

**Board of Public Works Meeting
Meeting Minutes
February 27, 2020**

A regular meeting of the Board of Public Works was held on Thursday, February 27, 2020, at 5:30 p.m. in the Auditorium at City Hall, 229 Main Street, Nashua, NH 03060.

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

Members Present:

Mayor James Donchess, Chair
Commissioner Tracy Pappas (Participated via Telephone)
Commissioner Kevin S. Moriarty
Commissioner G. Frank Commissioner Teas
Commissioner Shannon Schoneman

Also Present:

Ms. Lisa Fauteux, Director, Division of Public Works
Mr. Jon Ibarra, Superintendent of Streets
Mr. Mike Harris, Division Operations Manager
Mr. Nick Caggiano, Superintendent of Parks & Recreation
Mr. Dave Boucher, Superintendent of Wastewater
Mr. Dan Hudson, City Engineer
Alderman-at-Large Michael B. O'Brien, Aldermanic Liaison

Mayor Donchess

Commissioner Pappas is participating by telephone and under the terms of the state law that allows her to do that, she needs to explain why she can't attend, if she can hear us, and who she is with if anyone.

Commission Pappas

I have a scheduling conflict and I'll be signing off at 7:00 p.m. My son, Thomas Pappas is with me and that's it.

MOTION: Commission Teas made a motion to approve the agenda as presented.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, Commissioner Pappas, Commissioner Moriarty, & Commissioner Schoneman	5
Nay:	0

MOTION CARRIED: Unanimously
Approval of Meeting Minutes

• **December 19, 2019**

MOTION: Commissioner Moriarty to approve the minutes from the Board of Public Works meeting of December 19, 2019.

Discussion:

Commissioner Pappas

I apologize for any mix-up. I was a little bit confused because those meeting minutes looked a little bit different because I think the Mayor was counted and usually the Mayor doesn't vote. The meeting minutes were correct that I did vote no on the project relating to the office over at the landfill. I listened to the tape and I did abstain from the HKT Architects contract for \$997,000. I didn't approve of the project but I obviously wouldn't want a project going forward without having an architect. It was my error and I apologize for any extra work it may have caused.

Mayor Donchess

Are you saying that the minutes, as prepared are correct?

Commissioner Pappas

That is correct.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

• **January 30, 2020**

MOTION: Commissioner Teas to approve the minutes from the Board of Public Works meeting of January 30, 2020.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

MOTION CARRIED: Unanimously

Public Comment

There was no public comment.

AFSCME Step II Grievance – 19 – 20

Mr. Matthew Davidson, Chief Steward, AFSCME, Local 365

Tonight with me I have Roger Lavoie, the grievant, as well as our Chapter Chair Scott Leard. I'll go over the grievance really quickly. This is an overtime by-pass. Article VIII of the contract has been violated...any and all of the provisions and past practice.

On this particular night, we had sign maintenance work being performed and Roger is qualified at sign maintenance and should have been called out off of the master list for that work. He has also held the position for five years so he's very well qualified. He trained a lot of the sign maintenance people that we currently have. That was a 10 ¾ hours overtime shift so the grievance is for that lost time. Contract-wise and I do have copies which I will hand out...

Director Fauteux

The members of the Board already have a copy of Article VIII.

Mayor Donchess

Each Commissioner was given a copy of the full contract in preparation.

Mr. Davidson

The Union's position on this is to put the people that know what they are doing on the job. Article VIII has a process by which overtime would be called out. Article VIII (H) states: "work shall be offered first on a rotating basis among all qualified employees by classification in the department of the Division which normally performs the work. If the overtime situation requires additional employees, such overtime shall be offered to any qualified employee in a department and then to any qualified employee in the Division.

You have the truck driver handout.

Director Fauteux

I just want to point out that these are two pages of a much lengthier job description.

Mr. Davidson

I have them here if you want to read them.

Director Fauteux

In fairness, the Commissioner's should see the entire job description and not just two pages.

Mr. Davidson

The sign maintenance PDF or job description on the second page...this is the work that was being performed that night. "Installs roadway striping in the city, is responsible for ensuring that his/her crew correctly installs and maintains a proper construction work area when working within the adjacent city streets, assists hired crews for crosswalks, stop bars, parking install, striping, and long-lining. Paints crosswalks, painting lines, stop bars, lane lines and other striping using painting and striping equipment. This was all of the work that was performed that night on the overtime schedule.

Roger is a past sign maintenance employee and it was all work that he is qualified for. Also, if you look at the PDF for the truck driver, street repair; who is the person they used that night, none of such work shows up on their job description.

Management is going to kind of minimize the work and say "ah, it's just putting out cones" but it's much more than that. They need to know exactly what the paint crew is doing so they can staff ahead them so they have a new section to move to as they work through the night, otherwise, the paint crew is just going to standing around. As I said, Roger has held that position for roughly five years. The overtime call-out process is the same for every department and every classification in the Division. You want to get people who know the work first and that's why you would go to the classification list first (who are the people who normally perform that work) and then you go to the alternates beyond that.

Also, with that, I did an information request for a couple of things; a copy of the master overtime list which I have here which shows the call-out by classification and then by qualified personnel after that. This is kind of a new situation where they introduced a laborer into this line painting crew that really may or may not know what's going on. Our position is, like I said, that we call the qualified people first because they are the ones that know what's going on. That's why we have this grievance for missed overtime. The line striping work was the work that was being performed that night and that we would get the guys that know what they are doing in the rotation first rather than just grabbing somebody from anywhere and putting them on that crew. It's how the contract reads if you look at Article IX.

