

**Town of Fairhaven
Board of Public Works Meeting
March 11, 2013**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Geoffrey Haworth, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Linda Schick, Sewer Superintendent
Mark Mello, Lloyd Center
Jamie Bogart, Lloyd Center
Louis Badwey
Tom Bienkiewicz, DEP
Dave Burns, DEP
Kim Nogueira, Head Clerk



I. Call to Order

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

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. February 25, 2013

Mr. Hobson motioned to approve the minutes of the February 25, 2013 meeting. Mr. Haworth seconded. Vote unanimous.

IV. Appointments

A. Lloyd Center - Re: West Island Town Beach; Louis M. Badwey

Mr. Riley – Mr. Louis Badwey sent the Board a letter about the Lloyd Center installing fencing at three locations on West Island Beach. Mr. Badwey is my personal attorney so I am going to recuse myself from this discussion.

Mr. Hobson - I also know Mr. Badwey but will be fair to all parties.

Mr. Haworth – The letter from Mr. Badwey was read into the record at our last meeting. This Board has not received any requests from the Lloyd Center to use West Island Beach.

Mr. Mello – The Lloyd Center works for the DCR and has had an informal agreement since 1986 to conduct work. We install three levels of fencing which include parameter, symbolic and refuge. We provide free management to the Town. Without this fencing the Town would have a liability.

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Mr. Badwey – The Town took over this property by eminent domain back in 1967. If the property is owned by the Town, the Town should have a say about where and how much fencing is erected. Currently over 1000 feet of fencing is put up on a yearly basis. West Island Beach is a tremendous place used by many residents. At high tide you can't even pass through. They are exercising police powers they don't have.

Mr. Mello – We are only trying to inform residents and do have extensive experience in bird management.

Mr. Hobson – Why do you close off areas if there are no nests?

Mr. Bogart – We start fencing areas when the birds begin scraping activity. They will soon be laying eggs and making nests. We only install fencing that is needed to protect these species.

Mr. Hobson – How much longer are these birds going to be endangered?

Mr. Mello – That is decided by the Federal Government.

Mr. Furtado – I received a call today from the Division of Marine Fisheries and Wildlife. They could not make it to this meeting but would be available to come in to the next one to answer questions. The Lloyd Center is an agent only for them.

Mr. Freitas – The Board should have a say in how much fencing is installed and what type of fencing.

Mr. Bogart – We typically use post and string for fencing because it expands easily and is less labor intensive than snow fence.

Mr. Haworth – What is the total population of the birds at West Island? When do they arrive? Is there a way to direct the birds to another nesting area?

Mr. Bogart – Last year there were six nesting pairs. Each pair will lay an average of 4 eggs. These birds have had great success. The average season is April – August. It would be very tough to coax the birds to another location since the birds have been scraping already.

Mr. Hobson motioned that permission from the Board of Public Works would be required before installing fencing at West Island Beach. Mr. Haworth seconded. Vote unanimous.

Mr. Haworth motioned to have the Department of Marine Fisheries and Wildlife attend the March 25th Board Meeting. Ms. Sturtevant seconded. Vote unanimous.

Mr. Mello – We will do whatever this Board decides.

Mr. Bogart – No fencing will be put up until after the next meeting.

**B. Linda Schick, Sewer Superintendent, Dave Burns, Tom Bienkiewicz, DEP –
Re: Digester and Wastewater Treatment Plant**

Mr. Riley – At our last meeting Mr. Freitas had some concerns and questions regarding the plant and the digester.

Mr. Freitas – I have some concerns with what is going on with the treatment plant and the digester. I have asked questions and don't feel I was given the right answers.

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Mr. Bienkiewicz – Linda asked me for some technical assistance. I came down to take a look around the plant and plant operations. There were some settling problems, solids not leaving the plant. The digester was not operating. Linda and I came up with a game plan. We added a small amount of natural polymers to help the sludge settle. After a few weeks the sludge was settling well and the digester was producing gas.

Ms. Schick – The digester went online February 1st. Everything is stable now but long term we will have to bring in some sludge.

Mr. Bienkiewicz - This is a very slow process, we need to develop a loading rate, build solids, put some in take some out.

Mr. Riley – How long do you think it will take?

Mr. Bienkiewicz – May, June. We are putting your staff expertise to work. We are getting good results without effecting discharge.

Mr. Freitas – Looks like we finally have the right guy to get this digester running.

Mr. Furtado – It is running efficiently.

