

**Town of Fairhaven
Board of Public Works Meeting
May 21, 2012**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Geoffrey Haworth, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Edward Fortin, Water Superintendent
William Maniatis, 14 Saratoga Street
Robert Foster, Fairhaven Tennis Association
Brandon Faneuf
Shepard Johnson



Mr. Freitas was not in attendance.

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. September 27, 2010 – Executive Session (c)**
- B. December 13, 2010 – Executive Session (a)**
- C. March 14, 2011 – Executive Session (c)**
- D. March 28, 2011 – Executive Session (a)**
- E. April 11, 2011 – Executive Session (b)**
- F. September 19, 2011 – Executive Session (a)**
- G. December 5, 2011 - Executive Session (b)**
- H. January 23, 2012 – Executive Session (b)**

Mr. Hobson motioned to approve the executive session minutes A-H. Ms. Sturtevant seconded. Vote unanimous.

- I. May 5, 2012**
- J. May 7, 2012**

Ms. Sturtevant motioned to approve the regular meeting minutes I-J. Mr. Haworth seconded. Vote unanimous.

IV. Appointments

A. William Maniatis, 14 Saratoga Street – Re: Driveway Waiver

Mr. Maniatis – I live on the corner of Saratoga and Springhill. I would like to put an extra driveway on the Springhill side. I have room in back.

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Mr. Hobson – How many feet?

Mr. Maniatis – Ten to twelve feet. It's a corner lot

Mr. Hobson – I don't have a problem. You have 86 feet. Why don't you ask for 16 feet?

Ms. Sturtevant – I went by there. It's not a busy street.

Mr. Haworth – Do you have a contractor?

Mr. Maniatis – I talked to Peter DeTerra. I have the list.

Mr. Riley – I went by there today. I see no problem.

Mr. Haworth motioned to approve a 16 foot wide driveway opening for 14 Saratoga Street on the Springhill Street side. Ms. Sturtevant seconded. Vote unanimous.

B. Robert Foster, Fairhaven Tennis Association – Re: Cushman Park and Livesey Park Tennis Courts

Mr. Foster – I apologize last year not coming before you. I've been speaking with John Charbonneau and Kathy Tripp about Cushman. Town Meeting had appropriated \$7,500. It was the intent to do two courts. There were 660' of cracks at Cushman Park. We were going to do the job in two phases. First to match the \$7,500. We received a price from the contractor to do all of them for \$27,000. We had received a grant from the USTA for \$4,800. We used \$15,800 of our money and got the whole thing done. The high school boy's team practices there. One problem, the base under the court is very wet. The guarantee for repairs is two years. There are now 200' of new cracks. Cape & Islands gave us a price of about \$1,400 more or less to repair. This is going to be an ongoing thing. We'll try to keep up. Livesey was on our radar for next year for the two new courts adjacent to the basketball court. We probably will not receive any grants for that. It will be about \$12,000 to do the two courts. There are 280' of cracks. The courts get a lot of use. We are looking for your permission. One issue; I spoke with John Charbonneau about the locks at Cushman Park. I know your point of view and the phone calls. There are six gates there. The northwest gate there was a combination lock. In total there were five locks at \$25 each. The phone number, at your suggestion we received three calls and then the lock disappeared. We'll leave it off for now and see what happens. We have a problem with dogs. There hasn't been any graffiti. The police are checking it a little more. The skateboarders; we are trying to keep them off. There would be no reason to lock Livesey. We have one hundred members. This is the sixth summer of play.

Ms. Sturtevant - I have no problem whatsoever. The locks; as a taxpayer I understand why they want it left open. The dogs are a big issue.

Mr. Haworth – If it's all about improving infrastructure, that's great. We can put up signs that say "No Dogs Allowed".

Mr. Hobson – It's great that Mr. Foster and one hundred members donate their time for fundraisers and pay to help out the Town of Fairhaven. It's a great idea.

Mr. Riley – How long does it take?

Mr. Foster – Cushman took about four days. You need four consecutive days of sunshine. Livesey will probably take about two days.

Mr. Riley – Whatever contractor is hired, make sure they have the proper insurance.

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Mr. Foster – Yes. The Town has twelve tennis courts; two at Fort Phoenix, we donate the nets. Actually Gail Isakson donated the nets. There are two at the Middle School, four at Cushman and two at Livesey.

Mr. Riley – We will need two motions; one for Cushman and one for Livesey.

