

**Board of Public Works  
Meeting Minutes**

**January 11, 2018**

A meeting of the Board of Public Works was held on Thursday, January 11, 2018, at 4:00 p.m. in the Auditorium at City Hall, 229 Main Street, Nashua, NH 03060

Mayor Donchess, Chair, declared the meeting to order at 4:00 p.m. and called the roll.

Members Present:

Mayor James Donchess, Chair  
Commissioner Kevin S. Moriarty  
Commissioner Joel Ackerman  
Commissioner G. Frank Teas  
Commissioner Tracy Pappas (Arrived after roll call at 4:03 p.m.)

Also Present:

Ms. Lisa Fauteux, Director of Public Works  
Ms. Lauren Byers, Public Relations Administrator  
Mr. Larry Budreau, Human Resources Director  
Mr. Stephen Dookran, City Engineer  
Ms. Amy Gill, Sr. Staff  
Alderman Ernest Jette, Aldermanic Liaison

Mayor Donchess

I would like to welcome our newest member of the Board, Frank Teas.

Commissioner Teas

Thank you, Mayor.

**MOTION:** Commissioner Ackerman to approve the agenda as presented.

**SECONDED:** Commissioner Teas

**MOTION CARRIED: Unanimously**

Public Comment

There were none.

Informational: DPW Facebook Page Launch

Ms. Lauren Byers, Public Relations Administrator

We are going to be launching our DPW Facebook page on Tuesday as well as our Twitter account and they will be linked so the information that goes out on one will go out on the other. I have also been working with IT to maximize our initial launch by using other city agencies' platforms as well. We are looking at this as mostly an informational piece. We want to be able to push out the right information on social media instead of having people speculate and search other sites. Hopefully, instead of using some of the other sites or their own

personal media they will come to our Facebook page and Twitter. You cannot place comments on Twitter; it is really more of a re-tweet with a comment at that point. We are going to monitor the Facebook page very carefully. We have created rules in conjunction with working other departments that have Facebook pages currently and researching what other cities have done as far as posting and commenting. We think we have a good handle on it and we are going to start with our promotional video that will highlight some lane closures that are going to happen next week.

#### Mayor Donchess

Does anyone have any questions or comments?

#### Commissioner Teas

I was wondering if there was a way to turn off comments as opposed to just pushing the information and not welcome comments initially.

#### Ms. Byers

Yes, there is. We decided after seeing what happened on other sites not to allow anyone to post. We will be the only poster's but they will be allowed to comment and we are going to see how that goes and if it turns into a free for all or it spirals down, we will shut off the comments. Right at the top of the page we have pinned a memo indicating that it is not the forum for problems or concerns and it provides the correct place to address those concerns, the DPW e-mail as well as the number for during hours and after hours. It lists the rules, i.e. watching what you say, keep it in context and keep it relative to the post. It also says that you cannot violate federal, state or local laws. I used to run the high school's Facebook page. I think people are going to be a little bit worse with their comments when they deal with the DPW but that is alright because we can shut them off if we have to.

#### Commissioner Ackerman

That was a great update. If the department had a special press release, would we follow normal procedures for that through the local newspapers or would we do that parallel to the Facebook page.

#### Ms. Byers

We would do all of it because the younger kids will not go to newspapers or even television for their information, they will just go to Twitter. The over 30's will most likely go to Facebook and over that they still go to print, television and radio. I think we have to do all of it.

#### **Mr. Larry Budreau, Human Resources Director – DPW Hiring Process**

I am not sure exactly how I can help the Board today. I have prepared some information and I think when you last discussed this topic you intended to re-visit it and discuss the recommendations that were made at the October 26, 2017, meeting. Those recommendations were to adopt a recommended hiring process that includes going into a non-public session, which would be new as well as to accept that the best reality may be for the Human Resources Department to continue doing the background checks because to bring the background checks prior to offering the job is not appropriate and to offer a conditional job offer and then wait for a second Board of Public Works meeting for approval is probably unreasonably lengthy. There was also some conversation brought up by Commissioner Pappas who wanted to have a discussion regarding what I would now term "in-service background checks." I have developed some familiarity with that and any of the remarks that I make through the course of the evening have all been carefully vetted by the Legal Department. As I sit here this evening, any suggestions that I make or discussion that we have, I will speak with the firm

knowledge that I have had specific conversations with the Legal Department. If we go somewhere that I feel we need to vet more thoroughly, I will let the Board know that.

