



**Fairhaven Select Board
Meeting Minutes
December 06, 2021**

RECEIVED
TOWN CLERK

2021 DEC 21 A 9:27

FAIRHAVEN,
MASS.

Present: Chairman Robert Espindola, Vice-Chairwoman Stasia Powers, Clerk Keith Silvia, Interim Town Administrator Wendy Graves, and Administrative Assistant Vicki Oliveira

The meeting was videotaped by Cable Access and Zoom meeting application.

Chairman Robert Espindola opened the meeting at 6:32 pm in the Town Hall Banquet Room.

Minutes

Ms. Powers made a motion to approve the Open Session minutes of November 22, 2021 as amended. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator Report

Ms. Graves said she attended the dedication at the Police Dispatch Center for Michael "Sully" Sullivan.

Ms. Graves and Special Projects Coordinator Mark Rees have held several meetings to review and get up to speed on the projects he will be working on.

Committee Liaison Reports

Mr. Silvia reported on the Historical Commission has found some old pictures of Center Street when there were street lamps back in the turn of the century.

Mr. Silvia said the Historical Commission held a demo delay hearing and will be reaching out to Town Counsel for advice.

Mr. Silvia said the Rogers Reuse Committee discussed rewriting the Request for Proposal for Rogers School. Mr. Silvia said the application for the National Historic Register was returned by the State for more information.

Mr. Silvia said the Marine Resources Committee discussed the parking meter at Hoppy's Landing and if it is still feasible to keep it. Mr. Silvia also reported the electrical at Union Wharf has also been updated.

Mr. Espindola said Economic Development Committee and Broadband will meet soon. Mr. Espindola and Mr. Rees will meet to discuss the Request for Proposal for Broadband.

Mr. Espindola will be attending a joint meeting for SRPEDD, SRTA and SMMPO next week.

Tax Rate Classification Hearing

This has been postponed until December 9, 2021 due to a posting issue.

Commission on Disability Appointment

Mr. Espindola made a motion to appoint Sue Makepeace to the Commission on Disability. Mr. Silvia seconded. Vote was unanimous. (3-0)

Commissioner of Trust Funds Appointment

Mr. Espindola made a motion to appoint Louse Ponte as a Commissioner of Trust Funds until the next election. Mr. Silvia seconded. Vote was unanimous. (3-0)

2022 License/Permit renewals

Ms. Powers made a motion to approve the following Liquor Licenses:

- Gene's Famous Seafood, 146 Huttleston Avenue
- The Bitter End Lounge, 407-409 Huttleston Avenue
- Dorothy Cox's Candies, 21 Berdon Way
- Wah May Restaurant, 51 Main Street
- 99 Restaurant & Pub, 32 Sconticut Neck Road
- Southcoast Wine & Spirits, 355 Huttleston Avenue
- Minerva Pizza House, 75 Main Street
- Connolly's Liquor Mart, 36 Howland Road
- Fairhaven Wine & Spirits, 105 Sconticut Neck Road
- Friendly Farm Convenience, 121 Sconticut Neck Road
- Cardoza's Wine & Spirits, 6 Sconticut Neck Road
- Douglas Wine & Spirits, 1 Peoples Way
- Fort Phoenix Post 2892, Veterans of Foreign Wars of USA, 109 Middle Street
- Acushnet River Safe Boating Club, 80 Middle Street
- Off the Hook, 56 Goulart Memorial Drive
- Ice House, LLC, 136 Huttleston Avenue
- Seaport Inn, 110 Middle Street
- Vila Verde Restaurant, 362-364 Main Street
- Ocean State Job Lot, 11 Berdon Way
- Moriarty Liquors, 101 Middle Street
- Gulf Resources, Inc., 277 Bridge Street

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the following Liquor Licenses pending payment for outstanding bills:

- Sweet Ginger Asian Cuisine & Bar, 179-181 Huttleston Avenue
- Courtyard Restaurant, 270 Huttleston Avenue

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the following Liquor Licenses pending favorable inspection by the Building Commissioner:

- Frontera Grill, 214 Huttleston Avenue
- Mike's Restaurant, 390 Huttleston Avenue
- Elisabeth's Restaurant, 1 Middle Street
- Brick Pizzeria Napoletana, 213 Huttleston Avenue
- Paul's Sports Corner, 19 Howland Road
- Old Oxford Pub, 346 Main Street

- Sivalai Thai Cuisine, 130 Sconticut Neck Road
- M & J Fairhaven, Inc.-Riccardi's Restaurant, 1 David Drown Blvd.
- Bayside Lounge, 125 Sconticut Neck Road
- The Pasta House Restaurant, 100 Alden Road
- Rasputin's Tavern, 122 Main Street
- Town Crier, 5 Maitland Street
- *The Ebb Tide, 47 Middle Street, Fairhaven, MA*(Transaction Pending "The Bar")
- Scuttlebutts Liquors, 407-409 Main Street
- Huttleston License, LLC-Stevie's-A Package Store, 115 Huttleston Avenue
- Traveler's Ale House, 111 Huttleston Avenue

Ms. Powers made a motion to approve the Common Vitculler licenses for

- Subway, 42 Fairhaven Commons Way
- Taco Bell, 33 Alden Road
- Burger King, 180 Huttleston Avenue
- Tropical Smoothies Café, 29 Alden Road
- McDonald's Restaurant, 14 Plaza Way
- Wendy's Restaurant, 7 Fairhaven Commons Way
- Mac's Soda Bar, 116 Sconticut Neck Road
- Dunkin Donuts, 18 Plaza Way
- Palace Pizza & More, 142 Huttleston Avenue
- Scramblers Breakfast & Bagel, 2 Sconticut Neck Road
- 7-Eleven, 188 Huttleston Avenue
- Jake's Diner, 104 Alden Road
- Mystic Café, 398 Main Street
- Flour Girls Baking, 230 Huttleston Avenue
- Festiva Buffet, 31 Berdon Way
- Honey Dew Donuts, 87 Huttleston Avenue
- Phoenix Restaurant, 140 Huttleston Avenue
- Yia Yia's Pizza Café, 381 Sconticut Neck Road
- Jersey Mike's Subs, 215 Huttleston Avenue

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the Common Vitculler licenses pending payment of outstanding bills for

- Papa Gino Pizza, 171 Huttleston Avenue
- Subway, 19 Plaza Way
- Dunkin Donuts, 32 Howland Road
- Little Village Café, 23 Center Street
- Galaxy Pizza, 342 Main Street
- Brady's Ice Box, 12 Ferry Street
- Margaret's Restaurant, 16 Main Street
- The Nook Café, 58 Washington Street

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the car dealer licenses for:

- Fairhaven Gas, Inc., 134 Huttleston Avenue
- Fairhaven Gas, Inc.-Valero's, 130 Huttleston Avenue
- Hive Motorcars, LLC, 10 Arsene Way
- Guard Enterprises, 110 Alden Road
- Alden Buick GMC, 6 Whalers Way
- Alden Mazda, 250 Bridge Street
- Artistic Auto Body & Auto Sales, 98 Middle Street
- Sarkis Enterprises, Inc. (A & A Auto), 196 Huttleston Avenue
- RRR Auto Sales, 372 Huttleston Avenue, Fairhaven, MA
- First Hot Line Auto Sales, Inc.-Fairhaven Getty Auto Sales, 371 Huttleston Avenue

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the car dealer licenses pending payment of outstanding bills for:

- Dussault Auto Sales, 99 Spring Street

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the Repair licenses for:

