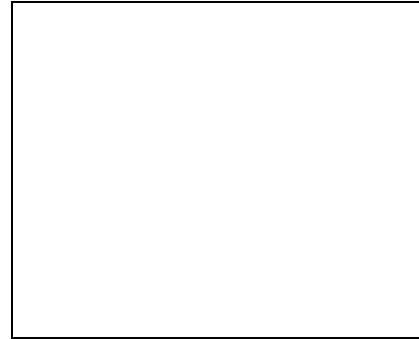


**Town of Fairhaven
Board of Public Works Meeting
July 22, 2013**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Michael Ristuccia, Commissioner
Brian Wotton, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Kenneth Pottel
Robert Espindola
Michael Edwards, Contractor
Kyle Aguiar, 123 Weeden Road
Robert Roderiques, Fairhaven Excavating
Nick Nunes, 57 Adams Street
Robert Foster, Fairhaven Tennis Association



Ms. Sturtevant was not in attendance.

I. Call to Order

Mr. Riley called the meeting to order at 5:30 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. February 25, 2013 – Executive Session (a)

Mr. Hobson motioned to approve the minutes of the February 23, 2013 Executive Session (a). Mr. Riley seconded. Vote 2-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

B. June 17, 2013

Mr. Hobson motioned to approve the minutes of the June 17, 2013 meeting. Mr. Wotton seconded. Vote unanimous.

IV. Appointments

A. Kenneth Pottel – Re: Safe Routes to School Program

Mr. Pottel – We've been working with Mass D.O.T. on the Safe Routes to School Program. The Wood School and Middle School have signed up. They will come down and work with us after one year and do an engineering survey. We'd like to get the kids to walk and ride their bikes to school. We'd like to start this fall. We've talked to the Police Chief, Superintendent of Schools and they are very supportive. We are going to have flyers and a schedule each week. The CPC is giving us \$10,000 for paint. The Orchard Street crosswalk is faded. Next year we'd like to purchase flash beacons that are run by solar.

Mr. Wotton – It's good that there is money available.

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Mr. Riley – There would be no money available from us this fiscal year.

Mr. Wotton – This is for the paint supplies?

Mr. Pottel – Yes.

Mr. Riley – Sconticut Neck Road is going to be repaved from the bike path to Wood School. The Town and the school contractor will be paying for it.

Mr. Ristuccia – Is there only one manufacturer for the blinking light?

Mr. Pottel – No.

Mr. Hobson – There will be a lot of cars going to that school. They build a \$10 million dollar school and put in a tar sidewalk. There are going to be major traffic jams.

Mr. Riley – That's up to the School Department. They will deal with it when it happens.

Mr. Furtado – I've heard Ken's concerns. We'll take care of the crosswalk.

B. Michael Edwards, 113 Cottonwood Street – Re: Driveway Waiver

Mr. Riley – You are looking to extend your driveway by the twenty-six feet maximum per our regulations.

Mr. Edwards – I'd like to have three parking spots off the road. The street is congested. Off street parking is a problem. There is asphalt curb.

Mr. Ristuccia – I know a few months ago we talked about the same thing. Someone wanted forty feet and we felt that thirty-five was okay. I feel thirty-five is adequate.

Mr. Hobson – I think forty is a little too much. Can you go thirty to thirty-six and spread it out when you get inside?

Mr. Edwards – Thirty-six feet would be a little better.

Mr. Riley – Thirty-six or forty, three or four cars and ten people park on the street, what's the difference?

Mr. Wotton – I went there today with my dump truck. It was tight. I was all for giving the last gentleman forty feet. The Board denied it. If you give him forty feet the other gentleman should make the same request.

Mr. Riley – I have a difference of opinion. Most of the neighbors have fourteen to sixteen foot driveways. There is one two to three hundred yards north that has twenty-four feet. I think forty, thirty-six or thirty-five is too big.

Mr. Hobson – I know we gave him a waiver for Balsam Street for forty feet on the Dogwood Street side.

Mr. Wotton motioned to approve a waiver of thirty-six foot opening driveway apron for 113 Cottonwood Street. Mr. Hobson seconded. Vote 3-1 in favor. Mr. Riley against.

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**C. Kyle Aguiar, 123 Weeden Road – Re: Sewer Break
Robert Roderiques, Fairhaven Excavating**

Mr. Aguiar – Several weeks ago there was a leak. I had the Town come down. It happened outside of the sewer cap.

Mr. Roderiques – I received a phone call from this gentleman that he had a sewer break in his yard. The Town told him it was a private line and that he needed to get a contractor to fix it. I went there. The yard was saturated. We dug the sewer pipe towards the street and we did not find a break in the pipe. The Town said I needed to pay for a trench permit and reconnection fee. I pulled the permits to do the job. The break was in the Town sidewalk towards the manhole. Jeff saw the repair. I called Vinnie about the reconnection fee and he said it was the homeowner's responsibility. It's within the Town layout. Vinnie looked into it and we requested a meeting with him, Kathy and Rene. The Town thought he put in the concrete driveway and he broke the pipe. He bought the house in October. The sewer line is in the sidewalk. The contractor owns the project for a year and then it becomes Town property. He checked his deed. There isn't any easement.

Mr. Furtado – You (BPW) need to decide what is public and what is private. Rob had called to waive the reconnection fee. There are three other homes tied into that line that dump into a public way. It's not defined what is public or private.

Mr. Riley – There was a break on the trunk line?

Mr. Roderiques – In the grass area.

Mr. Riley – If a water pipe broke, would we service it?

Mr. Furtado – Yes.

Mr. Roderiques – The sewer main and eight feet into the property is still public property regardless if it's a force man or gravity.

Mr. Ristuccia – When was the line put in?

Mr. Furtado – I'm not sure. The date is not on this plan.

Mr. Riley – The rules are not well defined.

Mr. Hobson – How much money are we talking?

Mr. Aguiar – Two thousand five-hundred dollars plus the permits.

Mr. Hobson – I can understand. We need to reach some type of settlement. You should pay your house to the curb.

Mr. Roderiques – The house is only fifteen feet from street.

Mr. Ristuccia – How far the rest of the way?

Mr. Roderiques – Fifteen to twenty feet in both directions.

Mr. Ristuccia – We either pay it or we don't.

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Mr. Roderiques – We did it the right way. We spoke with several people.

Mr. Riley – We don't have tight regulations.

Mr. Wotton motioned to reimburse Mr. Aguiar \$2,650.00 for the invoice for the repairs to 123 Weeden Road minus the grass seed and loam. Mr. Hobson seconded. Vote unanimous.

D. Nick Nunes, 57 Adams Street – Re: Recycle Center

Mr. Nunes – I am a branch manager for Enterprise. I do not have a set vehicle. I use whatever is left on the lot at the end of the day. I was told I can't get a sticker. I called Dartmouth and they would allow it.

Mr. Furtado – The Town has policies and regulations. I offered Mr. Nunes when he called to let him use it at the time and if he was denied he would have to pay for each load that he would have brought in.

Mr. Hobson – If we did this for you it would open up a can of worms. If we gave you a temporary sticker, you could use it on five different cars.

Mr. Nunes – You could put my name on it.

Mr. Ristuccia – You don't have another car in your household? That is your only means of transportation?

Mr. Nunes – Yes. I just bought the home.

Mr. Wotton – I see people go in and they don't have it affixed to their car. The gate attendant checks the registration of the vehicle. We don't let them in until they affix the permit to their vehicle.

Mr. Riley – No disrespect but each car has to have their own sticker. You could have a guy with five pickups come here from New Bedford. I'm sorry, but it's a no for me.

Mr. Nunes – Are there any other options?

Mr. Riley – No.

Mr. Wotton – Do you have a family member's car you could use?

Mr. Nunes – Is there anyone else I could appeal this to?

Mr. Riley – No, we are it.

Mr. Hobson motioned to deny issuing a recycle sticker to Mr. Nunes based on he cannot affix the sticker to one vehicle. Mr. Ristuccia seconded. Vote unanimous.

V. Items for Action

A. Award Livesey Park Surface Repair Project

Mr. Foster – There was a proposal to repair the Livesey Park tennis, basketball and in-line rink surfaces. New England Sealcoating provided me with an estimate. Money was approved at the May Town Meeting and the Tennis Association is going to contribute \$5,000. Town Meeting appropriated \$32,000. CPC will pay \$27,190. We received three bids. The company that gave us the estimate came in very high. Vermont Recreation gave a bid of \$32,190.00. I checked their references and they checked very well.

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They had done that job ten years ago when the park was done over. They are running a little behind because of the rain so I would like it if the Board could set a deadline for the end of September. They do need hot sun.

Mr. Ristuccia motioned to award the Livesey Park Surface Repair Project to Vermont Recreational in the amount of \$32,190.00 with a deadline at the end of September. Mr. Wotton seconded. Vote unanimous.

B. GCG Associates – Proposal for Surveying & Engineering Services for Shore Road/Landing Ramp Drainage Improvement Project

Mr. Furtado – This is for a proposal for engineering for Shore Drive at the boat ramp.

Mr. Ristuccia motioned to approve an Engineering Agreement with GCG Associates in the amount of \$8,665.00 for design and survey services for the Shore Drive Drainage Improvement Project. Mr. Wotton seconded. Vote unanimous.

C. GCG Associates – Proposal for Surveying & Engineering Services for Green Street

Mr. Furtado – This is another Chapter 90 project for road reconstruction for Green Street from Washington Street to Old Fort Road.

Mr. Hobson motioned to approve an Engineering Agreement with GCG Associates in the amount of \$63,620.00 for surveying and design of Green Street from Washington Street to Old Fort Road using Chapter funds. Mr. Wotton seconded. Vote unanimous.

D. Award Dump Truck Bid – Minuteman Trucks, Inc.

Mr. Furtado – Town Meeting voted as a capital expenditure for us to purchase a dump truck. We put it out to bid and Minuteman Truck was the low bidder.

Mr. Wotton motioned to award Minuteman Truck the bid for a 2014 Dump Truck in the amount of \$119,665.00. Mr. Ristuccia seconded. Vote unanimous.

E. Worldwide Industries; Boston Hill Tank – Payment #3

Mr. Furtado – This is for the Boston Hill Tank payment which includes payment for Change Order #1. It has been approved by the engineer.

Mr. Ristuccia motioned to approve Payment #3 to Worldwide Industries in the amount of \$136,173.27. Mr. Wotton seconded. Vote unanimous.

F. Request to Use Fort Phoenix August 9, 2013

Mr. Riley – In the future I would like to have Mr. Furtado approve these requests.

Mr. Riley motioned to have Mr. Furtado or Acting Superintendent approve the use of Town property for weddings and such. Mr. Wotton seconded. Vote unanimous.

Mr. Hobson motioned to approve the request to use Fort Phoenix on August 9, 2013 for a wedding with the standard regulations. Mr. Ristuccia seconded. Vote unanimous.

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G. Request to use Fort Phoenix August 18, 2013

Mr. Hobson motioned to approve the request to use Fort Phoenix on August 18, 2013 for a wedding with the standard regulations. Mr. Ristuccia seconded. Vote unanimous.

H. Pavao Construction; Fort Street Project – Payment #5

Mr. Ristuccia motioned to approve Payment #5 to Pavao Construction for the Fort Street Reconstruction Project in the amount of \$100,508.86. Mr. Hobson seconded. Vote unanimous.

I. Pavao Construction; Fort Street Project – Change Order #1

Mr. Furtado – This is for a time extension. They want to pave a little later.

Mr. Ristuccia motioned to approve Change Order #1 for a time extension to complete Fort Street. Mr. Wotton seconded. Vote unanimous.

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

Mr. Furtado – Today I received an email from the State. Our share of the Howland Road project is \$513,231. That's what we owe them. We will amortize this through our Chapter 90 allotment.

Mr. Riley – How are we doing with the litigation with the engineer?

Mr. Furtado – I will have to check.

Mr. Hobson – I'd like to see the tractor with the arm on it pretty soon. Winsegansett, take a right, there is brush that hits the side of your car. No hurry. The Town committee that is reviewing the government, I think this committee is a good thing. When they discuss the BPW we should be informed and give comments. Find out when they are going to talk about us.

Mr. Furtado – I will get an agenda.

Mr. Ristuccia – The road that goes from Dogwood to Bella Vista Island. My concern is that the maintenance is being done by him. It's been widened and altered, conservation issues? We should look into that.

Mr. Wotton – The guys did a great job on Wilbur's Point.

Mr. Riley – I'd like to thank Kathy Sturtevant and Chief Francis. They let us borrow a defibrillator at the Town beach and trained the lifeguards. That is an asset.

Mr. Hobson – This weekend I was at the Town Beach. If you go right around the tower it's blocked off and you can't get by.

Mr. Riley – The lights at Alden and Bridge. I go by there early when there are no cars. It's a long cycle before the light changes. I would like to be proactive about items purchased in FY13. We spent quite a bit of money.

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VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on August 12, 2013 at 5:30 p.m. Mr. Ristuccia seconded. Vote unanimous.

VIII. Adjourn and Executive Session

Mr. Riley motioned to adjourn the open session at 7:00 p.m. and enter into executive session to discuss a personnel matter and not to reconvene in open session. Mr. Hobson seconded.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved August 12, 2013.