



Fairhaven Board of Selectmen

January 9, 2017 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, 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 6:34 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 **December 19, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report to the Selectmen, Mr. Rees said:

- Last week the Zoning Board of Appeals held their first 40B hearing for Stratford. Traffic, parking, discussion. The ZBA is requesting a traffic plan and drainage and stormwater plans. Their next meeting is in early February.
- Last week, the Town held its second hearing on the Rogers School with the consultants.
- The budget process is underway, and the budget team has started meeting with individual departments to discuss their requests.

ANNUAL RENEWALS

The Board reviewed 2017 license renewal applications.

Mr. Espindola motioned to approve all the 2017 liquor license renewal applications in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve all the 2017 common victualer license renewal applications in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the 2017 auto dealer license renewal applications in Attachment A. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the 2017 auto repair (garage) license renewal applications in Attachment A. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the 2017 entertainment license renewal application (Carousel Skating Center) in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve all the 2017 lodging house license renewal applications listed in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

ZONING BOARD OF APPEALS VACANCY

Mr. Murphy announced a vacancy on the Zoning Board of Appeals for a three year associate member. The deadline is January 30, 2017 for applications.

WEST ISLAND 5K

The Board read a letter from Lyle Drew, requesting no-fee use of Hoppy's Landing, and permission to hold the sixth annual West Island 5K scholarship fundraiser on April 30, 2017. Mr. Espindola motioned to approve. Mr. Freitas seconded. Vote was unanimous. (3-0).

CONSERVATION COMMISSION

Mr. Murphy acknowledged a letter of interest from Nick Sylvia for a full membership position on the Conservation Commission. Mr. Sylvia was present.

The Board briefly interviewed Mr. Sylvia. Mr. Sylvia does not have any business dealings or relatives working for the Town.

Mr. Espindola motioned to appoint Mr. Sylvia to the Conservation Commission. Mr. Freitas seconded. Vote was unanimous. (3-0).

Ms. O'Brien said that there was another applicant interested in the Conservation Commission associate vacancy, but the application had come in past deadline. The Board asked Ms. O'Brien to invite the other candidate in for an interview.

STRATFORD – OXFORD SCHOOL UPDATE

At 6:56 p.m., the Board entered a discussion with Richard Hayden on the Oxford School purchase. Speaking to previous questions about funding requests, Mr. Hayden said that Stratford was only seeking the \$325,000 Community Preservation Committee funding, and did not intend to apply for more. He said the fact that the funding request was the same amount as the Oxford School purchase price was a coincidence.

Mr. Murphy asked why the funding process (including requesting funds) was not mentioned at Town Meeting. Mr. Hayden said it was an oversight and that they are changing their methods in response to the concern.

Mr. Espindola asked Mr. Hayden to explain why it was required for Stratford to seek funding from the Town. Mr. Hayden said Department of Housing and Community Development will not consider funding until the applicant has applied to other sources, including CPC. Mr. Hayden added that their profit (“fee”) is limited by the DHCD by a formula; at this time, it appears the project will cost \$17.6 million and will result in a fee of roughly \$1.8 million.

Mr. Freitas asked if Stratford Group was going to come to the Town for more money. Mr. Hayden said no.

Margaret Gray was identified. Ms. Gray asked how much was available in CPC funding on an annual basis. She said that she thought it was wiser to keep the CPC funds for Town use, not for private use.

CPC administrator William Roth was recognized. Mr. Roth said that the CPC was not authorized to commit to funding over several years, and that it had to be done on an annual basis, so the Stratford funding application could not be approved in stages.

Tom Gray was recognized. He asked if the developers would need to pay a bond for unforeseen issues. Mr. Hayden said that the entire project is bonded.

Although Mr. Hayden will not apply for additional funding from the Town, if Stratford is not granted the \$325,000, it will apply for CPC again, but not to exceed \$325,000 in the aggregate.

TOWN HALL RULES AND REGULATIONS

Mr. Rees presented the Board with his proposed revisions to the Town Hall Auditorium rules and regulations. See Attachment B.

Mr. Espindola motioned to approve the updated rules and regulations, as outlined in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

KMART CLOSING

Mr. Rees read the Board’s letter to Sears Holding, regarding the closing of Kmart. See Attachment B. The Board thanked Mr. Rees. Mr. Rees said that he would follow up for a response from Sears if he does not hear back within a week.

OTHER BUSINESS

In other business:

- Mr. Murphy congratulated Heather Correia on getting an honorary degree from the Northeast Maritime Institute.
- Mr. Murphy thanked the Northeast Maritime Institute for their snow removal efforts at Town Hall in a recent storm.

At 9:17 p.m. Mr. Espindola motioned to enter Executive Session, not to reconvene in open session, pursuant to MGL ch. 30a section 21:

- To conduct strategy sessions in preparation for litigation in regards to the ABC Disposal bankruptcy filing.

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 01/23/2017

Documents appended:

Attachment A: 2017 License Renewal Listing

Attachment B: Proposed revisions to Town Hall Auditorium Rules and Regulations

Attachment C: Letter from the Board of Selectmen to Sears Holding

**TOWN OF FAIRHAVEN
2017 RENEWALS
FOR APPROVAL BY THE BOARD OF SELECTMEN
JANUARY 9, 2017**

Liquor Licenses

1. Acushnet River Safe Boating Club-80 Middle Street, Fhvn., MA 02719
2. Seaport Inn-110 Middle St., Fhvn., MA 02719
3. Bayside Lounge-125 Sconticut Neck Rd., Fhvn., MA 02719
4. Mackatan General Store-39 Causeway Rd., Fhvn., MA 02719
5. American Legion-54 Main St., Fhvn., MA 02719
6. Emma Jean's Cupcake Factory & Ice Cream Shoppe-115 Huttleston Ave., Fhvn., MA 02719
7. EJ's Brooklynne Deli & Butcher Shop-111 Huttleston Ave., Fhvn., MA 02719
8. Dorothy Cox's Candies-63 Alden Rd., Fhvn., MA 02719
9. Down The Hatch, 56 Goulart Memorial Drive, Fhvn., MA 02719

Common Victualer Licenses

1. Galaxy Pizza House-342 Main St., Fhvn., MA 02719
2. Subway Restaurant- 42 Fairhaven Commons Way, Fhvn., MA 02719
3. Phoenix Restaurant-140 Huttleston Ave., Fhvn., MA 02719
4. Scramblers Breakfast & Bagel-2 Sconticut Nk. Rd., Fhvn., MA 02719
5. Flour Girls Baking, LLC-230 Huttleston Ave., Fhvn., MA 02719
6. Mystic Café-398 Main St., Fhvn., MA 02719

Car Dealer License

1. Fairhaven Gas, Inc.-134 Huttleston Avenue
2. Fairhaven Gas, Inc.(Valero)-130 Huttleston Avenue
3. Sarkis Enterprises, Inc. A&A Auto-196 Huttleston Ave., Fhvn., MA 02719
4. First Hot Line Auto sales, Inc.-Fairhaven Getty Auto Sales-371 Huttleston Ave.,Fhvn., MA 02719
5. J.D. Acquisition Corp.,-Alden Buick GMC-6 Whaler's Way, Fhvn., MA 02719
6. Alden Imports, Inc.-Alden Mazda -37 Alden Rd., Fhvn., MA 02719
7. Guard Enterprises, Inc.-110 Alden Rd., Fhvn., MA 02719
8. Artistic Auto Body & Auto Sales, Inc., 98 Middle St., Fhvn., MA 02719
9. RRR Auto Sales, 372 Huttleston Ave., Fhvn., MA 02719

Repair Garage Licenses

1. Ray's Fair Repair-47 Howland Rd., Fhvn., MA 02719
2. JR's Auto Shop-276 Huttleston Ave., Fhvn., MA 02719
3. Jiffy Lube-31 Alden Rd., Fhvn., MA 02719
4. Rick's Service-241 R Huttleston Ave., Fhvn., MA 02719
5. Manny's Service Station-82 Bridge St., Fhvn., MA 02719
6. Nice N' Clean Car Wash-320 Huttleston Ave., Fhvn., MA 02719
7. Jet Wash Car Wash-21 People's Way, Fhvn., MA 02719
8. Roland's Tire Service-11 Howland Rd., Fhvn., MA 02719
9. Sullivan Tire Company-9 Plaza Way, Fhvn., MA 02719
10. Fhvn. Gas-134 Huttleston Ave., Fhvn., MA 02719
11. Sarkis Enterprises A&A Auto-196 Huttleston Ave., Fhvn., MA 02719
12. Leban Fuel, Inc.-Fhvn. Getty-371 Huttleston Ave., Fhvn., MA 02719
13. Alden Buick GMC-6 Whaler's Way, Fhvn., MA 02719
14. Alden Mazda-37 Alden Rd., Fhvn., MA 02719
15. Guard Enterprises-110 Alden Rd., Fhvn., MA 02719
16. Artistic Auto Body-98 Middle St., Fhvn., MA 02719
17. Dattco Sales & Service, 72 Sycamore Street, Fhvn., MA 02719
18. RRR Auto Sales, 372 Huttleston Ave., Fhvn., MA 02719

Entertainment Licenses

1. Carousel Skating Center- 4 David Drown Blvd., Fhvn., MA 02719

Lodging House Licenses

1. Delano Homestead Bed & Breakfast, 39 Walnut St., Fhvn., MA 02719
2. Kopper Kettle Guest House, 41 Huttleston Ave., Fhvn., MA 02719



Attachment B

TOWN OF FAIRHAVEN

FAIRHAVEN TOWN HALL AUDITORIUM RULES AND REGULATIONS

The Fairhaven Town Hall Auditorium (the "Auditorium") is available to ~~the town's~~ non-profit, civic, charitable and governmental organizations for cultural or educational purposes, ~~but not for the purpose of partisan use to influence elections for office or ballot questions and for private events¹.~~ but not for the purpose of partisan use to influence elections for office or ballot questions. However, Town government's (the "Town") programs and functions will have first priority in the scheduling of events in the Auditorium. Otherwise, the Auditorium will be reserved on a first come first served basis.

The following rules and regulations must be observed in the use of the Auditorium:

1. All requests for use of the Auditorium must be submitted to the Board of Selectmen (the "Selectmen") on the Application for Auditorium Use form at least 45 days in advance of the requested event date.
2. The applicant is required to sign and complete the Auditorium License Application document, the Release and Indemnification Agreement, and an acknowledgement that they have read, understood and agreed to comply with these rules and regulations.
3. Nothing shall be sold, given, exhibited, advertised or displayed without prior permission of the Selectmen.
4. Use of the Auditorium shall be limited to the hours of 8:00a.m. to midnight ~~on Thursday, Friday, Saturday and Sunday~~ and no event may extend beyond 12 midnight or be held on any other day unless permission is granted by the Selectmen.
5. No scenery shall be installed that is nailed or otherwise attached to any floors or walls of the stage or Auditorium. Set pieces, platforms, etc. must be free-standing or hung from overhead grid. No decorations may be stapled, tacked or tied to any Auditorium walls or fixtures. No walls or floors of the stage may be painted or otherwise altered. No scenery shall be installed that blocks safe access to stage or Auditorium doors or fire exits. If scenery or backdrop curtains, teasers, side legs, etc. are hung from overhead grid, all such materials must be removed following the production, and the Auditorium's drops, curtains, etc. must be re-hung in the correct positions. All scenery materials, curtain fabrics and decorations must meet fireproof or flame retardancy regulations of Massachusetts and/or Federal and/or local code. All such materials may be subject to inspection and approval,

¹Private Events are defined as those functions that are closed to the general public and an admission fee is not charged. It includes such events as weddings, reunions, and birthday/anniversary parties. Use of the auditorium by private parties for the purpose of selling services and/or products is not permitted.

and any such installation may be subject to inspection. Under no circumstances shall scenery or other property of a using organization be stored in the Auditorium without express permission, and in no event when such storage will interfere in the use of the Auditorium by the Town. ~~All electrical equipment and arrangements shall require prior approval by the Selectmen.~~ All scenery and electrical equipment and any equipment supplying light, sound, atmospheric, i.e., water based fog machines, or similar effects must be inspected and approved by the Chief of the Fire Department and the Building Inspector or their designees prior to the use of the stage or Auditorium. Pyrotechnic displays or artificial smoke of any sort are strictly prohibited.

6. The applicant shall be held responsible for the preservation of order and shall secure all licenses and permits require for public performances, including the provision for a police detail if required by the Selectmen or the Chief of Police and food preparation and serving licenses as required by the Board of Health. Unless waived by the Board of Selectmen, Police details shall be required at all events to be attended by two hundred or more persons, all events serving alcoholic beverages, and any other events which the Selectmen determine to require a police officer to maintain public order and safety. The applicant is responsible for the cost of police security. The applicant shall be required to provide liability insurance coverage and rented property insurance coverage, each in the amount of not less than \$1,000,000, naming the town as additional insured. Proof of coverage must be provided to the Town Administrator at least seven days prior to the date of the scheduled event.

7. Consumption of Alcoholic Beverages in the Auditorium may be allowed by the Board of Selectmen under the following provisions: If the applicant intends to sell alcoholic beverages at the event, the applicant must apply for and be granted a Special “one day” license pursuant to M.G.L. Chapter 138, Section 14 and the Rules and Regulations for Special “one day” licenses of the Board of Selectmen’s, acting in their capacity as the Local Licensing Authority. If the applicant intends to serve alcoholic beverages but not charge for them, the applicant must obtain a special events insurance policy that provides for liquor liability coverage in the amount of not less than \$1,000,000 and that names the Town as an additional insured. Proof of coverage must be provided to the Town Administrator at least seven days prior to the date of the scheduled event.

5.8. Consumption of Marijuana in any form or manner is prohibited.

6.9. A custodian will be required to be on duty during the event and thirty minutes prior to and following the event. The applicant is responsible for the cost of custodial services at the prevailing rate. ~~(27.32 per hour)~~

10. Unless waived by the Board of Selectmen, the applicant is responsible for paying in advance at least seven days prior to the event, an Auditorium Use Fee at a rate of \$50 per hour with a minimum of three (3) hours per event for non-profit, civic, charitable and governmental organizations for cultural or educational purposes and \$150 per hour with a minimum of three hours per event for private events, plus the cost of custodial services as determined by the Town Administrator.

~~7.11.~~ A refundable security deposit in the form of a certified check made out the Town of Fairhaven and in the amount of the total rental fee shall be submitted at least seven days prior to event. (if the rental fee is waived by the Town, the security deposit shall be equal to the amount of the rental fee if the fee had not been waived) The Town, at its sole discretion, may deduct from this security deposit any and all funds necessary to make repairs or clean the facility including the cost of custodial services not paid for by the applicant. The providing of a security deposit does not reduce, lessen or remove any obligation the applicant may have under the Release and Indemnification Agreement.

~~8.12.~~ Applicant is responsible for delivery, pick-up and rental of additional chairs and tables ~~are if~~ required. The Auditorium is to be swept clean and all trash removed after use. The set-up and break-down of chairs and tables and clean-up by the custodian will be an additional charge at a rate of \$10 per hour (in addition the prevailing rate provided for in Section 7) and must be pre-arranged at least 48 hours in advance of the event. Restrooms are to be left clean after use.

~~9.13.~~ No smoking is permitted within the Town Hall or within 15 ft. of the primary entrance of the building.

~~10.14.~~ The event is limited to the occupancy limit as determined by the event and as approved by the Building Commissioner.

~~11.15.~~ Only the preparation of light refreshments involving no cooking will be permitted in Auditorium area. Water is available for use in preparing coffee or tea. Any group serving refreshments must provide their own dishes, utensils, linens, etc.

~~12.16.~~ The custodian is responsible for the opening and closing of the Town Hall.

~~13.17.~~ The Board of Selectmen reserves the right to revoke permission to use the Auditorium for an applicant's non-compliance with the Rules and Regulations. The Selectmen reserve the right to waive any or all fees under these Rules and Regulations when it is in the public interest to do so.

ADOPTED BY THE FAIRHAVEN BOARD OF SELECTMEN – ~~SEPTEMBER 9, 1996~~



Town of Fairhaven
Massachusetts
Office of the Town Administrator
40 Center Street
Fairhaven, MA 02719

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January 5, 2017

Mr. Edward S. Lampert
Chairman of the Board, Chief Executive Officer
Sears Holding Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

Via: Mr. Howard Riefs, Director, Corporate Communications
howard.riefs@searshc.com

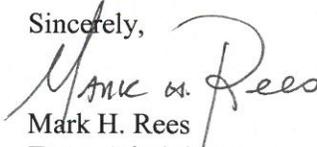
Dear Mr. Lampert,

We have recently been informed of Sears Holding Corporation decision to close the Kmart store located at 9 Plaza Way in Fairhaven, MA. The Town of Fairhaven is grateful for having been chosen by Sears Holding Corporation to locate a Kmart store in our town. Many of our residents and those in living in the surrounding South Coast region have become dependent upon the economical, quality goods sold at Kmart, as well as, being a source of good jobs. As such, we are very concerned about the closing of this popular store since we believe it will have a very negative impact on our town and the region.

While we understand that multiple of factors go into decisions regarding the closing of retail stores, many of which have nothing to do with the host community, we would like the opportunity to meet with you or an authorized representative, to discuss possible ways we could work with you to keep Kmart in Fairhaven. Some areas of discussion could include:

- The improving economy in the region and the resulting increase in disposable incomes.
- The excellent location of the Fairhaven store with great transportation access and high traffic volume along Route 6 and I-195.
- The availability of state and local grants and tax incentives that could make the Fairhaven location more economically viable.

Kmart is an integral and vital member of the Fairhaven business community and we want to do whatever we can to keep your presence in Fairhaven. Please give us the opportunity to convince you that staying in Fairhaven is the right thing to do for your company.

Sincerely,

Mark H. Rees
Town Administrator

Cc: Fairhaven Board of Selectmen