Mr. Roger Lavoie, Grievant

I was hired in 1987 and I bounced around and did a lot of different jobs in the City of Nashua. I did this particular position for a little over five years. From day one, anytime there was overtime that fell into this position's classification, we would call out by qualification. It went to the master list by qualification.

Apparently, some of the requests for information we made no longer exists from when I worked in the classification. We don't even have information stating that I was on the job. I

went out on a stint due to an injury and prior to that, I worked a good two to three weeks on the job training guys by classification and then qualification. I was training the individuals who are doing the job now. It is either two or three weeks that for 20 hours per week working nights on overtime training these guys painting Main Street...there is no record of, not even on the qualification list or what HR provided. I just find that odd. It was always called out by qualification. I've had meetings with the prior manager of the department who is no longer with us and Mr. Ibarra and they asked me how the overtime should be called up and I told them back then we had an assistant sign maintenance and it would go sign maintenance first, assistant sign maintenance next and then out of classification in the mass of rotation by qualification. When they went out looking for somebody other than a sign maintenance man, or a sign maintenance assistant; it was always somebody that had their hours and were qualified to do the work. It's just up until...I think it was while I was out with my injury that they started backfilling with laborers and truck drivers and that's why I have a grievance. I think they are overlooking people who are qualified. Someone has to understand the job and make the next moves and it's not done by a laborer but somebody that understands the job and can make that next move and not create head-on traffic collisions on Main Street. You have to know where you are putting the cones, where the guys are going next, what he's doing next at all times. I strongly believe in protecting the classification and qualification.

Many of the guys get a chance to come over and learn jobs and that's how they get qualified and that's how they get identified to do that job because they go out and learn the job and get qualified. I just feel that is something that you really need in this particular situation. I've had many of times when we'd be painting a crosswalk and had the proper personnel out there and a car will come right through your paintwork and just miss you. Your head has to be on a swivel and you are not just directing traffic, you are moving cones, setting up cones, mixing paint, and putting down beads. You do a lot of different functions to make the workflow and that's why I feel there is a grievance here.

Mayor Donchess

Does anybody have any questions for Mr. Lavoie?

Where were you that night? Where you working or not working?

Mr. Lavoie

No, I was not. I was not asked.

Mayor Donchess

So, you were at home?

Mr. Lavoie

Yes.

Mayor Donchess

Who would the overtime go to if you were to prevail in the grievance, you?

Mr. Lavoie

I was always a strong believer that the person that files the grievance is grieving because they feel they have been overlooked. When I got hired I spent 23 plus years as president, vice president, executive vice president, chief steward, steward through three or four contracts, I know what's been going on and I know the lay of the land and how we got to these points. That's why we are here tonight.

Mayor Donchess

Does anybody else have questions?

Commissioner Schoneman

Just for clarification because I am kind of new here, the paperwork says that you are a traffic tech 1 and that's a slightly different classification from sign maintenance. Are they different and in what way?

Mr. Lavoie

At one time we were the same department and things got moved around. To this day as a tech, my supervisor still comes to me and asks me to go layout some paint markings with him and do some measurements with him. There were many of days that I was asked to work with this paint crew. I honestly believe through the PDF process and what the PDF says where we assist each other and we do that type of work when needed that this is where the work should be first. We work hand in hand.

Mr. Davidson

In the overtime process, you would call your sign maintenance people first because they are the ones there every day doing that work. In the overtime process, you would have your master list next. If you needed additional people you would call the qualified people off of that master list. So, even though Roger doesn't hold the position right at this point, he would be in line on the master list for the next available rotation.

Mayor Donchess

Was the laborer who was working, was that person doing the painting or directing traffic?

Mr. Davidson

I couldn't be sure but I am assuming they would be setting out cones and directing traffic and things of that nature. That person really needs to understand the whole scope of what's going on. If you are doing a 4-way intersection like I said, you need to stay ahead of the

paint crew and where they are going next so you have a sufficient surrounding of that intersection.

Commissioner Moriarty

Just so I am clear, according to your contract, overtime, section H states first “among all qualified employees by classification.” To be truthful, this is not an issue because the grievant has a different classification.

Mr. Davidson

He has a different classification but he would be next in line once out of classifications was exhausted.

Commissioner Moriarty

Not according to that but he might be next in line according to the next paragraph, “by qualification” is that what you are saying?

Mr. Davidson

Correct.

Commissioner Moriarty

So there is no grievance about the classification overtime but it’s that he is next qualified.

Mr. Davidson

Right. They had two sign maintenance people working and the third person they called out from a truck driver classification which doesn’t normally perform this work. The third person who was called out should have been called out from the master list in which Roger would be qualified for.

The normal group that would be called first would be the sign maintenance guys and once you exhaust that group you would move onto the master list for whoever else is qualified and Roger would be off of that secondary list.

Commissioner Moriarty

Thank you.

Commissioner Pappas

My question is did the truck driver/laborer perform the traffic control?

Mr. Davidson

I assume so, yes, but I wasn't there.

Commissioner Pappas

Okay, so it's your position that the traffic control...when you are doing striping it is different than traffic control that you might do for say if you were patching potholes.

Mr. Davidson

Exactly, very much so because you need to understand the whole scope of the work that the line striping crew is going to complete that night.

Commissioner Pappas

When we are calling out if traffic control is handled differently than the actual job like patching potholes or fixing a sewer problem. I guess that seems to be the sticking point.

Commissioner Teas

In our packet, we have a copy of Superintendent Ibarra's grievance response and I'm interested in your classification of what he said. Is this a true or false statement? "Management believes it met the contract language by calling out sign maintenance to perform the striping work and truck driver/laborer to perform traffic control as they normally performed the work," particularly in light of what you clarified for Commissioner Moriarty. Is this true or false?

Mr. Davidson

I would consider that to be false. Every classification handles their own traffic control within its scope of work. When I am on the street during the day with the trash truck I handle my own version of traffic control. When wastewater is out there jetting a line they handle their own traffic control. When streets are out patching potholes they handle their own traffic control.

Commissioner Teas

If I understood what you said to Commissioner Moriarty the classification was correct but it was the qualification that wasn't there.

Mr. Davidson

Correct.

Commissioner Moriarty

No, the classification was not correct.

Mr. Davidson

Right, the classification wasn't correct because that person didn't have the qualifications.

Commissioner Teas

Understood, thank you.

Mayor Donchess

Is there anything else from the Commissioners?

I have another question. Mr. Lavoie is a traffic tech but you did not give us a traffic tech description.

Mr. Davidson

No, I didn't. I probably do have one. I only have one copy of that.

Mayor Donchess

Alright, thank you. Is there anything else from the Union. Is someone going to make a presentation for the department?

Director Fauteux

Yes, Superintendent Ibarra and also our Operations Manager, Mike Harris.

It should be pointed out that Mr. Harris was a foreman for eight years and has been with the department for 24 years so he has a lot of expertise.

Mr. Ibarra

I am also going to refer to the PDF's but I am going to open up by referring to Article IV in the contract under Management's Rights which reads: "except as otherwise expressly and specifically provided in this agreement, the Union recognizes the direction of the Division's operations, the determination of the methods and means by which such operations are to be conducted, supervising, management, and control of the Division's workforce." I'll leave that there.

On a daily basis, management is responsible for prioritizing work and delegating staff to perform said work. We have many classifications in the department. We are out maintaining the infrastructure, paving, doing sidewalks, line striping, and hauling material. In these PDF's, I would refer to the sign maintenance first. There was a piece in here that was neglected. The sign maintenance position reads "performs as a lead person of a two-person

crew that erects and maintains traffic signs and installs roadway striping in the City of Nashua and is responsible for ensuring that his/her crew correctly installs and maintains the proper construction work area when working within or adjacent to city streets. That's a lead position of a two-person crew. This particular day, for this overtime operation, we call out two sign maintenance people and one truck driver/laborer. All classifications can work as a laborer if they are not operating under a classification capacity. So, if an operator is not operating, they would be laboring. If a driver is not driving they would be laboring. Anybody can perform labor. During the day we use labor to do traffic control and traffic calming. That could include setting up cones, sign packages, holding paddles, or just directing by hand. They are maintaining traffic control. I see traffic control as traffic control and I don't see any variation between that. Each job is different. If you are doing a sewer dig you are going to have a guy on either end in a coned off area. You will move the cones as you need to. Striping is similar but as you do an intersection you are moving the cones differently to block lanes away. My take away from this is sign maintenance is a lead person of a two-man crew. On this day, we had two sign maintenance and one driver/laborer. We normally go to the laborer from the driver's as the position for a laborer was abolished in 2011. The truck driver assumed that laborer role. When we call in overtime, we go to the driver list first for a laborer after we have gone down and securing whatever other classifications we may need to perform the work. So, if we need two operators we get two operators if we need two drivers, tow masons, and two laborers. That's a management decision...staffing the workforce for any given project and that's how we approach this. The guys who normally perform the work get the opportunity first so classification seniority does take its role. I got what I needed for the sign maintenance to do their work and then I got a laborer to direct the traffic. I guess that would be all I really have for this.

Mayor Donchess

Are there any questions from the Commissioners?

Commissioner Pappas

So, let's say it's during the day and you are out painting crosswalks and doing other such tasks, would a laborer perform traffic control during painting such as that?

Mr. Ibarra

The potential exists, yes. It depends on where they are working. Sometimes it's just two sign maintenance guys out doing the striping in they are on a quiet street or neighborhood. If they are on a busier lane for safety we will add traffic control measures. It also depends on staffing. We are sick and vacation; it depends on what we have for work going and that's on a case-by-case basis. But, yes, it could be a laborer, it could be if Roger is slow in his traffic tech position...those guys work across the aisle so if he doesn't have any traffic tech work he may be asked to assist sign maintenance and vice versa, sign maintenance may be asked to assist a traffic tech. But, when you are calling out overtime, it's by classification seniority. You are going to go to sign maintenance because that's what you need. Once we secure that we go to the laborer.

Mayor Donchess

I think you are saying that laborers are capable of doing, and routinely do traffic control.

Mr. Ibarra

That is correct.

Mayor Donchess

And, they are qualified to do that work.

Mr. Ibarra

Correct.

