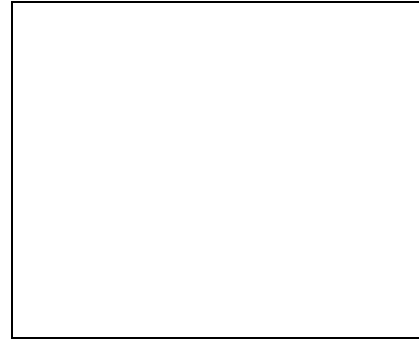


**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant Commissioner
Michael Ristuccia, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Linda Schick, Sewer Superintendent
Robert Letourneau, Fay, Spofford & Thorndike
Thomas Jenkins, Fay, Spofford & Thorndike
Michael Galligan, Sherry Construction
Gary Hathaway, The Farland Corp.
Jay Lanagan, The Farland Corp.
Jamie Bogart, Lloyd Center
Mark Mello, Lloyd Center
Attorney Louis Badwey, Resident
Jeff Ferreira, Wolf Island Road, Mattapoisett



I. Call to Order

Mr. Riley called the meeting to order at 6:27 p.m.

II. Reorganization of Officers

A. Chairman

Mr. Furtado – Nominations are now in order for chairman.

Mr. Hobson motioned to nominate Mr. Riley as chairman.

Mr. Furtado – Mr. Riley is nominated. Are there any further nominations for chairman? If there are no other nominations, these nominations are closed.

Ms. Sturtevant seconded the motion. Vote 3-0 in favor with Mr. Riley abstaining.

B. Vice-Chairman

Mr. Riley – Nominations are now in order for vice-chairman.

Ms. Sturtevant motioned to nominate Mr. Hobson as vice-chairman.

Mr. Riley - Are there any further nominations for vice-chairman? If there are no other nominations, these nominations are closed.

Mr. Ristuccia seconded the motion. Vote unanimous.

C. Clerk

Mr. Riley – Nominations are now in order for clerk.

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

Mr. Hobson motioned to nominate Ms. Sturtevant as clerk.

Mr. Riley - Are there any further nominations for clerk? If there are no other nominations, these nominations are closed.

Mr. Ristuccia seconded. Vote unanimous.

III. Routine Matters

A. Signing of Departmental Bills

IV. Approval of Minutes

A. March 25, 2013

Ms. Sturtevant motioned to approve the minutes of the March 25, 2013 meeting. Mr. Hobson seconded. Vote 3-0 in favor with Mr. Ristuccia abstaining.

V. Appointments

**A. Robert Letourneau, Thomas Jenkins; Fay Spofford & Thorndike
Re: Taber & South Street Contract**

Mr. Furtado – Last time we met, you asked to have Bob come in from FS&T to speak to you about the bid from Nuwater. Their bid was far below the others. Bob also had some concerns. He spoke with the President of the company.

Mr. Riley – Two items were extremely low.

Mr. Jenkins – We have prepared a summary on a spreadsheet. The Town has appropriated money for two different areas. 1. The aeration tanks; \$461,000 and 2. The pumping stations; \$687,000. Nuwater's bid was \$348,000 which is $\frac{3}{4}$ of what the Town allocated and the pumping station bid is \$327,000 which is less than half. There is quite a big gap. There is a list of projects that Nuwater has done. We are quite comfortable with their bid. Work can be added by 25% with change orders. We have done work with them before. I strongly urge that you award the contract.

Mr. Letourneau – I can clearly understand why the Town had concerns. I contacted a number of references from outside our firm and inside our firm. They work very well. They are a small company. The history they have with the number of projects for water pumping stations and wastewater pumping stations are very good.

Mr. Hobson – Is this a union contractor?

Mr. Letourneau – He may be union but he has to pay union wages.

Ms. Sturtevant – I agree. I feel much more comfortable listening to the engineer.

Mr. Ristuccia – If what they say is a reality, the Town is fortunate.

Mr. Riley – Their bid is low. Maybe they build some of the items offsite. They are DCAM certified. The HVAC and electric; it always seems that something is left out. Keep an eye on that.

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

Mr. Hobson motioned to award the contract for Upgrades to the Taber Street and South Street Pumping Stations and the WPCF Aeration Tanks to Nuwater, Inc. in the amount of \$676,090.00. Ms. Sturtevant seconded. Vote unanimous.

VI. Items for Action

L. Board of Public Works Vacancy

Mr. Riley – We have lost a Board member. Mr. Haworth has given his letter of resignation. We need to accept his resignation.

Ms. Sturtevant motioned to accept Mr. Haworth's letter of resignation on the Board of Public Works. Mr. Hobson seconded. Vote unanimous.

I. Request to install Advertisement in Water and Sewer Billing

Mr. Riley – It's nice to inform the public about different things, but once you start allowing this we would have to do it for others. We do have information about the BPW posted weekly on television.

Mr. Hobson – I agree with Mr. Riley. Keep as is. Let's not get involved.

Ms. Sturtevant – Absolutely, leave well enough alone.

Mr. Ristuccia – It's not the right mechanism. We'd be sending a wrong message.

Mr. Furtado – I concur with the Town sending a wrong message.

Mr. Ristuccia motioned to deny installing advertising in the water and sewer billing. Ms. Sturtevant seconded. Vote unanimous.

V. Appointments (Continued)

B. Gary Hathaway, Jay Lanagan, The Farland Group – New Drainlayer

Mr. Hathaway – I have worked in Town before. I have 12 ½ years experience. I was just approved from Boston Water and Sewer. I'm looking for new jobs for our company.

Mr. Riley – Anything now?

Mr. Hathaway – I was with Farland Enterprises for eight years. No, not now. I also worked with Bayline Excavation under his license.

Ms. Sturtevant – Your paperwork is in order, letters of recommendation.

Mr. Hobson – I have no problem. You will need approval from the Highway Superintendent.

Mr. Ristuccia – I have no problem.

Mr. Riley – Insurance is up to date and you have your letters. If the first time it goes well, you may continue. Check with Mr. Charbonneau and Mr. Furtado before you do a job.

Mr. Ristuccia motioned to approve Farland Group as a Town drainlayer. Mr. Hobson seconded. Vote unanimous.

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

D. Request to use Fort Phoenix for Wedding – June 22, 2013

Ms. Hobson motioned to approve the use of Fort Phoenix for a wedding on June 22, 2013 with the standard stipulations. Ms. Sturtevant seconded. Vote unanimous.

E. Request to use West Island Town Beach for Wedding – September 7, 2013

Ms. Sturtevant motioned to approve the use of the West Island Town Beach for a wedding on September 7, 2013 with the standard stipulations. Mr. Ristuccia seconded. Vote unanimous.

V. Appointments (Continued)

C. Michael Galligan, Sherry Construction – New Drainlayer

Mr. Galligan – We would like to get a drainlayers license. We are doing work at the BayCoast Bank on Alden Road.

Ms. Sturtevant – Everything is up to date. You were short letters of reference but you came up with them.

Mr. Ristuccia – I have no questions.

Mr. Hobson – Everything is in order.

Mr. Riley – Typically we allow you to do one job and if it's passed by Mr. Charbonneau and Mr. Furtado you are good.

Mr. Ristuccia motioned to approve Sherry Construction as a Town drainlayer. Ms. Sturtevant seconded. Vote unanimous.

VI. Items for Action (Continued)

F. GCG Associates – Engineering Agreement for BayCoast Bank

Mr. Riley – The agreement is for \$4,195.00.

Ms. Sturtevant motioned to approve the engineering agreement with GCG Associates for the BayCoast Bank. Mr. Hobson seconded. Vote unanimous.

K. Request to tie into Fairhaven Water System on Wolf Island Road, Mattapoissett

Mr. Jeff Ferreira, property owner was in attendance.

Mr. Ferreira – This is the lot next to the cemetery. The pipe in front of the house belongs to the Town of Fairhaven. I am asking permission to connect to the water from the road.

Mr. Riley – He still has to pay the Town's fees?

Ms. Tripp – Yes.

Mr. Hobson motioned to allow the Fairhaven water connection on Wolf Island Road, Mattapoissett Map 25, Lot 43. Ms. Sturtevant seconded. Vote unanimous.

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

V. Appointments (Continued)

**D. Jamie Bogart, Mark Mello; Lloyd Center
Re: West Island Town Beach Fencing for Piping Plovers**

Mr. Riley recused himself from discussion because he is associated with Attorney Badwey.

Mr. Bogart – The piping plover season has started. My thought was that we would have been here on March 25th, but then you received an email from the State. You mentioned a couple of fenced areas; the far end of the Town side of the beach. We are asking for permission to continue. We are protecting the Town from Federal law. I have a few maps showing the nesting territory.

Mr. Mello – We are caught in the middle. The State and Federal government regulate the birds. Scott Melvin, from the State couldn't make the meeting two weeks ago. We're going by the State. Most of the fencing is on DCR property.

Mr. Hobson – How long will it stay up?

Mr. Bogart – The fence that goes up between April until August.

Ms. Sturtevant – The problem is the walking on the beach with dogs. What do you do about that?

Mr. Bogart – They can coexist.

Mr. Mello – 75% of the chicks survived last year. The birds will start laying eggs next week.

Attorney Badwey – You are tying up about 2000' of the Town beach. The fence will stay up until September. There is nothing stating that the Town of Fairhaven is obligated to protect the piping plovers. I am there almost every day. The fence is string line. Dogs could run here. Wouldn't it be better if you used chicken wire or snow fence?

Mr. Bogart – That's the universal plover fence. The storm fence is used in some places. It's a good idea if the dogs are allowed to run the Town beach. We have enclosures for predators.

Attorney Badwey – You've never reduced the size of the fence until it's the end of the season. According to the regulations you have to leave enough room on the edge to the high water mark so you can get by. Put up snow fence or chicken wire.

Mr. Bogart – Keep more of a tight eye on shrinking things.

Attorney Badwey – Push that one back to the high water mark so at least we can walk by.

Mr. Bogart – We try to maintain pathways.

Mr. Mello – We need to get the okay from Scott to change the fence.

Mr. Ristuccia motioned to give permission to fence site #2. The others are out. Ms. Sturtevant seconded. Vote 3-0 in favor.

Items for Action (Continued)

B. Appointment to the Mattapoisett River Valley Water District Commission

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

Mr. Riley – One person is appointed by the Board of Selectmen, one by the Board of Public Works and one jointly. Two out of the three are filled. We need to appoint someone.

Mr. Hobson motioned to appoint Mr. Furtado to serve on the Mattapoissett River Valley Water District Commission. Ms. Sturtevant seconded. Vote unanimous.

C. Request to connect to Drainage – 30 Perry Street

Ms. Tripp – Currently he is pumping on the lawn that ends up in the street. The property owner wants to tie directing into the Town's drainage.

Mr. Sturtevant motioned to give permission for 30 Perry Street to tie into the Town's drainage system. Mr. Ristuccia seconded. Vote unanimous.

H. Fir Street – Unaccepted Street Discontinuance

Mr. Ristuccia reclused himself from the discussion because he is one of the applicants.

Mr. Riley – This is for the discontinuance of a section of Fir Street. It was originally filed incorrectly by Mr. Roth. It is located between Rocky Point Road and Bass Creek Road, Map 43C, Lots 389-414.

Mr. Hobson motioned to approve the discontinuance of Fir Street between Rocky Point Road and Bass Creek Road. Vote 3-0 in favor.

J. Water Conservation Restrictions

Mr. Furtado – We took the Boston Hill tank offline a couple of weeks ago. The first few issues we had were dirty water and other various issues. My opinion is that we should impose a water restriction. No watering between 9:00 a.m. and 5:00 p.m. and only on your garbage day. We need to have a better reserve. It would be for a short period of time. It's a very good idea.

Mr. Riley – It's a good idea. We do need to help the residents and do a proactive approach.

Mr. Ristuccia motioned to implement water restrictions effective immediately as submitted. Mr. Hobson seconded. Vote unanimous.

G. Request to vacate No Trespass Order, Courtlyn Way

Mr. Riley – We had two residents abutting an easement on Town property. One of the residents planted trees on the Town property. There has been harmony lately between the two residents. The Board voted to place a "No Trespass" order on one of the persons over two years ago. He is not one of the owners, but a guest living there. He is requesting the order be lifted. Approximately two months ago he sent in a request to access the easement to repair his fence on his property line from wind damage. We gave him permission. I, personally, keep as is or dissolve with restrictions for ninety days.

Mr. Hobson – This type of fence. I have no problem letting him go on Town property to fix the fence. We had to originally hire a police detail for the other fence when he took down the shrubs.

Mr. Ristuccia – I'm told there has been harmony. So, if it isn't broke, why fix it? Is there a reason why we should leave it on?

Ms. Sturtevant – The issue is between the two parties. It's not a BPW issue. Lift it with restrictions. If there are problems within the ninety days, put it back on.

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

Mr. Ristuccia – If we lift it what procedure is back in place?

Mr. Riley – The Town cuts the grass in the easement. He put trees up on Town property so he was infringing on Town property. We debated this back and forth with him. It was not done to our satisfaction. We put it back to its proper place. The issue between the two neighbors is a police matter rather than a BPW matter.

Mr. Ristuccia motioned that the Board of Public Works lift the “No Trespass” order when the balance of the money owed to the Town for repairs is paid and if there are any future problems in the easement it will be put back on.

Mr. Hobson motioned to deny lifting the “No Trespass” order. Motion dies for lack of second.

On Mr. Ristuccia’s motion: Ms. Sturtevant seconded. Vote 3-1 in favor with Mr. Hobson against.

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

Ms. Sturtevant – Livesey Park, the baby swings are not up.

Mr. Furtado – I received a call from the principal a few months ago. We can't put them out in the winter because they will freeze and crack.

Ms. Sturtevant – The money allotted for Weybridge Road?

Mr. Furtado – The Selectmen said we can use the balance of the money after they use it for McLean’s. This may not get done until next year.

Mr. Hobson – There are a lot of grass areas in Town that have been damaged by the plows.

Mr. Furtado – Mr. Charbonneau is aware of them. I received a call from Jeff Osuch. He was going thru the numbers and realized that there is extra money in the sewer reserve fund which would be enough to pay for the whole CWMP. The State requires you to have this plan in order to borrow money from the state. The Board voted \$75,000 for a portion of the plan. We can do the entire plan for \$175,000. I would like to amend this article to do the whole plan.

Ms. Sturtevant motioned to amend the article for the CWMP to \$175,000. Mr. Hobson seconded. Vote unanimous.

Superintendents Report for April 1, 2013:

From last meeting:

- Sent letter to John Oliveira and Sons re bid
- Scoot Franklin..letter of recommendation
- Working on obtaining beach comber
- Will have FST at next Board meeting to discuss awarded contractor

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2013**

New Items:

- Union negotiations
- Water main break at Alden Road reported
- DEP site visit at Sewer Plant
- Receive Digester Operating Plan from BC
- Attend Economic Meeting
- Attend Southcoast Bikeway meeting
- Boston Hill Tank rehab logistics
- Continue to train wastewater employees

VIII. Set Date for the Next Meeting

Ms. Sturtevant motioned to hold the next meeting on April 22, 2013 at 6:00 p.m. Mr. Riley seconded. Vote unanimous.

IX. Adjourn and Executive Session

Mr. Riley motioned to adjourn the open session at 8:25 p.m. to enter into executive session to discuss union negotiations and not to reconvene the open session.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved April 22, 2013.