

Special Board of Public Works Meeting
Meeting Minutes
December 4, 2020

A meeting of the Board of Public Works was held on Friday, December 4, 2020 at 2:00 p.m. via a Zoom Conference Call.

Mayor Donchess

As Chairperson of the Board of Public Works, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are first: Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means: We are utilizing Zoom through the City's IT Department for this electronic meeting. To access Zoom, please refer to the agenda or the City's website for the meeting link. To join by phone dial: 1-929-436-2866. The Meeting ID is: 960 8379 0560 and the password is: 286634. The public may also view this meeting on Comcast Channel 16.

Second, providing public notice of the necessary information for accessing the meeting: We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall and at the Department of Public Works Administration Building at 9 Riverside Drive.

Third, providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect. Fourth, Adjourning the Meeting if the public is unable to access the meeting. In the event the public is unable to access via the phone number mentioned, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, state why they are not physically present for the meeting and also please state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law. Would you please call the roll?

Roll Call:

Mayor Donchess

I am here, I am not physically present because of the COVID-19 pandemic and I am alone in the living room.

(Dog barking)

Commissioner Tracy Pappas

I am here, I am home due to the pandemic. I am in a room by myself, I have a silent dog, I will admit my dog is in the room but she doesn't – she's not the barker.

Commissioner Kevin S. Moriarty

Yes, I am here, sitting in my office by myself, attending remotely due to the Coronavirus pandemic.

Mayor Donchess

And is Alderman O’Brien, our liaison here? I don’t see him.

Commissioner Shannon Schoneman

I am here, I am attending remotely due to the Governor’s Emergency Order. I am in a room in my house. My four year old son is with me; he’s not barking.

Mayor Donchess

And I believe Commissioner Teas is not yet present and is Alderman O’Brien here? I don’t see him.

Also Present:

- Ms. Lisa Fauteux, Director, Division of Public Works
- Mr. Andrew Patrician, Assistant Director of Public Works
- Mr. Jon Ibarra, Superintendent of Streets
- Mr. Jeff Lafleur, Superintendent of Solid Waste
- Mr. Steve Bolton, Corporation Counsel

(Overlapping audio dog barking, phone ringing.)

Mayor Donchess

Commissioner Moriarty, is there a Motion to approve the Agenda?

I. Motion by Commissioner Moriarty: To approve the agenda as presented.

A viva voce roll call was taken which resulted as follows:

Yea: Mayor Donchess, Commissioner Pappas, Commissioner Moriarty, Commissioner Schoneman	4
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Nay:	0
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MOTION CARRIED

4-0-0

II. Public Comment - None

III. Administration Department

A. Motion by Commissioner Schoneman: To approve and recommend to the Board of Alderman the Collective Bargaining Agreement between the Board of Public Works of the City of Nashua, New Hampshire and Local 365 of the American Federation of State, County and Municipal Employees, AFL-CIO for the period of July 1, 2017 through June 30, 2023.

Discussion:

Mayor Donchess

Alright, and I believe that Director Fauteux is going to (inaudible). Is that correct?

Lisa Fauteux, Director, Division of Public Works

I'll probably allow Attorney Bolton to go over his Memo but I did just want to say and I know the Commissioners have heard this, but this was a tough negotiation, it was long, exhausting and I really appreciate Attorney Bolton's sort of tenacity and sticking it out with us and making sure that we ended up with a good contract that's actually good for the City and good for the employees. So I really appreciate his efforts. I also want to thank the negotiating team, Andy Patrician, John Ibarra, and Jeff Lafleur who also hung in there with us and there was an awful lot of discussion and negotiation that went back and forth. So I really appreciate everybody efforts. And we, I think, we made significant progress this contract cycle and I am excited to present this today. And with that, I think Attorney Bolton would you like to go over your Memo?

Steve Bolton, Corporation Counsel

Well I have prepared a Memorandum which I think you've all got and I could go through it again, paragraph by paragraph, but most of you heard of that, I'd be happy to do it if that's what you desire. But it might be more productive if there are any particular questions that I can try and address those.

Commissioner Pappas

(inaudible) – I'm sorry.

Director Fauteux

Commissioner Pappas, I was just going to say that Mayor, I believe there may have been a member of the public that wanted to speak and didn't get a chance to. I could be wrong but I think somebody may have been trying to speak. I just want to mention that.

Mayor Donchess

Is there a member of the public who is trying to make public comment? If so, you should speak up now. Alright, in the broadest terms, the contract provides over 6 years, 10 ½% wage increases, year by year. There are some changes in the snow plowing plan including the elimination of the shotgun. We think they add efficiencies to the City Operation. The procedure for informing employees of duty to report has been changed. It gives employees a rest period option after 16 hours. There are other changes made throughout the contract. But those are some of the more significant ones. Of course, any member of the Commission who wishes to ask any questions or make any comments, that's very welcome. Do any

Commissioners have any comments or questions regarding the contract or regarding Attorney Bolton's Memo? Commissioner Pappas.

Commissioner Pappas

If I may, I was going to say something and I will go ahead to wait for it. But I am wondering if it might be helpful to read year by year the percent increases, because I think that when we give a heads up as to how much it is over those years. I think reading by each year how much the increase is and then if someone can also discuss what the – that the Union did give something up when they went ahead and did away with shotgun. So I don't know if it would mean something for people to hear, you know, the 1 ½% increases that they get most of the years.

Mayor Donchess

I will be glad to read those percentages and then we will have Lisa summarize the other point, Commissioner Pappas, that you were asking about. But before I do that, Commissioner Teas I think is on and is present now. So he should state his presence, state why he is not physically present and state whether he's in the room alone.

Commissioner Teas

Mr. Mayor, I am abiding by the Governor's Orders. And it's not safe to meet in person, however I am here in my vehicle alone, calling via Zoom. Thank you.

Mayor Donchess

Alright, thank you Commissioner Teas. So the first part of Commissioner Pappas' inquiry was the wage increases. So this contract goes retroactive to July 1, 2017. So the raise on July 1, 2017 is 1 ½%, then on July 1st, 2018 there is a 1 ½% raise, then on July 1st, 2019 there is a 1 1/2% raise, then on July 1st, 2020 there is a 1 ½% raise, on July 1st, 2021 there is 2% raise and on July 1st, 2022 there is a 2 1/2 % raise. Director Fauteux or Attorney Bolton, I believe the second part of the Commissioner's question had to do with the Union's agreement to change some of the snowplowing issues?

Director Fauteux

Do you want – it's all outlined in Attorney Bolton's Memo. Do you want me to go through that, Attorney Bolton, or did you want to go through your Memo. It's up to you.

Attorney Bolton

Well let me point out a few things; first and most significant I would say improvement and perhaps concession of the part of the Union is the elimination of the requirement of having snow – during snowplowing having shotgun riders in the trucks along with drivers. Previously, we either provided two people in a truck or if a driver went by himself, there was a premium paid for that. That's been eliminated, that has a lot of consequences, all of which are good for the operation. One) we are not paying someone just to sit in the passenger seat while the plowing is going on. Two) If it comes to the point where someone has worked for 16 hours and wants to rest, previously they would have to bring the truck back into the barn, determine who was next in seniority among the people who had been previously riding shotgun, would now be offered the opportunity to drive once they found the next

highest person in seniority who wanted to drive then that truck would have to come in. And for a period of time you would have two trucks out of the plowing operation and you'd finally reorganize, get one truck back out with two people and you'd still be left with another person and you'd try and organize for the second truck. So one) you had an expense and two) you had trucks off the road not plowing for periods of time while all of those administrative affairs were taken care. So that's very significant in an improvement.

There are other improvements in the snow plan, one of which is that employees will get paid from the time they clock in as opposed to previously when they got paid as long as they arrived within an hour of being called, they got paid from the time they were called. Again, it is a small savings, a small concession but it helps out management because it gets people in and on the road clearing the snow quicker. The rest periods are more well-defined, it's up to 8 hours, it can't be more than 8 hours for a rest period. I think there are other minor improvements but those are the most significant ones.

Mayor Donchess

Thank you very much. Commissioner Pappas do you have other questions or comments about the contract?

Commissioner Pappas

My comment was to thank the AFSCME Union, the City Attorney and the Administrators for reaching an agreement that is fair to both the Union and to the taxpayers. I was sworn in in November 2007 and I've had to vote no on every single AFSCME contract up until now due to the shotgun provision in that contract. That was my line in the sand. I voted for the other Union contract in the past but that was very galling to me.

So you know, there a couple of items that we may not be thrilled with but I am sure there are some items that AFSCME members may not be happy with. And I would just say that's what negotiations are about. It's about coming up with a reasonable and fair arrangement, that's negotiating in good faith. And I think everyone involved did one heck of a great job. And as I said, I thank everyone involved and I am proud to be able to support an AFSCME contract.

Mayor Donchess

Thank you. Any other comments or questions from any of the Commissioners? Commissioner Moriarty?

Commissioner Moriarty

Yes Mayor. I would just echo that what Commissioner Pappas said, I think it's a fine looking contract, everybody has worked hard. It's a win-win for everybody and really congratulations to all parties. I am certainly in favor of it. The question I did have though was upon our approval, if it does get approved today, when does it become effective, like i.e. the snowstorm this weekend, would that be affected or not?

Director Fauteux

I only wish.

Mayor Donchess

It will be introduced to the Board of Aldermen on Tuesday night and they will refer it to the Budget Committee, there will discussion there and then it will come back to the Full Board for a final approval. So that could take up to a month; it will either take basically two or four weeks that depends on their scheduling, and then it will become effective.

Commissioner Moriarty

Thank you.

Mayor Donchess

Any Commission or other Commissioners have comments or questions?

Commissioner Teas

I'll echo both Commissioner Moriarty and Commissioner Pappas' comments, I agree, well done by everybody involved. Thank you.

Mayor Donchess

Alright, anyone else? If not, could you please call the roll?

A viva voce roll call was taken which resulted as follows:

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

Nay: 0

MOTION CARRIED

5-0-0

Mayor Donchess

We have a personnel issue which we have been taking in public session because of the logistical difficulties of trying to do that in a non-public. And I guess what I am proposing is we do that and then we do the Commissioner's Comments on the regular Agenda.

Personnel

A Motion by Commissioner Moriarty: To approve the selection, contingent upon the acceptable results of criminal and driving records checks and a pre-employment drug test, of Ryan S. Billings of Manchester, NH for the position of Truck Driver Street Repair, Street Department. Starting salary for this position will be \$22.41 per hour. Funding will be through: Department: 161 Street Department; Fund: General; Account Classification: 51-Salaries & Wages.

Discussion:

Mayor Donchess

Anybody, excuse me, Director Fauteux, do you have anything to add?

Director Fauteux

I just want to say that I met with Mr. Billings, he is a – I think a really great candidate, he’s very excited. He’s got some really good experience, he worked for Audley. He also worked for Pinard for a short time and he has both 6-wheeler, driving 6-wheeler experience and some plowing experience. So he’s very enthusiastic and very excited and I think he’ll be a good addition to the Department. Superintendent Ibarra is on, I don’t know if you want to add anything.

Jon Ibarra, Street Superintendent

Sure, thank you. Yeah, he interviewed well, went through the practical which is the pre-trip of the vehicle and a road test with flying colors. So I am very comfortable putting him in the truck and would really appreciate your approval on this individual. Thank you.

Mayor Donchess

Any Commissioners have any comments? (There were none.)

A viva voce roll call was taken which resulted as follows:

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

Nay: 0

MOTION CARRIED

5-0-0

I. Commissioner’s Comments

Mayor Donchess

Now we have Commissioner’s comments. Do any Commissioners have comments? Commissioner Pappas.

Commissioner Pappas

If I may, Mr. Mayor? I have one question and then just probably a comment more towards, you know, for you from the Legislative manner. But I forgot to ask at the last meeting, I had gotten an inquiry, remember around Dunloggin Road, we had repaved a road and within 5 days I think we had a sinkhole problem? It occurred like in the first few days after the paving. One of the residents had asked if they are going to try to shore it up before the winter and I was hoping that maybe we took a look over there during those warm days in November, I wasn't sure. And if I can't get an answer now, when someone gets a chance, I'd appreciate it.

Mayor Donchess

Director?

Director Fauteux

I know that Engineering addressed that Commissioner Pappas but I couldn't tell you all the details off the top of my head. But I certainly can speak with Dan Hudson and get back to you to give you the full – but I am almost 100% sure that that was addressed.

Commissioner Pappas

Ok, alright, when I find out, I just wanted to get back to the person. Mr. Mayor, for more of the Legislative view, I am wondering if there is a way by Ordinance to kind of even the scores in an effort to make – to be more equitable in our Union Contracts? I had mentioned previously I think this is a very fair contract and we just had another Union Contract that was what I thought, but I'm not on the Board of Aldermen, but I thought was too generous from one of the other Unions. And I know, for example, the Fire Commission and the Police Commissioners, they negotiate the contract. I think it is tough when we have inequities, you know, and even our folks for example cost the taxpayers less because they aren't part of the State Retirement System. But I am just wondering if there's any way if it's not in the Charter, if there's a way that we can either have someone from the City Attorney's Office and I know they are real busy but if we could even either perhaps hire a professional negotiator that would meet with the Commission and then meet with maybe the Mayor or the Board of Aldermen to say this is what we are looking toward, this is what we are trying to accomplish in a contract.

I know for example, I think the Hillsborough County, I think they hired a professional negotiator when they were doing the Union Contracts. So as I said, it's not – you know clearly we have very accomplished attorneys in our City Attorney's Office and I know that might bog them down. But I just wasn't sure if that was by Ordinance or by how we've done things in the past or if it was Charter. Who is in the negotiating process? Just food for thought, just food for thought.

Mayor Donchess

The suggestion that we have a uniform position and that we have a standard group of people who is negotiating the contracts is a very good one and one that I completely agree with. From here on in, Mr. Bolton is going to be negotiating all contracts. But what you saw in the contract, what we saw in the contract that you are

referring to is that the elected commission involved, that being the Fire Commission just took over the negotiations, refused to allow someone, you know, the City had asked that Director Kleiner representing (audio cuts out) and knowledgeable about negotiations in general and about the City's Health Plan, the City's plans. They refused to allow that person to participate or be present in the negotiations. Then they agreed to a contract that I have expressed the same view as you that I think that the City cannot afford and it will result in unsustainable budgets going down the road.

Then they submitted that contract to the Board of Aldermen and the Board of Aldermen passed it. If the Board of Aldermen would have backed up the point of view that unless ... now there's someone who keeps, I don't think it's one of the Commissioners, I think it's something else.

(Overlapping Conversation)

Commissioner Pappas

I think the public, I think people came to make public comment and I think they might be muted for the Director, I don't know.

Mayor Donchess

Well we have offered public comment a couple times but whoever is on the ...

Commissioner Pappas

I think it might be a mistake, my guess is that some sort of mistake was made.

Mayor Donchess

Alright but anyway back to your question, so I agree with you. In this case, what happened is they went directly to the Board of Aldermen. Now I have suggested to the Board of Aldermen, look they shouldn't consider a contract that comes to them in that manner. But they don't agree with that point of view so the trouble is, under the Charter the Fire Commission has the administrative authority and the Board of Aldermen has the purse strings. Now I have a veto and as you know I have vetoed at least part of the contract and if I thought that there was any chance of sustaining an override, I would have vetoed the whole thing. I mean we had offered, I think, a generous offer in that case but you know, the 15 ½% that has been approved so far, you know, I consider to be unaffordable.

As much as I appreciate the employees, the work of the Fire Department and the Firefighters, you know, we are in a major crisis. We have been presented with unprecedented financial challenges here. We have COVID, we have a \$6 million dollar reduction in the amount of school aid. We have a \$4 million dollar hit on pension costs. We have rapidly rising healthcare, which we are trying to do something about (overlapping conversation) to do so if the Board of Aldermen will back us up.

(Overlapping Conversation)

Mayor Donchess

It's hard to talk through all of the interference that's coming from somewhere. If Attorney Bolton is – you know I've thought of that same question Commissioner Pappas. Can we do something with the Charter to make

this kind of situation that we are in right now impossible.

Commissioner Pappas

Right.

Mayor Donchess

Is Attorney Bolton still on the call?

Attorney Bolton

I'm here.

Mayor Donchess

Do you think that there is a – I mean we've talked about this a little bit, I mean we couldn't do it by Ordinance because it would conflict with the Charter I think. But is there any change in the Charter that you think could be made that would require a more uniform approach to collective bargaining agreements and collective bargaining negotiations?

Attorney Bolton

Eliminating all of these separate Boards and Commissions and making everything under the authority of the Mayor would help. But short of that, I don't think there's much – State Law is what is primarily binding us and we can't by ourselves change that.

Mayor Donchess

Well what if the Charter were to be changed to say that there's a certain group of people that has to negotiate contracts and agree to them before they go to the Board of Aldermen?

Attorney Bolton

That would violate the Public Employee Labor Relations Act.

Mayor Donchess

So that's the dilemma we are in Commissioner Pappas.

Commissioner Pappas

Ok.

Mayor Donchess

But I share your concern. Alright well have a lot of interference, if that person would mute their phone or whatever it is. Are there any other Commissioner Comments?

Commissioner Teas

Mayor, I'd like to thank the Director for addressing a kind of a blind intersection in the St. Christopher School neighborhood, it made one neighbor very happy, and that neighbor happens to be my wife. So thank you Director.

Director Fauteux

Thank you for bringing it to my attention.

Mayor Donchess

Any other Commissioners have comments?

Commissioner Moriarty

Mayor, I was going to ask Director Fauteux if there has been any movement on the Superintendent position?

Director Fauteux

We do not have anybody that we are ready to bring to the Board yet, but we are still interviewing and searching. So hopefully soon.

Commissioner Moriarty

Thank you.

Mayor Donchess

Anyone else? Alright, well I apologize for all of this interference, it makes the meeting quite difficult.

Commissioner Pappas

I think you might ask IT, I think people may have called in for the meeting and I have a sense as to that is what happened.

Mayor Donchess

I think so too, but they don't know they are on. Alright well is there, I take it there aren't any other Commissioner comments, if there are please speak up. If not, Commissioner Schoneman, is there a motion to adjourn?

Adjournment:

Motion by Commissioner Schoneman to Adjourn

A viva voce roll call was taken which resulted as follows:

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

Nay: 0

MOTION CARRIED

5-0-0

Meeting Adjourned at 2:35 P.M.

DRAFT