

**Town of Fairhaven
Board of Public Works Meeting
April 8, 2024**



Present

Brian Wotton, Commissioner
Robert Hobson, Commissioner
Anne Morton Smith, Commissioner
Daniel Lopes, Commissioner
Hillary Rotondo, Commissioner
Vincent Furtado, BPW Superintendent
Rebecca Vento, Office Manager
Joshua Crabb, Highway Superintendent
Andrew Dillon, Police Officer
Tobie Simmons

I. Call to Order

Mr. Wotton called the meeting to order at 6:01 p.m.

Mr. Wotton reconvened from Executive Session at 6:50 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. April 1, 2024

Mr. Hobson motioned to approve the minutes of April 1, 2024. Ms. Smith seconded. Vote unanimous.

IV. Executive Session

A. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (Highway Superintendent).

B. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares - 97 Farmfield St

V. Reorganization of Members

A. Chairman

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Mr. Hobson nominated Mr. Wotton as Chairman. Ms. Smith seconded. Vote unanimous

B. Vice-Chairman

Mr. Lopes nominated Mr. Hobson as Vice-Chairman. Ms. Smith seconded. Vote unanimous

C. Clerk

Mr. Hobson nominated Ms. Smith as Clerk. Mr. Wotton seconded. Vote unanimous

VI. Item for Action

A. Rescind Vote from 4/1/24 for Special Motor Equipment Operator Hired

Mr. Wotton – We are going to skip over this tonight.

B. Hire Special Motor Equipment Operator Highway Department

1. Jason Deree

Mr. Hobson motioned to hire Mr. Deree as a Special Motor Equipment Operator. Ms. Smith seconded. Vote unanimous.

2. Matthew Girouard

Mr. Wotton – We hired Mr. Girouard at the last meeting.

Mr. Cronin requested permission from Mr. Wotton to record the meeting

Mr. Wotton approved Mr. Cronin's request.

C. Cooke Park Sign Replacement

Mr. Wotton – We are going to skip over this until after the next Historical Committee meeting. They are not scheduled to meet until next month, and they are going to discuss this on their next agenda. We are going to give them the allotted time that they need to discuss it at their next meeting to get the sign moved, and if they can't get the signed company to move it, then the BPW is going to move it. It is only fair to give them the opportunity to correct the wrong that was done. We did look back at their minutes, and it states that the sign should be approximately 8 feet from the curb, I would say 8 feet could give or take a couple of feet but double that is a little bit much. Also, if the sign company needs help digging the holes in the right spot we can assist them.

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D. Conrad Henri Roy III, 3rd Annual Memorial 5K Run / Walk, September 7, 2024

Mr. Wotton – If you could just reach out to them to let them know about the scheduled work that Eversource has planned that might affect the route.

Ms. Smith motioned to approve Conrad Henri Roy III, 3rd Annual Memorial 5K Run / Walk on September 7, 2024. Ms. Rotondo seconded. Vote unanimous.

E. Causeway Road Sidewalk Repairs, LAL Construction

1. Sign Contract Agreement

Mr. Lopes motioned to Sign the Contract Agreement with LAL Construction for the Causeway Road Sidewalk Repairs. Ms. Rotondo seconded. Vote unanimous.

2. Sign Notice to Proceed

Ms. Smith motioned to Sign the Notice to Proceed with LAL Construction for the Causeway Road Sidewalk Repairs. Mr. Hobson seconded. Vote unanimous.

F. Sign Engineering Agreement, GCG Associates, Causeway Road Sidewalk Repairs \$3,070.00

Ms. Smith motioned to Sign the Engineering Agreement with GCG Associates for the Causeway Road Sidewalk Repairs in the amount of \$3,070.00. Mr. Hobson seconded. Vote unanimous.

G. Sign Engineering Agreement, GCG Associates, Spring Street Water Main \$145,160.00

Mr. Lopes motioned to Sign the Engineering Agreement with GCG Associates for the Spring Street Water Main in the amount of \$145,160.00. Ms. Smith seconded. Vote unanimous.

H. Recycle Center Operation and Parking

Mr. Crabb – We met with Brown and Caldwell and they think that it will be favorable to move the recycle center to Bridge Street but that probably would not be for another one to two years before we are able to do so. We still have to get approval from DEP. The Recycle Center has been open about a week and Mr. Furtado and I are concerned with the amount of traffic that is going in and out of the parking lot. We would like to make a new parking lot in front of the building.

Mr. Wotton – How many parking spots are you looking to have.

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Mr. Crabb – I am looking to double what we currently have, maybe 30 spots. I can put a sketch together and present it to the Board. We are just concerned about the safety and our staff.

Mr. Crabb will put a few sketches together and present them to the Board at a later date.

I. Tighe & Bond, WPCF Design Amendment #2 Comprehensive Wastewater Management Plan \$462,000.00

Mr. Hobson motioned to Sign WPCF Design Amendment #2 with Tighe and Bond for Comprehensive Wastewater Management Plan in the amount of \$462,000.00. Mr. Lopes seconded. Vote unanimous.

A. DEP Pay Req #3 (Loan CWP-22-67A) \$126,605.00

Mr. Wotton motioned to Sign DEP Pay Req #3 in the amount of \$126,605.00. Ms. Smith seconded. Vote unanimous.

B. Open Meeting Law Complaint, May 8, 2023

1. Revised Minutes from May 8, 2023

Mr. Furtado - We received an open meeting Law Complainant from the meeting of May 8, 2023. In the opinion of the Attorney General's Office, they are not sufficient and they found that the complaint was valid and they instructed us to revise and approve the minutes from the May 8, 2023 meeting.

Ms. Smith motioned to approve the revised minutes from May 8, 2023. Ms. Rotondo seconded. Vote unanimous.

C. Sign Engineering Agreement, GCG Associates, 21 People's Way (Mirasol's) \$6,185.00

Mr. Lopes motioned to Sign the Engineering Agreement with GCG Associates for 21 People's Way (Mirasol's) in the amount of \$6,185.00. Ms. Smith seconded. Vote unanimous.

VI. Table Matters

A. n/a

VII. Public Comments / Open Forum

Mr. Wotton – We are going to move on to the public comment and open form portion of our meeting. If there's something you would like to bring to the Board's attention now would be the time to do that.

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If there is anything that is not pending litigation, then I would be happy to hear it. Anything pending litigation the letter from our town attorney has stated to you that we are not to speak about it.

Ms. Simmons – I would like to speak.

Mr. Wotton – I would be willing to hear what you have to say if it does not have anything to do regarding your address or regarding the litigation that we have pending.

Ms. Simmons – My life stems from my address where I live. The Water Department shut off my family's water today.

Mr. Wotton – Yes, and we have been advised from Town Counsel not to address that at our meeting.

Ms. Simmons – I would like to just state that we had submitted requests in writing on your recommendation at the last meeting that we were taken out from, that you wouldn't allow us to speak. We submitted requests to be on a meeting agenda to discuss the project before it was slated to happen, and those requests were ignored, and then the Board went on to talk about our address at meetings off agenda and make decisions about us without us being there and without us being invited.

Mr. Wotton – Decisions were not made Miss Simmons, regarding your address or anything without being here live on TV or in executive session. I'm going to stop your comments as of right now I've allowed you to speak. I'm going to read the letter from our Town's Attorney which you were handed.

Ms. Simmons – Was that letter approved by the Board?

Mr. Wotton - This letter has been approved by the Town Attorney.

Ms. Simmons – But was it approved by the Board?

Mr. Wotton – It was approved by the Board, the Select Board, and everybody else who has the authority to hire and enter into contract with the Town's Attorney.

Ms. Simmons – Was it approved by the Board?

Mr. Wotton – Ms. Simmons, this is coming from the Town's Attorney, Heather White.

Ms. Simmons – I just want to know if it was approved by the Board because Ms. Morton Smith asked about it and said, what is going on with item 3, and Mr. Furtado said, a letter was written, and police are involved, and if they don't comply there will be penalties, and you said, move on.

So that letter was not approved by the BPW Board and does not hold the authority from the Board.

Mr. Wotton -The letter holds the authority from the Town Attorney who represents the Board of Public and the Select Board, as well as the Town of Fairhaven, and they are the Town Council, and they represent everything that I do here, and her letter that was given to you on April first.

Mr. Wotton read the letter from Town Council (Attachment A).

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Mr. Wotton - That is the only comment that I am going to allow any further comments I am going to bang my gavel and have the police officer remove you from the meeting. We are going to move on and continue on with our agenda.

Ms. Simmons - I just have a question about how long we can expect our children are going to be living without water.

Mr. Wotton – That is a great question. And because this board has great consideration for your family, unlike what you've been doing, putting your children on the sidewalk in the right way.

Ms. Simmons – You spoke at us very harshly last time, enough to terrify my children.

Mr. Wotton – Enough that I had to call the police department to remove you from my meeting.

Ms. Simmons – You threatened to have me arrested in front of my children.

Mr. Wotton - Correct, because you keep putting your children as pawns in front of you. You want to be on open session I am going to put it out there.

Ms. Simmons - What are you saying?

Mr. Wotton – You are putting your children out there at the street, and making the police remove them. That is what happened again today. I am moving on the discussion over regarding 97 Farm Field Street. Any further discussion will be with Town Council.

Ms. Simmons – Will that cost us money?

Mr. Wotton - This is costing the Town money.

Ms. Simmons – That is your choice to do that, not mine.

Officer Dillon - Ma'am. They are moving on. I do not want to have to remove you from the meeting.

VIII. Old Business / New Business

A. Superintendent

Superintendent Report for April 8, 2024

- Attend Fincom for FY 25
- Meet with HUB Insurance re Water Plant
- Approve ANR Project on Wolf island Rd for MRV

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- Invoice Mattapoisett for Sewer
- Heather Re: IMA for Acushnet
- Josh and I meet with Brown & Caldwell re recycling center move to landfill
- Attend POTW Upgrade meeting
- Attend Water License Training
- Staff meets with TA, Town Finance Team and our Billing (computer) Company re Trash Billing Logistics
- Josh and I meet with local Disability Commission Reps

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

B. Board Members

Mr. Hobson – Winsagansett Avenue and Whisper Lane has a few pot holes could you fill those in.

Ms. Smith – Do we have any update from TrueBouce with an update on when the Basketball Courts will be completed at Cushman Park.

Mr. Crabb –I will reach out to him and get an update.

C. Marine Resources Committee – BPW Related Matters

Mr. Hobson – We have not met since our last meeting.

D. Community Preservation Committee – BPW Relate Matters

IX. Set Date for the Next Meeting

Ms. Smith motioned to set the date of the next meeting on April 22, 2024 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

X. Adjourn

Mr. Wotton motioned to go into executive session at 6:03 p.m. to conduct strategy sessions in preparation for negotiations of non-union personnel, or to conduct collective bargaining sessions, or to contract negotiations with non-union personnel (the Highway Superintendent) and also to discuss strategy with respect to collective bargaining on litigation if an open meeting may have detrimental effect on the bargaining or litigation position of the public body and the chair so declares (97 Farmfield Street)and to reconvene in open session. Ms. Smith seconded. Roll call vote: Mr. Wotton, Mr. Hobson, Ms. Smith, Mr. Lopes and Ms. Rotondo in favor

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Mr. Hobson motioned to adjourn the meeting at 7:27 p.m. Ms. Smith seconded. Vote unanimous.

XI. Executive Session

A. n/a

Respectfully submitted,

Rebecca L. Vento

Rebecca Vento
Office Manager

Attachments:

Attachment A – Letter from Town Counsel

Minutes approved on May 20, 2024



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April 1, 2024

Tobie Simmons
97 Farmfield Street
Fairhaven, MA02719

Re: Water Meter Pit Installation

Dear Mrs. Simmons:

I am Town Counsel for the Town of Fairhaven. Please be advised that the Town will proceed with the water meter pit installation in the sidewalk within the public way on April 8, 2024, beginning at 9:00 A.M. The meter pit will not use wireless technology. Please be advised that if you or your family members, representatives, or designees make any attempt to obstruct the work to be performed on said date, your water will be shut off immediately and will remain shut off until we proceed with obtaining an administrative warrant to perform the work and to remove any obstructions by any means necessary and such work is successfully completed.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather C. White', written in a cursive style.

Heather C. White

cc: Angeline Lopes Ellison, Town Administrator
Michael J. Myers, Chief of Police
Vincent Furtado, Superintendent of Public Works