Mr. Haworth motioned to go ahead with the Fairhaven Tennis Association to repair the 230' of cracks at Cushman Park for \$1,400.00. Ms. Sturtevant seconded. Vote unanimous.

Ms. Sturtevant motioned to allow the Fairhaven Tennis Association permission to restore the two tennis courts at Livesey Park. Mr. Hobson seconded. Vote unanimous.

Mr. Foster – We have very good support from Mr. Charbonneau and the crew.

V. Items for Action

A. Brown and Caldwell – Pay Requisitions

Mr. Riley – At the last meeting we met with Brown and Caldwell. We voiced our concern about the pay raises in their last three bills. The new bills reflect the older rate.

Mr. Furtado – At the last meeting we also held off signing because we were waiting for the money from the Special Town Meeting to be available.

Ms. Sturtevant motioned to pay Brown and Caldwell \$157,200.86. Mr. Haworth seconded. Vote unanimous.

B. WES Construction – Change Order #7

Mr. Furtado – Change Order #7 reflects six individual items that came up at the end of the project. Some items were not in the original design but were needed. The amount is \$92,287.18.

Mr. Riley – Three or four of the items that are noted will be back charged and will be subject to WES or Brown and Caldwell at the end of construction. We will have to pay it first and arbitrate it later.

Mr. Haworth – I just received this. I would like to hold it.

Mr. Furtado – We have a timetable in front of us. I hate to wait two more weeks.

Mr. Riley – The works been done.

Mr. Haworth – I haven't had time to review.

Mr. Riley – I understand your concern.

Mr. Haworth – Mr. Furtado is comfortable with it?

Mr. Furtado – Yes.

Mr. Hobson motioned to sign WES Construction Change Order #7 in the amount of \$92,287.18. Ms. Sturtevant seconded. Vote 3-1 in favor. Mr. Haworth opposed.

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IV. Appointments (Cont.)

C. Brandon Faneuf – Re: Wetlands Replication at Recycle Center

Mr. Riley – We met with Brandon at the last meeting about Bella Vista Island. There were three various motions made. We have since received new information. In 2008 we were notified by the Conservation Commission that we were in violation of wetlands at the Recycle Center. They gave us a little stay because of the Digester and the Wind Turbines. The Frye's replicated 800 square feet more or less. We are the Board of Public Works, not the Conservation Commission. Also, that 10-15,000 square foot project might cost us \$15,000 more or less. That has to be fixed one to one. If they vote in favor of 12,000 square feet; Conservation has to work that out with the petitioner.

Mr. Johnson - We have been working on Bella Vista Island with Conservation. One possibility is to restore the wetlands to an offsite location and we thought we could use the Town Recycle Center. It would be good for everybody. We still have not finalized anything with Conservation. There is about 10,000 to 11,000 square feet of work to be done on the island. We are seeking permission from this Board to do this project.

Mr. Haworth – Have you been to Conservation since the last time you were here?

Mr. Faneuf – No. Conservation meets the same day and time as this Board.

Mr. Riley – I called Andy from Conservation and their regulations are one to one. If we give them permission to use the Recycle Center and do more they would be willing to accept it.

Mr. Haworth – One of my concerns is the whole area. What is the cost per square foot to do this?

Mr. Faneuf – It all depends upon the site. You have to wait to see if it starts to grow. It's usually about \$1 per square foot more or less.

Mr. Haworth – I'm looking to get it completed whole.

Mr. Faneuf – A lot of the costs come from mobilization. It would probably take about a week or less.

Mr. Hobson – Personally, as a Board member, I would like to see other people who apply come before us. This guy has so many violations. He wants to buy his way out of this. He has no respect for any people down there.

Mr. Johnson – In terms of a lot of violations, we have gone thru the issues. That doesn't mean there are a lot of violations.

Ms. Sturtevant – I was on Conservation. I am very much in favor. We are voted by the people in Town. It's a win, win for us. We were in violation in 2008. Conservation was okay with the Frye's and now it's this gentleman. It's not about personalities. It's what's right for the Town.

Mr. Riley – We all know what's in front of us. Two people have come in front of us since 2008 to have work done.

Mr. Haworth – The Town will have to get it done. It's a win for the Town.

Mr. Haworth motioned to allow the petitioner from Bella Vista Island to go ahead to do the rest of the area per his proposal of the 5,000 and 8,000 more or less square feet replication at the recycle center. Ms. Sturtevant seconded.

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Mr. Hobson motioned to deny. Motion dies for lack of a second.

