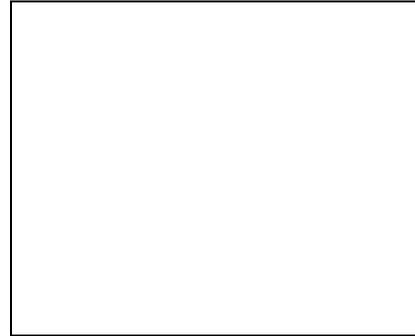


**Town of Fairhaven
Board of Public Works Meeting
June 19, 2012**

Present

G. Steven Riley, Commissioner
Robert Hobson, Commissioner
Kathleen Sturtevant, Commissioner
Geoffrey Haworth, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Fred Best, 6 Swift Street
Jim & Mardie Winterbottom, Perry's Last Stand
Joyce DeSouza, Little Peoples College
Eileen Scully, Little Peoples College



Mr. Freitas was not in attendance.

I. Call to Order

Mr. Riley called the meeting to order at 6:48 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

- A. June 21, 2010 (a) Executive Session**
- B. July 26, 2010 (a) Executive Session**
- C. February 22, 2011 (a) Executive Session**
- D. June 20, 2011 (b) Executive Session**
- E. June 27, 2011 (c) Executive Session**
- F. June 27, 2011 (d) Executive Session**
- G. July 5, 2011 Executive Session**
- H. October 3, 2011 (b) Executive Session**
- I. October 17, 2011 (a) Executive Session**
- J. October 20, 2011 Executive Session**
- K. December 19, 2011 (a) Executive Session**

Ms. Sturtevant motioned to approve the Executive Session minutes A-K. Mr. Haworth seconded. Vote unanimous.

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L. June 4, 2012

Ms. Sturtevant motioned to approve the minutes of June 4, 2012. Mr. Hobson seconded. Vote unanimous.

IV. Appointments

A. Fred Best, 6 Swift Street – Re: Driveway Waiver (2 openings)

Mr. Best – I want to replace the asphalt with cement. I already have two driveways. It's to make it a little wider.

Ms. Sturtevant – I'm okay with it.

Mr. Hobson – I'm okay.

Mr. Riley – I'm opposed if it's too big. It cuts off street parking.

Mr. Best – We're talking inches.

Mr. Haworth motioned to allow one foot more for the transition of the existing driveway. Ms. Sturtevant seconded. Vote unanimous.

B. Barbara & Paul Whewell, 7 Misty Bay Road – Removal of Asphalt Driveway Apron

Barbara and Paul Whewell were not in attendance.

C. Jim & Mardie Winterbottom, Perry's Last Stand – Request to sell Ice Cream at W.I. Town Beach

Mr. Winterbottom – We have been in business for twenty-four years in Wareham. We are all over Plymouth County. We have twelve trucks. We would like to be in Fairhaven right now at the West Island Beach. We are fully insured.

Ms. Winterbottom – We sell pre-packaged novelties, soda, water, chips.

Ms. Sturtevant – I read everything. That will be nice. There are some ice cream trucks around town. I think it's a nice idea.

Mr. Hobson – That's a great idea. This is one of the nicest beaches in southeastern Massachusetts.

Mr. Haworth – You did not list your automobile policy, general liability. You would have to buy a season beach pass.

Ms. Winterbottom – I have that for you.

Mr. Riley – You should try Fort Phoenix.

Ms. Winterbottom – That is a state bid. We've been trying to get a permit since February.

Mr. Riley – The operating hours should be the same; people are a creature of habit. Parking should be on the right side for safety issues.

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Mr. Haworth motioned to allow Perry's Last Stand to sell ice cream at the West Island Town Beach and must by a season beach pass. Ms. Sturtevant seconded. Vote unanimous.

**D. Joyce DeSouza, Eileen Scully – Little People's College
Re: West Island Town Beach**

Mr. Riley – My Company does business with Little People's College so I will have to recluse myself. Mr. Hobson will have to take over.

Mr. Hobson – You are here about the Town Beach?

Ms. DeSouza – I received a call that you are going to charge \$150 for the Town Beach. We bring extra lifeguards to the beach. We have two people on staff that are certified with CPR, First Aid and Water Safety. They have taken the courses. We have summer rules.

Mr. Hobson – How many children?

Ms. DeSouza – On August 1st we brought 31 and August 19th, 27.

Mr. Haworth – What size bus?

Ms. DeSouza – Twenty-six passenger. Sometimes we shuttle them.

Mr. Haworth – My biggest concern is that they are not insured by us. It's a town beach. It's our responsibility. When you throw thirty-one small children into the mix; we have to know. It overwhelmed our staff. It's a lot for one lifeguard to be responsible.

Ms. DeSouza – They are seven to twelve years old.

Mr. Haworth – My biggest concern is safety. It could potentially be a disaster.

Ms. Sturtevant – I agree with Geoff. The other concern is what if someone else comes in. It could be really overwhelming and a liability for the Town.

Ms. DeSouza – They are well supervised. It's very disappointing. They are Fairhaven kids. We go to beaches in every other Town. It is sad.

Mr. Haworth – They are all Fairhaven kids?

Ms. DeSouza – 75% of them.

Mr. Furtado – The reason we raised the fee is because we need to hire extra staff. There has to be one lifeguard for every fifteen kids. The Town is not saying no.

Ms. DeSouza – It's a public beach.

Mr. Haworth – The cost is because we need to hire an extra lifeguard. Its cost associated.

Mr. Furtado – We would need the extra lifeguard.

Mr. Hobson – She is a taxpayer and they run an excellent program. They contribute to the community. Work it out with the Superintendent.

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Ms. Tripp – If I could make a suggestion. What if instead of using the section of the beach where the lifeguards are you go to the west side of the beach and use your own lifeguards and charge \$1 per head.

Mr. Riley – By the ratio of lifeguards to children, we cannot be flexible. That's a reasonable fee per child.

Mr. Haworth – That side of the beach there are no lifeguards. The safety is on you 100%. You still have to pay for parking. I agree with that totally.

Mr. Haworth motioned to allow Little People's College to bring children on busses and charge \$1 per head and have a person that is certified in water safety. Ms. Sturtevant seconded. Vote 3-0 in favor with Mr. Riley abstaining.

V. Items for Action

A. Award Annual Bids #29-36 F.O.B.

Mr. Riley – The low bidders are highlighted in yellow.

Mr. Howard motioned to award Bids #26 – 36 F.O.B. as highlighted. Ms. Sturtevant seconded. Vote unanimous.

B. Bid Language for FY14

Mr. Riley – We had Mr. Furtado and Ms. Tripp make changes on the instructions. It needed more clarification.

Mr. Haworth – The words need to be non cursive, print or typewritten.

Mr. Riley – Instructions in bold.

Mr. Hobson motioned to approve the instructions for FY14 bids to be printed or typed bold. Ms. Sturtevant seconded. Vote unanimous.

C. Fay, Spofford & Thorndike – Improvements to Taber & South Street Amendment #1

Mr. Furtado – We have three projects coming up on the wastewater side; Taber and South Street, Wastewater Management Plan and retrofit of the aeration tanks.

Mr. Haworth – What is this for? Were they the low bidder?

Mr. Furtado – Engineering doesn't require bids.

Mr. Haworth – Weren't there three firms that came before us?

Mr. Riley – Yes there were.

Mr. Furtado – I will get a better explanation.

Ms. Sturtevant motioned to approve to sign Amendment #1 with Fay, Spofford & Thorndike in the amount of \$3,950.00 pending an explanation of the increase. Mr. Hobson seconded. Vote unanimous.

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D. WES Construction – Pay Requisition

Mr. Riley – We will talk about this in executive session.

E. Kim Frias – Request to use Fort Phoenix August 18, 2012

Mr. Hobson motioned to approve the request to use Fort Phoenix on August 18, 2012 at 4:00 with the standard rules and regulations. Ms. Sturtevant seconded. Vote unanimous.

F. GCG Associates – Construction Observation Services for 200 Huttleston Avenue

Mr. Furtado – This is an agreement with GCG for observation services for the old Mutual Gas Station. It's on the corner of Shirley Street. They oversee the construction.

Mr. Haworth motioned to sign the GCG Agreement for 200 Huttleston Avenue in the amount of \$1,975.00. Ms. Sturtevant seconded. Vote unanimous.

**G. Fairhaven Firefighters Muster and Parade
Request to use Livesey Park July 1, 2012**

Mr. Haworth – I have a conflict and will have to reclude myself.

Ms. Sturtevant – It's a good thing as long as nothing else is going on.

Mr. Hobson – All set. It's a good organization.

Mr. Riley – They are going to be there eight or nine hours.

Mr. Hobson motioned to allow the Fairhaven Fire Muster to use Livesey Park on July 1, 2012. Ms. Sturtevant seconded. Vote 3-0 with Mr. Haworth abstaining.

IV. Appointments (Cont.)

E. Richard Senna, Attorney Kenneth Littman – Re: Courtlyn Way

Mr. Riley – This will be in open session. You've had past issues with a Fairhaven police officer so we will tread lightly.

Attorney Littman – I am Mr. Senna's attorney from Fall River. We have had problems on Courtlyn Way in the last two years. Some of them have been different issues. The town owns land between properties. This person who lives next door is a Fairhaven police officer. There have been a number of problems over the last two years. What Mr. Senna wants is #1, the No Trespass order lifted. He lives with JoAnn Tavares who owns this house.

Mr. Riley – I have a letter from Mr. Senna stating that he lives there with her and is equally responsible for the care and maintenance of the property.

Attorney Littman – The other property is 3 Courtlyn Way. It separated by a 20 x 150' strip with a retention pond. The No Trespass was directed at Mr. Senna, not JoAnn Tavares. If someone starts cutting the grass on the strip it's been a problem. There has been stress on Ms. Tavares and Mr. Senna. Mr. Senna's purpose of the letter is to have the No Trespass lifted as far as it relates to him. We think that there will be less problems with the neighbor. He has also become subject to a criminal complaint. I represented Mr. Senna in New Bedford District Court. The application filed by the Town, the court

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handled it with the Assistant Court Magistrate. She said to Mr. Senna if he paid the cost of materials that she would not issue the complaint for damages on Town property. He paid. The invoice was \$581 and he paid \$156.

Mr. Hobson – My personal opinion is he pays for manpower and materials. He caused the problem, he should pay the bill.

Ms. Sturtevant – This went to court?

Attorney Littman – The Fairhaven Police said he vandalized real estate. We went to a clerk hearing to determine whether they should issue a complaint. The Assistant Clerk Magistrate reviewed the invoice. She determined what she thought was fair for compensation; \$125 for labor and \$30 in materials, \$156. She would not issue the complaint and that part was dismissed.

Mr. Riley – We had at least three or four meetings for Mr. Senna to remove the trees. The last time we met he wanted an extension. The Board said we waited long enough. The vote taken was thirty days to correct the situation and if you don't do it we will.

Mr. Senna – We moved the trees. We seeded all the way to the back. Mr. Charbonneau and Mr. Haworth witnessed it. It was a 3' by 150' section. I got charged for moving mulch. The whole situation wasn't fair.

Mr. Hobson – Anyone here from the Town at that hearing?

Attorney Littman – The police.

Mr. Haworth – We gave you six months to get those trees out. You left a mess behind. Mr. Fitzgerald and I went there. You through mulch over it. We went out there to take out the mulch because you failed to loam and seed.

Mr. Senna – I have emails from you about the mulch. We spoke a few times.

Mr. Haworth – You damaged the property three separate times. You were hostile to Mr. Fitzgerald and me. You failed to follow our vote. The \$500 bill; we gave you a deal. You can't sit here claiming you're the victim. You failed to follow orders. Every vote is documented.

Attorney Littman – 2009 to 2010; this is the time period?

Mr. Haworth – It was late fall one year.

Mr. Riley – In April or May, you and/or JoAnn came to a meeting and said it wasn't healthy to move the trees. We said it was long enough; thirty days or we're going to do it. The issue was that section of land was used for private use. It's public land.

Mr. Senna – It was in between planting season. We did move the trees.

Mr. Riley – You did come in November and ask for an extension. We said no, put that land back to the way it was.

Mr. Hobson motioned for Mr. Senna to pay the difference in the money owed. Mr. Haworth seconded. Vote unanimous.

Mr. Riley – The second reason he is here is to have the No Trespass lifted.

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Mr. Haworth – My problem is with the No Trespass, you don't have control of your temper with Town officials. You were belligerent. We are not here to hurt you. You showed no respect. There is a twenty-one foot buffer zone. You repeatedly did not comply. There were multiple charges against you. Put a fence up. This No Trespass actually protects you.

Mr. Senna – It's personal.

Ms. Sturtevant – It has been a long drawn out procedure. Its two neighbors not getting along. You have no jurisdiction as far it goes.

Mr. Riley – Whatever happens between two neighbors, in that case on the fence, the No Trespass it's your viewpoint. I have to agree with Mr. Haworth, it does protect you. The other question I had was for the Town to go out and cut the grass in areas like that. This would alleviate some of the stress.

Attorney Littman – I was thinking why doesn't the Town maintain it?

Mr. Senna – I know you weren't going to lift it. I want to bring this to closure.

Mr. Riley – Check with Mr. Charbonneau about the grass.

Mr. Hobson motioned not to lift the No Trespass against Mr. Senna. Mr. Haworth seconded. Vote unanimous.

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

Mr. Hobson – Mr. Leal from the Homecoming Committee asked that we cut the grass and pick up trash prior to Homecoming.

Ms. Sturtevant – I would like to thank Greg Bettencourt for donating a piece of wood for the Bike Path.

Ms. Tripp – I don't think we have it yet.

Ms. Sturtevant – I will check on that. Also, at the end of Briercliffe was done. Surveying of Weybridge?

Mr. Furtado – There is a very good chance that may be private property.

Mr. Hobson – The Sedgewick drain?

Mr. Furtado – We'll look into it.

Mr. Haworth – The road for the road race looked great. I received an email from a Town resident who had three safety concerns; Green Street crosswalk is badly dated, Green and Union where the park is the brick sidewalk is hazardous and the bike path at Green Street west there is a tree knocked over. Homecoming; Walnut Street between Union and Center Street in the middle of the street on the east side there is a puddle. There is nowhere for the water to go. Can you have John look at that? The sidewalks on Fort Street and the trees? Some of these trees need to be taken down.

Mr. Riley – I recommend that you be placed on the Selectmen's agenda and discuss it with them. That's their jurisdiction. The Bike Path appointment; we found some information back in 1999. It's in control by the BPW and how the money is expended. Send a letter to the Selectmen saying that the committee members are appointed by the BPW.

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Mr. Haworth – Have them send us a list of the appointments.

Mr. Haworth motioned to send the Selectmen a letter about the Bike Path Committee appointments should be made by the BPW. Mr. Hobson seconded. Vote unanimous.

Mr. Furtado – The Park Department; we had to go for a transfer for gas and diesel. We began seeding the digester. The lifeguards start tomorrow. Nstar Electric; they want the box at six feet and the electrical inspector wants it no lower than ten feet. We will need to have two commissioners for the truck driver committee. Hurricane Meeting; the two crosswalks were approved. The Fisherman Road, Balsam Street; they approved \$300. Bill Roth was awarded another grant project. Finance Committee; we may need some water reserve money. One of the pumps is out at the well at Tinkham Lane. The next time we meet Camp Dresser will be here to talk about the Digester along with Town Counsel.

BPW Superintendent Report for June 19, 2012

From Last meeting

- Letter to family bicentennial day written
- Bottom of Briercliffe Road filled in
- Letter to Homecoming folks sent
- Letter of Commitment to Mass Coalition for Fairhaven joining Association
- Letter to Selectmen re: planting of trees on Cherry / Pilgrim
- Waybridge gate; needs to be surveyed; gate may be on private property and not part of paper street
- 65 Oliver Street; letter requesting to return easement to original condition or BPW will do work and invoice for such
- Rivard Street grass cut

New Items

- Park Dept fuel transfer from reserve fund approved by Finance Committee
- Met with Town Insurance agent to walk treatment plant and add digester to insured property
- Bid openings for Street Sweeper on June 27
- Bid opening for storm water debris removal for Sycamore Street and Livesey Park was June 14
- Lots of Digester training; began seeding system on June 15, 2012
- Cat 963 has a blown seal on rear drive. Repair is \$6000. We have \$\$ in the vehicle maintenance line item so I approved this expenditure
- Met with Town Beach Lifeguards; schedule, etc.
- Nstar working on permit approval for electrical box on Town Beach for Trailer
- Turbine Contractor still needs to loam and seed and install cross brace on installed fence
- Town has declared surplus compost for Fairhaven contractors
- Truck Driver Posting for Highways is up
- Line Painting at Balsam/Fisherman Rd approved by Police. BPW will present sketch at joint meeting with Selectmen for their approval. This is to satisfy Fishermen Beach Association which has come in front of us a few times.
- Received dirty water calls on June 12. Upon investigation it was City of New Bedford flushing a hydrant on Pope's Island. Skipper Hotel has revealed that they credited some of the folks who were staying there because of this water situation. I have informed the City about this in case the Skipper submits an invoice this will be turned over to the City.

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- Town was awarded the CDBG grant for the Park/Main project.
- Oxford St will be put in binder next week. Cherry St, West and Lafayette will be redone in summer months.
- Street sweeping and pothole repairs for road race
- Employee incident I will talk about in person.
- Ristuccia property – Town will still install catch basins to remove water on Balsam Street – just not on his property as easement wasn't granted.
- Pump maintenance ongoing at Tinkham lane
- Met with CDM concerning digester project overview. CDM would like to appear in front of our Board, in Executive session, at our next meeting.
- Town received approval (from State) to contact Kyocera (solar panel mfg) directly if we have performance issues due to snail tracks.
- Working with Planning to get a State Highway eligible project approved.

Mr. Haworth – The turbine; patch on the bike path put on the punch list.

VII. Set Date for the Next Meeting

Mr. Haworth motioned to hold the next meeting on July 9, 2012 at 6:30 p.m. Mr. Hobson seconded. Vote unanimous.

Ms. Sturtevant motioned to enter into executive session at 8:45 p.m. to discuss a union matter and the Digester and not to reconvene in open session. Mr. Hobson seconded. Vote unanimous.

Roll call taken: Mr. Riley, Mr. Hobson, Ms. Sturtevant and Mr. Haworth in favor.

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant