



# Fairhaven Board of Selectmen

## April 23, 2012 Meeting Minutes

**Present:** Selectman Brian Bowcock, Selectman Charles Murphy, Selectman Bob Espindola, Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley.

**Also Present:** Albert Benac, Michael Silvia, John Nunes, Peter DeTerra, Phil Washko, Barbara Acksen, Mali Lim of the *Neighborhood News*, Peggy Aulisio of *The Advocate*, and Arielle Whittenberg of the *Standard-Times*.

Chairman Brian Bowcock called the meeting to order in the Town Hall Banquet Room at 6:34 p.m.

### MINUTES:

- The Board voted to approve the minutes of the **April 9**, 2012 meeting, **open** session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- The Board voted to approve the minutes of the **April 9**, 2012 meeting, **executive** session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to approve the minutes of the **April 11**, 2012 meeting, **open** session. Mr. Espindola did not second, saying that he wanted the April 11 minutes to reflect more about the conversation he held with Dr. Bowcock. Mr. Murphy withdrew his motion. Minutes will be amended by Mr. Espindola and presented at a future meeting.

### EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, April 24 –
  - 10:00 a.m. – Meeting with Scanlon at the BPW
  - 2:00 p.m. – Water and Sewer Union Negotiations (BPW)
  - 6:30 p.m. – Board of Health meeting, Wind Turbines
- Wednesday, April 25 –
  - 9:00 a.m. – Buzzard's Bay Action Committee – Wareham
  - 9:00 a.m. – COA Volunteer Breakfast
  - 5:00 p.m. New School Committee at the High School Library
- Thursday, April 26 –

- 7:00 p.m. – Finance Committee meeting

Mr. Osuch said that the wind turbines would be in a testing phase in the following week, and would be operating in a limited fashion.

Mr. Osuch also informed the public that the Pre-Town Meeting informational program would be airing on Cable Government Access 18 over the next couple weeks. Mr. Osuch said that warrants for the Annual and Special Town Meetings had been mailed out to Town Meeting members.

### **NEW SCHOOL SITE CLEARING BID AWARDED**

Mr. Osuch said that a Site Clearing Contract had been awarded to lowest bidder P.M. Zilioli, Inc. in the amount of \$149,606.00 for the New School Project.

Mr. Murphy motioned to sign the Notice of Award letter with P.M. Zilioli. Mr. Espindola seconded. Approval to authorize Dr. Bowcock to sign the Notice of Award letter was unanimous. (3-0).

The work is scheduled to begin around May 15 and should be complete by the end of the school year. Subcontractor bids are due on May 30, Mr. Osuch said, and general contractor bids are due on June 8.

### **UPCOMING SELECTMEN'S MEETINGS**

The next scheduled Selectmen's meeting is Monday, April 30 at 6:30 p.m. in the Town Hall Banquet Room. Because all of the Selectmen will be present at the Wednesday, May 2, 2012 Precinct meeting in the Elizabeth Hastings Middle School auditorium, the Board agreed to post it as a Selectmen meeting as well. Additionally, the Board agreed to post and hold a Selectmen meeting prior to the Annual Town Meeting on May 5, 2012. The scheduled start time for the May 5 Selectmen meeting is 8:15 a.m.

### **MUSIC CENTER RECITAL**

The Board voted to approve a Town Hall Auditorium use application for a "Music Center – Recital" for October 20, 2012. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). The applicant will take care of the hourly custodial fee and a police officer will not be required. Because limited food and drink will be offered at the event, the Board agreed that the applicant would have to seek approval of the Board of Health as well.

### **NSTAR GAS PERMITS**

The Board reviewed the following NSTAR gas permit applications:

- 16 Jesse St. between Main St. and Alden Rd. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- 244 Main St. between Hedge St. and Taber St. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- 72 Chestnut St. between Church St. and South St. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- 355 Sconticut Neck Rd. between Capeview St. and Holiday Dr. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- 14 Calumet Rd. between Torrington Rd. and the dead end. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Park Ave. between Huttleston Ave. and Bridge St. Permit was approved. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

#### **PRECINCT 5 POLLING LOCATION**

Town Clerk Eileen Lowney requested that the Board consider a different polling location for Precinct 5 while the Wood School – currently the polling location for Precinct 5 – undergoes its reconstruction. The Board thought the Recreation Center would be a suitable location for Precinct 5 because it has a sizable gymnasium. Mr. Murphy motioned to make the Recreation Center the Precinct 5 polling location for fall elections. Mr. Espindola seconded. Vote was unanimous. (3-0).

#### **ROGERS/OXFORD STUDY COMMITTEE**

The Board voted to appoint Gail Isaksen to the Rogers/Oxford Study Committee. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). Dr. Bowcock noted that the next meeting of the Rogers/Oxford Study Committee would be on May 17, 2012 at 7:00 p.m. in the Town Hall Banquet Room. He said the Committee would be touring the two buildings this summer, would consult with architects, and would be looking into feasibility studies. Because the schools are still being used for educational purposes over the next year, the school department still has full jurisdiction over them, but once they are not used, they will be declared surplus. Possibilities for the future of these buildings include: ancillary classrooms, charter schools, and housing, Dr. Bowcock said.

#### **WEST ISLAND IMPROVEMENT DONATION TO EMA**

The Board gratefully accepted a \$141.00 donation from the West Island Improvement Association to the Emergency Management Agency gift account.

The Board discussed when they should conduct their annual hurricane preparedness Board meeting. Mr. Osuch said that it would be best to conduct the meeting after Memorial Day. The Board thought June 18 might be a suitable meeting to discuss hurricane preparedness.

### **SUSTAINABILITY APPOINTMENT**

The Board voted to appoint Vincent Marron to the Fairhaven Sustainability Committee. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SRTA ADVISORY COUNCIL**

Mr. Espindola spoke to the Board about his appointment to the Southeastern Regional Transit Authority Advisory Council, which was made at the meeting on April 9. He said that he wanted to be involved, but he realized that former selectman Michael Silvia still wanted to be involved as well. After speaking with Mr. Silvia, he said he was comfortable with Mr. Silvia taking the lead, and Mr. Espindola will remain on as an alternate.

Mr. Murphy motioned to rescind a previous vote to appoint Mr. Espindola to the SRTA Advisory Council. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to appoint Mr. Silvia to the SRTA Advisory Council, with Mr. Espindola serving as an alternate. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ROTARY CLUB EVENT**

At 7:00 p.m. Mr. Murphy, the past-governor of the Rotary Club, recused himself. Dr. Bowcock read an invitation to the public from the Rotary Club for a Wine and Chocolate Tasting event for April 27 at 7:00 p.m. Mr. Murphy rejoined the meeting at 7:01 p.m.

### **TOWN MEETING RECOMMENDATIONS**

The Board reviewed their recommendation votes for the Annual and Special Town Meetings. In particular, they reviewed the recommendations that they had made differently from the Finance Committee.

Mr. Murphy motioned to rescind a prior recommendation vote for Special Town Meeting FY2012 Veteran's Office request for Line 41b – Purchase of Services (Special Town Meeting Article 1, part 5b) and FY2012 Veteran's Office request for Line 41d – Other Charges and Expenses. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to recommend \$11,000.00 for Special Town Meeting FY2012 Veteran's Office request for Line 41b – Purchase of Services (Special Town Meeting Article 1, part 5b). Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to recommend \$8,000.00 for Special Town Meeting FY2012 Veteran's Office request for Line 41d – Other Charges and Expenses. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to withdraw Special Town Meeting Article 1, part 6 – Group Insurance, as the figure will no longer be needed because the Finance Committee voted to transfer the funds. Mr. Murphy motioned, Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to withdraw their previous recommendations on Article 4, Lines 30b (Shellfish Inspection – Purchase of Services); 30c (Shellfish Inspection – Supplies); 30c1 (Shellfish Inspection – Gasoline). Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to recommend \$7,700.00 for Line 30b (Shellfish Inspection – Purchase of Services). Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to recommend \$7,200.00 for Line 30c (Shellfish Inspection – Supplies). Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to recommend \$6,950.00 for Line 30c1 (Shellfish Inspection – Gasoline). Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Osuch said that the House of Representatives had released a new budget that was more optimistic than the Governor's figures, and reflected that the Town would receive \$175,000 to \$180,000 more than the Cherry Sheet estimate. Mr. Osuch said that the Finance Committee had taken three votes at their April 19 meeting, reflecting their top three priorities for additional money. FinCom considered adding money to Stabilization as the first priority (from \$25,000.00 to \$50,000.00); Unemployment as the second priority (from \$100,000.00 to \$175,000.00); and Street Lights as the third priority (from \$160,000.00 to \$200,000.00). For all three items, the increase amount is subject to the state final budget appropriating the additional amount.

Dr. Bowcock expressed a preference for boosting Stabilization. He said that the fire chief would need a ladder truck soon. Mr. Osuch said it was the will of the Board, but that money placed in Stabilization would need a 2/3 vote from Town Meeting to be spent in the future.

Mr. Espindola expressed a preference for boosting the Unemployment line with additional state aid.

Mr. Murphy suggested the following split of any received additional state aid: An increase of \$50,000.00 in Unemployment (from \$100,000.00 to \$150,000.00 – second priority) and an increase of \$25,000.00 in Stabilization (from \$50,000.00 to \$75,000.00 – first priority). Mr. Murphy motioned to spend in this manner, contingent upon actually receiving the additional state aid. Mr. Espindola seconded. Vote was unanimous. (3-0).

Dr. Bowcock motioned to increase the Selectmen recommendation on Article 4, Line 25a, Police Department – Salary and Wages, from a previous recommendation of \$2,544,600.00 to \$2,571,564.00. Mr. Murphy seconded. Vote was unanimous. (3-0).

Dr. Bowcock motioned to increase the Selectmen recommendation on Article 4, Line 26a, Fire Department – Salary and Wages, from a previous recommendation of \$1,707,000.00 to \$1,718,000.00. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to increase the Selectmen recommendation on Article 4, Line 34 – Street Lighting from \$160,000.00 to \$160,000.00 from the Tax Levy and \$40,000.00 from any additional state aid funding (third priority). Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy said that he wanted to “stand firm” on the Selectmen’s recommendation of the Tree Warden’s salary for FY2013. The Board made no vote, keeping their recommendation of Line 29a at \$7,000.00.

The Board voted to recommend \$500.00 for Article 4, Line 29e – Tree Warden Department, Other Charges/Expenses (for gasoline mileage). Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board then voted to rescind their previous recommendation for Article 4, Line 37b – BPW Administration, Purchase of Services. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). For Line 37b, they voted a recommendation of \$1,676.00. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

Dr. Bowcock motioned to reconsider the Selectmen recommendation for Annual Town Meeting Article 9, Collective Bargaining. Mr. Murphy seconded. Vote to rescind previous recommendation was unanimous. Dr. Bowcock motioned to recommend “Yield to Petitioner” for Article 9, Collective Bargaining. Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board made no vote to change their recommendation for Article 35, Mattapoissett River Valley Water Protection. Their recommendation stands at “Adoption”.

## **TOURISM OFFICE**

Mr. Murphy said that he had received a lot of feedback from the community regarding the future of the Tourism Office and its potential move to the Academy Building. He noted a Proclamation from the 1990s had announced that the Academy Building would be used as the Fairhaven Museum of History. He said that the cost of moving the office was estimated at \$2,000.00.

Mr. Murphy said he was in favor of keeping the Office of Tourism where it was. Mr. Espindola said he thought that the Town Hall could be considered as a location for the Office of Tourism if the budget was even tighter next year.

Mr. Murphy motioned to rescind the Board’s previous vote for the Office of Tourism, Line 23b, Purchase of Services. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy voted to recommend \$27,800.00 for Line 23b, the amount needed for one year’s rent at 43 Center Street. Mr. Espindola seconded. Vote was unanimous. (3-0).

Additionally, the Board voted to reconsider their previous recommendation for Annual Town Meeting Article 15C – Historical Commission – Fire Museum. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). The Board voted to recommend \$1,000.00 for Article 15C – Historical Commission – Fire Museum. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **COMPREHENSIVE FINANCIAL MANAGEMENT REVIEW**

Mr. Espindola presented to the Board a Comprehensive Financial Management Review available from the Commonwealth of Massachusetts to qualifying municipalities in need of fiscal review. Mr. Espindola said that the Town of Dartmouth recently underwent this review, and New Bedford also had a similar review. Mr. Espindola said that he thought Fairhaven should consider asking for this free service to help the Town make “healthy decisions for the future”.

Dr. Bowcock said that he was not opposed to a financial review, but he said that the Finance Director should have some say, and that the service might not be available to Fairhaven because the Town is not currently in financial trouble.

Director of Finance John Nunes agreed with Dr. Bowcock, and said that he was unsure that the Commonwealth would consider providing this service to Fairhaven.

Dr. Bowcock asked Mr. Nunes to request more information from the Department of Revenue regarding this review and see what kind of feedback they would be willing to provide.

### **SHERIFF’S OFFICE – DETAIL AUTHORIZATION**

The Board met with Col. R.J. Silvia of the Bristol County Sheriff’s Department. Col. Silvia represented the department in a request to have deputy sheriffs be able to work details – mostly traffic related – in Fairhaven.

Dr. Bowcock said that in the past, there had been a problem with deputy sheriffs getting laid off from the Bristol County office and subsequently burdening the Fairhaven unemployment budget, but Col. Silvia assured the Board that only full-time deputy sheriffs would be offered Fairhaven details, and Fairhaven police would still have first pick of any detail assignments available. Mr. Murphy said that he was supportive of the agreement and requested something in writing from the Bristol County Sheriff’s Office reflecting the aforementioned terms. Mr. Murphy motioned to grant the detail authorization request to the Bristol County Sheriff’s Office. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **WOOD SCHOOL SOLAR PROJECT**

Mr. Espindola said that he had requested to be a part of the RFP process for the new Wood School. Mr. Espindola is interested in making a gym and classroom section of the building suitable for photovoltaic (PV) arrays. Mr. Osuch said that Wood School construction would go out to bid in two weeks. He said that the gymnasium, as currently designed, would be suitable

for PV arrays in the future, but the building section Mr. Espindola was referencing was not designed for PV arrays. The Board did express support for solar power to be included in the new Wood School. No vote was made.

### **POLICIES AND PROCEDURES**

Mr. Espindola approached the Board about creating a policies and procedures handbook for the Board of Selectmen and the subcommittees to which the Board members belong. He said that he was trying to learn more about his new position as selectman and he thought compiling information would be helpful to future selectmen. He said that he had been advised that other towns have similar manuals. He said he would like to use what other towns have as a starting point and proceed with a Fairhaven selectmen manual.

Dr. Bowcock said that the Massachusetts Municipal Association has annual meetings for selectmen, especially new selectmen, to learn the position. He said this might be helpful to Mr. Espindola. No vote was made.

### **BILL DESIGNEE – TOWN ACCOUNTANT REQUEST**

The Board read a request from Town Accountant Anne Carreiro asking all Boards and Committees to designate a person to submit bills and an alternate. The Board of Selectmen is responsible to sign for bills and payroll coming through the Selectmen office. The Board agreed to comply with Ms. Carreiro's request.

### **INVITATION TO DIGHTON TRICENTENNIAL**

The Board read an invitation to the Town of Dighton's May 12, 2012 Tricentennial. The Board has a Recreation Center new gymnasium floor ribbon cutting that day and regretfully cannot attend. Mr. Murphy asked to send Dighton a letter of congratulations for their Tricentennial.

### **ZBA APPOINTMENT REQUEST**

The Board read a letter from Jaime DeSousa asking for appointment to the Board of Appeals. Because there is no opening on the Board of Appeals at this time, the Board took no action, but took the request under advisement.

Resident Al Benac asked if Mr. DeSousa was currently serving on another board. Dr. Bowcock informed Mr. Benac that Mr. DeSousa did not currently serve on any other boards.

### **VIETNAM MOVING WALL OPENING**

The Board read an invitation from Gerry Payette to the opening ceremony of the Bicentennial Committee's Vietnam Moving Wall event, scheduled to begin on July 6, 2012 at noon.



The Board expressed support for this event and said that they would all be in attendance. Dr. Bowcock said that he would speak on behalf of the Board as a part of the opening ceremony as well.

### **BIKE PATH POSSIBILITIES**

The Board read correspondence between Mr. Espindola and Town Planner Bill Roth regarding future possibilities for the Bike Path. Possibilities include a safety improvement at the Sconticut Neck Road/bike path intersection, and a possible future extension to West Island.

### **NORTH COVE OPEN**

The Board read a letter from the Division of Marine Fisheries saying that the North Cove is now open to shellfishing.

### **UNION WHARF PARKING LOT REQUEST**

The Board read a request from John Miller of the New England Marine Renewable Energy Center (MREC). Mr. Miller had requested use of the Union Wharf parking lot for a demonstration on June 22. At a previous meeting, the Board had approved the request. Mr. Miller now asked to change the date to July 8, 2012. The Board was hesitant to grant the request because it would coincide with the Bicentennial Parade, which is expected to be very large. The Board hoped Mr. Miller would be able to change the date.

### **OTHER BUSINESS**

In other business, Mr. Murphy said that he had just returned from the Tribeca Film Festival in New York City, where he had seen the premiere of *Fairhaven*, an independent movie set in Fairhaven. He said it was “excellent” and a “great, well thought-out movie”. He said a local premiere would take place at Davis Square in Cambridge on Sunday, April 29.

The Board voted to adjourn at 8:34 p.m. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

Respectfully,



Anne Kakley

Selectmen's Secretary

(Minutes approved 4/30/2012)