



Fairhaven Board of Selectmen

April 22, 2013 Meeting Minutes

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

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

MOMENT OF SILENCE FOR BOSTON BOMBING

Led by Chairman Murphy, the Board held a moment of silence for the victims of the Boston Marathon bombing, individually naming the four victims who died on April 15: eight-year-old Martin Richard, 29-year-old Krystle Campbell, 23-year-old Lu Lingzi, and 26-year-old Officer Sean Collier.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **April 9, 2013** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 9, 2013** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

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

- **Tuesday, April 23** –
 - 10:00 a.m. – Wood School Job Meeting
 - 1:00 p.m. – Economic Summit Meeting
 - 2:30 p.m. – Police Negotiations
- **Wednesday, April 24** –
 - 9:00 a.m. – Fire Negotiations
 - 11:30 a.m. – COA Luncheon
 - 12:00 p.m. – Manager's Meeting in Lakeville
 - 2:00 p.m. – New School Furniture bid opening
 - 6:00 p.m. – DOR hearing – Board of Selectmen

- **Thursday, April 25** –
 - 9:00 a.m. – Buzzard’s Bay Action Committee – Wareham
 - 7:00 p.m. – Finance Committee at BPW
- **Friday, April 26** –
 - 8:30 a.m. – Retirement Board
 - 10:00 a.m. – Pre-Town Meeting
- **Sunday, April 28** –
 - West Island 5K Road Race
- **Monday, April 29** –
 - 11:00 a.m. – Clerical Union Negotiations
- **Tuesday, April 30** –
 - 10:00 a.m. – Wood School Job Meeting
- **Wednesday, May 1** –
 - 9:00 a.m. – Fire Negotiations
 - 5:00 p.m. – New School Committee
- **Thursday, May 2** –
 - 6:30 p.m. – Precinct Meeting at Hastings Middle School

LOCAL ELECTION RECOUNTS

Mr. Osuch said that the recount for the Planning Board was underway and that the next day, April 23, would be the recount for the Board of Health race.

ANNUAL TOWN MEETING CHANGES

Mr. Osuch said that one change for Article 4 of the Annual Town Meeting would fall under the Shellfish line item for Shellfish Capital Outlay. The request was being withdrawn by the Shellfish Department because it had received some grant money. Mr. Espindola motioned to rescind the Board’s previous recommendation of \$3,500.00 for Shellfish Department capital outlay. Mr. Haworth seconded. Vote was unanimous. (3-0).

HEALTH INSURANCE

Mr. Osuch met with representatives of Blue Cross/Blue Shield and Cook and Company in the prior week, to discuss raising rates on June 1, 2013. The proposed increase is six (6) percent across the board except for an eight (8) percent increase for family dental coverage. This increase would go into effect on June 1, 2013. Mr. Osuch said that on May 9, there would be a “health fair” put on by Cook and Company and Blue Cross/Blue Shield from noon to 5:30 p.m.

Mr. Murphy asked when Cook and Company’s contract was. Mr. Osuch answered that the contract went by fiscal year. Mr. Murphy asked the Board to hold off on a decision for one more week. The Board agreed to hold off.

SHELLFISH DEPUTY APPOINTMENT

The Board received an application from George Hubert for consideration in appointment to the position of Shellfish Deputy. Mr. Haworth asked about the inconsistencies in the application date and signing date on the application, which were different. He said that he would like to hear the Harbormaster speak on the application. Mr. Espindola said he would like to give others the chance to apply as well. It was agreed that the Board would speak with the Harbormaster at an upcoming appointment.

Mr. Espindola expressed interest in creating a policy where department heads would present applications to the Board.

CULTURAL COUNCIL APPOINTMENT

The Board received a letter of interest from resident Sara Salem, asking to be appointed to the Cultural Council. Mr. Espindola motioned to appoint Ms. Salem to the Cultural Council. Mr. Haworth seconded. Vote was unanimous. (3-0).

VERIZON EASEMENT – NEW SCHOOL

Mr. Osuch presented to the Board an easement for Verizon to provide utility services to the New Wood School. He said that the easement would require the signature of all three Board members. Mr. Espindola motioned to sign the document, granting Verizon an easement. Mr. Haworth seconded. Vote was unanimous. (3-0).

As the Board signed the document, Mr. Osuch said that the permanent power to the New School was scheduled to be turned on May 6. Mr. Osuch said that the school project was on schedule. Mr. Murphy asked when the cherry trees would be planted at the school. Mr. Osuch answered late May/early June.

BLESSING OF THE BIKES

The Board reviewed a request for a One-Day, All-Alcohol license for the St. Joseph's Blessing of the Bikes (applicant: Ice House) on Sunday, May 5. Mr. Murphy said that the event organizers had agreed to delay the start time of the event by fifteen minutes to avoid interrupting First Communion services at the church.

Mr. Espindola motioned to approve the request for a one-day, all-alcohol license for the Blessing of the Bikes for Ice House. Mr. Haworth seconded. Vote was unanimous. (3-0).

MACKENZIE MARTIN

The Board met with MacKenzie Martin, a Fairhaven sophomore who has been competing nationally in the sport of shooting. Ms. Martin is already being pursued by colleges for scholarships. She is hoping to represent the United States in the next Olympics. Most recently, Ms. Martin received a silver medal at a competition in Colorado Springs.

The Board took a moment to commend Ms. Martin for her efforts. Mr. Murphy said that he would like to hear more from residents about their achievements, especially the achievements of young people.

ONLINE JOB POSTINGS

Mr. Espindola presented to the Board a comment from resident Michael LeMarre requesting a section of the Town website dedicated to Town job opportunities. Mr. Espindola emailed Warren Rensehausen and Vinnie Furtado, who both indicated that the Recreation and Public Works departments would be willing to participate by communicating vacancies for the website. Discussion ensued regarding whether the job postings section should include internships and volunteer positions.

Mr. Murphy said that he liked the idea of sending out a memo to all Town departments requesting their participation. It was agreed that the job postings would not include vacancies in the Fire and Police departments, as they have a specific hiring process that would not be supported by a website posting.

Mr. Espindola motioned to send a memo out to Town departments asking for participation in the online job posting process. Mr. Haworth seconded. Vote was unanimous. (3-0).

ASSESSORS VACANCY

After meeting with the Board of Assessors, Jane Bettencourt, and Mr. Osuch regarding the vacancy in the Assessor's office with Ms. Bettencourt's re-assignment to the Selectmen's Office, Mr. Espindola said that he determined that regionalizing the position of Assistant Assessor would not be a good idea at this time. He said that the Board of Assessors had recommended keeping Ms. Bettencourt in the Assessor's department as an assistant and hiring a full-time assessor, but Mr. Espindola said that he did not recommend this option, as it would cost more. As such, Mr. Espindola said that his recommendation was to post the position as is.

Mr. Haworth agreed that it was not feasible to create a position at this time. Mr. Murphy said that the Board would have to be critical with applicants, as the Assistant Assessor position is important for revenue and this upcoming year is a revaluation year, which means they will have to select an experienced applicant.

Mr. Espindola motioned to advertise the position of Assistant Assessor. Mr. Haworth seconded. Vote was unanimous. (3-0).

FITNESS IN THE PARK

The Board met with Susan Grace to hear plans for another year of "Fitness in the Park", free fitness classes offered in Cushman Park on Tuesday and Thursday mornings throughout the summer.

Ms. Grace showed the Board all the good press that the event had received in the prior year. She asked if she would need to seek further approval beyond the Selectmen. Mr. Osuch said that the Selectmen's Office could send out memos to the BPW and the Recreation Department to notify them of the Fitness in the Park. Mr. Espindola motioned to approve the event. Mr. Haworth seconded. Vote was unanimous. (3-0).

SOUTHCOAST ENERGY CHALLENGE

The Board reviewed a final MOU with SEEAL for the Town to participate in the SouthCoast Energy Challenge as a partner. The program would allow homeowners in Town to have free energy evaluations completed at their residences, and would help residents explore their options for energy upgrades and improvements. Mr. Espindola motioned to sign the MOU. Mr. Haworth seconded. Vote was unanimous. (3-0).

Because the MOU was not yet signed by representatives from SEEAL, the Board determined it would wait to receive a signed copy of the MOU from SEEAL and then would sign the document at their April 24 meeting.

Mr. Espindola thanked resident Gary Lavollette for his input in regards to the SouthCoast Energy Challenge partnership.

HOUSEBOATS REGULATION

The Board reviewed a letter from Harbormaster David Darmofal regarding a proposed regulation to ban houseboats from the Town of Fairhaven. See Attachment A. Mr. Espindola cited a concern that the proposed regulation was not specific enough in how the Town should contact a houseboat resident. He said that he wanted to see language that included notification through certified mail. Mr. Haworth said that he had questions about the proposed regulation and that he would like the Harbormaster to come before the Board to speak about the regulation proposal. He said that he may like to see an exemption for houseboat residents at slips or piers.

It was determined that the Board would speak to the Harbormaster about the proposed houseboat regulation at an upcoming meeting.

ODD COUPLE – FEE WAIVER REQUEST

The Chairman read a letter from Town resident Johnny Kalife in regards to a play that Mr. Kalife will be producing with his peers in June. The play, "The Odd Couple" will be a fundraiser for Dana Farber, and will be performed in memory of Mr. Kalife's mother. As such, he asked the Board to consider waiving as many fees as they could. The Board was amenable to the request, and said that as long as the troupe was not disruptive to the Town offices, it could rehearse before the performance during office hours at the Town Hall (Monday through Friday 8:30 a.m. to 4:30 p.m.) and Mr. Murphy offered to hold office hours on Thursday, June 6, during which the troupe would be able to rehearse to help them avoid janitor fees. Mr. Espindola extended the same offer, saying that he would allow the troupe to rehearse during his office hours as well.

It was determined that Ms. Kakley would contact Mr. Kalife to discuss the offer of rehearsal during Selectmen office hours.

COMMONWEALTH INTEREST IN LAND PURCHASE

The Board read a letter from the State Department of Conservation and Recreation regarding an interest in purchasing land off Doane Street, near Fort Phoenix.

Mr. Espindola said that he was concerned that the item was listed as a correspondence item instead of a public hearing. He wondered if the Board was supposed to have held a public hearing and notified abutters of the Commonwealth's interest. Mr. Osuch said that, the way he interpreted the offer, the Commonwealth would purchase the parcel of land for conservation and no CPC funds would be used.

The Board decided to invite Bill Roth and possibly a representative of the DCR to discuss the matter at a follow-up meeting.

BPW VACANCY

The Board reviewed a memo from the BPW regarding a vacancy on the Board of Public Works as the result of Geoffrey Haworth's election to the Board of Selectmen. This vacancy was announced at the April 9, 2013 meeting of the Board of Selectmen. The only letter of interest came from resident Brian Wotton. Mr. Haworth said that he knew Mr. Wotton, who works in landscaping, and would support appointing him to the BPW. Mr. Murphy said that he knew Mr. Wotton, and considered him to be "dedicated and sincere". Mr. Espindola motioned to appoint Mr. Wotton to the BPW to fill an unexpired term. Mr. Haworth seconded. Vote was unanimous. (3-0).

POLICE DEPARTMENT SURPLUS VEHICLE

The Board read a letter from the Police Chief, declaring a 2002 Jeep Grand Cherokee Laredo as surplus. The vehicle does require some transmission work. The Board agreed to submit a letter to relative departments and asked any interested department to contact the Selectmen's Office by May 6.

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

TOWN ADMINISTRATOR SPECIAL LEGISLATION

The Board reviewed special legislation that had been drafted by Town Counsel, relative to a Special Town Meeting article asking Town Meeting members to create a Town Administrator/Manager position. The legislation was not included in the warrants or the Town Meeting member distributions. The Board engaged in discussion regarding how it would be best to disseminate the proposed legislation to Town Meeting members.

Mr. Haworth said that he thought the Board should get the rest of the recommendations on Wednesday, April 24, at their DOR public hearing, and then send it over to Town Counsel for review.

OTHER BUSINESS

In Other Business:

- Mr. Espindola encouraged the public to attend the West Island 5K Road Race on April 28 at 11 a.m., to benefit the running program at the High School
- Mr. Espindola reminded the public that the Whitfield-Manjiro Friendship Cherry Blossom Festival was scheduled for Sunday, April 28. He said that tickets were available from Gerry Rooney
- Mr. Haworth said that he would be establishing office hours at the end of each month
- Mr. Haworth acknowledged that the Board had received a letter from Al Benac regarding re-appointments. Mr. Murphy also acknowledged the letter and said that the Board would take it under advisement
- The Acushnet/Fairhaven Little League Opening Day is scheduled for Saturday, April 27. Both Mr. Murphy and Mr. Haworth said that they would be in attendance at the opening day parade
- Mr. Murphy offered condolences from the Board to the Tapper family, upon the passing of Patricia Tapper

At 8:01 p.m. Mr. Espindola motioned to enter Executive Session to discuss Clerical, Fire, Police, Dispatchers Union negotiations, litigation strategies relative to the Seaport Inn, and request for Town Counsel from a member of the BPW. Mr. Haworth seconded. Vote was unanimous. (3-0). Roll call vote: Mr. Espindola in favor. Mr. Murphy in favor. Mr. Haworth in favor.

Respectfully,

Anne Kakley

Selectmen's Secretary
Minutes approved 5/06/2013



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

April 10, 2013

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

Gentlemen,

I'm writing seeking approval of the following regulation. This regulation is sought through your Board on advice of the Town Council who feels a By-Law is not required to accomplish the goal of this regulation.

Not approving this regulation in my opinion seriously endangers the environmental status of the harbor and surrounding waters of Fairhaven. Also be aware of the fact that the entire area including all of Buzzard's Bay is a "No Dumping Zone" in regards to human waste disposal.

In my opinion the presence of a vessel that is used as a "Houseboat" at a mooring presents a health concern. Therefore, I put forth the following regulation for your approval.

Town of Fairhaven Regulation

"Houseboats"

The Town of Fairhaven, MA, through the office of the Harbormaster and the duly appointed agents of the Town of Fairhaven acting as the Harbormaster and or the Assistant Harbormaster prohibit the mooring of any vessel that is after the determination of the Harbormaster it is a "Houseboat" to be placed on a mooring within the waters of Fairhaven, MA.

"Houseboats" as determined by the Harbormaster as described above are not permitted to be at a mooring in the Town of Fairhaven. The disposal of human waste is not allowed within the waters of Fairhaven. Porta Potty's, and or any other device onboard are not considered adequate to properly hold and allow for proper disposal of human waste. The Town does not have the ability or system that can accurately track disposal of human waste brought ashore for proper disposal.

BOARD OF SELECTMEN
FAIRHAVEN MASS

2013 APR 18 A 9:45

RECEIVED

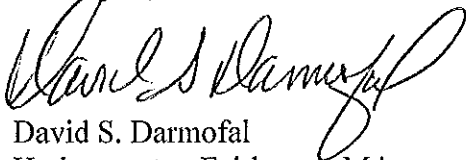
Vessel considered to be a "Houseboat" are vessels that as determined by the Harbormaster, vessels that are of the design that indicates they are not suitable to be used to navigate the seas most likely encountered in the area waters due to weather condition. Because of this they are at a mooring. And the design of such allows for humans to live or sleep aboard. As opposed to recreational vessels that can traverse the local seas in normal weather conditions and have adequate pump-out systems for human waste. Houseboats at moorings can't be pump-out by the Town of Fairhaven's CVA boats while at moorings per the grant the town operates under. This presents the problem of human waste disposal.

Vessels that are determined to be "Houseboats" by the Harbormaster and moor in violation of this regulation are subject to the following. After reasonable attempts to contact the owner by telephone or U. S. Mail may be removed at the direction of the Harbormaster at the cost of the owner. Cost will include all towing and storage charges that may be incurred to do so. All charges are payable to the Tow company which will hold the vessel until payments are made.

This regulation is applicable to both privately and commercially owned moorings.

If you should have any questions please call me at 508 989-4443.

Thank you,



David S. Darmofal
Harbormaster, Fairhaven, MA