

**Town of Fairhaven  
Board of Public Works Meeting  
August 3, 2020**

**Present**

Brian Wotton, Commissioner  
Robert Hobson, Commissioner  
Frank Coelho, Commissioner  
Marcus Ferro, Commissioner  
Vincent Furtado, BPW Superintendent  
Rebecca Vento, Office Manager  
Linda Schick, Sewer Superintendent  
Jerry Dugan, ABC Disposal  
Mike Camara, ABC Disposal  
Matthew Brodo, 113 Cottonwood Street  
Christopher Costa, 97 Sycamore Street  
Linda Costa, 97 Sycamore Street  
Christopher Costa, 97 Sycamore Street



Mr. Durant was not in attendance.

**I. Call to Order**

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

**II. Routine Matters**

**A. Signing of Departmental Bills**

**III. Approval of Minutes**

**A. July 20, 2020**

Mr. Hobson motioned to approve the minutes of July 20, 2020. Mr. Ferro seconded. Vote unanimous.

**IV. Appointments**

**A. BPW Superintendent & Sewer Superintendent – Vacation Carryover**

Mr. Wotton - I suspect that you both are looking to carryover your vacation time due to the Covid Pandemic.

Ms. Schick – Yes, I am looking to carryover seven days.

Mr. Coelho motioned to approve Ms. Schick's request to carryover seven vacation days. Mr. Ferro seconded. Vote unanimous.

Mr. Wotton – Mr. Furtado how many days are you looking to carryover?

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Mr. Furtado - I am looking to carryover seven vacation days as well.

Mr. Hobson motioned to approve Mr. Furtado's request to carryover seven vacation days. Mr. Ferro seconded. Vote unanimous.

**B. ABC Disposal**

Mr. Furtado - Within the last month we have had constant issues with missed pickups. At the last meeting, the Board asked me to invite you in so we could address the concerns that we have. Within the last month, we have had the most missed pickups that I have seen in the eight years that I have been with the Town. I understand that barrels get missed. The issue that was concerning to me was when we call to inform you of the missed pickups, we got assurance that someone would go back to pick it up, then we assure the resident that someone would be back to pick up their missed barrels and then a few days later the resident calls us again to find out why no one ever came back. A few other issues that have been brought to my attention is since there has been so many issues a few of your staff members have either blocked us, they are deleting the emails without reading them or they are not returning our calls.

Mr. Wotton - We are not here to just discuss the missed pickups. We are concerned about the blocked emails and the emails being deleted without being read. We have had no issues with your company and we enjoy working with you. We just want to make sure that you are aware of what is going on and we want to make sure that this is fixed and does not go on without being rectified.

Mr. Hobson - I can understand that you have a lot of new drivers but I think that part of the issue is not your fault. Residents are putting items in their trash carts that do not belong.

Mr. Furtado - I am not blaming the drivers because they are missing pickups. My concern is not just the missed pickups but also the fact that they are telling us they will go back and then they do not.

Mr. Wotton - We just wanted to make you aware of the communication problem that we are experiencing. Is there someone else that we should contact if our regular contact does not answer?

Mr. Dugan - I will follow up daily with the dispatcher to make sure the missed carts are being picked up.

Mr. Wotton - We have to deal with the resident that calls in multiple times and we want to be able to rectify the situation on the first try.

Mr. Dugan - I will send you a list of updated contacts tomorrow.

Mr. Coelho - We should not have to be calling twice. Beside the issues we have been having for the last month you do an excellent job with minimal complaints.

Mr. Camara - I apologize for the mishaps that you have had. We enjoy working with the Town. Our previous dispatcher left and we have just filled that position. The woman that we hired has worked for

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us in the past and it seems that she is learning the job rather quickly. I will sit down with the supervisors and drivers and make sure that we get this corrected.

**C. Matthew Brodo, 113 Cottonwood Street – Driveway Waiver**

Mr. Wotton –This is a violation for a driveway that the work was done without a permit by an unapproved contractor and the materials that they used are not approved.

Mr. Furtado - Someone spoke with Mr. Charbonneau when they were starting the renovations and they said that they were not going to install a new driveway they were going to use the existing one. They installed a new driveway with materials that were not on the approved list. The maximum fine that the Board can assess is three hundred dollars.

Mr. Coelho - I would like to see that this is tabled until someone can be here to represent the homeowner. There is no urgency since this has already been done.

Mr. Wotton - The urgency is the violation. They were told the proper procedure and they did not follow what they were told. We as a Board still need to address the violation.

Mr. Hobson – Are we talking about a three hundred dollar violation and having them remove the old driveway apron?

Mr. Wotton – Yes, I think that as part of the fine the old apron needs to be removed.

Mr. Wotton motioned to assess the violation of three hundred dollars to both the contractor and the homeowner. Vote 3-1 with Mr. Coelho opposed.

Mr. Brodo entered the meeting.

Mr. Wotton - Before you arrived the Board motioned to assess a violation of three hundred dollars to both the contractor and the homeowner, the shell driveway was approved but the existing asphalt apron needs to be removed.

Mr. Brodo - I am the current contractor. When I requested signatures for the occupancy permit I was informed of the issues and I am here tonight because I want to make sure that everything is done correctly.

Mr. Hobson – I think that we should remove the violation that was assessed to the contractor and just assess the violation to the homeowner.

Mr. Wotton - I am ok with removing both violations but it is up to the Board.

Mr. Hobson motioned to rescind the previous vote of the three hundred dollar violation to both the homeowner and contractor. Mr. Ferro seconded. Vote unanimous

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Mr. Hobson motioned to assess a three hundred dollar violation to the homeowner. Mr. Ferro seconded. Vote unanimous.

**D. Linda Costa, 97 Sycamore Street – Sewer Issue**

Mr. Furtado – This is just an update from the last time we met. At the last meeting, the Board asked if we could help this resident out in any way. The Sewer Department went to the property and filmed her line. Previously Ms. Costa hired a contractor to come and camera her line and that contractor told her that the structural integrity of the pipe was in poor condition. After the Sewer Department cameraed the line we found out that the pipe was not as bad as she was led to believe. I think that her sewer line will be ok but she still has the issue with the tree.

Ms. Costa – The Sewer Department said that the sewer pipe is detached in one section because of the tree and it was near where the sinkhole was. I sent a picture to you this morning.

Mr. Costa – The picture that was sent is a snapshot from about 25 feet from the house. That is just about where the sinkhole is starting again. In the picture you can see the pipe and the tree roots mixed with sludge.

Mr. Hobson – Who's pipe is it?

Mr. Furtado - It is their pipe.

Mr. Wotton- Have you spoke with the Tree Warden since the last meeting?

Ms. Costa - I spoke with him this past Saturday and he told me that I was on the list to have the tree branches trimmed off my house.

Mr. Wotton – As we said at the last meeting even though it is a town tree we have no jurisdiction over the tree dept. It is up to him what is done with the tree.

Mr. Hobson - Who is responsible for fixing the pipe?

Mr. Furtado – It is the homeowner's responsibility to fix the pipe.

Ms. Costa - We understand that it is our responsibility to fix the pipe. We would like the tree to be removed before we do so.

Mr. Costa – I do not understand how the whole thing is our responsibility since we will have to dig up the sidewalk and a portion of the street to replace the pipe and this is all caused by tree roots from a town tree. The Town owns the sidewalk and the street but we are responsible for fixing that plus the pipe? In addition, the sidewalk is lifted because of the tree. It is a real hazard someone is going to trip and fall.

Mr. Furtado - We can fix the sidewalk that is lifted.

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Mr. Wotton - The laws regarding the main line have not changed. The only thing that has changed is the Town not being allowed to enter a resident's house.

Mr. Furtado – We did that anyway to accommodate them and pinpoint the issue. We also wanted to check the structural integrity of the pipe. Mr. Robillard went there and he said that the pipe was ok. They dye tested and they used the high-pressure jet rodder and the water went to the main. The pipe eventually needs to be fixed but the folks that they hired led these residents to believe that the pipe had to be fix yesterday but that is not the case.

Mr. Hobson – You mean to tell me that if the main was on the west side of Sycamore Street and the pipe was broken under the street and sidewalk they would be responsible to go under the street to repair the line and repave the street and sidewalk that was disturbed.

Mr. Furtado - Yes, wherever the pipe connects to the main is the homeowner's responsibility.

Ms. Costa – If the line is disconnected at one point would it not be a hazmat or environmental issue at this point?

Mr. Furtado - If your pipe is leaking into Sycamore Street you would then have to address the situation sooner than later.

Mr. Costa - The sinkhole that was fixed last year is starting to settle again. Eventually at some point, the Highway Department will need to address this.

Mr. Wotton – The patch is going to settle. The BPW is not responsible for the tree and the issue you are having is with the Tree Warden and your private line. We have done everything that is in our power. I would recommend that you keep on the Tree Warden to try to get that tree taken down.

Mr. Costa - Do you know what the average cost is to fix the pipe between the house and the main?

Mr. Furtado- I would say fifteen hundred to two thousand dollars to fix just the pipe that is damaged.

Mr. Costa - I would not want to just replace the portion of the pipe that is broken, I would like to replace the whole pipe so I know that there is not going to be any other issues. Who is responsible for fixing the street and sidewalk?

Mr. Wotton - The majority of the contractors will do all the work together. I would ask them for the whole thing and maybe the town could help you with the sidewalk. Then once the pipe is replaced we could then install a cleanout.

**V. Items for Action**

**A. Covid-19 Matters**

Mr. Furtado – I just wanted to inform you that because we hired additional employees for the beach this year due to Covid and we were appropriated the money for the FY20 budget I applied for the Covid

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Cares Act through the Town Accountant because we would be short money to pay the staff and we would have to close the beach before Labor Day.

**B. West Island Town Beach Update**

Mr. Hobson - I go to the Town Beach every day and there has been issues with people being rude to the employees. I think that we should get their plate number and revoke their permits. The employees are only doing their jobs and the residents do not need to be disrespectful to them. The other issue that I see is there are dogs on the beach and people are not picking up after them. Next year we will have to go through the rules because there are some issues that need to be addressed.

Mr. Furtado – I would like to hear any amendments you have for the rules.

Mr. Hobson – Also, there are a lot of people that have been there kite boarding. I know the employees that are working are sending the kite boarders to the west side of the beach.

Mr. Wotton - All watercrafts should be in the unguarded areas and away from any swimmers.

Mr. Hobson - I think that all the employees that are working at the beach this year are doing a great job.

Mr. Lavalette – I just wanted to make you aware of an issue that happened this weekend. We had to call the police because a certain resident was off the charts. I know that the employee will not be back next year due to the issue. The reason that this started was because he refused to put the sticker on his vehicle and then he admitted that he does not put it on because he transfers the sticker between his vehicles. We asked him a second time to adhere the sticker to his vehicle and that is when he became unruly. Next year we need to make sure that the stickers are adhered to the vehicle because a lot of people refuse to do so.

Mr. Ferro motioned to revoke permit #650 for the rest of the 2020 beach season. Mr. Hobson seconded. Vote unanimous.

Mr. Furtado - We are looking for a lifeguard for the remainder of the season. If anyone knows anyone please have them come into the office to fill out an application.

Mr. Wotton – Can you reach out to the YMCA and see if they know of anyone that maybe interested.

Mr. Lavalette - I did have to address the parasailers today because there were complaints that they were coming too close to the shore. I let them know that they had to stay away from swimmers. They are a club that is not from around here and because of the wind, there were ten to fifteen of them there today.

Mr. Wotton - I think that if we educate them and let them know what areas are off limits and where they can be everything will be fine.

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Mr. Hobson - I walked that path today and the sides need to be weed whacked. In addition, the boat and no trespassing sign is still there. Enough is enough and something needs to be done about it.

**C. Sewer Cleanout Policy**

Mr. Furtado - At the last meeting Mr. Wotton asked for this to be put on the next agenda. I put a copy of the latest Sewer Use Ordinance in your packet. Mr. Furtado reviewed the Sewer Use Ordinance with the Board.

Mr. Wotton - What I would like to add to the Sewer Use Ordinance is any new construction being built needs to install a cleanout at the curb so we do not have an issue in the future. I think that this would help correct these situations down the road.

Mr. Hobson - You are asking that any new construction whether it be a house or commercial business put in a cleanout?

Mr. Coelho - I thought that it was already being done that way.

Mr. Wotton - I want to make sure that any new home or business is implementing.

Mr. Furtado – That currently is not in the Sewer Use Ordinance.

Mr. Ferro – I think that it is good practice and we should make it mandatory.

Mr. Furtado – I will update the Sewer Use Ordinance and present it to you at the next meeting.

**D. Police & Fire Station Sewer Replacement Project – P.K.M. Contractors, Inc.**

**1. Change Order #1**

Mr. Ferro motioned to approve Change Order # 1 to P.K.M. Contractors, Inc. for the time extension. Mr. Wotton seconded. Vote unanimous

**2. Payment #2 \$66,680.15**

Mr. Hobson motioned to approve payment #2 in the amount of \$66,680.15 to P.K.M. Contractors, Inc. Mr. Ferro seconded. Vote unanimous.

**3. Certificate of Substantial Completion**

Mr. Ferro motioned to sign the Certificate of Substantial Completion to P.K.M. Contractors, Inc. Mr. Hobson seconded. Vote unanimous.

**E. Stormwater Remediation Design Grant**

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Mr. Furtado - With all the new stormwater requirements that we have the federal government is going to require us to clean up the waterways. The Buzzards Bay National Estuary Project hired an engineering contractor to look at some of our potential stormwater sites that could be remediated. With this grant, we could be the recipient of a design which would include a filtration system. We met at the far west end of Jerusalem Road and it looked like that site will eventually move forward with a design and treatment structure. I am bringing this up because one of the other sites that they are looking at is Cooke Park where the rain garden currently is. For obvious reasons I am reluctant to let them move forward with that site. The three sites that they looked at were Church Street, which there is not enough room, Jerusalem Road and Cherry Street. A few years back we received a grant for Bernese street and we were able to complete 70% of the design. I am going to try to push Bernese Street and Jerusalem Road as the two locations. If Cherry Street is their choice, do you not want me to do Cherry Street?

Mr. Wotton - What is actually involved in this.

Mr. Furtado - They would dig in the area of the rain garden.

Mr. Hobson – I do not think that people will be happy with this.

Mr. Furtado – That is why I am bringing it up.

Mr. Hobson - I do not think we should do anything there without having a public hearing first.

Mr. Wotton – I agree. I do not think that we should be doing anything at Cooke Park.

Mr. Coelho - What about the bottom of Manhattan Avenue.

Mr. Furtado - That was not one of the targeted areas for this project.

**F. 2020 Town Auction**

Mr. Furtado - We typically have our annual Town Auction the third Saturday in October. Do we want to still have the auction this year? Do we want to hold it remotely?

Mr. Wotton - I think that we should have the auction like we do every year and make sure that we follow all the governor's guidelines. We should make masks mandatory, hold the auction outside and keep social distancing in mind.

**VI. Tabled Matters**

**A. Contract Agreement WasteZero**

**VII. Public Comments / Open Forum**

**VIII. Old Business / New Business**



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**A. Superintendent**

Superintendent Report for August 3, 2020

- Continued issues with ABC - invited rep into meeting
- Town Meeting preparation
- Rene and sewer crew assist resident at 97 Sycamore St with sewer issue
- Contact State concerning sidewalk as part of Green St project - in works
- Chair Mattapoisett River valley Meeting
- John C and I meet with Fairhaven Lumber re drainage
- Attend Town Meeting
- John C and I meet with reps from BBNEP Engineer re stormwater grant
- Army corps annual hurricane barrier inspection
- Issue RFP for water meter AMI
- Highway crew installed beach parking signs
- JC requested Sherrif's crew repaint Town Beach Tower
- Conservation approves test pits on Jerusalem Rd
- Meet with Town Counsel re Sunset Beach sewer extension
- Second notice to 3 Bass Creek Rd
- Request Covid Cares Act Grant \$\$ to ensure beach opening through Labor Day
- Meet with Town Planner about Complete Streets grant

Mr. Furtado – I just wanted to let the Board know that we put the Request for Proposal for the Automatic Meter Reading system on CommBuys. We will have a bid opening and see what we are looking at for a figure. With that figure we can ask for that money at the fall Town Meeting. I also put the soil analysis that Mr. Coelho requested in the packet. In addition, I put the alternative analysis that I did for Town Meeting in the packet just in case anyone has any questions.

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Mr. Wotton - I just wanted to bring up the second notice that was sent out for the boat and sign on Bass Creek Road. I think that it is time to have it removed.

Mr. Furtado - The homeowner call Mr. Charbonneau on Friday regarding the letter that he sent.

**B. Board Members**

Mr. Hobson - I have received a few calls that there are two potholes on Sconticut Neck Road by the 99 Restaurant. There is a memorial bench on Littlebay Road and someone ruined it. Is there any way that we can send someone down there to clean up the area and possibly fix or put up another bench. How many homes are left that have not tied into sewer.

Mr. Wotton – Can we call MassDOT in regards to the weeds growing on Route 6.

Mr. Furtado – Yes. We also have a call in to someone at MassDOT in regards to finishing Green Street. In order to save as many trees as we can we are looking to extend the sidewalks as easterly as possible by the basketball courts at Fort Phoenix. We are waiting for a response from the state to get approval to relocate the sidewalk.

**C. Marine Resources Committee – BPW Related Matters**

Mr. Hobson – I have nothing at this time.

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

Mr. Hobson motioned to set the date of the next meeting on August 17, 2020 at 6:00 p.m. Mr. Durant seconded. Vote unanimous.

**X. Adjourn**

Mr. Hobson motioned to adjourn the meeting at 8:06 p.m. Mr. Ferro seconded. Vote unanimous.

**XI. Executive Session**

**A. n/a**

Respectfully submitted,

Rebecca Vento  
Office Manager

Minutes approved on September 8, 2020.