

**Town of Fairhaven  
Board of Public Works Meeting  
February 6, 2017**

**Present**

Michael Ristuccia, Commissioner  
Robert Hobson, Commissioner  
Brian Wotton, Commissioner  
Jarrod Lussier, Commissioner  
Keith Silvia, Commissioner  
Vincent Furtado, BPW Superintendent  
Kathy Tripp, Administrative Assistant  
Linda Schick, Sewer Superintendent  
Raymond Paczosa, Sewer Department  
John McGilvray, Sewer Department  
George Belanger, Teamsters  
Jeffrey Furtado, Sewer Department  
Marie Rock, 260 Green Street



**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. January 23, 2017**

Mr. Wotton motioned to approve the minutes of the January 23, 2017 meeting. Mr. Lussier seconded. Vote unanimous.

**B. January 23, 2017 – Executive Session (a)**

Mr. Wotton motioned to approve the minutes of the January 23, 2017 Executive Session (a). Mr. Lussier seconded. Vote unanimous.

**V. Items for Action**

**B. D & C Construction; Payment #1 – Causeway Bridge Water Main Pipe Support**

Mr. Furtado – We have about \$10,000 left. Most of the work is done. They will be back in the spring.

Mr. Wotton motioned to approve payment #1 to D & C Construction in the amount of \$95,079.04. Mr. Lussier seconded. Vote unanimous.

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**C. GCG Associates; Engineering Services – 232 Huttleston Avenue**

Mr. Ristuccia– This is the work where they will tear old motel down and cut and cap for the new building. We discussed this at the last meeting. The owner of the property pays us and we pay the bill.

Mr. Furtado – We are the middle man.

Mr. Hobson – What is going on with that? How did Peter DeTerra make out with Fortin?

Mr. Furtado – We are having a preconstruction meeting next Monday. Engineer gave us an updated plan so Eddie looked at the plan and water calculations and he spoke with Wayne Fostin. Everything is at the building department.

Mr. Hobson – Is the pipe going to do it?

Mr. Furtado – Ed was against it in the beginning for two buildings with a ¾” service not turned on in ten plus years. The Water Superintendent exercising caution turning it on if it doesn’t work there will be a problem digging up Route 6 because of the moratorium. Our preliminary is good to go. Engineer will be there.

Mr. Lussier – Work approved?

Ms. Tripp – The contractor did the cut and cap today.

Mr. Ristuccia – If the pipe flows then the engineering calculations are okay.

Mr. Wotton – What about the second building?

Mr. Furtado – Not the size, the integrity.

Mr. Lussier – Other building?

Mr. Ristuccia – We can if we desire, we can have a line brought in to service the building in the future and abandon the old service.

Mr. Hobson – Other question I want to ask when you table something and discuss it on the next agenda.

Mr. Ristuccia – Yes. It’s in the Roberts Rules of Orders.

Mr. Hobson – How can something be on the agenda things on the agenda tonight selectmen if tabled the week before and ain’t on the next agenda how can you bring it up?

Mr. Ristuccia – Guidelines for Roberts rules of orders. If the board says we’d like to bring up, a tabled matter we can bring it up.

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Mr. Hobson – I'd like to make a motion if something is tabled not bring up. Mr. Lussier seconded.

Mr. Wotton – Not that I don't agree with you. Make a motion put it on the agenda.

Mr. Hobson – It's on the agenda last week, not this week. So if five people show up table the five people don't show up you can talk about it if the people are not here?

Mr. Ristuccia – I agree with you and so does Mr. Wotton. What you are saying is right. Mr. Wotton we should ask to do that for the next meeting so it's on the agenda.

Mr. Wotton – Do it at the next meeting. Roberts rules and order on the table, "we temporarily suspend further consideration/action on pending question; may be made after motion to close debate has carried or is pending" so we tabled that motion then to take from the table is to resume consideration, technically when we voted.

Mr. Wotton motioned to approve the agreement with GCG Associates in the amount of \$2,850.00. Mr. Lussier seconded. Vote unanimous.

