

**Town of Fairhaven
Board of Public Works Meeting
May 6, 2013**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant Commissioner
Michael Ristuccia, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Edward Fortin, Water Superintendent
Scott Melvin, Ph.D., Senior Zoologist
Jamie Bogart, Lloyd Center
Mark Mello, Lloyd Center
Gerard Bergeron, Acushnet EMA
Rob Macedo, Acushnet EMA



Mr. Wotton was not in attendance.

I. Call to Order

Mr. Riley called the meeting to order at 6:05 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. April 22, 2013

Ms. Sturtevant motioned to approve the minutes of the April 22, 2013 meeting. Mr. Hobson seconded. Vote unanimous.

IV. Appointments

**A. Scott Melvin, Ph.D., Senior Zoologist, Massachusetts Division of Marine Fisheries
Jamie Bogart, Mark Mello, Lloyd Center**

Mr. Ristuccia arrived at 6:06 p.m.

Mr. Riley –You are here about the beach and the fence. The last two times I have secluded myself because Mr. Badwey is my attorney. You walked the beach today with Mr. Furtado.

Mr. Hobson took over as Chairperson of the meeting.

Mr. Hobson – Mr. Badwey couldn't make it this evening. The most important thing is the fence being taken up on our property near the high water mark. People can't walk by. Do we need to close the whole beach until August because of a few birds?

Ms. Sturtevant – I walked the beach today with them. I was pretty impressed. There wasn't much beach taken up. There is plenty of room to walk. I know this has been a big issue. We have an animal restraint by-law in Fairhaven. People that have dogs have to use restraints.

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Mr. Ristuccia – I agree. The fencing is more near the dunes and grass. What is the process if in the future they nest somewhere else?

Dr. Melvin - I am pleased to meet with the Board. I have a list of things I would like to talk to the Board this evening. You have the guidelines. There is a reason for the fencing to take precautionary measures to protect the birds so that they are not harmed or harassed. We need a big enough buffer. The process is ideally to communicate with this Board. What steps will the Town do to protect the birds? The Lloyd Center puts up the fence.

Mr. Ristuccia – Thank you for coming here. It's out of your way. I appreciate it. I foresee being asked by residents is there a formula, how much of the beach will be taken over?

Dr. Melvin – There can be a reasonable compromise. At some point down the road there may be permitting options under the Endangered Species Act. There may be some flexibility requiring the Town to get more involved. Dogs, unleashed dogs are a big issue. I was given a copy of the Town ordinance. Any dog not on private property needs to be leashed. So my question to you is what are you doing about the Town's ordinance?

Mr. Hobson – Hunting dogs are exempt.

Dr. Melvin – They would still be an issue.

Mr. Ristuccia – In viewing the law we should put signs up that all dogs must be leashed. It's the Town's responsibility if the birds are harmed. We have to be proactive. The ones that are not leashed notify by mail. It's the least the Town should do.

Dr. Melvin – Signage is needed. How will the Town enforce it?

Mr. Furtado – We have a dog officer.

Dr. Melvin – It starts April 1st and ends in August.

Mr. Ristuccia – We can communicate with the dog officer, put signage up. Those are good proactive steps.

Mr. Bogart – We can keep records of the dogs that are unleashed. Put something in the newspaper.

Dr. Melvin – I saw today that the Town did some raking. That is a potential possibility that a nest could be raked. It's close to the scrapings. I communicate with the monitors from all around the beaches in the State where the piping plover nests are. They are strongly protected under State and Federal law. We have skilled biologists. My recommendation is that we have a little more formal communication.

Mr. Ristuccia – We're on the right road.

Dr. Melvin – Where is the border between the Town and DCR land?

Mr. Ristuccia showed Dr. Melvin the approximate location on a map.

Mr. Furtado – Thank you for coming in.

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B. Gerald Bergeron, Rob Macedo, Acushnet EMA – Boston Hill Water Tank Antenna

Mr. Macedo – The Amateur Radio Antenna has been up there a long time, since 1985 and it serves useful for the Town of Fairhaven and to other agencies. We're connected to MEMA when other radios are not available. We also use it for local events. Southcoast Hospital uses it as backup with the hospitals. We are asking for a continued arrangement. We are volunteers.

Mr. Fortin – It's been there since 1985. The question is who does it belong to? Keep in mind that this is a water tank which is part of the distribution system. DEP has rules. An agreement needs to be drawn up. They need insurance because they will need access to the property. There will be legal fees. Town Counsel will have to review. A person responsible will have to be listed in the agreement and updated. They have a club license. I have had a couple of names. We need to do that now. We need to sit down and generate an agreement.

Mr. Riley – We want to do this right away?

Mr. Fortin – The big issue we have is the Scada communications. I'm not sure what it's going to cost.

Ms. Sturtevant motioned go forward with an agreement with the Acushnet EMA for the antenna and to have Town Counsel review. Mr. Hobson seconded. Vote unanimous.

C. Edward Fortin, Water Superintendent – Boston Hill Water Tank Update

Mr. Fortin – We have 99% of the paint removed. There is a small section left on the roof. We found corrosion and some holes. We will be incorporating a change order on that, \$22 or \$23,000. The other issue is a safety issue on the rail on the top of the ladder. I instructed them that I will need plans. It's going to be about \$4,000 and it needs to be there. I'll discuss this with DEP on Friday morning. There will also be an inspection amendment. They have been working Saturdays and Sundays. The completion date for the tank is June 15th. There is a likelihood that will be extended.

V. Items for Action

A. 4 Deerfield Lane – Request to move Fire Hydrant

Mr. Fortin – That hydrant was set there by the developer. It's within the 500' setting on the property line. Whoever built the house knew the hydrant was there.

Mr. Furtado – This was brought up because we had an article at Town Meeting for hydrant replacement and they saw that. In the prior minutes it was mentioned. I spoke with the resident and explained that it was too much money involved.

Mr. Fortin – The hydrant replacement is for obsolete hydrants. This hydrant is no higher than it has been in the last sixteen years. It would cost a few thousand dollars to lower it. We'd have to dig up the sidewalk and hold a utility pole. The grade was changed when they built the road.

Mr. Ristuccia – I drove by there today. The house was built after the hydrant was placed. The Town has no benefit. I don't think we should do it.

Mr. Hobson – I agree with Mr. Ristuccia.

Ms. Sturtevant – We can't be replacing them if they work. It just doesn't make sense.

Mr. Riley – I don't disagree with the Board members. The hydrant was there first.

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Mr. Ristuccia motioned to deny the request to move the fire hydrant at 4 Deerfield Lane. Mr. Hobson seconded. Vote unanimous.

B. Worldwide Industries – Pay Requisition #1, Boston Hill Water Tank Rehabilitation

Mr. Hobson motioned to approve Worldwide Industries Pay Requisition #1 in the amount of \$333,117.50. Ms. Sturtevant seconded. Vote unanimous.

C. Rochester Firefighters' Association – Request to use River Road Pumping Station Property 5-27-13

Mr. Fortin – I would just like to comment to the Board that the Firefighters' Association cleaned up all the mess with the trees in the river. We pulled a lot of stuff out. They cleaned the river out and did an excellent job. Mr. Allen cut some pine trees at Tinkham Lane with the Tree Department and he asked if he could have the wood.

Mr. Riley – That's okay.

Ms. Sturtevant motioned to approve the Rochester Firefighters' Association's request to use the River Road Pumping Station property on May 27, 2013. Mr. Ristuccia seconded. Vote unanimous.

D. Fairhaven Call Firefighters' Association – Request to use Livesey Park 6-30-13

Mr. Riley – They want to start at 1:00 p.m. at the completion of the parade.

Mr. Hobson motioned to approve the request for the Fairhaven Call Firefighters' Association to use Livesey Park on June 30, 2013 for a Fire Muster. Ms. Sturtevant seconded. Vote unanimous.

E. Pavao Construction, Fort Street Pay Requisition #3

Ms. Sturtevant motioned to approve Pavao Construction Pay Requisition #3 in the amount of \$57,741.00. Mr. Hobson seconded. Vote unanimous.

F. Christian's Law – Swimming Lessons

Mr. Furtado – Kathy, myself and John Charbonneau met with Pat Fowle from the Board of Health. Based on an incident, a child drowned at a beach and it enacted a law. There has to be water floatation devices approved by the Coast Guard. They have to be fit tested for each child. Ultimately, there will be no swimming lessons this year. There is too much liability.

Mr. Hobson motioned to not to do swimming lessons at the Town Beach this year. Ms. Sturtevant seconded. Vote unanimous.

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

Ms. Sturtevant - The money for Weybridge Road.

Ms. Tripp – I will check with the Selectmen.

Mr. Hobson – Town Meeting went pretty good.

Mr. Ristuccia – The State fishing pier; whose jurisdiction is that?

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Mr. Hobson – The Boat Ramp Committee is funded by the State.

Mr. Ristuccia – Who tests the harbor?

Mr. Hobson – The State gave that to Shellfish.

Mr. Riley – In our packet there was information about job postings on the website. Town Meeting was very long and successful. We'll fight another day about Dogwood Street. On the 20th we'll hire summer help. I would like to have the lifeguards drug tested. It costs \$55 per person.

Mr. Ristuccia motioned to drug screen the lifeguards prior to employment. Ms. Sturtevant seconded. Vote unanimous.

Mr. Riley – We will talk about water and sewer rates at our next meeting.

Superintendent's Report for May 6, 2013:

- Preparation for Town meeting
- Union negotiations
- Finance Committee
- Piping Plover issue
- Train wastewater employees
- Attend Conservation Meeting – draft policy for review and submittal
- Attend Town Economic Meeting
- 4 Deerfield Lane – request for hydrant lowering/remove and replace
- Issue with digester gas duosphere....not sending gas to flare in auto mode
- Worldwide repairs structural issue at Boston Hill Tank
- Borrowed beach comber from City
- Christian's Law – meeting with Board of Health – no swimming lessons this year based on new regulations
- MEMA will allow reimbursement of Feb 8, 9, 10 Storm Event
- Attend Precinct Meeting
- Discuss Amortization schedule with MA DOT re Howland Rd payback

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VIII. Set Date for the Next Meeting

Mr. Hobson motioned to hold the next meeting on May 20, 2013 at 6:00 p.m. Mr. Ristuccia seconded.
Vote unanimous.

IX. Executive Session and Adjourn

Mr. Riley motioned to adjourn the open session and enter into executive session at 7:35 p.m. and not to reconvene the open session to discuss Mr. Furtado's employment agreement. Mr. Ristuccia seconded.
Vote unanimous.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved May 20, 2013.