

**Present:**

Lee M. Azinheira, Chairman  
Mark S. Nunes, Clerk

Manuel Branco, Vice Chairman  
David T. Hickox, Director

Carlos Cardoso, WPC Plant Manager          Steven Sullivan, Superintendent Water & Sewer Division  
Paul Pacheco, Superintendent Services & Infrastructure

The Chairman called the meeting to order at approximately 7:30 a.m.

**ACTION ITEMS**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to approve and accept the warrants for the bills payable for the period ending July 22, 2010. So voted.**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to approve and accept the payrolls for the weeks ending June 25, July 2, 9, and 16, and 20, 2010. So voted.**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to Approve and Accept the Meeting Minutes of June 24, 2010. So voted.**

**APPOINTMENT**

**Meeting with Mr. Edward Jagielski of 35 George Street re: driveway**

The Chairman recognized Mr. Edward Jagielski of 35 George Street.

With the use of a site plan, Mr. Jagielski pointed out his property located at 35 George Street. He explained that he has a problem with water pooling on his driveway since the roadwork on George Street was conducted. He voiced his opinion that the plan was not followed and approximated that the highpoint is 3” higher than it should be, which is causing the water drainage issue on his driveway. He added that the asphalt used is very course and he believes there will be frost heaving when it freezes.

Mr. Hickox noted that the project was a full-depth reconstruction of the roadway. He added that it is not uncommon to make adjustments when re-grading a road and they try to blend and match existing driveways in a restoration project. He believes Mr. Jagielski’s concern is that water appears to be pooling in his driveway. The Department has viewed the site on a number of occasions and what they have seen is what has occurred prior to reconstruction and exist today, that the driveway has numerous low points where water pools. Mr. Hickox presented the Board with photographs of the driveway taken after a recent rainstorm, which depicted the pooling on the driveway. Mr. Jagielski replied that due to the lip on the pavement the water does not drain off the driveway. The Chairman pointed out that the water is not pulled along the “lip” but was pooling in isolated puddles on the driveway. Mr. Nunes commented that the photographs depicted that the puddles are near the resident’s doorway not along the sidewalk. Mr. Jagielski replied that those puddles are “birdbaths” and do not concern him.

Mr. Hickox said the pictures were taken immediately after a downpour and there was no evidence of water pooling along the sidewalk or the work the Department conducted. He added that there was a problem along the other side of the driveway, which the Department acknowledged and repaired.

Mr. Paul Pacheco informed the Board that he had stopped the sidewalk work in December and just laid the binder in front of 35 George Street when he learned that Mr. Jagielski reported that he had an issue. The remaining sidewalk was completed last fall. When the final course level was laid, the design engineer worked with Mr. Jagielski to address any of his concerns.

Mr. Hickox asked Mr. Jagielski what he was asking of the Board. Mr. Jagielski replied that there is a 4" berm. Mr. Hickox informed the berm keeps the water on the street by design. Mr. Jagielski said there is no berm on the other side of his driveway. Mr. Pacheco said the berm was cut at the resident's request. Mr. Jagielski said it was to prevent water pooling on that side. Mr. Hickox explained that the project was not new construction but rather reconstruction and adjustments had to be made to meet both of Mr. Jagielski's driveway elevations.

Mr. Jagielski said he went to the law library and you cannot channel water on to town property but it is also illegal to channel water on private property. Mr. Branco informed Mr. Jagielski that he had been the Superintendent of Public Works in town for a number of years and he has reviewed the plan as well as the pictures taken after the rain. He added that he understood what Mr. Jagielski was saying but noted that the puddles in the driveway were not due to the pitch of the road or the sidewalk but the pitch of the driveway. He added that even if the driveway were overlaid there would be problems because the driveway pitches toward the house rather than the road.

The Chairman noted that there is no pooling of water at the end of the driveway and all water has drained with the exception of the low points in Mr. Jagielski's driveway. In an effort to bring closure to the discussion, the Chairman offered to revisit the site in the winter to learn whether or not there is an icing problem. Mr. Nunes and Mr. Branco agreed that there was not an issue at this time but would revisit the issue in the winter. Mr. Nunes noted that he visited the site after a rainstorm and the roadway is not creating a situation.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to revisit in the item during the winter in regard to the concerns of Mr. Jagielski of 35 George Street pertaining to water pooling at the end of his driveway but at this time there is no issue to correct. So voted.**

The Chairman asked that a copy of the meeting minutes be mailed to Mr. Jagielski. He also asked Mr. Hickox to summarize the discussion in a letter to the Select Board.

For the record, Mr. Pacheco commented that the inspector worked very closely with the homeowner on the project.

### **Hearing – Union Grievance – Justin Raposa, Division of Services & Infrastructure Violation of Article V – Sick Leave Accrual**

The Chairman recognized Mr. Normand Emond, Union Shop Steward.

Mr. Norman Emond introduced himself as the new shop steward. He informed the Board that Union Representative Timothy Mahoney was scheduled to appear before the Board but was detained by a traffic accident. For that reason, he asked the Board to consider postponing the hearing.

**At the request of the shop steward, a motion was made by Mr. Branco and duly seconded by Mr. Nunes to postpone the union grievance hearing submitted by Justin Raposa dated June 29, 2010. So voted.**

### **OLD BUSINESS**

#### **Request for abatement of water and sewer billing – 48 Featherbed Lane**

Mr. Hickox reviewed the submitted information that was requested at the last Board meeting. Mr. Nunes acknowledged that the resident did not recover the cost of the water/sewer charges through the insurance claim.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to abate \$2,066.95 plus any demand fees and interest associated with water and sewer billing #1123173 due to a burst water pipe at 48 Featherbed Lane. So voted.**

Mr. Branco asked Mr. Sullivan if he had received a call about a situation on Stoneledge. Mr. Sullivan replied that he did not recall. Mr. Branco commented that he had suggested to the resident that they look for leaks and then contact the water department.

#### **Update – Solar farm proposal**

Mr. Hickox informed the Board of his discussion with Executive Administrator David Cressman regarding long-term leases. He also noted the information in the packet from the town of Concord, MA. The first step to enter into a long-term lease is to acquire Town Meeting approval authorizing the Select Board to enter into such an agreement. The seconded step would to draft a Request for Proposals. Mr. Hickox asked the Board members if they wished to move forward and draft an article for Town Meeting.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to move forward in the preparation of an article for Town Meeting to authorize the Select Board to enter into a 30-year lease agreement for the purposes of advancing a solar farm on the Russells Mills landfill. So voted.**

#### **Update – Town of Dartmouth Wind Turbine Project**

Mr. Hickox updated the Board on the progress of the Town's wind turbine project. There were eight responses to the Request for Proposals and the Designer Selection Committee has reviewed the proposals and narrowed it down to three firms. Interviews with the three firms will commence during the first week of August. Once the Designer Selection Committee rates and agrees upon the firm, the fee proposal will be opened and negotiations will commence. However no formal negotiations will be discussed until all litigations are resolved.

Mr. Hickox also reported that the interconnect studies are advancing with Nstar.

#### **NEW BUSINESS**

##### **Discussion regarding Cell Phone/Texting Ban and Department of Public Works policy for violation of such**

The Massachusetts texting ban will go into effect on September 30. The Board agreed that a policy should be set regarding employee cellular phone use but believe it should apply to all town employees and not just DPW employees.

##### **Discussion regarding Department of Public Health – 105CMR 480.00 - minimum**

Mr. Hickox informed the Board that Mr. Cressman had forwarded information regarding a firm in New Bedford that disposes sharps. Although the state has delayed implementation of the regulation, Mr. Hickox would like to move forward in requesting proposals for medical waste drop sites for the town's residents. The Board agreed that the Department should proceed with finding medical waste disposal options for the town residents in preparation of the new state regulation.

## **Water Testing and Analysis Program – Water & Sewer Division**

Mr. Hickox noted that the current agreement has a clause that allows a one-year continuation option.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve a one-year extension to the current agreement between the Town of Dartmouth and Analytical Balance Corp. for Water Testing and Analysis. So voted.**

## **Contract Award recommendation – Analytical Services/Russells Mills Road Landfill**

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve the recommendation of staff to award the contract for analytical services – Russells Mills Road Landfill to R.I., Analytical of Warwick, RI. So voted.**

## **OTHER BUSINESS**

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

Mr. Nunes said he spoke to the Harbormaster about the dedication of the Apponagansett Bridge. Mr. Hickox noted that they are awaiting a final inspection from the state before the work is released.

Mr. Nunes commented that he has not seen any improvement with the recycling drivers placing the bins properly after they are emptied. He asked that a written policy be drafted. The Chairman agreed that if there appears to be a chronic problem disciplinary action is warranted.

The Board agreed to meet again on August 5, 2010, at 7:30 a.m.

**Having no further business to discuss that morning, at approximately 8:40 a.m. a motion was made by Mr. Nunes and duly seconded by Mr. Branco to adjourn the meeting. So voted.**

Respectfully submitted:

Approved: 09/28/10

Michelle L. DeFranco, Office Manager/Confidential Secretary