



# Fairhaven Board of Selectmen

## August 27, 2012 Meeting Minutes

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

**Also Present:** Beth David of the *Fairhaven Neighborhood News*, Peggy Aulisio of *The Advocate*, Ted Lorentzen, Christopher Richard, Jaime DeSousa, John Nunes and Phil Washko.

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

### MINUTES

- The Board voted to accept the minutes of the **August 13, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **August 13, 2012** meeting, **executive** session. Mr. Murphy motioned. Mr. Espindola 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, August 28 –
  - 8:30 a.m. – Retirement Board meeting at the Town Hall
  - 10:00 a.m. – Audit pre-bid at the Town Hall
- Wednesday, August 29 –
  - 12:00 p.m. – Manager's meeting at the Mattapoisett Library
- Thursday, August 30 –
  - 10:00 a.m. – Meeting with Sean Pierce of T-Mobile at the Town Hall
  - 1:30 p.m. – Wood School Job Meeting
- Monday, September 3 –
  - Holiday – Labor Day
- Tuesday, September 4 –
  - 6:30 p.m. – Selectmen's meeting at the Town Hall

### NEW SCHOOL UPDATE

Mr. Osuch said that the old Wood School was completely demolished and that it would take about an additional 4 or 5 days to remove cement block and scrap metal. He said that the crews would begin pouring walls for the classroom wing and some preliminary plumbing work had begun. He said that Sconticut Neck would need to be dug up at least two more times for a second water line installation and to place an NSTAR utility line at the north end of the parcel.

### **BOARD OF APPEALS APPOINTMENT**

Dr. Bowcock noted that the Board had accepted letters of interest for an associate vacancy on the Board of Appeals. Two applicants for the vacancy, Phil Washko and Jaime DeSousa, were both present at the meeting. The Board took the opportunity to interview the two candidates.

The Board first interviewed Mr. DeSousa. Mr. DeSousa said that he would be a positive addition to the ZBA because of his experience in construction and prior experience on the Planning Board. He said that he was able to read blue prints and that he wanted to give back to the Town. Mr. DeSousa described himself as an independent and open-minded individual.

Mr. Murphy asked Mr. DeSousa if he would have difficulty attending meetings. Mr. DeSousa said that attending meetings would be fine and that he had a perfect attendance record when he was on the Planning Board. Mr. Espindola asked if Mr. DeSousa would be interested in becoming a full member of the ZBA if the opportunity arose. Mr. DeSousa said that he may be interested and that he was looking to volunteer his time on a long-term basis.

The Board then interviewed Mr. Washko. Mr. Washko said that he had a vested interest in contributing to the community and has attended a lot of meetings. He has been in a real estate IT career for close to 20 years. He said he had experience in permitting. Mr. Washko described himself as willing to serve and open-minded and independent.

Mr. Murphy asked Mr. Washko if he would have difficulty attending meetings. Mr. Washko said that he would have no difficulty attending. Mr. Espindola asked if Mr. Washko would be interested in becoming a full member of the ZBA if the opportunity arose. Mr. Washko said yes.

Dr. Bowcock opened the matter to Board comment. It was the consensus of the Board that both candidates would be apt and capable in the position. Dr. Bowcock noted that, although there is no bylaw forbidding it, he did not think it was good practice for the Board to consider appointing the same person to both the Planning Board and the ZBA, if the opportunity presented itself.

Mr. Espindola sought clarification on one issue regarding the appointment. He asked if one of the candidates was elected Selectman, if he would have to step down from the ZBA. Mr. Osuch said that he had asked Town Counsel this question and that the answer was no – a person may serve on both the ZBA and the Board of Selectmen.

Dr. Bowcock motioned to appoint Phil Washko to the Board of Appeals. His motion was not seconded and it failed.

Mr. Murphy motioned to appoint Mr. DeSousa to the Board of Appeals. Mr. Espindola seconded Mr. Murphy's motion. Motion carried, 2-1, with Dr. Bowcock dissenting. Mr. Murphy encouraged Mr. Washko to apply again if another vacancy appeared.

