

November 13, 2014

Present:

Lee M. Azinheira, Chairman

*Manuel Branco, Clerk

Mark S. Nunes, Vice Chairman

David T. Hickox, Director

Paul Pacheco, Superintendent Services & Infrastructure
Steven Sullivan, Superintendent Water & Sewer Division

Carlos Cardoso, WPC Plant Manager

*Mr. Branco was out due to a previously scheduled vacation.

The Chairman called the meeting to order at approximately 7:35 a.m.

ACTION ITEMS

A motion was made by Mr. Nunes and duly seconded by Mr. Azinheira to accept and approve the warrants for the bills payable for the period ending November 13, 2014. So voted.

A motion was made by Mr. Nunes and duly seconded by Mr. Azinheira to accept and approve the payrolls for the weeks ending November 1 & 8, 2014. So voted.

A motion was made by Mr. Nunes and duly seconded by Mr. Azinheira to approve and accept the meeting minutes of October 29, 2014. So voted.

NEW BUSINESS

Discussion on 4G License Requirements

Mr. Hickox: Mr. Chairman, in your packet there is a memorandum. It gives you the background on the license and summary of where we are as far our HMEO II/ Laborer I's who need the license. To make a long story short, Paul was made aware of this license requirement a year ago or so ago. He verbalized it to the guys over the course of last winter. You need this license in order to operate the mower, our road mower with the hydraulic arm. No one listened to Paul. When the July step increase came along for a lot of these young guys, and I think it was the first time it was ever done, I withheld the steps. I said the job requires it and they were advised that they needed to get this license. I can't use them to their full capacity. But I did say, you (Mr. Nunes) and I talked about it briefly at the last meeting, that if they go and get their license right away then we would reinstate the step. Only one guy did that.

Mr. Nunes: And you went back to July?

Mr. Hickox: Yes, that was the one I went back because I found out after the fact that after I held his step back he went and immediately went through the whole process and it took him almost 3 months to get his license. I put this on the agenda only because January is rolling around and the next step increase will be due to these guys and if they haven't responded my thought was that these steps aren't automatic. They can be merit based and they should be merit based. They never have been but they

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should be. My thought is to hold it back again. They understand why they didn't get it July 1 and why they are not going to get it January 1.

Mr. Nunes: Have we now put something in writing to them?

Mr. Hickox: We have since then.

Mr. Azinheira: I just don't get it.

Mr. Hickox: I don't get it either.

Mr. Nunes: Well how much is that going to limit what your capacity, Paul, for getting things done?

Mr. Pacheco: Nothing limits the capacity. It's how we arrange people. It's the flexibility and the option and like Dave said this came about from the state which we worked around. When we interviewed all these young guys and everyone that was interviewed after that we told them this was a requirement. They all agreed to it. Right now in the winter we are slowly winding down. It's the flexibility. If I have a schedule for summer and one of those licensed persons is out either I move another operator that's licensed from another job, shut that down, keep mowing or I have to make a sacrifice.

Mr. Nunes: Well that's where I'm going with that.

Mr. Pacheco: It's the flexibility and not only that, they should be able to get on it (the mower) and everybody should have some time on it and be able to move it.

Mr. Hickox: Cross training is important.

Mr. Nunes: Well I am wondering, if it's a requirement that we don't tell them you either get it or you are sort of out because we can't use you to your fullest capacity where we need you.

Mr. Hickox: There are two things in here. One is the guys who have the steps but there are others guys that are already at maximum step. The question is what do I do with those guys? One thought would be threaten to bring them down, to demote them, if they can't do the job.

Mr. Nunes: Well we have to do something with them, we can't just ignore what a new requirement is. It hinders the operation. A guy calls in sick and now you have to juggle. How many guys do we have with the license?

Mr. Hickox: We have five total. Three who originally had it and two that just got it.

Mr. Nunes: We have to do something a little more drastic as time approaches.

