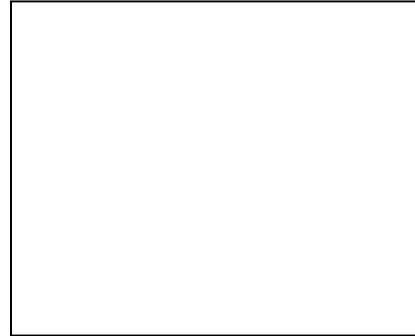


**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

Present

Michael Ristuccia, Commissioner
Robert Hobson, Commissioner
Brian Wotton, Commissioner
Kathleen Sturtevant, Commissioner
Daniel Freitas, Commissioner
Vincent Furtado, BPW Superintendent
Kathy Tripp, Administrative Assistant
Tom Jenkins, Stantec
Ron Porter, Stantec
Ken Scully, Stantec
Bob Watson, Bay State Regional Contractor



I. Call to Order

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

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. November 16, 2015 – Executive Session

Mr. Wotton motioned to approve the minutes of the November 16, 2015 Executive Session. Vote 4 -1 in favor with Mr. Freitas opposed.

B. November 19, 2015 – Executive Session

Mr. Wotton motioned to approve the minutes of the November 19, 2015 Executive Session. Vote 4-1 in favor with Mr. Freitas opposed.

C. November 30, 2015

Mr. Wotton motioned to approve the minutes of the November 30, 2015 meeting. Vote 4-1 in favor with Mr. Freitas opposed.

D. November 30, 2015 – Executive Session

Mr. Wotton motioned to approve the minutes of the November 30, 2015 Executive Session. Vote 4-1 in favor with Mr. Freitas opposed.

**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

IV. Appointments

A. Tom Jenkins, Ron Porter, Ken Scully – Stantec; Taber Street Change Order #1

Mr. Furtado – We’ve talked about this at the last couple of meetings. They are here for the change order for the Taber Street Pump Station, pipe lining and we have to change some of the contracts name changed to Stantec. The last few meetings we discussed some of the backup costs for the change orders. We need to move this change order along.

Mr. Wotton – My couple of questions originally first came to the asbestos. If it’s plain and visible my concern is why this wasn’t seen in the beginning? One million dollar contract, \$18,000 is really combining the testing and PCB disposal weight. Look to move ten feet of pipe, \$2,000 is astronomical. Why not seen in the beginning? When you first went in there and evaluated, concerns we had not seen this in the beginning and now moving forward we have these stupid change orders. In the beginning would have known about it on a million dollar contract. Why and forward when we evaluate these things. Don’t happen again. Pipe wrapped in asbestos should have seen that. Why not from the get go.

Mr. Watson arrived at 6:07 p.m.

Mr. Wotton – Not an issue with you doing the work. I get the water line relocation but it’s a big number for ten feet of pipe. Altogether \$20,000 right there with the asbestos. If the asbestos is visible, it’s something we should have seen in the beginning.

Mr. Freitas – The email from Bob Letourneau to Bob Watson states, “There was no previous inspection done for asbestos. There is asbestos in the insulation on the generator muffler.” That is something that like Brian said, you walk in and it’s right there. Generator is forty some odd years old. There is definitely some asbestos. Ten feet of pipe; quote from F.W. Webb costs \$333 up to \$2,000 so that’s basically at \$100 per hour. Seventeen hours for ten feet of pipe this is going to take a long time to get the job done. I have the same concerns. Not out of control. Brown and Caldwell threw numbers at us. I’m going to be very vocal about keeping the cost down on this. Vinnie is going to hear it from us and give it to you.

Mr. Jenkins– A couple of things costs as a practical standpoint. If we had all of these in the bidding documents it would not be as much as the change order. Engineering costs; we would normally subcontract that out at a cost of about \$3,000. Does a study give us a report another \$5,000 higher. I understand the time. The only comment I would have to that keep the engineering costs down not to have someone there all the time. We are at the mercy of the contractor. Seventeen hours to move ten feet of pipe very costly job. The job is going well from what I’ve heard. I am an on-call employee with Stantec. Ron and I started the same time. Make compromises. Contactor engineer and the owner. Compromise here to keep the job moving. I don’t have the same authority as when I worked for FS&T. You’ve got the contactor here. Make this job to continue to run smoothly. Keep the cost to a reasonable limit.

Mr. Wotton – This is already here. I’m looking at the next project, survey with the contractor in the beginning.

**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

Mr. Porter – Yes.

Mr. Wotton– Spend \$3,000 to check into the asbestos I would have done that. We would have known that. Knowing now after the fact anybody in their right mind prior to 1960 there is a pretty good chance we are going to run into asbestos. Going forward look at you to come to us and spend a couple thousand dollars to remove PCB asbestos or whatever it is.

Mr. Porter – Keep in mind the asbestos for the generator was in the contract documents. So the additional testing was for as what was in the caulking.

Mr. Watson - For the disposal. I'd like to weigh in on the change order aspect. My standpoint I don't like change orders. When I have to do change orders to these contractors we don't make a lot of money. Bid a job it's 15%. Taking my people away where I can make 25%. I'm trying to mitigate this as long as possible.

Mr. Wotton – We are not here to combat any of your work. In the future because they are our engineers. So we don't have to come up with additional change orders. Not to pick on you or second guess you. Why wasn't this seen in the beginning? If we had any doubt asbestos should have spent that couple of thousand dollars. Why not seen in the initial planning?

Mr. Ristuccia – We do business all the time. I appreciate you being here. We rely on you. It's a lot to do what's best for us. Maybe we didn't get that. If it were my own business I would be bringing the guy in if you knew there was asbestos to test. Why didn't we have that in the bid? You know we are going to have to do it. Test this stuff should go into the bid.

Mr. Porter – What I was saying is the asbestos associated with the generator it was seen and was in the contract. He put a bid amount in that. The additional was for caulking what we couldn't see.

Mr. Freitas – I worked for the town and they have always done a good job but I think we are sitting on this side watching that everything should go smoothly. I don't think anybody here sat on the Brown & Caldwell thing. Please let's just try to get the costs down and where it needs to be.

V. Items for Action

A. Bay State Regional Contractors; Taber Street Change Order #1 \$27,274.50

Mr. Wotton motioned to approve Change Order #1 to Bay State Regional Contractors in the amount of \$27,274.50. Mr. Ristuccia seconded. Vote unanimous.

Mr. Watson – I have a pay req from the end of November. I signed this back in November. I would appreciate it if we could get this along.

**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

B. Green Mountain Pipeline Services, Inc.; Sewer System Rehab Payment #1 \$166,463.75

Mr. Furtado – Green Mountain did some pipe lining on Jesse, Daniel. They hadn't put in a bill prior to this.

Mr. Freitas motioned to pay Green Mountain Pipeline Services in the amount of \$166,463.75. Mr. Wotton seconded. Vote unanimous.

C. Assignment of Current Contracts with Fay, Spofford & Thorndike to Stantec Consulting Services

Mr. Sturtevant motioned to change the assignment of current contracts from Fay, Spofford & Thorndike to Stantec Consulting Services. Mr. Freitas seconded. Vote unanimous.

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

Mr. Freitas – I was at the NFIA meeting and a gentlemen there, Jared Lussier from 6 Glenhaven wants to come in front of the Board. He's having a problem with the pop Warner games at Livesey Park. Traffic is really bad so he wants to see what we can do. I am on the Board and we haven't had much luck with crosswalks. Pass this to you after the holidays. Second thing talk about in our packet we got some letters from a gentleman from Yard Boss in Mattapoisett. Reading in the Wanderer and so I did a little homework on it. This time taken a vote to say no unauthorized water. The problem I think we may have we may get drawn into something. I called this gentleman he told me his side of the story and from a Mattapoisett police officer. The Mattapoisett Police can't do anything about it because the DEP says he is not doing anything wrong. There is going to be some slander lawsuits going around. I had all this information. I left my backpack at work. DEP, who I do have a call into, to find out where we stand right now. I saw this picture the other day. I'd like to put this on hold until Mattapoisett gets it straightened out. Police officer who has done this said there is nothing they can do to stop doing this. He can pump up to 100,000 gallons a day.

Mr. Furtado – Last year in October or so we had been getting some complaints that this guy is withdrawing water. We sent him a letter not to do this anymore. In February he was still doing it. Ed is in charge of the spillway. Crotty sent him a letter. It continued. Mattapoisett River Valley hired Crotty to generate a bylaw for no unauthorized water withdrawal which will also be adopted in Mattapoisett, Rochester and Marion. In the interim we own some of that land. Spillway, we don't own that. Marion Mattapoisett and Rochester own that. We did have a sign. So Liz Leidhold, Conservation Agent in Mattapoisett asked me to appear in from of the Mattapoisett Conservation Committee. I basically told their conservation commission what I told you. Todd was there. There was a video. That's kind of where it stands. Big issue whether they have rights to the waterway. Bill Straus made legislation back in 2004 that the Mattapoisett River Valley actually controls all the water that is there. This will come to a head with the water withdrawal permit but I'm not sure if the DEP has any juice over there.

Mr. Freitas – There are a lot of layers to this. I spoke with the police officer. For now until May when Town Meeting says no more, I wouldn't put up the sign. It does sound that there are some lawsuits going on in Mattapoisett.

**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

Mr. Furtado – I got a email today from Liz and he sent something to The Wanderer.

Mr. Freitas – Keep a log.

Mr. Furtado – Where the sign is, is not where he is withdrawing.

Mr. Freitas – Selectmen’s meeting; Kathy, she can do this. They can opt out anytime they want to. They can say that Kathy can do this. They can set the policy.

Ms. Sturtevant– Now if there is the town administrator, the Board of Selectmen has no jurisdiction over it. I can go to him afterwards.

Mr. Wotton–What happened on the bike path?

Mr. Furtado – They completed it Saturday. We coordinated thru Mattapoisett for the bypass pump. This being a short week we were a little nervous. The manhole was exposed.

Mr. Hobson – Contract negotiations, the school department hires a lawyer. All the town employees, Town Hall, they are doing the same thing. The lawyer does the negotiating and if we like it we sign it.

Mr. Furtado – If you want to do that you can do that. We asked to take that out of the article.

Mr. Hobson – The point is we can do that.

Mr. Freitas – Right now Osuch does it all. Osuch use to do for less money. He is going to be hiring a lawyer. The school committee signs it has to be funded.

Mr. Furtado – I would be happy to do it. I think the Board should retain the juice.

Mr. Freitas – There is \$300,000 for the employees to split up. Turn around \$25,000 for some lawyer to do it.

Mr. Ristuccia – Dogwood, Fisherman and Gull Island, there are huge ruts in there. The week before the trash truck was stuck in one.

VII. Set Date for the Next Meeting

Mr. Wotton motioned to hold the next meeting on January 4, 2016 at 6:00 p.m. Mr. Hobson seconded. Vote unanimous.

VIII. Adjourn

Mr. Wotton motioned to adjourn at 7:12 p.m. Ms. Sturtevant seconded. Vote unanimous.

**Town of Fairhaven
Board of Public Works Meeting
December 21, 2015**

Respectfully submitted,

Kathy A. Tripp
Administrative Assistant

Minutes approved on January 4, 2016.