



Fairhaven Board of Selectmen

April 21, 2015 Meeting Minutes

Present: Chairman Geoffrey Haworth, Vice Chairman Charles K. Murphy, Sr., Clerk Robert J. Espindola, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne Kakley. Also present: Kim Morris of Unibank and Town Finance Director Wendy Graves.

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 12:09 p.m. The meeting was video recorded and telecast by the Government Access channel.

MINUTES

- Mr. Haworth motioned to approve the release of the Executive Session minutes of the **September 29, 2014** meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).

BOND SIGNING

The Board met with Kim Mooers, Vice President of Unibank, to sign bond paperwork related to a re-borrowing for the East Fairhaven School and the High School Renovation project. Mr. Osuch said that there were four bidders on the bond, and the bidder with the best rate (1.6395%) was Robert W. Baird & Co. Ms. Graves projected a savings of \$447,298 over 12 years. Mr. Espindola read the entirety of Attachment A into record as a motion. Mr. Murphy seconded the motion. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

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

- **Thursday, April 23**
 - 10:00 a.m. – Town Hall sidewalk bids
 - 7:00 p.m. – Finance Committee
- **Saturday, April 25**
 - 10:00 a.m. to 4:00 p.m. – Earth Day Events – Council on Aging
- **Sunday, April 26**
 - 11:00 a.m. – West Island 5K
- **Monday, April 27**
 - 8:30 a.m. – Retirement Board
 - 6:30 p.m. – Board of Selectmen meeting
- **Tuesday, April 28**

- 10:00 a.m. – Bill Roth – Harbor meeting
- Wednesday, **April 29**
 - 12:00 p.m. – Manager’s meeting in Carver
 - 6:30 p.m. – Precinct meeting at Hastings
- Thursday, **April 30**
 - 8:30 to 10:00 a.m. – Eversource meeting at John Carver Inn in Plymouth
 - 11:30 a.m. – Meeting with Traveler’s Insurance
- Saturday, **May 2**
 - 9:00 a.m. – Town Meeting
- Sunday, **May 3**
 - 9:00 a.m. – Nemasket 5K

PO ROOFING REQUISITION

The Board reviewed a final requisition for payment from PO Roofing for \$14,130. Mr. Murphy motioned to pay the final requisition in that amount. Mr. Haworth seconded, but noted that he wanted PO Roofing to clear their equipment from the Fire Station before picking up their check. Vote was unanimous. (3-0).

ROGERS-OXFORD RFP

Citing potential conflict, Mr. Murphy recused himself from the meeting at 12:32 p.m.

Mr. Espindola distributed a document to Mr. Osuch and Mr. Haworth outlining potential changes or issues related to the Rogers-Oxford RFP, for the purposes of editing the RFP on the second round. See Attachment B.

Mr. Espindola and Mr. Haworth briefly deliberated on some of the points raised in Attachment B. Mr. Osuch said that they could consider re-zoning the Oxford School, and indicated that the RFP would have to be less focused on preserving the historical buildings. He said that a proposal should outline mitigating circumstances for offering less than the appraised value of the building(s).

Mr. Haworth said that a financial disclosure would be essential for the Town to have confidence enough to grant a proposal. He added that he was not willing to negotiate with Stratford because they were not willing to budge from their PILOT intentions. The matter of re-drafting and editing the RFP will be discussed at the next Selectmen’s meeting.

Mr. Murphy re-joined the meeting at 12:55 p.m.

CAD CELL MEETING

Mr. Haworth noted that there would be an informational EPA meeting on the harbor dredging and CAD cell use at the New Bedford Howland Green library on April 23. Although the Town

did not have enough portable cameras to record the meeting, Mr. Espindola suggested getting a copy of the video from New Bedford and asking Fairhaven Government Access to run the meeting on Channel 18.

At 1:10 p.m., Mr. Murphy motioned to adjourn. Mr. Espindola seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien-Kakley
Administrative Assistant
Minutes approved 04/27/2015

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Fairhaven, Massachusetts (the "Town"), certify that at a meeting of the board held April 21, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: That in order to reduce interest costs, the Town Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's (i) \$13,565,000 General Obligation Refunding Bonds dated March 15, 2005 and maturing on June 15 in the years 2016 and 2017 in the aggregate principal amount of \$3,220,000 (together, the "2005 Refunded Bonds"), and (ii) \$4,000,000 General Obligation School Bonds dated March 15, 2007 and maturing on March 15 in the years 2016 through 2027, inclusive, in the aggregate principal amount of \$2,400,000 (the "2007 Refunded Bonds", and together with the 2005 Refunded Bonds, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$5,595,000 General Obligation Refunding Bonds of the Town dated May 1, 2015 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$5,713,084.06 is hereby approved and confirmed. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|-------------|---------------|----------------------|
| 2016 | \$1,820,000 | 2.00% | 2021 | \$200,000 | 2.00% |
| 2017 | 1,835,000 | 2.00 | 2022 | 195,000 | 2.00 |
| 2018 | 210,000 | 2.00 | 2023 | 190,000 | 2.00 |
| 2019 | 205,000 | 2.00 | 2025 | 375,000 | 2.50 |
| 2020 | 205,000 | 2.00 | 2027 | 360,000 | 3.00 |

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 31, 2015, and a final Official Statement dated April 14, 2015 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to

the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: April 21, 2015

Clerk of the Board of Selectmen

AM 47743857.1

4-21-2015

Clarification required around the Basis for Rejection.

I believe the answers to these questions need to be stated by Geoff and/or Charlie since these were their criteria (or among their criteria) for rejection of the two proposals (without considering any negotiation).

- 1) The Pilot was (Oxford) not enough income to the Town
 - a. What is acceptable?
- 2) Too much traffic (Oxford) and insufficient Parking (Rogers)
 - a. What is an acceptable traffic level? What is the limit on parking ?
- 3) Schedule too long (Oxford and Rogers)
 - a. What is an acceptable project schedule to complete and be operational (Geoffrey Haworth)
 - b. What is the definition of project completion complete (Geoffrey Haworth)?
- 4) Full and Public Financial Disclosure required (Rogers)
 - a. What constitutes Full Financial Disclosure?
 - b. What format should Financial Disclosure be in?
 - c. Who will evaluate the Financial Disclosure documents and validate them, and in cases where more than one proposer, rate them vs. each other? Recall that Town Counsel wanted nothing to do with this.
- 5) Is any form of housing considered acceptable ? If so, what form is acceptable (i.e. would high end luxury apartments be acceptable)? If so, is there a limit on the overall number of units or the number people allowed at the site or rent levels that would be acceptable?
 - a. It has been noted by the Fire chief that ambulance runs have increased as the population in town has increased in age. Should there, then, be a limit on the number of Seniors or any other group that might be more likely to need an ambulance run?
 - b. It has been noted that our school system would be stressed by additional school children. What, then, would be an acceptable increase in school age children, for any form of housing, or should there be a "no children allowed" rule for any housing?

Jeffrey Osuch – Comments about not including certain protections called out by Mr. Muse in his report. Qualify and recommend any other changes you feel are necessary.