



Fairhaven Board of Selectmen

October 1, 2012 Meeting Minutes

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

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 **September 17, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **September 17, 2012** meeting, **executive** sessions. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

- Tuesday, October 2 –
 - 10:00 a.m. – Job Meeting – at the Wood School
- Wednesday, October 3 –
 - 10:00 a.m. – SEMASS meeting in Rochester
 - 12:00 p.m. – Manager's meeting in Acushnet
- Thursday, October 4 –
 - 7:30 – 9:00 a.m. – Forum meeting at the Quest Center
 - 10:00 a.m. – Worker's Comp audit
 - 1:00 p.m. – Economic Summit meeting
- Monday, October 8 –
 - Columbus Day – Town Hall closed
- Tuesday, October 9 –
 - 10:00 a.m. – Wood School Job Meeting
 - 3:30 p.m. – Water Advisory Meeting at BPW
 - 4:30 p.m. – Water District Meeting at BPW
- Wednesday, October 10 –
 - 8:30 a.m. – Meeting with AIM Mutual Insurance
- Thursday, October 11 –
 - 3:30 p.m. – Wood School walkthrough with Building Committee
- Friday, October 12 –

- 8:00 to 10:00 a.m. – Legislative Breakfast in Wareham

Mr. Osuch informed the Board that New School trailer meetings would be moving from Thursdays to Tuesdays.

FLU CLINIC

Mr. Osuch announced that there would be two flu clinics at the Recreation Center: one on Tuesday, October 2 from 11:00 a.m. to 1:00 p.m. and one on Thursday, October 4 from 5:00 to 7:00 p.m., sponsored by the Board of Health and the Community Nurses Association.

DOR REPORT

Mr. Osuch said that a final report from Zachary Blake of the Massachusetts Department of Revenue was expected by mid-October.

SCHOOL UPDATE

Mr. Osuch said that the New School project was on schedule. The entire slab of the classroom wing had already been poured and the crane is on site. Truckloads of steel would follow on October 2 and throughout October, the building will start to be framed.

Mr. Osuch warned that the next couple months would be “critical” to staying on schedule with the project.

CERTIFIED FREE CASH

Mr. Osuch announced that the Town had received notification of Free Cash totaling \$2,448,733.00, which he said was roughly \$400,000.00 more than last year. He said that this would help ease a tight FY14 as long as the Town was careful to limit additional expenditures in FY13.

SPECIAL TOWN MEETING

Mr. Osuch said that there would have to be a Special Town Meeting to settle the issue of payment to WES Construction, but other than that issue, there was no other known driving force for a Special Town Meeting this year.

NSTAR GAS PERMITS

The Board reviewed the following NSTAR gas permit applications:

- A gas permit application for 41 and 43 Huttleston Ave on the Francis Street side. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).

- A gas permit application for 190 Bridge Street between Roy Street and Alden Road. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 92 Green Street between Union and South Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).
- A gas permit application for 17 Newbury Avenue between Sycamore and Main Streets. The permit had been previously approved by the Board of Public Works. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).

TOWN LAND AUCTION

The Board acknowledged a request from Town Treasurer John Nunes to auction off two Tax Title properties: land on Mangham Way and a building at 6 Arsene Way. Mr. Nunes said that the auction was scheduled to take place on Friday, October 26 at the building at 6 Arsene Way, with viewing of the properties taking place between 10:00 and 11:00 a.m. and the auction beginning at noon.

Mr. Murphy motioned to auction off the parcels. Mr. Espindola seconded. Vote was unanimous. (3-0).

CHIEF WIRE INSPECTOR APPOINTMENT

The Board recognized a letter from Building Commissioner Wayne Fostin asking to appoint Associate Wire Inspector John Cottrill to the position of Chief Wire Inspector to fill the absence made with George Gracia's retirement. Mr. Murphy said that it was only fair to appoint the associate to the position, and added that the appointment would create a vacancy for an Associate Wire Inspector as well. Mr. Murphy motioned to appoint Mr. Cottrill to the Chief Wire Inspector for the Town of Fairhaven. Mr. Espindola seconded. Vote was unanimous. (3-0).

AUDIT BIDDING

The Board reviewed a report from Mr. Nunes outlining the results of a September 12 bid opening from five firms offering Town audit services. Of the five bidders, the lowest bidder was Melanson, Heath and Co. out of Andover, MA, with an annual bid rate of \$34,000 for 2012, 2013, and 2014.

Mr. Nunes said Melanson, Heath and Co. came with excellent references. For that reason, Mr. Nunes recommended the Board grant the bid to Melanson, Heath and Co.

Mr. Espindola asked if going out to bid for auditing services was an annual event. Mr. Nunes said it was the first time in his seven years of employment with the Town that the service had gone out to bid.

Dr. Bowcock said that the Board had always been happy with the auditing services previously offered by Heald Hoffmeister and Co, but that it was “good accounting practice” to change auditors every so often. Mr. Murphy motioned to award the auditing bid to Melanson, Heath and Co. with an annual bid rate of \$34,000 for 2012, 2013, and 2014. Mr. Espindola seconded. Vote was unanimous. (3-0).

MOVING PERMIT

The Board reviewed a Moving Permit application for 13 Brook Drive. The application had been previously approved by the BPW, and the Building, Police, Fire and Tree departments. Mr. Murphy motioned to approve the Moving Permit application for 13 Brook Drive. Mr. Espindola seconded. Vote was unanimous. (3-0).

TOWN REPRESENTATIVE FOR MANJIRO FESTIVAL

The Board reviewed a request from Gerry Rooney to appoint a Town representative to attend the Manjiro Festival in Tosashimizu, Japan to celebrate the 25th anniversary of the signing of the sister city agreement. Dr. Bowcock said that former selectman Michael Silvia would be attending the festivities and would make a good Town representative. Mr. Murphy motioned to appoint Mr. Silvia to be the Town representative for the Manjiro Festival in Tosashimizu. Mr. Espindola seconded. Vote was unanimous. (3-0). Dr. Bowcock asked if the Town could present Tosashimizu with a Fairhaven Town flag as well.

COMMUNITY DEVELOPMENT STRATEGY

Dr. Bowcock opened a public hearing at 7:00 p.m. for the Community Development Strategy discussion, as advertised by Town Planner Bill Roth. Mr. Roth opened the meeting by noting that the hearing had been advertised in print legal ads, television, radio, and a mailing to residents abutting potential projects.

Mr. Roth said that there was a recent neighborhood meeting that explored the needs and interests of residents. He said that residents from Elliot Street were particularly well-represented at the meeting. He said that Elliot Street, a small gravel street across from the High School, is one of the streets that could be eligible for the Block Grant work, because it would be a project of small scope and scale. He said that the streets around the Town Hall would also be eligible, but certain matters, such as the issue of what the Town wants to do with the brick sidewalk surrounding the Town Hall and the Unitarian Church, would prompt a much larger discussion beyond the purview of the Block Grant.

Mr. Roth said that the next neighborhood meeting would take place on October 10. This meeting will examine priorities and then Mr. Roth will come before the Board of Selectmen again on October 15 to issue a recommendation. Due to grant limitations, Mr. Roth said that the upcoming project would only be about a block long.

Mr. Roth also noted that he was still in discussions with a nearby town to consider the possibility of a combined grant application to improve the Town's Block Grant impact score. The application for the 2013 CDBG is December 14, 2012.

HISTORICAL COMMISSION VACANCIES

Dr. Bowcock read correspondence from the Historical Commission asking the Selectmen's Office to send out letters to absentee Commission members, asking if they were still interested in serving on the Commission. The Selectmen's Office completed the request and it resulted in several vacancies on the Historical Commission for associate members. Therefore, Dr. Bowcock informed the public that the Selectmen's Office would be accepting letters of interest from residents looking to serve on the Historical Commission. Residents were asked to submit their letters of interest before the next Selectmen's meeting on October 15, when the appointments will be made.

VACATION CARRY OVER

The Board read a request from Police Chief Michael Myers requesting that the Board carry over three vacation days for Jaunna Adesso. The Board granted the request. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

VETERANS' DAY PARADE INVITATION

The Board read a letter from Gerry Payette requesting their presence at the annual Veterans' Day parade. The Board said it would be their honor to attend.

BEYOND THE BICENTENNIAL

Mr. Espindola, a member of the Sustainability Committee, recused himself at 7:13 p.m.

The Board reviewed a request from the Sustainability Committee to hold a "Beyond the Bicentennial – Community Visioning Forum" on Sunday, November 4, 2012 at the Town Hall auditorium. The application also requested the Board waive the rental fee for the event.

Mr. Murphy motioned to approve the application and waive the rental fee, with the applicant being responsible for the janitor's fee. Dr. Bowcock seconded. It was so voted, with one abstention from Mr. Espindola. (2-0-1).

Mr. Espindola re-joined the meeting at 7:14 p.m.

HISTORICAL SOCIETY PRESENTATION

The Board reviewed an application from the Historical Society to use the Town Hall auditorium for a 7:00 p.m. presentation on October 19, 2012 by local author Edward Lodi on "The Women in King Philip's War". Mr. Murphy motioned to approve the request. Mr. Espindola seconded. Vote was unanimous. (3-0).

SPECIAL POLICE OFFICER APPOINTMENTS

The Board reviewed a request from Police Chief Michael Myers to appoint recently retired officers Macy Joseph and Stephen Foster as Special Police Officers. Retired police officers are eligible to be appointed Special Police Officers and are limited to work details when no other officers are available. Mr. Murphy motioned to appoint Mr. Joseph and Mr. Foster to be Special Police Officers as requested. Mr. Espindola seconded. Vote was unanimous. (3-0).

STREET SAFETY REVIEW

Recent correspondence from Chief Myers outlined the procedure for the Board to follow when making requests for safety markings, signs, crosswalks, etc. Chief Myers said that he sent the correspondence to the Board to help in responding to requests, which have recently become more frequent.

Dr. Bowcock recommended having a representative from the MassDOT come to a Board meeting to discuss traffic flow and safety requirements. The Board was supportive of this idea and it was agreed that Mr. Osuch would ask MassDOT to send a representative to a future meeting to discuss this matter.

In a related matter, the Board reviewed a letter from Lee Allaire of the Royal Fairhaven Nursing Home requesting a crosswalk where Massasoit Ave intersects Main Street, and the possibility of a speed limit sign posted. The Board agreed to revisit the request after obtaining more information from MassDOT.

Resident Al Benac was recognized by the Chairman. Mr. Benac said that he thought the sidewalks on Adams Street were too narrow for students walking home from the Middle School, and that MassDOT should consider looking into the safety of that area. Dr. Bowcock noted that the Selectmen's Office had already submitted a letter to MassDOT requesting a review of that area, and was waiting for a response.

OTHER BUSINESS

In other business:

- Mr. Murphy thanked the public for a great turn-out for the first annual Katie Brienzo Memorial Walk, which took place on October 29, 2012. Mr. Murphy said that, despite the damp weather, over 250 walkers turned out. Mr. Murphy thanked his fellow Selectmen for attending the event as well.
- Mr. Murphy expressed dismay about the recent vandalism of the High School, but said that he was pleased to hear that the Police quickly apprehended the culprits, who were two young teenagers who were not from Fairhaven.

LALIBERTY REQUISITION

The Board received a last-minute requisition from LaLiberty Construction in the amount of \$10,000.00. Mr. Osuch said that LaLiberty had to complete some minor issues from a punch list and then the project would be complete. The \$10,000.00 requisition would cover the majority of the remaining balance owed. Mr. Murphy motioned to sign the requisition. Mr. Espindola seconded. Vote was unanimous. (3-0).

BUDRYK/JONES CONFLICT

The Board considered entering executive session to discuss a recent conflict between Planning Board member Francis Budryk and Conservation Commission member Andy Jones. After deliberating the matter, Mr. Budryk said that he wanted the discussion to occur in open session and Mr. Jones agreed that he would discuss the matter in open session instead of executive.

Both Mr. Budryk and Mr. Jones had recently submitted letters to the Selectmen's Office regarding a dispute they had on either August 16 or 17 (neither party could remember the exact date).

Dr. Bowcock invited Mr. Budryk to speak first. In Mr. Budryk's recollection of the events, he claimed that the incident occurred on a Friday afternoon when he was having his shrubs across the street from his 1 Main Street property trimmed. He said that Mr. Jones stopped his car, exited his vehicle and starting yelling about a wire coming from Mr. Budryk's property across the street to the bushes. According to Mr. Budryk, when Mr. Jones identified himself as being from "ConCom", he thought he said "Comcast" and he was confused as to why Mr. Jones was telling him to stop cutting the shrubbery.

Mr. Budryk claimed Mr. Jones was "out of control" and was acting on an "agenda". Mr. Budryk claimed that Mr. Jones swore at him and caused him to be fearful for his well-being. Mr. Budryk said that he invited Mr. Jones inside his home to "calm him down". In their discussion, Mr. Jones told Mr. Budryk that cutting the bushes across the street from 1 Main Street would require a permit from the Conservation Commission.

On the following Monday, Mr. Budryk said that Mr. Jones brought the issue before ConCom. Mr. Budryk said that he was being singled out because there are other people who cut their coastal shrubbery without permits. He said that he reviewed the Wetlands Protection Act and that he was not in violation.

Mr. Jones was then invited to speak. He said that Mr. Budryk's recollection was "skewed". In Mr. Jones' recollection, he stopped the car, and saw a man standing on a coastal bank trimming bushes. Mr. Jones said he asked to speak with Mr. Budryk, identified himself as a member of ConCom, and asked Mr. Budryk to stop cutting. Allegedly, Mr. Budryk refused, saying that the trimming was almost complete and that it didn't require a permit. Mr. Jones said that Mr. Budryk accused him of having an agenda and allegedly told Mr. Jones to "go file a complaint".

Mr. Jones continued by saying that if Mr. Budryk did not cease work, he would go to Conservation Agent Wayne Fostin and have a "red card" placed on his house. Mr. Jones said

that Mr. Budryk reacted very poorly to the mention of Mr. Fostin. Afterwards, he claimed that Mr. Budryk apologized for his outburst and invited Mr. Jones into his house. There, Mr. Jones said that he wrote down the process that Mr. Budryk would have to follow to get an after-the-fact permit for the cutting done, and then they shook hands and parted ways.

Mr. Jones said that Mr. Budryk was only upset after the fact because an enforcement order was issued to Mr. Budryk. He said that he doubted there were any endangered species on Mr. Budryk's property, but that it was within 100 feet of a coastal bank, which would require a permit. Over a month later, Mr. Budryk still did not have the permit.

Mr. Espindola asked Mr. Jones if Mr. Budryk would have to come in for a permit every time he had to trim and Mr. Jones answered no – the permit would be good for several years.

Mr. Espindola recommended that ConCom create an “outreach” program to educate residents on when they need to apply for permits. Mr. Jones said that ConCom was already in the process of doing that.

Raymond Minardi of Church Street was recognized by the Chairman. He asked how Mr. Jones would distinguish when the pruning of coastal shrubbery prompts a permit. Mr. Jones said that any cutting of shrubbery in protected wetlands would qualify as “alteration” and would require a permit. He said that Mr. Budryk has the option of taking the Enforcement Order to court if he wants to, but otherwise, he will have to file for a permit.

Dr. Bowcock wrapped up the discussion by saying that there was no one present at the incident except Mr. Budryk and Mr. Jones and only they can truly know what happened. He said that everyone was better educated now about conservation rules and regulations.

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

Respectfully,

Anne Kakley

Selectmen's Secretary

(Minutes approved 10/15/2012)