



Fairhaven Board of Selectmen

July 25, 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 6:32 p.m. The meeting was telecast and video recorded by Government Access, and was recorded by Andrew Augustus of WBSM.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **July 15, 2013** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **July 15, 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:

- Friday, **July 26** –
 - 7:00 a.m. – New School Building Committee
- Tuesday, **July 30** –
 - 9:00 a.m. – Wood School Job Meeting
- Thursday, **August 1** –
 - 7:30 a.m. to 9:00 a.m. – Forum at Buzzard's Bay Coalition office
- Monday, **August 5** –
 - 4:00 p.m. – Police Negotiations
- Tuesday, **August 6** –
 - 10:00 a.m. – Wood School Job Meeting
- Wednesday, **August 7** –
 - 3:00 p.m. – Finance meeting with Assessor, Town Collector
- Thursday, **August 8** –
 - 6:30 p.m. – Selectmen's Meeting

WOOD SCHOOL PROJECT

Mr. Osuch advised that the next School Building Committee would discuss substantial completion. The school is progressing, and floors are getting waxed. Furniture will be moved in soon. Rooftop units on the building are operational.

TOWN HALL PHONE SYSTEM

Mr. Osuch said that the new phone system was scheduled to be installed in the Town Hall in the upcoming week.

NSTAR GAS PERMIT

The Board reviewed an NSTAR gas permit application for 76 Spring Street between Adams and Christian Street, which had been previously approved by the Board of Public Works. Mr. Espindola motioned to approve the application. Mr. Haworth seconded. Vote was unanimous. (3-0).

SEPTEMBER 9 ELECTION – APPROVAL OF POLL WORKERS

The Board reviewed a list of poll workers for the September 9, 2013 Board of Health election. See Attachment A for the full list of workers. Mr. Espindola motioned to approve the list of poll workers for the September 9 election. Mr. Haworth seconded. Vote was unanimous. (3-0).

NATURAL RESOURCES INTERN

Mr. Murphy read a letter from Harbormaster Dave Darmofal asking the Board to authorize the hiring of an intern for the Natural Resources department. The intern would be completely funded by Cape Cod Community College and tasks would be related to the propagation program, grant applications (particularly for an upweller) and GIS systems. The Board reviewed the resume of the recommended intern, Erich Druskat, and determined that he was qualified. The Board was favorable to the request. Mr. Espindola motioned to hire Mr. Druskat as an intern with Cape Cod Community College covering the costs of the internship. Mr. Haworth seconded. Vote was unanimous. (3-0).

CULTURAL COUNCIL APPOINTMENT

The Board read a letter of interest from resident Abigail Hevey, asking to be appointed to the Fairhaven Cultural Council. Ms. Kakley confirmed with the Town Clerk that there was room in the Cultural Council for another appointment. Mr. Espindola motioned to appoint Ms. Hevey to the Fairhaven Cultural Council. Mr. Haworth seconded. Vote was unanimous. (3-0).

BETTER FUTURE PROJECT – WALK THROUGH FAIRHAVEN

The Board read a letter from Joshua Jackson of the Better Future Project, asking for permission for a group of concerned citizens to pass through Fairhaven on foot on August 29. The demonstration will be confined to the sidewalk and will be to promote a better future through clean energy. Mr. Espindola motioned to approve the request. Mr. Haworth seconded. It was so

voted unanimously. (3-0). Mr. Murphy asked Ms. Kakley to inform the Police Chief of the event approval.

ANIMAL SHELTER DONATIONS

Mr. Espindola motioned to accept Animal Shelter gift account donations in the amount of \$545.00. Mr. Haworth seconded. Vote was unanimous. (3-0).

PHOENIX RESTAURANT

The Board reviewed an application for a Common Victualer license from the Phoenix Restaurant. The application was signed off by the Building and Health Departments. There was some question as to whether or not the taxes on the location were current and a worker's compensation certificate had not yet been received by the Town. Mr. Espindola motioned to approve the Common Victualer license for the Phoenix Restaurant, contingent upon the receipt of a worker's compensation certificate and confirmation of current taxes. Mr. Haworth seconded. Vote was unanimous. (3-0).

OUR LADIES OF ANGELS – FEAST ALCOHOL LICENSE

The Board reviewed a request from Our Ladies of Angels requesting a Special All-Alcohol license for the three day feast on August 31, September 1, and September 2. Mr. Espindola motioned to approve the license. Mr. Haworth seconded. Vote was unanimous. (3-0).

NATURAL RESOURCES APPOINTMENT

At 6:49 p.m., Harbormaster Dave Darmofal and Shellfish Warden Timothy Cox were present.

The Board reviewed a letter from the Harbormaster asking for Todd Cox to be appointed to the position of Shellfish Constable/Assistant Harbormaster. In his letter, Mr. Darmofal stated that he had contacted the day lawyer at the State Ethics Commission and was informed that there should be no conflict of interest with Todd Cox's father Timothy serving as the Shellfish Warden.

Mr. Espindola said that he was glad that Mr. Darmofal had taken the initiative to contact State Ethics on the matter and that he felt comfortable with the appointment. Mr. Haworth asked the younger Mr. Cox why he wanted to be appointed. Mr. Cox replied that he enjoys helping people. Mr. Murphy added that Mr. Cox has an exemplary record of "dedication and volunteerism". Mr. Espindola motioned to appoint Todd Cox to Shellfish Constable/Assistant Harbormaster. Mr. Haworth seconded. Vote was unanimous. (3-0).

TEMPORARY SERGEANT APPOINTMENT

The Board read a letter from the Police Chief asking for a temporary appointment of Pamela Bourgault to the position of Sergeant. Officer Bourgault is currently a Detective. The Board noted that Det. Bourgault had an excellent reputation and would be a good choice for the temporary promotion to fill another officer's absence for a minimum of two months. Mr.

Haworth said that he had spoken with the Police Chief and had determined that the temporary promotion would be a good fit for the department. Mr. Murphy agreed, saying that Det. Bourgault was “well-respected by her staff, her peers and her community”. Mr. Espindola motioned to approve the temporary promotion of Det. Bourgault to Sergeant. Mr. Haworth seconded. Vote was unanimous. (3-0).

At 6:55 p.m., Mr. Murphy recused himself, citing his role as Director of MOLIFE.

MOLIFE MEMORIAL WALK FOR KATIE BRIENZO

Mr. Espindola took over as Chairman briefly while Mr. Murphy recused himself. He read a letter from Ashlee Lentini of MOLIFE, asking permission to hold the second annual MOLIFE Katie Brienzo Memorial Walk on September 14, 2013, to begin at Our Lady’s of Angels. Both Mr. Espindola and Mr. Haworth were supportive of the event. Mr. Haworth motioned to approve the second annual MOLIFE Katie Brienzo Memorial Walk on September 14, 2013. Mr. Espindola seconded. Vote passed with one abstention from Mr. Murphy. (2-1-0).

Mr. Murphy rejoined the meeting at 6:59 p.m.

HARBORMASTER OVERTIME REQUEST

The Board read a letter from the Harbormaster requesting a payout for FY13 overtime in excess of 40 hours, for both the Harbormaster (Dave Darmofal) and the Shellfish Warden/Asst. Harbormaster (Tim Cox).

Mr. Darmofal explained that overtime was accrued as the result of search and rescue missions and oil spills. Mr. Cox had accrued over 150 hours of comp time in FY13; Mr. Darmofal had accrued 117 hours in FY13. Only 40 hours each could be transferred into FY14. Mr. Darmofal said that there was excess of \$3,000 remaining in the FY13 deputy budget and asked the Board to consider a comp time buy out for both himself and Mr. Cox.

Mr. Espindola said that he found it understandable that the Natural Resources department would accrue comp time. Mr. Osuch noted that the request from Mr. Darmofal came in on July 15 and that it had been expressed in the previous year that late requests for pay outs were not going to be honored. He said that the Town Accountant could not begin the process of closing the books if late requests continued to be honored. He said that he thought that the Board needed to look at the larger issue of comp time for several departments, including Natural Resources.

Mr. Darmofal said that he agreed there was an issue related to overtime and scheduling, but he said he was not sure how to resolve it. He said that it was difficult to call out a deputy in the middle of the night to an oil spill or a search and rescue. He said that he was trying to remain conservative with deputy hours, to save those hours in case they were needed in a bad storm.

Mr. Osuch said that the issue was with departmental management, and that the deputies should be used more. He indicated that this has been an ongoing problem with Mr. Darmofal over the past several years.

Mr. Murphy said that he had spoken with Mr. Cox and Mr. Cox had agreed to start putting together a schedule at the beginning of the week to avoid accruing so much comp time.

Mr. Haworth noted that Mr. Darmofal took the entire month of October 2012 off and got paid with comp time. He asked if Mr. Darmofal had worked that month at all. Mr. Darmofal said he was not in Town that month. Mr. Haworth said that the arrangement was setting bad precedent for all the other departments.

Mr. Darmofal explained that he had limited knowledge of what was remaining in his budget, as he did not have access to VADAR. For this reason, he said, he could not make the request for the comp payout until mid-July, as he wanted to know what was remaining in his budget for the potential pay-out.

Mr. Haworth said that he did not want to “micromanage” a department head, but he recommended that Mr. Darmofal reduce his hours and use deputies more. He said that he was supportive of the Natural Resources department, but not of Mr. Darmofal’s request.

Frank Coelho was recognized by the Chairman. Mr. Coelho asked how many hours were spent on the Natural Resource department per week. Mr. Darmofal said that it is a seven-day-a-week operation. He said that both he and Mr. Cox try to work holidays and weekends. He said that there has been some difficulty getting qualified deputies with open availability to work for his department.

Discussion ensued regarding use of deputies and the timing of comp time, with the busy season overlapping the fiscal year and resulting in a pattern of comp time loss for the Natural Resources department. Mr. Darmofal said that he is employed by the Town as a Harbormaster for nine months out of the year and that if the Town was going to prohibit him from a comp time payout, then it should have a policy written beforehand.

Mr. Murphy asked Mr. Darmofal to put something together for the Board of Selectmen on how he was going to address the issue for the future. Mr. Murphy added that he would support authorizing the comp time payout with the caveat that the Personnel Board would put something together to address the comp time issue in the future.

Mr. Espindola motioned to allow the one-time comp time payout for Mr. Darmofal and Mr. Cox with the understanding that this was the last time he would support such a request. Mr. Murphy seconded. The vote was passed with one dissenting vote from Mr. Haworth. (2-1).

Additionally, Mr. Darmofal made a request to carry over 8.5 vacation days for himself from his June 2013 anniversary date and 3 vacation days for Mr. Cox’s anniversary date. Mr. Espindola motioned to carry over the vacation time for both Mr. Darmofal and Mr. Cox. Mr. Haworth seconded. Vote was unanimous. (3-0).

TOWN COUNSEL RFP

The Board reviewed a proposed RFP for Legal Services. They deliberated on the RFP and reviewed deadlines for various publications. Mr. Espindola motioned to send out a legal ad for the RFP to Massachusetts Lawyers Weekly and Standard-Times, with a bid opening date of August 19 at 2:00 p.m. Mr. Haworth seconded. Vote was unanimous. (3-0).

SPECIAL COUNSEL

Upon request from Mr. Espindola, the Board discussed the use of Special Counsel related to the wind turbines. Mr. Espindola noted that a quote had been submitted to the Board from Kopelman and Paige for Town Counsel services. Mr. Murphy and Mr. Haworth said that they would like more information. Mr. Haworth noted that he would not consider hiring anyone for Special Counsel without an interview first.

Mr. Espindola asked the Board if it would be receptive to interviewing attorneys from Kopelman and Paige at the next meeting. The Board expressed interest in interviewing the attorneys. It was agreed that Ms. Kakley would schedule interviews with attorneys from Kopelman and Paige.

John Methia was recognized by the Chairman. Mr. Methia said that “it is never good to see your job posted”. He expressed concerns that current Town Counsel’s performance would suffer as a result of seeing interest in other firms. He asked if there was concern about Atty. Crotty’s job performance. Mr. Methia said that he thought Atty. Crotty was often absent.

Mr. Murphy said that he would also like to invite Atty. Crotty to the August 8, 2013 Selectmen’s meeting. Mr. Espindola said that no one has been eliminated from the process, including Atty. Crotty. Mr. Haworth said that, in the meantime, he wanted Atty. Crotty to continue representing the Town.

WATERWAY ACCESS AT UNION WHARF

In an update to the issue of public access to the floating dock at Union Wharf, Mr. Murphy confirmed that public access to the floating dock has been restored and will remain open. The Harbormaster had solicited an opinion from the Seaport Advisory Council on the access point, which had been created via funds from the Seaport Advisory Council. See Attachment B for a letter from Louis Elisa regarding the Town’s authority to use and/or restrict the waterway access.

Mr. Murphy said that the Town would find someplace else to dock the Town vessels. Mr. Darmofal said that a document had been provided to him that may give the Town another option. He removed the newly installed gate at Union Wharf, he said.

Frank Coelho was recognized by the Chairman. He said that the Town charges for dock space at Union Wharf, but perhaps the Town should instead keep some of those slips for its own use instead of paying others to dock Town vessels. He said that perhaps the Town should have an advisory council related to this matter. Mr. Murphy welcomed Mr. Coelho to put together a proposal for an advisory council.

Mr. Darmofal said that keeping a boat at Earl's Marina is essential for response time and to keep fuel costs down.

Garth Rowe was recognized by the Chairman. He said that while it is nice to have access to the South side of Union Wharf, he said that "you are at the mercy of the tides", with as much as a ten foot drop at low tide, making it impossible to use the larger dock for smaller vessels like skiffs and kayaks. Mr. Garth said that the floating dock was important to the smaller vessels and he asked if the Town had any plans to close off the public access again in the future. Mr. Murphy said that closing the dock again would have to come in the form of a Selectmen vote, and at this time, it was not the will of the Board to close off public access to the Union Wharf floating dock. Mr. Espindola agreed.

POP WARNER REQUEST

Mr. Murphy said that there was a request from Pop Warner to use a portable facility on the Oxford School site for the upcoming football season. Mr. Haworth said that he was aware of the request, but that he had advised Pop Warner to pass the request onto the School Committee, as the Oxford School property still falls under their purview until such time that the building is handed over to the Town. No action was taken on the request.

JACOB ALLEN – DEPOSIT

The Board read a request from the Harbormaster to authorize the taking of the Jacob Allen deposit in the amount of \$300, to cover a remaining balance. He said that the Town Accountant said that she needed a vote from the Board of Selectmen in order to take the deposit. Both Mr. Espindola and Mr. Haworth were in support. Mr. Espindola motioned to authorize the taking of the Jacob Allen deposit. Mr. Haworth seconded. Vote was unanimous. (3-0).

30B PROCUREMENT

At 8:08 p.m., the Board met with Paul Kitchen to discuss a letter he submitted to the Board requesting 30B powers (see Attachment C). Mr. Kitchen said that his request was originally submitted to the Board in 2012 and no action was taken at that time. Mr. Espindola apologized to Mr. Kitchen that his initial request had not been acted upon. The Board invited Mr. Osuch to speak on the matter.

Mr. Osuch said that, a year ago, the Town had adopted a procedure by which all departments had to use to make purchases over \$1500. He said that the 30B procedure was recommended by the Department of Revenue and requested by the Town Accountant. He said that there was an ongoing problem with departments making purchases and completing the 30B paperwork as an afterthought. He said that in order to address the current procurement procedure, the Board ought to speak with the Town Accountant and the Town Treasurer. As the procurement officer, said Mr. Osuch, he did not recommend any changes.

Mr. Haworth said that the issue sounded like a "power struggle". He asked why Mr. Kitchen could not just make his own purchases. Mr. Kitchen said that he did not think that the Town was

adequately following 30B procedure. Mr. Kitchen had spoken with Brian O'Donnel of the Inspector General's office and said that the Procurement Officer does not have the power to "veto" the purchase – it is only to confirm that the bidding process has been followed.

Mr. Haworth asked Mr. Osuch if he was a CPO (Certified Procurement Officer). Mr. Osuch said he was not. Mr. Haworth indicated that Mr. Kitchen was certified and possibly more qualified to act as the CPO. Mr. Osuch said that he knew the Board had been approached by departments who were unhappy that they had to follow the Procurement procedure, but it was something that a previous Board had solicited him to do. He repeated that it was important for the Board to meet with the Town Accountant and Treasurer before making any decisions. Mr. Espindola suggested bringing in the Finance department to a Board meeting to discuss the matter. Mr. Haworth said that there was no reason to tie up another Selectmen's meeting, when the individual Board members could meet with the Finance department outside of a Board meeting to get more information before making a decision.

Mr. Kitchen invited the Board to speak with Mr. O'Donnell at the Inspector General's office. Mr. Espindola said that he would make the call to Mr. O'Donnell. The matter of Procurement will be placed on the next agenda.

COMSTAR BILLING – AMBULANCES

The Board read a letter from the Fire Chief regarding current ambulance billing practices. In his letter, Chief Francis expressed a need for more streamlined record keeping, and a policy by which the Town could stop pursuing some unpaid accounts and deem them uncollectible. The Board was receptive to the request, but had some questions regarding how the changes would be implemented. Mr. Murphy asked the Board if they would like to bring in the Fire Chief to discuss the matter at an upcoming meeting.

HOUSE BILL 1115

The Board read a letter from the Wareham Board of Selectmen, asking the Fairhaven Selectmen to support House Bill 1115, "an Act relative to the definition of low and moderate income housing". The bill would add the following language to G.L. Ch. 40B § 20: "Low and moderate income housing shall also include mobile homes and group homes, manufactured homes, in-law apartments and any first-time home buyers participating in any state or federal assistance program."

Mr. Espindola indicated that he did not think that the Act would have a large impact on the Town of Fairhaven. Mr. Haworth said that there are not a lot of mobile homes in Fairhaven. Mr. Murphy said that Building Commissioner Wayne Fostin had said the inclusion of manufactured homes in the bill would boost Fairhaven's 30B compliance. Mr. Espindola motioned to send a letter of support from Fairhaven. Mr. Haworth seconded. Vote was unanimous. (3-0).

FBA BREAKFAST INVITATION

The Board received an invitation from the Fairhaven Business Association to attend and speak at an August 15 breakfast event. Mr. Murphy and Mr. Haworth will attend; Mr. Espindola did not think he could make the event.

REQUEST FOR TOWN COUNSEL – HARBORMASTER

The Board reviewed a request for use of Town Counsel from the Harbormaster. Mr. Darmofal said that a document had been provided to him related to slip use at Seaport Inn. He would like to use Town Counsel to see if, in fact, the document is valid and can be upheld. Mr. Murphy thanked Mr. Darmofal for completing the Town Counsel form. Mr. Espindola motioned to authorize Mr. Darmofal's request to use Town Counsel. Mr. Haworth seconded. Vote was unanimous. (3-0).

REQUEST FOR TOWN COUNSEL – BUILDING COMMISSIONER

The Board reviewed a request for use of Town Counsel from the Building Commissioner. Mr. Fostin would like to ask Town Counsel if the Town has the authority to regulate Tourist Homes. Mr. Espindola motioned to authorize Mr. Fostin's request to use Town Counsel. Mr. Haworth seconded. Vote was unanimous. (3-0).

GETTY – HOT LINE AUTO SALES

The Board read a letter from Building Commissioner Wayne Fostin, confirming that the Getty – Hot Line Auto Sales location on Route 6 is in compliance with its license.

OTHER BUSINESS

Under Other Business:

- Mr. Espindola said that he would like to get an earlier start on creating the budget for the upcoming year. He asked Mr. Osuch to work with Treasurer Wendy Graves to look at the budget for the next year and gather some recommendations for the Board. Mr. Osuch said that he would do it, but he had already compiled a draft document in February of Financial Policies that the Selectmen needed to consider for future budget building. He said that he needed some guidance from the Board before he could adequately build and project budgets for upcoming fiscal years, especially related to the funding of Surplus Revenue and Stabilization Funds. Mr. Espindola said that they could start with four (4) percent for Surplus Revenue and see if they could make the other numbers fit. Mr. Espindola said there was a need for a Capital Planning Committee and information sharing, especially related to wind turbines and revenue. In reviewing the draft Financial Policies document, Mr. Murphy said that he would like to place a specific time period by which encumbrance requests would have to be received for consideration.
- Mr. Espindola said that the topic of health insurance had been discussed at Economic Summit meetings. He said that he thought the time was apt to start discussing changes to

the Town's health insurance. Mr. Osuch said that the Town had a two-year agreement with the Unions that would expire in June 2014. He said that the Board would need to assign a representative in additional negotiations. John Roderiques was recognized. He said that it was too late to make the change to a GIC plan for 2014.

- Mr. Haworth said that these matters were a good example of how other Town topics are getting pushed aside because of the continued focus on wind turbines. He said that the Board needed to work to manage meeting time better to address all Town issues, not just the wind turbines.
- Mr. Haworth said that he had monthly office hours coming up on Wednesday, July 31 at 6:00 p.m. Because he can only stay for an hour, he said, it would be on a "first come, first serve" basis.
- Mr. Murphy said that the Board had a solar array ribbon cutting on July 19, 2013. He thanked Mike Murray, former Selectmen Michael Silvia and Brian Bowcock, Jack Eggelston, Mike Behrmann, Mark Sylvia and Jeff Osuch for their work on the project.
- Dereck Goff was recognized by the Chairman. Mr. Goff is in Boy Scouts Troop 55 in Fairhaven and attended the Selectmen meeting to earn a merit badge.

At 8:59 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to collective bargaining – Clerical, Fire, Police, Dispatchers Union negotiations
- To discuss strategy with respect to collective bargaining – Non-Union personnel
- To discuss strategy with respect to litigation – Fairhaven Wind LLC

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reasons. 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 8/08/2013

POLL WORKERS

for the

September 9, 2013

Board of Health Re-Election

PRECINCT 1

Vivian Lewis, 144 Green Street, 992-0649 ----- Warden - U
Janice Rose, 44 Jerusalem Road, 993-7219 ----- Clerk - U
Gloria McGreevy, 455 Bridge Street, 992-2450 ----- Worker - D
Anne Ellis, 310 Mill Road (PO Box 701), 996-1510 ----- Worker - U

PRECINCT 2

Amy Ryle, 8 Jarvis Avenue, 992-0451 ----- Warden - U
Beverly Johansen, 18 Hill Street, 992-7303 ----- Clerk - U
Lorraine Bachand, 6 Jeannette Street, 993-5905 ----- Worker - D
Elaine Burgo, 147 Merrimac Street, NB, 997-2437 ----- Worker - D

PRECINCT 3

Doris Francis, 123 Howland Road, 997-9687 ----- Warden - D
Elizabeth Monk, 475 Main Street, 992-2004 ----- Clerk - R
Mary Grace, 89 Spring Street, 994-5636 ----- Worker - D
Janice Sylvia, 326 Huttleston Avenue, 994-2892 ----- Worker - U

PRECINCT 4

Lee Bachand, 8 Jeannette Street, 774-206-1600 ----- Warden - U
Nancy Perry, 93 Fort Street, 996-0051 ----- Clerk - U
Arlene Bertoldo, 447 Dana Farms, 993-0607 ----- Worker - U
Pamela Greene, 109 Washington Street, 994-9310 ----- Worker - R

PRECINCT 5

Diane Rocha, 346 Huttleston Avenue, 774-930-0201 ----- Warden - D
Martha A. Berg, 74 Reservation Road, 997-8517 ----- Clerk - U
Elaine Rocha, 7 Holiday Drive, 992-2246 ----- Worker - D
Vivian Graham, 10 Christian Street, 996-4613 ----- Worker - U

PRECINCT 6

Norma Markey, 9 Day Street, 993-3745 ----- Warden - U
Joan Mello, 15 New Boston Road, 994-5488 ----- Clerk - D
Lillian Horsley, 180 Adams Street #46B, 994-7704 ----- Worker - D
Sandra Melanphy, 37 Evergreen Street, 994-4241 ----- Worker - D

APPROVED

Robert J. Espartero Sr.
Robert J. Espartero
[Signature]



Attachment B

Commonwealth of Massachusetts

Seaport Advisory Council

40 Center Street

Fairhaven, Massachusetts 02719

Internet: <http://www.state.ma.us/seaports>

DEVAL L PATRICK
GOVERNOR

TELEPHONE
(508) 999-3030

TIMOTHY P MURRAY
LIEUTENANT GOVERNOR
COUNCIL CHAIRMAN

FAX
(508) 999-6442

LOUIS ELISA
EXECUTIVE SECRETARY

July 17, 2013

David Darmorfal
Harbormaster
Town Hall
Fairhaven, MA 02719

RECEIVED
2013 JUL 24 P 3:07
BOARD OF SELECTMAN
FAIRHAVEN MASS

Re: Public Floating Dock, Union Wharf

I received your letter dated July 17, 2013 regarding the usage of the public floating dock located at Union Wharf in Fairhaven. The Seaport Advisory Council acknowledge that at the time the grant was requested and made 2001 for the facility in question, the purpose as defined by the Town of Fairhaven, in their application, was for providing public access in the area in which the facility was constructed and that until now it functioned in that manner. However, over time the demands for public safety and the use of all maritime facilities have changed radically and the impact has been a modification of the use of all Public facilities throughout the Commonwealth and those changes are driven and directed by the local municipalities and their elected leadership.

While the Seaport Advisory Council can confirm that original intent was to assist the Town of Fairhaven in providing additional public access to the water's edge and resources; the determination of it use is the sole responsibility of the Town of Fairhaven. Unless there is an attempt to remove the facility out of the public domain and create a private for profit use, Seaport authority does not extend to the point where we can direct a City or Town as to how they should use or manage their public space or facilities for which we have made available through our grants program.

Sincerely,

Louis Elisa
Executive Secretary
Seaport Advisory Council

RECEIVED

Office of the Superintendent
FAIRHAVEN PUBLIC SCHOOLS
ADMINISTRATIVE CENTER

128 Washington Street
Fairhaven, MA 02719

Phone: 508-979-4000-Fax: 508-979-4149
TTY: 508-992-8542



2013 JUNE 20 10 36 AM
Robert N. Bataillon, Ed.D.
Superintendent of Schools

David G. Kenney
Special Education Director

Paul B. Kitchen
Business Administrator

To: The Board of Selectman
From: Paul B. Kitchen
Re: Chapter 30B Procurements

I am renewing my request for the authorization of the delegation of procurement powers and duties for the Fairhaven School Department. I had previously submitted this request on June 18, 2012 and no action has been taken on my request.

Chapter 30B section 19 allows the chief procurement officer wide latitude to delegate powers and duties to other employees. A delegation can be specific and limited to a particular purchase or class of purchases, or it can be more general. In the enclosed form, I have asked to have broad delegation for the procurement of goods and services for the Fairhaven Public Schools.

Additionally, I have completed and retain my certification from the Office of the Inspector General for the Commonwealth of Massachusetts as a Massachusetts Certified Public Procurement Officer since December 1, 2007.

If the members of the Board of Selectmen have any questions regarding this request I will make myself available for discussion at a Selectmen's meeting. Thanking you in advance for your consideration in this matter.

Chief Procurement Officer's Delegation
of Procurement Powers and Duties
(Type or print legibly)

2013 JUN -5 12:36

1. Original Delegation Amendment Revocation
2. Pursuant to the provisions of M.G.L. c.30B, section 19, I Jeffrey Osuch
(print full name)
am the CPO for Fairhaven
(jurisdiction) and hereby delegate the procurement powers and
duties set forth below to:
Title Business Administrator
Department School Department
Name Paul B. Kitchen
3. I hereby delegate the following Chapter 30B powers and duties to the procurements specified herein:
 Solicit Open Evaluate Award Reject/Cancel
 Exercise options Increase quantities Maintain records
 All of the above Other (specify in an attachment)
4. This delegation pertains to procurements:
 for the following department(s): School Department
 for the following contract(s): _____
 other (specify in an attachment)
involving: Supplies Services
 under M.G.L. c.30B, §4(c) (sound business practices)
 under M.G.L. c.30B, §4(a) (price quotations)
 under M.G.L. c.30B, §5 using bids
 under M.G.L. c.30B, §6 using proposals
 Other (specify in attachment)
5. This delegation is conditioned upon compliance with M.G.L. c.30B, all applicable statutes, rules,
regulations, charters, ordinances, or bylaws, and subject to the following additional requirements:
 Final approval of award by Chief Procurement Officer
 Approval of all documents by Chief Procurement Officer prior to issuance
 Certification as a Massachusetts Certified Public Purchasing Official (MCPPO)
 Certification as an MCPPO for Supplies and Services
 Certification as an MCPPO for Design and Construction
 Other Certification (specify in attachment)

5. (Continued from previous page):

Completion of the following MCPPO course(s):

- | | |
|---|---|
| <input type="checkbox"/> Public Contracting Overview | <input type="checkbox"/> Bidding Basics and Contract Administration |
| <input type="checkbox"/> Supplies and Services Contracting | <input type="checkbox"/> Bidding for Better Results |
| <input type="checkbox"/> Design and Construction Contracting | <input type="checkbox"/> Model IFB Course |
| <input type="checkbox"/> Construction Management at Risk | <input type="checkbox"/> Advanced Topics Update |
| <input type="checkbox"/> Other _____ (specify in an attachment) | |

Other requirements (specify in an attachment)

6. This delegation shall remain in effect until revoked or amended. Otherwise, this delegation shall expire on: _____

7. I certify that I am the Chief Procurement Officer of Fairhaven
(jurisdiction name)

Signed	_____	Date	_____
Name Title	_____		
Department	_____		
Office Address	_____		
		Zip	_____
Office Telephone	_____		

CPO has MCPPO Certification: Yes No

8. Send a copy of this form to Office of the Inspector General, One Ashburton Place, Room 1311, Boston, MA 02108, ATTN: CPO Delegation. No delegation, amendment or revocation shall take effect until a copy of the form is received by the Office of the Inspector General.