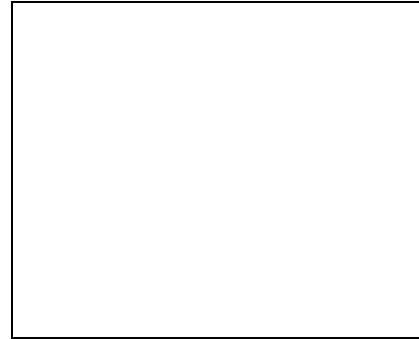


**Town of Fairhaven
Board of Public Works Meeting
April 10, 2017**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Brian Wotton, Commissioner
Keith Silvia, Commissioner
Cameron Durant, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Mark Rees, Town Administrator
Antone Medeiros, Jr. - Contractor



I. Call to Order

Mr. Ristuccia called the meeting to order at 6:00 p.m.

Mr. Ristuccia called for a moment of silence for two former board members who recently passed away; Mr. Robert Cormier who served from 1989-1993 and Mr. Richard Brodeur who served from 1992-2009.

Mr. Hobson motioned to hold the election of officers first. Motion dies for lack of second.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. March 27, 2017

Mr. Wotton motioned to approve the minutes of the March 27, 2017 meeting. Mr. Silvia seconded. Vote 4-0 in favor with Mr. Durant abstaining.

IV. Appointments

A. Mark Rees, Town Administrator – Re: Human Resource Director

Mr. Rees – This is very important, critical. To begin with, it does not take away any of your authority of the BPW to hire and fire or discipline personnel. It will not take that away from you. Similarly with collective bargaining. The purpose is to assist us as managers. I'm going to hand out a job description. These sample job descriptions are two of about forty when we contacted other communities. Right now Fairhaven's personnel administration is very disjointed. Not evenly applied. Rules and regulations haven't been updated in years. No centralized record bookkeeping. Department heads are spending way too much time on other issues. Most important it's critical we don't know what we are doing wrong and could be a major liability down the road. Federal regulations have liability associated with

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them. Violate the wage and hour act could be triple damage. Discriminatory or harassment, civil rights violations; our insurance doesn't cover that and could be personally sued. Highlight some of the things.

Mr. Rees read excerpts from the Town of Charlton's job description.

Mr. Hobson – What is this going to cost? Are the schools part of it?

Mr. Rees – No, they have their own.

Mr. Hobson – What did it cost to negotiate a contract with police and fire? I heard from a selectman it was \$10,000.

Mr. Rees – It was between \$2,000 to \$3,000.

Mr. Hobson – The school's not chipping in? Where is the money from water and sewer fees?

Mr. Rees – I have an estimate of the indirect costs.

Mr. Silvia – Are the fire and police part of it?

Mr. Rees – Yes.

Mr. Furtado – General fund is by itself. Our only concern is water and sewer.

Mr. Rees – Civil rights lawsuit, wage lawsuit and you lose, it will cost you a lot more to pay off that lawsuit.

Mr. Ristuccia – Indirect costs, my position and I think it's time that we approach the Selectboard and request a review for what we are charged for. Amount is well over what it should be. No bearing on what we have here. Take off by our due diligence combating put on for a lot of good.

Mr. Silvia – I just asked Mr. Reese if police and fire were involved and they are.

Mr. Rees – They have some unique civil service rules and regulations. Injured on the job as well. Proper case management.

Mr. Furtado – We were in the insurance pool a few years ago and got out. We are back in the pool now and we are on the bad boy list. Stephenson and Brook is the town consultant. We could have been sending this person information the whole time. Better coordinated.

Mr. Wotton – What is the percentage of the indirect costs when this person retires and benefits?

Mr. Rees – Can't answer this right now. It's a formula driven thing.

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Mr. Wotton – I have a laundry list of things. Police and fire involved? Both of those departments do my due diligence I've asked around town to other department heads. Police and fire, they don't want to be involved.

Mr. Rees – Police and Fire; even if they are not, I supervise them.

Mr. Wotton – Any other department and town hall, number of departments, but school, no?

Mr. Furtado – They have their own.

Mr. Wotton – Personnel Board?

Mr. Rees – It doesn't exist anymore. Look at the history of the personnel board; it had a provision in there for a personnel director.

Mr. Wotton – I'm not in complete favor, make sure everybody else is on board. My last question comp time. This isn't like a union position. Job descriptions, attend nightly meetings. Selectmen other department heads, meetings.

Mr. Rees – Vinnie goes to night meetings. Comp time, one area the town has very different policies on comp time. It creates problems.

Mr. Wotton – I think it is a good thing to have. A lot of other departments involved. Not clear what to do in our department. We need to have that in black and white. Trump what Kathy or Vinnie do? Those two are the decision makers in the department. Last and final say if not, this board it's that man right there.

Mr. Rees – This person would provide assistance, recommendations to Vinnie. Vinnie does the day to day operations, not take away that authority.

Mr. Wotton – Supplement with the candidate and suggest hiring, similar situation. They come to us?

Mr. Rees – It's only advisory. We like the way we are doing things before or have the H.R. person screen.

Mr. Durant – Appropriate background piece, the job description, but when would we see the actual document?

Mr. Rees – Confirmation language, this clearly would be an advisory position for the BPW.

Mr. Durant – Just to see if any additional support for the Town and the BPW where we are on the hook for H.R. liabilities?

Mr. Rees – Yes and no.

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Mr. Durant – X amount of dollars, some issues by not having the H.R. person.

Mr. Rees – Things could have been prevented if the Town had handled it correctly.

Mr. Durant– We will be able to see a new document?

Mr. Ristuccia – if the document Mr. Rees brings to the board provides is what he says he is going to provide then I would be in favor.

Mr. Hobson – I’m totally against it.

Mr. Wotton – I’m not in favor of the salary but I am in favor of the position. Big asset. A lot of towns do have this position. Come from on our end, cut costs or raise costs.

Mr. Furtado – Currently with our allotment we can swing the \$4,000 and \$8,000 and follow thru with what Mike said. Look at the formula for indirect costs. Maybe we can recoup.

Mr. Ristuccia – That process, how long is that?

Mr. Rees – Ann Carreiro figures how we calculate the health and town administration overhead and that can be done in house, otherwise hiring an auditor to do that.

Mr. Silvia – Good in a way legally. Where is the money going to come from?

Mr. Furtado – Current budget retained earnings.

Mr. Silvia – As long as it doesn’t take any power away.

Mr. Durant – I would like to see the final document agreement before I would support this.

B. Antone Medeiros, Jr. – Re: 31 Blackburn Street, Driveway Waiver

Mr. Medeiros – I am here on behalf of homeowner. They want to keep the cars off the road so they are looking for a 2nd opening.

Mr. Silvia – There is stone there now?

Mr. Medeiros – Yes.

Mr. Hobson – How big is the lot?

Mr. Medeiros - 100’.

Mr. Hobson – No neighbors complained?

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Mr. Medeiros – Take 12’ of curb out and put a driveway in.

Mr. Hobson motioned to approve the driveway waiver for 31 Blackburn Street for a second opening. Mr. Wotton seconded. Vote unanimous.

V. Reorganization of Members

Mr. Hobson – It seems like we always get the same chairman. Other boards in town they switch every year. Point I’m trying to get if you don’t want it, refuse it.

Mr. Ristuccia – Put it on the next agenda.

A. Chairman

Mr. Hobson motioned to nominate Mr. Wotton for Chairman. Motion dies for lack of second.

Mr. Silva motioned to nominate Mr. Ristuccia for Chairman. Mr. Durant seconded. Vote 4-1 in favor with Mr. Hobson opposed.

B. Vice-Chairman

Mr. Ristuccia motioned to nominate Mr. Wotton for Vice-chairman. Mr. Durant seconded. Vote 3-1 in favor with Mr. Hobson against. Mr. Wotton abstained.

C. Clerk

Mr. Wotton motioned to nominate Mr. Hobson as Clerk. Mr. Silvia seconded. Vote 4-1 in favor with Mr. Hobson opposed.

VI. Items for Action

A. 2017 Beach Fees

Mr. Furtado – Kathy provided a spreadsheet in the packet. We break even if we only collect the fees after we pay for the lifeguards and pay the person to open up the beach so people are safe.

Ms. Tripp – There are some operating expenses also.

Mr. Wotton – I don’t think the beach should lose money every year. Not even taken into consideration the man-hours to work that parking lot. We need to up some of these fees. One really jumps out and I think that fee should go from \$6 to \$10 for the day pass. You may be thinking that the resident what in reality turn those residents into sticker buying people. Stop transactions down there. Those 1100 transactions will result in a couple dollars more if they buy a sticker. It will make a big difference for walk-ins, should be \$10 as well. We want you to have a sticker. Who’s to say not park around the corner. Drive in and walk in fee.

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Mr. Ristuccia – Spoke with about it earlier that if we raise that from \$6 to \$10 it would make it sensible. Generate a lot more revenue.

Mr. Durant – It’s rather inexpensive from other towns. We are on the very low end of that spectrum. I’m 100% for the increase in parking fees to help remove the walk on fee. If you live on Bass Creek Road you would have to pay \$10 to walk on. The beach parking fees are very low. I agree we want people to convert to stickers. Physically walk on green space. Cars cause damage, pollution and potholes. I’m not sure about the walk-on.

Mr. Wotton motioned raise the West Island Beach Pass for a resident car for 1 day from \$6.00 to \$10.00 and charge seniors for a resident seasonal pass \$15. Mr. Ristuccia seconded. Vote 4-1 in favor with Mr. Hobson opposed.

B. GCG Associates, Inc. – Amendment to the Green Street Improvement Project

Mr. Ristuccia – It will be finished this spring. Part of the contract is for loam and seeding the sidewalks and finishing the street.

Mr. Wotton – The fact they were complete the sidewalks that’s why they didn’t seed.

Mr. Furtado – There are a few punch list items. \$26,000 now is \$33,830. That’s an increase of \$7,480. We have that money in the contract.

Mr. Hobson motioned to sign the amendment with GCG Associates for the Green Street Improvement Project in the amount of \$7,480. Mr. Silvia seconded. Vote unanimous.

Mr. Wotton – Do we have the numbers paid to GCG? Every year we are allowing for this and that and I’m tired of it personally. Save some money have to pay for. We can’t just be tossing out money.

C. Highway Department Collective Bargaining Agreement

Mr. Furtado – At the last meeting the board signed the M.O.A. that Kathy prepared. The union signed the M.O.A. It’s been agreed to and signed. This is actually the new and revised contract. The changes are in the contract. I went in front of the finance committee and they approved this as well. They also approved, fire, police and clerical.

Mr. Wotton motioned to sign the Highway Department Collective Bargaining Agreement. Mr. Silvia seconded. Vote 4-0 in favor with Mr. Durant abstaining.

VII. Tabled Matters

n/a

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

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Superintendent Report for April 7, 2017:

From Last Meeting

- Notified Sewer/Water Union of Board update
- Sent James Wing “to-do” list based on Board vote for sewer extension at Sunset Beach Road

New Items

- Met Conservation at 29 Charity Stevens Lane – sent letter to homeowner requesting permission to install drainage pipe on property to alleviate drainage issue on street
- Completed Water/Sewer wage comparison worksheets
- Speak with Historical Commission rep re; Pokémon back in force at Fort Phoenix
- Meet with Coviello electric re: lighting outage on Route 6 between Main and Adams
- Meet with GCG/Jim Coe on site at Green Street re: punch list items remaining
- Speak with Highway Union re: uniform change in next contract
- Attend Pesticide License renewal class in Taunton
- Attend Nitrogen training class for credits for my wastewater license
- Give authorization for Coviello Electric to re-wire box at Green/Route 6
- Meet with Mark Rees – re: number of items
- Attend Fincom meeting to present Highway union contract

Mr. Hobson – Have they started cleaning up the sides of the roads?

Mr. Furtado – Yes.

Mr. Silvia – Bella Vista, little passage of water, all clogged up. Can the man have it dredged?

Mr. Hobson – That’s his responsibility.

Mr. Ristuccia – I got copies of the authorization to put that bridge in 1972 or 73 and the owner of that is responsible is to keep it at a 4.5 foot depth at mean low tide. Right now the water isn’t. It would help to get that dredged down. I know it’s been in front of Mass DEP and they have no interest in enforcing it. You can’t quahog. Water sampling if not pass it will close right away. The licensees to put that bridge in was issued by the BPW.

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Mr. Ristuccia – I would like to recognize Mr. Durant for the write in ballot and the ironic thing is that was the only contested part of the election was the right in ballots.

Mr. Wotton – On the 22nd of the month we will be having the annual bike path cleanup. Can I get access the dumpster for the garbage?

Mr. Ristuccia – Remind the day before I would like to bring my grandkids.

Mr. Wotton – Can I also get permission to operate a vehicle on the bike path for the day to pick up the garbage?

Mr. Ristuccia – We have in our new budget for plowing of the bike path.

Mr. Furtado – It is in bike path plowing purgatory. When we put this out to bid it's to use bobcat or similar.

Mr. Wotton – In realty the right way is with a plow and a V blade and a follow up truck to make sure it's clear.

Mr. Durant – Is clean up a liability? Would you use salt?

Mr. Furtado – No. My only concern would be tearing it up.

IX. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on April 24, 2017 at 5:45 p.m. Mr. Hobson seconded. Vote unanimous.

X. Executive Session & Adjourn

Mr. Wotton motioned to enter into executive session at 7:22 p.m. to discuss union negotiations and not to reconvene in open session.

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

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on April 24, 2017.