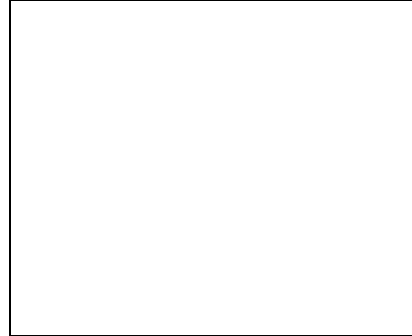


**Town of Fairhaven
Board of Public Works Meeting
January 23, 2012**

Present

Geoffrey Haworth, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
G. Steven Riley, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Kim Nogueira, Head Clerk
Edward Fortin, Water Superintendent
Linda Schick, Sewer Superintendent
John Charbonneau, Highway Superintendent
John Nunes, Finance Director
James Arne, Arne Excavating
Kathy Fitzgerald, Wayne Street Resident
Steve Gioiosa, Sitec Engineering



I. Call to Order

Mr. Haworth called the meeting to order at 6:00 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. January 9, 2012

Ms. Sturtevant motioned to approve the minutes of the January 9, 2012 meeting. Mr. Hobson seconded. 4 in favor. Mr. Freitas abstained.

IV. Appointments

A. John Nunes, Finance Director – Re: Interim Loan

Mr. Nunes – I have the final paperwork for the \$716,000.00 interim loan. I am here to get a vote from this Board to have the clerk read and sign the resolution for the Project Regulatory Agreement.

Mr. Riley motioned to have the clerk read and sign the Project Regulatory Agreement to borrow the \$716,000.00. Mr. Freitas seconded. Vote unanimous.

The clerk (Ms. Sturtevant) read and signed the agreement.

B. James Arne, Arne Excavating – Re: New Drainlayer and Driveway Installer

Mr. Haworth – You are here requesting approval to be a drainlayer and driveway installer with the Town of Fairhaven. Please tell the Board about your company.

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Mr. Arne – I have been in business for 12 years now and am based in Marion. I have done various types of work including, water, sewer, Title V, and asphalt work. I have submitted the required letters and insurance.

Mr. Hobson – I am satisfied with your insurance and letters from the Towns of Marion and Wareham.

Ms. Sturtevant – I looked over all your paperwork and feel you are qualified.

Mr. Riley – I am glad to see your letters are current. Some roads in Town require flowable fill for patching. Make sure you get the rules and regulations from the office.

Mr. Freitas – I have no questions for Mr. Arne.

Mr. Haworth – Some of the letters you submitted with the driveway installer application are from private companies and not other cities or towns, but I feel that the letters submitted for the drainlayer application will carry over for you.

Mr. Riley motioned to approve Arne Excavating as both a Town approved Drainlayer and Driveway Contractor. Ms. Sturtevant seconded. Vote unanimous.

C. Kathy Fitzgerald – Re: Wayne Street

Ms. Fitzgerald – I have been to this Board many times regarding the dangerous condition of Wayne Street. When we get a lot of snow the potholes fill up and freeze. My car slid off the road last year. I have foster children at my home and I have social workers and therapists that come to my home on a daily basis. I am also concerned with children walking to and from school. We are looking to have the road paved for the least amount of money.

Ms. Sturtevant – Wayne Street definitely needs attention. This board will be selecting streets for paving later this evening.

Ms. Fitzgerald – We have been patient. I think it would cheaper in the long run to pave the road instead of always filling and grading the potholes.

Mr. Riley – You were here with a bigger group last year. I am supporting this street again to get this paved with Triple Chip Seal. The road that was chip sealed last year was still in very good condition after it was plowed.

Mr. Freitas – I feel the same. Unfortunately monies ran out last year to get this road done.

Mr. Hobson – This Board did approve Wayne Street and Dogwood Street last year for funding but the Selectmen and Finance Committee got involved and gave the money away. I would go see the Selectmen, they could do the same this year.

Ms. Fitzgerald – I will go see them next.

Mr. Haworth – We appreciate you coming back to this Board. I will support this street again this year.
Ms. Fitzgerald – Since I have reported this street several times as needing repair who would be liable if someone were to get injured? I am doing the best I can to make this road safe.

Mr. Haworth – I am not an attorney, I can't answer that question. I would be available for Town Meeting also. Town Meeting members make the final decision and you could appeal to them.

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D. SITEC Engineering – Re: Washburn Avenue

Mr. Gioiosa – I am Steve Gioiosa from Sitec Engineering. I came before this board a few years ago and received approval for my client to build one home on Washburn Avenue along with incorporating water, sewer and roadway improvements. We have Planning Board approval. The BPW requested that the existing gravel way be paved using the “Triple Chip Seal” method. The Conservation Commission at their December 5, 2011 meeting denied my client because they were opposed to the application of any asphalt products in such close proximity to the wetlands. We are back before this Board to see if we could re-establish the road with the existing gravel material.

Mr. Riley – I disagree with the Conservation Commission. Potter Street was triple chip sealed last year and you can’t get any closer to wetlands. I am shocked that Conservation had an issue with this.

Mr. Gioiosa – I agree. We are stuck in a box between various boards.

Mr. Riley – Maybe our Board or the Highway Superintendent could send the Conservation Commission a letter explaining how triple chip seal works and suggest they take a ride to Potter Street.

Mr. Gioiosa – That could be helpful, I am also going to take a drive down to Potter Street. They are concerned that some residual petroleum could wash into the nearby wetlands.

Mr. Freitas – If the Town wanted to repave a street in a wetland area the Conservation Commission would deny us? If they have an issue with this method of paving and our approval they should come to our board or we could go to them.

Mr. Hobson – There have been many streets on West Island and Scoticut Neck Road that have been paved that are closer to wetlands than this property. I am not voting for a dirt street.

Ms. Sturtevant – I sat on the Conservation Commission and there were major concerns with getting the drainage issues rectified.

Mr. Gioiosa – Nothing on site has changed.

Mr. Haworth – I am with the majority of the Board. If Conservation has an issue they should take it up with this Board, not you. The constant re-grading of the road has more of an impact on the wetlands than if the road were to be chip sealed.

Mr. Hobson – Is Washburn Avenue an accepted street?

Mr. Gioiosa – It is a private way. My client would provide a recorded 40’ right of way through his property for the abutters who have acquired rights to the beach.

Mr. Hobson – The neighbors could get a petition to get the street accepted.

Mr. Gioiosa – That would have some advantages. I got the response I expected from this Board.

V. Items for Action

A. 3 Stephen Street - Re: Road Opening for Gas Service

Mr. Haworth – The owner of 3 Stephen Street is requesting hardship approval to have NSTAR Gas cut open the street to reconnect the gas service. This property was purchased as a fire damage house and

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was completely gutted and redone. A purchase and sales agreement was drawn up and it was learned that the gas service was disconnected in the street by the prior owner. Mr. Charbonneau left a note stating he does not have an issue with this request. NSTAR can install a temporary patch until the spring.

Mr. Freitas motioned to allow the road opening request from 3 Stephen Street to reconnect the gas service. Ms. Sturtevant seconded. Vote unanimous.

B. Pavao Construction – Main /Middle Street Drainage

1. Change Order #1

Mr. Furtado – Change Order #1 would increase the contract by \$9,985.00 from \$172,000.00 to \$181,985.00. This would cover extra work involved to demolish an existing concrete and stone headwall and pour a new headwall along with repairing a damaged cast iron sewer main on Main Street with a repair sleeve, cut and cap the existing cast iron 6” ductile iron water service to the Park Motors lot to allow for the installation of a new box culvert and to extend the project completion date to June 30, 2012 for the final course of pavement.

Mr. Freitas motioned to approve Change Order #1 for Pavao Construction to increase the project total by \$9,985.00 from \$172,000.000 to \$181,985.00. Mr. Hobson seconded. Vote unanimous.

2. Pay Requisition #3

Mr. Furtado – This is the final payment request from Pavao Construction. The work is complete at the old Park Motors site.

Mr. Haworth – The pay requisition totals \$25,825.75 and has the appropriate seals and signatures.

Mr. Riley motioned to approve Pay Requisition #3 from Pavao Construction for \$25,825.75. Mr. Freitas seconded. Vote unanimous.

B. Jaclyn Martin – Re: Request to use Fort Phoenix for Wedding on 6-9-12

Mr. Haworth – Ms. Martin is requesting permission to have a small, casual ceremony consisting of 16 individuals to be held at 5:00 pm on the reservation grounds of Fort Phoenix.

