

REPORT OF THE FINANCE COMMITTEE

JULY 10, 2019

A meeting of the Finance Committee was held on Wednesday, July 10, 2019, at 7:00 p.m. in the Aldermanic Chamber.

Mayor Jim Donchess, Chairman, presided.

Members of the Committee present: Alderman Michael B. O'Brien, Vice Chair
Alderman-at-Large Brandon Michael Laws
Alderman-at-Large Shoshanna Kelly
Alderman Patricia Klee
Alderman June M. Caron
Alderman Linda Harriott-Gathright

Also in Attendance: Kim Kleiner, Director, Administrative Services
John Griffin, CFO/Comptroller
Dan Kookan, Purchasing Manager

PUBLIC COMMENT

Mayor Donchess

Please come forward and give your name and address into the microphone and then proceed. But you have a communication? Brandon is going get that and pass it around. So we will accept those when we get the communication. Is there enough for everyone?

Alderman Klee

It's just for Shoshanna I think.

Mayor Donchess

Now just before you begin, just introduce yourself by name and address?

Gary Braun

My name is Gary Braun, 9 Monza Road in Nashua. I have lived here with my wife Nancy since 1991. I am semi-retired; I've been a lawyer for almost 30 years. I've already provided the Aldermen generally with two letters, one was dated May 17th 2019 and the second dated July 9, 2019. The first one went to all the Aldermen; the second one just went to the members of the Committee. And I would like to add to those on the record along with this written statement.

We've had cats living with us for almost of all the time we have resided in Nashua. In September 2017 one of our neighbors used a live trap to trap one of our cats. The neighbor claimed that our cat was harassing a cat living with the neighbor; it may be that the neighbor thought our cat was feral. We were informed that a high ranking officer of the Nashua Police Department advised our neighbor to obtain the live trap from the Humane Society of Greater Nashua. Our neighbor called the Police Department's Animal Control Officer after catching our cat in the live trap. The ACO took possession of my cat, that is he seized the cat, transported the cat to the Humane Society and impounded her there pursuant to a form which was entitled "Nashua Municipal Impoundment Claim Form For Police or ACO". That document is attached to my letter dated May 17th.

A box is checked on the form indicating that the cat was impounded as a stray and/or for running at large. Based on these facts it is and has always been my position that my cat was impounded by the City and the ACO on the basis that she was a stray or because she was running at large.

The ACO and the Humane Society do God's Work in my opinion by caring for animals. But the ACO and the City's actions must be consistent with the authority provided the City by Law as well as with public pronouncements made by the City with respect to animal control issues. I feel that there were and are a number of significant issues associated with the manner and circumstances under which my cat was impounded including on the basis of reporting a stray or running at large.

First and please be aware of the information on the Police Web Site covering Frequently Asked Questions regarding Animal Control and a copy of that page that I printed down from the web site is attached to my July 9 letter. I printed that letter out on July 9 so the information is current. It is the information that is currently available with the public in Nashua and it was the same information that was there in September of 2017 when my cat was impounded. As you can see or as you will see, the web page expressly provides that cats are not subject to a leash law. The web page further provides that cats are not required to be licensed. Lastly and perhaps most importantly the web page provides expressly that there is no law prohibiting cats from running at large.

If the information on the Police web site is accurate, then I ask you why my cat was impounded as a stray or for running at large. If the info on the web site is accurate then the citizens of the City are not being properly advised what the law is regarding cats in the City. To me it is fundamentally unfair to leave cat owners to believe that their cats may run free, including off of the owner's property when, in fact, the City or the Police in practice are impounding cats for running at large or as strays. Second the City's Animal Control Ordinance which I think is Article 93, on its face authorizes only the impounding of dogs as strays or for running at large and maybe chickens, I'm not sure of that. Conversely, the Ordinance does not authorize the City to impound a cat as a stray or for running at large. State Law is similar in that provides that dogs only maybe as strays or for running at large and then only pursuant to the State Statute and the Licensing Law for dogs adopted by the municipality. I do agree that the State Law allows cat to be impounded for having rabies, but that's not the issue here. With all respect intended our Government's powers are limited to what the law and the State Constitution provides to the Government in way of power. Here the City is not authorized legally in my opinion under current State Law and municipal ordinance to impound cats as strays or for running at large. If the City wants to do so, or in fact is doing so as a matter of practice, then it should modify its animal ordinance to provide for such and the Ordinance would serve to put cat owners on notice that their cat may not go off of their property without the possibility of being seized and impounded by the City and its ACO.

Third and as mentioned the City has no licensing law for cats. The purpose for the licensing law for animals in my view include 1) assuring the City knows which animals reside in the city and that they are properly vaccinated, informing animal owners of the need to vaccinate, informing animal owners of conduct by their animals that is violative of City Law. Putting animal owners on notice for penalties for violations of the ordinance or related City Law including monetary penalties, penalties involving seizure and impounding of animals, requiring that licensed animals be identifiable in some fashion including so the City can provide notice to the owner of the seizure of the animal. And providing the City with a data base maintainable by and available to the City so it can provide such notice to the owners of seized animals. All of these things are absent given the lack of a licensing law for cats in Nashua. If the City is going to seize and animals, including cats or ferrets for running at large or as strays, they should first license those animals including so the City has a way to allow the seized animal's owner to retrieve their pet.

Fourth and finally, the lack of a licensing law for cats and the associated mechanism for identifying cats so owners can be advised of their seizure poses the potential that the City will seize an animal and deprive its owner of possession of the animal in a way that violates the owners' due process rights under the 14th Amendment to the Federal Constitution. Animals are personal property under New Hampshire Law. The Federal Constitution requires several things when the citizen's property is seized by the Government. One is that the owner of the property must be properly informed prior to the seizure that the law permits seizure of the property, in this case an animal, under certain circumstances and what those circumstances are. Once the

seizure of personal property occurs, the Government Entity which seized the property must notify the owner of the seizure and must provide some mechanism whereby the owner can at least attempt to retrieve their cat from the Government. At minimum the lack of a licensing law for cats means the City has no way to identify the cat that has been seized, so the City is unable to provide notice to the owner of the seizure and the opportunity to recover the cat from the City.

Based on all of this I submit that the City's action in impounding cats as strays or for running at large exceeds and is beyond the City's legal authority as provided by existing law. Such practice or conduct is also unconstitutional or potentially so in my view because depriving the cat without a license fails to allow the City to identify the owner and give that owner notice of the loss of their personal property. In fact RSA 466:13A expressly provides that municipalities may license cats and if they do the same penalties can be applied to cats as are applied to dogs. Such penalties would presumably include seizing and impounding a cat as a stray or for running at large if the stray from their owner's property. If the City wants to regulate cats as they do dogs, then the City is free to create a program for licensing and to modify its animal control Ordinance to include specific and expressed restrictions on licensing cats and for imposing penalties for violations of those restrictions.

As I've said in my letters I've tried to fix this issue by meeting and speaking with the City at the time my cat was seized and impounded in 2017. I had thought I had resolved this issue quietly and privately. At the time in 2017 I was assured by Corporate Counsel that it was not the practice of the Police to impound cats as strays and that the situation involving my cat was an aberration. I was promised that the Police would never do this to my cat again. I accepted those representations. I also convinced the City to change the then existing contract with the Humane Society to remove language from the contract regarding impounding cats as strays at the Humane Society. The revised contract without language about impounding cats and ferrets is dated December 2017. The City agreed to and did in fact remove such language but inexplicably reinserted the language into the contract when the contract came up for July 2018. I have asked the Mayor and Corporate Counsel for months now why the 2018 contract reverted to the old contract with the language. I have never received answer Mr. Mayor and instead I feel I have been stonewalled by you Mr. Bolton.

I have come to the Finance Committee because you are the appropriations arm of City Government and must approve the currently proposed contract with the Humane Society. Once again the Mayor has included language in the proposed contract before you regarding impoundment of cats and ferrets as strays. As I noted, impounding cats and ferrets as strays or for running at large under current State and City Laws is both unconstitutional when applied. Since the City is not legally authorized to seize and impound cats as strays or for running at large, the City may not enter into a contract with a third party to carry out such illegal or unconstitutional purposes or actions. The Committee should therefore reject the current contract as structured. The contract could be approved by the Committee by simply removing or striking the language in Section 1 of the proposed contract regarding impounding cats and ferrets and strays.

The Committee should also use its power to reject the contract as currently proposed as a check and balance on the Mayor and his Administration. The Mayor and City, like every other person an entity in the state and in this country are subject to the rule of law and are prohibited from engaging in illegal acts or unconstitutional acts. There's a typo here in my thing.

Please note, I am not asking the Committee or the City reduce or otherwise modify the compensation to be paid to the Humane Society under the contract for any reason or in any amount. Thanks for your consideration.

