

COMMITTEE ON INFRASTRUCTURE

JUNE 27, 2018

A meeting of the Committee on Infrastructure was held Wednesday, June 27, 2018, at 7:13 p.m. in the Aldermanic Chamber.

Alderman-at-Large Michael B. O'Brien, Sr., Chair, presided.

Members of Committee present: Alderman Tom Lopez, Vice Chair
 Alderman Jan Schmidt
 Alderman Ernest A. Jette
 Alderman Ken Gidge
 Alderman Ernest A. Jette

Also in Attendance: Alderman Linda Harriott-Gathright
 Alderman Patricia Klee
 Alderman-at-Large Brandon Michael Laws
 Alderwoman Mary Ann Melizzi-Golja
 Alderman-at-Large David C. Tencza

PUBLIC COMMENT

James Cutter, 86 Palm Street, here in the City. I have a letter here for Alderman O'Brien.

Dear Alderman O'Brien, At our last meeting I asked for the removal of the Gilbertson fence and metal shed from our driveway and gave numerous reasons why it should be done. But for some unknown, unfound reason it has been rejected. Maybe your Committee has not done anything because Government is refrained from correcting private property matter.

But it is a Government matter because City Building Inspectors approved a permit in error for James Gilbertson on May 13, 1971. I have left you a copy of RSA 06-027:9 1 that states land used for domestic purposes such as clothes line and driveway are part of a house. And the building permits with the wrong actual dimension need to be enforced, I have found in Section 45 of the City Charter quote "he, the Mayor, shall enforce the ordinances of the City, this Charter and all general laws applicable to the City" unquote. See my May 23rd 2018 letter. Sincerely, Jim. Thank you very much.

Alderman O'Brien

Thank you Mr. Cutter. And I think we have others for public comment, could you please step forward, give your names and addresses so we can have you for the record please. Thank you.

Frank & Paula Iovieno, we reside at 37 Orange Street in Nashua. We understand that tonight you are going to be looking at the possibility of a stop sign on Orange Street and Lock and we just wanted to support that effort and anything to make that street and Lock Street and Orange Street a safer place for the kids to walk to Mt. Pleasant and for the traffic to slow down, so it can be a safe neighborhood and a place that people can continue to enjoy living. Thank you.

COMMUNICATIONS

There being no objection, Chairman O'Brien suspended the rules to accept and place on file a communication received from Barbara Medeiros regarding Street Re-Numbering Petition impacting the property at 7 Dawn Street

There being no objection, Chairman O'Brien suspended the rules to accept and place on file a communication received from James Cutter concerning a letter to be placed on file.

PETITIONS

Street Re-Numbering Petition (Dawn Street)

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND THAT THE BOARD OF ALDERMEN GRANT THE STREET RE-NUMBERING PETITION, IN PART, WITH THE STIPULATION THAT SHEET E, LOT 238 BE ASSIGNED THE STREET ADDRESS OF "3 DAWN STREET"; SHEET E, LOT 2248, BE ASSIGNED THE STREET ADDRESS OF "5 DAWN STREET"; THAT SHEET E, LOT 2249, BE ASSIGNED THE STREET ADDRESS OF "12 DAWN STREET" AND THAT THERE BE NO ADDRESS CHANGE TO SHEET E, LOT 188, CURRENTLY ASSIGNED THE STREET ADDRESS OF "7 DAWN STREET"

ON THE QUESTIONAlderman O'Brien

I would like to speak briefly to this. Since this came before us by the Medeiros,' as Chair I did a lot of work on this, I have a lot of communication with Sarah Marchant who in her job had a lot of communication with all the particulars as far as the Building Department, the Fire Department, Police Department and everybody else. There seems that there has been an agreement through all the parties involved, that they have come up to this basic recommendation. So now it came down if we look at the map and I don't know if all you have the map or part of it, but #3 Dawn Street is an existing structure. The vacant property is what is listed on your map as #5 and #7. So #5 can keep the same as number #5. Number #7 currently belongs to the Medeiros' and we can leave the Medeiros' in #7 and basically I think that is a good gesture to do so, if you so see fit.

We got to call what is lot 2249 on Sheet E we have to call it something. We came up with #12; why 12? Well if you look down if you are looking for even numbers going down the right hand side of the street, you are going to swing around that little turn-around there and you are going to see #12 and I don't think that is going to be any particular heartache. Again E 911 wants it to be a number, it had to be a number basically in communication that came up and just an idea and it came up with #12 and it seems to make everything clean. So everybody seems to be basically in acceptance of that and that is basically it. Any comment by anybody on the Board on this matter

Alderwoman Melizzi-Golja

Thank you for that. And again just for the public who may be listening the communication that we accepted from Barbara Medeiros regarding the numbering and their property at 7 Dawn, this addresses their concern and their request that we keep their number.

Alderman O'Brien

Right. Furthermore, this is like one of those situations where as elected officials we can actually make somebody very happy and let the Medeiros' keep their current address.

Alderman Jette

Mr. Chairman I know that we talked at some point and I remember Alderman Laws being part of the conversation about the fact that we are going to be getting these types of requests in the future. We expressed an interest, a desire that the people behind this E 911 numbering system come to us and explain to us why they are requesting what they have been requesting so that we can develop some kind of policy to treat all of these cases consistently in the future. I see that no one is here to speak about that. Your proposal about #12 is coming out of the blue to me because the motion, or at least I thought the motion we had before us, was to re-number, to assign lot 2249 Sheet E which you have said is going to be 12 that we were going to assign #9 to that lot.

I understand the Medeiros' point of view and I understand your desire to make people happy. I don't mean to be insensitive to their point of view but addresses change all the time. People move all the time and maybe I am insensitive but I don't see that it such a big deal. Your statement that they would have to change their deed is not accurate, they would have to change their address in a lot of ways but the deed descriptions are not street addresses.

I read the communication from the addressing committee and I followed up by speaking to Attorney Leonard about the Committee's position and she said that their initial recommendation was to continue the numbers sequentially so that on the left side of Dawn Street it would be 1, 3 and the two new lots would be 5 and 7 and the Medeiros' would change to 9. But she said that in response to their concerns and that if the Committee recommended to not follow that recommendation they wanted that at least that the numbers be on the left side of the road, be odd numbers and the numbers on the right side of the road be even numbers. They suggested that if we wanted to we could leave the Medeiros' as #7 but the new lots would be 5 and 9.

That, frankly, doesn't make a whole lot of sense to me that the numbers wouldn't follow sequentially. But I understand your desire to try to keep the Medeiros' happy. But now you are coming up with changing the new lot to 5 and 12 and I didn't know that you were going to do that. But she said that in their Committee they talked about it and they were very firm that the numbers on the left side stay odd and the numbers on the right side stay even. So I am having trouble supporting your suggestion. It seems inconsistent with the conversation that I had with Attorney Leonard. It would be nice if somebody from that Committee were here. I just talked to her this afternoon so I don't know when this agreement that you talked about...

Alderman Lopez

Were you looking for somebody from the numbering committee or someone from E 911.

Chairman O'Brien

Alderman Lopez let's allow the Alderman to have his say.

Alderman Lopez

It is not clear.

Chairman O'Brien

The Chair has a rebuttal as well.

Alderman Jette

So with the information I have now I cannot support this and since I heard Alderman Lopez's question, we originally talked about getting someone from E 911 but the addressing committee is implementing that and from either one or both I would be happy.

But the information about there being an agreement about #12, I guess I would like someone from the numbering committee to come and reflect that. We have nothing, we have no communication from them that relates to the agreement that you are talking about. But you say you have a rebuttal, you have new information?

Chairman O'Brien

Thank you Alderman Jette, you've put a lot on my plate here so let me try to strain it through to try to make common sense. Basically you may be in communication with Ms. Leonard, but you as a lawyer are quite familiar with what the term RSA is. And that is basically State Law and the State Law, RSA 231:133,A and the NRO 190 of the City 213 gives the Board of Aldermen, have the sole authority to assign or alter address numbers of buildings and other property along any private or public way in the municipality. We are clearly within our jurisdiction.

That letter has been provided to you. It came in a packet, I specifically made sure, I do recommend that you probably need to do maybe further study or homework or if you did not receive this, please let me know. We may have a problem and I will talk to our Clerk to make sure that you did have this information. But it was under my direction and it was supposed to be provided to all members of this particular Board. So I would like you to get familiarized with that.

Number two, I have no objections to have somebody from E 911 to come in and to address these concerns with the Board. But most of the State Reps here are quite familiar with a 28A issue. Why is not the E 911 an RSA? The reason that it isn't is it is a guideline, it is a recommendation. If they make it an RSA, then maybe the State ought to pay for all these changes in the addresses, so it reverts back to RSA 21:133 which gives us the sole authority to do so.

I don't know what you heard from the corporate attorneys but if you want to write that down you can have them discuss RSA 231-133,A and maybe they could discuss that. Because as far as I am concerned we are completely within our legal authority to change these particular numberings. These are special circumstances that come up, I am quite sympathetic. You are entitled as always to vote on your pleasure, on how you feel on the issue. If this gets shot down it is nothing, this is what this Board does, but again I think you said some not completely accurate statements. I think you need to do a little bit more research, because I am going by what the RSA states. We have the authority on that. I will now recognize Alderman Lopez in order and then I will recognize Alderman Klee and then I will recognize Alderman Laws.

Alderman Lopez

From my part, if it is 12 or 9, I don't really think either one is lined up with the streets next to it and it is an odd number of it is #12 across the street from 10 so they will know where it is that way, either way, I can see the value of either one. I do think that this discussion is really the result of the numbering committee's recommendation. So I was asking for a clarification on that because I think the numbering committee, we absolutely have an expectation and a right to ask them to come and explain how they make decisions, because they keep numbering things without considering the existing tenants because they are trying to adhere to E 911 which we don't necessarily need to.

So I would like to talk to them and say could we come up with a plan for you to do this City-wide and not one issue by one issue and one frustrated homeowner versus one development person at a time. Or could we stop doing it that way and just acknowledge that people who are living there have some priority over people

who have only recently decided to sub-divide their lot and make changes. Either way, I just would like to speak to them. E 911 I think their position is pretty clear, I don't actually have an expectation that if we said please come they would. And if they did, they just would tell us what we are expecting to hear. The issue that I see in terms of the City is a City issue, where yes we have a lot of numbers that are 29A, 29C, 14F, whatever. This is something that we should probably be tackling as a City if we really want to tackle it in advance of some possible State legislation in the future or just because it is a good idea.