Mayor Donchess

And, you often assign people in other job classifications down to the function of a laborer in order to perform traffic control functions on a sign, striping, or other job.

Mr. Ibarra

Correct.

Mayor Donchess

Does anybody have questions for Mr. Ibarra?

Director Fauteux

Mike, do you have anything to add?

Mr. Mike Harris, Division Operations Manager

I just feel the traffic control is handled by a laborer every day and having the two sign maintenance individuals there...they are the lead person and they can direct that laborer to tell him where to move the cones or even have a conversation before it even starts to where to move the cones at that time. When one section is painted they would move on to the next section that needs to be painted. I feel the laborer can do traffic control because he does it every day on sewer digs, potholes or lane/road closures. That's how I feel.

Mayor Donchess

Mr. Harris, you have been with the city for how long?

Mr. Harris

Twenty four years.

Mayor Donchess

And how long during that period of time have laborers been used for traffic control?

Mr. Harris

Since I have been here, for the last 24 years.

Mr. Nick Caggiano, Superintendent of Parks & Recreation

I have been with the city for just about 20 years. In all of these PDF's, there are some common tasks and being a traffic control person is one of them, it's in just about every description. Typically, if we have a tree job, we have a bucket truck with two groundsmen maintenance people and then we have a laborer that is in another chase vehicle and does traffic control. Traffic control is in everybody's PDF and is a laborer's job, groundsman I.

Commissioner Teas

In everything I do I try to exercise common sense and hear both sides of the story. In this instance, I don't hear enough for me to vote in favor of this grievance.

MOTION: Commissioner Teas to deny the grievance as presented.

Commissioner Schoneman

We were given a divisional organizational chart for each department and under the traffic foremen there are two positions, traffic tech, and sign maintenance and then under street foremen, the positions are truck driver, equipment operator, and masons. I don't know how the overtime Astra list works, but it looks to me from here that if you have two people in sign maintenance and you needed another person, would you usually go to this within the same classification as in the traffic tech next? Would you usually go there next?

Mr. Ibarra

No, you would go by classification.

Commissioner Schoneman

So, you would go over to laborer?

Mr. Ibarra

You would exhaust your sign maintenance personnel and then you would go to the master list, sign maintenance qualified, if you didn't get what you needed for sign maintenance. In this particular case, I decided we needed two guys to stripe and one guy to do the traffic.

But, again it's case-by-case. Calling out, no matter what classification is always by seniority and rotation.

Commissioner Schoneman

Okay, so there are people who are in the truck driver/laborer classification who have more seniority and experience with what you were asking them to do that day than a traffic tech like Mr. Lavoie or someone else. You would go from your sign maintenance people over to the more experienced people, even if they weren't in the same classification.

Mr. Ibarra

No, it's called by classification seniority.

Commissioner Schoneman

Okay.

Mr. Harris

It's like there's traffic over here and the street department is here but we are all one right now, traffic and streets. So it goes by seniority but then it would go...like you can get qualified as a traffic sign maintenance individual or you can get qualified, say if you are a truck driver, you can get qualified as a mason. You work on your hours to get qualified. You could be an operator; you could be a truck driver or any other classification and then you can get qualified as that position like for a mason or a traffic tech or a sign maintenance guy.

Mr. Ibarra

If you had the master list and you were looking at the roster you would see the different qualifications next to the individual's name of what they are qualified to do.

Commissioner Schoneman

And the person that you chose to do traffic control in this instance had more seniority than Mr. Lavoie.

Mr. Ibarra

No, it's through rotation. So the book leaves off every opportunity is called out and works back to the beginning or when somebody takes it, it stops there and then the next guy up was offered that position and he took it. Or, they called numerous people until they got somebody who accepted the overtime.

Mayor Donchess

And you are talking about the laborer who was assigned to do the traffic control job.

Mr. Harris

Right, the laborer comes out of first, it comes out of the truck driver classification because it's a truck driver/laborer so they will get offered it first and then it would go to the master list which could be a classification that would fill in as a laborer to do traffic control.

Commissioner Schoneman

So Mr. Lavoie's grievance is that he has more experience but not seniority.

Mr. Harris

He is one of the top senior guys but it's on a rotating basis so at that time....

Director Fauteux

I know what Commissioner Schoneman is confused about. What happens is depending upon what you are calling out for...so they were calling out for somebody to direct traffic. The person who normally performs that work would get the first opportunity on overtime, which would be the truck driver/laborer. So they would go to that truck driver/laborer classification and call out by whatever order that is, maybe by seniority or maybe by next in line; wherever they are in the rotation and then after they exhaust that they would go to the master list. Hopefully, that clarifies things.

Commissioner Schoneman

Okay, yes, thank you.

Commissioner Moriarty

As I read the contract because that is what we are talking about, there was no violation by the city as far as calling out by classification. You called in two sign maintenance people by classification and the grievant is not a sign maintenance employee by classification so there is no violation there. That brings you to the next part of the contract that says "if the overtime situation requires additional employees then such overtime shall be offered to any qualified employee." So the question would be then that truck driver/laborer; was he qualified? That's the only issue in my mind, and you are testifying that yes, the truck driver/laborer was qualified to do what he did and if that's the case then I would agree that there is no case for a grievance here.

Mayor Donchess

Commissioner Pappas, do you have any questions or comments?

Commissioner Pappas

No, and I think both sides were very clear and gave very good answers.

