

Unofficial as of January 5, 2008
Revised Minutes of the Board of Public Works Meeting of December 8, 2008

A meeting of the Board of Public Works Meeting was held on Monday, December 8, 2008 at the DPW Administration and Engineering Offices, 9 Riverside Street, Nashua, NH 03062. **The meeting was been changed from its original time of 3:30 p.m. to 3:00 p.m.**

Members Present

Mayor Donnalee Lozeau, Chair
Tim Lavoie, Vice Chair
Donald Dyer, Commissioner
Tracy Pappas, Commissioner

Dave Fredette, Interim Director
Steve Dookran, City Engineer
Scott Pollock, Street Superintendent
Nick Caggiano, Superintendent, Park/Rec.
Wayne Husband, Traffic/Parking Superintendent
Mario Leclerc, Superintendent, WWTF
Kerry Converse, Acting Superintendent, Solid Waste
Tom Dwane, Recreation Manager
Jeanne Walker, Manager, Engineering Department
Kathie Berube, Admin.Assistant III

David Deane, Aldermanic Liaison

Commissioner Gagnon was absent.

Chair Lozeau opened the Board of Public Works Meeting of December 8, 2008 at 3:00 p.m. and stated that all of the Commissioners were present except for Commissioner Gagnon.

I. Motion: To approve the Agenda as presented.

MOTION: Commissioner Pappas to approve the Agenda as presented.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

II. Motion: To approve the Minutes of the Board of Public Works Meeting of November 10, 2008.

A handout was presented to the commissioners amending the unofficial Minutes of the Board of Public Works, under VII. Solid Waste, section B. Informational: Revised Draft (10-31-08) of the Trash and Recycling Policy and violation letters.

Chair Lozeau stated that she had requested a change in the minutes in order to more clearly reflect the reason behind why the Board was holding the policy and violation letters. She added that the reason they were holding the implementation was enforcement and other things needed to be lined up first.

MOTION: Commissioner Dyer to approve the Minutes of the Board of Public Works Meeting of November 10th with the amended portion under Solid Waste.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimously.

III. Public Comment- N/A

IV. Step III AFSCME Grievances (Possible Non-public Session)

A. AFSCME Grievance # 08-11

Matt Eiserman, Chief Stewart, AFSCME Local 365 was present on behalf of the grievant.

Chair Lozeau informed the Board of the details of grievance # 08-11. She stated that the Union would present first, followed by management, followed by a discussion and then a vote.

Chief Stewart Eiserman requested that the grievance be discussed in a non-public session.

Chair Lozeau stated that it did not fit the criteria for a non-public session. She explained that it would only fit the criteria if it disclosed records of personnel, medical or other files that would constitute an invasion of privacy; or likely adversely affect the reputation of the employee.

Chief Stewart Eiserman stated that the union rests.

Mayor then asked Nick Caggiano, Parks & Recreation Superintendent to speak on behalf of management.

She informed the Board that after Superintendent Caggiano presented, if the Board felt inclined, they could reconsider moving into a non-public session.

Superintendent Caggiano discussed grievance #08-11 from the management's perspective.

The Board declined the consideration of a non-public session.

MOTION: Commissioner Lavoie to deny grievance #08-11.

SECONDED: Commissioner Pappas.

Chair Lozeau requested a roll-call from the clerk.

Kathie Berube called the roll. The motion was to deny the grievance.

Commissioner Dyer: Yes.

Commissioner Lavoie: Yes.

Commissioner Pappas: Yes.

Chair Pappas: Yes.

MOTION DENIED: Unanimous.

B. AFSCME Grievance # 08-19

Chief Stewart Eiserman was present on behalf of the grievant, management file number #08-19.

Chair Lozeau informed the Board of the details of grievance # 08-19.

Chief Stewart Eiserman requested that this grievance be non-public.

Chair Lozeau stated that the grievance did not meet the criteria for a non-public session.

Chief Eiserman stated that the union rests on this grievance also.

Chair Lozeau recognized Superintendent Pollock.

Superintendent Pollock discussed the grievance from the management's perspective.

Chair Lozeau recognized Chief Stewart Eiserman.

Chief Stewart Eiserman informed the Board that he had nothing further.

Chair recognized Commissioner Dyer.

Commissioner Dyer expressed that he was inclined to side with the union regarding this particular grievance.

Chair Lozeau recognized Commissioner Pappas.