But I think a good step for a future meeting would be to just invite the numbering committee. As far as numbering this specific one, I am not in favor of having a current resident change their number because somebody down the street has added development. I don't see a reason to hear if the neighbors and the developers are all in accord that either putting 9 or 12 is sufficient and I don't really care if it is 9 or 12 personally.

Alderman Klee

May I speak even though I am not a member of this Committee?

Chairman O'Brien

Absolutely.

Alderman Klee

I would like to comment on the fact that I am seeing more and more lots being split and I have a concern with people that have had this. I don't know whether or not we have to pay for deeds or anything of that nature but I do know that there is a personal cost dollar-wise to these people as well as an emotional cost of having to get ahold of everybody you know. Then there is a confusion of when the mail comes in and you change your address from this to this. I just don't think we can do that to our citizens. So I would really hope that this Committee would vote to, as Alderman Lopez said, 9, 12, it doesn't matter, as long as they don't make 7 have to change their numbering.

Alderman Laws

I don't want to rock the boat here, I completely agree with Alderman Klee and that the Medeiros family should not be subjected to changing their home address after living there for 15 years if there is something we can do to get around it. I am wondering if perhaps Alderman Jette would be amenable to the idea if instead of numbering Lot 2249 excuse me, #12, we numbered it #11 so then we adhered to the odd number side of the street. That's pretty much, that's all I've got.

Alderman Jette

So the addressing committee, and I know what the law is, I know we have the authority to assign any number we want, I'm not disagreeing with our authority to do that. What I am questioning is why the addressing committee said that they would rather it be 1, 3, 5, 7 and 9 but if we don't want to do that, if we want to let the Medeiros' keep 7, they are recommending that we make 2249 Lot 9. It would remain an odd number on the left side of the street. To accommodate the Medeiros' and sensing the consensus of the committee I would suggest that we do 9. I am wondering why you came up with 12?

Chairman O'Brien

Well again if you look at your map. Do you have your map with you?

Alderman Jette

Yes.

Chairman O'Brien

So please if you could follow and if you look at the map, if you gave it number 12, I guess it is whatever you want to call it anything but basically if you gave it number 12, the only number that is going to get skipped over is #7. So as you come down the street, you are going to have turn around in the cul-de-sac and immediately you will be facing right there #12. Now did I take a dart and throw it against the board and that's the one I hit, #12? No. This was in consultation with other people, Sarah Marchant and other people that I sought out as the Chairman on this Committee, sought counsel and doing the lead work on this. I am not really that against, I'm going to push the motion through that it came up with #12 because this was previously determined. I had conversations today with Ms. Marchant on this particular and said what do you think about 12? And right and you know I did a lot of work coming up with tonight's agenda to make sure that it perfectly said exactly what we wanted to say and complete and everything and did a lot.

I guess that's my particular job as the Committee Chairman. But I didn't hear anything or input or anything from anybody prior to the meeting to kind of come up with anything. So I think what it does, it is a very short street. It isn't really going to really matter much. I guess the objective here to look at, is it really good going down in sequection, no it isn't, but will it keep one of our constituents happy is the key. A person that has been in their address for a very long time and just because a developer wants to make money we are supposed to change the world I think we are asking an awful lot. So please don't lose sight of that. Basically when we look at it, coming and changing to 12 it isn't really going to matter. Again, it will follow right after 10 and skip number 7 and there will be #12 and it basically works. And again this was done in consultation with the Community Development and everything.

Alderman Gidge

Yes, I think when we can make someone happy simply, my question as yourself as a professional fire fighter your entire life, does it make a difference, the street?

Chairman O'Brien

When they dispatch a particular street, and some of the streets are longer, they give pinpoints basically it runs from one street to another street. But in my 35 years working here on the Fire Department I have had dispatches for Russell Ave. and Russell Street, Coburn Ave. and Coburn Street. Saturn, Satin both are in mobile home parks by the way. So there are many, many, many misgivings. So when you make the dispatch you listen to the cross streets and reference and where it is going through. So if it came up with the situation of our good friend that was down on New Searles Road that we assisted her and re-numbering that particular address, that would have come up from Shady Lane to Wilmington. So the Fire Department would still be able to look within that block knowing that is where that E 911 should have that planted and should have not so much of a problem with it.

Alderman Gidge

That is my concern and I think this all accounts to me if we can make somebody happy and you as a Fire person understands this, I say let's do it.

Chairman O'Brien

There's also too, if I may so, to be a good citizens, it also is a requirement within the City that everybody should have their house numbers on their mailbox on their house so they can be read clearly from the street.

That's good practice and particularly if somebody was ill in the dead of night and forgets to put the porch light on at least it will assist the emergency apparatus in responding. So that is another good thing to particularly follow. Any other comments on the matter.

Alderman Jette

I just want to say if we let Medeiros' keep #7, I guess I'm not clear as to why you want to make the new lot an even number 12 as opposed to giving that lot 9 as was recommended by the addressing committee as an alternative.

Chairman O'Brien

I don't know what addressing committee recommended, as Chairman of this particular committee.

Alderman Jette

It is right in their letter Mr. Chairman, the letter that you pointed to me. It is the letter from the addressing committee dated May 9th, the third paragraph down it says if this committee's recommendation to continue to move forward in a way that will not create a non-compliant situation for future residents, we recommend Sheet E Lot 2249 is assigned the address of 7 and Sheet 188 reassigned to 9 Dawn Street. If the Board determines that special unique circumstances warrant a diversion from E 911 standards, this committee recommends that 2249 be assigned the number 9.

When I spoke to Attorney Leonard she said that the Fire Marshall and the representative from the Police Department were adamant that the left side should be odd numbers and the right side even numbers. So that's why they came up with making that new lot 9. Let the Medeiros' stay at 7 but the new lots would be 5 and 9. So at least they are odd numbers on the left side. On the right side, they say they should all be even numbers. So we could keep the Medeiros' happy and I'm sure the new lot owners don't care as long as they get a number and they can build a house. So give those new lots 5 and 9 which would keep the odd numbers on the left side. We keep the Medeiros' happy and we keep the addressing committee half happy.

Chairman O'Brien

Are you all set Alderman Jette?

Alderman Jette

Yes I was hearing the phone.

Chairman O'Brien

Let me clearly say that your reference to paragraph 3 would have put the Medeiros' in the same jeopardy that we are trying to avoid here, which I don't think is the flavor.

Alderman Jette

Right.

Chairman O'Brien

Number 2, referring back to RSA 231:133A and NRO 190 to 213 if we want to call it 12 it can be 12. And so if there is no further comment, let's move it to the vote and you can vote appropriately on whether you want to go with it or not.

Alderman Jette

I do have further, I said the 3rd paragraph, I meant the 4th paragraph and I read the 4th paragraph. The 4th paragraph says if we are not going to do what they recommended, their first recommendation, they are recommending that we let the Medeiros' stay at 7 and number the new lot 9 so the odd number is on the left side of the street. I misspoke when I said the 3rd paragraph, I meant to say the 4th paragraph.

Chairman O'Brien

Ok thank you Alderman Jette. Can the Clerk re-read the motion please and we will call it as a vote.

Alderman Lopez

Excuse me, I just want to propose an amendment to the motion which I think we have to do before we vote on the motion itself.

Chairman O'Brien

An amendment.

Alderman Lopez

I just want to amend it to 9 instead of 12.

Chairman O'Brien

I called for the vote.

Alderman Lopez

I had my hand up and I wasn't recognized.

Chairman O'Brien

Yes but I called for the vote. Again, you may vote whatever your conscious is. You are hanging a hat on a number here, I think the objective of this committee is trying to assist.

Alderman Lopez

I don't think I am the one hanging the hat on the number here.

Chairman O'Brien

If it fails, we can amend it.

Alderman Jette

I appeal your ruling that we can't make an amendment. We haven't voted yet.

Chairman O'Brien

Well I am going by the decorum, I called for a vote, Alderman Jette. I called for the vote. Let me put it this way, according to Mason's Rules, I can allow it. But the thing is, and I will. I will. The point is - here is I called for the vote as Chair and I would respect the respect of the Chair when the vote is called.

We, in the State House, completely understand that when a vote is called, you vote. But I guess I could be nice and say Alderman Lopez I will entertain your amendment to expedite this particular matter.

Alderman Lopez

Thank you very much, I appreciate it. I just want to make an amendment to change the numbering from 12 to 9 so that the odd numbers are on the same side.

Chairman O'Brien

Can you write that down that it would be basically the motion would be that Sheet E Lot 2249 be assigned a street address of 9.

Alderman Schmidt

Shall I read the entire thing?

Chairman O'Brien

Ok please, yes.

Alderman Schmidt

Motion by Alderman O'Brien to recommend that the Board of Alderman grant the street re-numbering petition, in part, with the stipulation that Sheet E, Lot 238 be assigned the street address of "3 Dawn Street", Sheet E, Lot 2248, be assigned the street address of "5 Dawn Street", that Sheet E, Lot 2249, be assigned the street address of "9 Dawn Street" and that there be no address change to Sheet E, Lot 188, currently assigned the street address of "7 Dawn Street". That is amended.

Chairman O'Brien

Does everybody understand the amendment.

Alderman Jette

Is that your amendment.

Chairman O'Brien

It's not my amendment, it is the Lopez amendment. Now if I may speak on the amendment, I did a lot of work on this, I am not trying to be a tough guy with it. I did a lot of work with it. I wish you were here Alderman Lopez earlier to maybe come up and hear these things and I strongly encourage it is taking time at this meeting on a number, it is equally important.

But I came up pre-determined and worked with the 12 and I am not going to support the amendment due to the tardiness of it. I think it is going to complicate something that has been hard worked on in the past and come to a solution here.

But again I recognize the authority of this Board and respect the will of this particular Board. So I encourage you to vote on the Lopez amendment but I am not going to support it. That being said. Could the Clerk please just call the roll of the members on how they would particularly vote.

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

Yea:	Alderman Lopez, Alderman Schmidt, Alderman Jette	3
Nay:	Alderman O'Brien, Alderman Gidge	2

MOTION CARRIED

Chairman O'Brien

Alright the Lopez amendment has passed; could you re-read it and we will vote? Because of the lateness of this, put it down that the Motion by Alderman O'Brien is as amended with the Lopez amendment.

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND THAT THE PETITION BE GRANTED , IN PART, AS AMENDED, WITH THE STIPULATION THAT SHEET E, LOT 238 BE ASSIGNED THE STREET ADDRESS OF "3 DAWN STREET"; SHEET E, LOT 2248, BE ASSIGNED THE STREET ADDRESS OF "5 DAWN STREET"; THAT SHEET E, LOT 2249, BE ASSIGNED THE STREET ADDRESS OF "9 DAWN STREET" AND THAT THERE BE NO ADDRESS CHANGE TO SHEET E, LOT 188, CURRENTLY ASSIGNED THE STREET ADDRESS OF "7 DAWN STREET"

MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES

O-18-007

Endorsers: Alderwoman Mary Ann Melizzi-Golja
 Alderman Patricia Klee
 Alderman Tom Lopez
 Alderman-at-Large Michael B. O'Brien, Sr.

PROHIBITING PLACING OR BLOWING YARD DEBRIS IN THE STREET

Chairman O'Brien

This Committee on Infrastructure recommended final passage with the proposed amendments, we did. It was assigned to the BPW with a favorable recommendation and the proposed amendments on 4/26/18 it was re-referred to the Committee on 6/12/2018. Therefore, I think there is a motion, would the Clerk read a pending motion?

MOTION BY ALDERWOMAN MELIZZI-GOLJA TO AMEND O-18-007 WITH THE LANGUAGE PREVIOUSLY PROPOSED TO THE FULL BOARD OF ALDERMEN PRIOR TO ITS RE-REFERRAL

ON THE QUESTION

Chairman O'Brien

Would the Alderwoman like to speak to the motion.

Alderwoman Melizzi-Golja

Yes and again I am moving to amend O-18-007 with the language that was suggested by BPW. I believe all of you received copies of that, I believe it was attached with your agendas.

First of all the history, this ordinance originally referred to the placing of snow and so the addition was or yard debris and it talks about blowing any yard debris including but not limited to leaves, branches and grass clippings in to the right of way, and to that was added sidewalk. Then also suggested for amendment was that the section shall not apply to the following situations; placement has been directed or requested by the Division of Public Works so when they ask you to put your 3 foot piles of branches along the side of the road for pick up; or clean up or collection of material that is simultaneously occurring. So in the situation where someone has someone cleaning their lawn and they've loaded the material into the side of the street but it is obviously an act of work site that is being cleaned. So that is the language that has been proposed for an amendment.

Just for a bit of history on this, I went back through my e-mails, there was a situation that was brought to my attention and I then contacted Code Enforcement on November 14th, 2017 regarding the situation. The response I got back was we can speak to this individual, we get a lot of complaints of a like nature, but there is not a current ordinance that addresses this type of violation. I followed up then with Director Marchant and she spoke to me about the amount of time they spend addressing this situation because people's first call is to Code Enforcement and again the fact that they have nothing available to them to address this situation.

Yesterday I had the opportunity to follow up with the Police Chief and he indicated, because I know there had been a comment about putting in that there would first be a warning issued and he indicated that a warning can always be issued and that is certainly at the discretion of the Police Officer. I think we all saw that there were noise violations on Main Street and warnings were issued for people. When I asked about the fee, the fine that would be assigned, again that is something that is at the discretion based upon what the severity of the situation is. I can tell you that again in talking with Code Enforcement and Director Marchant, typically once people are made aware of the fact that this is in violation of a City Ordinance, it stops and there is not a need to go back out and deal with repeat offenders.

But at the moment, there are people who know this is something that no one can do anything about. So I am hoping that we can move this out of committee and back to the full board with the amendments as read, the proposed amendments and get this to this board for final passage. Thank you.

Alderman Tencza

Thank you Mr. Chairman. If I could I came to the meeting tonight because I was one of the people who expressed some hesitation when this came before the full board. My hesitation is a couple fold and my point tonight is just to come to the committee and bring it to the committee for discussion. I am not on the committee so I can't vote on it tonight.

I understand the want to have something else on the books to try to enforce. Essentially to try to deter people from putting yard waste in the road when it is not supposed to be there. The hope is that by doing that, you then create less work for the Police Department for Director Marchant and her Division. My concern, quite frankly, is once there are penalties associated with it that more people are going to be calling and saying "come out here and enforce this because my neighbor is putting things in the yard". It creates more work, I would rather have the Police Department be responding to calls and doing patrols than responding to neighbor disputes which I know because they are such a professional organization that they respond to every call that they get. So those are my concerns.

The State has RSA's on this already. One of the options that the State has for people who are dumping debris into the roadway is that they charge the folks for whatever the cost is to go out there and collect that waste. I think that's a reasonable, if the City has to go out and essentially clean the road because somebody is putting their leaves or other debris, I think even without a warning I think that is more reasonable than potentially having \$1,000.00 fine.

And, again, I don't think people are getting \$1,000.00 fines but there is going to be a time or an officer who is upset that he is spending his time going out there and starts giving people these fines. So those are my concerns. I apologize to the committee, I can't stay around for too much longer but I trust the committee to do with it what they will.

Chairman O'Brien

Thank you Alderman Tencza, I know you have pressing engagements. Seeing that is there additional comment?

Alderman Jette

Before you leave, if I could address a question to Alderman Tencza, Mr. Chairman.

Chairman O'Brien

Absolutely.

Alderman Jette

You know that Police Officer do not determine the amount of a fine, it would be up to a judge if it ever went to Court. Would your objection be alleviated if instead of the last sentence, which is what the law is now, we are not changing anything. The last sentence reads "any person who shall violate this section shall upon conviction be subject to punishment as provided in Section 1-12" Nashua Ordinances. In that section, consistent with State law, just enables a judge in enforcing City ordinances to issue fines of up to \$1,000.00.

Would it alleviate your concern if instead of referring to Section 1-12 we refer to Chapter 74 which is the Administrative Enforcement Provisions that this board adopted a couple of years ago. It provides for the issuance or it enables City departments or officials to issue citations. There is a whole table of fines and stuff but for any penalties that are not listed for any offense that is not listed on the table, it provides for a first offense of \$50.00 if paid within 10 days, \$100.00 thereafter, the second offense \$100.00 if paid within 10 days, \$150.00 thereafter and a third offense \$200.00 if paid within 10 days or \$250.00 thereafter. Would limiting it to those penalties have swayed your concerns or not?

Alderman Tencza

I think it would be an improvement certainly. And again I am concerned with just the resources for the City Departments and having to enforce this. And I understand that they include corporation counsel essentially has said that he has never prosecuted one of these in which case I say why do we need it? I mean I understand why people want it. I think it could have unattended consequences and I suppose if it does then we could always come back and change it. But I think your suggestion would be a good start.

Alderman Schmidt

I think to answer why it is never prosecuted, simply because that first stop by a Policeman at your home saying "we have code that says this is something that isn't done in our City", I think we can prove that works for the snow issue here. And I think it would work for anything that is obstructing the roadway. And I can see where this would be the perfect place for this. It is fair warning and that it will make it safer.

Alderman Harriott-Gathright

I think my statement during our Aldermen meeting was kind of what brought this back here. What Alderman Jette proposed I am a lot more comfortable with than what was previously proposed in terms of the finances.

Alderman Laws

I just would like to say I like Alderman Jette's proposal, I think it is a fair compromise. \$1,000.00 seems a little outrageous and I think using a tiered penalty structure if by third time you are not figuring it out, that's on you, you know. I agree with you 100%.

Alderman Lopez

When we did the revisions to the Code Ordinances that Alderman Jette was referring to, it was also because the Code Enforcement Department was running into issues where they would issue the violation but because it was going to Court, it gave people, they could just keep doing it and then the City would either have to fight them in Court or wait until it actually went to Court and then they would clean up the day before. So I am also in favor of Alderman Jette's proposal, because it keeps us from retreading in history. I recognize what Alderman Tencza is saying about making sure that we don't have a situation that can be abused. I don't think either one is a situation that can be abused, but this one is certainly one with more levels and more oversight.

Chairman O'Brien

The Chair looks upon this as another conundrum here. Basically let us look at this particular ordinance and let me just clearly state it. This is already adopted basic language, we have it currently on the books for snow removal I think we all can understand Alderwoman Melizzi-Golja through in the brush provision. So we are not re-writing new law. So let's look at the history, was there any real particular problem legally with the existing snow removal and the answer is no. It didn't seem to be any complaints from the Police Department or anybody else.

I know speaking of my term on the Fire Department we have had situations where people came in and particularly for evacuation purposes have second means of egress out of parking lots and some of the developments. And people had plowed snow there and with the threat of basically giving or having them being fined or anything, that they cannot put snow in front of those points of egress. Well that usually had done the trick and once people were aware of it, and what it was, a point of egress it didn't necessarily occur again. But at this particular point the motion was made, we have it on the floor. Unless the motion wants to be withdrawn, I am going to call for a vote by Alderman Melizzi-Golja.

Alderwoman Melizzi-Golja

I am willing to entertain Alderman Jette's amendment. He and I have been working on this together. So if he would like to further amend the language at the end of this ordinance, I am comfortable with that. And I will explain why. Although this is kind of Code Enforcement in what he is referring to, the Police as it states in there "City Officials who are responsible for enforcing those ordinances can institute these fines". And there are other situations in the City that involve motor vehicles and things that are going on where when we don't have a Code Officer on duty, there is a Police Officer who is assigned to address those code violations. So I think that this in keeping with all of that. So Alderman Jette, if you could just give us the citation as provided in and we will remove 1-12 and what should we add there, that you just read. Finish my thought please.

Alderman Jette

May I.

Chairman O'Brien

Go ahead, Alderman Jette.

Alderman Jette

Is there any reason we couldn't table this and let the legal department re-phrase it?

Alderwoman MELIZZI-GOLJA

If I may, I would be willing, I think we need to move this forward and rather than coming back here to the committee, my recommendation, if the Chair thinks it is reasonable, is that we make the amendment now, it goes to legal and when we have our next meeting in July we will have feedback from legal and if they say no this isn't going to work we will have the feedback and we can do some final work at our Board of Aldermen meeting. But if we amend it now than it can go to them and come back and that works. That has been done multiple times where things are often amended in committee and go to legal and then come back to the full board.

Alderman Jette

Ok if I may, I would move to amend by striking the last part of the last sentence that says "Section 1-12" and replacing it with "Chapter 74". Or actually we could just keep the section and just change 1-12 to 74-1 – 5.

Alderwoman Melizzi-Golja

So as provided in Section 74 1 – 5?

Alderman Jette

Yes.

Chairman O'Brien

The Chair does have a question possibly for Alderwoman Melizzi-Golja. There are other amendments to O-18-007 correct? Ok, so the Jette amendment will be encumbered or will be placed with these other amendments to O-18-007 correct?

