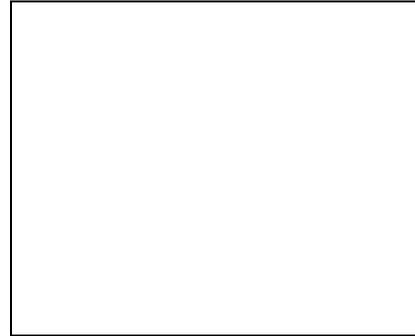


**Town of Fairhaven  
Board of Public Works Meeting  
April 22, 2013**

Present

G. Steven Riley, Commissioner  
Robert Hobson, Commissioner  
Kathleen Sturtevant Commissioner  
Michael Ristuccia, Commissioner  
Kathy Tripp, Administrative Assistant  
Paul Lima, Able Asphalt  
Michael Almeida, 96 Washington Street  
Joseph Corvelo, 19 Hacker Street  
Attorney Louis Badwey, Resident



Mr. Furtado was not in attendance. Mr. Furtado and Mr. Charbonneau were scheduled to meet with the Conservation Commission.

**I. Call to Order**

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

**II. Routine Matters**

**A. Signing of Departmental Bills**

**III. Approval of Minutes**

**A. April 8, 2013**

Ms. Sturtevant motioned to approve the minutes of the April 8, 2013 meeting. Mr. Ristuccia seconded. Vote unanimous.

**IV. Paul Lima, Able Asphalt, 4 Hidden Drive – Driveway Waiver**

Mr. Lima – This is for a new home. They have a circular driveway now, but its gravel.

Mr. Riley – They have two openings?

Ms. Tripp – Some information; when someone applies for a building permit, if the property has water and sewer we give water and sewer availability slips to the Building Department. Before we give out these slips we require a driveway permit application be filled out. Because this property does not have sewer and water, we were unaware of the new house and the owners were given a building permit without the driveway application being filled out.

Mr. Ristuccia – I have no questions.

Ms. Sturtevant – All set.

Mr. Riley – I drove down there. There are two drainage ditches on the side. The left one is higher. Are you redirecting the trench?

Mr. Lima – Yes, that's why they want it paved.

Mr. Riley – Check with Mr. Charbonneau before you do it.

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Ms. Sturtevant motioned to approve two driveway openings for 4 Hidden Drive at 12' each and to check with Mr. Charbonneau about the drainage on the property. Mr. Ristuccia seconded. Vote unanimous.

**B. Michael Almeida, 96 Washington Street – Driveway Waiver**

Mr. Riley – You are requesting an increase in your apron at 96 Washington Street.

Mr. Almeida – It's a dangerous corner. People drive fast and it's hard to get out of it.

Ms. Sturtevant – I'm aware of the curve. It's a blind corner.

Mr. Ristuccia – The curb that is there now, what's the procedure?

Mr. Riley – Granite curbing, he removes it and brings it back to the yard. It's a very dangerous corner. I can see where you have been jumping the curb now. The less cars on Washington Street, the safer it is.

Mr. Ristuccia motioned to approve a 23' wide opening for 96 Washington Street and to return the granite curb to BPW. Ms. Sturtevant seconded. Vote unanimous.

**V. Items for Action**

**A. GCG Associates Engineering Agreement – 102 Alden Road (Guard Oil) \$2,305**

Mr. Riley – This is for 102 Alden Road. The cost of the agreement is \$2,305.

Ms. Tripp – This is an agreement where the property or development owner gives us a deposit for the engineering services and we pay the engineer thru a separate account. There is no cost to the Town.

Ms. Sturtevant motioned to approve the Agreement for Professional Services with GCG Associates for 102 Alden Road in the amount of \$2,305.00. Mr. Ristuccia seconded. Vote unanimous.

**B. WES Construction – Change Order #11 (\$53,973.86)**

Mr. Riley – This is for a credit of \$53,973.86. The project was eighteen months overdue.

Ms. Sturtevant motioned to approve WES Construction Change Order #11 for a credit of \$53,973.86. Mr. Ristuccia seconded. Vote unanimous.

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

Mr. Riley – Piping Plovers; the State has said that the Town has to protect the piping plovers if the fence comes down. They did narrow the fence but now it has been expanded again. Mr. Furtado spoke with someone from Attorney Crotty's office.

Mr. Ristuccia – The birds do there nesting now. They should be able to shrink the fencing area a little bit once the nests are there. The dog owners, Animal Control; hopefully all parties can agree peacefully. The Selectmen are the owners of all Town properties.

Some people have been talking to me about paving Dogwood Street.

Mr. Riley – In 2007 and 2006 we tried to find money to do one dirt road and paved roads as we can. Dogwood Street has been on the list for the last three years. We had it as the first one this year. The

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Finance Committee disagreed with our two choices. They voted two different roads. It will be decided at Town Meeting. We will hear the Finance Committee and Selectmen's thoughts.

**IV. Appointments (Continued)**

**C. Joseph Corvelo, 19 Hacker Street – Driveway Waiver**

Mr. Corvelo – I would like to have a “U” shaped driveway. I have a big truck. I have one now that is 16' wide. I would like another one 16'. There is a gate already there. Hacker Street is narrow.

Mr. Ristuccia – Are you using stamped concrete?

Mr. Corvelo – I'd like to.

Mr. Riley - We do allow stamped concrete 8' in the town layout but the property owner will be responsible for any repairs if it is damaged or dug up. You can leave it at 18' or you can do 16 feet. That's up to you.

Mr. Hobson arrived at 6:20 p.m.

Mr. Riley – Do you want to keep it at 18'?

Mr. Corvelo – Yes.

Ms. Sturtevant motioned to approve a second 18' opening and stamped concrete. Mr. Ristuccia seconded. Vote unanimous.

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

Mr. Riley – Attorney Badwey is here. If you are going to talk about the piping plovers I will have to reclude myself again. The State says that we must protect the piping plovers.

Mr. Hobson took over as Chairman.

Mr. Badwey – I talked to Scott Melvin. They have to ask permission to put up the fence. They have some expansion on the State property south of the two smaller ones and there is another one the size of a football field. I understand the leash law on my property. You regulate the beach.

Ms. Sturtevant – The leash law; we don't make that restriction. It's Town property. The dog officer would have jurisdiction or even go to the Selectmen.

Mr. Ristuccia – It was clear at the last meeting that the Board's position was about the fence. Leave one up and not allow the other. The Town attorney was called. Town Counsel said that they have the right to put the fence where they want.

Mr. Hobson – Any nests there?

Attorney Badwey – I stay pretty far away from the perimeter.

Mr. Hobson – I've been there three times and haven't seen a nest. This person from the State, they continue to put up more fence.

Mr. Hobson motioned to have Vinnie or the Board speak to the person from the State about the fence on Town property.

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Mr. Ristuccia – I was there today. I walked down, not to the southeast corner but the other ones. How big are the nests supposed to be? I didn't see one. I think we should meet with him over the next two weeks.

Mr. Ristuccia motioned to table until two weeks and invite them next Wednesday before the next meeting and have two Board members walk together at the site with the Lloyd Center or the State and continue this at the next meeting. Ms. Sturtevant seconded. Vote 2-1 in favor. Ms. Sturtevant and Mr. Ristuccia in favor and Mr. Hobson against.

Mr. Riley took over as Chairman.

Ms. Sturtevant – All set.

Mr. Hobson – People have been asking me about the free mulch that used to be at the Recycle Center.

Ms. Tripp – I will check with John.

Mr. Hobson – I was verbally threatened by a Town resident and before he assaults me I would like a No Trespass put on him. I filed a complaint with the Police Department. What's the Town going to do about it to protect me?

Mr. Riley – I don't know the legal part but this Board has to vote to use Town Counsel.

Mr. Hobson – I'm seventy-three years old and a veteran. I want protection for me and my family. I want to know what my rights are.

Mr. Riley motioned that the Board request to ask the Board of Selectmen to use Town Counsel for Mr. Hobson to see what he can or cannot do. Vote 3-0 in favor with Mr. Hobson abstaining.

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

Ms. Sturtevant motioned to hold the next meeting on May 4, 2013 at 8:30 a.m. at the Hastings Middle School. Mr. Hobson seconded. Vote unanimous.

Ms. Sturtevant motioned to hold the next meeting on May 6, 2013 at 6:00 p.m. Mr. Ristuccia seconded. Vote unanimous.

**VIII. Adjourn and Executive Session**

Mr. Riley motioned to adjourn the open session at 6:55 p.m. and enter into executive session to discuss union negotiations and not to reconvene in open session. Mr. Hobson seconded. Vote unanimous.

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

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved May 6, 2013.