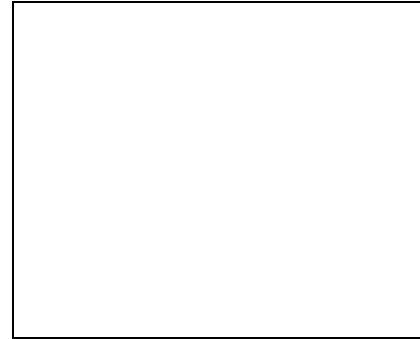


**Town of Fairhaven
Board of Public Works Meeting
August 27, 2012**

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
Edward Fortin, Water Superintendent
Linda Schick, Sewer Superintendent
Don Wuerdeman, Brown and Caldwell
Jon Gregory, Tata & Howard
John Keegan, SITEC
Richard Desrosiers, 92 Long Road
Charles Sermaidas, 44 Howland Road
Attorney Chip Mulford



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. August 13, 2012

Mr. Haworth motioned to approve the minutes of the August 13, 2012 meeting. Ms. Sturtevant seconded. Vote unanimous.

B. August 13, 2012 – Executive Session (b)

Mr. Haworth motioned to table approving the minutes of the August 13, 2012 Executive Session (b) minutes. Ms. Sturtevant seconded. Vote unanimous.

IV. Appointments

A. Don Wuerdeman, Brown and Caldwell – Re: Digester, Pay Requisitions #24 & #25

Mr. Riley – At the last meeting there was some miscommunication. There was a general conversation amongst the Board members about the bills owed to you up to date. Mr. Furtado has some information to talk to you about tomorrow about Invoices #24 and #25. He has all the Boards notes. I apologize to you for having you to come down here.

**B. Jon Gregory, Tata & Howard
Re: Engineering Service Agreement Boston Hill Tank**

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Mr. Riley – At the last meeting we had a contract before us for the Boston Hill Water Tank. We had an approved design a few years ago. We want to know what the new approach is.

Mr. Gregory – Three and one-half years ago we did the Sconticut Neck and Boston Hill Tank simultaneously. The project was put out to bid. The Boston Hill tank was pulled because funding was not quite available. We have to do an update of the design services. This includes several parts of the contract. The plans and specs, the equipment has changed, site cleanup and site maintenance. There is an update to the contractor's time and date standards, construction estimate. Another site visit with Mr. Fortin and an operation plan of what we may encounter during a shutdown. A total shutdown with different scenarios and how the system will react when offline. We have to be prepared. We have to rebid the project again.

Mr. Haworth - \$16,000 is a lump sum?

Mr. Gregory - \$16,500.

Mr. Haworth – Is that included in the \$63,000?

Mr. Gregory – That is a separate cost during construction phase.

Mr. Haworth - \$16,500 is for additional changes?

Mr. Gregory – It's used as a base.

Mr. Haworth – What is the time frame?

Mr. Gregory – Construction next spring and bid by the end of this year. Mobilize mid March.

Mr. Fortin – There are more issues with this tank when we take it offline.

Mr. Gregory – There are more antennas.

Mr. Fortin – They will have to take them down.

Mr. Freitas – The last time you really did a good job. We've had a lot of problems with engineering firms. I don't want to see you come back and add more monies.

Mr. Fortin – In the last two weeks, we've met with the State about SRF funding to do this tank. We would have to use Tata & Howard to submit the plans and that may change the agreement to add another \$10,000 to submit and have the paperwork submitted.

Mr. Freitas – I have no problem with that.

Mr. Gregory - We're on a tight time frame.

Mr. Hobson – I agree with Mr. Freitas. Once it starts how long?

Mr. Gregory – Plan on three months from start to finish. The weather plays a huge part.

Ms. Sturtevant – As long as it goes as smooth as Sconticut Neck.

Mr. Riley – I'm all set with the changes.

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Mr. Haworth motioned to enter into agreement with Tata & Howard in the amount of \$79,500 for the Boston Hill Water Tank Rehabilitation Project. Mr. Freitas seconded. Vote unanimous.

Mr. Fortin – I'd like to talk to you about the fees at the Wood School. The question came up about the water to the two trailers. It's a Town project. The contractor had asked me. They've put up a deposit for the meter that would cover the cost if something happens to it.

Mr. Hobson – I'm okay with it.

Mr. Riley – All set.

C. John Keegan, SITEC – Re: 379 Alden Road, Driveway Waiver

Mr. Keegan – Rapoza Realty has a Purchase and Sales with Windpower Systems to redevelop the site. They are requesting a waiver for the driveway. Thirty feet is the standard. We are also going to the ZBA next week to change the building coverage. They had to add parking spaces. They are asking for 58' at the gutter line.

Mr. Freitas – That's quite a bit, almost double. There's no parking there. I don't have a problem with it.

Mr. Hobson – I don't have a problem. How big are the boats?

Mr. Keegan – Forty footers. It depends on the bridges.

Mr. Hobson – How many employees?

Mr. Keegan – Five.

Ms. Sturtevant – I have no problem with it. Delta has been empty for awhile.

Mr. Haworth – It's a good thing. You'd be able to swing in quicker. Are you using a local Town contractor?

Mr. Keegan – We are still in the process of permitting.

Mr. Riley – Which way will the vehicles be traveling to get into the property?

Mr. Keegan – Heading south on Alden Road.

Mr. Hobson motioned to allow a 56' wide opening for 379 Alden Road. Ms. Sturtevant seconded. Vote unanimous.

V. Items for Action

A. WES Construction – Change Order #9

Mr. Furtado – The work has already been completed.

Mr. Haworth – Is this in addition to what we owe them?

Mr. Furtado – Yes.

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Mr. Freitas motioned to approve Change Order #9 to WES Construction in the amount of \$27,239.12. Ms. Sturtevant seconded. Vote unanimous.

B. WES Construction – Payment #30

Mr. Furtado – We can't consider this until the negotiations are complete.

Mr. Haworth motioned to table WES Construction Payment #30. Ms. Sturtevant seconded. Vote unanimous.

IV. Appointments (Continued)

D. Richard Desrosiers, 92 Long Road – Re: Raised Flower Bed

Mr. Freitas – I am reclusing myself from this conversation because Mr. Desrosiers is a former neighbor of mine.

Mr. Desrosiers – I want to expand my driveway and cut the apron and make a flower bed. After looking at it I brought something else in. How much does the Town own?

Mr. Furtado – Eight feet.

Mr. Desrosiers – In the front I would like to put in a wall.

Ms. Sturtevant – I have no problem with the driveway. My biggest concern is on the Town property and plantings.

Mr. Haworth – The added driveway is not a problem.

Ms. Sturtevant – You want to enhance your property.

Ms. Sturtevant motioned to approve the 8' extension to the driveway. Mr. Haworth seconded. Vote 4-0 in favor with Mr. Freitas abstaining.

V. Items for Action (Continued)

C. Surplus Material – Landfill

Mr. Riley – We had advertised in June and one contractor has responded after the date.

Ms. Sturtevant – We had no response?

Mr. Freitas – He is the only one requesting?

Mr. Riley – Do we have to readvertise?

Mr. Hobson – Mr. Charbonneau wants this stuff out.

Ms. Sturtevant – I just don't want it to come back to us and become an issue. I'm just playing devils advocate.

Mr. Haworth – Honestly, we just need to get rid of it.

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Mr. Freitas – I agree with Geoff and Kathy.

Mr. Riley – Two or three years ago we had another contractor remove some and we hadn't advertised it. One person has shown interest. We have every right to award.

Mr. Hobson motioned to approve Peter DeTerra Excavating to remove compost from the Landfill. Mr. Haworth seconded. Vote unanimous.

