

**Board of Public Works Meeting
Meeting Minutes
June 27, 2019**

A meeting of the Board of Public Works was held on Thursday, June 27, 2019, 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 Joel Ackerman, Vice Chair
Commissioner Tracy Pappas
Commissioner Kevin S. Moriarty
Commission G. Frank Teas

Also Present:

Ms. Lisa Fauteux, Director, Division of Public Works
Mr. David Boucher, Superintendent of Wastewater
Mr. Jeff Lafleur, Superintendent of Solid Waste
Mr. Stephen Dookran, City Engineer
Mr. Andrew Patrician, Assistant Director, Division of Public Works
Alderman Ernest A. Jette, Aldermanic Liaison

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

MOTION CARRIED: Unanimously

Approval of Meeting Minutes – April 5, 2019

MOTION: Commissioner Moriarty to approve the minutes from the Special Board of Public Works Meeting of April 5, 2019.

MOTION CARRIED: Unanimously

Approval of Meeting Minutes – May 23, 2019

MOTION: Commissioner Teas made a motion to approve the minutes from the Board of Public Works meeting of May 23, 2019.

MOTION CARRIED: Unanimously

Public Comment

Alderwoman Shoshanna Kelly

I am here on behalf of the Energy & Environment Committee. We have been talking about a program to reduce the waste in the city and I know Director Fauteux is going to talk about it

in her report but we talked about citywide composting and entertaining the idea of doing a pilot program for that. I just wanted to show my support. I know that our committee is feeling very strongly and we've got a lot of things going on in the city as far as recycling costing a lot of money and so we are putting a lot of effort into trying to get people to really consider reducing as their first point of action and city composting is something that can do at home pretty easily. Cambridge did it and they decreased the amount of waste going into their landfill by 10%.

Director Fauteux

In my Director's Report, I was going to suggest that we take that subject up in the Recycling Committee.

Mr. Peter Schaeffer, 15 E. Street

We talked about the landfill running out of space and then we also talk about the possibility of moving facilities to the waste facility, does that impact the amount of waste we can store or is it going to be put in a place that is already assigned for other things?

Also, with regard to the Burke Street property, on very rare occasions that area floods and I wanted to make sure that people know that before they make a decision. It doesn't happen very often, maybe once every 500 years but it will flood someday and you want to make sure the trucks are out of there because you are going to need them to clean up whatever mess is created by a flood.

I wish someone had said over the years that the public works facilities were getting bad so we don't just get hit all of sudden with everything is so horrible and we have to do something right now. I wish there was a list like when we do the budget and is then given to the Mayor and then the Mayor "says, we are not doing that this year" then at least we would know things are going to hell.

Ms. Paula Johnson, Nashua Resident

I want to give a little history regarding the public works administration building. That building was purchased in 2004 or 2005 when I was an Alderman and I voted against it because when we walked in that building; I'm deathly allergic to mold and I knew there was mold in the building because I got sick. It was over \$2 million and I asked Alderman Wilshire if she voted for it and I believe I was probably the only descending vote. That building was purchased knowing it was a sick building and there were issues so if we were not to use that building and the administration comes out and moves elsewhere, who would use that building, the police? If we don't tear that building down or if we have to fix it, we are still going to have a building that we have to fix if somebody else within the city takes the building over. That's part of my concern. The building was bought sick and everybody knew it, we still have issues, which we shouldn't have. Nobody should work in conditions like that and I remember when Mayor Lozeau had her meetings there and I couldn't even stay in the building that long, in the conference room. If we don't use the building and we give it to someone else you are still going to have to do work on that building so it's like a double whammy.

Mayor Donchess

Would you like me to provide a little information on that subject?

Ms. Johnson

You can do whatever you want.

Mayor Donchess

This is all an "if," if the public works administration moved out of there, the police department has a training facility now which is a very broken down building but that's good because they have training regarding going into buildings and that sort of thing. It's over in the Millyard so what they would like to do is to move from there into the building they are talking about. If any of this happened, I don't think there would need to be renovations because the building they are in now is worse than that and it serves them fine.

Ms. Johnson

What could be worse, you know?

I do believe and I'm going to ask that residents of Ward 5, and I'll be more than happy to be a volunteer for this whole thing with moving the facility to the landfill. I don't mind giving up my time for this, it's not like I don't have anything to do but I can add something into my schedule. The building at Greeley Park, yes it probably should be torn down but you wouldn't want the people who work at Greeley Park to have to go anyplace further, you'd want them to be contained, whether you put a double-wide mobile home or whatever is going to be cost-effective because the people who have to work there need to be there. When you talked about the storage of the vehicles that are outside, I don't understand why you can't have storage for them to go under so they are staying out of the element for all these years. They are in the element but we could have had a canopy or whatever just like people have at their homes. I remember with Mayor Lozeau, I believe she talked about having a car wash at the landfill which didn't happen. The things that did not happen are now here and again, I am going to say we have to prioritize what our wants are and what our needs are because you can want everything in the world but there is just so much money that's out there with the taxpayers. You need three new schools at \$80 million, you need this, we need to start prioritizing now because a lot of us who have are at the senior citizen age, like 65 and above, there's just so much that we can give already. Are you going to force us to sell our homes and leave? I'm content in my house and I'd like to keep my house but I can't keep doing it if the taxes keep rising. We are fixing our roads that have been neglected for so many years and that's through a bond, everything is bonding and somebody has got to pay these bonds and the bonds get put into the taxes so I'm just going to say again, what are our priorities, what are wants and what are our needs. Please consider the taxpayers. I would be more than happy to serve on any committee that has to do with Ward 5 for this.

Mayor Donchess

Is there anyone else who would like to make public comment? There were no further public comments.

Board of Alderman Referrals

- A. R-19-149: CHANGING THE PURPOSE OF UP TO TWO HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$235,000) OF UNEXPENDED BOND PROCEEDS FROM THE ROAD AND TRAFFIC IMPROVEMENTS PROJECT ON AMHERST STREET BETWEEN CHARRON AVENUE AND DIESEL ROAD TO PAY COSTS FOR PAVING A PORTION OF PINE HILL ROAD AND VARIOUS STREETS IN THE NEIGHBORHOOD IF FUNDS REMAIN AVAILABLE**

MOTION: Commissioner Teas made a motion to recommend R-19-149.

MOTION CARRIED: Unanimously

- B. R-19-150: AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LICENSE AGREEMENT FOR A PARKING AREA OFF ARTILLERY LANE, NASHUA ABUTTING MAP 63 LOT 45**

Discussion:

Attorney Morgan Hollis

I represent Forcier Contracting & Building Services and they are the owner of the property on Merrimack Street which used to be a dairy and it is currently home for their operations. This property backs up to Artillery Lane and for a lot of years there have been a driveway and a loading platform behind it with a door going out and when my client bought it fairly recently, the place was a mess. In the back, the part that's owned by the city directly behind the building; he did a little self-help and cleaned it up and put some crushed gravel and got himself into trouble over that because it's not his property. As a result of the notice of the city to cease and desist, we met with Sarah Marchand and talked about what could or should be done there. We asked if the city wanted us to restore it. After a fairly lengthy period of time, we came up with a possible proposal of the city licensing that area being mindful that other people all come off Artillery Lane and we might be the first and others might come in. We tried to set up a license which the city can terminate if it needs the space, it's only renewable for two years if everything works out but the city will always have a right to terminate for safety purposes and if he doesn't do what he is supposed to do. Also, the legislation suggests that he can't do anything until all of the approvals that the city deems necessary are obtained. Whether or not we have to go the Planning Board remains to be determined. For temporary improvements it might not need to go but the first stop was to get legislation in for a license. It went to one of the Aldermanic committees and there was some concern about whether the Board of Public Works thinks this is a good idea and we should find out what they think. That's why it's here. [Attorney Hollis provided the Board with some handouts which included a Plan of Record from the Registry, Lot #45]

This shows back in 1982, this driveway was being used by the then occupant and it was a lot-line adjustment plan and north of the building is where the other driveway my client has used and has been historically used. [Attorney Hollis provided the Board with pictures of the

property when his client purchased it as well as after the debris was cleaned up, which was not allowed because it was city-owned property]

A schematic was presented to the Planning Department for discussion purposes to say this is what we would like to see out here. We have the existing driveway and we are proposing to put some parking spaces and new plantings. Before we could even get to the licensing stage they wanted to see what we had in mind so this is what we had in mind. The next pages are graphic pictures of trucks and buildings which reflect what the layout would look like with new plantings, crushed gravel in place and there might be cars or trucks parked back here. The final two pages are to show you other parts of Artillery Lane which show lots and how basically a lot of people have to have driveways going off Artillery Lane into their properties much like my client has so it's not like a one-off situation, a lot of people have them. My client would like to maintain this area and park vehicles back there and while it is similar to other people this is a commercial use and he felt like it ought to be formalized. That's the nature of why the resolution is for a license. I am happy to answer any questions. The license was prepared by the city's Legal Department and we agreed to the terms of the license. The document is pretty straightforward. I know this might be the first time it has come before you so my client is willing to come back. He was unable to make it tonight but if you want to take this under consideration and bring it back that is perfectly alright with us.

Mayor Donchess

Just so it's clear, this would need to pass the Board of Aldermen and they are just asking us for a recommendation.

Commissioner Ackerman

I did not have an opportunity to read every paragraph of the license but I am assuming it's just...there is no money exchange, is that correct?

Attorney Hollis

There is no money exchanged, he has to make the improvements in order to use it. He has essentially put the landscaping in but first, he has to have formalized plan and then he has to submit it to the Planning Department and they have to determine what to do with it so there will be some money spent.

Commissioner Ackerman

The current owner has done remarkable work but there are no signs there that do not park but as you go down further he's looking to take advantage of the slots to park his own commercial vehicles, is that correct?

Attorney Hollis

That is correct and in discussing this I should say that we met with Nick a number of times out there and the parking signs had been long removed for whatever reason. We would put no parking signs along Artillery Lane.

Commissioner Ackerman

Okay, so the city is not going to lose any parking spots as a result of this along Artillery Lane when there are big functions at Holman Stadium?

Attorney Hollis

That's correct and in fact, one of the concerns Nick had was because there are no signs that was the one hole in the donut if you will, where people park when there are events back there and they don't like that. There would be no loss of space, emergency parking or fire access.

Mayor Donchess

Artillery Lane is adjacent to a public/field park, we've got a lot of neighbors and it would be a commercial use. We would essentially be leasing them the space. How do we say no to all the other neighbors when they come in. They all want to park trucks and everything else.

Attorney Hollis

That's a fair question and we discussed that and that's why we went to this kind of formal arrangement. If other people want to do it then they would have to go through the same process. If you go back there you will see that informally everyone is using it. There's a home right next to us and the area is pretty substantial and they park their cars there. If you work your way around up to the top of Holman Stadium, all the homes on Amherst Street; that's their access way and some of them park within the property owned by the city. That was how this all got started, some people were doing it and some were not and some people were complaining and some were not.

Mayor Donchess

But they have driveways, don't they?

Attorney Hollis

Exactly but they have no license.

Mayor Donchess

But do they drive up onto their property?

Attorney Hollis

Some of them do and some of them park on what is city property.

Mr. Cummings

Parking falls under my office and I wanted to make a couple of comments for the record. First, I do think that there may be a loss of parking if this occurs and it is something that you should think about. Second, I want to make sure that this Board is abundantly aware of the fact that there will be other property owners in this area coming and looking for the same treatment. We have slowly been trying to actually prohibit the parking in that area and we have been working for a really long time with a couple of very vocal residents in that area to try to mitigate this issue. This is going to take it in the opposite direction of these conversations so I just want to make sure folks are aware of that. If you decide to go in this direction you will be setting a recent precedent that we will want to be treating everyone equitably. The third is relative to licensing agreement in and of itself, I did not have a chance to review it before it was actually made public. I have some concerns with the way it was written. First and foremost, there is no pro rata share of taxation which is an obligation that I believe any individual who would want to lease land from the city would be obligated to pay some sort of taxes for use.

Commissioner Pappas

Can you repeat that term?

Mr. Cummings

There are no taxes being paid for the use of the space in the license agreement. I've raised that as an issue that I think should be discussed as well as the fact, and I want to make it's clear, that there will be no parking fee paid or any type of compensation for the city on this. We typically have a standard lease and license agreement out of parking where we pay something on the order of magnitude of per space, \$50 per month for each individual space. From an equitability standpoint, I think you would want to make sure we are trying to be consistent with everyone. I wanted to make those comments very clear for the record and note my offices' opposition to this resolution and I would be happy to answer any questions if they arise.

Commissioner Pappas

It is certainly laudable the steps that this owner has made to clean up this property. For those who may not have had any experience around here with the baseball fields. There is always a lot of parking during baseball season, whether it be for practices or games and I know even if the parking signs are up, essentially, whether it be Economic Development or the Police Department, they might issue tickets but they tend not to do it during the baseball games. A lot of kids ride their bikes to practices and games. I do understand that it might not all be single-family homes but it is a residential area and I do have real concerns about commercial vehicles parking there.

Alderman Jette

I'm on the Committee on Infrastructure that heard this and with all due respect, when you say that the Committee on Infrastructure just passed it on the Board of Public Works, that's really not accurate. The Committee on Infrastructure raised several issues that were raised here

and one of them was the fact that this is all within a city park and the question was raised if it were city land then why would we be allowing somebody to use city land at no cost and are we fulfilling our fiduciary duty to the city by allowing that. It's within a city park and allowing commercial vehicles to use it in this manner was another question that was raised as well as other neighbors having been stopped from using the land which was adjacent to their property. I guess there is one neighbor in particular who has been complaining about other people using it in this way. It's not that the Committee on Infrastructure was sending it here because we didn't know what to do with it and we wanted you to deal with it, I think it was a referral made by the President of the Board of Aldermen because it involves park land that the Board of Public Works has jurisdiction over and it was a normal referral. We tabled it awaiting what you decided to do. Whatever decision you make will still be subject for the Committee's recommendation as well as the full Board of Aldermen.

Attorney Hollis

I am sorry Mr. Cummings wasn't brought in on the conversations with the Planning Department and the Parks & Recreation Department at the beginning. I'm also sorry I didn't know about his comments until right now. I would suggest that there would be loss of parking and there is no parking along that side of Artillery Lane for fire safety. I've gotten a ticket there while watching my son's Little League Baseball game. There is no parking and that is what is important to the city. Also, the design is that there is going to be a setback that would be green space between where Artillery Lane is and any parking areas that might be there. The third and perhaps most important thing is that it is a revocable license, it's a license that is terminable as opposed to a lease. Usually, when parking spaces are leased, they already exist and this will have to be improved in order to create a parking space. This came as a result of an attempt to say well, what do you want us to do, if you don't want us to restore this then we will put all of the cut trees and bushes and just leave it a mess and you can do whatever you want with you and we will remove the gravel. The answer was gee, that doesn't make a lot of sense so let's try this. This is just an attempt to solve a problem in the area. You've been there. There are some places that are overgrown and this was one of them.

Mayor Donchess

Who cut all of this down? Was it the city or the property owner?

Attorney Hollis

By the owner I assume, I don't know, it was before my client owned it. The issue of a fee is one that can easily be discussed. If someone wants to suggest a fee once the improvements are in that's fine. I don't think that the issue of whether there are commercial trucks in that area makes that much difference. If it's going to be improved for parking then its parking associated with that private company and will be chained off and nobody else will be there because it will be under a license. That is not what I would say is residential; there are residential homes but this is a commercial property that adjacent to it. It's just a proposal to do it, I think other people do want to use and we were trying to come up with a template so when and if the city says no, you can't use it and we say well we've been using it for 20 years, what do I do, there's a template if this passed. My client understands all of the

concerns of the city and is happy to sit down and talk with anybody else if the Board of Public Works feels it is appropriate to go somewhere else.

Commissioner Moriarty

From my standpoint, I would like to have a site visit on this property before I make a final decision on it and I would also appreciate input from the Superintendent of Parks & Recreation since he has been involved in this and hear how he thinks this will impact the city.

MOTION: Commissioner Moriarty made a motion to table until the next meeting and extend an invitation to Mr. Caggiano and Mr. Cummings to hear their input.

Discussion:

Commissioner Ackerman

I agree with Commissioner Moriarty's assessment and I would also encourage in addition to Mr. Caggiano that we invite Mr. Cummings because we want to be equitable across the board.

Wastewater Department

A. MOTION: Commissioner Teas to approve the User Warrants as presented.

MOTION CARRIED: Unanimously

B. MOTION: Commissioner Teas to approve the purchase of the chemical Sodium Hypochlorite in the amount of \$125,000 from Borden & Remington of Fall River, MA. Funding will be through: Department: 169 Wastewater; Fund: Wastewater; Account Classification: 61 Supplies & Materials.

Discussion:

Commissioner Ackerman

I'm sure all of these chemicals are needed immediately, is that correct?

Mr. David Boucher, Superintendent of Wastewater

Yes, it's an on-going chemical we add to the process.

MOTION CARRIED: Unanimously

C. MOTION: Commissioner Teas to approve the purchase of the chemical Sodium Bisulfite in the amount of \$64,000 from PVS Chemical Solutions of Detroit, MI. Funding will be through: Department: 169 Wastewater; Fund: Wastewater; Account Classification: 61 Supplies & Materials.

MOTION CARRIED: Unanimously

- D. MOTION:** Commissioner Moriarty to approve the purchase of polymer from Polydyne of Riceboro, GA, in the amount of \$412,000. Funding will be through: Department: 169 Wastewater; Fund: Wastewater; Account Classification: 61 Supplies & Materials.

MOTION CARRIED: Unanimously

Recorder's Note: At approximately 6:06 p.m. Commissioner Pappas excused herself from the meeting as she was not feeling well.

Solid Waste Department

- A. MOTION:** Commissioner Teas to approve the purchase of a set of teeth for the front wheels on the Caterpillar 826K compactor from Caron Compactor Company of Escalon, CA, in the amount of \$34,250. Funding through Department 168 Solid Waste; Fund: Solid Waste; Account Classification: 54 Vehicle Repairs & Maintenance.

MOTION CARRIED: Unanimously

- B. MOTION:** Commissioner Moriarty to approve the purchase of recycling and trash carts, and cart lids for curbside collection in an amount not-to-exceed \$145,000 from Toter, Inc. of Statesville, NC. Funding will be through: Department: 168 Solid Waste; Fund: Solid Waste; Account Classification: 71 Equipment.

Discussion:

Commissioner Ackerman

We have very good people heading this up including the Superintendent and Sally Hyland. Does it make sense to hold off on this in light of the fact that recycling costs may be going up or is this still an absolute requirement to continue with the Recycling Program near term?

Mr. Jeff Lafleur, Superintendent of Solid Waste

This funding isn't just for recycling carts, it's also for trash carts which are reaching about fifteen years old and they are starting to break down. We buy the recycling carts as needed so I usually keep a stock of about 1,000 at the landfill because we sell approximately 100 per month and when it starts to get depleted I bring it back up to 1,000.

Mayor Donchess

Is the purchase of the recycling carts continuing at the same level?

Mr. Lafleur

It's pretty close they are selling like crazy right now.

MOTION CARRIED: Unanimously

C. MOTION: Commissioner Ackerman to abolish an Equipment Operator Landfill position and create a Collection Equipment Operator/Landfill position at the Solid Waste Department. Funding will be through Department: 168 Solid Waste; Fund: Solid Waste; Account Classification: 51 Salaries and wages.

Discussion:

Mr. Lafleur

The position we are looking abolish and then create is actually the roll-off driver and the front-load truck driver at the landfill. He empties all the cans at the landfill and then gets into the front-load truck and drives around and does all the schools and city buildings. We are finding that we have a greater need to have a person do that. Basically what is happening is that I am backfilling with an operator to do that job almost every day so instead of having an operator in that position I would like to fill the position with a job that is truly needed.

Mayor Donchess

Is there a change in salary or just a change in title?

Mr. Lafleur

There will be a change of title and it would be a little bit less than an operator.

Director Fauteux

This position can also help in the Recycling Center which is often needed.

MOTION CARRIED: Unanimously

Engineering Department

A. MOTION: Commissioner Teas to approve the Residential and Commercial Wastewater Service Permits and Fees as submitted.

MOTION CARRIED: Unanimously

B. MOTION: Commissioner Moriarty to approve Drainlayer's License for Site 1 Construction, LLC, 34 Riverside Ave, Hudson, NH 03051, in accordance with Nashua City Code §255-19 Issuance of Drainlayer's License.

MOTION CARRIED: Unanimously

C. MOTION: Commissioner Ackerman to waive the requirements of NRO 285-13 G and allow ZJBV Properties, LLC to restore Temple Street (in a 5-year moratorium) as they proposed for sidewalk reconstruction for a residential site plan at 158-161 Temple Street.

Discussion:

Mr. Stephen Dookran, City Engineer

At the last meeting, we came before you for a waiver to cut into a new street. Temple Street was paved in 2018 and the developer's representative was here and explained what the project was about and what he needed to do. The waiver was granted to work in the street under the hardship clause. He also explained that the 400' plus sidewalk in front of the development will be replaced and in doing so it will impact the new street. I had mentioned that legal advised us that we needed to go before the Board of Aldermen to get that approval and Corporation Counsel has reviewed it and determined that since the sidewalk is being replaced and its beneficial to the city and making it better and ADA compliant, the developer is acting as an agent of the city and as a result, by ordinance, the Board of Public Works can grant them the exception to restore the street the way they have proposed. This is a further approval to allow them to restore the sidewalk. Essentially what they are doing is that they will repave from the face of the curb to the white line that marks the parking as opposed to what the ordinance would require which is to repave the entire width of the street. I've explained that I didn't think that would be necessary. The repaving of the total width of a street is more of an esthetic thing and it really applies to degradation in the middle of the street and in this case they are just working on the edge of the street so it is quite reasonable for them to just repave a short width.

Mayor Donchess

As I understand it, it is along the edge because they are putting in a new sidewalk with a granite curb.

Mr. Dookran

Yes, that's correct. The curb is being reset.

Mayor Donchess

So a foot or so in from the curb they would need to cut the street to put the curb in but it would not go into the travel lanes or anything like that.

Mr. Dookran

That's correct. They would mill and pave up to the white parking line.

Mr. Cummings

I just wanted to echo Mr. Dookran's comments and make it clear that I support this request. I look at it more as a housekeeping matter, it's more technical in nature in terms of this is just clarifying that the sidewalk issue on something that was already approved at the last meeting

relative to just the street. I want to note, and the reason why I am keenly interested in this is from an economic development perspective. That neighborhood is in need of some attention, positive economic impact and some dollars. We have a developer who we have been courting and working with to try to make these private sector investments and I think this is a reasonable step that we can take to work with them in a public/private partnership of sorts to get that economic stimulus for that neighborhood which we hope will be a catalyst for more investment in an area that is in desperate need of some attention. With that being said, I hope the body here this evening approves this.

Director Fauteux

We've been working very closely with the Legal Department and Risk Management Department as well as the Federal Highway Department and there is some pressure for us to start to make all of our sidewalks ADA compliant which is very expensive to try to do. At some point, we are going to have to come up with a plan to do so and this would be one less section that we would have to address and it would benefit the city as well.

