

**Board of Public Works Meeting
Meeting Minutes
January 31, 2019**

A meeting of the Board of Public Works was held on Thursday, January 31, 2019, at 5:30 p.m. in the Auditorium at City Hall, 229 Main Street, Nashua, NH 03060.

Mayor Donchess, Chair, declared the meeting to order at 5:30 p.m. and called the roll.

Members Present:

Commissioner Joel Ackerman, Vice Chair
Commissioner Tracy Pappas
Commissioner Kevin S. Moriarty
Commissioner G. Frank Teas (Arrived at 5:17 p.m.)

Also Present:

Ms. Lisa Fauteux, Director, Division of Public Works
Mr. Jeffrey Lafleur, Superintendent of Solid Waste
Mr. Steve Dookran, City Engineer
Attorney Steven A. Bolton, Corporation Counsel
Mr. Andy Patrician, Assistant Director, Division of Public Works
Mr. Jon Ibarra, Superintendent of Streets
Alderman Ernest Jette, Aldermanic Liaison

MOTION: Commission Pappas made a motion to approve the agenda as amended.

MOTION CARRIED: Unanimously

Approval of Meeting Minutes – December 20, 2018

MOTION: Commissioner Pappas to approve the minutes from the Board of Public Works Meeting of December 20, 2018.

MOTION CARRIED: Unanimously

Public Comment

There was none.

Presentation: Four Hills Landfill (presented by Eric Steinhauser of Sanborn Head & Associates, Inc.)

Mr. Steinhauser, Engineer, Sanborn Head & Associates, Inc.

Sanborn Head has been working at the Four Hills Landfill site since about 2009 in various design and operations projects.

This evening I will be talking about the upcoming construction that is proposed as well as some future planning.

This is an aerial photograph of the Four Hills Landfill which shows the closed, unlined landfill. There is also an old C&D landfill that is unlined and closed. This area is phase I of the first unit that was built under the current regulations for lined landfills. The city is presently mostly in phase II where the waste is being disposed of and some of it goes into phase I as well. The red lines represent the limit of waste that can be placed in those areas. The red lines represent the limit of waste. There is a 500-foot setback from the residential properties. When the facilities were first permitted and built, the liner system goes beyond those lines and the city has to fill those areas with clean soil and that's done with a barrier wall so we can get height and optimize the amount of waste that goes into the facility. There is a gas energy facility which is landfill gas that is generated in the landfill and collected and made into electricity. There is a compost area where liquids that come through the landfill are collected and drained to the manhole box and that drains by gravity out to the city sewer system. There is an area where the residents of the city can drop off their recyclables and waste. The operations for the landfill are located in this area and there are six detention basins on the site and the dots represent the ground water monitoring system.

Tonight, I am going to talk mostly about phase III which would be on the south side of the landfill. It will be the next lined area. Phase III was permitted back when phases I and II were but it just hasn't been built yet. The limits are set so we will not go beyond the permitted limit of waste.

Phase IV would be to find another spot in the Four Hills Landfill where we can develop another lined landfill. This would incorporate overfilling part of phase I and phase II on the south side as well as overfilling on the closed landfill. The access road in the center would also be lined to control the waste disposal. Phase III is an interesting project. It would be your first construction of a lined landfill at the Four Hills Landfill since 2008. Right now, there is a vertical barrier wall that a contractor periodically comes in and builds it for the city so we can keep placing waste. Our design for phase III eliminates the need to build that. Phases I, II & III were originally permitted that the liquids in the landfill would flow through the liner systems and out to the manhole. Back in the 90's when this was permitted, it was okay by the state rules but that is no longer the case so we have eliminated liner penetrations without design. To do that we have an active pumping system. The leachate goes to a sump and gets pumped out and pumped into the existing system. One of the challenges of this was the ground water because we have to have a separation between the top of the ground water and the bottom of the liner system. Many of the wells that you saw were in place so we can understand where groundwater is and we can design the bottom of the landfill and from that design, figure out how much capacity the life of the landfill will be.

To do all of this work there will be two stages of construction. The first one we would like to do this year and that is to set the major parts of the facility and the second stage, which would be about five years out, would be to build the rest of the infrastructure to maximize the capacity at the landfill.

Phase III is about a 6-acre landfill in total and we would be looking at some significant earth work to build the perimeter berms and get to the grade to build the landfill properly.

One thing to note is that pond six was upgraded to meet the new regulations.

Commissioner Pappas

Regulations changed frequently. What happens if we get approved and we are in the middle and the regulations change?

Mr. Steinhauser

Once you are approved and you have your permit, you fall under those rules. If you want to make a change to the facility, depending on what the change is, if there is a rule change that is associated with that

modification, then you would have to follow the new ones. Because we are sending a different amount of water to the pond, we had to upgrade the regulations.

The red lines here are the leachate collection pipes which is the liquid that comes through the waste will be collected in a pipe network and it will drain to the sump. There is a pumping network that pumps the liquid up through a riser building, which is an actual structure where we will have meters and be able to extract the pumps for maintenance and see how much flow is going through and do sampling if we need to.

The pumping network will pump it all the way up to the top of the hill where we would change from the force main to a gravity main and it will drain back in a pipe back to an area of phase II where there is already plumbing to bring that phase III liquid to the existing system. We are trying to use as much of the existing infrastructure as we can without having to replace a lot more pipe at the landfill.

Commissioner Ackerman

Are we taking rainwater and pumping it out...

Mr. Steinhauser

Any water that comes into contact with waste, by rule, is considered leachate and that has to be handled separately than stormwater.

The next slide has blue lines that indicate the ground water contours and the green lines are computer modeling to see the difference between the top of the ground water and the bottom of the landfill. We have to have a 6-foot separation by rule. It has been a wet year and the ground water table has risen since we did this so one of the conditions of the permit is to monitor ground water and make sure we have the separation. The city has been monitoring that and we have to keep monitoring it through June of 2019 and show the state we have the separation.

Alderman Jette

Can you explain the lines again?

Mr. Steinhauser

The blue lines are like topography lines for ground water. The low of the ground water is down here and that is why we put the sump there. The curved lines are other 10-foot contour lines of the ground water with the highs being off on the edges on either side. The water flows from the edges into the landfill footprint and then downward.

Alderman Jette

Where will phase III be located?

Mr. Steinhauser

Phase III will be located at the bottom, right hand side of the page.

Director Fauteux

It will be right behind phase II where we are currently working.

Alderman Jette

That is not very far from the houses on Pioneer.

Mr. Steinhauser

That's correct. The red lines for phases I and II represent the 500 feet from those houses. If you were to continue those lines that would set the boundary for phase III which is a state requirement. Phase IV, which is in the middle of the site is well away from the 500-foot setbacks. When it was originally permitted, phases I, II and III were permitted as one package and we are modifying it to adjust for the vertical wall issue as well as for the ground water table.