Commissioner Pappas expressed that she was inclined to agree with the management's perspective.

Chair Lozeau asked for a motion.

MOTION: Commissioner Lavoie to deny grievance # 08-19.

SECONDED: Commissioner Pappas.

Chair Lozeau stated that the motion on the floor was to deny the grievance. She requested that the clerk to call the roll.

Kathie Berube called the roll.

Commissioner Dyer: No

Commissioner Pappas: Yes

Commissioner Lavoie: Yes

Chair Lozeau: Yes.

MOTION CARRIED: Majority.

V. Aldermanic Referrals

A. R-08-140- RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$33,472 FROM THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION INTO SPECIAL REVENUE ACCOUNT #353-9124 "SAFE ROUTES TO SCHOOL-BIRCH HILL"

MOTION: Commissioner Lavoie to favorably endorse R-08-140.

SECONDED: Commissioner Pappas.

A handout memo was distributed to the commissioners. This memo dated November 19, 2008 was a request for information from Ward 4 Alderman, Marc Plamondon to several recipients including the Engineering Department and Mayor Lozeau. The subject of the memo was Resolution R-08-140 and R-08-41, "Safe Routes to School" Grants.

Alderman Plamondon stated in his memo (referenced in the above paragraph) that the Committee on Infrastructure had tabled resolutions R-08-140 and R-08-41 pending a request for additional information regarding details of the process for grants, the criteria used for selecting the schools, specific plans for the allocation of funds at the Birch Hill and Bicentennial Schools, drawings from the Engineering Department

to include proposed street striping, crosswalks, flashing lights, school bus stop changes, and traffic calming measures.

Aldermanic Liaison Deane expressed concern regarding the “Referral” process and how information occasionally misses the appropriate boards or committees.

Chair Lozeau requested that Jeanne Walker, Deputy Manager of Engineering address the Board and discuss the details of both R-08-140 and R-08-141 pertaining to the Safe Routes to School grant program.

Jeanne Walker, Deputy Manager of Engineering discussed the program with board. (*Discussion information is included in the response to Alderman Plamondon’s memo that was handed out to the board.*)

Commissioner Dyer made a motion to approve R-08-140.

Chair Lozeau stated that there was a motion on the floor to favorably endorse R-140 and suggested it be amended to also include R-08-141.

The Board concurred.

MOTION CARRIED: Unanimously.

Commissioner Pappas stated that the crosswalks where the crossing guards stand needed to be painted.

B. R-08-141- RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$28,781 FROM THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION INTO SPECIAL REVENUE ACCOUNT #353-9126 “SAFE ROUTES TO SCHOOL-BICENTENNIAL”

C. R-08-143- ESTABLISHING AN EXPENDABLE TRUST FUND TO ACCEPT DONATIONS FOR THE PURPOSE OF FUNDING THE PURCHASE AND INSTALLATION OF A FIELD LIGHTING SYSTEM AT THE NORTH COMMON BASEBALL FIELD

MOTION: Commissioner Pappas to favorably endorse R-08-143.

SECONDED: Commissioner Lavoie.

Aldermanic Liaison Deane and Superintendent Caggiano discussed the donations of the expendable trust with the board.

Superintendent Caggiano explained that \$50,000 was from a CDBG grant, \$15,000 was from a Babe Ruth grant. He then added that Home Depot will provide an electrical conduit, an electrician will do the work at no charge and an electrical supply house will supply the hard wiring supplies.

MOTION CARRIED: Unanimously.

D. INFORMATIONAL: Municipal Management Agreement (Revisions) Broad Street Parkway

MOTION: Commissioner Lavoie to accept item D. and place on file.

A discussion regarding the Municipal Management Agreement (with revisions) for the Broad Street Parkway was had.

VI. Engineering Department

A. Motion: To approve the Residential Wastewater Service Permits and Fees as submitted.

MOTION: Commissioner Pappas to approve the Residential Wastewater Service Permits and Fees as submitted.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimously.

B. Motion: To approve Change Order No. 15 to the construction contract for the Wet Weather Flow Treatment Facility to Methuen Construction Corp., in the amount of \$17,855.00. Funding for this change order will be through account #792-01310-3799-0000, Wet Weather Flow Treatment Facility Construction.

MOTION: Commissioner Pappas to approve Change Order No. 15 to the construction contract for the Wet Weather Flow Treatment Facility to Methuen Construction Corp., in the amount of \$17,855.00. Funding for this change order will be through account #792-01310-3799-0000, Wet Weather Flow Treatment Facility Construction.

SECONDED: Commissioner Lavoie.

Engineering Manager, Jeanne Walker discussed the history and reasoning for the requested Change Order with the board. (*Discussion information included in agenda packet.*)

MOTION CARRIED: Unanimously.

C. Motion: To approve Change Order 1 in the amount of \$37,581.41 to the contract with D & C Construction, Inc. for the construction of the Lake Street Sewer Replacement Vine to Chestnut Streets project. Funding for this change order will be through account #792-96401-3795.

MOTION: Commissioner Dyer to approve Change Order 1 in the amount of \$37,581.41 to the contract with D & C Construction, Inc. for the construction of the Lake Street Sewer Replacement Vine to Chestnut Streets project. Funding for this change order will be through account #792-96401-3795.

SECONDED: Commissioner Lavoie.

City Engineer Dookran and Aldermanic Liaison Deane discussed the history of the requested Change Order. (*Discussion information included in agenda packet.*)

Aldermanic Liaison Deane asked the City Engineer if the project was completed and who created the estimate.

City Engineer Dookran replied that the project was completed and the Engineering Department created the estimate.

City Engineer Dookran explained that it was an emergency repair and the extra 360 feet was not anticipated.

MOTION CARRIED: Unanimous.

D. Motion: To approve Change Order 4 in the amount of \$1,535.57 to the contract with Gemini Electric, Inc. for the construction of the North Facilities Power System Upgrades project. Funding for this change order will be through account #792-01321-3799-0000, Weather Flow Treatment Facility – North Facilities Power System.

MOTION: Commissioner Pappas to approve Change Order 4 in the amount of \$1,535.57 to the contract with Gemini Electric, Inc. for the construction of the North Facilities Power System Upgrades project.

Funding for this change order will be through account #792-01321-3799-0000, Weather Flow Treatment Facility – North Facilities Power System.

SECONDED: Commissioner Lavoie.

City Engineer Dookran discussed the request for the proposed change order with the board. (*Discussion information included in agenda packet.*)

MOTION CARRIED: Unanimous.

B. Informational: River Pines (Jensen's Mobile Home Park) Sewer Request -Update on staff review of sewer request.

MOTION: Commissioner Pappas to accept and place on file item D. Informational: River Pines.

SECONDED: Commissioner Lavoie.

Chair Lozeau commented that Community Development would be sending a letter requesting that the design work be such that people could hook in with further development in the city at some point.

MOTION CARRIED: Unanimous.

C. Informational: Combined Sewer and Drainage Issues during Wet Weather Events - Updated Problems List.

MOTION: Commissioner Pappas to approve and place on file the Combined Sewer and Drainage Issues Wet Weather Events Updated Problems List.

SECONDED: Commissioner Lavoie.

Chair Lozeau requested that City Engineer Dookran review and discuss the Updated Problems List with the Board.

MOTION CARRIED: Unanimous.

D. Informational: Preliminary DRAFT- CSO Real-time Optimization RFQ

MOTION: Commissioner Pappas to place on file the Preliminary DRAFT- CSO Optimization RFQ.

SECONDED: Commissioner Lavoie

Alderman Deane inquired as to whether the board was going to proceed with a Request for Qualifications for Professional Services regarding a feasibility study entitled Real Time Control to Optimize Combined Sewer System.

Chair Lozeau replied that she hoped that it will move forward.

Alderman Deane stated that he recalls that when the Canadian based Company BPR presented an informational overview to the Board of Public Works of the services that their company could provide, he distinctly recalls a representative stating that if they could not provide us with assistance with cost savings and flow optimization then it would be at no cost to us.

Chair Lozeau stated that she feels that BPR has something to offer the City from the information they expressed in their letter to her. She mentioned that she could draft them a letter and specifically ask them what they meant by their comments.

City Engineer Dookran stated that he would call BPR directly and inquire about the no cost comment.

Chair Lozeau said she had concerns about state cut-backs and matching funds. She added that if there is a way to have a good system that does what we need it to do, and is cost effective, then it should be pursued.

City Engineer Dookran informed the board that certain changes in the program's criteria would have to be negotiated with the EPA. He added that at this time we are performing a re-evaluation study for the screening and disinfection facility and recommendations are due by March 31, 2009 and if we have results that we can submit at the same time we may be able to incorporate them.

He suggested that he calls BPR and asks them to do some up front work for a reasonable fee and if they come back with favorable results, we will issue a contract.

The board concurred.

MOTION CARRIED: Unanimous.

VII. Street Department

A. Motion: To approve the hiring of Mr. Joe Santin to the position of Mechanic-Auto First Class at the Street Department. Funding for this position is found in the operating budget of the Street Department in account #553-11474-6930.

MOTION: Commissioner Pappas to approve the hiring of Mr. Joe Santin to the position of Mechanic-Auto First Class at the Street Department.

Funding for this position is found in the operating budget of the Street Department in account #553-11474-6930.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

B. Motion: To approve the hiring of Mr. Bennie Bausha to the position of Truck Driver at the Street Department. Funding for this position is found in the Street Department operating budget in account #553-11759-6923.

MOTION: Commissioner Pappas to approve the hiring of Mr. Bennie Bausha to the position of Truck Driver at the Street Department. Funding for this position is found in the Street Department operating budget in account #553-11759-6923.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

C. Motion: To approve the hiring of Mr. Victor Rezendes to the position of Truck Driver at the Street Department. Funding for this position is found in the Street Department operating budget in account #553-11759-6923.

MOTION: Commissioner Pappas to approve the hiring of Mr. Victor Rezendes to the position of Truck Driver at the Street Department. Funding for this position is found in the Street Department operating budget in account #553-11759-6923.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

VIII. Parks & Recreation Department

A. Motion: To approve the purchase of a 2008 Ford F150 Pick-up truck from Grappone Ford of Bow NH for the sum of \$13,972. Funding will be from account FY09 #55268045-6911.

MOTION: Commissioner Dyer to approve the purchase of a 2008 Ford F150 Pick-up truck from Grappone Ford of Bow NH for the sum of \$13, 972. Funding will be from account FY09 #55268045-6911.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimous.

B. Informational: Thank you letters from the Telegraph, Human Society and residents. (on file)

IX. Solid Waste Department

A. Motion: To approve Change Order #1 to R.D. Edmunds & Sons, Inc. in the amount of \$148,018.00 for the continued construction of the landfill setback soil wall, and removal and resetting of guard rail. Funding for this purchase is found in Account #791-69050-0-3788.

- *R.D. Edmunds estimate of material quantities required for continued construction of the landfill setback soil wall.*
- *R.D. Edmunds cost proposal for continued construction of the soil wall.*
- *R.D. Edmunds cost for removal and resetting guard rail.*

MOTION: Commissioner Pappas to approve Change Order #1 to R.D. Edmunds & Sons, Inc. in the amount of \$148,018.00 for the continued construction of the landfill setback soil wall, and removal and resetting of guard rail. Funding for this purchase is found in Account #791-69050-0-3788.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

B. Informational: Draft Expanded Recycling Program. This is for discussion at the next scheduled Board of Public Works meeting.

Chair Lozeau informed the Board that today's meeting was scheduled for 3:00 because she had a strategic planning meeting with the school department and wanted the Board to have an opportunity to review it for discussion at the next scheduled BPW meeting.

MOTION: Commissioner Pappas to place on file and discuss at the next BPW meeting.

SECONDED: Commissioner Lavoie.

Commissioner Lavoie inquired as to whether the expanded recycling program would now pose a negative impact on the City with the costs of metal and paper being at an all time low.

Recycling Coordinator, Sally Hyland discussed fluctuations in the market and storage of recyclables with the Board.

MOTION CARRIED: Unanimous.

X. Wastewater Treatment Facility

A. Motion: To approve the User Fee Warrants as presented.

MOTION: Commissioner Dyer to approve the User Fee Warrants as presented.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimous.

XI. Administration

A. Motion: To accept the resignation of Tina Carter, Administrative Assistant I, DPW Administration/Engineering

Department effective December 31, 2008.

MOTION: Commissioner Dyer to accept the resignation of Tina Carter, Administrative Assistant I, DPW Administration/Engineering Department effective December 31, 2008.

SECONDED: Commissioner Lavoie.

Commissioner Dyer stated that Tina Carter was always very accommodating and always helping people. He added that she will be missed.

Alderman Deane wished Mrs. Carter well and thanked her.

Thank you Tina.

MOTION CARRIED: Unanimous.

B. Informational: 2009 Board of Public Works Meeting schedule

MOTION: Commissioner Dyer to approve the Draft 2009 Board of Public Works meeting schedule.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

Chair Lozeau requested that the Director's Report be postponed at this time because she needed to attend the strategic planning meeting with the schools.

Interim Director Fredette concurred.

XII. Interim Director's Report- (Addressed at the end of the meeting)

XIII. Commissioners

Chair Lozeau asked for comments from the Commissioners.

Commissioner Dyer stated that he thought that the report he had requested regarding Thanksgiving Day at Stellos was to be in the packet.

Chair Lozeau replied that Superintendent Caggiano has collected the data but has not yet completed the report and that it would be available for the next meeting.

Commissioner Pappas stated that she would like to see our employees evaluated on a yearly basis. She added that this would be a strong management tool.

Commissioner Pappas asked for the status of the Director's position.

Chair Lozeau informed the Board that that there were two finalists for the second interview and one withdrew today so she believes she will repost it.

She added that Interim Director Fredette was doing a good job but the Director's position was such a significant senior management position in the City and it reaches across many different departments that they need to get exactly the right person.

The Board concurred.

Chair Lozeau addressed tabled items.

XIV. Tabled Items

*I. R-08-23- CHANGING THE PURPOSE OF THE REMAINING EXPENDED BOND PROCEEDS IN ACCOUNT #757-3729 "PARKING FACILITY RENOVATIONS/IMPROVEMENTS" (*Passed by the Board of Aldermen on 11/12/08)*

Interim Director Fredette informed the Board that the Board of Aldermen passed R-08-23 on November 12, 2008.

MOTION: Commissioner Dyer to remove R-023-08 from the table.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

MOTION: Commissioner Lavoie to have no objection to the passage of R-08-23

SECONDED: Chair Lozeau.

MOTION CARRIED: Unanimous.

At the Special Meeting of October 27, 2008 the following items were tabled:

Alderman Deane stated that O-08-41 was being held at the full Board of Aldermen.

II. O-08-41- ASSIGNING RESPONSIBILITY FOR ROADS TO THE INFRASTRUCTURE COMMITTEE AND CREATING A BROAD STREET PARKWAY LIAISON ONE-MEMBER COMMITTEE

The Board concurred to leave O-08-41 on the table.

III. R-08-80-AUTHORIZING A MUNICIPAL AGREEMENT WITH THE STATE OF NEW HAMPSHIRE TO MUNICIPALLY MANAGE THE BROAD STREET PARKWAY PROJECT AND PROVIDE THE REQUIRED LOCAL FUNDS

MOTION: Chair Lozeau to move O-08-80 off the table.

SECONDED: Commissioner Pappas.

IN FAVOR: Commissioner Lavoie

OPPOSED: Commissioner Dyer.

MOTION CARRIED: Majority.

Chair Lozeau asked for a further motion.

MOTION: Commissioner Pappas to forward a favorably recommendation to the Board of Aldermen regarding O-08-80.

SECONDED: Chair Lozeau.

IN FAVOR: Commissioner Lavoie.

OPPOSED: Commissioner Dyer.

MOTION CARRIED: Majority.

Chair Lozeau requested that Interim Director Fredette prepares a memo for the Board of Aldermen regarding the action take at this meeting.

Interim Director Fredette concurred.

Chair Lozeau requested that Vice Chair Lavoie take over the meeting for she had to leave for the strategic planning meeting with the school department.

At the regular meeting of November 10, 2008 the following items were tabled:

I. MOTION TO TABLE: Commissioner Lavoie to approve the 10-31-08 DRAFT Trash and Recycling policies and violations letters and make them policy.

Commissioner Dyer inquired about the tabled item regarding the 10-31-08 Draft Trash and Recycling policies and violations letters.

Chair Lozeau informed the Board that she was working on state legislation for relevant code enforcement adding that Senator Lasky had agreed to sponsor the legislation.

Chair Lozeau left the meeting at approximately 4:50 p.m. to attend a strategic planning meeting with the school department.

Commissioner Lavoie requested that the Director's Report be presented.

Interim Director Fredette presented the Director's Report and discussed several ongoing divisional projects with the board.

MOTION TO ADJOURN: Commissioner Pappas to adjourn at 5:08 p.m.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

*Transcribed by Kathie Berube
DPW/BPW Administrative Assistant III*