Commissioner Ackerman

We don't see the plans for it because we are not on the Planning Board but as a result of what you have seen thus far, does this developer plan to put some green space in addition to the actual housing they are proposing.

Mr. Cummings

Yes, appropriately distributing the green space. This is an urban site and it will be a multi-family development. I think one of the interesting aspects of it is actually that the developer is proposing to make the units in a way that interact with the streetscape much more effectively and more traditional with an urban design; trying to put the units closer to the street so there would not be a setback that you typically think of. This isn't necessarily green space but hardscape types of improvements.

Commissioner Ackerman

When we met with this developer or the proxy for developer last month, is this the same developer for the Henry Hanger facility? Where is the parking for the Henry Hanger facility?

Mr. Cummings

It's my understanding that the Henry Hanger facility will have full circulation around the building and there will be on-site parking and the additional necessary parking would be at the former Corriveau site on Temple Street.

MOTION CARRIED: Unanimously

- D. MOTION:** Commissioner Teas to award the construction contract for the installation of weep holes at the Canal Street Bridge to William P. Davis

Excavation of Hampton, NH, in the amount of \$39,905. Funding is through Department: 160 Admin/Engineering; Fund: Capital; Activity: Bridge Rehab.

MOTION CARRIED: Unanimously

- E. Informational:** Amendment to VeoRide, Inc. Memorandum of Understanding (MOU) to allow electric scooters, electric assist bikes, fat-tire bicycles and other transportation platforms to be added to the fleet.

Director Fauteux

You have probably seen the papers and the scooters in front of City Hall. VeoRide has added scooters to their fleet of bikes here in the city. I've seen it in Kansas City and it worked pretty well and I think it attracts young people. It's really through the Community Development Department but we wanted to let you know that scooters have come to Nashua.

Commissioner Ackerman

Are they being told to stay off sidewalks?

Director Fauteux

No, there are also bikes on the sidewalks. They are being allowed on sidewalks.

Commissioner Ackerman

Is this a trial period to make sure it is safe or is this for the foreseeable future?

Mayor Donchess

We can terminate the agreement if things don't work out and the bikes are basically the same.

- F. MOTION:** Commissioner Moriarty to approve the following changes to Sewer Connection Fees:

1. Eliminate the Betterment Fee and Connection Fee
2. Increase the Entrance Fee to \$1,450 per single-family residential unit and for each 20 GPM increment in commercial peak flow
3. Adjust the Entrance Fee annually using the 20-City Construction Cost Index
4. Eliminate the requirement for the City to repair or replace sewer connections for 1- and 2- family homes.

Discussion:

Commissioner Ackerman

Mr. Dookran, I am assuming this is from our special meeting that we had a few months ago, is that correct?

Mr. Dookran

Yes, we had a special meeting and then afterward there was a Board meeting on March 28, 2019.

Commissioner Ackerman

If I recall correctly, didn't we table it at the last one?

Mr. Dookran

It was tabled.

Commissioner Ackerman

What has changed since then, anything?

Mr. Dookran

We want to talk about why you tabled it.

Director Fauteux

We tabled it because Engineer Dookran wasn't available to answer questions.

Commissioner Ackerman

I also recall tabling it because of item 4.

Director Fauteux

Yes.

Commissioner Ackerman

I was curious what new information has come forward has come before you or the Board that you can share. This doesn't look any different than what we had before if I recall.

Mr. Dookran

That's right. I didn't re-write the memo; I used the same memo but I was hoping tonight to have a better discussion about item #4. I believe that items 1, 2 & 3...everyone is in agreement that we should proceed with those. Instead of discussing item 4, as a reminder I want to let you know that we've all established that the lateral pipe that goes from the building to the sewer main is owned by the property owner and that's in the city ordinance and is pretty universal, not just in the state or the region but throughout the country. Currently, all commercial properties and multi-families, anything in excess of a two-family building, take care of all their maintenance and repairs and should there be a failure they will pay a contractor to replace the sewer. Item 4 has to do with the single-family and two-family homes. Currently, in the ordinance, we have...which goes back to 1982, if they pay \$600 we would do the replacement or the major repair. This work is typically done by the Street Department when the pipe is not very deep or there are not many complications. When it's the case where we have to go out to a contractor, we have records of paying up to \$25,000 to fix one of those connections. The Street Department estimates that their cost to fix the connection is \$3,500 and that surely doesn't include everything that they put into it. It also takes them away from doing other priorities and there is not a cost for that loss of production. With all of the work the Street Department is taking on we are increasingly hearing that they just can't get to the sewer connections and they get a contractor. Obviously, getting a contractor will incur a lot more cost. I want to go over some of the things that we have covered in the past regarding why there are so many problems with the city taking on this responsibility as required by the current ordinance. Ms. Gill is here and I think she went through this the last time. We have no control over what people put down the pipes. They put in things like cotton swabs, gauze, tampons, diapers, paper towels and flushable wipes which are really not degradable. We all use them but they shouldn't be put down the toilet because they clog the pipes. They also put down paints, oils, bacon fat and grease and these stick to the walls of the pipe. They put in harsh chemicals and these will corrode the pipes. You must know that people who own septic systems pay attention from day one. They know exactly what they should not put down the drain because the onus is on them and it will cost them severely. Also, we know that people who live in single- and two-family homes generally do not maintain their pipes. They do not use Liquid Plumber or Drano as everyone should about once every six months. They don't make it a priority. I lived in a condo and they had plumbers come in at least once a year to snake all of the pipes because they wanted to prevent the build-up and damages which were caused to the building. Then we have the issue of trees. There are some Maples and Willows and other types of trees that grow their roots into the sewer pipes, especially the older sewer pipes that have joint openings. These roots continue onto the street to the sewer lateral and even sometimes get into the sewer mains and cause us problems. Those trees should be removed and we often find ourselves not being able to convince the homeowners to remove the trees because they love their trees. The pipes should have root cutting done and then treated with chemicals which will have a deterrent effect on those roots from growing and you will get a long service after that. When people experience sewer problems they call a plumber and often they take the approach of just trying to Roto-rooter the pipe and if it comes up with some resistance they put in a camera and they can't see much so they tell them to call the city. We often do not see a good faith attempt to really clean the pipe and figure out what's going on and they present this information to us and there's a lot of back and forth. We can spend days trying to figure out if it's a valid case or not and a lot of my staff have to get involved and they sometimes just give up and say let's get the pipe replaced. Sometimes there are false digs and we find out the pipe could have lasted. When we ask for more information the

homeowner just doesn't want to spend any more money investigating. There are a lot of unreasonable demands on us all of the time. We want to put this responsibility back on the homeowner of the single- and two-family homes just as it is with the multi-family and commercial properties. We canvased a lot of communities and this is almost universal. We also checked far away states and it's the same thing. It's not the same as the utilities and here's the difference, the utility delivers to the home so they own up to the meter. Pennichuck says they own up to the valve which is usually on the right-of-way line because the meters have to be protected from the weather. In the warmer states, the meters are right out near the street. Because they deliver to the house they own up to that point, whereas we are taking in the waste and that's why we don't want to own that part of the pipe.

Mayor Donchess

Does anyone have questions for Mr. Dookran?

Commissioner Ackerman

I think his explanation was well worth the effort.

Commissioner Moriarty

I was concerned about hardship cases when people can't afford these emergencies. I think they would rather deal with the city than a private contractor. If there is a way for a hardship case to be settled...that was one concern. The other concern, to be quite honest with you, I'm sad that public works are getting out of the sewer business, I think that's a part of what we should be doing. Can we offer residents a choice to go private or get a quote from the city? I think a lot of taxpayers really trust the City of Nashua that they won't be taken as they may be by a private contractor, that's just my opinion. I'd rather keep the city involved if we could but I also understand what you are saying and I don't know if you have given this any thought. I am concerned about the hardship cases for sure.

Director Fauteux

The problem with some of them is they are too deep and we can't do them. They take a long of our time and it derails us from doing some of the other things that we really need to be doing. We haven't even gotten to sidewalks yet except for a couple of really small things. We are way behind on berms and there are unfortunately a lot of other things that we need to be doing. We still do sewer digs from time to time but they take a lot of time and we have to prioritize.

Mr. Andrew Patrician, Assistant Director, Division of Public Works

We are not geared up for a lot of these as well, depending on the depth and some of them can get complicated with the utilities and stuff. The amount of work that we have...we are doing more and more and more with less and less and less. We find it hard a lot of times, we are telling Steve to just contract it out because we have four different jobs going that are lengthy, like the Broad Street sidewalks, we've been up there for a few weeks now and we just can't break off the crews with all the other stuff we are doing.

Commissioner Moriarty

What would we do with a hardship case? I mean if the city was doing it we could put a lean on their property but if it's a private contractor...

Director Fauteux

I have not had this discussion with the Treasurer but I think there is probably something we could do whereby we could somehow pay for it and they could pay it back to the city through their sewer bills or something like that. I could have that discussion with the Treasurer.

Commissioner Moriarty

I would be happy with that.

Director Fauteux

I do agree with you that we need to have something set up for people in the case of a hardship. We certainly can't tell folks that they can't have a sewer connection. We would definitely do that.

Mayor Donchess

Are you proposing then that we defer this pending the development of a hardship policy?

Commissioner Moriarty

I would be happy to move on the first three items and we could come back with the 4th if that's acceptable.

Director Fauteux

So would the 4th be if we can come up with some sort of hardship plan for folks?

Commissioner Ackerman

I would agree with that. I've been exposed to three or four of these over the last year and a half. I know it's very time-consuming. There is an 83-year-old woman who reached out to me and it was a hardship case in my brief observation.

Commissioner Teas

I'll amend my motion to include items 1 through 3.

Mayor Donchess

We will defer item 4 until the next meeting.

MOTION: Commissioner Moriarty to approve the following changes to Sewer

Connection Fees as amended to included items 1, 2 & 3.

1. Eliminate the Betterment Fee and Connection Fee
2. Increase the Entrance Fee to \$1,450 per single-family residential unit and for each 20 GPM increment in commercial peak flow
3. Adjust the Entrance Fee annually using the 20-City Construction Cost Index

MOTION CARRIED: Unanimously
Administration

A. Informational: May 2019 Budget Transfers

Mayor Donchess

Does anyone wish to comment on the May 2019, budget transfers? There was no comment.

B. Discussion: Parks & Recreation Trust Fund Legislation

Director Fauteux

This was brought to me by the Treasurer's Office. There are several accounts that Parks & Recreation uses really for operating costs throughout the year and to be honest, I'm not sure they were aware that the legislation required Board of Public Works approval to expend out of these funds. We are asking to transfer the authority from the Board of Public Works to the Director of Public Works so we don't have a delay in conducting the repairs and maintenance at these facilities. There is a list of the facilities as well as how much is in each of the accounts. Any expenses over \$25,000 would still require the Board of Public Works approval, it would just give Nick the ability to use these funds should he need to for operational repairs.

MOTION: Commissioner Teas made a motion to approve the request to authorize Superintendent Caggiano to expend funds from the Parks & Recreation Trust Fund up to \$25,000 for operational repairs as needed.

Discussion:

Commissioner Moriarty

Do we need a motion for this to occur?

Director Fauteux

I wanted to have a discussion here. This actually requires legislation so it will go before the Board of Aldermen. There's current legislation right now and we would change it. The legislation would then probably be referred the Board of Public Works and at that time...We didn't even want to go that route before we had a discussion.

Commissioner Moriarty

So you want a positive recommendation on your discussion.

Mayor Donchess

But in reality, right now, the Director is just asking for your input because ultimately there would need to be an ordinance proposed and the ordinance would come here for a formal recommendation. She is just telling you that she didn't want to go forward without at least letting you know this was a possibility.

Commissioner Ackerman

Thank you for bringing this to our attention. There are several funds here, probably half a dozen. How were they established and what replenishes, particularly the Mine Falls Park Fund that has six figures in it?

Director Fauteux

Cell towers.

Commissioner Ackerman

The cell towers fund each one of these or just at Mine Falls?

Mayor Donchess

Well, certainly Holman Stadium, Mine Falls, the David W. Deane Skateboard Park are all funded by the cell phone towers.

Director Fauteux

The Park Rehab Fund, the Labyrinth and the Holocaust Memorial.

Mayor Donchess

I'm not sure what funds those as they are much smaller.

Director Fauteux

They are much smaller so the Board of Aldermen would have to add money to these funds in order to increase the last three. The first three are from cell tower funds.

Commissioner Ackerman

For the past three years that I have been on the Board, I probably didn't have a good working knowledge of this, which is okay and obviously, Parks & Recreation has been dipping into this to do proper maintenance and things of that nature.

Director Fauteux

Yes.

Commissioner Ackerman

Going forward, you would propose that anything over a \$25,000 expenditure would come before this Board.

Director Fauteux

Yes, that's correct. Anything \$25,000 or over would come to this Board and he would be able to use the other funds in the cell tower accounts for everyday maintenance under \$25,000. If you'd like...this is very important to him, he's not here as he's away. Would you like to know what he uses them for?

Commissioner Ackerman

Sure.

Director Fauteux

The Mine Falls Park funding has been used for projects such as the boardwalk, the boat ramp construction, gatehouse renovations, mill pond and canal invasive weed treatments and harvesting. They purchased dock and kayak launches, entrance signs, trail day supplies, portable restroom rentals, the purchase of equipment and supplies such as seed, fertilizer, field paints, sod and fencing as well as for seasonal help and the hiring of contractors for brush cutting, tree work and canal cleaning.

The Holman Stadium funds are used for repairing HVAC, concession, fire sprinkler systems, field lights and other infrastructure items as well as for seasonal help and equipment and supplies such as painting machines, paint fence repairs, signage, seed, sod, fertilizer, in-field light and drying agents.

The David W. Deane Skateboard funds are used primarily for maintenance and repair of the old park and for the construction of the new park. We have also used it for repairing coping and we've put in bleachers.

Mayor Donchess

One big item for Holman was the scoreboard about three years ago.

Commissioner Ackerman

I thought a lot of that funding came through the leasing...something to do with the Silver Knights, wasn't it?

Mayor Donchess

I think their money also goes into this fund. It's the cell tower and the lease money, right?

Director Fauteux

I'm not sure but I can find that out.

Mayor Donchess

I think what happened was they advanced paid some of the lease payments to help fund the scoreboard which was fairly considerable. They paid in advance for a year or two and that was part of the revenue. The cell phone tower right there at Holman Stadium is a revenue source for this.

Commissioner Ackerman

Would it be possible to get one of these funds going for improvements to facilities?

Mayor Donchess

We would need a few more cell phone towers.

C. Director's Report

- We had the DPW Memorial Dedication on June 5th and I spoke as President of the New Hampshire Public Works Association and it was a very touching ceremony. A gentleman whose father had passed away in the line of duty read aloud all of the names of the people who died in the line of duty. We had bagpipes playing and trucks from many communities were lined up around Hazen Drive with lights flashing. It's a beautiful memorial and I'm very proud of it.
- We had a bridge dedication on June 17th that the Mayor hosted. There is a new pedestrian bridge that now allows access to Mine Falls Park from the downtown. It's a very important connection that connects to the Rail Trail area.
- This is a gas line installation at East Hollis and Allds Street.
- Sewer manhole replacement on West Pearl Street.
- Another sewer main installation on Harvard Street and West Pearl Street.
- This is a water main installation on Elm Street.
- The Jeff Morin Foundation was funding the shade canopies and also putting artificial turf underneath the Roby Park Playground. Thank you to the Jeff Morin Foundation.

- We have some picnic tables that we received from the Nashua South High School Vocational Tech. Program and they are in various parks. Thank you to them as well.
- We have a group of three residents from Clocktower who have been volunteering their time maintaining a garden bed at French Park and we thank them as well.
- We had a Trail Day at Mine Falls Park on Saturday, June 15th.
- One of the highlights at the Trail Day was the painting over graffiti at the Lincoln Park Bridge by this young man and his mom.
- Members of PAL assisted with a clean-up of the Ash Street Skate Park in anticipation of some improvements that are coming in July.
- We planted some trees on Tolles Street as part of community beautification and traffic calming project.
- There's a new fence around the monument in Mine Falls Park to protect the plantings and bike traffic.
- The Street crews installed a concrete pad for the new bus shelter at the Crown Street lot.
- We are repairing a bad section of sidewalk at 47 Dexter Street as it was a tripping hazard.
- DPW Day at Greeley Park was a huge success and a lot of fun.
- We installed two new catch basins on Ridge Road.
- Repaved the existing basketball courts on Ledge Street.
- We replaced a failed catch basin with a new pre-cast structure on Dodge Street.
- This is a Street crew installing a sewer service at 38 Colburn prior to street paving.
- We are cleaning one of our secondary clarifiers. We have three and two are in operation. We often take one down for maintenance. They are 28-feet deep and hold 1.5 million gallons of water each.
- The Wastewater Department hosted the 5th graders from the Bicentennial Elementary School on May 21st and May 22nd. Approximately 70 kids went through the plant.
- This is some river sampling that we do twice annually at the wastewater facility in the Merrimack River. We have passed this test without fail for more than 10 years.
- Tree removal and grubbing on the Phase III landfill expansion.
- The Four Hills Landfill will be closed on July 4th but we will be picking up trash on July 5th even though it will be a City Hall holiday.
- A turtle was rescued and brought to safety.
- Alderwoman Kelly is very passionate about food composting. I'm not sure if this is something that we can do. We don't have a lot of staff to be able to do this but it's something I told her we would discuss and perhaps take it up in our Recycling Committee meeting and see if it's something we can try. I think we need it but there are a lot of regulations which surround it and I'm concerned about odors and some other things.
- The Mayor and I had a discussion regarding our landfill permit fee and whether we should raise them.

- This is a preview of our recycling costs. You can see the per ton cost and it's been relatively stable at \$72, \$73 or \$77 per ton. It will be interesting to see where we come out in June, it's still very high.
- These are our landfill permit fees. We are selling more permits. We think we will sell 16,000 this year and last year we sold 15,000.

Mayor Donchess

I received a comment from a resident who suggested that we raise the fee to \$10.00 or \$20.00 because \$5.00 wasn't enough and didn't even cover the cost for the sticker. He said if we raised the amount of the sticker fee we would have more money for recycling.

Commissioner Moriarty

I would agree.

Mayor Donchess

It's probably been \$5.00 for a decade.

Mr. Patrician

At one time it was only \$1.00.

Mayor Donchess

Does anyone wish to comment on the Director's Report? There was no comment.

Commissioner's Comments

Commissioner Teas

Early tonight there was a discussion surrounding the appointment of the committee to look at future homes and I am fairly certain the appointment occurred in a public session and there was further discussion in a non-public session. I think there was a mix-up and I am going to personally go back through the minutes just to be sure. I wanted to put that on the record.

Secondly, I'm glad we live in a country where we can express our opinions and so forth but I wish Commissioner Pappas were here because I take a little offense to some of the material she wrote in the editorial which was published about one week and a day ago. My own opinion is I don't think she should have signed it as an individual member of the Board of Public Works. She's making representations in here that are blatantly false and I will discuss that with her at some point but to say the current plan is to build a centralized facility; I'm on the committee and we don't have a plan. I think as a group all we are doing by putting this out in the public is stirring up nonsense and we should be mindful as a group to work cohesively and work out our differences and come to a focus on what is best for the city and not what is best in our own opinion or here say. I just wanted to put that on the record.

Mayor Donchess

I don't recall the non-public session either. I remember we discussed the committee but I don't think that happened in a non-public but I'll have to check.

Commissioner Teas

It happened back there but then we had a non-public where we discussed the public session and we were sitting right here and there was more discussion about it but we had already been appointed at the previous meeting.

Mayor Donchess

That is more consistent with my recollection.

Personnel

A. MOTION: Commissioner Moriarty to accept the resignation of Stephan Lecomte effective June 4, 2019.

MOTION CARRIED: Unanimously

B. MOTION: Commissioner Teas to accept the resignation of Mandeep Gill, P.E., Senior Staff Engineer, effective June 21, 2019.

Discussion:

Director Fauteux

I am very sorry to see her go.

Commissioner Teas

Absolutely.

MOTION CARRIED: Unanimously

C. MOTION: Commissioner Moriarty to unseal the minutes for Personnel from the Board of Public Works Meeting of May 23, 2019.

MOTION CARRIED: Unanimously

Public Comment

Mr. Schaeffer

The Holman Stadium parking that you were talking about before...I don't know much about that but it seems to me they need parking there because they park there illegally all the time. It would be good if you did something and maybe if this company that wants to do something, maybe you could give them a two-year thing where they fix it up and then take it back and allow

parking there or something. I don't know but it seems to me that it would be nice to have some parking there. I don't live there but...

The other comment I have is about Temple Street and the sidewalks. I do live down there and Temple Street was totally torn up because of the sewers and there's no way you could do anything else but resurface the whole road when they did it. It might not have been the best time to do it because a developer is coming in but I think there is no choice but for him to go in and do something and I think a new sidewalk would really improve that area. I'm kind of hoping that little building right by the circle is going to disappear because that's a nuisance but I don't know if that's part of it.

One thing that bothers me quite a bit is around the sewer repair discussion. It bothers me quite a lot because right now people expect the city to help them if there is some sort of a sewer connection problem and that can be pretty expensive so it would seem to me at the moment conceptually it's more like a shared community responsibility, like everyone pays in and then somebody's got a problem, the city can help. It's just like kids, I don't have any kids but I still pay the school tax. It's kind of a shared thing and now we are kind of proposing that it no longer be shared. It seems to me like that is the same thing as a tax increase. It's like we are paying taxes to share this and all of a sudden it just goes away. It shouldn't be just so simply transparent. I think people should know that there is a significant impact if you are going to do this.

Mayor Donchess

It could be a tax decrease.

Mr. Schaeffer

The picture you showed where you were sampling the water; that was done upstream from the sewerage treatment plant, was that intended to be that way?

Director Fauteux

Yes, it was.

D. Non-Public Session

MOTION: Commissioner Ackerman moved by roll call that the Board go into a non-public session pursuant to RSA:91-A §3 2(b) the hiring of any person as a public employee.

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

Yea: Mayor Donchess, Commissioner Ackerman, 4
Commissioner Moriarty & Commissioner Teas

Nay: 0

MOTION CARRIED: 4-0

MOTION: Commissioner Ackerman to seal the minutes of the Board of Public Works non-public session of June 27, 2019, until such time as the majority of the Board votes that the purpose of the confidentiality would no longer be served.

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

Yea: Mayor Donchess, Commissioner Ackerman, 4
Commissioner Moriarty & Commissioner Teas

Nay: 0

MOTION CARRIED: 4-0

MOTION: Commissioner Ackerman to come out of non-public session.

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

Yea: Mayor Donchess, Commissioner Ackerman 4
Commissioner Moriarty & Commission Teas

Nay: 0

MOTION CARRIED: 4-0

Adjournment

Commissioner Teas made a motion to adjourn.

MOTION CARRIED: Unanimously

Meeting adjourned at 7:15 p.m.