

**Town of Fairhaven
Board of Public Works Meeting
June 6, 2016**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Brian Wotton, Commissioner
Jarrod Lussier, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Daniel Pounds
Chris Medeiros, Meadow Lane
Jose Rebello, Meadow Lane
Michael Bettencourt, 52 Gellette Road
Antone Medeiros, Jr. Contractor
David dosSantos, Postmaster



Mr. Ristuccia arrived at 6:37 p.m.
Ms. Sturtevant was not in attendance.

I. Call to Order

Mr. Hobson called the meeting to order at 6:04 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. May 23, 2016

Mr. Wotton motioned to approve the minutes of the May 23, 2016 meeting. Mr. Lussier seconded.
Vote unanimous.

B. May 23, 2016 – Executive Session (a)

Mr. Wotton motioned to approve the minutes of the May 23, 2016 Executive Session (a). Mr. Lussier seconded. Vote unanimous.

IV. Appointments

A. Daniel Pounds – Re: Stone Street Sewer

Mr. Pounds – First question for this permit, were there any meetings on the sewer pipe on Stone Street.

Mr. Furtado – I'll get it.

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Mr. Wotton – There are no minutes since it never came before the Board.

Mr. Hobson – Only when you showed up.

Mr. Furtado – If there is anything before I'll look.

Mr. Pounds – Kevin Medeiros and Tony Souza bought the real estate. Kevin Medeiros said he told RJ Canessa he could tie in by an adverse connection. Did Tom Crotty call you? I talked to him Friday. We don't want to sue. I have three properties with zero income. A single family that's dead because they wouldn't let me connect to my sewer. Town of Fairhaven requires signatures. I had to do it twice.

Mr. Furtado – Stone Street x number of years ago put in a private sewer. Because the sewer is private the Town doesn't own it. A new person came to buy 73 Akin Street and wanted to tie in. I met with him and told him in order to do that you have to get permission. We don't have the authority to allow someone to tie into a private sewer; all we can approve is a plan and subsequent construction so we can look at the design. Oversee construction of the pipe was installed per the plan. They have to come into an agreement collectively.

Mr. Wotton – This department said the plan was approved.

Mr. Furtado – The guy was in front of us and we told him you have to get permission to tie into the sewer. He said he didn't have to as nothing was recorded at the Registry. I got Town Counsel involved. Kathy had a form made up awhile ago and we put on the form whether the sewer or water line was private or public. So we made it crystal clear. Unfortunately even though the owner knew he had to obtain permission, he tied in anyway as he said that the sewer owners couldn't agree amongst themselves what to charge him. We can't allow or disallow the tie-in as we don't own the sewer. The guy didn't get permission and he tied in.

Mr. Lussier – Did he have a plumber?

Mr. Pounds – Yes, I think his name was Carvalho for the first 10 feet. That pipe is not designed for his flow. How does he think position of something overrides capacity? We all chipped in. Robby Roderiques put it down the lane. Audrey, back in 1999 she bought that piece of property. Tom Alferes, her brother, coordinated that pipe up Stone Street. That's where everyone got involved. I never even got to connect to my pipe. Kevin Medeiros said I don't own the pipe. He did a title search. I don't have to register a deed for ownership. I called Senator Montigny's office and she said she was going to poke around. I called Representative Straus and the Board of Overseers. He called me today because he researched it. I have to sue A & I Properties and Rockwood to level charges against Kevin Medeiros. I don't want to go thru this. I don't want to be in a legal battle. I told Kevin Medeiros about two weeks ago. Tom Crotty said to meet with him. I called him up and he hung up on me. You're going to have Vinnie Furtado get fired and he said I don't care.

Mr. Furtado – After the person tied in without permission I invited Tom Crotty in to a meeting. He gave them legal advice. Those folks pursue that I'm not certain.

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Mr. Pounds – Me, Audrey and the McNeil’s are going to go and Machado.

Mr. Wotton – We didn’t give him permission.

Mr. Furtado – The homes you tied into your street.

Mr. Pounds– I came here and met with Bob Carey. Everything was ready to go and he said we don’t allow spaghetti lines. You have to have gravity fed. I went to Bill Fitzgerald and got the demo permit. On no you can’t do that, you have to go down Akin Street.

Mr. Furtado – I’ll get you a letter.

B. Chris Medeiros, Jose Rebello – Re: Meadow Lane Gate

Mr. Medeiros – I’ve been back and forth with this with Kathy and dug into a lot of different things. I understand from the deeds the Town owns the property on both sides but the Town does not want to maintain the bridge. We fix the road and plow. We take care of everything. People are parking in the middle of the road and we can’t get thru.

Mr. Rebello – Everything else is protected.

Mr. Medeiros – We are proposing a gate in front of the bridge. It’s not to keep out Police, Fire and the BPW. That’s not my plan. Whoever needs access to get down there.

Mr. Hobson – Gate with a lock.

Ms. Tripp – I spoke with the Fire Department and they want you to purchase and install one of their lock boxes.

Mr. Rebello - We try to call the cops. They won’t have them towed; they say hey you have to move. It’s a parade down my driveway over my grass. Sometimes I can’t get home.

Mr. Hobson – Are there signs?

Mr. Medeiros – Yes.

Mr. Furtado – In preparation of the meeting I was trying to find out who is authorized, the town or private. More private than not.

Mr. Wotton motioned to allow the gate based on approval of police and fire we get a key or code to cut grass and do samples. Mr. Lussier seconded. Vote unanimous.

**C. Michael Bettencourt, 52 Gелlette Road – Re: Driveway Violation
Antone Medeiros, Jr., A. Medeiros Contractor**

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Michael Ristuccia arrived at 6:37 p.m.

Mr. Medeiros – I was on vacation so there was some miscommunication. This permit is for the main driveway and the second driveway. He dug it out and put stone in. He didn't know that.

Mr. Bettencourt– Peter DeTerra tied me into the sewer and it was wet. No curbs, my mistake. I put in bluestone.

Mr. Wotton – Now you want to pave it?

Mr. Medeiros – Yes.

Mr. Wotton – Is it the same material for the other driveway?

Mr. Ristuccia – Wasn't one of the driveways put in without a permit?

Mr. Hobson – Unapproved contractor for the first one. Permission for the other one and you are out of here. Everybody here has to pay the fine.

Mr. Bettencourt – That's fine.

Mr. Ristuccia – I will say to you I wish I didn't have to do it. Alert people for driveways. You don't know but if we charge somebody else we have to charge you.

Mr. Ristuccia motioned to charge the \$100 for no permit for the driveway and allow to finish both driveways with an 8' apron. Mr. Wotton seconded. Vote unanimous.

D. David dosSantos, Postmaster – Re: Water & Sewer Abatement 4 Pequod Road

Mr. Wotton – I just want you to know that I do have a personal relationship with him and his family. I have no problem stepping out of the room.

Mr. dosSantos – I have been the postmaster for a couple of years. Thank you for hearing me out. I'm really not educated on how the water system works. We here in Fairhaven are billed every six months. New Bedford reads every month and Dartmouth every three months. It alerts the folks more with water. No disputing the usage. Becky called to tell me there was water leakage somewhere. That's when it was brought to my attention. Process is to call a plumber and have it fixed but there is a government process. It's not an excuse but I appeal to you our bill went up 384%. I'm asking somehow to mitigate that to some extent. That's an awful lot of water.

Mr. Ristuccia – The way that you get alerted is when our employee goes out and reads the meter. The read comes in and the employees do their job. Usually if the read is x and now it's four times higher we give you a courtesy call that there is something working with our water system. That's how we know. We don't know until almost you know. Also say that the water is an enterprise fund which means we don't make a profit. The fee for water and sewer equal our cost for operation. So there are certain

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guidelines laws in place where the state law that says things you can and can't do. Have a water line break outside your home water is being used past the meter. Can't say you can't pay. It went through the meter. If we don't charge you everybody else rates to go up a little bit, unfair to the rest of the users. That being said if it went down the toilet it's going into the sewer system. Fresh water, maybe something can be done there.

Mr. Wotton– I have a couple thoughts on it. 21,500 is the usage. We could do is over 4500 we charge a different rate. In this situation maybe work with it to bring that number down and abate some of the sewer and charge in the middle of the road.

Mr. Hobson – I think he should pay for the water and how much usually on the sewer. Use average on the sewerage charge for the average water you usually use.

Mr. Lussier – Only thing I like to ask from the repair that it was a leaky toilet?

Mr. dosSantos - I fixed it myself.

Mr. Lussier – Do you have a documented bill? Produce a receipt for the flapper?

Mr. Furtado – One thing I would like to say is we get audited. We can't give away water. Hey that didn't go down the sewer. Something like this audited every bill that gets adjusted puts up a red flag. I'm not saying not to do it we've never done this before.

Ms. Tripp – We have never given anyone a water or sewer abatement for a toilet leak. We've had elderly people who are hard of hearing that have bathrooms on the second floor that they never use. They can't hear the toilet running. We have never given them an abatement. The water was used and it went down the toilet. Do you think the treatment plant knows that oh yeah this water is clean from the post office? I am so angry right now that you would even consider this. We've had elderly people on fixed incomes that have had to pay this. You'll be setting a precedent on this for future abatements.

Mr. Hobson – We have never done this before?

Ms. Tripp – No.

Mr. dosSantos – I get all this but again I don't know how this works.

Mr. Hobson – The rule is we don't give abatements when it goes down the toilet.

Mr. Hobson motioned to deny the abatement request for 4 Pequod Road. Motion dies for lack of second.

Mr. Ristuccia – Knowing that we all feel the same way. We are not happy that you received a \$3000 water bill. We wish it wasn't so but everybody else it is what it is. Anyway some sort of a break on what it is?

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Mr. Hobson – We’ve never done it before.

Mr. Wotton – I don’t think we can abate it.

Mr. Furtado – Do the first two tiers. 16,999 is in the highest percent.

Mr. Ristuccia – I don’t see anything wrong. Charge him all in tier 2.

Mr. Ristuccia – That’s what I was thinking.

Mr. Wotton - I think I’ll abstain from the vote.

Mr. Furtado - \$528.70

Mr. Ristuccia motioned drop tier 3 and charge tier 1 and 2 for the water. Mr. Lussier seconded. Vote 2-1 in favor with Mr. Hobson opposed and Mr. Wotton abstaining.

Mr. Ristuccia – I have mixed feelings about it.

E. Executive Session - Personnel

Mr. Wotton motioned to enter into executive session at 7:10 p.m. and to reconvene in open session at its conclusion to discuss a personnel matter.

In favor: Mr. Ristuccia, Mr. Hobson, Mr. Wotton and Mr. Lussier in favor.

Mr. Wotton motioned to reconvene open session at 7:45 p.m.

V. Items for Action

A. Century Paving – Shore Drive Reconstruction; Payment #1 \$133,798.09

Mr. Wotton motioned to approve payment #1 to Century Paving in the amount of \$133,798.09 for the Shore Drive Reconstruction project. Mr. Lussier seconded. Vote unanimous.

B. Authorized Signatures for BPW Invoices

Mr. Furtado – Every vote as to who are the authorized signatures Ed, Linda John and myself. The town accountant requires this be signed.

Mr. Ristuccia motioned that the board sign the document dated June 6th for authorized designees and payrolls. Mr. Hobson seconded. Vote unanimous.

C. BPW Clerk

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Mr. Ristuccia motioned to appoint Mr. Wotton as clerk to the Board of Public Works. Mr. Lussier seconded. Vote unanimous.

D. RV Septic Pumping

Mr. Furtado – This was brought up by Hoppy at the last meeting. Campers bringing in waste. Kathy provided a piece of paper in the packet.

Mr. Hobson motioned to table. Mr. Wotton seconded. Vote unanimous.

E. West Island Town Beach – Lifeguard Position

Mr. Furtado – Kathy did the schedule. At the last meeting we had toss up with the kids that we hired. Some have other jobs and vacations so Kathy did a schedule and there is enough money dough to hire Sadey.

Mr. Wotton motioned to hire Sadey Tavares as a lifeguard. Mr. Ristuccia seconded. Vote unanimous.

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

Superintendent's Report for June 6, 2016:

From last meeting

- Wood chips at Little Bay
- Causeway beach fill in scheduled
- Certified letter notice of hearing sent to employee
- Septic Policy on agenda

New items

- Met with Stantec with Linda re: Sewer Project updates
- Meet with Mark Rees re: joint BPW/BOS meeting re: union negotiations
- Sewer capital fee response sent to petition originator placed in Neighborhood News
- Conference call re: Stormwater Grant to select streets to receive design for improvements
- Attend Town health Insurance meeting
- Attend monthly BBAC meeting
- Meet with employee re: potential resignation

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- Privacy screen slats installed at Rivard Street pump station where trees died in response to resident complaint
- BPW responds to broken window at Rogers school
- BOS requests BPW to tie in NFIA Building into sewer
- Resident at 5 Taber Street cuts down private tree – leaves debris in street – sent a letter to remove tree from street
- Attend Jeff Osuch BPW Bldg dedication
- Met with Doug Jones re: Water (potential) and Sewer Dept. openings
- Highway Department working with Tree Department
- Sent request to Fincom to transfer \$\$ for Sewer Retained earnings (digester cleaning) and for Park Department Purchase of Services
- Met with property owner of 1 Main Street re: resident is seeking Town to pay his Roto-Rooter invoice

Mr. Hobson – Can you have the Sheriff’s Department do the wall? Resident said asked to get an extra barrel other family members.

VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on June 20, 2016 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

VIII. Adjourn

Mr. Wotton motioned to adjourn at 7:58 p.m. Mr. Lussier seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on June 20, 2016.