

**Town of Fairhaven
Board of Public Works Meeting
February 9, 2015**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Brian Wotton, Commissioner
G. Steven Riley, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Jeffrey Cruz, 31 Bay Street



Ms. Sturtevant was not in attendance but was listening to the meeting via phone.

I. Call to Order

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

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. January 26, 2015

Mr. Riley motioned to approve the minutes of the January 26, 2015 meeting. Mr. Hobson seconded. Vote 3-0 in favor with Mr. Wotton abstaining.

IV. Appointments

A. Jeffrey Cruz, 31 Bay Street – Re: Driveway Waiver, Violations

Mr. Cruz – I looked up the Fairhaven requirements for driveways. A driveway permit is required when the work is done with part or whole of the public way. There is no public way on my property. I was asked to fill out the application. I don't want the permit. No sidewalk on my street, no curb, nothing touched by the Town at all.

Mr. Riley – Is this a Town approved road?

Mr. Ristuccia – Yes.

Mr. Riley – The eight feet anywhere on Town approved easement the town has jurisdiction over that.

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Ms. Tripp – Bay Street probably has a forty foot layout. That means the street is paved twenty-four feet and the balance are eight foot sidewalks on both sides.

Mr. Ristuccia – The driveways go all the way to the street; the last eight feet is not your property.

Mr. Cruz – According to this the public way is used by the public. Do I need a permit to plant grass?

Mr. Ristuccia – It owned by the Town of Fairhaven. The first eight feet is not an easement. The Town owns it. The last eight feet is not on your property and people have a right to walk over it.

Mr. Riley – If somebody walks eight feet in front of your house you could not tell them to get off. They have the right of way.

Mr. Furtado – The first eight feet would not be your property.

Mr. Cruz – There is nothing there, curb cuts, sidewalk material, none of it is applicable. No need for Town involvement.

Mr. Ristuccia – I'm not trying to argue with you. These permits apply in the event people want to change areas or everybody could do their own thing. This affects the street, house and driveway. We do have to ask you, it's not your land. It's prohibited.

Mr. Cruz – The Building Department said it was okay. There are no safety barriers or road construction. Nothing to do with the installation of the house.

Mr. Furtado – I know that if you survey your lot you don't own that eight feet. That's why the Town does have a right to ask you.

Mr. Hobson – I've been on this Board nine years and have been thru this about fifty to one-hundred instances. Everyone has to have an approved contractor because there are water and sewer mains and this is our eight feet. You have to have an approved Town contractor to go into that eight feet. Nothing is going to change.

Mr. Cruz – Eight feet of grass or eight feet of gravel. Why would I hire someone when I can do it myself?
I'm telling you I did follow the law.

Mr. Hobson– I've seen it one hundred times.

Mr. Ristuccia – Chapter 169-15 reads "No person shall engage in the construction, upgrade or extension of any driveway or sidewalk, which is, in whole or in part, in the layout of a public way, who is not licensed to perform such work by the Board of Public Works; and no person shall perform or allow another to perform such work, without first obtaining a permit from the Board of Public Works or its designee." The layout is the eight feet you may think you own because there is no sidewalk.

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Mr. Hobson – If you want to know how to solve this problem we usually don't tell him to change anything and ask for forgiveness.

Mr. Furtado – You can apply for the waiver.

Mr. Ristuccia – You filled this out which is fine. The reason why the Town has a permit process is because the person who works on the Town land needs to be bonded. We make that part of the process and they present a bond to the Town of Fairhaven. They have to show liability so no one would get hurt. That's why we require the permit. If it's a Town approved contractor we know we are okay. You can read this however. Look at a site plan of that road and how it's laid out is what they call is right of way, R.O.W. That is the whole road. Twenty four feet of pavement and eight foot sidewalks. That's how it works.

Mr. Cruz – Eight feet you would probably be at my neighbor's door. I'm an engineer. My whole family are masons. My dad has been in the concrete business for seventy years.

Mr. Riley – I understand the residents thought process but the nine years I've been here we have to be very consistent. Residents have applied for driveway waivers. Windward Way was a neighbor of mine and he put in a driveway apron that was not approved. Whatever we do we have to be consistent.

Mr. Wotton – The only thing I had was the forty foot wide street and the Town could take those eight feet and there is nothing you could do about it. That's their right of way. If you had mulch, we are not against that but if we wanted to get to it we wouldn't have to ask you. That eight feet doesn't belong to you. You have to follow the proper policy and procedure. It has to have a proper base, elevation; if a plow comes by we could dig it up.

Mr. Ristuccia – There was a wall built and at the end of it by the pillars there was probably three feet of it on the Town's property. We didn't say get that off. We gave him a waiver to leave that there.

Ms. Tripp – First of all you should not have received a building permit for the garage without first getting an approved driveway permit from us. We need to make sure that there are no utilities in the way.

Mr. Cruz – Everything was marked, water, sewer, gas. I did an addition, garage twenty from the street. We did a stone skirt to the street. I felt that I followed the guidelines.

Mr. Riley motioned that the resident pay the \$100 fine and \$300 for the non approved contractor fine. Mr. Wotton seconded. Vote unanimous.

Mr. Wotton motioned to approve the waiver for the second driveway with the cobblestone apron. Mr. Riley seconded. Vote unanimous.

V. Items for Action

A. Worldwide Industries - Boston Hill Water Tank

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1. Change Order #2 – (\$29,127.84)

Mr. Furtado – This is the wrap of the Boston Hill Tower to close out the contract. There are two items. They both go together. Change order credit of \$29,000. The credit was generated because of the course of the repair the contractor did some damage to the SCADA system and we had it repaired for \$6,000 and change. The contract was supposed to cover the cost for the anniversary inspection. That was just shy of \$2,000 and an x number of items that were not used.

Mr. Riley motioned to approve Change Order #2 for a credit of \$29,127.84. Mr. Wotton seconded. Vote unanimous.

2. Final Payment - \$3,956.19

Mr. Furtado – This will close out the project.

Mr. Riley motioned to final payment to Worldwide Industries in the amount of \$3,956.19. Mr. Wotton seconded. Vote unanimous.

B. Award Bid for Hydrant Replacement Program – Gravity Construction \$141,990.01

Mr. Furtado – Tata & Howard based the recommendation on the bids received. Gravity was the low bidder. They checked their background. They have to replace x number of hydrants thought the Town.

Mr. Wotton motioned to award the bid of the Hydrant Replacement Program to Gravity Construction in the amount of \$141,990.01. Mr. Hobson seconded. Vote unanimous.

C. Water & Sewer Indirect Costs

Mr. Furtado – You should know by now we've been charged with indirect costs. There was an audit done and they've adjusted those costs. That's why we had to raise the rates a couple of years ago. Last year we went up \$10,799 in water and \$5,400 in sewer. It has to do with health, pension and a % figured by the audits that are done it was calculated that about 12% for Town finance, their retirement benefits we get charged. We have to pay for technical upgrades and general insurance. It's nothing new it just went up. Last year the water expense was 375,778.07 and now it's 386,578.04. Sewer is up. I checked all the numbers. The added cost includes the 1% raise and insurance and what they did downtown for us. It is what it is.

Mr. Riley – Two years ago we were hit with more indirect costs. Last year it was \$10,000 less than the year before. High, low, high, cost still goes up with pay raises and insurance cost. The numbers are a sign to curve town magnificent cost.

Mr. Furtado – There have always been the indirect costs. I believe that Jeff Osuch and Anne Carreiro when they did their first go around they had a formula. They weren't use to that either. Percentage wise they gave the best guess they could. Second year given to us they were less.

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Mr. Riley motioned to accept the direct and indirect costs associated with the Water Department. Mr. Wotton seconded. Vote unanimous.

Mr. Ristuccia – I still want to see the backup.

VI. Correspondence

A. Water Meter Test Results

Mr. Furtado – If you remember a couple meetings back before the Board a resident came in and Brian gave a good explanation as to what he thought the problem was. You decided send the meter out. We paid for the testing and it was determined to be 99.8% accurate. They tried 3 different tests. The meter is accurate. It's reading less.

Mr. Riley – Send him a letter reading the under reading and we cannot adjust the water bill. There has to be a leak on the property.

Mr. Furtado – What about the days he had the dirty water? We discussed giving him a credit. It's not his fault that we told him to continually to flush out his system. We had a leak somewhere else.

Mr. Wotton approved to give 9 Goulart Memorial Drive a \$100.00 credit for ten days of water for that billing cycle. Vote 3-1 in favor with Mr. Hobson opposed.

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

Mr. Riley – Estimate for the doors. How long did it take them to install the new ones?

Mr. Furtado – A couple of days.

Mr. Riley – Second thing; I'd like to commend the folks in the BPW for the last seventeen days in Town. I know that not all the residents were happy. We have to keep the main roads open as passable for emergencies. Secondary roads were done much later. I apologize to the residents but it was the right decision to make. We worked an enormous amount of hours. Praise the workers.

Mr. Wotton – I don't have anything.

Mr. Hobson – I have a few issues with the plowing. After the first storm there were a lot of side roads not done. Union Wharf has \$40-50 millions of dollars and we are doing parking lots for schools. We sent our best equipment to do the school parking lots. That shouldn't have been done until all the side roads are done. Our priority is to get the roads done. Handicap people out there and we are doing school parking lots. That should never happen again.

Mr. Furtado – We are responsible to open up the main drags. Main roads need to be clear for emergency vehicles. With this particular storm knowing the amount of accumulation, we divided the

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crews into split shifts. Normally the Highway Department does the plowing. We had to split the Highway, Water and Sewer. Four - twelve hour shifts. When we had the twenty plus inches we would just finish the main drags it looked like it hadn't been done. We had to go back to the same areas. This time we couldn't. We started plowing around 4:00 Monday and by Tuesday afternoon we started the side streets. On Wednesday I would say about 85% of the Town you could drive down most streets. We are not equipped for two feet of snow. Some guys hadn't plowed in a very long time. On Wednesday the School Superintendent asked us if we could open up the school parking lot. They don't have the equipment. If this was about cutting grass I would be sitting on your side of the table. They don't have the equipment to remove two feet of snow. They wanted to open up Thursday. We found out that because of the road conditions they couldn't get the meals delivered. They would have opened up the schools if it weren't for that. Wednesday afternoon we had all hands on deck; side roads and schools. Hoppy called me to get the loader somewhere but it was in the garage for a repair and it took longer. The pickup couldn't do it. Two feet of snow compares to the amount of rain we got on the 4th of July. Unfortunately patience was the virtue here. I certainly did not want to not open up a school because of something we didn't do. Taxpayers who have kids go to these schools. The schools are part of the Town. I would do it again. We are responsible for everybody. We were doing everything concurrent. Some of the streets we opened up down Scoticut Neck needed a loader. I think we did a very good job. I just wish we had more equipment.

Mr. Ristuccia – We did a heck of a job.

Mr. Hobson – I still don't think its right. There were some people north of Route 6 that hired their own truck. We shouldn't be doing schools until all the streets were done. Let them hire an outside contractor. Wood School sidewalks coming from the school; the kids are walking down the middle of the street because the sidewalks are not cleared.

Mr. Furtado – We are not tasked to do the sidewalks.

Mr. Ristuccia – Perhaps we should notify the schools people adjacent for the safety.

Ms. Tripp – The by-law read that if there is a safety issue and it's reported to the Police the resident has a certain amount of time to remove it. If they don't we will remove it and send the homeowner a bill.

Mr. Hobson – The sewer tie-ins on Scoticut Neck?

Ms. Tripp – I gave that information to you a couple meetings back.

Mr. Furtado – There was a list. The Board of Health use to take the people to court. The Board of Health would show up. That process stopped. I spoke with Tom about it going to court and sending them a letter.

Mr. Riley – Talk to Jeff, Pat and Tom.

Ms. Sturtevant – It was supposed to be five years to tie in. Pat had to go back. Not done for quite a few years. As long as they passed Title V they were given a waiver. There were a lot that had tough times.

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Liens were put on their property. Supposed to go back. It really was a Board of Health issue then we could follow thru.

Mr. Furtado – On the list from memory there were about thirty some odd homes. There were only about three waivers.

Mr. Ristuccia – I'd like to have that on our next meeting to talk about it.

Ms. Sturtevant – One on Seaview that recently tied in.

Mr. Ristuccia – Next meeting I'd like to have the dog park folks. They want to come back here.

Mr. Furtado - John and I met with them and picked a location.

Mr. Ristuccia – Next meeting I'd like to talk about the projected water revenues and rates. See if maybe we can lower the rates in any way.

Mr. Furtado – Kathy and I were looking at it this afternoon. Based on the articles, anticipated revenue, and increase in indirect costs we may have to tap into the reserve fund.

Mr. Ristuccia – Go back to the comments each one of us had to make, different opinion styles. It's nice that we have a five member Board. Democracy in its finest form.

A. Cart Program Update

Mr. Furtado – The cart program begins March 2nd. The Board worked pretty hard on this. This is step to avoid the pay as you throw back. Recycling will receive a 95 gallon cart and trash a 65 gallon cart. Blue for trash and orange is for recycling which is bigger because it's bi-weekly, trash weekly. There is going to be a meeting next Monday with the Sustainability Committee, myself, Pat Fowle, and ABC. The beginning of their meeting there will be a question and answer period. Local cable channels. March 2nd it begins and the delivery of the carts in the next couple of weeks or so. A list of summer residents please give the BPW office a call. Make arrangements to put in the property instead of in front. Bar coded. If you want to change the cart size. No changes ahead of time. Smaller carts are available for seniors, we will accommodate them. Save money on trash.

Superintendent's Report for February 9, 2015:

- Attended NEWEA which honored Linda Schick as operator of the year
- Snow removal for numerous days
- Widened streets in anticipation for forecasted storms
- Attended to numerous residential requests due to snow event

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- Cart program logistics – flyers went out in the mail – carts are scheduled to be distributed next week – summer resident list has been given to ABC – these carts will be placed inside respective properties - coordinated with AT&T for cart storage – will meet with Sustainability committee on 2/16 to present the program for taping for repeated viewing
- 2 separate employee incidents handled
- Requested of the Select Board and Fincom to deficit spend in the Highway Snow and Ice account in the amount of \$20,000 – we are currently \$4000 in the red in this line item – Fincom approved it on 2/5 – it is on the Select Board agenda for 2/9
- Sent letter to Select Board thanking Jeff Osuch for his help during snow event
- Brown and Caldwell has agreed to and approved our draft close out project letter – sent to Tom Crotty for final approval

VIII. Set Date for the Next Meeting

Mr. Riley motioned to hold the next meeting on February 23, 2015 at 6:00 p.m. Mr. Wotton seconded. Vote unanimous.

IX. Adjourn

Mr. Riley motioned to adjourn at 7:37 p.m. Mr. Wotton seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on February 23, 2015