



Fairhaven Board of Selectmen

August 8, 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 Auditorium at 6:33 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel. Parts of the meeting were also filmed by WBZ News, Channel 6 and WBSM.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **July 11, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **July 11, 2016** meeting, **executive** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **July 21, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report, Mr. Rees:

- Informed the Board that the Cable Advisory Committee was recommending the director position be advertised as a full-time position, to be paid out of the PEG access account. Ms. O'Brien is filling in for the position on a stipend part-time basis until the position can be permanently filled.
- Updated the Board to an effort to create a "working group" for the Green Street reconstruction project, to address concerns raised by residents who did not want to see the trees on Green Street removed. The BPW has hired an arborist, and once the arborist's report is received, a meeting of the working group will be scheduled.

POLLING LOCATIONS

The Board reviewed a request from the Town Clerk to approve six precinct polling locations for the September 8, 2016 State Primary. Mr. Espindola motioned to approve the six polling locations as requested. Mr. Freitas seconded. Vote was unanimous. (3-0).

ROLAND TIRE – SITE PLANS

The Board reviewed submitted site plans from Roland Tire. Mr. Espindola motioned to accept and approve the site plans as submitted to complete their requirements as a part of the 2016 license renewal process. Mr. Freitas seconded. Vote was unanimous. (3-0).

UNITED WAY CAMPAIGN KICK-OFF

The Board reviewed an application from the United Way to use the Town Hall auditorium for a September 15, 2016 Campaign Kick Off party, with a request to waive the rental fee and a request for a one-day beer and wine license for the same event.

Mr. Espindola motioned to approve the use of the Town Hall auditorium for the United Way fundraiser kick-off on September 15, 2016, with a waiver of the rental fee and a one-day beer and wine license for the same day. Mr. Freitas seconded. Vote was unanimous. (3-0). The United Way will still be responsible for the hourly custodial fee during the event.

BUZZARD’S BAY MINI GRANT

The Board reviewed a memo from Director of Planning and Economic Development William Roth, regarding the Town’s receipt of a \$35,000 award from Buzzard’s Bay Mini Grant program to be used to assist the Town and Buzzard’s Bay Coalition in purchasing the East Fairhaven Farms Conservation Project. This grant is one part of the financing package.

Mr. Espindola motioned to accept the grant and authorize the Town Administrator to sign any and all documents related to the mini-grant. Mr. Freitas seconded. Vote was unanimous. (3-0).

COUNCIL ON AGING BYLAWS

The Board reviewed a revision to the Council on Aging bylaws (see Attachment A). The changes were prompted by a change in Town government from Executive Secretary to Town Administrator.

Mr. Espindola motioned to accept the Council on Aging bylaws as amended in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

ROGERS SCHOOL REUSE RECOMMENDATION

The Board reviewed a recommendation from the Rogers School Reuse RFP Review Committee. The Committee received three proposals and recommended the firm Kirk and Company for the consultant role, with a bid amount of \$25,000. The Board reviewed the proposal. Mr. Espindola motioned to grant the bid to Kirk and Company for the bid amount of \$25,000. Mr. Freitas seconded. Vote was unanimous. (3-0).

NATIONAL NIGHT OUT

The Board reviewed an email from resident Ann Richard, expressing her interest in having a Fairhaven Police Department appreciation effort, like “Thank an Officer” day or the National Night Out established. The Board expressed support for the effort and said that the Selectmen’s/Town Administrator’s office would support anyone willing to organize such an effort. Ms. Richard will work with Anne O’Brien to work on details.

UPDATE ON WIND TURBINE DATA

At 7:00 p.m., the Board met with Sumul Shah and Gordon Dean to hear a presentation on data relative to the Town’s wind energy financial gains and offsets.

See Attachment B for the presentation given by Mr. Shah.

The Board thanked Mr. Shah and Mr. Dean for coming to the meeting and updating the Town on the wind turbines. The presentation will be placed on the Town website.

John Methia was recognized. He said he objected to the Town portraying the project as a “win-win”, citing complaints received from wind turbine neighbors regarding noise and flicker.

Carolyn Young was recognized. Ms. Young said that the wind turbines negatively impact her family’s health and sleep. She stated that she knows when they are on and off without looking. She said that no one has been willing to listen and take action on her health concerns and she does not consider the project to be a success for the Town.

SERVE-A-THON

At 7:33 pm, the Board met with Steven Bouley of the Salvation Army.

Mr. Bouley updated the Board to plans for a Salvation Army “Serve-A-Thon”, which includes a September 10 “Pilgrim” bike ride from Cooke Park in Fairhaven to the Mayflower Dock in Plymouth and back. A donation to the Salvation Army is required to participate.

The Board thanked Mr. Bouley for the presentation and wished him luck with the event.

POKEMON GO

At 7:45 p.m., the Chairman opened a forum discussion on “Pokemon GO” at Fort Phoenix.

The smartphone game “Pokemon GO” has made Fort Phoenix a destination spot for players, who have been visiting the Fort in large numbers on a daily basis. Some have been staying beyond the closing time of 10:00 p.m., and the Fort has seen a dramatic increase in litter and vandalism (including rock walls being dismantled and graffiti). Additionally, there have been reports of human waste being left behind at the historic site, as there are no bathrooms after hours for the

visitors. The streets abutting the Fort have been overwhelmed with traffic and parking issues due to the unprecedented influx of visitors.

Mr. Murphy said that the gate closes at 10:00 p.m. and that the Police on duty empty the park of visitors at that time, but that people go back to the Fort afterwards. The Town has had to pay overtime for Police presence, and the overtime was not budgeted for FY17.

Mr. Espindola said that he has attended the Historical Commission meetings relative to Fort Phoenix, and that the main concerns are about vandalism and loitering at the Fort. Although vandalism and loitering are not new issues for the Fort, it has escalated with the presence of Pokemon GO.

Mr. Freitas said that he has witnessed the activities of Pokemon GO players at the Fort, and most people are behaving respectfully. He said one of his main concerns were the reports that some players are actually playing the game while driving to the Fort, and he sympathizes with the neighbors trying to sleep there at night.

Mr. Rees said that there were several Pokemon GO “stops” in Town, but the Fort was the only location experiencing difficulties with the increased traffic. He said that the Police Department had recommended replacing some missing parking signs down at the Fort to clarify the restriction on late night and overnight parking.

The Chairman opened the discussion to the public. Speakers included Barbara Tyson, Missy Nordstrum, Josh Powers, Karen Vilandry, Dan Silvia, Alex Kuechler, Rich DeSousa, Maura Vlanco, Frank Budryk, Tammy Tamigini, John Methia and Gary Lavalette.

Mr. Espindola said that he thought they would have to address the issue of providing a port-a-potty to avoid the health issues of human waste. The Board agreed. After some discussion, Mr. Rees said that he would put together a working group of Town departments to explore the issues, have the Police close the gate at 9:00 p.m., initiate an outreach group with the Pokemon GO community, obtain a port-a-potty and reach out to the software developers to see if they could shut down the software during nighttime hours.

At 9:31p.m., the Chairman announced a brief recess to allow the large group of attendees to leave the auditorium. At 9:31 p.m., Ms. O’Brien left the meeting and the minutes were resumed by Mark Rees.

TOWN ADMINISTRATOR CONTRACT

The Board reviewed Mr. Rees’ negotiated contract. Mr. Espindola motioned to approve the contract’s first amendment. Mr. Freitas seconded. Vote was unanimous. (3-0). See Attachment C.

At 9:50 p.m. Mr. Espindola motioned to enter Executive Session pursuant to MGL ch. 30a section 21, for contract negotiations – Fire, Police and Clerical Union. 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

And

Mark Rees
Town Administrator
Minutes approved 09/19/2016



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Massachusetts
Office of the Selectmen
Office of the Town Administrator
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Fairhaven, MA 02719

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selectmen@Fairhaven-MA.gov

MEMO

Date: August 5, 2016

From: Mark Rees, Town Administrator

To: Board of Selectmen

Re: Change in Council on Aging Bylaws

On July 18, 2016, the Board of Directors for the Council on Aging voted to change their bylaws to reflect the legislative change in Town government from Executive Secretary to Town Administrator.

This change should be finalized with a vote by the Board of Selectmen. See the attached document with the requested changes highlighted.

RECEIVED

Fairhaven Council on Aging

2016 JUL 21 A 8:52 Bylaws

BOARD OF SELECTMEN
FAIRHAVEN MASS

Article I – Establishment

The Name of the organization shall be the Fairhaven Council on Aging, hereinafter referred to as the Council, as established by the Town Meeting of Fairhaven, Massachusetts, on March 31, 1966, pursuant to Chapter 40 Section 8B of the Massachusetts General Laws.

Article II – Purpose

- a. To identify the total needs of the elderly population of the community.
- b. To educate the community and enlist support and participation of all citizens about their needs.
- c. To design, advocate and/or implement services to fill these needs, or to coordinate existing services.
- d. To cooperate with the Massachusetts Executive Office of Elder Affairs and Coastline Elderly Services, Inc. (Area Agency on Aging) and to be cognizant of State and Federal legislation and programs regarding elders.

Article III – Offices

The principal office of the Council is located at 229 Huttleston Avenue, Fairhaven, Massachusetts 02719.

Article IV – Membership

The Council shall consist of seven (7) regular members and four (4) Alternate/Associate members (who are appointed for a one-year term) who shall vote for the non-attending regular seven (7) members. Prospective Council members shall be nominated by a majority of the existing members of the Council for consideration by the Board of Selectmen. Council membership shall reflect the make-up of the community-at-large and shall be composed of at least fifty-one percent (51%) of persons sixty (60) years of age or older.

Article V – Term of Membership

Council members are appointed for a term of three (3) years with the option of being reappointed at the pleasure of the Board of Selectmen. Alternate/Associate members may also be appointed to fill the unexpired term of members whose positions are vacated. Council members may be

removed by the Board of Selectmen following a hearing. People in office shall serve up to two (2) successive terms in the same office's position. There shall be at least a one year (1) year hiatus prior to a previously elected position held for two (2) successive years.

Article VI – Voting Rights of the Members

All voting rights shall be vested in the members, and each individual member shall be entitled to one vote with respect to any question or matters that may come before a meeting of the Council.

Article VII – Meetings

1. Regular meetings of the Council shall be held monthly on the second Monday of the month at 9:00 a.m. at the Council office, unless otherwise voted by the Board.
2. Special meeting of the Council shall be called at any time at the request of at least four (4) members of the Council. Notice must be sent to each member of the Council at least three (3) business days prior to the special meeting date and the Town Clerk must be appropriately notified at the same time.
3. Annual meeting of the Council shall be held on the second Monday of June at 9:30 a.m. after the regular meeting at the Council office for the purpose of electing officers.
4. At all meetings of the Council, the presence of a simple majority of the total membership shall constitute a quorum for the transaction of business. Votes shall be cast only by voting members in attendance.
5. Meetings shall be conducted with Roberts Rules of Order as a guide.
6. Regular attendance is expected of all members. In the event of four (4) absences of regular scheduled meetings during any fiscal year – July 1 through June 30 – members shall be considered to have automatically resigned and the Board of Selectmen will be notified. Exceptions are meetings missed due to personal illness and agreed to by the Board of Directors as acceptable absences.

Article VIII – Officers

1. The officers of the Council on Aging Board shall consist of a Chairperson, a Vice Chairperson, a Secretary and a Treasurer.

2. Officers of the Council shall be elected at the annual meeting of the Council and shall take office at the end of the meeting.
3. Elections of officers to fill vacancies may take place at any regular or special meeting and shall be for the unexpired term of the previous incumbent: however, the office of the Chairperson, if vacated, shall be filled by the Vice-Chairperson for the unexpired term of the Chairperson's normal term of office. The position of Vice-Chairperson will be filled by election.
4. Officers are elected for a term of one (1) year to coincide with the Annual Meeting subject to provision of Article V (July 1 through June 30). Any officer may succeed himself/herself according to terms described in Article V.
5. The Chairperson shall be the Chief Executive Officer of the Council and subject to the direction of the Council. He/she shall be in charge of the business affairs and property of the Council in its general operations. He/she shall prepare an agenda, with the assistance of the Director, preside at all meetings of the members, nominate all committees and serve as an ex-officio member of those committees.
6. The Vice-Chairperson shall exercise all functions of the Chairperson during the latter's absence or disability, and when so acting, shall have all the powers of and be subject to all the restrictions of the Chairperson.
7. The Director shall see to it that:
 - a. Minutes of the meeting of the Council are recorded.
 - b. Notices are given in accordance with the Bylaws and as required by state law.
 - c. The annual report of the Council is forwarded to appropriate town and state officials.
8. The Treasurer shall see to it that:
 - a. There is supervision over and responsibility for funds, securities, receipts and disbursements of the Council.
 - b. Books of accounts of all the business and financial transactions of the Council are kept up to date.
 - c. Members receive a monthly statement of the financial condition of the Council.
 - d. An annual budget is prepared.

Article IX – Amendments

Amendments of these Bylaws may be considered at either a regular or special meeting of the Council called for such purpose. Notification of such meeting and its purpose shall be given at

least fourteen (14) days prior to assembly. Such notification shall contain the text of the proposed amendment. The proposed amendment must be approved by a majority of the Council members.

Article X – Staff

The Executive Director manages the day-to-day operation for the purpose of coordinating or carrying out programs designed to meet the needs of the aging in coordination with the Department of elder affairs. As chief administrator, the Executive Director, who serves as a professional advisor to the Board of Directors, is the principal point of contact within the Senior Center and has the responsibility for the overall management of its operations and programs. The Executive Director initiates, recruits, supervises, and provides or delegates resources, including authority to employ clerical or other assistants subject to the authorization of town government. The Executive Director reports to the **Town Administrator**. An evaluation of a new employee will take place every quarter for the first year, and annually thereafter.

Article XI – Committees

Committees may be appointed by the Chairperson as the need arises to conduct the business of the Council subject to the Approval of the Council.

Article XII – Effective Date

The effective date of these Bylaws shall be the date of that meeting which these Bylaws shall have been approved by a majority of members present. The date on which this approval was voted is June 11, 2013.

AMENDMENT: Article VII Number 3. It was voted by the Fairhaven Council on Aging Board Members on August 18, 2014 to change the day of the monthly meeting from the second Tuesday of the month to the second Monday of the month on.

AMENDMENT: Town Government Change From: Executive Secretary to Town Administrator date July 18, 2016.

Fairhaven Wind LLC: Presentation to the Board of Selectmen

August 8, 2016

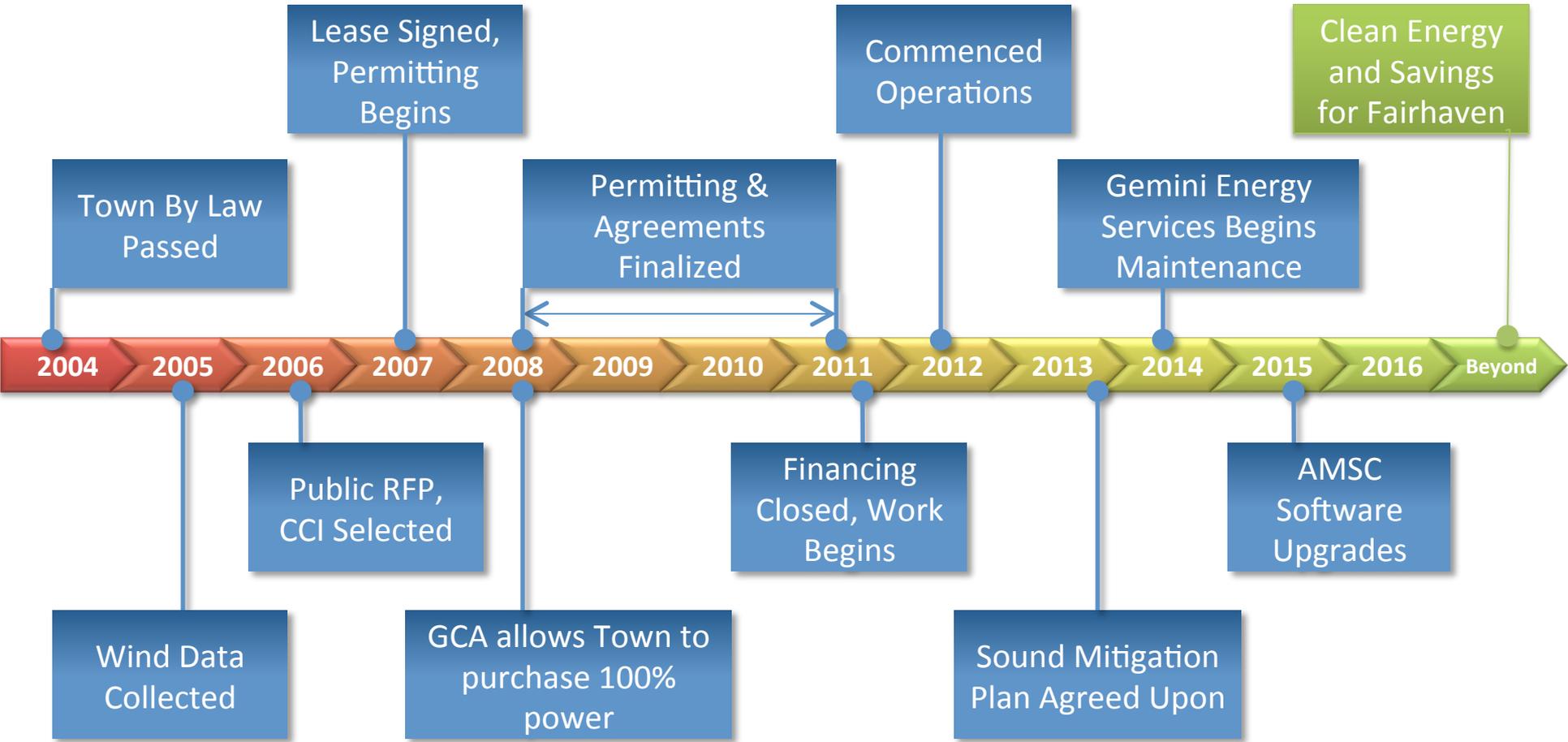


Fairhaven Wind Benefits to Date

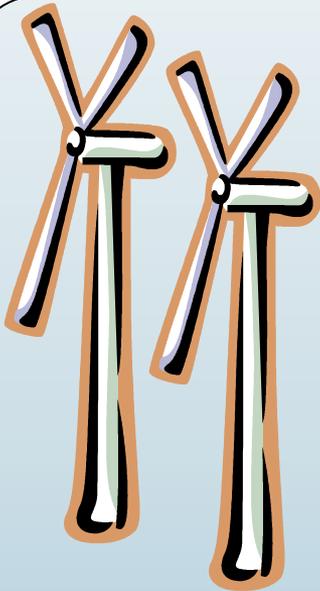
Summary

- **23 million** kilowatt hours of Electricity
- **17,817 Tons** of Carbon Dioxide Eliminated
- Over **\$1.066 Million** in Net Income for the Town of Fairhaven
- Equals average annual salaries for **16 Teachers**

History of Fairhaven Wind



Fairhaven Environmental Benefits



23 million
kWh

of Electricity
produced by these
turbines to date



35,635,185 lbs
of Carbon Dioxide
(CO₂)



3,414
Cars removed from
the road for a year



1,571,766 gal
of oil consumed per
year



1707
Homes powered by
these turbines

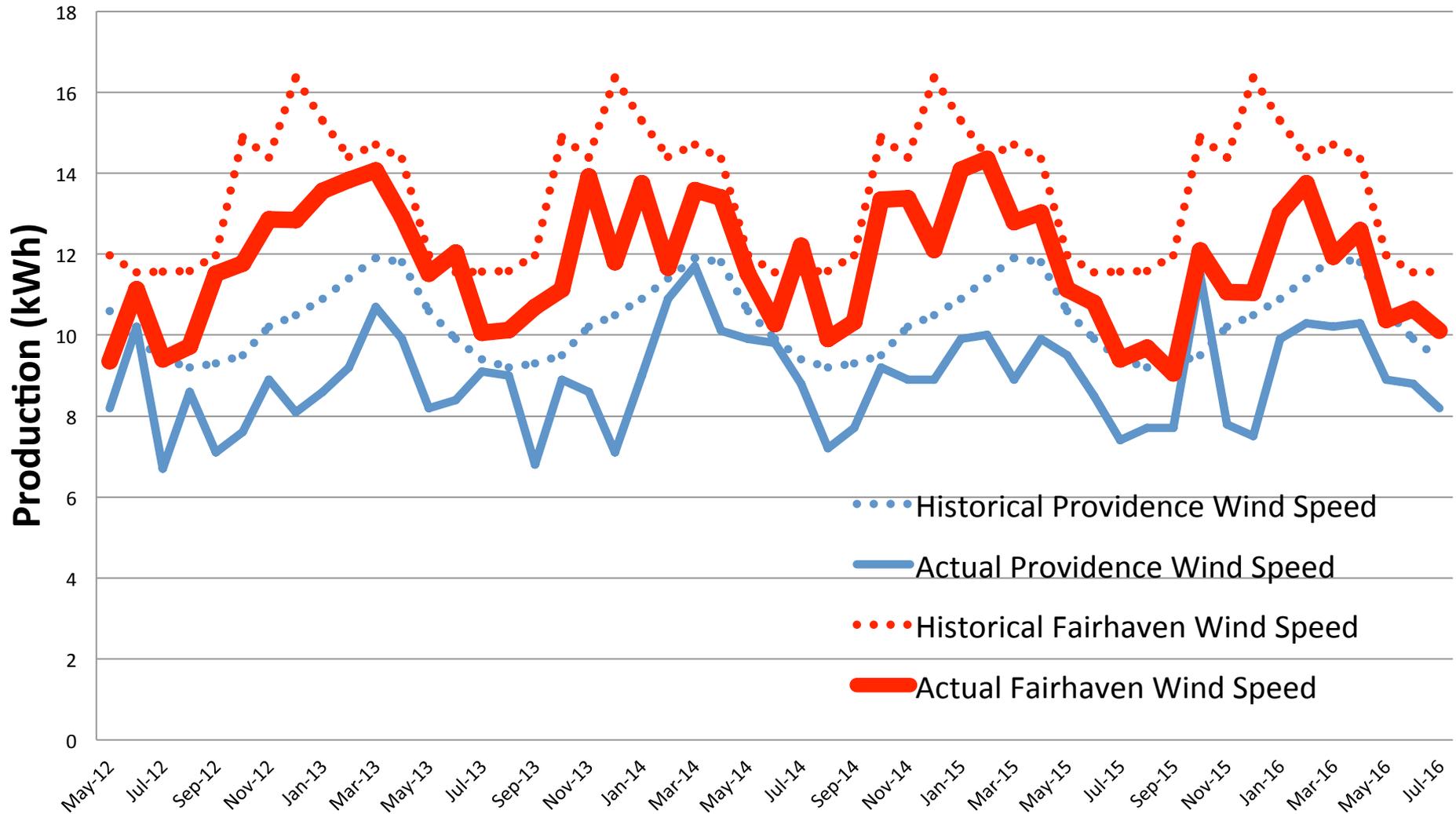


86.1
Railroad cars of coal
consumed

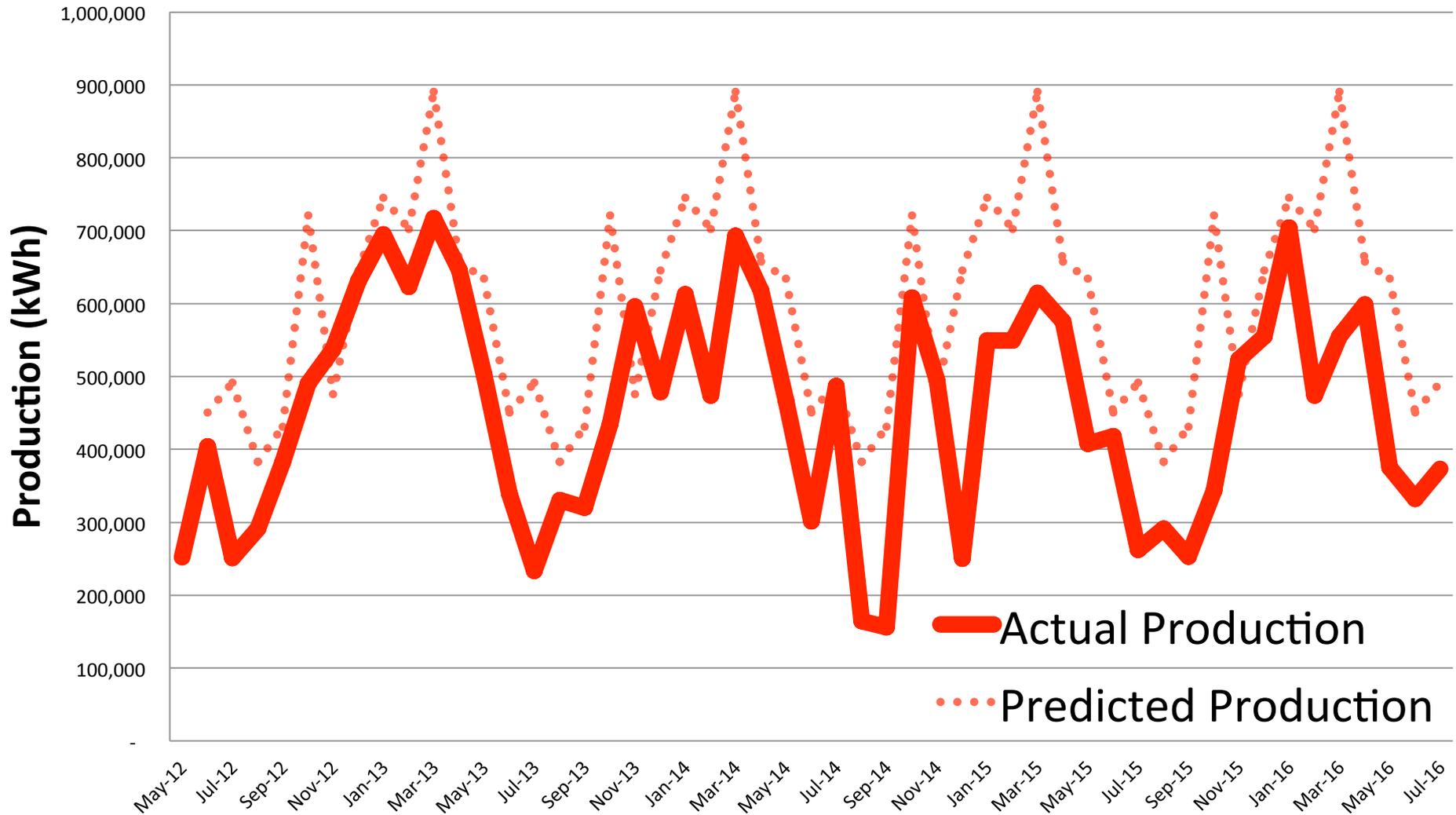


15,301 acres
of pine or fir forests
carbon offset

Wind Speed Comparison By Month



Production by Month



Production by Year

Year	2012	2013	2014	2015	2016
Months Operational	8	12	12	12	7
Actual kWh	3,202,710	5,860,820	5,107,830	5,328,190	3,382,042
Actual kWh Cumulative	3,202,710	9,063,530	14,171,360	19,499,550	22,881,592
Expected kWh	3,850,160	7,227,000	7,227,000	7,227,000	5,377,986
Expected Cumulative	3,850,160	11,077,160	18,304,160	25,531,160	30,102,024

Capacity Factor by Year

Year	2012	2013	2014	2015	2016
Months	8	12	12	12	6
Calculated Capacity Factor	18%	22%	19%	20%	23%
Expected Capacity Factor	24%	28%	28%	28%	31%

- The calculated capacity factor is taken by dividing the annual output by the rated capacity times the number of hours per year.
- The calculated capacity factor is impacted by curtailment and lower wind speeds.

Production Summary

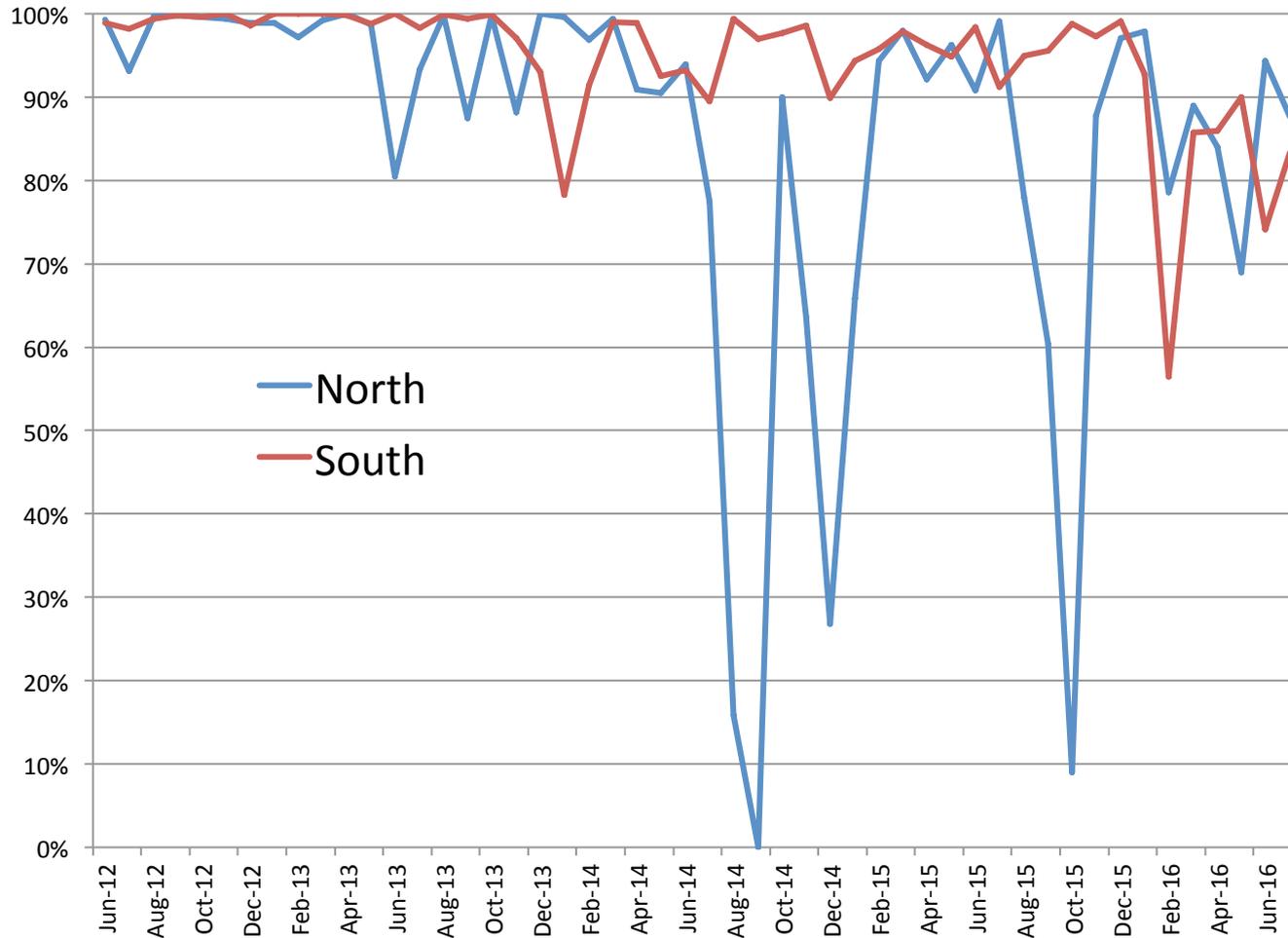
- Wind Speed has been 87% of the expected historical average – consistent with Providence
- Production has been 77% of the predicted values
 - There is a cubic relationship between wind speed and power output
 - Doubling wind speed means **eight** times more power.
 - Small changes in wind speed averages have significant impacts on power production.
 - Major reason for difference is the wind speed variance which means production occurs lower on the power curve
 - Sound curtailments and maintenance have also been factors for production

Curtailment by Year

Year	2012	2013	2014	2015	2016
Months	8	12	12	12	6
Days when Curtailment Occurred	5	46	31	31	35
Cumulative	5	51	82	113	148

- Includes downtime for sound testing in 2012-2013 and BoH abatement order in 2013.
- Mitigation plan is in effect 167 days of the year.

Turbine Availability By Month



Maintenance Summary

- There has been no failure of any major component to date
 - In 2014 and 2015, the North Turbine experienced problems with the power converter.
- There is ongoing maintenance
 - Over the past 3 years, maintenance has been performed by Gemini Energy Services
 - Regularly scheduled service, minor maintenance items, preventative maintenance, etc.
- Fairhaven Wind purchased software and hardware upgrades from AMSC in 2015 and 2016, along with ongoing remote tech support.
 - Allows for greater access to data, improving the troubleshooting and diagnostics process

Net Income to Fairhaven

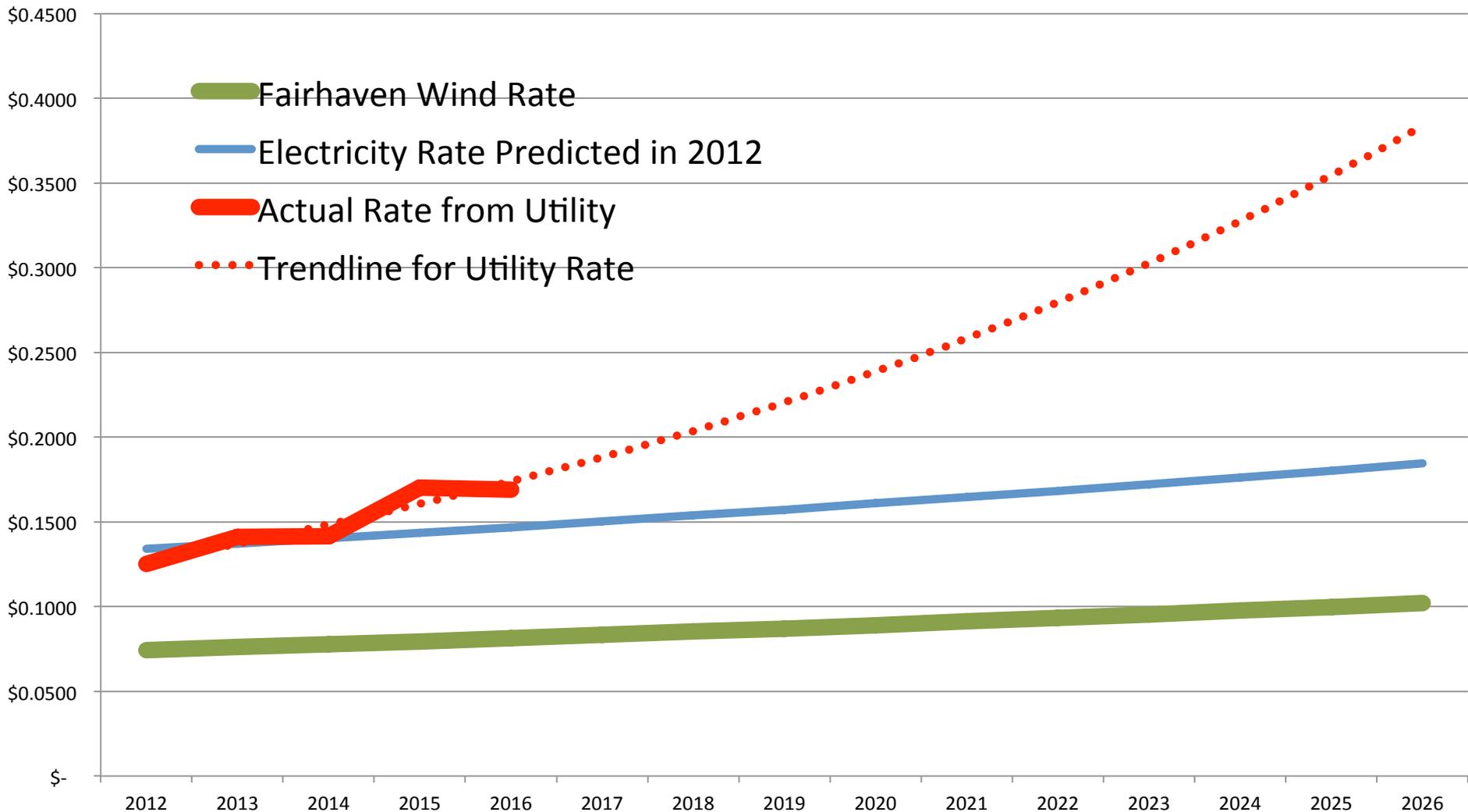
Year	2012	2013	2014	2015	2016
Months	8	12	12	12	6*
Net \$ to Town	\$108,232	\$179,484	\$218,502	\$402,291	\$157,793
Cumulative	\$108,232	\$287,717	\$506,219	\$908,510	\$1,066,303

- Annual net income has averaged over \$250,000 per year, exceeding expectations.
- Annual Income is predicted to increase if energy prices follow current trend and with greater availability.

* Town not yet billed for July



Income to Fairhaven





Thank You



First Addendum
To
Employment Agreement Between
The Town of Fairhaven
And
Mark H. Rees
Dated January 4, 2016

Section IV, Salary, Section A:

Delete: "On or before April 1, 2016 the Board shall negotiate with the Town Administrator the compensation of the Town Administrator for the remainder of the term of this agreement, subject to appropriation by Town Meeting." and replace with: "Retroactive to July 1, 2016 the annual base salary of the Town Administrator shall be \$145,000. Upon the completion of the fall 2016 special town meeting or December 1st, whichever comes earlier, the annual base salary of the Town Administrator shall be \$150,000 retroactive to July 1, 2016. On or before April 1st of 2017 and each succeeding year of this agreement, the Board shall negotiate with the Town Administrator the compensation of the Town Administrator for the fiscal year beginning on July 1st."

Section VIII, Deferred Compensation:

Delete in its entirety.

Section XI, Expenses, Section B:

Delete in its entirety and replace with the following: "For the period from July 1, 2016 to June 30, 2017 the Town Administrator shall receive a car allowance of \$450 per month providing that while using his personal vehicle on official town business he shall affix to his car removable magnets that displays Fairhaven's Town Seal. This section will be renegotiated for subsequent fiscal years of this agreement."

IN WITNESS WHEREOF, The Town of Fairhaven, Massachusetts, has caused this addendum to be signed and executed in its behalf by its Board of Selectmen and duly attested by its Town Clerk, and the Town Administrator has signed and executed this Addendum, both in duplicate

TOWN OF FAIRHAVEN
Acting by and through
Its Board of Selectmen


Charles Murphy
Chair, Board of Selectmen

DATE: 7/11/16

TOWN ADMINISTRATOR


Mark H. Rees

DATE: 7/11/16

Attest to Signature:


Town Clerk
DATE: July 12, 2016