Mayor Donchess

Are there any members of the Board who have questions or comments for Mr. Budreau regarding the DPW hiring process?

Commissioner Pappas

I think that certainly what Mr. Budreau says makes a lot of sense. Obviously, we would have never wanted to post someone's personal information on the city's website and seeing it all together like this, I think it looks good. The only thing that I would tweak would be to always have job descriptions and job requirements; we usually do but occasionally there will be a position where we do not have that and I think that is important.

Director Fauteux

Absolutely.

Commissioner Pappas

My other comment would be that I think the Board and the Director have done a good job at allowing some members of the Board to be present when we are hiring senior staff. I would really like to see that in the process. I remember when I was first on the Board we were a little bit more...we asked everyone and were a bit more open to that. If just one member of the Board wanted to go they went and if all four members wanted to go then during one set maybe one or two would be there and then during another set another two would be there. I think it would be good to rotate around and allow different members of the Board to be included in that. I think everyone on this Board brings a different perspective and a different set of strengths. I think if all four Board members want to attend meetings for senior staff hiring, I think that we should try to make it work and I think it should be in the policy. The policy looks very good and I do think the job requirements and educational requirements should be listed all of the time. You did a very good job Mr. Budreau.

Mr. Budreau

Thank you very much.

Commissioner Moriarty

Thank you Mr. Budreau, you did a great job. So, the recommendation is that all hiring done by this Board should be in a non-public session.

Mr. Budreau

Yes, sir.

Commissioner Moriarty

Director Fauteux, will we have the non-public session at the end of meetings because leaving and returning from a non-public session can be very disruptive.

Director Fauteux

Yes, we can do that as it is presently.

Commissioner Ackerman

Mr. Budreau, your example on page three is a recommendation to make a motion to unseal the minutes following the candidates hire date. I think some of the RSA's state that currently if we vote to seal the minutes of a non-public session then they stay sealed and, as I understand it, if we choose not to seal them they have to be available 72 hours after the meeting. How do we incorporate that last thing about unsealing the minutes following a candidates hire date if it's three or four weeks out?

Mr. Budreau

We reviewed this process and we would conform to 91A. If you did this in a non-public session, made a hiring decision and then instead of walking away, you re-convened for a moment and most likely the Chair would make a motion to seal the minutes from the meeting that you just had. Then you would announce in public that you just decided to hire somebody contingent upon a background check. It would remain anonymous but you would say the name of the job. You share a good amount of information. For instance, "the reason we just went into a non-public session was because we decided to hire a mason pipelayer." If you make a motion to unseal the minutes following the candidate's hire date then you should be able to rely upon the Clerk's office or the DPW administration to assist in waiting for that date and then taking that action to make those minutes public. It should be legally binding and if we never hire the person then the minutes remained sealed forever. My experience has been that the chore of managing sealed minutes can become unwieldy and left undone. This way you can finish the business with two motions and an announcement to the public.

Mayor Donchess

Are you recommending that when we hire someone and decide to that in a non-public session that we seal the minutes until the person is actually hired and then we unseal the minutes.

Mr. Budreau

Yes.

Mayor Donchess

What if there is information in the minutes that is negative towards the person being hired?

Mr. Budreau

That is an excellent question, Mayor Donchess.

Director Fauteux

You would retract that.

Mr. Budreau

You would not make that motion. You would have to make that decision. I wrote this with the assumption that, as has usually been the case, that you are going to make the motion to hire and it is going to flow smoothly. If you are familiar with the rules of protecting people's privacy, you would simply not make that motion if for some reason any member of the Board thought it might be in the candidate's best interest to maintain privacy.

Mayor Donchess

So in that case a motion would not be made to unseal the minutes.

Mr. Budreau

That is correct.

Mayor Donchess

When do you move to unseal them, at the next meeting of the Board of Public Works?

Mr. Budreau

I guess that would depend on why you sealed the minutes in the first place. You might never move to unseal them. If you chose to seal them and not make a motion to unseal them at a date certain in the future then each case would be individually specific and perhaps the Board could ask the Legal Department's advice.

Commissioner Moriarty

I thought you said the minutes would become unsealed once that person is hired.

Mr. Budreau

That was included in my recommendation but Mayor Donchess brought forward a valid point that I had not considered and that was if the minutes from that meeting contained unflattering information about the candidate then it would be a better reaction at that time not to automatically unseal the minutes but to visit that purposefully at a later date.

Commissioner Moriarty

But that would be an exception, is that correct?

Mr. Budreau

Yes, sir.

Mayor Donchess

Otherwise, we would move that the minutes be unsealed after the hiring of the person is completed.

Mr. Budreau

Yes.

Mayor Donchess

We would do that at the meeting in which the hiring was made and we would say that the minutes should be unsealed when the hiring decision is executed.

Mr. Budreau

That is correct.

Commissioner Pappas

I wonder if it would make sense that the following month, at the end of the meeting that we go into a non-public session and unseal the minutes.

Mayor Donchess

We could do that. The minutes would get unsealed in a public meeting.

Director Fauteux

If there were anything negative said that could potentially hurt someone's reputation you would want to have the Legal Department redact that information so when we unseal the minutes that information would not be unsealed.

Commissioner Pappas

I think it would be one more step for whoever does the packet but you would be less likely to have an "oops."

Director Fauteux

It would be simple to do because you could just do it at the same time you were approving other personnel. We have a personnel section at most meetings.

Mr. Budreau

I would suggest that you consider, before you finalize it, that in almost every case the minutes are going to say nothing more than what they say now; that the Board approves the hiring of "Bob" as a "pipelayer" and as long as there is nothing blasphemous or that would injure someone's reputation, I think the Board could continue to (inaudible) and you don't have to decide now, you can decide when you do it the first time. The Board can consider "well this is good and this really wraps it right up and we are done" and there is not an imposed imposition on the administration to remember something for the next meeting. There are pros and cons.

### **Wastewater Permit Fees**

Mr. Steve Dookran, City Engineer

In October, we presented a memo discussing the different types of wastewater permit fees and I will just review that memo. We talked about options regarding adjusting the fees. We talked about two types of connections and the permit sewer connections for residential and commercial. The residential permit is applied primarily for a single-family or multi-family unit, anything more than that would be viewed as commercial entities. There are three types of fees as listed in the memo. The first one is the betterment fee which is related to the investment that the city made years ago and put the sewer mains in the street. The idea of having a betterment fee was to try to recover all or part of that investment cost. That cost was \$8.10 per foot and that figure is outdated; the last time there was an increase was in 1977. Today the cost to put in a sewer could vary between \$200 and upwards of \$600 per foot. That fee structure, per the Ordinance, was based on a lot of legal requirements and Resolutions at the time. It has become very complicated, the sewers are old and the city may not get any practical benefit in trying to recover that fee. However, because of the legal implications, we will have to review that very carefully, especially with the Legal Department.

The interest charge is the next fee and the last time that was adjusted was in 1977. It was also meant to recover part of the capital investment and that fee was \$295 per dwelling unit, and then it increases for commercial entities based on the flow amount. Once again, that fee is outdated and as we have reviewed other communities, they have an equivalent fee although they do not call it an interest charge; they have other names for it that means the same thing. The charges in most communities today are upwards of \$1,000 and in some places it is \$2,500 or more. To do anything about that we have to go through a complete legal review to

see what is the (inaudible) apply and it will be no interest and reviewed carefully what these other communities are doing like in Manchester, Concord and Portsmouth. (inaudible)

The third fee is the connection fee and there are some (inaudible) but in the most simple sense it is what we charge to single and family homes for the initial connection or for repairing that connection when it fails. The last time that we saw an increase was in 1982. Once again, it is an outdated cost. Today it costs the city, if we use our own forces; about \$3,500 for an average repair or average connection. Sometimes we have to go out and get contractors to do the work because we need people (inaudible) and that could be on the average of \$4,500 per connection or in repairs. In some cases, because of the circumstances, it could be up to \$10,000. When it comes to the Ordinance, the clearest piece of the Ordinance (inaudible) to understand because it is directly related to the work being done for the new connection or the repair. In examining other communities, most of them do not collect a fee to do the work, if you want a new sewer then you pay for it yourself, you hire a contractor and you put it in. If the sewer gets broken then you also hire a contractor and get it repaired. The city has it in place that they will take care of that for the minimal fee of \$600. That is the one that is probably easiest to deal with if we wanted to go forward and make some adjustments. It would have to go through the legislative process because right now it is set by an Ordinance. I believe the entire Ordinance will have to be reviewed so that it is simplified and pieces that no longer apply can be changed.