**IV. Appointments**

**A. Troy Tonnesson – Re: Sewer Betterment Development Fee – Torrington Road**

Mr. Tonnesson was not in attendance.

Mr. Wotton motioned to table until he calls for an appointment. Mr. Lussier seconded. Vote unanimous.

Mr. Ristuccia – Do not put on the agenda unless he calls.

**B. Marie Rock, 260 Green Street – Request for Waiver for Basketball Hoop**

Ms. Rock was not in attendance at this time.

Mr. Furtado – I will pass the picture along. We took down the hoop that was there. She wants it back up. In your packet is included the regulations by the BPW.

Mr. Ristuccia – The other people were not portable.

Mr. Wotton – It was in the eight foot layout, five feet off.

Mr. Hobson – Some people might not want it up.

Ms. Tripp – It's basically not allowed because of plow damage.

Mr. Wotton – I'm all for basket ball hoops but it is Green Street, it's a busier road.

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Mr. Furtado – It's on the other side of Route 6.

Mr. Ristuccia – We gave a gentleman a waiver for basketball hoop on the street. It was the last house on the dead end street. Not a traffic issue. The bottom was off the road considerably.

Mr. Hobson motioned to table until they come in. Mr. Wotton seconded. Vote unanimous.

**D. Interview for Sewer System Maintenance Craftsman – John McGilvray**

Mr. McGilvray – I am actually here for a promotion to move up. I recently passed my Grade 4 wastewater test and continue to learn and push myself. I'm in the process to advance to wastewater grade 5 and 6. Been studying the entire time. I will take the test somewhere in the near future.

Mr. Ristuccia - I know from talking to people you are doing a great job.

Mr. McGilvray – Thank you.

Mr. Hobson – Like to say he is getting his sewer license. I'd like to see you get a Class 2 too. 99% of plows require a license. It's more important than the other license. Motivate the other class 4's to which we gave over two years ago and never done it. Weekends get their license and they don't do it.

Mr. Hobson motioned to promote John McGilvray to Sewer System Maintenance Craftsman.

Mr. Ristuccia – I'm not certain that a Class 2 license is required for the sewer. Not for the sewer.

Mr. Hobson – I've been on the board for nine years. I think they do.

Mr. Furtado – No, they don't. Most of them have it because they were transferred from the Highway Department.

On the motion: Mr. Wotton seconded. Vote unanimous.

**C. Raymond Paczosa - Conflict of Interest Disclosure**

Mr. Ristuccia – Last week we spoke about this in executive session. We spoke about this situation for these folks here. Talked about this with Mr. Crotty, Town Counsel. We actually went a little farther. Call rather than hand it out. So, we voted on this last week. We voted on Raymond J. Paczosa to be able to do work on the pumps; electrical portion of sewer problems. Private pumps; not a work that the town offers to the public. Mr. Crotty said we were perfectly okay. We exceeded those conditions. It's on the agenda this time because it should have been voted on in open session. Does anybody feel to speak on this further?

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Mr. Wotton motioned to allow the town electrician to work on private sewer pumps on his own business and not allowed to hand out his business card. Residents are to call the office or email the list of vendors. Mr. Lussier seconded. Vote unanimous.

**E. Grievance – Sewer Department**

Mr. Furtado – We have a grievance submitted by the sewer department. “This grievance is being submitted to dispute the town utilizing unqualified employees to perform overtime. It is the Unions position that all effected employees should be compensated for all hours and days that the employee held the beeper and received overtime”. Someone who didn’t have wastewater license was on the on-call list. You need the wastewater license to work here or West Island. Up till now whoever is on-call is the dispatch, Friday to Friday anything happens on Saturday or Sunday or after 4:30 either they respond or if he can’t find somebody he responds. Linda had advised John who was the on-call he did not have the wastewater license at the time. When you are the on-call Friday to Friday and he got his license on the following Tuesday. Sometime that weekend there was a problem at West Island. He had been advised that if there is a problem in the collection handle it. Problem at treatment plants to call somebody in. There was a problem at the treatment plant. He called a couple folks in and asked Linda if he could come in and observe. He came in. You could argue that if you have a blocked drain in your house and you called roto rooter chances are you wouldn’t need a grade 4 license. This is the first time that someone didn’t have a license so the union filed a grievance.

Mr. Ristuccia – I may not be the smartest guy. I can’t find in the union contract where it states to do the job that was done that you need to have a specific grade. Present management does how they want whether they are licensed or not. I’m all for doing what is right. We did a promotion for somebody in the past and we made a mistake. There was a grievance and we corrected the mistake. When you read the contract it clearly states we made a mistake. Nowhere do I see to hold the beeper you have to carry a certain license.

Mr. Wotton – Having negotiated this next contract, I’m on a difference stance. The job requirement is the job is to hold the license. Time period to hold the position. It’s technically not in the contracts but the requirement of the job is to hold the license. If he had the license he’s supposed to have the license to hold the position. I would like to hear from Linda, George and Mr. Furtado. At this point in time we have now hired him. He filed the proper procedure. He went down the line. Did call the correct people. Should it be thrown out? He probably shouldn’t hold the beeper.

Mr. Hobson – Union rules and BPW rules states what the union is saying.

Mr. Ristuccia - Where?

Mr. Hobson – Past practice.

Mr. Belanger – We are after clarification.

Ms. Schick – The position that John held at the time was Sewer System Maintenance Man it is not a requirement to have a license.

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Mr. Belanger – To take both of your points; the Board’s thing over the last negotiations, promote those holding the license. This might be the first time it’s not black and white. The language, go thru the overtime. Hold beeper, no language its silent. Arbitration would say the language in the overtime as it has been done in the past. Qualified person; Mr. Furtado always the senior person that holds the license. Not chasing money. Probably beneficial if we can resolve. Communication forces us to this forum.

Mr. Ristuccia – The new contract it puts Mr. Furtado in line to resolve this. Right now they can’t go to Mr. Furtado.

Mr. Belanger – Silent on this issue, qualified on the job.

Ms. Schick – John was qualified to carry the overtime phone.

Mr. Furtado – I say the same thing. Past practice. Qualified if he had worked at West Island, 100% not qualified to do it. The sticky wicket qualification in the collection system. State does not require the collection license. I would think the qualified would be necessary based on language.

Mr. Belanger – There will be instance an employee having the ability to do a job is not qualified. In this instance doesn’t say the employee can’t do it.

Mr. Ristuccia – Usually you and I are pretty close, sensible. The folks not looking in the grievance they state that the union all affected employees should be compensated.

Mr. Belanger – Not necessarily what we are looking for.

Mr. Ristuccia – What did it hurt?

Mr. Belanger – Creating a practice moving forward not holds the license.

Mr. Ristuccia – Great disagreement there.

Mr. Wotton – I want to move on with this. Animosity in this department. Very petty thing. Nit picking here. He had the pager. Nobody said anything he had the pager. Everybody else knew that he had the beeper.

Mr. Belanger – We also knew that the person was looking for the license the following week.

Mr. Wotton - Rotation list was posted; I would expect a grievance at that point. That should have been brought up prior to him having the beeper. I think he followed the chain of command. The other two solved the problem.

Mr. Wotton motioned to absolve this and move forward with this department. This is our employment and we have to work together every day. Very petty thing. They tell me he is qualified to hold the

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beeper. I trust with what you do and I resent what you do for these gentlemen causing a problem for somebody new here, bad blood.

Mr. Belanger – I don't disagree with you. Not discussed at this table. When we are put in that position it's not taken as petty. We work extremely well together. They have been productive. That being said I have to take the contract seriously. We want the flexibility black and white.

Ms. Schick – I'd like to clarify a couple other things. The people here are in favor of John. Another person is going to carry the beeper soon so this isn't going to go away.