On Mr. Haworth's motion. Vote 3-1 in favor. Mr. Hobson opposed.

V. Items for Action (continued)

C. CDM – WWTP Digester Amendment #1

Mr. Furtado – We hired CDM to help move things along with the Digester. Now they have changed their scope from the current agreement. Their task now is to look at contractor claims and project delays.

Ms. Sturtevant – I have no problem having to move forward.

Mr. Haworth – When I was chairman, we hired CDM to look at a lot of digester issues. The Board approved the funding. They originally shot me a figure of \$35,000. I told them we would pay them \$25,000. They have done more than we asked them to do. They have been an asset.

Mr. Hobson – I agree with that.

Mr. Riley – It's been well in our favor. The criteria now is with an arbitration case going forward.

Mr. Haworth motioned to approve signing Amendment #1 with CDM not to exceed \$35,000.00. Mr. Hobson seconded. Vote unanimous.

D. Rockwood Corp. – Change Order #3; Sconticut Neck Water Tank

Mr. Fortin – This is reducing their contract by \$2,100.00. We made a payment for the one year inspection that Rockwood was supposed to pay so we are recouping our money for those charges.

Ms. Sturtevant motioned to approve Change Order #3 to Rockwood Corporation for a credit of \$2,100.00. Mr. Haworth seconded. Vote unanimous.

E. Rockwood Corp. – Final Payment; Sconticut Neck Water Tank

Mr. Fortin – This is the remainder of the retainage less the \$2,100.00 change order. This will close out their final bill.

Ms. Sturtevant motioned to pay Rockwood Corp. \$3,643.50. Mr. Hobson seconded. Vote unanimous.

F. Michael Eaton, Long Plain Road, Mattapoisett – Request to tie into Fairhaven Water System

Mr. Fortin – This house wants to tie into the Fairhaven water system. We supply all the homes on Long Plain Road.

Mr. Haworth – What happens if they don't pay their bill. Is it liened?

Mr. Fortin – No, we shut it off.

Mr. Haworth – Do they pay the same rate?

Mr. Fortin – Yes.

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Mr. Haworth motioned to allow Michael Eaton on Long Plain Road to tie into the Fairhaven water system. Mr. Hobson seconded. Vote unanimous.

G. Edward Fortin, Request to carry over Vacation Days

Mr. Fortin – I would like to carry over some vacation days. We've had some issues last week in Mattapoisett where they lost one of their wells. It may be six vacation days.

Mr. Hobson motioned to approve Mr. Fortin carrying over six vacation days. Mr. Haworth seconded. Vote unanimous.

Mr. Fortin – 10 Diamond Street; we did the repair. The property was so wet we had to have the Fire Department pump out the basement. We replaced five to six feet of pipe. There were two holes. I have a feeling it's going to leak again.

H. 12 Diamond Street – Sewer Betterment Abatement Request per Finance Director

Mr. Riley – They are having an auction on June 2nd. The Finance Director is requesting that we abate the balance of the sewer betterment charge in the amount of \$8,465.38.

Mr. Haworth – As long as we can get the credit.

Ms. Sturtevant motioned to give a sewer betterment abatement to 12 Diamond Street in the amount of \$8,465.38 with the amount credited to the Sewer Department when sold. Mr. Haworth seconded. Vote unanimous.

I. Lisa Lopes – Request to use Fort Phoenix September 15, 2012

Mr. Riley – This is for a wedding on September 15th.

Mr. Haworth motioned to approve the use of Fort Phoenix on September 15, 2012 at 11:00 a.m. for a wedding with the normal regulations. Ms. Sturtevant seconded.

J. Jarred Bourassa, Nichole James – Request to use Fort Phoenix August 23, 2012

Mr. Riley – This request is for a wedding on August 23, 2012 from 4 to 5:00.

Mr. Sturtevant motioned to approve the use of Fort Phoenix on August 23, 2012 from 4:00 to 5:00 p.m. for a wedding with the normal regulations. Mr. Haworth

K. Sign Highway and Water Agreements

Mr. Hobson motioned to sign the Highway and Water Union Agreements. Mr. Haworth seconded. Vote unanimous.

L. Award of Annual Bids #13-71

Mr. Haworth – I have a huge issue with this. There were three bidders disqualified. Three town contractors; Peter DeTerra, G. Bourne Knowles and A. Medeiros; their bids were not properly filled out and were thrown out. Why would we pay \$250 for stump grinding and throw the \$135 bid away? The stump removal contractor; \$600 and \$200. Three contractors screwed it up. It wasn't in the instructions.