Ms. Sturtevant motioned to approve the request from Jaclyn Martin to have a wedding at Fort Phoenix on June 9, 2012 at 5:00 pm with the usual restrictions. Mr. Freitas seconded. Vote unanimous.

C. WES Construction – Pay Estimate #23

Mr. Furtado – This is a basic periodic pay request totaling \$177,921.20. The pay estimate is signed and notarized.

Mr. Freitas motioned to approve Pay Estimate #23 from WES Construction for \$177,921.20. Mr. Riley seconded. Vote unanimous.

IV. Appointments (Continued)

D. Superintendents – Re: FY 13 Articles

1. Park Department

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Mr. Charbonneau - Last year we had funding to replace half of the fence at Macomber Pimental Field. I have 2 quotes to replace the rest of the fence. The lowest quote is \$7,363.00.

Mr. Riley – The first half looks great. We need to get that finished.

Mr. Freitas motioned to approve the Macomber Pimental Fence Article for FY 13 totaling \$7,363.00.
Mr. Riley seconded. Vote unanimous.

2. Highway Department

Mr. Charbonneau – This is my wish list for roadwork, listed in priority, Pleasant Street (Church St to South St) \$74,930.00; Dogwood Street (Causeway Rd to Fisherman Rd) \$139,810.00; Wayne Street (Sconticut Neck Rd east to dead end) \$25,735.00 for a total of \$240,475.00. When I first started with the Town the asphalt price was only \$29.00 per ton, now it is \$84.00 per ton.

Ms. Sturtevant – I agree with Mr. Charbonneau's recommendations. Wayne Street is important; the residents have been before this Board many times.

Mr. Riley – We should support all three streets at \$240,475.00.

Mr. Freitas – I agree with these 3 streets also.

Mr. Hobson – I agree also.

Mr. Haworth – I drove down all 3 streets. Pleasant Street is in very poor condition along with Wayne Street and Dogwood Street.

Mr. Charbonneau – When crews worked at Atlas Tack they damaged Pleasant Street.

Mr. Freitas motioned to approve the Roadwork Article for FY 13 to include Pleasant Street (Church St to South St) \$74,930.00; Dogwood Street (Causeway Rd to Fisherman Rd) \$139,810.00, Wayne Street (Sconticut Neck Rd east to dead end) \$25,735.00 for a total Roadwork Article of \$240,475.00. Mr. Riley seconded. Vote unanimous.

Mr. Haworth – What is the issue with the sweeper lease?

Mr. Charbonneau – I was told by the Town Treasurer that a two year lease was not possible. The estimate to rebuild the sweeper is \$75,000.00. We would just be putting off the inevitable.

Mr. Riley – We need to present the facts to request funding for a new one.

Mr. Haworth – We only have one sweeper, it is a vital piece of equipment.

Mr. Riley – Tell the guys they did a great job with the snow removal.

3. Sewer Department

Ms. Schick – We got shot down last year for funding to rehab the aeration at the Treatment Plant. I am submitting for it again this year. The estimate I have from Tighe & Bond is \$541,000.00 and that would include the aerations tanks, cement work and valve work. It is getting harder and harder to open up the valves. I also have an estimate of 1.6 million to fund a complete rehabilitation of the Taber Street Station and the electrical system at the South Street Station.

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Mr. Riley – We should submit them as two separate articles. We want to get the most rehab for the revenue.

Mr. Haworth – Do we have 1.6 million?

Ms. Schick – We have 1.8 million right now with April revenues figured in. We have to start thinking about borrowing monies. All of the pump stations need work. We could go with Option 2 for \$757,000.00.

Mr. Furtado – We would have enough funds to go with Option 2 and still be able to get 3 things done.

Ms. Schick – I also have a request for I&I monies. Option A totals \$455,000 and Option B totals \$386,000. Last year we spent \$40,000 on camera work, we could buy our own for \$50,000.00.

Mr. Furtado – We could evaluate our own system and not pay an engineer.

Ms. Schick – To be eligible for any SRF money we have to have a Comprehensive Wastewater Management Plan in place. The estimated cost to complete Phase I is \$75,000.

Mr. Riley – I would list that article first and break out some of the other requests.

Mr. Haworth – With the \$716,000 we took from last Town Meeting we need to do a financial analysis to see where we are. List the articles in priority and break down the rest to total the 1.6 million.

Mr. Furtado – We could shave the 1.8 million down to 1.6 million and get the aeration work done, the CWMP, Option 2 for the pump station work and the I&I work. That would be the smartest road.

4. Water Department

Mr. Fortin – I have two articles I am submitting. The first totals 1.5 million to Re-design and rehab the Boston Hill Water Tank. The second totals \$15,000 to renew the DEP Water Withdrawal Permit.

Mr. Haworth – How much of the 1.5 million has to be borrowed?

Mr. Fortin – I am not sure yet. We could raise the water rates to cover the costs. We did not score high enough to be eligible for SRF Funding. They score on basis of need.

Mr. Furtado – We have been playing with the rate structure to promote conservation.

Mr. Haworth – The minimum charge of \$72.90 really hits the seniors hard. When figuring the new rate structure we need take them into consideration.

Mr. Riley – In 2006 the water rates were raised twice?

Mr. Fortin – Those increases were to fund the Water Treatment Facility and were phased into as constructed.

Mr. Riley – It has been five years with no increase. We need to set a rate increase in 2012.

Mr. Fortin – DEP promotes a commonly used structure that transfers the cost to those who use the most, but there still is a base fee. There is a lot involved.

Mr. Riley – We have other Town's to mirror. How far out are we?

Mr. Furtado – We could have something put together for the Board in a month or so.

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Mr. Haworth – I would also look into billing on a 3 month cycle by estimating two bills.

Mr. Fortin – That would have to be worked out with the Tax Collector's office.

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

Mr. Hobson – Great job cleaning up the snow.

Mr. Sturtevant – What is the status of the shed on Eaton Road?

Mr. Furtado - The owner was sent a letter back in November, there was no response. I sent another letter in January and the owner called the office. She was very nice and stated she was away and did not realize the shed was on Town property. She was going to move things out of the shed and have it removed.

Mr. Riley – Call Tata & Howard and see if they can help us out with a establishing new water rates.

Mr. Freitas – The guys did a great job cleaning up the snow. At Washington St. and Route 6 it looks like someone drove over the island and kicked out some dirt onto the street.

Mr. Furtado – I will have it cleaned up tomorrow.

Mr. Haworth – Did you go by Treasure Bay Lane?

Mr. Furtado – Yes, the street is private the owner can do what he wants.

Mr. Haworth – Any progress on getting electricity to the beach trailer?

Mr. Furtado – Nothing yet. Since our last meeting I sent letters to 8 Eaton Road to remove the shed from town property and to A-1 Asphalt advising Mr. DeCosta he is fined \$300 and suspended for 3 months beginning in April. The resident from 68 Howland Road paid the \$300.00 fine and was given a letter stating this matter has been resolved.

Mr. Furtado - The crews did a great job with the snow event. They started sanding at 7:00 a.m. then began plowing from 10 a.m. to 11 p.m. then sanded again until 4:30 a.m. Some guys worked 21 hours, most worked between 15-16 hours. I was very proud.

The Finance Committee approved a transfer request of \$12,800 to the Highway Department Transfer Station account which will be reimbursed by FEMA for grinding and removing the brush pile from Hurricane Irene.

I met with Mr. Ristuccia in regards to the drainage issue on Balsam Street.

We are moving forward with legal action against Tibbetts Engineering for the design errors and omissions on the Howland Road project that have resulted in project cost overruns close to \$700,000.00. Tom Crotty will be sending Tibbetts a letter.

The Highway Department has spent quite a bit of time cutting back both sides of the hurricane dike 15 feet which was required by the Army Core of Engineers.

Mr. Haworth – Have you found a vehicle yet?

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Mr. Furtado – I have been to the auction twice and did not find one.

Mr. Freitas – I don't want to get in the habit of buying vehicles from an auction.

Mr. Haworth – Try and find something soon.

VII. Set Date for the Next Meeting

Mr. Haworth motioned to hold the next meeting on February 6, 2012 at 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

VIII. Adjourn and Executive Session

Ms. Sturtevant motioned to adjourn the open session at 7:55 p.m. and enter into executive session to discuss the digester project and highway negotiations and not to reconvene the open session. Mr. Riley seconded.

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

Respectfully submitted,

Kim Nogueira
Head Clerk