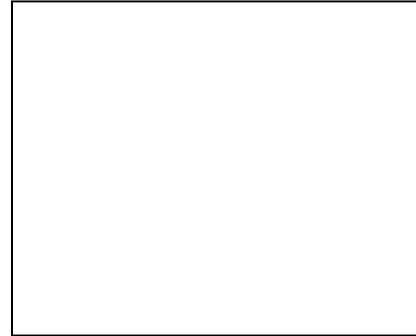


**Town of Fairhaven  
Board of Public Works Meeting  
October 21, 2013**

Present

G. Steven Riley, Commissioner  
Robert Hobson, Commissioner  
Kathleen Sturtevant Commissioner  
Michael Ristuccia, Commissioner  
Brian Wotton, Commissioner  
Vincent Furtado, BPW Superintendent  
Kathy Tripp, Administrative Assistant  
Linda Schick, Sewer Superintendent  
Edward Fortin, Water Superintendent  
Robert Gomes, Sewer Department  
Marc Jodoin  
Robert Macedo



**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. September 9, 2013 – Executive Session**

Ms. Sturtevant motioned to approve the minutes of the September 9, 2013 Executive Session. Mr. Hobson seconded. Vote 4-0 in favor with Mr. Riley abstaining.

**B. September 30, 2013**

Ms. Sturtevant motioned to approve the minutes of the September 30, 2013 meeting. Mr. Wotton seconded. Vote unanimous.

**C. September 30, 2013 – Executive Session**

Ms. Sturtevant motioned to approve the minutes of the September 30, 2013 Executive Session. Mr. Wotton seconded. Vote unanimous.

**IV. Appointments**

**A. Robert Gomes, Sewer Department**

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Mr. Gomes – I am the operator for the digester. I have been coming in for the digester and starting at 7:00 to get everything running. Because of what I do I can have the primary operating by 8:00. The other way it would be ready by 9:15, 9:20. I have to strike a balance.

Ms. Schick – We are not at a stable place with the digester. I would like to give it six months and then evaluate again.

Mr. Furtado – Why he is here is because the union contract reads that the working hours are 8:00 to 4:30. He is requesting to start at 7:00 for reason he mentioned.

Mr. Wotton – I have no problem with it because of the work. You seem to be okay with it. It's fine by me.

Mr. Furtado – The digester is a work in progress.

Mr. Ristuccia – Fine.

Ms. Sturtevant – If Linda and Vinnie feels it's important. It's a work in progress and we have to get it down to a science.

Mr. Hobson – This is a \$9 million dollar plant. I don't even know why he's here. It should be automatic. Its new equipment and we should be able to make the hours. Who is running the department, the union?

Mr. Furtado – The contract reads 8:00 to 4:30. Procedures have to be followed.

Mr. Riley – I think going forward as the digester goes on line we should reconsider this in the contract. You may have a first and second shift. Change the language in the contract. I have no problem with it according to Section J of the contract and motion including for 6 months.

Mr. Hobson motioned to have Mr. Gomes work from 7:00 to 3:30 for six months and review after six months with accordance of Section J of the contract. Ms. Sturtevant seconded. Vote unanimous.

**V. Items for Action**

**A. Award Bid - Portable Trailer Mounted Pump**

Ms. Schick – The 4" pump is part of the Capital Outlay in the budget. It is \$19,000 and change. This will replace an old pump.

Mr. Wotton motioned to award the bid for the 4" pump to Goodwin Pump in the amount of \$19,113.00. Mr. Ristuccia seconded. Vote unanimous.

**C. Loan Forgiveness Agreement – Transfer Funds from Highway to Sewer**

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Mr. Riley – The solar panels that were installed; it was to come under the sewer for accounting. It has to be transferred from the highway fund to the sewer department electric account. This is the formal paperwork.

Ms. Sturtevant motioned to sign the agreement to transfer the electric savings from the highway account to the sewer account. Mr. Ristuccia seconded. Vote unanimous.

Ms. Schick – It will be done on a quarterly basis.

**IV. Appointments (Continued)**

**B. Marc Jodoin, Robert Macedo – Re: Boston Hill Water Tank Radio Repeater**

Mr. Jodoin – I am the EMA Director for the Town of Fairhaven. This repeater was started in 1985 with the selectmen. It's been there ever since. In 1991 I purchased it from the original owner. I got a letter from an engineer that was sent to me with the work that was to be done on the tank that it had to be removed. Mr. Fortin called me when he was ready to proceed and shut the equipment off. They took it off for us. Then I never heard from anybody after that. We were notified it was done and could go back.

Mr. Riley – I'll give you a small synopsis. The Acushnet folks came to our Board about installing an antenna and we told them that the rules of engagement have changed since 1991. They would be paperwork and grounding the electric had to be paid for. When they were here they said they were the owners of the equipment and we told them that an agreement between Fairhaven and Acushnet had to be signed and they would have to pay the electric. About a month ago the antenna was put on the tank. We didn't know. Mr. Fortin unplugged it. Phone calls were sent back and forth. Temporarily it was put on for the Apple Peach Festival until the Town of Acushnet would sign the agreement. Mr. Coutino from Acushnet didn't know anything about it. At the last meeting the Board voted to have it disconnected. Mr. Fortin was under the impression that you didn't own it. Acushnet is a private club. Whoever had the antenna up before was a private club. That's when the Board said there are too many stories going around and it would stay disconnected until we know what's going on.

Mr. Jodoin – It's not a private club. The CC license is for hand radio operated. We can't make money on it. I am as confused as you are. I wasn't asked to be here. I don't know where the ball got dropped. Jeff Pelletier was working on the plans with Mr. Fortin. He said we were all set.

Mr. Fortin – I must take exception to what Marc is saying. I discussed this with you a few years ago when we first started doing this project. The letter from the engineer to you said it had to be permitted. You got another letter for a preconstruction meeting. You were invited and you didn't come. I contacted you and you said it was no longer yours. I said get it off. Finally the selectmen contacted me and said it would get done with the EMA from Acushnet. I talked to Mr. Pelletier and told him what had to be done to start the process. Nothing could be done until it was permitted. I'm highly insulted that I am being the one who dropped the ball on this.

Mr. Jodoin – Since the work has been completed I have not asked to come to a meeting.

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Mr. Fortin – I'm getting political heat. I am doing my job. I explained to you the permitting process. If this is a private antenna it shouldn't be up there. This is not 1985. Nothing should have been on there. At midnight someone was working on the repeater. Day one, it should have been done correctly just as the School Department and the Housing Authority. If it's private then Town Counsel should be involved.

Mr. Riley – The timing is too coincidental. It's been done shady. 1985 was 1985. Great, the rules of engagement have changed. We have to follow these rules. Someone tried to pull a fast one.

Mr. Hobson – First of all Mr. Fortin is 100% right. The water tower was shut off, taken offline and rebuilt. That's why we are in the situation. Civil Defense was there with their radios and their people. You do an excellent job. If this is owned by the Fairhaven Civil Defense, okay. If you or he personally owns it, that's a problem. If the water tower wasn't redone we probably wouldn't even be here. If you guys come back with the right information. We are in a stale mate with you guys.

Ms. Sturtevant – I know Marc and he has done a good job. Rules are rules and they need to be followed. We had told them they had to follow the rules. Permits need to be taken care of and they weren't. Mr. Fortin is 100% right. You can't have thought it was Acushnet and it's not Acushnet.

Mr. Ristuccia – My position is that Mr. Fortin from what I can see has fabulous records, detailed records. Procedures were not followed. Makes me concerned and suspicious. If owned by private it shouldn't be allowed to be put on the tank. I think that going forward if in fact it is not privately owned and it is public we still have to follow the regulations. My statement was to take it down and not to ever allow to be put up again.

Mr. Wotton – What is it used for?

Mr. Jodoin – In the case of an event such as the Fathers Day Road Race, Apple Peach Festival and also for the National Weather Service. It covers a big area. The Cape and Islands and a good part of Rhode Island. It was not intentional that we were trying to deceive anyone. I apologize. Other towns have an interest too. I did what I was told. I would like to say we have made mistakes. How can we move forward and maintain the capability there?

Mr. Wotton – That hasn't been clarified yet. It's actually used and is an important piece of equipment. Amateur radio is nothing I would ever use. 100% with Mr. Fortin not in that order but not 100% against it.

Mr. Jodoin – Last year a lot of the hospitals having classes employed by the hospital their phone lines were down.

Mr. Wotton – Who would pay for the electric?

Mr. Jodoin – That would be us.

Mr. Ristuccia – Who owns this piece of equipment?

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Mr. Jodoin – I do with him Mr. Macedo.

Mr. Riley – In the year of so the water tank was down how did you folks in your radio group communicate?

Mr. Furtado – It was actually three to four months.

Mr. Jodoin – We have another repeater in Dartmouth. It was tough.

Mr. Riley – Private and not publicly owned; if it is truly a privately owned amateur radio club group in the future, wouldn't it be wise to put up your own antenna on a piece of property?

Mr. Jodoin - We talked about it. We have a phone line that's in there.

Mr. Riley – Is it regulated through DEP that private groups such as this can have a private antenna on a water tank?

Mr. Fortin – It has to be permitted and certain guidelines would have to be followed. Check with Town Counsel. It should be owned by EMA and activated when we set up the emergency system which is at the Fire station.

Mr. Riley – What happens in three months down the road and lightning hits. Who is responsible?

Mr. Fortin - The Town.

Mr. Riley – If it was the school antenna and it blows the Town owns it. Private and it happens I doubt you folks have enough funds to build a water tank. Why should the Town hold all the cards?

Mr. Fortin – I'm not saying anything bad about EMA. I'm doing my job. Nobody has discussed this with me. This is the first time. I realize Marc works during the day. I need to do my job. Once it's off it has to be done correctly. The calls that I have taken on this is ridiculous.

Mr. Hobson – Why don't you donate the equipment to Civil Defense?

Mr. Fortin– They want to continue to use it as they have.

Mr. Hobson– Let them get their stuff together. We need to talk to Town Counsel to find out what we have to do here.

Mr. Riley – Personally if it's a private club you will not get my vote.

Mr. Macedo - Is there a process to properly donate it to the Town?

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Mr. Fortin – Who is going to dictate how that equipment is going to be used? The equipment is there. I would request that somebody make a motion that if there is an emergency where it needed to be used that I could activate it.

Mr. Ristuccia – I don't like that.

Mr. Riley – If there is a nor'easter we get four or five days notice.

Mr. Jodoin– If its private you do not want it there. I'd like to get a feeling of the Board.

Mr. Riley – Private no.

**V. Items for Action (Continued)**

**D. Engineering Proposals - Hydrant Replacement Program**

Mr. Furtado – Two or three meetings ago and at a recent meeting we discussed the hydrant replacement program. Tata & Howard, the Town's water engineer provided a quote. I believe Brian and Mike questioned the amount of money and asked for quotes from other engineers. Those amounts came back cheaper. We met with Tata and Howard and in 2005 there was an itemized list of what they were actually going to do. We met with them again and they brought down their price. Now it's up to you folks. I think that Ed is very comfortable with Tata and Howard. The consideration is the reduction of services verse the old one. We would have to do some of the items internally.

Mr. Fortin – We discussed this with Tata and Howard and how we could bring it down. Their scope is less and mine will be more.

Mr. Ristuccia – I know that Mr. Fortin has a comfort factor with Tata & Howard. My inclination would be they adjusted their price by half so we would have them do it. How I honestly feel is what they are saying to us now is a bunch of bologna. We caught them with their pants down. They will do it now for the \$19,000 & \$6,000.

Ms. Sturtevant – I go with Tata and Howard because of Mr. Fortin and I'm also happy that Mike questioned it.

Mr. Fortin – I always like to back Mr. Fortin.

Mr. Riley – I wasn't here then. I have a lot of respect for Tata and Howard. Some give a low number and then we end up paying double. It's good to get quotes from other engineers.

Mr. Fortin – There may be some projects where that will not be easy.

Mr. Ristuccia motioned to approve Tata and Howard to engineer the Hydrant Replacement Project for the amount of \$19,000 and \$6,000. Mr. Wotton seconded. Vote unanimous.

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**B. Fairhaven Gridiron Club; Request to use Cushman Park - November 27, 2013**

Mr. Riley – This is for the night before the Thanksgiving Football game. They do this every year.

Ms. Sturtevant motioned to allow the Fairhaven Gridiron Club to use Cushman Park on November 27, 2013. Mr. Wotton seconded. Vote unanimous.

**E. Oliver Street – Request to remove Island / Chicane**

Mr. Riley – I went by this weekend. This was originally requested by the Planning Board when the subdivision was built for traffic pattern and speed. It's too narrow for the trucks and cars have blind spots. Mr. Charbonneau and Mr. Furtado also feel that it should be removed. We've been out there repairing the island a few times from plowing. They are requesting the BPW start the process to have it removed.

Mr. Furtado – If you vote yes then it will go to Selectmen for a public meeting and invite the residents. The traffic island was part of the approval process. John and I are in favor of removing it. The Town accepted it. There are twenty to thirty residents who signed the petition to remove it.

Ms. Sturtevant – I think it should be removed. Children and the driveways and it's a hindrance for our guys. I say remove it.

Mr. Hobson – I'm all set with it.

Mr. Wotton – It was a bad design, horrible. It's overgrown with weeds everywhere. You can't even see the curb.

Mr. Ristuccia – Take it out.

Mr. Riley – The deciding factor is the residents. They live there. They know what's going on.

Mr. Wotton – Notify the tree warden so he can transplant the trees somewhere else.

Mr. Wotton motioned to remove the island from Oliver Street. Mr. Hobson seconded. Vote unanimous.

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

Mr. Ristuccia – The hydrant that is running all the time on Cottonwood Street and Causeway Road. I have had 2 residents approach me. It's high chlorinated water going into the saltmarsh and they are concerned about the saltmarsh. People are asking me about it.

Mr. Fortin – There is no chlorine in the water. We have to let the water run because of the amount of residents that leave at the end of the summer, the water needs to be circulated.

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Mr. Ristuccia – The saltmarsh at the end of cottonwood. There used to be a berm. Now it's less. One person would like a guardrail.

Ms. Sturtevant – 179 Adams Street; did you address that?

Mr. Furtado – I did.

Ms. Sturtevant – The Fairhaven Lions Club sign?

Mr. Furtado – That will be on the next agenda.

Ms. Sturtevant – The other question, on Weybridge Road in the back there is a pile of dirt dumped. It blocks that road which is not opened but it's still in the roadway. I was wondering, maybe that it's been asked, where they did the engineering in the winter or fall could they go in and clear it. Open it up so people have access to that. Railroad ties are up.

Mr. Hobson – Union Wharf; they did cut some of the weeds there and the barrel. There is still a drainage problem at the end. The water fills the parking lot in one corner. Church Street, Fort and Main; weeds. Fort Street; I'm glad that's done.

Mr. Riley – The Bike Path Committee on that flashing beacon. At the last meeting we discussed the line painting on Sconticut Neck Road on the bike path. Do that with conjunction with what they are asking.

Mr. Furtado – At the Manjiro Festival there were 40 vendors. We found out on the day of it that they needed barrels. We need to make a more active role. Last week we got the UMass Estuary Report done by the UMass Marine Science Center. EPA and DEP will set the nitrogen limit. The ball is going to start rolling again. Conservation wants us to appear in front of them for the drainage ditches. They were meeting tonight but I canceled because of our meeting. They may be meeting the same as our next meeting so I may have to leave.

Superintendent's Report for October 21, 2013:

From Last Meeting:

- Crosswalk painting at Bridge and Mill Rd –sent to Safety Officer – more approvals needed than just painting lines
- Working on securing vocational students to create a metal lifeguard stand that we could permanently leave at beach
- Paint lines at David Drown similar to the front of Wood School – Bill Roth stated he was going to get money to get this done with the bike path committee
- Chamber Street – brush cutting completed
- Granite near cemetery in East Fairhaven – Town contacted Muni Tech

New Items

- Represented Town in case against Richard Senna – Town was awarded judgment

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- Met with Sewer Employees – changed structure of daily operations – removed Superintendent from directly creating schedule
- Met with Town of Acushnet representatives concerning furthering project of tying some Main Street homes into the Alden Road sewer system
- Contacted State re: Acushnet sewer tie-in to ascertain if permission would be granted – yes
- Final paperwork submitted to State re: hydraulic oil spill on Route 6 in early September - \$4800 in total cost
- Set up meeting with BC (October 25) to discuss what we have learned to date and to close the digester issue
- Contacted CDM to obtain costs for Engineering/Design to feed the digesters off timers attached to one of our existing holding tanks which appears to be a much simpler and forgiving solution than the DAFT
- Coordination of Manjiro festival – BPW was not aware that this was a 40 vendor event – moving forward we will take a more active role in the needs coordination planning of the event
- Met with Town Counsel re: finalizing inter-municipal agreement with Mattapoissett
- Discipline letter given to a sewer employee
- Complaint received by Water Department from neighbors around Mill Road – trailer fenced in back is housing homeless persons – Water Department has replaced lighting and installed two additional lights at the rear of our Mill Road pumping station – sent notice to Selectmen to have this trailer moved
- Received request from Oliver Street residents re: moving chicane – Board needs to review/approve/disapprove – pending vote, send to Selectmen for consideration
- Received Massachusetts Estuaries Report (sewer nitrogen limit will be based on this report) for our comment
- Met with Tata and Howard re: hydrant replacement proposal
- Assist Bike Path committee with various requested calculations
- Work on borrowing numbers for Boston Hill Tank project

**VII. Set Date for the Next Meeting**

Ms. Sturtevant motioned to hold the next meeting on November 4, 2013 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

**VIII. Adjourn**

Ms. Sturtevant motioned to adjourn at 7:22 p.m. Mr. Hobson seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on November 4, 2013.