### **STATE PRIMARY WARRANT**

Dr. Bowcock read the Warrant for the State Primary, to be held on Thursday, September 6, 2012. The Board signed the Warrant.

Dr. Bowcock read the list of poll workers. Mr. Murphy motioned to approve the list of workers as read. Mr. Espindola seconded. Vote was unanimous. (3-0). (See Attachment A).

### **NSTAR GAS PERMITS**

The Board reviewed an NSTAR gas permit application for 4 Marilane Place between Sconticut Neck Road and John Street. The application had been previously approved by the BPW. The Board voted to approve the application. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board reviewed an NSTAR gas permit application for 2 Brook Drive between Hill Street and Brookview Street. The application had been previously approved by the BPW. The Board voted to approve the application. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **POLICE RETIREMENT AND VACANCY**

The Board read a memo from Police Chief Michael Myers announcing that Sergeant Stephen Foster had submitted a retirement letter, effective September 29, 2012. Chief Myers asked the Board to grant him the authority to begin the process of filling the Sergeant position by requesting an eligibility list from the Massachusetts Department of Civil Service. Mr. Murphy offered praise for Sergeant Foster's tenure and motioned to authorize the Police Chief to request the eligibility list from Massachusetts Civil Service. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **CIVILIAN DISPATCHER VACANCY**

Police Chief Myers also requested the Board to grant him the authority to fill a Civilian Dispatcher vacancy by drawing on a list of part-time dispatchers. The Board voted to approve the request. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **LOO AQUACULTURE CONTRACT**

The Board reviewed the final draft of a contract between the Town of Fairhaven and Matthew Loo for a one-acre aquaculture farm off Round Island. The application had been approved at a previous Board of Selectmen meeting and the signing of the contract was deemed the final step

to the process. Mr. Murphy motioned to sign the Loo Aquaculture contract. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **6 ARSENE WAY**

Dr. Bowcock said that the Board would have to make a decision about 6 Arsene Way, a property acquired by the Town through tax title. He noted that both the Natural Resources and EMA departments had looked at the location and had no interest in it. Dr. Bowcock said he thought the Board should authorize Town Finance Director John Nunes to auction off the property.

Mr. Nunes came before the Board and said that the former owner of the property, Augusto Pinto, was interested in purchasing the property back from the Town. He said that if the Board agreed to a deal with Mr. Pinto, it would include Mr. Pinto paying back legal fees, condo fees, and back taxes and ownership would revert back to him. Otherwise, Mr. Nunes said that he would have to go to land court to begin the eviction process.

The Board expressed surprise that there were still tenants at 6 Arsene Way, and that the tenants had been there for the past two months rent-free. Additionally, the Town had been paying the monthly condo association fee for the property.

Mr. Murphy asked how the tenants had managed to remain in the building without paying rent or fees. Mr. Nunes said that the Town was trying to do the eviction process without incurring legal fees. He said that he would have to check to see if he had sent the tenant a 30-day notice to vacate the premises, and if he had sent it, he said that he would begin the land court eviction process.

Mr. Espindola said that he thought there as more value in putting the EMA in 6 Arsene Way and selling the current EMA location on Sconticut Neck.

Mr. Murphy motioned to slate 6 Arsene Way for auction. Dr. Bowcock seconded. Motion passed with Mr. Espindola opposed. (2-1).

### **CADMUS SOLAR FEASIBILITY GRANT**

The Board met with Erin Sweet of the Cadmus Group regarding a draft RFP and a memo outlining the economic impact/benefits of placing photovoltaic arrays on the roof of the Wood School and at a Town-owned parcel on Alden Road (formerly Staffon Greenhouse).

Mr. Osuch said that it would cost approximately \$3,000 to 6,000 for Town Counsel to review the document before putting it out for an official RFP.

According to Ms. Sweet, the RFP document was prepared under MGL Ch. 25A, which means that the document would require a developer to adhere to a quoted rate and would allow the Town to bypass Town Meeting approval for putting PV arrays on the Town-owned parcel.

Ms. Sweet encouraged the Board to evaluate their feelings on the project before going forward with Town Counsel.

