



Fairhaven Board of Selectmen

May 6, 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 6:34 p.m. The meeting was televised by Cable Access.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **April 10, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 24, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 22, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 22, 2013** meeting, **executive** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 29, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 29, 2013** meeting, **executive** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **May 2, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).
- Mr. Espindola motioned to approve the minutes of the **May 4, 2013** meeting, **open** session. Mr. Haworth seconded. Motion passed. (3-0).

EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **May 7** –
 - 7:00 a.m. – Wood School Building Committee
 - 10:00 a.m. – Wood School Job Meeting
- Thursday, **May 9** –
 - 9:00 a.m. – New Bedford Voke debt meeting
 - 12:00 to 5:30 p.m. – Health Fair for Town employees

- Friday, **May 10** –
 - 10:00 a.m. – Michael Delaney – FS&T
- Tuesday, **May 14** –
 - 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

CHANGE ORDER #8

Mr. Osuch presented to the Board Change Order #8 for the New Wood School, in the amount of \$8,709.58. Mr. Osuch updated the Board to the school’s progress, and indicated that it was still on schedule for a substantial completion date of August 1, 2013. Permanent power was turned on at the location on May 6.

Mr. Espindola motioned to authorize the Chairman to sign the Change Order in the amount of \$8,709.58. Mr. Haworth seconded. Vote was unanimous. (3-0).

REQUISITION #11

Mr. Espindola motioned to sign Requisition #11 for the New Wood School in the amount of \$1,580,801.00. Mr. Haworth seconded. Vote was unanimous. (3-0).

UMD ESTUARIES

Mr. Osuch said that U Mass Dartmouth representatives would like to present their findings relative to the overdue estuaries study for Nasketucket River, as soon as possible. The Board agreed to schedule an appointment for the estuaries study on either May 20 or June 3.

DEPARTMENT HEAD MEETING

Mr. Osuch asked the Board if it would like to hold a meeting with department heads prior to the scheduled Hurricane Preparedness meeting at West Island on June 17. Mr. Haworth said that he thought it was important to hold a preliminary meeting prior to the regular meeting to address any changes that should be made to emergency response from the Town. It was concluded that the Board would meet with department heads at their regularly scheduled meeting on June 3, 2013 to discuss emergency preparedness guides.

BLIZZARD DECLARED DISASTER

Mr. Osuch told the Board that FEMA had officially declared the February 8 and 9, 2013 blizzard to be a “disaster”, which would allow the town to get reimbursed by the Federal government at 75 percent. Mr. Osuch said that costs associated with the blizzard would need to be compiled by department heads.

ASSESSOR POSITION

Mr. Osuch said that resumes for the Assistant Assessor position would continue to be accepted until May 16. He noted that one of the Selectmen should be involved in the applicant screening process. Moreover, he said that the current chairman of the Board of Assessors would like the Board of Selectmen to select a Selectman liaison to work with the Board of Assessors in general, as Brian Bowcock used to be their liaison and is no longer on the Board of Selectmen.

After discussion, the Board of Selectmen agreed that Mr. Espindola would be the liaison to the Board of Assessors and would be involved in the applicant screening process. Mr. Murphy motioned to name Mr. Espindola the Board of Assessors liaison. Mr. Haworth seconded. Vote was unanimous. (3-0).

FIREFIGHTERS MUSTER

The Board read a request from Matthew Paulson, Chairman of the Fairhaven Firefighters Muster Committee, requesting permission to use Livesey Park for the fourth annual Muster on June 30, 2013. In addition to approval for the event, Mr. Paulson requested use of the bathrooms at Livesey Park for the event. The Board of Public Works and the Recreation Department were courtesy-copied in the letter.

The Board reviewed the request and spoke favorably on previous Musters, with Mr. Haworth calling it an “excellent event”. Mr. Murphy motioned to approve the use of Livesey Park, including the bathrooms there, for the June 30, 2013 Firefighters Muster. Mr. Espindola seconded. Vote was unanimous. (3-0).

AUDITORIUM USE FEE WAIVER REQUEST

The Board revisited a request from the Fairhaven High School Class of 1962, to waive Town Hall Auditorium rental fees associated with their June 29 class reunion. The Board concluded that the Class of 1962 did not classify as a non-profit, and the reunion would not be benefitting any scholarship or program. Therefore, the Board voted to respectfully decline the request for an auditorium rental fee waiver. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

The Board voted to approve an NSTAR gas/trench permit for Welcome Street at Huttleston Avenue. This application was previously approved by the Board of Public Works. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board voted to approve an NSTAR gas/trench permit for Hathaway Street at Cove Street. This application was previously approved by the Board of Public Works. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

EMA GIFT ACCOUNT DONATION

The Chairman recognized a donation to the Emergency Management Agency gift account, in the amount of \$300, from Matt's Lawn Care. The Chairman thanked Matt's Lawn Care for the donation.

MIDDLE STREET PARKING

At 7:01 p.m., the Board met with Town Planner Bill Roth regarding two "No Parking" signs in the area of 86 Middle Street. Mr. Roth gave an overview to the reason why he was again making a request relative to Middle Street parking:

In November 2012, Mr. Roth had written a memo to the Board about two sections of Middle Street, in front of Jerry's Auto, that he felt did not meet the legal specifications for street parking. At the meeting on November 13, 2012, the Board approved one sign for 86 Middle Street.

Mr. Roth said that he told the BPW to place the two signs that he recommended in his memo, despite the fact that the Board of Selectmen voted to only place the one sign in front of 86 Middle Street. The signs that Mr. Roth had the BPW install said "No Parking This Side", but these signs were placed in error – the sign(s) should have read "No Parking". Mr. Roth had both signs installed, thinking that the Board had approved both.

In March 2013, Mr. Roth approached the Board of Selectmen again and asked them to approve the swap of both signs, from "No Parking This Side" to "No Parking". The Board had unanimously approved the swap for both signs.

Mr. Roth said that the status of the parking signs was still unclear. He requested that the Board clear up any doubt and vote to approve the two installed "No Parking" signs. Mr. Espindola motioned to approve the two "No Parking" signs for the area of 86 Middle Street. Mr. Haworth seconded. Vote was unanimous. (3-0).

MINUTES AMENDMENT

Mr. Roth broached the topic of the CDBG application, and said that the administrators of the CDBG had requested that the minutes of the March 18, 2013 Board of Selectmen minutes be amended to include more language to reflect the issue of equity for the residents who would benefit from the CDBG application. Until the minutes were amended, said Mr. Roth, the application was on hold and the Planning and Economic Development could not process the application.

Discussion ensued regarding the process of amending previously accepted minutes. Ms. Kakley said that, if revised, the amended minutes would be filed on top of the previously approved minutes, and the amendment to the minutes would be reflected in the minutes of the May 6, 2013 meeting.

Mr. Haworth abstained from discussion and voting, as he was not on the Board for the previous votes.

After being satisfied that the amendment was necessary to the CDBG application process, Mr. Espindola motioned to approve the minutes as amended by Mr. Roth, for March 18, 2013. Mr. Murphy seconded. Vote passed (2-0-1).

UPCOMING COA EVENTS

COA director Anne Sylvia met with the Board at 7:08 p.m. to discuss upcoming Senior Center events in May and June. Included in these events were:

