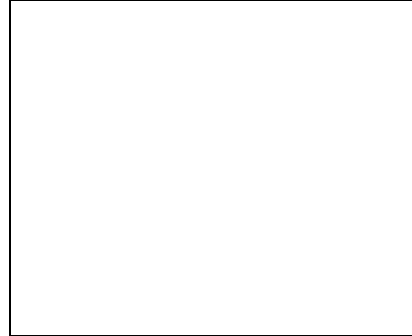


**Town of Fairhaven  
Board of Public Works Meeting  
May 31, 2011**

Present

Geoffrey Haworth, Commissioner  
Robert Hobson, Commissioner  
Kathleen Sturtevant, Commissioner  
G. Steven Riley, Commissioner  
Daniel Freitas, Commissioner  
Kim Nogueira, Head Clerk  
John Charbonneau, Highway Superintendent  
Edward Fortin, Water Superintendent  
Linda Schick, Sewer Superintendent  
Allen Days  
Matthew Manzone  
Ronald Manzone  
Justyn Stack  
Albert Martin  
Jorge Silva  
Charles Hurley  
Jeffrey Costa  
Robert Roderiques  
Robert Baarsvik



**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. April 12, 2011 – Executive Session**

**B. May 16, 2011**

Ms. Sturtevant motioned to approve the minutes of April 12, 2011 – Executive Session and May 16, 2011. Mr. Riley seconded. Vote unanimous.

**IV. Appointments**

**A. Allen Days – 42 Bellevue Street – Driveway Waiver for Ash Street**

Mr. Days – I want to shift and widen the existing driveway apron on the Ash Street side of my property.

Mr. Hobson – I went by and this request is within reason.

Ms. Sturtevant – I have no problem with this request.

Mr. Riley – I have been by many times and there have been many upgrades and improvements.

Mr. Freitas – I don't have a problem with this.

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

Mr. Charbonneau – There is plenty of off street parking and widened the apron 6 feet would not be an issue.

Mr. Haworth – A Town approved contractor has to sign the permit and do the work.

Mr. Days – I also wanted to tie a drain line into the catch basin on Ash Street.

Mr. Charbonneau – You would have to submit a plan to the office and the work would also have to be done by an approved contractor.

Mr. Haworth – Once you get that information into Mr. Charbonneau we can schedule you for another meeting.

Mr. Hobson motioned to approve the driveway waiver request for 42 Bellevue Street for a 22' apron. Ms. Sturtevant seconded. Vote unanimous.

**B. Robert Roderiques – 35 Harding Road – Driveway Waiver**

Mr. Roderiques – I was surprised to hear that this permit was denied due to the frontage. This is a corner lot and both street sides should count toward the total frontage.

Mr. Charbonneau – The apron could be on either street side but only that side would count toward the frontage. The apron is 24' now and they are looking to widen to 26'.

Mr. Hobson – It has been done on Misty Bay Rd and Balsam Street.

Ms. Sturtevant – I don't see a problem with this request.

Mr. Riley – I don't have any issues either.

Mr. Hobson motioned to approve the driveway waiver request for 35 Harding Road for a 26' apron. Ms. Sturtevant seconded. Vote unanimous.

**C. Matthew Manzone – Interview – Temp. Special Motor Equipment Operator**

Mr. Haworth – Good evening Mr. Manzone, please tell the Board why you applied for this job.

Mr. Manzone – I got my Hoisting License a few weeks ago and I am looking for advancement.

Ms. Sturtevant – How would this position be different from what you are doing now?

Mr. Manzone – I can load my own trucks, dig holes.

Mr. Riley – What equipment have you run?

Mr. Manzone - The front end loader.

Mr. Riley – Are you comfortable operating the loader?

Mr. Manzone – Yes, I feel confident.

Mr. Freitas – Have you had any time on the backhoe?

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

Mr. Manzone – Not yet, just the loader.

Mr. Freitas – Would you be able to dig a trench with the backhoe a week from now if needed?

Mr. Manzone – I am in early every day practicing.

Mr. Hobson – I think Mr. Manzone is an excellent worker, he is not a sick leave abuser and I appreciate his hard work, however, I do feel that you need more experience running the equipment. This is a 6 month appointment after 6 months you will have more experience. If you had more experience you would get my vote.

Mr. Charbonneau – We are very busy now and I need someone with experience. Mr. Manzone is an excellent worker.

Mr. Haworth – You are a great employee but I feel you need more practice. Three weeks is not enough time. Can you operate all the equipment?

Mr. Manzone – I will try my best.

Mr. Haworth – I don't doubt that but you have only had your license for a few weeks. What operating experience did you list on your hoisting license application?

Mr. Manzone – I did not list any.

Mr. Haworth – I agree with Mr. Charbonneau, it's the middle of construction season and he needs someone with more than a few weeks experience.

Mr. Riley – We have some other candidates to interview before making a decision.

**D. Justyn Stack – Interview - Temp. Special Motor Equipment Operator**

Mr. Haworth – Please tell the Board why you applied for this position.

Mr. Stack – I have experience running the sweeper, catch basin truck, loader and the backhoe. I have not had time on the grader yet. I have a CDL Class A to drive semi-trailers which is in the job description and a 2A on my hoisting license to run an excavator. I have more than 10 years experience and feel I am very qualified for this position.

Mr. Riley – You have been here many times before for other positions. You have extensive experience and I feel you are more than qualified for this position.

Mr. Freitas – I want to make sure you understand this is a temporary 6 month position.

Mr. Hobson – You have applied for other positions and I feel you have the experience required.

Ms. Sturtevant – I think you have been asked and answered everything already.

Mr. Haworth – We appreciate your continued track for advancement. You have had your hoisting license since the 1998.

Mr. Stack – Yes my hoisting and CDL since I was 17.

Mr. Hobson – Do you have any interest in transferring into Water or Sewer?

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

Mr. Stack – No, roadwork and drainage is all I know. I like running the equipment.

Mr. Charbonneau – Safety is my biggest issue. A qualified experienced operator eliminates any safety issues.

**E. Vincenzo Angelini - Interview - Temp. Special Motor Equipment Operator**

Mr. Haworth – It is 6:55PM and Mr. Angelini is not here yet. We will give him a few more minutes.

**V. Items for Action**

**A. Award of Annual Bids - #13 - #70**

Mr. Freitas – Items # 29b and #30 should be voted on separately since there is a correction on the bid result sheet.

Mr. Hobson – The low bids are from qualified, local contractors.

Mr. Haworth – I have a business relationship with one of the contractors so I will abstain from voting.

Mr. Riley motioned to award bids #13-70 excluding #29b and #30 to the low bidder. Ms. Sturtevant seconded. Vote 4 -0 with Mr. Haworth abstaining.

Mr. Freitas motioned to award bid #29b-15.69/11.00 and #30 -10.95/5.80 to G. Lopes. Mr. Hobson seconded. Vote unanimous.

**B. West Island Beach – Set Rates**

Mr. Haworth - We have the information showing revenues from the beach since 2001.

Mr. Hobson – We did alright last year we should keep the fees the same.

Ms. Sturtevant – We should not increase the rates, keep the same.

Mr. Riley – After 9 years with a deficit balance we finally made a small profit last year. We should keep the rates the same.

Mr. Riley motioned to keep the rates for West Island Beach the same. Ms. Sturtevant seconded. Vote unanimous.

**C. Workers' Comp – Southcoast Occupational Health**

Mr. Haworth - We are looking to set a policy that when a BPW employee is injured on the job they be sent to St. Luke's Hospital rather than going to any other doctor.

Mr. Freitas – If an employee has a sprained finger they should not have to wait all day at the hospital.

Mr. Fortin – There is a separate area specifically set up for this.

Mr. Haworth – I think it is a great idea to have unified coverage for all employees.

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

Mr. Freitas motioned to adopt a policy to send all BPW employees to Southcoast Occupational Health for work related injuries. Mr. Riley seconded. Vote unanimous.

**D. Matthew Paulson – 3 Vacation Days Pay Off**

Mr. Haworth – When Mr. Paulson left the Highway Department to attend the Fire Academy he had 3 remaining vacation days that he could not take due the work schedule. The payroll department will not pay him without a vote from the Board.

Ms. Sturtevant – He deserves to be paid.

Ms. Sturtevant motioned to pay Matthew Paulson for his 3 remaining vacation days. Mr. Freitas seconded. Vote unanimous.

**IV. Appointments – (Continued)**

**E. Vincenzo Angelini - Interview - Temp. Special Motor Equipment Operator**

Mr. Haworth – It is now 7:05 PM and Mr. Angelini is not here.

Mr. Freitas – Was he notified?

Ms. Nogueira – Yes, he was sent a letter.

Mr. Martin – Mr. Manzone has seniority and should be given the position. I have nothing against Mr. Charbonneau or Mr. Stack but the union goes by seniority. There is never a good time to train someone on the equipment.

Mr. Riley – The Board and Union are at a sticking point. Safety outweighs seniority. Mr. Manzone only has 3 weeks experience, in January I may have a different opinion.

Mr. Martin – This is a temporary appointment and the only reason the person would go back to his old position is if Mr. Paulson was to return.

Mr. Hobson – I agree with Mr. Riley. Mr. Manzone has 6 months to get more experience.

Mr. Martin – The only experience he will get is on his own time. Mr. Hurley has been an operator for four months and has not been in the backhoe.

Mr. Charbonneau – Mr. Hurley did run the backhoe for stump removal. He has also operated the catch basin truck, loader, sweeper and the TN70 tractor. Again, safety is my main concern.

Mr. Freitas motioned to promote Mr. Manzone to Temporary Special Motor Equipment Operator based on seniority. Motion dies for lack of second.

Mr. Riley motioned to promote Mr. Stack to Temporary Special Motor Equipment Operator based on his experience. Mr. Hobson seconded. In Favor – 4 - Riley, Hobson, Sturtevant, Haworth. Opposed - 1 – Freitas.

Mr. Ronald Manzone – Matthew came before this Board a while back for a Sewer Department position. Linda recommended him for that position and he did not get it because of seniority, now he has seniority and was still not given the promotion. He did everything that was asked of him and it is not fair.

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

Mr. Haworth – Get as much training as you can over the next 6 months.

Mr. Charbonneau – Again, I have no issues with Mr. Manzone he is a great employee but he does not have enough experience at this time.

**V. Items for Action (Continued)**

**E. NOAA – Marsh Island Construction Agreement**

Mr. Haworth – This has been before us many times and the agreement is here for signature.

Mr. Hobson – Have there been any objections?

Mr. Haworth – None that I have heard about. We can hold off for one more week to make sure.

Ms. Sturtevant – We should check with the Cemetery Board to make sure they have no objections.

Mr. Riley – Everything that was brought up in the past has been added into the agreement.

Ms. Sturtevant motioned to continue the NOAA Marsh Island Construction Agreement to the next meeting in order to make sure the Cemetery Board has approved the agreement. Mr. Hobson seconded. Vote unanimous.

**IV. Appointments – (Continued)**

**F. Robert Roderiques & Robert Baarsvik - 98 Balsam Street – Driveway Waiver**

Mr. Haworth – Mr. Charbonneau happened to drive by this property and noticed pallets of cobblestones. The office called to let you know that a permit and an approved contractor would be required. The permit you submitted is for a 40' cobblestone apron.

Mr. Baarsvik – I apologize. I had no idea a permit was required. I purchased the property six months ago and have been renovating the interior and would like to make some upgrades to the front of the house. I plan on having many visitors and figured this would allow for more off street parking.

Mr. Roderiques – As soon as I spoke to Mr. Baarsvik I told him to halt all work and that I would submit a permit. We are here to move forward.

Mr. Haworth – I visited the site and the drawing you submitted is not what is going on.

Mr. Roderiques – I have not been by the property, I went by the picture taken by Mr. Charbonneau.

Mr. Hobson – Other properties on the island have been given waivers within a 16' – 24' range, not for the entire length of frontage.

Mr. Freitas – The lot has 60' of frontage and he is looking for 40'.

Mr. Riley - Are you going to widen the driveway on your property?

Mr. Baarsvik – I was going to maintain the 40'.

Mr. Roderiques – He would also need a waiver for the cobblestones. How do you want them set?

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

Mr. Charbonneau – The cobbles need to be in cement.

Ms. Sturtevant – Most people are usually over by 2’.

Mr. Freitas – What can you live by for an opening?

Mr. Baarsvik – I could consider 30’.

Mr. Haworth – A larger opening takes away parking for neighbors.

Mr. Roderiques – Could he install a cobblestone sidewalk?

Mr. Haworth – Cobblestone sidewalks are not ADA approved.

Mr. Riley motioned to approve the driveway waiver request for 98 Balsam Street for a 28’ cobblestone apron. Mr. Freitas seconded. Vote unanimous.

Mr. Roderiques – I would like to discuss the Sycamore Street issue that happened over the weekend.

Mr. Haworth – That will be discussed later in the meeting under member updates.

Mr. Haworth called for a 5 minute recess.

Mr. Haworth called the open session meeting back in order at 7:30 PM

**G . Jeffrey Costa – Water Department – Disciplinary Action**

Mr. Haworth – Do you want to have your hearing in open or executive session?

Mr. Costa – Executive session.

Mr. Hobson motioned to enter into executive session to discuss a disciplinary hearing for Jeffrey Costa and to reconvene in open session at its conclusion. Ms. Sturtevant seconded. Vote unanimous.

In favor: Mr. Haworth, Mr. Hobson, Ms. Sturtevant, Mr. Riley and Mr. Freitas.

Open meeting resumed at 8:05 PM.

**V. Items for Action (Continued)**

**H. Huttleston Avenue Water Main Rehabilitation – Recommendation of Award**

Mr. Fortin- The bids came in higher than expected. I will need some time to work out additional funding.

Mr. Riley motioned to table the Huttleston Ave Water Main Rehabilitation Bid Award. Ms. Sturtevant seconded. Vote unanimous.

**F. City of New Bedford – Agreement for Wastewater Services**

Mr. Haworth – Linda, do you have any concerns with this agreement?

Ms. Schick – No, everything was negotiated.

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

Mr. Haworth – I have an issue with Items 14 and 16 listing the Board of Selectmen and not the Board of Public Works. We are the elected sewer commissioners. If we sign this agreement we will be giving away our authority.

Mr. Hobson – I have the same issue. We were not invited to any meetings and they are trying to dissolve the Board.

Mr. Freitas – The Selectmen negotiate inter-municipal agreements

Mr. Haworth – If there was an emergency situation we would have no enforcement ability.

Mr. Hobson motioned to table. Motion dies for lack of second.

Mr. Riley motioned to send a letter to the Selectmen requesting Items 14 and 16 be changed from the Board of Selectmen to the Board of Public Works. Mr. Freitas seconded. 4 – 1 with Mr. Hobson being opposed.

**G. Teknikor – Agreement for Energy Conservation**

Ms. Schick – I met with Charlie Tavares from NSTAR and Mr. Osuch and some changes need to be made to the contract.

Ms. Sturtevant motioned to table the Teknikor Agreement so the contracts can be revised. Mr. Freitas seconded. Vote unanimous.

**VI. Board Members**

Mr. Hobson – I would like to see more brush cutting done around Town.

Ms. Sturtevant – The trash was not picked at 24 Briercliffe Road today. I have noticed that residents have been dumping grass along the sides of the road and into wetlands. If you are watching this meeting we have a recycle center please us it.

Mr. Riley – I would like to extend my sympathy to Kathy Tripp and her family.

Mr. Haworth – Mr. Fleurent served the Town for over forty years on the Planning Board.

Mr. Freitas – When I was first on the Board a resident from Parker Street, Mrs. Cormier, had told me she was having a continuous problem with water in her cellar and nothing has been done to help her.

Mr. Haworth – Please notify Mr. Charbonneau.

Mr. Freitas – At the next meeting I would like to discuss Sycamore Street.

Mr. Haworth – Linda is here we can discuss it now.

Ms. Schick – We had an I & I crew cleaning mains and late Friday they were on the last section of Sycamore Street and had trouble getting the camera through. We used the jet rodder and the blockage subsided and was going in the right direction. On Saturday around 11:30 AM I received a call from Doug Pinard stating a business on Newbury Street had sewage backing up. I met him out there and it was determined there was a main break in Sycamore Street. I called in JB Lanagan for assistance with the repair since they had just worked for the Town on another sewer issue. I knew they had all the equipment that we needed. There was a sink hole so it was easy to find the break. The repair was



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

completed by 5:30AM on Sunday. Lanagan replaced 24-26' of 15 inch pipe. Westport Winwater opened for us for the pipe and EMA helped out with lighting. There is about another 400' of pipe that is splintering and there is oxidation along the fractures. Initial estimates for slip lining are around \$30,000. I will have to get three bids but it should be done to assure there are no more problems.

Mr. Freitas – I would still like to discuss this at another meeting in executive session.

Mr. Haworth – I will have to see if it meets the qualifications for executive session. The sewer department employees did an excellent job.

Ms. Schick – Yes they did. I want to say thank you to them, Joel from Westport Winwater, EMA, the police detail, everyone did a great job.

Mr. Haworth – The majority of the department was there along with Mr. Snell from the Highway Department. I was there helping with traffic control.

Mr. Roderiques – I want to know why a Fairhaven contractor was not called. This has happened several times. My company has the bid for my machines and I have 15' pipe in my yard.

Mr. Haworth – Linda called me with her recommendation. It was an emergency, she made a good decision and I support her. Lanagan has worked for the Town before and he was available.

Mr. Freitas – I was there also, that day was confusing. We do have a list of fixed costs moving forward we should make sure that list is used.

Ms. Schick – The list is for equipment only not labor.

Mr. Freitas – Linda and her crew did an excellent job.

Mr. Haworth – Linda please put together a list of qualified contractors for future jobs. I thought the bid list applied only to the Highway since they have a different funding source.

Mr. Roderiques – I am a tax payer and a business owner and I just wanted to voice my concerns.

**VII. Upcoming Meetings**

Mr. Haworth – We have a meeting at the Town Hall with the Selectmen on June 6<sup>th</sup> at 7:15 PM to discuss the digester in executive session.

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

Mr. Riley motioned to set the date for the next meeting on June 13, 2011 at 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

**IX. Adjourn**

Mr. Haworth motioned to enter into executive session at 8:30 PM to discuss Interviews for BPW Superintendent, the Digester Project and NPDES Permit and not to reconvene in open session at its conclusion. Ms. Sturtevant seconded. Vote unanimous.

In favor: Mr. Haworth, Mr. Hobson, Ms. Sturtevant, Mr. Riley and Mr. Freitas.

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

Respectfully submitted,

Kim Nogueira  
Head Clerk