- Fairhaven Gas, Inc., 134 Huttleston Avenue
- Guard Enterprises, 110 Alden Road
- Alden Buick GMC, 6 Whalers Way
- Alden Mazda, 250 Bridge Street
- Artistic Auto Body & Auto Sales, 98 Middle Street
- Sarkis Enterprises, Inc.(A & A Auto), 196 Huttleston Avenue
- A-1 Crane Company, 86-88 Middle Street
- Aaron's Auto Glass, 232 Huttleston Avenue
- Automotive Diagnostic Service, 162 Sconticut Neck Rd.
- Dattco Sales & Services, 72 Sycamore Street
- Rick's Services, 241 R. Huttleston Avenue
- Manny's Service Station, 82 Bridge Street
- Sullivan Tire Company, 9 Plaza Way
- Roland's Tire Service, 11 Howland Road
- Jet Wash Car Was, 21 People's Way
- RRR Auto Sales, 372 Huttleston Avenue
- Leban Fuel, Inc., d/b/a Fairhaven Getty, 371 Huttleston Avenue

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the repair licenses pending payment of outstanding bills:

- Ray's Fair Repair, 47 Howland Road
- Jiffy Lube #1229, 31 Alden Road
- Nice N' Clean Car Wash, 320 Huttleston Avenue
- JR's Auto Shop, 276 Huttleston Avenue
- Spring Street Garage, 99 Spring Street

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the Lodging House licenses for:

- Kopper Kettle Guest House, 41 Huttleston Avenue
- Delano Homestead Bed & Breakfast, 39 Walnut Street

Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the Private Livery licenses for:

- Elite Transportation, 1 Deerfield Lane
- Active Day Fleet, Inc., 40 Sconticut Neck Road

Mr. Silvia seconded. Vote was unanimous. (3-0)

Selectman Silvia left the room at 7:00 pm

Update on Town Administrator Search

Mr. Espindola said the Collins Center has extended the deadline in the search for a new Town Administrator. The Committee will meet in early January to conduct interviews.

Selectman Silvia returned to the room at 7:01 pm

Mask Mandate Update/ Covid Update from Health Agent

Mr. Espindola read memo from Health Agent Dave Flaherty regarding the recent COVID numbers and his recommendations for all town buildings. (Attachment A)

Ms. Powers made a motion to revert from a “strong mask advisory” to a mask mandate for all municipal buildings where social distancing cannot be observed, effective December 7, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Public Hearing 732 Sconticut Neck Road

Chairman Espindola opened the public hearing at 7:06 pm. Mr. Espindola explained there are 3 options for the Town to make in regards to 732 Sconticut Neck Road:

1. To assign the town’s right of first refusal to Buzzards Bay Coalition.
2. To buy the property on behalf of the town.
3. To decide not to take any action and allow the owner to sell the property.

Buzzards Bay Coalition (BBC) President Mark Rasmussen met with the Board asking for their support in assigning the right of first refusal to the Buzzards Bay Coalition. Mr. Rasmussen said the BBC owns more than 6,000 acres of land in Fairhaven that are saved for conservation land. A slide show was presented to the Board to describe the property at 732 Sconticut Neck Road and why it is important to save this prime piece of property from being developed. (Attachment B) The BBC has done extensive research and several site visits to this property.

Suzanne Dwyer, 736 Sconticut Neck Road said, via zoom, she is in full support of the BBC and knows they will restore the property and protect it.

Planning Director Paul Foley and Conservation Agent Whitney McClees said both their boards voted in support of the Select Board assigning the right of first refusal to the BBC.

Mr. Espindola closed the public hearing at 7:22 pm.

Select Board all felt this property is a great asset to the town residents and would like to see it saved from development.

Ms. Powers made a motion that the town assign its first refusal option to purchase the property at 732 Sconticut Neck Road, shown as lots 6A, 6B, and 6C on a plan of land by Dennis Seguin PLS dated July 29, 2019 to the Buzzards Bay Coalition subject to the terms of G. L. Ch. 61A sec. 14. Mr. Silvia seconded. Vote was unanimous. (3-0)

There will be no executive session for this tonight.

Resident Robert Hobson expressed his concerns over the sale of the property.

Ms. Powers made a motion to sign the document that Attorney Crotty will prepare for the notice of the assignment. Mr. Silvia second. Vote was unanimous. (3-0)

Resignation from Belonging Committee

Mr. Espindola will reach out to Mr. Hinds and the Chairman of the Belonging Committee to discuss the resignation and bring the information back to the next meeting.

Ms. Powers made a motion to accept the resignation of John Hinds on the Belonging Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Public Comment

Mr. Espindola explained the Board will be holding a public comment at the end of each agenda, in lieu of holding the precinct meet and greet at each meeting. This will be for any resident to express a general comment for items that are not on the agenda. There was no one who wished to speak.

Notes/Announcements

Mr. Espindola said there will be a meeting on Thursday, December 9, 2021 at 4:00 pm in the Town Hall Banquet Room for the Tax Rate Classification Hearing

At 7:51 pm Ms. Powers made a motion to enter into executive session not to reconvene to open session to discuss to discuss complaints or charges brought against, a public officer, employee, staff member or individual- MGL Chapter 30A, § 21(a)(1). Mr. Silvia seconded. Vote was unanimous. (3-0)

The meeting was reopened at 7:52 pm to hold a roll call vote.

Ms. Powers made a motion to enter into executive session not to reconvene to open session to discuss to discuss complaints or charges brought against, a public officer, employee, staff member or individual- MGL Chapter 30A, § 21(a)(1). Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call: Ms. Powers in favor, Mr. Silvia in favor, Mr. Espindola in favor

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 12/20/2021)

- A. Health Agent memo
- B. Hand out from Buzzards Bay Coalition



Town of Fairhaven Board of Health

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 125 • Fax: (508) 979-4079

Michael Ristuccia, Chair
Peter DeTerra, Vice-Chair
Kevin Gallagher, Clerk
David D. Flaherty Jr, RS, Health Agent

MEMO

DATE: December 3, 2021

TO: Fairhaven's Select Board

FROM: David D. Flaherty Jr., RS
Fairhaven's Health Agent

RE: Masking Policy for Municipal Buildings

Dear Chairman Espindola,

Recently Fairhaven's Select Board has maintained a policy of strongly recommending face shields or masks for visitors and staff at all Fairhaven municipal buildings. This policy has been an integral aspect to reducing cases and positivity for COVID-19 virus occurrence in Fairhaven. For the last three weeks the Town of Fairhaven has moved up from around 5% positivity to 6.81%; our total case count has moved up from about 60 to 94. Bristol County's and the Commonwealth's COVID data are trending in an unsatisfactory manner as well. In light of this data, I would suggest that your Board consider changing its policy from a "Strong Mask Advisory" to the previous policy of a "Mask Mandate" for all municipal buildings. Hopefully I will be offering different advice after the holidays.

Sincerely,

David D. Flaherty Jr., RS
Health Agent

Cc: BOH
file



WHO WE ARE

- Regional nonprofit conservation organization founded in 1987
 - Supported by 10,000 members, 426 in Fairhaven.
- Work to protect and restore clean water and a healthy Bay for all through science, advocacy, land conservation, watershed restoration and community engagement.
 - Working in 21 communities, headquarters in New Bedford, MA

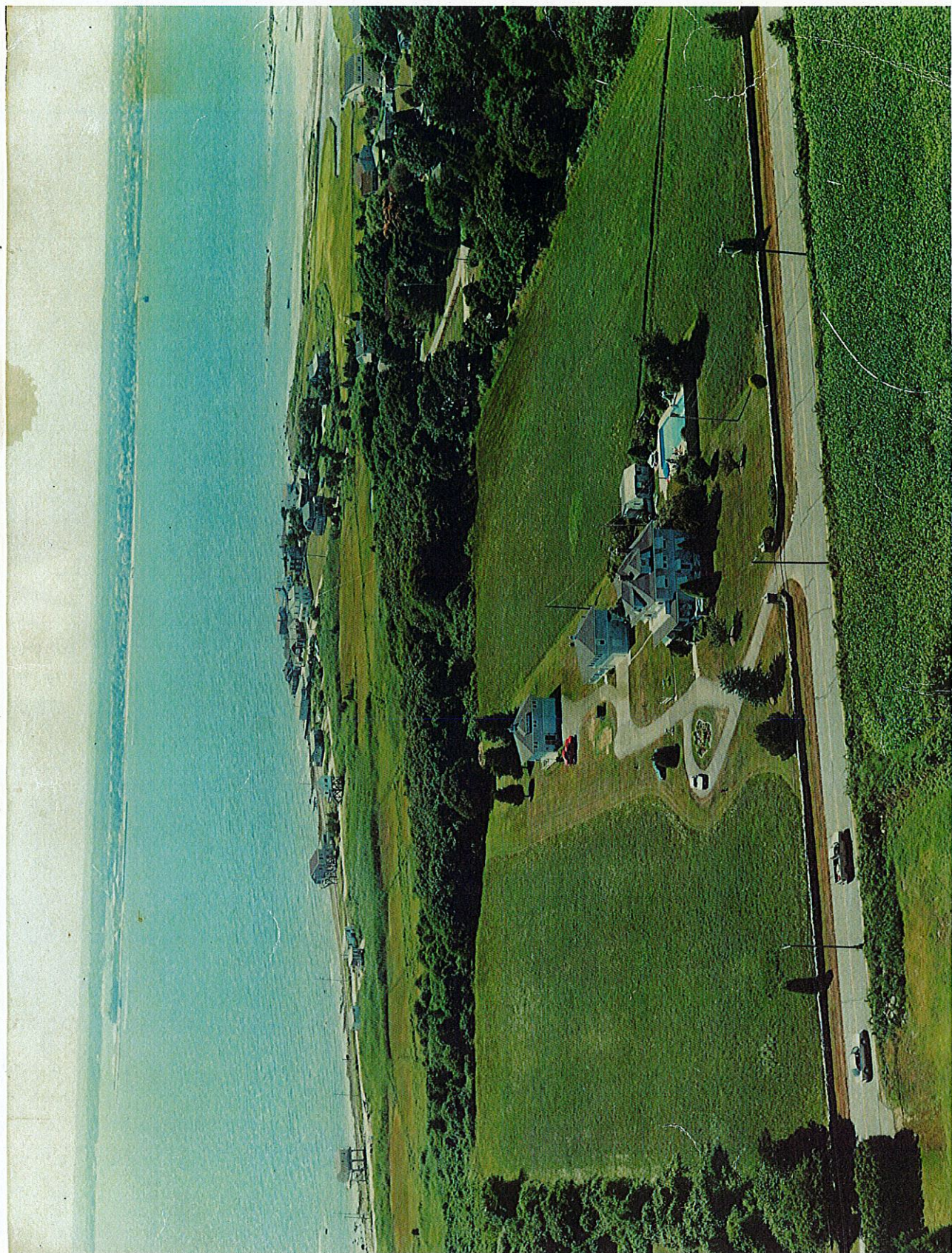
LAND CONSERVATION AT BBC

We protect and manage ~4,000 acres of conservation lands bay-wide

In Fairhaven:

- 130 acres owned (ie. Carvalho Farm, Marsh Island, Town Forest area)
- 500 acres under CR (ie. Shaw Farm, Nulands Neck, Viveiros Farm)
 - Manage popular public trails at Shaw and Carvalho Farms
- Most projects have been done in close partnership with the town

Accepted Ch61 Assignment from Town in 2018 for parcel on Acushnet Town Line.
Successful.



Why Preserve Salt Winds as Protected Open Space?

Maintain scenic view of open fields and water from Sconticut Neck Rd

This property is a defining feature helping to define the character of Sconticut Neck

Preserve highest-quality Agricultural soils

80% of property is identified by USDA as Prime Farmland Soils

Allow for coastal adaptation to climate change

50% of property is identified as likely upland conversion to saltmarsh in response to increasing sea level. Also highly storm sensitive

Provide new public walking trail opportunities

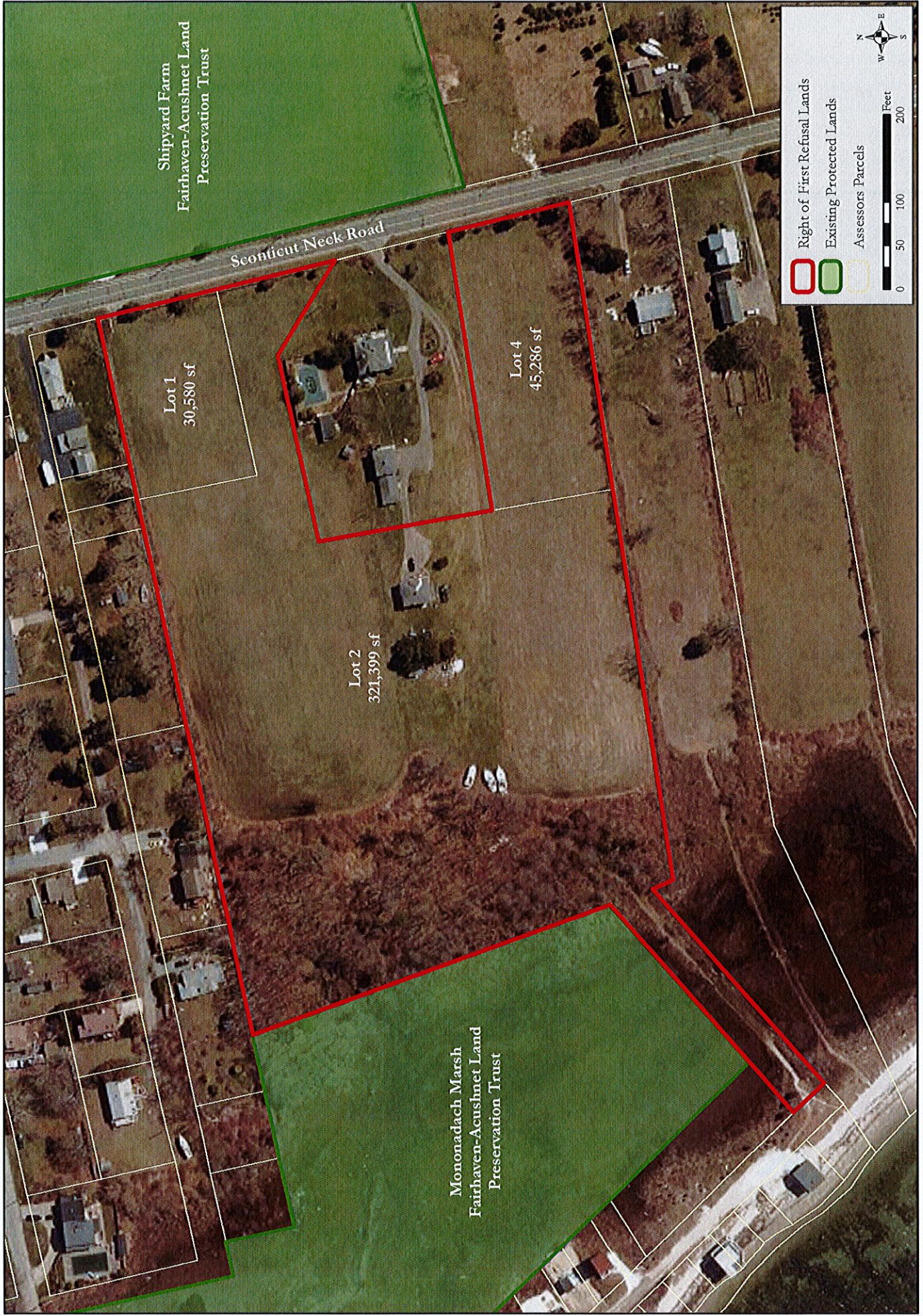
Links to existing Shipyard Farm trails and provides new access to western coast

Support wildlife and coastal water quality

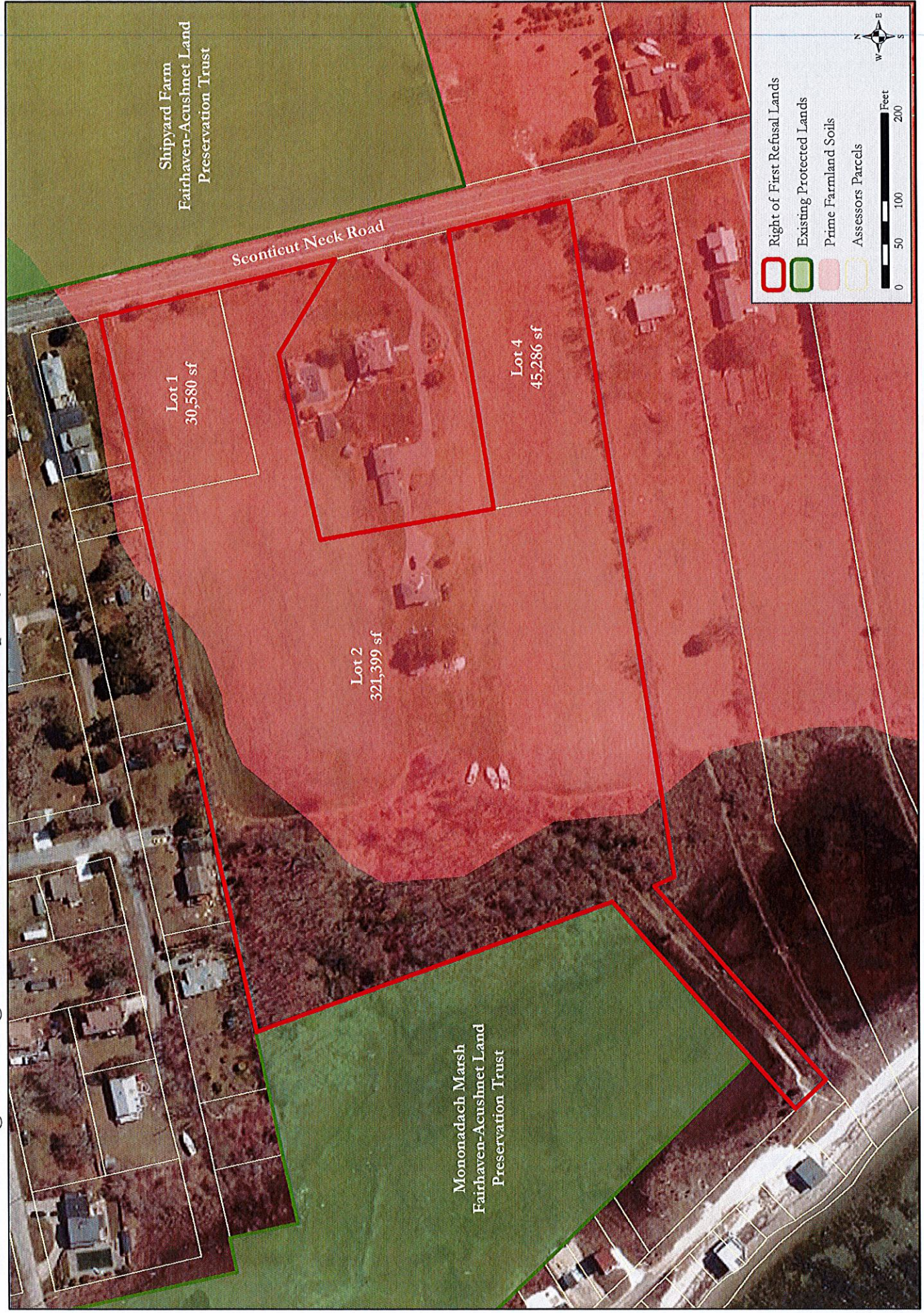
Project expands upon a contiguous block of already protected open space



Eagle's Wing Real Estate, LLC/Hebert Property, Fairhaven



Eagle's Wing Real Estate, LLC/Hebert Property, Fairhaven - Prime Farmland Soils



Eagle's Wing Real Estate, LLC/Hebert Property, Fairhaven - BioMap2 Coastal Adaptation Analysis

