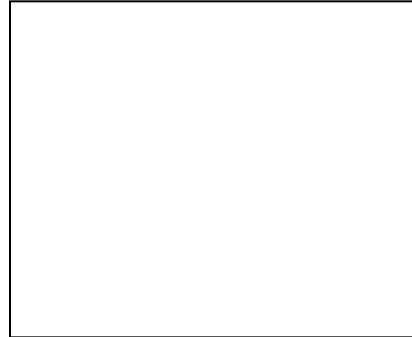


**Town of Fairhaven  
Board of Public Works Meeting  
April 11, 2011**

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  
Linda Schick, Sewer Superintendent  
Michael Sousa, 25 Winsor Street  
Eric Britto, 50 Manhattan Avenue  
Cathy Melanson, 142 Bridge Street  
John Beauregard, Sylvia & Co.  
Marc Betti, Saltonstall Architects  
Bill Dugan, Kel-Kor  
George Belanger, Teamsters  
Douglas Pinard, Sewer  
Joseph Bonneau, Sewer  
Jeffrey Costa, Water  
Alan Decker, Coalition for Buzzards Bay  
Omer Dumas, Tighe & Bond  
Neighborhood News



**I. Call to Order**

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

**II. Reorganization of Commissioners**

**A. Chairman**

Mr. Hobson motioned to nominate Mr. Haworth as Chairman. Mr. Riley seconded.

Ms. Sturtevant motioned to nominate Mr. Freitas as Chairman. Mr. Freitas seconded.

On the first motion: Vote 3-2 with Mr. Hobson, Mr. Riley and Mr. Haworth in favor. Ms. Sturtevant and Mr. Freitas opposed.

Second motion fails because the first motion passes.

**B. Vice-Chairman**

Mr. Haworth motioned to nominate Mr. Hobson as Vice-Chairman. Mr. Hobson seconded.

Ms. Sturtevant motioned to nominate Mr. Freitas as Vice-Chairman. Mr. Freitas seconded.

On the first motion: Vote 3-2 with Mr. Haworth, Mr. Hobson and Mr. Riley in favor. Ms. Sturtevant and Mr. Freitas opposed.

Second motion fails because the first motion passes.

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**C. Clerk**

Mr. Riley motioned to nominate Ms. Sturtevant as Clerk. Mr. Hobson seconded. Vote unanimous.

**III. Routine Matters**

**A. Signing of Departmental Bills**

**IV. Approval of Minutes**

**A. March 28, 2011**

Ms. Sturtevant motioned to approve the minutes of the March 28, 2011 meeting. Mr. Hobson seconded. Vote unanimous.

**V. Appointments**

**A. Michael Sousa, 25 Winsor Street – Re: Request to open Road for Gas Service**

Mr. Sousa – One and a half years ago I asked for this. You have a five year moratorium. I would like the rule lifted so I can put in a gas service. The house had electric heat and I switched it to propane. I am spending \$400 to \$500 a month so I was hoping you could look at it again and have the rule lifted. I have bills if you want to see them. It costs between \$1500 and \$2000 to heat our home.

Mr. Hobson – I have propane. How long has it been since the road has been paved?

Mr. Haworth – Four years.

Mr. Hobson – I would make an exception.

Ms. Sturtevant – It's four years into it already. How much would have to be dug up?

Mr. Haworth – It's on the short side.

Mr. Riley – How wide is the trench?

Mr. Fitzgerald – Four by four usually.

Mr. Freitas – All set.

Mr. Haworth – It's been four years. It's a good policy. In this case it's financial hardship. I agree with the rest of the Board. It's on the short side.

Mr. Hobson motioned to approve the request to open the road at 25 Winsor Street to install a gas service with any conditions approved by the Highway Superintendent. Ms. Sturtevant seconded. Vote unanimous.

**B. Eric Britto, 50 Manhattan Avenue – Request for Driveway Waiver**

Mr. Britto – I want to extend my apron another 9 feet 6 inches. I was allowed to build a garage. The total would be 38 feet 4 inches.

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Mr. Hobson – Right now its 30 feet?

Mr. Britto – Yes.

Mr. Hobson – Extend 4 feet on each side?

Mr. Britto – Right.

Mr. Haworth – I took a ride by. There's not a big parking issue. I have no issues.

Mr. Riley motioned to approve 38 feet 4 inches for a driveway opening for 50 Manhattan Avenue. Ms. Sturtevant seconded. Vote unanimous.

**C. Cathy Melanson, 142 Bridge Street – Request for Driveway Waiver**

Ms. Melanson – The rule is 14 feet. My contractor wants 16 feet. I'm asking for two more feet. It would make it easier to pull in and out.

Mr. Riley – Two feet is very acceptable.

Mr. Freitas – No problem.

Mr. Hobson – Two feet is okay.

Ms. Sturtevant – That's fine.

Mr. Haworth – I agree.

Mr. Riley motioned to approve a 16 foot driveway opening for 142 Bridge Street. Ms. Sturtevant seconded. Vote unanimous.

**D. John Beauregard, Sylvia & Co. Insurance – Update on Workers Compensation**

Mr. Beauregard – Bill and I met with several department heads at the Town Hall. The reason for that meeting is that insurance rates are going up July 1<sup>st</sup>. We'd like to get people back to work on light duty. We have worked out something with Southcoast Hospital Occupational Health. We need to have a protocol.

Mr. Hobson – I've been here five years. I don't want to mention names but it seems that chiropractors and doctors are not getting people back to work on time.

Mr. Riley – With the number of accidents in the last three years, do you have an analysis of what type of accidents?

Mr. Beauregard – We did. It varies. Back strains mostly.

Mr. Fitzgerald – We've called workers comp in the past to do some investigating. We don't have access to private investigators.

Mr. Beauregard – By law, you can send them to whoever you choose. St. Luke's can coordinate the care. I don't know if you do pre-employment physicals.

Ms. Tripp – That is where we send the new hires.

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Mr. Haworth – We can do this now?

Mr. Beauregard – Yes. We are signed up with them now.

**E. Marc Betti, Saltonstall Architects, Bill Dugan, Kel-Kor  
Re: Solar PV Sludge Building Inspection Services**

Mr. Haworth – You are here to discuss the roof work in regards to installation of the solar panels and the warranty.

Mr. Fitzgerald – In early 2010, the roof was to be done at the same time as the panels. Nexamp was to be responsible for the warranty and coordinate with the roof manufacturer. They wanted \$4,000 for the warranty. We shopped around and found that Firestone was a lot cheaper. The roofer would have been out that money even though it was Nexamps responsibility. We tried to come up with different ways. Nexamp had gone as far as saying, we know we're responsible but it's too excessive an amount. I'd like to see them get paid right away. Nexamp has proposed a change order.

Mr. Dugan – I'm here now because I want to get paid.

Mr. Riley – Who did you have a contract with?

Mr. Dugan – On October 22<sup>nd</sup> there was a project kickoff meeting. The roof was done. I mentioned to Will that I wanted to be paid out of that and it couldn't be done. I was instructed to close it out by Bill. The issue with the gravel; we fixed that and billed Nexamp. My impression was that I was going to be paid by the Town.

Mr. Betti – The warranty wasn't voided. When we started to learn what the costs would be, this isn't what we had in mind. There was a lot of correspondence. I concur with what Bill Fitzgerald said. Kel-Kor has done work that they should be paid for. Nexamp should be responsible.

Mr. Dugan – We held the job off and had to wait for Nexamp.

Mr. Betti – The rate and estimated time, I think because of Nexamp they ended up being there more.

Mr. Riley – When they changed the panels?

Mr. Betti – They had to have access.

Mr. Riley – The biggest part of Nexamp is that they were not on schedule.

Mr. Dugan - One more day, March 4<sup>th</sup>, maybe 3-4 hours. We were there. The invoice to date is \$4,088.03. I might be there 4-5 hours. That bill will go to Peter.

Mr. Haworth – My opinion, hold off paying retainage from Nexamps bill. We'll discuss it with the Selectmen tomorrow night.

**F. Teamsters – Re: Water and Sewer Agreements**

Ms. Sturtevant motioned to enter into adjourn the open meeting at 7:35 p.m. and enter into executive session to discuss the Water and Sewer Agreements and to reconvene the open meeting at its conclusion. Mr. Riley seconded.

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

The open session resumed at 8:08 p.m.

**G. Alan Decker, Coalition for Buzzards Bay – Wolf Island Road Draft CR**

Mr. Decker – In the packet there is a summary of the project and several maps. This is to purchase 28 acres of undeveloped property off of Wolf Island Road. \$30,000 from a mini-grant and \$70,000 will be recommended at Town Meeting with CPA funds. I just wanted to explain to you what this was for.

**H. Omer Dumais, Tighe & Bond – Re: I & I Agreement**

Mr. Dumais – I am here to answer any questions you may have. We have studied the older parts of the sewer system. In the estimate there are 6 scope items. House to house, that's been taken out. Light cleaning of the sewer. There are four firms we work with all the time. It's also for manhole inspections.

Mr. Freitas – Why wouldn't we just go to National?

Mr. Dumais – You could. We would like to be involved with Item 4.

Mr. Riley – Take out the GIS. I know the house inspections we did at the last meeting.

Mr. Riley motioned to award the Sewer System Evaluation Survey Engineering Services to Tighe and Bond for Tasks #1-4 not to exceed \$38,800 with eliminating Task #5. Mr. Hobson seconded. Vote unanimous.

**VI. Items for Action**

**A. Award of Annual Bids #1-12**

Mr. Riley motioned to award Bids #1-12 to the lowest bidder as highlighted for FY12. Ms. Sturtevant seconded. Vote unanimous.

**B. WES Construction – Payment Requisition**

Passed over.

**C. Kathy Tripp – Carry Over Vacation**

Ms. Tripp – I have one week left before May 15<sup>th</sup>. I would like to carry that over.

Mr. Hobson motioned to allow Kathy Tripp to carry over one week of vacation. Ms. Sturtevant seconded. Vote unanimous.

**D. Chapter 90 (\$200,955) for Drainage Improvement Project @ 67 Middle Street**

Mr. Haworth – We'd like to take Chapter 90 money to rebuild the bottleneck from the drainage at Cushman Park, Spring, Green and Bridge Street. This is all tied into this drainage culvert. There are two smaller pipes that go into the pumping station. Mr. Roth has asked for our support for these improvements.

Mr. Riley – What is the balance in Chapter 90?

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Mr. Haworth – We should go forward with this.

Mr. Hobson motioned to use Chapter 90 money for the drainage improvements for the 67 Middle Street project. Mr. Haworth seconded. Vote 3-2 in favor with Ms. Sturtevant and Mr. Riley opposed.

**E. Livesey Park Concession Stand – Fairhaven Youth Football**

Mr. Haworth – The Fairhaven Youth Football is requesting to use it again from August 1<sup>st</sup> to November 30<sup>th</sup>. They pay \$25 per game and pay the utilities.

Ms. Sturtevant motioned to allow the Fairhaven Youth Football to use the Livesey Park Concession Stand from August 1, 2011 to November 30, 2011 and August 1, 2012 to November 30, 2012. Mr. Hobson seconded. Vote unanimous.

**VIII. Superintendent – Information and Updates**

Mr. Fitzgerald – We potentially could get a \$75,000 rebate from Nstar. It's a long shot.

Mass DEP invitation on Wednesday, April 20<sup>th</sup> at 10:30 a.m. for the energy projects.

Tomorrow there is a meeting with DEP, UMass and our consultant to see how much model access we can get.

Articles for the Warrant; Special Town Meeting, on the Brown and Caldwell, the bill right now is listed as a bill from the previous year. The thought was and recommend from Jeff was to leave it alone. FY11 salaries retro FY12, nothing settled with the unions yet. Article 11; easement for the Park Motors project; Taber and South Street – it makes more sense to do the design and have hit done this summer and then put it out to bid. Linda is getting prices. Skid-Steer; Finance Committee and Selectmen voted against it. NPDES Permit; they voted against it. Collection System; Selectmen and Finance Committee are split on that. Nstar Rebate for the boiler; hope the check will come first. Annual right now; road work – they are recommending Lafayette, Oxford and West. If we do half of Dogwood that would bring us to the \$250,000 range. That may be on hold if local aid numbers are down.

Mr. Haworth – The Selectmen said we can't use resurfacing money for Wayne Street.

Mr. Fitzgerald – I've asked the treasurer to get me an answer on that. All the streets lights were shot down. The Bike Path was shot down. Macomber Field was cut in half. Signs; \$3,000 left to finish. West Island Beach Trailer still there, \$35,000. The BPW Fuel Station was approved.

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

Mr. Hobson – Little Bay; we have a letter from a resident, when the truck picks up the barrels they should pick up debris that is left on the sides of the road. I spoke to John, but where Tecumseh and Whisper Lane meet, they need some gravel. They went down there with cold patch. That's not what they need.

Ms. Sturtevant – The hiring of the lifeguards is on us?

Mr. Fitzgerald – Warren is still willing to do that.

Mr. Riley – The Board voted to advertise the Superintendent's position in free publications. Now, that the election is over, at least put it in the Standard Times.

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Mr. Riley motioned to advertise the BPW Superintendent's position in the Standard Times. Ms. Sturtevant seconded. Vote unanimous.

Mr. Riley – From me to Bill I would like to share my thoughts. It's been a very difficult few weeks. We are heading in a new direction. Bill has 18 vacation days. He is taking next week off and if he decides to he can take the rest of his time to focus on his career and end his service on April 15<sup>th</sup>.

Mr. Hobson – Who's going to take over between now and May 5<sup>th</sup>?

Mr. Riley – He has nine days left.

Mr. Freitas – I have nothing.

Mr. Fitzgerald – I have mixed feelings. It's a great offer. I don't want to abandon the Superintendents. It would be good for me and my family though.

Mr. Haworth – I agree with Mr. Riley. We want to help you move on to your next job.

Mr. Fitzgerald – I would like to keep the phone for a while and be accessible until May 4<sup>th</sup>.

Mr. Haworth – I would be okay with you leaving on April 15<sup>th</sup> and keep your e-mail until the 4<sup>th</sup>.

Mr. Riley motioned that if Mr. Fitzgerald wants to or not he could leave on April 15<sup>th</sup>. Ms. Sturtevant seconded.

Mr. Hobson motioned to give Mr. Fitzgerald six more months of employment.

Mr. Fitzgerald – Don't do that.

Motion withdrawn by Mr. Hobson.

On Mr. Riley's motion; 3-2 in favor with Mr. Hobson and Mr. Freitas opposed.

Mr. Hobson – I would like to thank Bill for serving the Town of Fairhaven. He's been a gentleman to go thru what he has been through. I wish him the best.

Mr. Haworth – I also would like to thank you for your service to the Town of Fairhaven.

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

Ms. Sturtevant motioned to hold the next meeting on April 25, 2011 at 6:30 p.m. Mr. Riley seconded. Vote unanimous.

Mr. Haworth – There is a meeting tomorrow night at 7:30 at the Town Hall with the Selectmen. It's a posted meeting.

Mr. Hobson – I won't be there.

**X. Adjourn and Executive Session**

Mr. Haworth motioned to adjourn the open session at 9:20 p.m. and enter into executive session to discuss the collective bargaining with the union, contract negotiations and a Green Street legal complaint.

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

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant