

A special meeting of the Board of Aldermen was held Tuesday, July 6, 2021, at 7:00 p.m. in the aldermanic chamber as well as via Zoom teleconference.

President Lori Wilshire presided; Deputy City Clerk Allison Waite recorded.

Prayer was offered by Deputy City Clerk Allison Waite; Alderman Linda Harriott-Gathright led in the Pledge to the Flag.

To join by Zoom – please refer to the agenda or the website for the meeting link and telephone number.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please indicate if participating via Zoom state why you are not meeting in person and whether there is anyone in the room with you during this meeting which is required under the Right-To-Know Law.

Deputy City Clerk Waite called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 10 physically in attendance and 4 via Zoom members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman Patricia Klee (via Zoom), Alderwoman Shoshanna Kelly, Alderman Richard A. Dowd, Alderman June M. Caron, Alderman Benjamin Clemons (via Zoom), Alderman Thomas Lopez, Alderwoman Elizabeth Lu, Alderman Ernest Jette, Alderman Jan Schmidt, Alderman Brandon Michael Laws (via Zoom), Alderman Skip Cleaver (via Zoom), Alderman Linda Harriott-Gathright, Alderman Wilshire.

Alderman David C. Tencza was recorded absent.

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

President Wilshire to turn the meeting over to Alderman June M. Caron.

Chairman Caron

Thank you Madam President. We are here for a Special Board of Aldermen meeting on July 6, 2021 to hear public testimony concerning R-21-151 Relative to a Ballot Referendum Concerning Sports Betting within the City of Nashua. We're going to start within the chamber first. Is there anyone here that would like to speak in testimony in favor?

Alderman Lopez

Just as a point of order as Alderman O'Brien to put his mic on mute.

Alderman O'Brien

I'm muted.

President Wilshire

Jeff are you available?

Jeff Poehnert

I took care of it I think.

President Wilshire

Okay thank you.

Chairman Caron

Thank you. Someone raised their hand. Please come to the podium and state your name and address please. The Clerk will tell you when she starts the 3 minute time limit.

PUBLIC HEARINGS**R-21-151****RELATIVE TO A BALLOT REFERENDUM CONCERNING SPORTS BETTING WITHIN
THE CITY OF NASHUA**TESTIMONY IN FAVORGiovanna Bonilla

Good evening. My name is Giovanna Bonilla. I live at 5 Hopi Drive here in Nashua, New Hampshire. I'm also the Director of Events and Partnerships at Boston Billiards Pub and Casino.

I am here to ask for the Board's support of the referendum for sports betting be put back on the ballot. I believe the last time it was on the ballot my understanding from the sounding boards, and talking to the community is there was a deep misunderstanding on what the vote was for and what it actually meant. So this is not to decide if people can bet on sports. It is legal. I think people know that now. It's legal in the State. They can do it from their phone. The only thing this would do is allow people to go to a brick and mortar in person facility to make their bets. There will only be ten in the State so the longer we wait, the less likely we'll ever have on in Nashua. I assume that they will make their ten selections in the future. Fifty-one percent of the proceeds would go to our education fund for the State so it would do great good there. While it wouldn't directly support charitable gaming in Nashua, it would indirectly support immensely as it would draw people in and definitely make us more diverse and get more people to come to Nashua to watch games, come on Sundays, and they might dabble and support the other games, therefore supporting our food and beverage sales and also the charitable gaming that benefits many of the Nashua charities that we have here.

Chairman Caron

Thank you.

Giovanna Bonilla

You're welcome.

Chairman Caron

Is there anyone else in the chamber that would like to speak in favor? Okay we'll go to Zoom. Is there anyone who would like to speak concerning the gaming that's on Zoom? Would you raise your hand so we can see you?

Mike Apfelberg

Well you already stated my name but my name is Mike Apfelberg, President of the United Way of Greater Nashua. I would also as was just previously stated, I'd like to express my support of putting R-21-151 putting the issue before the voters of allowing sports gaming in the City. We are one of many nonprofits that have participated in charitable gaming and have benefited greatly from the proceeds of charitable gaming in our community. Between Boston Billiards and the River, these two organizations have pumped

through their charitable gaming operations literally, literally many millions of dollars and between the two well in excess of \$10 million into our City's nonprofits supporting really critical resources.

Now I understand that sports betting will not directly benefit charitable gaming, will not as such directly have proceeds benefitting charities however, the vitality of these organizations is a function of the product they have to sell to the public and how interesting it is as a place to go and spend your money. We have some very competitive organizations just across the border. For example, the Everett Casino down in Boston is a huge competitor and there's also competition up in Maine. We really just do not want those dollars leaving our community if at all possible. So I'd like you to consider putting this on the ballot.

I'd also like to reinforce that we should put some muscle behind communicating what this actually means this time around so that people aren't confused when they go to vote. Thank you very much and I appreciate you entertaining this motion.

Chairman Caron

Thank you. Is there anyone else on Zoom that would like to speak in favor?

Jim Rafferty

Jim Rafferty would like to speak. Can you see me? Can you hear me?

Chairman Caron

Yes. Could I have your name and address please?

James Rafferty

James Rafferty – 52 Main Street, Apt. 404. I am the General Manager of The River Casino and Sports Bar and in the very near future the Lucky Moose Casino and Tavern at Exit 6 where I'm sitting right tonight.

I wanted to speak in favor of R-21-151. I think it would be good for the City of Nashua. When we look back at the previous opportunity for folks in Nashua to vote in favor of sports betting, I think there was a lot of confusion about what people were betting for. I think it's much clearer now and we need to do a better job of communicating with all the citizens of the benefits of sports betting for Nashua. The citizens of New Hampshire, and the New England, and the United States have voted with their feet on sports betting. It's extremely popular endeavor and we need to get into this business. When people say they're going over the State line to do it, heck with that – Manchester is taking a lot of money out of our pockets by not having a facility here. So there's lots of good reasons to do it. My company will support it. We're going to do a better job of communicating and I really appreciate Mike O'Brien, and Ben Clemons, and Trish Klee for helping us get this resolution going and I would ask you all to support this resolution. Thank you very much.

Chairman Caron

Thank you. Okay, once again, anyone else on Zoom who would like to give testimony concerning sports betting?

Okay seeing none. We will now take testimony in opposition of sports betting. Is there anyone in the chamber that wants to speak in opposition? Okay.

Looking on Zoom is there anyone on Zoom who wants to speak in opposition of sports betting? Okay seeing none.

TESTIMONY IN OPPOSITION – NoneChairman Caron

We will repeat is there anyone here who would like to speak in favor of sports betting within the chamber? Okay. Anyone on Zoom? Okay seeing none.

TESTIMONY IN FAVOR - NoneChairman Caron

Testimony in opposition of sports betting. Anyone within the chamber? Is there anyone on Zoom who would like to speak in opposition? Okay seeing none.

TESTIMONY IN OPPOSITION – None

Chairman Caron closed the public hearing on Resolution R-21-151 Relative to Ballot Referendum Concerning Sports Betting within the City of Nashua.

Alderwoman Lu

Excuse me Madam Chairman. I received a message that someone is having trouble with the password getting in on Zoom.

Chairman Caron

They'll be able to speak during public comment. Okay. We will move on to legislation R-21-152 Proposing and Amendment to the City Charter Relative to Adding Two Additional Members to the Board of Health.

R-21-152**PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO ADDING TWO
ADDITIONAL MEMBERS TO THE BOARD OF HEALTH**President Wilshire

Can we ask the sponsor to give us a synopsis of why he's putting this legislation in?

Chairman Caron

Oh I was going to ask that and if there was anyone from the Board of Health that wanted to speak on this. Alderman Lopez.

Alderman Lopez

Yup so as we all know from the pandemic when there's a major health crisis presenting itself to Nashua, the Board of Health is the one that we turn to for health advice and best practices for managing it. They also meet monthly to go over the operations of the Public Health Department – everything from City Welfare, to grants coming in, to other outbreaks that don't necessarily have as pronounced an impact on us as a community but definitely impact individuals as a whole like Lyme Disease outbreaks, or Hepatitis outbreaks, that kind of stuff.

What became apparent in my opinion over the last year was with a Board of three, they're very vulnerable to their own needs professional speaking. They have an obligation to treat their patients, to have to maintain the appointments that they schedule and sometimes meetings where they're exploring public policy can become longer than anticipated or issues can come up that need to be addressed faster. When you only have three people on the Board if you have one person who is not able to make it because of work obligations or has to leave because of work obligations, you're basically left with a one versus one committee. So discussion becomes difficult because if there's any disagreement, they can't reach a resolution.

So what the referendum does is it introduces the opportunity for the voters to adopt an ordinance that would upgrade the Board of Health to five members instead of three. Because it was originally conceived of before psychiatry was particularly recognized, one of the positions could be a medical doctor but could also include someone with doctorate level experience in psychiatry. That's I think more relevant today than ever it has been because we're facing public health issues like suicide outbreaks and substance misuse outbreaks where the opioid crisis is more specifically a substance use disorder and that discipline has more input on it.

Then additionally one of the spaces could be used for somebody who has advance public health knowledge or experience because as it is right now, we don't have any public health practitioners who aren't employed by the City. That's what the ordinance does is it allows for a more flexible quorum to be reached and if there's an incident where there's a health crisis facing the city, we're not going to put the Board of Health members into a situation where they'd have to decide between treating a patient and advising policy for the City.

Chairman Caron

Thank you. Director Bagley are you on Zoom?

Director Bobbie Bagley

Yes good evening I am here. I am at home.

Chairman Caron

Would you be willing to speak on this on behalf of the Board of Health Commissioners?

Director Bobbie Bagley

We have the Chair of the Board of Health who's also on.

Chairman Caron

Oh okay. Yes I see him now. Okay would you like him to speak?

Director Bobbie Bagley

Yes please. Thank you.

Chairman Caron

Dr. Storace would you like to speak concerning this piece of legislation to expand the Board of Health Commission?

Dr. Anthony Storace

Yes please. You know me, I'm not a great public speaker. It's not my forte so I've written things down in notes and I hope you can accept my apology for such. Also when I came on the Board of Health I didn't have reading glasses and I now do. I would like to say I'm speaking for all the members of the Nashua Board of Health and have Dr. Chuck and Dr. Stephanie's permission to do. Each and every one of us are not in favor of this proposal. We do not support the opinions presented by the proposer regarding members not being able to make meetings, having to postpone vital votes, or not having the time to commit to the Board of Health and the best interests of the City of Nashua.

I would like to say – I'll leave the rest of that maybe for a little bit later and just kind of go down the things that I think are the pros of the Board as is. Current size works perfectly. It allows for better productivity and actually a quick response and therefore I'm in disagreement with Tom on that. Smaller boards can do that. Larger boards can't. The current doctors are focused and committee. They're a great compliment to each other resulting in different opinions, deep thought, and robust discussions. They work well together along with the City health teams. The doctors have a high level of trust of each other and they health teams that support us. There is no personal or political bias. Each team member has a specific role that compliments the team. We play well off of each other and we play well with each other. We are war harden.

What we saw last year would be down any professional, any person for that matter. None of us has seen this before – education. Private practice, or Public health and I hope we never see it again. But it's not over. We're seeing the action from the variants and you may recall my words when we lifted the masks – the variants were what scared me at that time the most.

What we believe are against this. We don't need to change and compliment matters. Believe it or not, it's hard to find professionals to serve time and commit. My 25 years on the Board, we've asked many people and some of them would have loved to but they just can't do it. Five is a harder number to integrate. I've served on many committees throughout my years and I can tell you there is a reason why we have subcommittees of larger committees – it's to get more work done, and we get that work done, and we work well together, and we trust each other, and we trust the people around us. If I have to know something, my go to people are Bobbie, any one of the members of the Public Health, and each one of the doctors that I have.

We feel that there is no need to break up the team. We weren't consulted on this. Period. You need to know that this was an e-mail sent to us one hour before the Board of Health meeting and off it went. I think if Tom had spent the time to sit down with us and talk with us, I think he would see this a little bit differently. One of the things that we have that's unique in our group is we have people that kind of are out go to people that can sit in the meeting because all meetings are open to the public anyway but they just don't vote on the Board. I'll give you an example. Dr. Alex he was our infectious disease doc. Immensely important over this pandemic. He gave us comment. He asked questions, gave us answers, but he doesn't vote on the Board and that could be the same with any other person and still expand our capabilities but at the same time keep things kind of close.

I apologize for even being here. I think if we had sat down and gone over this prior to this meeting, there would be no need to take up the aldermanic time. Thank you.

Alderman Lopez

As a point of personal privilege, some comments were made about me directly and I would just direct the public to I did, in fact, bring it up at the end of both the April meeting and the May meeting. It was not included in the agenda and both meetings were ended without discussion. But no opposition to it was voiced by anybody but the Chair.

Dr. Anthony Storace

Excuse me. I'd like to retort to that if the Chair...

Alderman Lopez

This is not necessarily a back and forth. I'm just identifying what you have attributed to me.

Chairman Caron

Okay.

Dr. Anthony Storace

And I do believe I have the ability to respond.

Chairman Caron

Okay. Go ahead Dr. Storace and then we'll move on.

Dr. Anthony Storace

I'll keep it short. If there was opposition, I believe the prudent thing to do would be I got the phone, call somebody, talk to somebody, there certainly could be a meeting – me, you, the other Board members, Bobbie. There was an opportunity and if you said this happened back in April, and I'll check the records on that, if it happened back in April, that gave you April, May, June, July to sit and say hey what do we got going here? You guys for this or against it? It didn't happen.

Chairman Caron

Okay. Thank you.

Alderman Lopez

This is public comment so I'll just wait for the aldermanic meeting.

Chairman Caron

Okay thank you Alderman Lopez.

So now we'll move on to testimony in favor of R-21-152 Relative to Adding Two Members to the Board of Health. Is there anyone within the chamber who would like to speak in favor? Please come to the podium. No one. Okay. Do we have anyone on Zoom who would like to speak in favor of adding two members to the Board of Health? Please raise your hand. Okay I don't see anyone so we'll move on.

TESTIMONY IN FAVOR - NoneChairman Caron

Testimony in opposition of adding two members to the Board of Health. Any within the chamber who would like to speak, please come to the podium. No one. Is there anyone on Zoom who would like to speak in opposition, please raise your hand?

TESTIMONY IN OPPOSITIONLaurie Ortolano

Laurie Ortolano – 41 Berkeley Street. I just want to let you know I'm really glad I was able to listen to the Board President on this. I do not support this on all. I've been on boards and when you have a board of three, it's a real pleasure. You can be three people who work together and respect each other can get so much done. I also think that filling board seats isn't easy. Filling these volunteer seats essentially is not easy and adding to them is not necessarily the right thing.

When Alderman Lopez discussed this a week or two ago, I kept listening for him to see my full Board is backing me. I wanted to know the position of the three members of the Board of Health and there was nothing being said about that. I live very close to Dr. Stephanie and I walked down to the house today and knocked on the door and unfortunately she wasn't there so I couldn't talk to her. So I am very, very happy that I was able to listen to the Chairman talk.

You know Dave Tencza mentioned at the last meeting that you know everything is boards of five, boards of five is the way we go and that's just not true. The Board of Assessors is a Board of three. Nobody has been working to beef that up because you'd all be terrified I'd get a seat for god's sakes. So you know we keep it as three. That's what you do. The Commissioners have been three and I don't even think the Police Commissioners as three are inappropriate. I think its fine and there are other boards in this City because I looked through them that are boards of three. I'll tell ya, you don't want to just flush these away and say we've got to add people in order for them to be productive. This pandemic was a very unusual situation and we should use it to make a precedent on how the board should operate. I think we won't see this continue, and we'll get behind this, and that board will be just fine doing what it does, and when there's time for replacement, I appreciate other people but we have a diverse board. I think we have dentist, a thoracic surgeon, and a pediatrician – something of that nature. As people move on, we can put a mental health person. You can put a holistic doctor. Imagine that. That would be pretty interesting. Do whatever you want to do but I do not support adding seats and I would ask that the Board not support this. Thank you.

Chairman Caron

Thank you. Is there anyone else who wants to testify in opposition? Seeing none. We're looking for testimony in favor. Is there anyone in the chamber or on Zoom who would like to speak in favor? Seeing none.

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

Chairman Caron

Looking for testimony in opposition. Anyone within the chamber or on Zoom that would like to speak? Okay. Looks like we have none.

Chairman Caron closed the public hearing on Resolution R-21-152 Proposing an Amendment to the City Charter Relative to Adding Two Additional Members to the Board of Health at 7:28 p.m.

ADJOURNMENT

MOTION BY ALDERWOMAN KELLY THAT THE JULY 6, 2021, SPECIAL MEETING OF THE SPECIAL BOARD OF ALDERMEN BE ADJOURNED, BY ROLL CALL

A viva voce roll call was taken to adjourn the Board of Aldermen meeting which resulted as follows:

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderman Harriott-Gathright, Alderman Wilshire	14
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Nay:	0
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MOTION CARRIED

The meeting was declared adjourned at 7:28 p.m.

Attest: Allison Waite, Deputy City Clerk