



Fairhaven Board of Selectmen

December 4, 2012 Meeting Minutes

Present: Selectman Chairman Brian Bowcock, Vice Chairman Charles Murphy, Clerk Robert Espindola, Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley.

Chairman Brian Bowcock called the meeting to order in the Elizabeth Hastings Middle School Auditorium at 6:15 p.m.

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings:

- Thursday, **December 6** –
 - 7:30 to 9:00 a.m. – Forum at the Quest Center in New Bedford
- Friday, **December 7** –
 - All day – United Way presentations for the Town Hall, BPW, Police, Fire, notification to go out with paychecks
- Tuesday, **December 11** –
 - 3:30 p.m. – Mattapoisett River Valley Advisory Committee at the BPW
 - 4:30 p.m. – Mattapoisett River Valley Water Supply Committee at the BPW
 - 6:00 p.m. – New School Committee meeting at Town Hall
- Thursday, **December 13** –
 - 1:00 p.m. – Police Negotiations
 - 6:00 p.m. – Community Preservation Committee meeting – Mr. Osuch to present Town Hall project fund request at 6:20 p.m.
- Monday, **December 17** –
 - 6:30 p.m. – Selectmen's Meeting

UNION WHARF FEES

Mr. Osuch informed the Board that Harbormaster David Darmofal wanted to settle the matter of Union Wharf fees so he could get a letter out to Union Wharf users in time for the next season. Union Wharf fees were discussed. Mr. Murphy motioned to raise Union Wharf fees 10 (ten) percent. Mr. Espindola seconded. Vote was unanimous. (3-0).

POLICIES AND PROCEDURES

The Board discussed a suggestion in the DOR Financial Review for the Selectmen's Office to review the Policies and Procedures manuals of similar towns to aid in drafting their own Policies and Procedures manual. The Board had most recently reviewed the Policies and Procedures manuals for Norwell, Sherborn, Lexington, Walpole and Andover. Mr. Murphy said that he particularly liked the Policies and Procedures manual for Norwell, and thought it was most fitting to Fairhaven as a starting point for its own manual. The Board discussed the best way to proceed with creating a Selectmen's Policies and Procedures manual. In the end, it was agreed that the Board would review the manuals further and determine at the December 17 meeting if they could proceed with drafting their own manual or if additional working sessions would be necessary.

DOR REPORT SPREADSHEET

Mr. Osuch presented the Board a spreadsheet of the DOR Financial Review suggestions (see Attachment A).

At 6:25 p.m., Dr. Bowcock left the meeting to make a joint appointment with the Finance Committee Chairman and Moderator to the Finance Committee at-large seat.

The Board continued to discuss the matter of filling the Finance Director position, which the DOR had recommended should become the Treasurer/Collector position.

Mr. Osuch said that, although the position cannot change until a Town Meeting votes to adopt a new bylaw, the Board could still resolve to hire someone qualified to be both a Treasurer and a Collector. He said that the Selectmen's Office would get a copy of the Treasurer and Collector job descriptions for review. The Board discussed getting the Treasurer position filled soon to relieve the workload in the Treasurer's Office.

In reviewing the spreadsheet (Attachment A), Mr. Espindola suggested adding a column to indicate a schedule or time frame.

Mr. Osuch said that the people who prepared the DOR document were willing to come out to discuss the report, but that they wanted questions prepared in advance if they were to come to a meeting. Mr. Espindola suggested the possibility of brainstorming some questions at the Economic Summit meeting on January 3, 2013. The Board discussed dates that they would be able to meet with the DOR – they agreed upon offering the dates of: January 17, January 22, and January 24, 2013.

COOK AND COMPANY

Dr. Bowcock rejoined the meeting at 6:40 p.m.

The Board reviewed a contract from Cook and Company, outlining all of the services that Cook and Company would offer the Town for an annual January payment of \$4500.00. The contract is

annually renewable. See Attachment B for list of services. Mr. Murphy motioned to authorize the Chairman to sign the contract. Mr. Espindola seconded. Vote was unanimous. (3-0).

ANNUAL TOWN REPORT PRINTING

The Board reviewed bids from Athol Press, Monaghan Printing, and Mallard Printing for the printing of the 160-page 2012 Town Report. While Athol Press' quote was much higher than the other two bids, Monaghan Printing and Mallard Printing were very close in their bids, with Mallard bidding \$15.99 per page and Monaghan bidding \$16.00 per page. After reviewing the cost of the four-color process laminate cover, for which Mallard quoted \$289 and Monaghan quoted \$275, it was determined that Monaghan was the lower bidder. The Board also expressed interest in giving the project to a company operating in Fairhaven. Ms. Kakley indicated that she thought Mallard would protest the bid because Monaghan's quote required some clarification. Dr. Bowcock motioned to grant the contract to Monaghan Printing of Fairhaven for the quoted amount. Mr. Murphy seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING

Mr. Osuch asked the Board if they wanted to make any last minute decisions on their recommendations for a transfer in the Treasurer's line item in the December 4, 2012 Special Town Meeting Article 1 part 1. The Board indicated that they wanted to stick with their recommended higher figure of \$25,000.00.

BICYCLE ACCOMMODATIONS LETTER TO MASS DOT

Mr. Espindola distributed a draft letter to the Board requesting bicycle accommodations to be included in the MassDOT roadway improvement project on Route 18 and Route 6. The Board reviewed the letter and thought it was suitable to send. Dr. Bowcock motioned to send the letter with the Selectmen's names stamped on the signature lines. Mr. Murphy seconded. Vote was unanimous. (3-0).

At 7:00 p.m., the Board convened into Special Town Meeting (see Attachment C) and adjourned at the conclusion of the Town Meeting, which was 8:00 p.m.

Respectfully,

Anne Kakley

Selectmen's Secretary

(Minutes approved 12/17/2012)

DOR Report Recommendations

Attachment A

#	Recommendation	Legislation?	Town Meeting?	In the works?	Cost associated?
1	Establish position of Town Administrator				
2	Combine Treasurer and Collector Positions				
3	Modify Finance Committee (from 13 to 7)				
4	Eliminate Board of Public Works and Personnel Board				
5	Update Job Descriptions				
6	Measure Department and Employee Performance				
7	Revise New Hire Process				
8	Develop Board of Selectmen Policy Manual				
9	Adopt Formal Budget Process				
	Early start				
	Consensus				
	Linear Process				
	Communication				
	Routine Monitoring				
10	Establish a Capital Improvement Program				
11	Adopt Stabilization and Free Cash Guidelines				
12	Devise OPEB Liability Strategy				
13	Establish Formal Procedure for Calculating Indirect Costs				
14	Consider Revenue Sharing Agreement with Schools				
15	Initiate Department Level Entry of Accounts Payable and Payroll				
16	Implement Purchase Order System				
17	Hold Department Head and Finance Team Meetings				
18	Solicit Audit Services			Implemented	
19	Revise Finance Reserve Request Procedures				
20	Transfer Custody of all Municipal Bank Accounts to Treasurer				
21	Review Payment Plans and Develop Plan to Resolve Tax Title Backlog				
22	Review Payroll Procedures				
	Convert to biweekly payroll				
	Enter payroll at department level				
	Stop treating payroll withholdings as an invoice				
	Have police department calculate off-duty detail				
	Stop sending withholding information to departments				
23	Integrate and Expand Geographic Information System (GIS)				

DOR Report Recommendations

#	Recommendation	Legislation?	Town Meeting?	In the works?	Cost associated?
24	Format Bill Envelopes				
25	Abandon Practice of Updating Hardcopy Property Record Cards				
26	IT - Executive Service Contract				
27	IT - Store Backups Offsite				
28	IT - Adopt Four-Year Replacement Schedule for Computer Equipment				
29	IT - Maintain Log of Maintenance Requests				
30	IT - Outline Disaster Recovery Plan				
31	BPW - Complete Five-Year Financial Forecast				
32	BPW - Implement Rate Adjustments at the Start of the Fiscal Year				
33	BPW - Issue Utility Bills on a Monthly Cycle				
34	NR - Pursue Outstanding Amounts Due				

DATE: January 1, 2013

CONTRACT

between

the TOWN OF FAIRHAVEN

and

COOK & COMPANY, INC. HEALTH PLAN MANAGEMENT GROUP
1025 Plain Street, P.O. Box 1068, Marshfield, MA 02050

COOK & COMPANY, INC. HEALTH PLAN MANAGEMENT GROUP
(hereinafter referred to as Cook & Company) agrees to perform the services as
are listed below:

1. A COOK & COMPANY representative will be designated as the account manager for the Town of Fairhaven Retiree Drug Subsidy Program.
2. COOK & COMPANY will gather all pertinent data from the account and prepare the annual application for CMS on behalf of the Town.
3. COOK & COMPANY will download and review weekly notification files from CMS.
4. COOK & COMPANY will prepare a monthly report to submit to the account identifying any members who are not qualifying for the subsidy. COOK & COMPANY will follow up with the account to determine if these members should actually be eligible.
5. COOK & COMPANY will coordinate with the Town's carriers to submit the quarterly pharmacy claims data to CMS and follow through on the financial transfers to the Town's trust account.
6. COOK & COMPANY will be available through our toll free line to respond to all questions concerning the Retiree Drug Subsidy Program.

COOK & COMPANY agrees to perform all the above services for an annual fee of four thousand five hundred (\$4,500) dollars payable in January of each year, and is annually renewable at the option of the Town.

COOK & COMPANY agrees that either party may terminate this contract upon thirty (30) days written notice. COOK & COMPANY will receive payment for these services performed up to the termination of the contract on a prorated basis.

This contract, executed on the date first hereinabove mentioned, in duplicate, is intended to take effect as a sealed instrument.

TOWN OF FAIRHAVEN


(Name)

Chairman - Board of Selectmen
(Title)

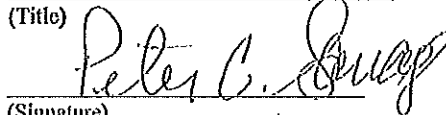
Brian Bowcock
(Signature)

12-4-2012
(Date)

COOK & COMPANY, INC.
HEALTH PLAN MANAGEMENT GROUP

Peter C. Savage
(Name)

Senior Executive Vice President
(Title)


(Signature)

12/28/12
(Date)

ARTICLE 6 – ANAEROBIC DIGESTER

To see if the Town will vote to raise and appropriate, borrow or transfer \$196,000.00 to finish the Anaerobic Digester and Combined Heat and Power Project at the Wastewater Treatment Facility or to take any other action thereto.

Petitioned by: Board of Public Works
Request: \$ 196,000.00

Recommend: \$ 196,000.00

ARTICLE 7 – STABILIZATION – SEWER BETTERMENT

To see if the Town will vote to transfer from Sewer Retained Earnings a sum of money to be placed in the following Sewer Betterment Stabilization Funds:

A.	Nancy Street	084-000-3282-0300	\$2,140.93
B.	Scoticut Neck	084-000-3282-0200	\$90,916.17
C.	West Island	084-000-3282-0400	\$31,568.88

Or to take any other action relative thereto.

Petitioned by: Finance Director
Request: A. \$2,140.93
B. \$90,916.17
C. \$31,568.88

Recommend: A. \$2,140.93
B. \$90,916.17
C. \$31,568.88

ARTICLE 8A – STREET ACCEPTANCES – NORTH ST, WEST TO CHERRY ST

To see if the Town will vote to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of Cherry Street and North Street;

THENCE along the northerly sideline of North Street, South 87° 53' 08" East one hundred forty eight and 66/100 (148.66) feet to a corner;

THENCE along the westerly line of North Street, North 2° 03' 57" East three and 74/100 (3.74) feet to a drill hole and a corner;

THENCE along the northerly line of North Street, South 87° 53' 08" East three hundred two and 11/100 (302.11) feet to a corner and the westerly sideline of N. Main Street;

THENCE South 02° 36' 59" West thirty six and 75/100 (36.75) feet to a corner which is seven and 00/100 (7.00) west of the westerly sideline of N. Main Street;

THENCE along the southerly sideline of North Street, North 87° 53' 08" West four hundred fifty three and 47/100 (453.47) feet to a drill hole for a corner and the point of beginning;

Containing 16,050 square feet more or less;

Or take any other action relative thereto.

The above described right of way is shown on a plan entitled "Layout of North St from N. Main St westerly to Cherry St." Scale: 1"=40'; Dated: July 2012; prepared by Kenneth R. Ferreira Engineering, New Bedford, MA.

Petitioned by: Town Planner
Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 8B – STREET ACCEPTANCES – NORTH ST, EAST TO ADAMS ST

To see if the Town will vote to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of N. Main Street and North Street at the southwest corner of a stone post;

THENCE along the northerly sideline of North Street, South 87° 01' 55" East one hundred fifteen and 31/100 (115.31) feet to an angle;

THENCE continuing along the northerly sideline South 87° 57' 59" East three hundred seventy one and 40/100 (371.40) feet to an angle;

THENCE continuing along the northerly sideline South 87° 35' 00" East one thousand thirty nine and 66/100 (1039.66) feet to the westerly sideline of Adams Street;

THENCE South 11° 51' 00" West forty one and 27/100 (41.27) feet to a corner which is three and 69/100 (3.69) north of a Massachusetts Highway Bound;

THENCE along the southerly sideline of North Street, North 87° 35' 00" West one thousand one hundred thirty eight and 44/100 (1138.44) feet to a drill hole and an angle;

THENCE continuing along the southerly sideline of North Street, North 86° 38' 46" West one hundred sixty five and 95/100 (165.95) feet to a stone bound and an angle;

THENCE continuing along the southerly sideline of North Street, North 86° 51' 49" West two hundred thirty two and 10/100 (232.10) feet to the easterly sideline of N. Main street and a corner;

THENCE North 2° 36' 59" East thirty and 88/100 (30.88) feet to a stone post and the point of beginning;

Containing 59,390 square feet more or less.

The above described right of way is shown on a plan entitled "Layout of North St from N. Main St easterly to Adam St." Scale: 1"=40'; Dated: July 2012; prepared by Kenneth R. Ferreira Engineering, New Bedford, MA.

Or take any other action relative thereto.

Petitioned by: Town Planner
Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 9 – UNION WHARF BUILDING REPAIRS

To see if the Town will vote to raise, borrow or transfer \$3,600.00 to repair the north wall and roof area of the former MacLean Seafood Building.

Or take any other action relative thereto.

Petitioned by: Natural Resource Department
Request: \$ 3,600.00

Recommend: \$ 3,600.00

ARTICLE 10 – FUND BALANCE OVERLAY SURPLUS

To see if the Town will vote to transfer from the Fund Balance Overlay Surplus to Fiscal Year 2009 Overlay Account a sum of \$85,000 to cover the overlay deficit due to the Supreme Judicial Court decision regarding Verizon New England Inc. vs. Town of Fairhaven (and other communities in the Commonwealth);

Or take any other action relative thereto.

Petitioned by: Board of Assessors
Request: \$ 85,000.00

Recommend: \$ 85,000.00

ARTICLE 11 – FINANCE DIRECTOR JOB DESCRIPTION BYLAW AMENDMENT

To see if the Town will vote to amend Sections 1 and 2 of Chapter 37 of the Code of the Town of Fairhaven in order to conform to and comply with the recommendations of the Massachusetts Department of Revenue pertaining the appointment, duties, and qualifications of the Town's Director of Finance and subject to Chapter 530 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Chairman of the Board of Assessors; Chapter 531 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Collector of Taxes for a term not to exceed three years; and Chapter 532 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Town Treasurer for a term of one to three years; or to take any action relative thereto.

Or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: Adoption

Recommend: At Town Meeting

ARTICLE 12 – ELLIOT LANE STREET LIGHT

To see if the Town will vote to accept the maintenance of a proposed new street light and pole to be located on Elliott Lane, or to take any other action relative thereto.

Petitioned by: Town Planner
Request: Adoption

Recommend: Adoption

ARTICLE 13 – CAPITAL PROJECT BALANCE – REQUEST FOR REAUTHORIZATION

To see if the Town will vote to transfer balances remaining in accounts that were established for capital projects previously approved at Town Meeting for the purpose of School Construction Projects in accordance with Massachusetts General Laws Chapter 44, Section 20, and to use the funds for future debt service obligations thereunder;

Or to take any other action relative thereto.

- A. Fairhaven High School Construction
ATM Article 31 – May 10, 1994 – Remaining Balance: \$81,794.86
- B. East Fairhaven School Construction
ATM Article 35 – June 8, 2002 – Remaining Balance: \$176,599.90
TOTAL: \$258,394.76

These funds to be used for the New Wood School Construction Project.

Petitioned by: Board of Selectmen
Request: \$ 258,394.76

Recommend: \$258,394.76

ARTICLE 14 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – COTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase thirty (30) cots for the Emergency Shelter;

Or take any other action relative thereto.

Petitioned by: Emergency Management Agency
Request: \$ 1,500.00

Recommend: Indefinite Postponement

ARTICLE 15 – OTHER BUSINESS

To act upon any other business which may legally come before this meeting.