- The installation of a bocce court at the Senior Center, which was made available through a United Way mini-grant, and with donations from P.J. Keating, and help from Danny and Keith Sylvia. There will be a ribbon cutting for the bocce court soon.
- May 9 – Coastline Elderly and the Fairhaven COA will hold an informational event at the Seaport Inn. There will be vendors for seniors, and the SouthCoast Health Van will be there. Event runs from 10:00 a.m. to 2:30 p.m.
- May 20 – The Commission on Disability will host the Disability Awareness fair from 1:00 p.m. to 4:00 p.m. – there will be 25 vendors.
- May 29 – The Senior Resource Association will host a program from 5:30 p.m. to 7:00 p.m. Products and services will be demonstrated for seniors. There will be free food and raffles.
- June 4 – Single Senior Supper – The Senior Center will do a summer kick-off of the Single Senior Supper with a D.J. The suppers will be on Tuesday nights from 4:00 p.m. to 7:00 p.m. Ms. Sylvia added that the COA has partnered up with Coastline Elderly Services to also bring a cookout event for the LGBT community. They selected Gay Pride month of June to kick-off this event.
- June 13 – The COA Friendly’s Fundraiser – Ms. Sylvia said that residents could get Friendly’s coupons at the Senior Center and then bring it to Friendly’s on June 13. Friendly’s will donate 20 percent of bills to the COA to those who present a coupon.
- June 19 – The Friends of the Council on Aging will hold a “Girly Stuff” event, featuring jewelry and chocolates.

Ms. Sylvia also took a moment to thank Mrs. Charette and her students over at the High School for helping put together a video of everything that happens at the COA. The video will be placed online and on Facebook.

The Board thanked Ms. Sylvia for the presentation.

DOWN THE HATCH

At 7:17 p.m., the Board held a public hearing for a Sunday Entertainment license renewal for Down the Hatch, with the license covering the hours of 1:00 to 8:00 p.m. for one year. Down the Hatch owner David Hebert and Manager Kevin Tate were present.

Discussion started with references to previous complaints from neighbors about the late-night music coming from Down the Hatch. Mr. Tate said that he thought that they had taken some good steps to avoiding this problem in the future, with sound blankets and sound checks to ensure that neighbors will not be bothered by the music coming from the establishment. He said that the musicians they are booking for the 2013 summer season are more acoustic and as a result, sound levels will be reduced.

Mr. Hebert said that he lives on West Island, and along with Mr. Tate, works hard to make sure that sound levels are reasonable for neighbors. He said that they are not perfect, but they still try to operate an establishment that is fair to other islanders.

Mr. Haworth asked about parking at Hoppy's Landing, especially on Sunday afternoons. He said that he heard parking had become a problem there, with Down the Hatch patrons taking up spaces. Mr. Hebert said that the employees of Down the Hatch do not condone this behavior. Mr. Haworth asked if the Board could make their vote conditional upon the placement of a sign, to be placed at the expense of Down the Hatch, asking patrons to not park at Hoppy's Landing. Mr. Hebert seemed amenable to this request.

Mr. Murphy opened the hearing up to public comment. Sid Martin of 32 Alder Street was recognized. Mr. Martin started by clarifying that he was speaking as a resident and not speaking in his capacity as a member of the Finance Committee. Mr. Martin confirmed that Down the Hatch does cease all music at 8:00 p.m. on Sundays, just as they are supposed to.

Mr. Espindola stated that changing the music to acoustic was a commendable step. Mr. Espindola motioned to approve the Sunday Entertainment license, with music to be played on Sundays from 1:00 to 8:00 p.m., and with the license being valid for one year. Mr. Haworth seconded. Vote was unanimous. (3-0).

BOARD OF HEALTH ELECTION

The Chairman then moved onto a discussion item, regarding the April 1, 2013 Board of Health election, in which Peter DeTerra was announced the winner by the Town Clerk with a one vote margin, over competitor John Wethington.

Mr. Murphy opened the discussion by saying that it would be a Selectmen discussion item only, despite the fact that several of the interested parties were present in the audience. Mr. Murphy confirmed that, at the previous meeting of the Board of Selectmen, the Board had requested comment from Attorney John Markey (representing Peter DeTerra) and from the Town Clerk. He said that those responses have been received. He said that the Board of Selectmen had received a request from Atty. Ann DeNardis, for the Selectmen to coordinate an appeal to Superior Court to contest the methods used by the Town Clerk in the April 1 election. Atty. DeNardis made the request on behalf of her client, Mr. Wethington.

Mr. Murphy clarified that the interested parties did not have to wait for a decision from the Board of Selectmen in order to start the appeal process with the Superior Court. He said that the interested parties could make an appeal at any time, with or without the help of the Board of Selectmen.

Mr. Murphy opened up the topic to Board comment. Mr. Espindola said that he wanted to hear more from the Secretary of State's office about their investigation into the April 1 election, before he made a decision regarding Atty. DeNardis' request.

Mr. Haworth stated that he had read the letters from Atty. DeNardis, Atty. Markey, and the Town Clerk. He said that the Board of Selectmen would be exceeding its authority if it filed the appeal. He said that it was up to the candidate, Mr. Wethington, to file that appeal. He said that Mr. Wethington had "every right" to file that appeal, but that it should not come from the Board of Selectmen. Mr. Haworth said that the Board of Selectmen is supposed to represent all Town residents, not just a single candidate. He cited cost, saying that it was possible to incur \$20,000 in legal fees if the Board petitioned the Superior Court.

Mr. Murphy said that he had spoken to Town Clerk in regards to the matter. He said that he thought she had done her due diligence in regards to what the state has told her to do, especially in making sure that no errors were made in the April 30 State Primary. Mr. Murphy said that if Mr. Espindola wanted to wait until the State responded to the election, then he would be supportive of that, but he reiterated that the parties involved did not need to wait for a Board decision before filing an appeal themselves. He clarified that the Town Clerk could also file an appeal at any time if she chose to.

Town Counsel, Tom Crotty, entered the room at 7:32 p.m.

Mr. Espindola asked Atty. Crotty how long a state investigation on the election would take. Atty. Crotty did not know but he clarified that the process would likely not result in the State ordering a new election; most likely, he said, the Town Clerk would be ordered to complete some additional training to prevent future issues.

Mr. Haworth asked what the time frame would be for the candidate to file an appeal. Atty. Crotty said that there is a provision that the Town Clerk should destroy election records 30-days after an election, unless an intent to file an appeal is noted. Mr. Espindola asked when the 30-day period began. Atty. Crotty said that it was likely 30 days from the date of the election. Mr. Espindola noted that if that were the case, the time period had already passed. Mr. Espindola said that the Board should probably send a request to the Town Clerk, asking her to not destroy the ballots. Atty. Crotty said that the Board probably did not have the authority to do that. Atty. Crotty said that the matter came down to a policy decision and not a legal issue. He said that the Board could file the appeal, but it would have to determine if it wanted to file the appeal.

Mr. Murphy asked if Atty. Crotty found any cases where the Board of Selectmen filed a similar appeal after an election. Atty. Crotty said that, in his research, he found appeals were almost always filed by the candidates, and he could not find any examples of Selectmen filing on behalf

of candidates. He said that there was a recent “friendly petition” by the City of Boston because of polling machine failure and voting results were completely lost as a result.

As far as time frame, Atty. Crotty said that the State could take some time in the investigation – potentially months – and in the end, there may not even be a report. Rather, the State make just make a recommendation for further training.

Mr. Murphy said that he was not taking a vote right away, but at the moment, he was not comfortable with petitioning Superior Court for a new election.

Mr. Espindola noted that the Board of Registers is appointed by the Board of Selectmen. He said that the Board of Selectmen did not have jurisdiction over the Town Clerk, but it was the appointing authority over the Board of Registers.

Atty. Crotty said that the Board could not tell the Board of Registers how to do their job, even if they are appointed by the Board of Selectmen. He said that the Selectmen can only hold the Registers accountable if they are demonstrating gross negligence, such as not showing up to meetings or not showing up to recounts. He said that the Selectmen could not direct appointed officials in their decisions.

Mr. Haworth repeated his stance, saying that he did not think the Selectmen should get involved in the matter.

Mr. Murphy asked Atty. Crotty if the Board should respond to Atty. DeNardis’ letter. Atty. Crotty said that it was up to the Board. Mr. Murphy asked permission from the Board to move onto the next agenda item. There was no protest.

JOINT MEETING WITH BOARD OF HEALTH

Chairman Murphy said that he had broached the topic of the wind turbines and abutters complaints at a previous meeting. To follow up on the matter, Mr. Murphy said that he would like to reach out, as a Board, and request a joint meeting with the Board of Health to determine a compromise with abutters and those who have filed Wind Turbine Complaint forms.

Mr. Espindola said that he would support reaching out to the Board of Health.

Mr. Haworth was also supportive of the measure. He added that the meeting should be requested within a 30 to 45 day period.

Mr. Espindola said that he would find it helpful if the Board of Health provided additional information to the Board of Selectmen in regards to the Wind Turbine Complaint forms.

Ms. Kakley said that she would draft a memo from the Board of Selectmen to the Board of Health and run it by the Select Board Chairman before sending it. Upon request of the Board, Ms. Kakley said that she would place a copy of the Fairhaven LLC contract in their mail slots.

SEEAL AND TOWN SEAL

At 7:50 p.m., the Board met with Jennifer Marshall Grantham, Director of the SouthCoast Energy Challenge (SEEAL), to discuss the use of the Town seal in publications and solar initiative literature.

Ms. Marshall-Grantham gave a brief presentation on the project. The project is a partnership between the Town and SEEAL, in which residents will be given free energy evaluations on their homes, and then will be directed to services that could improve their energy efficiency, particularly solar energy. Ms. Marshall-Grantham said that SEEAL had a signed MOU with the Town of Fairhaven, and had pushed back the launch date a few weeks to get more speakers at their solar press conference, scheduled for May 29 at 1:00 p.m.

Ms. Marshall-Grantham said that a major part of their promotional efforts will include literature, signs and brochures, which display their campaign and include logos of the groups involved in the collaborative effort. She said that the SEEAL organization would like to use the Town seal on its literature.

Mr. Espindola showed Ms. Marshall-Grantham a “Town of Fairhaven” logo created by the Tourism Director, Chris Richard. The logo depicts the Town skyline, and while it was not the official seal, it was still recognizable as a symbol of the Town, as it is used in a lot of Town events and promotions.

Ms. Marshall-Grantham said that it was specifically the Town Seal that “legitimizes the project and increases participation”. She said that the City of New Bedford and the Town of Dartmouth had both offered the use of their Town seals. She said more recently, the City of Cambridge had also offered its seal in materials. She understood that the argument against use of the Town seal was that “it sets precedent”, but she said that the Town should be grateful to participate in the project.

She said that the group would begin canvassing homes in the next few weeks. Preliminary figures indicate that about 1,400 homes in Fairhaven will be ideal candidates for solar.

On the matter of the Town seal, Mr. Espindola was the first to speak. He said that he had “gone back and forth” on the issue. He said that he was ultimately comfortable using the Town seal because the Board would be “endorsing a measure, not a company”.

Mr. Haworth spoke against offering the use of the Town seal for anything other than strict Town business. He said that he supported the project and hoped that people could take advantage of it, but that he was not comfortable with another party having use of the Town seal. He said that he was supportive of SEEAL using the alternative Town logo offered by the Office of Tourism.

Ms. Marshall-Grantham said that “this should be a Town campaign” and that she wanted to see a high level of participation.

Mr. Osuch said that he respected what SEEAL was trying to accomplish, but that he disagreed with the use of the Town seal for the matter. He said that he supported using the logo instead, which he thought would be more recognizable to residents anyway. In the sample literature distributed by Ms. Marshall-Grantham, Mr. Osuch said that he noticed that they had already added the Town of Fairhaven seal to a pamphlet. Ms. Marshall-Grantham said that this was a mock-up and had been erroneously added to the packet. She added that she did not foresee the matter of the Town seal being an issue.

Mr. Espindola asked if the Board could submit a letter about the project on Town letterhead. Mr. Osuch said that would be fine, as the letter would be originating from the Selectmen's office.

Ms. Marshall-Grantham said that she would ask for final approval of any literature created by SEEAL with the Fairhaven Town seal. Mr. Osuch said that the point had nothing to do with approval, but with setting precedent. Ms. Marshall-Grantham said that they never considered that this would be an issue, and said that in the future, they would write the use of town seals in their MOUs.

Mr. Osuch said he did not understand why the Town seal was so critical to the viability of the SEEAL project. Ms. Marshall-Grantham asked the Board if it would reconsider its stance if she could secure letters of recommendation from the Town of Dartmouth and the City of New Bedford.

Mr. Murphy explained to Ms. Marshall-Grantham that the issue of the Town seal and Town stationery was a sensitive topic, due to recent events. A potential compromise, presented by Mr. Murphy, was to use the Town logo and have it read "Endorsed by the Town of Fairhaven". Ms. Marshall-Grantham thought that this would be a good compromise.

Mr. Haworth disagreed, saying that he was uncomfortable with the use of the word "endorse". Mr. Haworth said that he would be more comfortable with the phrase "Supported by the Town of Fairhaven". Mr. Haworth added that, no matter how many letters of recommendation Ms. Marshall-Grantham got, he would not be supportive of a third-party using the Town seal.

Mr. Espindola motioned to allow SEEAL to use the Town skyline logo (see Attachment A) for its Fairhaven Energy Challenge. Mr. Haworth seconded. Vote was unanimous. (3-0).

Ms. Marshall-Grantham said that SEEAL would like to obtain a letter of recommendation from the Board of Selectmen and the Executive Secretary, supporting the project. Mr. Espindola motioned to approve a letter of recommendation from the Board of Selectmen and the Executive Secretary. Mr. Haworth asked for discussion. He asked Mr. Osuch if he was comfortable attaching his name to the letter. Mr. Osuch said that he thought the Board should take a vote on the letter after seeing its contents. The Board amended the motioned to make it contingent upon final approval of the letter. Mr. Haworth seconded Mr. Espindola's motion. Vote was unanimous. (3-0).

JULIA STODDARD FUND

The Board read a memo from Town Accountant Anne Carreiro to the Commissioners of Trust Funds, regarding the depletion of the Julia Stoddard Fund. In the letter, Ms. Carreiro told the Trust Commissioners that the recipients of the Julia Stoddard Fund will cease to receive payments from the Julia Stoddard fund as of August 2013, when the interest is depleted. It was noted that this was the second memo from the Town Accountant to the Commissioners of Trust Funds in regards to the Julia Stoddard fund.

Mr. Osuch said that if the Commissioners had voted to reduce payments on the Julia Stoddard fund, the fund may have survived. Mr. Espindola said the Board of Selectmen would have to wait for a response from the Commissioners. Mr. Osuch said that the Commissioners did not respond to the first memo. Ms. Kakley said that Town Clerk records indicated that the Commissioners of Trust Funds had not met since 2011.

Mr. Haworth asked what the Julia Stoddard Fund was. Mr. Osuch said that it was a trust fund that had been started for Town residents in need of financial help. Recipients of the trust had to apply to the Commissioners and were made recipients based on need.

Mr. Haworth said that there was a “bigger problem of an elected board not acting”. He supported the idea of the Board of Selectmen submitting a letter to the Commissioners asking them how they are going to address the Julia Stoddard issue.

Mr. Murphy said that the Julia Stoddard beneficiaries will have to start to make arrangements in preparation of no longer receiving that money.

Mr. Espindola said that the Commissioners were an elected board and the Selectmen could not tell them what to do, but they could at least send a letter. Mr. Espindola motioned to send a letter to the Commissioners of Trust Funds to see how they are going to address the dwindling Julia Stoddard fund. The Board asked that the letter be sent to all three Commissioners. Mr. Haworth seconded. Vote was unanimous. (3-0).

JACK’S AUTO SALES

The Board read a letter from resident Vicki Paquette, regarding Donald Lamarr, owner of Jack’s Auto Sales. In her letter, Ms. Paquette alleged that Mr. Lamarr was in violation of the Lemon Law. Ms. Paquette said that she purchased a car from Mr. Lamarr’s dealership, but the car was “a lemon”. When she attempted to return the vehicle, Mr. Lamarr refused to take the car back and allegedly showed her his Bristol County Sheriff’s identification. Ms. Paquette took Mr. Lamarr to small claims court, and she won. Mr. Lamarr appealed the decision and lost the case again. Mr. Lamarr defaulted at a payment hearing by failing to show up. There is now an arrest warrant out for Mr. Lamarr.

Mr. Espindola asked what the Board of Selectmen could do for Ms. Paquette in this situation. Mr. Osuch answered that the Selectmen were the licensing authority for car dealerships. Although the dealership license for Jack’s Auto Sales had been renewed in January, the Board could still choose to revoke the license, or at least suspend it, after a properly noticed hearing.

Mr. Haworth said that Ms. Paquette made a clear request and that Mr. Lamarr failed to reply. He said that he would support holding a hearing to determine the future of Mr. Lamarr's dealership license.

Mr. Murphy agreed with Mr. Haworth, saying that he would like to arrange a hearing to consider rescinding or suspending the license.

Mr. Espindola motioned to conduct a hearing against Jack's Auto Sales at the earliest available meeting. Mr. Haworth seconded. Vote was unanimous. (3-0). Mr. Haworth asked if the Board wanted to still bring in Mr. Lamarr if he paid Ms. Paquette prior to the hearing. Mr. Murphy said that he wanted to conduct the hearing regardless, as others could be having issues with Mr. Lamarr as well.

VACATION CARRYOVER REQUEST

The Board received a request from Recreation Center Programs Coordinator Rachel Martin to carry over five vacation days past her anniversary date of May 5.

The Board deliberated over the request of vacation carryover in general. Mr. Espindola noted that the request did not come in early enough for a decision to be made before her anniversary. Mr. Osuch said that the Board may want to have the Personnel Board discuss the matter of giving adequate notice prior to carryover requests, and of vacation carryover in general.

Mr. Haworth said that the point of vacation is to take it within the allotted time period to prevent department shortages. There are occasional unforeseen issues, he said, but most of the time requests for carryover should be avoided.

The Board agreed to work on a clear policy to prevent unnecessary carryover requests. The Board will await a decision from the Personnel Board on the matter.

Mr. Espindola motioned to send a letter to the Personnel Board regarding carrying over vacation days and notification time frames, to more clearly define a carryover policy. Mr. Haworth seconded. Vote was unanimous. (3-0)

FIRE DEPARTMENT TRANSFER REQUEST

The Board reviewed a request from the Fire Department for an FY13 transfer of \$1,500. Mr. Osuch said that the figure was not finalized, but would be "refined" before the Finance Committee met again in June. Mr. Espindola motioned to be supportive of a transfer to the Fire Department. Mr. Haworth seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In Other Business:

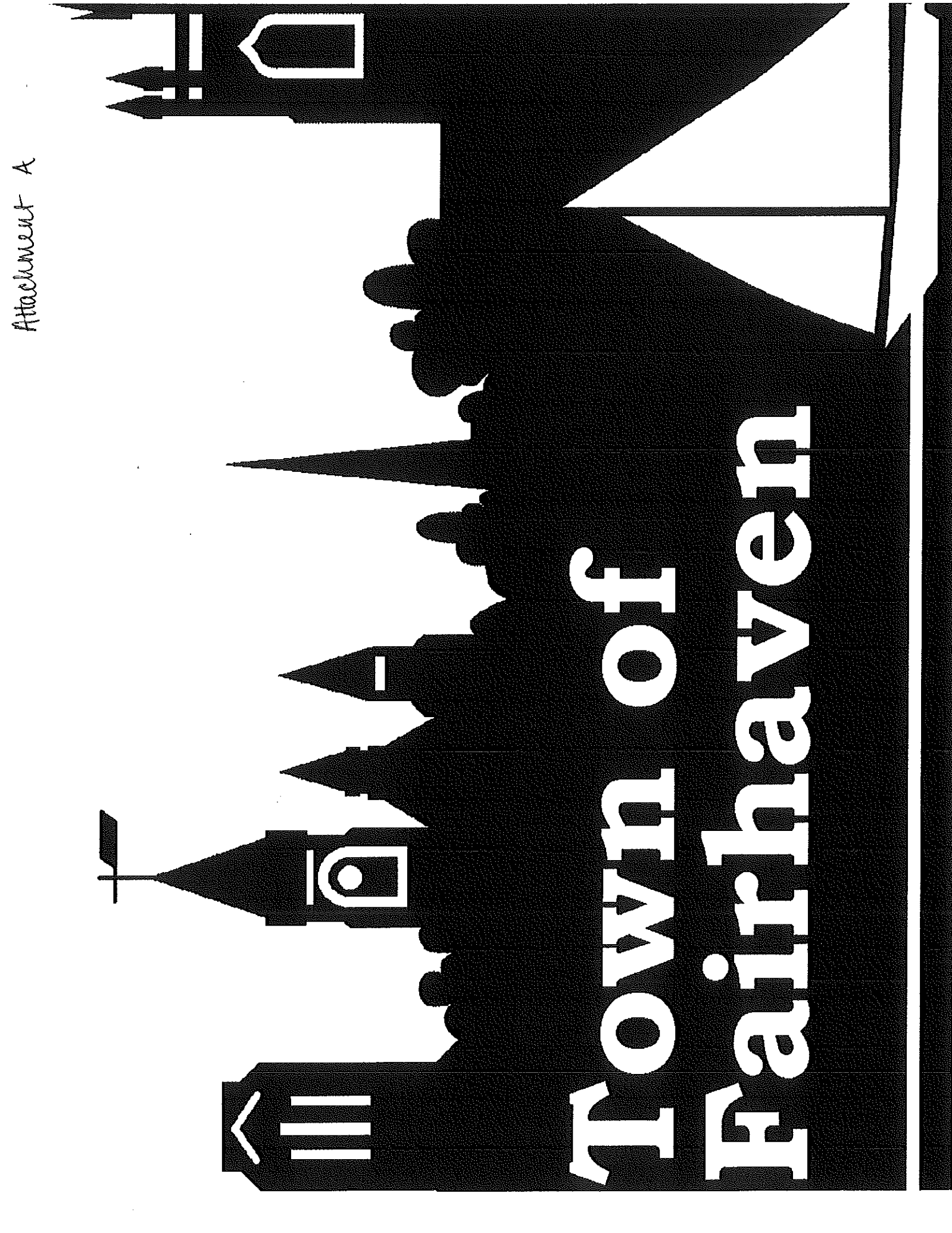
- Mr. Espindola thanked all the Town Meeting members for staying for the duration of the May 4, 2013 Town Meeting
- Mr. Espindola said that the Town Moderator will field all questions related to the creation of a Town Government Study Committee. He will also post a press release in local papers
- Mr. Espindola encouraged the public to participate in the Bikeway Committee ride on Saturday, May 18. The ride is free, and there will be music, activities, and Tourism Director Chris Richard will give an historic tour of Fort Phoenix
- Mr. Haworth noted that his first Town Meeting as a Selectmen is over and that he was looking forward to being an instrumental part of the structure of next Town Meeting
- Mr. Haworth reminded the public that the Selectmen does not have jurisdiction over everything in Town. He said that he logs inquiries from the public, but that the Selectmen are not the final authority in everything
- Mr. Haworth said that he will be holding office hours on the last Wednesday of the month in the Banquet Room at 6:00 p.m.
- Mr. Murphy offered Board condolences to the Tripp family, on the death of Kathy Tripp's father-in-law
- Mr. Murphy thanked the participants and coordinators of the National Day of Prayer for a successful event
- Mr. Murphy thanked the children of East Fairhaven Elementary for the thank you cards they sent him after he visited their classroom to be a guest reader
- Mr. Murphy acknowledged Detective Glenn Cudmore of the Police Department, who will be honored for a second year in a row in a ceremony by U.S. Attorney Carmen Ortiz and the United States Department of Justice for his case word on *United States v. Luis Alberto Gonzalez, et. al.* The Board joined Police Chief Michael Myers in praising Det. Cudmore for his work

At 9:03 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 to discuss an Open Meeting Law complaint. 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 5/20/2013



Town of Fairhaven