue that is directly brought in can pay for the direct expenses for providing this type of service or operation along with the structures. It is just a good best practice that way it doesn't go on to the backs of the property

tax owner and the tax rate. I will say to do that efficiently or adequately you need to make market based decisions. So you need to make sure if you are willing to move in that direction you also understand that you have to be willing to pay more up front because the taxpayer wouldn't be providing that subsidy. That's a longer term conversation, I think that this community should be having over the next couple of years especially as we know that there is going to be some deferred capital maintenance, whether it is the structures themselves or also planning for another structure.

Another issue, as you continue to develop in the downtown and you have competing needs, you know, another school system or a rehabilitation of a fire station or whatever the case may be, that are very important capital needs, is it going to rank as high, a parking structure compared to those other assets that need to be you know either improved upon or added to. And typically, parking structures never rank as high and the long-term effects of that decision could cause big, significant problems for your built environment for your downtown for that local economy. So that is typically why you see the decisions made to try to directly correlate the revenue to the expenses. But the point and question you raise this evening is not one that I think we should answer tonight but is a conversation that should occur for this community in the coming weeks, definitely.

Alderman Dowd

Follow up. Can you provide the Budget Committee with a list of deferred maintenance items for the garages.

Mr. Cummings

Yes.

Alderman O'Brien

In looking at this, to the Chair, I was wondering is this going to go a second committee or a forward to the Board of Aldermen? Because I see in "Part C" that the Infrastructure Committee to which I am Chair, is the issuing of permits and reserves so I just wondered if it was going to appear before Infrastructure. I'm content to let it go to the Full Board though. It seems pretty straight forward.

Chairman Caron

I'll defer to the President of the Board; she can probably answer the question.

Alderman Wilshire

We had not sent it to Infrastructure, I thought we could deal with it in this Committee.

Alderman O'Brien

To which I am content, I think it's fine thank you.

Alderwoman Melizzi-Golja

Thank you. I just want to clarify, currently uncovered is \$30.00 a month and covered is \$45.00 and we are combining that and both will be \$60.00. Ok so uncovered and covered will both be \$60.00 and then in year 2 both will be \$75.00. Ok thank you. And then may I just, Director Cummings, just a follow up question regarding the addition or building of new parking structures. Are both of our structures capable of having additional levels added to them?

Mr. Cummings

That is a good question. I don't know without having a structural engineering analysis done to tell you definitively whether they can be supported. I have done this in my previous life so what I am going to speak now to is just more generically. Typically when parking structures are built they are built to only support the load that they are currently being built for. So if you are proposing and planning on building only a four load level, four floors of cars, it will only hold the load of four floors. You don't typically want to incur the cost or whatnot when you are building those at the time. We can go through that structural analysis and if we did, that cost is approximately \$20,000.00 we could get a professional engineer's opinion as to whether additional loads could be supported to build on top of the garage. But absent that, that's just a guess right now.

Alderman Melizzi-Golja

Ok thank you. I was just curious and there may be some historical records from when the structures were built as to what the intent was also, thank you.

Alderman Kelly

I don't know who this question is for but I know that we approved a study about a hotel downtown so I am wondering if that structural load would be looked at in that case because I know it was talked about as on top of a parking garage.

Mr. Cummings

So what you are referring to is "if" a hotel was built or some sort of structure, we won't even say a hotel at this point but some sort of development on the School Street parking lot, could you add additional supply on the first or second floors and then build on top of it of whatever it may be office, residential, hotel, whatever. The answer is yes, you will potentially incur additional cost if you keep it to less than two floors, you wouldn't see an exorbitant amount of cost increase, that is definitely an avenue that we should explore as a way of trying to introduce additional supply into a marketplace. Because in a downtown like the one we have here, finding just the site and the land alone to construct a new parking garage is going to be a herculean challenge. So wherever we can try to find additional supply we should try to take advantage of that. But with that also being said, we could build a structure without any additional parking on the current School Street lot and just use whatever is available, whether it is in the High Street garage or the Elm Street garage or the surrounding on-street parking depending on whatever was being built and how intense of a use that is. So that would bring down the cost considerably if that was to occur. So those would be all variables that would need to be assessed as a development was to move forward.

Alderman Wilshire

Thank you. I know the parking fees go into the general fund the first \$728,000.00 and then anything over and above that goes to the Downtown Improvement Committee, is that true?

Mr. Cummings

Yes. Essentially that is true. You have to pay for costs, services for producing the services so again we run at a surplus right now. So it goes to the general fund \$728 and then parking operations roughly approximately another \$300,000.00, \$350,000.00 on top of that is also paid for out of parking revenue and then whatever is left over goes to Downtown Improvement Committee which is in any given year somewhere between \$100,000.00 and \$150,000.00. So they don't get \$450,000.00. They only get approximately between \$100,000.00 and \$150,000.00.

Alderman Wilshire

Ok thank you.

Alderman Dowd

Just as a follow up, I mention one major business, but we have agreements with several businesses in Nashua, does that entail all of them that the fees will stay the same as what has been agreed to?

Mr. Cummings

Yes but I want to be clear, we only do annual agreements so this would be for their current contract and then unless the Infrastructure Committee or the Board of Aldermen want to bless a multi-year contract, which we could do, at a negotiated rate, particularly you want to do that as an incentive for maybe a new structure coming in or whatever the case may be, we could have that conversation. But as of right now, all the existing contracts would be currently honored, we are trying to give people a lot of notice so they can plan accordingly because this wouldn't take effect until January of 2020, but then ultimately everyone unless they had something in place they would go to the current rate or to the new proposed rate.

Chairman Caron

You said all your lease spaces were taken, how many do you have between the two garages, do you have a number?

Ms. Stansfield

I do. So reserve spaces, sorry I have it broken down by garage.

Chairman Caron

That's fine.

Ms. Stansfield

Alright, Elm Street garage I have 380 spaces total that are available for lease and that was Elm Street. High Street garage we have approximately 277.

Chairman Caron

How many spaces do you actually have at those facilities? Does that take up more than half of the spaces?

Ms. Stansfield

Yes.

Chairman Caron

It does.

Ms. Stansfield

Yes.

Chairman Caron

Ok.

Alderman Jette

So I wanted to, I have kind of a mixed message, I wanted to say I was in Concord recently testifying on that tobacco thing and comparing our garages to Concord's garages, our garages are beautiful are much better, there's much more room, they are much better lighted, they look nicer, there is more space available. So I wanted to give my compliments to the parking manager for the great job she is doing with our garages.

But I must say I am disappointed because I had a lengthy conversation with you about this and I brought up the question I had was you know is there an overall plan on parking, is that part of an overall plan. We talk a lot about attracting people downtown and I hear people talk about parking, complaining about parking, the lack of availability of parking. I personally believe that there is plenty of parking downtown, especially with the garages, but I'm not sure, I haven't heard an explanation of how this increase in rates is tied to an overall plan of managing our parking downtown. Now I am hearing about special contracts with large employers or different employers in town. Are those contracts different than what these rates are? How did that happen? And I'm not sure that sounds right to me or it sounds that is within the authority of the parking department to make a special deal that is not approved by the Board.

I also brought out to you the fact that covered parking is more valuable than uncovered parking and you told me that you agreed with me and you were going to look into that. But I don't see any change in any of these things. I don't see any reflection of your having talked about my questions and come up with answers to them or amendments to this that would take care of that. I pointed out to you that the time for the leased parking in the garages is from 7:00 a.m. to 5:00 p.m. and the metered parking in the garages goes until 6:00 p.m. So there is an hour there where if somebody knows, if someone is bright enough to know that they can park in the leased section of the garage for free at 5:00 but if they park in a meter they are going to have to pay for that meter. I don't think that's right, I think we ought to have clear, you know, everybody pays the same thing and everybody ought to know what it is and there shouldn't be the opportunity for someone who might know or be more clever than someone else to take advantage of that.

There's also leased parking in town that has different rates and different times and I thought you were going to look at all of that and come back with a plan to address all of those issues. But I don't see a reflection of that here tonight. Did you not do that? Were my questions to you and your answers to me forgotten about, what happened?

Chairman Caron

I will direct your questions to Director Cummings to answer some. And then we will go from here, is that alright? Thank you.

Mr. Cummings

Thank you Madam Chair, so first and foremost I'm not privy to all the specifics that were just mentioned a few moments ago but I do know that we are trying to incrementally improve the parking operations in this City and it is going to take time. And it is not going to be done overnight and it is a slow, evolving process as we work its way through the Committee structure, or developing consensus or just doing the research so we can make a recommendation to you all.

So that is one of the reasons why this is just a jumping off point and I believe that this was filed and it was done in advance of the conversation that occurred with the understanding that you know the points that were made we would continue to look at and address as best as possible as we move forward. With that being said, a few moments it was also mentioned that special side deals were mentioned. I just want to be abundantly clear that nothing like that has never occurred at least while I've been involved with parking. Anything that occurs with parking goes through a Committee process and it is either depending on what is being asked for, per Ordinance, goes through the Infrastructure Committee or to the entire Board of Aldermen.

On occasions, in the past, my understanding is that it has been accepted and culturally here in the City to make certain arrangements, whether it is because there is a non-profit that is just trying to get up and off the ground and wants to come to the downtown. They have been offered free parking for a certain period of time to help that non-profit get up and running. Or if there is a big real estate entity that owns a bunch of parking in the downtown and they are willing to provide their parking for free during non-business hours in exchange for getting use of parking that the City owns during business, those types of arrangements have occurred and have been all memorialized and have been approved by the appropriate bodies here in the City.

Or long-term permit arrangements for larger employers who have employees coming into the City and they need parking, we have worked with them to try to develop parking solutions so that they would look to invest in the downtown area as opposed to making some of those decisions out along the highway and maybe not make the investments in the downtown. So those types of decisions strategically have been made along the way and overall good decisions for the long-term health of the downtown or the goals that have been previously articulated by this community.

I think a lot of the comments that I heard a few moments ago are very good comments that need to be addressed. Getting the times to align between the garage reserve space and the metered space is a goal, should be a goal of ours that needs to occur in terms of correcting it. And we will take that on as well as many other observations that we hear from people and try to address them along the way.

Another one that I hear on occasions is people don't really pay attention to the parking regulations because the amount for a ticket is so low. So it doesn't really have the effect that you'd like or curbing behavior. So again that is a fair point that we've heard from folks and we are looking to address it in due course. Overnight parking we heard loud and clear that folks wanted us to look at overnight parking and try to make changes and we did that a year or two ago and we continue to look at the overnight parking to try to improve upon it. It is a work in progress.

So with that being said, we are just continuing to try to work on improving operations and we will hopefully do it a little bit faster so we can get more corrective action.

#### Alderman O'Brien

Thank you Madam Chair. I say this with much jest to Alderman Jette, you just let out the dirty little secret of the City of Nashua as far as the parking between the reserve and the meter space. Now everybody knows. But I think you are not seeing the whole complete picture. The metered spaces are there to get the turnover and curb behavior and everything. But it is also there for the shopper, the people that do come downtown, the reserve space has been generally allotted out and Director Cummings can probably confirm or deny this more for the day-to-day person who that is going to be renting the space. Generally the owner of the facility and some of his employees. So when they terminate their business, and that doesn't mean that they terminate the business at 5:00, and that is evidently by what we are charging on our particular meters because our meters go up to 7:00 ok?

So therefore they may be at that reserve space until 8:00. So there is no guarantee, if you are one of the fortunate ones that finds the reserve space open at 5:00 consider yourself a lucky day and beat the City for 2 hours of the meter. But the thing is, in looking at it, I don't know what really would be the fix, we could discuss it in the committee and everything but the people pay for the reserved spot and they are allowed to park there completely I guess as long as they possibly can just as much as anybody else. If that position becomes vacated, let's say around 9:00 at night, then a regular citizen can go in there, where there is no meter charge and they can park at the reserve spot. So I don't really see it as a great loss or big bonus or anything with that in particular. Thank you.

#### Alderman Lopez

I would just like to comment that Ms. Stansfield is always receptive to questions that I have and is thorough in providing information and I appreciate the work that she does. I also want to say I am the Alderman for Ward 4 and Alderman Jette you forgot to ask me about any of your questions too. So we are sometimes talking to City Staff, we have the opportunity to provide input, that doesn't mean they are going to change all the plans. That would be a lack of transparency. It has to come before a Committee and if we have proposals and amendments or other suggestions, this is really where it should happen – ok not here it should be in the Infrastructure Committee. But you are a member of that Committee, we oversee the contracts that you were referencing between larger business owners and leased space and that kind of stuff. So it is a topic better discussed at the Infrastructure Committee; I do agree we could use more of a cohesive plan. I believe that would be yet another vote in favor of the Master Plan that the City needs. It should be tied with marketing and human behavior to make sure that we are not trying to help one group by raising taxes which alienates another group which would have been the shoppers that that group is trying to attract. So there does need to be a plan and there does need to be a strategy. I would like to see more formal presentation on that in the Infrastructure Committee.

#### **O-18-030**

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

#### **INCREASING FEES FOR LEASED CITY PARKING SPACES**

- Tabled 1/07/2019

#### **MOTION BY ALDERMAN LOPEZ TO RECOMMEND FINAL PASSAGE MOTION CARRIED**

#### DISCUSSION

#### Alderman Kelly

It can be general comment doesn't matter. I just wanted to point out that I didn't raise my hand fast enough when we were talking about the tobacco thing. I wanted to echo some of the comments about wanting to hear more. I think we definitely were missing the voice of Police; I'd also love to hear from the School District and parents because I know this is a really big issue for them especially vaping. I think it is pretty complex, I think the messaging around it has become very complex, especially in the vaping area. So that was my comment that I didn't get. I just wanted to remind everybody that there is a special election tomorrow. Please come out and vote.

#### Chairman Caron

So I would maybe suggest that the Chief of Police be invited to our next Personnel meeting in April to give us some feedback if Madam Clerk you could make a note to Sue Lovering that would help.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman O'Brien

As a guest of this Committee this evening I would like to thank the Chair for my opportunity to be here. Thank you.

Chairman Caron

You are welcome anytime. I too think that it is important and those people who could not be here tonight I am sure are parents and teachers and educators to come to this and as Alderman Laws says it is something we really have to think about because there is two avenues here. One, is every City and Town are doing this or should we push the State to make this happen and make it easier for everyone. But we shall see what happens between now and April.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERWOMAN KELLY TO ADJOURN**

**MOTION CARRIED**

The meeting was declared closed at 9:04 p.m.

Alderman-at-Large Lori Wilshire  
Committee Clerk