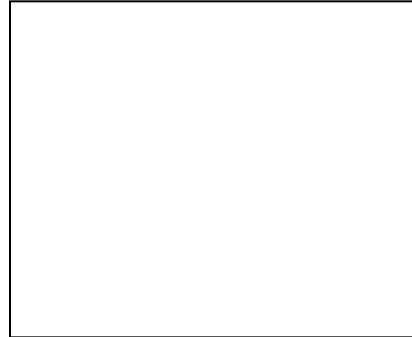


**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

Present

Geoffrey Haworth, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
G. Steven Riley, Commissioner
Daniel Freitas, Commissioner
William Fitzgerald, Jr., Superintendent
Kathy Tripp, Administrative Assistant
John Charbonneau, Highway Superintendent
Kathy Fitzgerald, 5 Wayne Street
Henrique Caetano, 4 Wayne Street
Lori Dexter, 6 Wayne Street



I. Call to Order

Mr. Haworth called the meeting to order at 6:34 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. January 3, 2011

Mr. Hobson motioned to approve the minutes of the January 13, 2011 meeting. Ms. Sturtevant seconded. Vote unanimous.

IV. Appointments

Appointment with Mr. Viveiros was cancelled.

V. Items for Action

A. Articles

Mr. Charbonneau explained the articles for the Annual Town Meeting.

- BPW Fueling System
- Cushman Park Tennis Courts
- Fort Street Sidewalk
- Macomber Pimental Field Fencing
- Phoenix Trail Bike Path
- State Aid to Highways
- Street Lights – Arsene Street
- Street Signs
- Road Work

Mr. Haworth – We have residents here from Wayne Street. Would anyone like to speak?

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

Ms. Fitzgerald – I am Kathy Fitzgerald. I've put in a petition for the last few years. Wayne Street is not a drivable acceptable road. We've had a few battles along the way with a water main and fire hydrants. The Town comes and grades it and a few days later if it rains its back to potholes.

Mr. Fitzgerald – There is a small water line. There is ledge and to put in a water main could be expensive.

Ms. Fitzgerald – We have no problems with water pressure. We'll be happy with whatever. There are a lot of children on that street.

Mr. Caetano – My concern is the safety of the kids on bikes. I wish the Town could do something to this street. The asphalt at the edge of my driveway is cracking.

Ms. Dexter – I feel the same way, it's a safety issue.

Mr. Hobson – I've brought this street up for the last three years. I'm in total support. The Town should be doing one or two dirt streets a year. Chip seal, will you be willing to go along with that?

Ms. Sturtevant – I know the street. It's in tough shape. The water issue, do it right, there's no quick fix.

Mr. Riley – All the streets; there is a hardship for every street. For me, work backwards. Oxford; take that money out first. I'm not in favor of unaccepted streets. Any dirt road you risk injury. There is ledge there we talked about. Last year we voted Potter Street for chip seal. I would be in favor for that short of a street. It has mild use. Try chip seal, especially on dirt roads. Definitely do Oxford and chip seal on Wayne.

Mr. Freitas – I agree with Steve. One problem; the Board set an agenda in the past for the same problem. I would vote for chip seal.

Mr. Haworth – I agree. There are seven dirt roads. Each has its merits. Chip seal is a good compromise. This Board only recommends to Town Meeting. You as petitioners should also go to Town Meeting and speak on it.

Ms. Sturtevant – If Town Meeting precincts are full you can't vote but you can sit in the back and as a petitioner you can ask to speak.

Mr. Hobson motioned to approve \$25,735 to chip seal Wayne Street. Ms. Sturtevant seconded. Vote unanimous.

Mr. Riley – If we did Fort Street with Oxford and Wayne that brings it to \$313,000.

Mr. Hobson – I'd like to ask Mr. Charbonneau about Dogwood Street. We've put that off for four years. My recommendation would be Dogwood Street.

Mr. Riley – What about Lafayette?

Mr. Haworth – Can I have each of your recommendations?

Mr. Hobson – Dogwood.

Ms. Sturtevant – Lafayette, Oxford, Wayne and Dogwood.

Mr. Riley – The same.

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

Mr. Freitas – Those four and West Street.

Mr. Riley – It would be worthwhile for West Street.

Mr. Hobson motioned to approve Wayne Street, Dogwood Street, Lafayette, Oxford and West Street for articles for Road Work and if one has to be dropped it should be West Street. Mr. Riley seconded. Vote unanimous.

Mr. Fitzgerald – Fort Street would be eligible for funding through Chapter 90.

Mr. Riley motioned to use Chapter 90 money to do Fort Street. Mr. Hobson seconded. Vote unanimous.

Mr. Riley – The lawn tractor we bought five or six years ago; is it built to add a plow or snow blower?

Mr. Charbonneau – It's not four wheel drive. I can get prices both ways.

Mr. Fitzgerald – Sewer Articles; I received the quotes today. \$2,324,300 for South and Taber Street. We had originally used the old numbers we had from FS&T. The tanks are a huge safety problem. The NPDES Permit; there is no way to guess that number. We had a meeting with EPA, DEP and UMass last Thursday. UMass is going to make the model stuff available to us. They've given us a year to do it. It's helped that we've been proactive. The I and I; nothing yet. What happens with the sewer and water is, we can put in the numbers before the April 1st warrant gets printed. We go over the revenues with John Nunes, Jeff Osuch and Anne to see what we can spend.

Mr. Riley – Is that thru retained earnings?

Mr. Fitzgerald – Yes. I just got those numbers today.

Mr. Riley – Can Brown and Caldwell come in after you talk to Linda and present their findings to us.

Mr. Fitzgerald – Okay. The water is for engineering for the hydraulic model of the system. Ed wants to know what will happen if the Boston Hill Tank goes off line. If Boston Hill is off line can the Treatment Plant pump enough water or do we buy from New Bedford? It's about \$5,000 to get this piece done. We need to keep the fire flow in the system.

Mr. Riley – I'd like to see what we get for \$5k.

Mr. Fitzgerald – It relates to Boston Hill.

Mr. Riley – It's been three and one-half years since this has been presented. Is this something new?

Mr. Fitzgerald – It was discussed before.

Mr. Haworth – We still don't have our numbers. The department heads oversee the articles. All five of us want to support these articles, but there are no definitive costs.

Mr. Fitzgerald – John Roderiques said it would be better to go with them to the Special Town Meeting.

Mr. Riley – I want more concrete numbers on the bridges.

Mr. Freitas – Three days before they are do, we get numbers thrown at us.

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

Mr. Haworth – Each project is important.

Mr. Riley motioned to pass on the Sewer Articles and the Boston Hill Water Tank and to accept all the others. Ms. Sturtevant seconded. Vote unanimous.

B. Sewer Tie-In Fee – Expiration Date of Permits

Mr. Haworth – The contractor has 180 days that is credited to his account. The contractor that was at our last meeting wants to be able to transfer the \$250 to another permit. We could not discuss this at the last meeting because it was not on the agenda.

Ms. Tripp – There is different language in the rules and regulations and on the fee schedule chart. We cannot refund the money because it is deposited into a receipt account. The rules and regulations do say that the Superintendent could transfer the permit.

Mr. Riley motioned to change the wording to say that the permit is good for 180 days and it could be transferred to another permit within that 180 day period of first issue with the approval of the Superintendent of Public Works or the Superintendent at no charge. Ms. Sturtevant seconded. Vote unanimous.

VI. Superintendent – Information and Updates

Mr. Fitzgerald – Nothing to discuss.

VII. Board Members – Old Business / New Business

Mr. Hobson – The Highway did a pretty good job on the latest storm. I'm disappointed that the bike path didn't get plowed. The gate at Fort Phoenix was closed for three to four days. The State finally came down and opened the gate and plowed it.

Mr. Fitzgerald – We have a contact now in Freetown. They don't know who locked the gate. It may take three or four days to get plowed.

Ms. Sturtevant – I had a few phone calls about the snow in the center of Fairhaven. There was a truck with two guys picking up garbage; 1 coffee cup. We need the guys out there cleaning out fire hydrants and drains. Also a call about having the plow down on Sconticut Neck Road where there was nothing to plow.

I've scheduled a meeting with the Park Committee for Tuesday at Town Hall at 7:00, January 25th. The letter from the Gridiron Club, I'll look into that.

Mr. Riley – Mr. Charbonneau answered my question about the snow blower or plow for the bike path.

The article in the paper about the trees and the letter from Mr. Souza; since I've been on this Board, when the Town receives attention that Town property is being infringed upon, we've taken action. Mr. Souza asked Mr. Freitas about it and it was brought to our attention. We discussed it. It's Town owned land. We've been back and forth with Mr. Souza. He was invited to come in twice.

Mr. Riley read a letter from Town Attorney Bailey from October 26, 1999.

Mr. Riley - The Town did not take action at that time, but the Town does have the right.

Mr. Riley read the last statement in paragraph 3 from Mr. Souza's letter dated January 17, 2011.

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

Mr. Riley - That's a contradiction. Mr. Souza brought that on himself. It's an unfortunate incident. Trespassing and a public safety issue. The Town had every right to take down those trees.

Mr. Fitzgerald – The Inspector General said if you do let them use it, it's against the law from new information that we have.

Mr. Haworth – Send Mr. Souza a letter about the additional tree removal. Put it on the next agenda to vote on and invite Mr. Souza.

Mr. Riley – Check the three trees that he wants to come down and see if they are on Town property.

Mr. Haworth – Have the Tree Warden check.

Mr. Freitas – I was the first one called asking if I can please help him out. It's a safety issue. The Tree Warden said they were hazardous. The sticking point was the fence. We decided to take it down. He didn't want the fence down. It's a catch 22. Town Counsel said you have to take it down. We had to act. We're in the middle and it's hard to deal with. You can't please everyone. I went out of my way. You should hear the voice mails. He's not too pleased with me.

Mr. Haworth – It's a bad situation. My name is mentioned quite a few times. I tried to mediate. He feels he's being singled out. No way. It would be exactly the same way if someone else lived there.

The last snow storm the guys did an excellent job. I had a lot of positive comments. There is a budget concern, but it's a necessary evil.

VIII. Executive Session

A. Personnel Matter

Mr. Haworth – Mr. Fitzgerald, do you want this in open or executive session?

Mr. Fitzgerald – Open Session.

Mr. Haworth – On January 6, 2011 you received a letter that the Board wanted to meet with you about your contract that ends on May 4, 2011. The purpose is to discuss the possibility of renewing your contract.

The Board took a four minute recess at 8:20 p.m.

Mr. Haworth – Mr. Fitzgerald, your employment agreement expires on May 4, 2011. I'd like to give you an opportunity to speak.

Mr. Fitzgerald – I very much like working in the Town of Fairhaven. The people I work with are fantastic and the citizens. This is what I do. In my original interview I gave you my strengths; project development, objectives. The managers and department heads, I work with them. I asked them what can I do to help you. I let them take the lead. When I came in you were in the process of a wastewater upgrade, Howland Road which sat up in Mass Highway for a year. We got that out to bid. The stockpile of compost; we made a big dent out of Long Road and the Landfill as surplus material. South Street has been completed, the West Island Wells. There was a major study and now the filters have been fixed. Sewer lining on Howland, Elm and Laurel Street; sewer repairs on Howland Road. A number of these things were done by engineers. We've showed EPA that we can be progressive. Now we have a year to show them and we probably don't need to do some of those upgrades. The assessment of the pumping

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

stations is complete. Solid Waste Contract we saved \$154k. We have a most accurate computer system with what the interns did at a very low cost. The Sciticut Neck Water Tank was completed; street signs. We've been very successful with Bill Roth matching Chapter 90 money. That's how his jobs were a lot easier to do. Numerous water projects got underway, Pease Park. Grants had taken up a lot of time. The Stimulus money; Bill Straus was incredible. We got \$8M. This is the first digester in Massachusetts in twenty years. The West Island Culvert Replacement, stormwater grants, Bridge and Alden, 4 intersections on Route 6, \$3.6M in construction grants and designs paid for. \$12M in grants in the last four years. These were the strengths that the Board hired me on. The first years evaluation was great and then they said don't take on any more projects. I've been changing, critiqued. Has it been smooth? No. Management; one thing that happened was there was not a system of progressive discipline. The Superintendents had no incentive to bring anything to the Board if the Board was just going to overturn their decision. Civil Service; now that it's gone we have a better hiring pool. It's a tough time for a transition. Do I feel give me a contract for another three years? No. The next year is critical. I would like one more year.

Ms. Sturtevant – Unfortunately I wasn't here when you were hired. I just know in the time I've been on the Board, you've been reprimanded for some things. If we give you probably another chance you'll be back to the same thing. I have a hard time with that. Cross training; really a big problem with that at that time. Grants you get plusses for that. I've heard it before, are you a Superintendent, head dog? No, I feel you would be a better assistant.

Mr. Fitzgerald – Reprimands. I've been reprimanded for sick leave. I had some medical issues. I've been coached by you, five different people. It can be difficult cross training. The Sewer Department has been low on staff.

Ms. Sturtevant – What about the weekly meetings and reporting back to us?

Mr. Haworth – Mr. Freitas?

Mr. Freitas – I'd like you to come back to me.

Mr. Hobson – I don't know why we need to come back to Mr. Freitas. I'll accept that. I've been on this Board longer than anybody. Is her perfect? No. This Town it's who you are friends with. It's all political. I'm a loaner. He's done a good job. He gets along with the Superintendents. I haven't seen one that wanted him to leave. He's gotten \$12M in projects that are unfinished. The Town of Fairhaven, you are not going to get along with everybody. He's done a decent job. The types of projects, you are not going to get a better person. I've talked to Kathy, Charbonneau, the sewer lady; none of them said he was perfect. Did they say he was good? Yes. I've never seen him suspended. I would recommend another shot. I'm pro union but out of twenty guys there are always a couple people who don't like their boss.

Mr. Haworth – What would be your goals for the next year?

Mr. Fitzgerald – Complete those projects. Be out in the field more. Have closer relationships with individuals. This Board is elected to meet goals.

Mr. Haworth – In the last four years, what would you do differently?

Mr. Fitzgerald – The multitude of projects we didn't get done. Get out on the road more. Better with the guys.

Mr. Freitas – Sitting on this side of the Board, we've talked about some accomplishments. You have been a pretty fair person. The NPDES Permit, very good on that. The grants, we got some good money. The Digester; it's been back and forth. On the bad side; do you remember what advice I gave you that

**Town of Fairhaven
Board of Public Works Meeting
January 18, 2011**

day of your first Town Meeting? I told you to make this Board your own, not the other way around. I'm somewhat stuck on the fence. It comes down to the same things that haven't been done. It's pressing the button. Get to know the guys. Morale is low. The feeling from the people is that you are out to get them. You have improved. I hear things. At this point, I don't know any more.

Mr. Riley – I was one of the few Board members who interviewed Bill. We started together in this journey. Projects, job experience, getting grants, progressive discipline. He was grilled in his interview. Managing skills. I've been your biggest fan and your biggest critique. In three and one-half years I've seen Bill in action. It's unfortunate but it doesn't overshadow other managing skills. The style of handling your subordinates in different times is accurate, time sensitivity. It's not a desk job. One year, three months previous you've had high efficiency. The same thing happened this year. You're on top of your game. In the short time after Mr. Bosworth passed away I was made Chairman, you called me every day. That's not my job. You have a lack of confidence. Sitting here today, the white board has been up there eighteen months and it's not updated.

Mr. Fitzgerald – I've dropped stitches on different things, yes. I'm having a rough patch right now.

Mr. Riley – It's your management style. I commend you on your presentation tonight.

Ms. Tripp – Mr. Fitzgerald gave me the responsibility of the white board. I haven't updated it in a couple of months.

Mr. Hobson – Whenever I call him, he calls me back. I still think he deserves one more year. That's my motion. Mr. Haworth seconded.

Mr. Riley motioned not to renew Mr. Fitzgerald's contract. Ms. Sturtevant seconded.

On Mr. Hobson's motion: Mr. Hobson and Mr. Haworth in favor. Mr. Riley, Ms. Sturtevant and Mr. Freitas against.

On Mr. Riley's motion: Mr. Riley, Ms. Sturtevant and Mr. Freitas in favor. Mr. Hobson and Mr. Haworth against.

IX. Set Date for the Next Meeting

Mr. Riley motioned to hold the next meeting on January 31, 2011 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

X. Executive Session and Adjourn

Mr. Riley motioned to adjourn the open session at 9:10 p.m. and enter into executive session to discuss union negotiations and not to reconvene the open session. Ms. Sturtevant seconded. Vote unanimous.

Roll call taken: Mr. Haworth, Mr. Hobson, Ms. Sturtevant, Mr. Riley and Mr. Freitas in favor.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant