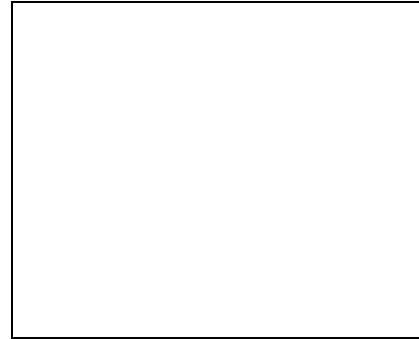


**Town of Fairhaven
Board of Public Works Meeting
August 8, 2011**

Present

Geoffrey Haworth, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
G. Steven Riley, Commissioner
Vincent Furtado, Superintendent
Kathy Tripp, Administrative Assistant
John Charbonneau, Highway Superintendent
Linda Schick, Sewer Superintendent
Carlos Alvernaz, 47 Sycamore Street
Philip Cardoza, Highway Department
Mitchell Rusinoski, Highway Department
Robert Roderiques, Fairhaven Excavating
John Roderiques, Fairhaven Excavating
Peter DeTerra, Peter DeTerra Excavating



I. Call to Order

Mr. Haworth called the meeting to order at 6:33 p.m.

Mr. Haworth introduced Mr. Vincent Furtado, the new BPW Superintendent and read a prepared statement regarding Mr. Furtado and his qualifications and employment history.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. July 25, 2011

Ms. Sturtevant motioned to approve the minutes of the July 25, 2011 meeting. Mr. Riley seconded. Vote unanimous.

B. July 25, 2011 Executive Session (d) and May 31, 2011 Executive Session

Ms. Sturtevant motioned to approve the minutes of the July 25, 2011 Executive Session (d) and May 31, 2011 Executive Session. Mr. Hobson seconded. Vote unanimous.

IV. Appointments

A. Carlos Alvernaz, 47 Sycamore Street – Re: Sycamore Street Issues

Mr. Haworth – You requested to meet with the Board because you have some concerns. Are you recording the meeting?

Mr. Alvernaz – No. You got my letters?

Mr. Haworth – Yes, both.

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Mr. Alvernaz - On April 22nd of this year I called the Board of Selectmen. They said it's not their problem. I was approached by the supervisor of LAL Contractors about the grinding of the road and the highway bump. It's in the middle of my home. Seven days of week the buses go by and my home is shaking. I told Bowcock. The screws on my wall plates were coming undone. I called public works. They said it was a transmission point. They put up a sign that says bump. My house is rattling. They said it's not our project. The home has cast iron sewer pipes. It was built in 1920. It's old pipe. I find it ironic that on Memorial Day the old pipe broke. I confronted Mass Highway a second time. It's been 109 days. He said it's an adequate transition. They don't care. I called William Straus. He's the chairman of the Transportation Committee of the State. I got no return phone calls from him. When there's a snow storm, water gets in my yard.

Mr. Hobson – Me, as a Board member, I wouldn't want to live like that. I'd like to ask the Highway Superintendent. Let's discuss it in a calm manner.

Mr. Charbonneau – I went down there. I talked to Mass Highway and Bill Straus. It might be a good idea to talk to the bus company and the construction company.

Mr. Alvernaz – I called the police five times. The last time they said it was a law enforcement problem. Last time I went to talk to the chief, they said he don't take walk-ins.

Mr. Hobson – Maybe send the bus company a letter asking them for the buses to take a different route, Warren Bros. How much longer is the road going to be in this condition?

Ms. Alvernaz – The patch is lopsided.

Mr. Haworth – There is a reason for the transition. It has to be a certain amount of feet to the intersection. It's not right at the intersection. It has to be a certain amount of feet as designed on the plans by the engineer.

Mr. Riley – I understand as being a Town resident. There are some obstacles. It's been way longer than 109 days. Before, on the west side we were trying to mitigate the removal of the existing road. We were overruled by Mass Highway. There are a lot of issues. Part of the road reconstruction process is that heavy trucks have to go on those roads.

Mr. Alvernaz – Sycamore Street is now Main Street.

Mr. Riley – The last side it took a much longer time. We are fully aware...

Mr. Alvernaz – Bowcock suggested a temporary stop sign.

Mr. Riley – I'm all set.

Mr. Haworth – They are in the process of finishing the curb and the sidewalk. It should be paved by October. I've talked to Mass Highway and LAL. For you, it's not acceptable. Unfortunately it is a construction project. We don't intentionally do this. I apologize for that. When it's finished it will be a much better road. The Sewer Department is doing an I & I inspection on 125 homes in your neighborhood. Out of the 125, 124 homes cooperated. You were the only one who did not comply. When can we go by?

