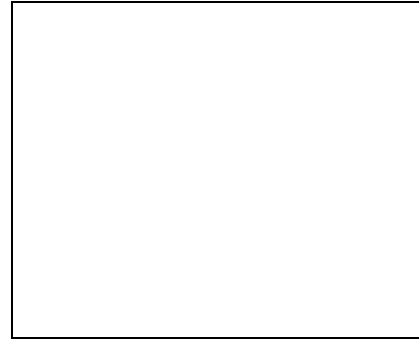


**Town of Fairhaven
Board of Public Works Meeting
August 13, 2012**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Geoffrey Haworth, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
John Charbonneau, Highway Superintendent
Anthony Moniz
John Houle
Shawn Francis
Gregory Ramos
Kenneth Oliveira
Agostinho Pinto, 17 Beachwood Street
Charlie Sermaidas, 44 Howland Road
Attorney Chip Mulford
Victor Perez
John Medeiros, NFIA
Jeff Lucas, NFIA



I. Call to Order

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

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. July 23, 2012

Ms. Sturtevant motioned to approve the minutes of the July 23, 2012 meeting. Mr. Haworth seconded.
Vote unanimous.

IV. Appointments

A. Interviews for 2 HMEO Positions – Highway Department

Anthony Moniz

Mr. Moniz – I worked for the City of New Bedford for fifteen years. When they had the furlough in left and moved to Florida, then I came back. I now work at Wonderbowl. I'm good with equipment, diesel. I can run a backhoe, truck driver, plow, and fix anything.

Mr. Freitas – This is a truck driver / laborer's position.

Mr. Moniz – That's fine.

Mr. Haworth – I sat on the initial screening. Mr. Moniz is well rounded. He would be a good fit.

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Ms. Sturtevant – You have all the qualifications. You worked for the City of New Bedford and have a clean driving record.

Mr. Hobson – I did a couple of checks. You seem like a decent guy. You know this is a truck driver, laborer's position and you know about the Blue Cross, Blue Shield. It's very expensive.

Mr. Furtado – We discussed that during the preliminary screening. We had mailed out all that information to them and the benefits.

Mr. Riley – You worked twenty-five years for the City of New Bedford?

Mr. Moniz – Fifteen years.

Mr. Riley – During that time frame, what did you do to advance yourself?

Mr. Moniz – I started in the Water in 1996; then I got my CDL, then hoisting. I did not keep up my license for inspecting vehicles. I didn't feel I needed to. I have good work skills. I can work with no supervision. I've run the garage with 6-8 people below me.

Mr. Furtado – I knew Tony when he worked for the City of New Bedford. People would bring their vehicles to Tony when they were broken.

John Houle

Mr. Houle – I live in Dartmouth. I've been an oil burner technician, driver delivering oil. I will work overtime, no problem. I had no set hours. In the off season I did septic work and repair the oil trucks. The person I worked for plowed snow for the State. I was never late for work. I was hardly ever out of work. I do know it's mostly laborer work. I have no problem with that. I work in cold weather. I'm good mechanic wise.

Mr. Hobson – It's mostly laborer, cutting brush.

Mr. Houle – I used to work for Ray Oliver Tree Service years ago.

Mr. Hobson – Are you working now?

Mr. Houle – I've been out of work since the beginning of November.

Ms. Sturtevant – Any experience in driving heavy equipment?

Mr. Houle – I drove an oil truck, trailer, dump trailer but not on the road.

Ms. Sturtevant – You have a clean driving record.

Mr. Haworth – I interviewed him previous. He has a good driver history and has some pipe experience.

Mr. Freitas – If hired would you be interested in going for your water or wastewater license?

Mr. Houle – Yes, it would be more advancement.

Mr. Furtado – We sent to the Board a list of candidates from the initial screening and Mr. Houle was one.

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Mr. Riley – How would your last employer and co-worker describe you in one word?

Mr. Houle – Reliable.

Mr. Riley – If hired, you would be at the entry level. Where do you see yourself in ten years?

Mr. Houle – Higher up. More licenses. I would like to pursue that.

Shawn Francis

Mr. Francis – I lived in Fairhaven for twenty-four years. My father was a commissioner on the Board. My uncle is the Fire Chief. I've done road construction for the last ten years for various companies. I'm a hard worker. I tried to get hired before. I think it's a good fit for me. I've done a lot of water work, some sewer and some drainage.

Ms. Sturtevant – You would be doing mostly laborer work, brush cutting, etc. Your record is fine.

Mr. Francis – Every company I've worked for you're not just a truck driver.

Mr. Haworth – Mr. Francis was one of the best candidates with experience. He has the most amount of road pipe experience. He's probably my number one pick.

Mr. Freitas – You come with some pretty good recommendations and good work habits.

Mr. Hobson – Are you employed now?

Mr. Francis – I'm laid off. My boss closed up shop.

Mr. Hobson – Have you ever snow plowed?

Mr. Francis – Yes, in Lexington.

Mr. Hobson – You seem like a good fit.

Mr. Charbonneau – He has a good amount of construction experience.

Mr. Furtado – He's one of my top two choices.

Mr. Riley – Where do you see yourself in five to ten years?

Mr. Francis – I'd like to move up and run a crew, try something new.

Gregory Ramos

Mr. Ramos – I have a couple of questions. One thing; where does the position start at? Entry level? How long does it take to move up?

Mr. Furtado – It's an HMEO, truck driver's position. As time goes on, you could get your Class A and start at a little higher pay. It's a chain reaction, when someone gets promoted, leaves or retires.

Mr. Ramos – In six months or a year?

Mr. Furtado – Next year you would go to the next step.

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Mr. Ramos – On call, twenty-four hours a day, seven days a week mandatory?

Mr. Furtado – Yes.

Mr. Haworth – I was at Mr. Ramos initial interview. He has some pretty good experience. Not as much road experience.

Mr. Freitas – Are you interested in going for your water or wastewater license?

Mr. Ramos – Yes.

Mr. Hobson – It's mostly laborer, ditches, recycle center. You understand that? The health insurance.

Mr. Ramos – I am enrolled in my wife's plan.

Ms. Sturtevant – Are you interested in getting your hoisting license?

Mr. Ramos – Yes.

Mr. Riley – You are still employed. You'd be taking a 35% pay cut.

Mr. Ramos – My wife and I discussed that. When it rains now I don't work. I also do a lot of travelling.

Mr. Riley – How far?

Mr. Ramos – Cohasset, southern Rhode Island, Connecticut.

Mr. Furtado – John, Geoff and I interviewed him. He would be a good fit.

Kenneth Oliveira

Mr. Oliveira – I grew up in New Bedford. I've lived in Fairhaven for the last fifteen years. I've worked twenty years in the construction trade. I have a lot of experience in the business.

Mr. Hobson – You know the hourly pay?

Mr. Oliveira – Yes.

Mr. Hobson – The insurance; laborer, truck driver?

Mr. Oliveira – Yes.

Ms. Sturtevant – You have a lot of background in road work.

Mr. Oliveira – I worked in New York. It's about eight to nine months per year.

Mr. Haworth – This is the first time I've met with Mr. Oliveira. Really quick, at your last job how many times were you out sick?

Mr. Oliveira – Not many, two or three.

Mr. Haworth – In the same year, late?

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Mr. Oliveira – I worked in Fall River so I was never late.

Mr. Haworth – From the other candidates, what do you think sets you apart?

Mr. Oliveira – My background; I have twenty years in the business. I'm punctual, take pride.

Mr. Freitas – Are you willing to get your water and wastewater license?

Mr. Oliveira – Yes I would.

Mr. Riley – What type of equipment can you run?

Mr. Oliveira – Loader, bobcat, backhoe, excavator, 15 ton dump truck. I worked for D.W. White and have a lot of experience there.

Mr. Riley – Do you have your hoisting license?

Mr. Oliveira – No, I do not.

B. Agostinho Pinto, 17 Beachwood Street – Driveway Waiver

Mr. Pinto – I want to change my driveway from stone and tar to cement.

Mr. Hobson – At one end are you going to put in curb?

Mr. Pinto – If necessary, I will.

Ms. Sturtevant – All set.

Mr. Haworth – You want twenty-seven feet. The biggest I would recommend is twenty-six feet. Is Mr. Cardoza an approved contractor?

Ms. Tripp – Yes.

Mr. Charbonneau – I would recommend twenty-six feet.

Mr. Hobson motioned to approve a twenty-six foot opening for 17 Beachwood Street. Ms. Sturtevant seconded. Vote unanimous.

V. Items for Action

A. D&C Construction – Award Stormwater Grant

Mr. Furtado – There was a discrepancy in the bid. D&C was the low bidder. This is to sign the award.

Ms. Sturtevant motioned to award D&C Construction the bid for the Stormwater Project in the amount of \$197,300.20. Mr. Haworth seconded. Vote unanimous.

B. C.C. Construction – Waiver for Road Opening Deposit

Mr. Furtado – I already denied their request to not use flowable fill in Sciticut Neck Road.

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Mr. Haworth – Why don't we accept bonds?

Ms. Tripp – We started taking money because it takes too long to collect if you have a claim.

Mr. Charbonneau – We had a \$2,500.00 deposit for the East Fairhaven School Project.

Mr. Freitas motioned to deny both C.C. Constructions request to not use flowable fill and to use a bond instead of the \$2,500.00 road opening deposit. Mr. Hobson seconded. Vote unanimous.

HMEO Appointment

Mr. Riley – I would like to know Mr. Charbonneau's choice for the two openings.

Mr. Charbonneau – 1. Mr. Moniz, 2. Shawn Francis, 3. John Houle, 4. Gregory Rams and 5. Kenneth Oliveira.

Mr. Charbonneau left the meeting.

C. Water and Sewer Fees for Finals and On/Off Charges

Mr. Riley – We have a sheet with what the other towns charge. We are low.

Mr. Haworth – I would like to see \$25 for the on and off charges and the finals like Acushnet charges.

Ms. Tripp – The only problem with the Acushnet fees is I don't know if our software can do that.

Ms. Sturtevant - \$30 for the on and off and our other rates are pretty cheap.

Mr. Hobson – I agree.

Mr. Freitas - \$30.

Mr. Riley – I kind of agree, \$25 for the on and off, flat fee of \$50 for finals.

Mr. Furtado – We need to increase the fee. Acushnet is not a bad idea. At least make it \$25 or \$30.

Mr. Freitas motioned to increase the on and off fee to \$25 and a flat rate of \$50 for finals with 72 hour notice required. Ms. Sturtevant seconded. Vote unanimous.

IV. Appointments (Continued)

C. John Medeiros, Jeff Lucas, NFIA – Re: Benoit Square

Mr. Medeiros – Jeff and I are here on behalf of the NFIA. We met with Mr. Furtado and Mr. Charbonneau about Benoit Square. We'd like to take some bushes down and the benches out and the blacktop sidewalk and put in a gazebo. Actually, we want you to do it.

Mr. Furtado – It's a good idea. There is a water service there.

Mr. Hobson – It's a good idea. Mr. Medeiros and Mr. Lucas do an outstanding job in North Fairhaven.

Mr. Lucas – We would like the bushes removed before Christmas. The gazebo is a few years off.

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Ms. Sturtevant – I am on the NFIA so I am aware of what they want to do. It's the man hours and what's available.

Mr. Haworth – What will be the size of the gazebo?

Mr. Medeiros – We're not sure.

Mr. Haworth – What about wheelchair access?

Mr. Medeiros – The State says its handicap accessible. We'd like to put up a sign at Livesey Park at the entrance at Houle Street.

Mr. Freitas – You'll do a great job and make it look nice.

Mr. Riley – Mr. Charbonneau is doing road construction right now.

Mr. Medeiros – We'd like to get it down in November or December.

**D. Charles Sermaidas, Attorney Chip Mulford
Re: 44 Howland Road Grease Trap**

Mr. Haworth – I excused myself from the last meeting because he was a client of mine. I will once again excuse myself.

Mr. Haworth left the meeting.