Dr. Stephanie Wolf Rosenblum

Thank you very much Mayor, Aldermen. My name is Dr. Stephanie Wolf Rosenblum and I reside at 47 Berkeley Street in Nashua. I am here as a member of the Board of Health. I am not in a position to speak to the legal issues surrounding what the gentleman spoke to. I also am not familiar with what is on the web site or what the communication is. However, as the Aldermen consider what is appropriate, I would bring to attention several things. One is that cats do represent a mode of transmission of infections.

People think of rabies and cats and other animals that are permitted to ambulate at large are at risk of contracting rabies. There is a law that animals must be vaccinated and when they are vaccinated, it takes about 1 month for that vaccination to take effect. So it is certainly relative to and in the interest of those that protect the health of our citizens to be aware of whether or not a cat is under the ownership of someone who obviously cares a great deal about their animals and has vaccinated them for their own protection as well as the protection of citizens.

Another common infection that is attributed to transmission by cats is something called toxoplasmosis. It is a parasite and one of the things about toxoplasmosis, unlike rabies which results in odd behavior of an animal so you would suspect that there was a problem; a cat amongst other vectors can carry toxoplasmosis without itself having any symptoms. Toxoplasmosis can cause eye problems including blindness. It is particularly dangerous for pregnant women. If a pregnant woman were to contract toxoplasmosis even though they themselves might not get an infection it can lead to congenital defects and deformities in a fetus that can lead to lifelong problems. And lastly I would say that while there are many more bites and scratches in humans due to dogs than there are to cats, unlike the 10 to 15% infection rate if somebody is scratched or bitten by a dog; the infection rate when somebody is scratched or bitten by a cat is approximately 50%. This is not only a risk for citizens but also for those that are trying to take control of animals. As a matter of fact, the Humane Society recently acquired a special tool to humanely but safely be able to scan animals for chips so that their owners could be identified if they happened to have lost their collar or identification. So in summary I am certainly happy to answer questions, I would just ask that in considering what happens in the City of Nashua with animals have either behaviors or lack of identification that could reassure one that they have been properly vaccinated and are properly cared for, that this must be taken into consideration for the health and safety of our citizens as well as the health and safety of our staff. Thank you so much.

Mayor Donchess

Thank you very much. Anyone else from the public wish to speak to the Committee. If not we will go on to Communications. Why don't we take Mr. Braun's communication. Is there a motion to suspend the rules for the acceptance of a communication received on July 10th, 2019 after the agenda was prepared?

**MOTION BY ALDERMAN O'BRIEN TO ACCEPT AND PLACE ON FILE A COMMUNICATION FROM MR. BRAUN, 8 MONZA ROAD, NASHUA, NH REGARDING PROPOSED CONTRACT WITH HUMANE SOCIETY
MOTION CARRIED**

COMMUNICATIONS

From: Dan Kookan, Purchasing Manager
Re: Contract with Sapphire Digital for Smartshopper

MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND, CONTINGENT UPON BOARD OF ALDERMEN APPROVAL, AWARD THE CONTRACT TO SAPPHIRE DIGITAL. SOURCE OF FUNDING IS DEPARTMENT 113, BENEFITS, SELF INSURANCE FUND

ON THE QUESTION

Mayor Donchess

Is there anyone here to discuss this? Yes, Mr. Budreau why don't you come forward. Why don't you give us an explanation and then we will take questions.

Larry Budreau, Director of Human Resources

Thank you, good evening Mayor, Aldermen, Members of the Finance Committee. I am Larry Budreau the Director of Human Resources. Smart Shopper is a program run by Digital Sapphire, it is a for-profit company

and it is working in conjunction with Anthem our Health Insurance Carrier for about a decade. They have developed the program which has been in place in the State of New Hampshire and the City of Manchester for a number of years. More recently used by Health Trust which is the risk pool that smaller New Hampshire municipalities belong to for their health insurance. Smart Shopper is a program that incentivizes the members of the health plan to shop when they have to any one from a list of 50 procedures. So for example an x-ray, someone goes, and this is how it works, I'll give a quick explanation. You go to the doctor, the doctor says, I'm not sur if your foot is broken, you should have your foot x-rayed. You could do it at the practice which is associated with my doctor's office or you could do it anywhere else. So the patient is encouraged by this program not to make an immediate appointment but rather to access the Smart Shopper Program either by telephone or on the Internet.

When they do that they will see, they will put in their zip code and there will be a number of places that can x-ray your foot. All of which are well qualified places that x-ray feet and that Anthem has claims history for years and years. So the place that the doctor recommended may cost \$400.00 for the x-ray and the other place may cost \$200.00. If you choose to go to the place that costs \$200.00 you will get the fee, the employee or member receiving the service, dependents over 18 are included in this, will get a check for \$25.00 about a month and a half later after it is evidenced that you accessed the program and had the x-ray at the less expensive provider. In general, the reason we endorse this program and many others are endorsing this program is that there is a belief that one of the prongs of trying to not necessarily reduce health care costs, although that would be a great goal but rather more realistically to slow the pace of growth is to get people involved and to behave as consumers for some of their health care needs. Generally we don't, this country moved towards HMO's years ago just kind of took people out of that decision-making mode and this is a program designed specifically to get people involved in shopping.

The reason that we are here before the Finance Committee and Board of Aldermen is a little unusual because there is no existing outlay of money. We are not signing up to spend a fixed or identifiable amount of money. We are signing up for a program that let me just finish my explanation I'm sorry. So if the \$400.00 that one provider was going to charge, the \$200.00 that the chosen provider charged there is ostensibly a \$200.00 savings. The contract with Smart Shopper is going to allow Smart Shopper to retain 30% of that savings and the City to enjoy the benefit of that balance of \$140.00 savings. That's the program, that's how it works.

Alderman Klee

Thank you. Number one anything that lets me go shopping I'm loving, but putting that aside with this in the long run, I mean one of the biggest hits to our budget this year was the cost of health care. We could have kept it down to a 1.6 budget increase but because of the cost of health care, would this help in any way reduce future healthcare costs. We keep talking about the savings, is this an actual savings in our health care cost? Does the City realize the savings I guess is what I'm looking at?

Mr. Budreau

So more realistically then ever seeing healthcare costs go down from one year to the next, from everything I've read and everyone I've talked to, that is unlikely. Health Insurance is likely to escalate at a rate above inflation for the foreseeable future. However, anything that we can do to slow that cost increase is beneficial to the City and to the Budget. So the direct answer is no I don't think it will reduce the budget but I think it will slow the climb. And the City of Manchester has been at this since 2010, they are realizing about \$400,000.00 to \$500,000.00 of savings now on a slightly smaller population than we have. So that's the order of magnitude, you know, the health care spend is going to be around \$40 million dollars this year. We are talking about the possibility of, in several years, saving half a million or a million dollars. So it is not going to be earth shattering but it certainly my premise that every little approach that we can take to minimize increases, we should take advantage of.

Alderman Klee

That's the speech I give for taxes.

Mayor Donchess

Well I consider a half a million or a million to be quite a bit of money. Alderwoman Gathright did you have your hand up?

Alderman Harriott-Gathright

My question is have you spoke to any of the employees about this Smart Program?

Mr. Budreau

Yes.

Alderman Harriott-Gathright

Did they seem to want to take the opportunity to search for medical care themselves?

Mr. Budreau

Yes. And in fact we know anecdotally that we had particularly members of the School District, teachers in particular, I understand that teachers sometimes almost wait until the end of the School Year to have elective medical procedures done. So we know that we have people on the Smart Shopper Web Site before it was actually open to us so that they were able to take advantage of this program immediately on July 1st.

Alderman Harriott-Gathright

Thank you.

Alderman O'Brien

Is this a totally elective type of program or is it going to become mandatory for our employees to do the Smart Shopper?

Mr. Budreau

It is totally elective now and I would anticipate that it would be, no one has suggested otherwise.

Alderman O'Brien

Follow up if I may, we have several Labor Unions out there that write contracts with the City and I know health care is part of the contractual agreement. I know Alderman Gathright did ask about the employees but as far as those under current labor agreements and what the feeling of the Labor Unions with this particular program?

Mr. Budreau

We didn't seek the Union's opinion specifically but most of the employees who attended our open enrollment meeting sessions were members of Unions. And because of its elective nature and the fact that they can earn money from it, they are going to still have to have that plus they can get some money, I would anticipate no reason for them to be displeased.

Alderman O'Brien

Thank you.

Alderwoman Kelly

I realize that you are not an expert in the Smart Shopper App but I was just wondering about ease of use? I think that would be key to whether or not people do this?

Mr. Budreau

There are, before I get to ease of use of the app, they have a well-staffed, short wait time call center and they promote that. They suggest that anyone who isn't immediately comfortable with either the web site application or the app can call and get a personal service which extends just beyond picking the place. They will actually work, while you're on the phone, work with you to try to get an appointment. So you can always just call which most people should be comfortable with.

The app, we've been looking at it ourselves for a while now and it seems pretty straight forward and I think usable for many of our employees and their dependents.

Alderman Laws

I was just curious if Smart Shopper is unique in the market for the service they provide or if there are several carriers you could choose from?

Mr. Budreau

I don't know the real answer to that question Alderman because throughout the country there may be others. For us, this is sort of a captive only option because they are embedded with Anthem and have been since their inception. They started in the City and the State, those were the two pilot operations about a decade ago. So Smart Shopper has access to Anthem's claims data, that's how they are arriving at what the cost structure should be. So in this neck in the woods, there aren't other options that we could have chosen.

MOTION CARRIED

From: Dan Kookan, Purchasing Manager

Re: Contract Renewal with the Humane Society of Greater Nashua for FY20

Mayor Donchess

Now the next item is the Humane Society contract which Mr. Braun spoke about. My recollection is that we did amend this contract in December as Mr. Braun has said in December of 2017 as a result of, in the middle of a contract cycle, as a result of the issues brought forth by him. We came through with a contract amendment and the contract was amended to exclude cats. Then I think what happened is when the contract came up for renewal, now there are two versions of the contract out there. When the contract came up for renewal a year ago, the version that was proposed was the older version of the newer version. I don't think anyone really realized or thought about the fact that these words had not been changed in the new version; so the old version got approved, which includes the cats. Then litigation began so there is currently a pending court case. In the intervening months, I think the Legal Department has taken somewhat of a different position than it did before and we've had the Board of Health weigh in on the subject.

So what might make sense is for us to hold the contract and bring Legal in and get their take on this and act with the knowledge of what their advice on not only the contract but the litigation is.

Alderman Klee

In truth I agree with that. I was actually, although I don't think that this contract is unconstitutional, I do think that our, the NRO of course I don't have it front of me right now, but the one that talks to this. It is titled

basically the NRO 93.6 is specifically titled "Impoundment of Dogs, Cats, Ferrets and Chickens" and I believe that there is an implied intention of being able to seize cats and ferrets as well. But the items listed underneath it specifically talk to dogs and chickens. It doesn't specifically talk to cats and ferrets. And I have spoken to legal about getting that changed, having an item put in under there. I also want to talk to the licensing of cats. If we license cats we would probably need 2 plus people downstairs. And it would be a nightmare and I've talked to the State about this and the State has legally said that we can license them. There is a 436 which is an RSA that talks to cats with suspected rabies. And much like what Dr. Stephanie Wolf Rosenblum had spoke to, cats transmit saliva and so on on their fur and they can have disease that we don't know about. The idea of licensing a cat and having it hang down where cats get in and out of everything we create a health issue for them. So that becomes an issue.

So do we require that they be chipped, do we require this and so on. The current 436 says that all cats by the age of 3 months must get a rabies shot. They don't have to show proof of it unless the cat is picked up. So because of all of these things it literally becomes a logistical nightmare to try to license them for municipalities. There has been one City and offhand I cannot recollect which one it was that did it and then pulled back and said they weren't going to license anymore because it became an absolute nightmare. But they still have on their books that they will pick up cats that are strays or nuisance or so on. So I think we do have the legitimate right to do it but I think our regulation, there is lack of clarity in it. So I have asked that we get that language in there. So I would like to see this tabled or held off until Legal can take that and then we can put it through.

MOTION BY ALDERMAN KLEE TO HOLD IN COMMITTEE

ON THE QUESTION

Mayor Donchess

Well obviously you have looked into this in some detail.

Alderman Klee

Oh yes I have.

Mayor Donchess

So you are suggesting what? That we wait for – we bring Legal in at the next meeting?

Alderman Klee

I think we should bring Legal in and in the meantime also for the next Board of Aldermen I am hoping that we have an Ordinance update that will have the language of being able to, that cats and ferrets will fall under that particular category of NRO 93-6. There is an ABC which talks about cats and a D that talks about chickens. We are going to have an E that will talk about cats and ferrets also and picking them up.

Mayor Donchess

So in essence this is a motion to hold in Committee and invite Legal to come to the Committee at the next meeting?

Alderman Klee

I think so.

