



Fairhaven Board of Selectmen

December 18, 2017 Meeting Minutes

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

Mr. Espindola called the meeting to order in the Town Hall Banquet Room at 6:35 p.m. The meeting was recorded by Cable Access.

MINUTES

Mr. Murphy motioned to approve the minutes of the December 4, 2017 meeting, open session. Mr. Espindola seconded. Vote was unanimous. (2-0).

W.H.A.L.E PRESENTATION

Attorney Phil Beauregard presented a magnificent photograph of the Center of Fairhaven to the Town in the name of former Executive Secretary Jeff Osuch. The photo was taken by Standard Times photographer Peter Pereira. The photograph is gift from W.H.A.L.E with the framing being donated by Mike Ristuccia. In attendance were Jeffrey Osuch, Peter Pereira, Bill Moniz, Diane Brodeur, and Mike Ristuccia. Atty. Beauregard spoke of Mr. Pereira's history and told the Board how Mr. Pereira moved here from Portugal when he was 8 years old, graduated from UMass Dartmouth and has been awarded several medals for his photography. His work has graced National and International magazines and newspapers.

A touched Mr. Pereira thanked the Board and Atty. Beaugard for the honor and said "having one of my photos in this (Town Hall) building is infinitely more important than any award I've been given"

Both Board members recognized Mr. Osuch for all he has done for the Town and told Mr. Pereira how impressed they were with his work.

Mr. Osuch thanked the Town Hall custodians, Frank Fostin, Ernie Lizotte, and Bill Brown for their help in his efforts to maintain Town Hall and help with the restorations of the building during his years as Executive Secretary for Fairhaven.

TOWN ADMINISTRATOR REPORT

Mr. Rees updated the Board on several matters:

- Mr. Rees and Vinnie Furtado, BPW Superintendent, worked legal Counsel in submitting a revised draft consent order to the EPA for the Town's NPDES permit

- Mr. Rees and Tourism Director Chris Richard participated in a telephone conference call with Jeff Hagan, Chief Operating Officer for the Providence Bruins. They spoke about having a “Fairhaven Night” at a future hockey game
- Mr. Rees thanked the students at Greater New Bedford Voke for building and installing a new shed behind Town Hall. The shed will house the snow blower, lawn mower and other items
- Mr. Rees has authorized the Information Technology Department to purchase equipment to provide the entire Town Hall with Wi-Fi
- Veteran’s Officer James Cochran has informed Mr. Rees that his retirement date has moved up to mid-February 2018
- Mr. Rees informed the Board that the Stratford Capital Group will be submitting the tax credit application for Oxford School in January to the Massachusetts Historical Commission
- Hoppy’s Landing will be getting new multi space parking meter
- Mr. Rees said the Town will be hosting the MMA regional legislation breakfast on March 2, 2018
- Mr. Rees and Anne O’Brien, Human Resources Director have selected a consulting firm for the Personnel Wage and Compensation Plan, Policies and Procedures RFP. Cost is expected to be \$19,500 and will be funded by a Community Compact grant
- Katie Gilfeather from EAP Outlook gave a one hour workshop to Town department heads on creating and maintaining a workplace culture of excellence.
- The first Opioid meeting has been held. Chief Myers will chair this committee. Chief Francis said opioid use has dropped since the Huttleston Motel has been torn down.

COMMITTEE LIAISON REPORTS

Under committee liaison reports:

- Mr. Espindola reported to the Board that Cable Advisory had met recently.

ANNUAL RENEWALS

The Board reviewed 2018 license renewal applications.

Mr. Murphy motioned to approve the 2018 common victauler license renewal applications in Attachment A. Mr. Espindola seconded. Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the 2018 liquor license renewal applications listed in Attachment A. Mr. Espindola seconded. . Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the 2018 car dealer license renewal applications listed in Attachment A. Mr. Espindola seconded. Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the payment plan for 99 Spring Street and authorize the Town Administrator sign the contract. Mr. Espindola seconded. Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the 2018 car repair license renewals listed in Attachment A. Mr. Espindola seconded. Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the tax agreement for 99 Spring Street and authorize the Town Administrator to sign the contract. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Murphy motioned to approve the 2018 private livery license renewal applications listed in Attachment A. Mr. Espindola seconded. Vote was unanimous. (2-0).

Mr. Murphy motioned to approve the 2018 entertainment license renewals listed in Attachment A. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to approve the 2018 lodging house license renewals listed in Attachment A. Mr. Espindola seconded. Vote was unanimous. (3-0).

TAYLOR SEAFOOD LICENSE

Mr. Murphy made the motion to approve the final Taylor Seafood license and allow the Town Administrator to sign on behalf of the Selectmen. Mr. Espindola seconded. Vote was unanimous. (2-0).

TOWN CLERK STUDY COMMITTEE

In attendance were Ann Richard, Kyle Bueno, Eileen Lowney, Carolyn Hurley and Bernard Roderick who are all interested in serving on the Town Clerk Study Committee. Those absent were Wendy Graves and Mark Badwey. Mr. Murphy and Mr. Espindola both thanked those that have applied. Mr. Rees appointed Human Resources Director Anne O'Brien as the staff person liaison for this committee. Mr. Murphy motioned to appoint all members to this ad hoc committee. Mr. Espindola seconded. Vote was unanimous. (2-0)

ABC DISPOSAL

The Town has reached an agreement with ABC Disposal to allow ABC to use a portion of the Town allocation at SEMASS at premium over what the Town is charged. This waste disposal services agreement will generate about \$70,000. Mr. Murphy motioned to approve the contract with ABC and to authorize the Town Administrator to sign on behalf of the Board. Mr. Espindola seconded. Vote was unanimous. (2-0).

UNION WHARF DOCKAGE FEES FOR 2018

Harbormaster Tim Cox met with the Board to discuss the Union Wharf dockage fees for 2018. Also, in attendance were members of the Marine Resources Committee, Frank Coelho, Vincent Manfredi, and Michael Cordeira. Mr. Cox spoke to the Board about the proposed 10% fee increase at Union Wharf Small boat basin (The rate for the large fishing boats will not change). Mr. Cox told the Board that there will be several improvements at Union Wharf including a second ladder and more lighting. He will also be looking into cameras and tying into the City of New Bedford's waterfront security system. Mr. Cox told the Board that the commercial boat owners have asked that the payments be made quarterly to help the fishermen who are struggling to meet the costs of the dockage fees. Mr. Murphy made a motion to increase the Union Wharf small boat basin dockage fees by 10% and allow quarterly payments. Mr. Espindola seconded. Vote was unanimous. (2-0).

BREEZEWAY FARMS CONSULTING INC.

Mr. Murphy made a motion to approve the contract amendment #2 between the Town of Fairhaven and Breezeway Farms Consulting Inc. not to exceed \$4300. Mr. Espindola seconded. Vote was unanimous. (2-0).

POLICE DEPARTMENT RULES AND REGS

Police Chief Michael Myers and Sergeant Kevin Kobza met with the Board to discuss the seven new policies that are appropriate to be put into effect to serve as a set of guidelines in the day-to-day running of the Fairhaven Police Department. This will help as we move forward towards accreditation. These new rules and regulations will also help the Town to get more funding and grants. Mr. Murphy made a motion to approve the Police Department Rules and Regulations as presented tonight. Mr. Espindola seconded. Vote was unanimous. (2-0)

RETURN OF SURRENDERED LIQUOR LICENSE

Mr. Murphy made a motion to add the return of the surrendered liquor license to the agenda. This information was not available 48 hours in advance of the meeting. Mr. Espindola seconded. Vote was unanimous (2-0).

Mr. Murphy made a motion to return the surrendered license for one day for a special event at EJ's/ Cleary's Pub on December 21, 2017. Mr. Espindola seconded. Vote was unanimous. (2-0)

CDBG DEVELOPMENT STRATEGY

Bill Roth, Director of Planning and Economic Development, presented the draft for the 2nd public meeting for the CDBG 2018 Community Development Strategy.

NOAA DECISION

Mr. Rees presented a letter to be sent to the National Marine Fisheries Service regarding Sector 9. Mr. Murphy made a motion to authorize Mr. Rees, with edits, to send the letter as read. Mr. Espindola seconded. Vote was unanimous. (2-0) (See Attachment B)

PROPOSAL TO COMCAST

Mr. Rees explained that he has been in negotiations with Comcast. Attorney Solomon has suggested we start the process of having a Request for Proposal (RFP) in the event that it will be needed. Mr. Murphy made a motion to authorize the RFP sent out on our behalf by Mr. Rees if necessary. Mr. Espindola seconded. Vote was unanimous. (2-0)

NON-COMPLIANCE WITH CABLE LICENSE

Mr. Murphy made the motion to authorize the Town Administrator to send, pursuant to the relevant section of the cable license granted to Comcast, a notice of license non-compliance (default) to Comcast to correct the non-compliance, including any specifics related thereto, and further propose that Comcast immediately meet with Town Representatives to discuss and address this matter. Mr. Espindola seconded. Vote was unanimous. (2-0)

BULK RATES FOR CABLE T.V.

Mr. Espindola told the Board that the Cable Advisory Commission is working with Comcast to try to get bulk rate discounts for Senior Housing.

ENERGY AGGREGATION PROGRAM

Mr. Espindola updated the Board on the energy aggregation program. He explained that residents that are not enrolled can go to masscea.com/Fairhaven to enroll.

MARSH ISLAND CLEANUP

Mr. Espindola read a letter from the United States Environmental Protection Agency, New England Region regarding the clean up along the Marsh Island shoreline. (See Attachment C)

HAY RIDE

Mr. Espindola read a letter from Saint Joseph's Parish regarding a sing-a-long hayride.

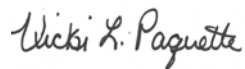
OTHER BUSINESS

In other business:

- Mr. Murphy wished Selectman Freitas good health
- Mr. Murphy read a note from James O'Brien, Superintendent of New Bedford Voke Tech thanking the Town of Fairhaven for its support
- Mr. Murphy reminded the Board of the annual Polar Plunge at Fort Phoenix. He will be the MC for the event
- Mr. Espindola told the Board that the Wellness Committee met and are working to try to have some workout stations along the bike path, they are also hoping to start a weight watchers group and are planning another wellness fair in April
- Both Selectmen and Mr. Rees wished everyone a Happy Holiday and a Happy New Year

At 8:18 p.m. Mr. Murphy motioned to adjourn. Mr. Espindola seconded. Vote was unanimous.
(2-0)

Respectfully,



Vicki L. Paquette
Administrative Assistant
(Minutes approved on 1/22/2018)

Documents appended:

- A: License renewals**
- B: Letter regarding Sector 9**
- C: Marsh Island letter**

Attachment A

**2018 RENEWALS
FOR APPROVAL BY THE BOARD OF SELECTMEN
JANUARY 8, 2018**

COMMON VICTAULER LICENSES-FAIRHAVEN, MA 02719

1. Subway, 42 Fairhaven Commons Way

CAR DEALER LICENSES, FAIRHAVEN, MA 02719

1. Alden Buick GMC, 6 Whalers Way
2. Alden Mazda, 37 Alden Road

REPAIR LICENSES, FAIRHAVEN, MA 02719

1. Alden Buick GMC, 6 Whalers Way
2. Alden Mazda, 37 Alden Road



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

Attachment B

Tel: (508) 979-4023
Fax: (508) 979-4079
selectmen@Fairhaven-MA.gov

December 19, 2017

Mr. John K. Bullard
Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

RE: Comments on the Interim Final Rule to Withdraw Approval of NEFS9

Dear Mr. Bullard,

The Fairhaven Board of Selectmen, at their meeting of December 18, 2017, authorized the sending of this letter. The Selectmen ask that the National Marine Fisheries Service (NMFS) take swift action in working with the reconstituted Board of Directors of NEFS9 to make the changes necessary to bring them into compliance with appropriate regulations, so that the economic impact on the Port of New Bedford/Fairhaven due to Mr. Rafael's criminal operation will be limited. With 21 vessels prohibited from ground fishing it is estimated that approximately 80 fisherman are being directly affected by this ban and another 300 to 320 workers that support the ground fishing industry are also being negatively impacted.

We understand that there may be further action regarding the remaining permits in Sector 9. We ask that you consider, to the extent that it is reasonable and fair, that you retain as many of these permits in the New Bedford area as possible.

In making this request, the Selectmen are in no way condoning the illegal activities of Mr. Rafael or others that may have been involved. In fact, they strongly support the work of the NMFS to make them accountable for their actions. The Selectmen ask that you consider the very significant economic impact to the region and to all those who through no fault of their own are having their livelihoods negatively impacted as a result of your decision.

I thank you for your consideration of this request.

On behalf of the Fairhaven Board of Selectmen

Mark H. Rees
Town Administrator

Cc: Senator Elizabeth Warren
Senator Edward Markey
Representative William Keating
Mayor Jon Mitchell



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
FIVE POST OFFICE SQUARE, SUITE 100, BOSTON, MA 02109

December 11, 2017

Vinnie Furtado, Director
Public Works
Board of Public Works
5 Arsene Street
Fairhaven, MA 02719

Re: Post-project sewer monitoring at Marsh Island

Dear Mr. Furtado:

Consistent with the access agreement allowing EPA to access Town property for the remediation of PCB-contamination along the Marsh Island shoreline, please see the attached inspection reports and video monitoring of the sanitary sewer abutting the project area. No issues were found with the functioning of this sewer after EPA's remediation was completed, as documented in the attached reports and videos.

Also attached is Figure 6-10 from the project Work Plan, which provides a summary of the remediation work that was performed and the location of the project's construction access road. Note that this access road has been left in place for use in the future saltmarsh restoration project for Marsh Island (funded by the U.S. National Oceanic and Atmospheric Administration and others).

I will also forward the final After Action Report for the Marsh Island remediation once that report is finalized, currently scheduled for March 2018.

Thank you for your cooperation regarding this project. Please do not hesitate to contact me at 617-918-1329 or at dickerson.dave@epa.gov should you have any questions in this regard.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Dickerson", is written over a horizontal line.

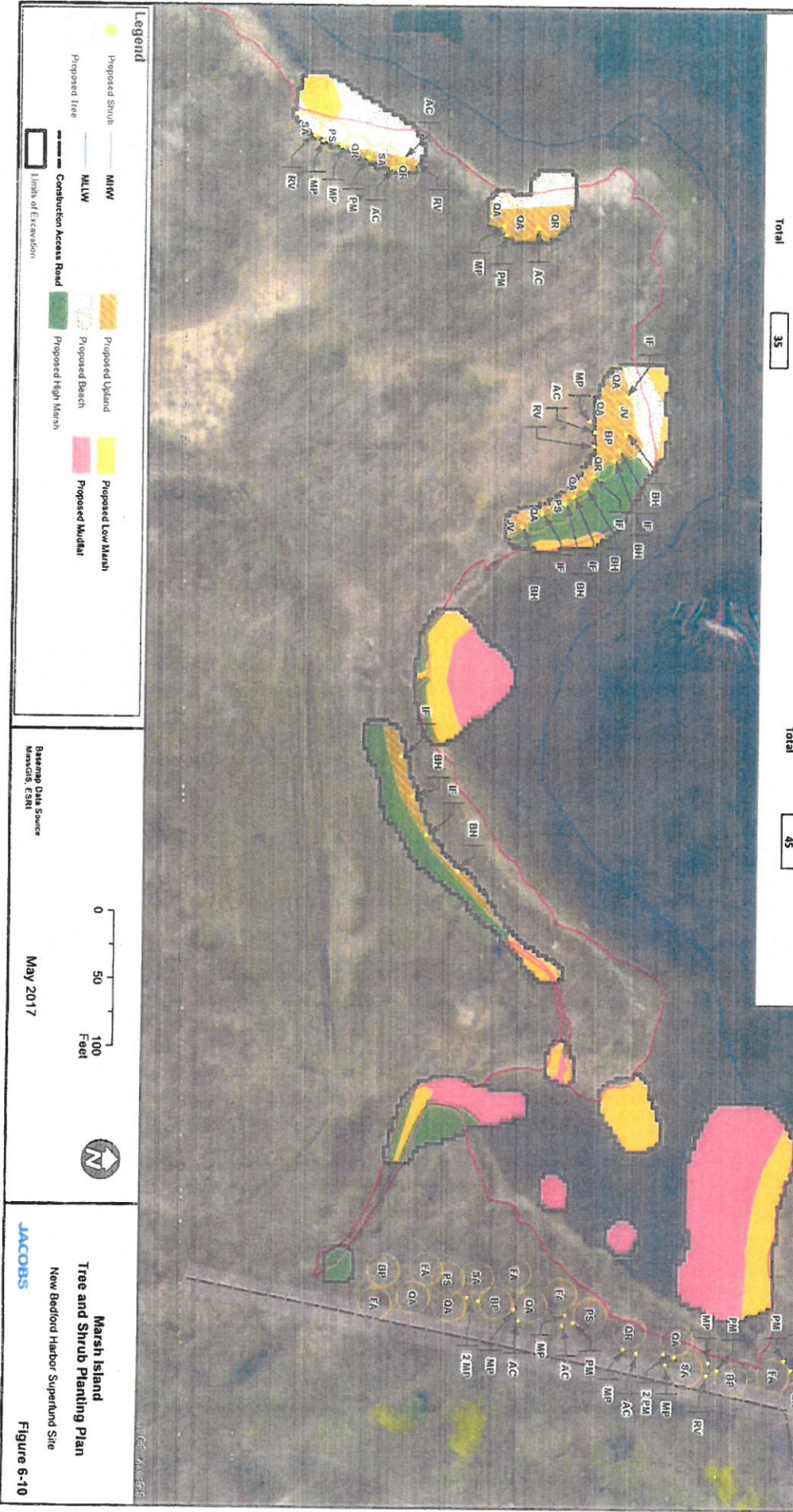
David Dickerson
Remedial Project Manager

cc: W. Roth, Town of Fairhaven
Fairhaven Selectmen's Office
David Peterson, USEPA
David Lederer, USEPA

Enc: River St. Sanitary Sewer Inspection Reports
(upstream and downstream, with CDs), 11/2/2017
Figure 6-10, Marsh Island Planting Plan

Abbrev.	Scientific Name	Common Name	Quantity	Size	Delivery
BP	<i>Betula populifolia</i>	Gray birch	4	4'-6'	5Gal. Container
FA	<i>Fraxinus americana</i>	White ash	5	4'-6'	5Gal. Container
JV	<i>Juniperus virginiana</i>	Eastern red cedar	2	4'-6'	5Gal. Container
PS	<i>Prunus serotina</i>	Black cherry	4	4'-6'	5Gal. Container
QA	<i>Quercus alba</i>	White oak	10	4'-6'	5Gal. Container
QR	<i>Quercus rubra</i>	Red oak	6	4'-6'	5Gal. Container
SA	<i>Sassafras albidum</i>	Sassafras	4	4'-6'	5Gal. Container
Total			35		

Abbrev.	Scientific Name	Common Name	Quantity	Size	Delivery
AC	<i>Aurethinter canadensis</i>	Shadblow	7	18"-24"	2 Gal. Container
BH	<i>Baccharis halimifolia</i>	Groundsel bush	7	18"-24"	2 Gal. Container
IF	<i>Iva frutescens</i>	High-tide bush	7	18"-24"	2 Gal. Container
MP	<i>Myrica pensylvanica</i>	Bayberry	12	18"-24"	2 Gal. Container
PM	<i>Prunus maritima</i>	Beach plum	7	18"-24"	2 Gal. Container
RV	<i>Rosa virginiana</i>	Virginia rose	5	18"-24"	2 Gal. Container
Total			45		



Marsh Island Tree and Shrub Planting Plan
 New Bedford Harbor Superfund Site
 Figure 8-10
 JACOBS

Resealing Data Source
 Massachusetts ESR1

May 2017