



Fairhaven Board of Selectmen

June 6, 2016 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, and Clerk Daniel Freitas; Town Administrator Mark Rees, and Administrative Assistant Anne O'Brien.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 6:32 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

MINUTES

- Mr. Espindola motioned to approve the minutes of the May 23, 2016 meeting, open session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the May 23, 2016 meeting, executive session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the May 27, 2016 meeting, open session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to release the minutes of the February 9, 2015 executive session meeting, as redacted. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to release the minutes of the February 23, 2015 executive session meeting, as redacted. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to release the minutes of the February 27, 2015 executive session meeting, as redacted. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report, Mr. Rees and Ms. O'Brien revealed the completion of a Town/Commonwealth project to digitize over 100 years of Fairhaven town reports. The task was managed at no cost to the Town through Digital Commonwealth.

ZBA VACANCY

The Board noted that there was a vacancy on the Zoning Board of Appeals for one associate, three-year term. The Board set a deadline of June 16 at noon for applications.

Rene Fleurent was recognized. Mr. Fleurent said that he would like to be given the opportunity to serve on the ZBA again.

EPA ACCESS REQUEST

The Board reviewed two requests from the EPA to gain access to the shoreline in the Oxford Village area for the purposes of testing soil for PCBs on Town land. See Attachment A.

Per request of Mr. Murphy, the abutters were notified of the EPA's request to access land in the Oxford Village area, and informed that the matter would be discussed at the Selectmen's meeting on June 6.

Karen Vilandry was recognized. She claimed that the timing was too soon for testing, and that the time of year was not good for remediation if PCBs are found. She said she thought the Board should invite the EPA to an upcoming meeting to discuss the sampling before agreeing to sign the land access permission.

Town Planner Bill Roth said that the EPA needs to get the sampling done to provide data for their multi-year project, and that they would share the results with the public.

Bill Cusson of 2 Oxford Street was recognized. He said that approximately eight months ago, the EPA contacted the individual homeowners in the area, requesting permission to access their properties and test the soil. He said that the individuals had not given permission to the EPA out of fear that the EPA would have to remediate the soil if PCBs were found, and that the process of remediation would be disruptive.

Nina Bonnoyer of 7 Oxford Street was recognized. Ms. Bonnoyer said that the harbor dredging has been a "nuisance since day one". She said that the dredging takes place "24/7" and that she cannot eat anything from her fruit bushes or herb garden.

Mr. Rees said that the land access agreement with the EPA is something that the Board of Selectmen has approved in the past as a part of the harbor clean-up. He said that the Board could approve the agreement that evening with stipulations in regards to the clean-up.

Mr. Espindola said that he favored approving the request for the purposes of gathering data. Mr. Rees added that the results could be placed on the Town website.

Mr. Freitas said that he did not have an objection to the EPA doing hand-digging, but that he wanted a schedule of their upcoming anticipated activities, and would like the Town to create an email database for those concerned with updates on the project.

William Potter was recognized. He said that the project has hurt property values in the neighborhood of Oxford Village.

Jay Simmons of 14 Oxford Street was recognized. He said that he agreed with his neighbors, that the project has been invasive.

The Board invited the public to submit their questions for the EPA in relation to the sampling by June 10. Mr. Espindola motioned to pass over the land access request from the EPA until the

questions are received from the public and answered by a representative of the EPA and to invite the EPA to a future meeting of the Board of Selectmen. Mr. Freitas seconded. Vote was unanimous. (3-0).

HASTINGS MIDDLE SCHOOL PROJECT

Mr. Rees said that there is a clause in the Town Meeting approval of the Hastings Middle School Roof project that allows the Board of Selectmen to appoint a committee to oversee the project. Mr. Rees said that, because it is a small project, he would recommend a committee of three people: himself, the School Superintendent Robert Baldwin and former Executive Secretary Jeffrey Osuch. Mr. Espindola motioned to appoint the three aforementioned people to the Hastings Middle School Roof Project Committee. Mr. Freitas seconded. Vote was unanimous. (3-0).

DETECTIVE CUDMORE HONORS

At 7:24 p.m., the Board met with Police Chief Michael Myers and Detective Glenn Cudmore to hear about a recent recognition of Det. Cudmore from the office of Carmen Ortiz, U.S. Attorney for the district of Massachusetts. See Attachment B.

Chief Myers said that Det. Cudmore has been assigned to a drug enforcement agency in New Bedford and has done exceptional work there.

The Board thanked Det. Cudmore for his achievements and Mr. Murphy thanked the family of Det. Cudmore for the family time that they have had to sacrifice for the good of the community.

Det. Cudmore also thanked the Fairhaven Police Department for their role in contributing information and assistance to his agency.

DELEGATION OF CH 125 ENFORCEMENT

Mr. Rees said that the Board of Selectmen should officially charge an employee to act as the enforcement agent for Section 125 of the Town bylaws (auto repair and sales). He recommended the Board charge Building Commissioner Wayne Fostin to serve as the enforcement agent.

The Board was supportive of the request. Mr. Espindola motioned to name Mr. Fostin the enforcement agent for bylaw Chapter 125. Mr. Freitas seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In other business:

- Mr. Espindola said he would like to ask the organizers of the SRPEDD Good Energy program to come in and discuss the energy aggregation program at a future meeting.
- Mr. Murphy thanked the organizers of the Memorial Day parade.

- Mr. Murphy congratulated Fairhaven High School graduates; over \$3.8 million was awarded in scholarships to the Class of 2016.
- Mr. Espindola thanked all of the high school graduates who have chosen to enlist into the military.

At 7:47 p.m. Mr. Espindola motioned to enter Executive Session pursuant to MGL ch. 30a section 21, for collective bargaining and contract negotiations (Town Administrator and Town Accountant). Mr. Freitas seconded. Vote was unanimous. (3-0). Roll call vote: Mr. Murphy in favor. Mr. Espindola in favor. Mr. Freitas in favor.

Respectfully,
Anne O'Brien
Administrative Assistant
Minutes approved 06/20/2016



Town of Fairhaven
Department of Planning & Economic Development

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone (508) 979-4082 · FAX (508)-979-4087

Memorandum

Date: May 11, 2016

To: Mark Rees, Town Administrator

From: William D. Roth, Jr., AICP
Planning and Economic Development Director

RE: EPA Access Agreement – Veranda and Oxford Streets

RECEIVED
2016 MAY 11 A 10:44
BOARD OF SELECTMAN
FAIRHAVEN MASS

I have reviewed the access agreement and the two Right-of-Ways are accepted; therefore, the Town has the authority to authorize access in these two locations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CONSENT FOR ACCESS TO PROPERTY
New Bedford Harbor Superfund Site

OWNER: Town of Fairhaven
ADDRESS: Right-of-Way (ROW) West End of Veranda St., Map 19
ROW West End of Oxford St., Map 13
Fairhaven, MA 02719

I (We) consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access to the above-referenced property for the following purpose(s):

- to install and operate air monitoring stations, as necessary;
- to allow equipment access for use on the property and/or access to the shoreline;
- to collect sediment, soil, and air samples from the property, as may be needed;
- to mitigate exposure to Site-related hazardous substances, including removal and disposal of sediment, soils, or other media contaminated above EPA's cleanup criteria, as necessary;
- to survey the property to establish property boundaries and ground elevations;
- to erect fencing, signage, and/or visual markers, as appropriate, to restrict and prevent exposure to contaminated sediment, soil, or other media;
- to remove and/or relocate obstacles that may interfere with the excavation of sediment, soils, or other media, as necessary;
- to perform wetland delineation and/or a cultural resources survey, including digging test pits, if required;
- to conduct other work and activities incidental to performing the investigation and remediation of the New Bedford Harbor Superfund Site;
- to return the property to the original condition, to the extent practicable; and,
- to take any other response actions, or evaluate the need for other response actions, related to the investigation and remediation of the New Bedford Harbor Superfund Site, as needed.

EPA will give reasonable notice before conducting the above activities unless an emergency arises for which immediate access is necessary. Access to the property is required throughout EPA's performance of the remediation of the Site.

Consent for Access to Property: New Bedford Harbor Superfund Site

ROW West End of Veranda Street, Map 19; and,
ROW West End of Oxford Street, Map 13; Fairhaven, MA

Page 2 of 2

I (We) realize that these actions by EPA are undertaken pursuant to EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse and without threats or promise of any kind.

<hr/> <p>Date</p>	<hr/> <p>Signature of Property Owner or Owner's Authorized Representative</p> <hr/> <p>Charles K. Murphy, Sr.</p> <p>Printed Name</p> <hr/> <p>Chairman, Board of Selectmen</p> <p>Title</p> <hr/> <p>40 Center Street, Fairhaven, MA 02719</p> <p>Address</p> <hr/> <p>508-979-4023, Ext. 1</p> <p>Phone Number</p>
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Consent for Access to Property from Additional Owner(s) and/or Lessee(s)

<hr/> <p>Date</p>	<hr/> <p style="text-align: center;">N/A</p> <p>Signature of Additional Property Owner Additional Owner's Authorized Representative, or Lessee</p> <hr/> <p>Printed Name</p> <hr/> <p>Title</p> <hr/> <p>Address</p> <hr/> <p>Phone Number</p>
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Consent for Access to Property: New Bedford Harbor Superfund Site
ROW West End of Veranda Street, Map 19; and,
ROW West End of Oxford Street, Map 13; Fairhaven, MA

LESSEE IDENTIFICATION

Please fill out completely for each lessee at the above listed property.

Lessee Name: **None** _____
Contact Person:(if different) _____
Address _____
Phone : _____

Lessee Name: _____
Contact Person:(if different) _____
Address _____
Phone : _____

Lessee Name: _____
Contact Person:(if different) _____
Address _____
Phone : _____

Lessee Name: _____
Contact Person:(if different) _____
Address _____
Phone : _____

Please attach additional pages as necessary.

Exhibit: Assessor Map 13 and 19 are attached

ACCESS AREA

**TOWN OF FAIRHAVEN
ASSESSORS PLANS**

SCALE - 1/INCH = 60 FEET

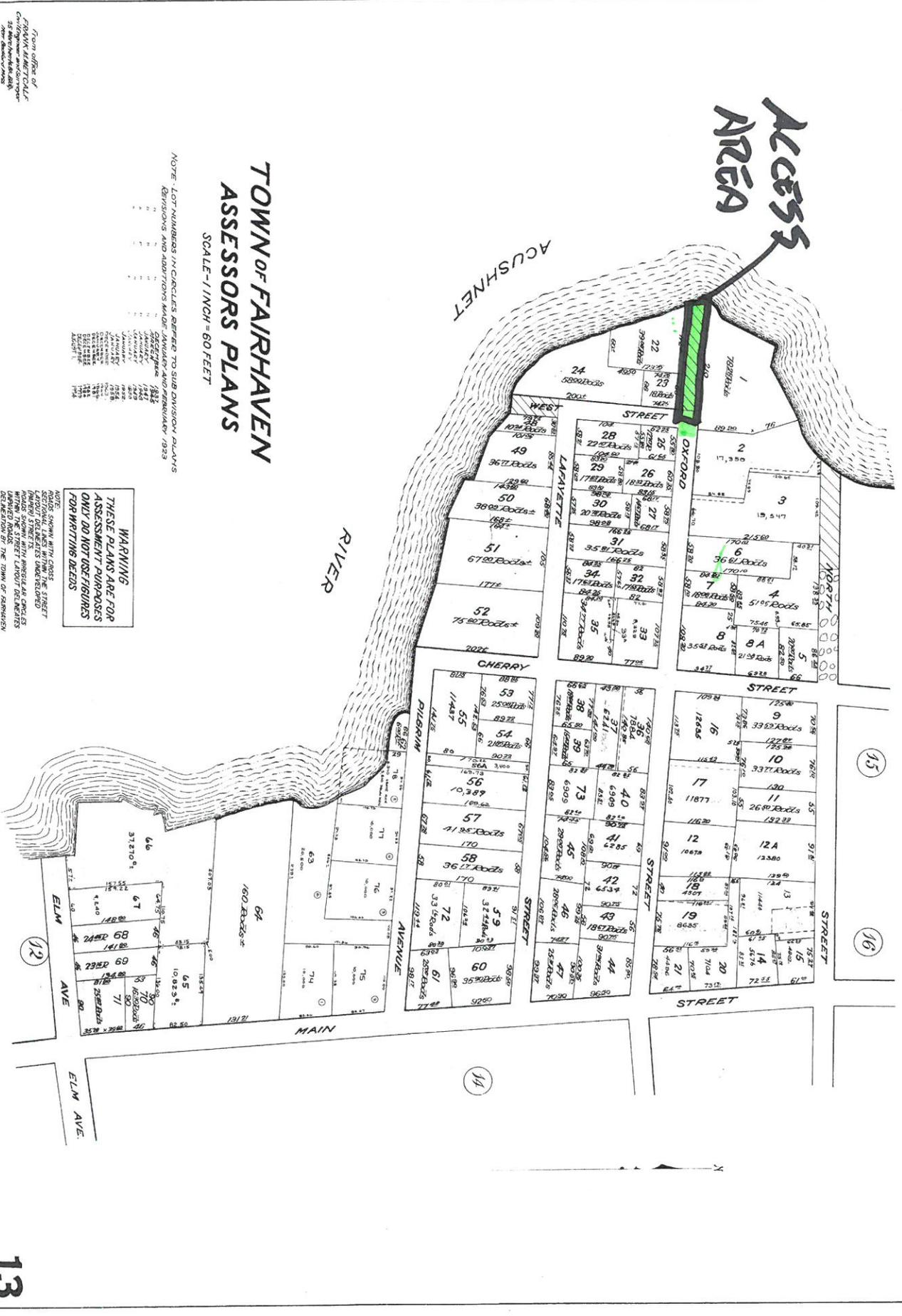
From office of
FRANK HEMLOCK
City Engineer and Assessor
Fair Haven, Vermont
Dec. 1, 1914

NOTE: LOT NUMBERS IN CIRCLES REFER TO SUB-DIVISION PLANS
REVISIONS AND ADDITIONS MADE JANUARY AND FEBRUARY, 1933

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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WARNING
THESE PLANS ARE FOR
ASSESSMENT PURPOSES
ONLY DO NOT USE FIGURES
FOR WRITING DEEDS

NOTE:
ROADS SHOWN WITH CENTER
LINES ARE UNIMPROVED
LAYOUT REQUIREMENTS UNDERLINED
ROADS SHOWN WITH BIRGEAL ARCS
WITHIN THE STREET LAYOUT DETERMINED
BY THE TOWN OF FAIRHAVEN



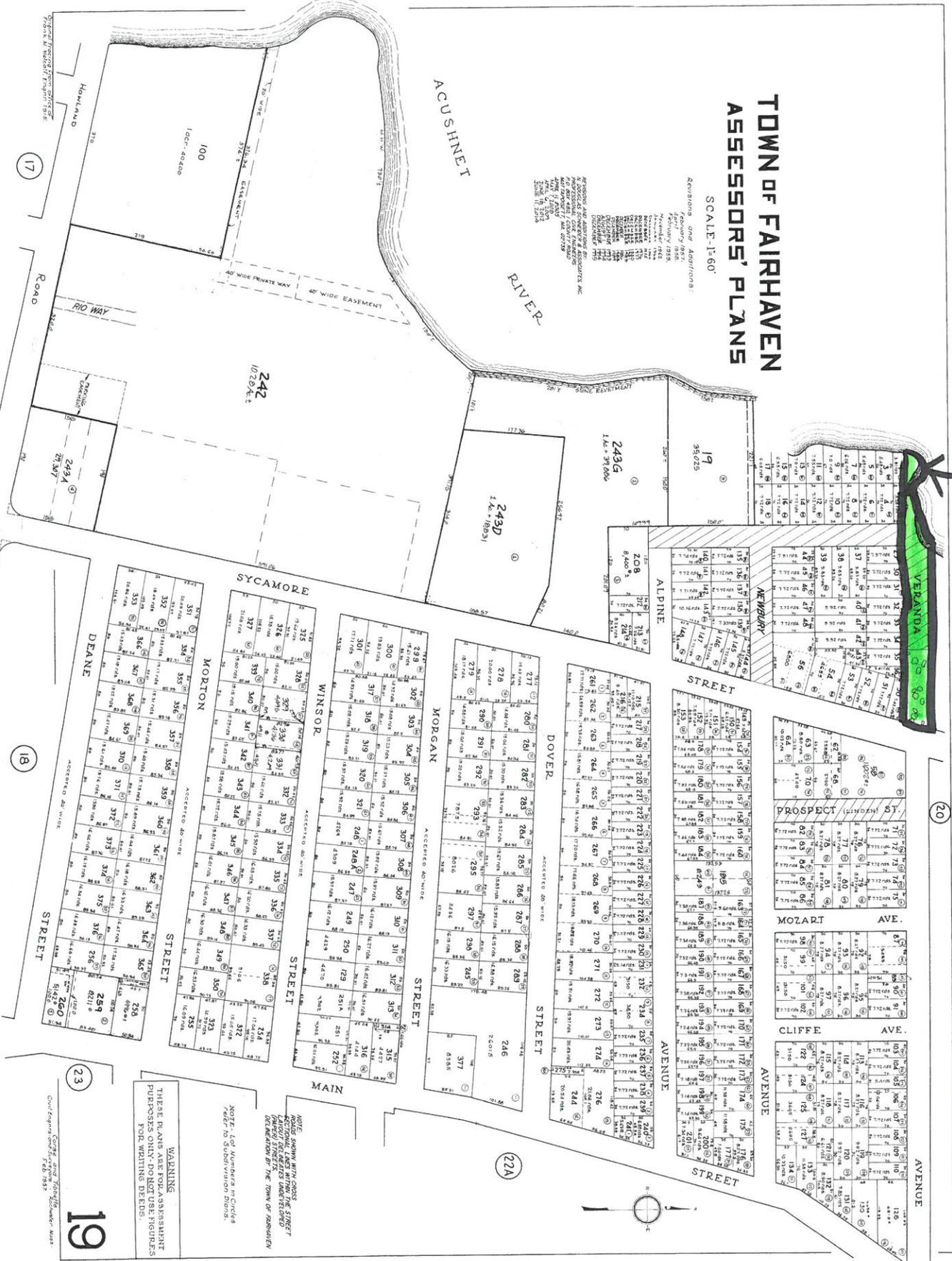
ACCESS AREA

TOWN OF FAIRHAVEN ASSESSORS' PLANS

SCALE-1:60'

Revisions and Additions:

- November 1925
- February 1927
- February 1928
- February 1929
- February 1930
- February 1931
- February 1932
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- February 2016
- February 2017
- February 2018
- February 2019
- February 2020
- February 2021
- February 2022
- February 2023
- February 2024



NOTE: LOTS SHOWN WITH CROSS-HATCHING ARE LOCATED ON THE EAST SIDE OF THE RIVER AND ARE SUBJECT TO THE TOWN OF FAIRHAVEN'S RIVER FRONTAGE REQUIREMENTS. THESE PLANS ARE FOR ASSESSMENT PURPOSES ONLY. FOR SUBDIVISION PURPOSES, REFER TO SUBDIVISION PLANS.

WARNING: THESE PLANS ARE FOR ASSESSMENT PURPOSES ONLY. FOR SUBDIVISION PURPOSES, REFER TO SUBDIVISION PLANS.

19

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Fairhaven, Massachusetts

Attachment B

From: [Myers, Michael](#)
To: [Anne O'Brien](#)
Subject: Detective Cudmore
Date: Friday, June 3, 2016 2:29:13 PM
Attachments: [cudmoreawards.pdf](#)

Anne,

The following is what was in the weekly report and attached is the write up from the US Attorney's Office.

- . Detective Cudmore is currently assigned to the U.S. Drug Enforcement Administration Task Force. Wednesday afternoon, Detective Cudmore was presented with two awards from United States Attorney Carmen Ortiz at the Federal Depository in Boston for two major investigations he completed. The first involved a major drug dealer by the name of Francisco Monteiro, who was running a heroin trafficking ring. After an extensive investigation, Monteiro was convicted of heroin trafficking and drug robbery and sentenced to 21 years in federal prison. The second case involved a disgraced and disbarred former attorney by the name of Edward Boyer, who was having millions of dollars' worth of marijuana shipped to our area from California. Boyer was convicted of drug trafficking and sentenced to nine years in federal prison. Detective Cudmore was one of the main investigators in both cases who earned much deserved praise from the U.S. Department of Justice, as well as the continued respect from our department.

Michael J. Myers
Chief of Police
Fairhaven Police Department
1 Bryant Lane
Fairhaven, Ma 02719
508-997-7421 Work
508-997-3147 Fax
chief@fairhavenpolice.org

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