

## **Fairhaven Board of Selectmen January 23, 2012 Meeting**

**Present:** Selectman Chairman Michael Silvia, Selectman Vice Chairman Dr. Brian Bowcock, Selectman Clerk Charles Murphy, Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley.

**Also present:** John Nunes, Treasurer, Jamie DeSousa, Planning Board member, Jeffrey Lucas, Timothy Garcia, Joyce Rowley of the *Fairhaven Neighborhood News*, Peggy Aulisio of *The Advocate*.

Chairman Silvia called the meeting to order at 6:33 p.m.

### **MINUTES**

- Board voted to approve the minutes of the **January 10**, 2012 meeting, open session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **January 10**, 2012 meeting, executive session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **January 17**, 2012 meeting, open session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **January 17**, 2012 meeting, executive session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

### **EXECUTIVE SECRETARY'S REPORT**

Mr. Osuch reported that there would be a SEMASS meeting in Rochester on January 24, 2012 at 2:00 p.m.

A Wind Turbine informational meeting would be hosted by the town at the Elizabeth Hastings school on January 24, 2012 at 7:00 p.m. Experts would attend the wind turbine meeting to address health concerns and acoustical output from wind turbines, said Mr. Osuch. He said that he hoped attendees would be courteous, and urged residents to watch the meeting live on cable if they could not attend.

Mr. Osuch reported that there would be the annual elevator inspection at the Town Hall on January 26, 2012. Additionally, there would be an annual budget meeting for the new school at the library on January 26, 2012 at 5:00 p.m.

The Board received a request from Tree Warden Tony Medeiros for a salary increase. Mr. Medeiros said that his current annual salary of \$6,000 does not adequately offset time, fuel, and wear and tear on vehicle. Mr. Medeiros requested a \$3,000 pay increase, making his new salary \$9,000. The Board favored the increase and Mr. Murphy said that hiring an independent contractor would still be more expensive than the increased salary. The Board took the salary increase under advisement.

In the next agenda item, the Board discussed the issue of excess charges from the BPW Superintendent's cell phone. In Correspondence from Town Accountant Anne Carreiro, the Board learned that the BPW had voted on January 9, 2012 to pay the excess charges, to be divided between Administration, Highway, Sewer and Water telephone accounts.

Mr. Osuch said that all phone costs should be included in the original budget and an effort should be made to track what each department is spending on cell phone use. Dr. Bowcock said that the widespread use of "smart phones" is inflating the cell phone expenditure. Mr. Murphy said that cell phone use should be under one budget to address the total that is spent on cell phone use.

The Board agreed to continue dialogue with the department heads to see if a town-wide policy could be developed.

In the next agenda item, the Board approved a Union Wharf slip renewal for Thomas Allaire. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board then recognized a letter from Don Arsenault, inviting the Board and the public to the Bicentennial Ball, scheduled for Saturday, March 10, 2012 from 6:00 p.m. to midnight at the Seaport Inn. Mr. Osuch said that the Board would continue to keep the public apprised of ongoing Bicentennial events throughout the year at Board meetings.

The Board then read a letter from Carl Bissonette. Mr. Bissonette said that, due to health issues, he would be resigning from the Financial Committee.

In the next item, the Board acknowledged a letter from Animal Control Officer Cat Mindlin. Officer Mindlin asked the Board to consider the creation of a dog park in Fairhaven, and asked the Board to consider forming a Dog Park Building Committee. The Board expressed interest in the project, and voted to form said committee. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Under License Renewals, the Board voted to approve a Repair License for Jet Wash Car Wash. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). Additionally, the Board voted to approve a Common Victualer License for Jake's Diner. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a quick preview of the budget, Mr. Osuch informed the Board that the upcoming year, FY 13, would be difficult, and cuts may be considered. Police, Fire and the BPW are invited to attend a February meeting to discuss possible cuts and go over budgets.

The Board then read a letter from resident Timothy Garcia, requesting appointment as Constable. Mr. Osuch noted that a CORI check had come back clean and the Board voted to appoint Mr. Garcia to Constable as requested. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

#### **APPOINTMENTS:**

**Public Hearing:** At 7:00 p.m., Chairman Silvia opened a public hearing for Jack's Auto Sales and Service, 322 Huttleston Avenue, represented by applicant Donald LaMarr. Mr. LaMarr requested a Car Dealer License and a Car Repair License. The Board informed the applicant that,

due to proximity to a daycare facility (within 300 feet), a town bylaw prohibited the Board from granting the Car Repair License. Mr. LaMarr still proceeded with the Car Dealer license.

Chairman Silvia asked for public comment. No one present objected to the application.

The Board voted to approve the Car Dealer License, stipulating that bylaws regarding number of cars (not to exceed 15) and car setback from street be strictly followed. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

**Appointment:** At 7:04 p.m., the Board met with Finance Director/Treasurer John Nunes to approve a bond in the amount of \$716,000 for the “construction of sewers and other water pollution control facilities”. Mr. Murphy read the agreement into record (see attached). Dr. Bowcock motioned to sign for the bond, and Mr. Murphy seconded. The vote was unanimously in favor. (3-0).

While waiting for an interviewee for the Town Accountant position, Mr. Murphy announced that town meeting members would have to return their nomination papers by February 13 to participate in upcoming town meetings. Mr. Murphy also read a letter from Ann Silvia expressing interest in being appointed to the Disabilities Commission. There happened to be an opening on the commission and the Board was pleased with Ms. Silvia’s interest. The Board appointed Ms. Silvia to the Disabilities Commission. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). Mr. Murphy noted that the Commission was now fully appointed.

**Town Accountant Interviews:** Two finalists, David Grab and Kimberley Fales were scheduled for interviews. The Board noted that the two finalists were narrowed down from four semi-finalists, and that references for both candidates had been checked. Both candidates have municipal experience.

**Interview:** At 7:15, the Board conducted an interview with candidate David Grab for the position of Town Accountant. Mr. Grab had experience in the interim capacity, working with the treasury office in Fall River. He said at the time of his employment with Fall River, they were just finally receiving a tax rate, too late for billing. The Collector and Assessor were fired. He had to do the work of several people as a result. Mr. Grab worked for 12 years in Somerset as a Town Accountant and nine years in Milton, also as a Town Accountant. Candidate is not a CPA, but is a CGA (Certified Governmental Accountant). Candidate lives in Middleboro and does not mind the commute. Educational experience includes M.S. in Management from Lesley College and B.S.B.A in Accounting from Suffolk University. Candidate has not used VADAR software, but said he could learn it. Candidate found salary range acceptable and was available immediately.

In the next agenda item, Dr. Bowcock updated the Board in a Freedom of Information request that the Buzzard’s Bay Coalition (BBC) had filed with the University of Massachusetts Dartmouth (UMD). BBC President Mark Rasmussen had suggested pooling resources with the Town of Fairhaven to receive more information on an estuaries program that several municipalities had contributed to. The program, which was funded by these towns (including Fairhaven), has not been active and the Board said that UMD has been contacted several times for information on the program’s progress, to no avail. It would seem that the project is stalled,

and no work has been seen since 2009. The Board motioned to pool resources with BBC to get information from UMD. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

At 7:30 p.m., the Board held a short recess while waiting for the next scheduled Town Accountant interview.

The recess ended at 7:43 p.m.

**Interview:** At 7:44 p.m., the Board met with the second finalist for the Town Accountant position, Kimberley Fales. Ms. Fales is currently the Town Accountant for the Town of Townsend, but has relocated and is seeking employment in the South Coast area.

Ms. Fales has been in the accounting field since 1989, and has been in municipal government since 2003 when she was appointed to the Townsend position. She is a Certified Public Accountant (CPA) a CGA, and a member of the AICPA and the MMAAA. She attended Bentley for Accounting and Business. Ms. Fales said she was available to start right away on a part-time basis and the pay range was acceptable. She wished to give Townsend, her current employer, four weeks notice. She has experience with VADAR software.

After Ms. Fales' interview, the Board discussed the applicants. The Board acknowledged that both candidates were qualified, but all three selectmen preferred Ms. Fales for the position, citing her status as a CPA being a strong asset for the budget.

Kimberley Fales was appointed to the position of Town Accountant. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). Ms. Fales was asked to remain behind to discuss salary.

The Board voted to enter Executive Session at 8:02 p.m., not to reconvene into Open Session. Reasons for entering Executive Session were: Clerical Union Negotiations, Blue Sky Power, Seaport Inn Settlement, and to hear Town Counsel's opinion of the Special Town Meeting articles. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. Roll call vote: Mr. Silvia in favor. Dr. Bowcock in favor. Mr. Murphy in favor. (3-0).

Respectfully,

Anne Kakley

Selectmen's Secretary

## VOTE OF THE BOARD OF SELECTMEN

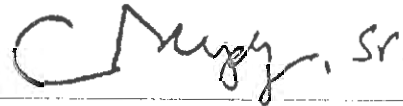
I, the Clerk of the Board of Selectmen of the Town of Fairhaven, Massachusetts, certify that at a meeting of the board held January 23, 2012, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED:
- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$716,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed October 25, 2011 (Article 11), which authorized a total borrowing of \$716,000, for construction of sewers and other water pollution control facilities (the "Project");
  - (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$716,000,
  - (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
  - (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
  - (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed;
  - (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement(s) and the Project Regulatory Agreement(s) relating to the Project; and
  - (7) that the effective interest cost to the Town of the Notes and Bonds does not exceed 2.00% per annum.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date, time and agenda of the meeting

(which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L.c.30A, §§18-25, as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: January 23, 2012



Clerk of the Board of Selectmen

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