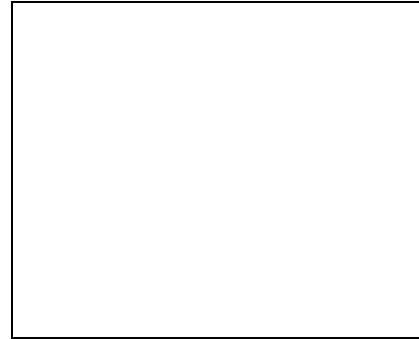


**Town of Fairhaven
Board of Public Works Meeting
July 11, 2016**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Brian Wotton, Commissioner
Jarrod Lussier, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Edward Fortin, Water Superintendent
Jonathan Bowers, Water Department
Jeffrey Furtado, Sewer Department



I. Call to Order

Mr. Ristuccia called the meeting to order at 6:02 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. June 20, 2016

Mr. Wotton motioned to approve the minutes of the June 20, 2016 meeting. Ms. Sturtevant seconded. Vote 4-0 in favor with Mr. Lussier abstaining.

IV. Appointments

A. Water System Maintenance Craftsman / SMEO Interviews

1. Jonathan Bowers

Mr. Bowers – I have worked in the Water Department for seven years, six full time and one part time. I would like the fulltime operator’s position. I’ve had my hoisting license for two years. I’ve had good seat time. Every day I do maintenance plus stations, water mains, hydrants.

Mr. Hobson – How long have you had your heavy equipment license?

Mr. Bowers – Two years.

Mr. Hobson – Work with the backhoe?

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Mr. Bowers – Yes, on main breaks, service leaks, and curb boxes.

Mr. Hobson – You have experience?

Mr. Bowers – Yes.

Mr. Wotton – For the water department?

Mr. Furtado – There was a recent resignation a month ago. Jonathan works in the water department. It's a higher level position. There were two applicants, Jonathan and Jeff Furtado.

Mr. Wotton – Do they need any special license?

Mr. Furtado – Eventually they will need a Grade 3. Now he has a Grade 1. Systematically you need to have your Grade 1 for a year and then you can get your Grade 2 and then go for your Grade 3.

Mr. Wotton – How long does it take to 3?

Mr. Furtado – A couple of years.

Ms. Sturtevant – My question is we usually take from within the department or to another department?

Mr. Furtado – Contractually it allows the division seniority to rank. Arguments to take the super qualified or take senior most qualified. Contract states to pick within the department.

Ms. Sturtevant – I have no problem with that. He's a good worker and I would hate to see him bypassed.

Mr. Lussier – Currently you have a CDL?

Mr. Bowers - Class B and 2a hoisting license. I just renewed it today.

Mr. Lussier - Do you have OSHA training?

Mr. Bowers –No. Eight hours of asbestos.

Mr. Ristuccia – I know Jonathan and he's a good worker. I don't really have any questions for him.

2. Jeff Furtado

Mr. J. Furtado – I am in the sewer department right now. This position came up and I thought I would give it a shot. Change for myself and the department as well. My certifications are inactive right now. Rhode Island license I would have to activate in Mass. I have a D-2 in Mass. It's inactive. I just have to activate it. I've been doing excavating since I was eighteen years old. It's been twenty-five years now. I

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still do it on the side. My brother is in the construction business. I worked in the Swansea Water Department for five years. Going on my sixteenth year for sewer. I've been a foreman for sewer thirteen plus years. I have supervisory skills as well.

Mr. Ristuccia – Always to cross train. A gentleman here is trained in water and sewer.

Mr. Lussier – License I see the CDL and hoisting. Collection?

Mr. J. Furtado – That's a sewer license.

Ms. Sturtevant – My only question is why do you want to leave?

Mr. J. Furtado – Honestly with foreman I feel burnt out a little bit. Change of scenery. Looking for changes this would be a lateral change for me. A lot of experience. This would help me to get where I want to be.

Mr. Wotton – You currently have a grade 3 license? Grade 3 in Mass?

Mr. J. Furtado – I would have to look at it. Drop down a grade I don't know. I didn't want to go thru the rig a ma role.

Mr. Wotton – Do you have any grade license?

Mr. J. Furtado – Treatment 2 in Mass but it's inactive.

Mr. Furtado – Distribution is working in the field. I had to go in Rhode Island for reciprocity 1 for 1.

Mr. Wotton – What is your current role right now?

Mr. J. Furtado – Foreman on the outside division, not in the plant. I have the Grade 4 license for collection and Grade 6 for treatment. That's one away from the highest in wastewater.

Mr. Wotton – As the foreman what kind of negative affect would it have in the sewer department if you leave?

Mr. J. Furtado – I've been there thirteen years. I have a lot of knowledge and experience. A lot of other guys could step up to where I am. You should direct that to Mr. Furtado than to me.

Mr. Wotton – Do you feel that you have a number two for lateral or outside?

Mr. J. Furtado – I can tell you outside it's the same type of knowledge.

Mr. Wotton – Someone outside qualified?

Mr. J. Furtado – At least one or two.

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Mr. Hobson – I read the contract and this job should not go out to other departments. I agree this guy is a very good employee. Read the contract it says somebody qualified into that department.

Mr. Furtado – That’s the whole sticky wicket.

Mr. Hobson –This job shouldn’t have gone out to the other departments until we interviewed him. This guy is a very good employee. I don’t see how we can bypass him. If he gets this job over you there will still be another opening in the water department. Are you interested in that?

Mr. J. Furtado – I don’t think so, the money. I’m taking a hit right now. We are in the same union.

Mr. Ristuccia – I wasn’t going to talk about it but. The union contract says “It is the intent of the parties to protect insofar as possible the divisional seniority or employees covered by this contract with respect to hiring, transfers, promotions or layoffs within the Water Division. Hiring, transfers, and promotions will be awarded to the qualified employee within the Division having greatest seniority. Such jobs will be posted and will be filled by employees outside the Water Division only if no qualified employee with seniority within the Water Division claims the job.” Now let me say this. Neither of these two folks is qualified. So when you read this contract we can pick anybody we want. Jonathan doesn’t have the qualifications. If we have somebody more qualified outside than an insider we don’t have the right to award that job. We can certainly award that job to the person in the water department and we can award it to Mr. Furtado if that’s the position we want or neither and go outside the department.

Mr. Wotton – Do you have the Grade 1 in Mass currently?

Mr. J. Furtado – I have a Grade 2 that is inactive in water treatment. I have distribution 3 in Rhode Island.

Mr. Wotton– We didn’t ask Mr. Fortin if he had an opinion.

Mr. Fortin – They have to receive the license in twelve months. It does not say you have to have the Grade 3 license. It takes qualifying time in getting the license. The system requires D-3 and T-1. We don’t have any treatment and we still need it because of the population.

Mr. Wotton – You don’t work with Mr. Furtado but you work with Mr. Bowers.

Mr. Fortin – Yes I have worked with Mr. Furtado.

Mr. Wotton - Do you feel Mr. Bowers is qualified?

Mr. Fortin – Yes. Based on what the contract says you should follow the contract. Promotion it should be within the division. He is qualified to run the backhoe and he has to get his Grade 3 license in twelve months. They may not honor Jeff’s Grade 3.

Mr. Wotton – When did it lapse?

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Mr. J. Furtado – 1999.

Mr. Fortin – He may have to start from square one.

Mr. Hobson motioned that the contract states you have to hire Jonathan Bowers. He's a good employee and there is no reason why we shouldn't. Mr. Wotton seconded.

Mr. Lussier – I think I interpret it the way Mr. Ristuccia said. Both can be qualified. Both not. I think it's who we see as the best fit candidate.

On the motion: Vote 3-0 with Mr. Hobson, Mr. Wotton and Ms. Sturtevant in favor and Mr. Ristuccia and Mr. Lussier abstaining.

B. Sewer System Maintenance Craftsman Interview

The interview was postponed.

V. Items for Action

A. Remote Vote

Ms. Sturtevant – I spoke with Bill Straus about the vote.

Mr. Ristuccia – Can we vote on this in November? Can we vote on this again?

Mr. Hobson – I think that she is asking for another remote vote. It's no different than a driveway waiver or sewer betterment fee and sit over there and not vote. There is no other Town elected board that allows this. Appointed boards, committee not as important as our board. Nothing against her but there are no rules on it.

Mr. Furtado – There has to be a physical quorum present. Three people need to be here.

Mr. Hobson – There are two different issues here. That side requesting it number one. No other board that allows it. If she loses today can we bring it up again next week?

Mr. Ristuccia – Last time we were talking about this I wanted to know if we can talk about it inside of a year. Are we okay to vote on this? I want to make sure do we have to vote on it again and can we vote on it again.

Mr. Wotton – One, we are only talking about this as a courtesy because Jarrod was not on the Board and two, we already voted on this and the reflection of the Board was okay as long as if somebody got hurt and was out that person needs to be the remote vote and hers wouldn't count, like flex time. I don't think she needs our vote. She is here to see if it's okay with Jarrod.

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Mr. Hobson – When your term is up in April are you going to run again?

Ms. Sturtevant – I haven't decided.

Mr. Ristuccia – This vote goes to the selectman and to see what they say with the decision. Make your mind up if you run again or not.

Ms. Sturtevant – I don't know. Two other boards do remote participation. Joe Borelli is on the Council on Aging and Disability.

Mr. Hobson – They are appointed boards.

Ms. Sturtevant – It's up to the individual boards. Each board is different.

Mr. Ristuccia – If this board votes not to support you, can't you still go?

Mr. Wotton motioned to remote vote for one member at a time. Somebody else that person who is longer would step down.

Mr. Lussier – I'm kind of in the dark. I'm trying to wrap my head around this.

Mr. Wotton – Kathy goes to Florida for a month or two. When she was away she called in via Skype. She wasn't able to vote. She is asking for our support to get her remote vote to go before the Selectmen. She would be here on Skype.

Mr. Lussier- That vote would count?

Mr. Furtado - The attorney general allows remote participation. It has to be approved by the CEO of the Town. They voted no. It's on the books right now. She is looking for permission. Do we want it to go on the Selectmen's agenda vote yeah or nay?

Mr. Lussier – The state laws says the CEO has the right to make the call.

Ms. Tripp – Maybe Mr. Rees is the CEO and will make that decision.

Mr. Ristuccia- Last year when we voted to say okay and sent her to the selectmen and the selectmen voted on it and said no. There was a lot of negative publicity about it which turned into Kathy and made her aware of it. It was a really disparaging article of why someone would ask for remote vote not to represent the people. The editorial was the editors feeling on it. I only bring that up if you are asking the questions. Before I voted yes.

Ms. Sturtevant – There were comments because it was snowing and how I couldn't see that outside my window.

Motion fails for lack of second.

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Mr. Wotton motioned to allow one voting member to remote vote but if additionally due to an illness or handicap and can't get to the meeting the other member would step down to allow the person do the remote vote and review every six months if approved by the selectmen.

Motioned fails for lack of second.

Mr. Lussier motioned to table upon review from town counsel. Mr. Wotton seconded. Vote 4-0 in favor with Ms. Sturtevant abstaining.

Mr. Ristuccia – I would like to get direction from town counsel if we can vote again and does she have to abstain. Those things give us the information we need and have a five minute discussion at the next meeting.

B. Fairhaven Bikeway Committee – Re: Letter of Support

Mr. Furtado – The Fairhaven Bikeway Committee is looking for a letter of support from the board like Mattapoisett for the rail trail in the East Coast Greenway Trail System. The group is trying to create a bike path from Florida to Maine.

Mr. Wotton motioned to allow incorporating our bike trail with their trail with no alterations or name changes. It is part of this trail from Florida to Maine. Mr. Hobson seconded. Vote unanimous.

C. Alessandro DosSantos – Re: Seniority

Mr. Wotton – Should this be in exec session?

Mr. Furtado – No. As you see from the letter, he left and came back and is looking to get reinstated.

Mr. Wotton motioned to give Alessandro DosSantos what he deserves as seniority minus his missing time for his step raise and vacation days. Mr. Hobson seconded. Vote unanimous.

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

Superintendent's Report for July 11, 2016:

- Will have Sconticut Neck Road/David Drown Blvd crosswalk painted
- Emailed Water Dept Engineer re: voted start date of Causeway Bridge water main repair
- NFIA Bldg sewer tie-in quotes for Town Meeting
- Linda and I interviewed licensed candidate for sewer vacancy – recommend for hire
- Attended Department Head meeting

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- Speak with Sewer/Water Union rep concerning contract negotiations
- Highway Employees working with interns on various days to collect State required outfall samples as part of stormwater grant that the Town received
- Appeared in front of Fincom. Received transfer to Park Department to cover additional costs to beach trailer and tractor and received transfer to Sewer Department to cover additional cost to clean-up digester
- Opened beach since we last met as a group
- Attended BBAC meeting as Town's rep
- Completed and submitted another Stormwater Grant to construct stormwater improvements which are being designed now (via a previous awarded grant)
- Attended Court in Fall River – former BPW employee seeking compensation for work injury
- Bid opening for Sewer I and I work (approved at May's Town Meeting) – the one bid received was over engineer estimate – will most likely rebid
- Attended Town Meeting – all Articles were approved – BPW received an additional \$27,000 in roadwork to pave Welcome Street
- Hired a new gate attendant to replace employee who left
- Lots of emails and phone calls concerning Green Street project and trees – I will discuss at our meeting
- Linda and I met with a State Department of Labor employee to tour wastewater facility stemming from an industrial accident earlier this year
- Resumed Highway Dept negotiations
- Housing Authority sewer abatement for 275 Main Street completed

Mr. Furtado – I requested the traffic study on Scoticut Neck Road that should start pretty soon. Town meeting approved the paving of Welcome Street. Just accepted in May so it wasn't on our to do list. No unaccepted streets are. I have mixed emotions about that honestly. Folks have been waiting x number of years for their street to be paved and circumvented that process. I'm nervous about moving forward open a can of worms. Defer to me and John and you throw in a street.

H – See that we approve other streets to be done. Should go at the end. I don't want to see this ahead.

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Mr. Furtado – The general fund articles there is a two year life span. I would suspect that when we get to the streets of this year, Union, Harding and Capeview and Welcome Street at that time. It won't be before that bunch. Green Street and the trees. A little update on that. Back in March, we are reconstructing Green Street from Washington all the way south. It's a \$700,000 project. Total road reconstruction, drainage, curb, and sidewalks. As part of that project some of the trees have to come down. Reconstructing a road some trees have to come down because it compromises the root system. We had a public forum back in March that was decently attended. We sent out notices to abutters. Other people attended. It was taped. Not until the trees were marked did the questions and emails come out. There is concern. Statutory because those trees are coming down for safety purposes there does not have to be a tree hearing. Under our authority the tree warden is to take down those trees. Potentially they could fall on somebody's property. A hearing is not required. Judge and jury in most cases are the selectmen. Even though there is no hearing it will probably be July 26 at night. Try to get the banquet hall. We'll just explain it.

Mr. Ristuccia – This is a public forum meeting. Good idea to go there to see for yourself the attitude of the neighborhood. People there we don't want it then I don't want it either.

Mr. Wotton – Take a walk down those sidewalks with a handicap or stroller then tell me they are safe. Split bottom, these trees are diseased and damaged. Replace two to one and have to think about the handicap. Uproot, drainage, sewer, sidewalks, and water all getting replaced and renewed. These are the areas in town for water and sewer main breaks. Integrity of our system, we can't continue to dig up the streets and ruin their properties.

Ms. Sturtevant – Green Street with the higher numbers from high school down, my family was there. They went thru the same thing taking them down. You go down there now and it looks good.

Mr. Hobson – One Main Street stopped me. I think you are familiar with it. There was a sewer back up and he called Roto Rooter.

Mr. Furtado – He called roto rooter then he called the sewer and asked for a rebate. He should have called the sewer to clean that line. I still had to pay two guys overtime.

Mr. Hobson – That's not what he wants. Our pipe after where he ends is broken. We should send the camera down.

Scotcut Neck Road from Wood School down the brush is sticking out of the street. The wall by Winsegansett was cut it but they did not spray it.

Mr. Wotton – Look into Oliver and Rivard the chicane. Reach out to the gentleman what he has to do at this point.

Mr. Furtado – We gave him the information to go to Town Meeting. Meeting with the selectmen.

Mr. Lussier – I called Mr. Furtado about this; paving on Alden Road between Howland and Glenhaven. Taken aback before the Father's Day race. I ran that race and was embarrassed. Sewer caps and

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drainage above the ground. Inconsiderate. Friday before the race. The police had put out the radar on Glenhaven but they actually faced it towards Main Street. Most of the speeding comes from Alden Road. 30 mph from the skate rink and Main Street east 25 mph zone. Conflicting speed zones. Need to rectify that. No safe means of travel Parker and Glenhaven and Dudley and Glenhaven; they need crosswalks. I have since approached and called a member of the NFIA; ongoing about the Benoit Square parking. Only request immediately was not to park on the point. There is a monument on the point. The businesses want to request no parking just on the point. Traveling on Main or Adams heading north and merge on to Main Street you can't see. Paint the curb.

Mr. Ristuccia – The Town of Fairhaven Police placed one of those trailers on Causeway Road where the road narrows down and you think they would have a camera there. Traffic study on the island?

Mr. Furtado – Yes on West Island.

VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on July 25, at 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

VIII. Adjourn

Mr. Wotton motioned to adjourn at 7:34 p.m. Mr. Ristuccia seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on July 25, 2016.