

Selectmen's Meeting – April 12, 2010 6:30 p.m.

Dr. Bowcock, Mr. Murphy and Mr. Silvia were in attendance.

Also in attendance were Jeffrey Osuch and John Nunes.

Mr. Osuch - This is the re-organizational meeting of the Board of Selectmen. The first order of business is to appoint a Chairman.

Mr. Silvia nominated Mr. Murphy. Dr. Bowcock seconded the motion.

Mr. Osuch – Are there other nominations? No. Motion to close nominations. Mr. Silvia motioned to close nominations. Dr. Bowcock seconded. Vote was unanimous. On the motion of Charles Murphy as Chairman, all in favor. Unanimous.

Dr. Bowcock nominated Mr. Silvia to serve as Vice Chairman. Mr. Murphy seconded. Vote was unanimous. On the nomination of Mr. Silvia to serve as Vice Chairman, it was so voted. All were in favor.

Mr. Silvia nominated Dr. Bowcock to serve as Board Clerk. Mr. Murphy seconded. Vote was unanimous. On the nomination of Dr. Bowcock to serve as Board Clerk, it was so voted. All were in favor.

Mr. Silvia nominated Mr. Murphy to serve as Contract Compliance Officer. Dr. Bowcock seconded. Vote was unanimous. On the nomination of Mr. Murphy to serve as Contract Compliance Officer, it was so voted. All were in favor.

Mr. Silvia nominated Dr. Bowcock to serve as Affirmative Action Officer. Mr. Murphy seconded. Vote was unanimous. On the nomination of Dr. Bowcock to serve as Affirmative Action Officer, it was so voted. All were in favor.

Mr. Silvia nominated Mr. Murphy to serve as Fair Housing Coordinator. Dr. Bowcock seconded. Vote was unanimous. On the nomination of Mr. Murphy to serve as Fair Housing Coordinator, it was so voted. All were in favor.

Dr. Bowcock nominated Mr. Silvia to serve on the Millicent Library Board of Trustees. Mr. Murphy seconded. Vote was unanimous. On the nomination of Mr. Silvia to serve on the Millicent Library Board of Trustees, it was so voted. All were in favor.

Mr. Silvia nominated Dr. Bowcock to serve on the Bristol County Advisory Board. Mr. Murphy seconded. Vote was unanimous. On the nomination of Dr. Bowcock to serve on the Bristol County Advisory Board, it was so voted. All were in favor.

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Dr. Bowcock nominated Mr. Silvia to serve on the Sister City Committee. Mr. Murphy seconded. Vote was unanimous. On the nomination of Mr. Silvia to serve on the Sister City Committee, it was so voted. All were in favor.

Mr. Silvia nominated Mr. Murphy to serve on the Personnel Board. Dr. Bowcock seconded. Vote was unanimous. On the nomination of Mr. Murphy to serve on the Personnel Board, it was so voted. All were in favor.

Mr. Silvia nominated Dr. Bowcock to serve on the High School Building Sub-Committee. Mr. Murphy seconded. Vote was unanimous. On the nomination of Dr. Bowcock to serve on the High School Building Sub-Committee, it was so voted. All were in favor.

Mr. Silvia nominated Mr. Murphy to serve on the Fire Apparatus Study Committee. Dr. Bowcock seconded. Vote was unanimous. On the nomination of Mr. Murphy to serve on the Fire Apparatus Study Committee, it was so voted. All were in favor.

Dr. Bowcock nominated Mr. Silvia to serve on the Historical Commission. Mr. Murphy seconded. Vote was unanimous. On the nomination of Mr. Silvia to serve on the Historical Commission, it was so voted. All were in favor.

Mr. Silvia nominated Mr. Murphy to serve on the Boat Ramps and Waterfront Recreational Property Committee. Dr. Bowcock seconded. Vote was unanimous. On the nomination of Mr. Murphy to serve on the Boat Ramps and Waterfront Recreational Property Committee, it was so voted. All were in favor.

MINUTES OF MEETING

Mr. Silvia motioned to approve the minutes of April 5, 2010. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of the April 5, 2010 executive session. Dr. Bowcock seconded. Vote was unanimous.

G. BOURNE KNOWLES PROPERTY PUBLIC HEARING

Mr. Murphy explained the purpose of the public meeting on the G. Bourne Knowles Property.

Attorney Chip Mulford made a presentation on the history of events that have occurred over the last few years. Attorney Mulford discussed the agreement between the Knowles family and the developer Robert Karam. The process and meeting that were held with Town Officials, Boards and neighbors. Mr. Karam had proposed building 50 condominium units on the property, if it was rezoned. The units would sell for \$425-450,000. each. A Voluntary Covenant was drawn up by Special Counsel and signed by the Knowles family, limiting development to 50 units. The Selectmen's Meeting – April 12, 2010

Covenant was mentioned at Town Meeting and was recorded at the Registry of Deeds, after Town Meeting voted the rezoning. Mr. Karam was estimated to have spent \$700,000. obtaining permits and engineering drawings, etc. The Planning Board Special Permit expired August 2009, the Conservation Wetland Line expires and the Order of Conditions in August 2010 if not extended. Mr. Karam has walked away from the project, as the economy will not support \$425,000. – 450,000. condo units. Attorney Mulford stated he is trying to find a developer for the site. Based on the zoning and assuming the Covenant did not exist, 240 apartment units could be built on the site. Attorney Mulford has found a developer, Bristol Pacific Homes, who has built apartment units in the Greater New Bedford area. They manage more than 300 units and 500,000 sf. of commercial space. Bristol Pacific Homes proposal is to build 84, 2 bedroom luxury apartments , in 2 story buildings, with rent at \$1,200-\$1,300/month plus utilities, with a pool, tennis courts and community building. Maximum lot coverage less than 10% and set back from Route 6. Value of the project is \$20 million and would raise \$357,400 in tax revenue with minimal impact on schools. The Planning Board voted 4-2 to remove the Covenant. Attorney Mulford stated he was on vacation in Florida last week and returned on Sunday and was informed by the developer Bristol Pacific, that they had viewed the tape of the Planning Board and Selectmen's Meeting and were not interested in fighting over the project and therefore, had withdrawn any interest in the site. Attorney Mulford indicated that he would be looking for another developer and would only bring back a proposal of 50 units. The land and the site will continue to deteriorate and it can be built with only 50 units if it is to be affordable. Mr. Murphy opened the meeting to questions from those in the room. Channing Hayward asked about Bristol Pacific Homes and their management company, Group One Management, Inc. Henry Ferreira asked about when Attorney Mulford knew about the developer withdrawing interest. Attorney Mulford indicated 10:00 a.m. today. Mr. Ferreira raised concerns that abutters were not notified about the Covenant and that Town Meeting should be consulted in the future. Wayne Hayward, Planning Board Chairman, explained his opposition and his understanding of the Covenant, his opposition to the original rezoning. Cora Pierce was appalled by the actions of the developer, Attorney Mulford and the Planning Board in voting to lift the Covenant. Anne Richard discussed the Housing Needs Report. Others in the room also spoke. Mr. Murphy stated he was against breaking the Covenant and would not vote to break it Also he stated he would be looking for a non-binding vote in the future. Dr. Bowcock read into the record the letter from Joseph Borelli. He also stated he was opposed to breaking the Covenant. Mr. Silvia stated he would not vote to break the Covenant and would favor a non-binding vote of Town Meeting. Mr. Murphy closed the public hearing at 7:40 p.m.

EXECUTIVE SECRETARY'S REPORT

Mattapoissett River Valley Water Advisory Committee will meet on Tuesday, April 13, 2010 at 3:30 p.m. and the Water District Meeting is scheduled for 4:30 p.m. Both meetings are at the Board of Public Works.

Mr. Osuch will meet with Mark Sylvia on Wednesday, April 14, 2010 at 11:00 a.m. to review Town Meeting Warrants.

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Buzzards Bay Action Committee will meet at 12:00 noon in Wareham on Thursday, April 15, 2010.

Meeting with Peter Kenney from Cook and Company and Town Counsel is scheduled for 2:00 p.m. on Thursday, April 15, 2010 at Town Hall.

Insurance Advisory Committee and Retire Employees Health Insurance Committee will meet at 3:00 p.m. on Thursday, April 15, 2010 at Town Hall.

Finance Committee will meet on Thursday, April 15, 2010 at 7:00 p.m. at the Board of Public Works.

The Town Hall will be closed on Patriot's Day, Monday, April 19, 2010.

Meeting with Ross Perry from SRPEDD is scheduled for 8:30 a.m. on Tuesday, April 20, 2010

WES Construction will meet at the Board of Public Works on Wednesday, April 21, 2010 at 9:30 a.m.

Bid opening for Recreation Center Repairs is scheduled for Wednesday, April 21, 2010 at 2:00 p.m.

Meeting with Catherine Cooper from SMEC is scheduled for Thursday, April 22, 2010 at 1:00 p.m.

Precinct Meetings will be held at 6:30 p.m. on Wednesday, April 28, 2010 at 7:00 p.m. at the Hastings Middle School.

Meeting with the Moderator to review the Town Meeting Warrants is scheduled for Thursday, April 29, 2010 at 4:15 p.m. at Town Hall

Taping of the pre-Town Meeting is scheduled for Thursday, April 15, 2010 at 9:30 a.m.

AUDIT REPORT FOR YEAR ENDING JUNE 30, 2009

Mr. Osuch explained the report. Dr. Bowcock motioned to accept the Audit Report for the year ending June 30, 2009. Mr. Silvia seconded. Vote was unanimous.

UNION WHARF

Mr. Murphy read the letter from Fairhaven Shipyard concerning parking issues on Union Street and Union Wharf. Mr. Murphy read David Darmofal's letter about removing parking fees from the Town lot. Mr. Osuch raised concerns that the Town lot would be used for parking of Fairhaven Shipyard employees. Some space should be available for visitors and the public. Dr. Selectmen's Meeting – April 12, 2010

Bowcock suggested talking to Kevin McLaughlin about employee parking. Mr. Silvia motioned to rescind parking fees at Union Wharf lot and have free parking. Dr. Bowcock seconded. Vote was unanimous.

BRIDGE STREET/ALDEN ROAD PROPERTIES

Mr. Osuch explained that Town Counsel Thomas Crotty's firm represents the Standard Times and therefore, can not be involved in negotiations with the owners on the land acquisition. Attorney Crotty recommended Attorney Brian Glover. Mr. Silvia motioned to appoint Attorney Glover as Counsel to negotiate with Standard Times. Dr. Bowcock seconded. Vote unanimous.

SRPEDD

Mr. Murphy read the letter from SRPEDD. Dr. Bowcock motioned to appoint Mr. Silvia to SRPEDD Commission. Mr. Murphy seconded. Vote was unanimous.

Mr. Silvia motioned to appoint William Roth to JTPG as a delegate and Albert Borges as alternate. Dr. Bowcock seconded. Vote was unanimous.

NSTAR GAS

Ms. Silvia motioned to approve gas line maintenance at 362-364 Main Street. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve a relay of gas main and services on Elm Avenue at different intersections. Dr. Bowcock seconded. Vote was unanimous.

UNION CONTRACTS/NON UNION PERSONNEL

Mr. Osuch explained that negotiations with all Unions have been completed with a 1.5% raise for FY 10 and a 1.5% raise for FY 11. Salary and Wages amounts will be requested at the Special Town Meeting.

Police Contract – Mr. Silvia motioned to sign the Contract Wage Amendment, subject to Town Meeting approval. Dr. Bowcock seconded. Vote was unanimous.

Police Dispatchers - Mr. Silvia motioned to sign the Contract Wage Amendment, subject to Town Meeting approval. Dr. Bowcock seconded. Vote was unanimous.

Clerical Union - Mr. Silvia motioned to sign the Contract Wage Amendment, subject to Town Meeting approval. Dr. Bowcock seconded. Vote was unanimous.

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Fire Union - Mr. Silvia motioned to sign the Contract Wage Amendment, subject to Town Meeting approval. Dr. Bowcock seconded. Vote was unanimous.

Non-Union - Board of Selectmen serving as the Personnel Board. Mr. Silvia motioned a 1.5% raise for non-union personnel for FY 10 and a 1.5% raise for the first half of FY 11, the same as the Union Contract Amendments. Dr. Bowcock seconded. Vote was unanimous.

SELECTMEN'S MEETING SCHEDULE

The Board of Selectmen will meet on the following dates: April 26th at 6:30 p.m. at Town Hall and April 28th at 6:30 p.m. at the Hastings Middle School; May 1st at 8:00 a.m. at the Hastings Middle School; May 10th, May 24th, June 1st (Tuesday), June 14, June 28th, July 12th, July 26th, August 9th and August 23rd all at 6:30 p.m.

SPECIAL TOWN MEETING WARRANT

Article 3 FY 10 Contracts

Police – Mr. Silvia motioned \$31,800. Dr. Bowcock seconded. Vote was unanimous.

Dispatchers - Mr. Silvia motioned \$3,550. Dr. Bowcock seconded. Vote was unanimous.

Fire – Mr. Silvia motioned \$21,400. Dr. Bowcock seconded. Vote was unanimous.

Clerical – Mr. Silvia motioned \$9,300. Dr. Bowcock seconded. Vote was unanimous.

Highway & Park – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Sewer – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Water – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 4 Non Union

Mr. Silvia motioned \$25,500. Dr. Bowcock seconded. Vote was unanimous.

Article 5 Setting Salary for Town Clerk for FY 10

Mr. Silvia motioned to set salary at \$49,417. Dr. Bowcock seconded. Vote was unanimous.

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Article 6 Town Clerk Salary FY 10

Mr. Silvia motioned \$731. Dr. Bowcock seconded. Vote was unanimous.

Article 7 FY 11 Contracts

Police – Mr. Silvia motioned \$64,480. Dr. Bowcock seconded. Vote was unanimous.

Dispatchers - Mr. Silvia motioned \$7,150. Dr. Bowcock seconded. Vote was unanimous.

Fire – Mr. Silvia motioned \$43,620. Dr. Bowcock seconded. Vote was unanimous.

Clerical – Mr. Silvia motioned \$18,800. Dr. Bowcock seconded. Vote was unanimous.

Highway & Park – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Sewer – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Water – Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 8 Non Union

Mr. Silvia motioned \$51,500. Dr. Bowcock seconded. Vote was unanimous.

Article 12 Street Lines

A. Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

B. Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

C. Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 14 West Island Filter

Mr. Silvia motioned \$15,000.00 from Sewer Retained Earnings. Dr. Bowcock seconded. Vote was unanimous.

Article 15 Pump Stations

Mr. Silvia motioned \$140,000.00 from Sewer Retained Earnings. Dr. Bowcock seconded. Vote was unanimous.

Article 17 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.
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Article 18 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 19 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 20 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 21 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 22 Alden Road & Bridge Street

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 23 Wastewater Treatment Facility Improvements

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Article 24 Waster System Treatment Facility Improvements

Mr. Silvia motioned At Town Meeting. Dr. Bowcock seconded. Vote was unanimous.

Mr. Osuch discussed the problems with articles being submitted after the deadline and the constant changing of language and amounts. The Special Town Meeting is being used as an addition to the Annual Town Meeting with little time to review requests. This practice should not be allowed. Dr. Bowcock and Mr. Silvia both expressed concerns on what is happening with articles on the Special Town Meeting and the Board of Public Works articles.

OTHER MATTERS

Mr. Murphy asked that a hearing be held on the complaint from the Police Department concerning the incident at Douglas Wine and Spirits. Hearing to be held on May 10, 2010.

Mr. Silvia congratulated Dr. Bowcock and the other candidates elected at the Town Election.

Dr. Bowcock discussed the upcoming Insurance Advisory Committee and Ad Hoc Committee meeting on Thursday, April 15th. Dr. Bowcock requested that the Ad Hoc Committee on Medicare be retained for at least one more year and that at the Annual Town Meeting at the end Selectmen's Meeting – April 12, 2010

under Reports from Committees, that he will make a report on Medicare Section 18 and 18A. The Board of Selectmen is in agreement to keep the Ad Hoc Committee on Medicare for another year.

Mr. Silvia read the Barney Frank Fund Raiser notice.

Dr. Bowcock mentioned the Jim Holmes Scholarship Dinner scheduled for May 1st. Tickets are available.

Mr. Silvia mentioned the St. Joseph's School Auction. (Mr. Murphy left the room, as his children attend St. Joseph's School.)

EXECUTIVE SESSION

Motion to go into executive session to discuss the following:

1. Darwin Case/Attorney Goldberg
2. Alden Road and Bridge Street Land Acquisition negotiations
3. Non-Union Contracts
4. Bella Vista Island access issues

and not to reconvene in open session. Roll call vote at 8:30 p.m. Mr. Murphy in favor. Mr. Silvia in favor. Dr. Bowcock in favor.

Jeffrey W. Osuch
Executive Secretary