Alderwoman Melizzi-Golja

Right so we will just put all of this together as one.

Chairman O'Brien

Any questions of the other committee members?

Alderman Jette

I believe that at our last meeting we amended it so what went to the Board of Aldermen?

Chairman O'Brien

I can perhaps answer that it basically was accepted but the amendment wasn't really accepted, if you remember, again there was a lot of conversation going on and it got kind of waylaid so to come back I was told and I think Alderwoman Melizzi-Golja was told that what we did was unfortunately not what was intended. It got waylaid and so now we are coming back with the amendment. So we are on the correct path right now if we can stay this course.

Alderman Melizzi-Golja

We had lots of conversation but never moved to amend. We sent it back to committee without amending at the board. I would then move that this committee recommend final passage.

Chairman O'Brien

No. Excuse me, as a matter, I would like to entertain a motion if I may just to assist, the amended O-18-007, with the inclusion of the Jette amendment that was previously proposed to the full board of Aldermen prior to the referral. Would that be the correct motion.

Alderman Melizzi-Golja

Let's just do that.

Chairman O'Brien

That would clean up what the question is on the amended version. Thank you.

Alderman Jette

I'm very sorry but I am having second thoughts because the last sentence says "any person who shall violate this section, shall upon conviction be subject to punishment as provided in" but Chapter 74 doesn't provide, you know it takes it away from court. You don't have to use Police Officers, you can use other City officials, and they just issue a citation, the court is not involved so there is no conviction. It takes it out of the criminal aspects and the language we have there, that pre-existed talks about conviction. I think we would rather say and that's why I thought maybe legal should have an input.

Chairman O'Brien

Well Alderman Jette that's why I strongly urged to keep it the way it was prior to the amendment because you could get yourself into a legal loophole which is I think what you are doing right now. You are giving this thing more teeth in a way with the amendment as you just explained. So it is a point of caution.

Alderman Jette

If I may speak out loud.

Chairman O'Brien

Oh absolutely.

Alderman Jette

We could change that last sentence to say that "This section shall be enforced in accordance with the provisions of Section 74- 1- 5."

Chairman O'Brien

And if I may as Chairman to seek the counsel of my colleague, Alderman Melizzi-Golja, it did mention that this new amendment can be re-introduced when it comes back up to the board am I correct.

Alderman Melizzi-Golja

Correct.

Chairman O'Brien

So if nobody is comfortable with this this evening and what I am referring to Alderman Jette, if you really want some time to sit back and chew on this, you could withdraw that and before it comes back to the Board of Aldermen as amended, come back with the amended copy, which is the goldenrod copy. You could come back with that.

Alderman Jette

The famous goldenrod copy.

Chairman O'Brien

The famous goldenrod copy, correct.

Alderman Melizzi-Golja

If I may in looking at the wording here and trying to match it up, we could say any person who receives a citation for violation of this section will or where did I have the word in here ... I think let's just go with Alderman Jette's yes. This section shall be enforced as provided in Section 74 1-5. And then it talks about it being a citation. So let's just go with that. And again if legal thinks we should change it, they will let us know and we will have that new wording to come forward as an amendment at the full board. I would suggest that we amend it with the language we had discussed at the beginning of the meeting along with the language regarding this being enforced using Section 74 1-5.

Chairman O'Brien

Are you comfortable with that?

Alderman Melizzi-Golja

Yes I absolutely am. And I am sure if there is a problem, legal will let us know if there is more specific language.

Chairman O'Brien

At this particular time the Chair does recognizes that Alderman Lopez, did he leave. But we are still at a quorum.

MOTION BY ALDERWOMAN MELIZZI-GOLJA TO AMEND O-18-007 WITH THE LANGUAGE PREVIOUSLY PROPOSED TO THE FULL BOARD OF ALDERMEN PRIOR TO ITS RE-REFERRAL, AND BY DELETING THE LAST SENTENCE AND REPLACING IT WITH THE FOLLOWING: "THIS SECTION SHALL BE ENFORCED IN ACCORDANCE WITH THE PROVISIONS OF § 74-1 THROUGH § 74-5."

MOTION CARRIED

MOTION BY ALDERWOMAN MELIZZI-GOLJA TO RECOMMEND FINAL PASSAGE AS AMENDED WITH THE PROPOSED LANGUAGE
MOTION CARRIED

Alderman Melizzi-Golja

Thank you Mr. Chairman.

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

O-18-016

Endorsers: Alderman Tom Lopez
Alderman Richard A. Dowd
Alderman Ken Gidge

ESTABLISHING A NO PARKING ZONE ON THE WEST SIDE OF PINE STREET

Chairman O'Brien

If I may speak to this, I don't know if anybody has but I peered over and I looked at O-18-016 and unfortunately Alderman Lopez left without basically able to explain this particular ordinance. I did make communication with Mr. Cummings and I said who is in charge of the downtown parking? And I said are you familiar with this particular ordinance and he said "I did hear of it but nothing really came up to me". I don't know what Alderman Lopez's intentions are with this. Unfortunately he is not here to explain it. But in my communication with Mr. Cummings, he would like to have the opportunity as downtown director to pour over this and then also bring it up as a question with Engineering.

I think unfortunately with the absence of Alderman Lopez, and seeing that this may need to be referred or reviewed by Mr. Cummings and engineering, I would like to make the motion to table it until the next meeting where further information can be provided on this.