The construction project is pretty straight-forward, it's some earth work and then we put down some synthetic materials for barrier layers and drainage layers. It's multi-layer thick at 2+ feet thick and there will be a perimeter berm around the outside which will be constructed out of soil. Phase III will be built this summer in the 6-acre area which is in the 500-foot setback. There is just over 1 million yards of air space for disposal capacity in that area. Based on your current waste stream coming in and compaction, it's about 6 ½ years of capacity. We would go to phase II about five after you start filling it. Phase IV will build a more soil berm along the outside and place more liner material so all of the waste would stay inside the limit of waste. We will place the liner such that all of the waste is always staying inside that limit of waste. You will get another 280,000 cubic yards or another 3 ½ years of capacity. The construction of that would be mostly the soil berm and some more liner system but not as extensive as phase III.

Commissioner Ackerman

Why does 1 million cubic yards last 6 ½ years but 280,000 cubic yards only last for 3 ½ years.

Mr. Steinhauser

As you start a new landfill your first lifts are placed loser because you don't want...we call it select waste, we have to be protective of the liner systems. You don't get as good of a compaction in the early years because you don't have the thickness of waste and as we go longer you are getting settlement of the waste. We look at what we call an air space utilization factor. We do math based on the tonnage brought in and the historic placement that we are able to see.

Commissioner Ackerman

Is there an overlap between the phases? Is it contiguous?

Mr. Steinhauser

It is contiguous, correct.

Commissioner Pappas

Are all these phases going to be included in the permit?

Mr. Steinhauser

The original permit included phases I, II and III. When you are ready to build the next phase there is another application for construction, it's called a Type II Permit. Phases I and II are built and are active. Phase III we did not need yet so you don't build what you don't need. Capacity is running out in the landfill so we need to get it built. To get permission for construction there was another permit application to modify the original one

so that is what we did. We showed the state the modifications that we are doing over a year ago. Because we are modifying it, we had to go through alteration of terrain with the Department of Environmental Services and we have all of those permits in hand. We just need the local approvals to go forward.

Director Fauteux

We will also be working on getting the permitting done for phase IV. We only have permits for I, II and III.

Commissioner Pappas

If we get I, II and III, how many years will that buy us?

Mr. Steinhauser

Phase III will get you an additional ten years. If you didn't do anything you would have four or five years left. You need overlap between the phases because you want to select the waste that goes on the new liner systems. You also want overlap between the phases so you can properly remove machinery and have good operational control.

What is nice about the phase III design is that you build one project now and in five years you build another project and the city doesn't have to deal with the periodic vertical wall construction which hampers how they can do work.

At the end of the day when phase III is filled it's going to look like this and just to note there is a lot of grading at the bottom and then it stops. This is the area where clean soil is placed in the liner system and part of the job was to eliminate having to do that. There is earthwork to build a berm around phase III but we are not building the extra liner system because we don't need to.

Alderman Jette

What is the liner built out of?

Mr. Steinhauser

In New Hampshire the rules are to have a geomembrane material and I have two types to show the Board. One is a 60 mil. thick, high density, polyethylene material which every site in this country and internationally uses. It is textured for slopes stability issues so there is no sliding. There is a primary geomembrane and a secondary geomembrane. When this gets built, they will do earth work to grade the site to where it needs to be and we will place a six-inch-thick layer of a low permeability, very dense material and on top of that we will put the first layer of the plastic material. On top of that will be a drainage material which is kind of like carpet with a drainage net in between. It allows water to move through it so it can be collected in the sumps. On top of that is the primary geomembrane and then another composite for the leachate directly from the landfill and then there is an 18-inch-thick sand layer above that and waste is placed above that. In the sump area there is another material that is called a geosynthetic clay liner. Inside of that textile is a very fine clay called sodium montmorillonite or bentonite and it is placed in the sump as an extra precaution because that is where you have the thickest amount of standing liquid. If there were to be a hole in one of the membranes that would swell up and prevent water from going through.

The construction is a big earth work job with some specialty geosynthetics being placed. We will be writing a pretty thick report that documents all of the stuff that goes in.

Alderman Jette

Is the material a source of contamination?

Mr. Steinhauser

No sir. These materials have been used for a long time and they have been tried are true tested. Even the closed landfills have similar materials on them.

Alderman Jette

Is the estimated length the landfill will last based upon how much stuff is put in there?

Mr. Steinhauser

That's correct, it's based on your current and projected waste stream. Some of it has to do with types of waste it is and how well you can compact it. There are a number of factors but the tonnage is probably the biggest nut to crack. It is only an estimate.

Commissioner Moriarty

With regard to the pumping station you are planning on building, what does that run on?

Mr. Steinhauser

It runs on electricity. Eversource would have to put some new poles in for overhead and then we would run below grade conduits to the pump house.

Commissioner Moriarty

Is that an automatic on/off system?

Mr. Steinhauser

There is a submersible sump that is put into the bottom. These pumps are specially made for leachate environments. There is a number of sensors associated with the pump that reads the water level so when the water level reaches a certain point the pump kicks on and when it goes down to a certain level, it shuts off. It does not run 24 x 7 and it depends on how much waste there is, how dry the waste is and how much rain has happened. It's all automated and the operation staff can see the operations of the pump. There is another level that indicates the level is too high and a warning will go off so the staff can repair it.

Alderman Jette

Has any thought been given to producing our own electricity to operate it?

Mr. Steinhauser

We have not for this project but it is a possibility. It is a little bit outside of my expertise but sometimes it's cheaper to buy it. If it was something the city wanted to look into, we could certainly direct you to people who can do that.

Phase IV would be overlying the large, unlined, closed landfill and that application is in the process of being prepared, including the engineering design, the hydro-geologic environment around it and the stormwater design that goes along with it. This would be a new landfill so it would be another new permit for that facility and not a modification like phase III was. Our estimates right now of the volume is 3 to 4 million cubic yards which would last an additional 40 to 50 years. One of the goals was to look forward enough so the city has capacity security.

Director Fauteux

We still need to get this permitted and the permitting process could take three to four years.

Mayor Donchess

You are saying if phase IV were to be permitted with the other phases it would add 40 to 50 years.

Mr. Steinhauser

Yes.

Commissioner Pappas

Is it going to be harder to do a brand-new phase IV or will the other phases be more difficult to do as far as the infrastructure we have to put in?

Mr. Steinhauser

Phase IV is not hard to develop. Part of the infrastructure already exists because phases I and II...that liner system meets the current regulations. It's the places that don't have a liner in between the two landfills and up on the side slope of the closed landfill will have to have a modified liner system to bring it up to code. The cover system is a less restrictive design than a liner system. There are actually three types of liner systems that need to go in place but it's not a complicated construction. It will be built in phases because of how big it is. The infrastructure for leachate lines are nearby so we would have another sump and pump system but that is a pretty short run compared to what phase III has. There are some other modifications that have to happen on phases I and II because there is there is gas extraction infrastructure which needs to be modified but it's not complicated but does need to be permitted and designed. It would be a good idea to get the permit now so it's done.

Alderman Jette

What happens to the leachate after it gets pumped up to the top of the hill and flows down? Where does it go and what happens to it?

Mr. Steinhauser

All of the leachate from phases I, II and III and also the future phase IV...there is a gravity sewer line on site that leads to a pump station off of West Hollis Street and that goes to the Wastewater Treatment Plant and is treated as sewage.

Director Fauteux

It is pumped through the Trestle Brook pump station to the Wastewater Treatment Plant.

Alderman Jette

Does it get treated on-site?

Director Fauteux

It gets treated at the Wastewater Treatment Plant.

Alderman Jette

It sounds like phases I, II and III are more complicated.

Mr. Steinhauser

There are different complications. Phase III is permitted but we need to go to construction. There are nuances to every project but phase III is not all that complicated. Phase IV has some other infrastructure that needs to be modified for it to be constructed but it is not overly complicated.

Alderman Jette

If phase IV were to be permitted, can we skip phase III?

Mr. Jeffrey Lafleur, Superintendent of Solid Waste

We are at a point where there is not much capacity left in phases I and II. If we wait for phase IV to get permitted, it could take another two years. We still have to do all of these meetings and public hearings. We also have to go through DES to get that done and we just do not have the time to make that happen. Just so you are aware, we are already out to bid for this project and we will be getting the bids back on February 20th and you will see a contractor selected at the next BPW meeting on February 25th.

Director Fauteux

Also, just to add to what Superintendent Lafleur said, phase III will give us some more because we are going to tie it into phase II and it will give us some additional air space.

Mayor Donchess

Are there any other questions or comments? Seeing none, thank you, Mr. Steinhauser.

Engineering Department

- A. MOTION (*tabled from 10/25/18*):** To allow a fence located in the right of way at 1 Hutchinson Street to remain in its current location.

Mr. Steve Dookran, City Engineer

Just to review, the fence located at 1 Hutchinson Street has been installed within the city's public right-of-way. According to the homeowner, they were misled by the fence company as to where the right-of-way line was and thus, we have a fence that is in violation of the city ordinance. The ordinance states that if fences or walls will abut a street it has to first come to the City's Engineering Office for review with regard to lines and grades

and that was not done. Secondly, the same ordinance states if there is an obstruction or encroachment within the right-of-way, that has to be approved by the Board of Public Works, but only if safety needs are met. This situation was brought to our attention by a neighbor of 1 Hutchinson Street who complained about a sight distance problem as a direct result of the installation of the fence being placed too close to the roadway, especially when they try to back out.

The Board tabled the discussion at the October meeting to have the opportunity to review it. In the meantime, the division looked to see if there was a compromise that could be done by simply adjusting the fence. We looked at the scenario of being in the driveway trying to back out, focusing on at what point do you start to see an improved sight distance. We determined if the corner of the fence was brought back by 3 feet and angled it, there would be an improved sight distance. It would not be ideal and it would only give that driver backing out the ability to see more. It would not meet engineering standards. For instance, we look at vehicles travelling 20 mph; a vehicle needs 155 feet to stop when there is something that they can collide with, whether it is another vehicle or a pedestrian in the street. According to engineering standards, it takes three seconds to receive and react to the situation and you are still travelling within those three seconds. It then takes a certain amount of time to decelerate and stop. Higher speeds would need more than 155 feet to stop. As it is, it does not meet the 155 feet, even if we were to bring the fence back by 3 feet, however, the situation would be improved.

We approached the owners of 1 Hutchinson Street and asked if they would consider bringing the fence back and either angling it in by 3 feet or moving the whole length by 3 feet. The owners stated they would not be interested in doing so. Our position has not changed with regards to the safety issue, but I feel the decision is up to the Board.

Commissioner Pappas

I was surprised that there is no general "X" number of feet setback throughout the city. Is it different from neighborhood to neighborhood or ward to ward?

Mr. Dookran

The public right-of-way varies throughout the city. The old right-of-way's that are accepted by the city, sometimes they are in the 36-foot range. Years back we started to standardize it as a 50-foot requirement so all sub-divisions going back from the 70's or 80's have the standard 50-foot driveway for a residential street. The street could be located anywhere within that 50-foot requirement. It is common practice for the street to fall directly along the center line and therefore, the distance between the edge of pavement and the right-of-way line is pretty standard but there are some streets that favor toward one side or the other.

Commissioner Pappas

Is there a minimum or maximum range?

Mr. Dookran

If you look at a 50-foot right-of-way, a typical sub-division has a 28-foot wide road and that means the edge of the street is 14 feet from the center line and the remaining distance would be 25 minus 14 which is about 11 feet.

Commissioner Pappas

Does that also apply when people put shrubbery up and the shrubbery grows out?

Mr. Dookran

Typically, no. We allow people to landscape the what is left of the right-of-way as long as they don't impede on the sight distance. We identify locations often that there are overgrown shrubs and we will approach the homeowner to trim the shrubs.

Director Fauteux

I think Commissioner Pappas' question was if there were shrubs in the right-of-way that created a sight distance issue, would the same apply. The answer is yes.

Commissioner Pappas

I can think of a few different sight issues with bushes and I really do not like sight distance issues in intersections but sometimes I think a fence is less intrusive than a shrub. Do you know if there were shrubs there prior to the fence?

Mr. Dookran

There was overgrown brush there.

Commissioner Pappas

But was the overgrowth where the fence was?

Mr. Dookran

According to what I saw, there was overgrown vegetation probably in the same location as where the fence is.

Commissioner Pappas

So, the neighbors that were there would have had to deal with the sight issue from the vegetation anyway.

Mr. Dookran

I would say they might have but we have no way of saying for sure.

Commissioner Teas

In the materials that we reviewed there was a reference to, without anyone accepting any wrong-doing, maybe someone being misled from the website. Has that material been updated?

Mr. Dookran

I think it has. The material that is put on the website is by the Community Development Division. I think it might have said "no permits required for fences unless it is taller than a 6-foot fence."

Commissioner Teas

Have we communicated with Gate City Fence or will we communicate with Gate City Fence?

Mr. Dookran

We are in the midst of trying to put together better documentation regarding fences and it is part of our plan to reach out to all of the fence companies to make sure they abide by existing and as well as any new rules.

Director Fauteux

Gate City Fence has had to move fences out of the city right-of-way recently so they are well aware of that issue.

Commissioner Teas

If we were to agree to the compromise that you outlined earlier; would we be liable for any accident that may occur?

Attorney Steven A. Bolton, Corporation Counsel

Like a lot of things in the law, the answer is maybe. You are taking a risk. If the automobile is going 60 mph down the street, I don't think the fact that vision is obscured to the driveway is going to be the big issue. In an appropriate case, however, the city would be liable. I analogize it to we don't catch every speeder on our roadways. If someone speeds on one of our roadways and we don't know anything about it, it's not our fault. If we go out and affirmatively give someone permission to drive down Main Street at 70 mph then it will be on us. The ordinance is quite clear that if you are going to build a fence, a building or plant landscaping that would impact sight distances, you are supposed to consult the engineer and the engineer would identify where the edge of the right-of-way is, the proper grade and other things that may impact sight lines or other issues and the service is done at no charge.

Gate City Fence should have known this. They are the experts in the field. All they had to do was consult with the City Engineer. There is a minimum time that the City Engineer has to respond and it's fifteen days. They are the people who were hired to apply their expertise to the situation. In my mind, they failed to exercise good professional judgement in that regard and if these homeowners bear any expense because of their failure to do what was right, then that is where their remedy lies, to go after the fence company. I can't in good conscience, advise you to ignore the law and to put the city treasury at risk.

Commissioner Ackerman

I have in front of me an ordinance named Chapter 285, Streets and Sidewalks. We talk about the editorial by the City Engineer and the mention of right-of-way but I don't see any mention of that within the ordinance. Am I missing something, Attorney Bolton?

Attorney Bolton

Abutting a public street means the same thing and there is reference to abutting a public street.

Commissioner Ackerman

Where is that information?

Attorney Bolton

In §285-7, "No person shall proceed to erect or make any alteration in the location or grade of any fence, wall, lawn or building, a part of which is to abut a public street."

Commissioner Ackerman

I had an opportunity to drive by the property and I thought the fence was well constructed and the property looked very good. I thought the homeowner had done a great deal of due diligence. I do agree with you that if we are going hold these "experts" responsible then maybe we ought to look forward to having them go through a permitting process so we don't have this type of situation ever happen again to a resident of the City of Nashua.

Director Fauteux

We are working on that now.

Commissioner Ackerman

I think we should work a little faster if we could. I still haven't heard, with regard to 1 Hutchinson Street, what the right-of-way is in terms of distance from the curb to the "thing." I've heard 11 feet, 15 feet and 14 feet. I went out and measured it and it's 62 ½ inches from the edge of the curb. I rode around the neighborhood and I saw other properties where the fences are right on the street. Granted, they are not 6 feet high, they may have been 3 or 4 feet and a chain link fence. I think we need to do the right thing by the residents of Nashua and I don't want to make this a hardship case for them but I do agree with your comment. If the people who installed the fence did something inappropriate and the Board doesn't agree to allow the fence to stay where it is currently then they might have some recourse against Gate City Fence. I thought it looked safe and I thought they did all of their due diligence. I thought the neighbor, as I understood it, was on the property the day of the installation and I thought they were consulted and at that time they didn't seem to have a problem with the location of the fence.

Attorney Bolton

Commissioner Ackerman, I certainly do not intend to argue anything but I am not so much worried about the neighbor, who may have assumed the risk when they indicated that they had no problem with fence, I am more worried about exposing someone who wasn't involved at all and happens to be driving down the street and ends up colliding with someone exiting the neighbor's driveway. If that third person is badly hurt, it is not going to matter if you let this occur, knowing what you know, we are going to get sued. The jury is not going to be very sympathetic with us. Other fences in other places that got done without first coming to the Board, I am not saying we have no risk there but I am saying we have less of a risk. You have more risk when you affirmatively allow something that has been brought to your attention.

Mr. Dookran

To be clear, the fence is about 11 feet from the edge of the street.

Commissioner Ackerman

With regard to the fence that is encroaching on Hughey Street, with the exception of that distance from the edge of the property...the resident there...to the other section beyond the gate, is the rest of the fence in agreement with the right-of-way?

Mr. Dookran

Yes, it's almost exactly on the right-of-way. That was kind of confusing to us; how could that fence be put where it should be and the rest of it is bumped out into the street.

Commissioner Pappas

Attorney Bolton, you said "fences" but when people have concerns about sites regarding overgrown bushes...I have had many more complaints about that. People don't go before the Board of Public Works to plant shrubbery. Would the city be liable if we ignored concerns of residents' that are of a vegetation nature or other things that are in the right-of-way?

Attorney Bolton

If brush grows naturally and then becomes a sight distance obstruction issue and people call it to the attention of the Board of Public Works or the Division of Public Works, a crew will go out and trim it back and make sure it doesn't present a hazard. If someone intends to plant 8-foot tall arborvitae within the right-of-way then the same ordinance would require them to go to the City Engineer and get the edge of the right-of-way delineated and it would be the same situation as this fence.

Commissioner Pappas

Usually what happens when we get sight issues is, we usually go to Code Enforcement first and then sometime Code will try to work with people. I want to be sure that we are consistent and fair with fences and brush. I find brush to be more difficult of a sight issue than a fence. It seems that it involves two departments and that is where I have been frustrated in the past.

Director Fauteux

The first thing would be for an engineer to go out and do an inspection to see if there was a sight distance problem. If there is a sight distance problem we would ask if it were bushes that they be trimmed back and if that didn't happen then we would get Code Enforcement involved and they would go out and try to work with the resident.

Commissioner Pappas

If the sight distance issue persists, where does the resident go?

Director Fauteux

If we have determined that there is a sight distance issue then Code would get involved in the removal at that point.

Attorney Bolton

In this case, you have a fence that is actually in the right-of-way, it's not on the unencumbered property of the homeowner. In the zoning ordinance, which the Code Enforcement Department enforces, there is a provision

for setting back a fence or shrubbery or anything else. The ordinance states that you measure back from the corner of a street by 25 feet in each direction and then draw a line between those two points and within that triangle it has to be free from any sight obstruction.

Mayor Donchess

I think what you are saying is that triangle might not be in the right-of-way.

Attorney Bolton

Exactly. Code Enforcement would probably approach the homeowner and tell them they were in violation and inform them they had to move their fence or cut back their brush. If they don't comply then we would enforce it with a court action in Superior Court with a mandatory injunction. The homeowner could then plead their case in court or go to the Zoning Board of Adjustment and seek a variance. Public works probably doesn't get involved in that case at all.

When we have something in the public right-of-way, the division could just go out there and remove the fence and the shrubbery. I think in the interest of harmony in the community that they speak to the property owner first and not just go and bulldoze the fence. However, that is a remedy the city has.

In this particular case, the homeowners are asking who they have to speak to in order to keep the fence where it is.

Commissioner Teas

For clarification, Attorney Bolton, is the fence on the city's property or in the right-of-way?

Attorney Bolton

This gets complicated and it's not understood by everyone. In a typical case, and I think this case is typical, what the city owns in our streets is not the fee interest, the total ownership of that property. The city has a type of easement called the right-of-way. The city has the right to maintain this strip of land and construct appropriate facilities on it to allow for vehicular and pedestrian traffic. The actual underlying ownership, like when oil is discovered in that strip, to the center of the right-of-way it belongs to the homeowner on this side of the street and to the center of the right-of-way it belongs to the homeowner on the other side of the street. Even on the edge of the right-of-way and certainly where the fence is now, it's interfering with pedestrian traffic because the pedestrian traffic is now going to be forced to walk in the area that is designed for vehicular passage. In this case, out to the center line of the right-of-way, which may or may not be the center of the pavement but in most cases it is. Sometimes the pavement is more to one side or more to the other side. The city has the right to keep that space clear. Beyond the right-of-way, the city has only what it can do through zoning and police enforcement.

Commissioner Teas

So, analogizing your example, I put a fence in my yard but I didn't keep the right setbacks from my neighbor's yard?

Attorney Bolton

In most cases there is no setback under our zoning for a fence.

Commissioner Teas

But let's say I put the fence on my neighbor's yard, I might be forced to move it because it is on the wrong property.

Attorney Bolton

That's correct.

Commissioner Ackerman

Director Fauteux, as you articulated earlier, there was a dialogue that occurred between the city and the resident at 1 Hutchinson Street and they chose not to go with the compromise, is that correct?

Director Fauteux

That's correct.

Commissioner Ackerman

The compromise was to simply to take the fence and move it back by 3 feet or angle it over by the homeowner's property, is that what I understood?

Director Fauteux

Yes, Assistant Director Andy Patrician and Lauren Byers met with the homeowners.

Commissioner Ackerman

I think that was a great effort and I appreciate that. By virtue of it now coming before the Board, if we say the fence can't be where it is then the fence would go back to 11 feet off of the street. Is that an accurate statement?

Mr. Dookran

Yes.

Commissioner Ackerman

Perhaps, knowing there is a liability or possibility from the city for the safety of the greater good of the community, I might recommend that the department go back and ask the residents if that is their final decision on the compromise offer. Either way, I do believe, as pointed out by Attorney Bolton, that the people that put the fence up should have known the rules and regulations as they have been in the city for 50 + years. Ultimately their recourse is going to be against them but it's either going to be 6 feet or 3 feet so before we vote, my recommendation, if possible, would be to simply ask the homeowner if they are willing to reconsider the compromise before we vote.

Mayor Donchess

How do you want that to be pursued, now or in a period?

Commissioner Ackerman

I would like to move the meeting forward. This is not just a debate, there has been a lot of dialogue by Mr. Dookran and Assistant Director Patricia with the homeowner. I would just like them to open the conversation maybe just once and hear what they have to say.

Ms. Alison Hurd, 1 Hutchinson Street, Homeowner

One of the points we wanted to make was the proposal that was said to have been given to us was to move the fence back by 3 feet or to move the corner of the fence by 3 feet. Both Lou and I were present that day during the conversation and that is not the proposal which was laid out to us. The proposal laid out for us was to move the stretch of the fence back 4 feet

Mr. Louis Fish, 1 Hutchinson Street, Homeowner

Or to have just the corner moved back by 8 feet.

Ms. Hurd

Also, to clarify as to why our picket fence is different than our 6-foot fence; the reason is because we were enclosing two separate spaces, one was the backyard and one was a garden fence. There was no intention to encroach or get more yard space, we were just trying to enclose the garden which is why it's in a little bit closer.

Mayor Donchess

I think the point that people are making about the fence company is that it's pretty hard to believe that they...

Ms. Hurd

It is and I think our concern Mayor is that it wasn't just Gate City Fence that gave that quote to us. We spoke to three of the most reputable gate companies and they all said the same thing, which was 5 feet and that is why we did not question it further. That and the fact that the town's website did not lead us to believe anything different.

Mayor Donchess

Just to be clear, no one is suggesting that you should have understood this after talking to the fence company. They are suggesting that the fence company knew all about this and why did they not speak with the City Engineer.

Mr. Hurd

Mr. Dookran actually made a statement that kind of answers that question. He's aware that these fence companies are not aware of the regulations and hence because of our issue, they have now started going out to fence companies and talking to them about the regulations. As Commissioner Pappas has said, the right-of-way is so arbitrary that no one knows what it is. Mr. Dookran mentioned that the right-of-way, since the 1970's has been 50 feet. Our neighborhood was built in 1957 and at that point, he himself just said, the right-of-way was 35 – 40 feet. I question where the right-of-way is because he's using 1970's standards and we are talking about a neighborhood that was built in 1957.

Mayor Donchess

Mr. Dookran wasn't saying that he really believes that they don't understand this, he is just reclarifying with them. This fence company has been required to move other fences because they are in the right-of-way. They know all about this. They have been doing this for over 50 years.

Ms. Hurd

When we spoke with them, they said they recently had to move a few of them that just come up. They said it was not like they had a history of having to move fences for years.

Mayor Donchess

I think you should take that with a grain of salt because I know of other cases. All I am trying to do is make it clear that no one is suggesting that you should have done anything other than rely on them. We are suggesting that the fence company is well aware of these issues.

Mr. Fish

One of the things that Mr. Dookran mentioned was about the 20-mph speed coming around that corner. That is a 90-degree corner and nobody is coming around that corner at 20 mph. You have to take that corner at 15-mph or sometimes less.

Ms. Hurd

Neighbors have even asked why we don't have stop signs at this intersection. Our understanding is that the City of Nashua has said that there really isn't enough traffic to warrant stop signs. It is not a heavily travelled road at all.

Mr. Fish

In addition to the line of sight issue; we still have the photocopies of the brush and the trees that was there which did encroach into the street by 3 – 4 feet. Our fence is now about 6 feet back from the road so our estimation is that we have actually increased the line of sight for our neighbors by approximately 10 feet. In addition, we talked about the pedestrian travel on the street. If there was brush and trees that encroached into the street by 3 – 4 feet then that means that pedestrians would have to walk in the middle of the street going down Hughey Street. Now, because of where our fence is, and there is grass along the fence line, pedestrians can walk off the street, on our property and not have to worry about the safety issues. We are talking a lot about safety on a tertiary road that we have drastically improved.

Ms. Hurd

If you remember the first time, we were here one of our neighbors, Sadie Belknap, accompanied us and she was speaking to the specific issue that I know is near and dear to your heart, Commissioner Pappas, that she had specifically called the town about the encroaching brush. Many of it had been intentionally planted. She had called the town and said it is a danger and needs to be cut back because I can't walk my dog. If someone comes down the road, I have no place to jump off with my dog. Nashua did nothing about it and it did not get cleaned up until Lou & I moved in and we took care of all of that.

Mr. Fish

By the way, the city's website has not been updated. I checked it yesterday and it still says "as of October, the site is under construction." There has been no action on the city's part to fix the website and inform residents of the regulations.

Commissioner Teas

Louis and Alison, thank you for coming here this evening. I commend you for what you have done to that property. I think you did a nice job and are good people with good intentions. Before us today is something that impacts you tremendously but it also tremendously impacts 90,000 other people that are not in that neighborhood and we've also got to think about all of those folks. We want to resolve this fairly but I think if we were to vote right now it would probably be denied.

MOTION: Commissioner Teas made a motion to table the discussion and ask for 60 days for the homeowners to work with the City Engineer and report back to the Board of Public Works at the February meeting and vote at the March meeting

Discussion:

Commissioner Teas

I am nervous about the liability that would be imposed upon the city but I am also mindful of the burden on you as well. I want to provide a fair amount of time to get it done.

Ms. Hurd

We appreciate that and just to speak to the liability issue, we actually have two attorneys that we are currently working with and one of them had spoken specifically to the liability issue and said that he was a little bit confused because the neighbor who had called had specifically asked for just a "Blind Driveway" sign and he said if that was what the neighbor was asking for and Nashua erected said sign, they were doing their due diligence and that should absolve any liability and furthermore, everything that this Board does as far as ruling on any sorts of variances and exceptions, would be a liability issue. He was confused as to why this issue was such a hot button topic. He said they rule on all sorts of variances that deal with fences, why all of a sudden is yours, on a back road, when you have pictures of other properties that are in the exact same situation, why is Hutchinson such an issue. We do not object to the sign being erected if that is what the neighbor asked for.

Director Fauteux

This is a huge safety issue for us and that's one of the things that we are most concerned about in public works. We are always looking out for the safety of all residents. In this instance, it was brought to our attention and that is why we are here. We certainly did not hunt you down, it was brought to our attention that there was a sight distance issue. Your neighbor has expressed concern about being able to back out of their driveway. We are also concerned about other people that might be driving down your street, perhaps your other neighbors that could hit your neighbor as they are trying to back out of their driveway. It is also about treating everyone equitably. We can't have a situation like this that is brought to our attention and not respond to it. There was an ordinance that was violated and we have to make sure it is safe. I think we have to be very careful about allowing obstructions in the city's right-of-way that create a liability for the city and a safety concern for our residents.

Mr. Fish

Forgive me for being bold but isn't that what the city did multiple years ago when they ignored the request to clean the brush prior to us owning the property. They didn't act then.

Director Fauteux

I am sorry but I don't have any knowledge of that.

Ms. Hurd

We also have pictures of Meade Street where there is almost an exact same situation. There is a driveway and a 6-foot fence and I don't think anything has been addressed with that property.

Mr. Fish

It just seems quite unfair that you are drawing a line in the sand and saying from this point forward we are going to do this and we are going to hold residents responsible. Your line in the sand is after we have already put up our fence so why aren't all of the other residents being held to the same standard.

Director Fauteux

There are three other fences that have been brought to our attention recently and we have requested that both residents move their fences and they did. You are not be singled out. There was also another one on Ferry that we asked the resident to move the fence because it was in the city's right-of-way and it was a sight distance issue. When they are brought to our attention, we do look at them and we have to make a determination as to whether or not there is a safety issue.

Mr. Fish

That's fair but as far as the offer that was presented to us, moving that corner back to allow our neighbors three more feet of visibility at an angle to go to the gate that is installed on that same side; that had not been what was proposed to us but that would be an amicable solution provided we can get Gate City Fence to move that corner of the fence.

Mr. Andy Patrician, Assistant Director of Public Works

The original agreement that Lauren and I had talked to them about was to go the half of panel in and to go back two panels. I don't know if we got confused somehow but that was the original agreement.

Mayor Donchess

What do you mean by panels?

Mr. Patrician

They are fence panels. When we were talking panels at their home, we were thinking it was a 6-foot panel so that is where the 3 feet came in. It would have still had to have gone back two panels in order to cut the corner for the resident to back out.

Mayor Donchess

Two panels in what direction?

Mr. Patrician

Two panels towards the corner.

Mayor Donchess

How much down the driveway?

Mr. Patrician

We are proposing to go half way in the neighbor's driveway which would be 4 feet.

Mayor Donchess

So, 4 feet down the neighbor's driveway starting two panels towards Hutchinson Street, angled to 4 feet down the driveway of the neighbor.

Mr. Patrician

That's correct.

Mayor Donchess

Is that what you understood, Mr. Fish?

Mr. Fish

It wasn't at the time. I thought they said one full panel in if went to the angle and 4 feet if we went the entire length of Hughey Street. If they are talking about coming in 4 feet along the neighbor's driveway and 16 feet to the gate, that would be more amicable to us, again, providing that Gate City Fence is willing to do the moving of the fence. Otherwise it is a significant financial burden to us.

Commissioner Pappas

It sounds like both sides really made an effort to work things out but there was a misunderstanding. I think the Board feels very strongly about safety and we also want to be fair to the residents. I think the city staff and the City Attorney has done a yeomen's service. I think this could be hammered out but I think it should be clear. My sense is that Gate City Fence will move the fence because this is not a great advertisement. I would be stunned if they did not move it for you. I feel like everyone here has been reasonable.

MOTION: Commissioner Teas made a motion to table the current request to allow the parties 60 days to find an amicable solution to be presented no later than the March, 2019, Board of Public Works meeting.

Discussion:

Commissioner Ackerman

I think the agreement needs to be in writing.

Mayor Donchess

There should also be a very clear drawing so people know and there is no misunderstanding.

Commissioner Ackerman

The resident will be responsible for speaking to the company who erected the fence.

MOTION CARRIED: 4-1 (Nay – Moriarty)

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

MOTION CARRIED: Unanimously

- C. Informational:** Final FY 2019 (Arterial Roadways) Paving List in Paving Contract

Mr. Dookran

Our paving program this year consists of putting out two contracts, one to address arterial (primary) roadways and the second one for local (residential) streets. The first list is for the arterial roads. We are trying to make a bigger effort this year to address the busier streets. Some of them are deteriorating much more quickly than expected. If we don't get a handle on them, they will fall into a repair category that we simply can't afford. The streets are:

- Amherst Street
- Canal Street
- East Hollis Street
- Kinsley Street
- Lake Street
- Main Dunstable Road
- Pine Hill Road
- Spit Brook Road
- West Hollis Street

Some of them will need utility work; Liberty Utilities and Pennichuck. Because of this these streets may be delayed until the later part of the year. Like us they have limited budgets and priorities. The condition of the street might be a priority for us but it may not be the utilities highest priority but we will work with them. We are hoping the utilities will be out there this winter to get a head start. The portion of Kinsley Street that we had planned on doing last year got pushed out due to sewer work that is yet to be done. The utilities just told us they have some work they would like to do between Main and Elm Streets, which came as a surprise. Our hope was to get the sewer work done in the winter but Liberty wants to go in and do a section of pipe so that might push the final paving to a little bit later.

D. Informational: Final FY 2019 (Local Roadways) Paving List in Paving Contract

We are trying to do eleven miles of the local roads. We haven't seen any real issues regarding utilities at these locations. I wanted to point out that Pennichuck Water Works had done a lot main and connection replacements in the southern part of the city and they were supposed to reach (inaudible) streets to the

extent that it is required by law. We have chosen for some of these streets to be reclaimed and rebuild them in their entirety, from curb to curb. Instead of just having the Pennichuck trench redone and then overlaying the street, we can actually rebuild the street and get a better product that will last longer. Pennichuck has contributed to our paving funds; we got approximately \$1.5 million to do the streets. In the end it is in the city's benefit to do this.

All of these projects are out to bid and we will be bringing them back to the Board for approval in March. Hopefully we can get all 22 miles plus the leftover streets from last year done this year.

Mayor Donchess

How much is left over from last year?

Mr. Dookran

We probably have approximately five miles.

Commissioner Ackerman

That was an excellent report. Is the rating system that the city did six months or one year ago determine whether or not we do a 2-inch mill and overlay or a 3.5 inch?

Mr. Dookran

That is true.

Commissioner Ackerman

Is mill and overlay also affectionately called mill and fill?

Mr. Dookran

That's correct. The only difference between the two is when you mill and fill you don't really mill the entire width of the street, you mill the bad pieces.

Mayor Donchess

Mill and fill is a repair or a patch of a section.

Mr. Dookran

Yes.

Commissioner Pappas

A lot of people are really antsy about Kinsley Street, do you have a timeframe?

Mr. Dookran

We know that. The utilities keep surprising us and you have to wonder how one would say no to a gas leak. Who would say no? Think about Columbia.

Mayor Donchess

Is the gas company finished on Kinsley Street?

Mr. Dookran

Towards the west side; towards the turnpike they are done. We were told they will alter the street altogether.

Mayor Donchess

What about Main Street to...?

Mr. Dookran

That just came up within the last couple of weeks.

Mayor Donchess

Is there another leak over there?

Mr. Dookran

There is a pipe that is leaky. We are pushing to get them in there as early as possible.

Commissioner Pappas

It looks like there is a buckle or a seam on Concord Street, how are we going to follow-up on that?

Mr. Dookran

The paving company, Newport Construction, did the work late in the year. The quality of the work south of Courtland Street is not the best. There are seams and some bumps. They attributed that to the temperature. There is a little bit of a debate going on between us and the contractor. So far, he has said he can do some minor repairs but we are asking for more. We have not yet had the opportunity to sit down and hash it out. I think we need to wait for better weather where we can all go out and walk the street and figure out what is acceptable and what is not. But yes, Commissioner Pappas, you have observed correctly that there are some issues.

Parks & Recreation Department

- A. MOTION:** Commissioner Ackerman to award the 2019 City 4th of July Fireworks Celebration contract to Atlas PyroVison Entertainment Group of Jaffrey, NH, in an amount not-to-exceed \$17,500. Funding will be through Department: 177 Park and Recreation; Fund: General; Account Classification: 55 Other Services.

MOTION CARRIED: Unanimously

- B. MOTION:** Commissioner Teas to extend the current contract with United Site Services of Haverhill, MA, through December 31, 2019, for the sum of \$13,413.94. Funding for the contract will be through Department: 177 Park & Recreation; Fund: General and Trusts; Account Classification: 54 Property Services.

MOTION CARRIED: Unanimously

Solid Waste Department

- A. **MOTION:** Commissioner Pappas to approve Change Order #6 to the contract with Northeast Earth Mechanics, Inc. (NEM) to continue construction of the residential setback barrier wall in the Phase II Landfill in the amount of \$165,655. Funding will be through Department: 168 Solid Waste; Fund: Bond; Activity: Soil Wall.

MOTION CARRIED: Unanimously

- B. **MOTION:** Commissioner Pappas to approve the engineering services with Sanborn Head and Associates, Inc. in an amount not-to-exceed \$28,700 for the 2019 landfill gas system expansion. Funding will be through Department 168 Solid Waste; Fund: Bond; Activity: Landfill Gas Expansion FY19.

MOTION CARRIED: Unanimously

Wastewater Department

- A. **MOTION:** Commissioner Teas to approve the User Warrants as presented.

MOTION CARRIED: Unanimously

- B. **MOTION:** Commissioner Ackerman to approve the purchase of one 2017 Vac-Con Combination Jet/Vacuum Sewer Cleaner from Atlantic Machinery of Silver Springs, MD, for the contract price of \$395,699.63. Pricing for the purchase will be off the Sourcewell Contract: 122017-AMI. Funding will be through Department: 169 Wastewater; Fund: WERF; Account Category 81 - Capital.

MOTION CARRIED: Unanimously

Personnel

- A. **MOTION:** Commissioner Pappas to accept the retirement of Bennie Bausha effective January 4, 2019.

MOTION CARRIED: Unanimously

- B. **Non-Public Session**

MOTION: Commissioner Ackerman moved by roll call that the Board of Public Works go into non-public session pursuant to RSA:91-A (3) §IIB, the hiring of any person as a public employee.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea:	Mayor Donchess, Commissioner Ackerman, Commissioner Pappas, Commissioner Moriarty & Commissioner Teas	5
Nay:		0

MOTION CARRIED: Unanimously

MOTION: Commissioner Ackerman to come out of non-public session.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea:	Mayor Donchess, Commissioner Ackerman, Commissioner Pappas, Commissioner Moriarty & Commissioner Teas	5
Nay:		0

MOTION CARRIED: Unanimously

MOTION: Commissioner Ackerman moved by roll call to seal the minutes of the Board of Public Works non-public session of January 31, 2019, until such time as the majority of the Board votes that the purpose of the confidentiality would no longer be served.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea:	Mayor Donchess, Commissioner Ackerman, Commissioner Pappas, Commissioner Moriarty & Commissioner Teas	5
Nay:		0

MOTION CARRIED: Unanimously

Administration

A. Informational: O-10-031 - INCREASING THE PURCHASING THRESHOLD FOR FINANCE COMMITTEE APPROVAL FROM \$10,000 TO \$25,000

Mayor Donchess

The Board of Aldermen passed amended the ordinance regarding the minimum contract amount that needs to be approved and they increased the amount from \$10,000 to \$25,000. This past at the last Board of Aldermen meeting. One of the main motivations was to reduce the amount of paperwork that has to be done leading to the approval of the contract. The Purchasing Manager had some statistics but I think by moving the dollar amount from \$10,000 to \$25,000 it has very little effect on the total dollar amounts because they tend to be smaller contracts. It may be in the single numbers in terms of the total dollar amount that no longer needs approval, but on the other hand, it reduces the paperwork by approximately 33%. It is particularly burdensome for the Department of Public Works because most of the public works contracts are very large and now something in the amount of \$15,000 for public works is pretty routine. The Purchasing Manager surveyed other communities and \$25,000 is very typical for other communities like Manchester.

Director Fauteux

Manchester doesn't have any approvals, they just have their budget. As long as they are within their budget, they don't need any approvals from any Boards.

Mayor Donchess

Some of the communities like Salem do have a threshold and it tends to be \$25,000.

Director Fauteux

Yes.

Commissioner Teas

How would this impact us? Would it mean we would have fewer motions?

Mayor Donchess

Yes.

Commissioner Moriarty

For example, Parks & Recreation motions are usually for under \$25,000 so we wouldn't see those.

Commissioner Ackerman

What if it was \$14,000 on top of something that was less than \$25,000, would it then come before the Board.

Director Fauteux

Yes, it would.

Mayor Donchess

If it were \$25,000 on top of something that had already been approved, it will come to you.

Director Fauteux

Yes, if the cumulative total was \$25,000 or over it would come to the Board of Public Works. This is going to help us enormously.

Commissioner Moriarty

Is it already in effect?

Director Fauteux

Yes.

Mayor Donchess

The Board is never asked to approve items that are not budgeted for.

B. Director's Report

Mr. Jon Ibarra, Superintendent of Streets

The past few months I have included in the Department of Public Works report for streets what the status is of our brine making construction project. As much as I was hoping to come here tonight and say it was fully operational, we experienced a setback. However, everything is in place. We had an initial start-up date two weeks ago and we had the Henderson representative.

The first slide is the facility looking down on it from the roof of the Street Department. That is what is housing the brine making components. The hopper is outside in between the tank farm, which will be the storage for the product.

On the 16th we had scheduled the Henderson representative to come out and do the initial start-up and do a final walk through and we got to about noon time when we found that the drivers in the control cabinet were not compatible with the motors. We found out that Henderson's fault. They are giving us an entire new control panel and it was shipped today and the Henderson representative will be back out next week, tentatively on Tuesday, to install the panel at their expense and try again for an initial fire up so we can start making some brine.

This is a slide which shows the extensive plumbing that comes off of the machine. It goes through the building and out to the tank farm. It goes to three independent truck fill stations where the drivers will be able to back up, program the truck code with how many gallons they need and all they will have to do hook the hose onto the saddle tanks and it will automatically send what they need. I would love to give the Board a tour someday.

This slide shows the back side of the hopper which is where they will dump the rock salt in and then you activate the pump, it will circulate the water through the rock salt which will create the brine. It is measured to a 23% solution and then sent out to the tank farm for storage.

This slide shows Eric Gingras, our Wastewater Electrician. We built this whole project with the Streets and Wastewater Departments as well as some of the School Department staff. Gary Connors was kind enough to work with me and supply Lyle Simard who did all of the plumbing for the facility. Dave Boucher, Wastewater Superintendent, was able to part with Eric.

This slide shows the tank farm with the three truck fill stations; one on either end and one in the middle.

I had one other failure when we were circulating water, the stainless box had a few leaks so they are also assuming the expense of a certified welder to come out and make those repairs with some reinforcing gussets. That will all take place shortly.

Commissioner Ackerman

Water freezes so after you have done a storm, does water still stay in the tanks?

Mr. Ibarra

It will be brine. It will be mixed at a 23.3% salt solution and there will be circulation going on. It will not freeze. The plumbing is phenomenal. They have blow-offs; the compressor shoots purges of air to blow out any standing water. We had some gravity drains built in so we can drain everything, it's amazing.

Commissioner Moriarty

It makes me nervous looking at the control panels being exposed 24 x 7, all year long.

Mr. Ibarra

I had the same thought. They are weather tight panels but I do plan to enclose them. Fortunately, we have had a slow winter. I probably would have put liquid down during the last event if we had it.

Commissioner Pappas

Usually by March or April we tend to have events where it is more of an icy issue. Do you think we will be able to use it at all this year?

Mr. Ibarra

Yes, I am anticipating next week. If we had not had the component failures, we would have been making brine for 2 ½ weeks already.

Commissioner Ackerman

Is Henderson going to extend the warranty on the device?

Mr. Ibarra

We have their full support. They are a support network for us. He is programmed into the machine so he can troubleshoot it from Indiana. He said anything that goes wrong with it he will stand behind.

Commissioner Ackerman

Did the device arrive with leaks?

Mr. Ibarra

That's correct.

Commissioner Ackerman

And now they are doing a retrofit. Are they going to extend the warranty as a result?

Mr. Ibarra

He said he would stand behind it.

Commissioner Ackerman

Stand behind the original warranty or is he going to extend it?

Mr. Ibarra

He said he will stand behind his product, period.

Director Fauteux presented the Director's Report as follows:

- The first picture is a sewer main replacement on Chase Street that was done by Northeast Earth Tech. It was approximately 850 feet of sewer that will be replaced. The original concrete sewer was constructed in 1885.
- This is a new city sidewalk that was installed in December at 35 Canal Street.
- The Mayor announced that we received a transportation alternative program grant for Lock Street. It's \$800,000 and we are going to be adding sidewalks, bike lanes, trees and traffic calming measures. It will also include the possibility of making Lock and Whitney Streets both one-way instead of two-ways. Much of this was driven by safety reasons as we can't effectively clear these sidewalks rights now because there are so many obstructions and they are narrow. We hope the improvements will be made by October of 2020.
- Some residents were concerned that Eversource was doing some trimming of trees. One of the residents was from Raymond Street. Kim Kleiner, the Mayor's Chief of Staff immediately called a meeting with Eversource. We met with them and told them of our concerns and have asked them not to trim any more trees on Raymond, Courtland and Tolle's Streets for now. One of the trees we just planted ended up being cut down and we were very concerned about that. Eversource was very responsive and to come to their defense, they have a critical network of power lines that they need to keep clear. They are required by the PUC to do that and they also want to prevent any power outages in Nashua. They are required to get homeowner permission, even if a tree is in the city's right-of-way. The homeowner needs to sign a document giving them permission to trim or cut any trees. Homeowner's do have a right to say no. We were a little concerned with the form they were asking residents to sign because we thought it was a little ambiguous and it could be a bit confusing. We asked them to clarify the forms that they are asking the residents to sign. We are also going to ask residents if they are going to plant trees near power lines to please plant low growing species.

Commissioner Pappas

One of the things about Eversource is that they cut off all of the limbs and leave a horrible looking tree trunk. There is one on Stark Street and one on Lock Street. I think if they are going to cut the should cut the whole tree.

Director Fauteux

Absolutely and thank you for letting me know that.

- We have a lot of winter activity continuing in Nashua. On the left is the bridge on Coliseum Avenue entrance and on the right is a picture of sledding at Roby Park.
- We are finally making ice with the colder temperatures. This is the ice rink at Roby Park and skating at the Legacy Playground and North Common.
- Bidy Basketball, which is the largest recreation program in the state has reached its mid-season already.
- This is the overflow bridge in Mine Falls located on the Nashua River near Conway Arena.

- We received our new grader at the Street Department. It will be a very useful tool for both plowing and grading roads or soccer fields that we want to build. That was purchased with part of the \$1.3 million that we received from the state.
- We had our first big storm of the season on January 20, 2019. This is operations on Broad and Amherst Streets.
- This is a new grinder that we received from wastewater. This helps us grind up rags, plastics and other things before they make their way through the process. It's located at the bottom of the digester.
- We have been doing all kinds of miscellaneous plumbing repairs at wastewater including new faucets in the laboratory and a new eye wash station in the wet well. It is a very caustic environment so we are constantly having to replace routine things.
- On January 24th we had some flooding but our crews did a really good job of trying to keep everything flowing.
- Our compactor has new teeth on the wheels.
- We have the 2019 Hazardous Waste Collection schedule out and most of them will be at the Street Department this year with the first one starting on April 20th.
- The Four Hills Landfill will be closed on Monday, February 18th, in observance of President's Day. Trash that week will be delayed by one day.

Commissioner's Comments

Commissioner Teas

I think the department has done a great job on the social media presence.

Director Fauteux

Lauren Byers is doing a great job and we are very lucky to have her.

Commissioner Teas

On Henry Bourque Highway, north of the bridge as you head towards Concord Street, on the right side on Cabot Road, there are a bunch of trees that just does not look right. There is a pile of tree stumps and they weren't even cleanly cut. My concern is that it is getting close to the road.

Director Fauteux

I'm was not aware of that but we will take a look at that.

Commissioner Moriarty

Just a question on the \$800,000 grant that the city will be receiving for the sidewalks, will that final plan come before this Board for approval?

Director Fauteux

Yes, it will. One of the concerns that I have is that I don't want to have these beautiful concrete sidewalks on one side and then have what exists on the other side, which is asphalt, so we are going to try to work that out. We are going to work with the residents of the neighborhood. They are a very dynamic group and are very involved in their neighborhood. It is going to be a fun project.

Commissioner Pappas

If that is the case, are you going to try to figure it into the budget this year?

Director Fauteux

We have the grant so we will be using that.

Mayor Donchess

It is going to take a while because the grants don't come right away. This is the same type of money, called a TAP grant, that built the little pedestrian bridge over the canal at the end of Everett Street into Mine Falls. That took several years after the grant.

Last year we got money to extend the rail trail to the east all the way to Henry Hanger and the design of that will go out for a proposal soon but it takes a while to actually see the end result, but the money is there.

Commissioner Pappas

It's an area that really needs it.

Director Fauteux

We will be working with the Community Development Department. They applied for the grant and only nine communities received a grant and we were one of them so it was pretty neat.

Adjournment

Commissioner Pappas made a motion to adjourn.

MOTION CARRIED: Unanimously

Meeting adjourned at 7:55 p.m.