

**Town of Fairhaven
Board of Public Works Meeting
July 24, 2023**



Present

Brian Wotton, Commissioner
Robert Hobson, Commissioner
Anne Morton Smith, Commissioner
Travis Rapoza, Commissioner
Daniel Lopes, Commissioner
Vincent Furtado, BPW Superintendent
Rebecca Vento, Office Manager
Joshua Crabb, Highway Superintendent
Karen Vilandry, Hands Across the River Coalition
Wayne Oliveira, Historical Commission
Gary Lavalette, Historical Commission
Keith Silvia, Historical Commission Select Board Representative
Tony Coelho, Highway Department
Doug Brady
Glenn Cudmore

I. Call to Order

Mr. Wotton called the meeting to order at 5:33 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. July 10, 2023

Mr. Hobson motioned to approve the minutes of July 10, 2023. Mr. Lopes seconded. Vote unanimous.

IV. Appointments

**A. Karen Vilandry Hands Across the River Coalition & Historical Committee –
Presentation of Archeological Survey at Cooke Park**

Ms. Vilandry – As you know Hands Across the River Coalition had an Archeological Survey done at Cooke Park. It was recommended by the Massachusetts Historical Commission and in their reports, they found that there is a historic burial site, Oxford Village Burial Hill at Cooke Memorial Park. The ground penetrating radar survey that was done back in 2017 showed potentially 60 burial shafts. We then sent that information back to Mass Historical Commission. They also documented the four skeletons that were mistakenly unearthed at the time that the Fairhaven Improvement Association excavated for the foundation for the Cooke Memorial. Mass Historical Commission had also assigned an inventory number to Cooke Park Oxford Burial Hill as one of the cemeteries in the state of Massachusetts. We then had a

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company called PAL (Professional Archeological Laboratory) preform an Archaeological Survey at the beginning of the year.

Ms. Vilandry read the Management Summary (Attachment A) and Archaeological Abstract (Attachment B) that was submitted in PAL report No. 4484 dated March 2023.

Ms. Vilandry – Just so everyone is aware Mass Historical Commission only allowed PAL to dig down four feet because they did not want to disturb any burial shafts.

Mr. Wotton – What is the objective tonight?

Ms. Vilandry - To have the BPW recognize and acknowledge that this is a burial site.

Mr. Wotton – I thought that we already did that a few years ago when we put a moratorium on festivals and events at Cooke Park.

Mr. Furtado - I do not think the Board ever declared Cooke Park a cemetery. The Board just put a moratorium on events being held at Cooke Park until we could get more information. Also, since Cooke Park is a property with joint jurisdiction we wanted to make sure that everyone could be present at the meeting before the Board made a decision.

Mr. Wotton – My question is does the Historical Commission agree with these findings?

Mr. Rapoza entered the meeting at 5:45 p.m.

Mr. Oliveira – I am the chair of the Fairhaven Historical Commission and Mr. Lavalette is the vice-chair. I do not know why Hands Across the River is taking this on. The Town never asked for this to be done or had any interest in pursuing the burial ground. Mass Historical knows that this is a historic burial hill and I am not sure why we are pursuing this any further. This is not an active cemetery and if we deem it a cemetery I think that you are walking on a slippery slope and you would have to follow Chapter 114. I think Ms. Vilandry should have come to the local Historical Commission to discuss this before coming to the BPW with a recommendation. I also think that it was premature that we did not have fairs and festivals. I am not sure what the end game is for this. I feel that \$10,000 was a waste of grant money. There was a slaughter house in that area years ago so the bones that were found could be cows, dogs or really anything. We do not know that there are human remains down there because the archeological dig did not go deep enough. I do not think that we are ready for this designation to make it a cemetery.

Mr. Lavalette showed a picture from The Fairhaven Star before Pilgrim Avenue.

Mr. Lavalette - There are no questions that four bodies were found and if you look at the Star Magazine it shows that there are two parcels here. One of the parcels has always been deeded

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as a cemetery, hence the Burial Hill. The rest of this was always a working farm. The deed states that there are two separate parcels and they should be used in separate ways.

Mr. Wotton – My thought is if there was a building there, which is a massive two-story building it would have to have a foundation at least four to six feet underground. What is the difference between calling this a cemetery and a memorial park?

Mr. Lavalette – What it comes down to is the North Fairhaven Improvement Association payed a lot of money for this property to be used as a park. I think that the property should be used for ceremonies, it is a celebration of life and it is not a disrespect to anybody that is buried there.

Mr. Wotton - What would the Historical Commission like to see done with this property?

Mr. Oliveira – With the discussion that we had, we would like to see one of the historical signs posted in the park showing the official designation of what the State identifies it as and the rest of the park should be used for fairs and festivals. I would call it a burial place and not call it a cemetery to avoid that slippery slope.

Mr. Hobson - If we vote to make it a cemetery I still feel we should be able to still use the park for festivals and events.

Mr. Wotton – I hate to deter kids from going out there and playing in the park.

Mr. Oliveira – Just as a warning it looks like the Police Department is going to start charging for details. If you kick fairs and festivals out of the park and they have to use the streets then they would have to shut the streets down and pay for a detail. They could just use the park, be well off the streets, and be safe.

Ms. Smith - There are no rules about having celebrations in cemeteries or burial grounds, so I do object to taking it that far. I think that we can have both, acknowledge what it is, and have it be what it is intended to be.

Mr. Rapoza - The report from the Commonwealth of Massachusetts sort of rebutted the report that you furnished us with in terms of the type of technology that was used to make the assessment. For that reason, I think it is very hard without proof to make that leap. I think I am more of the opinion of Mr. Hobson and Ms. Smith and I feel we can do both things as well.

Ms. Vilandry read a portion of a letter that was addressed to Mr. Oliveira from Mass Historical Commission.

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Discussion ensued amongst all present.

Ms. Ellison – If you are stuck on the definitions, you can have town counsel way in on this.

Mr. Silvia – I think we should have the property surveyed to find out exactly what the property lines are before the Board makes a decision.

Mr. Brady - I think that you should take the advice from Ms. Ellison and reach out to town counsel and find out once and for all if Chapter 114-17 applies.

Mr. Wotton - I would like to ask the Historical Commission to come up with the verbiage for the sign either way. Once we receive the verbiage, we will put it on a future agenda for discussion.

Ms. Vilandry - Would you recognize that this is a historical burial site tonight?

Mr. Wotton – The Historical Commission is willing to work with you, so when you and the historical committee agree on terms then the Board will discuss it at a future meeting.

Mr. Rapoza motioned table the discussion for Cooke Memorial Park until the Board receives input from the Historical Commission and legal counsel's advice on this topic. Ms. Smith seconded. Vote unanimous.

B. Tony Coelho, Sewer System Maintenance Craftsman Position

Mr. Furtado – Mr. Coelho requested to come before the Board tonight because there is a vacancy in the Sewer Dept due to an internal promotion. We posted the promotional bulletin for the Sewer System Maintenance Craftsman and Mr. Coelho was the only applicant that applied for the position. He was not recommended to the Board because he does not have his wastewater license. In the past, we used to promote an employee and give them a period of time to get the necessary license but a few years back we change this policy and we recommend that the applicant meets the minimum qualifications at the time of hire.

Mr. Hobson - Is he enrolled in the wastewater program?

Mr. Furtado – No, not at this time.

Mr. Wotton - How long do you think it will take to get the license?

Mr. Coelho – I believe I can get the grade 1. I am looking to move to the sewer department because there are more opportunities to grow there.

V. Item for Action

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A. Police Details for BPW Projects

Mr. Furtado – When the BPW requests a Police Detail they are not always able to fill the request.

Mr. Crabb – This is unattractive because anything after 4hr for the Town is hour for hour. A lot of times our details do not get filled because they are not guaranteed 8 hours. I do not have the language from the police contract so I am happy to discuss this at another meeting when I receive all the information.

**B. Northern Construction Services, LLC, Goulart Bridge Repairs, Payment # 1 \$127,000.00
(Final Payment)**

Mr. Rapoza motioned to approve Payment # 1 (final payment) to Northern Construction Services, in the amount of \$127,000.00 for Goulart Bridge Repairs. Mr. Lopes seconded. Vote unanimous.

**C. Brown & Caldwell, Sign Agreement for Environmental Monitoring, Bridge Street
Landfill FY24 \$18,200.00**

Mr. Rapoza motioned to Sign the Agreement for FY24 Environmental Monitoring at Bridge Street Landfill in the amount of \$18,200.00. Mr. Hobson seconded. Vote unanimous.

D. Century Paving, Livesey Park Pickleball Courts, Change Order #1 \$34,000.00

Mr. Furtado - We are going to skip this until the next meeting because we are still waiting for the change order from the Engineer.

E. Recycle Center Update

Mr. Crabb gave an update on the Recycle Center to the Board.

**F. Red Brick Farm / Mattapoisett River Valley Land Conservation Project Sign
Conservation Restriction**

Mr. Furtado - The original conservation restriction that was signed a few months ago was denied by the State because they did not want the Buzzards Bay Coalition as the primary Conservation Restriction holder. With the Boards permission, the Town of Fairhaven will be the primary Conservation Restriction holder.

Mr. Rapoza motioned to Sign the Red Brick Farm Conservation Restriction accepting the Town of Fairhaven to be the primary Conservation Restriction holder. Ms. Smith seconded. Vote unanimous.

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VI. Tabled Matter

A. n/a

VII. Public Comments / Open Forum

Mr. Cudmore - I am just looking for an update for the on the flushing of West Island.

Mr. Furtado – We should be done flushing West Island by Wednesday at the latest.

VIII. Old Business / New Business

A. Superintendent

Superintendent Report for July 24, 2023

- SEMASS - brokerage amount being negotiated
- Brokerage account with EL Harvey reviewed for signature
- Textile shed contract language being reviewed
- Meet with TA, engineer and Mattapoisett Reps re sewer bids
- Tobie Simmons - OML complaint
- Attend Selectboard meeting re causeway bridge
- Lots of back and forth re 14 Cherrystone sewer stub
- Completing Interrogatories re above property
- Attend Selectboard meeting re Fall Town Meeting date
- Pickleball preconstruction meeting - work will commence mid -September
- Bids being prepared for Skatepark work
- Meet with Insurance Lawyer Multiple x re Cherrystone sewer stub
- Chair monthly MRV meeting
- Open bids for Water Treatment Plant Equipment
- Meeting with Teamsters re union negotiation
- Couple of discipline issues

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Mr. Furtado answered any questions that the Board had regarding the Superintendent Report.

B. Board Members

Mr. Hobson - The boat ramp on Middle Street is overgrown with weeds.

Mr. Lopes -After West Island how many more zones do we have to flush?

Mr. Furtado - Three more zones the center.

Mr. Wotton - There is a lot of vegetation growing on the bikepath. Also, could we look at painting a crosswalk on the bikepath at both Shaw Road & Gellette Road?

C. Marine Resources Committee – BPW Related Matters

Mr. Hobson – We have not met and will not be meeting until September.

D. Community Preservation Committee – BPW Relate Matters

Mr. Rapoza – We have not met at this time.

IX. Set Date for the Next Meeting

Mr. Rapoza motioned to set the date for the next meeting on August 7, 2023 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

X. Adjourn

Mr. Rapoza motioned to adjourn the meeting at 7:30 p.m. Mr. Hobson seconded. Vote unanimous.

Respectfully submitted,

Rebecca L. Vento

Rebecca Vento
Office Manager

Minutes approved on August 7, 2023

Attachments:

- A. PAL Report No. 4484 Management Summary
- B. PAL Report No. 4484 Archeological Abstract

MANAGEMENT SUMMARY

The Hands Across the River Coalition, Inc. is working with the Town of Fairhaven to designate Cooke Memorial Park at the corner of Pilgrim Avenue and Cherry Street a historical cemetery. In 2017, a ground-penetrating radar (GPR) survey was conducted at the park and identified a number of subsurface acoustic anomalies consistent in shape and profile with documented southern New England grave shafts.

Archaeological survey demonstrated that Cooke Memorial Park includes a portion of the old Oxford Burial Hill historic burial ground. The site has the potential to yield new information on first settler burial grounds in Fairhaven and southeastern Massachusetts and is recommended as potentially eligible for listing in the National Register of Historic Places. The horizontal limits of graves at Oxford Burial Hill are unknown, and it is likely that unmarked graves continue north onto private property. PAL recommends that the Town of Fairhaven identify Cooke Memorial Park as a historical burial ground and prohibit any future ground-disturbing work within the Park without prior archaeological verification to ensure that unmarked graves are not disturbed.

ARCHAEOLOGICAL ABSTRACT

Site examination archaeological testing at Cooke Memorial Park involved the excavation of four 2-x-0.5-meter excavation units (EUs) at four ground-penetrating radar (GPR) anomalies identified during a 2017 GPR survey. Three of the EUs exhibited stratified fill deposits with late-nineteenth-century cultural materials to 120 centimeters below surface or the local water table. A disturbed grave shaft was identified running roughly east-west through the northern half of EU-04, excavated near the northeast corner of the John Cooke Memorial boulder placed within the park in 1902. Within the remnant grave shaft, PAL observed small pieces of decaying coffin wood and two ferrous coffin nails. PAL's archaeological site examination confirmed that at least part of Cooke Memorial Park contains unmarked graves and is within the historic Oxford Burial Hill burial ground.