

**Town of Fairhaven
Board of Public Works Meeting
July 6, 2015**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Brian Wotton, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
David Park, 156 Adams Street
Wendy Marinelli, Town Crier
Craig Shidell, 12 Day Street
Paul Lima, Able Asphalt
Andy Green, 70 Raymond Street
Frank Coelho, Resident
Gary Lavalette, Resident



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 9, 2012 – Executive Session

Ms. Sturtevant motioned to approve the minutes from the January 9, 2012 Executive Session. Mr. Hobson seconded. Vote 2-0 in favor. Mr. Ristuccia, Mr. Wotton and Mr. Freitas abstained.

B. January 23, 2012 – Executive Session (a)

Ms. Sturtevant motioned to approve the minutes from the January 23, 2012 Executive Session (a). Mr. Freitas seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

C. February 6, 2012 – Executive Session

Mr. Freitas motioned to approve the minutes from the February 6, 2012 Executive Session. Mr. Hobson seconded. Vote 2-0 in favor. Mr. Ristuccia, Mr. Wotton and Ms. Sturtevant abstained.

D. February 27, 2012 – Executive Session (c)

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Mr. Freitas motioned to approve the minutes of the February 27, 2012 Executive Session. Mr. Hobson seconded. Vote 2-0 in favor. Mr. Ristuccia, Mr. Wotton and Ms. Sturtevant abstained.

E. March 26, 2012 – Executive Session (a)

Mr. Freitas motioned to approve the minutes of the March 26, 2012 Executive Session. Ms. Sturtevant seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

F. April 9, 2012 – Executive Session (b)

Ms. Sturtevant motioned to approve the minutes of the April 9, 2012 Executive Session. Mr. Freitas seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

G. June 4, 2012 – Executive Session

Ms. Sturtevant motioned to approve the minutes of the June 4, 2012 Executive Session. Mr. Freitas seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

H. June 19, 2012 – Executive Session

Ms. Sturtevant motioned to approve the minutes of the June 19, 2012 Executive Session. Mr. Hobson seconded. Vote 2-0 in favor. Mr. Ristuccia, Mr. Wotton and Mr. Freitas abstained.

I. July 10, 2012 – Executive Session

Ms. Sturtevant motioned to approve the minutes of the July 10, 2012 Executive Session. Mr. Freitas seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

J. July 23, 2012 – Executive Session

Ms. Sturtevant motioned to approve the minutes of the July 23, 2012 Executive Session. Mr. Freitas seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

K. August 13, 2012 – Executive Session (a)

Mr. Freitas motioned to approve the minutes of the August 13, 2012 Executive Session (a). Mr. Sturtevant seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

L. August 27, 2012 – Executive Session

Mr. Freitas motioned to approve the minutes of the August 27, 2012 Executive Session. Ms. Sturtevant seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

M. September 10, 2012 – Executive Session

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Ms. Sturtevant motioned to approve the minutes of the September 10, 2012 Executive Session. Mr. Hobson seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

N. October 1, 2012 – Executive Session

Mr. Freitas motioned to approve the minutes of the October 1, 2012 Executive Session. Ms. Sturtevant seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

O. October 15, 2012 – Executive Session (b)

Mr. Freitas motioned to approve the minutes of the October 15, 2012 Executive Session. Ms. Sturtevant seconded. Vote 3-0 in favor. Mr. Ristuccia and Mr. Wotton abstained.

P. October 29, 2012 – Executive Session (b)

Ms. Sturtevant motioned to approve the minutes of the October 29, 2012 Executive Session (b). Mr. Hobson seconded. Vote 2-0 in favor. Mr. Ristuccia, Mr. Wotton and Mr. Freitas abstained.

Q. June 15, 2015

Mr. Wotton motioned to approve the minutes of the June 15, 2015 meeting. Mr. Freitas seconded. Vote 4-0 in favor. Mr. Ristuccia abstained.

IV. Appointments

A. David Park, 156 Adams Street - Re: Driveway Waiver on Hedge Street

Mr. Park – I just purchased the property and it has a single driveway on Adams Street. I have a 33' camper which I previously had one on Century Drive. I would like permission to put a curb cut in on Hedge Street on the north side. I have 179' of frontage. I am looking for a 20' curb cut. Hedge Street is narrow. The camper is parked on the street.

Mr. Wotton motioned to approve the waiver at 156 Adams Street. Ms. Sturtevant seconded. Vote unanimous.

B. Gail Marinelli – Re: 5 Maitland Street Water Abatement

Ms. Gail Marinelli was in attendance.

Ms. Marinelli – I am Wendy, Gail's daughter in law.

Mr. Furtado – There was a backup sometime in December. Her mother in law owns the Town Crier. When they had the backup they called the Town to see if the main line was flowing freely. There was a blockage in the main. We jet rodded. Fast forward they had another backup. Same thing, crew was called. In this instance the main line was flowing freely.

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Ms. Marinelli – We called the plumber. The next day we called roto rooter. He said it was the toilet and he said it was a blockage that came in from the last time in the building. We had to do run water that whole day to keep on flushing it out. We are trying to ask for a little help off the bill.

Mr. Furtado – She is here because the last invoice they got, the contractor hired Roto Rooter. The blockage in March may have had something to do with the blockage in December. Had to use water to push it thru. Gail had requested an abatement and the Water Department denied it. There are reports from the sewer crew in December. They put in a claim to the Town. In March they are looking for some money based on the fact that when sewer guys went it was flowing freely.

Mr. Ristuccia – She used during the time period 18,700 cubic feet.

Mr. Furtado – Yes .

Mr. Ristuccia – Billed at the higher rate?

Mr. Furtado – Yes. The last ten to eleven years that’s one of the higher numbers.

Mr Ristuccia – If look at per day so that boils down to 100 cubic feet a day. If we took 1200 cubic feet extra to flush this thing out. If it was something 1200 cubic feet of water \$7.45.

Mr. Freitas – Next time roto rooter runs the water for twenty-four hours don’t believe them. I can tell you for a fact that didn’t hold any. The line that you have is probably a 4” line and 50’ to the nearest section. Two hundred gallons run for twenty-four hours is just nonsense. You will know in the first hour if you have a problem. If we can help out some way, but if you are ever told to do that again, don’t. It should take one hour. So I’m willing to work on something for that day. Future reference, call here first.

Mr. Hobson – I agree with Mr. Freitas to give them something. Only a small lounge bar with some food.

Mr. Ristuccia – Look back at 2009 and 2008 you were using 10,000, 12,000, and 16,000. The thing that is odd that it was down to 8,000 and 9,000. I don’t know, look into your own records. March 2011 thru September 2013 do something then.

Mr. Freitas – With the lot of cooking watch the grease backing up in your lines. If you have grease traps get them cleaned out.

Mr. Ristuccia – On average you used 104 cubic feet a day. Ten times if run all day. 1000 at 7.45 = 77.45 for an abatement.

Mr. Freitas motioned to abate 1000 cubic feet of water that was used in the amount of \$77.45. Mr. Wotton seconded. Vote unanimous.

D. Nancy Green, 70 Raymond Street – Re: Driveway Waiver

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Ms. Green was not in attendance.

Mr. Green – A week ago today I was having a driveway installed by Able Asphalt. The total dimension is 20' x 52' but the last 4' is supposed to be cobblestone and somebody came by when I was not home and spoke with the contractor. That's the extent of it. He was supposed to be here tonight. I don't know what the problem is.

Ms. Sturtevant – The issue is because of the cobblestones at the bottom of the driveway if the plow hits it, it's your responsibility, not the Town's. The other thing is the cobbles should be level with the asphalt.

Mr. Green - I would imagine so.

Ms. Sturtevant – I have a driveway like that and it's not a problem. With curbing it's not too much of an issue.

Mr. Furtado – Typically the Highway Superintendent checks these out. Driveway aprons that are not asphalt typically are referred to the Board. Cobblestone puts you on notice if it's damaged by a plow it's on you and not the Town.

Mr. Wotton motioned to approve cobblestone apron for 70 Raymond Street knowing responsibility is on the homeowner if there is any damage. Mr. Hobson seconded. Vote unanimous.

V. Items for Action

A. Fort Phoenix Curfew (Town Parks and Beaches Curfew, Article 43 – FY08)

Mr. Furtado – I did a little prep for this meeting. I called Town Counsel to get an opinion. I spoke with him a little while this afternoon. When they had the riots years ago, the State adopted a statute that the Selectmen could issue a curfew in Town for seventy-two hours. There is nothing that can say they can't keep doing it every seventy-two hours. As far as the operating hours of Fort Phoenix, I need to check to see if deed lists it as a park. If it is a park, then the BPW would have jurisdiction over the park. We can't sell it that would be the Selectmen. He suggested to me for Kathy to see if she can get the deed to see if it falls under BPW. We can set a bylaw with operating hours. If it's not deeded a park the Selectmen can issue the bylaws. It would be a statute for Town Meeting. They can issue a curfew only good for seventy-two hours.

Mr. Wotton – If not a park what would it be?

Mr. Lavalette – I did some research and it is on the historical register considered a structure. Historical Commission has jurisdiction of the Fort's monuments with cooperation of the BPW to maintain the property. The argument can be then the structure is in the park and I don't disagree with Hoppy whether the Selectmen have jurisdiction. The Historical Commission oversees the authority for the Fort. It happens to be on a park. No different than Town Hall and the Selectboard hours. I don't disagree. I

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read what happened in 2008 so that's where we stand. Structure and the Board of Selectmen can set a curfew for that area.

Mr. Wotton – For that area?

Mr. Lavalette – To the parapet to the cannons. It's getting worse than getting better. It's great that we can work together to figure out if the BPW or Selectmen but it's not going to solve the problem. We don't charge for admission. We have an obligation for public health and public safety to come up with some type of solution.

Mr. Wotton – We need to make the right decision.

Mr. Hobson – The only reason it was really brought up in the beginning was the Fort closing at 10:00 at night. A lot of people get out of work at 10 and go fishing. Are you going to get arrested to go fishing and I know the reason why you want it closed. Tagging the Town and other areas but you know we can't just closed the Town down. People who work late at night have the right to go fishing. You don't have any proof that the Board of Selectmen set the hours. No proof who has control of this place.

Mr. Ristuccia – In a roundabout way Hoppy hit the hot spot all for doing the best thing for the Town. People make rash decisions. Selectmen put a curfew before they had the right to do that. If the BPW control the property we'll do it right. As Vinnie said the deed will say who does what. Until then I consider it to be a park under control of the BPW.

Mr. Coelho – I am on the Marine Resource Commission and what was said before, Hoppy received numerous calls for people who use the park at night. People get out at midnight and they can't park anywhere. One guy brings them down, drops them off with their gear and go way down the street and park. I understand vandals in the Town. Don't stop people from parking. Why single out the Fort parking lot? There are no parking signs all the way down. So what I'm saying is I received numerous calls. One call, his commission said they never even voted on that.

Mr. Lavalette – Absolutely they did. When the gates are left unlocked there are TV's and a whole bunch of stuff. Easily in the morning they pick up small copper coils and the TV is still there. The nights when it's shut there is no debris. Hanging tires from the tree. Rail system thru the woods. Around the benches they are having fires. Burning trash. Police can't get there so I shut the gates. \$3,000 to fix the wheel on one of the cannons that was kicked out. The last thing is the graffiti, but that started in 2014 and they found out who that was. This is the latest thing we have to deal with. Fisherman I don't know. Family had no place to go to the bathroom so they use as a Jon. I have a spotlight to help the fisherman with their gear.

Mr. Hobson – Get some cameras.

Mr. Lavalette – We have \$800,000 in meal tax. We need security, police detail on certain nights. Somebody has to look at the camera. My last thing to say Cushman Park and Livesey Park are being trashed. I just finished sand blasting. They ruined everything that I did. Four nights a week for the highest crime would be well invested.

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Mr. Ristuccia – I agree with what you are saying but we should not penalize the citizens in Town because of the things that are going on. Punish the people who want to use it.

Mr. Wotton – Locking the parking lot, those gates aren't going to stop kids. The right way would be to have a higher police presence. Routine every 1 ½ hours check to make sure nobody is in there.

Mr. Ristuccia – If you know it's not going to work why suggest that we a curfew?

Mr. Lavalette – Parking in the parking lot with lights out there, disgusting. Society has changed. Whatever somebody is going to get hurt. Fishing is done at the end. It does make them walk. Fifteen to twenty fishermen that go down there on average. Fairhaven has been found. It's not going to stop.

Mr. Ristuccia – I just don't believe shutting it is good for the Town.

Mr. Coelho – It's not just fisherman. People live in the north end on a hot summer night, they enjoy going down there. Southwest wind people enjoy going down there. I agree with what he is saying vandalism all over the place. Town Beach, they tore the gate off. The causeway, jump off the causeway. BPW put up a fence. Saturday or Sunday people jumping off the bridge. Dangerous. I understand where he is coming from but we have to stop taking away from the hard working people.

Ms. Sturtevant – I agree with the security but no matter what they do they are going to go in and do it. My hats off to you but you can't do it by yourself. Maybe it is security. Not for closing it at 10:00 if someone wants to park there.

Mr. Freitas – I too would like to thank Gary. He's all over town. I don't think this is a selectmen or BPW problem. The police department they need to be down there. There needs to be a presence down there because I kind of view shutting off the people because the kids down here are tagging the wall. Not something that we are ever going to stop. Knee jerk reaction to shut something down. Grass needs to be cut and poison ivy if they would like to. You don't have the decision. We do all of the above. Did they at least tell the police to go down there more often?

Mr. Lavalette – Yes. Chief Myers was with me at hurricane preparation meeting. I have made this as transparent as possible. I'm sorry getting this second hand. I am just part of the Historical Commission overseeing the Fort. They did say there needs to be action taken. Curfew is in place. Police matter I agree.

Mr. Freitas – Talk to the police.

Mr. Wotton – I think that maybe one thing if they do oversee the cannon area. This area is closed at 10:00 p.m. In reality then maybe it won't deter but give the police the authority. Help you as far as the vandalism.

Mr. Lavalette – Those parking signs say close at 10:00. The state has the same thing. Same wordage. As far as the State, they can't get anybody to shut the gate.

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Ms. Sturtevant – Over the weekend they are not too often out on bicycles. Why couldn't they do something like that?

Mr. Ristuccia – You do some great things volunteering. We are not here to beat you up.

Mr. Lavalette – Jurisdictions that cross. However deal with it I just want to report it. Correct it and move on to something else.

Mr. Freitas motioned with the problems at Fort to contact the Police and ask them if they can lock the gate for the State and Town side and have the patrolmen nightly go by to inspect. Mr. Wotton seconded. Vote unanimous.

C. Craig Shidell, 12 Day Street – Re: Driveway Waiver

Mr. Shidell – I live at 12 Day Street and I want to put a driveway in and it wasn't allowed because it's too close.

Mr. Furtado – The Highway Superintendent went there. That's the drawing that we have. The existing is 10' and you need 18'. You need that on the west side. The east side is on the neighbor's property.

Mr. Lima – I explained that to John about the other side.

Mr. Wotton motioned to approve an 18' opening 3' feet from the fence. Mr. Freitas seconded. Vote unanimous.

E. Francis Demers, 42 Grandview Avenue – Re: Driveway Waiver

Mr. Demers was not in attendance.

B. Fay, Spofford & Thorndike Contract Agreements

Mr. Furtado – These are engineering agreements for the wastewater pump stations, the pilot study and \$50,000 of our own money as well and continue with the I & I work. The Town Accountant and Town Counsel have already signed them.

- 1. Improvements to Wastewater Pumping Stations**
- 2. Pilot Study for Nitrogen Reduction**
- 3. Sewer System Selective Rehab Design & Construction – Phase 2**

Mr. Wotton motioned to approve the Fay, Spofford & Thorndike Agreements for The Improvements to Wastewater Pumping Stations in the amount of \$140,000.00, The Pilot Study for Nitrogen Reduction in

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the amount of \$54,500.00 and the Sewer System Selective Rehab Design and Construction in the amount of to \$80,000.00. Ms. Sturtevant seconded. Vote unanimous.

Mr. Hobson left the meeting at 7:15 p.m.

C. Kraft Power Service Agreement

Mr. Furtado – This is for the generator for the digester. We had some issues with the generator about a year ago. Some of the parts were out of warranty. We negotiated a contract with Kraft and it's a performance based contract. Guarantee we give them a service contract. If the generator is down they don't get paid. We need the generator on line to make electricity and digest the gas. We digest no matter what. Generator on line it's a flow process. It helps us with our disposal cost. If the generator is down the process gets muddled up. In order for us to flair off the gas there is a containment area and that has to get full and then the savings as not much.

Mr. Wotton – Is it the same contract?

Mr. Furtado –Yes.

Mr. Ristuccia – Were you here for that?

Mr. Freitas – No.

Mr. Wotton motioned to approve the service agreement with Kraft Power. Ms. Sturtevant seconded. Vote unanimous.

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

Superintendent's Report for July 6, 2015:

From last meeting:

- Recycle barrels delivered to Hastings Ball fields
- Prepped Town Beach for opening
- Extended recycling center hours – open all day (except for lunch break) during summer on Wednesdays

New Items:

- Wrote letter to DEP Commissioner re: cost of Nitrogen Model
- Work with GCG re: Francis Street billing

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- No parking signs on Cherrystone replaced after being removed
- Work with Tree Warden – we will store purchased trees at the landfill until they are ready for planting
- Meeting with FST concerning various sewer projects in the works
- Meeting with Lifeguards and Gate Attendants re: beach season and what's expected
- Attend Hurricane meeting at West island
- Meet on site with Mike Carter (GCG) and John C. re: Jeannette St drainage issue
- Meet with Tata and Howard re: various issues that the Town will have to comply with once the new water withdrawal permit is issued
- Letter to Comcast re: poor road cut in Alden Rd
- Contract for safety design at bike path and Sciticut Neck Road has been approved by Town Counsel and Chapter 90 and we are good to go
- Send inquiry to BETA – looking for sign inventory report that was conducted for the Town
- Met with folks from Town Crier concerning water invoice – they will appear in front of Board on July 6
- Pre construction meeting with Baystate – re construction at Tabor St pump station
- Highway crews to pour pad for Rec Center storage container
- Highway crews to bury time capsule in Benoit square
- Pre construction meeting for sewer slip lining work

Mr. Furtado – Last week there was an issue with double booking at one of the parks. There has been one group SouthCoast softball they play at night and we charge them for the lights. Warren is now aware about double booking on one of the nights. Neither one wanted to give up the field. Let Warren know. We got the list and I wasn't aware. Weddings at Fort Phoenix we approve it but check to make sure it's open. Kathy and I go back and forth with Warren and he missed it. Both groups were there. Not funny on that night. Both were entitled to the field. Danny wanted to bring this up.

Mr. Freitas – It was a little unnecessary. The gentlemen should have said let the youths play. The police had to come. They have far better things to do. They were there for 30-40 minutes. At one point there were three of them. Put up a list of who has the park for that evening before it becomes a problem that night. It left the police in a situation. There were quite a few people there. At the end of it the kids

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played later. I think we should have it posted for all to see. Police Chief does get this email. Police do not need to be called at night. We are involved because we are the Park Commissioners.

Mr. Wotton motioned to post the schedule at Cushman Park for who has the fields booked. Ms. Sturtevant seconded. Vote unanimous.

Mr. Freitas – I have nothing.

Ms. Sturtevant – I have nothing.

Mr. Wotton – As a Precinct 6 resident I want to talk about something a little off topic, West Island. Recommendation to put up stop signs on all intersecting streets on Causeway Road and Balsam and Alder. Yield or who has the right of way. With a lot more traffic down there with the beach so busy there are a lot of people on the Island. Working in the area multiple times I almost saw people get hit. The cars are flying thru the intersections and at Alder and Causeway from the Town Beach there is an electric box that is really obstructing the view. You really have to pull out 5-6 feet. The bike crossing at David Drown; process of what is proposed with SRPEDD? The crosswalk is completely faded and needs fresh coat of paint.

Ms. Sturtevant – We have a couple of streets on Scoticut Neck that go straight across Gilbert and Raymond. Pretty nasty accidents there.

Mr. Ristuccia – Causeway Road no parking on the road? Up by the store I noticed there is a truck that is parked there almost in front of the store. Almost a week and it hasn't moved. If it is put a note on the door. Contract for the safety design has been approved.

Mr. Furtado – Town Counsel had been looking it over the last couple of weeks. We got the go ahead from Town Counsel language. He said he would approve if you change the language. Now their survey crew can begin.

Mr. Ristuccia – Just paved Goulart Memorial where the trucks were parked on the side of Scoticut Neck, the truck parked on the west side and all ruts there now. Can you level this out? West side of the road 100' before you get to Goulart on Scoticut Neck. East side of the road down a little further the trailer that pulled the big machine. Spun around and made ruts, heading northerly.

VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on July 20, 2015 a 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

VIII. Adjourn

Mr. Wotton motioned to adjourn at 7:40 p.m. Ms. Sturtevant seconded. Vote unanimous.

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Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on July 20, 2015.