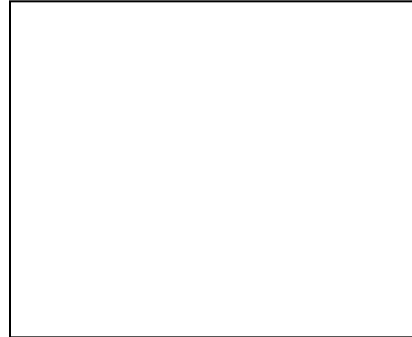


**Town of Fairhaven  
Board of Public Works Meeting  
January 31, 2011**

Present

Geoffrey Haworth, Commissioner  
Robert Hobson, Commissioner  
G. Steven Riley, Commissioner  
Daniel Freitas, Commissioner  
William Fitzgerald, Jr., Superintendent  
Kathy Tripp, Administrative Assistant  
Linda Schick, Sewer Superintendent  
Omer Dumais, Jr., Tighe & Bond  
Ryan Pavlica, Tighe & Bond  
Robert Winn, Brown & Caldwell



**I. Call to Order**

Mr. Haworth called the meeting to order at 6:30 p.m.

**II. Routine Matters**

**A. Signing of Departmental Bills**

**III. Approval of Minutes**

- A. January 25, 2010 – Executive Session**
- B. February 22, 2010 – Executive Session (a)**

Mr. Hobson motioned to approve the minutes of the January 25, 2010 Executive Session and February 22, 2010 Executive Session (a). Mr. Riley seconded. Vote 3-0 in favor. Mr. Freitas abstained.

- C. August 16, 2010 – Executive Session (a)**
- D. November 1, 2010 – Executive Session**
- E. January 18, 2011**

Mr. Hobson motioned to approve the minutes of the August 16, 2010 Executive Session (a), November 1, 2010 Executive Session and January 18, 2011. Mr. Riley seconded.

Mr. Freitas – I would like to put the January 18, 2011 minutes on hold. I didn't see Mr. Haworth vote on Mr. Fitzgerald's contract.

Mr. Haworth – I seconded the motion and voted.

Mr. Freitas – I watched the tape and you didn't vote.

Mr. Haworth – I said I voted. My girlfriend said she watched the tape and I said yah.

Mr. Freitas – Bring in the tape. It could be contested. Wait for Kathy and we can revote.

Mr. Haworth – From now on I am going to say what the vote is.

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Mr. Hobson motioned to approve the minutes of the August 16, 2010 Executive Session (a) and November 1, 2010 Executive Session. Mr. Riley seconded. Vote 4-0 in favor.

**IV. Appointments**

**A. Brad Souza, 188 Green Street – Re: Trees**

Mr. Fitzgerald – Mr. Souza will not be here. He would like to send a representative to our next meeting.

**B. Omer Dumais, Ryan Pavlica – Tighe & Bond**

Mr. Fitzgerald – Last week I received a call from DEP. They want to award us a \$93,000 grant. Their concern is that there is going to be a staff change. They feel that they needed a commitment from the Board for the 604b grant. They wanted me to bring it to the Board to see if you are committed.

Mr. Dumais – I will give you an overview of why it's important. The stormwater projects, the first 319 grant is almost done. The second one just got started. The new one is a 604b grant. We are well positioned to receive this grant. The Board needs to make a commitment. You have a reprieve on the NPDES permit.

Mr. Dumais gave a summary of the proposed project.

Mr. Freitas – How long to do the study?

Mr. Dumais – Fifteen months.

Mr. Hobson – It's a good project.

Mr. Riley – What's left to do on the 319 money?

Mr. Fitzgerald – We are working on the second grant.

Mr. Dumais – There is \$258,400. Most of that is not spent.

Mr. Haworth – If we do this study, how do we make sure it doesn't come back to bite us like the UMass Study?

Mr. Dumais – The UMass Study is concerned with water quality. We're not doing that at all. We think it's worth studying.

Mr. Riley motioned to send a letter of support from the Board for the 604b grant for \$93,000. Mr. Freitas seconded. Vote unanimous.

**C. Robert Winn, Brown and Caldwell**

Mr. Fitzgerald – Mr. Winn is the Municipal Department Manager for Brown and Caldwell.

Mr. Winn – I am here about the pumping station project. The budget summary I worked with Linda and Bill. Those are the estimates. Taber Street needs the most work. Originally the wet well was aluminum, not it's stainless. The other pump and piping number is higher. The electrical work is higher.

Mr. Riley – How long to bid?

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Mr. Winn – Three months for design. It could be started this summer or fall.

Mr. Fitzgerald – We could ask for the money at the Annual or Special Town Meeting.

Mr. Riley – Is there anything that could be broken out into two different articles?

Mr. Fitzgerald – We won't know what the cash fund is until March or April. I know the Board has no intent to borrow.

Mr. Freitas – I do feel we could get this done. From the estimates we first had it's doubled.

Mr. Winn – It's a construction bidding estimate.

Mr. Hobson – I think we should put it before Town Meeting.

Mr. Haworth – It's important to be proactive. We know they are going to fail eventually. I would like to see the hard facts.

Mr. Winn – I can provide that.

Ms. Tripp – If you put the article before the Special Town Meeting, then the money would be available right away to start the design.

Mr. Fitzgerald – Bob can give you an update on the Digester.

Mr. Winn – Last week we had some comments from the contractor on how to proceed in a different mitigation measure. He came up with several options; fix the beam and casting. WES has found another precast vendor that could provide P2 planks. On Friday, we received some more information. We are talking tomorrow with New Castle. WES is submitting for approval. The issue then becomes who is responsible for the roof.

Mr. Riley – How far behind are we?

Mr. Winn – Three and one-half months behind, but that's not because of the roof.

**III. Approval of Minutes (Cont.)**

**E. January 18, 2011**

Mr. Freitas motioned to table the minutes of the January 18, 2011 meeting.

Mr. Haworth motioned to approve the minutes of the January 18, 2011 meeting.

On Mr. Freitas' motion: Mr. Riley seconded. Vote 2-2 with Mr. Hobson and Mr. Haworth against.

On Mr. Haworths' motion: Mr. Hobson seconded. Vote 2-2 with Mr. Freitas and Mr. Riley against.

Mr. Haworth – There is a political agenda here.

Mr. Freitas – Kathy, what did you see?

Ms. Tripp – I recorded it as a 3-1 vote.

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Mr. Freitas – I have no political agenda.

Mr. Riley – We'll have to wait until Kathy comes back.

Mr. Haworth – I think it's a personal attack on me. I'm sick of the attitude.

**V. Items for Action**

**A. WES Construction – Payment Application #11**

Mr. Riley motioned to approve WES Construction, Payment Application #11 in the amount of \$259,583.65. Mr. Hobson seconded. Vote unanimous; 4-0 in favor.

**B. Richard Pinard – Request to Carry Over 2 Weeks Vacation**

Mr. Haworth – He wants to carry over ten vacation days.

Ms. Tripp – Mr. Charbonneau doesn't have a problem with it.

Mr. Freitas motioned to approve Richard Pinard to carry over ten vacation days. Mr. Hobson seconded. Vote unanimous; 4-0 in favor.

**C. Request to use Fort Phoenix for Wedding – July 23, 2011**

Mr. Riley motioned to approve the request to use Fort Phoenix for a wedding on July 23, 2011 with the standard stipulations. Mr. Freitas seconded. Vote unanimous; 4-0 in favor.

**D. Request to use Fort Phoenix for Wedding – September 16, 2011**

Mr. Riley motioned to approve the request to use Fort Phoenix for a wedding on September 16, 2011 with the standard stipulations. Mr. Hobson seconded. Vote unanimous; 4-0 in favor.

**E. Computer Policy**

Mr. Haworth – This is a Selectmen Policy. It should be our policy too.

Mr. Hobson – It guess it's to pay attention as to what is going on with the computers. Tell them they are being watched.

Mr. Riley – Every employee?

Mr. Haworth – We could adopt a BPW policy also.

Mr. Riley – I don't disagree. Everybody uses computers. It's a fact of life. Some site is corrupt. I'm in favor.

Mr. Fitzgerald – I agree it should be a BPW policy. We've never been told. There could be viruses.

Mr. Haworth – Modify the language slightly. Take it before the Board for a final vote.

Mr. Fitzgerald – I do research surfing the net. The virus thing with videos, the other thing WES Construction had put the digester on "You Tube".

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Mr. Haworth motioned to use the language in the Town of Fairhaven policy to prepare a BPW policy regarding computer use and vote on it at the next meeting. Mr. Riley seconded. Vote unanimous; 4-0 in favor.

**F. Bike Path Plowing**

Mr. Haworth – I put this in. Basically it's a summary. The US DOT adopted a policy for projects funded by them. Our project was partly funded by State and Federal sources. Any other funding we are going to have to plow it to those standards. There are a couple of pictures here from David Drown Boulevard at Ricardi's and Harbor Mist where the contractor pushed the snow on the sidewalk. I don't think it was done intentionally. Send the Town front end loader there to scoop it up and send the two parties a letter stating that any future snow cannot go on the bike path and we would have to charge them if they do it again.

Mr. Haworth motioned to send the front end loader to remove the snow in the bike path and send letters to Ricardi's and Harbor Mist that they cannot put snow in the bike path. Mr. Hobson seconded. Vote unanimous; 4-0 in favor.

**G. BPW Superintendent's Position**

Mr. Haworth – What we are doing; presently we have not discussed it.

Mr. Riley – I think we should advertise. As I recall, when we interviewed the other candidates for that position, it took three to five months to fill that position. The sooner the better.

Ms. Tripp – It would have taken three months but the first candidate declined the position.

Mr. Freitas – I know of a couple of websites we could advertise for free, MWPA and AWWA. Should we be talking about this with Bill in the room?

Mr. Fitzgerald – The other Superintendents are very concerned that you do this very quickly. Some say they won't do it again. There are a lot of projects that will fall on them.

Mr. Freitas – Take home the job description and review it. Use this as a platform.

Mr. Riley – It comes down to who the person is in the interview process.

Mr. Hobson – I personally think that the Board members should wait until after the election.

Mr. Freitas – I don't think we should wait.

Mr. Haworth – Under Roberts Rules of Order, the vote would be null and void if not taken before the ninety day issue. I will confirm that with Town Counsel tomorrow.

Mr. Riley – 1. Going forward ideally on paper as a department change, we need quick changes. 2. On the vote, with your vote or didn't vote, it's still three nays.

Mr. Haworth – Contention of the vote, it nulls out.

Mr. Freitas – I had some phone calls on this.

Mr. Haworth – Mr. Bowcock called you.

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Mr. Freitas – Mr. Bowcock did not call me. I haven't talked to him in months.

Mr. Haworth – Don't make a mockery of my vote.

Mr. Freitas – Go on the minutes of the January 18<sup>th</sup> meeting. I haven't said anything to the press.

Mr. Riley – I believe he has the right to remove the tabled item and vote to accept the minutes.

Mr. Freitas – I'll do it legal down the line.

Mr. Haworth – I voted for Mr. Fitzgerald to remain.

Mr. Hobson – The vote was 3-2.

Mr. Freitas motioned to remove tabling of the January 18, 2011 minutes and to approve the minutes of January 18, 2011. Mr. Riley seconded. Vote unanimous; 4-0 in favor.

Mr. Haworth – At the next meeting we can bring this topic up again.

**VI. Superintendent – Information and Updates**

Mr. Fitzgerald – I have nothing further.

**VII. Board Members – Old Business / New Business**

Mr. Hobson – Still frustrated with the Fort Phoenix Parking Lot and the Bike Path Plowing; not going to plow it. Mr. Charbonneau and his crew, the water and sewer departments did a great job on the roads.

Mr. Riley – The next meeting, possibly on the 21<sup>st</sup>, I would like in chronological order Howland Road and Tibbetts. If we are going to battle with Tibbetts we need to have our ducks in a row. When push comes to shove we need to plead our case.

Mr. Fitzgerald – We'll do the best we can.

Mr. Freitas – The Board members not going to the press. I had a problem with a vote. It was unprofessional. I can disagree with the press all day long. If you're upset go to the person, me or whoever.

Mr. Haworth – Everybody got a phone call.

Mr. Hobson – They came to me.

Mr. Haworth – I was called.

Mr. Freitas – Some things she said weren't correct.

Discussion continued.

Mr. Haworth – Everywhere I go I been hearing what a great job the guys did on the last couple of storms and how great the Town looks. The Board should send a letter to the Highway guys how great they're doing and the rough hours they've worked. Send a letter of thank you.

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**VIII. Upcoming Meetings**

**A. February 24, 2011 – Finance Committee**

**IX. Set Date for the Next Meeting**

Mr. Riley motioned to set the date for the next meeting on February 22, 2011 at 6:30 p.m. Mr. Freitas seconded. Vote unanimous; 4-0 in favor.

**X. Executive Session and Adjourn**

Mr. Riley motioned to adjourn the open session and enter into executive session to discuss union negotiations and not to reconvene the open session at 8:57 p.m. Mr. Hobson seconded. Vote unanimous; 4-0 in favor.

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

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant