



Fairhaven Board of Selectmen

April 2, 2012 Meeting Minutes

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: Bill Roth, Antone Medeiros, Wayne Hayward, Mali Lim of the *Neighborhood News* and Peggy Aulisio of *The Advocate*.

Chairman Silvia called the meeting to order in the Town Hall Banquet Room at 6:33 p.m.

MINUTES:

- The Board voted to approve the minutes of the **March 27, 2012** meeting, **open** session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- The Board voted to approve the minutes of the **March 27, 2012** meeting, **executive** session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Board on some important upcoming meetings and events:

- Tuesday, April 3 –
 - 10:00 a.m. – Meeting with Scanlon at the BPW
 - 12:30 p.m. – Meeting with Cynthia Canavan (Stevenson and Brook) and John Beauregard (Sylvia Group) at the Town Hall
 - 1:15 p.m. – Meeting with John Beauregard of the Sylvia Group regarding the EAP program
 - 2:30 p.m. – Teamster negotiation at the BPW building (Mr. Osuch was asked to sit in)
- Wednesday, April 4 –
 - 2:00 p.m. – Bid opening at the Wood School for site work
 - 4:00 p.m. – New School Meeting at the High School Library
- Thursday, April 5 –
 - 7:30 a.m. to 9:00 a.m. – Forum at the New Bedford Quest Center
 - 1:00 p.m. – Economic Summit meeting at the Town Hall
 - 7:00 p.m. – Finance Committee meeting
- Friday, April 6 –

- 10:00 a.m. – WES job meeting
- Tuesday, April 10 –
 - 3:30 p.m. – Mattapoisett River Advisory meeting (BPW)
 - 4:30 p.m. – Mattapoisett River Water District meeting (BPW)
- Wednesday, April 11 –
 - 12:00 p.m. – Manager’s meeting in Rochester
- Thursday, April 12 –
 - 7:00 p.m. – Finance Committee

CLERICAL UNION AGREEMENT

The Board voted to sign a Collective Bargaining Agreement for a one percent increase for Clerical Union in FY2013. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Osuch also informed the Board that an agreement between the Town of Fairhaven and the Fairhaven Public Employees Committee (PEC) regarding health insurance was finalized and that Union representatives had come in to sign the agreement. The new agreement will represent savings to the Town, Mr. Osuch said, but will include higher co-pays.

VETERANS AGENT APPOINTMENT

Per the requirement of Massachusetts General Law Chapter 115, the Board re-appointed James Cochran to the position of Veteran’s Agent. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

SOCIAL DAY CARE

In correspondence, Gerri Frates asked the Board for an update on whether or not the Town would be paying healthcare benefits for a full-time employee of the Social Day program.

Dr. Bowcock asked if the Social Day program had money in its gift account, or if the program itself would be able to sustain the cost of health insurance for the employee. Mr. Osuch said it would be a close call to say whether or not the budget could sustain the cost. Dr. Bowcock said that if they included it in their budget, they could come before the Board of Selectmen in June to supplement the cost with their gift account.

The Board voted to have the Social Day program cover their own employee benefits. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING

Mr. Osuch said that the deadline for Special Town Meeting had passed and that all the articles for the Special Town Meeting were now in. He said that the warrant would include a request of \$35,000 to cover additional legal costs associated with Seaport and the wind turbines, and a request from the Veterans' Office for \$59,000 to cover medical and other veteran benefits.

At 6:45 p.m., the Special Town Meeting discussion was paused for the purpose of opening a scheduled public hearing.

PUBLIC HEARING – SPRING ST. TREE REMOVAL

At 6:45 p.m., Chairman Silvia opened a public hearing for the removal of five trees on Spring Street. Town Planner Bill Roth and Tree Warden Antone Medeiros were present to discuss the tree removal, which is part of the Spring Street Reconstruction Project.

Mr. Roth said that the hearing had been advertised twice and that the trees were posted. He said that the tree removal was necessary because the road work scheduled for Spring Street would damage the roots of the five trees in question. Mr. Medeiros agreed and said that damaging the roots of the trees would lead to tree death or unstable trees in a storm. He endorsed the tree removal.

There was no public comment regarding the tree removal public hearing.

The Board voted to approve the tree removal of five trees on Spring Street. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING DISCUSSION CONTINUED

Mr. Osuch said that there were four articles on the Special Town Meeting from Treasurer John Nunes, asking for the Town to authorize putting sewer betterment money into a stabilization fund instead of going directly to the Sewer Enterprise Fund. This change was the result of changes on the state level, Mr. Nunes had said at the time of submitting the articles.

Mr. Osuch said that the Town had \$137,000 to spend in the Special Town Meeting or it would get rolled over into the next year. He suggested that a \$121,000 expenditure on a street sweeper was a possible use for the money.

Dr. Bowcock motioned to recommend the use of \$121,000 of the Special Town Meeting funds for the street sweeper. Mr. Murphy seconded. Vote was unanimous. (3-0).

RECOMMENDATIONS FOR ANNUAL TOWN MEETING

The Board then made their final recommendations for Article 4 at the May 5, 2012 Annual Town Meeting. The Board learned that a previous vote for Tourism Director Christopher Richard's FY13 salary (line 23a) did not reflect the one percent raise that the Board had voted to grant non-

union employees. Dr. Bowcock motioned to reconsider the vote. Mr. Murphy seconded. Vote was unanimous to reconsider the vote. (3-0). Dr. Bowcock motioned to set the salary figure (line 23a) at \$51,472. Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board then voted to recommend \$4,425,000 for line 49, Group Insurance. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board voted to level-service the Shellfish budget. Recommendations were made as follows: line 30a (Salary and Wages) - \$84,071; line 30b (Purchase of Services) - \$8,100; line 30c (Supplies) - \$9,400; line 30d (Other Charges/Expenses) - \$400. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0)

Under article recommendations, the Board voted the following:

The Board voted to reconsider their previous recommendation on Article 8A, Emergency Management Roof Repair. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

Based on the knowledge that the Finance Committee voted to transfer \$3,000 for the roof repairs, the Board voted to recommend \$0 on Article 8A, Emergency Management Roof Repair. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board voted to recommend Indefinite Postponement for Article 26 (I&I Sewer System Collection Rehabilitation). Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board voted to recommend Article 29, to borrow \$1,515,000 for the Boston Hill Water Tank. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

PUBLIC HEARING – RIVER AVE DISCONTINUANCE

The Board conducted a public hearing at 7:00 p.m. for a River Avenue street discontinuance.

Representing applicant Nye Lubricants, Attorney Marc Deshaies said that the street slated for discontinuance is 269 by 40 feet. The plans were filed with the Planning Board on January 30, he said, and the Planning Board held a public hearing on March 13 and voted unanimously to approve the application.

Atty. Deshaies said that the discontinuance was being requested because the street serves no public purpose.

The Select Board had no comment.

In public comment, Planning Board chairman Wayne Hayward came forward to speak. He cited the dimensions of the lot that would be created by the approval of the discontinuance. He said the total holdings of Sunderbands, the land holder, would be 10 acres as a result of the discontinuance. Currently, he said that the company is using the strip of land as a parking area.

He questioned why the company would want to take parking spaces and make the parcel into a 10 acre lot. He questioned whether the company could be planning a wind turbine.

Atty. Deshaies said that there is not any forward thought and the applicant has no plans of ever building a wind turbine. He said once the parcel of River Ave is owned by Sunderbands, the company would expect to pay a tax assessment on the parcel.

Atty. Deshaies said that there will be a Form A, as required by the Planning Board, to put the ANR into one lot.

The Board voted to recommend passage of the River Ave discontinuance, Article 24, at the Annual Town Meeting on May 5, 2012. The Planning Board also previously voted unanimously to recommend the discontinuance. Dr. Bowcock motioned. Mr. Murphy seconded. Vote was unanimous. (3-0).

PUBLIC HEARING BRIDGE ST / MILL RD STREET ACCEPTANCE

At 7:10 p.m., the Board met with Chris Saunders, owner of 206 Mill Road and representative for an application for the Town to accept a small portion of roadway at the intersection of Bridge Street and Mill Road. The acceptance would be part of a project to widen the roadway, allow two lanes going south and one going north, and thereby improve the traffic flow of the intersection.

The Board voted to recommend the passage of Article 43, the Bridge Street/Mill Road Street Acceptance, at the May 5, 2012 Annual Town Meeting.

SUSAN STAFFON – DOG HEARING CONTINUED

At 7:15 p.m., the Board continued a dog hearing from March 5, 2012, for Susan Staffon of 59 Ocean Ave. At the March 5 hearing, the Board had voted to require Ms. Staffon to board her three dogs at the Fairhaven Animal Shelter for 30 days. Additionally, she was ordered to have a fence professionally installed at her residence at the maximum height allowed by Fairhaven bylaws, before the Board would allow the dogs to be released into her ownership again.

Animal Control Officer Cat Mindlin gave the Board a brief overview of the fence's progress. She said that the chain link fence was very close to completion and would likely be done within a couple days. The Board agreed to meet with Ms. Staffon again at their scheduled meeting on April 9 to determine if the fence was complete, and make a decision to release the dogs to her at that time.

ANNOUNCEMENTS

Dr. Bowcock announced the following:

- There is \$205,000 unexpended from the Assessor's overlay account for FY13's budget.
- Fairhaven resident Kathy Sturtevant's father passed away unexpectedly. The Board offered their condolences.
- On Saturday, April 7, the North Fairhaven Improvement Association will hold their annual Easter Egg Hunt at Livesey Park.
- The Town Hall was lit up with blue lights on the façade and the clock tower on April 2 in recognition of "Light it Up Blue for Autism".
- Dr. Bowcock congratulated Mr. Murphy and M.O.L.I.F.E. on another successful ball. He said it was a celebration of their good work and a celebration of the life of Katie Brienzo.

PROCLAMATION FOR MICHAEL SILVIA

Dr. Bowcock read a proclamation thanking Chairman Silvia for his 12 years of service as an elected member of the Board of Selectmen, and for other achievements as a member of the Finance Committee and a civic participant. Mr. Silvia thanked Dr. Bowcock and delivered a brief speech, thanking the Board and members of the community for years of support.

The Board voted to adjourn at 7:23 p.m. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Respectfully,



Anne Kakley

Selectmen's Secretary

(Minutes approved 4/9/2012)