Commissioner Pappas

So I want to make sure that I understand this, those three charges are just one time charges.

Mr. Dookran

Yes.

Commissioner Pappas

Is that for people who are just setting up their sewer connection?

Mr. Dookran

It is for the betterment fee and the initial sewer connection but I will mention that if the sewer connection fails, we will replace it.

Commissioner Pappas

I understand how this can be very complicated. When we receive that fee, does that go into the general fund or do we put that in the wastewater fund?

Director Fauteux

It goes into the wastewater fund.

Commissioner Pappas

I can appreciate how complicated it would be but I feel as if you are new to the system then I really think that people should pay for it themselves. For people who have a sewer, if their sewer main breaks, it costs a lot of money to do that and if you happen to have a sidewalk in front of your house, even if it is dilapidated then you have to pay for the sidewalk. I fully understand that this has to go through the Board of Aldermen but I think if someone is just setting up into the system and they are going to get the benefit of our wastewater treatment plant without having put in the money then I think that they should pay for it themselves. I do think that we

should subsidize the people in Nashua who really did help build that wastewater facility. If it is \$600 and we double it then that is still money that we will get. If we say we will keep it at \$600 we can subsidize them. It looks like it has been quite some time since we have looked at this and it does look like if you own more than two units, even if your sewer main breaks, you have to pay for it. I think single family and duplex's are the only ones that are subsidized by the city. If they are new to the system, I really think they should pay the fee and that being said they will have a chance to do the connection correctly. Some people are stuck with the connection that was in the dwelling to begin with and some people do a pretty lousy job. I do like the idea and I know it is a pain in the neck of either saying the city will do it or having a city-approved contractor do the new dwellings so we know people who do a decent job at it. We have all seen the damage that improper sewage connections can cause. Those are my views on this and I know it is complicated and you did a good job trying to dumb it down.

Commissioner Teas

I was wondering if you could share with us the volume of repairs under that \$600 fee, is it \$10; is it \$110?

Mr. Dookran

It varies from year to year but we have seen in recent years up to eighteen a year where the city will put out \$600. I mentioned the \$3,500 if the city forces were doing it, one year in 2016, the city did thirteen of those and in 2015; we had eight being done by contractors.

Commissioner Teas

What is our estimated cost to complete that project? Obviously, it will cost us a lot more than \$600.

Mr. Dookran

The \$3,600 that the city is doing includes an estimate for equipment, time and labor which is already taken care of but the estimate for materials is only \$1,500; so say \$1,500 x 15 is \$22,500. If you have a contractor then you will be paying the full amount which is \$4,500 and for the (inaudible) we did eight so it's \$4,500 x 8 which is \$36,000 and we only collected 8 x 6 which is...

Director Fauteux

Sometimes they can be \$10,000 plus.

Commissioner Teas

Director Fauteux, what are your thoughts on this?

Director Fauteux

Every community does things so incredibly differently that we have to digest all of the information and figure out what makes sense. My initial feeling, which has to be vetted by the Legal Department, would be to simplify it a little bit and have an initial sewer connection cost and then if the Board thinks we should continue to replace and repair then charge a hire cost than \$600 because that does not even come anywhere near what it costs. I am also concerned about residents being able to pay for some of these charges so I think it has to stay fairly reasonable but I think to Commissioner Pappas' point, if we double it then I still think that is pretty short money compared to the actual cost.

Commissioner Teas

Could consideration be given for the amount of taxes that someone is paying? Perhaps people that are paying lower taxes could get a bigger break or put it on some sort of a scale.

Mayor Donchess

We would have to ask the Legal Department. This service is not provided at all in some communities.

Director Fauteux

In most communities the repair and replace is not provided at all.

Mayor Donchess

So the homeowner is told to get a contractor or get it fixed.

Director Fauteux

That's correct. I think the only community that we have found so far that does repair and replacement is the Town of Milford. All of the others do not but we do still have some more research to do.

Commissioner Pappas

I wanted to make it clear that it comes from a User Fee Fund rather than the tax base itself. That was the reason that I feel as though the new folks had not really paid into the wastewater treatment plant.

Commissioner Teas

My comment was more based on affordability. In theory, if your tax bill is a lot larger then a \$1,200 fee is probably more affordable and if your tax bill is \$2,200 then \$600 seemed fine. I may have violated three laws when I just said that.

Commissioner Ackerman

We have a number of different facilities that are new construction. If there is new construction such as the one off West Hollis Street, there are probably about 34 houses going in, do we currently charge them the \$600 fee per unit for the developer.

Mr. Dookran

That is actually a different case. That is a new subdivision and they are installing their own sewer system. They are paying for it so the betterment fee charge does not apply and there are no old connections so that \$600 fee does not apply. The only charge that they will have to pay is what we call the entrance charge of \$295 per unit.

Commissioner Ackerman

Today with the city owned Pennichuck Water Works, when they have a broken pipe to a house, if it is between the street and the property line then the city pays for it, is that correct?

Director Fauteux

I am not sure.

Ms. Amy Gill, Engineer

The city would not pay for Pennichuck if it were the water system.

Commissioner Ackerman

Right, but if it were a broken pipe between the main water line in the middle of the street to the property line then the city would pay. If it was a break in the water pipe from the property line to the house then the resident would pay that.

Mayor Donchess

Are you asking about the water line or the sewer line?

Commissioner Ackerman

I am asking about the water line so I can understand how it might correlate to this.

Mayor Donchess

The city is not involved in the water; if there is a water break then we are not involved at all. They would contact Pennichuck to do that, is that correct.

Director Fauteux

Yes, we are not involved in the water.

Mayor Donchess

We only deal with the sewer connections.

Mr. Dookran

The question was if the homeowner responsible for the piece of the water service within the roadway. I think we have heard varying ideas about that. When I first started with the city, Pennichuck had not made it clear that the homeowner was responsible for that water connection all the way to the main and that might have changed over the years. Now the homeowner is only responsible up to where that valve is on the side of the street and then Pennichuck is responsible for the rest.

Mayor Donchess

If the sewer line breaks between the main sewer line and the property line, so it's not the main line but it's the connection and it breaks in the street under the city property, who pays in that situation?

Mr. Dookran

If it is a one or two-family residential residence then we have to take care of it by the Ordinance requirements for \$600. If it was a commercial or multi-family then they have to hire a contractor.

Mayor Donchess

If in the situation of a one or two-family residence, if the break occurs under the residents property, between the street and the house, do we get involved.

Mr. Dookran

No, they hire a contractor.

Ms. Gill

This repair is from the sewer main to the property line for the \$600.

Director Fauteux

One of the things too for the Board to consider that Engineer Gill brought up is that we are finding that a lot of these properties are actually rental properties and in some cases someone could own 17 rental properties and we are still only charging the \$600.

Commissioner Moriarty

For the first two charges it sounds like we could combine or get rid them and come up with another charge to simplify it.

Director Fauteux

That's correct.

Commissioner Moriarty

Will you come back to us with a suggestion?

Director Fauteux

Yes.

Commissioner Ackerman

I find the two charges to be confusing. I had my sewer line replaced from my house to the city connection and it cost just over \$3,000 by a contractor and then the city came in and did their \$600 work which was much more involved because there was a tree there and the sidewalk was destroyed, never mind the connection. There was a lot of work done by the city and I understand that we are not getting our money's worth out of that. I am certainly in favor of raising that fee.

Alderman Ernest Jette, Aldermanic Liaison

I am brand new here so forgive me but are you considering changing whether or not the city would change these fees, is that correct? I am wondering if most other cities do not do this work, they just approve it and inspect and see that it is done properly, why do you think the city should be responsible. For example, if somebody's got a tree whose roots destroy the sewer line and they need a new one, why wouldn't the homeowner be responsible to get a contractor to go in there and fix the problem and the city just inspect it to make sure it is connected properly.

Mayor Donchess

That's a good question.

Commissioner Ackerman

The property owner only owns to the city line and the rest is city property, is that correct?