Mr. Furtado – We will enforce the language in place.

Mr. Lussier – I can agree with both parties. I understand the agreement and something in the job description does not require the license. I agree it's not in black and white.

Mr. Jeffrey Furtado – The qualification I see there would have been an issue a couple months when Linda asked me when should John be on the pager list? I said he should be a grade 4 like everyone else. She nodded her head. The pager was given to John. I wasn't aware he was getting it. Article 5 section 2. "New employees shall be deemed to be on a probationary period for six months from the date of hiring" and on page 7 d. also says "over time assignments shall be made, as in the past from a list of all regular employees with names listed in order of seniority". My understanding on the list, Ray, he turned it down. When you turn it down it goes to the next senior man.

Mr. Lussier – The grievance is for an unqualified employee?

Mr. Belanger – We have an issue to work thru things.

Mr. Jeffrey Furtado – Section 2 on page 11, new employees are on probation.

Mr. Ristuccia – I have to say these folks all work together. Truthfully this grievance is a real stretch. Really, this young man works with everybody. I don't understand what the problem is. Why are we here even talking about this. This young man has a beeper and one week before four days before he has the license.

Mr. Hobson – Go by the language in the contract.

Mr. Belanger – Poor communications. My history here is not that. The important issue be able to work thru it. Same token.

Mr. Ristuccia – Short of saying this position license what can we do.

Mr. Belanger – We will have to talk about it and work thru it. Hold the grievance to offer thru negotiations.

Ms. Schick – Next employee to the on-call, do I have to wait for July?

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Mr. Belanger – I would disagree with that.

Mr. Wotton motioned to hold and advance. Mr. Lussier seconded. Vote unanimous.

Mr. Ristuccia – I hope in the future to avoid these kinds of things.

Mr. Belanger – We will have a mechanism in the future.

**B. Marie Rock, 260 Green Street – Request for Waiver for Basketball Hoop**

Mr. Wotton motioned to open for discussion the 6:15 appointment. Mr. Lussier seconded. Vote unanimous.

Ms. Rock – I am Marie Rock and I own 260 Green Street. I am here for a waiver for a basketball hoop.

Mr. Ristuccia – We were chatting about it today.

Mr. Furtado – I took a picture. I showed them the current status. The town doesn't want it without a waiver because of plowing. The Town needs to be waived of liability to where they have to plow the street.

Ms. Rock – It's two feet in from the road.

Mr. Ristuccia – People in the past on streets that aren't busy streets we are not as critical of how it is. Last summer there was someone that lived on a short dead end street. Configuration below seven feet was back from the road about six or seven feet. It didn't seem an issue. Picture we were concerned the post appeared a foot or two feet away.

Ms. Rock – It's been there over two years.

Mr. Ristuccia – I'm not saying you can't have it there. We can give a waiver so that it can be put back up. In doing so, public safety adhered to not just for snow plow. Drive a car and hurt somebody. We have to be concerned and to allow you to have it.

Mr. Hobson – How long has it been there?

Ms. Rock – We put it up two years ago.

Mr. Hobson – Are you the last house?

Ms. Rock – No, there are three more houses.

Mr. Hobson – Any more streets?



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Ms. Rock – Take a right on Mayflower.

Mr. Hobson – If it were on Green Street on the other side there would not be kids playing in the street. Are your neighbors opposed?

Ms. Rock – No.

Mr. Wotton – The only thing now where it is closer to Plymouth or Green? Not on that end I'm not opposed but my recommendation is the backboard adjustable?

Ms. Rock – Yes.

Mr. Wotton – Make sure that backboard falls in the grass area. The biggest concern is the plow and if plow hits it. It's not the strongest metal, it could dent. Concern if came down and hit a town vehicle it's within the town layout make sure it's safe for everyone. I'm not opposed to it if you were to take a plum line and be in the grass area two feet off in a safe zone for plowing.

Mr. Lussier – I know the area very well. I'm with Brian. I'm not opposed.

