

Minutes of the Board of Public Works Meeting of May 11, 2009

A regular meeting of the Board of Public Works was held on Monday, May 11, 2009 at 3:30 p.m. at the Division of Public Works, Administration and Engineering Office, 9 Riverside Street, Nashua, NH 03060.

Members Present

Mayor Donnalee Lozeau, Chair	David G. Fredette, Interim Director, DPW
Commissioner Tim Lavoie, Vice Chair	Steve Dookran, PE, City Engineer
Daniel Gagnon, Commissioner	Scott Pollock, Superintendent, Streets
Donald Dyer, Commissioner	Mario Leclerc, Superintendent, WWTF
Tracy Pappas, Commissioner	Wayne Husband, Superintendent, Traffic
	Kerry Converse, Interim Superintendent, SW
	Kathie Berube, BPW/DPW Admin Assistant III

Also Present

David Deane, Aldermanic Liaison
Jamie McNamee, Esquire, Corporation Council

Chair Lozeau opened the meeting at 3:34 p.m. and noted that all commissioners were present.

I. Motion: To approve the Agenda as presented.

MOTION: Chair Lozeau to open the meeting of the Board of Public Works of May 11, 2009.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimous.

II. Motion: To approve the Minutes of the Board of Public Works Meeting of April 13, 2009.

MOTION: Commissioner Gagnon to approve the Minutes of the Board of Public Works Meeting of April 13, 2009.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimous.

III. Public Comment

Community Development Director, Kathy Hersh – Permanent placement of three donated sculptures at Rotary Park. (*Motion under Administration*)

IV. Aldermanic Referrals – N/A

V. Public Session: AFSCME Local 365 Step III Grievances

Norman Litalian, Chief Stewart, AFSCME local 365 requested that the grievances be held in non-public session. (#08-16; #08-17; #08-18)

Chair Lozeau reviewed the criteria outlined in the Board of Public Works policy regarding non-public sessions (adopted July 14, 2008) and stated that none of the grievances met the criteria to be heard non-publicly.

Chief Stewart Litalian asked the Union rest.

Superintendent Leclerc reviewed the grievance #08-16 with the Commissioners.

MOTION: Commissioner Lavoie to deny the grievance #08-16 based on the articles presented by management.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

(#08-17) The Union asked to rest.

Superintendent Pollock reviewed the grievance with the Board.

MOTION: Commissioner Pappas to deny grievance #08-17.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

(#08-18) The Union asked to rest.

Superintendent Pollock reviewed the grievance with the Board.

MOTION: Commissioner Dyer to deny grievance #08-18.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

VI. Engineering Department

A. *Part I. Motion: To approve the Sewer Agreement between the City of Nashua and Jensen's Inc. of 246 Redstone Street, P.O. Box 608, Southington, CT 06489.*

Paul Hayner, P.E., representing Jenson's Inc., and Kris Jenson, Jenson's Inc. were present and discussed with the Board the proposed sewer fee waiver agreement between the City of Nashua and Jensen's Inc. of 246 Redstone Street, P.O. Box 608, Southington, CT 06489.

Jon Lebrun, Deputy City Engineer/Project Manager mentioned that the city's legal department advised regarding the contract agreement.

MOTION: Commissioner Dyer to approve the Sewer Agreement between the City of Nashua and Jensen's Inc., of 246 Redstone Street, P.O. Box 608, Southington, CT 06489 and that on behalf of the City, the Mayor is the only one to sign the contract, not a designee.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

Part 2. Motion: To recommend in accordance with NRO section 255-59 the abatement of \$142,485.00 for all sewer connection fees for the 483 existing units of the River Pines Mobile Home Park.

MOTION: Commissioner Lavoie to approve recommending to the Board of Aldermen, in accordance with NRO section 255-59 the abatement of \$142,485.00 for all sewer connection fees for the 483 existing units of the River Pines Mobile Home Park.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

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

MOTION: Commissioner Dyer to approve the Residential Wastewater Service Permits and fees as submitted.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimously.

C. Motion: *To approve the award of the construction contract for the Sidewalk Program Lund Road, Phase 1 and South Main Street to the low bidder, Mill City Contracting of Derry, NH in the amount of \$263,939.50. Funding for this contract will be through account 653-09, Capital Improvements, FY 2006 Sidewalk Program in the amount of \$174,337, account 653-18, Capital Improvements, FY 2007 Sidewalk Program in the amount of \$12,154 and account 653-20, Capital Improvements, FY 2008 Sidewalk Program in the amount of \$77,448.50.*

MOTION: Commissioner Pappas to approve the award of the construction contract for the Sidewalk Program Lund Road, Phase 1 and South Main Street to the low bidder, Mill City Contracting of Derry, NH in the amount of \$263,939.50. Funding for this contract will be through account 653-09, Capital Improvements, FY 2006 Sidewalk Program in the amount of \$174,337, account 653-18, Capital Improvements, FY 2007 Sidewalk Program in the amount of \$12,154 and account 653-20, Capital Improvements, FY 2008 Sidewalk Program in the amount of \$77,448.50.

SECONDED: Commissioner Gagnon.

Commissioner Dyer stated that he would not vote in favor of the motion because existing sidewalks are not being maintained in the winter.

Chair Lozeau discussed efforts to earmark funding for additional sidewalk snow removal equipment. She added that she shares his concern but she is making efforts to improve the situation.

OPPOSED: Commissioner Dyer.

MOTION CARRIED: Majority.

D. Motion: *To approve Change Order No. 20 to the construction contract for the Wet Weather Flow Treatment Facility to Methuen Construction Corp., in the amount of \$13,702.00. 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. 20 to the construction contract for the Wet Weather Flow Treatment Facility to Methuen Construction Corp, in the amount of \$13,702.00. Funding for this change order will be through account # 792-01310-3799-0000, Wet Weather Flow Treatment Facility.

SECONDED: Commissioner Gagnon.

Aldermanic Liaison David Deane asked the Board not to pay this Change Order request and read aloud the discussion backup information provided by the Engineering Department for the Agenda packet. He stated that Metcalf and Eddy should be held responsible.

Jeanne Walker, Project Manager explained that in previous discussions with the City's legal department it was concluded that this is not rework but a modification to the transfer switch (*in this particular case*) that was required originally.

Chair Lozeau said it sounded like a design issue.

City Engineer Dookran expressed that this \$30M project needed to be put into context and that in the beginning, when the construction first started, there were larger Change Orders and if it was because of design or omission he had a problem with that and personally tried to get Metcalf and Eddy to accept responsibility and unfortunately they did not. He stated that that's when he went to the legal department and got the explanation Mrs. Walker previously mentioned.

He stressed that at this point in the project, this was a minor omission and with a project of this size it should be expected. He added that Metcalf & Eddy were well under the 5% in Change Orders typically seen in this type of project.

Discussion continued regarding legal recourse with Metcalf and Eddy.

MOTION CARRIED: Unanimously.

*E. **Part 1. Motion:** To approve the contract with Hayner/Swanson, Inc. for the design of the Haines Street Sewer Separation project for an amount not to exceed \$105,000. Funding for this contract will be through an account to be assigned by Financial Services.*

Relating to item E, Interim Director Fredette informed Chair Lozeau that he received a call from CFO Gilbar and the legal department regarding the need to call a Special Finance Committee meeting tomorrow night in order to meet the guide lines for the economic stimulus funding.

MOTION: Commissioner Gagnon to approve the contract with Hayner/Swanson, Inc. for the design of the Haines Street Sewer Separation Project for an amount not to exceed \$105,000. Funding for this contract will be through an account to be assigned by Financial Services.
SECONDED: Commissioner Dyer.

Chair Lozeau discussed the familiar issues regarding Haines Street and explained the funding for the project. She requested that City Engineer Dookran explain the facets of the project.

City Engineer Dookran and Project Manager, Amy Gill discussed the proposed project with the Board.

MOTION CARRIED: Unanimously.

E. Part 2. Motion: To approve the contract with Hayner/Swanson, Inc. for construction services for the Haines Street Sewer Separation project for an amount not to exceed \$48,000. Funding for this contract will be through an account to be assigned by Financial Services.

MOTION: Commissioner Gagnon to approve the contract with Hayner/Swanson, Inc. for construction services for the Haines Street Sewer Separation project for an amount not to exceed \$48,000. Funding for this contract will be through an account to be assigned by Financial Services.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimously.

*F. **Informational:** American Recovery and Reinvestment Act of 2009 (Stimulus Package) – Final NHDES Clean Water SRF Priority Lists: Wastewater Projects, Green Infrastructure – Nonpoint Source (Stormwater) Projects, Green Infrastructure - Energy Efficiency Projects*

MOTION: Commissioner Pappas to accept item F and place on file.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimously.

*G. **Informational:** NPDES Phase II MS4 Stormwater Permit, 2009 Annual Report*

MOTION: Commissioner Pappas to accept item G and place it on file.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimously.

*H. **Informational:** NHDES Stormwater Utility Study Grant, \$27,500 Award to City*

MOTION: Commissioner Pappas to accept item H and place it on file.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

*I. **Informational:** Stormwater/Drainage Program Status Update*

MOTION: Commissioner Pappas to accept item I and place it on file.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

*J. **Informational:** Real Time Control (RTC) Status of Phase II Study by BPR-CSO*

MOTION: Commissioner Dyer to accept item J and place it on file.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

*K. **Informational:** Robert Meunier has been issued the Senior Roads Scholar Program Award (Level 3) from the UNH Technology Transfer Center*

MOTION: Commissioner Pappas to accept item K and place on file

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

VII. 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 Gagnon.

MOTION CARRIED: Unanimously.

B. Motion: To approve the purchase of a replacement Fairbanks Morse pump from Hayes Pump, Inc. for the amount of \$18,782.00. Funding for this purchase is found in #802-96007-8500-8900.

MOTION: Commissioner Gagnon to approve the purchase of a replacement Fairbanks Morse pump from Hayes Pump, Inc. for the amount of \$18,782.00. Funding for this purchase is found in #802-96007-8500-8900.

SECONDED: Commissioner Lavoie.

MOTION CARRIED: Unanimously.

VIII. Traffic & Parking Department

A. Motion: To approve the usage of the southern half of the School Street Parking Lot on Fridays from 1pm to 7pm by the Farmers Market beginning on June 5, 2009 and ending on October 30, 2009.

MOTION: Commissioner Pappas to approve the usage of the southern half of the School Street Parking Lot on Fridays from 1pm to 7pm by the Farmers Market beginning on June 5, 2009 and ending on October 30, 2009.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

B. Motion: To approve the hiring of New England Signal of Brentwood, NH to replace seven loop detectors city wide at a cost of \$4,200. Funding for this award is found in the following Developer Contribution Accounts:

#772-01339-3720	\$1,200	(2) Spitbrook at Oracle East & West
#951-74170-5353	\$600	(1) East Dunstable at Lund
#951-74170-5356	\$600	(1) 111A at Main Dunstable
#772-01339-3720	\$1,200	(2) DW Highway at Poisson
#951-74170-5353	\$600	(1) Amherst at Blackstone

MOTION: Commissioner Dyer to approve the hiring of New England Signal of Brentwood, NH to replace seven loop detectors city wide at a cost of \$4,200. Funding for this award is found in the following Developer Contribution Accounts:

#772-01339-3720	\$1,200	(2) Spitbrook at Oracle East & West
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#772-01339-3720	\$1,200	(2) DW Highway at Poisson
#951-74170-5353	\$600	(1) Amherst at Blackstone

SECONDED: Commissioner Gagnon.

A discussion was had regarding specific monetary appropriations for particular quadrants.

MOTION CARRIED: Unanimously.

IX. Street Department

A. Motion: To approve the award of the contract for the construction of the new automated fuel management system to Lemlin Environmental Systems of Chicopee, MA in the amount of \$141,569. Funding for this contract is found in Account #590-23553-Prior year escrow, Street Department, Fuel Management System in the amount of \$130,000 and Account #374-64038 FTA-ARRA-Software Upgrades in the amount of \$11,569.

MOTION: Commissioner Pappas to approve the award of the contract for the construction of the new automated fuel management system to Lemlin Environmental Systems of Chicopee, MA in the amount of \$141,569. Funding for this contract is found in Account #590-23553-Prior year escrow, Street Department, Fuel Management System in the amount of \$130,000 and Account #374-64038 FTA-ARRA-Software Upgrades in the amount of \$11,569.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

X. Solid Waste Department

A. Motion: To approve the selection of Lisa Fauteux for the position of Superintendent of the Solid Waste Department.

Chair Lozeau introduced Lisa Fauteux.

Chair Lozeau thanked Kerry Converse for residing as interim Superintendent of the Solid Waste Department.

MOTION: Commissioner Pappas to approve the selection of Lisa Fauteux for the position of Superintendent of the Solid Waste Department.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

B. Motion: To join the Concord Regional Solid Waste Resource Recovery Cooperative for future processing of single stream recycling.

Sally Hyland, Recycling Coordinator discussed the pros and cons related to joining the Co-op.

Chair Lozeau commented that she would like Superintendent Fauteux to review the contract with the Concord Regional Solid Waste Resource Recovery Cooperative in order to get her opinion for the next Board of Public Works meeting. She added that a deadline for joining the Co-op was June 8 and suggested a decision be made at the next meeting.

MOTION TO HOLD: Commissioner Gagnon to hold until the June 8, 2009 meeting

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimously.

C. *SWAP Shop discussion will be held until the June 8, 2009 meeting to allow the Superintendent to review the status. (Held)*

MOTION: Commissioner Dyer to amend the Agenda and to keep the Swap Shop closed.

Chair Lozeau explained that she wanted to have a discussion at the next meeting of the Board so that Superintendent Fauteaux could have the opportunity to access it.

MOTION TO HOLD: Commissioner Gagnon to hold for the meeting of June 8, 2009.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Majority.

XI. Parks & Recreation Department

A. American Defenders

A discussion was had regarding a request from the American Defenders to place 3 x 5 banners at various softball and baseball fields throughout the City of Nashua.

There were no objections from the Commissioners.

A brief discussion was had regarding the ice storm cleanup.

XII. Administration

A. Motion: To approve the permanent placement of three donated sculptures at Rotary Common.

MOTION: Commissioner Lavoie to approve the permanent placement of three donated sculptures at Rotary Common.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

XIII. Director's Report

Interim Director Fredette presented the Director's Report and a handout of photos of various ongoing divisional projects.

Alderman Deane left the meeting at 6:07 pm.

XIV. Commissioner's Comments

XV. Non-Public Session

Commissioner Lavoie moved to go into non-public session by roll call pursuant to RSA 91-A: 3, II (c) for the purpose of discussing the matters which, if discussed in public, would likely adversely affect the reputation of a person or persons not a member of this board.

SECONDED: Commissioner Pappas.

ROLL CALL: Commissioner Dyer – yes, Commissioner Gagnon – yes, Mayor Lozeau, - yes, Commissioner Lavoie - yes, Commissioner Pappas – yes.

Commissioner Lavoie moved that the committee seal the minutes of the non-public session by roll call until such time as the majority of the committee votes that the purpose of the confidentiality would not longer be served.

SECONDED: Commissioner Pappas.

ROLE CALL: Commissioner Dyer – yes, Commissioner Gagnon – yes, Mayor Lozeau, - yes, Commissioner Lavoie - yes, Commissioner Pappas – yes.

MOTION: Commissioner Lavoie to adjourn at 6:45 P.M.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

*Transcribed by
Kathie Berube
DPW Administrative Assistant III*