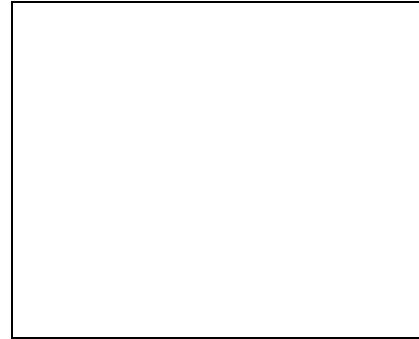


**Town of Fairhaven
Board of Public Works Meeting
September 6, 2011**

Present

Geoffrey Haworth, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
G. Steven Riley, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Linda Wordell, 40 Point Street
John Cusson, Contractor for 40 Point Street
Stephen Kelleher, Architect
Albert Jones, Fisherman Beach Association
Fisherman Beach Association Residents
Jerry Bettencourt, Jerry's Auto & Cycle Service



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. August 22, 2011

Mr. Riley motioned to approve the minutes of the August 22, 2011 meeting. Mr. Freitas seconded. Vote unanimous.

IV. Appointments

**A. Linda Wordell, 40 Point Street – Re: Waiver of Sewer Development Fee
John Cusson, Contractor**

Ms. Wordell – John will be speaking for me.

Mr. Cusson – Ms. Wordell has been a lifelong resident. I am doing project renovations on her home. In the process we found out there is a \$3,000 fine on her septic system. She is still on private septic. We are asking the Board to waive the \$3,000 fine. She was not aware of the fee. She will tie in.

Mr. Haworth – It's not a fine, it's a fee.

Mr. Cusson – We've been informed it's a fine.

Mr. Haworth read the fee regulation.

Mr. Cusson – There was a federal grant. How can you charge \$3,000?

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Mr. Hobson – I believe most people paid the \$3,000. Now it's \$6,000.

Ms. Sturtevant – The development fee was \$1,500 for any home that wanted to tie in at that point. I was not on the Board at the time. Then they raised it to \$3,000. When the sewer was put in at the top of the Neck no one paid. I had three houses on the sewer betterment. That's what it is at this time.

Mr. Riley – The fees are in place to help support the Treatment Plant out back. The fees are in place for somebody who is added to the sewer system. It keeps the rates in place. It's an offsetting fee. I don't see any way around it.

Mr. Cusson – She was not aware.

Mr. Riley – The fee changed five years ago.

Mr. Haworth – 2006.

Ms. Wordell – Why wasn't anybody notified?

Mr. Riley – Why are you tying in now?

Mr. Cusson – We are doing renovations and it was brought to our attention.

Mr. Wordell – Is there any way to retract it to \$1,500?

Mr. Riley – No.

Mr. Freitas – One problem is that we would run into is the fees, going back and we say to you \$1,500? How many people are going to line up? We have to set a precedent. The fees are actually cheaper than other towns. The contractors know. I wish there was something we could do.

Mr. Haworth – I'd like to comment on a few things. One thing it's not a fine, it's a fee. It's available to you. Part of that fee is to support just that. \$3,000 is basically paying for the availability.

Ms. Wordell – I moved there in 1967. My husband, thirty-five years ago, we put in a brand new septic system. He said we would be dead and gone before sewer ever went by. That's why we didn't tie in.

Mr. Haworth – You have a functioning septic system?

Ms. Wordell – Where the trunk already is there to tie in and Mr. Borges ties in, does the Town do anything?

Mr. Haworth – They know the policy.

Mr. Furtado – My only suggestion would be to see if the Town could offer a payment plan. This is a fee established to tie in.

Mr. Haworth – Maybe you could get the money from a private lender?

Mr. Freitas – You could talk to someone at the Town Hall.

Mr. Riley – We understand the hardship.

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Mr. Freitas motioned not to waive the \$3,000.00 sewer development fee for 40 Point Street. Ms. Sturtevant seconded. Vote unanimous.

B. Albert Jones - Fisherman Road Beach Association

Mr. Jones – I am Albert Jones and am a member of the Fisherman Road Beach Association. There are thirty-two residents that started this seven or eight years ago. We bought the beach at the foot of Fisherman Road. The property was taken by the Town for taxes. We paid the back taxes. The group has met annually. This letter was to see what we can do to make it safer. We have a proposal as one solution to the problem; temporary speed bumps can be installed and removed simply. We would like you to consider that.

Ms. Sturtevant – Is that in our jurisdiction? The Police were involved in another area and they said we can't put in speed bumps.

Mr. Jones – I don't know. I was told to start with the BPW and take it from there.

Mr. Riley – We had the same problem on Sconticut Neck Road at the bike path. The safety officer said we could not do it.

Mr. Jones – Why?

Mr. Riley – I don't remember why.

Mr. Jones – Our main concern is the safety.

Mr. Freitas – I think it's illegal. I'm sure the Safety Officer, Macy Joseph knows.

Mr. Riley – Follow up to the safety officer also. We'll send a letter too.

Mr. Hobson – I'm 100% for it if we can legally do it. This Board would support it 100%. We tried to get some other roads paved on the Island to get some of the traffic off of Balsam Street to the other streets but the Selectmen took that money away and gave it to a street on Poverty Point.

Mr. Jones – We want to work with the Town to solve the problem.

Mr. Haworth – The speed table they have on Oliver Street; maybe the Safety Officer and Selectmen can approve something like that.

Mr. Furtado – In preparation for this meeting I emailed the Chief of Police. He said that the Safety Officer was unavailable for tonight.

Mr. Riley – Draft a letter and speak to the Safety Officer so they can relay to the Association and Mr. Furtado can get back to you in a week.

**B. Stephen Kelleher, Architect – Re: 115 Huttleston Avenue (formerly Cox's Candy)
Grease Trap**

Mr. Riley – I have to recuse myself because I have a relationship with him.

Mr. Kelleher – I am the architect for this project and Ken Ferreira is the engineer. This is formerly Dorothy Cox's Candy. Cathy and Ken Melanson own the property and the new business is called Emma Jean's Confections. They will sell candy, ice cream and some baked goods. I have met with the Board of Health

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and the Building Inspector. I also met with Linda Schick. What has transpired is that we've come up with a master plan, two to three year plan with two interval plans. The second phase is to introduce ice cream next spring. Eventually they will demo the whole old side of the building. Phase two has been approved by the Board of Health. There is no external grease trap, only interior. The Board of Health wants a 1,500 gallon grease trap to Bridge Street. To do that, they will have to tear all the existing slabs out. We don't want to put in the tank until we tear it out and put everything in new.

Mr. Freitas – I don't seem to have a problem. What if the plan falls behind, still no grease trap?

Mr. Kelleher – It's not a problem to be done.

Mr. Freitas – I would vote on a time limit.

Mr. Hobson – I agree with Mr. Freitas with a time limit on it. If the Board of Health okays it, I'm okay.

Ms. Sturtevant – I have no problem as long as there is a time limit.

Mr. Haworth – Should be a time limit. Also, I'd like to see a maintenance schedule of the existing grease trap.

Mr. Freitas – There should be a six month schedule.

Mr. Haworth – Six month schedule and give a copy to our office.

Mr. Furtado – There are two grease traps; one for the ice cream and one for the bakery?

Mr. Kelleher – Yes.

Mr. Furtado – I'm all set.

Mr. Freitas motioned for an exterior grease trap at 115 Huttleston Avenue be installed by January 1, 2013 and supply the BPW with a copy of the maintenance schedule ever six months. Mr. Hobson seconded. Vote 4-0 in favor with Mr. Riley abstaining.

D. Jerry Bettencourt – Re: Logan Court

Mr. Freitas – I have to recuse myself. Mr. Bettencourt is a family member.

Mr. Riley – Does this have anything to do with the Seaport Inn?

Mr. Bettencourt – Yes.

Mr. Riley – I will also have to recuse myself because I do business with the Seaport Inn.

Mr. Bettencourt – I am the owner of Jerry's Auto, 86-88 Middle Street. I would like to discuss Logan Court. I understand it's a fee simple street. I've owned this property for twenty-two years and Logan Court has always been a parking area for residences. There is also a chain link fence on the north and south side. I've come to the Board to find out what jurisdiction to go with this.

Discussion continued.

Mr. Bettencourt – I have hired an attorney and it's up at Land Court in Boston.

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Mr. Haworth – I don't think we can make a decision on this.

V. Items for Action

A. Church of the Good Shepherd – Request to use Livesey Park “Blessing of the Animals”

Ms. Sturtevant motioned to approve the Church of the Good Shepherd's request to use Livesey Park on October 2, 2011 with the normal conditions. Mr. Riley seconded. Vote 4-0 in favor. Mr. Freitas was absent.

B. Board Members – Interview Process for Senior Clerk and HMEO

Mr. Haworth – We need members for the initial panel.

Ms. Sturtevant – I'd like to do the senior clerk.

Mr. Riley – I can do it after 5:00.

Ms. Tripp – Do you want me to advertise?

Mr. Hobson motioned to advertise in the Neighborhood News or the Advocate. Mr. Freitas seconded. Vote unanimous.

Mr. Freitas – I'll do the truck drivers.

Mr. Hobson – I'll do the truck drivers too.

C. Bay State Contracting – Change Order #1

Mr. Haworth – This is for additional work. The amount is \$5,055.30.

Mr. Freitas motioned to sign Change Order #1 with Bay State Contracting in the amount of \$5,055.30. Ms. Sturtevant seconded. Vote unanimous.

Mr. Haworth – We also have a payment for \$51,536.75.

Ms. Sturtevant motioned to sign Pay Requisition #1 in the amount of \$51,536.75 to Bay State Contracting. Mr. Hobson seconded. Vote unanimous.

D. WES Construction – Change Order #3

Mr. Haworth – Did we get it?

Ms. Tripp – No.

E. GCG Associates – Inspection Agreement for 342 Huttleston Avenue, Sewer Manhole Installation

Mr. Haworth – This is for a private developer. It's an estimated fee.

Mr. Riley motioned to sign the inspection agreement with GCG Associates for the 342 Huttleston Avenue sewer manhole installation. Mr. Freitas seconded. Vote unanimous.

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F. Nexamp – Change Order #1 and Final PV System Acceptance

Mr. Haworth – Put this on hold. I had some correspondence today. We'll talk about it at the next meeting.

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

Mr. Hobson – I was really impressed with Vinnie and the Town employees during the hurricane. They did an excellent job coordinating everything. Most of the Town employees worked all weekend.

Is it possible that we could look into getting a new chipper. Ours broke and the tree warden's extra one broke.

Ms. Sturtevant – I also want to commend the good job with Irene; all the Superintendents, the girls giving out the stickers. Great job.

The problem with the bids the last time; do it differently. Open with the Board. Other places do bids with the Board and Superintendent there.

Mr. Furtado – They can write it out like a check.

Mr. Haworth – Can you give us a policy by the next meeting?

Mr. Riley – I would also like to congratulate the employees who stayed late. Everyone worked hard. Emails from Mr. Furtado were sent out to the Board. It was very reassuring that there was a pre-plan and post-plan in place.

The beach trailer; there were no lifeguards there over the weekend. Next year I'd like to see a couple of them work that weekend. It was busy and there was no sanitation facility.

Mr. Freitas – The storm; there were good decisions made. We were very prepared. The guys were well informed. We made a good choice with the new Superintendent. Everyone worked together.

Mr. Haworth – We had a pre-meeting at the Fire Department. Mr. Furtado proved to be a leader from the beginning. He kept us very informed. Our employees did a great job, even the clerical.

Ms. Sturtevant – Can we give out the hurricane passes with the excise tax bills?

Ms. Tripp – An outside firm from out of Town mails those out and summer residents do not pay excise in Fairhaven.

Mr. Haworth – The Town looks great. We will be taking brush for free for one more week. People need to show proof of residency.

Mr. Furtado – Wednesday thru Friday, the Recycle Center will be open and on Saturday it will be open at Long Road also.

I would also like to thank the staff for the hurricane preparedness. They did a very good job.

I met with the Frye's with Brandon Fanuef and we found an area at the Recycle Center to replicate the wetlands.

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One email I sent you was in reference to the paving on Abbey Street. The water main let go. We checked it. Nstar, Verizon, Cable, we should check with them before we pave so we don't have to dig it up.

Howland Road; I met with Mass DOT on a number of things and cost overruns. One resident at 31 Howland Road on the corner of Oak Street; his sidewalk pitches to his house. It needed to pitch the other way so I'm having them remove it and pitch it the other way. I talked to Charlie Tavares about the seven poles that need to be moved for the Howland Road project. He said it could be extended to next March. That means the paving will not be done this fall.

We've had some Superintendent's meetings to discuss some thoughts and suggestions.

I've been out on the road, visited the pumping stations.

One thing I would like to correct for the next Hurricane. I was at the post there all day. I would also like to be out on the road. I was there assisting with the phone calls.

Mr. Haworth – The poles at Bridge and Alden; same boat. They said because of the storm, the utility crew was backlogged.

VII. Set Date for the Next Meeting

Mr. Riley motioned to set the date for the next meeting on September 19, 2011 at 6:30 p.m. Mr. Freitas seconded. Vote unanimous.

VIII. Adjourn and Executive Session

Mr. Haworth motioned to enter into executive session at 8:21 p.m. to discuss the Digest Project and not to reconvene the open session. Mr. Freitas seconded.

Roll call taken: Mr. Haworth, Mr. Hobson, Ms. Sturtevant, Mr. Riley and Mr. Freitas seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant