



Fairhaven Board of Selectmen

September 9, 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 6:36 p.m. The meeting was telecast and video recorded by Government Access and audio-recorded by Anne Kakley. Mr. Murphy opened the meeting by explaining that the scheduled joint meeting with the Board of Health meeting had been postponed.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **August 26, 2013** meeting, **open** session. Mr. Haworth seconded. Vote to approve was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **August 26, 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, **September 10** –
 - 1:00 p.m. – Worker's Comp – Bonnie Brook
 - 3:30 p.m. – Mattapoisett River Water Advisory Board – BPW
 - 4:30 p.m. – Mattapoisett River Water District
- Wednesday, **September 11** –
 - 2:00 p.m. – Computer meeting
- Tuesday, **September 17** –
 - 7:00 a.m. – New School Committee meeting
 - 9:00 a.m. – Wood School Building Committee
 - 2:00 p.m. – Economic Summit Meeting
- Wednesday, **September 18** –
 - 3:00 p.m. – Finance Department Meeting with Wendy Graves
- Thursday, **September 19** –
 - 7:30 to 9:00 a.m. – Quest Forum at Buzzard's Bay Coalition
- Friday, **September 20** –
 - 8:00 to 10:00 a.m. – Legislative Breakfast at the Rochester COA

- Saturday, **September 21** –
 - Town Auction at the BPW

NEW SCHOOL REQUISITION #15

Mr. Osuch said that the work at the Wood School was now winding down. He presented the Board with Requisition #15 in the amount of \$386,801.00. Mr. Espindola motioned to approve Requisition #15. Mr. Haworth seconded. Vote was unanimous. (3-0).

SOLAR CREDITS – LANDFILL

Mr. Osuch said that he thought it was the will of the School Department to not accept the Schedule Z credits from the landfill solar array for another school. Mr. Osuch presented four options to the Board for use of the Schedule Z credits. See Attachment A. After reviewing the options, the Board chose Option 4, to split the credits 75% (Street Lights) and 25% (Town Hall). Mr. Espindola motioned to go with Option 4. Mr. Haworth seconded. Vote was unanimous. (3-0). The Board agreed to revisit the matter in six months to determine if the arrangement was working out.

BREEZEWAY CONSULTING – CDBG BID AWARDED

At 6:48 p.m., the Board met with Planning and Economic Development Director Bill Roth to discuss awarding a bid for consultative services related to a North Fairhaven Target Area CDBG project. Mr. Roth said that he would once again recommend bidder Breezeway Farm Consulting, Inc. for the work. He said that they would be moving to a new target area in the census block group just south of 195 (Adams and Main) and the group just north of 195. Housing Authority properties are contained therein. Mr. Haworth asked if the bids were similar. Mr. Roth said that Breezeway Consulting, Inc., was \$8,000 over the lowest bidder, but that Breezeway Consulting was the lowest qualified bidder. Mr. Espindola motioned to approve the contract with Breezeway Consulting, Inc. Mr. Haworth seconded. Vote was unanimous (3-0).

TAX TITLE AUCTION

Mr. Murphy approached the Board with a memo from Finance Director Wendy Graves regarding Paul Zekos of the Zekos Group, a company that specializes in municipal auctions. Ms. Graves encouraged the Board to arrange a meeting with Mr. Zekos to hear more about their method of tax title auctioning, which charges fees to the bidding party instead of the Town. The Board agreed that it would like to meet with Mr. Zekos to discuss his services.

Al Benac was recognized by the Chairman. Mr. Benac asked if auction taxes would be charged to the Town. The Board said that they would ask that question of Mr. Zekos when they meet with him.

BIKEWAY COMMITTEE BILL AUTHORIZATION

Mr. Espindola noted that, at two prior Board meetings, the Board had approved both a Bikeway Committee Revolving Account and a Bikeway Committee Gift Account. He said that the Board would now have to determine who is authorized to sign bills charged to those accounts. The two options available are to have the Board of Selectmen sign off on all Bikeway Committee bills, or to have the Bikeway Committee itself sign.

After discussion, the Board determined it was comfortable to authorize the Bikeway Committee to sign its own bills, as long as the bills contain a majority of signatures from the Bikeway Committee. Mr. Espindola motioned to authorize the Bikeway Committee to expend from their own accounts as long as the majority signs the bill. Mr. Haworth seconded. Vote was unanimous. (3-0).

ROGERS-OXFORD STUDY COMMITTEE

At 7:00 p.m., the Board met with Gayla Reilly and Beverly Rasmussen of the Rogers-Oxford Study Committee. Ms. Reilly informed the Board of meetings and building tours that the Committee has held, but said that progress had stalled since they lost their chairman in April, 2013. She asked the Board who was responsible for Rogers and Oxford Schools. Mr. Murphy said that both buildings were still in the possession of the School Department. Ms. Reilly asked if there was a plan to hand the schools over to the Town. Mr. Murphy replied yes – he had spoken with a member of the School Department and they are working on it.

John Medeiros was recognized by the Chairman. Mr. Medeiros asked if the School Department had given up any responsibility related to the upkeep of the schools. It was determined that the School Department was still responsible for upkeep. Ms. Rasmussen noted that the buildings and grounds are not being kept. The grounds are overgrown, with kids loitering at night.

Mr. Osuch said that the BPW could be asked to cut the grass, but the buildings would still need periodic checks and alarm systems.

Gail Isaksen was recognized by the Chairman. She asked why the Tripp School was never handed over to the Town. Mr. Osuch answered that the building is leased to the Nemasket Group by the School Department.

Ms. Reilly asked if the Town is responsible for the buildings, is there money budgeted for upkeep? The answer was no, there was no money budgeted for upkeep in FY14. Ms. Reilly added that there is a deed to the Rogers School from Henry Huttleston Rogers that needs to be reviewed. She asked if it would be possible to have Town Counsel review the deed to consider all options available to the Town. The Board indicated that it would allow the use of Town Counsel for the review of that deed.

Karen Vilandry was recognized by the Chairman. Ms. Vilandry asked the Board of Selectmen to ask the School Department to make a decision so the Rogers-Oxford Study Committee could go forward with research and recommendations. Mr. Murphy said that he had already been in contact with School Committee Chairman Pam Kuechler and that Town Counsel would be looking at the Rogers School deed.

Ms. Rasmussen asked the Board of Selectmen to consider sending a representative to a Rogers-Oxford Study Committee meeting. Mr. Haworth motioned to designate Mr. Espindola as the Selectman representative to the Rogers-Oxford Study Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

Ms. Reilly asked the Board if it had any advice for the Rogers-Oxford Study Committee. Mr. Murphy said that he just thought the Committee should focus on getting the buildings winterized. Mr. Espindola said that the Committee was formed to advise the Selectmen, and that his role on the Committee would be to listen, not necessarily lead.

Mr. Medeiros said he thought it would be beneficial to also have a member of the Finance Committee and BPW on the Committee as well.

Mr. Osuch said that the “difficult part” was that there were two vacant buildings, and the Town did not have the funds needed to maintain those buildings and that selling the buildings should be considered.

The next meeting of the Rogers-Oxford Study Committee is scheduled for September 12.

CLAUDIA MARTIN – RIGHT OF WAY

At 7:17 p.m., the Board met with Claudia Martin regarding her concern over a Right of Way (ROW) abutting her property. Ms. Martin said that the ROW had been an issue of concern to her for quite some time. She said that issues related to the ROW have resulted in tension between her and her neighbors. Ms. Martin made several allegations of harassment from her neighbors, resulting from use of the ROW.

Ms. Martin also broached the topic of a letter she said former selectmen Brian Bowcock sent to her, which she said was notarized by Town Clerk Eileen Lowney, but Mr. Murphy re-directed the conversation, citing the need for executive session when discussing allegations against public officials.

Ms. Martin said that she wanted proof that the ROW was Town-owned.

Mr. Osuch said that the 12-foot ROW from Turner Ave to the water was owned by the abutters. Mr. Roth produced a letter from Attorney Marc Deshaies, which indicated that all of the 51 lots in the “Ellis Plan” were deeded use of that ROW.

The ROW also contains a Town-installed drainage pipe. Ms. Martin claimed that the Town has never maintained the land over the pipe.

Hans Doherty of 121 Farmfield Street said that the drainage pipe is for the watershed and he said that the Town did maintain the pipe once a year.

The Board encouraged Ms. Martin to call the police whenever she felt she was being harassed. Discussion ensued regarding the use of boat trailers and vehicles blocking the ROW. The Board told Ms. Martin to call the Police any time she thought a trailer or vehicle was blocking the ROW. Mr. Roth advised that the ROW should still be well marked with rods from when it was surveyed in 2011.

Mr. Haworth called the matter a “complex neighborhood dispute” and said that it sounded like a Police matter. He said that the ROW is for neighborhood use, but that it should not be blocked by any vehicles. He said that the Board would speak to the Police about patrolling the ROW to keep it clear.

CONCOM CHAIRMAN AND CELL USE

The Board met with Conservation Commission Chairman Joseph Taylor at 7:41 p.m. to discuss cell phone use related to his role on the ConCom.

Mr. Taylor informed the Board that he was spending more and more monthly on his cell phone bill for matters related to ConCom orders. He wanted to know if it was possible for the Town to provide a phone to him, or for the Town to offset his costs. Options were discussed, including using a land line. The Board asked Mr. Taylor to compile three to four months of cell phone bills to get a better idea of what Mr. Taylor was spending on Town-related cell phone calls. There is \$100 in the ConCom budget for telephone use, but it will not entirely cover the amount of calls Mr. Taylor makes.

Mr. Haworth said that if the Board reimbursed Mr. Taylor, it would have to consider reimbursing, or providing a phone, to every volunteer board Chairman.

Mr. Taylor said he would supply the Board with a list of his phone expenses.

188 GREEN STREET – EASEMENT

The Board reviewed an easement for 188 Green Street. See Attachment B. The easement over a sliver of Cushman Park is for access to 188 Green Street, which will clear up the title for the owner of the property.

Al Benac was recognized by the Chairman. He had questions relative to the nature of the easement. Mr. Benac asked if the easement would give the owner of 188 Green Street extra room. He also asked about the placement of a fence at 188 Green Street.

Mr. Roth said that an in-kind land donation had already been selected to offset the easement, as required by State legislature in passing the Town Meeting article.

Mr. Benac said that he wanted to go on record as objecting to the approval and issuance of an easement to 188 Green Street.

Mr. Espindola motioned to approve and sign the easement to 188 Green Street (Attachment B). Mr. Haworth seconded. Vote was unanimous. (3-0).

30B PROCUREMENT

Mr. Osuch said that the Town Accountant has expressed frustration over Town departments not cooperating with the Procurement process. He said that the State was going to be sending out notices that they are raising the minimum for quotes from \$5,000 to \$10,000. He advised the Board to consider raising the Procurement requirement from \$1,500 to \$2,500 or \$5,000.

After some discussion, Mr. Espindola motioned to raise the minimum purchase amount for Procurement from \$1,500 to 5,000. Mr. Haworth seconded. Vote was unanimous. (3-0).

Additionally, Mr. Osuch said that the possibility of Mr. Osuch attending Procurement classes had been raised a few meetings ago. He said that he had looked into taking the certification classes, which are \$450 to \$550 each. He said that he would attend the certification classes, but it would cost about \$1,500 total for the certification. Mr. Murphy said that Mr. Osuch had plenty of experience and that the courses would not be a necessary expense.

ASSESSORS REVAL

The Board indicated that it would like to meet with the Board of Assessors to hear more about the reval process. A meeting will be set up with the Assessors.

At 8:09 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 consider applicants for the Veteran's Agent secretary position

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reasons, to reconvene into open session afterward. Vote was unanimous. (3-0). Roll call vote: Mr. Espindola in favor. Mr. Murphy in favor. Mr. Haworth in favor.

The Board re-entered open session at 8:32 p.m.

SEPTEMBER 9 ELECTION

After the votes were tallied for the September 9, 2013 Board of Health election, the Board televised the results and allowed the opportunity for a concession speech from challenger John Wethington and a thank you speech from incumbent Peter DeTerra, who was elected.

At 8:52 p.m., Town Clerk Eileen Lowney entered the room to announce the unofficial results of the election.

Mr. Espindola ended the meeting with a request for residents to volunteer for the Capital Planning Committee and a request for a follow up with the Board of Health for a joint meeting.

At 8:55 p.m., Mr. Espindola motioned to adjourn. Mr. Haworth seconded. Vote was unanimous. (3-0).

Respectfully,

Anne Kakley

Selectmen's Secretary
(Minutes approved 9/23/2013)

Attachment A

SOLAR ENERGY
NSTAR SCHEDULE Z

		OPTION 1	OPTION 2
1.	1221-143-0017 STREET LIGHTS	40% (237,000)	55% (319,000)
2.	1224-736-0014 TOWN HALL	15% (87,000)	15% (87,000)
3.	1660-084-0025 RECREATION CT.	10% (58,000)	0
4.	1660-083-0026 SENIOR CT.	5% (29,000)	0
5.	1635-837-0019 POLICE STATION	30% (174,000)	30% (174,000)
		580,000 KWH	

		OPTION 3
1.	STREET LIGHTS	65% (377,000)
2.	TOWN HALL	15% (87,000)
3.	RECREATION CT.	15% (87,000)
4.	SENIOR CT.	5% (29,000)
5.	POLICE STATION	0
		580,000 KWH

		OPTION 4 (6 MONTHS)
	STREET LIGHTS	75% (217,500)
	TOWN HALL	25% (72,500)
		290,000

Return to:

Thomas P. Crotty, Esq.
Thomas P. Crotty & Associates, PLLC
388 Country Street
New Bedford, MA 02740

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that we, the Board of Selectmen for the Town of Fairhaven, a duly organized municipality with a principal place of business located at 40 Centre Street, Fairhaven, Bristol County, Massachusetts, the owner of certain park land known as "Cushman Park" and shown as Lot 61 on Fairhaven Assessors Map 11 (the "Grantor") hereby grants, pursuant to C. 229 of The Acts of 2012 (August 6, 2012) An Act Authorizing The Town of Fairhaven To Grant An Easement Over Certain Land, for consideration of One Dollar (\$1.00) and a Release dated _____ and attached hereto and incorporated by reference herein, to Bradford G. Souza of 188 Green Street, Fairhaven Bristol County, Massachusetts, and his successors, heirs, assigns and grantees, (the "Grantee") an easement along, upon, above, under and across a certain portion of Cushman Park land in Fairhaven, Bristol County, Massachusetts, as shown as a triangular parcel on a plan entitled "Plan to Accompany Taking by the Town of Fairhaven under Chapter 106 of Acts of the Year 1903" recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 6, Page 8 and bounded and described as follows:

Beginning at the southwest intersection of Bridge and Green Street;

Thence by the westerly sideline of Green Street 91.50 feet to a drill hole and land now or formerly owned by William F. Nye;

Thence turning westerly by land of said Nye 20.00 feet to land now or formerly of Fred Andrews;

Thence turning in a northerly direction by land of said Andrews 86.59 feet to the point of beginning;

Containing 3.17 rods or 871 square feet more or less.

The Grantee shall have the perpetual, exclusive right to enter upon the easement hereinabove designated for the purpose of maintenance, repair, and improvement of the easement at the sole cost and expense of the Grantee. The Grantee shall have the right to use the subject property for any purpose not prohibited by local zoning or municipal ordinance or other state or local laws. The Grantee as a condition of this easement, covenants and guarantees that the Grantee agrees to hold the Town and its' agents, servants, and assigns harmless from and against

any and all liability for injury or damage to persons or property, including any resulting from Grantee's maintenance, repair, improvement, and use of the easement created by this conveyance.

For title, see deed of Henry Huttleston Rogers dated July 29, 1908 and recorded with the Bristol County (S.D.) Registry of Deeds in Book 301, Page 4.

TITLE NOT EXAMINED

Witness our hands and seals this ____ day of _____, 2013.

Charles K. Murphy, Sr.
Chairman, Board of Selectmen

Robert J. Espindola
Vice Chairman, Board of Selectmen

Geoffrey Haworth
Clerk, Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this . day of _____, 2013, before me, the undersigned notary public, personally appeared the above-named Charles K. Murphy, Sr., Chairman, Board of Selectmen, aforesaid, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and it was his free act and deed.

Notary Public:
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared the above-named Robert J. Espindola, Vice Chairman, Board of Selectmen, aforesaid, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and it was his free act and deed.

Notary Public:
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared the above-named Geoffrey Haworth, Clerk, Board of Selectmen, aforesaid, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and it was his free act and deed.

Notary Public:
My commission expires: