

BOARD OF PUBLIC WORKS
MEETING MINUTES
OCTOBER 16, 2017

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Members Present: Stephen Santos, Alex Simao, Barry Linton, Guilherme Rodrigues

Members Absent: Thomas Haluch

Also: Stephen Frederick

At 6:00 PM Mr. Santos called the meeting to order in the Public Works conference room located at 198 Sportsman's Road. All present stood for the Pledge of Allegiance.

Mr. Santos began with a Public Hearing to consider the removal of a Public Shade tree located at 105 Oakridge Street. Louis Moreno, Jr., homeowner was present. Mr. Santos said there was some back and forth as to whether these were shade trees and that is why we had to have a Public Hearing. Massachusetts General Laws is where we found it and anything within 20 feet could be considered a shade tree. He said it is not always 10 feet all of the time and he went out and measured and it was actually like 11. He spoke to the Director and said that he thought they were on private property but after looking into the Mass General Laws he found it is anything within 20 feet of the right of way is considered a shade tree which is under the Town Tree Warden jurisdiction. Mr. Moreno said his concerns began with the October blizzard in 2010 where he lost some big limbs on both trees. He said it affected his telephone and cable. He said he grew up in this house and remembers when the trees were first planted and they add a beautiful aspect to the Town and his own property. He said he understands where the Shade Tree Law comes from. In January he contacted John's Tree service to give him a quote on the trees. He said they did come out and said that the trees need some attention but cautioned him about the Shade Tree Law. He said he started to work with Ken Batista and before you know it the season is past. He said that one of the trees is growing apart in the middle and because of that he had an arborist come out and cable the tree. He said that Ken thinks that tree should be removed. He said the other tree which he thinks is the weaker tree is full of termites. He said in the winter time, because there is no foliage, you cannot distinguish the health of the trees. Mr. Moreno presented the Board with pictures of the trees. Mr. Moreno said he thinks that Ken Batista is concerned about the financial resources of the Town and he is also because he is a taxpayer. He said Mr. Batista suggested that we take down the tree that is in jeopardy of splitting and trim the other tree. Mr. Moreno said that is unacceptable to him and at that point he began the process of coming to the Board. He said he is not looking for the Town to take down the trees. He is just

looking for permission and he would like to go back to John's Tree Service and they can continue a business relationship. Mr. Linton said there is nobody here to object.

Mr. Linton made a motion to allow him to take the trees down and as he sees fit could put one back. We have a list of trees and hopefully this time they'll plant them so they don't fall on a car and away from the wires. Mr. Simao seconded the motion for discussion. Mr. Santos asked where he will plant them. Mr. Linton said he would let him put one on his property but doesn't know if he needs two there. Mr. Moreno said he would like to get the trees out of there and then consider various options. Mr. Santos said he is fine with taking them down but we should put something back up. He said we take a lot of them down and have a tree replacement program. They are good for soaking up water and they are good for shade. He thinks that if we don't set where we are going to put it then it may get forgotten. Mr. Moreno asked if planting two new trees would be his expense in addition to having John's Tree Service take them down. Mr. Santos said that is correct. The Board voted all in favor to allow Mr. Moreno to remove the two trees.

Chris Lemek was before the Board to discuss a septic system repair at 361 Miller Street. Mr. Lemek said he would like to ask that they be allowed to keep the existing system in place instead of incurring additional costs on the homeowner. He said he would hate to have to tear up their basement floor just to reroute the plumbing not knowing what is under there. He said his fear is that there may be large rocks like when they were excavating for the sewer connection there. He also does not want to compromise the foundation by going under it. He said they installed the sewer line with the intention to make it gravity but with the sewer line coming out of the back of the house the elevations just were not there and they were under pressure from the homeowner/seller. They were having a closing and they wanted to get this in. This was the quickest way they could expedite the system that has been approved and is working in various other communities including Ludlow. He said there are several systems like this in the Rosewood area and he has also done these in Wilbraham and Chicopee. He said they work and it is not a unique environment. He said they are working systems and it has been functioning the way it is supposed to for the last 4 months. The seller and buyer have no objections to the system, they just want to go forward and make closure on this thing without incurring additional costs. Mr. Lemek said he asks that the Board approves this the way it is working. Mr. Lemek said the electrical inspector was there and inspected everything that had to be done. He said that if Mr. Frederick or the Assistant Engineer needs to go there then he can go pop the cover and they can see what is in place and they can test it. He said everything is working the way it should be. Mr. Santos read from the Sewer Regulations under Article 4. Mr. Santos said that our regulations state that if can go under the footing

then it has to go under the footing and it has to be by gravity. Mr. Santos said the other issue is that it was brought on June 13th that there was more than sufficient amount of pitch to get this out by gravity. Mr. Lemek said not at the same location. Mr. Santos said no. Mr. Lemek said everything would have to be changed. Mr. Santos said correct. Mr. Lemek's employee asked if the homeowner should have some say since they own the private sewer connection. Mr. Linton asked which homeowner?...the new guy?...the one that doesn't understand that pumps go bad? That he's got 50-year-old cast iron in his cellar that could be replaced with all new plastic and a nice new gravity system. Mr. Linton said he doesn't see a homeowner here. Mr. Lemek's employee said shouldn't it be up to the homeowner if they want to spend the money or not? Mr. Linton said it would have been cheaper from the beginning to do it the right way without a pump system. Mr. Lemek said there are plenty of pump systems with cast iron pipes. Mr. Linton said not when gravity is available. Mr. Lemek said it's the cost. Mr. Linton said they backfilled without the Assistant Engineer seeing it. Mr. Lemek said we are not talking about that. Mr. Linton said he is talking about that. Mr. Linton said and now you want us to change the whole thing? He said we are going back to square one. Mr. Lemek said he is going back to a hostile work environment and that is all he is creating here. Mr. Linton said he is not creating anything here. Mr. Linton said all he is creating here is that he wants it gravity because it could have been gravity. Mr. Lemek said but it works. Mr. Lemek said he is not saying that it doesn't work. Mr. Linton 5 years from now every homeowner doesn't know what he's getting into. Mr. Lemek said of course the new homeowner knows, they explained it to them. Mr. Santos said that our sewer regulations state that if it can be done by gravity then it has to be done by gravity. Mr. Santos said the concern is not whether the pump is working or not. Mr. Santos said the problem lies before we even get to all of that with the possibility that it could be done by gravity and it wasn't done by gravity. He said there was enough pitch. Mr. Santos said he thinks this is where the discrepancy lies here. He said the pump could fail somewhere down the road and if you have a gravity system it is probably going to work 9 times out of 10 whether you have electricity or not. He thinks the general consensus of the Board is that it can be done by gravity. Mr. Santos said what happened after that we all know; you guys backfilled without the proper material, there is no trench box...all that happened but with that set aside our regulations state that it has to be gravity and that is what we are basing everything on. He said everyone agrees that gravity is better no matter how you look at it. Mr. Lemek said based upon where that plumbing was located at that particular time they had to make a judgement decision to get this in so the homeowner could close on their house. Mr. Santos said correct but the other issue that this Board has is that when you look at the job to bid the job you must have went inside to see what was going on you should have known then when you got the permit for gravity that you weren't going to make it because the original permit that you applied for on 04/24/17 was for gravity. Mr. Lemek said it does not say gravity. Mr. Santos said it

doesn't say pump. Mr. Lemek said that is right. Mr. Santos asked where it shows the pump chamber because you would have to show a pump chamber. Mr. Santos said because it is gravity and you would have to show stub to stub from sewer. Mr. Lemek said sewer from tree belt to house and basically that is it. Mr. Santos said correct but in our sewer regulation and our specifications it shows that pumps have to be approved by the Board...all pumps have to be approved by the Board. They have to be written by a designed engineer and that is per our sewer regulations so that where he is going back that all of our sewer regulations have to be read in order to do that. He said if there was a pump chamber there then they have no idea where it is. Mr. Lemek said it is there on sight. Mr. Santos said we have to have a sketch on the pump chamber if it is allowed and do we allow a full-size pump chamber...he doesn't even know what was put in there...or do we allow an E-1? He said there is a sewer ejector and a large tank. Mr. Lemek said it is a 1000-gallon tank. Mr. Santos said he put a 1000-gallon tank where he could have put an E-1 that's 85 or 90 gallons and the pump is in there and it pumps it right out. Mr. Lemek said that's more expensive. Mr. Santos said there was no inspector so all we saw was gravity pipe in...you said you took the pipe out...stuffed a 2-inch pipe in...we don't know how far it's in there...we don't know if it's impacting...how close to the manhole it is...how far back...so we don't know what the 6 inch is doing. Mr. Lemek said the stub from the sewer pipe does not go to the manhole. Mr. Santos said that is even worse because we have no way to tell if that is discharging all of the way into the main. Mr. Santos asked what if it is stopping 3 feet short of the main? Mr. Santos said it pumps up the surge and then pump stops. He said who knows how long it could take to stop. Mr. Lemek said we can do an inspection if you want. Mr. Santos said it doesn't matter...it's not what the Board wants and it's not what our sewer provisions state that have to be done. Mr. Lemek said he thinks the mandates are ridiculous and we are just wasting resources and people's time. Mr. Santos said that if our mandates seem to be ridiculous for you then you don't have to do work in the Town of Ludlow. He said it is just the rules and regulations that were set forward before us and we just have to follow them. Mr. Lemek said they are just enforced for different people and that's all this is. Mr. Santos said he believes they have been enforced for everybody that he has known so far. Mr. Lemek said this has become more personal than anything else just because he is a competitor of his. Mr. Santos said who, mine? Mr. Lemek said yes. Mr. Santos said he can't...he doesn't do sewer connections in Ludlow no longer that he is sitting on the Board. Mr. Lemek said in the past. Mr. Santos said it doesn't affect him and this has no bearing on what he is right now. Mr. Lemek said it is Mr. Santos' way of reducing the competition. Mr. Simao asked the Chairman if we are going to find a way to solve the problem? He said it is obvious Mr. Lemek is going to have to change it. He asked if he has a plan that he said was going to be presented to us to solve the problem? Mr. Lemek said he has a plan from the engineer. Mr. Frederick said we received the plan today and it is a simple connection. He thinks there may be another clean out. It shows a gravity line coming

out the side...couple 45's. Mr. Santos said whoa whoa whoa...where's the stamp? Mr. Frederick said he has a stamped plan he just did not make copies of that one. Mr. Frederick said it is a 4% pitch. Mr. Santos said 4% all the way from the house to the stub? He said so we've got plenty of pitch. Mr. Lemek said if we come out of the side of the house. Mr. Santos said that's what we have to do then. Mr. Santos asked where the concern for the next clean out is? At the next 45? Mr. Frederick said yes. Mr. Lemek said he will be in touch with Mr. Frederick because it requires a lot of coordination not only with department but the building department. He said you cannot just change the plumbing and connect to the sewer in one day. Mr. Lemek said right now everything is connected to the existing sewer pipe and you can't just chop that off. Mr. Simao said he is glad that Mr. Lemek is talking about dealing with the Building Department, Planning Board or whatever he needs to do because he wasn't sure that all the permits were taken out because last time he missed a few for whatever reason and he wants to make sure they are all done. Mr. Lemek asked what he missed? Mr. Simao said he did not get final approval by this Board and nobody went out and check it. Mr. Lemek said no...what permit did he miss? What didn't he take out? Mr. Simao said the permit to dig. Mr. Lemek said he has the permit right there approved by you people. Mr. Simao not for the way you did it and it was not filled out properly...Steve just told us that. Mr. Simao asked if he is correct? Mr. Lemek said no he is wrong. Mr. Santos said he has a permit for gravity system not a pump permit. Mr. Santos said he did pull the permit...it's just filled out wrong. Mr. Lemek said well don't say I didn't take out the permit. Mr. Simao said well you filled it out wrong. Mr. Lemek said he did not fill it out wrong. Mr. Simao said you didn't put what you did. Mr. Lemek said that came after the fact. Mr. Simao said then you should have gotten another permit and filled it out correctly. Mr. Simao said ahh...now it's maybe...he said we are trying to help you and solve this problem and you just want to make it difficult. Mr. Lemek said you want to make this difficult. Mr. Simao said he wants to make this right for the taxpayer. Mr. Lemek said the taxpayer is happy with it. Mr. Simao said he doesn't know that and are they going to be happy when there is problems down the road? Mr. Simao said he wants Mr. Lemek to take out a permit...any inspection if we allow you to do it because currently you do not have a permit to work in this Town...correct? Mr. Lemek asked why not? Mr. Santos and Mr. Simao said because they revoked his permit to do sewer. Mr. Simao said that if he is allowed to do it then everything has to go through Mr. Frederick and be inspected and he wants it done right. Mr. Lemek said he was not made aware that his permit was revoked for installing sewers. Mr. Simao said we did it at the meeting. Mr. Santos said it is in the minutes. Mr. Simao said he thinks Mr. Lemek was there. Mr. Lemek said he did not get any formal letter saying so. Mr. Linton made a motion to allow Mr. Lemek to hook the sewer up gravity and reinstate his sewer connection license, seconded by Mr. Simao for discussion. Mr. Simao said we agree that we would like to have you do it, contact Mr. Frederick and make sure everything is done properly. Mr. Santos said he has some concerns and asked what we

will do for inspection? Mr. Frederick said we will do a standard inspection. Mr. Santos said he does not think standard inspection is going to suffice here. He said from the past dealings that we've had with Mr. Lemek...he said that's your trench permit so the problem lies is...in your OSHA regulations (read excerpt from OSHA Regulations regarding trench box safety). Mr. Santos showed pictures. He said on numerous times...Kenny and Jimmy went out the first time and there was no bedding around the pipe. Mr. Santos read a letter regarding detailing inspection by Mr. Batista (copy not provided for the record). Regulations say one inspection per sewer connection. He said they also used another one that he thinks he said due to trying to get this going the guys would go back out a couple of times to try and help him out. His concerns were bedding and they were told to get out of the hole because there was no trench box and they didn't get out. Mr. Lemek said that is not true. Mr. Santos said he does not our Assistant Engineer present at this time so he will hold that. Mr. Santos said his thing is he thinks there should be an inspector there all of the time from the start to the finish. He wants to know how the Board thinks the Town should be compensated because it is not the taxpayers issue and that shouldn't be anybody's concern. He said it should be beared to the contractor. Mr. Santos said it would have to be someone with some authority like either Steve or Jimmy with the precedence that if something is not going right then they can shut it down. He said when we finally got the building permit to rescind the trench permit that had already backfilled. The trench permit was rescinded by the Building Commissioner so Steve Frederick being the new Trench Permitting authority will have to do that. Mr. Frederick suggested inspections during different phases of the work. Mr. Santos said he thinks it has to be tied up all day because it just did not work out. Mr. Santos said that somewhere there was pitch lost. Mr. Lemek said we are talking about two different locations. Mr. Santos wants someone there from start to finish and also our regulations state they have to use gasket fittings and no glued fittings. Mr. Santos asked Mr. Frederick if we are going to put a cleanout at the curb with a piece of rebar? Mr. Frederick said we do not have that in our current regulations even though we would like to have that. Mr. Santos said that if that is what Mr. Frederick wants to mandate then that is what we add to this plan. He said he likes cleanouts at the property line. Mr. Santos said that is what we will do then. Mr. Frederick said he has no problem with that but we have to do it for everyone that's all. Mr. Santos said a cleanout at the curb line, 6 inches down, put a piece of rebar behind it and then bury it along with the cleanout for your change of direction. Mr. Santos asked the Board what they think about inspection. Mr. Linton said he thinks that if they come out a couple of times during the day...he doesn't feel they need to stay there all day. He said leave the stone around the pipe and leave the top open so they can see the pitch. He said have some more stone there and when they backfill they can put some more stone on. Mr. Santos said they will have to fill out another permit because this one is void. Mr. Linton asked if there will be additional fees for inspection? Mr. Linton said he would just like to get the job done. Mr. Santos said he understands that

but somebody has to compensate the employees for going out there. He said we have already used two. Mr. Linton said he'll have to get the plumbing inspector out there to inspect the plumbing and our guys can pop out there a couple of times. Mr. Linton said he is not going to worry about additional fees. Mr. Simao said he wants it done...it has been a long time already. Mr. Santos said the motion was made and seconded already to reinstate his license. Mr. Simao said to have him do the work on this project. Mr. Santos said so we are reinstating his license for this project only. Mr. Simao said yes. Mr. Santos said we will review it after. Mr. Simao said he thinks this way there will be more concern to do the permits and everything else. Mr. Santos asked Mr. Lemek if he understands that. Mr. Lemek said yes...you are reinstating this permit. Mr. Santos said his drainlayers License is only good for this job. Mr. Lemek's employee said if this job goes the way you guys want it then there shouldn't be an issue. Mr. Simao said correct. The Board voted All of Favor. Mr. Santos said we have to get this done in a timely fashion and asked Mr. Lemek what he is thinking. Mr. Lemek's employee said he can start coordinating this tomorrow and they can start it within 2 weeks. Mr. Santos asked if it would definitely be done before this winter? Mr. Lemek's employee said yes. Mr. Santos said new permit, submit the plan with the two new clean outs added and no fee. Mr. Santos said fill out another trench permit and give these guys at least 24 hours' notice so they know to get out there.

900. Mr. Santos read a letter from Margarida Aniceto who is requesting reimbursement due to a sewer block at 88 Oak Street. Mr. Linton made a motion, seconded by Mr. Linton to pay the invoice to Fletcher Sewer and Drain for their service. The Board voted All in Favor.

The Director read his report as follows:

Cady Street, Rood Street and Grimes Street sewer project. A warrant has been submitted to the Town Administrator the November 6, 2017 Special Town Meeting. We are requesting \$300,000 which is on top of the \$200,000 that we already have.

Mr. Frederick said we are making very good progress on the Nick Silva Field project. He said the catch basin and manholes and pipework have been installed. Rough grading is underway and improvements have been made already. He is in contact with the football coach letting him know the steps of the way. He does not know if it will get paved this year.

The Engineering intern position is open until October 27, 2017 and we already have a few candidates.

The East Street bridge was paved last week and is tentatively scheduled for October 25, 2017. Mr. Simao asked if we should send a letter to the Selectmen to let them know. Mr. Frederick said the Town Administrator already knows.

Mr. Frederick said we are waiting for line painting on West Street as well as Lyon Street and Church Street.

Mr. Frederick said that crack sealing for the season has been finished. Center Street, State Street, Sewall Street and Church Street were done.

Lyon Street at Booth Street septic failure has been resolved. We also received a report from Mr. Pietras that the system failure was not due to us taking the tree down or running the equipment over it.

Mr. Frederick said the HVAC and heating system here at the DPW needs some attention. There are two cracked heating units. Step one is getting them repaired for now. Mr. Santos asked where the appropriation comes out of? Mr. Frederick said his attention is to do this piece meal. The initial heat is considered an emergency. Funding will come from the Article.

Mr. Frederick asked the Board if they want to have a tree hearing to take down the previously mentioned trees on East Street. Mr. Linton made a motion, seconded by Mr. Simao to schedule a Public Shade Tree Hearing to consider the removal of shade trees at Brookfield Street and East Street. The Board voted All in Favor.

Mr. Frederick said the Center Street bid opening is February 6, 2017.

Mr. Frederick said we received a \$7,700 Mass Solid Waste Grant.

The Board discussed the Chicopee trailer park Blue Bird Acres sewer connection. Mr. Frederick spoke with Tom Hamill and he wants to speak with Mr. Santos. The City of Chicopee does have intergovernmental with other communities where their sewage runs to. Mr. Santos said there are also 3 other houses there that will want to connect and possibly the Turnpike maintenance facility.

The Board discussed snowplow rates. Mr. Linton asked if our rates compare to surrounding Towns. Mr. Santos said they are comparable. Mr. Linton made a motion, seconded by Mr. Simao to accept the current snowplow rates and send out for advertising. The Board voted All in Favor.

Mr. Linton made a motion, seconded by Mr. Simao to approve a Drainlayers' License to Gagliarducci Construction. The Board voted All in Favor.

Mr. Linton made a motion, seconded by Mr. Simao to approve the minutes of July 2, 2017.

Mr. Simao made a motion, seconded by Mr. Rodrigues to adjourn at 7:30 PM. The Board voted All in Favor.

NOTES ACCEPTED:

Bill Rodig

Amey Priest

Ally Rodriguez

Amey Priest

Business Administrator