



# Fairhaven Board of Selectmen

## December 17, 2012 Meeting Minutes

**Present:** Selectman Chairman Brian Bowcock, Vice Chairman Charles Murphy, Clerk Robert Espindola, Executive Secretary Jeffrey Osuch and Principal Clerk Ivey Winkler.

Chairman Brian Bowcock called the meeting to order in the Town Hall Banquet Room at 6:30 p.m.

### MOMENT OF SILENCE

Dr. Bowcock initiated a moment of silence for the victims of the Sandy Hook Elementary School massacre on December 14, 2012, in Newtown, CT. 26 people, including 20 children, were killed by a gunman. The Board expressed deep grief over the tragedy. Mr. Espindola read an email from resident Sharon Lacroix regarding what the Town can do to reach out to the residents of Newtown, CT.

### MINUTES

- The Board voted to accept the minutes of the **November 26, 2012** meeting, **open** session, with one correction. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **November 26, 2012** meeting, **executive** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **December 4, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **December 18** –
  - 10:00 a.m. – New School Job Meeting
- Thursday, **December 20** –
  - 7:30 to 9:00 a.m. – Forum Meeting at the Quest Center
  - 8:30 a.m. – Retirement Board meeting
- Monday, **December 24** –
  - Town Hall closed – Christmas Eve
- Tuesday, **December 25** –

- Town Hall closed - Christmas
- Thursday, **December 27** –
  - Selectmen’s Meeting – 6:30 p.m. at Town Hall
- Monday, **December 31** –
  - Town Hall closed – New Years Eve
- Tuesday, **January 1** –
  - Town Hall closed – New Years Day

**CHANGE ORDER #3**

Mr. Osuch gave an update on the progress of the New School. He said that the project was going to have a bad week due to the weather. Work was done over the weekend to prepare for the weekend. Mr. Osuch said that the project would probably be a bit behind schedule because of the holiday as well. He presented the Board with Change Order #3, which encompasses 12 changes that have been made. Unsuitable soil was found near the old fuel tank and had to be removed. Before Requisition #6 could be signed, Change Order #3 would have to be approved. The Change Order #3 totaled \$35,382.80. Mr. Murphy motioned to initiate Change Order #3. Mr. Espindola seconded. Vote was unanimous. (3-0). The Board signed Change Order #3.

**REQUISITION # 6**

Mr. Murphy motioned to approve Requisition #6 for the Fairhaven New School in the amount of \$2,615,745.00. Mr. Espindola seconded. Vote was unanimous. (3-0). The Board signed Requisition #6.

Mr. Osuch said that colors for the school have been selected for the floors and tiles, but paint colors are yet to be chosen.

**HYDRAULIC STRETCHER GIFT ACCOUNT**

Mr. Osuch said that the Fire Chief had submitted to the Board a request to establish a Hydraulic Stretcher Gift Account. The Fairhaven Road Race had donated \$2,000.00 for the Hydraulic Stretcher Gift Account. Dr. Bowcock thanked Alan Days for the generous offer. Mr. Murphy motioned to accept and create the Gift Account. Mr. Espindola seconded. Vote was unanimous. (3-0).

**DOR REPORT**

Mr. Osuch recommended that the Board plan a meeting(s) to discuss the DOR report with department heads and the general public sometime before the scheduled meeting with representatives from the DOR, which is scheduled for January 24, 2013 from 2:00 to 4:00 p.m.

Dr. Bowcock suggested meeting once a week with department heads for working sessions after the New Year to discuss implementation of DOR recommendations as the Town chooses.

Discussion at following meeting will also include how to go forward with hiring a Town Treasurer in the New Year.

The Board will email dates of availability to Ms. Kakley.

### **TREASURER/COLLECTOR**

Mr. Osuch said that Town Counsel had indicated that in order to combine the positions of Treasurer/Collector, the Town would have to approve an article authorizing the bylaw change at an Annual or Special Town Meeting. Mr. Osuch said that the Board could advertise now for a Treasurer with the understanding that the candidate would eventually become the Collector as well once Carol Brandolini retires in 2014. He said that the Board should go forward with a job description. Mr. Murphy expressed interest in going forward with this initiative after January 1. Dr. Bowcock agreed that the Board should advertise after the first of the year.

### **BUDGETS AND ARTICLES DEADLINE**

The Board voted to set January 22, 2013 as the deadline for FY14 budgets and articles for Annual Town Meeting 2013. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **WIND TURBINE JUDGMENT**

Mr. Osuch noted the recent judgment in the Town's favor, indicating that it was clear to the judge that the Town Meeting did intend to include Lot 9 in the Wind Turbine lease. An appeal would have to be filed by January 7, 2013.

### **UNION WHARF**

The Board met with Harbormaster David Darmofal regarding a letter draft that he would like to send to owners of large fishing vessels at Union Wharf. (See Attachment A). The letter outlines proposed changes to the rules and regulations at Union Wharf and would give the Town some leverage in getting payments from those using Union Wharf.

The Board voted to have Town Counsel review the Union Wharf rules and regulations changes in Attachment A. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **PLANNING BOARD APPOINTMENT**

Dr. Bowcock acknowledged that the Board had recently advertised two vacancies for unexpired terms on the Planning Board. Initially, there had been two applicants for the vacancies, but one of the applicants backed out of the process. The sole applicant, Kaisa Holloway Cripps, met with the Board to discuss the position. Members of the Planning Board was also present for the joint appointment.

Ms. Cripps discussed her qualifications and interests. Ms. Cripps is a Fairhaven resident of 10 years and has experience as an editor for a local weekly paper.

Dr. Bowcock motioned to nominate Ms. Cripps to the Planning Board. Mr. Murphy seconded. Roll call vote: Dr. Bowcock in favor. Mr. Murphy in favor. Mr. Espindola in favor. Frank Budryk in favor. Jeffrey Lucas in favor. Peter Nopper in favor. Gary Staffon in favor. The Board of Selectmen and the Planning Board voted to appoint Ms. Cripps unanimously. (7-0).

Ms. Cripps will be sworn in by the Town Clerk. The second Planning Board vacancy will be advertised.

### **POLAR PLUNGE**

The Board met with Kathy Lopes and Ted Silva to hear about the scheduled January 1, 2013 Polar Plunge, which funds scholarships for the High School. This will be the 13<sup>th</sup> annual Polar Plunge. The event is free and money is raised through the sale of t-shirts, which are \$25 each and will be sold in advance and on January 1, 2013 at the Polar Plunge event.

### **SCALLOP REGULATIONS**

The Board met with Shellfish Warden Timothy Cox to hear about scallop regulations.

Mr. Cox told the Board that a shellfish area that had been closed for a while would soon reopen. He said that the Board needs to help preserve this natural resource and help prevent depletion of resources. To that end, Mr. Cox drafted scallop regulations to prevent overuse. Mr. Cox said that he wants to change the catch limits from year to year to monitor depletion. Mr. Cox would want to charge \$200 for a commercial license and limit catches to four bushels per day, Monday through Friday. This fee is the same fee that Mattapoisett uses. Mr. Cox said 100,000 seeds this year were transplanted to help with supply. He said that he would also like scallop catchers to leave him a message daily, with their catch totals. The scallop licenses would be valid from November 1 through March 31. Mr. Cox would like to limit the scallop licenses to 25 to start. If they sell out, they could discuss issuing more licenses.

Mr. Murphy motioned to accept the fee of \$200 per license, to be non-transferable, with a maximum of 25 licenses to be issued to Fairhaven residents only from November 1 through March 31, with a four bushel a day, Monday through Friday, catch limit. Licensees cannot harvest before 8:00 a.m. and they must coordinate with the Natural Resources department to get rules and regulations. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Cox said that the area of the Bouchard Oil Spill will now open to quahogging during the quahog season, with a commercial limit of 1.5 bushels per day when the Outer Harbor is closed. The Board voted to approve the 1.5 bushel limit for commercial use from West Island South. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

Round Cove is on a rotation schedule, said Mr. Cox. He said he wanted to stop commercial harvesting from the southern tip of Bella Vista to Cherrystone St. to be used for recreational harvesting only. East of that is to be used for recreational and commercial harvesting. The Board voted to approve harvesting from Round Cove from the southern tip of Bella Vista to Cherrystone St. to be used for recreational purposes only. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **UNION WHARF SMALL BOAT BASIN – 2013**

The Board voted to approve the following boat owners for the Union Wharf Small Boat Basin: Arthur DaCosta, John Moniz, Eric Moniz and Robert Hobson. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **EMMA JEAN’S LIQUOR LICENSE HEARING**

The Board conducted a hearing for Total Confections LLC “Emma Jean’s” for a liquor/package store license. The Chairman read the notice for the hearing and opened the hearing to public comment. Francis Budryk said that he thought Emma Jean’s was an asset to the Town. He recommended approval of the license.

Mr. Murphy noted that the license would be site specific and wanted to make sure that the employees of Emma Jean’s would be trained in selling alcohol. Cathy Melanson, owner of Emma Jean’s, said that she would make sure that employees were trained.

Mr. Murphy motioned to approve the special legislation all-alcohol license for Emma Jean’s. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **DONATIONS**

The Chairman thanked all those who made recent donations to the Animal Shelter Gift Account.

### **LICENSE RENEWALS**

The Board voted to approve the Common Victualer license renewals in Attachment B. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Liquor license renewals in Attachment B. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous (3-0).

The Board voted to approve the Private Livery license renewals in Attachment B. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Car Dealer license renewals in Attachment B. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board voted to approve the Repair license renewals in Attachment B. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ROGERS OXFORD STUDY COMMITTEE APPOINTMENT**

The Board voted to appoint Karen Vilandry to the Rogers-Oxford Study Committee. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0). Dr. Bowcock noted that the committee has quite a few members at this point.

### **BUILDING DEPT HANDOUT**

Mr. Espindola has presented interest in creating a Building Department handout for new businesses to help guide them when they are first starting out. Mr. Osuch wanted to know who the Town liaison would be. Dr. Bowcock suggested that the liaisons could be the Tourism director and the Town Planner. Mr. Murphy suggested Bill Roth because he is most familiar with new businesses opening.

### **SPEED LIMIT REQUEST**

The Board received a letter from resident Kathleen Grover requesting a review of the speed limit signage in the area of Union Street. Ms. Grover said that the road is old and narrow. The Board said that they would pass the letter along to the Police Chief.

### **UNION WHARF ANNUAL FEES**

The Board read a letter from David Crowley regarding Union Wharf annual fees. The Board thanked Mr. Crowley for his input and said they would forward his letter to the Harbormaster for feedback.

### **ACO VAN**

The Board discussed the need for a more functional vehicle for the Animal Control Officer. Officer Cat Mindlin had submitted quotes for three Ford vehicles from different car dealers. Mr. Osuch said that the ACO needs to give more information on specifications before the Selectmen can get an idea of what they are voting on. It was determined that the ACO would come back at an upcoming meeting for approval of a bid.

Mr. Espindola wanted to know where the money for the new van would come from. The money will come from the Animal Shelter Gift Account.

### **PROCUREMENT EMAIL – PAUL KITCHEN**

Dr. Bowcock read an email from School Business Administrator Paul Kitchen. In the email, Mr. Kitchen state that the school department would no longer be following the Town of Fairhaven 30B procurement procedures requiring approval of purchases \$1,500.00 or greater and would only comply with purchases greater than \$5,000.00.

Mr. Osuch said that the Selectmen should sit down with the School Committee to discuss the matter. The Board also decided that they wanted Town Counsel to review the matter. Mr. Murphy motioned to have Town Counsel review the matter of enforcing 30B procurement policy over the School department. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **TREASURER/DOR REPORT TOWN COUNSEL LETTER**

Mr. Osuch read the letter from Town Counsel regarding the DOR report's recommendation on combining the Treasurer/Collector position. According to the letter from Town Counsel, the Town would need to have an article in an Annual or Special Town Meeting to combine the two positions. Mr. Osuch said that they could hire a person to fill the Treasurer position with the understanding that the position would eventually evolve into a Treasurer/Collector position.

The Board was in agreement that the process for hiring a Treasurer should begin after January 1, and that the position should be advertised online on MMA and local papers. Dr. Bowcock noted that he did not want the process to drag on for too long though.

### **OTHER BUSINESS**

In other business:

- Mr. Murphy offered his condolences to the Manzone family on the passing of Bernice Manzone.
- Mr. Espindola said that the Cable Advisory Committee was in need of re-establishment. He would like to post a notice for new members. He asked those interested in participating to contact the Selectmen's Office by January 7, 2013.
- Mr. Osuch said that the final Bicentennial event – the sealing of the time capsule – was a success. The Board agreed to draft up a greeting to include in the time capsule cabinet for Selectmen in 2062 to read.
- The Board wished everyone a Merry Christmas and a Happy New Year.

At 8:30 p.m., Mr. Murphy motioned to enter Executive Session to discuss police union negotiations, meet with the Building Commissioner, discuss the Personnel Book, and Clerical Union issues. Mr. Espindola seconded the motion. Vote was unanimous. (3-0). Roll call vote to enter executive session: Mr. Murphy in favor. Mr. Espindola in favor. Dr. Bowcock in favor.

Respectfully,

Ivey Winkler

Principal Clerk

(Minutes approved 12/27/2012)



**Town of Fairhaven**  
Massachusetts  
**Office of the Harbormaster**  
40 Centre Street, Fairhaven, MA 02719

Board of Selectmen  
Town of Fairhaven  
40 Center St.  
Fairhaven, MA 02719

Dec. 17, 2012

Gentlemen,

I respectfully request that your Board approve signed contracts for slips at Union Wharf Small Boat Basin for the year of 2013. As Harbormaster I received all of the required documentation that we require to indicate they have met the terms set forth to have a slip at Union Wharf Small Boat Basin.

Please approve the following boat owners:

Mr. Arthur DaCosta  
Mr. John Moniz  
Mr. Eric Moniz  
Mr. Robert Hobson

At your next meeting the remaining contracts should be signed, at which time they will be submitted for your approval.

Thank you,

David S. Darmofal  
Harbormaster, Fairhaven, MA



**FOR APPROVAL-SELECTMEN'S MEETING-DECEMBER 17, 2012**

**2013 LICENSE RENEWALS**

**COMMON VICTUALER LICENSE**

1. Flour Girls Baking, LLC
2. Honey Dew Donuts
3. Hungry Heroes
4. McDonald's Rest.
5. Taco Bell
6. A Kitchen Rest.
7. Jake's Diner

**LIQUOR LICENSES**

1. Acushnet River Safe Boating Club
2. Bayside Lounge
3. Bitter End Lounge
4. Cardoza's Wine & Spirits
5. Connolly's Liquor Mart
6. Douglas Wine & Spirits
7. Down The Hatch
8. Elisabeth's Rest.
9. Friendly Farm Convenience
10. Gene's Famous Seafood
11. Ice House, LLC
12. Little Bay Liquors
13. Mike's Rest.
14. Moriarty Liquors
15. Pasta House Rest.
16. Old Oxford Pub
17. Paul's Sports Corner
18. Premium Liquors
19. Riccardi's Rest.
20. Scuttlebutts Grocery & Spirits
21. Seaport Inn, LLC
22. Sivalai Thai Cuisine
23. Sweet Ginger Asian Cuisine & Bar
24. Town Crier
25. Wah May Rest.

### **PRIVATE LIVELY LICENSES**

1. Active Day Fleet, Inc., 40 Sconticut Neck Rd.
2. Transportation Company-Eugene Fortes, 10 Grape St.

### **CAR DEALER LICENSES**

1. Alden Buick GMC
2. Alden Mazda
3. Artistic Auto Body & Auto Sales, Inc.
4. Guard Enterprises, Inc., 110 Alden Rd.
5. Howard's Auto Sales

### **REPAIR LICENES**

1. Alden Buick GMC
2. Alden Mazda
3. Artistic Auto Body & Auto Sales, Inc.
4. Automotive Diagnostic Service
5. Guard Enterprises, Inc., 110 Alden Rd.
6. Jerry's Auto & Cycle Service, Inc.
7. Manny's Service Station
8. Ray's Fair Repair
9. Roland's Tire Service, Inc.