MOTION BY ALDERMAN O'BRIEN TO TABLE O-18-016
MOTION CARRIED

O-18-017

Endorsers: Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman-at-Large David C. Tencza
Alderman Tom Lopez
Alderman Ken Gidge
Alderman Mary Ann Melizzi-Golja

AUTHORIZING A STOP SIGN ON LOCK STREET AT ITS INTERSECTION WITH ORANGE STREET

MOTION BY ALDERMAN KLEE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman O'Brien

Alderman Klee would you like to speak to your motion?

Alderman Klee

Yes I would, thank you very much. The reason that this came to my desk sort to speak is that Lock and Orange is a very unique kind of intersection. Lock is a two-way from Orange all the way to Chandler and in the other direction it is a one way. So this technically is a three-way intersection.

On both sides of Orange have a stop sign. On the Lock side it has a blinking yellow light. The problem is that even with the blinking yellow light, many people will still stop for it, which creates confusion and so on.

I spoke with the Mayor's office, Director Fauteux, the City Engineer and so on and we came up with different theories and ideas of what we could do and the bottom line is that we cannot use stop signs to slow traffic down and this does not do that. This is very specifically a safety issue. I have walked up and down Lock Street and as the lovienos' pointed out, is that there is a true safety issue.

The other day I sat there while there were three people in the intersection. Each one kind of playing do I go, are you going, am I going, are you going kind of type of thing. To which end, the person two cars down on Lock Street starting yelling out profanities asking the person whether or not they knew what a yellow light meant. So then they kind of gunned and while the other two people are going we almost had another accident. There have been a number of children who have been almost hit there. That is, as Mr. & Mrs. lovieno pointed out, is a walking path to Mt. Pleasant, which means there are a lot of children on that corner.

After speaking with Director Fauteux and her walking on Lock Street with me and witnessing different things going on, we agreed that the best, at least at this point, the best solution would be a stop sign. A stop sign would be put in it would say "all way" and the yellow/amber flashing light would be turned to red. I really would like to see this move forward to the full board and I think it is the best solution at least at this point in time. Thank you.

Alderman Laws

I just have to say I use that intersection several times a week and I couldn't support this motion more. It is definitely a safety issue, it is definitely a confusing set up right now and if there are children walking by there I think that we have a responsibility to make sure they are not going to get run over by people who don't know how to use traffic lights.

MOTION CARRIED

Alderman Laws

I feel like it might be appropriate to say that I really, really respect everyone on this Board and there might be some moments of tension and dissent but the fact that we are all working towards the common good and we are all very respectful and cordial with each other, it means a lot to me. And I want you to know that I appreciate all of you and all of your input, especially the more senior members who know more than I do. So thank you for that.

Chairman O'Brien

Very good. Any other additional comments? To echo Alderman Laws' sentiment I feel the same way too, although I think some of it is kind of comical, we all have a difference of opinions and to be respecting and that is what we basically do. I think we did great work tonight, we did keep a citizen happy in that they could keep their numbers, that was good. Regardless of what your opinion was on that and that's fine and everybody has the right to express and everything.

Like I say, as Chairman I do do a little extra work and I think that is what a Chairman basically does do. It's what I did as Chairman when I was up at the State, as Vice Chair of Transportation and Acting Chairman of Transportation. You do the little bit of extra work, but that doesn't supersede the rights of what this board wants to do and I want to clearly say that although I seem I may not have, I wish someone had spoken to me earlier. But the thing is I do not mind doing the work but I respect your opinion and do encourage you to vote and work hard on this committee.

I think we have a great committee and I am glad of everybody that is on it and the other members who have shown up. I think we are doing a fantastic job. And I think we made the Medeiros' very happy tonight so I think that is also a good thing. Without further ado, out of one of our committee members I am looking for a motion.

ADJOURNMENT

**MOTION BY ALDERMAN GIDGE TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:25 p.m.

Alderman Jan Schmidt
Committee Clerk

June 23, 2018

Dear President Brian McCarthy and Alderman Michael O'Brien, Chair of Infrastructure Committee,

My name is Barbara Medeiros and I live at 7 Dawn street. My husband Fred and I live at the end of the street which is the next lot abutting the proposed subdivision.

We've been settled in our home for 15 years and have been asked to change the house number from 7 to 9. We are not willing to change our address and contact all our friends, family, acquaintances, business associates, electric company, cable and oil companies, credit cards, banks, mortgage company, drivers license, and much more.

We feel this is asking too much from us and it is totally unnecessary and unacceptable. This would be a big inconvenience and it doesn't make sense why this should be our problem.

This is a small dead end street and there is no way the an ambulance or fire truck would have trouble finding the correct house.

There are many houses throughout Nashua that have numbering such as, 5A and 5B, 5 and 5A, or 5 and 5 1/2 etc. I doubt this will ever be corrected, as there will always be existing homes with non sequential numbering and there will always be subdivisions where a number needs to be inserted. I think existing houses should be grandfathered in. Maybe for new developments they could be a little more strict.

Also, we don't understand how 2 house lots can be approved by the planning board when the numbering system they proposed has not even been settled or approved.

We hope you can work something out where the builders can continue with their plans and they won't be held up any more than they have to be. We don't want to hold the process up any longer, but we're adamant on keeping our number.

Thank you for considering our concerns,
Barbara and Fred Medeiros