



Fairhaven Board of Selectmen

June 5, 2017 Meeting Minutes

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

Mr. Espindola called the meeting to order in the Town Hall Banquet Room at 6:32 p.m. The meeting was recorded by Cable Access.

PEGGY AULISIO

The Board met briefly with former editor of *The Advocate*, Peggy Aulisio. Ms. Aulisio had to retire abruptly due to health concerns. The Board extended their best wishes to her for a healthy and enjoyable retirement.

MINUTES

- Mr. Freitas motioned to approve the minutes of the **May 1, 2017** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Freitas motioned to approve the minutes of the **May 15, 2017** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report, Mr. Rees updated the Board to several activities, including:

- A Massachusetts Municipal Association (MMA) meeting on Martha's Vineyard, which included insights on reducing stress in management.
- A legislative update regarding state budget concerns about revenue projections not coming in as high as originally thought.
- There is a party who is potentially interested in the Rogers School. Mr. Rees will follow up on this lead.
- Steve Brodo was appointed to Assistant Building Inspector, as the Town's current Assistant Building Inspector is out on medical leave. Mr. Brodo will be paid on a per-inspection basis.
- Administrative Assistant Anne O'Brien graduated from the Graduate-level certificate program through MMA and Suffolk University for municipal leadership.
- Mr. Rees recently facilitated an emergency response workshop with all emergency related departments to work on update the Town's emergency response manual.

- The Town's FY18 insurance premiums will remain close to the same as FY17, with the exception of worker's comp, which has increased. The Town will be offering classes on workplace safety to reduce the risk of worker's comp claims.
- The Fire Department will be offering CPR/AED training to Town Hall employees in the upcoming week.

CDBG CLOSE OUT

Mr. Freitas motioned to sign the Community Development Block Grant close out for FY14. Mr. Murphy seconded. Vote was unanimous. (3-0).

MILLICENT LIBRARY USE OF TOWN HALL AUDITORIUM

The Board reviewed a letter from Children's Librarian Jane Murphy, asking for permission to use the Town Hall auditorium on June 29 and August 2 for library events. See Attachment A.

Mr. Freitas motioned to approve use of the Town Hall Auditorium by the Millicent Library on the requested dates. Mr. Murphy seconded. Vote was unanimous. (3-0)

SGT. SWAIN – PROMOTION

At 6:45 p.m., the Board met with Kevin Swain, his family, colleagues and friends, to recognize his promotion to Sergeant. The promotion was made based on the recommendation of the Police Chief and authorized by the Town Administrator. The Board congratulated Sgt. Swain on his new appointment.

ECONOMIC DEVELOPMENT COMMITTEE

The Board received a memo from Mr. Rees regarding a requested change in membership for the Economic Development Committee. See Attachment B. The recommendation would eliminate the Town Administrator and the Town Planner from voting positions on the committee, making them ex-officio, staff members for the committee instead.

Mr. Freitas motioned to change the membership of the Economic Development Committee as recommended in the Attachment B memo. Mr. Murphy seconded. Vote was unanimous. (3-0).

ROGERS OXFORD RFP COMMITTEE

The Rogers-Oxford RFP Study Committee is no longer needed, so Mr. Freitas motioned to dissolve it. Mr. Murphy seconded. Vote was unanimous. (3-0).

LAGOA SISTER CITY AGREEMENTS

The Board discussed the pending sister city agreement with Lagoa, Azores, Portugal. Mr. Freitas motioned to approve the charge of the Lagoa Friendship Pact Committee, as described in

Attachment C, and authorize the advertisement for the vacancies and staggered terms for the five at-large appointments. Mr. Murphy seconded. Vote was unanimous. (3-0).

MARSH ISLAND CLEAN-UP/RESTORATION

At 7:05 p.m., the Board met with EPA harbor clean-up team leader David Lederer, and project leader David Dickerson to discuss the Marsh Island clean-up and restoration project, and a requested land access agreement over town land.

Mr. Dickerson said that the northern portion of Marsh Island has small sections that need clean-up. Riverside Cemetery has given their written approval and they are hoping to start the clean-up in later summer/early fall. They are working on a cost analysis to determine if it will be more cost effective to approach this section by land or by water. The clean-up equipment will include back hoes, excavators, and bulldozers. Air monitoring and water quality monitoring will be included. All monitoring results are available on the EPA's website.

Mr. Freitas asked if PCBs from the contaminated soil could leak out of the vehicles while being transported away over Town roads. Mr. Dickerson said this was not a risk. Mr. Freitas asked how many trucks would be used and what the working hours would be. Mr. Dickerson said that approximately 200 truck visits would be needed and they would only operate during typical business/work hours. Mr. Freitas asked if there had been complaints from New Bedford residents over a similar clean-up project there, and Mr. Dickerson said "not really".

Mr. Murphy asked if the access dates could be make available to the Town prior to work being done, so the Town could then inform citizens of the impending activity. Mr. Dickerson said that they could do that, and that they intend to advertise in the newspaper before they begin work.

Director of Planning and Economic Development William Roth was present. Mr. Roth said that they have notified the abutters of the project with letters and maps.

Resident Karen Vilandry was recognized. Ms. Vilandry identified herself as president of Hands Across the River Coalition. She said that she felt the abutter notification should have been expanded. She thinks that the work should have been conducted in winter when windows are typically closed.

Mr. Freitas motioned to approve and authorize the Chairman to sign the land access agreement, with the understanding that the EPA will contact the Neighborhood News and Standard-Times when they are about to begin work. Mr. Murphy seconded. Vote was unanimous. (3-0).

DEBRA CHARPENTIER – HISTORICAL COMMISSION

The Board reviewed a letter of resignation from the Historical Commission by Debra Charpentier. Ms. Charpentier has served on the Historical Commission for 26 years. The Board expressed its gratitude for her service and regret to see her resign. Mr. Freitas motioned to accept the letter of resignation from Ms. Charpentier. Mr. Murphy seconded. Vote was unanimous. (3-0).

MGL 61A DECLASSIFICATION – 279 MILL ROAD

The Chairman read a letter into record, notifying the Town of the intention of the Antone DeTerra Jr., and Carol A. DeTerra Revocable Trust intends to convert 9.51 acres of a 61A classified land to declassified (Attachment E). The Town was advised of its right of first refusal and has 120 days from April 3, 2017 to act on that right. Mr. Freitas motioned to send a memo to departments, informing them of the offer. Mr. Murphy seconded. Vote was unanimous. (3-0). If the land is declassified, the owners will have to pay rollback taxes for 10 years.

WEST ISLAND REGATTA

The Board reviewed a letter from the West Island Improvement Association, requesting use of the Hoppy's Landing parking lot, and waiver of all fees associated. See Attachment F. Mr. Freitas motioned to approve. Mr. Murphy seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

- Mr. Freitas said that he has gotten several calls regarding the Colonial Club liquidation. He said that the Historical Commission met and determined that the Town cannot intercede. The Colonial Club is a private club, and its dissolution is a private matter.
- Mr. Murphy congratulated the Fairhaven High School Class of 2017 on their graduation.
- Mr. Freitas asked Mr. Rees to write a letter to Fairhaven Wind LLC, requesting information on why the north turbine still has not been restored to service.
- Mr. Espindola said that a total of \$1.9 million in scholarships was awarded to Fairhaven High School graduates.

At 7:49 p.m. Mr. Freitas motioned to enter Executive Session, not to reconvene in open session, pursuant to MGL ch. 30a section 21:

- To conduct strategy with respect to the purchase, exchange, lease or value of real property – Union Wharf
- To conduct strategy with respect to non-union contract negotiations – Town Administrator

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. Murphy seconded. Vote was unanimous. (3-0). Roll call vote: Mr. Espindola in favor. Mr. Freitas in favor. Mr. Murphy in favor.

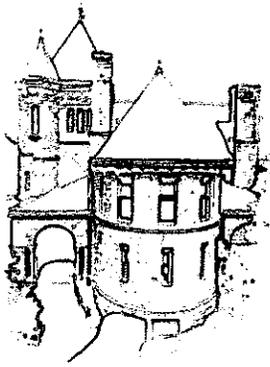
Respectfully,

Anne O'Brien

Administrative Assistant
Minutes approved 06/26/2017

Documents appended:

- A. Letter from Jane Murphy re: permission to use Town Hall Auditorium
- B. Memo re: Economic Development Committee membership
- C. Lagoa Committee documents
- D. Letter of resignation from Debra Charpentier
- E. DeTerra Declassification Right of First Refusal letter
- F. WIAA Regatta letter



The Millicent Library

P.O. Box 30 45 Center Street
Fairhaven, Massachusetts 02719 U.S.A.

508-992-5342 508-993-7288 fax
e-mail: jmurphy@sailsinc.org
www.millicentlibrary.org

May 8, 2017

Mr. Mark Rees
Town Administrator
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Mark,

It was nice to see you in front of the library this morning!

As you know, the Millicent Library enjoys the use of the Town Hall Auditorium for special events during the Summer Reading Program. I would like to reserve the room on Thursday, June 29th from 9 a.m. until noon. We will be presenting Jackson Gillman as the kickoff performer for this summer's program, and it is funded once again by the Fairhaven Cultural Council. Our statewide theme this year is "Build a Better World!". Summer Reading signup begins June 21st here in the library

We usually have well over 100 people for this program and appreciate the use of the large auditorium. Frank usually helps out by leaving the handicapped door unlocked for the performer so he can get his props up the elevator, and we appreciate having some fans set up.

The other date we would like to reserve is Wednesday, August 2nd until noon. Our annual Teddy Bear Parade is held outdoors, but we like to have a space where we can go in the event of rain, although it never seems to happen when it is parade day, the finale!

Thank you so much, and once again, I hope you will peek in at the program and join us if you like!

I look forward to hearing from you.

Sincerely yours,

Jane Murphy
Youth Services Librarian, Millicent Library

Cc: Anne O'Brien

MEMORANDUM

TO: Board of Selectmen
FROM: Mark H. Rees, Town Administrator 
DATE: May 30, 2017
RE: Membership of Economic Development Committee
CC: Economic Development Committee

At their May 16, 2017 meeting the Economic Development Committee discussed their desire to have more input from the business community as they proceed with their work, but they did not want to have the committee become so large as to become unwieldy. As a solution, Bill Roth and I volunteered to be no longer voting members on the committee but instead to take on the roll as staff support similar to our working relationship with the Planning Board and the Board of Selectmen respectively. This would then open up two additional voting slots for members from the business community while not increasing the membership beyond its current seven members.

Since the Board of Selectmen established the Economic Development Committee, it is requested you approve this change in membership and post/advertise for volunteers to apply for these two new openings.

MEMORANDUM

TO: Board of Selectmen
FROM: Mark H. Rees, Town Administrator 
DATE: July 7, 2016
RE: Economic Development Committee Recommendations
CC: Economic Development Committee Members

On June 2, 2016 the newly formed Economic Development Committee met and voted to make the following recommendations to the Board of Selectmen:

- 1) That the Board of Selectmen approve the following mission statement for the committee:
“The mission of the Fairhaven Economic Development Committee is to enhance the existing business community, attract new business, attract new customers, and encourage redevelopment and new development as may be advisable in order to increase the Town’s property tax revenues, income, job base and overall economic health.”
- 2) Regarding the composition of the Committee, in addition to the existing membership of the committee¹, the committee is requesting permission to appoint ex-officio, non-voting members for terms not to exceed one year to assist them, as necessary, in carrying out their responsibilities.
- 3) Rather than staggered terms, as originally suggested, the Committee is recommending that terms be set for one year periods to be consistent with other advisory committees such as the Cable Advisory Committee, the Marine Resources Committee and the Sustainability Committee.

The next meeting of the Economic Development Committee is scheduled for July 21st at ~~7:00~~ p.m.



¹ The current membership is one from the Board of Selectmen, the Town Administrator, the Planning and Economic Development Director, a representative from the Planning Board and 3 at-large members with ties and experience with business in Fairhaven.

Municipality of Lagoa, Portugal
Friendship Pact Committee Charge

The Lagoa Friendship Pact Committee shall provide input and suggestions for a variety of current and foreseeable community, civic, cultural, educational and other activities that expand its partnership with the Municipality of Lagoa, Portugal. The Committee is advisory in its capacity and shall not supersede or take the place of the Board of Selectmen to determine ultimate courses of action.

In accordance with the Friendship Pack, the Committee is charged with the following:

- Nurture partnerships that promote mutual business development, commercial and professional exchanges, and sharing the advances in business and education;
- Expand our relationship through youth exchanges, cultural development, tourism and other importance activities that will benefit the two localities;
- Create a deeper understanding of each areas' lives and traditions that have a community of interest;
- Support and administer exchanges between citizens of both countries to develop cooperation and a lasting friendship.

The Committee shall meet with the Board of Selectmen after its formation to discuss suggestions and guidelines. The Committee shall work closely with the general public, business community, and others, to insure all citizens have input into proposed projects and activities.

The Committee shall be responsible for other opportunities as requested by the Board of Selectmen.

The Committee shall serve as an advisory body to the Board of Selectmen to provide feedback, input, and guidance as well as function as the conduit for the Town to solicit, create, plan and implement activities, programs and exchanges that expand and broaden its relationship with Lagoa and its environs.

The initial membership of the Lagoa Friendship Committee Charge shall consist of not less than nine (9) members: five (5) at-large members shall be appointed by the Board of Selectmen; one (1) member designated by the School Committee; one (1) member each from the Fairhaven Business Association, the Town Economic Development Committee, and the Historical Commission. The Board of Selectmen will appoint the chair and vice chair of the committee. After initial staggered appointments, all members shall serve for a term of two years. The Board of Selectmen may appoint any additional members at its discretion and reserve the right to release members and appoint new members at any time as necessary or warranted. In the event of a vacancy, said vacancy shall be filled in the manner of the original appointment. The Committee shall serve until disbanded by the Board of Selectmen.

Accepted by vote _____

Fairhaven/Lagoa Friendship Pact

Between the municipality of Lagoa, Portugal and the Town of Fairhaven, MA (USA)

WHEREAS the United States of America and Portugal have a long tradition of friendship and cooperation that favors relationships and exchanges between the people of our countries; and

WHEREAS western civilization and democratic ideals are deeply rooted in both our communities and represent a rich heritage to share and to preserve; and

WHEREAS both communities recognize the advantages of a mutual agreement and share in the belief that a Sister City relationship between Fairhaven and Lagoa, will be beneficial to the people of both environs at the economic, social, educational and cultural levels; and

WHEREAS partnerships will be nurtured by promoting mutual business development, commercial and professional exchanges, sharing the advances in business and education; and

WHEREAS we anticipate our relationship also will grow through youth exchanges, cultural development, tourism and other important activities that will be beneficial to the life of our two localities; and

WHEREAS this partnership will provide a deeper understanding of each other's lives and traditions, while finding common elements that link the two, both Fairhaven and Lagoa are ready for growth in many areas and can mutually work to achieve our goals together.

Now therefore, on this day, we solemnly pledge:

- To maintain permanent ties between the governments of our localities by way of developing a Twinning Agreement to foster dialogue, exchanges, and experiences and to implement to the best of our ability, joint actions that mutually enrich the citizens of our localities
- To encourage and to support exchanges between our citizens in order to develop, through better mutual understanding and effective cooperation, a lasting friendship between people of all ages and interests in our regions

SIGNED this fifth day of June in the year 2017, in the Town of Fairhaven, MA in Bristol County.

For the Town of Fairhaven, MA

Board of Selectmen

For the Municipality of Lagoa, Portugal

Mayor

Attachment D

Debra Charpentier
12 Jeannette Street
Fairhaven, MA 02719
dcharpentier@sailsinc.org

May 30, 2017

David Despres
Chairman
Fairhaven Historical Commission
40 Center Street
Fairhaven, MA 02719

Dear David,

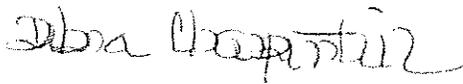
It is with heartfelt regret that I am writing to inform you of my decision to resign my position on the Fairhaven Historical Commission, effective immediately.

I apologize for any inconvenience that my resignation may cause.

In the twenty five years of my tenure as a board member it has been an honor and a privilege to serve the community. I take great pride in the collective accomplishments of the Commission.

If at any time the board is in need of my assistance please, feel free to contact me. I would be happy to help however I can.

Sincerely,



Debra Charpentier

Cc: Fairhaven Board of Selectmen

Attachment E

The Antone Deterra Jr., and Carol A. Deterra Revocable Trust
279 Mill Rd
Fairhaven, MA 02719

Via FEDERAL EXPRESS

April 3, 2017

Charles Murphy Sr., Chairman
Fairhaven Board of Selectmen
40 Center St.
Fairhaven, MA 02719

RE: Removal of property from M.G.L. c61A classification and notice of intent to convert.

Dear Chairman Murphy,

We own approximately 49.6 acres of land located at 279 Rd., Fairhaven, Massachusetts (the "Property"), further described in the attached Assessor's Maps 39 Lot 032, 38-005 and 38-006. We intend to remove 9.51+/- acres of the Property (the "Premises") from its current M.G.L. c61A classification. The Premises is more specifically described on the attached plan ("Lease Premises Plan dated March 31, 2017").

We intend to convert the Premises for use in connection with a solar facility pursuant to a 25 year lease to Clean Energy Collective, LLC, a developer of solar energy generating facilities. Attached is a copy of the fully executed Land Lease Option Agreement.

Our point of contact at Clean Energy Collective is:

Gregory B. Carey
Community Solar Manager
Clean Energy Collective
146 West Boylston Dr.
Worcester, MA 01660
Telephone: 617-834-8567

Thank you for your attention to this matter and please direct any further questions to my attention at the address above.

Sincerely,

The Antone DeTerra, and Carol A. DeTerra Revocable
The Antone Deterra Jr., and Carol A. Deterra Revocable Trust *Trust*

Cc: Town Administrator
Planning Board
Conservation Commission
Commissioner of the Department of Conservation and Recreation
Board of Assessors

Enclosures

TOWN OF FAIRHAVEN ASSESSORS PLANS

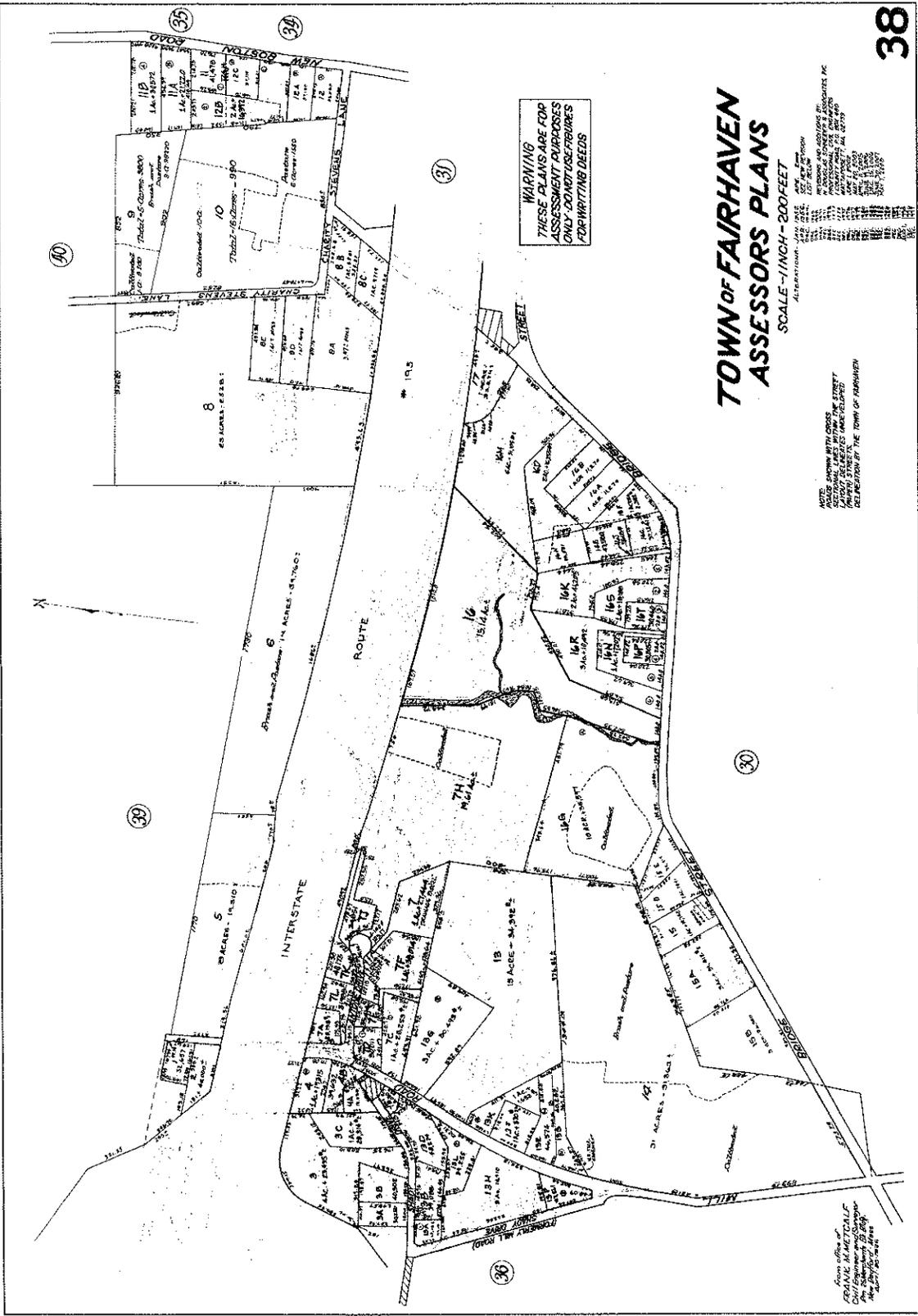
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WARNING
 THESE PLANS ARE FOR
 ASSESSMENT PURPOSES
 ONLY. DO NOT USE THEM
 FOR WRITING DEEDS.

NOTES: SHOWN WITH CROSS
 HATCHING IS PROPERTY
 OWNED BY THE TOWN OF FAIRHAVEN
 COLLECTORSHIP OF THE TOWN OF FAIRHAVEN

From Office of
 CDL Engineering and Surveying, Inc.
 1000 Highway 101, Suite 100
 Fairhaven, MA 01924
 508-271-2000



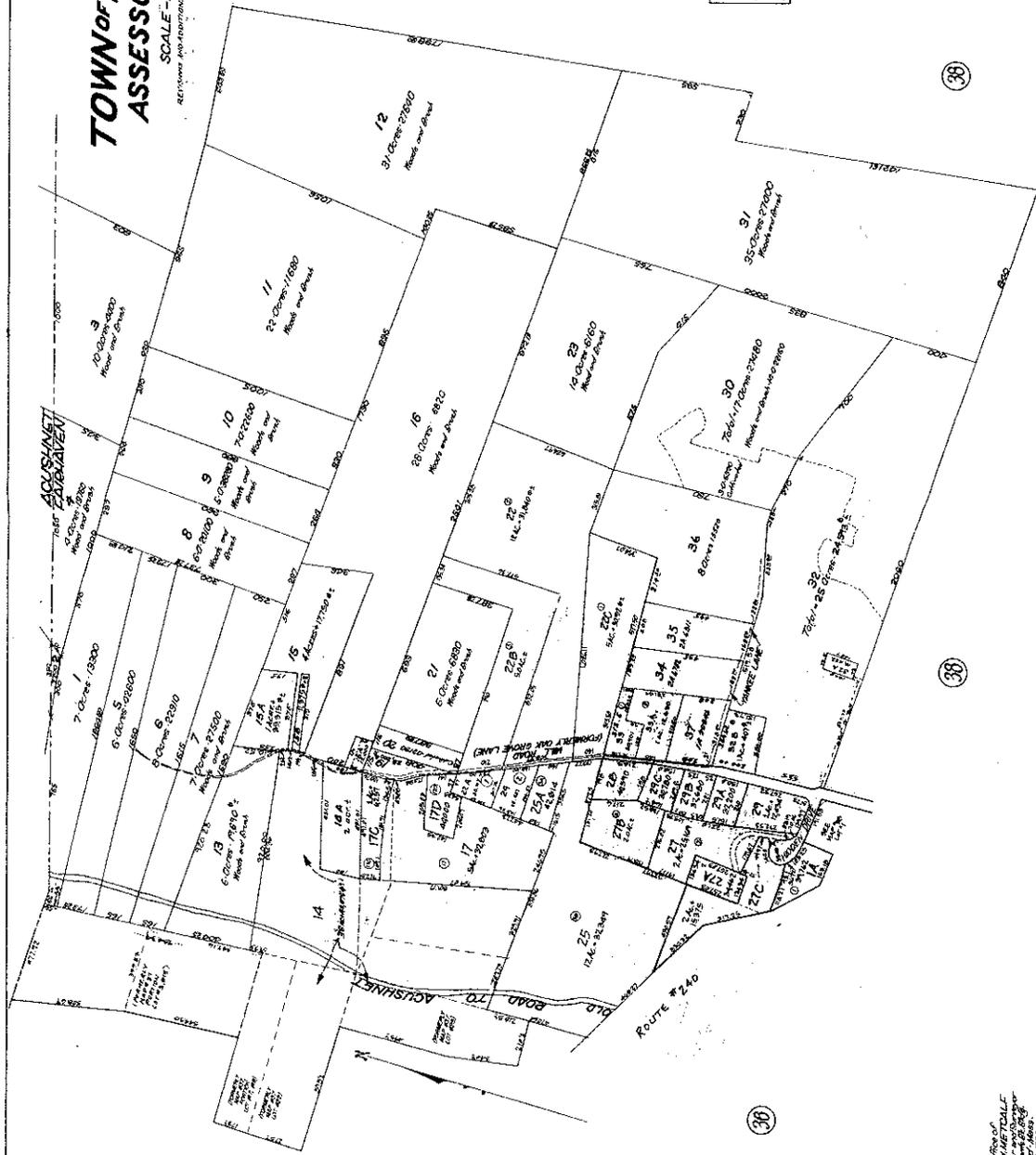
TOWN OF FAIRHAVEN ASSESSORS PLANS

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WARNING
 THESE PLANS ARE FOR
 ASSESSMENT PURPOSES
 ONLY - DO NOT USE FOR
 ARCHITECTURAL DEEDS



Town Office of
 COVINE WAREHOUSE
 100 W. Main Street
 Fairhaven, MA 01926
 508-992-1100



*West Island Improvement Association
41 Causeway Road
Fairhaven, Massachusetts 02719
Telephone: 508-990-8885
Web Site: westisland@weebly.com
E Mail: wiiawestisland@gmail.com*

RECEIVED

2017 MAY 32 A 8:50

BOARD OF SELECTMEN

May 30, 2017

Mr. Mark H. Rees
Town Administrator
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Mr. Rees:

I am writing to inform you of the West Island Improvement Association's plans to sponsor a Small Sailboat Regatta on July 23, 2017 and to once request that you present to the Board of Selectmen our request that the parking fee charged at Hopppy's Landing be waived for participants in the West Island Regatta.

The Regatta will feature small sail boats and will sail a course off the South side of the Island. The Regatta is open not only to all Fairhaven residents but anyone who wishes to participate. Last year, twenty hardy sailors participated in the event. We anticipate that this year there will be approximately 15 non-Island participants who will require parking facilities for their vehicles and small trailers.

By way of background information, the West Island Improvement Association (WIIA) was formed in 1950 by the residents of West Island as a non-profit membership corporation. The WIIA maintains its principal office at 41 Causeway Road on the Island and has over 341 members. Of interest is that the association has recently created a Friends of West Island membership category and there are now 26 non-Island resident individuals enjoying the benefits of membership in the association.

We would greatly appreciate your furthering this request to the Board of Selectmen for consideration at their upcoming meeting.

If you have the need for any additional information regarding this request, please feel free to contact me at 508-999-3655.

Very truly yours,

Robert Konicki
President, WIIA

CC: WIIA Board of Directors (via e mail)