

Present:

Mark S. Nunes, Chairman
Manuel Branco, Clerk

Lee M. Azinheira, Vice Chairman (arrived at 7:55)
David T. Hickox, Director

Carlos Cardoso, WPC Plant Manager
Paul Pacheco, Superintendent Services & Infrastructure

Steven Sullivan, Superintendent Water & Sewer Division

The Chairman called the meeting to order at approximately 7:37 a.m.

ACTION ITEMS

After a motion was made by Mr. Branco and duly seconded by Mr. Nunes, it was voted two (2) in favor and one (1) absent (Mr. Azinheira) to approve and accept the warrants for the bills payable for the period ending October 20, 2009.

After a motion was made by Mr. Branco and duly seconded by Mr. Nunes, it was voted (2) in favor and one (1) absent (Mr. Azinheira) to approve and accept the payrolls for the weeks ending: September 18, 25, and October 2, 9, and 16, 2009.

After a motion was made by Mr. Branco and duly seconded by Mr. Nunes, it was voted (2) in favor and one (1) absent (Mr. Azinheira) to approve and accept the meeting minutes of September 15, 2009.

APPOINTMENT

Meeting with Mr. Paul Sellers Nstar Senior Arborist and Ms. Valle Blake regarding circuit tree trimming.

The Chairman recognized Ms. Valle Blake, resident; Mr. Paul Sellers, Nstar Senior Arborist; and Mr. Michael Wall, Nstar Lead Engineer.

Mr. Hickox briefed the Board on the events that had lead to that mornings meeting. Mr. Sellers explained that they (Nstar) have been in Dartmouth for a number of months addressing one of Nstar's circuit areas, #524. Circuit area #524 represents one of the Town's largest areas providing 60 miles of distribution wire and 12 miles of private lines. The circuit has not been performing well over the past three years due to tree and equipment issues. Mr. Sellers noted that the Department of Public Utilities has Nstar track all of the outages and this circuit had reached the level where Nstar had to mitigate and make changes to the system. Nstar has been adhering to the clearance standard of a 8' side and 12' top clearance zone to eliminate the tree hazards. They have also removed a number of hazard trees working with both private and public entities. Mr. Sellers informed the Board that the crews contracted by Nstar have nearly completed the work and should be finished within two weeks. He asked Mr. Wall to brief the Board on Nstar's construction efforts to increase service liability.

Mr. Wall informed the Board that Nstar had just recently added another breaker position on the substation on Fisher Road and a new dedicated feeder from the Fisher Road substation down Fisher Road to the corner of Russells Mills Road. At that point, the existing #524 circuit was broken in two (east and west) creating an additional source where the circuit could be picked up for either direction. This will prevent all customers on the circuit from losing service if a problem occurs at the station.

Mr. Wall added that Nstar has also added distribution automation equipment throughout the system, which segments the line into portions thus reducing the service interruption time. He added that

the major problems with this circuit have been tree related and the best way to resolve those issues is to adhere to the clearance zone. Mr. Nunes asked who dictates what the clearance standard is around the tree. Mr. Sellers replied that there are different utility industry standards. Nstar has maintained the standard of 8' side, 8' below, and 12' above standard and they do take into consideration the species and character of the trees. They have found that this standard, as a general rule, is adequate to maintain the clearance.

Ms. Blake asked if Mr. Branco approved the circuit trimming. Mr. Branco replied that he reviewed the entire service with Mr. Sellers. He added that he did not approve tree removal for those trees on scenic roads and directed Nstar to the Planning Board. Mr. Branco also spoke to the ongoing issue of having trees planted in areas where they will ultimately grow to interfere with wires and then end up trimmed. He has discussed this issue with the Planning Board and they did try to form a tree committee. He stressed that he believed that the Town should have a tree-planting program that plants the trees in proper locations. Ms. Blake said she and the others present are concerned by the severe nature of the trimming. Mr. Branco said he agreed but he also agrees that the trees need to be cut for maintenance and service reliability. Mr. Wall explained the clearance difference when the trees are moving during storms from when there are no weather conditions affecting the branches and how that creates outages. Mr. Sellers added that the minimum safety clearance standard for workers is 10'. OSHA standards for linemen and tree crews are 10' from the primary wire. Mr. Azinheira asked if the tree crews take into aesthetics into consideration when they are trimming. Mr. Sellers replied that aesthetics do not really come into play when crews are working around live wires to create clearance. He added that they are only allowed to trim in that clearance zone within the public way. He also commented that they are willing to try to make it least invasive as possible and are willing to work with the Town on those types of issues.

Ms. Beverly King of Bakerville Road commented that she understood the clearance issue but asked if the crews cutting the trees are cutting them properly. Mr. Branco noted that when he goes through the areas with Nstar it is prior to the trees being trimmed and they make determinations on questionable branches. Ms. King asked if there is a way that the Town can have an understanding with the utility companies that there are types of things they can and cannot allow. Mr. Branco replied in the affirmative and noted that there is a clear understanding of the M.G.L. shade tree and scenic road bylaws. Ms. King informed the Board that a tree on Bakerville Road abutting her property was trimmed/taken down and the bittersweet that was growing around the tree was thrown on her property and a portion of the wall was knocked down. She added that a fir tree abutting the old Perry farm was trimmed and the tree appears to pose more of danger now and looks horrendous.

Ms. King asked if Nstar is replacing poles with large poles and if those poles are "break away poles". Mr. Wall replied that the poles are standard wooden pole that meet the industry standards. He said he did not know if they were "break away poles." He added that Nstar currently has a project on Horseneck Road where they are rebuilding a section making the conductor larger and adding covered wires to improve the service in that area. Mr. Robert Feingold of Horseneck Road asked how many feet wider and taller, and how many new poles are being added to Horseneck Road and Barney's Joy Road and what necessitates the change. Mr. Wall replied that the height difference would depend on the existing pole and the depth of installation. He said the pole could be 5 to 10 feet taller. Mr. Feingold asked if the pole could be 15' higher. Mr. Wall replied if the existing pole is 30' then it could be a difference of 15'. Mr. Feingold asked how much wider the new poles are. Mr. Wall replied that it too would depends on the size of the existing pole but it could be anywhere from 8 to 12". Mr. Feingold asked if that is diameter or circumference. Mr. Wall replied that he did not take any pole measurements. Mr. Feingold asked how many poles were being replaced on Horseneck Road and Barney's Joy Road. Mr. Wall replied that he did not have the number. Mr. Feingold asked for an approximation. Mr. Wall replied approximately 40 but reiterated that he wasn't sure about the number.

The Chairman asked why the poles were being replaced. Mr. Wall replied that they are rebuilding the service with a much larger conductor with insulated wire, which necessitates a more

substantial pole. Mr. Feingold asked Mr. Wall if Nstar went through any permitting process to do this to Horseneck Road. Mr. Wall replied that Nstar is permitted for all the existing pole locations. Mr. Branco added that the Select Board approves pole locations. Mr. Feingold asked if the Select Board knew that Nstar was doing this to Horseneck Road. Mr. Wall replied that when a pole is replaced in a like location no additional rights are required. Mr. Feingold asked what the purpose is of making the poles higher and wider. Mr. Wall replied that in relation to the width the additional weight of the wire necessitates a more substantial pole. In regard to the height increase, most of the poles being replaced were installed 20-30 years ago and the industry standards have changed so a taller pole is required. Mr. Wall added that standards have changed to accommodate minimum space related electrical safety codes because more utilities share the pole (cable, telephone, etc.). Mr. Feingold asked what consideration was given to the aesthetics impact to the scenic road in the permitting process. Mr. Wall replied there are no regulations for prior approval for pole replacements.

Ms. Blake suggested that if a tree was there first the Select Board could make it a requirement to go around and not have poles along one side of the road. Mr. Wall commented that the disadvantage of having poles on both sides is that it has to be designed to consider strain and stress on the wires, which relates to additional pole installation (guide poles and push braces). The Chairman commented that the question of pole installation does not fall under the jurisdiction of the Board of Public Works and should be brought before the Select Board.

Mr. Feingold asked the Nstar representatives if they could recommend a way of solving Nstar's needs without installing forty new poles on a scenic road. Mr. Wall said he could not give an answer to that question today because that was not the direction he was given. His charge was to improve the reliability of the performance of circuit in the most economical way he could. Mr. Feingold commented that the work is commencing today. The Chairman asked if all the pole work was replacement. Mr. Wall replied that he believed that it is and if it was not there would have been prior approval because they would not start a project with prior approval. He mentioned a similar project that will be commencing on Fisher Road wherein rights had to be obtained as normal procedure.

Mr. Feingold asked if underground utilities provided greater reliability than telephone poles. Mr. Wall replied in the affirmative. Mr. Feingold asked Mr. Wall if he knew whether or not the work on Horseneck Road and other scenic roads is being paid through regular income derived from subscribers or some other fund. Mr. Wall believed that all capital construction is paid through the rate structure. Mr. Feingold asked Mr. Wall if he knew whether or not there is any stimulus funds or any other type of funds other than those derived from subscribers that are being used for the installation of underground utilities. Mr. Wall replied that there have not been to his knowledge.

Ms. Janet Pritsch of Horseneck Road commented that she appreciated the work to the circuit because she agreed the area of Town was in need of an upgrade. Although she understands the situation, her concern is what has happened to the trees. She asked that the Nstar representatives present would pass it on to Nstar to hire people that are trained in proper arbor care and pruning. She explained what was she saw done on Horseneck Road to the trees. Mr. Sellers replied that the crews contracted by Nstar go through training and he himself is a certified arborist. He listed a number of the contracted services they use and noted that they all have training and some have their own certified arborist on staff. He added that Nstar audits all of the work and try to be diligent in mitigating damage issues when they learn of them. Ms. King commented that she contacted Nstar but did not receive any response.

Ms. Blake asked how many crews were working on this circuit. Mr. Sellers responded that they had between 12 and 14 crews working on any given day. Ms. Blake asked if they had been working for approximately three months and if each crew had at least two police officers with them. Mr. Sellers replied in the affirmative. Ms. Blake asked if Mr. Sellers could give them the overall project budget for the project. Mr. Sellers replied in the negative. Ms. Blake said she was asking in relation to Mr. Feingold's question about underground service. A brief discussion regarding underground utilities installation ensued.

The Chairman suggested that maybe Nstar could have isolated problem areas better rather than addressing the entire circuit in the same fashion. Mr. Sellers replied that another part of the problem in the area was a heavy infestation of moths and caterpillars, which caused a heavy Oak mortality contributing to tree outage problems.

Mr. Feingold said the problem with contacting Nstar with an issue is that after the tree has been trimmed it cannot be glued back. He said if they really wanted feedback they would notify abutters with a postcard or the like of the pending work. Ms. Pritsch shared her recent experience with a tree trimming crew. Mr. Feingold asked again whom they could speak to at Nstar to have them reconsider the work that would be commencing on Horseneck Road and Barney's Joy Road. Mr. Wall commented that the project is driven by reliability. Mr. Feingold asked whom they could talk to have it brought before the Select Board. Mr. Feingold commented that he understood that it may not be required for permitting but the tree work combined with new poles is a huge impact to the scenic roads. Mr. Dennis Galvam, Manager, Community Relations & Economic Development/Nstar, said it is beyond their authority but he would bring it back to Nstar seniors. Mr. Branco explained the process and bylaw for adding to public way. Mr. Feingold suggested that they ask Nstar to reconsider with the Select Board. The Chairman asked Mr. Galvam to bring the information back to Nstar and get back to the residents with the outcome. Mr. Galvam replied in the affirmative and offered his number, (508) 732-4206. As a suggestion, Mr. Azinheira commented that an outside arborist should be retained to monitor the work of the contracted crews retained by Nstar.

The Chairman asked Mr. Galvam to follow up with the residents, and the appointment concluded with the residents thanking the Board for their time.

Meeting with Mr. Jeffrey Musich, P.E., Vice President of Wright-Pierce to discuss EPA Final Groundwater Rule & Dartmouth's approach to address the findings.

The Chairman recognized Mr. Jeffrey Musich of Wright Pierce.

Mr. Musich reviewed the new EPA Final Ground Water Rule and how it will impact the Town's contact time and treatment of water. Mr. Sullivan said he would like the focus at this time to be on the 687 facility and then budget for the other two facilities. He requested the Board's approval to move forward in obtaining a request for proposal for a basic study for options to bring the facilities to compliance with the new regulation. The Board agreed and approved in having Wright-Pierce to proceed with a proposal for a basic study of the 687 water treatment facility.

OLD BUSINESS

Discussion regarding status of Bristol County House of Correction outstanding water bill.

Mr. Hickox informed the Board that Mr. Sullivan and he met with the sheriff and the sheriff's department would like to reach a compromise because they do not agree that the amount of water went through the meter. They asked for a recalculation based on their three-year average usage.

Mr. Hickox commented that the water went threw the meter and the outstanding amount is \$67,000.00 and the sheriff's department insists that there is a 200,000 cubic feet difference from what the historical usage. Mr. Nunes asked if the meter was tested. Mr. Sullivan replied that Bristol County House of Correction had the meter tested and it tested accurate. Mr. Hickox reviewed the usage report.

Based on the accurate meter readings, a motion was made by Mr. Branco and duly seconded by Mr. Azinheira to deny the request of Bristol County House of Correction to reduce the outstanding water bill by 200,000 cubic feet. So voted.

Mr. Hickox will notify the Sheriff's office in writing of the Board's decision.

Status of Assistant Superintendent of Services & Infrastructure and Administrative Clerk positions.

Mr. Hickox informed the Board that he gave the Assistant Superintendent of Services & Infrastructure notice that he has moved out of the probationary period and the position is a non-union position. He added that the administrative clerk might petition to join the laborer's union.

NEW BUSINESS

Review of Privatization Committee's report on Curbside Solid Waste & Recycling Program

The Board agreed that the document be forwarded to the Select Board. The Chairman asked if the report had been sent to any other agencies. Mr. Hickox replied in the negative. The Board agreed that the review exercise is necessary and purposeful if the program is to remain competitive and efficient. A brief discussion regarding the difficulty in finding a hybrid recycling truck ensued.

Request to utilize Sewer Enterprise Emergency funding for wastewater treatment plant repairs.

Mr. Cardoso explained the current situation to the Board members, which necessitates the plant repairs.

Based on the recommendation of staff and after a motion was made by Mr. Branco and duly seconded by Mr. Nunes, it was voted two (2) in favor and one (1) absent (Mr. Azinheira) to approve the request to expend \$27,863.00 for a new baldor motor 150 HP for the effluent pump 403, a new Eaton VFD for effluent pump 401, and a repair clutch for the tub grinder from the Sewer Enterprise Emergency Fund.

Vote to award the Waterways Project subject to Town Meeting approval

Mr. Hickox noted that the Department of Public Works acted as the agent in putting together the bid specifications documents and bidding process for the *Waterways Public Access Project at Clark's Cove*. Bids were opened on August 5, 2009, and the award postponed until the Waterways Commission could present an Article before Town Meeting for additional funding. The Article is on the October 20, 2009, warrant and it would be an appropriate time to award pending Town Meeting's approval. The Chairman asked how the project is being funded. Mr. Hickox replied the project would be funded primarily through C.P.C. funds. Mr. Hickox recommended that the project be awarded to Green Acres Landscape & Construction Co., Inc., of Lakeville MA, pending Town Meeting approval.

A motion was made by Mr. Branco and duly seconded by Mr. Azinheira to award, pending Town Meeting approval, the Waterways Public Access Project at Clark's Cove to Green Acres Landscape & Construction Co., Inc., of Lakeville, MA at \$111,030.00. So voted.

Review of request to trim/remove tree on Longview Avenue.

With the aid of photographs, Mr. Hickox presented the resident's request to have the tree removed from Longview Avenue. As Tree Warden Mr. Branco, visited the site and met with the homeowner to research the claim that the tree is obstructing views from the driveway causing a safety hazard. Mr. Branco does not agree that the tree is posing a safety hazard or that the tree should be removed and informed the resident of such. He asked that the Safety Officer be asked to visit the site and make a safety determination.

A motion was made by Mr. Azinheira and duly seconded by Mr. Branco to deny the request of the resident of 64 Old Westport Road to remove trees on Longview Avenue. So voted.

Request from property owner of 272 State Road for reimbursement of damages associated with leaking water service.

Mr. Hickox briefed the Board on the issue. Mr. Nunes asked for the Director's recommendation. Mr. Hickox recommended that they meet the resident half way because the service should have been abandoned years ago when the contractor decided he needed a larger service. Although the contractor should have notified the Town at that time that he was not going to use the current service as request, the Town did not pickup on the service not being abandoned when the new system was turned on. Mr. Azinheira agreed that it would be fair to meet the property owner halfway. The Chairman asked if the parking lot was going to be repaired. Mr. Hickox replied that the construction division would repair a small section of the parking lot.

A motion was made by Mr. Azinheira and duly seconded by Mr. Branco to approve the recommendation of staff to reimburse the property owner \$635 for cost resulting in a leaking water service at 272 State Road due to a service that should have been abandoned during construction of a new building by the contractor and that a letter would be placed on file. So voted.

Renewal applications for Sewer Betterment Assessment Deferral

The Director announced that the renewal applications were in order and recommended they be approved.

Based on the recommendation of staff, a motion was made by Mr. Azinheira and duly seconded by Mr. Branco to approve the following renewal applications for sewer betterment assessment deferral:

107 Adams Street/Plat 123 Lot 116	98 Willis Street/Plat 123 Lot 105
92 Lakeside Avenue/Plat 179 Lot 18	48 Kingston Street/Plat 177 Lot 36
865 Smith Neck Road/Plat 104 Lot 10	865 Smith Neck Road/Plat 105 Lot 30
601 Reed Road/Plat 171 Lot 80	

So voted.

Request for Utility Layer License – Silva Stamped Concrete, Inc., of New Bedford, MA

The Chairman commented that he believed the Board received automobile limits that it agreed upon from the Town's insurance agent, John Beauregard a few years ago. He noted that he didn't believe those limits are being requested from the applicants. He asked that those limits be researched.

A motion was made by Mr. Azinheira and duly seconded by Mr. Branco to approve the application for a utility layer license submitted by Silva Stamped Concrete, Inc., of New Bedford, MA subject to the applicant having the approved automobile liability insurance limits. So voted.

OTHER BUSINESS

The Chairman asked those present if they wished to discuss any other business that morning.

The Chairman advised the other Board members that he received correspondence from Maria J. Pine of 24 Holly Drive as a follow up to her request for a water/sewer abatement. He read the letter into the record.

Based on the new information provided, a motion was made by Mr. Azinheira and duly seconded by Mr. Branco to abate the sewer portion of the outstanding bill based on the prior year usage average. So voted.

SIGNATURE DOCUMENT

The Board members signed the following signature document: **Betterment assessment – *Old Westport Road Area.***

Having no further business to discuss that morning, at approximately 9:25 a.m. a motion was made by Mr. Branco and duly seconded by Mr. Azinheira to adjourn the meeting. So voted.

Respectfully submitted:

Michelle L. DeFranco, Office Manager/Confidential Secretary

Approved: *11/24/09*