

**BOARD OF PUBLIC WORKS  
PUBLIC HEARING MARCH 31, 2005**

A Public Hearing pursuant to petition RSA 231: 163, followed by a regular meeting of the Board of Public Works was held on Thursday, March 31, 2005 at 7:00 P.M. in the City Hall Auditorium.

Members Present

James Hall, Vice Chairman	Richard S. Seymour, Jr., Director
Timothy Lavoie, Commissioner	Steve Dookran, City Engineer
Daniel Gagnon, Commissioner	Scott Pollock, Superintendent, Streets
Donald Dyer, Commissioner	Jeanne Gamache, P.E. WW Project Engineer
	Kathie Berube, DPW/BPW Admin. Assistant III

David Deane, Alternate Aldermanic Liaison

Not Present

Mayor Streeter, Chairman  
Marc Plamondon, Aldermanic Liaison

Others Present

Angelo Marino, Chief Assessor  
David Connell, Esquire, Corporation Council

Vice Chairman Hall called the meeting to order at 7:00 P.M.

A roll call was taken and all Commissioners were present except Chairman Streeter.

- I. MOTION: Commissioner Lavoie to approve the agenda as presented.  
SECONDED: Commissioner Dyer.  
MOTION CARRIED: Unanimously.

The Board unanimously suspended the meeting until after the Public Hearing.

II. Public Hearing

Chairman Hall announced that the purpose of the special hearing of the Board of Public Works was to conduct the public hearing on petition pursuant RSA 231:163 relative to the amending of all presently issued and outstanding licenses for poles, structures, conduits, cables or wires in, under or across public highways.

Chairman Hall stated that he would accept testimony in favor of the petition.

Chief Assessor, Angelo Marino, informed the Board that he was the petitioner for the City of Nashua and stated that with the change in law and the recent spring court decisions, if the city were to change the pole licenses to allow us to tax public way or conduits it would allow us to begin the process of taxing the city's right-of-way that's utilized by the utilities that have the poles in the city's right-of-way.

Chief Assessor Marino then asked for the Boards support to pass this amendment to the pole licenses so that the city may begin the process.

Chairman Hall asked if there was anyone else who would like to speak in favor of this amendment.

After receiving no responses, Chairman Hall asked if there was anyone who would like to speak in opposition of the amendment.

Chairman Hall stated for the record that the Board had received a letter from Public Service that would become part of the record of this hearing.

Chairman Hall asked again if there was anyone who was in opposition of the amendment and there were no replies.

MOTION: Commissioner Dyer to accept the communication from Public Service and place it on file.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Majority.

MOTION TO CLOSE THE PUBLIC HEARING: Commissioner Lavoie.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Majority.

MOTION TO OPEN THE BOARD OF PUBLIC WORKS MEETING: Commissioner Lavoie.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Majority.

Chairman Hall stated that it was necessary to amend the agenda to allow for an official vote to be taken by the Board regarding the public hearing that had just taken place.

MOTION TO AMEND THE AGENDA AS PRESENTED: Commissioner Lavoie to amend the agenda to allow for the voting on the petition pursuant to RSA 231: 163.

SECONDED: Commissioner Gagnon

MOTION CARRIED: Majority.

MOTION: Commissioner Lavoie to support the petition pursuant RSA 231:163 relative to the amending of all presently issued and outstanding licenses for poles, structures, conduits, cables or wires in, under or across public highways.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Majority.

### III. Engineering Department

A. Motion: To approve Amendment #1 of Metcalf & Eddy's professional services contract for the Design of the Wet Weather Flow Treatment Facility in the amount of \$18,507.00 to participate in Value Engineering Study being performed by the Army Corp. of Engineers.

MOTION: Commissioner Lavoie to approve Amendment #1 of Metcalf & Eddy's professional services contract for the Design of the Wet Weather Flow Treatment Facility in the amount of \$18,507.00 to participate in a Value Engineering Study being performed by the Army Corp. of Engineering.

SECONDED: Commissioner Gagnon.

Alderman Deane asked if this had been referred to the Finance Committee.

Jeanne Gamache, P.E., Wastewater Project Engineer stated that it was and would be on the next Finance Committee's agenda.

MOTION CARRIED: Unanimously.

#### IV. Street Department

A. Motion: To approve the increase in the line item amount for 2005 paving program by \$108,769 to be paid by the Paving Trust fund and decrease the line item for 553-45020 asphalt contractual by \$108,769.

MOTION: Commissioner Gagnon to approve the increase in the line item amount for 2005 paving program by \$108,769 to be paid by the Paving Trust fund and decrease the line item for 553-45020 asphalt contractual by \$108,769.

SECONDED: Commissioner Dyer.

Commissioner Lavoie asked Superintendent of Streets, Scott Pollock how this would effect the paving program.

Superintendent Pollock replied that money will be taken from the trust fund and put it into the contracts so we'll have the same dollar amounts in the contract. This allows us to keep a little additional money in our operating budget to cover overages for the winter expenses.

Superintendent Pollock added that word was received today that FEMA has approved funding for the large January storm.

MOTION CARRIED: Majority.

Because of the recent torrential rain, Alderman Deane inquired about the status of Mine Falls Park.

City Engineer Dookran replied that Superintendent of Parks, Nick Caggiano said he would be having his people check it out.

Director Seymour informed the Board that a representative from the Tyngsboro Sewer Commission approached him a few weeks ago and mentioned the possibility of running a sewer line from Tyngsboro, MA to Middlesex Road, NH near the Pheasant Lane Mall. The Director informed the Tyngsboro Representative that they could apply for a connection but did not discuss any conditions nor were any approvals granted. He then informed the Board that an article was published in the Lowell Sun pertaining to the connection and that a public meeting was scheduled in Tyngsboro to discuss the matter. The Director assured the Board that no action would be taken without the Board's consideration.

MOTION TO ADJOURN: Commissioner Dyer.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Majority.

*Transcribed By*

*Kathie Berube DPW/BPW Administrative Assistant III*