Mr. Silvia – Is the top is retractable for winter?

Mr. Wotton – Six feet in height extends them fully up even.

Mr. Silvia – I don't have a problem with it.

Mr. Ristuccia – I just have to say it's a tad close to the street. Eighteen inches is way too close. It should be three, three and one/half feet from the street. I think that it's too close.

Mr. Hobson motioned grant the waiver for a basketball hoop for 260 Green Street and to have the backboard flush with the street. Mr. Wotton seconded. Vote unanimous.

**V. Items for Action**

**A. Fee for electronics for Recycle Center**

Mr. Furtado – Brian had brought this up based on what we get. On the sheet you can see rolloffs costs were \$870 and then it went up to \$1,050 and last again \$1,175. So the Board wanted to discuss the fee what we currently collect at recycle center and cost us to dispose of the material. Right now the most items are the TV's and we charge \$20 a piece. If we increase anything I wouldn't go more than \$5. You see the list of what we collect. I think no matter what we are going to do we would take a loss.

Mr. Wotton – Have we checked with other vendors? My thought put this out to other people. Is there somebody else that takes this stuff? Should we charge a larger fee for the TV's and computer monitors? We are just trying to break even.

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Ms. Tripp – We own two roll-offs in the back. Maybe we could purchase another roll-off and haul it ourselves.

Mr. Wotton motioned to table pending receiving other pricing. Mr. Hobson seconded. Vote unanimous.

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

Superintendent's Report for February 6, 2017:

From Last Meeting

- Electronics will be discussed on Agenda
- Completed State Conflict of Interest Disclosure Form
- Provided Chapter 90 balance sheet
- Contacted State regarding Fairhaven Sign when entering from Acushnet

New Items

- Attended NEWEA Annual conference – Linda and Sewer Department Engineers gave a presentation on our nitrogen study from a few years back – they did very well
- Speak with Tom Crotty about conflict of interest issue and steps to finalize it – will be on agenda of Feb 6
- Attend BBAC monthly meeting
- Attend Stormwater Grant monthly budget meeting
- Send letter to Selectmen asking them to reduce/eliminate BBAC office rent so that this group can make it to June 30 with their expenditures – will be at Selectmen's meeting on Feb 6
- Lots of continued work on various budget/rates
- Meet with Buzzards Bay Coalition – I signed Conservation Restriction on the recent land purchase – per Board vote
- Kathy and Linda worked on the final Sewer Article wording
- Attended Open Space and Recreation Meeting as BPW's rep
- Conduct wastewater catch-up class for sewer employee
- Attend Capital Planning Committee

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- Request \$\$ Transfer for Park Department: Beach and Equipment Maintenance

Mr. Hobson– Chapter 90; spend a lot of money on engineers and not on roads.

Mr. Furtado – It’s for engineering, equipment and roads.

Mr. Hobson – Chapter 90 who picks the roads?

Mr. Furtado – Green Street was picked before I got here, \$700,000.

Ms. Tripp – Typically Chapter 90 is used for large projects. The last two large streets were Howland Road and Green Street. You can’t do large streets like that with the amount of money that is appropriated each year at Town Meeting. We build that money up so we can do large projects.

Mr. Wotton – The Little League has requested assistance for a sign that was damaged. Put some poles back into the ground. I don’t know if a car hit it. Poles need to be fixed and sign back up.

Mr. Lussier – Where do we stand with the sequence on the traffic signals at Route 6 and Adams Street? If you are going south on Adams at Route 6, at that light it takes three seconds to go from green to yellow.

Mr. Furtado – I will call the State.

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

Mr. Wotton motioned to hold the next meeting on February 27, 2017 at 6 p.m. Mr. Hobson seconded. Vote unanimous.

**VIII. Executive Session**

**A. Union Negotiations**

Mr. Ristuccia – We do not need to discuss anything tonight.

**IX. Adjourn**

Mr. Wotton motioned to adjourn at 7:35 p.m. Mr. Lussier seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on February 27, 2017.