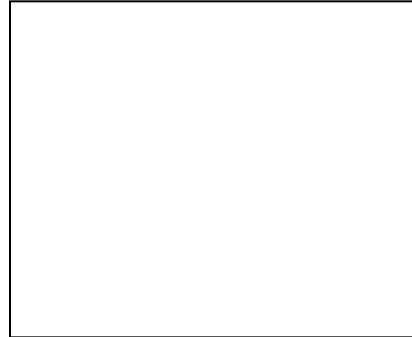


**Town of Fairhaven
Board of Public Works Meeting
March 28, 2011**

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
David Gerber, 18 Cottage Street
Charles Hurley, Highway Department
Albert Martin, Highway Department
Scott Taveira, AFSCME
John Folino
Douglas Pinard
Anne Fenton, Neighborhood News



I. Call to Order

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

Mr. Haworth – The meeting is being video recorded by Cable Access and taped by Neighborhood News.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. March 14, 2011

Mr. Sturtevant motioned to approve the minutes as amended. Mr. Riley seconded. Vote unanimous.

IV. Appointments

A. Warren Rensehausen – Re: West Island Town Beach Employees

Mr. Fitzgerald – We couldn't switch the money. He wanted to be involved with the hiring, but now he said wait until next year. He works under the Selectmen and he would need their approval too.

B. David Gerber, 18 Cottage Street – Re: Driveway Waiver

Mr. Gerber – The reason I need a waiver is that the house is a two family. I will have a problem when the parking ban is on. Right now it is not fully rented. Fourteen feet is not enough to put two cars side by side.

Mr. Charbonneau – I have a photograph. The two feet in front of the pole, that piece needs to be left in.

Mr. Gerber – I am aware.

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Mr. Charbonneau – I want to see it the day before it's poured.

Mr. Hobson motioned to approve the sixteen foot waiver with the stipulations submitted by Mr. Charbonneau. Ms. Sturtevant seconded. Vote unanimous.

C. Charles Hurley – Re: SMEO Probationary Period

Mr. Haworth – We are here to discuss your probationary period as a SMEO. Do you want this to be in open or executive session?

Mr. Hurley – Open session is fine.

Mr. Haworth – You are here because of your operator status and driving record during your probationary period and to let you know in advance. You know you were on probation?

Mr. Hurley – No, I didn't. I have a statement I would like to read.

Mr. Hurley read a prepared statement.

Mr. Charbonneau – Chuck hasn't been in a lot of the equipment. He had an accident at the recycle center. There wasn't a lot of damage.

Ms. Sturtevant – One incident?

Mr. Hurley – One as an operator.

Mr. Martin – He was given a written warning. Why are we here?

Mr. Haworth – His ninety day review is up April 3rd.

Ms. Sturtevant – Have there been warnings for other incidents?

Mr. Hurley – I've had a few minor accidents with dump trucks in the past.

Mr. Haworth – How many?

Mr. Hurley – Four maybe.

Ms. Sturtevant – Do you feel that it could have been avoided?

Mr. Hurley – Do I need more experience, yes.

Mr. Riley – I know the letter said in the first ninety days. I have mixed emotions about this. It was one minor incident. Mr. Charbonneau says you have a ways to go. You need to be more careful as an operator and a driver.

Mr. Freitas – I feel the same way as Steve. How much longer for the probationary period?

Mr. Riley – One more week.

Mr. Hobson – I wanted the guy with the most experience. I felt someone else had more experience. We

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gave him the job. I don't think we should take it away for one minor incident. The equipment is very dangerous. It could kill people. I would recommend giving him another chance and get more training.

Mr. Hurley – Other departments give other training.

Mr. Martin – Other operators should go to this class too.

Mr. Hurley – The Water Department was sent for training. It should be offered to us as well.

Mr. Haworth – During the winter, did you have any snow plowing incidents?

Mr. Hurley – A plow fell off.

Mr. Charbonneau - #25 with the plow? You were the passenger.

Mr. Haworth – My biggest concern is safety. Not just visual. It's important for some sort of training. Extend the probation for three or six months.

Mr. Charbonneau – He's been on the loader, catch basin truck. It's a slow process. It can't be overnight. I can't afford to have somebody train right now.

Mr. Riley – The union rep is here. The probationary period is in the contract.

Mr. Taveira – To be extended it has to be agreed by both sides.

Mr. Hobson – Forty-five days, extend the probationary period.

Mr. Hurley – I would have to talk to the Union Rep about it.

Mr. Haworth – We'll take a ten minute recess. 6:58 p.m.

Meeting resumed at 7:02 p.m.

Mr. Taveira – As a point of clarification, the ninety day probationary period; the contract says ninety working days.

Mr. Riley – If there is another incident from now and the ninety days, you'll be back here.

Mr. Haworth – As long as there is not another incident.

Mr. Hobson – Unless it's something major.

D. John Folino – Re: Fairhaven Business Bays, Arsene Street – Fees

Mr. Haworth – You came in before to address the water and sewer tie-in fees for the business bays; if they were or weren't tied in.

Mr. Riley – I have to reclude myself because the company I work for is one of his sub-contractors.

Mr. Folino – I had the sewer line done with a camera. The water was checked. My question was is the fee for the connection or for the user fee? In 1985 the fee was paid then.

Mr. Freitas – My position hasn't changed.

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Mr. Folino – There is a video of the rotor roter. Some debris was evacuated. I have pictures to support that.

Mr. Haworth – Normally there would be a crew overseeing. There is evidence that they are tied in.

Mr. Freitas – He paid the fee at that point. I don't see how we can charge him now. I think the bill has been paid.

Mr. Hobson – I'd like to hear from Mr. Fitzgerald.

Mr. Fitzgerald – My understanding the connection comes into play with the sewer flows. You have a rule that after 180 days you have to pay the difference.

Ms. Sturtevant – I wasn't here. I did read the minutes and the e-mails. Was Fred Raphael called?

Mr. Fitzgerald – Fred agreed, what is the definition of a connection?

Mr. Haworth – I think it's important to be fair. We discussed the pipe being open to the rainwater. The water flows. You are connected.

Mr. Folino – I did meet with Mr. Raphael when I bought the property.

Mr. Haworth – My opinion, currently, there are services being abandoned. There are fire lines for water. You have existing fire supply, 2 – 4" fire supply lines that have not been paid over the years. Those should have been inspected annually.

Mr. Folino – In addition we are going to upgrade to the current standards. The fire hydrant will be moved to the north end of the property. It's a safer location.

Mr. Haworth – You would owe us \$3,000 for the fire supplies. There should have been a fee when it was installed.

Mr. Folino – I'm not opposed to paying that.

Ms. Tripp – There is also a fee for the inspections when the services are disconnected.

Mr. Freitas motioned to back charge \$3,000 for the Fire Supplies from 1999 to present and whatever inspection fees that will be owed by how many lines that are disconnected which would be up to Mr. Fortin. Mr. Hobson seconded. Vote 4-0 in favor with Mr. Riley abstaining.

E. Douglas Pinard – Re: Superintendent's Position

Mr. Pinard – I am here to let the Board know that I am interested in the BPW Superintendent's position. My understanding is that it's posted out there and that you're waiting for the election. I just would like everyone to know that I would like to be considered for the position.

Mr. Hobson – I don't understand why we would allow you to do this. Come back later. That's when I think you should be here.

Mr. Riley – At the last meeting we voted to advertise and take applications until April 30th. After April 30th we will start the interview process. You should submit your resume to Kathy.

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Mr. Freitas – I appreciate him coming in. It is on the website. Somebody here willing to move up.

Mr. Pinard – I will submit a resume to Kathy.

Ms. Sturtevant – I'm just happy people are coming forward.

Mr. Haworth – We'll take your application for now. We'll start looking at them after April 30th.

V. Items for Action

A. Arne Anderson – Donate Funds for a Bench

Mr. Riley – We put up two benches last year. We wanted to limit them at the Fort.

Mr. Hobson – I'm all set if he wants it on the bike path.

Ms. Sturtevant – It's a great idea.

Mr. Charbonneau – We need to make it a strong one.

Mr. Riley – I'm fine with it.

Mr. Freitas – If it's on the bike path, I'm happy.

Mr. Charbonneau – I'd like to have one like the one Dr. Kelty donated.

Mr. Haworth – These are great things.

Mr. Riley motioned to accept Mr. Anderson's donation to purchase a bench for the bike path with the recommendations of Mr. Charbonneau specification. Mr. Freitas seconded. Vote unanimous.

B. Tighe & Bond – I & I Agreement

Mr. Fitzgerald – This is for the cleaning and camera of the sewer line. This will be paid by the existing I & I funds.

Ms. Sturtevant – I thought we were getting three different bids on it.

Mr. Fitzgerald – The Tighe & Bond project was not mentioned to me to get three bids. The one where they go house to house I got the price down. They were \$100 per house and she was \$50 per house.

Ms. Sturtevant – I thought we were getting three bids.

Mr. Fitzgerald – They got prices for themselves. They have worked for us in the past.

Mr. Riley – When did you start negotiating with them to reduce their rate?

Mr. Fitzgerald – This past week.

Mr. Riley – The letter is dated March 24th & 25th. We talked about this at the February 28th meeting. It was reduced from \$49k to \$41k.

Mr. Fitzgerald – They had the house to house.

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Mr. Freitas – Tighe & Bond; we did discuss more than one bid. Always go for more than one. Everybody is hungry for work right now.

To be continued.

C. Lori Ribeiro, Nexamp – Conference Call at 7:48 p.m.

Mr. Haworth – We are in an open session meeting. We have questions about the buildings. Each board member will be asking you questions.

Mr. Riley – The invoice with Kel Kor for inspections on the roof. They submitted a bill for inspection fees.

Ms. Ribeiro – There were conference calls and e-mails. The decision was made that the Town would cover the fees for Kel Kor. That's between the Town and Kel Kor.

Mr. Fitzgerald – The e-mails referring to last week; the engineer from Saltonstall sent November 9th, I understood it was in the additional scope.

Mr. Riley – I recommend we have Saltonstall and Kel Kor here at the next meeting. I know Nexamp's position. Some agree with the different conversations.

Mr. Haworth – When will this building be up and working?

Ms. Ribeiro – There will be a witness test tomorrow with Nstar at 11.

Mr. Haworth – Will it be operating by Friday?

Ms. Ribeiro – Yes.

Mr. Freitas – Is Kel Kor done?

Mr. Fitzgerald – No.

Mr. Haworth – Who is authorizing Kel Kor's time?

Ms. Ribeiro – Not me. We're not in a contract with them.

Mr. Haworth – Kel Kor is self dispatching? Who is authorizing their time?

Ms. Ribeiro – I do not know that.

The conference call ended.

Mr. Riley – I have a gut feeling that this is going to be a Brown and Caldwell all over again. I would like to have Kel Kor and Saltonstall at the next meeting to see where the truth lies.

Mr. Riley motioned to pay Nexamp \$13,784.69. Mr. Freitas seconded. Vote unanimous.

B. Tighe & Bond – I & I Agreement (Continued)

Mr. Freitas – Get some more prices.

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Mr. Fitzgerald – If that's what the Board wants to do.

Mr. Riley – I would like to see this contract and the old one side by side.

Mr. Fitzgerald – We can talk to other people.

Mr. Riley motioned to table the Tighe and Bond Contract until the next meeting. Ms. Sturtevant seconded.

Mr. Fitzgerald presented to Mr. Riley the previous agreement.

C. Stacey DePasquale Engineering, Inc. – I & I Inspection Agreement

Mr. Riley – I'm okay with it

Mr. Haworth – They sharpened their pencils.

Mr. Riley motioned to approve the agreement with sde in the amount of \$6,875.00. Ms. Sturtevant seconded. Vote

D. GCG Associates – Fort Street Engineering Agreement

Mr. Haworth – This is for Fort Street using Chapter 90 money, the engineering aspect.

Mr. Fitzgerald – Their proposal, GCG, Bill Roth uses them for his projects. They have a lot lower overhead.

Mr. Charbonneau – GCG is an excellent engineer. The resident engineer, Jim Coe has been extremely helpful with me. I have no issue with them at all.

Mr. Fitzgerald – There are three houses that are not tied into sewer and would have to be extended.

Mr. Hobson – This street has been long neglected.

Ms. Sturtevant – Should you get two other bids for this?

Mr. Charbonneau – This company is by far head and shoulders above everyone else.

Mr. Riley – I'm fine with it.

Mr. Charbonneau – They have done a really good job.

Mr. Freitas – Would there be a betterment to those three houses that do not have sewer?

Mr. Fitzgerald – It's not a betterment project. They would pay the tie-in fee.

Mr. Haworth – This is the best deal. They have been tried and tested as an approved engineer.

Ms. Sturtevant motioned to hire GCG for the Fort Street Design contingent on Chapter 90 funding. Mr. Freitas seconded. Vote unanimous.

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B. Tighe & Bond – I & I Agreement (Cont.)

Mr. Riley – Their first proposal on November 3, 2010 compared to March 24, 2011; they did take out one item. Items 2, 3 and 4, there is not a big enough deduction. I agree with items 1 and 5. That's my personal opinion.

Mr. Riley motioned to send a note to Tighe & Bond that we do not agree with items 2, 3 and 4. Mr. Freitas seconded. Vote unanimous.

VI. Superintendent – Information and Updates

Mr. Fitzgerald – There are eight areas of priorities I have come up with. I have twenty-two working days left. Twelve of them I have meetings scheduled and I have eleven and one-half days of vacation. If something comes up after I'm gone, please feel free to call me.

1. Howland Road; last time they did not approve \$200,000 for the change. It's going to the district office this week.
2. Nexamp; they have given us a credit. It's in Jeff Osuch's hands now.
3. Bridge and Alden Parking; we're doing the 40' strip on Sherwood Street. There's a 25' strip in the existing parking lot at the Pasta House alongside the 40' strip. The Pasta House is asking if we can do it and pay us for it. I didn't think we could legally, but I found out that we could, but John is flat out. What are your thoughts on that?

Ms. Sturtevant – No.

Mr. Riley – No.

Mr. Freitas – No.

Mr. Hobson – No.

Mr. Haworth – He needs to schedule a contractor.

4. NPDES Permit; heard from U-Mass. We will go over there next week.
5. Town Meeting prep.
6. Pumping Station Contracts; last Town Meeting they were ready to go with that. The State had some conflicting advice. There were legal issues.
7. Light Duty; John Beauregard, did some research on that.
8. Finalize contract negotiations.

Mr. Haworth – What about the Digester?

Mr. Fitzgerald – The main thing is that construction is continuing. Brown and Caldwell and Jeff Osuch are there. There will be some compromising on change orders.

Mr. Haworth – They are three months behind and \$300,000 in change orders.

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Mr. Fitzgerald – There is a wish list. We are tracking it very closely.

Mr. Riley – For me, thank you for the punch list. Is it possible to have the Highway, Sewer and Water mails to the Superintendents and copy the Board so that at the end of the twenty-two days, Kathy, the Board and the Superintendents all know what's going on?

Mr. Freitas – All set.

Mr. Hobson – All set. I want to thank Bill for offering his services after he leaves.

Ms. Sturtevant – All set.

Mr. Fitzgerald – Sign inventory; needs to be done by next January. There is a high school student here that could do this.

Mr. Haworth – Mr. Charbonneau is here to tell us what is going on with the Highway Department.

Mr. Charbonneau – Brush cutting is almost done. Starting park cleanup, road work; Sherwood Street, Mayflower, Potter. Chip seal in the middle of May, then Abbey, Morse, Walnut and William. Keating will put the top coat down on Elm and Laurel Street.

Mr. Hobson – The Finance Committee give us a figure for next year yet?

Mr. Fitzgerald – They want feedback from us for Thursday. \$184,000 for Oxford, Lafayette and West. \$68,370 for Dogwood between Causeway and Cottonwood equals \$252,476. Fin Com only wants to do the backstop and in front of the dugouts at Macomber.

Ms. Sturtevant – I talked to Mr. Roth about that. We may be able to get grant money for that.

VII. Board Members – Old Business / New Business

Mr. Freitas – I received a phone call from Mrs. Dellecese, 241 Adams Street. A vote was taken not to have the guys go out there. Back in the day, there was a cleanout towards her property and one towards the street. It's a one-half hour job. There are three properties. Antil's parking lot goes thru there. As of yesterday, the sink in the cellar has sewer in it. I will say this, we did it. The Town screwed up.

Ms. Tripp – From what I remember that pipe is in bad shape. You shouldn't jet rod it. What happens if the pipe breaks? Who's going to pay for that?

Mr. Hobson – Is there a legal way to do it? What if the pipe breaks?

Ms. Sturtevant – It's tough. I'd like to help her in any way without being liable.

Mr. Riley – Send her a notice that if the Town did break the pipe she would be responsible.

Mr. Hobson – I went out there when we had an issue the last time.

Mr. Haworth – Liability; if you do it for one you have to do it for everyone. I have no problem if but you'll have to do it for everyone. The Town put two cleanouts there. I'm fine with helping her out, but you'll have to do the same if Mrs. Jones calls on Main Street.

Mr. Fitzgerald – If it's a liability thing, what if she doesn't hire a contractor to fix the pipe, we do it and charge her?

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Mr. Hobson motioned to have the property owner sign a paper that if there is damage to the pipe after we try to clear the blockage she would be responsible for the repairs. Mr. Freitas seconded. Vote unanimous.

Mr. Freitas – When I was on vacation I received a call about a job that was done on Route 6. The contractor needed another truck to haul dirt out and we didn't have one so we had to pay him.

Mr. Fitzgerald – She came and asked for another truck. John did not have a truck for them to use.

Mr. Freitas – There was an article in our packet about a paving company going around scamming people about paving driveways. People should be aware. If they feel they are being scammed, call the police. Hiring process; I want to be one of the members on it.

Mr. Hobson – Mr. Charbonneau's men were very helpful with the stone on West Island. I would also like to be considered on the hiring committee. I've been here five years.

Ms. Sturtevant – I did touch base with the Park Committee. We've met twice on different issues and funding for the parks. There are some good ideas out there. The word was that the school would reseed and since then we've had two superintendents and that was dropped. The Gridiron Club signed an agreement for Cushman that they would slice seed. We may have to go to the School Committee. Selectmen Murphy also had some comments that maybe we could get some volunteers from the Rotary Club or money. The Safety Committee, we need to set up a meeting. I'm glad to see the street sweeper out.

Mr. Riley – At the last meeting, we talked about the sewer retained earnings. I was concerned with the numbers so I spoke with Mr. Nunes. As of right now, we are facing a possible deficit of \$400,000. We have to be ready for Town Meeting. We should table South Street. There will be cost overruns for the Digester. We don't want the sewer retained earnings to run in the red.

Mr. Fitzgerald – I talked to John. The \$364k is in the exiting money. The revenue that will be available is \$500,000 from the solar article. The four of us agreed on that.

Mr. Riley – That money has to go back to the state to be certified. We need to have Plan B ready.

Mr. Fitzgerald – Not if that money is transferred from one article to another.

Mr. Haworth – 151 Main Street, tomorrow can you have someone check where the tree buckled the sidewalk. Someone was jogging, fell and stubbed their toe. There is an opening in the Highway Department. The posting is finished. Now we have to start the hiring process.

Mr. Haworth motioned to have Mr. Hobson and Mr. Freitas sit on the committee to review the truck driver applications for the Highway Department along with Mr. Charbonneau and Mr. Fitzgerald. Mr. Riley seconded. Vote unanimous.

Mr. Freitas – I can meet any day except for Thursday after 3:15 for the Safety Committee.

VIII. Set Date for the Next Meeting

Mr. Riley motioned to set the date for the next meeting on April 11, 2011 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

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IX. Executive Session and Adjourn

Mr. Haworth motioned to adjourn the open meeting at 9:50 p.m. and enter into executive session and not to reconvene the meeting to discuss Collective Bargaining for the Highway, Sewer and Water Departments and the City of New Bedford Intermunicipal Agreement with Fairhaven. Mr. Riley 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