Mr. Alvernaz – I don't have any problems.

Mr. Hobson – Give us a week. We'll try to solve your problem. We understand your complaint. Call the office.

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B. Philip Cardoza - Interview for Motor Equipment Repairman

Mr. Cardoza – This is an opportunity of a lifetime. I've been around machinery and mechanics since I have been sixteen years old. I worked for a dealership. I have a lot of experience in the front and back end, preventative maintenance programs.

Ms. Sturtevant – You have a CDL and Hoisting? What do you think you can bring to this position?

Mr. Cardoza – I've worked in many different areas, record keeping, and preventive maintenance to keep breakdowns at a minimum. I have all different types of experience. I am clean and organized.

Ms. Sturtevant – You are on our safety committee and you have brought some good ideas forward.

Mr. Riley – Mr. Cardoza has been here a few years. He presents himself very well. John and Mitch, what are your expectations?

Mr. Rusinoski - Clean and organized.

Mr. Rusinoski – Phil knows what goes on at the dealerships. There are certain ways things are set up. I don't have the time. He did do a lot of service writing. I have to do the repairing. He's worked on a lot of cars. I think he could help me out a lot.

Mr. Charbonneau – Phil would be a good fit. The third man is needed. He used to be a computer service writer. We've had a lot of breakdowns with Police and Fire over the last eight months with major work.

Mr. Hobson – I've known Phil for years. He would be an asset to the garage. He has a lot of experience.

Mr. Haworth – You have the 1B and 2B?

Mr. Cardoza – The 1B supersedes the 4E.

Mr. Haworth – We asked Mitch about that a few weeks ago. Can you check that?

Mr. Furtado – Phil has worked on vehicles before?

Mr. Charbonneau – Yes.

Mr. Furtado – He's not going to be just a clerk for the mechanics?

Mr. Cardoza – I've worked on gas for 3-5 years, diesel I started at Riverside Salvage on the front end loader, just basic maintenance. I know the basics.

Mr. Riley – I'm fine. Mitch and John said he knows the basics. We need to change the garage over and bring it up to tick.

Ms. Sturtevant – That's a good idea.

Ms. Sturtevant motioned to appoint Philip Cardoza as Motor Equipment Repairman starting on August 15, 2011. Mr. Hobson seconded. Vote unanimous.

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V. Items for Action

- A. Brown and Caldwell – Amendments #3A & 3B**
- B. Brown and Caldwell – Invoice #38150913**

Mr. Haworth – We've had some setbacks. Everyone has seen these amendments in length.

Mr. Riley – Has Tom Crotty seen them?

Mr. Haworth – Yes and he has signed off.

Mr. Riley – Are these the final?

Mr. Haworth – Absolutely not.

Ms. Schick – A few months ago you approved 3A for the past work. You had negotiated this with them.

Mr. Haworth – While we are talking about this, Item B, Brown and Caldwell; I would ask the Board to hold that invoice. We should sign the amendments. We will be meeting with Brown and Caldwell on Thursday to talk about some issues with Jeff Osuch, Vinnie and Linda.

Mr. Riley motioned to sign Brown and Caldwell Amendments 3A and 3B in the amount of \$23,000.00 and \$20,500.00. Mr. Hobson seconded. Vote unanimous.

C. Nexamp

- 1. Change Order #1 Approval**
- 2. Final PV System Acceptance**

Mr. Haworth – Firestone was in last Wednesday. We are waiting for results.

Ms. Schick – We should be fine. Kel Kor did the roof and they are an official Firestone representative.

Mr. Haworth – I'm trying to negotiate the ballast and then we should be there. They are pushing to get the final PV System acceptance.

Mr. Riley – The biggest problem with Lori from Nexamp when we had that conference call. She said they would replace it and give us a \$150 credit for less to get stone and they took it off. They got caught. Now she wants her final signatures. I won't vote.

Mr. Hobson – I agree with Mr. Riley.

Mr. Haworth – I think it's premature to sign off on this roof.

Mr. Riley motioned not to sign the Final PV System Acceptance letter to Nexamp. Ms. Sturtevant seconded. Vote unanimous.

VI. Board Members, Superintendent – Old Business / New Business

Ms. Sturtevant – I had someone ask me about putting up a stop sign at Briercliffe and Torrington. The cars fly out of there.

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Mr. Charbonneau – The Selectmen and the Police Chief have to approve that.

Ms. Sturtevant – Weybridge, from Eaton to Torrington. The owners of the property are under the impression that they can go and make a gate to keep people from going down. They have a “No Trespassing” sign and that’s an issue with the neighborhood.

Mr. Charbonneau – There was a “Dead End” sign there before.

Ms. Sturtevant – You do plow it.

Mr. Charbonneau – I’ll look into it.

Mr. Riley – Two weeks ago we received a notice about the driveway on Balsam Street. It was approved for cobblestones.

Mr. Charbonneau – The homeowner went back to asphalt.

Mr. Riley – Also, Mitch said he’s running shorthanded and we go out for auto parts.

Mr. Charbonneau – Some deliver, some don’t.

Mr. Riley – The 95 Crown Vic?

Mr. Charbonneau – It needs \$5,000 worth the work. Is it worth it?

Mr. Riley – Beach trailer?

Mr. Charbonneau – It’s ready to go. We can’t come off their pole. We’ve done this before and it gets vandalized.

Mr. Riley – We’ve been talking about this for 2 1/2 – 3 weeks. Mr. Hobson has volunteered his generator.

Mr. Charbonneau – It needs at least 9k.

Mr. Riley – Have we tried one?

Mr. Charbonneau – We did and it tripped.

Mr. Riley – Livesey Park; Ray knows about the light pole that was put up there. It’s about 20’ off the ground. The generator is good for short term.

Mr. Charbonneau – There is a permit process, box and meter.

Mr. Riley – You have seven months to come up with a plan. I want the trailer down there.

Mr. Riley motioned that if Mr. Hobson’s generator is not big enough that we rent one for two weeks. Ms. Sturtevant seconded.

Mr. Haworth – This generator for 5500w is not sufficient?

Mr. Charbonneau – Ray wasn’t 100% sure if it would work.

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Mr. Haworth – Two of your employees spoke to me about the new trailer. They don't want to damage it so they've asked if we could put up "No Parking" signs around the loop where they bring it in. You could look at that situation both ways.

On Mr. Riley's motion: vote unanimous.

Mr. Riley – Send a letter to the Bus Company asking them if they can drive slower.

Mr. Hobson – When you send the men around West Island, Union Wharf; when they go out and empty barrels can they pick up the other stuff that's out there?

Mr. Charbonneau – The problem is they can only fit six barrels on the back of the truck. You can't start piling mattresses on there too.

Mr. Hobson – Potter Street came out very good. Can't we do something like that on Wayne Street?

Mr. Charbonneau – There is no money to do it and we can't take it out of resurfacing.

Mr. Hobson – What about Chapter 90 money?

Mr. Haworth – We can't use Chapter 90 on side streets. It has to be main thoroughfares.

Mr. Charbonneau – We gave a lot of Chapter 90 money to Bill Roth.

Mr. Hobson – On behalf of the military that were just killed overseas I would like us to fly the flag at half staff.

Ms. Tripp – We will receive notification from the governor's office when we need to do that.

Mr. Hobson – Cable TV people; some Towns like Hyannis, you can watch the Selectmen's meeting any time you want. We should send a letter to the Selectmen to do that.

Mr. Haworth – With the tanks being rejected, the project is not at a lull, it's still going forward. One tank is not progressing.

Mr. Furtado – I just want you to know that I am here to do my best and respect the Town as well.

VII. Set Date for the Next Meeting

Mr. Riley motioned to hold the next meeting on August 22, 2011 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

The Board took a five minute recess at 7:50 p.m.

IV. Appointments (Cont.)

C. Robert Roderiques, John Roderiques; Fairhaven Excavating – Re: Annual Bid #17

Mr. Robert Roderiques – I received a thing on a bid on a line item that was bid on back in April or May. I called Kathy to inquire. There was a letter stating he wanted us to rebid item #17. I asked for copies of the sealed bid. The mistake was on the contractor, not the BPW. You awarded me the bid. I requested to come before the Board to see what the Boards' thinking was on your part.

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Mr. Riley – Here's what I know. The bids presented was retyped. She said she couldn't read it. She took the number as one number. That's what we voted on. A mistake was made. Mr. Osuch said that to rebid the process was fair. Tomorrow is the rebid. He said yes you can. In the future we may vote to put the bids in email format or typed. No more handwritten bids. It's not fair to her. It's not a perfect process.

Mr. DeTerra – I am a local contractor. I put \$125 and put \$115 over it. If you go by that I am the low bidder. Last year's sheet is \$115.

Mr. Robert Roderiques – He wrote a number over the bid. I should do the same thing. He should have crossed it out and initialed it. That clearly is not acceptable. We've been bidding on this for over fifty years. I've lost a bid over a penny to a company from Fall River.

Mr. DeTerra – It's the low bid.

Mr. Robert Roderiques – Then you should learn how to write and you should stay out of this.

Mr. Haworth – You are out of order.

The Board took a recess at 8:07 p.m.

Mr. Haworth called the meeting back to order at 8:09 p.m.

Mr. Hobson – Evidently there was a mistake made here. We're all Fairhaven people here. Wait until we see what the new bids are. I'm not happy in discussing this further. The process was not properly done. The bids will be opened tomorrow.

Mr. Riley – Bid \$115 or \$125; both rebidders know what the numbers are. You can bid \$75 if you want. The second bid process is equal to both parties. Rebid #17 a second round for all parties is equal. There could be ten other parties that can bid this.

Mr. John Roderiques – I sat behind that desk for nine years. That's been past practice. You are opening up Pandora's Box. That's not fair. You should throw that bid out. It should not be done twice. Nothing against Peter, but that bid should have been thrown out. I think this is illegal.

Mr. Robert Roderiques – If Peter beats me fair and square, that's fine. It's just not right what you are doing now.

Mr. Riley – The Town employee is the one that made the judgment what the number was. Those steps are in place.

Ms. Tripp – When I opened the bid, the bid price was written over. In a case like that, the bid is always thrown out. I am not making the call on what is supposed to be the right number. We receive bids for millions of dollars and if it's not filled out correctly by the bidder, the bid is rejected. It is not rebid.

Mr. Robert Roderiques – You forwarded it to me. You should have rebid before you awarded it to me. Two months later it goes back out to rebid. It's the contractor's error. He made the mistake, not the Board. He filled out the paperwork wrong. You accepted my bid. I signed the form.

Mr. DeTerra – Ms. Tripp did not reject it.

Ms. Sturtevant – In the past when you receive a bid like that, was it rejected?

Ms. Tripp – Yes, I would reject the bid.

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Mr. Hobson – I wasn't aware of that. I believe she did it right. No offense to you. We have to have a fair mind. I think Mr. Roderiques is right. I know Mr. DeTerra and Mr. Roderiques very well. If I would have known the whole story, I would have done things differently.

Ms. Sturtevant – Honestly, Kathy has been here many years. If this has been past practice, I would have to go with that. It should have been awarded to Fairhaven Excavating. That's the way it should have been handled.

Mr. Riley – Everybody voted. We have two well known contractors in Town fighting for their own. They are some flaws. It's out for rebid. We are at ground zero. We should not receive handwritten bids.

Mr. Haworth – Mr. Roderiques comment, I refrained from voting. I serve on a non-profit board with someone and you also made a donation to the Little League. There is no gain for me either way. It's very important to look at the bidding process. It must be typed. We wouldn't be sitting here if we had a better process. Maybe do it electronically.

Ms. Tripp – I would have to check on that.

Mr. Furtado – We can require that.

Mr. Haworth – In the future, we don't want to put them in this situation.

Mr. Hobson motioned to keep the bid awarded to Fairhaven Excavating.

Ms. Sturtevant – In all fairness, we need to move forward and put something in order. The right thing would be award to them.

Ms. Sturtevant seconded Mr. Hobson's motion.

Mr. Haworth – Procedurally, you have to go back to the minutes and the person who made the original motion would have to rescind it.

Mr. Hobson motioned to rescind the vote on June 20, 2011, of rebidding Item 4, section d.

Mr. Haworth – Mr. Riley made the original motion.

Mr. Riley – I won't rescind the vote.

Mr. John Roderiques – This was no mistake.

Mr. Riley – Whatever happens tomorrow, it may be a different situation.

Mr. Hobson motioned to table further discussion until the next meeting.

Motion dies for lack of second.

Mr. Hobson left the meeting at 8:40 p.m.

Mr. Robert Roderiques – There may be 20-30 bids tomorrow that bid \$75-\$80. How are you going to handle that?

Mr. Riley – I can't answer that right now. To be honest with you, I would throw a number in just in case.

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Mr. Haworth – He challenged the bid. We are rebidding the item.

Mr. Robert Roderiques – You need the right piece of equipment for the bucket. You can put any bucket on a piece of equipment, that doesn't mean it's going to move anything.

Mr. Charbonneau – We should spec by the weight, not the bucket.

Mr. DeTerra – He's describing my equipment but he doesn't know. Anyone can rent a machine.

VI. Board Members, Superintendent – Old Business / New Business (Cont.)

Mr. Charbonneau – We are making progress on Abbey Street. We should be paving within the next two weeks. Next is Morse and Walnut.

VIII. Adjourn and Executive Session

Mr. Haworth motioned to adjourn the open session and enter into executive session at 8:50 p.m. to discuss an issue with the Digester and not to reconvene in open session. Ms. Sturtevant seconded. Vote unanimous.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant