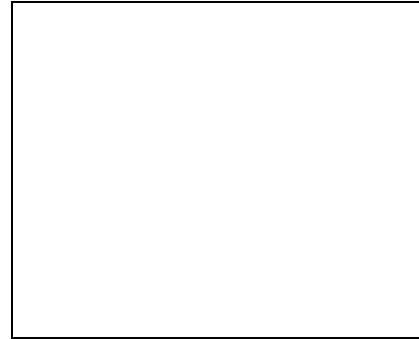


**Town of Fairhaven  
Board of Public Works Meeting  
May 9, 2016**

**Present**

Michael Ristuccia, Commissioner  
Robert Hobson, Commissioner  
Kathleen Sturtevant, Commissioner  
Jarrod Lussier, Commissioner  
Vincent Furtado, BPW Superintendent  
Kathy Tripp, Administrative Assistant  
Daniel Pounds, Akin Street  
Ed Cabral, Jeffrey Canastra - Our Lady of Angels  
Krisanne Sheedy, Jean Rousseau, Gregory Tutcik,  
Thomas Arsenault, Anne Silveira – Housing Authority  
Steven Marujo, 35 Highland Avenue  
Donald Spooner, Resident



Mr. Wotton was not in attendance.

**I. Call to Order**

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

**II. Reorganization of Board Members**

**A. Chairman**

Mr. Hobson motioned to nominate Mr. Ristuccia as Chairman. Ms. Sturtevant seconded. Vote unanimous.

**B. Vice-Chairman**

Mr. Ristuccia motioned to nominate Mr. Hobson as Vice-Chairman. Mr. Lussier seconded. Vote 3-1 in favor with Ms. Sturtevant opposed.

**C. Clerk**

Mr. Ristuccia motioned to nominate Ms. Sturtevant as clerk. Mr. Hobson seconded. Vote unanimous.

Mr. Ristuccia motioned to nominate Mr. Wotton in Ms. Sturtevant's absence. Mr. Hobson seconded. Vote unanimous.

**III. Routine Matters**

**A. Signing of Departmental Bills**

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**IV. Approval of Minutes**

**A. April 25, 2016**

Mr. Hobson motioned to approve the minutes of April 25, 2016. Mr. Ristuccia seconded. Vote 2-0 in favor.

**V. Appointments**

**Daniel Pounds – Re: Stone Street Sewer**

Mr. Pounds – I have a couple of questions. I'm waiting for information from the inspector general. They haven't got back to me. Second, is I don't know if you are aware of the laws? Signature on an instrument which is the permit. I brought the pipeline information for Akin Street.

Mr. Furtado – Last time you were here I told you that I would write a letter to explain what happened and how he said he had permission and he never did. Anything else to help that's what we are here for.

Mr. Pounds – This is the last time I will come here.

Mr. Furtado – If you need me to appear, I will.

Mr. Pounds – What is the name of the girl from RJ Canessa. I also wanted to know the information about their bonding.

Mr. Furtado – I didn't know you wanted that.

Ms. Tripp – Her name is Karen.

Mr. Pounds – This is the last time I will be here unless something develops.

Mr. Hobson – We paid town counsel to be here. You should have stayed. You can watch it on the film.

Mr. Furtado – One of the reasons he was here was that I thought it would help you folks out. The question would be posed what do we do now and he gave them some good advice.

Mr. Hobson – Try to bring up the film to look at it.

Mr. Pounds – I thought my time was up.

Mr. Ristuccia – You left early so you don't know what happened.

**Ed Cabral, Jeffrey Canastra; Our Lady of Angels – Re: Sidewalk**

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Mr. Cabral – There is an area of concern with work that was done. There is an issue with the sewer drain cover. Very wobbly. Lift sleeve so we can hook up into the drain. Replace the cobblestones that were taken out when they had to replace the shut off valves. It's kind of a mess.

Mr. Ristuccia – You have to pump it constantly. It's a muddy mess. Tie the pump with the water into the street drain and take where the mud is, grade it and put cobblestones in there for good drainage.

Mr. Cabral – We want to replace what was there. Fifteen to twenty cobblestones and the asphalt is cracking. It was never replaced. There was a tree there. We'd like to get the grass back. The Town put those cobblestones in about forty years ago to help with the drainage. It's a wet property. There is an area that is beveled. They took a tree down a number of years ago. If we can't get the cobblestones, can we get manpower to make an improvement?

Mr. Ristuccia – You want the cobblestones back?

Mr. Cabral – We need a sleeve and manpower to reset the cobblestones or curbing.

Mr. Hobson – Have the superintendent of highways go by.

Mr. Furtado – I mentioned it to him.

Ms. Sturtevant – I think it should be rectified. We should do it.

Mr. Lussier – I agree. Especially where the feast grounds are used. Its hazardous walking normally and the bus stops traveled. It definitely should be done.

Mr. Ristuccia – I think that we should send our crew there. This area is used a lot for the feast parade and it should be safe for the residents. Clean and good. Good idea to send the highway there to repair the cobblestones. Same time fix the manhole cover. We'll tie it in.

Mr. Cabral – There is backfilled coal ash, you can't grow grass. It needs dirt and seed.

Mr. Hobson motioned assist tying into the pipe and fix the cobblestones or whatever Mr. Charbonneau and Vinnie agree on and loam and seed at Our Lady of Angels. Ms. Sturtevant seconded. Vote unanimous.

**Krisanne Sheedy, Jean Rousseau, Gregory Tutcik, Thomas Arsenault, Anne Silveira;  
Fairhaven Housing Authority – Re: Abatement**

Ms. Sheedy – We are here to request an abatement due to the excessive costs for a water leak at Oxford Terrace. The water went into the ground. We are asking if we could get an abatement for the February bill for the sewer. The other thing we are here to discuss and thank the board for the adjustment that is being done for the tiered system for July. We are happy to hear some consideration to our issues. We are all aware of why we had concerns about the tiered water rates.

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Mr. Ristuccia – Just to bring Mr. Lussier up to speed, they have buildings with multi units and one meter. The tiered system, the more you use the higher the rates. They achieve the highest tier early on. If they had meters for every place their bill would be less.

Ms. Sheedy – We have the meters at each location. To have that meter be distributed by the amounts of the number of units in that building we would be in the first tier of rates. Our units are all one bedroom units. We have a lot of concerns and issues. We have low flow toilets, no car washing, very astute conservation measures. We are regulated by the Department of Housing to saving dollars and we still pay an exorbitant amount for water. Still trying to have talks with your consultant?

Mr. Ristuccia – We met at the last meeting.

Mr. Furtado – We met with them on April 11<sup>th</sup>.

Mr. Ristuccia – First let's talk about the abatement. How many meters?

Ms. Sheedy – One meter.

Mr. Ristuccia – Since quarterly, you've been consistently using 40,000 and 65,000 each quarter. So I think as a board what we require is that an invoice or letter from a plumber or heating person that there was a leak. Going into the ground and this is what we did to fix it.

Mr. Furtado – Any abatement gets audited. The Town goes thru an audit this way so if someone didn't give there cousin an abatement.

Mr. Ristuccia - I know that this young man at the end has knowledge of hot water heating systems.

Ms. Sheedy – Under the slab there were pinhole leaks. We have since abandoned that system and put in heat pumps.

Mr. Lussier – Hydrant heat boiler closed loop system. If there is a busted pipe it keeps flowing.

Mr. Ristuccia – Can you get those documents? The usage that you had is consistent with the usage you've had in the past, 41,500 cubic feet.

Mr. Furtado – Looking at this there isn't really a red flag. Typically historical values the last number of times. I'm not saying the abatement isn't justified. There is certainly nothing that pops out.

Mr. Rousseau – There are two boilers in that facility; gas fired under the slab. There were breaches in the pipe, twenty-three. Because of this problem we have abandoned this system. \$1 million while that system was in place. We have meters on these boilers and that is how we know we had a leak. Usually a tenant will call and tell us its 90 degrees and the heat is off. Excavate and fix the breach.

Mr. Ristuccia – If you just abandoned the boilers then the next bill should have no water loss from the boilers. Go down considerably how much water you use.

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Ms. Tripp – The next billing period is July 1<sup>st</sup> and I'm not sure if you can abate a bill from the previous fiscal year.

Mr. Hobson – We need a new system and bill every month. One guy I know got a \$9,000 bill for a rental house. He had a leak and didn't know it. Bill every three months we can keep an eye on it.

Ms. Sheedy – They have done that for us.

Mr. Ristuccia – Is that acceptable to the first of July?

Mr. Furtado – The Town used to have a flat rate. Now it's the tier structure. The town was applying for a water withdrawal permit. As part of that application DEP was asking nicely for folks to institute the tier structure for conservation. Three different levels for cubic feet; up to 2250 is one rate, 2250 to 4500 another rate and 4500 plus another rate. These folks here have 41,500 cubic feet and have one meter. They were getting slammed. Even with their best conservation they will always be in the third tier. We had a study done and took into account one meter and x number of units tied into that meter. What came out of that rate one month ago starting July 1<sup>st</sup>, one meter with ten units or more will not subject to the third tier. Part of the investigation was that a normal bill under the old structure and the flat rate. It was a \$3,000 hike. New two tiers for properties will be a \$1,000 hike. Figure that would be more in line with that much water use. There was a lot of thought that went into that. We have an operating budget. Give them a break we are going to be collecting less money. We still have to get that money from the other properties too.

Mr. Rousseau – The tier water rates system DEP according to a letter sent to all the property owners.

Mr. Furtado – They suggested it.

Mr. Rousseau - The problem is because we have a single meter multi unit facility we hit that second tier in seven days. Tier two is a much higher rate than tier one.

Mr. Ristuccia – This is a catch 22 and I'm not being the bearer of the news. Where we sit and citizens I feel it's good for me to share. Your usage was 41,500. Some billed at \$1.90 and the rest at tier two and three. However you have one meter. Now to make your argument have a meter in every place you would pay at tier one. Meter in every place there would be a meter charge in every place. Your bill on 41,500 cubic feet is \$3,214. Based on tier one only with the same usage with 107 meters the bill would be \$6,088.

Mr. Rousseau – Sub meters charge the \$55 fee?

Mr. Ristuccia – This is an enterprise which means we can't make money. Change your bill you going to double. You will pay more money. So far what we have done instead of billing you every six months we are billing you every three months.

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Mr. Furtado – I don't find it unfair. We are responsible for 6,700 properties. This is going into an operating budget. Maybe before unfair. Not fair to treat the other people unfairly. I'm sorry that they have one meter.

Ms. Sturtevant – We are beating this thing to death. It is what it is.

Mr. Lussier – I think it was said earlier, a lot of thought went into the tier system design.

Mr. Ristuccia - See what happens with the next bill. What's now is fair and right. Tier three is wrong. We made a change with you in mind, \$1.90 but there would be a \$50 charge. Go back to the old rate \$3.90 2 or 3 years ago. Almost the same you are paying right now. It is what it is.

**Steven Marujo, 35 Highland Avenue – Re: Driveway Violation**

Mr. Marujo – I put in a driveway. I did not get a permit. I thought we had the right of way. I did most of the work. My neighbor leveled it and he poured the concrete. I understand if you want me to rip it up or pay a fine.

Mr. Ristuccia – We have this system in place. Sometimes people realize they don't need a permit.

Mr. Marujo – I got one afterwards. I do have a question. I want to put up a wall and till the sidewalk area and put in some loam. Obviously I came in and asked what I need to get. Till the sidewalk put in loam and cobblestones and they said I can't do that. I have to get a contractor. I don't understand why.

Mr. Ristuccia – It's the towns' property. We have folks bonded with the town. If they walk on the sidewalk and it's not done right and someone trips we are covered. If somebody does that and doesn't do it the way it should be then it's an issue. We have to draw that line hard and fast in the sand.

Mr. Marujo – You tell me what you want.

Mr. Lussier – There could be underground utilities as well.

Ms. Sturtevant – It has to be done correctly. That's why this in place. Contractor has to be approved by the BPW so we don't run into these problems.

Mr. Marujo – I do understand.

Mr. Ristuccia – Did you happen to go by? I have no problem with what you have but there was no permit.

Ms. Sturtevant – It's gorgeous.

Mr. Hobson – I'm all set. Violation small fine. He has to pay the fine.

Mr. Lussier – I didn't see the property but I would agree he needed to pull the permit.

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Mr. Ristuccia – The fine is \$300. Are you aware of that?

Mr. Lussier – I admire the ownership.

Mr. Ristuccia – I wish I could reduce it and not put it but we would have to do it for everybody.

Ms. Sturtevant motioned to charge 35 Highland Avenue the \$300 violation fee for the driveway installed with no permit and unapproved contractor. Mr. Lussier seconded. Vote unanimous.

**Donald Spooner – Re: Scoticut Neck Road Flooding**

Mr. Spooner – I'd like to start with the possibility of the ocean waters rising in the area from Bonney Street. Start engineering now for the future because that is a low area and if the ocean water is rising that area could be under water. There is no way to control it that by the year 2025 we'll have risen 20 inches.

Mr. Ristuccia – Your position is that it will be under water?

Mr. Spooner – That goes under water then people will be stranded.

Mr. Furtado – I know that the town was part of a study three to four years ago and it did show the sea levels and raising all the pump stations and how that would affect them. The premise would be to eventually get a grant to put the pump stations on stilts and be weather protected. What he is saying is true.

Mr. Spooner – Follow up to start now at the pump stations on the survey the inspection that we start putting the foundation at least 4' up this way here if we don't then we would have said oh we should have done it. Start it now cost per pump station cost \$10,000. Well by that time it will be \$100,000 to do that same foundation.

Mr. Ristuccia – Have you done any water markings? Something not going to move such as a telephone pole and mark at so many feet above sea level and go see where that is.

Mr. Spooner – UMass Dartmouth students let them come in and do design work with the information given by the department.

Mr. Ristuccia – I'm going to ask UMass to do it at six months and twelve months.

Mr. Furtado – The town participated in a study with the City of New Bedford. They sort of superimposed what the pump stations look like now and when the sea rises and what we would need to make sure the pump stations could pump. Also we could pursue there are always grants available.

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**F. Interview for HMEO – Highway Department**

Mr. Ristuccia motioned to table the interview to the next meeting. Ms. Sturtevant seconded. Vote unanimous.

Mr. Furtado – We interviewed him but he couldn't make it tonight.

**VI. Items for Action**

**A. Tata & Howard – Engineering Services for Tinkham Lane Well Improvements**

Mr. Furtado –This is the engineering agreement paid by an appropriation from a past town meeting. The Tinkham well is the biggest well the town gets their water from. We've been getting sand there. Paid somebody to clean it out and we ended up with sand again. This engineering agreement is to begin the process of doing so. It's in the amount of \$45,000. We sent it to Tom Crotty.

Ms. Sturtevant motioned to approve \$45,000 engineering agreement with Tata and Howard for the Tinkham Lane Well Improvements. Mr. Lussier seconded. Vote unanimous.

**B. Seasonal Help**

Mr. Furtado – Years past we get applications for summer help. Superintendent's looked at the applications and made their suggestions. Look for the Board to hire two in the water, three in park and one in sewer. The person at the end he you could hire him as well. He can start as soon as possible.

Mr. Hobson – We usually take the superintendents recommendations and what they want and I'm okay with it.

Mr. Hobson motioned to hire the recommendations of John, Linda and Luke. Ms. Sturtevant seconded. Vote unanimous.

**C. West Island Beach Fees**

Mr. Furtado – In your packet it shows the beach receipts from 2015. Kathy tallied the pages that follow for our operating expenses, salary and for the beach trailer. So the premise of that is to look and see receipts and what's expended. I don't get a vote but I don't see any reason to raise it.

Ms. Sturtevant motioned to keep the West Island Beach fees the same for 2016. Mr. Lussier seconded. Vote unanimous.

**D. GCG Associates – Engineering Services for Green Street Construction - \$39,910.00**

Mr. Furtado – We are going to be doing a section of Green Street from Washington Street to South Street. Eventually it will go to Old Fort Road. The first phase total reconstruction. We had a neighborhood meeting to get them involved. This agreement is because the town doesn't have an



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engineering department so the highway department uses GCG help out with the bidding. The amount is \$39,910. I will be paid from State aid to Highways.

Mr. Hobson motioned to approve the engineering agreement with GCG Associates in the amount of \$39,910 for the Green Street construction. Ms. Sturtevant seconded. Vote unanimous.

**E. Sewer Reserve Fund Transfer**

Mr. Hobson motioned to approve the \$25,000 Sewer Reserve Fund transfer for the cleanup of the digester and transportation. Mr. Ristuccia seconded. Vote unanimous.

**F. Town of Rochester Firefighter's Association – Request to use River Road Pump Station**

Ms. Sturtevant motioned to allow the Town of Rochester Firefighter's Association to use the River Road Pump Station for their annual canoe race. Mr. Lussier seconded. Vote unanimous.

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

Superintendent's Report for May 9, 2016:

From last meeting

- Drafted letter to Stone Street residents
- Picked up "clean-up" debris from quarter mile

New items

- No bids received for digester cleaning – TA and Town Counsel will allow work to be completed via time and materials
- Highway Department will work again this Saturday to catch up – worked last two
- Review BPW Rules that were updated by Kathy
- Received estimate to repair structural damage to Causeway Bridge
- Lots of meetings with TA concerning preparation for Articles at Town Meeting
- Suspend employee for no call/no show
- Meet with Stormwater Consultant re: update (design grant)
- Incident with Highway temp help – had to let him go
- Attended BBAC Meeting – reviewed Stormwater (sample collection and mapping) grant
- Conduct 2 HMEO interviews for Highway vacancy

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- Attend TA Dept Head Meeting – final touches to Town Meeting
- Attend Selectmen meeting
- Attend Eversource Annual Emergency Preparedness Meeting
- Attend Precinct Meeting – answer BPW Article questions
- Attend DEP inspection of West Island Treatment Facility – inspection went well – new operator and sewer managerial staff doing good job there
- Go through summer help applications
- Attend Mass Water Works water withdrawal permit update in Plymouth

Mr. Furtado – Recap worth noting. Town meeting this past Saturday it went very well. We got everything that we asked for. Roads approved. The digester money, borrowing which is why we instituted the sewer capital fee.

Mr. Hobson – Complaint on Wilbur’s Point last house on the left. The road drops off. Go over the causeway where the resident beach is, it drops down about 5-6 inches. Two different spots. Need some stone dust.

Ms. Sturtevant - Ocean Meadows; they want to know if they could get some recycle barrels for individuals.

Ms. Tripp – You have to contact the Board of Health.

Ms. Sturtevant – There is a pothole at Route 6 right in their opening. It’s a good size pothole.

Mr. Furtado – I’ll contact the State.

Ms. Sturtevant – I just wanted to welcome Jarrod and congratulate him as the new BPW member.

Mr. Lussier – The one concern I have where I live on Glenhaven. It’s a raceway for cars and motorists. Steady decline from Alden Road to the dip at the hockey rink to Main Street. There are no sidewalks, no crosswalks or stop signs. That could easily be a buffer. It’s a growing concern. It increases because of Pop Warner. Cars on both sides of the road.

Mr. Furtado – If I remember correctly Jared submitted a letter. Protocol is the BPW can put up a sign but we can’t put it up until the police give their blessing. I requested that to the safety officer. They said there was no basis for judgment. On West Island when you approach Causeway Road, some don’t have stop signs. Summer time pass right thru. We have to have a study done using Chapter 90 funds. I didn’t want to do it until summer.

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Mr. Ristuccia – Guardrails?

Mr. Furtado – We requested it from Bill Straus’s office.

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

Mr. Hobson motioned to hold the next meeting on May 23, 2016 at 6:00 p.m. Mr. Ristuccia seconded.  
Vote unanimous.

**IX. Adjourn**

Mr. Ristuccia motioned to adjourn at 8:05 p.m. Ms. Sturtevant seconded. Vote unanimous

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on May 23, 2016.