IV. Appointments (Continued)

E. Charles Sermaidas, Attorney Mulford – Re: 44 Howland Road Grease Trap

Mr. Riley – Both times that you have been here Mr. Haworth has secluded himself because of a working relationship that happened two years ago.

Mr. Haworth – I have checked with the Ethics Commission and they did inform me there is no conflict because I have no monetary interest because I have not been hired so therefore I can vote on this. I have filed the proper disclosure with the Town Clerk. There is no gain for myself.

Mr. Riley – Mr. Haworth, you have read the minutes?

Mr. Haworth – Yes, I have read the minutes. I did not see it on TV. My biggest concern is what if all the 4" stays there, are you guaranteeing that it's not going to plug up? Two years ago the line collapsed.

Attorney Mulford – At the last meeting Mr. Sermaidas' tenant, Little Anthony's Pizza said that 90% of his business is take-out. He will be using all plastic plates and utensils. The only thing that will go into the grease trap is water from the sink. At the last meeting Mr. Sermaidas was prepared for any type of contract to include to put in the 6" main to the street. Dan motioned to approve conditions that a grease trap be installed, quarterly reports be submitted, all plumbing to be 6" now and in 2017 have to be converted to the 6" main. Those conditions are acceptable to my client.

Mr. Haworth – It's an improvement to a business in Fairhaven. It's a unique situation. Many businesses now have a 4" line. The biggest problem I have is seeing places in Town with grease in sewer lines. It costs us money and it's a burden to the Town. You can't tear up the road. I'm not saying there's no way you can't put a pizza place in there. You have to be 100% responsible of the sewer line. If there's a problem you have to pay the Town whatever it costs to fix it.

Attorney Mulford – We have no problem with that.

Ms. Sturtevant – My biggest problem is that the Board voted 6" pipe. Then why don't we go back to the 4" pipe?

Attorney Mulford – We're asking for the 4" pipe to be grandfathered. Mr. Sermaidas will put in the 6" pipe when the road can be disturbed.

Mr. Hobson – Half the businesses in Town have a 4" line right now. He's willing to tie-in. He's employing more people. My opinion is it's a small place. Give him a waiver and let it be with stipulations.

Mr. Freitas – In 2017 no matter who the owner is they have to tie-in.

Attorney Mulford – The lease between Mr. Sermaidas and the Town; it would be specified if sold it would be subject to the existing lease. Record it at the Registry of Deeds.

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Mr. Freitas – Send it to Kathy, Linda and Vinnie.

Mr. Riley – Couple of things; 1. Restriction guaranteed in 2017? They may change owner, you or somebody else. What if they don't want to put in the 6" line? Do we have to hire an attorney to force you to do that? 2. Change of use; now you have a pizza tenant. What if they leave, you could have a different type of restaurant that uses more grease.

Attorney Mulford – I would work with Town Counsel at my cost. Whatever he wants, we'll do.

Mr. Riley – This money that we expended with the State. They have worked very well with the Town. They have bent over backwards for us. They have allowed us to amortize our Chapter 90 money over a three year period for the overages on that project. We would look pretty foolish with the State.

Mr. Freitas motioned to allow the sewer tie-in for 44 Howland Road with stipulations; quarterly grease cleaning with reports submitted to Kathy Tripp, Vincent Furtado and Linda Schick or whoever is in that position at the time; all pipe to be 6" up until it meets the 4"; in 2017 connect the 6" line all the way out to the street and in the event there is a plug up you would incur all the expenses with a 1.5 multiplier; rider on the deed whoever the owner and Board of Public Works review the final draft.

Mr. Furtado – The Board of Health will determine the size of the grease trap based on the type of business.

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

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

Mr. Hobson – East Fairhaven School; there's not much room to walk on the sidewalks, the same on Sciticut Neck. We hired a couple of more guys. Give the State another phone call.

Ms. Sturtevant – I have nothing.

Mr. Haworth – The gas pipes are still there.

Mr. Furtado – I called MaryAnn from Nstar on that.

Mr. Haworth – The beach is closed?

Mr. Furtado – We have no lifeguards. Next year we'd like to change that.

Mr. Hobson – Any more room for temporary help?

Mr. Haworth – What about the trailer?

Mr. Furtado – Its back here.

Mr. Freitas – Couple of things; Oxford School and the mold. I spoke with Dr. Baldwin. If they need help moving stuff out can we help them with our flatbed to bring it from point A to point B?

Mr. Furtado – I will call Paul Kitchen or Dr. Baldwin to let them know we will help out.

Mr. Freitas – They may have to move stuff to the Jr. High. The internet at the Island is still not there.

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Mr. Riley – We asked for prices because it wasn't in last year's budget. We had \$1,400 left over in last year's budget.

Mr. Freitas – This was done today. It took two weeks to get an answer. Start allowing two weeks, what if you gave a worker two weeks to do something from their boss. I could give you a little history.

Mr. Riley – One question, it's going to be \$1,608 because we also need internet for the Digester. \$804 for each.

Mr. Freitas – I'll say this, we did talk about it. One time there was internet and it was \$120. I called and asked why is it \$120? They changed it to \$60. There were two letters and then they shut it off. Years later it's \$67 a month and you could probably get the \$199 waived. The reports are all done on-line.

Mr. Riley – Mr. Haworth wanted to make sure there was money in the budget.

Mr. Haworth – The telephone budget had \$1,400 left last year. It was cut back \$500. The only problem is its \$804 a year. It's not in the budget. I am in support of the internet down there.

Mr. Freitas – My concern is two weeks ago you were told to get this. Why did it take so long?

Mr. Haworth – If it's a new line there will be \$103 remaining the rest of the year. No, it would be a negative because of the two new lines.

Mr. Riley – I understand the finances. The information comes to this Board in the packet on Fridays. Often there has been information for us left on the table the day of the meeting. It should have been done, but I don't disagree it should have been in the packet on Friday.

Mr. Freitas – Turn it on and get it there. We don't have money in the budget so don't ask me for any money for anything for the digester. I'll table my motion.

Mr. Haworth – Two suggestions; ask the Finance Committee or put it in next year's budget.

Mr. Freitas – I'm not changing my vote.

Mr. Furtado – Linda and I checked with Comcast last week. Last Tuesday or Wednesday we checked with them. We received a response from them this morning. I was under the impression you wanted to see the cost. We had to do the CHP building also. That total cost is now \$1600. The process is in the works.

Mr. Hobson – Is it needed at West Island?

Ms. Schick – The internet is needed for thirty minutes a month to fill out a report for West Island.

Mr. Freitas – How many computers do you have at the plant?

Ms. Schick – Five.

Mr. Freitas – How many do reports to DEP?

Ms. Schick – Two.

Mr. Freitas – Why do you need five computers up there?

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Mr. Riley – This is a personal attack. The question on the table is finding money for it. Go to the Finance Committee and get the \$500 restored.

Mr. Haworth – Based on current numbers \$900 plus \$199. We are short \$700.

Mr. Riley – Is there a motion to ask for the \$500 that was cut in FY13 so we can install internet at West Island?

Mr. Furtado – I have no problem going to the Finance Committee.

Mr. Hobson motioned to go to the Finance Committee for an additional \$500 for the FY13 budget. Mr. Haworth seconded. Vote unanimous.

Mr. Furtado – Any questions on my report?

Mr. Haworth – The final item, where do we have temporary help?

Mr. Furtado – We interviewed HMEO candidates and hired two. The third choice was an alternate. We hired him for twenty weeks as a laborer for us. One employee is still on workers comp. We also hired a two day mechanic.

VII. Set Date for the Next Meeting

Mr. Haworth motioned to hold the next meeting on September 10, 2012 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

VIII. Adjourn and Executive Session

Mr. Riley motioned to adjourn the open session at 8:05 p.m. and enter into executive session to discuss the Digester Project and WES Construction and not to reconvene the open session. 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 9-10-12