



Fairhaven Board of Selectmen

January 23, 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.

MOMENT OF SILENCE – JOHN MURRAY

At 6:34 p.m., Chairman Murphy asked for a moment of silence for resident John Murray, who recently passed away.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **January 3, 2017** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **January 9, 2017** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **January 9, 2017** meeting, **executive** session, excluding the section on Fire Union negotiations. Mr. Freitas seconded. Vote was unanimous. (3-0). Mr. Espindola motioned to accept the remaining section of the January 9, 2017 executive session minutes, pertaining to the Fire Union negotiations. Mr. Murphy seconded. Vote carried with one abstention from Mr. Freitas.
- Mr. Espindola motioned to approve the minutes of the **December 19, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

RELEASE OF REDACTED EXECUTIVE SESSION MINUTES

The Board reviewed the Board of Selectmen executive session minutes from 2010 to 2016. The collection of minutes had been reviewed and redacted by Ms. O'Brien, with the assistance and input of Mr. Espindola. The Board made a final review and Mr. Espindola motioned to vote their release as redacted. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report:

- Mr. Rees updated the Board to the ongoing budget preparation process, and said that a recommended budget would be compiled for the February 6 meeting.
- Mr. Rees said that he recently attended the Annual Massachusetts Municipal Association meeting and trade show in Boston, and both Senator Elizabeth Warren and Senator Ed Markey were present to speak. Mr. Rees said that the governor has indicated state aid is likely going to increase by about 3.9% for FY18. Also at this MMA meeting, Mr. Rees attended a session on the statewide opioid crisis, and regional efforts being made to address it. Mr. Rees said that it was possible the Town could join with the Fall River regional effort; Mr. Freitas said that he would be willing to serve as a Town/Board representative to any regional opioid prevention efforts.

RAY'S FAIR REPAIR

The Board reviewed the site plans for Ray's Fair Repair, which had been previously reviewed by the Town Planner and Building Commissioner. Mr. Espindola motioned to approve the site plans for Ray's Fair Repair, and approve the 2017 license renewal for the same. Mr. Freitas seconded. Vote was unanimous. (3-0).

NEMASKET 5K

The Board reviewed a letter from the Nemasket Group, requesting permission to hold a 5K walk/run on May 7, 2017. Mr. Espindola motioned to approve the request, contingent upon Police Department approval. Mr. Freitas seconded. Vote was unanimous. (3-0).

BOARD OF SELECTMEN ANNUAL REPORT AND COVER

The Board reviewed a draft annual report for the Selectmen's Office. See Attachment A. Mr. Espindola motioned to approve the annual report for publication. Mr. Freitas seconded. Vote was unanimous. (3-0).

The Board informed the public that it was seeking a cover for the 2016 Town Report. Mr. Espindola motioned to set February 2, 2017 at 4:00 p.m. as the deadline for all Town Report cover submissions. Mr. Freitas seconded. Vote was unanimous.

WELLNESS COMMITTEE

The Board reviewed a letter from the Board of Health, informing the Board of Selectmen that Lindsay Gordon would like to resign from the Employee Wellness Committee and Peter DeTerra would like to replace Ms. Gordon as a Board of Health representative on the Wellness Committee. Mr. Espindola motioned to accept Ms. Gordon's resignation from the Wellness Committee, and appoint Mr. DeTerra to the same. Mr. Freitas seconded. Vote was unanimous. (3-0).

POOL COMMITTEE GIFT ACCOUNT

Mr. Espindola motioned to transfer \$1,425.97 from the Town Pool Committee gift account to the Recreation Center gift account. Mr. Freitas seconded. Vote was unanimous. (3-0).

RECORDS ACCESS OFFICERS

The Secretary of State has updated the records law as of January 1, 2017, and it is required that all municipalities have one or more “Records Access Officers” to be in compliance with the new records law. Because there are many difference departments, the Board decided to name Mark Rees the appointing authority for the Records Access Officers. Mr. Espindola motioned to name Mr. Rees the appointing authority for Records Access Officers, appoint Jaunna Adesso to serve as the RAO for the Police Department, and Kristine Austin to serve as the RAO for the Fire Department. Mr. Freitas seconded. Vote was unanimous. (3-0).

CONSERVATION COMMISSION

At 7:00 p.m., the Board met with Nicholas Carrigg, an applicant for the associate vacancy on the Conservation Commission. Mr. Carrigg has an undergraduate degree in Biology and said he was “passionate about protecting watershed”. See Attachment B. Mr. Espindola motioned to appoint Mr. Carrigg to the Conservation Commission as an associate. Mr. Freitas seconded. Vote was unanimous. (3-0).

REVERE BELL

At 7:05 p.m., the Board met with Nils Isaksen and John Medeiros to discuss two initiatives from the Bell Committee.

The first initiative was to build an informational website about the Paul Revere bell and link it to the Town website. The website will be built by Jackie Kenworthy and will be maintained by the Bell Committee; the Committee has reviewed the Town’s Social Media Policy and will abide by the same.

The second initiative was to create a cradle for the purposes of transporting the bell to various Town events.

Mr. Espindola motioned to authorize the creation of the Bell Committee website, to be linked on the Town’s website for the duration of the committee, consistent with the Town’s Social Media Policy. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to authorize the Bell Committee to move the bell for special Town events. Mr. Freitas seconded. Vote was unanimous. (3-0).

ANNUAL TOUR DE CRÈME

The Board reviewed a letter from the Friends of the Mattapoisett Bike Path, requesting permission to pass through Fairhaven on May 21, 2017 for their annual Tour de Crème, a bike event that includes multiple ice cream stops. Mr. Espindola motioned to approve the event. Mr. Freitas seconded. Vote was unanimous. (3-0).

POSTING LOCATION

The Board discussed the posting locations at the Town Hall, including a newly installed bulletin board at the top of the handicap ramp. In an effort to make the meeting postings more accessible and to be in compliance with the Americans with Disabilities Act, the Board discussed naming the Town website the official location for all board and committee postings, which is permissible under the Open Meeting Law. See Attachment C.

Mr. Espindola motioned to declare the Town website as the official posting location for all Town public bodies, and to send correspondence to the Attorney General to inform their office of the posting location change. Mr. Freitas seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In other business:

- Mr. Espindola said that he would like to discuss the Atlas Tack property, and its potential uses, at an upcoming Selectmen's meeting.
- Mr. Freitas thanked the Police Department for their recent arrest of an individual with illegal firearms.
- Mr. Murphy said that it would be Catholic Schools week at St. Joseph's the next week, and encouraged the public to attend.

At 7:36 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.
- To conduct strategy with respect to collective bargaining.

The Chairman announced that they were entering executive session, because a public discussion could have a detrimental effect on the Town's litigating/negotiating stance.

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 02/06/2017

Documents appended:

Attachment A: Executive Session minutes released.

Attachment B: 2016 Board of Selectmen Annual Report draft

Attachment C: Letter of interest from Conservation Commission applicant Nicholas Carrigg

Attachment D: Memo regarding a request to change the posting location of the Town public bodies

Attachment A

The Board voted to release all Executive Session minutes as redacted from 2010 through the end of 2016, with the following exceptions:

- 4/5/2010
- 6/1/2010
- 6/28/2010
- 10/12/2010
- 3/27/2012
- 9/24/2014
- 1/26/2015
- 7/8/2015
- 8/3/2015
- 8/21/2015

Attachment B

BOARD OF SELECTMEN

The year 2016 started with the retirement of Jeffrey W. Osuch, who served the Town of Fairhaven as the Board of Public Works Superintendent (1978-1988) and Executive Secretary (1988-2016). After 38 years of Town meetings, Mr. Osuch held his last meeting with the Board of Selectmen on January 4, 2016. Mr. Osuch enjoyed a retirement party with his family, friends and colleagues on March 5, 2016. On May 27, 2016, the Board of Public Works building was dedicated to the Town's longtime leader, and is now known as the "Jeffrey W. Osuch Public Works Building".

Also on January 4, 2016, Mark H. Rees was appointed to serve as the first Town Administrator for the Town of Fairhaven. Mr. Rees' previous appointments include serving as City Manager to Portland, ME, and Town Manager for North Andover, MA. Mr. Rees' municipal experience has proven a valuable asset in the transition of government from Executive Secretary to Town Administrator.

In an effort to recognize and encourage economic growth opportunities in Town, the Board voted on February 17, 2016 to create an Economic Development Committee. The Board thanks the business owners, residents, and staff members who volunteered to serve on this important committee: Wayne Hayward, Todd MacGregor, Kevin McLaughlin, Mark Rees, William Roth, and John Seed.

The Board would like to thank all the people who volunteer for our Boards and Committees. You make a difference and you are appreciated. The Board would especially like to recognize these appointees, new to 2016: Phil Cardoza (Wellness Committee), Patrick Souza, Michelle Potter and Michael Cordeira (Marine Resources), Roger Marcoux (Community Preservation Committee), Vicki Paquette to the Historical Commission as a full member, Michele Merolla (Cable Advisory Committee), Jarrod Lussier (Board of Public Works – to unexpired term), Keith Silva (Zoning Board of Appeals), Helena Oliveria (Bell Committee), and William Levasseur (Cultural Council). The Board would like to recognize and thank those who gave their resignation in 2016, after years of volunteering their time. Those residents are: James Souza (Community Preservation Committee), Nancy Perry (Bell Committee), Robert Cormier (Bell Committee), Carol Tyson (Dog Park Committee) and Kathleen Sturtevant (Board of Public Works). Thank you again for your vigorous civic commitment.

Annual Town Election saw a spirited Selectmen's race between incumbent Geoffrey Haworth, and challengers Daniel Freitas, Patricia Pacella, and Bernard Roderick. On April 4, 2016, Mr. Freitas was elected with 580 votes. The Board thanks Mr. Haworth for his term as a Selectman, and previous service on the Board of Public Works.