Mayor Donchess

I am going to ask again if there any Commissioners who have questions or comments. A yes vote would be to deny the grievance and a no vote would be not to deny the grievance.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

Commissioner Teas

Given the circumstances of us having to take a roll call vote for each motion and recognizing the fact that we have 20 or so motions, would you be willing for us to perhaps make motions for each separate department and vote on all of those motions at once as long as we give the Superintendent’s adequate time to make their presentations and for us to ask question?

Mayor Donchess

If there is no objection from any of the Commissioner’s I would be willing to consolidate the motions into one. But, if any Commissioner wishes to separate at any time we would certainly take up the issue separately as a Commissioner might want to say yes on one and no regarding a different one.

Parks & Recreation Department

A. MOTION: To approve the purchase of aquatic invasive weed treatment services from Aquatic Control Technology Inc. of Sutton MA. in the amount of \$33,824. Funding for this purchase will be from Department: 177 Park & Recreation; Fund: Trusts; Account Classification: 54 Property Services.

Mr. Caggiano

Motion A is to approve the use of funds for our...every other year treatment of the Mill Pond and the canal in Mine Falls Park. We started this program back in 2008 and it’s done tremendous good for the water quality in both of those water bodies. Community Development is handling the package and the contract because it includes other water bodies, but this is our portion and it’s being funded out of the cell tower. It’s over \$25,000 so that’s why it’s before you.

Discussion:

Commissioner Schoneman

I read that this was the treatment for the weeds in the waterways and is done every two years. Is there any kind of a survey that they do after the treatment to make sure that it's done well. Is there any type of pre-treatment survey done to see exactly what the population is and not just dumping these things in and making sure there is a need for it?

Mr. Caggiano

The short answer is yes. They do a pre-treatment survey because that's going to determine how much material they have to apply. Then they are required by the DES to come back after I believe ten weeks and they have to do an assessment and send that report to the state and we get a copy of that as well.

Alderman O'Brien

I take particular interest in this because I love our waterways. I am more familiar with the water up at the Lakes Region and I know the state is involved and I see the cost is basically \$34,000. Do we get any state grants or have we applied for any state grants?

Mr. Caggiano

Yes, we have and we have gotten them in the past. They won't let you know until probably April or May, but the permitting...in order to approve this...because the permitting is very lengthy up at the state. They have to go to Fish & Game and everybody has to sign off and that's why Community Development, who is running this project, has to start this process now.

B. MOTION: To approve the installation of 2-3 Mason Bee Houses along the wood line near the gardens at Greeley Park. This project is being proposed by Silver Award candidate Isabella Signoretti an 8th grade Nashua student and 3rd year Cadet Girl Scout.

Mr. Caggiano

Motion B – I met a really nice young lady who is going for her Cadet Girl Scout Silver Award (it's very comparable to an Eagle Scout) and her project is to put mason beehives on the wood line in two of our three locations at Greeley Park by the gardens to help pollinate. I gave you some information on them. They are very, very docile bees and they won't sting unless you are going to squish them. I think it's a great learning tool. I learned something from this young lady.

Discussion:

Mayor Donchess

I totally support the idea of helping bees. I've thought of becoming a beekeeper but I've never done it just because of time. Is this construction in Greeley Park that requires approval of the Board of Aldermen.

Mr. Caggiano

No, if you refer to the little fact sheet this is the size of a birdhouse. There is no structure or building that's going up.

MOTION: Commissioner Teas to approve Motion A and Motion B under Parks & Recreation.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

Solid Waste Department

A. MOTION: To approve Change Order #2 to the contract with SCS Field Services of Reston, VA, in the amount of \$287,565 for the expansion of the Four Hills Landfill Gas Collection and Control System (GCCS). Funding will be through Department: 168 Solid Waste; Fund: Bond; Activity: Landfill Gas Expansion FY20.

Director Fauteux

Superintendent Lafleur is actually in Concord at a Legislative Hearing.

The first motion is just our gas collection, SCS has performed this work numerous times and has done a great job for us. Keeping up with our gas collection is very important to make sure that we control odors. Does anyone have any questions? There were no questions.

B. MOTION: To approve Amendment #2 for a two-year extension to the contract with Casella Recycling LLC of Charlestown, MA, for the transportation and processing of the city's single-stream recyclables for an amount not-to-exceed \$400,000 annually. Funding through Department 168 Solid Waste; Fund: Solid Waste; Account Classification: 55 Other Contracted Services.

Director Fauteux

Motion B is our single-stream recycling contract. We have had a very good relationship with Casella and we also taking in some of there glass which helps reduce the amount of cost annually for our single-stream. We are using it for cover and also in the setback. They are paying us for that and they are taking that off the cost of what they are charging us. That's

been very good. I also wanted to mention that Jeff and I met with Casella and we had a very good meeting and they are very optimistic about the future of recycling. They gave us a number of outlets they have which are all domestic for all of the recyclables we are shipping so that was really encouraging to hear. I am happy to go over that with anybody who is interested. Cardboard, for instance, is going to domestic mills in Massachusetts, and some in Canada with some mixed paper going to West Virginia and is made into pulp. Milk jugs and laundry bottles are shipped to Alabama and made into pellets and tubs and lids which are plastics 3 through 7 are shipped to Alabama and made into paint cans. The next time you purchase paint, you may notice that the can is actually made of plastic instead of metal because this mill in Alabama supplies over 85% of the paint cans sold in the U.S. It's pretty cool. The glass is shipped to New Hampshire and Massachusetts for use as aggregates. It's really encouraging that there are domestic markets for all of these recyclables. Casella is committed to recycling and we've had a very good relationship with them and we are happy to continue that.

You have in front of you this really great handout that they gave us that we will be using a lot to try to educate residents and there is a lot of information regarding myths and facts about recycling.

Discussion:

Commissioner Moriarty

I noticed in our packets that the January recycling charge was \$41,000. Adding them up going 12 months we are going to exceed the \$400,000 that we are approving today. I was wondering what you are looking for, Director, for the future? Do you think that's going to come down?

Director Fauteux

No, I don't think it will come down in the foreseeable future but will offset that is the glass that we are taking. They will be crediting us for somewhere around \$200,000 worth of glass that we will be accepting. That will keep us in the \$400,000 range.

Commissioner Moriarty

My other question is as you know, the State of New Hampshire just came out with their own recycling report and they recommend crushing all of the glass and not recycling it and using it throughout the state on walkways, parks, and whatever. Is that what you are saying Casella is doing now, are they crushing the glass?

Director Fauteux

They are crushing the glass. They are crushing it finer for us because that is what the State of New Hampshire requires but they are using it...there is a big push right now in New Hampshire for glass to be used as aggregate so they are trying to get communities to use it for underneath sidewalks, as road base, and in fact, the legislature is trying to pass legislation that would require the DOT to use a certain amount of glass in their road base.

That's where the big push is right now for glass. We need it because we can use it for cover so we don't have to pay for cover materials, which is great, and also we need to fill our setback.

Commissioner Schoneman

Attachment B, the paper that's in the packet that talks about the price per ton and the cost per load, how many tons are in a load?

Director Fauteux

That's a good question, I'd have to...it really depends on what the makeup of the load would be. Glass is heavier than other things but I would guess somewhere about 20 tons or so on average but I can get you the exact numbers.

Commissioner Schoneman

In the formula that would reduce processing costs, it's unreadable. Can you explain it.

Director Fauteux

ACR is the average commodity revenue. We have a ceiling price of \$150.00 per ton and that means it is the highest cost that we will ever pay for recyclables. There is calculation and Sally Hyland could help us with that but if for some reason the threshold is less than \$80.00 per ton of that average commodity revenue then we would share in some of the profits of the recyclables. However, if it's 80% or greater then we would not gain anything. There is a formula that goes into all of that. I will get more information for you on that.

MOTION: Commissioner Pappas to approve Motion A and Motion B under Solid Waste.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

Wastewater Department

A. MOTION: To approve the User Warrants as presented.

B. MOTION: To approve the purchase of a Fairbanks brand vertical solids handling pump from Hayes Pump, Inc., of Concord, MA, for the amount of \$30,307. Funding will be

through Department 169 Wastewater; Fund: Wastewater; Account Category: 71 Equipment.

Mr. Dave Boucher, Superintendent of Wastewater

Motion B is for the purchase of a sewer pump for our north gate pump station which services a portion of the west side of Nashua. Currently, there are two pumps in the pump station, one was replaced a little while back. The second pump was the same age as the one that just failed. This would be the replacement for that one should that fail. They don't make that style anymore so...the pump that we are purchasing when this station gets updated in the future this will be the pump that is going in so we would save money in the future. This is a back-up pump in case one fails.

MOTION: Commissioner Pappas to approve Motion A and Motion B under the Wastewater Department.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

Engineering Department

A. MOTION: To approve the construction contract for the 2020 Paving Program – Contract 1 to Sunshine Paving Corporation of Hudson, NH, in the amount of \$4,014,750. Funding will be through: Department: 160 Admin/Engineering; Funds: Bond and Trust; Activity: Paving and Department: 169 Wastewater; Fund: Bond; Activity: Sewer Rehab.

B. MOTION: To approve the construction contract for the 2020 Paving Program – Contract 2 to Sunshine Paving Corporation of Hudson, NH, in the amount of \$4,262,733.75. Funding will be through: Department: 160 Admin/Engineering; Funds: Bond and Trust; Activity: Paving and Department: 169 Wastewater; Fund: Bond; Activity: Sewer Rehab.

C. MOTION: To approve the following Pole License Petitions: PSNH #21-1487, #21-1488, #21-1447, and #21-1448.

D. MOTION: To approve the award of the construction contract for the 2020 Sewer Replacement Project to SUR Construction West, Inc. of Winchester, NH, in the amount of \$1,497,993. Funding will be through: Department: 169 Wastewater; Fund: Wastewater; Activity: Sewer Rehab.

- E. MOTION:** To consider the request from owners John L and Collen Lyons Dupre of 7 Fairway Street for one building service connection to service two lots (7 Fairway Street and proposed lot 109) with the recommended stipulations.
- F. MOTION:** To approve the emergency request for DPW to excavate in a five-year moratorium street at 4 Steven Street for the repair and/or replacement of the sewer service connection.
- G. MOTION:** To approve Drainlayer's License for SUR Construction West, Inc., of Winchester, NH, in accordance with Nashua City Code §255-19 Issuance of Drainlayer's License.
- H. MOTION:** To consider the emergency request to excavate in a five-year moratorium street from Nalpathu LLC, owner of 44 Kinsley Street, for the repair and/or replacement of the sewer service connection.
- I. Informational:** 2020 List of Streets to be Paved

Mr. Dan Hudson, City Engineer

This is a very long agenda so I don't want to go into all of these in a lot of detail unless you would like me to so I will just breeze over a few of them and speak in more depth of the things that I think might be of interest and then I would be happy to entertain any questions.

Motion A & B are the 2020 paving program. We sent out two separate bids and Sunshine Paving was the low bidder on both and they did a good job for us last year so we are recommending to award those contracts to them.

There are some pole petition licenses, sewer replacement construction; we bid that out and got six bids and SUR Construction West, Inc. was the low bidder. They haven't done work in Nashua to my knowledge but they have done a lot of work around New England and have done a good job at that so we recommend awarding the contract to them.

Motion E is kind of an interesting one where there is a landowner on 7 Fairway Street. Fairway Street doesn't have sewer. The sewer service on their property currently runs through an abutting property to Taylor. They are proposing to subdivide the lot and that subdivided lot desires to connect to the existing service through the other lot. We reviewed it and we don't have an objection to it other than we would ask for a number of stipulations to be considered as follows:

1. The maintenance of the sewer service within the right-of-way shall become the responsibility of the property owners.
2. An agreement between the property owners regarding the responsibility for the maintenance of the sewer service shall be approved by the Engineering Department prior to filing with the Hillsborough County Registry of Deeds.

3. The applicant must prove that the existing sewer connection is capable of handling the flow from the two lots.
4. An easement between the new lot and 171 Taylor Street allowing rights for the new lot to use the connection crossing at the 171 Taylor Street property.
5. A CCTV inspection of the sewer service connection from the existing building to the sewer main be submitted and the CCTV imagery shall include a linear foot counter and be of superior quality so the condition assessment of the pipe can be made.
6. The service connection pipe shall have no rating greater than a two on PACP (Pipeline Assessment Certification Program) condition assessment scale.
7. If the pipe condition warrants replacement as determined by the engineering, the service connection will be replaced and a pipe meeting current specifications.

Basically what we are asking there is to investigate the pipe that is there and make sure all of the proper arrangements are in place and if one or the other owner's leaves or changes we want the other owner to have the right to go replace the service should that be necessary. That's what those stipulations are intended to do.

There are a couple of emergency requests for more waivers from the paving moratorium to cut into recently paved streets for sewer issues as we have had in the past.

The last item is the proposed paving 2020 list. I would be happy to entertain any questions.

Director Fauteux

We also have Hayner Swanson here who would be happy to answer any questions if you have any regarding Motion E.

Commissioner Pappas

I think we went through a lot of these quickly and out of respect for Commissioner Schoneman who is new and this is only her second regular meeting, to explain why we have the moratorium and why they have to come to the Board in order to get that approved.

Mr. Hudson

Obviously, we would prefer that people did not cut into newly paved streets but, sometimes, unfortunately, that's unavoidable so the moratorium is intended to prohibit that unless there are extenuating circumstances. If you have a sewer service to a house that isn't functioning because it has collapsed in the street then clearly, that needed to be addressed so that sewer service can continue. There are provisions in the ordinance for the restoration of the roadway which involves repairing the trench but also replacing the pavement 20 feet on

either side of the affected area. It's a treatment above and beyond what the normal repair would be but it's intended to be that way to best preserve the investment that the city has made in the paving.

Commissioner Pappas

I'm having a little bit of trouble hearing. These are both for repairs and not brand new ones, is that correct?

Director Fauteux

Yes, that's correct.

Commissioner Pappas

Okay, I just wanted to double-check that because I know that we say repair and/or replacement. I just wanted to make sure it was that and not someone who was looking to put in brand new.

Mayor Donchess

Are there any other questions or discussion?

Commissioner Moriarty

I thought before the city paves a road we send a homeowner a letter that says "listen, we are going to be paving a road and this would be the time to think about replacing your sewer lines if you want to."

Mr. Hudson

That's correct, we do that when we are gearing up for paving. We are sending out those notices as we speak. As a homeowner, it can be a large expense to replace a sewer service so many don't jump to do that even though we wish they would. We do make that notification.

Commissioner Moriarty

Are you sure these are emergency situations?

Mr. Hudson

Yes, they are. They actually started digging at 44 Kinsley Street today on the property side and that pipe is completely crumbling. They have dug out to where the sidewalk is and unfortunately, they did intercept the service that was replaced and they are going to have to go into the street if you approve this. The other one is the same thing. We have seen the video and we have seen the pipe and it's in poor shape and it needs to be addressed.

Commissioner Pappas

And there's no other way they can connect but through cutting through the street?

Mr. Hudson

That's correct.

Alderman O'Brien

Anything can happen structurally and I did read briefly that one of the houses was built in 1880 and it's a very old system. As an Alderman, one of the things we did here is the never-ending Kinsley Street project (of course it did end) but it does seem shameful but again, I understand infrastructure can fail. My question is even in an emergency situation are the permit fees the same after the moratorium as during the moratorium?

Mr. Hudson

Yes.

Alderman O'Brien

Looking at or having the discussion of looking at an increased fee to kind of assist us in trying to hold the moratorium, if we put that as an extra warning in the future to homeowners...I don't want to penalize anyone, that's not the objective here, but if we are investing in our streets...so to give something a little bit more teeth and to say in the letter that the fees for the moratorium period could be more than a normal fee.

Mr. Hudson

We are looking at a fee structure, basically, a pavement damage fee structure which would be graduated so that within the first couple of years the fee would be much higher than in the next three years and after five years it reduces further. It would further reinforce that it's going to be expensive if you have to come out and do that work. The work itself, the milling 20 feet past wherever you are cutting is quite an expense. Kinsley Street, as you know, is two lanes wide so doing that work is going to be expensive.

MOTION: Commissioner Teas to approve motions A through I under Engineering.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas,
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

5

Nay: 0

MOTION CARRIED: Unanimously

Administration

A. MOTION: Commissioner Teas to approve the FY21 Budget as presented at the February 20, 2020, Budget Workshop.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Teas, 5
Commissioner Pappas, Commissioner Moriarty,
& Commissioner Schoneman

Nay: 0

MOTION CARRIED: Unanimously

Recorder's Note: Commissioner Teas was excused from the meeting at approximately 6:40 p.m.

B. Informational: Director's Report

- The bollard at Concord and Courtland keep getting hit so we are going to remove that bollard and see what happens.
- We have a Safe Routes to School project going on at Charlotte Avenue. We have a new sidewalk on the right-hand side of the street across from the Charlotte Avenue School. We've added a three-way stop at Charlotte Avenue and Charlotte Street. We are putting in electronic speed indicator signs, and there are currently three crosswalks and we are going to remove the three and just have one. We are also going to narrow the road a bit to slow traffic where the crossing will be. We've been trying to do this for approximately ten years and we finally were able to get the funding from the state and we did meet with the PTO, the principal, and the neighborhood and they are pretty excited.
- We have sidewalk ramps that will be upgraded to ADA on Harris Road.
- We also some sidewalk reconstruction at the intersection of Allds and Nye Street.
- We did a service repair at 142 Ash Street. We wanted to point out that this was done by RWC Enterprises and the homeowner paid the city \$600 and

the total cost to the city was \$22,500 which just goes to show you how outdated our fees are.

- The Bidy Basketball teams had their championship. The champions (age 10 through 12) were the Knicks and the game was held on February 15th. The champions of the 7 through 9-year-old boys were the Pistons and they played on the 20th. The girls (10 through 12) were the Celtics and was held on February 18th and they were the winners. Then again the Celtics ages 7 through 9 were the winners in that category.
- We are working diligently on the boat ramp. It's really looking great and it's going to be a beautiful area. We are thinking about some other things that we might do down there like sitting areas and potentially frisbee golf or something like that. We have begun driving cofferdam into the river and Superintendent Ibarra and his team are cutting in the road and building the road now.
- The playground surfacing at Roby Park has been completed.
- This is a picture of the ice rink at Roby Park which has been a challenge this year given the fluctuation in temperature but Parks & Recreation has done a good job at maintaining the ice.
- This is a sewer repair that the Street Department did to a residence because a pipe had collapsed and needed to be replaced.
- We did some emergency road repair. There were some really big potholes that broke up in the section of the road near the Amherst Street fire station.
- We did some repairs to our salt barn. We had some fascia boards that were rotted and there was some leaking.
- The Newton Drive Pump Station is the first of the pump stations to be replaced in our current pump station upgrade project. All thirteen are scheduled to either be modified or replaced in a two-phase approach over the next couple of years.
- We have our primary clarifier upgrades. You can see a hatch that is being installed which will allow for safer access to some of the areas of the tanks. The picture on the right shows the condition of the concrete in tank #2 which needed to be coated.
- Our Energy Recovery Project is nearing completion. We are finishing all of the piping and soon our CAT generators will be online and producing energy again. That comes from the methane that we are generating.

- The Phase III landfill; we are still waiting and honestly, a little bit frustrated with DES because we still don't have approval to, even though it's been done quite some time, they have not given us the approval to enter the Phase III, but hopefully we will get that soon. This is a picture of the new pump house which pumps the leachate and condensate from the Phase III into the collection system and then it is gravity fed to the wastewater treatment plant.
- This is an update on recycling. You can see our cost per ton was \$96.95 in February, \$101.77 in January, and \$95.97 in December. It's remained fairly consistent but it's still pretty high, unfortunately.

Commissioner's Comments

There were no Commissioner comments.

Personnel

A. MOTION: To approve and unseal the nonpublic minutes for Personnel from the Board of Public Works Meeting of January 30, 2020.

B. MOTION: To accept the resignation of Emil Bravo, Assistant Construction Engineer, effective February 12, 2020.

C. MOTION: To accept the resignation of Matthew Collins, Groundsman I, effective February 24, 2020.

MOTION: Commissioner Pappas to approve motions A through C under Personnel.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Pappas, Commissioner Moriarty, & Commissioner Schoneman	4
--	---

Nay:	0
------	---

MOTION CARRIED: Unanimously

Adjournment

Commissioner Pappas made a motion to adjourn.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mayor Donchess, Commissioner Pappas,	4
---	---

Commissioner Moriarty, & Commissioner Schoneman

Nay:

0

MOTION CARRIED: Unanimously

Meeting adjourned at 6:59 p.m.