

**Board of Public Works
Meeting Minutes**

November 21, 2016

A regular meeting of the Board of Public Works was held on Monday, November 21, 2016, at 5:30 p.m. in the Auditorium at City Hall, 3rd floor, 229 Main Street, Nashua, NH 03060.

Mayor Donchess called the meeting to order at 5:30 p.m. and called the roll.

Members Present:

Mayor James Donchess, Chair
Commissioner Paul G. Bergeron
Commissioner Tracy Pappas
Commissioner Kevin S. Moriarty
Commissioner Joel Ackerman

Also Present:

Ms. Lisa Fauteux, Director of Public Works
Mr. Jeffrey Lafleur, Superintendent of Solid Waste
Mr. Steve Dookran, City Engineer
Mr. Larry Budreau, Director of Human Resources

Motion: To approve the Agenda as presented.

MOTION: Commissioner Pappas to approve the amended Agenda as presented.

SECONDED: Commissioner Ackerman

MOTION CARRIED: Unanimously

Motion: To approve the Minutes of the Board of Public Works Special Meeting of October 27, 2016.

MOTION: Commissioner Pappas to approve the Minutes of the Board of Public Works Special Meeting of October 27, 2016.

SECONDED: Commissioner Ackerman

MOTION CARRIED: Unanimously

Public Comment - None

Step III AFSCME Grievance

A. 16-11

Mayor Donchess

My understanding is that this is a public session.

Mr. Ryan Lones, Chief Steward, AFSCME Local 365

With me is Mr. Davidson and is also a chapter chair for Local 365. We are here tonight to discuss grievance number 16-11. Mr. Davidson is also the grievant. This grievance pertains to the employee being out of work on a non-work related injury. He had a metal shaving dislodged in his eye that needed immediate medical attention. He took care of that and in that time that it had happened he was out of work for two weeks waiting

a follow-up with a surgeon. While he was out and using sick time he had gone to a follow-up and the doctor was able to relinquish a note that said he was set to come back to work but just made a suggestion that he not drive a CDL vehicle because he was wearing an eye patch. What the grievant is looking for is the time he had been out and the city had been telling him not to come to work which was for one week and missed overtime opportunities.

Commissioner Pappas

The one week out of work, was that sick time used?

Mr. Lones

Yes, so he was out for two weeks. He got a doctor's note and he was not on light duty while he was out because it was a non-work related injury. He had a note from his doctor to come back to work with the understanding that he made a suggestion that he not drive a CDL vehicle and that was one weeks' time.

Commissioner Pappas

Are we asking for sick time to be restored?

Mr. Lones

Correct.

Commissioner Pappas

How much sick time?

Mr. Lones

Approximately one week.

Commissioner Pappas

I didn't see the dollar amount. It's very complicated for us to get overtime calls.

Mr. Lones

Down at the bottom of reads out remedy in the grievance form you will see that as of 9/16 he was ready to return to work from the date of 9/8 which gives us approximately a week. There was an overtime opportunity presented for 9/10 which was eight hours and another overtime opportunity presented for five hours on 9/15.

Commissioner Pappas

I noticed that the grievant was a truck driver.

Mr. Lones

He is a collections equipment operator.

Commissioner Pappas

For the overtime opportunities, was that for driving?

Mr. Lones

A CEO does both, they drive and pick and they work in teams. Once a doctor makes a suggestion that he should not drive they make accommodations for him to be on the back of a rubbish truck.

Commissioner Bergeron

On the 8th I see this letter and it looks like its cut off on the letter from the Lahey Clinic.

Mr. Lones

That was done by Mr. Lafleur who is the superintendent and I think that was in regards to it going public. We have a non-manufactured copy if you would like to see it.

Commissioner Bergeron

What changed from the 8th to when you actually went back to work?

Mr. Lones

The employee was never on light duty.

Commissioner Bergeron

What was the decision made by the city to come back to work on the 16th?

Mr. Lones

Our union president got in touch with Mr. Budreau and it says on October 12th Matt Davidson called me to ask why he could not return to work. His doctor said that he could perform all of his duties but recommended that he not drive a CDL vehicle. I called HR and I spoke with Larry Budreau and he said he was not aware of the situation and he would look into it. He asked me to give him a day. I called him again on the 13th around 3:00 p.m. and he said he talked with everyone except the director because she was out. On the 14th Larry called me and said that Matt was okay to return to work on the 15th. After being in contact with HR they had made the accommodation to come back to work. The employee presented a doctor's note but it was kind of disregarded until it was brought up.

Mr. Davidson

Until we actually went to HR and talked to Larry. We didn't but Joe Anderson did.

Mayor Donchess

Okay so let's see if we can get the timeline. The injury was when.

Mr. Davidson

Two weeks prior to this grievance. The accident was on August 25th.

Mayor Donchess

And you said this was not work related?

Mr. Davidson

Correct. I was out for two weeks.

Mayor Donchess

You were out until when?

Mr. Davidson

Until my follow-up appointment on September 8th.

Mayor Donchess

During that time you used how many sick days?

Mr. Davidson

Two weeks.

Mayor Donchess

Then your doctor wrote a letter saying that you could come back to work on the 8th but that the doctor recommended that you not drive.

Mr. Davidson

That's correct.

Mayor Donchess

When did you come back to work?

Mr. Davidson

After we contacted Larry and then Larry contacted Lisa which was roughly a week later. I was back to work on the 15th.

Mayor Donchess

On the 15th when you came back to work were you able to drive at that point?

Mr. Davidson

Nothing had changed. I did not drive.

Mayor Donchess

When did you become able to drive?

Mr. Davidson

From the 15th to the 26th I did not drive and I then had a follow-up with surgery on the 27th.
Mayor Donchess

Did you need to be out of work for your surgery?

Mr. Davidson

Yes, for about one week after that.

Mayor Donchess

So you came back in early October sometime after the surgery?

Mr. Davidson

Correct.

Mayor Donchess

When you came back after the surgery were you able to drive?

Mr. Davidson

Yes but I had a minor loss of sight in that eye.

Mayor Donchess

What are your job duties?

Mr. Davidson

Picking trash, recycling and yard waste.

Mayor Donchess

Does it normally involve driving?

Mr. Davidson

Partially yes.

Mayor Donchess

So in the period of September 15th to September 26th you were able to perform part of, but not all of your job responsibilities?

Mr. Davidson

Yes I stayed on the back of the truck for the entire eight hours of the day.

Mayor Donchess

Is this on the recycling truck?

Mr. Davidson

No, I did everything, recycling, trash and yard waste.

Mayor Donchess

But you could not drive?

Mr. Davidson

I took my doctor's recommendation. I was released to drive a regular vehicle and I drove my motorcycle but he was concerned with a commercial vehicle.

Commissioner Bergeron

So there are positions to be on the back of a truck and do recycling?

Mr. Davidson

Yes.

Commissioner Bergeron

That wasn't modified specifically for your situation; that is an actual job?

Mr. Davidson

Right.

Director Fauteux

No, there are no positions where somebody just picks on the back of a truck. They would drive and pick. They are all CDL drivers.

Mr. Davidson

We still have a rate and a job classification in the contract for just a trash picker.

Director Fauteux

We don't have those positions filled right now.

Mr. Davidson

But it's still available in the contract now as a rubbish collector. It's in Appendix A in the contract.

Commissioner Pappas

I think that hanging on the back of a truck is a very difficult job. A few years ago I did ask the director; I had a concern if the same people always got stuck on the back of a truck. Is the reason that everyone is a CDL driver is so that we are fair about switching off?

Mr. Davidson

Correct, they are looking for a more universal solidier as far as the workforce goes. Everyone that works for the city has a CDL, aside from about four positions. The reason for switching off is to give the person on the back a break. For instance when I go over there I always choose to pick and not drive. The option is there for the employee.

Commissioner Ackerman

On the grievance it says back to work on 9/16 but your verbal articulation says you were back to work on the 15th. Am I missing something?

Mr. Lones

He was okay to return to work on the 15th, that's probably when he got the okay to return to work.

Mr. Davidson

I returned the very next day.

Commissioner Ackerman

My understanding that why you were not able to work or allowed to work; you are looking for compensation for that time?

Mr. Davidson

Standard procedure anywhere else it would have been "hey Matt, drop the letter off and we will take a look at it and I will get back to you in a day or so." This took a week's period of time where we had to pursue Mr. Budreau and question why we wouldn't be allowed to work and we still haven't received any fair answer as to why I was not allowed to work within that weeks' timeframe.

Mayor Donchess

This is a contractual agreement, is that correct?

Mr. Lones

That's correct. It is a position within the CBIS.

Mayor Donchess

Is there a provision of the contract that you are relying on that says that if a person wants to come back to work without being able to perform all of their duties but some, is required to be taken back?

Mr. Davidson

Basically it is an unfair labor practice. There was a previous employee who was allowed to work with a broken arm and that was just a couple of weeks prior to my injury. I was not afforded the same opportunity.

Mayor Donchess

But is there a particular provision of the contract that you are relying on?

Mr. Davidson

The Fair Labor Practice.

Mayor Donchess

I don't know what that means exactly. Is there a...

Mr. Davidson

To be treated equally as the other employee.

Mayor Donchess

So does that mean there is no contractual provision?

Mr. Lones

Within the contract we stated that Article 2C (III) states that there will be fair and non-unjust labor practices, especially to a union officer. Article 12, RSA 273:A5 which is state law and that is presenting unfair labor practices. If you go through the contract in the CBA in Appendix A there is still a rubbish collector position in the contract and has never been taken out. At the very least he should have been afforded the opportunity to pick as he did when they told him he was able to come back. I also have the paperwork from Risk Management dating back to 2004 of injury policy stating the City of Nashua, if there are no restrictions on the amount of hours an employee may work then the concern would remain only with the restriction on duties and not the hours.

Mayor Donchess

So you are saying that because the guy was the employee with the broken arm was allowed to come back that means that anyone else who can come back with any restrictions the city is required to take them?

Mr. Lones

There were no work restrictions; it was a suggestion from him not to drive.

Mayor Donchess

So are you saying that the city should have ignored that and made him drive?

Mr. Lones

Negative, sir, that's not what I am saying.

Mayor Donchess

So then it's a work restriction, right?

Mr. Lones

Yes.

Commissioner Pappas

I've not met the Human Resources Director before and I could be wrong, I don't if anyone else remembers but I think we might have started our questions too early. Usually we have both sides present. I think I was the one with a bunch of questions and I apologize.

Mr. Larry Budreau, Director, Human Resources

I will tell you that the job description or what's known as the PDF here is for a collection equipment operator which is what Mr. Davidson is and it requires that he have the ability to drive a rubbish collector and recycling trucks continually. An essential function of his job is that he is able to drive these trucks all of the time. In practice they don't do that, they mostly share. We recommend that the Board uphold the denial of this grievance. It's very important that the city maintains its legal and contractual right to require that employees are able to perform full job duties in order to return from disability leave. After Mr. Davidson's request for light duty was initially denied, the union asked the city to reconsider the unusual facts in this matter. I say unusual because if you think about light duty, one person driving and one person on the back of a truck jumping off and down picking up cans, it's fair to say that eight or nine times out ten the person who might need light duty is the person on the back of the truck so this was unusual for that reason. He could do the tougher physical job but not drive. The union asked us to reconsider the initial denial for light duty. The collection equipment workers work on the back of the truck and they drive. Matt couldn't drive but he could work on the back of the truck. Upon this review the Department of Public Works determined that this particular light duty request wasn't unfair to the driver and the full work could be accomplished with the normal staff and Mr. Davidson could resume productive work and conserve his sick leave. Everybody won by returning Mr. Davidson to work upon this second review. The city responded positively to the union president's request within two days only to be rewarded with what I think is a frivolous grievance. I would have hoped for a thank you. Public Works employees rarely return to work without a full duty release. The grievance job is to drive but he can't or couldn't at the time. There is no law and there is no language within the AFSCME collective bargaining agreement that obliges the city to return Mr. Davidson to work. Mr. Lafleur's response to the grievance cannot be refuted. I presume that is in the materials that the Board has. The city had no obligation at all to return Mr. Davidson to work. He couldn't do the essential functions of the job. Mr. Davidson has asked the city to pay \$1,550 for hours not worked and that is fundamentally wrong. People earn wages for working. This is not a request to mitigate a hardship; Mr. Davidson has a current sick pay balance of 835 hours, nearly 21 weeks, \$19,350 so he didn't need to do this to get himself out of a financial scrape. There is no breach of contract, the employee was not treated unfairly and the city exceeded its obligation. Please uphold the denial of this grievance.

Commissioner Pappas

I will say that through the years I've called the director a couple of times. I think driving on the back of the truck is more dangerous than driving and I've expressed some concerns. I am not anti-union, I was a member of a union for almost fifteen years but I think that we end up putting our employees at risk by doing light duty. It's one thing if a secretary was to break his or her leg and be able to perform their duties but I think given what our AFSCME folks do, they do really hard work, it's heavy duty and I think they should be 100% before they are back to work. I don't think that this is a fair grievance and to the administration I would say that unless

someone can do their job 100% I really think that we could be going down a very slippery slope. Again, it's for the safety of the employees. This concerns me a great deal and also the fact that the city is self-insured. We could be getting ourselves into some really hot water. Even not being able to see out of one eye I think was a bit of a stretch and as such I hope we reconsider and not put someone on light duty if they can't do their primary duty.

MOTION: Commissioner Pappas to deny the grievance.

SECONDED: Commissioner Ackerman

Discussion:

Commissioner Moriarty

According to the testimony from Mr. Budreau it seems like the city acted in good faith by responding within two days of this complaint. I agree, I think the city did the right thing by you and I would vote to deny this.

Commissioner Bergeron

My only concern is that he did come back to work and he did perform for two weeks the light duty position so it was available and for two weeks he did that job. So I'm having a little bit of why it was denied originally. I guess maybe it's between the contract and our policies and what is the actual policy for somebody to come back on light duty. Who made the decision that there was no light duty available originally?

Mr. Lones

Mr. Bergeron, that's kind of why we are here, looking for the time lost. First of all, he didn't ask for light duty, it was never even presented. Mr. Davidson was simply going out of his way to produce a doctor's note to come back to work. The time lost, that one week is all he is trying to get back because he was trying to come back to work. This isn't a situation where the employee didn't want to work. There is a lot of emphasis being put on the whole driving factor. He was able to work and there was no restriction, it was a consideration thing. If he had not said anything he could have come back to work and I don't think there would have been an issue.

Director Fauteux

In public works we rarely bring somebody back on light duty because of the type of work that we do. It would be very common, especially in Mr. Davidson's situation, he couldn't drive and that's the primary function of his job, he's a collection equipment operator. Therefore, it would be natural for the superintendent to not bring him back because he couldn't perform the duties of his job. Then when we reconsidered and we talked to Risk Management and to Director Budreau and we had no obligation to bring him back, he got injured on his own and we decided that we would accommodate him. Whether we made the right decision remains to be seen but that's the decision that we made and we made it as quickly as we could using all of the resources that we had. It was only a week's period of time that we did that. Again, we made that decision finally within a couple of days. It's very important that we don't bring people back if they are not able to do their jobs because they could get further injured and his primary duty is to drive.

Mr. Davidson

I was brought back and I did perform my job as I would have one week earlier. The grievance is based on a one week timeframe that I felt was unreasonable. It seems to me that until we pursued it nothing was being done at all. So until we pursued it Mr. Budreau made some phone calls and all of a sudden I was allowed to come back to work and did perform my job for the next roughly two weeks without a hitch.

Mr. Budreau

Grievances are generally and most importantly in place to argue or debate something that went against the contract and there is nothing in this contract at all that even suggests remotely that we had an obligation to bring Mr. Davidson back. All of the law about returning people to work have to do with can someone do the essential functions of their job and that is very clearly driving. As the grievants' keep talking about the timing, I argue that if we were just sitting here and had we not allowed Mr. Davidson to come back to work at all we'd have a very clear case and people would say yes, we agree that you were unable to perform the essential functions of your job and we did not allow you to return to work until you could. We tried to, in the spirit of harmonious labor relations, do something that was a win/win for everybody and the arguments are now short of obscuring the actual facts of the matter. He has to be able to drive to do his job and he couldn't drive. There is no obligation to return him to work. The grievance really should be denied. Not only in this instance but because it is important to all of the future situations, particularly with regard to some of the concerns that Commissioner Pappas has. It's an area that we don't want to allow a grievance to carelessly establish some sort of precedence. It sounds to me like an area that the group should discuss further at another time just in general.

Mr. Lones

I feel like Mr. Budreau feels like we are attacking your sector of work and I don't really want to get off on that foot. Like I stated when Joe Anderson got in touch with you and you were very prompt with the response, we were actually kind of commending you on that because he was brought back to work almost immediately. Like you said it's kind of getting obscured but you are saying that you returned him back to work when he was ready to come back to work but he was ready to come back to work a week prior and when he was brought back to work he was performing an essential job to the city. The duty is to the taxpayer and he was picking on the back of a truck. Thank you for the response and in the prompt time that you sent the letter back to Joe and got Mr. Davidson back to work but this is what we are here for, it's the time loss.

Mr. Budreau

I understood from the testimony given a few minutes ago that Matt Davidson was able to resume driving on or about the 26th or 27th of September, is that correct?

Mr. Davidson

I was driving at this time but just not a commercial vehicle.

Mr. Budreau

You were released to be able to drive a commercial vehicle on the 26th or 27th of September?

Mr. Davidson

September, no. I don't have the letter with me.

Mr. Budreau

Could it suffice to say that it was a couple of weeks after you actually returned to work?

Mr. Davidson

No, I returned to work on the 15th.

Commissioner Ackerman

My notes say that the surgery was on September 27th.

Mr. Budreau

The point is that after that surgery was when you were eligible to return to work full duty.

Mr. Davidson

Yes and then that would have been on the 4th of October.

Mr. Budreau

So had the city simply on the 8th denied the request to return to work, denied it again when the president asked us to reconsider, Mr. Davidson would have returned to work on or about the 27th of September and there would have been no cause for argument. By allowing him to come back it was a win/win including that he was able to return to a productive life that's healthy for all of us and he was able to conserve a couple of weeks more of sick pay that he would have had to otherwise expend but the ability to return to work full duty was on the 27th of September.

Commissioner Bergeron

Is there any other light duty, have we done any of these in the past?

Mr. Lones

As Mr. Davidson had stated there was an employee in the Solid Waste Department with a broken arm with a full arm cast who was performing his job duty. He was driving but I don't know how he was picking off the back.

Mr. Jeff Lafleur, Superintendent of Solid Waste

Whenever I have an employee get injured or go to the doctor I make sure that they bring in a doctor's note that says full duty on the doctor's note. If it doesn't say full duty on the doctor's note and the injury is done off the job then they are not allowed to return to the position. If it happens inside of the job I have an obligation to try to find them some kind of light duty. In the instance of the employee with the broken arm, the doctor's note does say return to work with full duty.

Mr. Lones

You can drink a glass of water with a broken arm and you can drive a car with a broken arm but you can't lift a 60 lb. trash barrel with a broken arm. There is no doctor that is going to sign off on that. It's outrageous.

Commissioner Pappas

I know people have gotten hurt and their doctors say that they can drive but they say be careful because if you get in an accident you are going to get in trouble or held liable. If you are paying your own car insurance; I don't know the circumstances behind the equipment operator and I do think in the near future we should take a look and develop a policy that is very strict. If you've got a broken leg and you are not supposed drive your own personal vehicle and you have that option to take the liability that's one thing but in this case, the City of

Nashua is self-insured and I think that we are going down a really slippery slope. I would like to see us come up with a policy because I think we are putting the city at risk for possible law suits. Just riding on the back of a truck is very dangerous and I know that the doctor may have said that was okay but I it's a slippery slope and I am denying this grievance.

Commissioner Ackerman

I think in listening to the testimony from both sides, I think that the city treated you fairly with regard to the ability to come back to work even on light duty. I think that's what probably confused matters relative to the point of time where there was a similar situation that couldn't do that. We didn't violate the contract and we treated you fairly. You might not like the final outcome but I think the city did all of the right things for you and I don't think we should confuse your matter with anyone else's situation. I would lean in the direction of the recommendation of the Director of Human Resources.

Mr. Lones

To address Mr. Ackerman's comments I wanted to bring that up because Mr. Bergeron was asking in the instance of how the city had practiced in the past.

Commissioner Bergeron

That's just the one time; generally nobody comes back to work at all unless they are coming back to full duty in Solid Waste?

Mr. Lafleur

I want to take care of the city and I want to make sure they can return to full duty.

Mr. Lones

I can't stress enough that the established practice by the City of Nashua from Risk Management states that if there are no restrictions on the amount of hours an employee may work then the concern would remain only with the restrictions on duties and not the hours. This is a memo straight from the City of Nashua. I think Jeff and some of our other superintendents have always shown good faith in having employees come back to work if willing and able and maybe you think it sounds dangerous but Mr. Davidson has been at Solid Waste for 16 plus years hanging off the back of a trash truck. This is someone who performs that job duty every day. I work at Parks and Rec and I hang out of a bucket. There's really nothing safe about our jobs, we are in the streets every day so if he was willing and able to come back to work and go out of his way to come back to work I think it would be fair that it was done as soon as possible.

Mr. Budreau

I have nothing to add.

MOTION CARRIED: Unanimously

Street Department

- A. **MOTION:** Commissioner Pappas to accept the retirement of Theodore Sullivan, Fleet Maintenance Foreman effective December 16, 2016.
- SECONDED:** Commissioner Ackerman
- MOTION CARRIED:** Unanimously

Wastewater Department

- A. **MOTION:** Commissioner Pappas to approve the User Warrants as presented.
SECONDED: Commissioner Ackerman
MOTION CARRIED: Unanimously
- B. **MOTION:** Commissioner Pappas to approve the purchase of a R.S. Technical Inc. Pipeline Inspection Camera System from H.P. Fairfield, Pembroke, NH price of \$138,600.10 pursuant to the Huston-Galveston Area Counsel (HGAC) contract SC01-15. Funding will be through Department: 169 Wastewater; Fund: WERF - Collection Systems; Account Classification 81 Machinery & Equipment.
- C. **MOTION:** Commissioner Pappas to approve the purchase of a 2017 Freightliner M2 106 Medium Duty Box Van for use as the Pipeline Inspection Camera Van from Freightliner of New Hampshire in Londonderry New Hampshire for a price of \$78,544.00. Department: 169 Wastewater; Fund: WERF - Collection Systems; Account Classification 81 Machinery & Equipment.

SECONDED ON BOTH B & C: Commissioner Ackerman

Discussion:

Commissioner Pappas

I guess it looks like this too is a package deal. I've had this concern for a bit regarding...I know that we did do under the prior administration many years ago we took a look at when we were going to replace certain vehicles and I had noticed that this very expensive van is almost \$80,000 and the other item is \$139,000 and we only have 50,000 miles on the van and there may be damage to the van but my concern is that we've got two full shifts of mechanics and I what happens when something only has 50,000 miles and it's trashed like that; when you or I would bring our vehicles to a mechanic you can call and ask your mechanic when the last time was that something was replaced. I think that everything that we have set up in the city when we have to purchase new vehicles we should be able to see what's been done to the vehicle because I have a real fear that we are not maintaining my stuff properly and clearly we have a real issue in the city with the budget problem.

Director Fauteux

You are correct that it only has 50,000 miles on it but it is 15 years old. The frame is rotted and it was cared for properly. It had regular maintenance and we have records on it. It won't pass another inspection. It's a very important piece of equipment, it's what we use to camera all of our lines for the CSO program and when we were paving. It was in our WERF schedule to be replaced now.

Commissioner Pappas

Why did the frame rot? We got rid of a vehicle the same year and the same type that Commissioner Bergeron had and it was less than ¼ of the mileage that he had and I think he is still driving that vehicle. As I said, most of us don't have two shifts of mechanics working full-time and I just don't know how something rotted from underneath if it's getting regular maintenance. I've never gotten rid of anything that didn't have 100,000 miles on it. I think stuff is slipping through the cracks if something with 50,000 miles is rotted out and it's a very expensive piece of equipment.

Commissioner Bergeron

Is this camera fitted to the vehicle?

Superintendent Lafleur

Yes, it's an office that's being built on top of the vehicle.

Commissioner Bergeron

So you would not want to put the new camera on the old vehicle.

Superintendent Lafleur

Exactly.

Director Fauteux

And the old vehicle won't pass another inspection.

Mayor Donchess

Can you put the old camera on the new vehicle?

Director Fauteux

You could but the camera is outdated and it can't really do what we need it to do at this point.

Superintendent Lafleur

The camera and the software are all out of regulatory compliance so we would have to change it anyways.

Mayor Donchess

Whose regulations?

Superintendent Lafleur

I don't want to misspeak on that but I would imagine it's either DES or EPA.

Director Fauteux

I hear an awful lot that we are not getting as clear of a picture as we need sometimes in some of the videos.

Mr. Dookran

I believe the EPA requires that when you do the video of a sewer to be able to make distinctions along the path of the video and the current equipment can't do that adequately. You can't put the old equipment on the new vehicle. Even though there is only 50,000 miles on this vehicle my understanding is that running all of this is what matters most. That comes into play a lot when you are talking about police and fire vehicles.

Commissioner Ackerman

Is there any salvage value to either of these items?

Mr. Dookran

I couldn't tell but the technician said there may be a few dollars that we can get from the old equipment but nothing substantial.

Director Fauteux

It would be insignificant.

Commissioner Ackerman

So we won't be using this equipment for back-up?

Director Fauteux

No.

Commissioner Moriarty

I noticed that the box van is going to run on diesel fuel and I'm disappointed that we are buying another vehicle where we are not using compressed natural gas. The city spent all of this money on this compressed natural gas filling station and we are not utilizing it. Why couldn't we find a vehicle where we could use the natural gas? It's very frustrating to see because every month more vehicles...

Director Fauteux

It's because of the differential. It's very disappointing for me too. I was a huge part of the CNG initiative. The problem is most of time it's not just a few dollars more. This van was probably \$20,000 more with a CNG engine and it's tough to justify that right now. The price of CNG is very close to the price of diesel. The good news is it looks like there should be some money available within the next year so we are holding off on some vehicles, the trash trucks in particular in hopes that we will have that differential. We do look at that in every instance.

Commissioner Pappas

I know this comes from the user fee and not the city budget but when folks in the public are looking at these prices, I would really hope that we make some kind of an effort not to have cars and trucks rot from underneath us. I mean a car that Commissioner Bergeron still drives wasn't good enough for city employees to drive. I've got real concerns that we are not keeping up with rust management. This is a very expensive combination.

Commissioner Bergeron

Most of the vehicles that come to us are rusted and that's making the point of the truck wash and all of these vehicles sitting outside.

Superintendent Lafleur

These vehicles do heavy duty work. Some of them have to go off the road to get to some of the manholes that we are cameraing. It's not just driving all the time where stuff can get washed off; they could sit there for twelve hours trying to camera out a line. The truck wash will definitely help out.

Commission Ackerman

The camera and the piece of equipment are used year round, correct?

Director Fauteux

Yes.

MOTION CARRIED: Majority, Pappas - Nay

- D. **MOTION:** Commissioner Pappas to approve the selection of Mr. Scott R. Law of Nashua, NH to the position of Mechanic WWTF 1st Class at the Wastewater Treatment Plant. Starting salary for this position will be \$26.97 per hour. Funding will be through: Department: 169 Wastewater; Fund: Wastewater; Account Classification: 51 Salaries & Wages.

SECONDED: Commissioner Ackerman

Discussion:

Commissioner Pappas

We do have a hiring freeze in the city and I had assumed that there were certain positions that you can't let go. Can you distinguish that?

Director Fauteux

It's on a case-by-case basis with the Mayor. We discuss each position as they become vacant. The Mayor has exempted wastewater positions because they are critical and they must be filled as per our permits. There are several positions that are frozen.

Mayor Donchess

That's correct but this one is required by our wastewater permit.

Commissioner Pappas

So if we feel that we are not getting our snow removal done properly we will fill positions?

Mayor Donchess

Yes, we will definitely plow snow to the best of our capabilities.

MOTION CARRIED: Unanimously

Engineering Department

- A. **MOTION:** Commissioner Pappas to approve the Residential and Commercial Wastewater Service Permits and Fees as submitted.
SECONDED: Commissioner Ackerman
MOTION CARRIED: Unanimously
- B. **MOTION:** Commissioner Pappas to approve the contract for engineering services for repairs to the Henri Bourque Pedestrian Bridge to CLD Consulting Engineers of Manchester, NH in the amount of

\$17,107. Funding will be through Department: 160 Admin/Engineering; Fund: Capital; Activity: Bridge Rehabilitation.

SECONDED: Commissioner Ackerman

Discussion:

Commissioner Moriarty

On the wording of the motion itself, it seems misleading to me that we are saying that we are spending this for repairs when this is for design plans for the repairs and I want to make sure that is clear. This money is not going towards the repair of the bridge.

Mr. Dookran

This is the contract for engineering services for repairs.

Mayor Donchess

So as Commissioner Moriarty has pointed out this is for the engineering work to be done to determine which repairs should be completed.

Mr. Dookran

That is correct.

Commissioner Bergeron

They are still using that bridge, correct?

Mr. Dookran

Yes, primarily for the school.

Commissioner Bergeron

Does the cost come out of the public works budget or is that shared with the school department as well?

Mr. Dookran

The school department has brought our attention to the condition of the bridge over the years...

Commissioner Bergeron

There's no question that the bridge needs work based on the report, it's the question of the cost.

Mr. Dookran

I guess the reason why they brought it to our attention is because they believe that we, public works are responsible.

Commissioner Moriarty

I think the school department is.

Commissioner Pappas

I agree.

Commissioner Ackerman

The memo from Mr. Dookran relating to this topic does say in the third sentence down that “the sub-structure has a rating of 3 which is serious probably due to the deterioration of the pier caps.” How quickly will they be doing the engineering services to determine the extent of the repairs and are we at risk at all for the students going over the bridge until that time comes?

Mr. Dookran

I guess I would be careful as to what I say but the engineer will start the work as soon as we have a contract going. These are repairs and it will be concrete repairs. It will take them maybe a couple of months to draw up the design. We don't think we would want to do this work in the wintertime because it's almost cost prohibitive. We want to have this work done in the spring. I don't see this as imminent in terms of the structure not being able to carry. We will have the engineer present and if they determine that it is beyond a point of carrying any kind of load then maybe we would have to close it but I don't foresee that at this point in time.

Commissioner Ackerman

Is that in area that the concrete piers are really close to the highway where limiting the salt during the winter might be a wise idea?

Mr. Dookran

Yes, we think the concrete was affected by the amount of salt it gets. It is not practical to limit the salt as you go past concrete structures but we are paying attention to this and we will make sure that repairs are done timely.

Mayor Donchess

Does the salt come from the salting of the walkway over the highway or is it splash up from the highway itself?

Mr. Dookran

I think it's both. It's also doing the required maintenance by washing off the salt every year is important too.

Mayor Donchess

Has it been washed in the past years?

Mr. Dookran

No, it's one of those things that we need to get resources for.

MOTION CARRIED: Unanimously

- C. **MOTION:** Commissioner Pappas to authorize the request of Holland Hampshire, LLC to use one sewer service to service two individual lots (proposed Lot 88-1, 537 Amherst Street and proposed Lot 88, 539 Amherst Street), with the noted stipulations.

SECONDED: Commissioner Ackerman

Discussion:

Commissioner Moriarty

Mr. Dookran, can you explain this situation?

Mr. Jim Petropolous, Hayner/Swanson, Inc.

I am a civil engineer with Hayner/Swanson in Nashua. Our client purchased the former Charman's Restaurant on Amherst Street and I think it's now Nathaniel's. It's a unique building, it's about 10,000 square feet and it also contains a used car dealership adjacent to it. Two uses come together in a Y fashion and at one service it goes across the street into the interceptor on Amherst Street. Nashua generally likes to see each lot have its own independent sewer service but Amherst Street's construction is very challenging piece of work to be able to have a separate lot connect all the way across the street into the sewer on the eastbound lane. Our client is proposing to tear down the building and sub-divide the property into two lots. We received Planning Board approval the other night for an NTB at Tire & Battery Warehouse Facility and he is remaining a small, usable lot that will happen in the future. We would like to maintain that existing sewer network by the two lots coming together on our side of the street and connecting into that one service into Amherst Street. That will have one service and we won't have to rip up Amherst Street. The city has said that they are willing to go with that as long as A) there is capacity, B) the line can be videoed to make sure it's in good condition and C) that when this does occur there are proper easements between these two lots for the maintenance of the sewer outside of the right-of-way and we've agreed to do all of that. We are really seeking relief for our client not to have to dig up Amherst Street for a new sewer service. My last point is about ten years ago we represented Fletcher's Appliance when they built their facility on Amherst Street and they had to connect their sewer in across the way and that was the only option they had and it was a very difficult piece of construction. It was night work and it conflicted with other utilities. Because the pipe is already in and because it's already on the street we'd just like to have two lots into one service.

Mayor Donchess

I would like to reiterate that my experience has been that cutting into Amherst Street is no piece of cake.

Commissioner Pappas

Mr. Dookran, it sounded like part of the concern was that they had one wider, one 60" sewer...

Mr. Dookran

A 6" connection.

Commissioner Pappas

Do you think that this will be sufficient to share on two?

Mr. Dookran

Our typical commercial sewer pipe is no less than 6" so we do have a question when the adjacent lot gets developed we will have to look at how much sewerage they are generating and whether this 6" can accommodate both facilities. They would have to come to us to review the new use and how much sewerage is being generated.

Commissioner Pappas

When that lot is sold they are going to have to come back and have some kind of a study done to make sure that it's...

Mr. Petropolous

Essentially prove to Steve and his team that there is capacity in the line and we are comfortable with that. If there is a heavy wet user that line and there is no capacity then we don't want that. NTB has a couple of bathrooms, they use very little flow and if the next user is a very benign user that would be the impetus for this request.

Commissioner Pappas

So whoever purchases that property will have to do the same process?

Mr. Petropolous

Correct.

Commissioner Bergeron

It only makes to seem to makes sense at this point especially since they don't know who the client is going to be. To rip up Amherst Street for a "maybe" just doesn't seem to make much sense.

MOTION CARRIED: Unanimously

D. **Informational:** Update on Burke Street Construction Completion

Mr. Dookran

We just completed the final paving and are about to put down the striping. The issue is the width of the street from curb to curb. We had planned on doing some bump outs which would have resulted in putting the parking on one side of the street because the width would not permit two full parking lanes and two lanes of traffic. Normally our parking is an 8-foot wide lane that we have on Main Street and here you have only 34 feet on average and if you want to get two level foot lanes it leaves you with just 6-foot shoulders and 6 feet is too narrow for even a passenger vehicle. There are studies that say you can go 7' but that would reduce the travel lane down to 10'. Burke Street is a commercial type of street and has large vehicles using it and public works will be down there as well. Our intention was for traffic calming and putting the parking on one side didn't go through at the neighborhood meeting. We are just going to put down the center lined street. We want to enforce speeding because now you have two 17-foot wide lanes and fresh pavement so you do expect some level of speeding. If that should become a problem then we will recommend that we stripe 10-foot travel lanes which would leave 7' for parking. The street doesn't see a lot of parking at any one point in time during the week, maybe three or four vehicles. Maybe a little bit more on the weekends.

Commissioner Bergeron

So we are just striping the center line?

Mr. Dookran

Yes.

Commissioner Bergeron

And there is going to be parking on Burke Street?

Mr. Dookran

Parking is allowed. This is the way we found the street before we started the project, just with a center line stripe.

Commissioner Bergeron

So anyone can park on Burke Street but the plan that we had talked about has been scrapped at this point?

Mr. Dookran

That's true.

Commissioner Bergeron

Per the neighborhood meeting?

Mr. Dookran

It was unanimous, it was in excess of 25 people at that meeting and they all thought it was a bad idea.

Mayor Donchess

We held a meeting over at the Dr. Crisp School and there were a number of people who expressed opposition. The Ward 7 Alderman, June Caron, was there and after attending the meeting concluded that we should concede to the desires of the people who had come and not pursue the project that public works had laid out and return it to its prior state with parking on both sides.

Commissioner Bergeron

How long has the city been there?

Mr. Dookran

2 ½ years.

Mayor Donchess

Are we painting the crosswalks?

Mr. Dookran

Yes, we will be adding traditional crosswalks at key locations.

Commissioner Pappas

Will the crosswalks have bump outs?

Mr. Dookran

No. It was one of the things that came up at the neighborhood meeting and the folks were against bump outs.

Commissioner Pappas

I know bump outs make crosswalks a little bit safer. So people can't cross on the right.

Mr. Dookran

That's right.

E. Informational: Update on 2016 Paving Program

Commissioner Bergeron

We just completed Galway Road and at the end of the people's driveways over there, is that going to be done this year? I think it was 3, 5, and 7. It goes almost 3' into their driveway that we took out.

Mr. Dookran

Yes, Galway has been very challenging for us. It's a very flat road and doesn't drain well. We are going to try to work on those driveways. We have marked them out for cutting and repairing this year. One of the things that we can't promise is that all the puddles will go away. To make that happen we would have had to do extensive drainage work and running pipes and catch basins and those are funds that we really don't have for our paving program.

Commissioner Bergeron

Their questions on those particular homes were that they did go in 2' or 3' of what would have appeared to be their driveway. So at least a base coat will be done this year so when they are snow blowing and things this winter.

Mr. Dookran

That's a yes on that.

F. MOTION: Commissioner Pappas to approve a professional services contract with Hayner/Swanson, Inc. of Nashua, NH to perform Project Wide Management Support for the Broad Street Parkway in the amount not to exceed \$120,000. Funding for this contract is through Department 160 Engineering; Fund: Bond; Activity: Broad Street Parkway

SECONDED: Commissioner Ackerman

Discussion:

Mr. Dookran, I assume this is the continuation of the punch list, is that correct?

Mr. Dookran

This contract includes a lot more than just the punch list. There is a spreadsheet that shows all of the different areas that Hayner/Swanson is going to be doing; post-construction services for us and one of the big things trying to get all of the federal dollars that went into the project back to the city. Hayner/Swanson has a very good understanding of where the money was spent and makes the arguments to the Federal Highway and the DOT.

Commissioner Bergeron

It is money well spent.

MOTION CARRIED: Unanimously

Administration

A. **Informational:** Budget Transfers

MOTION: Commissioner Pappas to accept and place file

SECONDED: Commissioner Ackerman

MOTION CARRIED: Unanimously

B. **Informational:** Update on Burke Street

Director Fauteux

We are still working diligently with HKT on the programming piece. We recently met with HKT and went over all of the information that they gathered and verified it all. Now they are moving into the design phase of that. Hopefully in the next month or two we will have an update for you and give you a better indication of what we think the project will cost.

Commissioner Bergeron

Including the car wash?

Director Fauteux

Absolutely.

C. **Informational:** Director's Report

Director Fauteux

This is part of the Burke Street sewer project; it's a binary retention swale with a honeycomb grate. We replaced some sod at Holman on October 16th. We have done some repairs in the visitor's dugout at Holman including a new roof, reinforcement of the dugout wall, new player benches, new fencing and new stairs. This is a picture of some laser grading at Holman, it helps to better shed water during rain events. The pickle ball group wrapped up for the 2016 season and they have greatly appreciated the improvements to the courts at Field's Grove. This is a new post and beam kiosk at the Millyard boat ramp. This is a new shade structure that was donated at Field's Grove Park. It was donated by an Eagle Scout, Jacob Holmes. He did all of the fundraising and construction for the project. The river fountain has been removed for the season and we thank the fire department for their assistance in removing it. These are some ball field renovations at Lincoln Park, new grading, new clay and new pitching mounds have been installed. This is fall leaf removal at Greeley Park. We replaced some asphalt berm at Parkhurst and Shore Drive. The residents of Swart Terrace have lights. This is a Spring Street sidewalk project. We have our new paver which is very exciting. One of the first tasks at hand is that Superintendent Caggiano has been begging to have the roads at Greeley Park repaved so that will be one of the huge benefits of having this paver. This is a new drainage swale on Shelly Drive. This is our wastewater lab staff testing Salmon Brook for bacteria; they take samples all over the city. The landfill will be closed on November 24th in observance of Thanksgiving but we will be open on November 25th. City Hall will be closed the day after Thanksgiving but there will be trash collection. Trash collection will be delayed by one

day. Soft yard waste collection ends on Saturday, November 26th and we will be open this Saturday from 8:00 a.m. – 4:00 p.m.

Commissioner Moriarty

Has the city received the carousel it's been waiting for?

Director Fauteux

We have and the superintendent and I have been debating about whether or not to install it or wait until spring. I think we may wait to install at this point until spring.

Commissioner Ackerman

Earlier today we talked about how there is a hiring freeze right now in the city and I know the wastewater treatment area is doing wonderful in spite of not having a superintendent. Are we getting outside applicants for that position?

Director Fauteux

We have had candidates but not any suitable candidates. I have reached out to a few candidates and I am hoping to spark their interest. Right now we do have Rick Cantu who is helping us 20 hours per week and he is the former superintendent in Manchester and is doing a great job and we appreciate his assistance in the interim.

Commissioner Pappas

Several people have commented on how helpful it is to have extended landfill hours. People are saying that if there is no snow and you've got that extra week where we don't have pick-up that might be a good weekend to do the extended opening of the landfill. I know budgets are kind of tight but if every so often we could do it, people love that.

Commissioner's Comments

Commissioner Moriarty

I noticed at the intersection of Main Street and Prospect Street there is a traffic light and if you are heading south and you are wanting to turn left as if you are going to the hospital, the traffic light says Left Turn Yield on Green and I'm not sure what that means because when it turns green the other side yields and you can turn left. Is that what it is supposed to mean?

Director Fauteux

There is a ball and an arrow there so when the arrow is on then there is no yield but when the ball is on there is a yield.

Commissioner Moriarty

That's a little confusing if you look at the sign.

Director Fauteux

Okay, we can look at the sign and make it a little bit more clear.

Commissioner Moriarty

I was talking with Justin Kates, the Emergency Management Director who does a lot of grant writing for the city and he thought that if we haven't, as a division, we should enroll with grants.gov so we get notified of grants that are available, particularly through the DOT which would fit our needs most and then we can decide whether or not we want to pursue the application.

Director Fauteux

We already do. The problem we have is that we don't have a grant writer. We work collectively with Economic Development and Community Development on some things like for instance we apply for a Tiger Grant. When possible we do go after them.

Commissioner Moriarty

I would like to volunteer my services should that become available. I have never written a grant for the federal government but I would like to learn.

Director Fauteux

That's great, thank you. It's a huge investment to apply for a grant.

Commissioner Bergeron

I want to wish everyone a Happy Thanksgiving and the downtown looks really good with the Christmas lights and our Holiday Stroll is coming up this weekend. I did go to the recycling poster contest and that was nice. I also saw the mural lighting on the Lannon building. To Commissioner Moriarty's point on the lighting on the bridge, it would be nice to be kept abreast because I think when people make donations and things it's good if we do show up to support them.

Director Fauteux

We will make sure that happens.

Commissioner Pappas

The storm drain grates, we have those through the city and this is different from what had happened downtown. These are just the covers. My sense is that we are trying to get an inventory on them. I think the city has a pretty good handle on it but my guess is that it is virtually impossible for us to inventory and inspect every single one of those grates and it came to my attention, it was maybe two weeks after we had that tragic accident that someone fell in a grate and emergency crews went to help him out. This person is in good physical condition and there were no hard feelings. I know we did exhaustive work to try to track everything but I think we are really kidding ourselves if we don't say we will do the best we can to look at all of these grates but we can't keep track of the condition or the location of them without the help of citizens. I would ask us to reach out to the public to say if you know of a storm drain to help us with our inventory. Many years ago I saw a storm drain that was falling in and the city was spot on about coming out to replace it. If we have these types of accidents I would like us to be informed. I think we need to ask the public to keep the storm drains clear of debris and if they look unsteady to call because my guess is that we would be there within 24 to 48 hours.

Director Fauteux

We could put something in the wastewater bills. You do have sewer grates and manholes in the outer lying of the city and I don't worry about those so much because if someone fell in to one of those it's probably 8'. I worry more about the interceptors. We have secured all of the interceptor's covers and we are working on putting in secondary grates. Those covers need to be able to come up if there is resurge otherwise we will have some serious flooding. We are looking at putting in a secondary locked grate so if a cover ever did come up there would be protection. We do have our inspectors going out and looking at every single grate and manhole cover now and they are coming back every day and giving us a list of those that need repairs and we have begun to repair. We have about 9,000 of GIS but we've got closer to about 11,000 citywide. Our inspectors and our collection system crews are trying to touch every one of those. You are right, Commissioner Pappas, that's not something we can get to once a month so we do need help in citizens letting us know. We have had instances from time to time where for whatever reason people have pulled the covers off. We are going through all of them and are replacing them as needed.

Commissioner Pappas

I think if a kid fell 8' it could be serious.

Director Fauteux

Yes, I agree. I didn't mean to say that I wasn't concerned at all but I am a lot less concerned about those than I am about the big interceptors.

Commissioner Pappas

The other thing is some time ago we talked about when there is no one around when people call the public works number. I think we used to have a service that does it. I've had a couple of calls on a weekend because there was a light out on D.W. Highway near BJ's and the people called the police and the police said they had called public works two days ago and they were going to wait until Monday.

Director Fauteux

I don't know where they got that information because we would not have waited until Monday.

Commissioner Pappas

I got a call from someone on Friday and I went down on Sunday and it was still flashing and when I called the police they said that they had called public works two days ago.

Director Fauteux

I will look into that because on D.W. Highway we would absolutely not wait.

Commissioner Pappas

But it was for two days so who answers the phone?

Director Fauteux

We do.

Commissioner Pappas

They have not always worked so well.

Director Fauteux

It's Call Logics. I get all of the notifications on my phone as well as all of the superintendents and Andy Patrician. We are all tracking those all of the time. We have an on-call person who is an AFSCME employee and that employee would come in and check it out and then call in the necessary personnel.

Commissioner Pappas

Well, it looks like it fell through the cracks.

Director Fauteux

I will look into that.

Commissioner Pappas

I think it was not this Sunday but the prior Sunday. I think it might be nice for them to have a couple of extra numbers because I do think that D.W. Highway is not a place where you want flashing lights.

Director Fauteux

The police department does have numbers. They have mine, they have Andy's and Jon Ibarra's so typically if something like that happens and they don't get a response they would call one of us so I am surprised that didn't happen but I will look into it and find out why that didn't happen in this instance.

Commissioner Pappas motioned to adjourn.

Commissioner Ackerman seconded the motion.

Meeting adjourned at 7:22 p.m.