



Fairhaven Board of Selectmen

October 3, 2016 Meeting Minutes

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

Absent: Clerk Daniel Freitas.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 6:33 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 **August 8, 2016** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (2-0).
- Mr. Espindola motioned to approve the minutes of the **August 8, 2016** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (2-0).
- Mr. Espindola motioned to approve the minutes of the **September 19, 2016** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (2-0).
- Mr. Espindola motioned to approve the minutes of the **September 19, 2016** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (2-0).

TOWN ADMINISTRATOR'S REPORT

In his report, Mr. Rees said that he had been busy with union negotiations in the previous week. Additionally, he participated in a teleconference with Moody's regarding the Town's bond rating to remove the "negative outlook" from the rating outlook.

On October 1, per the recommendation of Mr. Rees, the Board conducted a goal setting workshop for budgeting purposes. Mr. Rees reported that this session was "very productive".

Mr. Rees said that he is working with the Bell Committee to replace the cupola at the Oxford School. Mr. Rees noted that the deed to the Oxford School cannot be located, but this is not unusual for an older property. Title attorney Lauren Francis has been hired to do the title work.

Mr. Rees noted that he would be meeting with the Rogers School consultant, Kirk and Company, in the upcoming week to finalize a timeline and outreach program in relation to the Rogers School.

WHITFIELD-MANJIRO LETTER

The Board reviewed a request from the Whitfield-Manjiro Friendship Society for a letter of permission from the Town to use the streets (Town property) for the 2017 Manjiro festival, as a part of their Cultural Council application. Mr. Espindola motioned to approve and authorize the chairman to sign a letter as requested. Mr. Murphy seconded. (2-0).

BELL COMMITTEE

The Board reviewed a letter of interest from Codie Thibault, requesting appointment to the Bell Committee. Mr. Espindola motioned to appoint Mr. Thibault. Mr. Murphy seconded. Vote was unanimous. (2-0).

NOOK CAFÉ – RESTRICTED MUSIC LICENSE APPLICATION

The Board reviewed an application from the Nook Café for a Restricted Music Application. The application contained prior approval from all necessary departments. Mr. Espindola motioned to approve. Mr. Murphy seconded. Vote was unanimous. (2-0).

TOWN HALL AUDITORIUM USE APPLICATION

The Board reviewed an application for the Use of the Town Hall Auditorium for a birthday party on October 29, 2016. The applicant is seeking a one-day, beer and wine license for the same day and same event, but has not yet submitted a proof of liability as required by the application policy. Mr. Espindola motioned to approve the Use of the Town Hall Auditorium, for applicant Beth Becotte, for October 29, 2016. Mr. Freitas seconded. Vote was unanimous. (3-0). Mr. Espindola motioned to approve the one-day, beer and wine license for October 29, for applicant Beth Becotte, contingent upon the receipt of a liquor liability policy. Mr. Murphy seconded. Vote was unanimous. (2-0).

LIBRARY TRUSTEE APPOINTMENT

The Board reviewed a letter from Millicent Library Director Carolyn Longworth requesting the reappointment of current Trustee Pamela Kuechler to serve as the Selectmen's representative for another four years.

Mr. Espindola motioned to reappoint Ms. Kuechler to serve as the Selectmen's representative on the Millicent Library Board of Trustees, for a four-year term. Mr. Murphy seconded. Vote was unanimous. (2-0).

FAIRHAVEN GAS SITE PLAN

The Board reviewed an engineered site plan submitted by Fairhaven Gas. The new plans reflected a slight reduction in vehicle allotment. Mr. Espindola motioned to accept the plans and approve the new license to reflect five (5) used cars for sale, nine (9) spaces for repair/customer parking, three (3) spaces for employees. Mr. Murphy seconded. (2-0).

RRR AUTO

At 7:00 p.m., the Board met with Louis Baptiste of RRR Auto regarding the site plan requirement. Mr. Baptiste disputes that he should have to submit engineered site plans, because his special permit included professionally drafted plans that were approved by the Zoning Board of Appeals in 2002. Mr. Rees said that Mr. Baptiste has been cooperative, but that there is a difference of opinion between Mr. Baptiste and the Town regarding the site plan requirement. The special permit plans Mr. Baptiste referred to, include a “paper street” (Copeland Street) that is not developed. The special permit shows how the vehicles would be laid out if Copeland Street were developed. However, what the Board of Selectmen are requesting, is a site plan that accurately reflects how the property is currently used; as it is now, the paper street is used for vehicle parking by Mr. Baptiste. Therefore, the Selectmen’s Office would require updated site plans to show the actual use of the property instead of the site plan use of the property.

Currently, Mr. Baptiste’s license says he can have 98 vehicles on the property, but it should be 92. Mr. Baptiste said that he was concerned that if he had to follow the site plan update process, he would be in a position of conflict with the Planning Board Special Permit. Mr. Rees explained that there are two separate regulatory processes in place: one is the special permitting process through the Planning Board and the other is the Board of Selectmen’s regulatory authority over used car and repair businesses. The conditions placed on the two types of regulatory review can be different and the property owner has to comply with both. As such, the Board agreed to uphold the requirements of the site plan for Mr. Baptiste and Mr. Fostin and Mr. Rees will work with RRR Auto toward site plan completion.

At 7:26 p.m. Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

1. Collective bargaining – Clerical, Police, Dispatchers and Fire

Mr. Freitas seconded the motion to enter Executive Session for the aforementioned reasons, not to reconvene into open session afterward. Vote was unanimous. (3-0)

Respectfully,

Anne O’Brien
Administrative Assistant
Minutes approved 10/17/2016