

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 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  
Lisa Presby, 63 Spring Street  
Douglas Cameron, Mass Division of Fish and Game  
Ross Kessler, Mass Division of Marine Fisheries  
Timothy Cox, Shellfish Warden  
G. Steven Riley, 6 Leeward Way  
David Hickox, 6 Causeway Road  
Dan Ristuccia, 191 Balsam Street  
Gary Lavallette, Beautification Committee  
Paula Silva, Beautification Committee



**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. August 24, 2015**

Mr. Wotton motioned to approve the minutes of the August 24, 2015 meeting. Mr. Freitas seconded. Vote unanimous.

**IV. Appointments**

**A. Lisa Presby, 63 Spring Street – Driveway Waiver for 2<sup>nd</sup> Opening**

Ms. Presby – I applied for a curb cut in front on Spring Street. I abut Pleasant Street. I bought the house in 1994. There is a curb cut on pleasant but we never developed it. If we did it would be in the middle of my backyard. I am asking for a waiver not to put the sidewalk back on Pleasant Street. We have three cars. This driveway would fit two cars. When there is church we will still park there and when we have things delivered and use that on occasion. I have put the car in the driveway when there are functions in the neighborhood when there is no parking. Sometimes there is a need and we open the gate and put a car in the yard. It's not developed. We have a problem with some of the trees. I've called Mr.

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Bowcock but he has not called back. One of the trees is in part of the sidewalk that is broken. I was already given permission but I am here for a waiver not to put the curb back. Several homes in the neighborhood have two cuts.

Mr. Ristuccia – You have a curb cut there?

Ms. Presby – On Pleasant Street.

Mr. Freitas– I actually drove by there today. I've got to be honest I parked right in front of it. If you look at the picture there is no curb cut. Some access to the back of the yard. I'm willing to grant the waiver.

Ms. Sturtevant – It's been like that forever. Would you want it to have it in wiring not use that driveway?

Mr. Wotton– I'm okay with it. Come back if she wants the other one.

Mr. Hobson – How big of a driveway cut you want?

Ms. Presby – Fourteen feet.

Ms. Tripp – She is allowed sixteen feet.

Mr. Ristuccia – If you want the other one come back in front of the Board.

Mr. Wotton motioned to allow 63 Spring Street a driveway opening up to sixteen feet and also to come to see us if they want to open up the Pleasant Street side in the future. Ms. Sturtevant seconded. Vote unanimous.

**B. Douglas Cameron & Ross Kessler, Division of Marine Fisheries  
Re: Causeway Road Fish Pier**

Mr. Cameron – I work with the office of Fish and Game and Ross Kessler is with the Division of Marine Fisheries. I don't know where you want to start. We had an information meeting about the fish pier off of Hoppy's Landing and the causeway. We entered into an agreement with the Board of Selectmen for the proposal of creating a fishing pier off of Hoppy's Landing. Initially it was going to be at Hoppy's and after some research the water depths and the shoreline configuration it was determined not a suitable site for numerous reasons. There are rocks and boulders. As we were looking at that site we observed people fishing off of the causeway and it seemed people fish there and it would be a reasonable place to put a fishing pier. The Board of Selectmen in July 2014 accepted that proposal and we were instructed to proceed. We are proposing two structures on the north and south to support those fishing piers on the corner of Hoppy's landing, seven singular and two handicap parking spaces. Some improvements and a handicap assessable ramp up to the sidewalk elevation utilizing the existing sidewalk. One of the requirements from the Architectural Access Board is you need to have it so two wheelchairs can pass. Bump out the sidewalk towards the seaward. Six foot requirement. Now it is 4½ feet wide. Crosswalk and signage. Part of the process I met with the Chief of Police and he had asked us to make some

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

improvements to the fencing where the cut is underneath to prevent people from jumping off. The purpose of the fishing pier is to provide fishing. They are constructed off the sidewalk surface. Keep fishing off the edge of the road and to keep people away from the edge of the road. Safer condition to fish out of that location.

Mr. Freitas – This is really out of the Board of Public Works jurisdiction. The selectmen decided for you to come to us. In or not in, look at it and it's something that we've discussed in past meetings, crosswalks. I don't know how the selectmen are going to vote. I'm going to go with its going to happen. Where he has the handicap ramp across the street at Hoppy's and the opposite end of the causeway down by the beach area, open up the sidewalk from 4 ½ to 6, bump out another foot and possibly incorporate some sort of guardrail in there. People are walking right off of this. As far as the pier I don't think we should have an opinion.

Mr. Ristuccia – First of all Hoppy's Landing is a park and recreation area. I disagree that we don't have any control there. That's the area used for parking and accessible ramp. Second thing that road in terms of the width it's not narrow. But what it has is that roads don't have concrete curb 7 or 8" high. It's a safety issue in my mind. Without talking about fishing piers, public safety that is existing on Earl's Marina to Almond Street. I at that point in my opinion it's the most dangerous half mile of road in the Town of Fairhaven. The public safety people put the machine out there. I sat there taking pictures on my cell phone. Rarely did they go less than 40. It's a 25 mph zone. Crosswalks, two accidents both fatal in the last year or so. I myself find an issue with the whole concept. Did the police say they were okay with it?

Mr. Cameron – No, not in writing. They wanted additional fencing.

Mr. Ristuccia – I've spoken with the folks down there and that they haven't made a decision yet. I in fact plan to give them copies of what I took. That machine it must have a recording of the speed. I also want to say in terms of safety a year ago that a car actually hit the curbing and catapulted on the side of the beach. So if the man was driving on the sidewalk even more what I'm saying. See the problems that exist. Swimming on the beaches on both sides. Blind spots. You'll never stop the kids from jumping off the bridge.

Mr. Kessler- I strongly question that. They won't be standing on that fish pier. I've always noticed people fishing and to what side.

Mr. Ristuccia – We are talking about the public safety of the residents of that area to accommodate the pier. Increase people, more dangerous, more cars. They won't want to pay the fee.

Mr. Kessler – We had meetings on June 23<sup>rd</sup> and July 7<sup>th</sup> of 2014.

Mr. Hobson – I'm the only guy here that has been to every meeting. This original plan was a good plan at Hoppy's. Three times it was all about Hoppy's. In between not at Hoppy's and decided on the causeway. That was a whole different issue. It's a danger to put it there. Another diving spot. No sidewalk on the north side of the causeway. They are going to put it where cars go by 40-50 mph. Kids running on both sides.

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Mr. Freitas – I just want to throw this out there. These gentlemen came to this meeting and are taking a beating. Keep in mind that if you've launched a boat these guys have built the ramp in Pease Park and Hoppy's. I have concerned with Causeway Road. We should be basing our decision on the road. The balls been thrown into our court. I was at your last meeting.

Mr. Wotton – A woman went off the side of the road in a mini-van.

Mr. Cox – It was a car dropping people off, four cars stopped and one car didn't stop.

Mr. Wotton – Thank you for what you do. My intention is for adequate parking and proper sidewalks. Otherwise it has nothing to do with me here. Safer for the Town if you do install them. Personally I don't like the idea for people for fishing recreation or commercial on a recreation island. Make sure if they do approve the docks and piers to make it safe for the town. That's what I need to see. If this does become a destination make it safe for those fifty people. I don't think it's wide enough for two trucks to pass at the same time. Me and Dan have asked for a survey to put stop signs on every intersecting road. Already a safety hazard. Anything I approve has to have more safety.

Mr. Cameron – I think you put it better than I've heard so far. Need to look at improvements to the safety of the road. We factor into those thoughts. We've all been out there. It's more of the drivers that have to make the change and not the fisherman. Thinking in that direction to make improvements whether we are they are not issues are not going away. Speed tables or things of that nature would help in the long run. Commercial or recreation surely recreation usage. No commercial fishing. People park and use for recreational fishing and that's it. Our experience fisherman, they don't draw additional people. I will say as a parent when they were little I was nervous about having my kids fish off of something like this.

Mr. Wotton – Do we have the plans for the structural for the bridge?

Mr. Furtado – It's going to happen.

Mr. Wotton – Could this be in the way?

Mr. Kessler – Since we had the selectmen's meeting a couple weeks ago, #1 was rumble strips to West Island to make driving more slowly. Never drove 29 miles per hour and I wasn't paying attention. I also looked into such thing as seasonal speed bumps. Rumble strips for plows would be fine. Regardless with what happens it's a no brainer.

Mr. Ristuccia – Those types of items we can't do. Police have to approve. Requesting stop signs for years, not months. We know it's unsafe.

Ms. Sturtevant – I am 100% for this as long as the safety is in control. I ride my bike down there two or three times week. Residents on West Island go the fastest. It's a tight squeeze on a bike. I think it's a nice idea. A lot of work. Sidewalks on both sides or one?

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Mr. Cameron – Existing is on the south side.

Mr. Ristuccia – Mr. Hickox, your brother, there were two 2 trucks came by on the side of the road and one jumped on the curbing, the mirror hit her shoulder and knocked her down on the rocks.

Mr. Riley – You’ve done a tremendous effort. No matter what the decision it's not going to make everybody happy. I disagree that you can't extend Hoppy's Landing. With the machine move boulders. Great ramp. To me that's the safest place. Depending on this is the causeway, the under piping is falling down. There will be a temporary bridge, not one lane. That's a major concern for this project to go forward. You need to look at that.

Mr. Hickox – I don't think anyone is against the fish pier. Wrong location. Regional destination. Build one of this size people will come. Decision based on safety. Once it's built you're stuck with it. Find a better location. Other at Hoppy's exploring a little more at Seaveiw or the Town Beach. Road is a most dangerous road. Lack of safety for people who travel that road every day. They stop on the causeway and unload. The other observation while I was paddle boating, 75% of the people look at the water.

Mr. Dan Ristuccia – I can only reiterate that I drive by there two or three times a day. I've done it for forty-five years and my eyes; I look at the weather, at the boats. I don't drive fast. There are other issues. Not realm of the BPW but I feel like I need to say them. Hurricanes; other people's structures sticking out of my property. Hurricane proof you're fishing pier but it is going to be in my building. Two meetings and a done deal? Anybody ask what the people think on West Island? Have a meeting at the Improvement Association.

Mr. Hobson – I think that until the selectmen can make a decision put it on hold and I want to apologize. I'm very against this. Not you personally. You do a good job at what you do.

Mr. Freitas – It was pushed onto us. I was there. Can you just make a decision and put it to us. I understand where you are coming from. July 2014 they already gave the approval to go ahead. My standpoint is to send something now at least this is what we want to see done parking cars on the causeway give them a ticket. Police should be down there.

Mr. Hickox – Your concerns are concerned with safety. Mine under the DPW is the maintenance of this structure. Day to day cleaning.

Mr. Freitas – That came before the Highway Superintendent and he already gave permission for that.

Mr. Wotton – We should motion to examine the traffic study based on the selectmen. Even then the safety features that go approved by the safety office. The only thing we can talk about are the sidewalks and parking lot. We can't decide. I don't think we can make a decision if this site is safe. We don't have the information to make a decision.

Mr. Ristuccia – I think the selectmen have it come to see what our thinking was. We are all concerned about the safety part of it and the residents they don't feel like they were part of the process. I would

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

tell the selectmen I'm concerned about the safety issues. Have the police do their due diligence. Selectmen have a meeting at the community center. Let the selectmen listen to the people.

Mr. Cameron –I've been to half dozen meetings. Three were posted with the Selectmen and the other three with the Marine Resources Committee people. People attended. Met with the police chief. We have gone thru this process.

Mr. Wotton motioned to table until the Board sees a traffic study and push another letter to the selectmen and ask for police. Mr. Ristuccia seconded.

Mr. Hobson motioned to send the selectmen a letter not to approve the location. Mr. Ristuccia seconded.

Mr. Freitas motioned that in fact if the Selectmen say yes that some signage be installed and a minimum parking to unload vehicles would be a \$250 fine. If fishing fine. Crosswalks and see some sort of a guardrail. Ms. Sturtevant seconded.

On the first motion: Mr. Wotton in favor and Mr. Ristuccia, Mr. Hobson, Ms. Sturtevant and Mr. Freitas against. Motion fails.

On the second motion: Mr. Hobson and Mr. Ristuccia in favor and Mr. Wotton, Ms. Sturtevant and Mr. Freitas against. Motion fails.

On the third motion: Mr. Freitas, Mr. Wotton and Ms. Sturtevant in favor. Mr. Ristuccia and Mr. Hobson against. Motion passes 3-2.

Mr. Cox – No matter if we build or even if they say no to the fishing pier, I would still like to come back and discuss the safety issue. Problem will still be there.

Mr. Furtado – I requested from the engineer that is doing a study on the Phoenix Bike Trail to look at West Island. In the works but someone is doing a study. All streets run north and south you can't put up stop signs in accordance with Mass standards. That study is in place. We are going to get a study form the engineering folks that are doing the bike trail for us. Once we get that we can forward to the police. When I gave this to them I dint' tell them to step on the gas.

Mr. Freitas motioned to take a break a recess at 7:15 p.m. Ms. Sturtevant seconded. Vote unanimous.

Mr. Wotton motioned to reconvene the open session at 7:20 p.m. Ms. Sturtevant seconded. Vote unanimous.

**C. Gary Lavalette, Paula Silva - Beautification Committee  
Re: Armed Services Memorial & Cooke Memorial**

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Mr. Lavalette – Paula Silva and I are both here to speak about memorial benches and a series of areas for choices. Grimshaw property that falls under the Council on Aging, they would love one. Leonard Park, Civil War, Cooke Memorial, Livesey and Cushman Park. Propose something during the winter months and map out these areas. Pick out areas where benches would mostly fit the best. If you like some bench, pick from a list. Right now it's helter skelter. I was surprised and took a chance with the Council on Aging. It's a flood prone area up by the Fort. There are more town properties I didn't know about such as the Civil War Park down by the water. I would just ask if we could go ahead and put a plan together. You make the decision.

Mr. Hobson – It would be beneficial to Vinnie. People want to know where they could put them.

Mr. Furtado – We put a moratorium at the Fort.

Mr. Lavalette – The other thing we'd like to make is a master plan for Cooke Park. It's fallen thru the wayside. Bench off centered. Peace pole in a different spot. Vandalism. Garden grant from the BPW to put in some years ago for drainage never cultivated. No place to sit. Go thru the Colonial Club. That's kind of it. Would you have an objection for a couple a chairs at the Veterans' Park? Put a plan together of the memorial for the veterans for that location. Big push for the armed services wall looking like it should have. We want to expand at that park. We think we can improve on that.

Ms. Silvia – I happy to do the design but I won't do any of that if there is no plan for maintenance. I contacted the High School's National Honor Society for their help. It's right across the street.

Mr. Freitas - They do an excellent job and I saw that what you guys did over there.

Mr. Wotton motioned to have the Beautification Committee come up with a plan to install benches in the parks in Fairhaven. Mr. Freitas seconded. Vote unanimous.

**V. Items for Action**

**A. Chapter 90 Requests**

**1. Alden Road – Howland Road to Haste Street - \$258,911.25**

Mr. Furtado – This is for the roadway resurface and cold planning. We waited until Nstar finished. They have completed their work but we probably won't be doing this until next spring. Plan for next year.

Mr. Wotton motioned to approve the Chapter 90 request to resurface Alden Road from Howland Road to Haste Street in the amount of \$258,911.25. Ms. Sturtevant seconded. Vote unanimous.

**2. Green Street – Washington to South Street - \$737,505.00**

Mr. Wotton motioned to approve the Chapter 90 request to reconstruct Green Street from Washington Street to South Street in the amount of \$737,505.00. Ms. Sturtevant seconded. Vote unanimous.

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Mr. Furtado – We are going to do all of Green Street from Washington to the Fort but money wise this will be the first phase.

**B. Pavao Construction – Francis Street**

**1. Payment Application #6 - \$14,515.59**

Mr. Furtado – That will be paid from the Chapter 90 account.

Mr. Wotton motioned to approve payment to Pavao Construction in the amount of \$14,515.59. Mr. Freitas seconded. Vote unanimous.

**2. Change Order #2 – (\$1,829.93) and Time Extension**

Mr. Wotton motioned to approve Change Order #2 for a credit of \$1,829.93 and time extension to Pavao Construction. Vote unanimous.

**C. Tata & Howard Engineering Agreement – Water Rate Study - \$6,500.00**

Mr. Furtado – Tata and Howard was here a month ago and we discussed different ideas for the water rates. This is the engineer agreement not to exceed \$6500 to come up with a plan.

Ms. Sturtevant motioned to approve the engineering agreement with Tata & Howard not to exceed \$6,500.00 for the water rate study. Mr. Wotton seconded. Vote unanimous.

**D. Town Administrator's Position**

Mr. Furtado – This is the actual act which describes the position. A month and a half ago I went to a department head meeting about getting the ball rolling with the town administrator. The man asked how many have read the act. I told him I because I have a vested interest. Who do we answer to? He asked everybody and I asked to get the most recent copy. I received it the next day and read it. If you look at page 2 and all the way down to the bottom, section 2, letter (e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen including: .....highway, water, sewer, tree and park. I posed the question there was a vote in April to keep the BPW. Did I get an old copy? It hasn't been changed. We need to somehow either petition the selectmen to amend this language. The only way is we have to go to Town meeting. It's not right.

Mr. Freitas – I actually was on the MMA site and I saw that they put in for the town administrator. The town administrator will be bargaining for all new non school contracts. We do have a problem and somebody has to answer for this.

Mr. Furtado – If you want to pick through it or I can send something to the Selectmen. Please sponsor an article for the next town meeting.



**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Mr. Wotton motioned to send a letter to the selectmen to clarify the new town administrator's duties regarding the Board of Public Works. Ms. Sturtevant seconded. Vote unanimous.

**E. 18 Briercliffe Road – Sewer Betterment Deferral**

Mr. Furtado – This tax deferral to defer the sewer betterment.

Ms. Tripp – You approved this last year for one year because you weren't sure if it had to be done every year. You do not have to approve every year. As long as they qualify for the real estate tax deferral they qualify for the betterment deferral.

Mr. Wotton motioned to approve the betterment deferral for 18 Briercliffe Road. Mr. Freitas seconded. Vote 4-0 in favor with Ms. Sturtevant abstaining because she is her neighbor.

**F. 17 Turner Avenue – Meter Test Results**

Mr. Furtado – She came before us and you took a vote at the time not to give her any abatement until the meter was tested. Possibly the sewer not the water. We tested the meter and it was 99% accurate. Not a fault of the meter. That being said you could abate a portion of the sewer.

Ms. Tripp – You can't abate anything yet. She did not bring you any type of proof that she had a leak such as a plumber's bill or pictures of a broken pipe in the wall. We get audited every year for different things and if the auditor asks what you based your abatement on, you can't base it on what they say. You have to have proof.

Mr. Wotton motioned to table the request for abatement for 17 Turner Avenue until such time a bill is submitted for the repairs. Ms. Sturtevant seconded. Vote unanimous.

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

Mr. Wotton – I have nothing.

Mr. Hobson – How's the North Fairhaven project going?

Mr. Furtado – They are supposed to start excavating tomorrow. They will be back in Town the middle of next week. A lot of bypass. They are supposed to be done by October 2. Fifteen days from last week. This week's detours Mr. Café, their parking lot is open. Nobody is blocked. The detours have been changed.

Mr. Hobson – The other issue is on Church Street near Fort Street. There is sidewalk there that's all bumpy. New house. It's a tar sidewalk with lumps. Also in front of Euro and Elizabeth's the sidewalk is all up and down.

Ms. Sturtevant – How did they make out with the water issue at McGann Terrace?

**Town of Fairhaven  
Board of Public Works Meeting  
September 14, 2015**

Ms. Tripp – Becky spoke with the maintenance people about it. I don't know if we flushed or not.

Mr. Freitas – Nothing.

Mr. Ristuccia – The dog park people. Have they made a decision? There are two possible locations.

Mr. Furtado – We staked both properties out and I'm not sure if they are meeting today or tomorrow. I went out there with one of the co-chairs, Macomber and Long Road. Site north of the pond is a buffer for Con Comm,  $\frac{3}{4}$  of an acre. We gave to  $\frac{2}{3}$  or that. 20,000 square feet at the site at Macomber. Footprint is slightly smaller. I took pictures and emailed to the co-chairs.

Mr. Freitas – if they do decide on Macomber send something to the neighbors.

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

Mr. Wotton motioned to hold the next meeting on September 28, 2015 at 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

**VIII. Adjourn**

Mr. Wotton motioned to adjourn the open session at 8:05 and enter into executive session to discuss personnel matters and not to reconvene in open session. Ms. Sturtevant seconded. Vote unanimous.

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

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on September 28, 2015.