Annual Town Meeting contained 37 articles. Total appropriations made for Fiscal Year 2017 was \$62,440,795, raising \$45,164,524 on the tax levy. The Town also voted to appropriate \$85,000 from the General Fund, and \$25,000 from the Community Preservation Act, to hire a firm to assist in the creation of a Master Plan, which has not been updated since 1996.

The former Rogers and Oxford Schools continue to remain in the Town's possession, but steps were taken in 2016 to dispose of, or repurpose, the buildings. On May 7, 2016, Special Town Meeting voted to authorize the Board of Selectmen to sell the Oxford School to Stratford Capital Group, for the development of housing for seniors, 62 years and older. It is anticipated that it will take several years for the actual transfer to occur, because Stratford will need to apply for various grants and tax credit programs to finance the project.

Although there is no current proposal for the use of the former Rogers School on Pleasant Street, the Town submitted a Request for Proposals for consultant services related to the future use of the structure and its lot. After consideration of the proposals submitted, an ad hoc committee, appointed by the Board of Selectmen, selected Kirk and Company to analyze the property, examine its challenges and potential, and present their findings to the Town. The Board hopes that the information gathered from this process will assist the Town in making decisions about the future of the Rogers School property.

In June of 2016, the Selectmen's Office made over 100 years of digitized Town Reports available to the public. This endeavor was made possible by Digital Commonwealth, who scanned all the original Town Reports and compiled them into a database at no cost to the Town. This online collection of Town Reports will be a great asset to anyone looking to do historical research, and it is available here: <https://archive.org/details/townoffairhaven>

In 2016, the Board of Selectmen required site plans for consideration of used car dealership/repair license renewals. The Board worked with businesses to grant extensions as needed, and considers the new measure a collaborative success. The Town now has accurate data to use when considering renewals to used car dealership and repair licenses. The Board thanks the business owners who cooperated with the Board in this regard, and thanks Senior Clerk Loreen Pina, Building Commissioner Wayne Fostin, and Director of Planning William Roth, for their work on this project.

After several months of drafting and review by Harbormaster Timothy Cox and the Marine Resources Committee, an updated Aquaculture Rules and Regulations were presented to the Board. The Board approved this updated document at their meeting on November 7, 2016, including an aquaculture fee increase to \$200/acre. A copy of the updated rules and regulations is available in hard copy in the Selectmen's Office, or online at www.Fairhaven-MA.gov.

On November 21, 2016, the Board approved and signed a contract with Outlook EAP of New Bedford. This company will provide EAP (Employee Assistance Program) services to Town employees and their family members. This will serve to expand options and resources to Town employees, and will reduce the Town's potential liabilities through proactive measures. Most importantly, having an EAP will help employees improve their personal and work lives.

The EAP was just one of the endeavors of the Wellness Committee, a Selectmen-appointed board that oversees wellness initiatives for Town employees. Other Wellness Committee-sponsored events included vegetable stands for Town employees, walking challenges, kickball and volleyball games, and health screenings. Again, the Board is grateful for this group of volunteers who are dedicated to their co-workers' health: Phil Cardoza, Bill Farrell, Lindsay Gordon, Patricia Pacella, Jennifer Polochick, Warren Rensehausen, Linda Schick (Chairperson), and Denise Valois.

Respectfully,

The Fairhaven Board of Selectmen

Charles K. Murphy, Chairman

Robert Espindola

Daniel Freitas

Attachment C

Nicholas Carrigg
7 Summit Drive,
Fairhaven, MA 02719

6 January 2017

Board of Selectmen
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Selectmen,

Please consider appointing me for the open position on the Conservation Commission. I have been a town resident for about a year, but have resided on the South Coast my entire life. Because of this, I have a passion for maintaining the environmental beauty of both the region and Fairhaven in particular. I believe that volunteering on this board will help me to do that.

Furthermore, my background gives me a unique insight into some of the issues that underlie the decisions that the Conservation Commission makes. I received a Bachelor of Science degree in Biology from Providence College in 2010, and then spent almost two years working as an Ecotoxicologist at a laboratory in Wareham, where we tested the effects of various industrial chemicals on aquatic invertebrates and fish.

I believe that this combined education and experience would make me an asset to the board and town as we interpret the conservation bylaws for each order of business that arises.

Thank you for considering me for this position.

Sincerely,

Nicholas Carrigg

Memo

To: Board of Selectmen

From: Anne O'Brien

Date: 1/19/2017

Re: Changing official posting location

The Attorney General requires the meeting notices of all public bodies (boards and committees) to be placed in a fully accessible location that is readily available to the public 24 hours a day, seven days a week. One of the methods by which a Town can meet this requirement, is to adopt an "alternate" posting location as the **official** location of the Town's meeting notices. One of the "alternate" options outlined in 940 CMR 29.03(2)(b) is posting notices on the Town website.

If it is the will of the Board to declare the Town website the official posting location, then the next step would be to submit correspondence to the Attorney General's office, informing them of the change.