Attorney Mulford – Mr. Sermaidas asked me to get involved. I had worked with Bob Gomes, the previous owner with evicting the restaurant. I was involved with the gas pumps and 21E, went before the Planning Board for a Special Permit, and negotiated the Dunkin Donuts lease. I represented Bob Gomes when he sold the property to Mr. Sermaidas. As you are aware he now has a proposed tenant for that location for a pizza tenant. He's worked closely with the Board and SITEC prior to paving. At the time you gave him some guidance and the plan was tweaked. He lost the tenant. He negotiated with a nail salon that did not require a grease trap. He's had a vacancy for almost a year. Mr. Sermaidas has Victor Perez from Little Anthony's Pizza interested. The business would be 90% take-out. He would use paper and plastic. It would only be water going thru the grease trap to the sewer line. He's never been unwilling to spend the money. The road has been paved and it will be 4 ½ years before you can disturb the street. He'd like to install a grease trap into the 4" line so he can lease and Mr. Perez can start operating. In 4 ½ years if the Board wants it he would be more than willing to put in the 6" line. The lease and all these terms, plastic and paper, no problem leasing and any other kind of promise put in the lease.

Mr. Freitas – I would grant this grease trap with the 4" line with a rider that in five years everything has to be converted to 6".

Mr. Hobson – Mr. Freitas and I voted in favor. I'm kind of for it.

Ms. Sturtevant – That wasn't really said about the legal documents. It would have to be done.

Attorney Mulford – No problem.

Mr. Furtado – In 2008 the local Town regulations had changed making restaurants install grease traps with 6" lines. When he came in I had to say no. You do have an appeal process. I would prefer the 6" line. Can a 4" line work? Yes.

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Attorney Mulford – Does the Board have a maintenance agreement?

Mr. Furtado – I have language from the City of New Bedford.

Mr. Riley – My biggest concern is what about other people? My main concern is the people on Howland Road. He wants to improve his property. He chose not to do it before. He should have put the wheels in motion in place for future use that would have enhanced his property at that time. He had a two year window to do it.

Mr. Sermaidas – I brought the plan here a few times to have the plan approved. It probably would have already been in.

Mr. Riley – The 4" line might be fine but I'm not willing to roll the dice.

Mr. Freitas – Mr. Perez, you have a business in New Bedford. Do you have any violations?

Mr. Perez – No. I also own a Subway.

Mr. Freitas – How often do you clean the grease traps?

Mr. Perez – Twice a year.

Mr. Freitas motioned to have the grease trap cleaned quarterly and report to Kathy, new plumbing 6" and within the five year period, 2017 convert to a 6" line all the way back. If not, the business is out.

Attorney Mulford – Maintenance?

Mr. Freitas added to his motion to send it to Mr. Furtado quarterly. Mr. Hobson seconded. Mr. Freitas and Mr. Hobson in favor with Mr. Riley and Ms. Sturtevant opposed. Motion does not pass.

Ms. Sturtevant motioned to deny the tie-in into the existing line. Mr. Riley seconded. Ms. Sturtevant and Mr. Riley in favor.

Attorney Mulford – Could we waive Mr. Haworth and ask him not to recluse himself?

Mr. Riley – He's secluded himself from two meetings. We'll have to check with the Ethics Commission.

Attorney Mulford – I have no objection to have Mr. Haworth hear the evidence and do it all over again.

Mr. Haworth returned to the meeting.

V. Items for Action (Continued)

D. Biszko – Final Payment

Mr. Furtado – This is the final payment for retainage for the Route 6 project.

Mr. Haworth motioned to approve the final payment of \$13,774.20 to Biszko. Ms. Sturtevant seconded. Vote unanimous.

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E. Tata & Howard – Engineering Service Agreement Boston Hill Water Tank

Mr. Furtado – We have two agreements. One is for the rehab for the water tank that was voted at the last Town Meeting.

Mr. Riley – We were prepared for that design with the Sconticut Neck tank. I have some questions.

Mr. Freitas motioned to table the Boston Hill Water Tank Agreement. Mr. Hobson seconded. Vote unanimous.

F. Tata & Howard – Engineering Service Agreement Water Management Act

Mr. Furtado – The State is requiring us to redo our permit this winter.

Ms. Sturtevant motioned to sign the Engineering Service Agreement for the Water Management Act with Tata & Howard for \$12,000.00. Mr. Freitas seconded. Vote unanimous.

G. WES Construction – Payment #29

Mr. Furtado – This was tabled from the last meeting. I'm recommending we authorize this payment.

Ms. Sturtevant motioned to approve WES Construction Payment #29 in the amount of \$155,945.84. Mr. Haworth seconded. Vote unanimous.

H. Brown and Caldwell – Amendment #6

Mr. Riley – This is for \$9,000.00 that will be for the resident engineer to September 12th or 15th.

Mr. Furtado – 95 hours to September 30th.

Mr. Haworth motioned to approve Brown and Caldwell Amendment #6 in the amount of \$9,000.00. Mr. Freitas seconded. Vote unanimous.

I. Brown and Caldwell – Payment #24

Mr. Furtado – This is for services rendered up to May I believe. We have been back and forth with them on this.

Mr. Riley – On the May bill they lowered their rate. They have six different people on different bills now under this project.

Mr. Freitas motioned to table Brown and Caldwell Payment #24.

Mr. Haworth – We've spent \$981,000 so far. They were supposed to be here at 8:00.

On the motion: Mr. Hobson seconded. Vote unanimous.

J. Fort Street Roadway Improvement Project – Notice of Award

Mr. Furtado – We had the bid opening a couple of weeks ago. Pavao is the winning contractor. This will be Chapter 90.

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Ms. Sturtevant motioned to award the Fort Street Roadway Improvement Project to Pavao Construction in the amount of \$575,566.00. Mr. Haworth seconded. Vote unanimous.

K. Request to use Fort Phoenix for Wedding – September 1, 2012

Mr. Haworth motioned to allow the use of Fort Phoenix on September 1, 2012 with the normal stipulations. Ms. Sturtevant seconded. Vote unanimous.

HMEO Position

Mr. Riley – Can you give me your picks?

Mr. Freitas – Shawn Francis and Anthony Moniz.

Mr. Haworth – Shawn Francis and Anthony Moniz.

Ms. Sturtevant – Shawn Francis and Anthony Moniz.

Mr. Hobson – Shawn Francis, Anthony Moniz and John Houle as an alternate.

Mr. Furtado – I concur Shawn Francis, Anthony Moniz and John Houle as the alternate.

Mr. Riley – Moniz, Francis and Houle as an alternate.

Mr. Haworth motioned to hire Shawn Francis and Anthony Moniz and John Houle as an alternate if one of the other candidates refuses. Mr. Freitas seconded. Vote unanimous.

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

Mr. Freitas – I'm pretty sure when Bill Fitzgerald was here we voted to have internet at West Island. There is no internet there. There are problems with the computer. The DEP permit is over the internet, parts, DEP report.

Mr. Freitas motioned to have internet service at the West Island Treatment Plant. Mr. Hobson seconded.

Mr. Haworth – My only concern is it within the budget.

On the motion. Vote unanimous.

Mr. Haworth – Spring Street behind Benny's, the Gas Company has some pipes that were on the street. They have been sitting there for months.

West Island Beach; electric?

Mr. Furtado – All set.

Ms. Sturtevant – The State has taken the grass out.

Mr. Furtado – They did the islands. They didn't get to East Fairhaven yet. I gave Rep. Straus a list.

Mr. Hobson – Weed whacking on Sconticut Neck Road and by the High School. Anyone going to the classes?

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Mr. Furtado – We have two guys signed up.

Mr. Riley – Town residents should be aware that there are contractors out there doing work and they are not approved by the Town. Two residents now have holes in their driveways. It very important that the rules are being followed.

Mr. Haworth – I like your Superintendent's report. It gives us a chance to look at it before the meeting and if we have any questions we can have them for you at the meeting.

Mr. Riley – Tree cutting at Cushman?

Mr. Furtado – The resident is requesting again.

VII. Set Date for the Next Meeting

Mr. Haworth motioned to hold the next meeting on August 27, 2012 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

Mr. Riley – Mr. Furtado do you want your employee evaluation in open or executive session?

Mr. Furtado – Closed.

VIII. Adjourn and Executive Session

Mr. Riley motioned to adjourn the open meeting at 8:30 p.m. and enter into executive session and not to reconvene the open session to discuss an employee evaluation and the Digester project. Ms. Sturtevant seconded.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved 8-27-12.