

**Board of Public Works Meeting  
Meeting Minutes  
July 30, 2019**

A meeting of the Board of Public Works was held on Tuesday, July 30, 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:

Mayor James Donchess, Chair  
Commissioner Joel Ackerman, Vice Chair  
Commissioner Tracy Pappas (Excused at 5:45 p.m.)  
Commissioner Kevin S. Moriarty  
Commissioner G. Frank Teas

Also Present:

Ms. Lisa Fauteux, Director, Division of Public Works  
Mr. Jon Ibarra, Superintendent of Streets  
Mr. John Stewart, Fleet Manager, Streets Department  
Mr. Stephen Dookran, City Engineer  
Mr. David Boucher, Superintendent of Wastewater  
Alderman Ernest Jette, Aldermanic Liaison  
Alderman Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd

**MOTION:** Commission Teas made a motion to approve the agenda as presented.

**MOTION CARRIED: Unanimously**

**Approval of Special Board of Public Works Meeting Minutes – June 27, 2019**

**MOTION:** Commissioner Moriarty to approve the minutes from the Special Board of Public Works Meeting of June 27, 2019.

**MOTION CARRIED: Unanimously**

**Approval of Board of Public Works Meeting Minutes – June 27, 2019**

**MOTION:** Commissioner Ackerman to approve the minutes from the Board of Public Works Meeting of June 27, 2019.

**MOTION CARRIED: Unanimously**

**Public Comment**

Ms. Paula Johnson, Nashua Resident

I would like to thank Alderman Jette for all the work he had done in trying to help us with West Hollis Street. I wish some of the At-Large Aldermen would come in and help because they do represent the city and maybe they can help Alderman Jette.

As I've said before we have serious problems on West Hollis Street. Eleven years ago a traffic study was done and we've had more new homes coming in and more development. What happens is West Hollis Street is getting tighter and tighter. We go from 505 West Hollis Street which is two lanes and then we merge into one lane. We used to merge right to left but now we go left to right and it is a complete nightmare. The other problems we are having there is that it's sad that we have a resident who put a sign on their lawn that says "slow down" because they got rear-ended by their house. Although people say the left lane is okay, it really isn't because people just keep traveling down that left lane and nobody knows if they are going to merge or make the left turn and then the traffic backs up on West Hollis Street right around where the old Hitchcock Clinic is. During rush hour it backs up to the highway and it's hard to get on West Hollis Street. These are things that have been happening over the years. I was told the speed limit averages 31 m.p.h. which is really only when its backed-up. We see people come flying down West Hollis Street and they love running the red light. It is a total nightmare and not everybody reports the accidents but there have been numerous accidents. It's getting more congested and we have to figure out how to solve it. At the light at Wellesley, you make a left turn but if you go to Parkhurst you can't get out because you've got the hill. If you go down to the next street you can't get out and if you get to Heidi Lane you can't get out because of the massive traffic. I am asking that you, Director Fauteux and the Mayor sit down with some of us. The Alderman is willing to do it. Let's try to figure out what we can do to try and correct this. I know when I was an Alderman, Alderman Lozeau and I were going to try to eliminate one of the lanes so when you got to Riverside, you could only take a right turn and the merge was eliminated. People don't care anymore; they are going to take the fastest route they can and they don't care if someone is in that land waiting to take that left turn. I'm asking that we try to solve this as a community.

I come home from work around 10:00 p.m. and the light by Market Basket on D.W. Highway is so bad. I just sit there and there isn't even anyone coming out of Market Basket and we just sit there. Then you go down to D.W. Highway and Spit Brook and it's the same thing, nobody's coming down Spit Brook but we are just sitting there waiting for the lights to turn. Then when you are inside the mall, are those our lights or the mall lights? There is a light where AT&T is where you can make a right turn at the Pheasant Lane Mall and that light if you are going straight to go onto D.W. Highway the light is red and it is green coming across to go to AT&T. If nobody's coming, those lights should be tripping and we shouldn't be sitting there.

I think that's all I have tonight and it was short and brief, Mayor, I didn't take up half your meeting. I wrote it all out.

Mayor Donchess

Thank you, you did very good and I appreciate it.

Commissioner Pappas

I want to preface this with the information when we got our first draft of the meeting agenda I was not aware that we had an update from the construction manager so I will absolutely try to watch as much as I can at home. The reason I am speaking during public comments is that today is my 25<sup>th</sup> wedding anniversary and as such, I am unable to stay for the meeting. I made an effort to request that the meeting be rescheduled as this is not our regularly scheduled time

but clearly, the Mayor has a very packed schedule and I know that these are not great months to schedule meetings due to vacations.

The first item and this is what really drove me to come as I could have dealt with the other items after. The first item I wanted to speak to was very important to a fine, young man who I have known since he was a newborn. This young man would be here himself but he is in Chicago visiting his grandmother. I understood that Mr. Caggiano would not be able to be here tonight. His name is Todd Richardson and he has been working with Mr. Caggiano in an effort to build a Gaga Pit at the Sargant's Avenue Playground as part of his Eagle Scout project. I will tell you that Todd is a very hardworking young man and he will complete the project in a timely fashion and the project will be of very high quality.

The second item I wish to address is the Board of Aldermen referral, R-19-150, Authorizing a Construction Business to Park on Artillery Lane. I know it was tabled at the last meeting but I think it's a very dangerous piece of legislation and it will likely open the flood gates for individuals and businesses to request parking in our city parks. It would be unfair to say yes to one business and no to every other individual resident and to every business who would benefit from additional parking on park land.

The last thing I would like to comment on is rather uncomfortable but I thought it was extremely important to comment on. I would like to respond to comments that were made during last month's meeting. I experienced a severe asthma attack which rendered me unable to stay for the entire meeting and as such, I was not able to respond to comments that evening.

Commissioner Teas challenged statements that I made during an earlier meeting and took issue with items I discussed in an editorial published in the newspaper. The first item challenged was my statement that the Board of Public Works members appointed to the Facilities Committee were made in public session. That challenge was inaccurate. We had a workshop on April 5<sup>th</sup> on Pavement Degradation which was presented by the Engineering Department. After that meeting, there was a nonpublic in which an asset was discussed. I am purposefully being evasive because I don't...even though my guess is that it is not nonpublic anymore, I am going to err on the side of caution. Director Cummings attended the meeting and at that meeting, it was discussed that HKT Architects should be chosen for the first phase of our facilities, the office which would likely be over \$300,000. After that discussion, it was announced that Commissioner Teas and Commissioner Moriarty would be on the Facilities Committee. I'm sure it was in jest but I did not find it funny. The Mayor's quote was "his two smartest Commissioners were on the committee."

#### Mayor Donchess

I did exclude myself from that comment so I was one of the three others.

#### Commissioner Pappas

You are not a Commissioner.

Mayor Donchess

Yes, that was a joke.

Commissioner Pappas

There was a special meeting scheduled for May 10<sup>th</sup> at 11:30 a.m. and I couldn't attend. I asked that the meeting be rescheduled as I was concerned that HKT Architects would be discussed. The reason I thought it was a fair assumption was that a Commissioner was told verbally and a Board of Aldermen member, our liaison was told in writing that the curbing on Broad Street and HKT Architects contract would be on the agenda. I think I befuddled the administration as to why I thought the HKT contract would be discussed and that was why. I understand that items can be changed and I don't want to take a shot at anyone. I will say during the May 10<sup>th</sup> meeting in the Mayor's office, the Mayor, Commissioner Teas, Commissioner Moriarty, President Wilshire, Alderman O'Brien and Alderman Dowd were in the room prior to the meeting. They stayed for the brief meeting and remained in the room after one Commissioner and the Board of Aldermen's liaison to the Board of Public Works left the room. There is no record of a public meeting and those members being appointed to the committee. I'm not saying anything wrong happened, I'm just trying to straighten out the record that some of this stuff was done in nonpublic and I understand sometimes it's hard to separate out what is public and nonpublic and I don't think there was anything nefarious. I felt like I was being attacked and I felt it was very important to respond.

Further, Commissioner Teas took exception to me putting all of this in the public and my guess is that he meant the editorial I wrote to stir up nonsense. I felt it was incumbent upon me, as a believer in open and transparent government to put it on the record before the Ward 5 meeting so abutters of the landfill knew that a facility at the landfill might be a likely outcome. The day that I think an open and transparent government is nonsense is the day I will quit this Board.

Again, I apologize that I can't stay.

### **Aldermanic Referrals**

#### **A. R-19-150 (tabled at the 6/27/19 meeting) AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LICENSE AGREEMENT FOR A PARKING AREA OFF ARTILLERY LANE, NASHUA ABUTTING MAP 63 LOT 45**

Director Fauteux

I spoke with Attorney Morgan Hollis today and I did let him know that Director Cummings and Director Marchant and myself did not support this as-is for the same reasons that Commissioner Pappas had mentioned earlier. This would set a bad precedent and we would have to enter license agreements with everybody who wanted such a thing. Parking is a premium on Artillery Lane and we agreed that we would try to come together and discuss this further. We would like to table this to see if we can come to some sort of compromise. I think Director Cummings is going to reach out to Attorney Hollis.

Mayor Donchess

This came to the Board of Public Works because the Board of Aldermen is looking for a recommendation.

Alderman O'Brien

This item perplexed my committee. I am the Chairman of the Committee on Infrastructure. When we look at Artillery Lane, it is a municipal park so we had great questions regarding a commercial entity backing out into what is a playground. It looks as though in the past they went off of Artillery Lane to make additional parking by taking some of the baseball field adjacent to it to do that. If you look at the old GIS map you can see that it was pretty much vacant property. The municipal property line is right about where the loading dock is so the property is on municipal property. I know the field is utilized and there is ballgame traffic and there is a possibility this might lead to futuristic headaches between people parking there and whether they could move the commercial vehicles. There was no monetary offer to look at supplementing this particular program. The gentleman in question did a lot of pre-work and the job is already done and I think he is already using it. As far as I know from the Committee on Infrastructure meeting, we had no record of permits, this was just done and now he is seeking permission. It is a conundrum that again, perplexed the Committee on Infrastructure and we referred it back to this esteemed Board to take another look at it.

Mayor Donchess

We can table this but in the end, I don't really see how we can do this. We've had discussions over a long period time with another neighbor who was parking in a city right-of-way and prohibited that based on complaints by other neighbors. We can't give a license to one person after denying someone else the right to park in the right-of-way. This is a park where we have limited public parking and although we would like to help the business, I don't see how we can begin the process of leasing city park land when we have a parking shortage and we have someone who wants to exclusively park there for their own use. I don't see how we can grant it in the end.

I get the feeling that the Committee on Infrastructure was sort of asking the same thing.

Alderman O'Brien

My sense is that the Committee on Infrastructure would probably vote it down. We are looking to have a unification of all Boards and that the city speaks the same language in this particular type of situation. The gentleman does have a parking lot off Merrimack Street but it's part of the business and I don't know why he wants this particular overflow. I would encourage everyone to physically go up to the site and see it. It is right on our property. The Committee on Infrastructure was familiar with other tenants that have an equal thing. When you look at the line as it shoots all the way up to Sergeant's Avenue you can see where there is already some inclusion. It is a complex issue and it would be opening up another issue.

Commissioner Ackerman

Agreed.

Mayor Donchess

There is some history to this and maybe that can be explored but, is there a motion to table?

**MOTION:** Commissioner Moriarty made a motion to table.

**MOTION CARRIED: Unanimously**

**B. R-19-157: CHANGING THE “AGENT TO EXPEND” ON CERTAIN EXPENDABLE TRUST FUNDS ADMINISTERED BY THE PARKS AND RECREATION DEPARTMENT**

**Discussion:**

Director Fauteux

This is the legislation we discussed at the last meeting. Commissioner Ackerman and I had a conversation about any purchases \$25,000 and over will continue to come to this Board as well as to the Finance Committee.

Commissioner Ackerman

I had a very enlightening conversation today with Director Fauteux. With the recommendation to proceed forward with the change of the agent will we also include a nomenclature which ensures it would be received by the Finance Committee because it does not state that anywhere in there.

Director Fauteux

Yes, absolutely, we will make sure that's in there.

**MOTION:** Commissioner Ackerman made a motion to recommend final passage of R-19-157 to the Board of Aldermen with the addition of including the words that the Finance Committee would review purchases of \$25,000 and over in addition to the Board of Public Works.

Commissioner Moriarty

Director, I'm not sure what brought this about. Is it a time factor? Does it take too long for approval?

Director Fauteux

Yes. Many of these cell tower accounts; the Superintendent is using the money on a daily basis or a weekly basis for his operating budget and we can't wait to get approvals for every thirty days.

**MOTION CARRIED: Unanimously**

## Presentation: DPW Facility Construction Manager

### Mayor Donchess

Annually we have a process of escrows which means the reallocation of money that has been unappropriated in the last budget but unexpended. I make that proposal to the Board of Aldermen regarding how to dispose of those funds and I haven't proposed it yet but, I anticipate in including in the list of escrows money to retain a construction manager so we can undertake the examination. We are assuming that the Board of Aldermen supports the idea which I think they very well might and then we would have the funds to proceed with paying for a construction manager which we will approve conditionally tonight if that action is taken.

### Director Fauteux

As you know, we put out an RFQ for a DPW Facility Construction Manager, we had five responses and we decided to interview three firms. Alderman O'Brien and Alderman Dowd were on the Interview Committee as well as Commissioner Ackerman, Commissioner Teas, myself, Ms. Carolyn O'Connor, Mr. Andy Patrician, Ms. Lauren Byers, Mr. Jeff Lafleur and Mr. Jon Ibarra. We all decided that Harvey Construction had the best experience and the ability to execute the contract. Mr. Rob Prunier is here this evening to give us a little bit of a presentation about what we discussed in the interview.

### Mr. Rob Prunier, Harvey Construction Corporation

I am here to discuss the DPW facilities assignment. I am here to offer you a little bit of insight on Harvey and answers any questions you might have. As the Director mentioned on the 19<sup>th</sup> we submitted proposals and met on the 24<sup>th</sup>. If we are fortunate enough tonight to be selected by the Board then we will get going on this analysis between now and next summer. We will analyze all of the facilities that the Division of Public Works has including the administrative and engineering facility, the Streets Department and Parks & Recreation. We will look at environmental concerns, code concerns and programming changes. Our plan would be as quickly as tomorrow to deploy our pre-construction SWAT team to start looking in every corner of the buildings to assess what needs to be fixed, whether it be systems, technology or space. We will put all of that information together with some organized estimates. We will compare that to what it would cost and take to build a new facility. When we look at the existing facilities we are looking at costs, schedules, impact it would have on existing operations throughout construction. We are trying to be as comprehensive as possible so this Board can make a qualified and educated decision as to what direction to move in. Once that information is collected, shared, thought about and a decision is made, we will be prepared to lead the city into a renovation or construction mode and go from there. Many of you were at the presentation but if Alderman Jette or Commissioner Moriarty has any questions, I'd be happy to answer those.

### Director Fauteux

The committee discussed a first phase which would be to look at all of our existing facilities and make some recommendations on whether we can renovate the facilities or whether they would have to be torn down and re-built and what the cost of all of that might be versus

possibly building a new facility at the landfill which would also include determining whether the site at the landfill is even buildable.

#### Commissioner Ackerman

I just have a brief comment about my participation at the last meeting just a week or two ago. I thought it was well-defined as three different groups came forward. The tipping point for me is something that Mr. Prunier from Harvey Construction had shared with us; they wanted to make sure they came in with a facility that was completely acceptable to the employees of the City of Nashua and would be someplace that they would look forward to working and was in a safe environment. At the same time, it would be palatable to the residents of Nashua, the taxpayers. I thought it was well done.

#### Commissioner Teas

I think all three folks who presented did a great job, including Mr. Prunier; thank you very much to your team. I want to go on the record again to say despite previous characterizations, the committee has not made any decision one way or another. We are looking to investigate all opportunities whether it's to rebuild or build from scratch. We are collecting data and listening to the professionals.

#### Alderman O'Brien

I think it would be interesting to note that Harvey Construction has done past work for the city and is continuing to do work. One of the questions that was asked during the interview was could they handle this particular project. We received a guarantee that met my satisfaction. They said they would be able to complete this project with no hassles whatsoever. They definitely proved to me that they were prepared and ready to go with this. They have my support.

#### Alderman Dowd

Harvey is doing the construction management for the new middle school project. For the record, Harvey has done superior work for the city on a number of occasions with various school projects and the projects have always come in on schedule and under budget which is important. My perspective, as Chair of the Joint Special...we have always wanted to select a company that we have familiarity with and who has done good work for us and we feel we can trust. It is a big risk reduction and I feel 100% confident that we will be completely satisfied with the work of Harvey Construction. The work isn't too dissimilar with the work being done on the middle school project by taking an evaluation of current facilities and looking at what needs to be done to them and putting a report together and more importantly, pricing it out so we can make logical and concrete decisions with the city's money. By the way, Alderman Jette is also on the Joint Special so he is familiar with Harvey as well.

#### Mayor Donchess

I would like to thank all of the members of the committee for working on this. I know this took a lot of time and effort and I appreciate it and I'm sure everyone else does as well.

I do have one question, what do you think the timing is going to be? How long do you think the examination will take?

Mr. Prunier

In our proposal, we did offer a conceptual timeline from this point on and we are thinking October/November, that is when we will have the assessment wrapped up and in a position for the Board to start analyzing it and digging in.

Alderman Jette

I've been reassured several times but I just want to make it clear that one of my concerns, I am the Alderman of Ward 5 where a lot of the facilities are located and also where the landfill is located. The people who live around the landfill have been putting up with a lot, especially this summer with the road construction. I think it's important, as you look at the current facilities, if you decide as part of your analysis when you are looking at building a completely new facility I just want to make sure that you are open to considering not only the landfill as a potential site but other sites as well and that the people who live around the landfill would have an opportunity to voice their concerns. I've said it before that if it ends up being at the landfill then it's going to end up in someone's neighborhood and if it is where the landfill is then I think it's important that the people who live around there have an opportunity to make some suggestions and try to avoid problems that they may anticipate so it could be worked into the final plan, if it turns out that building a new facility is the correct way of proceeding.

Mr. Prunier

I hear you and just to be clear our role in this process is to give you the information to make the decisions. We certainly are not going to make decisions but make recommendations as to whether you should renovate and think about a particular mechanical system or if you decide to build new then maybe this is the skin of the building that you should think about. Whether you build new or renovate is purely going to be up to this Board and the Board of Aldermen. We are simply going to provide you with the information so that you can sit back and really think it out and make the wisest decision for your constituents and the city. Does that make sense?

Alderman Jette

Yes, thank you.

Mayor Donchess

Are there any other questions for Mr. Prunier?

**MOTION:** Commissioner Ackerman made a motion to approve the award of the Division of Public Works facilities construction manager to Harvey Construction for a pre-construction fee payment of \$25,000 to be deferred until a project is

defined and approved by the Board of Public Works and a construction management fee of 2.9% of the cost of the work.

**MOTION CARRIED: Unanimously**

(Recorder's Note: The motion passed unanimously, however; Commissioner Pappas had excused herself from the meeting at the time the vote was taken.)

Director Fauteux

Just to inform the Board, the next step will be for a contract to go to the Finance Committee on August 14<sup>th</sup> and once that happens the Mayor will hopefully sign the contract and we will give Harvey the green light to get started.

Mayor Donchess

I want to again thank everyone on the committee, I think you all did a really good job and I think we are off to a good start.

**Streets Department**

**A. MOTION:** Commissioner Moriarty to approve the purchase of Caterpillar 938M Wheel Loader from Milton Cat in Londonderry, NH, for \$252,400 pursuant to the SOURCEWELL contract #032515-CAT. Funding will be through Department: 161 Streets; Fund: Trust; Activity: CERF.

**MOTION CARRIED: Unanimously**

**B. MOTION:** Commissioner Teas to approve the purchase of one 2020 HV507 SFA 4x2 Cab and Chassis from Liberty International of Manchester, NH, for the price of \$88,900. Funding will be through Department: 161 Street; Fund: Trust; Activity: CERF.

**MOTION CARRIED: Unanimously**

**C. MOTION:** Commissioner Ackerman to approve the purchase of one 2020 Ford F250 pickup truck from MHQ of Marlborough, MA, for \$45,741.90 pursuant to the active Plymouth County Commissioners Contract #19-20-21. Funding will be through Department: 168 Solid Waste; Fund: Trust; Activity: CERF.

**Discussion:**

Commissioner Moriarty

I was just wondering why we didn't get the CNG engine with this.

Mr. John Stewart, Fleet Manager, Streets Department

In order to do the CNG vehicles we used to have them upfitted locally and that up-fitter is no longer in business so we would have to freight it to Texas to have it upfitted to the CNG package and then freight it back from Texas. The CNG package is about \$20,000 more plus

the freight would add another \$10,000 and we would lose bed space. That is the problem we are running into in the current vehicle that's being replaced. The tank sits in the bed and it takes up about 1/3 of the bed.

Commissioner Moriarty

So it would add about \$40,000 to the cost?

Mr. Stewart

It would be closer to \$30,000, maybe a little bit more based on the freight charge.

Director Fauteux

It creates challenges for the sanders and brine equipment.

Mr. Jon Ibarra, Superintendent of Streets

Mr. Caggiano, Superintendent of Parks & Recreation is not here tonight and he asked us to speak on his items and the same with Mr. Jeff Lafleur, Superintendent of Solid Waste. We will do our best to answer questions relative to their purchases.

Commissioner Moriarty

The life of these trucks is about ten to fifteen years so at \$30,000 extra for that period of time is not worth...

Mr. Stewart

We don't see the payback on it. Recently with the converted gasoline engines, we have been having some reliability issues as well in terms of losing some of the lower ends of the engines.

Commissioner Ackerman

Does that mean that moving forward all of the vehicles within the Streets Department we won't likely move with an environmentally conscience CNG?

Mr. Stewart

We will when it's feasible and operationally efficient to do it we will still seek the CNG avenue for the green impact.

Director Fauteux

Hopefully that will change; hopefully, someone will come into the New England and start upfitting trucks for CNG. Some of the trucks that we order, for instance, the trash trucks we order CNG so they come that way. It's just because some of the equipment is a little more advanced with green technology. There are a lot of CNG trash trucks throughout the country

for whatever reason. It's the same thing with buses. We will continue to evaluate every vehicle we purchase with CNG, absolutely.

**MOTION CARRIED: Unanimously**

- D. MOTION:** Commissioner Moriarty to approve the purchase of Two (2) Rear Load Packer Waste Collection Vehicles from McNeilus Truck, 941 Hemlock Road, Morgantown, PA, in the amount of \$552,190, pending bond approval, pursuant to the Sourcewell Contract #112014-MCN. Funding will be through Department 168 Solid Waste; Fund: Bond; Activity: CERF.

**Discussion:**

Commissioner Ackerman

Aren't we also waiting for the arrival of some other rear load packers that we ordered about eight or nine months ago? Have they arrived?

Mr. Stewart

No, they don't expect to see those until the end of October. Manufacturers take eight or nine months after the order goes in for the chassis to be built.

Commissioner Ackerman

Is the lead time on these similar?

Mr. Stewart

Yes.

Commissioner Moriarty

In the motion, it states pending bond approval. Is that the city bond that we are waiting for?

Mayor Donchess

Yes.

Director Fauteux

That slows down the process as well because we have to wait for the bonds to be sold before we can purchase these and sometimes that can take a few months.

**MOTION CARRIED: Unanimously**

- E. MOTION:** Commissioner To approve the purchase of a 2020 HV507 SFA (HV507) Cab and Chassis Truck from Liberty International of Manchester, NH, for the price of \$88,785. Funding will be through Department: 177 Parks & Recreation; Fund: Trust; Activity: CERF.

**MOTION CARRIED: Unanimously**

**F. MOTION:** Commissioner Ackerman to approve the purchase of a 2020 Ford F350 4x4 replacement pick-up truck with plow from MHQ (Municipal Headquarters) of Marlborough, MA, for the price of \$41,517 pursuant to the Plymouth County Contract. Funding will be through Department: 177 Parks and Recreation; Fund: Trust; Activity: CERF.

**MOTION CARRIED: Unanimously**

**G. MOTION:** Commissioner Moriarty to approve the purchase of a 2020 Ford Fusion Hybrid SE for use in the Engineering Department. Purchase will be from MHQ in Shrewsbury, MA, pursuant to the MAPC/GBPC contract for the price of \$25,550. Funding will be through Department: 160 Admin/Engineering; Fund: Trust; Activity: CERF.

**MOTION CARRIED: Unanimously**

**H. MOTION:** Commissioner Teas to approve the abolishment of one Traffic Maintenance position and create one Sign Maintenance position at the Street Department.

**Discussion:**

Mr. Ibarra

As we go through time and we get better and better acquainted with our staffing and our revolving situations, operationally eliminating this traffic maintenance assistant position who was from a recent retiree of 52 years...we were able to shuffle the pieces around and I can get more out of a sign maintenance individual, more of a universal soldier who can work across the aisle and take on more responsibility. I can run more striping crews in-house which will help us get more production of crosswalks and stop bars.

Alderman Jette

What does the Traffic Maintenance position entail and what will we be losing by eliminating that?

Mr. Ibarra

Not a whole lot which is why I decided to go this route. You have a safety guy on the ground and anybody can do that. We can get a laborer to do that. They had menial tasks and it was more of a training position, they were supposed to study and try to learn the Traffic Tech aspect of things working in the cabinet but now we are going with training and certifying our guys through IMSA so they are getting the schooling they need there which is a better way to do it.

Alderman Jette

I just want to be clear that we are not losing somebody who would be looking at, for example, West Hollis Street and the traffic problems that were brought up earlier tonight. This Traffic Maintenance position wouldn't be...

Mr. Ibarra

It would be just that, a maintenance position, an assistant. The Traffic Tech would handle more of that [the traffic problems] or even the Traffic Engineer out of Admin/Engineering would lend their professional expertise in those scenarios.

**MOTION CARRIED: Unanimously**

**Solid Waste Department**

**A. MOTION:** Commissioner Ackerman to approve a three-year contract for general engineering services at the City's landfills covering FY20- FY22 from Sanborn Head and Associates of Concord, NH, for a combined total cost for all three years not-to-exceed \$270,000 (\$90,000 per year). Funding will be through: Department: 168 Solid Waste; Fund: Solid Waste; Account Classification: 53 Professional and Technical Services.

**MOTION CARRIED: Unanimously**

**B. MOTION:** Commissioner Moriarty to approve a waiver of the \$10.00 charge for a Certified Scale Weight for active-duty military personnel.

**Discussion:**

Commissioner Ackerman

So this is simply to grant them the benefit of not having to pay...I thought it was a \$5.00 sticker for the thing.

Director Fauteux

This is the charge for the weight. The military requires that they have weigh tickets for the empty container and then for the full container so what they do is they come on our scale when they are empty and then they come back when they are filled. We have, as per the ordinance, been charging them so anytime somebody private comes onto our scale we have to charge them and they are asking if we would waive that charge for military personnel.

Commissioner Moriarty

When they get deployed they have to send their order stuff somewhere...is that what it is?

Director Fauteux

Yes, or when they get transferred from one place to another. They have pods.

Commissioner Ackerman

So it's not rubbish that they are bringing in?

Director Fauteux

No, it's simply a weight on the scale. They are not bringing anything in, that's correct.

Alderman Jette

I don't understand, is this something that the military...is this a personal thing for these people or this something the military, the Army or Air Force...

Director Fauteux

It's a personal thing. The individuals are required to pay this charge and the federal government does not pay the charge. What they are saying is that most of the other weigh facilities and it's not a really big deal. The Mayor and I just felt like it should come to the Board because we are waiving a fee. I just think it's a nice thing to do and it's not a big deal because all we are doing is giving out a weight ticket in and out. We are just weighing the pod for them because they need to submit that to the military.

Commissioner Ackerman

So this is their personal belongings which they can pay somebody else to transport them wherever they are going.

Director Fauteux

Yes. All we are doing is weighing them.

Mayor Donchess

It turns out that we are the only ones that charge for this. Everyone else gives a waiver so we figured this was a good idea to help our Veterans.

**MOTION CARRIED: Unanimously**

### **Parks & Recreation**

- A. MOTION:** Commissioner Teas to approve the installation of a Gaga Pit game by Eagle Scout candidate Todd Richardson of Troop 19 at the Sargents Ave Playground.

### **Discussion:**

Mayor Donchess

We may not all be aware of what a Gaga Pit is but I became of what it is because of “Your Voice Your Choice” project we did in the Tree Streets. We put a little bit of money into saying we will do whatever project the neighborhood would like and we developed a series of alternatives and there was a vote. The winning proposal was a Foosball Court but second place was a Gaga Pit which is a circular enclosed area with a border around it that’s a few feet off the ground and inside there is a dodgeball type game. It’s popular with young people and Todd Richardson would like to put one of these in the Sergeant’s Avenue playground and it’s free of charge to the city. He is an Eagle Scout and he is willing to undertake this as his Eagle Scout project.

Alderman Jette

Have our Parks & Recreation Department has vetted this game and approved it?

Director Fauteux

Yes, they have. It’s becoming popular in a number of schools. I think it will be a great addition. It will be interesting to see how the kids use it.

Commissioner Ackerman

Do we know what materials it will be made out of? Is it wood? One of the concerns was that wood could splinter over time because of the weather and is there any protection around the edges that we know of?

Director Fauteux

I am not sure, Superintendent Caggiano would know more about that. I could certainly ask him that but I am sure he will make sure that it is safe but that’s a good point.

Commissioner Ackerman

The other commentary I saw relative to Gaga Pits was if it was put in a grassy area, and I have no idea where this is going in the park, that eventually the grass will wear down and it will turn into strictly dirt and mud. Is this going to be removable to go from to one location to another?

Director Fauteux

I believe it will be fixed to one location.

Commissioner Ackerman

So one of the things that it said was that in order to make sure it’s a pleasant environment and not rainy or muddy or whatever is that sometimes they put concrete down or asphalt or wood chips. Is that part of this whole thing?

Director Fauteux

I'm not sure but I'll ask Superintendent Caggiano that question.

Commissioner Ackerman

I'm sure if he thinks it's okay then who am I to judge but that's just my editorial.

**MOTION CARRIED: Unanimously**

Mayor Donchess

We have Nolan Munroe at the skateboard park conducting his summer camp. He is the Bronze X Games winner for skateboarding in 2012. I ran into him and he said it's going really well and he's into his fourth week and had ten or twelve kids per session. He says the skateboard park in Nashua is the best in the East Coast. He grew up in Rindge but he came back to school at Rivier because the skateboard park is so good and now he is operating a summer camp there.

Director Fauteux

He said it's better than Boston. The camp is from 9:00 a.m. to noon and if you get a chance to go meet him, he's a really interesting person.

**Engineering Department**

- A. **MOTION:** To approve the Residential and Commercial Wastewater Service Permits and Fees as submitted.

**MOTION CARRIED: Unanimously**

- B. **MOTION:** Commissioner Moriarty to approve a change order to the purchase order with The Sanborn Mapping Company of Colorado Springs, CO, in the amount of \$135,551 to complete Phase 2 of the Orthoimagery and Photogrammetric Mapping Project. Departments: 134 GIS; Fund: General \$41,951, 168 Solid Waste: Fund: Solid Waste \$15,600, 169 Wastewater: Fund: Wastewater: Fund: Wastewater \$78,000; Account: 53 Professional & Technical Services.

**MOTION CARRIED: Unanimously**

- C. **MOTION:** *(tabled at the 5/23/19 meeting)* To consider a hardship request from Michelle Rodriguez to excavate for installation of sewer, water and gas services for a proposed four lot subdivision at 711 West Hollis Street approved by the Planning Board March 21, 2019.

Director Fauteux

We are going to ask that this be tabled one more time. Unfortunately, the City Engineer has asked a question and we have not received an answer back yet.

**MOTION:** Commissioner Teas to table item C.

**Discussion:**

Commissioner Ackerman

I had a great conversation with the Director earlier today but one of the requirements at the May 23<sup>rd</sup> meeting was for that Civil Engineer who is representing the family was to have a face-to-face meeting with either the City Engineer or Mr. Andy Patrician, Assistant Director of the Division of Public Works. Has that occurred?

Mr. Stephen Dookran, City Engineer

No, the meeting didn't occur. They did not respond to our request so we sent them a letter and the Board has a copy of that letter in the packet. The letter did say it would strictly follow public works guidelines and specifications. They were prepared to hire an inspector at their cost and do testing. These would be things beyond working on the restoration for these kinds of work projects. Further, we wanted an extended bond, a five-year bond for the life of the street and that is what they haven't responded to. So, Mayor, if they didn't want to have a meeting I suppose they don't have additional methods of restoration that would be mentioned at a meeting which we were seeking.

Commissioner Ackerman

Thank you, Mr. Dookran, I fully support tabling it and it's not going to get my support until there's that face-to-face meeting that the Mayor requested.

Alderman Jette

I noticed this property is right next to Norma Drive. Would it be possible or feasible for that landowner to make an agreement...I don't know if Norma Drive is a private road or a city road?

Mayor Donchess

I think Norma Drive is a city road.

Mr. Dookran

I am not sure.

Alderman Jette

As I was walking by it the other day I was wondering if it could be possible for them to avoid West Hollis Street altogether and connect the utilities into Norma Drive.

Mr. Dookran

We can ask the engineer to look at that during the meeting.

**MOTION CARRIED: Unanimously**

## Wastewater Department

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

**MOTION CARRIED: Unanimously**

**B. Informational:** Emergency PO Issued for Repair of Short Channel Bar Rack

### Mayor Donchess

This is a big item but what happens is the Mayor, under the ordinance, has the authority to approve these purchase orders in an emergency situation. I approved it but we come back to inform the Board of Public Works what happened. Mr. Boucher, can you please summarize the damage and what was done to repair it.

### Mr. David Boucher, Superintendent of Wastewater

The headworks bar rack is a three-story piece of equipment at the Wastewater Treatment Facility. All of the wastewater that comes to the wastewater facility passes through a screen on the device and as the biomaterial builds up on the screen a rake will come down and periodically clean the screen so the flow can continue through to the wastewater facility. This protects our pumps. We have two pieces of equipment which is kind of a redundancy so there are two of these pieces of equipment. Unfortunately, during the maintenance of the pieces of equipment, we had a catastrophic failure of one of them. There is a chain mechanism that brings these rakes up to ground level and one of the chains had jumped a sprocket during a cleaning cycle and caused severe damage to the chain, a lot of the rakes and some of the equipment above the ground. We are working with the company who designed it to figure out what happened. We don't know yet. It can be difficult to visualize and catch these things before they happen because everything is enclosed. There are two-stories below the ground and the above story is not exposed until the material comes out at the top. We have regular service for this equipment and there are some failure devices that stop the equipment when it detects problems but it didn't detect the problem until after there was severe damage done to it. This is the cost to get all of the parts we need and to repair it. The company who made the equipment is going to be the one who installs it and does the repairs. The emergency purchase order is because it is a redundant system and if the one that is on-line now...if we can't remove the material, if it fails then we can't pass wastewater through the facility which would be a problem.

## Administration

**A. Informational:** June 2019 Budget Transfers

### Mayor Donchess

Are there any questions regarding the June 2019, Budget Transfers? There were none.

**B. MOTION:** Commissioner Ackerman to approve and unseal the minutes from the nonpublic meeting on April 5, 2019.

**MOTION CARRIED: Unanimously**

**C. MOTION:** Commissioner Teas to approve the transfer of jurisdiction to the Board of Alderman of Map 11, Lot 158 address 141-143 Burke Street, excluding the 2.5 acres previously subdivided from the parcel for Division of Public Works use.

**Discussion:**

Mayor Donchess

This, of course, is Burke Street and we've previously discussed selling this and this would turn it over the Board of Aldermen which would enable them to proceed with a potential sale. We have suggested that we would want to use the proceeds for the new Division of Public Works facility or facilities that we wish to undertake.

**MOTION CARRIED: Unanimously**

**D. Director's Report**

- This work being done Kinsley Street. There was a catch basin installation, some grading and reclamation. We expect the work on Kinsley will be done by the end of August. They have already poured all of the tips down.
- This is a sidewalk being installed on Marshall Street by a developer as part of a new housing project.
- This is the new pedestrian bridge over the canal on Ledge Street. The Mayor dedicated and opened on June 17<sup>th</sup>.
- This is a repair of a collapsed sewer pipe on Gillman Street as part of the sewer lining project by Kenyon. A small section of an 18" collapsed pipe was repaired prior to lining this section of the sewer.
- This is very interesting. Scooters have been enormously popular. The week of July 6<sup>th</sup> we had 1,700 rides. The week of July 13<sup>th</sup> we had 1,700 and the following week we had 1,500. People are looking for them and there is not enough of them. We have 60 out right now but they have been hugely popular.

Commissioner Ackerman

Do they charge? How do they find the way home?

Mayor Donchess

You locate them on GPS on their App and they are run by battery. The battery lasts theoretically for 38 miles but they think a more conservative number is 25 miles. When the battery runs out the GPS notifies VeoRide and they come and put in a new battery. If you do the math, we've had about 1,700 rides per week with only 60 scooters, some of which people are putting in their houses to keep overnight. That equals approximately 4 rides per day for each scooter.

Director Fauteux

People are parking them in their driveways and as the Mayor said, they are supposed to leave them in the city's right-of-way and they are not supposed to be left on private property. That's been a little bit of a learning curve.

Commissioner Teas

Do we get any income from that?

Mayor Donchess

No.

Commissioner Teas

Do they indemnify us for any liability and has there been any accidents? I see those scooters flying through intersections.

Mayor Donchess

There have been no major accidents that we know of. It has a maximum speed of 15 m.p.h.

Commissioner Ackerman

So it's more popular than the bicycles.

Director Fauteux

It's far more popular, yes.

Mayor Donchess

The bicycles are getting less than 1 ride per day but it depends on the week.

Director Fauteux

They want to add Fat Bikes and we are encouraging them to do that because we think that might be very popular at Mine Falls Park.

The only complaint is that there aren't enough scooters. My understanding is VeoRide hasn't been able to provide them.

Mr. Schaeffer, Resident

Can you get information regarding where they are being used because that would be very useful?

Director Fauteux

Yes, we have that.

Mayor Donchess

They do have a record of that. If you are a rider of the bicycles you can get a report on where you have ridden. I think you can with the scooters as well.

- Paving update – Kinsley, Broad, Amherst, Somerset Parkway will be fully completed by the end of August.
- We did a street clean-up with the World Mission Society Church on Howard Street.
- Once again, we put on a great 4<sup>th</sup> of July show. We had an enormous crowd of 7,000 people at Holman Stadium.
- Mayor Donchess congratulated new Holman Hall of Fame inductees Carl Tamulevich and Frank Ulcickas. They were selected by the Lion's Club based on input from the Hall of Fame Committee.
- On Monday, July 1<sup>st</sup> we responded to a broken limb which was blocking the road.
- We had some erosion at Lincoln Park and the Street Department repaired it. It was caused by heavy rains. We have some problems at Lincoln Park with settling and I've spoken to the Mayor about it and we are working to come up with a solution. Lincoln Park is a former landfill and that is what is causing the issues.
- The Nashua Youth 14 All-Stars have made it to the World Series and we are very excited. They are headed for Alabama and the city has a fund to help them but they do need more money if anyone would like to donate to the kids they would be very grateful. Please contact me if you are willing to help.

Commissioner Teas

The head coach of this team is the son of the coach of who went the very last time Nashua went to the World Series – 33 years apart. His name is Todd Holbrook.

- The New Hampshire American Legion Baseball Tournament was held at Holman Stadium and started July 26<sup>th</sup> and will end tonight. The number one seated Nashua team is coached by a former Parks & Recreation summer help employee – Tim Lund.
- This is a picture of the skateboard camp the Mayor was referring to with Nolan Munroe. It's been very popular and the parents and the kids are very pleased with the camp.
- Summer field maintenance – hydroseeding at Charlotte Avenue Elementary School.
- We have been doing a lot of manhole cover repairs.
- We are doing a lot of sinkhole repairs as well; this one is at 9 Temple Place. We investigated and we found an old dug well which had collapsed so we filled it in and paved the area.
- There was a failed drainage pipe at the intersection of Main Street and Medical Way. The pipe was capped and abandoned and will be eliminated.
- We fixed a drainage problem at 51 Gillis Street.
- This is a sidewalk installation on Broad Street. We decided to use our own crews to do it because the bids came back so high. They are doing a great job.
- We have been putting up a lot of the wayfinding signs and they look very nice.
- This is a culvert on Gilson Road. We've had a lot of problems with beaver's jamming it up so we built what they are calling a beaver stop.
- We are continuing with our clarifier repairs. One of the scum arms needed repairs and one of our mechanics fabricated a piece to repair it.
- This is a lab intern collecting daily samples.
- This is lab staff taking samples of the Nashua River near Front Street.
- This is a debris removal from a siphon on Main Street.
- This is a tour at the wastewater facility for Groundwork Lawrence Green Team.
- This is a splash pad repair near Sandy Pond.
- Adjusting secondary digester mixer pumps.

- Phase II and Phase III landfills are going well. The approvals from DES have been slow but I think we are making progress. We are planning to have the Phase III landfill open in the fall.
- Paving work has begun as the final step of upgrading the landfill gates. We finally have electric gates at the landfill.
- The Container Recycling Institute (CRI) estimates that 36 billion aluminum cans that were landfilled last year had a scrap metal value of more than \$600 million.

Mayor Donchess

Are there any questions for the Director?

Alderman Jette

Regarding the last slide, was that how many cans were in our landfill?

Director Fauteux

No, that's nationwide.

### **Commissioner's Comments**

Commissioner Teas

I'm sorry that Commissioner Pappas can't be here tonight because I would agree with what she said earlier because I too went and reviewed the materials and the minutes and I did not see any minutes that noted the committee was appointed in public session. I am okay with speaking out and saying that I misspoke but it wasn't something I did purposefully. I also wish she were here because in the public comments portion of the meeting she characterized me of saying it was nonsense and the minutes really don't reflect that and the issue that I had and I will plan to address it at next months meeting, is I think the editorial that she wrote is fairly misleading, for instance, it suggested the current plan is to build a centralized facility at the landfill. She also said the Street Department facility can be salvaged by building a second-floor rather than replicate that facility. She also said it makes no sense to dump all public works vehicles in one facility and lastly, a centralized location will make the Division of Public Works less efficient.

As I have said all along, and the minutes reflect it very accurately that we want to gather all of the information to make an educated decision as a group and what I thought was nonsense was putting something like this in the public domain because it shows that we are not working cohesively as a group. I would like the minutes to reflect that.

Alderman Jette

The Committee on Infrastructure heard the resolution to allow the owners of the Renaissance apartments to change the plan...I think what was the plan before was to provide – there is a field or an empty lot now on Bridge Street that has been used to some degree for soccer practice but I'm not sure if it's being used now. I did speak to Mr. Caggiano about it and he expressed concern about the feasibility of it since its located on land that contains asbestos which had been capped. He said it would be difficult to maintain that field properly and would require irrigation. The plan the developer came up with instead of providing that field as a playing field for the use of that neighborhood, they proposed to build additional housing units...the number of 147 sticks in my mind but I'm not sure that is accurate, and instead of building a field to pay the city approximately \$750,000. When I spoke with Mr. Caggiano about it he said he would welcome the money and he would like to build one or two artificial surfaced soccer fields. He said the soccer fields we have now had such intense use that it's difficult to maintain them. An artificial field, similar to what we have at Stello's Stadium, in Mr. Caggiano's opinion, would be a much nicer facility and provide a better use to the youth of the city. That sounds fine to me but during the discussion at the Committee on Infrastructure the Director of Economic Development indicated that money wouldn't necessarily be used or allocated to Parks & Recreation and in his words "it would be up for discussion at a later time." It concerns me because I think the original plan was to provide a recreational facility, especially for that neighborhood and I am kind of sad that we are losing that open space in an otherwise what is becoming a very dense area. In addition to that housing, there is a housing plan for both sides of Temple Street, the old Henry Hangar building. I expressed my concerns at that meeting and I'm wondering how the Board of Public Works feels about whether or not...and also the Planning Board recommended that this resolution be adopted with the provision that the money is allocated for either the building of new fields or the maintenance of old fields. When it went before the Committee on Infrastructure that condition was not continued and I'm wondering how the Board of Public Works would support an amendment to the resolution which would require that the money is in fact, allocated to the Parks & Recreation Department for that purpose.

### Mayor Donchess

Is there a resolution? First of all, Mr. Cummings doesn't decide, it's the Board of Aldermen that decides what to do with the money and it is also neither his nor our decision as to whether to sell the parcel. There is a development agreement which was executed by the city a long time ago which gave up control of those parcels to SMC or whoever their successor is. That gave them the right to develop that parcel. I don't think the agreement is the best because it kind of creates...I think it's better to maybe talk to legal but the control of the parcel was given to, excuse me, to the BIDA, (Business and Industrial Development Authority) They were given authority by the Board of Aldermen and an agreement was executed with the developer which took control away from the Board of Public Works and the Board of Aldermen as well as the Mayor and given to the BIDA as to how to dispose of the parcels. There were lengthy negotiations between the BIDA and the developer and I think at one point the BIDA proposed that the developer walk away. There was a threat of litigation with the development over a violation of the agreement if the city just terminated it or tried to. I think the result of the negotiations by the BIDA pursuant to the authority given to them a decade or more ago by the Board of Aldermen was that they would trade...because there was ambiguity in the agreement and the alternative was to fight in court over it, was to trade \$760,000 for the potential obligation to create some type of athletic space. Now it's up to the Board of Aldermen to

decide what to do with the money and how to allocate it. I need to check but I think they were just kind of discussing alternatives, I don't think it was a concrete proposal to be voted on the Committee on Infrastructure. BIDA wants some of the money, the neighborhood would like some of the money and Parks & Recreation would like money for the fields. It still has to be worked out but I don't think there is any definitive proposal yet to do "X, Y or Z." I think they are just talking about it – the money may come in if the BIDA finalizes the agreement and how would the money be allocated. I think that is where we are.

Alderman Jette

I think you are correct.

Mayor Donchess

If you want to ask the Board of Public Works' opinion on that, I think it would be best to give them time to think about it and discuss it at a meeting where they are fresher than two hours in. I think that way some thoughtfulness and consideration could be given to it. Certainly, the Board of Public Works' input regarding it is valuable. I think it would come to the Board of Public Works if and when a specific proposal is made. If there are any factual errors in what I said I can correct those later but I don't think there are. I don't think they are near to any kind of vote that says this is where the money is going.

Alderman Jette

I'm not sure we are disagreeing. There is a resolution that says the whoever owns Renaissance can pay the city approximately \$750,000 instead of...

Mayor Donchess

Let me check into that. I think the BIDA has control over it and maybe are seeking ratification. I think this isn't the best time to try and get the Board of Public Works into this issue.

Alderman Jette

Okay.

Mayor Donchess

It should be on the agenda and the members should receive a briefing as to whether my explanation is correct or not.

Commissioner Ackerman

I watched the meeting that Alderman Jette participated in and I had some similar concerns. It's unfortunate and I think you are right, we need clear-cut, concise information. My takeaway was that end of the city was going to lose some green space and from my vantage point as a resident, I can't see those kids traveling to the other side of the city to go to a field.

Mayor Donchess

First of all, the city tried to get out of this deal. The BIDA proposed that the developer forget about it for a long time. They said we will keep the parcel and you've developed 150 units. The developer said absolutely not. The problem from the city's point of view is that the BIDA was authorized to execute a development agreement, which they did, with the developer which gives them the right to go ahead and develop the parcel. The developer did not agree to forget about it, for both parties to mutually walk away. If the city says we are not going to let you develop the parcel then we go to litigation and they are going to claim they lost "X" gazillions of dollars in profit because they had a binding agreement that they could develop it. After approximately one year of discussion between the BIDA and the developer, the developer wouldn't walk away. So then, okay, what are their rights under the development agreement and how can we resolve the whole thing. That was the deal that the BIDA, which was given authority by the Board of Aldermen...Jack Tulley is the Chair of the BIDA and this is the deal that they worked out. They must be looking for some type of ratification. I have to look back to see what this resolution is. I don't even know if there are current members of the Board of Aldermen who were even on the Board ten years ago. There is certainly an issue as to what should be done with the money. The BIDA thinks they should get some of the money so they can do future projects but they are not asking for \$760,000. The problem is that the parcel of land is contaminated and it may or not be appropriate; Nick is suggesting maybe not. It's going to be used pursuant to the development agreement. If there was a parcel right there to put in a soccer field then great but look...there aren't a lot of open fields on the east side of Main Street. I think there is a lot of discussions to be had as to what we should do. Mr. Schaeffer is here and there are some neighborhood people who are saying the money should be spent on the neighborhood which you are saying also but probably if it is spent in the neighborhood it's not going to be a soccer field because where would it get built. There could be other things done in the neighborhood to improve and maybe some or all of it should go there. Maybe it should be a soccer field somewhere else that everyone could use. Everybody's got some validity to what they are saying. It needs to be further discussed but the deal hasn't even been closed yet.

Alderman Jette

My concern is that this parcel open land...my understanding is this resolution will be before the Board of Aldermen at the next meeting for final passage.

Mayor Donchess

What resolution is it?

Alderman Jette

I can't remember the number but if that passes then that parcel will be gone and the potential for using it...I mean if there is asbestos underneath it you could build an artificial surface over it.

Mayor Donchess

I think what I've said is accurate, BIDA has control over this. No one from this administration is pushing this development, in fact, if you asked me today, I wish we didn't have to do it. If there is a way out it, you are a lawyer, you tell me. Review the agreements and review the legal opinions and if you think this is worth litigating then maybe we should, I don't know. I would rather have the open field myself but they are telling me and I know we signed this away a long time ago, if there is a way out of this or the BIDA or the Legal Department is wrong or if we have the option to get out of it then okay, let's get out of it. However, I also don't want to get hit with a huge lawsuit because the city violates the development agreement. The BIDA who is led by Jack Tulley doesn't like the deal either, they don't love what's happened and they don't love having this get built but again, we are in a difficult position because an agreement was signed a long time ago and probably is not as good as it should be but there it is. If you can get us out of this without litigation go talk to the developer. We can keep the field and we can probably do without the money. If you can get us out of this, do it. Talk to legal, talk to Tulley, talk to the BIDA, go to a BIDA meeting, read all of the minutes, read the agreements and figure out how we got to where we are so you are knowledgeable, informed and can actually contribute to a very difficult set of issues. Okay, okay...

Alderman Jette

Okay, but at the Committee on Infrastructure meeting, none of this information...

Mayor Donchess

Talk to your fellow Aldermen.

Alderman Jette

None of this information was presented.

Mayor Donchess

I don't know, I wasn't there but this has been discussed for a long time, it's not just coming up. It's not an issue and it was long before I was Mayor.

Mr. Schaeffer

The thing that puzzles me is (inaudible)

Mayor Donchess

I think part of that, of course, was that they were required to build a restaurant at Renaissance and Mr. Schaeffer lives over there but they tried to rent the restaurant for about one year and no one would go in there. What do you do then, leave it vacant forever? We do have a housing shortage so the Planning Board authorized them to build a clubhouse. I think their thinking is probably the same with respect to the mixed-use obligation because they are not going to build stuff that they can't rent. They couldn't rent the restaurant and now we are going to make them build stuff they can't rent? We do need the housing but this is not a development that the city is pushing. If we could get out of the deal...I mean we tried to get out of the deal for at least a year and we couldn't negotiate anything with them. We, the BIDA

is a set of businesspeople that have been given control of this thing and they wanted to get out of the deal too but they couldn't so here we are. It's kind of make the best of it, that's where we are.

Mr. Schaeffer

(inaudible)

Mayor Donchess

If you read the East Hollis Street area plan, we should have never entered into the deal with Renaissance but here we are so are we going to go back and throw stones? We entered a binding agreement a long time ago and I've been told by the Legal Department that even the Board of Aldermen doesn't have control over this anymore.

### **Personnel**

- A. MOTION:** Commissioner Teas to accept the resignation of April Rollins, effective July 26, 2019.  
**MOTION CARRIED: Unanimously**
- B. MOTION:** Commissioner Teas to accept the resignation of Eugene Meyers, effective July 20, 2019.  
**MOTION CARRIED: Unanimously**
- C. MOTION:** Commissioner Teas to accept the resignation of John Guidaboni, effective July 20, 2019.  
**MOTION CARRIED: Unanimously**
- D. MOTION:** Commissioner Teas to accept the resignation of Lawrence Jeanson, effective July 1, 2019.  
**MOTION CARRIED: Unanimously**
- E. MOTION:** Commissioner Ackerman to approve and unseal the minutes for Personnel from the Board of Public Works Meeting of June 27, 2019.  
**MOTION CARRIED: Unanimously**

### **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 Moriarty & Commissioner Teas	4
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, 4  
Commissioner Moriarty & Commissioner Teas

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 July 30, 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, 4  
Commissioner Moriarty & Commissioner Teas

Nay: 0

**MOTION CARRIED: Unanimously**

**Adjournment**

Commissioner Teas made a motion to adjourn.

**MOTION CARRIED: Unanimously**

Meeting adjourned at 7:37 p.m.