



Fairhaven Board of Selectmen

December 27, 2012 Meeting Minutes

Present: Selectman Chairman Brian Bowcock, Vice Chairman Charles Murphy, Clerk Robert Espindola, Executive Secretary Jeffrey Osuch and Selectmen's Secretary Anne Kakley.

Chairman Brian Bowcock called the meeting to order in the Town Hall Banquet Room at 6:31 p.m.

HYDRAULIC STRETCHER GRANT

Dr. Bowcock said that a Fire department Hydraulic Stretcher Gift Account had been established at a previous meeting and in the meantime, the Fire department had been awarded a \$500 grant for the account from the Walmart Foundation. The Board voted to accept the grant from the Walmart Foundation. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

MINUTES

- The Board voted to accept the minutes of the **December 17, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **December 17, 2012** meeting, **executive** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings:

- Monday, **December 31** –
 - Town Hall closed for New Years' Eve
- Tuesday, **January 1** –
 - Town Hall closed for New Years' Day
- Thursday, **January 3** –
 - 12 noon – Wood School Job Meeting
 - 1:30 p.m. – Economic Summit Meeting (discuss DOR report)
- Monday, **January 7** –
 - Next Selectmen's meeting at 6:30 p.m. at Town Hall

SELECTMEN'S ANNUAL REPORT

Fairhaven Board of Selectmen – December 27, 2012 Open Session – 1

Mr. Osuch said that a copy of the Selectmen's annual report had been submitted to the Board. Draft revisions should be submitted by January 7, 2013 at the latest. He hoped that the Board would be able to pick a Town Report cover on the January 7 as well.

MANJIRO HOUSE ACCESSIBILITY

Mr. Osuch said that there would be a State Architectural Access Board hearing on January 7, 2013, regarding the accessibility of the second and third floors of the Manjiro-Whitfield house at 11 Cherry Street. He said that a representative would be needed to attend the hearing. The Board determined that the Building Commissioner would be best suited to represent the Town in this matter.

POLICIES AND PROCEDURES MANUAL

Mr. Osuch asked the Board when it would be ready to discuss crafting a Policies and Procedures Manual. Mr. Murphy said that he would like to compile their recommendations and get it together into a working document. He was particularly partial to adopting many of the policies and procedures of the Towns of Dover and Sherborn. Mr. Espindola suggested that the Board set aside a working session to put together a policies and procedures draft. Some of the policies and procedures will be dependent on whether or not the Town chooses to adopt certain aspects of the DOR report, like the development of the Town Administrator role, etc.

WASTE DISPOSAL AGREEMENT

The Board voted to approve and sign a Waste Disposal Services Agreement for ABC Disposal for up to 1,700 tons for the calendar year of 2013. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

LICENSE RENEWALS

The Board voted to approve the Common Victualer license renewals listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Liquor license renewals listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Car Dealer license renewals listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Repair license renewals listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Lodging House license renewals listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Entertainment license renewal listed in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

SPRING STREET GRANT EXTENSION

The Board voted to sign an extension for the Spring Street grant. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous (3-0).

ANIMAL CONTROL VAN

The Animal Control officer has been using a BPW truck for ACO business because her last truck was deemed unsafe. Mr. Osuch said that the Board needed to compare specifications and make sure that the quotes received for a replacement van were comparable to each other because the quoted prices were close. Mr. Murphy said that he wanted to go forward with something because the ACO was in need of a new van immediately.

Dr. Bowcock said that he would follow up by calling the dealers the next day. Mr. Murphy motioned to approve the lowest qualified bidder, based on Dr. Bowcock's follow-up. Mr. Espindola seconded. Vote was unanimous. (3-0).

EPA – AVX AGREEMENT

Dr. Bowcock updated the Board to an EPA-APX Agreement. He said that New Bedford harbor has been designated a superfund site and the EPA is overseeing its clean-up. Originally, it was supposed to take 20 years to clean up the harbor. An agreement has been made between New Bedford, the EPA and AVX, with AVX agreeing to pay over \$300 million. This would be a final settlement with no possibility of reopening the matter for more money. There is a possibility that the settlement would not be enough to cover all costs. Dr. Bowcock said that the Buzzard's Bay Coalition and the Acushnet Board of Selectmen do not support the agreement.

Mr. Murphy said that the Buzzard's Bay Coalition has done a good job protecting Fairhaven's water, and he trusted their opinion. Mr. Espindola said that he wanted to review a document before he formed an opinion. He also wanted the Board to ask Mark Rasmussen of the Buzzard's Bay Coalition to attend an upcoming meeting to discuss the matter. He also suggested that they could invite Hands Across the River to attend.

HATHAWAY BRALEY

In following up on the Hathaway-Braleley property near the hurricane barrier, Dr. Bowcock said that a recent letter from Town Counsel indicated that the tax lien recorded on the Hathaway-Braleley property would not be adequate, which means that the Town is not in possession of the property. As such, the cost of clean-up for the former dump site will not be the Town's responsibility. The Board was satisfied to have this opinion in writing.

SEAPORT INN LIQUOR LICENSE HEARING

The Board conducted a liquor license hearing for an altered premise at the Seaport Inn. Manager Jami Franco represented the Seaport Inn in the application.

Ms. Franco said that the Seaport Inn would be replacing and restoring a bar area named "Scuttlebutts". They would be opening the front area of the Inn in the winter and would be opening the back in the summer to take advantage of water views. She said that there would be no need for additional parking as a part of the seasonal transition. She said that taxes and worker's compensation are all set and the Building and Health departments have signed off on the application. Abutters have been notified. The Health department will require an adherence to federal and state food codes. Mr. Espindola asked which dates they planned on making the seasonal changes. Ms. Franco said that an exact date was not known at that time, but it would likely be in the beginning of May. She said that there would not be overlap with both locations being open at the same time.

The meeting was opened to public comment. There was no public comment.

Mr. Murphy motioned to approve the liquor license application for an altered premise at the Seaport Inn. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Osuch said that once the Seaport Inn came up with the finalized dates of when the seasonal areas will open and close, they would have to inform the Selectmen. Ms. Franco agreed to come before the Board again once she had those dates.

HURRICANE BARRIER PROBLEM

Dr. Bowcock said that it was brought to the Board's attention that the hurricane barrier's gates were not operational. With heavy rains and celestial tides occurring the night before, the area of Middle Street experienced flooding. He said that the Army Corps of Engineers had claimed that they had sent out a notification regarding this, but none of the departments in Fairhaven reported receiving such a notification. Until the situation can be remedied, Dr. Bowcock warned residents to take caution during bad storms and celestial tides. The Board will work on solving the communication problem in the future.

UNION WHARF SMALL VESSEL CONTRACTS

The Board voted to approve Union Wharf small vessel contracts for: Randy Moniz, Tim Power, David Crowley, George Silva III, and Tom Tomkiewick. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

SRPEDD – SOUTH COAST RAIL UPDATE

Grant King of SRPEDD came before the Board to discuss an update on the South Coast Rail and land use. Mr. King said that he was visiting all the Selectmen in the designated areas. He said in Fairhaven, priority protection areas were on Alden Road and at Shaw's Cove. He said that this was the result of workshops where residents looked at maps and drew boundaries. He said that this time, SRPEDD would like to incorporate GIS mapping. They will be working with Bill Roth on this project.

There will be informational meetings in 2013, with Mr. Roth being the point of contact. One to two meetings per community will be held. The meetings will be early in the year and the information will likely be compiled by about June 30, said Mr. King. Once SRPEDD is done with a priority area map, they will bring it before the Board of Selectmen for their approval.

NEWTOWN, CT MEMORIAL WALK

Ann Espindola and Sharon LaCroix came before the Board to discuss plans for a Memorial Walk at Cushman Park to benefit Newtown, CT, in the wake of the Sandy Hook elementary school shooting tragedy.

Ms. LaCroix said that they had to put the memorial walk together quickly, and they will be holding it on January 5, 2013 from 3:00 to 7:00 p.m. All donations can be made at the bandstand. Attendees will be given a glowstick and a luminary bag. They said that they were in need of volunteers to welcome attendees. They have made a Facebook page and donations can be mailed to the Town Hall.

The Board thanked Ms. Espindola and Ms. LaCroix for their efforts. Dr. Bowcock added that Southern Mass Credit Union has opened an account to help with getting donations to Newtown, CT.

UNION WHARF LOBSTER BASIN PAYMENTS

The Board received a letter from the Harbormaster asking if he could allow Union Wharf small boat basin renters to submit payment in two parts. Mr. Murphy motioned to allow the two payments. Mr. Espindola seconded. Vote was unanimous. (3-0).

WASHBURN AVE – POLE LOCATION HEARING

The Chairman opened a pole location hearing for Washburn Ave, East of Farmfield St. The hearing was opened up to public comment. There was no public comment. Mr. Murphy motioned to approve the pole location for Washburn Ave, East of Farmfield St. Mr. Espindola seconded. Vote was unanimous. (3-0).

WIND ENERGY BYLAW DRAFT

The Board received a Wind Energy Bylaw amendment draft from the Planning Board for its review and comment. Dr. Bowcock said that the Planning Board would be conducting subsequent public hearings on the bylaw amendment draft and public comment would be welcome at that time.

Mr. Murphy said that he had some concerns with the bylaw amendment draft and would submit his concerns in writing to the Planning Board.

Mr. Espindola said that he did have some questions for the Planning Board about the amendment. He said he also had questions for the Board of Health chairman, and those questions had not yet been answered.

Discussion ensued regarding whether or not the Board of Health would need to advise on matters related to the Planning Board's proposed wind energy bylaw amendment. Mr. Espindola said that he wanted to have a joint meeting between the Board of Selectmen and the Board of Health to address the Wind Turbine Complaint forms. He said that there were important questions to answer before going forward with a vote on a bylaw amendment.

Dr. Bowcock said that they must stick to the matter at hand and that they were only discussing the wind energy bylaw amendment. He said that there would be public hearings with the Planning Board to ask questions. He told the Board to issue their comments on the draft bylaw amendment to the Planning Board.

Resident John Methia asked if there was going to be public comment on the matter. Dr. Bowcock said that the wind energy bylaw amendment draft was informational and they were not conducting a public hearing. Mr. Methia continued to speak out of turn. He said that he thought the Board of Selectmen should schedule a meeting with the Board of Health to discuss the Wind Turbine Complaint forms. He called the matter a "health emergency".

ANTI-HARASSMENT TRAINING

Mr. Osuch told the Board that they were trying to get Traveler's Insurance to come talk to Town departments regarding anti-harassment/anti-discrimination training.

TREASURER JOB DESCRIPTION

The Board discussed putting together a job description for the purpose of hiring a Town Treasurer/Finance Director. If Town Meeting votes to combine the Treasurer/Tax Collector positions per the DOR report, the full position would not be made until summer 2014, when the current Town Collector is set to retire.

Dr. Bowcock said that anyone they consider hiring should be ready to be a Treasurer and a Collector. Mr. Murphy said that since they do not have the full Treasurer/Collector position to fill yet, they should work with the current Treasurer job description. Mr. Espindola thought it would be a good idea to post the employment advertisement with a notation inviting applicants to review the full job description on the Town website. The Board added a few items from the Collector job description to the Treasurer description with a caveat that the changes would take place if Town Meeting chose to combine the positions. Mr. Osuch said that the Selectmen's office would run the ad in the January 6 issue of the Standard-Times, on the MMA.org website, and the Massachusetts Treasurers/Collectors website.

LETTER TO 2062 SELECTMEN

The Board will, at a later meeting, develop a greeting to put in the time capsule cabinet for the Selectmen of 2062 to read.

DOR MEETING DATES

The Board agreed to meet on the following dates to discuss the DOR report:

- January 8, 2013 at 2:00 p.m. (department heads)
- January 16, 2013 at 7:00 p.m.

The Board will be meeting with the DOR on January 24 to discuss the report.

JACK'S AUTO SALES COMPLAINT

The Board reviewed a letter of complaint from resident Vicki Paquette. Ms. Paquette said that she purchased a "lemon" of a car from Jack's Auto Sales and the business has refused to give her money back. A judge has found in Ms. Paquette's favor, but the decision has been appealed. Dr. Bowcock said that, as the licensing authority for Jack's Auto Sales, they should schedule a meeting with the license holder for January 22, 2013, if the matter is not resolved before then.

OTHER BUSINESS

In other business:

- The Board wished everyone a Happy New Year.
- Mr. Murphy asked the Board of Health chairman to have his board review questions from Mr. Espindola regarding wind turbines reviewed and answered.
- The Board praised Tara Kohler and Wayne Oliveira for being named Woman and Man of the Year by the Standard-Times.
- The Board reminded everyone that the Polar Plunge would be on New Years' Day.
- Mr. Espindola asked everyone to come out to the Newtown, CT memorial walk at Cushman Park on January 5.

At 8:30 p.m., Mr. Murphy motioned to enter Executive Session to discuss non-union personnel, abatement of an ambulance bill, clerical union negotiations, police personnel, Mattapoissett real estate, and to meet with Conservation Commission chairman Joseph Taylor. Mr. Espindola seconded the motion. Vote was unanimous. (3-0). Roll call vote to enter executive session: Mr. Murphy in favor. Mr. Espindola in favor. Dr. Bowcock in favor.

Respectfully,


Anne Kakley

Selectmen's Secretary
(Minutes approved 1/7/2013)

FOR APPROVAL-SELECTMEN'S MEETING-DECEMBER 27, 2012

2013 LICENSE RENEWALS

COMMON VICTUALER LICENSE

1. Galaxy Pizza
2. Mac's Soda Bar
3. Palace Pizza
4. Polish Manor Inn
5. Yia Yia's Pizza Café
6. Scramblers Breakfast & Bagel
7. Subway (Sconticut Neck Rd.)
8. Fhvn. Gas (Donut Shop)

LIQUOR LICENSES

1. American Legion
2. Courtyard Restaurant
3. Dorothy Cox's Candies
4. Ebb Tide
5. Emma Jean's Cupcake Factory & Ice Cream Shoppe
6. Fort Phoenix Post 2892, V.F.W.
7. Mermaid's Seafood Rest.
8. Minerva's Pizza
9. 99 Restaurant & Pub
10. Pizza Hut
11. Rasputin's Tavern
12. Vila Verde Rest.
13. ***Huttleston House Rest.** *(With exception of Bldg. Inspec., due to temporary closure, All renewal requirements; Worker's Comp., Liquor Liability, Signed Application, Taxes are all set).

CAR DEALER LICENSES

1. Jack's Auto Sales & Service, Inc.
2. RRR Auto Sales
3. Sarkis Enterprises, Inc. 196 Huttleston Ave.
4. First Hot Line Auto Sales-Fhvn. Getty
5. Fairhaven Valero
6. Dussault Auto Sales, LLC

REPAIR LICENES

1. Datto
2. Fairhaven Gas
3. Jet Wash Car Wash
4. Sarkis Enterprises, Inc., 196 Huttleston Ave.
5. Sullivan Tire Co.
6. Midas Auto Service Experts
7. Rick's Services
8. JR's Auto Shop
9. Leban Fuel, Inc.-Fhvn. Getty
10. RRR Auto Sales

LODGING HOUSE LICENSES

1. Baggin's End Guest House
2. Delano Homestead Bed & Breakfast, LLC
3. Kopper Kettle Guest House
4. Polish Manor Inn

ENTERTAINMENT LICENSE

1. Carousel Skating Center