

**Town of Fairhaven
Board of Public Works Meeting
August 8, 2016**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Brian Wotton, Commissioner
Kathleen Sturtevant, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Shawn Guillotte, Contractor
Daniel Snell,
Meredith Zona, Stantec Consulting Services
Francis Budryk, 1 Main Street



Mr. Lussier was not in attendance.

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. July 25, 2016

Ms. Sturtevant motioned to approve the minutes of the July 25, 2016 meeting. Mr. Hobson seconded. Vote 3-0 in favor with Mr. Wotton abstaining.

IV. Appointments

A. Shawn Guillotte, Contractor – Re: Driveway Violation & Waiver – 10 Cherry Street

Mr. Guillotte – John Charbonneau called me. I did the job 10 Cherry Street. I am responsible. I left it in the hands of capable people but I am the responsible party. Told him what I needed to do. He figured change the asphalt to cobblestone. That’s when John called I responded. We follow the guidelines but the proper channels were not done. Not trying to get out of it. I was not on site for the job.

Mr. Hobson – He admits his mistake. Certain rules for that. I think it’s a \$100 or \$300 fine.

Mr. Wotton – It happens; unfortunately it states it’s a \$300 fine.

Ms. Sturtevant – Same thing. The rules are the rules.

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Mr. Guillotte – I'm not trying to blow smoke. Unfortunately, I hold the ball whatever it is it is. I know the protocol.

Mr. Ristuccia – When I looked at it I said hopefully the contractor contacted the homeowner.

Mr. Guillotte – I do work for the Town of Foxboro now. I do a lot of smaller jobs. I have a good rapport with John.

Mr. Wotton motioned to assess a \$300 fine to Ron Guillotte & Sons, waive the cobblestones and sign a waiver for the homeowner for 10 Cherry Street. Ms. Sturtevant seconded. Vote unanimous.

Mr. Ristuccia – The homeowner has to know if it gets damaged from the plow we are not going to fix it.

B. Interview for Water System Maintenance Man / HMEO

Mr. Snell – I worked for the highway almost five years. Put my name in for the water. I don't mind working for the highway but down the road, ditches in the winter. I'm getting older. I have a CDL and hoisting. I will go to classes and get my water license.

Mr. Ristuccia – As a general rule, people that go into that department we give them a time period to get their license. Time period to start the ball in motion and start the class.

Mr. Furtado – They offer the course in many places.

Mr. Ristuccia – If we approve this transfer for you the job at the highway is gone. Get the license in time or you will have nowhere to go.

Ms. Sturtevant – I have no real problem going up, like to see people move around.

Mr. Snell – I have worked with the water a few times on overtime.

Ms. Sturtevant – That's fine. We can't stress enough to get your license.

Mr. Wotton – What level are you at now?

Mr. Snell – I have one more raise in November.

Mr. Furtado – Danny is a good worker but my only thought nothing against Danny whatsoever, but I don't think it's a good practice. Hiring Danny, he doesn't make the qualification right off the bat. I'm nervous if he doesn't get the license. Highway, water or sewer employees should try to get that license ahead of time. My only issue and this is a talking point is if he doesn't get that license in a period of time.

Mr. Wotton motioned to approve the transfer from highway to water and revisit at six months and start the process immediately.

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Mr. Furtado– Can he stay in the highway a couple of weeks and start the 22nd?

Mr. Wotton amended his motioned to start on August 22, 2016. Ms. Sturtevant seconded. Vote unanimous.

**C. Meredith Zona, Stantec Consulting Services, Inc.
Re: Agreement for Professional Services WPCF and Pumping Stations**

Mr. Furtado – This is from my stance. Fay, Spofford & Thorndike, they built the original plant and upgrades. The Town allowed the sewer to borrow 8 million for the upgrade for the treatment plant and for a couple of pump stations. We are going to enter into a contract for \$1,188,000 for the design for those two projects, Pilgrim and Railroad Avenue and some of the work at the treatment plant.

Ms. Zona – This is for design and bidding and construction. We’ve already completed design of the preliminary treatment facility. So the design is pretty much done. Bid and construction. The clarifiers; they are going to have the equipment replaced. Twenty-six plus years old and they have had some problems with deterioration of equipment. Designed for seven clarifiers, electric, power and piping. That is full design and bidding construction for that. For the pump stations the upgrade we already had a preliminary design. This will cover final design, our construction phase services and an onsite person part-time up to three days per week.

Mr. Hobson – When will this start?

Ms. Zona – I changed the dates a couple of times. It was August 1st but any day now.

Mr. Hobson – Completion date?

Ms. Zona – Depends on the contract but we have October of 2018. It’s a pretty extensive contract.

Mr. Furtado – We need to upgrade the plant for everything not to do without the nitrogen permit.

Mr. Wotton – Construction on any work to the buildings?

Ms. Zona – The building itself, yes. I know on the pump stations some architectural work. Pretreatment facility, they are doing the HVAC, mechanical, doors and windows that will need to be changed.

Mr. Wotton – I’m more worried about the last station that had asbestos. Is this amount in everything all inclusive we are not going to get an additional bill?

Ms. Zona – Wilcox and Barton hazmat removal would be part of the contractor’s application. Yes, it’s in the estimate. We did our best guess on that.

Mr. Wotton – Part of their contract if stuff comes into play?

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Ms. Zona – Yes.

Ms. Sturtevant – All set.

Mr. Ristuccia – As am I.

Mr. Wotton motioned to enter into contract with Stantec Consulting Services in the amount of \$1,188,000 and to start work immediately. Mr. Hobson seconded. Vote unanimous

E. Gary Lavalette – Re: Permission to use Fort Phoenix

Mr. Lavalette was not in attendance.

Mr. Wotton – Gary Lavalette is on the Beautification Committee, Historical Committee and EMA. He donates fifty hours a week to beautify the town, removing graffiti, garbage and power washing. As Gary was down at Fort Phoenix last week with his truck near the cannons fixing some things and a police officer told him he couldn't be there. He is seeking permission from the board to bring his truck near the cannons.

Mr. Hobson – I can appreciate what he is doing. I don't know why the newspaper, radio and TV call him for what we are responsible for. It should come from Vinnie. Somebody should tell him that.

Mr. Wotton – I think they picked it up on his facebook page.

Mr. Ristuccia – None of us would do what he does. We should put a time period on the letter so he will have to renew it again.

Mr. Wotton motioned to give Gary Lavalette a letter allowing him access to Fort Phoenix on our side from sunrise to sunset for permission for the sole purpose for work at Fort Phoenix and review in six months. Ms. Sturtevant seconded. Vote 3-0 in favor with Mr. Hobson against.

Mr. Hobson motioned the time from 7:00 to 5:00 at night. Motion dies for lack of second.

V. Items for Action

A. Fort Phoenix – Pokémon go

Mr. Ristuccia – Obviously it's an issue. Residents are up in arms. They are going on their porches and yards.

Mr. Furtado – In the last few weeks I have received three or four emails from people. As you are aware you are the park commissioners. Can you do something about the walking, making noise, drinking and smoking pot? They are legitimate concerns. There is a woman who we gave permission to get married at the Fort. She had asked what am I getting that I paid for? I go to the BPW and I pay the fee and get a piece of paper. What does that mean legally? What are we telling those people? The premise was it

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was for trash, not a deposit. With emails I got I had a meeting with Mark Rees and addressed that to him. The chief got involved. Detail officer there from 10 to 2. We can't keep up with the garbage. Neighborhood is a wreck. There are thousands of dollars of damage to the cannons. Send a highway crew last week to fix the mortar on the wall. From that they are having that meeting today. Hopefully they will put an end to it.

B. Bay State Regional Contractors – Taber Street Pumping Station

Mr. Furtado – These are the people that have been working at the Taber Street Pump Station. They have paid us for the by-pass pumping issue. They have paid the money they owe us. Honeywagon has been paid. Checking with residents. Still have retainage. We will hold that as collateral.

1. Payment #7 - \$44,678.98

Mr. Wotton motioned to approve payment #7 in the amount of \$44,678.98 to Bay State Regional Contractors. Mr. Hobson seconded. Vote unanimous.

2. Certificate of Substantial Completion

Mr. Wotton motioned to sign the Certificate of Substantial Completion to Bay State Regional Contractors. Mr. Sturtevant seconded. Vote unanimous.

IV. Appointments (Continued)

Francis Budryk, 1 Main Street – Re: Reimbursement for Sewer Backup

Mr. Furtado – This gentleman is here for the property at 1 Main Street. He had Roto-rooter go to his property and he actually called our foreman after Roto-rooter had been there. He said I'll be there within the hour. He showed up with another gentleman and the line had already been cleaned. Mr. Budryk did show them the roots that came out of the Town line. Our employee said he never saw the roots because it was done. If we had been called first the guys would have jet rodded. He called Roto-rooter and then the Town. When the Town got there the situation had been remedied. In those instances when we send somebody out we typically bill the property. We did not bill him. Our guys went there. The work had been completed. He called Roto-rooter and had roots; public or private not sure. Policy that the board speaks to you because we didn't think it was justified on our part to pay him.

Mr. Budryk – This has a little history. Back in February a woman taking care of my place said the water backed into the cellar and she called the town. No problem, they said there is nothing we can do. Then again another occasion it happened. My neighbor who abuts me, he called a Roto-rooter type person. Check my line its fine. On the 28th of June I had a flood in the cellar again and tried to clear it out. I called Roto-rooter and they checked the line and he said the problem is not your line I believe it's the Town and so I didn't argue. The next day I had a flood again. I had to disinfect the cellar. It happened again. Start where the line is next to the Town line there is no problem. He opened the cap for the Town and he saw there was water there because the Town line was blocked. I said listen I have company and I have to get this cleaned up. He did what he was supposed to do. The cap that belongs

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to the Town he said there is all kinds of stuff. I had called the Town before he had done anything. There were ten minutes left in the hour. I had company and said please to my guy see what you can do. Going into the pipe that's where it was stuck at. On Tuesday Roto-rooter sends down a person with a camera to go into the street. Took a video my line was fine. Video of the Towns line and there was a break. Into the street he saw exactly where the break was and it was the Town. The guy came from the Town and he wouldn't look at anything. I don't know that I didn't see it. I had to have it fixed so my pipes would flush. So on the Tuesday when the Roto-rooter man came with the camera he took a video and said here's the break, it's the Towns. The Towns water is being blocked up and causing you the backup. So with that I came to this office and spoke with Mr. Furtado and I told him what I was telling you. He argued with me that he is not going to pay it. Didn't send anybody down until several weeks later after I ran into Mr. Hobson and he stopped to talk to me. He said he would bring it up at a meeting and low and behold they were down there and came with their camera. It's exactly what I said. Then he came back and said we have a video and there was a break. It will be done the end of this month however they did it within a week. I never said a word to any of the workers. The problem is with the Town. They did a terrific job. My door was knocked on by one of the workers and said Mr. Budryk would you like to take some photos? I have them on my cell phone. They finished the job so I'm stuck with \$450 and I feel that this has happened many times in the past. All the while it's the town. I am asking for the bill to be paid.

Mr. Furtado – Jeff Furtado said that he was nothing but arguments with him. Jeff couldn't tell if it was the Town or private line. When he came into the office he was nothing argumental. I was not going to do the wrong thing. We invited him in. I'm not going to violate BPW policy. We couldn't tell. It was already fixed when Jeff went there. All I was doing was upholding the policy.

Mr. Budryk – I originally didn't know. I went to the new town administrator and spoke with him. I sat down with him. We had a gentleman talk and he said I'll make copies. I didn't know there was separation of power. I went so I wouldn't have a problem with anyone. So I didn't know there was a division. I came here with my bill being paid. He didn't introduce himself. He's out here and he starts to talk. He said oh I know about this. Oh we are not paying. I said why not. It's the Towns fault in my eyes. I would like some remediation on this. I was on the planning board. The insurance company had the boards who are elected on how you treat people on the job. Well somebody missed it. Here's the point so he didn't send anybody down to take a look at the thing. The only time was when Mr. Hobson spoke with the Board.

Mr. Ristuccia – I think you spoke well about your point.

Mr. Furtado – The pipe wasn't broken; there were joints that were leaking.

Mr. Ristuccia – What was the problem in the street?

Mr. Furtado – He saw that one of the joints was leaking.

Mr. Ristuccia – Any roots?

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Mr. Furtado – His line was clay. We only went in our line. Hoppy brought it up and we sent the camera there.

Mr. Hobson– Basically what Vinnie and he said is true. I was driving by. I have no personal connection and he brought up the point that he’s had a problem for quite a while since February. His line may have been clogged but the town should pay half the bill. He’s paid bills before himself. It’s been six months.

Mr. Wotton - You had sewer into the basement. Sewer pipe had leaking joints. Would leaky joints cause the pipe to back up?

Mr. Furtado – We couldn’t tell because the work was already done. I had the young lady not bill him. The policy is weekend call and the sewer guys go out and we bill them for that work. We held off the bill. Argue about us paying. He could be right but we didn’t know.

Mr. Wotton – Very had to read the amount, labor \$426?

Mr. Budryk - \$429 which I paid them right away.

Mr. Wotton – What is the cost on a Saturday?

Mr. Furtado - The time was \$220 plus the jet rodder. We didn’t do anything.

Mr. Wotton – When Jeff told you he would be there within an hour, was he there?

Mr. Budryk – Yes ten minutes before the hour.

Mr. Wotton – When he told you in an hour.

Mr. Budryk – I said it needs to be taken care of.

Mr. Wotton – Did you feel this was acceptable?

Mr. Budryk – I thought so.

Mr. Wotton – He was there within the hour.

Mr. Budryk – I got panicky.

Mr. Wotton – Roto-rooter does not have permission to access the Town line. I think that if you waited the ten more minutes it would have saved you a couple hundred dollars. I’m willing to compromise. \$429 minus \$220; total of \$209 and split the difference which makes it \$104.50.

Mr. Budryk – The Town took a video; here is where the break is. Roots were picked up by the Roto-rooter man.

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Mr. Ristuccia – Point is that should the man have waited for our guy or has he chosen somebody else to do it for him. Why if the Town could do it, why did you call Roto-rooter?

Ms. Sturtevant – I have a problem. My problem is why you couldn't you waited that hour, but instead you called Roto-rooter. If it goes back years ago I would have made sure the Town came in. Jeff said it was already done and there was nothing we can do.

Mr. Furtado - In fairness to him he should have waited.

Mr. Budryk – In February I had the problem and somebody came down from the Town and they said it's not the Town's problem. It's your problem. This is in my brain and in the past I had the plumber and paid \$500. He said not yours it's the Town. I had company so I had to do something. The Town had been called several times so I called Roto-rooter and they said there was nothing to be cleaned in my line. The second time he went down with the little machine and said the clog is in the Town's line and puddle up some roots when the guy came. He said I didn't see it.

Mr. Hobson motioned that we pay Mr. Budryk half of the \$429. Motioned dies for lack of second.

Mr. Wotton motioned to pay Mr. Budryk \$104.50 which is based on the math of the two bills. Ms. Sturtevant seconded. Vote 3-0 in favor with Mr. Hobson against.

Mr. Budryk – Keep your \$104.50 and I'll take you to small claims court.

C. GCG Associates – Engineering Services for Bernese Street & Smith Street Survey and Existing Conditions Plan

Mr. Furtado – We have three stormwater grants; one the Town has to have matching capability for test pits. One of the grants requires to do some survey but the equipment we have is obsolete. Take that survey results and use that. Use Chapter 90 money to do the survey for us and to provide the survey to who is doing the grant for us. The agreement is for \$5,775.00

Mr. Wotton motioned to approve \$5,775 to GCG Associates for engineering survey for Bernese and Smith Street. Ms. Sturtevant seconded. Vote unanimous

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

Superintendent's Report for August 8, 2016

From Last Meeting

- Added more barrels to Fort and increased pick up when necessary
- Moved slab top back on catch basin at Briercliffe and Scoticut Neck Road – need to rebuild the basin and have Eversource hold the pole
- Weeds cut at Church and Fort

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- Weeds cut at Union Wharf
- Contacted ABC re: trash pickup

New Items

- Water main break on Point Street - Board emailed – sand that was eroded was replaced after permission from Conservation
- Attended Green Street project neighborhood forum
- Work on Union negotiations – check salaries for similar positions in other Towns
- Attended BBAC meeting as Town’s rep
- Meet with Sewer Department re: BPW Union/Policies
- Worked on deliverable due for our Coastal Zone Management Stormwater Grant (1 of 3 that we currently have)
- Crew cut Rogers School grass in preparation for bell removal
- Tom Crotty – re: 73 Akin St request for occupancy
- Emails to Mark Rees and Select board re: requesting that Pokémon be removed from Fort
- BPW hired Arborist for Green St project through GCG – Arborist was explained project and visited every tree – will provide a report
- Mark Rees creates “working group” of Green Street tree committee – premise is to meet with this “group” to review the Arborist’s report
- Meet with Gary Lavallette – re: Pokémon issue and seeking permission from the Board to access grass area at Fort
- While walking the project with Mike Carter from GCG, we believe that we can save some additional trees by narrowing the road in some spots
- Met with Mark Rees re: Green Street project, Pokémon issue and Union Negotiation update

Mr. Furtado – If any of you know someone who wants to work temporary in the sewer. We’ve been without someone for quite a while now. Forty hours per week temporary, just a second pair of hands.

Mr. Hobson – Start doing the streets?

Mr. Furtado – Not for awhile.

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Mr. Wotton – Trash pickup. Noticed ABC is picking up all the garbage barrels. Make sure they stop doing that.

Mr. Furtado - I sent an email to the gentleman and let him know as much as I appreciate it it's counterproductive. Want people to recycle.

Mr. Wotton – Reason why they are not using the automatic trucks? We gave them a substantial amount of money. Run on propane the whole nine yards.

Ms. Sturtevant – Today I saw two guys and it was the truck. The other guy was checking barrels to see what was in them.

Mr. Wotton – The last light on Route 6 before Mattapoisett is strobing.

Mr. Ristuccia – One thing, the trees. Did the arborist get back to you yet?

Mr. Furtado – We hired an arborist, an independent guy from Stoughton. He came down and we walked the project last Thursday. So the arborist looked at the trees. Number of trees should come down even if there were no Green Street project. Yes it should come down or modify. Narrow the street in some areas. The ones that we could save by adding 6" of curb.

Mr. Ristuccia – There were a lot of people at that meeting who were afraid to talk. They want the trees down.

Mr. Furtado – The town manager created a working group. The people who were opposed the most and once the report is received from the arborist we will meet. Next Tuesday night meet with that group, eight or ten people.

VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on August 29, 2016 at 6:00 p.m. Ms. Sturtevant seconded. Vote unanimous.

VIII. Adjourn

Mr. Hobson motioned to adjourn 7:58 p.m. Ms. Sturtevant seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant
Minutes approved on August 29, 2016.