Alderwoman Kelly

Alderman Klee brought up my concern was whether or not we need to add chickens to this contract because they are not under impoundment or anything but I know they are in the NRO. So I think we should table as well.

Alderman O'Brien

What is going to happen in the interim while we wait? Is there a terminus on this or is there an evergreen clause or anything with this?

Mayor Donchess

Well I think we just tell the Humane Society that you know this isn't being held up because of any issues with tem and that we are intending to renew the contract. The only issue is what we do with language pertaining to cats and ferrets. So I think they will be OK with that.

Alderman Klee

I did speak to Legal about that and we have gone as late as September pushing these contracts off in the past. So this is not a brand new precedent that we are setting; we have done it in the past.

Alderman O'Brien

Follow up if I may. Thank you Mr. Mayor, it is basically a statement. What happened to Mr. Braun's cat and those of us that do love animals as myself I can understand. But at the same time we have to protect the citizenry and if you do have an animal that is a stray that comes on to your property and you know what animals do on other people's properties.

There has to be a system that the tax payer can have a venting and an agency that they can contact and everything. So as long as we can keep the status quo I am content and we can wait and peel the covers off of this and get into it deeper which I think would be good. Thank you.

Alderwoman Kelly

Yes I would like to suggest for expediency sake that perhaps Alderman Klee and I work with Legal to come to that meeting with language instead of trying to work it out in that meeting.

Mayor Donchess

Sounds good. So the motion is to hold in Committee and Alderwoman Klee and Alderwoman Kelly will communicate with Legal about that meeting and about potential amendment to language in the current ordinances. If there is no other discussion?

MOTION CARRIED

From: Dan Kookan, Purchasing Manager
Re: Purchase of Various Chemicals for the Wastewater Treatment Facility

MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND AUTHORIZE THE PURCHASE FROM POLYDYNE (\$412,000), BORDEN & REMINGTON (\$125,000) AND PVS CHEMICAL SOLUTIONS (\$64,000). SOURCE OF FUNDING IS DEPARTMENT 169, WASTEWATER

ON THE QUESTIONMayor Donchess

Mr. Boucher is here, come on up please. The purpose here is pretty self-evident but maybe you want to give us a little more substance.

David Boucher, Wastewater Superintendent

Alright, David Boucher, Wastewater Superintendent. These are 3 chemicals that we add to our process daily throughout the year. This is for the purchase for chemicals to last the fiscal year 20. One is a polymer that we use in our process to bind sludge which assists in us removing the water before it is taken off site. The other one is a sodium hypochlorite which is a disinfectant that we add to the treated water before it goes to the river. And the sodium bisulfite takes the chlorine back out of the water before we send it to the river so we don't add chlorine to the river. The two, the sodium hypochlorite and the sodium bisulfite are purchased through a consortium so there is a bunch of companies that bid and we take the lowest. Unfortunately the polymer, no two polymers are alike so we have companies come in and test them with our sludge and the one that works the best in our facility is the one we go with.

MOTION CARRIED

From: Dan Kooken, Purchasing Manager
Re: FY20 Purchase of Trash and Recycling Toters

MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND AUTHORIZE THE PURCHASE FROM TOTER, INC., IN THE AMOUNT OF \$145,000. FUNDS ARE AVAILABLE IN DEPARTMENT 168, SOLID WASTE

ON THE QUESTIONMayor Donchess

Mr. Lafleur is the Superintendent over at the landfill. This is pretty self-evident as well but how many toters are represented by \$145,000.00?

Jeffrey Lafleur, Superintendent of Solid Waste

It is hard to say with the fluctuation with prices in the markets, it is plastic so it goes along with the fuel prices. I usually go for, it is my annual purchase of \$145,000.00 I go for the approvals for this. I don't spend the \$145,000.00 if not needed. I usually keep a stock of about 1,000 recycling carts on hand and then probably about 1,000 to 1,500 trash carts so once we start depleting those levels, I replace them as needed. The reason why we want to keep the price same is our toters right now are trash ones that were purchased in 2003. They are 16 years old, they had a life expectancy of 10 years, we have over-exceeded that. So we are expecting some kind of an influx of damaged carts here happening soon. They were warrantied for 10 years and we did go over that so we did really well with what we have.

Alderman Caron

Yes thank you. So if someone wanted a new toter or recycling bin how would they get that?