Mr. Haworth – How much does it cost to heat the sludge? How much sludge do we need to bring in? What size is the fog tank?

Ms. Schick – Natural gas is around \$4000 per month. Maybe 1 truck load per week. The fog tank holds 15,000 gallons.

Mr. Freitas – Can you grab a second cone in the same day?

Ms. Schick – You can if the first test was incomplete.

Mr. Freitas – What if you are having a bulking problem?

Ms. Schick – Bulking is intermittent not constant. All bulking is reported.

Mr. Freitas – I don't see it on the DMR.

Mr. Haworth – Mr. Burns, are you satisfied with reporting? What is your overall assessment?

Mr. Burns – Yes, I have done some unannounced inspections and been called when the plant has had problems. The plant has positives and negatives some upgrades are needed but every plant has upsets.

Mr. Riley – I have a better understanding of the process now. I appreciate your time and effort.

Mr. Bienkiewicz – If the Board has any questions, just give me a call.

V. Items for Action

A. Inter-Church Council of Greater New Bedford – Request to use Fort Phoenix 3/31/13

Mr. Riley – The Inter-Church Council of New Bedford is requesting the use Fort Phoenix on Sunday, March 31st for the annual Easter Sunday Sunrise Service.

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Ms. Sturtevant approved the request for the Inter-Church Council to use Fort Phoenix for the Easter Sunday Sunrise Service on March 31, 2013. Mr. Haworth seconded. Vote unanimous.

B. Request to use Fort Phoenix for Wedding – July 4, 2013

Mr. Riley – We have never had any requests before for a wedding on July 4th. I don't think it is a good idea. There are already many annual events scheduled at Fort Phoenix.

Mr. Freitas - I agree. They want to start the ceremony at 3:00 and are expecting 130 people. You can't restrict residents from using the Fort.

Mr. Haworth – Maybe they would consider another date.

Ms. Sturtevant motioned to table the request to see if they would be willing to choose another date or time. Mr. Freitas seconded. Vote unanimous.

C. Award Bids 1-12 (4/1/13-3/31/14) – Asphalt, Concrete and Other Related Work

Mr. Furtado – Mr. Charbonneau wanted me to make the Board aware that the apparent low bidder for items 2a, 2c, 2e and 2f should not be awarded the bids. He said their work was very sloppy last year and had insufficient crews available for work.

Mr. Riley – Was the contractor notified in writing?

Mr. Furtado – John verbally notified the contractor and has some pictures of the work.

Mr. Haworth – If we have a credible reason we can skip over the low bidder.

Mr. Freitas motioned to table awarding bids 1-12 to get the official ruling of Chapter 30B. Mr. Haworth seconded. Vote unanimous.

D. Boston Hill Water Tank – Worldwide Industries – Sign Contract and Notice to Proceed

Mr. Riley – The Board already awarded the contract to Worldwide Industries and they are required to begin work by March 15th.

Mr. Hobson motioned to sign the Worldwide Industries Contract and Notice to Proceed. Ms. Sturtevant seconded. Vote unanimous.

E. Deposits for use of Town Property

Mr. Freitas – Any requests to use Town property should require a deposit to ensure that the property is cleaned up and not damaged. The amount could be based on what we would have to pay 2 guys to clean up.

Mr. Riley – It's a good idea. We should start this for next year.

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Mr. Haworth – Other organizations are required to get an event permit from the Police Department that costs \$10.00. We should do the same. It would generate some revenue and offset any cleanup costs.
Mr. Freitas - We should set the permit fee at \$25.00

Mr. Haworth motioned that beginning January 1, 2014 a \$25.00 event permit is required to use Town property for any event. Ms. Sturtevant seconded. Vote unanimous.

F. Planning Board; Zoning Bylaw Amendment – Solor Photovoltaic Energy Systems

Mr. Furtado – Ed, Linda and John have reviewed this bylaw amendment and had no comments.

Mr. Riley – I think it sounds good.

G. Brown & Caldwell Invoices

Mr. Furtado – I received an email from Bob Wynn looking to receive payment for invoices from January and February along with an old invoice from September of last year.

Ms. Schick – We held payment to get some issues resolved. To date those issues remain.

Mr. Riley – We should not pay them any more monies.

Mr. Furtado – The invoice from February includes a fee for Dave Hill to come here. We were not to be charged for his services.

Ms. Schick – We asked if there would be a fee for his service, and Brown and Caldwell said no.

Mr. Hobson – We have no reason to pay them.

Mr. Haworth – Do we owe them money?

Ms. Schick – Contractually we do, otherwise, no.

Mr. Hobson motioned to withhold payment of invoices to Brown and Caldwell. Mr. Freitas seconded. Vote unanimous.

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

Mr. Hobson – I saw the Highway guys working at Jerusalem Road.

Mr. Furtado – There was a big blockage there, but its flowing now.

Mr. Hobson – What about the property at the end of Briercliffe?

Mr. Furtado – The Highway Department pumped it out last week and will do it again tomorrow. The Army Core of Engineers will be on site tomorrow at 10:00 AM. We are hoping they will give permission to Bristol County Mosquito Control to make the repair if we provide the pipe. The resident is very thankful for our efforts.

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Mr. Hobson – I would like to have the recycle center open on Wednesdays and Saturdays in March instead of April.

Mr. Furtado – I will check the Highway Budget and see if its possible.

Mr. Hobson motioned to open the Recycle Center on Saturday, March 23rd and March 30th from 9:00-1:00 if funding is available. Mr. Freitas seconded. Vote unanimous.

Ms. Sturtevant – Is there another pothole on Seaview Avenue?

Mr. Furtado - The drain pipe needs repair but it is in a coastal zone. There is a steel plate for now.

Mr. Haworth – Now that the snow has melted I have noticed all the damage around Town from plowing. I would like to have snow related repair costs tracked separately so we can get an overall cost. Also Fort Street at the south end is in very poor condition.

Mr. Furtado – I will let John know about those two issues.

Mr. Haworth – The traffic lights at both Main Street and Adams Street at Howland Road have a left turn arrow, but the light is still red to go straight ahead. There is no left turn lane on either side so if you are the first car and going straight the cars behind you have to wait.

Mr. Furtado – I will call Mass DOT.

Mr. Freitas – I want to congratulate Bill Farrell on receiving his Grade 3 Water Distribution License. I also hear that Vinnie is doing a fantastic job teaching the sewer guys.

Mr. Riley – The Finance Committee is only going to give us around \$250,000 to \$350,000 for Roadwork next year. We requested \$600,000 for Dogwood Street, North Street and Cooke Street. The Board has to eliminate one street.

Mr. Haworth – I would choose Dogwood Street and North Street since they are the most expensive.

Ms. Sturtevant – I agree, Dogwood St and North Street.

Mr. Hobson - High priority is Dogwood Street and North Street.

Mr. Freitas – Cooke Street should be kept as high priority for next year.

Mr. Haworth motioned to select Dogwood Street and North Street for FY 14 Roadwork. Mr. Hobson seconded. Vote unanimous.

Superintendents Report for March 11, 2013:

- Pumped out 8 Eaton Rd
- Bike path signs
- Obtained Survey Cost of Weybridge Rd re:gate
- Bid openings for Tabor/South and the Aeration basin
- Mattapoisett property assessment settled...Water Department to pay \$\$ due

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- Form completion, emails, phone calls re: SRF Funding for Boston Hill Project and obtaining additional funds to borrow for non-eligible, but necessary \$\$ needed for the project
- Draft wastewater management report (CWMP) received from FST
- Brown and Caldwell..additional invoices to appear on agenda for Board to consider
- Union Negotiation with Highway
- Union Negotiation with Sewer
- John Darwin – Land Trust – requests BPW block off access to Shawmut St (with boulders) per request of conservation commission
- Preconstruction meeting for Boston Hill Tank
- Bid opening for various Highway supplies for FY 14
- Train wastewater folks
- Speak to (and document) an employee about his attendance
- Prepare/attend Finance Committee meeting
- Meet with City of New Bedford reps re: logistics of Boston Hill Water tank shutdown to put them on notice of the Town's need for water
- Met with reps from Rochester, Marion and Mattapoisett re: joint community water conservation effort if/when DEP issues water withdrawal restrictions to Mattapoisett River Valley

VII. Set Date for the Next Meeting

Ms. Sturtevant motioned to hold the next meeting on March 25, 2013 at 6:00 p.m. Mr. Haworth seconded. Vote unanimous.

VIII. Adjourn

Mr. Riley motioned to adjourn the open session at 8:10 p.m. and enter into executive session to discuss union negotiations and not to reconvene the open session. Mr. Hobson seconded. Vote unanimous.

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

Respectfully submitted,

Kim Nogueira
Head Clerk

Minutes approved on March 25, 2013.