



Fairhaven Board of Selectmen

Meeting Minutes

April 8, 2019

Present: Chairman Daniel Freitas, Vice Chairman Charles Murphy, Clerk Robert Espindola, Town Administrator Mark Rees and Administrative Assistant Vicki Paquette.

Chairman Freitas called the meeting to order in the Town Hall Banquet Room at 6:33 p.m. The meeting was recorded by Cable Access.

MINUTES

Mr. Murphy made a motion to accept the minutes of the March 14, 2019, open session. Mr. Espindola seconded. Vote was unanimous. (3-0)

TOWN ADMINISTRATORS REPORT

- Mr. Rees told the Board that he attended a luncheon for the Port of New Bedford for the Phase V dredging project with Harbormaster Tim Cox, and Selectman Espindola
- Mr. Rees recently approved the appointment of special police officer Phil Lacerda who is a retired Fairhaven police officer and this will allow him to work details for the Fairhaven Police Department
- Mr. Rees and School Superintendent, Bob Baldwin will be maintaining the current 44% School / 56 % Town split of cable T.V. revenue through FY20 to allow additional time to develop community television programming before having discussions on possible reallocation of the split
- Mr. Rees said with the exception of one line item in the Public Works budget which the Finance Committee has not yet voted a recommendation, we have a consensus operating and capital budgets going into Town meeting
- Tom Crotty, Sue Loo and Mr. Rees met with Zack Mayo and Mike Ristuccia this past week where they shared with them a draft purchase and sale agreement and discussed the performance security the Town will need for the project to move forward
- Mr. Rees had lunch with Town Moderator Mark Sylvia where we reviewed the various articles for the upcoming town meeting and logistics for the meeting
- Superintendent. Baldwin and Mr. Rees will be going to the State House on April 24, 2019 to meet with Rep. Straus and Sen. Montigny to discuss state aid to Fairhaven
- Congratulations to Selectman Freitas for winning the recent town election

COMMITTEE LIASON REPORTS

- Mr. Murphy will meet with the Commission on Disability this month
- Mr. Murphy thanked Cable Access Director, Derek Frates and camera operator Eric Sa for producing a commercial for Cable Access for the upcoming Japanese Festival
- Mr. Espindola will meet with the Dog Park Study Committee and the Wellness committee.
- Mr. Espindola encouraged residents to participate in the annual Bike Path clean up
- Mr. Freitas said he had recently met with the Rogers School negotiating team

REORGANIZATION OF BOARD

At 6:40 p.m. Chairman Freitas handed the gavel over to the Town Administrator to run the meeting while the Board appoints a new chair.

Mr. Freitas made a motion to appoint Selectman Murphy as the Chairman. Mr. Espindola seconded. Mr. Murphy abstained. Vote passed. (2-0-1)

Mr. Freitas made a motion to appoint Mr. Espindola as the Vice-Chair. Mr. Murphy seconded. Mr. Espindola abstained. Vote passed. (2-0-1)

Mr. Espindola made a motion to appoint Mr. Freitas as Clerk. Mr. Murphy seconded. Mr. Freitas abstained. Vote passed. (2-0-1)

Mr. Rees returned the gavel to Chairman Murphy.

PLANNING DIRECTOR APPOINTMENT

Mr. Rees introduced Paul Foley to the Board. Mr. Foley has been chosen to be the Planning Director and will begin his first day on April 23, 2019. Mr. Espindola made a motion to approve the Town Administrator's appointment of Paul Foley as the new Planning Director. Mr. Freitas seconded. Vote was unanimous. (3-0) (Attachment A)

SUSTAINABILITY COMMITTEE

Mr. Espindola made a motion to appoint Susan Spooner to the Sustainability Committee as a full member. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to appoint Wendy Drumm to the Sustainability Committee as full member. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to move Lois Callahan to become an alternate member from a full member on the Sustainability Committee. Mr. Freitas seconded. Vote was unanimous. (3-0)

BROADBAND STUDY COMMITTEE

Mr. Espindola made a motion to appoint John Methia as the Cable Advisory Representative to the Broadband Study Committee. Mr. Freitas seconded. Vote was unanimous. (3-0)

BUZZARDS BAY SWIM

Mr. Espindola made a motion to approve the one day liquor license for Buzzards Bay Coalition for the Buzzards Bay Swim on June 22, 2019 pending Fire and Police approval. Mr. Freitas seconded. Vote was unanimous. (3-0)

WEDDING CEREMONY

Mr. Espindola made a motion to approve the request for a wedding ceremony at Town Hall on June 2, 2019. Mr. Freitas seconded. Vote was unanimous. (3-0)

HOPPY'S LANDING REVOLVER ACCOUNT

Mr. Espindola made a motion to increase the cap on the revolver account for FY 2019 at Hoppy's Landing from \$25, 000 to \$41, 0000. Mr. Freitas seconded. Vote unanimous. (3-0)

UNION WHARF FEES AND REGULATIONS

Harbormaster Tim Cox met with the Selectmen to discuss some recent changes the Marine Resources committee has recommended. (Attachment B)

Mr. Espindola made a motion to increase the large vessel daily berthing fee for CY 2020 from \$25.00 per day to \$30.00 per day. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for all lobster boats at Union Wharf to add the Town of Fairhaven on their insurance policy as the secondary policy holder. Mr. Freitas seconded. Vote was unanimous. (3-0)

PREPARATION FOR ANNUAL TOWN MEETING

Mr. Rees reviewed the articles for Town Meeting with the Board. Fire Chief Francis and Deputy Chief Correia met with the Board to express the concern with the extra overtime for FY 19 and feel this won't happen for next year because the current vacancies will be filled by added personnel. Selectman Espindola doesn't feel the Board should be getting an increase in their salary. Both Selectman Freitas and Murphy think the salary increase will just bring them closer to the times. Mr. Rees said the Finance committee is in agreement with the salary increase. (Attachment C)

After much discussion the following votes were taken:

Mr. Espindola made a motion to recommend Adoption on Article 4: Sewer Capital Fee FY 19. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 5: Amended FY 19 General Fund Operating Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Pass Over on Article 6: Amended FY 19 Water Enterprise Fund Operating Budget. Mr. Freitas seconded. Vote was unanimous (3-0)

Mr. Espindola made a motion to recommend Pass Over on Article 7: Amended FY 19 Sewer Enterprise Fund Operating Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption at Town Meeting on Article 8: Amended FY19 General Fund Capital Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Pass Over on Article 9: Amended FY19 Water Enterprise Fund Capital Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 10: Amended FY19 Sewer Enterprise Fund Capital Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 11: Bills of Pryor year. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Freitas made a motion to recommend Adoption on Article 12: Setting of Salaries of Town Officers- FY 20, Board of Selectmen, \$22.500. Mr. Murphy seconded. Vote passed. (2-1)

Mr. Espindola made a motion to recommend Adoption on Article 12 Setting of Salaries of Town Officers – FY 20, Town Clerk \$61, 775. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 12 Setting of Salaries of Town Officers – FY 20, Moderator \$800. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 12 Setting of Salaries of Town Officers – FY 20, Tree Warden \$7,177. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 12 Setting of Salaries of Town Officers – FY 20, Board of Health \$ 5,816. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 13: Funding Labor Contracts. – FY 20Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 18: Roadwork – FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 20: Funding Capitalization Fund – FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Pass Over on Article 24: Community Preservation Program Appropriations – FY 19. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 26: Revolving Funds –FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 30: Transfer from Surplus Revenue – FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 31: Citizen Petition-Street Light request – corner of Peter Lane and McKensie Lane- Two Lights. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on Article 32: Citizen Petition-Street Light request – 46 Torrington Road- One Light. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on Article 33: Petition the legislature: Restaurant all alcohol license at Hampton Inn, 1 Hampton Way. Mr. Freitas seconded. Vote was unanimous. (3-0)

PREPARATION FOR SPECIAL TOWN MEETING

Mr. Espindola made a motion to close the warrant for the special Town Meeting on April 11, 2019 at noontime. Mr. Freitas seconded. Vote was unanimous. (3-0) (Attachment D)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 1: Establish Enterprise Fund for Town of Fairhaven Cable Television. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on the Special Town Meeting warrant Article 1: Establish Enterprise Fund for Town of Fairhaven Cable Television. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 2: Town of Fairhaven Cable Television PEG Access Enterprise Fund FY20 Recommended Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town meeting on the Special Town Meeting warrant Article 2: Town of Fairhaven Cable Television PEG Access Enterprise Fund FY20 Recommended Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 3: Establish Enterprise Fund for Fairhaven Public Schools Cable Television. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on the Special Town Meeting warrant Article 3: Establish Enterprise Fund for Fairhaven Public Schools Cable Television. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 4: Fairhaven Public Schools Cable Television PEG Access Enterprise Fund FY20 Recommended Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on the Special Town Meeting warrant Article 4: Fairhaven Public Schools Cable Television PEG Access Enterprise Fund FY20 Recommended Budget. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 5: Funding for engineering/architectural service related to land purchase for a public safety facility. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion, based on a \$32,000 budget, to recommend Adoption on the Special Town Meeting warrant Article 5: Funding for engineering/architectural service related to land purchase for a public safety facility. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 6: Roadwork FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on the Special Town Meeting warrant Article 6: Roadwork FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Freitas made a motion to place on the Special Town Meeting warrant Article 7: Street Acceptance: Robert Street. Mr. Murphy seconded. Mr. Espindola abstained. Vote passed. (2-0-1)

Mr. Freitas made a motion to recommend At Town Meeting on the Special Town Meeting warrant Article 7: Street Acceptance: Robert Street. Mr. Murphy seconded. Mr. Espindola abstained. Vote passed. (2-0-1)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 8: Televising Board Meetings. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on the Special Town Meeting warrant Article 8: Televising Board Meetings. Mr. Freitas seconded. Vote was unanimous. (3-0)

The Board discussed Article 9: Removal of Elected Officials from Health Insurance Program. The Board feels they would like to see the Town save money by not offering health insurance to elected officials but do not feel more decision making power be taken away from the Board of Selectmen. Mr. Rees will draft a policy based to reflect this. Article 9 was removed from the draft warrant.

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 9 (formerly 10): Amendment to the Town Administrators Act. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on the Special Town Meeting warrant Article 9 (formerly 10): Amendment to the Town Administrators Act. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 10 (formerly 11): Establish OPEB Trust. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Adoption on the Special Town Meeting warrant Article 10 (formerly 11): Establish OPEB Trust. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 11 (formerly 12): Buffer Zone Protection. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on the Special Town Meeting warrant Article 11 (formerly 12): Buffer Zone Protection. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 12 (formerly 13): Storm Water Management. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on the Special Town Meeting warrant Article 12 (formerly 13): Storm Water Management. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to place on the Special Town Meeting warrant Article 13 (formerly 14): Historic Site Reuse Special Permit. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend At Town Meeting on the Special Town Meeting Article 13 (formerly 14): Historic Site Reuse Special Permit. Mr. Freitas seconded. Vote was unanimous. (3-0)

WELLNESS CHARGE

Mr. Freitas discussed the Charge that is in place for the Wellness Committee and he feels that because employees volunteer to be on the committee they shouldn't be getting compensation time for serving on this committee. Mr. Espindola explained that these volunteers are made up

entirely of Town employees and this committee's work saves the Town money. Mr. Espindola feels there is no loss to the Town because the compensation time is only about an hour per employee once a month. Mr. Freitas made a motion to remove the compensation time from the Wellness Committee Charge. There was no second. The motion did not pass. (Attachment D)

At 8:44 pm Mr. Espindola made a motion to into Executive Session:

1. To discuss strategy with respect to collective bargaining (Clerical and Fire Unions) pursuant to M.G.L. Ch. 30A, Section 21 (a) 3

Mr. Freitas seconded. Vote was unanimous. (2-0). Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

Respectfully submitted,



Vicki Paquette
Administrative Assistant

Documents appended:

A: Paul Foley resume

B: Union Wharf memos from Marine Resources Committee and Harbormaster

C: Town Meeting Draft Warrant

D: Special Town Meeting Draft Warrant