



## Fairhaven Board of Selectmen

### March 18, 2013 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 Town Hall Banquet Room at 6:03 p.m.

#### MINUTES

- Mr. Espindola motioned to approve the minutes of the **March 11, 2013** meeting, **open** session. Dr. Bowcock seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **March 11, 2013** meeting, **executive** session. Dr. Bowcock seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **March 4, 2013** meeting, **executive** session. Dr. Bowcock seconded. Motion passed. (3-0).

#### ANIMAL SHELTER DONATIONS

The Board accepted Animal Shelter donations in the following amounts: \$10 from Alice and Peter Belanza, \$25 from Arlene and Kenneth Bertaldo, \$450 from Sharon Simmons for a dog trap, and \$3 from Stuart Forman. The Board thanked these donors for their generosity.

#### EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **March 19** –
  - 10:00 a.m. – Wood School Job Meeting
  - 2:00 p.m. – Meeting with SMH Computer Co – IT solutions
- Wednesday, **March 20** –
  - 1:00 p.m. – Fire negotiations
- Thursday, **March 21** –
  - 7:30 a.m. to 9:00 a.m. – Forum at Quest Center
  - 11:00 a.m. – Nate Viveiros – Meeting about computers
  - 3:00 p.m. – Meeting with Rogers and Gray Insurance



- 7:00 p.m. – Finance Committee
- Monday, **March 25** –
  - 8:30 a.m. – Retirement Board meeting
  - 2:00 p.m. – Moody’s Bond rating meeting
  - 6:30 p.m. – Selectmen’s Meeting
- Tuesday, **March 26** –
  - 10:00 a.m. – Wood School Job Meeting
- Wednesday, **March 27** –
  - 11:00 a.m. – Clerical Union Negotiations
- Thursday, **March 28** –
  - 9:00 a.m. – Buzzard’s Bay Action Committee – Wareham
  - 12:00 p.m. – Economic Summit Committee meeting

Also in his report, Mr. Osuch noted:

- There would be a meeting on April 4 regarding borrowing for the New Bedford Vocational School project. New Bedford wants to borrow over a 20 year note; while Dartmouth and Fairhaven wish to have a shorter note.
- MASS DOT will be tearing out a westbound bridge at River Ave. There will be a slight detour in the following week. The project will take three to four weekends and the eastbound lane will be down to a single lane. Work is dependent on the weather.
- Additionally, Mr. Osuch said that the Board was confirmed to meet with Unibank representative Lisa Dickinson on April 9 to sign bond paperwork for the Wood School borrowing.

### **CHANGE ORDER 6**

The Board reviewed Change Order #6 for the New Wood School in the credit amount of \$67,869.11. Mr. Murphy motioned to authorize the Chairman to sign the Change Order. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **REQUISITION 9**

Mr. Osuch reviewed the progress of the Wood School project. He said that the project was mostly on time and that they were still anticipating a completion date of August 1, 2013. Mr. Murphy motioned to approve and sign Requisition #9 in the payment amount of \$1,031,956. Mr. Espindola seconded. Vote was unanimous.

### **DOR REPORT HEARINGS**

The Board collaborated on meeting dates for DOR hearings. The Board agreed to conduct those public hearings on Wednesday, April 10 at 6:00 p.m. and Wednesday, April 24 at 6:00 p.m. at the Town Hall Banquet Room for the sake of discussing the DOR report recommendations.

### **CLARIFICATION TO NEWS REPORT**



Dr. Bowcock took a moment to address a recent newspaper article, which described disciplinary action taken by the Board of Selectmen against Wayne Fostin for overcompensating himself as the Conservation Agent. In the article, Mr. Fostin referred to the issue as a “clerical error”. Administrative Assistant Lisa Moniz, employed in the Building Department, was upset by the allegation, said Dr. Bowcock. Dr. Bowcock said that Ms. Moniz was not involved in the error at all, and that the error was either with Mr. Fostin or former Treasurer John Nunes.

### **NATIONAL DAY OF PRAYER**

The Board reviewed a request from Steven Bouley to conduct the National Day of Prayer on the steps of the Town Hall on Thursday, May 2, 2013 at noon. Additionally, Mr. Bouley requested use of the Town Hall Auditorium in the event of inclement weather. The Board was supportive to his request. Mr. Murphy motioned to support the National Day of Prayer on the front steps of the Town Hall on May 2, 2013 at noon, with use of the Town Hall Auditorium if necessary. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **CIVIL SERVICE REQUISITION**

The Police Chief submitted a request to the Board to sign a Civil Service Requisition form for the purpose of filling one patrolman position. Mr. Espindola expressed hesitation, stating that he would like to look further into the matter before fulfilling the request. Mr. Murphy said that it would not be for a new position, but to fill a vacancy. Dr. Bowcock said that all they were doing by signing the requisition was asking for a Civil Service list of candidates, but they were not obligated to do any hiring. Mr. Murphy motioned to authorize the Chairman to sign the requisition. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **INTERVIEW – WENDY GRAVES**

At 6:24 p.m., the Board conducted their third interview with Wendy Graves, candidate for the Treasurer/Finance Director position.

Mr. Murphy asked how Ms. Graves could use her background to avoid oversights in finance and budgets. Ms. Graves reviewed her qualifications. She said she had 15 years as a municipal treasurer in a couple different towns. She said that she was attentive to detail and a “good gatekeeper” for making sure that rules and regulations are followed.

Mr. Espindola asked Ms. Graves to look forward one year and project why the Selectmen would be happy with their decision to hire her. Ms. Graves said that she would “hit the ground running”. She noted that the Town had been without a treasurer for some time and was likely a little behind schedule. She said that she would get the Town up to speed and help with the process for adopting DOR recommendations.

Dr. Bowcock asked Ms. Graves to pretend that he was the Fire Chief attempting to purchase fire apparatuses on an expedited schedule, citing a special circumstance. Ms. Graves said that she would still stick to procurement law and require at least three quotes before approving the payment.



Mr. Espindola asked Ms. Graves if she was a leader or a follower. Ms. Graves said that she was a “strong leader”.

Dr. Bowcock said that the Town should have a strong financial team. He asked Ms. Graves what her role would be in making that strong financial team happen. Ms. Graves said that she would have weekly meetings with her staff and the Executive Secretary, especially in the beginning.

Mr. Osuch asked Ms. Graves about her experience with tax title. Ms. Graves said that she acts quickly on tax title. She said that some treasurers will let tax title sit and accrue interest, but she favors moving on it quickly.

Mr. Osuch asked Ms. Graves about her experience with borrowing. Ms. Graves said that she had experience borrowing on water and sewer projects, in addition to other projects. Ms. Graves has experience borrowing with Unibank and First Southwest.

Mr. Osuch asked Ms. Graves if she would be willing to accept in the \$78,000 to 85,000 range. Ms. Graves said that this range was acceptable.

### **INTERVIEW – JOSEPH DIVITO**

At 6:37 p.m., the Board conducted their third interview with Joseph DiVito, candidate for the Treasurer/Finance Director position.

Mr. Murphy asked how Mr. DiVito could use his background to avoid oversights in finance and budgets. Mr. DiVito answered “controls” and “diligent inspection of books”. Mr. DiVito said that he would work with the Executive Secretary to make sure that everything is on task. He said he would review all warrants and make sure all payrolls are signed.

Mr. Espindola asked Mr. DiVito to look forward one year and project why the Selectmen would be happy with their decision to hire him. Mr. DiVito said that he would make the Selectmen look good. He said that he is knowledgeable, hard-working, energetic and experienced in assessing. He has managed other department heads before and is “entrepreneurial by nature”. He said that he would “know the town inside and out” within a year of hire. He said he loves coaching people and is an excellent communicator.

Dr. Bowcock asked Mr. DiVito to pretend that he was the Fire Chief attempting to purchase fire apparatuses on an expedited schedule, citing a special circumstance. Mr. DiVito said that he would have to know what the funding source was and would not approve anything without knowing the town policy beforehand.

Dr. Bowcock asked what Mr. DiVito’s experience was with VADAR. Mr. DiVito said that he knew the man who developed VADAR and was involved in the early stages of the program. He helped to develop the assessors’ portion of the program. He said that all the programs used in various municipalities essentially do the same thing and he is quick to catch on.



Dr. Bowcock said that the Town should have a strong financial team. He asked Mr. DiVito what his role would be in making that strong financial team happen. Mr. DiVito said that he has recap experience as an assessor. He also cited experience in developing general municipal budgets. He described himself as “conservative by nature”. He also said that he is a positive influence and affable.

Mr. Osuch asked Mr. DiVito about his experience with tax title. Mr. DiVito said that he tells delinquent tax payers that “the Town is not in the real estate business”. In Hull and Cohasset, he said that there were “hundreds” of delinquent tax payers. He said he was accustomed to the process of demanding, warranting and putting into tax title. Once in tax title, he tries to strike up an agreement. He cited experience in foreclosure, district court and land court.

Mr. Osuch asked Mr. DiVito about his experience with borrowing. Mr. DiVito said that he had a lot of experience borrowing. In Cohasset, he borrowed two to three times a year.

Mr. Osuch asked Mr. DiVito if she would be willing to accept in the \$78,000 to 85,000 range. Mr. DiVito said that this range was acceptable.

Mr. Murphy asked Mr. DiVito if he would be able to take on the combined position of Treasurer/Collector if Town Meeting votes to make the change. Mr. DiVito said that he hopes the position will include the Collector position some day.

Mr. Espindola asked Mr. DiVito if he was a leader or a follower. Mr. DiVito said that he leads by example, and enjoys coaching employees.

Dr. Bowcock said that there has been some trouble integrating the VADAR system to include the School input. He asked Mr. DiVito if he could assist in solving that problem. Mr. DiVito said that he didn’t know what the trouble was, but that the “interface shouldn’t be an issue” and that if everyone is properly trained, the system should be working fine.

### **TREASURER DELIBERATION**

Dr. Bowcock noted that the Board had conducted quite a few interviews. He gave the Board the option to either make the appointment right away or wait until the next meeting. Mr. Murphy said that, since both candidates were very qualified, he would like to make a decision at the next meeting. Mr. Osuch and Dr. Bowcock will work together to work out contract and potential negotiating points.

### **COA BUDGET PRESENTATION**

The Board met with Anne Sylvia and Gerri Frates to review the proposed FY14 Council on Aging budget. Ms. Sylvia said that they did not have to make too many changes for the upcoming year. Purchase of Services is down \$180 because of a new copier contract. Everything else is level-funded. Figures for heat and light have been reduced by request from



Mr. Osuch, because requested figures have not been traditionally expended in prior years. Gasoline was up based on usage.

Mr. Murphy asked Ms. Sylvia about new events coming to the Council on Aging. Ms. Sylvia said there would be a Cribbage League starting, and the bocce court would be completed soon. Ms. Sylvia will be applying for another United Way mini-grant for a Kathleen Kalife memorial garden. All produce raised from the memorial garden will be donated to Damien's Pantry.

The Council on Aging budget is level-funded from last year. The Board thanked Ms. Sylvia and Ms. Frates for their efforts.

### **ONLINE TAX PAYMENT SURCHARGES**

At 7:13 p.m., the Board met with Tax Collector Carol Brandolini to discuss surcharges associated with online tax bill payments. Resident Anne Morton Smith submitted a letter to the Board indicating that she had had to pay \$17.50 for making an online payment of \$450 with her credit card.

Ms. Brandolini clarified that the higher fee comes when taxpayers choose to pay for their bill with their credit card online. Payment services are provided through Unibank. Surcharges are transparent as they cannot be included in the total cost. Payments can also be made online with a debit card or check for a flat \$3.95 fee.

Ms. Brandolini said that the only way to avoid charging the taxpayer the fee for the option to pay with a credit card is by creating a revolver account that would offset the cost by making an appropriation, which would result in an additional cost to all taxpayers, including the ones who do not use the online service.

Mr. Murphy asked if Unibank has a disclosure of fees. Ms. Brandolini confirmed that the fees are disclosed and the user can opt out if they disagree with the surcharge. Mr. Murphy said that he would not be in favor of appropriating money to offset this fee. Mr. Espindola agreed and said that it was a market-based fee structure. The Board thanked Ms. Brandolini for her time. The Board took no action.

### **CDBG HEARING**

At 7:26 p.m., the Board conducted a public hearing for FY12 CDBG – Proposed Housing Rehab Program Changes & FY11 CDBG – Final Public Hearing. Town Planner Bill Roth was present.

Mr. Roth reported on the activities of the FY11 CDBG. He said that the project has included infrastructure work on Spring Street, and that the work is complete. He said that he was initiating a housing project to use up the last of the money. Dr. Bowcock opened the hearing to public comment. There was none.

The topic of the public hearing turned to the FY12 CDBG. Mr. Roth explained that the housing rehab program provides deferred payment, no-interest loans from the Block Grant for home



repairs to homeowners and property owners who are income qualified. The loans are for fifteen years and are forgiven over that period. The Planning Department has always evaluated if the homeowners who apply to the program had enough equity in the property to cover the proposed loan. However, with falling home values in the Town because of the weak real estate market, the Department is receiving applications from property owners with little or no equity. The Department would like to consider going forward with these projects for the FY12 CDBG because the homeowners have no access to bank credit to repair their homes.

The impact to the Town of allowing homeowners with little or no equity to apply to the Housing Rehab program is that it makes it less likely that Town will be repaid the amount owed on the loan. Discussion ensued regarding mortgage amortization and Town liability. The Town usually is eligible for a loan repayment if the property is sold before the fifteen years has elapsed. Mr. Roth confirmed that if the properties are not sold during the 15 year loan period, the Town would not collect any loan repayments. If the home is sold as a short sale before the 15 years has elapsed, “we will still have the mortgage”, Mr. Roth said, and the homeowner must have the Town’s approval to proceed.

Mr. Murphy motioned to approve the request for the FY12 CDBG. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **FAIRHAVEN SHIPYARD COMPLAINTS**

At 7:35 p.m., the Board conducted an appointment with Fay Bartling, Beth Luey, and Garth Rowe, regarding a letter that they, and approximately 20 other residents in their neighborhood, had submitted to the Board. In the letter, residents in the area of Middle and Water Streets allege that they have been subjected to loud noises, foul smells, and airborne particulates from the Fairhaven Shipyard.

Dr. Bowcock opened up the conversation by saying that the Fairhaven Shipyard has been around for a long time and is an employer to many people in Town. He described the meeting as “preliminary”.

Beth Luey of 31 Middle Street thanked the Board for the opportunity to meet about the Fairhaven Shipyard. She said that the issue was not intended to be a personal attack. She said that she and her neighbors wanted to co-exist peacefully with the Shipyard. She said that they just wanted the owners of the Shipyard to comply with local and federal law, and to date, she does not think that the new owners have done that.

Fay Bartling of 12 Middle Street said that she does not want to be in conflict with the owners of the Shipyard, but she is unable to live peacefully at her home. She said that she has to wear ear plugs during the day when she is in her yard because the noise from the Shipyard is loud. She said that particulates from the Shipyard lead her to wear masks and she claimed that snails have been dying on her property from unknown causes.

Garth Rowe of 16 Middle Street said that, up until two years ago, there was never a serious issue with the Shipyard. He said that the problem arose with the new ownership. He claimed that he



has been witness to sandblasting, needle-gunning to extract paint and rust and he claimed that there was no containment system for the particulates. He said that the owners of the Shipyard have offered to wash his car, which gets covered in the particulates. He said that they work seven days a week and until 7 or 8 p.m. He read a letter into record from Patrick Souza, who works on Water Street. See Attachment A for Mr. Souza's letter.

Mr. Rowe claimed that families in the Middle Street/Water Street area have been driven out by the noise and pollution, with the owners of the Shipyard purchasing their homes from them. He said that MassDEP and the EPA has cited them in the past year. He claimed that the owners of the Shipyard bypassed an environmental impact study by purchasing the Shipyard property in cash.

Discussion continued about previous meetings, at which the owners of the Shipyard spoke to the Conservation Commission about plans to expand operations. Ms. Luey spoke about tractor trailer traffic. She said that she and the neighbors would like to see a ban on traffic from 6 p.m. to 6 a.m.

Marcia Fernandes, owner of the Sea Witch at 36 Main Street, spoke of foul smells that she believes are coming from the Fairhaven Shipyard. She claimed that polliwogs placed in her pond have been mutating and dying before they reach adulthood.

Mr. Espindola asked the residents if they had approached the Board of Health with the matter. Ms. Bartling said that she had approached the Health Office in 2011 and in February of 2012, but never received a call back.

In response to concerns about truck traffic, Mr. Espindola said that the Board had no jurisdiction over bylaws pertaining to truck traffic.

Ms. Luey informed the Board that Senator Mark Montigny's office had volunteered their legal services if the need should arise, particularly in communicating with the DEP.

Kevin McLaughlin, one of the owners of the Fairhaven Shipyard, spoke to the room. He said that the Shipyard is operating the same way it has always operated since the 1860s. He said that the owners have a vested interest in the Town, and that there are "15 to 20 state, federal and local" agencies that oversee the facility. He said that he believed that they were the most regulated business in Town. The business location is zoned industrial use and has the ability to operate around the clock, Mr. McLaughlin said, though they typically operate from 7:30 a.m. to 4 p.m. and he admitted that they sometimes work on weekends. He claimed that they have nothing to do with fish and that they do not sandblast and do not paint. He said that they recognize the fact that they are in a neighborhood and do not have any trouble complying with rules and regulations. He said that the Shipyard is in one of 11 designated port areas in Massachusetts and is state regulated for marina use.

Mr. Rowe refuted Mr. McLaughlin's claims, saying that the operations have, in fact, changed from previous years and that he had video proof of sandblasting taking place at the Shipyard.



Caroline Burke, formerly of 23 Water Street, also said that she had video of sandblasting at the Shipyard.

Ms. Luey said that she would like to see the Shipyard undergo a sound study. She said that she was willing to schedule an appointment with the Board of Health to begin the sound study process.

Dr. Bowcock thanked the residents for presenting the matter to the Board. He said that the Board would try to identify the conflicts and see if they could assist the residents and the Shipyard in moving forward for a peaceful resolution. Some of the topics will have to be addressed by the EPA, the DEP or the Board of Health, he said.

Karen Vilandry from Hands Across the River also spoke, and said that she hoped that the owners of the Shipyard would be able to reach a peaceful resolution with the neighbors.

### **HAZARDOUS MATERIALS STUDY**

At 8:29 p.m., the Board met with Bill Roth regarding two proposals to conduct a Hazardous Materials Survey of the former MacLean's Seafood Building. Mr. Roth said that there had been an appropriation made at Special Town Meeting for the Harbormaster to make repairs to the MacLean Seafood building. Long term plans involve the expectation that the building will be razed. One of the recommendations, said Mr. Roth, is to complete a hazardous waste survey, on the various toxins that could be in the old carpet glue, sheetrock, etc. There is also a 1,000 gallon oil tank on the property that will have to be removed. Mr. Roth has solicited quotes from two different waste removal firms for a survey. The Board agreed that the hazardous waste study would have to be completed before they could go forward with any other use of the property. Mr. Roth said that \$1,350 in the engineering line items would be necessary to do the air quality testing. Mr. Murphy motioned to approve the hazardous material study and associated cost. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SPECIAL TOWN MEETING**

Mr. Osuch told the Board that the deadline for Special Town Meeting articles was Thursday, March 21, 2013. The Special Town Meeting warrant includes articles pertaining to the DOR's recommendations. Mr. Osuch asked when the Board wanted to make those draft articles available to the public, as the Finance Committee has been asking to see them. Discussion ensued regarding DOR public hearings and a rumored petition that would form a Governmental Study Committee. Mr. Espindola asked if they could place the articles online. Dr. Bowcock said that it did not make sense to place articles in draft format on the website. The issue was tabled to the next meeting.

### **ANNUAL TOWN MEETING**

The Board reviewed a spreadsheet, created by Mr. Osuch, outlining possible figures that the Board could select in making their budgetary recommendation for FY14. See Attachment B. Dr. Bowcock said that he was in favor of the conservative figure on the spreadsheet. Mr.



Espindola said that he wanted to gather more information about how much the Town pays to have elected officials on its health insurance. Mr. Murphy asked how discontinuing health insurance would impact full-time elected officials. Mr. Espindola said that he was only looking into the savings associated with discontinuing health insurance for part-time elected officials. Mr. Murphy said that he was only hearing about the topic for the first time and asked to table the discussion to the next meeting.

The Board made the following recommendations for the Annual Town Meeting warrant:

**Article 3** – Town Clerk Salary: Mr. Murphy motioned to recommend a one percent raise for the Town Clerk, in the amount of \$51,679 for FY14. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 5A** – Town Department Computers: Mr. Murphy motioned to recommend the sum of \$20,000. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 5B** – Town Department Phone System: The article asks for \$10,000 for a phone system overhaul at the Town Hall. Mr. Murphy asked if they could possibly find a vendor willing to provide the phones at no cost. The item was tabled until the next week.

**Article 6** – Water Pollution Control Facility: Mr. Osuch said that he was concerned that the BPW was piecemealing a project without concern to comprehensive cost. Mr. Murphy motioned to recommend \$80,000 for the Water Pollution Control Facility article from Sewer Enterprise. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 8** – Road Work: After deliberation, Mr. Murphy motioned to recommend \$230,471 for road work on North Street. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to recommend \$77,604 for road work on Cooke Street. Mr. Espindola seconded. Vote was unanimous. (3-0).

In the remaining road work requests for Summit Drive, Billy's Way, Dogwood Street, Beachwood Street and Cove Street, the Board voted to recommend Indefinite Postponement. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 9** – GASB: The Board reviewed an article for funding GASB45. Dr. Bowcock noted that the money goes into a trust fund and "is not lost money". Although the preliminary recommendation was \$50,000, Mr. Murphy motioned to recommend \$25,000 for the GASB45 article. Mr. Espindola seconded. Vote was unanimous.

**Article 10** – High School Fire Escapes: The Board tabled this decision until the next meeting.

**Article 14** – Fire Department Fee Schedule: Dr. Bowcock indicated that he wanted to look into the recommended fee schedule. This article was tabled for the next meeting.



**Article 18** – Sustainability Revolving Account: Mr. Murphy motioned to recommend adoption. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 19** – Wind Bylaw: Mr. Murphy motioned to recommend Yield to Petitioner. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 21** – FEMA – Cots: The Board reviewed a \$4,000 request from the Emergency Management Agency for 100 cots. Mr. Osuch stated that the EMA does have some funds in its gift account. The Board voted to recommend \$2,000 on the article. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 24** – Sewer System Collection Rehab I&I: Mr. Murphy motioned to recommend \$445,000 from Sewer Enterprise. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 25** – Propagation of Shellfish: Mr. Murphy motioned to recommend \$17,500 for the propagation of shellfish. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 26** – BPW Fuel Island Roof: Mr. Murphy motioned to recommend \$2,834 for the BPW Fuel Island Roof Repair. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 27** – Water Hydrant Replacement Program: Mr. Murphy motioned to recommend the \$200,000 request. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 28** – Comprehensive Wastewater Management Plan: Mr. Murphy motioned to recommend Yield to Petitioner. Mr. Espindola seconded. Vote was unanimous, (3-0).

**Article 29** – Eldred Headstones at Riverside: Citing use of public funds for private gain, Dr. Bowcock stated that he was opposed to this \$450 request to repair the Eldred family headstones at Riverside Cemetery. Mr. Murphy motioned to recommend Indefinite Postponement. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 31** – Community Preservation Committee Articles:

A. Nasketucket Bay Conservation: There was some concern from Dr. Bowcock that the Town would not get much in exchange for the \$200,000 conservation. It would not receive ownership of the land. Cora Peirce spoke in favor of the article, saying that it would allow easements of access in the Mariner soccer field area and along trails. The Board voted to table this until the next week.

B. Anthony Haven roof repairs: Mr. Murphy motioned to recommend \$40,000 from CPC funds. Mr. Espindola seconded. Vote was unanimous. (3-0).

C. Fairhaven High School: Mr. Murphy motioned to recommend \$86,000 from CPC funds for work at the High School. Mr. Espindola seconded. Vote was unanimous. (3-0).

D. Fort Phoenix: Mr. Murphy motioned to recommend \$16,000 for work at Fort Phoenix. Mr. Espindola seconded. Vote was unanimous. (3-0).

E. Bike Path: Mr. Murphy motioned to recommend \$10,000 for work along the Bike Path. Mr. Espindola seconded. Vote was unanimous. (3-0).



F. Livesey Tennis Court Project: Dr. Bowcock said that he wanted to look into this article and make sure that all residents would be able to easily access the court once the work is complete. The item was tabled until the next meeting.

G. Administrative Spending: Mr. Murphy motioned to recommend \$12,600 for administrative spending in the CPC. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 32** – Mattapoisett River Valley Water Protection: This article will require a two-thirds vote at Town Meeting. Marion and Mattapoisett have nearly unanimously adopted this article, said Mr. Osuch. Mr. Murphy motioned to recommend adoption. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 33** – Capital Improvement Stabilization Fund: Mr. Murphy motioned to recommend adoption. Mr. Espindola seconded. Vote was unanimous. (3-0). Dr. Bowcock noted that BPW Chairman Steven Riley has expressed interest in being on said committee if it is developed.

**Article 35** – Sewer Collection Pump Station Rehab – Taber St: Mr. Murphy motioned to recommend \$287,000 from the Sewer Enterprise fund. Mr. Espindola seconded. Vote was unanimous. (3-0).

**Article 37** – Macomber-Pimental Field Fence: The Board tabled this article for the next week.

**Article 38** – Fire Department Security System: Mr. Murphy motioned to recommend \$8,500 for Article 38. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **VACATION DAYS**

The Board read a request from Town Accountant Anne Carreiro, asking to carry over vacation days. The Board voted to carry over 8.25 vacation days for Ms. Carreiro. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

Likewise, the Board read a request from Assistant Treasurer Lisa Rose asking to carry over 1.5 vacation days. The Board voted to carry over 1.5 vacation days for Ms. Rose. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **POVERTY POINT BUSSING ISSUE**

The Board read a letter of complaint from resident Paul Almeida regarding Japanese tour busses in the Poverty Point area. Dr. Bowcock said that he passed the concern along to Gerry Rooney for consideration, and that the area is a public way that cannot be restricted, but that Mr. Rooney was aware of the situation and would address it.

### **POLICIES AND PROCEDURES**

The Board reviewed recommended policies and procedures, including recommended edits from Mr. Espindola. See Attachment C for Mr. Espindola's edits. Dr. Bowcock noted that it was getting late and that Mr. Espindola's edits would require extensive review. Mr. Espindola



motioned to table the matter for the next week. Mr. Murphy seconded. Vote was unanimous. (3-0).

At this time, Cora Peirce asked to discuss the Discrimination Policy that the Board had voted to adopt at an earlier meeting. Dr. Bowcock stated that the Discrimination Policy was not on the agenda and that the Board had a lengthy Executive Session to attend to. He invited Ms. Peirce to submit written comment on the Discrimination Policy to the Board.

### **OTHER BUSINESS**

- Mr. Murphy thanked the community for their part in another successful MOLIFE ball, which took place the weekend prior.
- Mr. Murphy lauded the Police Department for holding a successful Open House on March 17.
- Dr. Bowcock offered condolences to BPW Superintendent Vincent Furtado on the passing of his father, Vincent Furtado.
- Dr. Bowcock noted that the Rogers-Oxford Study Committee would be meeting at the Town Hall on Tuesday, March 19 at 6:00 p.m.
- Dr. Bowcock said that April 28 would be the date of the Cherry Blossom festival in Fairhaven.
- Dr. Bowcock read correspondence from Building Commissioner Wayne Fostin stating that the Getty gas station is in compliance.

At 10:35 p.m. Mr. Murphy motioned to enter Executive Session to discuss legal issues with the Seaport Inn, to discuss a legal issue regarding e-mail, a letter from the payroll clerk, to discuss Clerical, Fire, Police, Dispatchers Union negotiations, not to reconvene. Mr. Murphy seconded. Vote was unanimous. (3-0). Roll call vote: Dr. Bowcock in favor. Mr. Murphy in favor. Mr. Espindola in favor.

Respectfully,

Anne Kakley

Selectmen's Secretary

(Minutes approved 3/25/2013)