Mr. Dookran

No, as we stated in the memo, it is the owner's responsibility all the way to the main. It is a favor being done by the city in that you pay me a fee and I'll do it for you as opposed to you hiring a contractor. The question is why the city chose to accept that. It goes back quite a way, all the way back to the 1970's when the city decided they wanted to do so. Maybe the idea was that the city was better at doing it and managing this kind of work in small order rather than hiring a contractor who may take advantage and also managing the actual work, like the traffic. I don't know but it might be an option if you want to go back that way or to collect the fees that would pay for the work.

Mayor Donchess

My guess is back in 1977 \$600 was a lot closer and near the cost of doing the connection so in a way the resident was paying the city but the fee has not been increased for 40 years and there has been a bit of inflation in that period of time.

Alderman Jette

Contrary to what I just said about the homeowner being responsible, I don't understand why the homeowner would be responsible from the property line to the main line. For example, the city allows these big huge trucks to come rolling down the road and that pressure on the road causes the sewer line to break, I don't know if that is the homeowner's problem. It would seem to me that the city should bear the full cost of repairing the section of the sewer line that is in the roadway but on the other hand, the homeowner should be responsible for the full cost of repairing the sewer line from the property line in.

Commissioner Pappas

I think it would be very helpful if we get the number of each of these charges as long as it's not an inordinate amount of work. The other issue, to your point, Commissioner, about a tree, if it's a city tree then you can't touch it so if it's a city tree that's in someone's sewer line it's kind of a catch 22. To the Director's point, I think there will be people that are not going to be able to pay it and I do think that the city is much better at managing traffic, although it would not matter much on most streets if a contractor was good at managing traffic but there are some streets in the city where it would make a difference. It doesn't seem that we have had a ton of sewer main breaks and I think that's a nice thing that the city offers to residents.

Mr. Dookran

Something to think about regarding the question of ownership of the connection, I think it's an old practice for the utilities to have all services be owned by the property owner and as Amy and I were looking at recently, utilities may have changed like private utilities, water and gas, where their responsibility ends at the property line, where there is a shut-off valve and they take the rest but we don't have that. We don't have a valve to separate and the other difference is the direction of flow, water and gas under pressure flow towards the house, however, regarding sewerage it flows away from the house. We have little control over what a person

puts in the sewer. Yes, there may be external forces like truck loading on the outside of the sewer but sewers deteriorate from the inside and too often we are called for a service and it's clogged because somebody put something down the drain and they call a plumber and the plumber pushes it into the street and then they call us to replace it for \$600. Even the commercial users put all kinds of stuff in it. I think that may have weighed into that decision.

Commissioner Moriarty

Director Fauteux, do you know what the Town of Milford charges for their fee?

Director Fauteux

They don't charge a fee but they do have a pretty hefty connection cost, I think it's about \$1,600. Communities have done things so differently that we are finding it amazing. We would like to do more research and then come back with some recommendations.

Commissioner Teas

If you compare Nashua to Milford, we charge and they don't. What is the tax burden on each residence? It would be great to see what the tax rates are in the next report; maybe they have higher tax rates that absorb those costs.

Director Fauteux

I think most of the communities have user fees, I don't think it's necessarily in the tax rate but I can look into that.

Commissioner Teas

I am just thinking as a homeowner, the global cost to live at my house; one piece of it is taxes and one piece of it might be a usage rate too. If the tax rates are really high and the usage rate is low then it may be the same to live in Milford as it is in Nashua.

Mayor Donchess

I think Director Fauteux will be doing more work and coming back with a recommendation.

Director Fauteux

Yes.

## **Personnel**

- A. **MOTION:** Commissioner Pappas to approve the selection of Mr. Emil Bravo of Little Egg Harbor, NJ, for the position of Assistant Construction Engineer in the Engineering Department. Starting salary is \$57,327/year. Funding for this position will be through Department: 169 Wastewater; Fund: Wastewater; Account Classification: 51 Salaries & Wages.

**SECONDED:** Commissioner Ackerman

**MOTION CARRIED: Unanimously**

Director Fauteux

I have been thinking about what Director Budreau said regarding Personnel and Commissioner Pappas' suggestion to unseal the minutes at the next meeting. I sort of like her suggestion because I feel like it's a little bit cleaner because those unsealed minutes can then be attached to the minutes of the meeting whereas if we just unseal them when somebody is hired, where do those minutes go and where are they posted.

Mayor Donchess

So, you are suggesting that anytime a hire takes place that on the next agenda there would be an item to unseal the minutes.

Director Fauteux

That's correct.

**Commissioner's Comments**

Commissioner Pappas

I am wondering if there are four of us together and the Mayor is at the end, it is hard to see everyone. I wonder if it might be helpful if the Mayor was on the opposite side of the table.

Director Fauteux

That's fine.

Commissioner Pappas

I would like to welcome Commissioner Teas and Alderman Jette. Happy New Year, everyone.

Alderman Jette

I know we had a terrible storm and I would like to point out that storm occurred prior to my becoming an Alderman and the weather has moderated substantially since my being sworn in. The Friday after the storm, I noticed that on Main Street some of the sidewalks were cleared and some were not. The intersection in front of the Bank of America, there is a crosswalk going across the street to the Methodist Church and there was a nice opening on the west side of the street but on the east side there was a big snow bank and if a pedestrian tried to cross they would have to encounter this huge snowbank. I know it was the day after the storm and I don't know if it is just because you didn't have enough people or equipment to handle it but what is the city's responsibility and what are the merchant's responsibilities regarding sidewalks and intersections.

Director Fauteux

Public Works does not clear the sidewalks on Main Street the Economic Development Department clears those sidewalks so I will provide them with that feedback. What Public Works does do on Main Street is the full removal of the snow from the sidewalks and the parking lots but the initial clearing of the sidewalks is done by the Economic Development Department. The merchant's are only clearing right in front of their shops; most of the sidewalks should be cleared by the city.

Mayor Donchess

The parking lots...there is staff associated with the meters in the parking lots and they work for the Economic Development Department and that is the workforce that clears the sidewalks.

Director Fauteux

Yes, but only on Main Street and some of the side streets. Public Works does about 50 miles of clearing in other areas and around the schools.

Alderman Jette

I looked at the revised Ordinances I could not see any Ordinance that required anybody to clear any sidewalk other than the suggestion that the city clear 1,000 feet near the schools.

Mayor Donchess

That is correct because there is a Supreme Court decision that prohibits a community from mandating that any property owner have to clear their sidewalk. It goes back many years and I am sure the Legal Department could come up with that decision.

Alderman Jette

It creates a dangerous situation when sidewalks are not cleared because people have to then go onto the street. It would be nice if they had an option not to have to do that.

Commissioner Pappas

I know we each have our own area of interest but when I started on this Board ten years ago we barely cleared any sidewalks and we have gotten much better about it. The feeling that I get from the community is that we need to make sidewalks for school routes cleared. We have three or four schools that are totally walking schools and that has been a priority. Unfortunately, we cannot put the sidewalk plows out until all of the streets are cleared. I think our crews do that before they would even touch downtown.

Director Fauteux

The Economic Development Department would be downtown and our crews would do the schools first. Commissioner Pappas is correct, about seven years ago, we only cleared about 20 miles of sidewalk and we are now up to 50 miles. That is probably more than we can handle but we seem to be able to do it as long as the equipment is running. The last storm we had five of our tractors break down and that created some challenges. The schools are our priority, especially the walking schools. People will sometimes ask why can't you get to them sooner and the problem is that we don't wing everything back until the end of the storm so when we do that, we bury the sidewalks. We do a pretty good job and the same people who are plowing the streets are also clearing sidewalks. Some of them may have been plowing for two or three days straight and then we ask them to get into these tiny sidewalk tractors, it's not easy work but we have a great crew.

Commissioner Ackerman

To that point, this is where I get confused. We say the Economic Development has resources dedicated to cleaning the sidewalks in downtown Nashua but those are not really their own dedicated resources, they are the resources that are out doing the streets, is that correct?

Director Fauteux

No, those are their dedicated resources.

Commissioner Ackerman

But I just heard you say they are out busy doing streets before they go to sidewalks.

Director Fauteux

Those are the Public Works crews. The same people who plow are the people that get in sidewalk tractors to clear the sidewalks outside of the downtown.

Commissioner Ackerman

So the resources that the Economic Development Department has is their own physical manpower and their own physical hardware to do this for the downtown, is that correct?

Director Fauteux

That's correct.

Commissioner Ackerman

I do agree with Mr. Jette that if we want to spur on the activity of economic development for the downtown businesses that we need to do a better job. It should not take a week after a storm that we are doing it. I happened to hear at 7:00 a.m. today that there were a lot of big vehicles on Main Street picking up snow and clearing snow. Are they expected to do that within a certain amount of time during the storm and right after the storm?

Director Fauteux

We get to it just as soon as we can. Our priority is to clear the streets and then the sidewalks and then we get into snow removal.

Mayor Donchess

Economic Development, using the parking lot people, plows the sidewalks but that leaves snow banks and there are snow banks left by the city plows that are plowing the streets so there is a lot of accumulated snow. Then when Public Works can get to it, depending on the circumstances, and how long after the storm, the Public Works crews do snow removal and they remove the banks of snow that have been accumulated from the plowing on the sidewalks. That started early this week on Main Street.

Director Fauteux

I believe it started on Sunday night.

Mayor Donchess

Yesterday they were doing East Pearl and Spring Street. I think today was West Pearl and Elm Street. Public Works is back involved once the sidewalk is plowed but for the removal of the snow banks.

Director Fauteux

The other thing you have to remember too is that we have to give our staff a break. They don't get a break when they plow, they will sometimes plow for three days straight. That's why you might not see us out there immediately.

Commissioner Ackerman

The snowstorm that occurred on the Thursday right before Christmas, there was a snow emergency declared and vehicles were to be off the road but not until 10:00 p.m. That storm basically started at 9:00 a.m. and when I went out and did my driveway about 1:00 p.m. there was a good 10" or 12" inches on the ground. I know that a lot of due diligence goes into planning and declaring a snow emergency, is declaring it at the time that you did, which was very early but not having it go into effect until 10:00 p.m., did that hamper the snow plow drivers at all?

Director Fauteux

In a perfect world we would start a snow emergency right after declare it, absolutely. We do put a lot of thought into it. First of all, we are trying to be consistent with the timing. Whenever we can, we are trying to declare snow emergencies from 10:00 p.m. to 6:00 a.m. The reason that we declare them that late is that when we declare a snow emergency we effectively shut down Main Street so we want to give the restaurants and the bars a chance to have some business before we declare it.

Commissioner Ackerman

(Inaudible)

Director Fauteux

I think it was around 40 and that's pretty typical.

Mayor Donchess

I think another reason for delaying it until nighttime is that when a snow emergency is declared in the daytime there are many people who don't move their vehicles and theoretically you can plow but not really because there are so many cars on Main Street. The dual purpose is to allow the businesses to stay open and number two, as a practical matter, to wait until the hour where most of the vehicles are going to be gone anyway.

Commissioner Pappas

I have had concerns with removing snow from Main Street, some people say they don't think we should use overtime for that. I also have heard that people have called and complained that the snow shouldn't be removed during the day. In some ways, you can't win but I am big on back to basics and I think we should do our streets as well as we can and the snow routes as well as we can. Especially at the beginning of the year when we don't know how bad a winter is going to be. Even though it is an annoyance that clearing the snow from Main Street during the day when it's straight time instead of overtime is good and I think we have done that a lot. I think that we have done a good job at getting it done during the day and leaving lanes open.

Director Fauteux

We have. We prefer not to plow during the day because we are dealing with parked cars and pedestrians and it is a big safety issue but I think we have done a pretty good job. We do typically try to clear Main Street at night if we can.

### Mayor Donchess

There is no perfect way to do it. I remember when I was previously Mayor one of the most difficult calls I ever took was when we cleared snow on Main Street, on Library Hill during the morning, this woman was delayed coming down Library Hill, she waited about 15 minutes. She was so beyond belief angry that I sent her flowers to try to pacify the situation. Some people want it during the daytime and some people want it at night, it's hard to do it perfectly. That woman is now deceased.

### Director Fauteux

Another thing that factors into our decision is how many nights our staff has been working. If they have been working for several nights then we might choose to clear the snow during the day because they are just exhausted.

### **Adjournment**

Commissioner Pappas made a motion to adjourn.

Commissioner Teas seconded the motion.

Meeting adjourned at 5:09 p.m.