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I missed it myself. I would ask the Board to rebid. It says if it's in the best to accept or reject any or all bids. I want to rebid 13-24c.

Ms. Sturtevant – I'm just seeing it in writing. It says unit price in words and unit price in figures. It's pretty explicit.

Mr. Riley – There were forty-three bidders. Forty out of forty-three, 95% more or less wrote it in numbers and words. Last year was a fiasco. If three of the bidders couldn't figure out how to write the words, that's their problem.

Mr. Hobson – That's a tough one, very controversial. I agree with Geoff and Riley. I think that paying all that extra money isn't right.

Mr. Furtado – It doesn't say word or numbers. I just don't know if we can legally throw out the bid. I can ask Tom Crotty.

Ms. Sturtevant motioned to award bids #13 to #71. Mr. Hobson seconded.

Mr. Haworth motioned to hold the bids until this matter can be resolved.

Mr. Riley – We'll vote on the first motion. Vote 3-1 in favor with Mr. Haworth opposed.

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

Mr. Hobson – I want to make sure the parks and cemeteries are cut in order for Memorial Day.

Ms. Sturtevant – If we have a cleanup of the bike path on a Saturday, will the BPW assist in the trash pickup?

Ms. Tripp – If residents have a cleanup day over the weekend, we will pick up the bags of trash on Monday.

Ms. Sturtevant – A bright strip on Sconticut Neck Road, we had a suggestion to make the white yellow.

Cushman Park; quite a few complaints about people not picking up after their dogs. The Moving Wall is coming in for the Bicentennial. Can we put up a bigger sign?

Mr. Haworth – The stumps; we are in a fiscal situation. We are wasting money with the last vote. I'd like this put back on the agenda.

Oliver Street; the residents are upset. It needs to be mowed. It's knee deep. We have subdivision maintenance fees for the drainage areas. We should be cutting the grass.

Hoppy's Landing; at Town Meeting as of July 1st, they have parking stickers. They should use that money to hire a contractor to cut the grass.

Do you know what the existing regulation is about grass on the sidewalks?

The traffic light on Howland Road?

Mr. Furtado – We sent a notice to the State, Bridge and Alden also. That's going to be paved the end of June.

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Mr. Riley – Is the profanity all set?

Mr. Furtado – That's gone.

Superintendents Report:

From Last Meeting:

- MUTCD; 6 street signs left, 71 stop signs left to achieve Town compliance
- West Island Improvement Association; contacted Association to pay for paint and we (Sheriff's Department) will supply labor
- 3 and 5-7 Walnut Street; ADA compliance will be achieved on one side of street which is all that is needed
- Cutting grass infield at Anthony School on North Street done on 5/8
- Mutt mitts on bike path were placed
- Drain pipe that is sticking out on Town Beach Parking Lot; been a long standing issue due to Conservation restrictions – little we can do
- Bridge/Alden paving schedule; end of June – confirmed (Nstar still has 1 pole to replace)

New Items:

- 10 Diamond Street
- Hickory Street paving request
- West Island Association request to paint tower; they have agreed to pay for the paint
- Met with Ross Perry of SRPEDD; specs given for new sweeper purchase – has other Towns on board
- Chapter 90 Fort Street Project; meeting with GCG
- Digester meetings
- Marsh Island Final Design; out for comments
- Water Truck Driver Posting; 2 vacancies
- T-Mobile Rep on site; Nextel is downsizing
- Hurricane Barrier Inspection
- Bid Openings for new fiscal year

Mr. Furtado – I'd like to have some of the Highway personnel to attend a pesticide school to get the license. I'll be asking for a couple of volunteers. We'll do it by seniority. We'll pay for the course and the exam.

I met with FS&T about the pumping stations design upgrades.

Mr. Haworth left the meeting at 8:15 p.m.

Mr. Furtado – We'll be cleaning up for the parade route tomorrow.

The Digester; Nstar will be doing a shut down on the 31st to connect the digester to the system. The Selectmen are signing Amendment #5 tonight. By June 6th we should be treating poop.

VII. Set Date for the Next Meeting

Mr. Hobson motioned to hold the next meeting on June 4, 2012 at 6:30 p.m. Ms. Sturtevant seconded. Vote unanimous.

Mr. Riley – We will not be going into executive session tonight.

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VIII. Adjourn

Ms. Sturtevant motioned to adjourn at 8:17 p.m. Mr. Hobson seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant