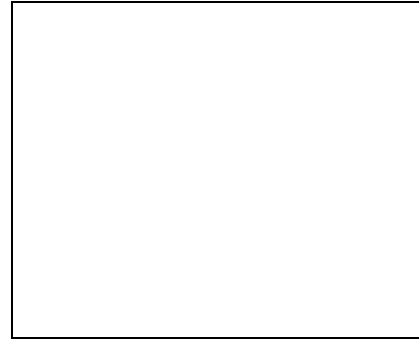


**Town of Fairhaven
Board of Public Works Meeting
May 21, 2018**

Present

Brian Wotton, Commissioner
Cameron Durant, Commissioner
Keith Silvia, Commissioner
Robert Hobson, Commissioner
Michael Ristuccia, Commissioner
Vincent Furtado, BPW Superintendent
Rebecca Vento, Senior Clerk
Dean Agius, 55 Bayview Avenue
Thomas Peterman, 191 Main Street
Gilbert Viera, 32 Reservation Road
Jason Williams, 24 Bernese Street
Jennifer Williams, 24 Bernese Street
Mike Rotondo, Chairman BMX Committee
Sandy Martin, 16 Springhill Street
Michael Martin, 16 Springhill Street
Mat Coes, Fairhaven Bikeway Committee
Jonathan Depina, 40 Reservation Road
Debra Panek, 22 Reservation Road
Jeffrey Sullivan, 14 Reservation Road



I. Call to Order

Mr. Wotton called the meeting to order at 6:02 p.m.

II. Routine Matters

A. Signing of Departmental Bills

III. Approval of Minutes

A. March 13, 2017 – Executive Session (b)

Mr. Ristuccia motioned to approve the minutes of the March 13, 2017 Executive Session (b) meeting. Mr. Hobson seconded. Vote 4-0 Mr. Durant abstained.

B. September 25, 2017 – Executive Session

Mr. Hobson motioned to approve the minutes of the September 25, 2017 Executive Session meeting. Mr. Durant seconded. Vote unanimous.

C. November 27, 2017 – Executive Session

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Mr. Hobson motioned to approve the minutes of the November 27, 2017 Executive Session meeting. Mr. Durant seconded. Vote unanimous.

D. February 26, 2018 – Executive Session (a)

Mr. Hobson motioned to approve the minutes of the February 26, 2018 Executive Session (a) meeting. Mr. Durant seconded. Vote unanimous.

E. February 26, 2018 – Executive Session (b)

Mr. Hobson motioned to approve the minutes of the February 26, 2018 Executive Session (b) meeting. Mr. Durant seconded. Vote unanimous.

F. February 26, 2018 – Executive Session (c)

Mr. Hobson motioned to approve the minutes of the February 26, 2018 Executive Session (c) meeting. Mr. Durant seconded. Vote unanimous.

G. March 26, 2018 – Executive Session

Mr. Hobson motioned to approve the minutes of the March 26, 2018 Executive Session meeting. Mr. Durant seconded. Vote unanimous.

H. May 7, 2018

Mr. Ristuccia motioned to approve the minutes of the May 7, 2018 meeting. Mr. Silvia seconded. Vote unanimous.

IV. Appointments

A. Dean Agius, 55 Bayview Avenue – Driveway Waiver

Mr. Agius – I am looking to extend my existing driveway on the left side of my house from the existing 24 feet to 39 feet. I am looking for 39 feet so we can remove all my cars off the street.

Mr. Ristuccia motioned to approve the driveway waiver for an additional 15 feet making the left side driveway a total of 39 feet. Mr. Silvia seconded. Vote unanimous.

B. Thomas Peterman, 191 Main Street – Driveway Waiver

Mr. Peterman - I am the spokesman and architect for The Joseph Bates House. The House is being restored to a museum and gift shop. As part of the renovations the driveway is being paved for a visitor's center. We are requesting a waiver for 20 feet.

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Mr. Ristuccia motioned to approve the driveway waiver for 20 feet for 191 Main Street. Mr. Silvia seconded. Vote unanimous.

C. Residents regarding the BMX Bike Track; Macomber Pimental Park

Mr. Wotton – Before we start I just want to make it clear that we will not be discussing anything that has to do with police matter (alcohol, drugs, etc.) or anything pertaining to insurance since that has previously been approved through Town Counsel.

Mr. Viera – I reside at 32 Reservation Road. I have been a Fairhaven resident most of my life. I was born and raised here. I have concerns with the BMX Park at Macomber Park. I am not against the BMX Track or bikes. I have played and coached sports all my life and I currently work in youth baseball. I have seen other BMX parks in my travels and Macomber Park is not a good location for a BMX Park. This neighborhood is quiet and small. I don't understand why the abutters weren't notified.

Mr. Wotton - According to bylaws abutters don't need to be notified. The property has been staked for several months and there have been several articles in the Neighborhood News and several posts on Facebook.

Mr. Furtado – We have checked with the Zoning Board and the Planning Board and there are no requirements from them. Only requirement is with Conservation and they were the ones who sent out notices last week. There will be a Conservation meeting on June 11th.

Mr. Viera - The way I found out about this is I had a neighbor drop a letter in my mailbox. I think that you would want the opinion of the residents that live in the area.

Mr. Wotton – There are parks all around Fairhaven. I live right down the street from the Little League Field. As we speak there are about 150 cars there and that is every night of the week. What is it that makes BMX activity problematic?

Mr. Viera - Have you ever been to a BMX Park?

Mr. Wotton – Yes.

Mr. Viera – I am worried about the older kids, people being there all night long and where everyone is going to park.

Mr. Wotton – The park will be open daily from dusk to dawn after that they will be trespassing and it becomes a police issue.

Mr. Hobson – I have lived down Sconticut my whole life. Let me explain how this all started. Three or four fathers came to propose a BMX Track Park. I was impressed parents looking out for their kids and to get the kids off of the streets. I thought this was a good thing though we should have notified the neighbors but it didn't happen. The parents and committee will be doing all of the work themselves.

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Mr. Viera - Why Macomber Park why not Livesey Park or Cushman Park.

Mr. Silvia –We thought Macomber Park because underutilized. I think it will be a good thing.

Mr. Williams – I live at 24 Bernese Street across the street from Macomber Park and I grew up on Sconticut my whole life. It is a great area and Macomber is a great park. I would like to oppose the BMX Park at Macomber Park. I don't think the park itself is underutilized. With all respect to the BMX Committee I don't feel that this park is the correct park for this. The park is currently used weekly by the Fairhaven Little League for practices. The main argument that I have is 13 cars on the street makes the whole street look jam packed because it is a small street.

Ms. Williams – I also reside at 24 Bernese Street. The congestion from the traffic for the two hours that the Little League uses the field is horrible. We are also concerned that this will be a continuous thing all day and night. Livesey Park and Cushman Park have four streets surrounding the park so parking isn't as much of a problem. There is no BMX Park within a 40 mile radius.

Mr. Williams – We are worried about people coming from out of town and not taking care of our community. The Committee will respect and take care of the park but they will not be there to make sure park is being respected by others.

Mr. Wotton – The issue with other parks in town is they are used by the football and softball leagues.

Ms. Williams –What about Anthony Park, Little Bay down by the bike path or even Egypt Lane by the bike path? These locations are not being utilized.

Mr. Williams - I have a petition signed by residents who are opposed to constructing the BMX Park at Macomber Field. I would like to work with the BMX Committee to help find the best place for the BMX Track.

Mr. Durant - What is stopping the Board of Public Works from extending the parking spaces for the best use of the current park?

Mr. Rotondo- It is not what you are expecting. BMX Parks are popping up all over the country. It is 100% a community effort that is built by adults and kids. As far as the parking situation I can't say that it won't be an issue because I'm not sure, but I don't think it will be since local people will most likely ride their bikes there. Being a parent with kids it hurts a little to hear all the negative feedback about us being BMX bikers. We had a sign made up stating the Track Rules that will be posted. The BMX Park is not what you're thinking in size. It's a compact and small park. You use your momentum to get through it. In the beginning people will have the hype to see what it is all about and then it will settle down. It's new to everyone and I understand you don't know what to expect. It is tiny enough that I could put this in my backyard. I thought it would be a great asset to our community.

Ms. Martin- I used to live at 24 Bernese Street and sold that property to my daughter. I am also a realtor in town. There are two houses for sale on Bernese Street that will be overlooking a dirt field and that

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will decrease their property value. You made a statement before stating that if the structure doesn't work you may make it bigger. There are too many unknowns and Macomber Park isn't the spot for it.

Mr. Wotton – I'm familiar now with the BMX Track since I've been working on this for the last year. Plans are currently being drawn up for the track. The hills will be no higher than 4 feet and you use your arms and upper body to gain momentum not your legs.

Mr. Coes - I think this is great idea and there are rarely people at BMX Parks that I have been to.

Mr. Depina – I have lived at 40 Reservation Road for twenty years. I think that you have a great idea but I also agree with neighbors that this isn't the right place for it. One reason I moved there is because of the park. I honestly agree with them and don't think this is a good fit but I believe there are other places in town that would be a better fit. I would whole hearty support you if in a different location. How are you going to keep the dust down?

Mr. Rotondo – We will be constantly watering from the pump house.

Mr. Wotton – it is not just dirt it is clay too.

Mr. Martin – I don't think Macomber Park will be a good location. What about Wood School behind playground that would be a great location, there are plenty of parking there.

Mr. Wotton – Wood School is the jurisdiction of the school department and they can lock the gates at any time.

Mr. Martin – Will there be lights at night? Has this been broadcasted?

Mr. Wotton – No there will not be any lights. It has been on the agenda for over a year, there have been multiple meetings and publications. If anyone would like to get involved I recommend that you reach out to the BMX Committee.

Ms. Panek – I live at 22 Reservation Road. When that pump house was built they disturbed the land and when they finished the project it improved a little but it is still squishy and wetlands. North side of property there is drainage ditch that water comes in and out.

Mr. Wotton – The grass area is not wetlands.

Mr. Sullivan – I live at 14 Reservation Road and I am on the bikeway committee. Residents should have been notified. The BMX Pump Track deserves to be someplace but not here. I think that it should be located somewhere near the bike path.

Mr. Ristuccia- I would like applaud everyone for coming out. Mr. Rotondo impressed me tremendously with the way he went about this. If everybody is opposed to it going at Macomber Park do you think we could possibly look for a better spot? I would like to work with the neighbors to find a better spot that works best for everyone.

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Mr Durant - Is there a scheduled meeting for the BMX Committee? It thinks that the BMX Committee should have another meeting and the BPW should meet again then we can hopefully hammer out something.

Mr. Rotondo – No we do not have a meeting scheduled at this time.

D. Rosemary Costa, Interview for Sewer Night Custodian-Watchperson position

Mr. Furtado - As you know we have a vacancy for Night Custodian - Watchperson position in the Sewer Department. Ms Costa is interested in the position and Ms. Schick and I recommend her to the Board to be hired. She would like to give her current employee notice. When she does start she will work the day shift for a month or so to shadow so we can show her the ropes and see how things are done since there are responsibilities both in the treatment plant and pumping stations.

Mr. Silvia motioned to hire Ms. Costa for the Sewer Department Night Custodian – Watchperson position pending a drug test and physical. Mr. Hobson seconded. Vote unanimous.

V. Items for Action

A. Insituform Technologies; Invoice #3 Phase 2 Sanitary Sewer Interceptor \$78,185.00

Mr. Furtado- This is the next bill along the path for sewer relining of bike path. All that is left after this payment is the retainage.

Mr. Wotton left the meeting at 7:22 p.m.

Mr. Hobson motioned to approve payment to Insituform Technologies in the amount of 78,185.00. Mr. Silvia seconded. Vote 4-0 Mr. Wotton was not in attendance.

Mr. Wotton returned to the meeting at 7:23 p.m.

B. N.F.I.A. Fun Fair & Livesey Park Cruise – Request BPW Equipment

Mr. Furtado – We received a letter from the N.F.I.A. they will be hosting an event on July 22nd. In the past we have some of our heavy equipment. The kids like to see and sit in the equipment.

Mr. Ristuccia exited the meeting at 7:24 p.m.

Mr. Silvia motioned to send some equipment to the N.F.I.A. Fun Fair on July 22nd. Mr. Durant seconded. 4-0. Mr. Ristuccia abstained.

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Mr. Ristuccia returned to the meeting at 7:25 p.m.

C. Award of Annual FY19 Bids

Mr. Hobson motioned to award the FY 19 Bids to the lowest bidder. Mr. Silvia seconded. Vote unanimous.

D. Sewer Department Union Grievance

Mr. Furtado – Mr. McGilvray is here in regards to the grievance. We hired him at the last meeting for the Working Foreperson Sewer System Maintenance Craftsperson. He was hired at a step 12-3. A grievance came before me because he was hired at a step 12-3 and I denied it. I am now bringing it before the Board.

Mr. Silvia motioned to deny the grievance from the Sewer Department and leave Mr. McGilvray at step 12-3. Mr. Durant seconded. Vote unanimous.

E. BPW Interview and Hiring Process

Mr. Wotton – I was the one that asked for this to be put on the agenda to clarify whether the BPW Members or the BPW Superintendent conduct the interviews.

Mr. Furtado – On September 13, 2010 the BPW developed an interview and hiring process. If there is a vacancy there will be a committee comprised of the BPW Superintendent, the Superintendent of the department with the vacancy and two BPW Members. If you look at section 3 in the special acts that created the BPW it states that The BPW Superintendent “shall subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require”. What that means is the BPW Superintendent interviews and the board hires.

Mr. Hobson- Your taking all the power away from the BPW. What’s wrong with bring 3 people to the board and then we can make the decision.

Mr. Furtado - If that’s the way you want to go about it than your doing it wrong.

Mr. Hobson – I’m not going up my power.

Mr. Furtado – The Board of Public Members should never have been interviewing potential employees. Moving forward Human Resources put in a stipulation referencing BPW Superintendent go through the interview process and bring a candidate to BPW Members.

Mr. Wotton - I would like two candidates to be brought before the board and then board makes decision of who they think is the best fit.

VI. Tabled Matters

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A. n/a

VII. Old Business / New Business

A. Superintendent

Superintendent's Report for May 21, 2018:
From Last Meeting

- Grading various streets
- Brush pick-up at various streets
- Checked on drainage issue at Ocean Avenue
- Plow damage repair at various addresses

New Items

- Lots of BMX Track doings – email – work with Conservation – send notices to abutters for upcoming Conservation Meeting
- Speak with Town Counsel re: various issues
- Meet with Lloyd center reps re: piping plover contracts
- Attend/chair Mattapoisett River valley Meeting
- Vactor arrives
- Prep for/conduct Green Street Phase 2 Neighborhood Construction Forum
- Receive grievance from Sewer Department
- Attend meeting with finance re: sewer borrowing amortization schedule
- Union meeting with AFSCME – talk about various issues
- Review resumes for Water Senior Clerk vacancy
- Meet with Patrick Carr – 86 Middle Street – drainage issue
- Work with Board of Health re: recycling grant
- Meet with NFIA re: various issues

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B. Board Members

Mr. Hobson – On Cherrystone Road, Ebony Street and Dogwood Street there is still brush on the side of road from the last storm. On the corner of Briercliffe Road and Sconticut Neck Road the water covers are still broken. There is still an issue with the two properties pumping into the street in the area of Jerusalem Road and Sconticut Neck Road pumping water into the street. Bayberry Street still needs to have the potholes filled on the corner. Are we ever going to get the driveway aprons fixed at Hoppy's Landing? People are getting flat tires pulling out of there.

Mr. Silvia –Have we heard back from Conservation about removing the brush on Billy's Way?

Mr. Furtado - Yes, they were fine with us trimming it back.

Mr. Durant – The Auto Body Shop on Middle Street & Bridge Street their curbing is now in the sidewalk area. Could you check it out?

Mr. Wotton – The existing sidewalks on Green Street where they took the trees down. Are they going to finish the sidewalks there?

C. Marine Resources Committee – BPW Related Matters

VIII. Set Date for the Next Meeting

Mr. Silvia motioned to hold the meeting on June 4, 2018 at 6:00 p.m. Mr. Ristuccia seconded. Vote unanimous.

IX. Executive Session

A. Employment Agreements

The Board did not meet in executive session.

X. Adjourn

Mr. Silvia motioned to adjourn the meeting at 7:49 p.m. Mr. Durant seconded. Vote unanimous.

Respectfully submitted,

Rebecca Vento
Senior Clerk Water Department

Minutes Approved on June 4, 2018