Mr. Lafleur

The recycling carts they contact the Solid Waste Department or they can come in right to the scale house. It is a \$60.00 purchase for that. Recycling carts, I mean for trash carts if it is damaged by our employees or a City

truck or an employee we replace that. If it is noticeably done by the resident for any number of reasons they would have to replace it themselves.

Alderman Caron

What is the fee for that?

Mr. Lafleur

I'd have to look, I think it is \$51.00 right now.

Alderman Caron

So they have to bring it to Solid Waste?

Mr. Lafleur

We could deliver it.

Alderman Caron

Ok thank you.

Alderwoman Kelly

My question was along the same lines. If you purchase a recycling toter and then it gets damaged, do you have to repurchase it?

Mr. Lafleur

It's on a case by case issue. If it is done by the resident of course they have to take care of it, they are buying it, they are owning it, it is their cart. They can do what they want with it.

Alderwoman Kelly

Can I follow up please? Do we know if we have plans to make them not cost the residents at some point?

Mr. Lafleur

With the way the recycling markets are right now, probably not.

Alderwoman Kelly

OK thank you.

Alderman Klee

It falls on what Alderwoman Kelly had said, so if the damage was created by a faulty truck or something like that or if it got put down – I guess it may not necessarily be your staff's fault. Sometimes they call when you put them down they fall and a car hits them. I've seen that happen. Would you then replace it if it happened in the street or is that the case by case kind of ...

Mr. Lafleur

It is a case by case issue, I mean I don't want to...

Alderman Klee

Because I have seen that happen.

Mr. Lafleur

Yes absolutely on a windy day if the cart isn't picked up and put away properly right away.

Alderman Klee

Or even the minute they put it down sometimes it blows.

Mr. Lafleur

I mean we have to look at that, I want to be fiscally responsible for the City also and not be handing them away like candy.

Alderman Klee

For the public at large that are listening I don't want them to think that if for some reason it gets put down and rolls and happens like that they are necessarily always be held responsible for that.

Mr. Lafleur

We will send someone out to investigate and see what we can do.

Alderman Klee

Thank you very much I appreciate that.

Mr. Lafleur

Absolutely.

Alderman Harriott-Gathright

Do you have still have the smaller green barrel, you know the old ones?

Mr. Lafleur

We don't purchase those anymore, we are staying with 96 gallon barrels all together right now for commonality so I only have buy one set of lids, one set of wheels. We are doing away with all the little ones. So as they come in, if they are damaged or destroyed, that's it, they go with the bigger barrel. It is just an easier, operationally it is easier for my department to handle.

Alderman Harriott-Gathright

So if you have the smaller one you can still use it, it's OK?

Mr. Lafleur

Oh absolutely and if they want to switch that in we are trading them in so we will take the little one back and give them a bigger barrel.

Alderman Harriott-Gathright

Well I was thinking about some of the elderly people that really don't need those huge barrels. I guess they can hold it or wait 3 or 4 weeks.

Mr. Lafleur

I was just going to say that, they can wait 3 or 4 weeks before they have to put it out once instead of putting it out every week.

Alderman Harriott-Gathright

Ok thank you.

Alderwoman Kelly

I bet you didn't expect this many questions on recycling totes?

Mr. Lafleur

No I didn't, but that's just fine.

Alderwoman Kelly

Getting a little geeky, I am interested in whether you plan for development that's going around in the City in terms of new houses that are coming on the market. I know we have quite a few because I'm on the Conservation Commission I see them all the time. So do ever plan for that.

Mr. Lafleur

Planning? As far as?

Alderwoman Kelly

As far as those new residents are going to need those bins so?

Mr. Lafleur

Oh yeah that's why I keep so many in stock, absolutely.

Alderwoman Kelly

Thank you.

MOTION CARRIED

From: Dan Kooken, Purchasing Manager
Re: Purchase of Caterpillar 826K Compactor Teeth

MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO CARON COMPACTOR COMPANY IN THE AMOUNT OF \$34,250. SOURCE OF FUNDING IS DEPARTMENT 168, SOLID WASTE

ON THE QUESTION

Mr. Lafleur

Sure, Superintendent Jeff Lafleur, Solid Waste. These teeth are for the compactor, our big trash compactor, the one with the steel wheels and the big teeth on them. That is what crushes our trash and compacts it properly. We weren't really planning on purchasing teeth for these wheels this year or next year. We were hoping to get a few more years out of them. But Caron Compactor, they are the sole source, those are the wheels that we bought for the compactor; they actually negotiated with us and they gave us a set for 2 wheels free last year. I negotiated that with them for them wearing down so quickly. So I had those installed last fall ahead of this, before I could get this under my budget for this installation. So I ended up negotiating getting 2 for free. They are charging us \$34,250.00 for two wheels now. Typically it would be a \$60,000.00 or \$70,000.00 purchase and we are getting it for \$34,000.00 that's just the teeth. CAT out of Londonderry will be welding and installing them for us for a charge of only \$10,000.00 which is very cheap. We had a fabricator do it and it took him 2 ½ weeks to do 2 wheels. CAT is telling me they can do it in 3 days so that's another added addition to this but this is what we are going for the approval for right now.

MOTION CARRIED

From: Dan Kooken, Purchasing Manager
Re: Contract for Canal Street Bridge Repairs to Abutment

MOTION BY ALDERWOMAN KELLY TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO WILLIAM P. DAVIS EXCAVATION IN THE AMOUNT OF \$39,905. FUNDS ARE AVAILABLE IN DEPARTMENT 160, ADMINISTRATION/ENGINEERING; CAPITAL IMPROVEMENTS

ON THE QUESTION

Peter Kohalmi, Deputy City Engineer

Good evening Mayor, Committee Members, my name is Pete Kohalmi, I'm the Deputy City Engineer. The Canal Street Bridge has sustained some damage, we call it spalling. Spalling is essentially concrete, chunks of concrete that has broken off the surface of the abutment. Generally that is caused by water infiltrating the concrete, freezing, expanding and then pushing the concrete out of place. So are proposing a relatively moderate repair to drill some holes into the abutment to allow the water to escape and stop the spalling from occurring. Then later on we do plan on making repairs, concrete repairs to the abutment. Davis Excavation from Hampton has performed a couple of other contracts with DPW, they've done a good job for us and we recommend accepting their bid.

Alderman Laws

How concerned are we with the integrity of the bridge while this is going on?

Mr. Kohalmi

The bridge is getting old, I believe it is 70 or 80 years old something like that. It is not in danger of anything catastrophic happening anytime soon.

Alderman Laws

How many other bridges around Nashua are we going to be doing projects like this on?

Mr. Kohalmi

The Main Street Bridge will need some work, I am not intimately familiar with each bridge; but I know the Main Street Bridge will need some work as well as the Hudson Bridge over the Merrimack.

Alderman Harriott-Gathright

I was just going to ask what is considered the Main Street Bridge? Is that the Bridge right down there by Canal Street?

Mayor Donchess

Yes, going over the Nashua River, right by Peddler's there.

Alderwoman Kelly

Yes I was wondering if you know how long this might extend the useful life of the bridge? It sounds like it is coming to its end by what you said before?

Mr. Kohalmi

I really don't have a good answer for that, this is Phase I of 2 or 3 Phase project. First we have to need to keep the spalling from getting worse and then we need to start making repairs to the concrete. I don't foresee anything, this bridge needing major repairs for quite some time. Right now it is in OK shape.

Alderwoman Kelly

Thank you.

Alderman Caron

Yes thank you. So when this repair work is being done, is that bridge going to be closed or it is going to be one lane?

Mr. Kohalmi

It is not going to be closed, the work is underneath the bridge. There may be some sporadic one-way alternating traffic. But no it is not going to be closed.

Alderman Caron

Ok good thank you.

Alderman O'Brien

A little off subject but the same bridge, how is the lighting on the bridge? I remember there was talk in the past about torch lighting that's quite elaborate where you can never replace that. You know, is it working?

Mr. Kohalmi

I can't speak to that Alderman, I'm not aware of the lighting on it.

MOTION CARRIED

UNFINISHED BUSINESS – None

NEW BUSINESS - None

RECORD OF EXPENDITURES

MOTION BY ALDERMAN KELLY THAT THE FINANCE COMMITTEE HAS COMPLIED WITH THE CITY CHARTER AND ORDINANCES PERTAINING TO THE RECORD OF EXPENDITURES FOR THE PERIOD FROM JUNE 14, 2019 TO JUNE 30, 2019

MOTION CARRIED

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

NON-PUBLIC SESSION – None

ADJOURNMENT

MOTION BY ALDERMAN O'BRIEN TO ADJOURN

MOTION CARRIED

The Finance Committee meeting was adjourned at 7:53 p.m.

Alderman-at-Large Shoshanna Kelly
Committee Clerk