Mr. Hickox: I think what I'll do is a second follow up letter. One to the employees with the steps indicating that they are being put on notice for not making any attempt to get this license and it is our intent to hold back the step increase and if they continue to make no progress they will face demotion. I will send the same letter to those guys at maximum step.

Mr. Azinheira: To be fair to the new guys, the guys at max step should be deducted a step.

Mr. Hickox: That may be more difficult. I can look into it.

Mr. Nunes: We need to do something a little harsher to say; hey we need you guys to get the 4G license.

Mr. Azinheira: We pay for the license, we pay for the time.

Mr. Nunes: There is no reason and they will make more money.

Mr. Pacheco: They pass it, they get the license, and we reimburse for their license. We don't reimburse for the test or anything like that but we reimburse for the license. We pay for it whether they use it or not. As long as they are employed by the Town, we pay for every license they have. It's in their name, not ours; it is something they take with them.

Mr. Hickox: It's like the guys who come in as Laborers and are on the back of the truck complaining they are picking up trash but never get a CDL license. As we speak we have two openings for drivers that we are in the process of filling. Then I have Laborer's over there that have been with us that don't want to get their CDL. I can look into that Mark as far as a step reduction and certainly holding steps.

Mr. Nunes: I agree with the holding. They are not complying with the new requirement and we have to take additional action.

Mr. Hickox: If we tell them we are looking at demotions and if we demote someone and don't need that many laborers we'll reduce staff. I don't know what to do.

Mr. Azinheira: If people don't get the license they are required, you are going to have to consider all options either demotions and/or reductions in staff.

Mr. Hickox: May I quote the Board on that?

Mr. Azinheira: You can put it in the minutes.

OLD BUSINESS

Revision to Department of Public Works Construction Specifications

Mr. Hickox: Mr. Chairman this was just a follow up from our last meeting (October 29, 2014). We talked about that when private contractors go in and say for instance are reconstructing a parking lot and they are adjusting the structures, there is nothing in our requirements that require a contractor or the owner/developer to bring the sanitary manhole up to our current standards. I thought we could add this into our construction specs under section 6. "The requirements of this section shall include all modifications to the existing sanitary sewer system including but not limited to the relocation of pipeline and structures, adjustment to manhole frames and covers, and all related appurtenant work." We have the ability to say that they have to bring it up to standard once they have touched the structure, which would be cretex in the ladtech. When they are going in and doing parking lots like Big Value.

The point is they can come in and buy replacement covers with a ring. Paul, we should have those in stock because it takes a while, I understand, to get those.

Mr. Pacheco: I have the covers in stock with the rungs but the problem is it takes a while for us to get it. I keep enough for us but you become a shopping mall for these people.

Mr. Azinheira: You know how you end that, if they buy from you charge a 20% service charge.

Mr. Hickox: It is no different than the pumps. We sell the pumps and we did that for quality control. We make sure that every pump that ties into the system is "the pump". We had issues years ago and the Board actually voted on that where we have Dave Brassells putting in a septic system pumps into people's homes. Those people were calling our office asking why their pump kept failing. We told them because it wasn't a grinder pump. That worked out well because now you are assured that the pump is the right head and doesn't overcharge systems.

Mr. Nunes: Where is our control on something like Big Value?

Mr. Hickox: It is through the parking plan review. There is not a lot of involvement in a project like that by us but if there is any drainage we're making sure it is done correctly.

Mr. Azinheira: They had a structure so that would have had to go through the Planning Board. If they are just repaving a parking lot, I am not sure if we can enforce this.

Mr. Hickox: The argument is once they touch the manhole, that's when we are going to say, listen you have to see our spec. The spec says the minute you touch or adjust you have to follow the spec and that is our opportunity. It is no different than title 5 which has the same premise. If you sell your house then it is time to update the septic. Technically, to repave a parking lot you need to submit a parking plan review. The Planning Board wrote it that way so they could get their requirements with the landscaping.

A motion was made by Mr. Nunes and duly seconded by Mr. Azinheira to approve adding the proposed Section 6 – Sanitary Sewer Construction to the Construction Specifications. So voted.

Insurance Requirements – Analytical Balance

Mr. Nunes: Did you speak to Beauregard?

Mr. Hickox: Yes I did. His quote is that you do the best you can. His feeling is that he understands that \$5 million is high and it is all about trying to protect yourself. Even something that is a simple job can become a huge liability. His suggestion was that at an absolute minimum would be to have \$1 million. He says if you keep the \$5 million in there and on a case by case basis if someone is aggrieved they submit something in writing. The only thing that would be a concern is if someone would not bid seeing the requirements. Mr. Beauregard didn't think that would be the case.

Mr. Nunes: They will increase their bid because they know they have to go for \$5 million, that's what happens.

Mr. Hickox: I think that's a tough area.

Mr. Azinheira: If they are the only bidder that is one thing. If you have multiple and they only raise it after they get it, that's wrong. The other bidders might have increased their prices to meet the requirements.

Mr. Nunes: The only thing I could suggest is that if you are going out to bid something then maybe we could put something in that the insurance requirements can be negotiated. This will make those people quoting aware that we will be a little lenient.

Mr. Hickox: You would have to do that before the bid. That would be a matter of us just looking at certain things and making that decision.

Mr. Azinheira: They have to sign that they are accepting or identifying any exemptions. That way you make the decision and have the information before you award. If they are looking for an exemption to any insurance requirement they must state it at the time of the bid submission.

Mr. Hickox: My concern is that we go out to bid for so many items. If we put that in some general language in every one, you could be sitting here all day looking at each product individually and making a decision. I am trying to think of the timing. If it's \$5 million and everyone bids based on \$5 million, the company doesn't know they will get waived until after.

Mr. Nunes: If they have quoted it and presented his bid on \$5 million and now that they have covered their costs and now we give them a break?

Mr. Azinheira: No I disagree. If he bids it on that then either he provides it or has to state immediately that he is taking an exemption.

Mr. Hickox: I think we need to go back and identify any of the products that people were aggrieved by and talk to the Board about lowering the limits.

Mr. Nunes: Let's look at the ones who are complaining.

Mr. Hickox: It is just the two water companies.

Mr. Nunes: Those are the two that we should focus in on and if something else comes up then we discuss it.

Mr. Sullivan: This all came about because one Bidding Clerk did it one way and one did it another. I don't know which is correct. I checked the (Mass General Law) 30B a long time ago and I don't remember.

Ms. Frates: That is not a 30B requirement. It's based on what the jurisdiction wants as a requirement. You can call the Inspector General's office and they will refer you to legal counsel.

Mr. Azinheira: If you state one thing and after you award you waive your requirements then that is not right. If you only have one bidder, then that's fine. Maybe you would have had more if it wasn't \$5 million.

Mr. Nunes: We'll have to look at those two that are complaining now when you go back out to bid. Is that a yearly bid?

Mr. Hickox: We can extend it up to three years.

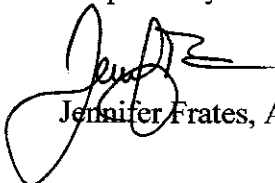
Mr. Nunes: We should change the language when you go out to bid and you may get more bidders. I know what happens at our office and someone might want a \$5 million umbrella and we'll call the insured and tell them they don't have it. They will ask to issue it at what we have and it flies under the radar. People don't pay attention to what they are getting.

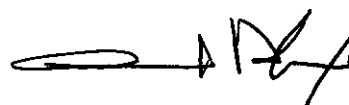
Mr. Azinheira: A lot of people don't look at it that closely.

Having no further business to discuss that morning, at approximately 7:55 a.m., a motion was made by Mr. Nunes and duly seconded by Mr. Branco to adjourn the meeting. So voted.

Respectfully submitted:

Approved:


Jennifer Frates, Administrative Assistant



12/18/14