Mr. Espindola said Eileen McHugh at the Department of Energy Resources had offered to speak with Town Counsel regarding MGL Ch. 25A. He also said that he thought the Town should proceed with getting a revised RFP document from Cadmus, as it was still under the obtained grant and would cost nothing to the Town. Ms. Sweet confirmed that the revision would take about a week to complete.

Mr. Murphy said that he was hesitant to spend thousands of dollars on Town Counsel until he could get a better idea of what the cost-benefit would be to the Town, if any. Mr. Osuch also said that Town Counsel's previous communication did not include references to MGL Ch. 25A. As such, he thought it might be a good idea for Town Counsel to speak with Eileen McHugh at the DOER.

Dr. Bowcock reiterated that the Wood school and the Staffon property were two different potential solar projects being discussed. Ms. Sweet said the draft RFP proposed combining the projects for more competitive bidding, because the school project was too small to likely create competitive bids. Ms. Sweet estimated that bids for the net metering would likely fall between 8 to 10 cents, and that based on Cadmus models, the Town would not lose any money by going with a solar project.

Mr. Osuch asked about PV array degradation. Ms. Sweet said that the document's figures had been drafted with a half-percent annual degradation to the panels, which was the industry-standard.

Dr. Bowcock said that he was supportive of having Town Counsel speak with Ms. McHugh at DOER to discuss the difference of doing the solar RFP process via MGL 30B versus MGL 25A. Mr. Murphy motioned to authorize Town Counsel to speak with Ms. McHugh. Mr. Espindola seconded. Vote was unanimous. (3-0). It was agreed that Ms. Sweet would send Ms. McHugh's contact information to Mr. Osuch for Town Counsel to call.

### **ANNIVERSARY OF 1938 HURRICANE**

Dr. Bowcock read a message from Ted Lorentzen regarding an upcoming program at the Northeast Maritime Institute on September 21 at 3:00 p.m. for the anniversary of the Hurricane of 1938. He said that the event would include a showing of M.L. Baron's film "A Wind to Shake the World".

### **OPEN MEETING LAW FORUM**

Dr. Bowcock announced that there would be a free educational forum on Open Meeting Law, coordinated by the Attorney General's office, at the Taunton Superior Courthouse on October 3, 2012 from 6:00 to 8:00 p.m.

### **OFFICE OF TOURISM MOVE**

Dr. Bowcock acknowledged a letter from Tourism director Christopher Richard regarding his scheduled late fall/early winter move to the Academy Building. (See Attachment B). In an email dated August 21, Mr. Richard had written to Historical Society President Barbara Acksen about a meeting that Ms. Acksen, Mr. Richard, and Ricky Goytizolo had held regarding rearranging the Academy Building first floor to accommodate the Tourism office. The Board of Selectmen had been cc'ed in the email. The email had reflected that the Society members were not offering adequate space to accommodate the Office of Tourism, and Mr. Richard was requesting that benches and a desk be removed from the main hallway of the building so he could set up brochure racks there. He said that he would be willing to keep the Society's "Period Room" undisturbed if he could have the hallway.

Mr. Richard came before the Board to discuss the email. He said that he would be losing one half to two-thirds of his current space, but that the Society would have to compromise on some points and that their previous offer to move one piece of furniture would not provide him with enough room.

Dr. Bowcock said that the matter would have to be settled by the two parties – the Office of Tourism and the Historical Society – otherwise, the Board would have to intervene.

Mr. Murphy thanked Mr. Richard for his part in trying to make the situation work. He asked if there would be a Route 6 sign for the Office of Tourism at the town limits. Mr. Richard said that he was looking at his budget to see if he could arrange a sign. He also confirmed that there would be an Office of Tourism sign on the lawn of the Academy Building. Mr. Espindola said that he thought it was more imperative for Mr. Richard to find money in his budget for a handicap ramp. Mr. Richard said that capital improvements on the building would fall under the budget for the Historical Commission or would come from the Community Preservation Act funds – there is no line item for capital improvements in the Tourism budget. Mr. Richard did not that David Despres of the Historical Commission would be in touch with the New Bedford Vocational students to see if they could assist in building a ramp.

Mr. Richard said that Ms. Acksen had still not responded to his August 21 email. Mr. Murphy asked if he had informed his current landlord at 43 Center Street about moving, and Mr. Richard said that he had.

### **ILLEGAL DUMPSTER USE AT UNION WHARF**

The Board recognized a letter from Harbormaster David Darmofal regarding the illegal use of the dumpster at Union Wharf. In his letter, Mr. Darmofal said that people had been dumping petroleum based products and other hazardous materials in the dumpsters. He said that New Bedford had cameras on the dumpsters, and that if the violations continue, the dumpsters would be removed and/or the violators would be found on camera and criminally prosecuted.

### **SURPLUS EQUIPMENT**

The Board read a letter from the Police Department declaring the following vehicles surplus:

- One (1) 2004 Ford Taurus, VIN (1FAFP53U44G129136)
- One (1) 2008 Ford Crown Victoria, VIN (2FAFP71V18X179273)
- One (1) 2003 Ford Expedition, VIN (1FMPU16L13LB97964)

Mr. Murphy motioned to declare the vehicles surplus. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board reviewed a letter from Highway Superintendent John Charbonneau asking to transfer the former Police vehicle (2008 Ford Crown Victoria) to the Highway department. As a result, Mr. Charbonneau said Car #39 from the Highway department, a 2000 Ford Crown Victoria, would be declared surplus.

Mr. Murphy motioned to transfer the 2008 Ford Crown Victoria from the Police department to the Highway department, as requested. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **OTHER BUSINESS**

In other business:

- Mr. Murphy reminded the audience that the Our Lady of Angels feast would start Saturday, September 1 and continue until Monday, September 3.
- Dr. Bowcock gave his condolences to Town Clerk Eileen Lowney, on the death of her brother.
- Dr. Bowcock recognized the passing of Arthur Paquette, who was a Town firefighter, fire chief, and Little League coach. The Board offered its condolences to the Paquette family.

At 8:18 p.m., Mr. Murphy motioned to enter into Executive Session to discuss the anaerobic digester, and the release of previous executive session minutes, not to reconvene into open session. Mr. Espindola seconded. Vote was unanimous. Roll call vote: Mr. Murphy in favor. Dr. Bowcock in favor. Mr. Espindola in favor. (3-0).

Respectfully,

Anne Kakley

Selectmen's Secretary

(Minutes approved 9/4/2012)

Attachment A

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**SS:**

To either of the Constables of the Town of Fairhaven

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Primaries to vote at:

- Precinct 1 – Town Hall, William Street entrance
- Precinct 2 – Fairhaven High School, Larch Avenue entrance
- Precinct 3 – Hastings Middle School, School Street entrance
- Precinct 4 – Hastings Middle School, School Street entrance
- Precinct 5 – Recreation Center, 227 Huttleston Avenue
- Precinct 6 – East Fairhaven School, New Boston Road entrance

on **THURSDAY, THE SIXTH DAY OF SEPTEMBER 2012** from 7:00 AM to 8:00 PM for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following Offices:

- SENATOR IN CONGRESS ----- FOR THIS COMMONWEALTH**
- REPRESENTATIVE IN CONGRESS ----- 9<sup>th</sup> DISTRICT**
- COUNCILLOR ----- 1<sup>st</sup> DISTRICT**
- SENATOR IN GENERAL COURT ----- 2<sup>nd</sup> BRISTOL & PLYMOUTH COUNTY**
- REPRESENTATIVE IN GENERAL COURT -- 10<sup>th</sup> BRISTOL DISTRICT**
- REGISTER OF DEEDS ----- BRISTOL SOUTHERN DISTRICT**
- CLERK OF COURTS ----- BRISTOL COUNTY**
- COUNTY COMMISSIONER ----- BRISTOL COUNTY**
- COUNTY TREASURER (To Fill Vacancy) --- BRISTOL COUNTY**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.  
Given under our hands this \_\_\_\_\_ day of **AUGUST 2012**

Selectmen of Fairhaven:

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POLL WORKERS

Attachment A

For

STATE PRIMARY – SEPTEMBER 6, 2012  
STATE & PRES. ELECTION – NOVEMBER 6, 2012

PRECINCT 1

Mary Lizotte, 16 Daniel Street, 993-3748 - - - - - Warden – U  
Jan Lopes, 14 Homestead Avenue, 992-2564 - - - - - Clerk – U  
Vivian Lewis, 144 Green Street, 992-0649 - - - - - Worker – U  
Dorothy Gammans, 157 Adams Street, 992-2555 - - - - - Worker – U

PRECINCT 2

Amy Ryle, 8 Jarvis Avenue, 992-0451 - - - - - Warden – U  
Mary Cunha, 201 Nasketucket Way, 993-9305 - - - - - Clerk – D  
Lorraine Bachand, 6 Jeannette Street, 993-5905 - - - - - Worker – D  
Sandra Melanphy, 37 Evergreen Street, 994-4241 - - - - - Worker – D

PRECINCT 3

Doris Francis, 123 Howland Road, 997-9687 - - - - - Warden – D  
Elizabeth Monk, 475 Main Street, 992-2004 - - - - - Clerk – R  
Mary Grace, 89 Spring Street, 994-5636 - - - - - Worker – D  
Janice Sylvia, 326 Huttleston Avenue, 994-2892 - - - - - Worker – U

PRECINCT 4

Donald Brazil, 805 Dana Farms, 999-2652 - - - - - Warden – D  
Margaret Rogers, 13 Jarvis Avenue, 994-3607 - - - - - Clerk – U  
Nancy Perry, 93 Fort Street, 996-0051 - - - - - Worker – D  
Pamela Greene, 109 Washington Street, 994-9310 - - - - - Worker – R

PRECINCT 5

Ilene Rego, 17 Daniel Street, 996-4066 - - - - - Warden – D  
Eleanor Brazil, 805 Dana Farms, 999-2652 - - - - - Clerk – D  
Vivian Graham, 10 Christian Street, 996-4613 - - - - - Worker – U  
Diane E. Rocha, 346 Huttleston Avenue, 774-930-0201 - Worker – U

PRECINCT 6

Norma Markey, 9 Day Street, 993-3745 - - - - - Warden – U  
Lillian Horsley, 180 Adams Street #46B, 994-7704 - - - - - Clerk – D  
Joan Mello, 15 New Boston Road, 994-5488 - - - - - Worker – D  
William R. Markey, 9 Day Street, 993-3745 - - - - - Worker – U

Anne Kakley

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**From:** fairhaventours@aol.com  
**Sent:** Tuesday, August 21, 2012 2:17 PM  
**To:** backsen@comcast.net  
**Cc:** drbowcock@fcoweb.com; molife@aol.com; selectmanbobespindola@gmail.com; Anne Kakley; ddes51959@aol.com  
**Subject:** Visitors Center Space  
**Attachments:** Academy\_Diagram\_2.jpg

August 21, 2010

To: Barbara Acksen

cc: Board of Selectmen, David Despres

Hello Barbara,

With regard to our meeting at the Academy yesterday, August 20, with you, me and Ricky Goytizolo, I'm afraid that the idea you presented on behalf of the Historical Society to move just one piece of furniture out of the period room to accommodate a brochure rack is not acceptable.

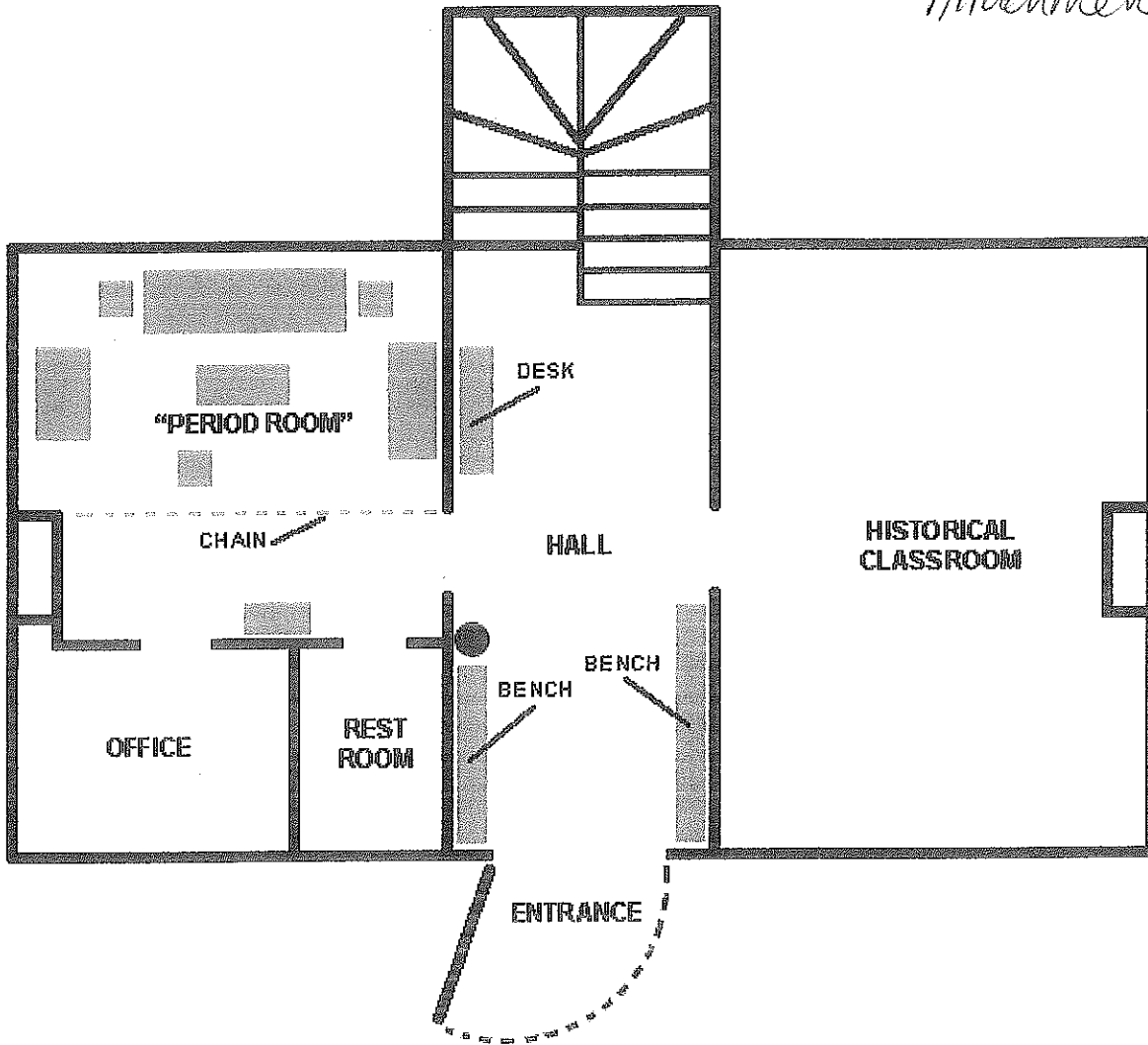
The town is moving the Office of Tourism and its Visitors Center to the Academy. It is a town department moving into a town owned building. I'm going to require more space than 15 square feet or so. (Our current "Visitors Center" area at 43 Center Street is roughly 290 square feet, about the same size as the Period Room. The total area we now rent is about 750 square feet.)

If the Historical does not wish to move all of its furniture out of the Period Room, the alternative, which I first discussed in June or early July with Mr. Espindola, is that I set up the Visitors Center in the main hallway. This also has the support of the Historical Commission. Therefore, I am requesting the Society to relocate the two wooden benches and the school desk from the main hall. I can live with that option, though it will leave me with only about 1/3 the space I have now. And it's the option that will not require the Society to dismantle the Period Room.

The diagram shows the three pieces that I'm asking be moved from the hall. The two benches and the school desk are marked in orange. Copies of this are being forwarded to the Historical Commission and to the Board of Selectmen as well.

Respectfully,

Chris Richard,  
Director of Tourism



A copy of this diagram is also attached as a jpeg file.