

**Town of Fairhaven  
Board of Public Works Meeting  
March 13, 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  
Mark Rees, Town Administrator  
Steve Riley, 6 Leeward Way  
Eric Braitmayer, 2 Leeward Way  
George St.Jean, 26 Manhattan Avenue  
Troy Tonnessen, Torrington Road



**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. February 27, 2017**

Mr. Wotton motioned to approve the minutes of February 27, 2017 meeting. Mr. Lussier seconded. Vote unanimous.

**IV. Appointments**

**A. Mark Rees, Town Administrator**

Mr. Wotton motioned to enter into executive session and to reconvene in open session at its conclusion to discuss collective bargaining and the NPDES Permit.

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

Mr. Wotton motioned to reconvene into open session at 6:39 p.m. Mr. Lussier seconded.

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

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**1. Street Light Maintenance**

Mr. Rees– I’ve been here about a year and I’m still being acclimated. Roles and responsibilities as Town Administrator what my predecessor did were to manage the street light contract. The lights were switched to LED’s which is a great savings in town. When we did that we took over ownership. That’s a good thing but we also have a responsibility to maintain them when there still is something wrong. My predecessor worked very hard and that contract was well managed. My area of expertise doesn’t fall under contract for streetlights. I asked Vinnie if he would consider taking over for the reason that it’s a small contract and when people call and stuff like that. People in police take the call when a light is burned out and then there is a reporting process. My office to be frank, it doesn’t become a high priority for me. Vinnie said he would be willing to take over.

Mr. Wotton – EMA still change the light bulbs?

Mr. Furtado – Mark is talking about entering into a contact with someone and we administer the contract. Get notified, contact the contracted company and pay time and materials. Notify whatever light is out at locations and follow up that they respond.

Mr. Hobson – Whose budget does it come out of?

Mr. Rees – There is a street light account for \$51,000.

Mr. Ristuccia – It doesn’t happen now. It took me nine months to get a street light on my pole after approved by town meeting.

Mr. Furtado – It falls under the selectmen right now.

Mr. Wotton motioned to approve taking over street light maintenance. Mr. Lussier seconded. Vote 4-1 in favor with Mr. Hobson opposed.

**2. Human Resource Position**

Mr. Rees – We are creating a new position to manage the towns employment practices and benefits. I’m here tonight to see if the board would like to enter into a M.O.U. for this position to provide service for BPW employees as well.

Mr. Ristuccia – Leave with us and we’ll talk about it and get back to you with Mr. Furtado.

Mr. Wotton – Can you give us just a brief overview?

Mr. Rees –It would assist the BPW for the improvement of people to fill positions. Collective bargaining, assist with job injuries, workers comp, assist the Town and BPW to put together personnel policies. Make sure personnel practices with any potential liability down the road, health insurance and dental. It would provide for training opportunities. This person would step in and help you.

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**B. Steve Riley – Re: Sunset Beach Road Sewer Extension**

Mr. Riley – At our last meeting we had a very peculiar situation. He owned land, thirty to forty feet to extend sewer and come to his own property. The whole street could use sewer. Those homes when their systems fail would leach into the harbor. I have thoughts on this.

Mr. Hobson – I didn't even vote for the guy. We are going to talk about something that involves this person; the guy should have been notified a week ago.

Mr. Riley – First I want to thank the board for letting me to discuss the sewer connection that you discussed on March 6<sup>th</sup>. I have a few concerns as I am a property owner. This doesn't fall as past practice and it's no secret I was on the Board for nine years. We never conducted in that manner that when you pass by a house or lot you had to put in a connection. This vote was for sewer on private property for on his two lots. Public system turns into private and then public. Neighbor brings another line to go down the street. How is that a public sewer system? Where is the connection now for sixteen homes downstream that have septic. Most lots have two septic perks per lot. What the board did was nice for one person but you didn't look at the whole picture.

Mr. Ristuccia – On first glance I felt exactly how you feel right now. This gentleman owned land all the way down. Thirty or forty feet existing and he asked permission to go on the side of the road and in town layout. It's his own land and then come into the street and hook there providing his lot and a vacant lot build a house that he pay two sewer betterments and he was willing to do that. Board granted on his own property and come across. That being said isn't there seventeen houses? So I looking at it seventeen homes there and perhaps it should have been put down there to begin with. Information we have is that the 2" line, low pressure could work there. I started thinking in my mind I say that if a 2" line were put down that street for all the neighbors we would be charging. Hook in costs about \$12,000 and it's really not a betterment it's a tie in fee. Count those seventeen homes its a couple hundred thousand dollars. I bet if the town was willing to forgo the tie-in fee and in lies the folks spending instead of the town put that in yourself because we have to pay prevailing wage. If the residents were to put it in, designed approve by our engine I think they could put it in for less than the \$12,000 fee.

Ms. Tripp – They would still have to pay the \$12,000 if they put it in themselves. It doesn't matter if we put it in or they do it themselves. If we do it the fee would not be \$12,000. It would be the total cost of the project divided by how many homes and buildable lots.

Mr. Furtado – In your packet there is a report for a 2" line that could go down and service all the homes. Eventually some of those properties will be failing a perc test in the future. Should have that system we could try to make a compromise. Have to think of all those homes. It would be an E-1 system.

Mr. Hobson – He said he asked all the neighbors.

Mr. Riley - He never asked me.

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Mr. Braitmayer – He did not ask.

Mr. Furtado– If we allow him to put a private line on his property then what do we do have another line or tie into a private line?

Mr. Riley – If you allow him to go down his property, first one stops by the Tremblay house. Everybody else who put in sewer extensions to get to their house put taps in for abutters. They did it for Jerusalem Road and Shirley Street.

Mr. Ristuccia – Leeward driveway come to the edge of your property?

Mr. Riley – He should put a tap for the Normandin into his property. If it comes down the street thirty to forty feet go north into his property. He should put a tap west onto Sunset Beach.

Mr. Ristuccia – Invite him into the next meeting.

Mr. Wotton – Are you Mr. Normandin?

Mr. Braitmayer - No, I'm Eric Braitmayer. I live on Leeward Way.

Mr. Wotton - Are the Normandin's asking for this? Are we forcing a betterment fee? He said he spoke to you and he didn't. He gave us a heartfelt story and in realty we wanted to help the guy. We got \$25,000, not again the same situation. Bring water or sewer that would be different. He is not here.

Mr. Wotton motioned to table this and notify the abutters so we can talk about this situation. Mr. Silvia seconded. Vote unanimous.

Mr. Ristuccia - I think it would behoove amongst each other the line going down the whole street. The BPW is a governing factor that put that betterment take it out for that area people put their own sewer in.

**C. Saul Raposo, 26 Birchfield Street – Driveway Violation**

Mr. Raposo was not in attendance.

**D. George St.Jean, 26 Manhattan Avenue – Driveway Violation**

Mr. St.Jean – Roughly about 1992 the driveway started to get shaky where we park the car. It sinks where the tires are. Six years ago we got prices and then I got sick so we stopped and it didn't get done. Last summer I was home and somebody knocked on the door and said your driveway needs work. I have a load right here and I'll do it for a good price. Go over what you have filled some and rolled it. Extra parking on the side and got away 1/3 of the price I got six years ago. Honestly I didn't think anything of it. We saved \$2,000. Didn't think about a permit. When I got the letter I was shocked. No idea about that.

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Mr. Ristuccia – Certain people need to be bonded to work on Town property.

Mr. St.Jean – Affordable Landscaping out of Wareham. He said I do this every day. It seemed on the up and up.

Mr. Lussier – He was he was on a job down the street?

Mr. St.Jean – In the neighborhood.

Mr. Wotton – Unfortunately there is a fee that is associated with it. This is more of a formality. Could have damaged pipes underneath.

Mr. Hobson motioned to fine the homeowner \$100 and send a bill for \$300 to the contractor.

Mr. Ristuccia added to the motion that if the other company pays doesn't pay it falls back on this man. Ninety days to pay and if he doesn't this gentleman will owe \$300 plus the \$100. Mr. Lussier seconded. Vote unanimous.

Mr. Ristuccia motioned to fine Mr. Raposo the \$100 and \$300 also. Mr. Hobson seconded. Vote unanimous.

**E. Troy Tonnessen – Re: Torrington Road Sewer**

Mr. Wotton – Mr. Tonnessen is a customer of mine. The Cooks are also and personal friends of mine. If I feel I need to abstain I will.

Mr. Tonnessen – Well for clarification I had two lots on Torrington. I sold one but before it was sold I continued the sewer for tie-in on the system. Almost every house the pipes are provided and tie in by doing so there will be three nice houses that the Town will collect a good amount of tax money. I don't understand almost \$30,000 to bring that in there. In my opinion having to pay an additional \$12,000 for pipes that I provided is not fair. Basically looking to maybe resolve that. I just heard the other appointments. I had to spend \$30,000.

Mr. Wotton – Upon reading this here the original owner was assessed to the Cooks lot and based on that that was already paid for one lot when they bought it.

Ms. Tripp – The developer approached the Town when the Scoticut Neck Sewer project was going on. He wanted us to extend the pipe to the beginning of the subdivision. He was told we would do that but he was going to have to pay equal to the betterment. He agreed. We wanted to split it between the three lots but Town Hall said it had to be assessed to one and it was put on the Cooks lot. When they purchased the lot from Victor Brier the betterment was paid off so they could have a clear title. Our rules say that if you benefit from the Scoticut Neck sewer project you will pay equal to the betterment. It doesn't matter if it's on private property or public property or how far you have to connect. Six other properties have paid this since the rule became in effect in 2005.

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Mr. Ristuccia – I also know him. As much as I would love to help him I keep looking for a way and it is not appearing to me. Similar and they didn't have to pay betterment. When Peter DeTerra brought sewer in there he had to hire GCG to do inspectional services there so he had to pay \$4,000.

Mr. Fortin – It was also for an as built plan.

Mr. Ristuccia – I understand where he is coming from. Tired of paying the town. Maybe he doesn't feel he has to. So I understand where he is coming from. Gentleman here last week he paid two times \$12,000 and the folks that were here earlier want him to have to provide stubs. Other people are going to have to pay. The driveway violation was a very nice guy but we charged him \$100 and \$300 more. I wish we could find a way. Do this for everybody.

Mr. Wotton – I have a hard time private development but in my mind if I'm paying \$12,000 it's a completely different situation. The more I think about it \$12,000 to tie into the pipe cost of the whole project down Scoticut Neck divide really to tie to pipe on Scoticut Neck and pump wherever it's going. What I have trouble understand split it between the three lots.

Ms. Tripp – There was a gentleman that ran his own line all the way down to two houses he owned on Ashley Island Road. He paid for the line down the street, left stubs for the neighbors and paid \$12,000 each for the two houses for the betterment development connection fee.

Mr. Tonnessen – I paid for two and Nolan paid for one.

Mr. Wotton – I don't know how we can do anything. Every lot that ties in is \$12,000.

Mr. Ristuccia – Bottom line is this development first laid out perc tests down for septic systems. Pipes brought in for these lots were first made for septic system.

Mr. Hobson motioned to deny his request and that he pays \$12,000 like everybody else.

Mr. Ristuccia – He formally hasn't asked us for anything.

Mr. Tonnessen – I'm going to check with my attorney to see if I own the cul-de-sac.

Ms. Tripp – Even though it's not an accepted street at the end, the property owners have a right to the center line of the road.

**V. Items for Action**

**A. Tata & Howard Engineering Agreement, Amendment #1  
Causeway Bridge Water Main Pipe Support Replacement; \$11,000**

Mr. Fortin – I wanted to update you. This is the punch list we have generated that was completed last week. The barrier hasn't been finished. We have to install the pad joints to be sealed along with the barrier. The barrier we designed has it so it can rise up without dismantling. That is basically changing

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that. The change order for the engineering amendment goes back to things that we encountered in the beginning. One thing was dealing with Eversource. Draw up some plans. Finally got that squared away. Inspection issues. Mock up original change order. We found what would fit and what wouldn't fit. There were some more inspection services taking the wrap off. Difficult to get it off. Right now what we need to do is to fabricate this barrier. Not a simple thing. Really hoping not part of the scope of the work its part of the bridge itself, that's got to be done. Nothing is going to be repaired there for awhile. Also someone there for final inspection and as-builts. Important that Eversource with the bridge you need to push Eversource. What is there is bad. It needs to be updated. Whole system to the Island is awful. Tata and Howard submitted a proposal.

Mr. Ristuccia – How come you came in yourself to talk about it?

Mr. Fortin – I'm trying to finish up a few projects. Next will be the Tinkham Lane.

Mr. Wotton motioned to approve Tata & Howard Amendment #1 for the Causeway Bridge Water Main Pipe Support Replacement in the amount of \$11,000. Mr. Hobson seconded. Vote unanimous.

**B. Stantec Agreement – West Island WWTF Groundwater Discharge Permit Renewal**

Mr. Furtado – As part of the renewal for the treatment permit at West Island is to discharge into the wells. DEP wants us to look at the plant and give an evaluation of the equipment there and sustainability of the current equipment that is there. We have a proposal from Stantec not to exceed \$20,000.

Mr. Wotton motioned to enter into agreement with Stantec for the West Island Wastewater Treatment Facility Groundwater Discharge Permit Renewal for the amount not to exceed \$20,000.00. Mr. Silvia seconded. Vote unanimous.

**C. GCG Associates – Construction Observation Services, 2 Pequod Road**

Mr. Furtado – This is our standard middle man engineering agreement. We hire GCG. There will be a preconstruction meeting next week. Board signs the agreement contract with GCG for overseeing the job that is there and as-built drawings. The \$4,810 paid by the people.

Mr. Wotton – I'm going to abstain. He is a customer of mine.

Mr. Ristuccia motioned to approve GCG agreement in the amount of \$4,810. Mr. Lussier seconded. Vote 4-0 in favor with Mr. Wotton abstaining.

**D. Sewer Rates**

Mr. Ristuccia – Request FY18 number at the top is \$4,047,108.24.

Mr. Furtado – I needed to submit this to town meeting.

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Mr. Ristuccia – Next one is the grand total of \$3,970,699.15. End up with \$70,000 at the end of Fiscal Year 18 if no issues.

Mr. Furtado - Aging stuff in ground not enough money. The sewer rate is \$6.45 today. Raise the rates .20 to \$6.65 would give us an excess of \$200,000. Put us in a position we will be secure. Pay for things as they break. This sheet is the expense and revenue sheet for sewer. We haven't raised the rates in a very long time. If you look right now \$837,000 in retained earnings. If we don't raise the rates we will have \$70,000 left.

Mr. Lussier motioned to increase the sewer rates an additional .20 effective April 1, 2017. Mr. Silvia seconded. Vote unanimous.

**VI. Tabled Matters**

n/a

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

Superintendent's Report for March 13, 2017:

From Last Meeting

- Met with Police re: Hydrant Marking Authority
- Notify Union of BPW Vote Status
- Grading Littleneck Road on list

New Items

- Meet in EPA in Boston – given Nitrogen limitation
- Meeting with Mark Rees re: redo of ABC Contract
- Marsh Island Restoration begins survey work
- Meet with Stormwater Grant folks re: update on proposed treatment at Sedgewick and Briercliffe
- Meeting with Senator Pacheco (in Taunton) re: Water Withdrawal Permit
- Turn in all due Articles – add an additional one for \$50k re: NPDES Permit
- Meet with Mark Rees re: BPW taking over street light maintenance in Town – on agenda to discuss
- Kathy and I meet with Stephenson and Brook re: Town's Workman's Comp Insurance rating



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- Conduct Highway Negotiations
- Attend Fincom meeting for requested Park Department transfer
- Sewer and Water Department presented Expense and Revenue Sheets to Mark Rees
- Works on formatting Water/Sewer Expense sheets per request
- Contact Army Corps re: Annual Levee Inspection
- Snow Event

Mr. Ristuccia – Road, gas company did repairs?

Mr. Furtado – Harding Road, John is aware of it.

Mr. Silvia – First house into Mattapoisett a marker that was broken off is leaning against the front.

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

Mr. Wotton motioned to hold the next meeting on March 27, 2017 at 6:00 p.m. Mr. Ristuccia seconded. Vote unanimous.

**IX. Adjourn and Executive Session**

Mr. Wotton motioned to enter into executive session at 8:25 p.m. and not to reconvene in open session to discuss union negotiations.

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

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on March 27, 2017