

**Town of Fairhaven  
Board of Public Works Meeting  
May 15, 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  
Nicholas Christi, 237 New Boston Road  
Robert Pavao, A & A Pavao Const. Co.  
Michael Atkinson, Farland Corp.  
Albert Benac, Resident  
Gary Lavalette, Resident



**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. May 1, 2017**

Mr. Wotton motioned to approve the minutes of May 1, 2017. Mr. Hobson seconded. Vote unanimous.

**IV. Appointments**

**A. Nicholas Christi, 237 New Boston Road – Re: Driveway Waiver**

Mr. Christi – This would be a second driveway in away from the home, two families; fifty acres of agricultural. Separate the dwelling from equipment. We do have two tenants. Currently there are no children but we are looking for safety in the future. Start early. I'd like to separate informally the two properties physically and access wise.

Mr. Ristuccia – The second driveway needs approval from the Board. Apron will need to be paved.

Mr. Hobson– How much frontage on New Boston Road?

Mr. Christi – About two hundred feet.

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Mr. Hobson – None of your neighbors would be concerned?

Mr. Christi – There is a house across the street and to the right.

Mr. Wotton motioned to approve the second apron for 237 New Boston Road. Mr. Durant seconded. Vote unanimous.

**B. Robert Pavao, A & A Pavao Construction – Re: New Driveway Contractor**

Mr. Hobson – The paper work is in order, all set.

Mr. Silvia – Give him the rules.

Mr. Wotton motioned to approve A & A Pavao Construction as a new driveway contractor. Mr. Silvia seconded. Vote unanimous.

**C. Michael Atkinson, Farland Corp. – Re: New Driveway Contractor**

Mr. Atkinson – I am Mike from Farland Corp. We are a licensed Drainlayer but we want to start doing curb cuts. Found out in Fairhaven it's separate.

Mr. Ristuccia – You did some work or Farland did on 31 and 33 Charity Stevens.

Mr. Atkinson – Yes.

Mr. Ristuccia – Update you to what I see the highway superintendent was out to the site before the work was done. He met with the foreman and told him you need to make sure everything needs to fall into place. Those things weren't done.

Mr. Atkinson – I spoke with John myself. He said to keep it ten feet back from the property line. Pavao paved the driveway. He was going to stop there ten feet of the right of way. I haven't done any of that yet.

Mr. Ristuccia – Yes you did.

Mr. Atkinson - We did that because we had complaints to the Town. Sweep, told Anthony to pave for now. Only temporary because of the mud next door.

Mr. Hobson – Read what Mr. Charbonneau said.

Mr. Ristuccia – The highway superintendent is a no nonsense guy. In his mind I told the foreman x, y, and z and here's the picture not done.

Mr. Atkinson – I am going to saw cut it. We did not create that water.

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Mr. Wotton – Saw cut to his specs and have it inspected.

Mr. Wotton motioned to approve Farland Corp. as a new driveway contractor.

Ms. Tripp – You used to approve these on a one job basis just in case they do not do a good job.

Mr. Atkinson – You didn't do that for the last contractor.

Mr. Hobson – We used to do that for all the contractors.

Mr. Ristuccia - Next meeting we'll talk about it.

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

**D. Jaime DeSousa – Re: 2 Pequod Road – Grease Trap Waiver**

Mr. DeSousa – We are almost complete. We installed an internal grease trap.

Mr. Wotton – I do work for Coastal Compassion. If I feel unable to be objective I will abstain.

Mr. DeSousa - There is a small kitchen in the facility. Unaware it called for an exterior grease trap in the ground. Issue with one in the ground. It wasn't outside it was inside. They plan on baking edibles, cookies, brownies, patch on skin that is absorbed. That's the kitchen in front of you. Stove is electric convection oven cooking with. Infused with canibas.

Mr. Ristuccia –The issue is catch the grease and the grease comes from deep fried but also comes from stuff from what you are doing but not as bad.

Mr. DeSousa – Two days per week they will be cooking. There is a grease trap in the ground pretty big one right along the wall.

Mr. Wotton – I don't have a problem with it as long as we are not frying or cooking anything else. I can't imagine there would be a large amount of grease from cookies or brownies. Places such as the sushi place internal they've got to be producing much more grease.

Mr. DeSousa – Strictly medical purposes only.

Mr. Ristuccia – Recent in the past we don't really like to give waivers but in the past this probably won't require a grease trap. Get permission go back there in three or six months and put our camera down the pipe to see if there is grease in the pipe you have to do it. If not we not advocates spend money just to meet the rule.

Ms. Tripp – When it is cleaned we would like a report on the maintenance.

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Mr. Durant – Moving forward any chance of expansion?

Mr. DeSousa – The Town will receive 3% of the gross. They have sixty acres in Freetown. If there is an expansion it will happen in Freetown.

Mr. Wotton motioned to approve the grease trap waiver with the stipulation of cleaning and any further expansion or if the grease trap fails, inspect it every six months to a year. Mr. Durant seconded. Vote unanimous.

**E. Albert Benac – Cooke Memorial Park**

Mr. Benac – You may happen to see a couple of people running around Cooke Park. By the end of May we are having a ground penetrating GPR.

Mr. Furtado – They will be checking for a burial site. Documentation that the historical has says otherwise.

Mr. Benac – They found 4 bodies around that area.

Mr. Ristuccia – It is ground penetrating sonar.

Mr. Benac – Our history from 1620 when the Pilgrims came, the last Pilgrims were supposed to be buried in that area. Can't prove it but there are old clippings from newspapers in 1800 stating that they were headstones there. What happened was 100 years later they removed all the headstones. They have the two monuments cleaned up. Japanese seat between the two stones, John Cooke and the Joshua Slocum stone, that's what they are there for. It should be put back. The bench a few years ago the fellow that came to see the cherry trees so he could sit there and look at them. Jerry Rooney said move the bench to anywhere you want.

Mr. Furtado– The special act that created the act for park commissioners, Mass General Law as park commissioners you have all the say in any park. Even more so than the selectmen. Cooke Memorial on Pilgrim Avenue and last year Gary Lavalette with a group of volunteers moved some of those structures around the Joshua Slocum bench and before doing so when he asked as long as the other groups were okay with it. I'm sure you don't care where they go. Cut the grass and weed wack, historic, tourism, do with it what you want. The historical, tourism is on board but there are some folks who have issues with where the structures are. You have the final say. That is why he is here. I've gotten emails after the fact from historical and tourism.

Mr. Lavalette – What happened about two years ago the peace pole had been removed. At the time we were doing a thing with Salvation Army. They wanted to do a cleanup. A neighbor did something with the bench because there was plywood against the tree going around the rocks and jumping over the bench. It got knocked over twice so the peace pole was removed. Took the piece of plywood away and then we went thru in September with permission from a meeting with Mr. Rees, BPW, historical, beautification and Mr. Rooney. Plans were submitted. The peace pole was put in concrete. Three or four people in Town don't like it.

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Mr. Ristuccia – Historical and Tourism are in favor of the way it is. They've sent emails to Mr. Furtado in support of what was done. I feel as so Mr. Benac, we are park commissioners and we decide how to display the park.

Mr. Hobson – I kind of agree of what you are saying. Don't move anything until you have permission.

Mr. Durant – I agree with Mr. Hobson. For our own education what do you feel was lost as far as history?

Mr. Benac – What was done up there one point of view it looks fine. That's not the point. A monument to John Cooke who owned all that property at one time. He owned everything east of Dartmouth.

Mr. Durant - Your concern is Mr. Cooke's due prestige is not given.

Mr. Benac – Japanese downgraded we just had a book signing at the whaling museum regarding Joshua Slocum. People go up and see the Japanese.

Mr. Ristuccia – I understand what you are saying. We have the history and tourism, they like it the way that it is. Difficult for me to want to change anything. I think your case would be to plea with them.

Mr. Wotton– As far as the BPW, I think the biggest concern is to make sure the park is maintained. What you are getting at is if you feel serious about it your case would be better pleaded to one of those other groups. His own designation historical or tourism they are telling us that it is good. I look at them as to what they are talking about more than myself. If Mr. Richard said we hate this and move it. Vinnie lets go move it.

Mr. Furtado – I have had numerous emails. They do because it was in writing. We have emails the select board is on board with the current situation. Tourism is on board and historical on board. If one were not on board. Nothing against Mr. Benac.

Mr. Durant – The BPW's concern is that these objects may have been moved. They have been in place for much longer than that. Clearly we still honor Mr. Cooke for many years now. Our focus for the Town as a hole seems satisfied. Moving these objects not in any way take away any honor form Mr. Cooke but moving forward your best option for additional ways to honor Mr. Cooke. It seems like that park has been utilized for decades. How long has the Joshua Slocum monument been there?

Mr. Benac – A good number of years.

Mr. Durant – Other items there I think, until one can say that we know that it is a burial ground in my opinion is more than happy to honor Mr. Cooke. I think the current set up are the greatest entities of Town.

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Mr. Ristuccia – First Mr. Benac it's no tremendous secret what you do in Town. I think this is the wrong forum for you right now. Have them change their mind. I don't think this Board's mind is to change anything. I know how much time Mr. Furtado has spent.

Mr. Benac – Honor Joshua Slocum. As far as I'm concerned the Japanese have taken over Joshua Slocum and John Cooke. He can move it down by Cherry Street.

Mr. Benac – Why aren't they in a different park?

Mr. Benac – Are you in charge of street lights? A lot have not been transferred.

Mr. Furtado – Yes we are.

**F. Robert Roderiques – Re: McKensie Lane Sewer Development Fees**

Mr. Hobson motioned to pass over. Mr. Wotton seconded. Vote unanimous.

**V. Items for Action**

**A. Park Commissioners Responsibilities**

Mr. Furtado – In your packet I put a copy of the Special Act that created the BPW and as part of that you will see that the Board elected members are park commissioners. If you take Section 2, the park, sewer, water all of that, you guys are the park commissioners. Look at the next sheet excerpt from Mass General Laws. Some of the powers and duties basically anything to do with the park and recreational activities other than parks. So basically stemming from the Cooke thing Mark Rees called me down to his office. There is sort of this disjointness in Town. We oversee the beach. Normally this falls under recreation. We pay for some of lights. The bandshell paid by Selectmen, Fort Phoenix the historical committee, Kathy pays the lights and Warren does the schedule. Make it so that it's right and more consistent. Mark called me into a meeting with Warren. The recreation director will try to see if we could be more consistent. My suggestion was that his concern was about the beach. Warren has run beaches in the past. Historical, they oversee the cannons. Allow them under your umbrella to allow the historical to do the repairs to the cannons, same with the beach. I don't think the BPW give up any responsibilities, they would want to take some responsibility. Leave the way they are. Concern is that the beach running half hazard then perhaps we take over the recreation. When we go tonight basically what I just said. Major concern to make it more consistent bang the gavel. We bequeath the maintenance of the cannons to the historical or give us money. Same with the beach.

Mr. Ristuccia – We take over recreation?

Mr. Wotton – We don't want that.

Mr. Furtado – If that happened, it would be business as usual.

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Mr. Wotton – I think that we should basically keep it the same. Reiterate to their boards, historical that think they control something that they don't, they are an advisory committee. We were under the impression they had the authority to do stuff. They take it upon themselves. We have the right to refuse work. It has to be approved by us first. Before planting anything post it, discuss it. The beach no, we own the parks.

Ms. Tripp – I'm going to tell you years ago the Recreation Commission was in charge of the lifeguards. Do you think John Charbonneau wants to check on the lifeguards daily? He is too busy doing road work and drainage. What does a highway superintendent have to do with lifeguards? If recreation took it over they could do more activities at the beach, volleyball, etc. When there is an issue it's not my job to go down there and there are issues. I'm not their supervisor. We can still bring the trailer down.

Mr. Durant - If the Board was presented with a major issue or liability how would we solve that problem? Sounds like a budget manpower issue.

Mr. Furtado – Kathy's day to day is not as dreary as she protracted. The head lifeguard exercises some responsibilities.

**VI. Tabled Matters**

Mr. Wotton motioned to bring up tabled matters. Mr. Hobson seconded. Vote unanimous.

**A. Verizon Request to put Antenna on Scoticut Neck Water Tank**

Mr. Furtado – You have asked me to check around. I sent some emails around. Most important the water superintendent from Mattapoissett who top if he says they don't have any antenna they will not do it. Tank maintenance computers talk to one another. In my opinion the most important thing is to provide safe drinking water to people. Tank pressure and levels and ph need to have the tank to home base in Mattapoissett. . New Bedford gets \$1400 a month, Marion and Mattapoissett said poo poo.

Mr. Furtado – I stand by Vinnie.

Mr. Wotton motioned to deny Verizon's request to put cell tower on the Scoticut Neck Water Tank. Mr. Durant seconded. Vote 4-1 in favor with Mr. Hobson opposed.

**B. Human Resources Job Description**

Mr. Furtado – Based on the suggestions a couple weeks prior I changed that first paragraph. Money was already allocated. I made it crystal clear that person would be an advisor to the board.

Mr. Ristuccia – Last time we spoke about this Mr. Hobson was not in favor of this at all. I think he's right. The school has their own H.R. department. Obviously the central government feels okay with different areas to have their own human resources department. This department has its own human resources person. Kathy is retiring; part of the job description to replace her would have description of what a human resource director would have. Need for qualify work in the field. Not any degrees. I'm

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sure we could get someone with a lot more qualifications. H.R., yes. Are we really going to get our money's worth? Is it wise for us to spend \$12,000 to share who will be working and not in this building. You tend to think of this building as the other building. We know July of next year we need to replace a key part of this business.

Mr. Wotton – As much as I would like to agree with you, I don't. By putting this job description, who replaces some of those candidates who could be promoted from within. Think about it. People who work here.

Mr. Furtado – H.R. that institutional knowledge is much more important. One of the young ladies that has that as well, fantastic. How many refer to Kathy?

Mr. Ristuccia – Can't we take somebody here to fill that slot? Some sort of education obtained to get the background.

Mr. Hobson – Hire somebody to assist him.

Mr. Durant – More than happy to have the H.R. position. I actually read the Town's job description. It did not have a lot of experience required. We could also have a qualified H.R. for grant duties to help Vinnie. \$60,000 has the right education and experience.

Mr. Wotton motioned to table the Human Resources Job Description. Mr. Hobson seconded. Vote unanimous.

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

Mr. Furtado - 39 Laurel Street; Tony Medeiros did the job.

Mr. Furtado – The DEP sent me an email. In the very near future they will be issuing with EPA the NPDES permit. On the next agenda there will be a contract for the board to sign with legal counsel to help us with this. Draft permit 30 days to respond.

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

Superintendent's Report for May 15, 2017

From Last Meeting

- 39 Laurel Street was provided a price to repair sewer – owner hired Tony Medeiros – we had someone on site
- Human Resources Job description updated based on Board's comments
- Mattapoissett asks that we not consider cell tower on water tower for fear of interrupting SCADA signals



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New Items

- Review water and sewer contracts
- Prepare PowerPoint for Town Meeting
- Attend Department head staff meeting
- Attend Precinct Meeting
- Numerous pre-meetings to prepare for Town Meeting
- Approve EPA access letter to dredge materials on Marsh island
- Speak with Bill Taylor re: NPDES representation
- Attend Town Meeting
- Attend/chair Mattapoissett River valley meeting
- Receive info back from cell tower rentals on water tanks
- Research Park Commissioner duties and authorities
- Bid opening for BPW materials

Mr. Ristuccia – Macomber Park, do you put nets on the hoops?

Mr. Silvia - Lines painted?

Mr. Ristuccia – Cedar Street between 52 and 54, the manhole in the street cover is warped. It makes a loud bang.

Mr. Wotton – List to maintain. Baseball scheduled asked again if it's being done.

Mr. Hobson – What's with the street lights? Costing us money now?

Mr. Furtado – I told Mark if we do it we want to be in charge of that line item. Other items like the solar are part of that budget.

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

Mr. Wotton motioned to hold the next meeting on June 5, 2017 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

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**IX. Adjourn**

Mr. Wotton motioned to adjourn at 7:40 p.m. Mr. Hobson seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on June 5, 2017.