



Fairhaven Board of Selectmen

September 23, 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.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **September 9, 2013** meeting, **open** session. Mr. Haworth seconded. Vote to approve was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **September 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, **September 24** –
 - 8:30 a.m. – Retirement Board
- Wednesday, **September 25** –
 - 10:00 a.m. – David Darmofal and Matt Schuyler – Union Wharf
- Thursday, **September 26** –
 - 9:00 a.m. – BBAC – Wareham
 - 4:00 p.m. – David Darmofal and Matt Schuyler – Waterway User fee
- Tuesday, **October 1** –
 - 9:00 a.m. – Wood School Building Committee
 - 2:00 p.m. – Digester meeting – BPW
 - 4:00 p.m. – Police negotiations
- Wednesday, **October 2** –
 - 2:00 p.m. – Computer/IT meeting

BID AWARD – COLLINS CONSTRUCTION

The Board reviewed the only bid for restorative work to be done to the Town Hall front and side entranceway, and to exterior lighting. The bidder was Collins Construction of Fall River, MA, and the bid amount was \$39,542.00, which was within the \$44,000.00 budget voted at Town Meeting.

Mr. Espindola asked if it was unusual for only one company to submit a bid. Mr. Osuch answered that it was not too unusual because the work required removal and stripping of doorway components, which is labor intensive and not very lucrative. Mr. Espindola motioned to award the bid to Collins Construction in the amount of \$39,542.00. Mr. Haworth seconded. Vote was unanimous. (3-0).

CONSERVATION COMMISSION

Mr. Osuch informed the Board that the office was still getting complaints from the press and the public that the Conservation Commission was still not placing its agendas and minutes online. He said that this has been raised with the ConCom agent more than once and that they are the only Town committee not complying with the website upload requirement.

Mr. Murphy said that the ConCom was in need of more members, as its Chairman, Joe Taylor, had submitted a letter of resignation from the committee. He asked if Selectman Haworth would consider sitting as a member of the ConCom until the committee had more members. Mr. Haworth agreed to accept the appointment. Mr. Espindola was supportive of the appointment, but he asked if Mr. Haworth was allowed to be a voting member. Mr. Murphy and Mr. Haworth both said that the matter had been researched earlier in the year and that Mr. Haworth could, indeed, be a voting member of the ConCom while also serving as a Selectman.

Mr. Espindola motioned to appoint Mr. Haworth to the Conservation Commission. Mr. Murphy seconded. Vote was unanimous. (3-0).

COMP TIME

Mr. Osuch added that he thought the Board should look into the matter of comp time as it is used by several Town non-union personnel.

ASST BUILDING INSPECTOR APPOINTMENT

The Board read a letter of interest from Andrew Bobola for the Assistant Building Inspector vacancy. Mr. Bobola said that he had reconsidered his previous resignation from the position and would like to be reappointed.

The Board discussed the need for an Assistant Building Inspector and decided that Mr. Bobola would be an apt choice because he is a certified building inspector and he works full-time in Mattapoisett. Mr. Espindola motioned to appoint Andrew Bobola to the position of Assistant Building Inspector. Mr. Haworth seconded. Vote was unanimous. (3-0).

MILLICENT LIBRARY APPOINTMENT

Fairhaven Board of Selectmen – September 23, 2013 Open Session – 2

The Board reviewed a letter from Library Director Carolyn Longworth, asking them to make a Selectmen appointment to the Millicent Library Board of Trustees to replace Louis Badwey, who had recently resigned. Ms. Longworth forwarded three applications, and Mr. Murphy said that he had received another application from Kathy Lopes. Discussion ensued on the appointment. Mr. Murphy said that Ms. Lopes was involved and committed and would be an excellent choice for the seat. Mr. Espindola motioned to appoint Kathy Lopes to the Millicent Library Board of Trustees. Mr. Haworth seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

- The Board reviewed an NSTAR gas permit for 127 Bridge Street. The application had been previously approved by the Board of Public Works. Mr. Espindola motioned to approve the permit. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 340 Huttleston Ave. The application had been previously approved by the Board of Public Works. Mr. Espindola motioned to approve the permit. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 31 Brook Drive. The application had been previously approved by the Board of Public Works. Mr. Espindola motioned to approve the permit. Mr. Haworth seconded. Vote was unanimous. (3-0).

VETERAN'S DAY PARADE

The Board read an invitation from Gerry Payette, asked the Board of Selectmen to participate in the annual Veteran's Day parade, to be held Monday, November 11. The Board members said that they would be honored to be a part of the event. Ms. Kakley will RSVP to Mr. Payette on behalf of the Board.

VETERAN'S SECRETARY APPOINTMENT

Mr. Osuch said that the Veteran's Secretary position had been advertised as a result of Ivey Winkler's relocation to Florida. Mr. Murphy said that Jane Bettencourt had expressed interest in retiring from her full-time position in the Selectmen's Office and taking the part-time position in the Veteran's Office. Mr. Espindola motioned to appoint Ms. Bettencourt to the position of Administrative Secretary to the Veteran's Department. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Osuch asked the Board to set the rate of pay for Ms. Bettencourt. After deliberation of Ms. Bettencourt's experience and abilities, the Board decided to set the rate at Level 5, Step 5, at \$15.71/hour. Mr. Espindola motioned the rate. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board announced a vacancy in the Selectmen's Office as the result of Ms. Bettencourt's retirement and reassignment. Mr. Osuch said that the position was advertised within the Union for seven (7) business days, per the Clerical Union contract, and there were no internal applicants. He said that the position would have to be advertised on the outside, with an ad scheduled for the following weekend. The Board set a deadline of October 11 for applications for the Principal Clerk position. Mr. Murphy indicated that he would volunteer to be the Selectmen representative in interviewing applicants. Mr. Espindola motioned to advertise the position and have Mr. Murphy serve as the Selectmen representative in the hiring process. Mr. Haworth seconded. Vote was unanimous. (3-0). Mr. Murphy said Mr. Osuch and Ms. Kakley would also conduct the interviews with him.

DCR – CERT. OF ANNOUNCEMENT – NASKETUCKET

The Board received and read a Certificate of Announcement and 120-day waiver from the Department of Conservation and Recreation, regarding the Commonwealth's interest in a 13± acre parcel of land in Fairhaven, in the Nasketucket Bay region. The DCR certificate was part of an acquisition voted at the 2013 Annual Town Meeting as a part of Community Preservation.

Mr. Espindola said that he had spoken to both Mr. Osuch and DCR's Assistant General Counsel Nancy Mitchell, and said that he was comfortable with granting the waiver. Mr. Haworth agreed and said that he supported the waiver as well. Mr. Espindola motioned to authorize the Chairman to sign the waiver. Mr. Haworth seconded. Vote was unanimous. (3-0).

HOUSING AUTHORITY – STATE REFORM

At 7:02 p.m., the Board met with Tom Connelly, Executive Director of NAHRO (National Association of Housing and Redevelopment Officials), Fairhaven Housing Authority Director Krisanne Sheedy, Fairhaven Housing Authority Chairman Jay Simmons and Housing Authority member Elaine Rocha to discuss the Senate bill 44, which seeks to blend local housing authorities into six larger state authorities, and House bill 1094, which would provide needed reform to Housing Authorities, but at a local level.

In his presentation, Mr. Connelly urged the Board to support House bill 1094 and its companion bills, in an effort to keep local control of the Town's Housing Authority. He also urged the Board to let its delegation – Senator Montigny and Representative Straus – know that it supports House bill 1094 and supports local control for housing authorities.

Mr. Simmons echoed Mr. Connelly's sentiments, stating that the creation of the "mega agencies" would result in the Town subsidizing other communities while reducing its own services.

Mr. Espindola motioned to send a letter of support for House bill 1094 and its companion bill(s). Mr. Haworth seconded. Vote was unanimous. (3-0).

BUZZARD'S BAY MINI GRANT

The Board read a memo from Town Planner Bill Roth requesting the acceptance of a \$21,730 Buzzard's Bay Municipal Mini-Grant for surveys and legal work related to the Nasketucket land project. The intent, said Mr. Roth, was to reduce the burden of the \$200,000 appropriated from CPC funds for the project. Mr. Espindola motioned to accept the \$21,730 grant. Mr. Haworth seconded. Vote was unanimous. (3-0).

CDBG 2011 SPRING ST GRANT EXTENSION

Mr. Roth said that there was \$18,000 left in the Spring Street grant, and that he sought to seek an extension from the State so he could spend down the balance. Mr. Espindola motioned to approve the CDBG extension request. Mr. Haworth seconded. Vote was unanimous. (3-0).

CUSHMAN PARK REQUEST – “CARNIVALE OF ARCANE”

The Board read a letter of request from a company called “Reel 2 Reel” for the use of Cushman Park on October 13 for a “Carnivale of Arcane”, an event that would promote New Age practices and celebrate the Halloween season.

Mr. Murphy said that the event would not include food. Mr. Osuch and Mr. Haworth indicated that the event should be approved by the BPW. Mr. Espindola agreed, saying that he wanted the event to be approved by BPW and the Police department.

HANDICAP PARKING REQUEST – 57 WALNUT

The Board read a letter of request for a handicap parking spot in front of 57 Walnut Street. The letter indicated that an elderly resident at that address had difficulty getting close parking when there were sports events at Cushman Park. Mr. Murphy noted that the creation of a handicap parking spot would not be reserving a space for the resident and that the handicap parking spot would be open to anyone with a handicap plate or placard.

Mr. Haworth and Mr. Espindola said that they would support the handicap parking request pending comment from the Police Chief. Mr. Murphy asked Ms. Kakley to follow up with the Police Chief on the request for 57 Walnut Street.

BENOIT SQUARE GAZEBO

At 7:29 p.m., the Board met with Michael Silvia, Jeffrey Lucas, John Medeiros and Thomas Alden of the North Fairhaven Improvement Association to hear plans of a gazebo that is to be installed at Benoit Square.

Mr. Silvia said that the group hoped to have the gazebo installed by the end of the year. The gazebo will be 20-feet wide, and handicap-accessible. The design of the gazebo will require very little upkeep over the years, said Mr. Silvia.

Fundraising has been very successful for the NFIA and Mr. Silvia thanked all those who had donated funds. He reminded the public that NFIA is a valuable entity to the Town, and that they have made their Fire Station available to a variety of civil groups and even government agencies.

Ted Lorentzen was recognized by the Chairman. He asked if the gazebo would become property of the Town. Mr. Silvia answered that NFIA would finance the upkeep of the gazebo as they have also paid the electricity bill for Benoit Square over the years.

The Board thanked the group for their contribution to the beautification of Benoit Square.

TOWN COUNSEL CHOICES FOR INTERVIEW

Mr. Murphy said that the members of the Select Board were supposed to have sent their selections for Town Counsel interviews to Ms. Kakley by September 19.

Mr. Espindola submitted his choices prior to the meeting. His four choices for interview were: Blatman, Bobrowski and Mead; Law Offices of Beauregard, Burke and Franco; Kopelman and Paige; and Thomas P. Crotty and Associates. Mr. Murphy's two choices were Thomas P. Crotty and Associates; and the Law Office of Joseph Michaud. Mr. Haworth was not able to submit his choices prior to the meeting, but said that he favored Thomas P. Crotty and Joseph Michaud as well for interviews.

Both Mr. Murphy and Mr. Haworth indicated that their top choice at the time was Atty. Crotty and that they were not inclined to change counsel based on the RFPs. Discussion ensued regarding the interview process. Mr. Murphy said that he did not want to waste the time of other Town Counsel firms if the Board was going to end up favoring Atty. Crotty.

Mr. Haworth spoke in favor of Atty. Crotty, who is local. He cited concerns with hiring a new counsel who would charge travel fees and not know Fairhaven as well as Atty. Crotty did.

Mr. Espindola called it a "financial responsibility" to interview other counsel and request references from other towns. He said that he sat on a SRTA board during a meeting when counsel was hired, and SRTA selected Kopelman and Paige. Mr. Espindola motioned to interview Kopelman and Paige, Thomas P. Crotty and Associates, and the Law Office of Joseph Michaud. The motion was not seconded and it failed.

Mr. Haworth motioned to interview Atty. Crotty and Atty. Michaud. The motion was not seconded and it failed.

Louis Fortin was recognized by the Chairman. Mr. Fortin spoke in favor of Atty. Crotty and did not know why the Board was going through the process of town counsel interviews.

Mr. Haworth said he would put the issue to rest. As such, Mr. Haworth motioned to interview Atty. Crotty, Atty. Michaud and Kopelman and Paige. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Espindola suggested holding a separate meeting for the interviews. Mr. Haworth cited some scheduling conflicts in his new role as a Conservation Commissioner. It was determined that there was not enough room on the October 7 agenda for counsel interviews, so the interviews will be with scheduled for October 21, for 6:10 p.m., 6:30 p.m., and 6:50 p.m.

CAPITAL SPENDING PLANS

Mr. Espindola said that he had been discussing capital spending plans with Mr. Osuch. He said that he would like the Board to ask Mr. Osuch and Finance Director Wendy Graves to work on a capital spending plan, to be submitted to the Board, to indicate how the Town can maintain four percent Surplus Revenue. Mr. Osuch spoke about the process and said that the Town was due for a review of its retirement system and health insurance expenses. By the beginning of November, Mr. Osuch said that the Board would have some options to look at.

BUILDING INSPECTOR MEMO

The Board read a memo from Building Inspector Wayne Fostin, who said he would be attending the annual Building Inspector seminar on October 7, 8 and 9, and would be taking two vacation days on October 10 and 11. Mr. Murphy said that he would like to look into have the Assistant Building Inspector, Mr. Bobola, fill in for at least part of that absence.

CONCOM RESIGNATION

The Board read a letter of resignation from Conservation Commission Chairman Joseph Taylor. The Board thanked Mr. Taylor for his service. The Board encouraged the public to step forward and submit letters of interest for the Conservation Commission.

USE OF TOWN COUNSEL – ROGERS-OXFORD STUDY COMMITTEE

The Board read a Request for Use of Town Counsel from the Rogers-Oxford Study Committee to look into the deed to the Rogers School and for assorted use related to potential future use for the Rogers and Oxford Schools. Mr. Haworth said that he would like to start putting a spending cap on the counsel requests. Mr. Espindola and Mr. Murphy agreed. Mr. Haworth suggested that if any applicant exceeded the capped approval, it could seek additional counsel approval through the Chairman if the matter could not wait until the next Selectmen's meeting.

Mr. Espindola motioned to approve up to \$1,000 for the Rogers-Oxford Study Committee for use of Town Counsel. Mr. Haworth seconded. Vote was unanimous. (3-0).

USE OF TOWN COUNSEL – PLANNING BOARD

The Board received a request from the Planning Board to use Town Counsel relative to a proposed bylaw change for medical marijuana zoning. Mr. Espindola motioned to approve up to \$1,000 for the Planning Board for use of Town Counsel. Mr. Haworth seconded. Vote was unanimous. (3-0).

USE OF TOWN COUNSEL – PLANNING AND ECON. DEV. (2)

The Board reviewed two requests for use of Town Counsel from the Department of Planning and Economic Development. The first request was for a CDGB grant contract. Town Planner Bill Roth indicated that Atty. Crotty had already looked at the contract several times in the past and it had been fine-tuned over the years – for that reason, he said it was the Board’s decision on whether or not the use of Town Counsel would even be necessary. The Board opted to have Town Counsel review the contract. Mr. Espindola motioned to approve use of Town Counsel with a \$320 limit imposed. Mr. Haworth seconded. Vote was unanimous. (3-0).

The second request from the Planning Department was for a review of Union Wharf. Mr. Roth said that his department was aiming to receive CDBG-DR funding for the demolition of the MacLean seafood building at Union Wharf. Mr. Roth said that the Town needed to know who owns the land and/or has legal authority over the pile-supported structure attached to the building to the north. Mr. Espindola motioned to authorize the use of Town Counsel for the aforementioned, not to exceed \$1,000. Mr. Haworth seconded. Vote was unanimous. (3-0).

In regards to the medical marijuana bylaw, Mr. Roth asked the Board if they had any comments to submit to the Planning Board on the proposal. The Board did not have any comment. Mr. Espindola motioned to send the bylaw proposal back to the Planning Board with no comment. Mr. Haworth seconded. Vote was unanimous. (3-0).

INVITATION FROM ART CURATOR

The Board read an invitation from Art Curator Al Benac to attend the unveiling of an historical painting at the Millicent Library on September 28, 2013 at 1:00 p.m. Mr. Benac said that all were welcome to attend.

OTHER BUSINESS

In Other Business:

- Mr. Murphy reported that the North Turbine had had a battery maintenance issue, but that issue was now resolved and the turbine was again functional
- Mr. Murphy asked Ms. Kakley to obtain a written report from the Board of Assessors prior to their joint meeting on October 7, 2013
- Mr. Espindola said that he attended his first MMA Legislative Breakfast and found it very interesting. He said that the conversation included discussion of the SouthCoast Rail
- Mr. Espindola said that the previous weekend was nice for the Fairhaven Village Militia encampment, which he said was “nicely done”

- Mr. Haworth encouraged the public to come out and enjoy the fall events in Town before the winter arrived
- The Board reminded the public that the Town needed ConCom and FinCom members
- Mr. Murphy said that he and Mr. Espindola had attended a press conference from the Army Corps of Engineers regarding the SouthCoast Rail project – he said that the governor was in support and the Stoughton line had been approved.
- Mr. Murphy reminded the public that the Office of Tourism would be holding a Scarecrow Contest, starting October 12
- Mr. Murphy thanked the public for another successful Katie Brienzo Memorial Walk
- Mr. Murphy said that the BPW auction on September 21 raised \$8,300 for the Town

At 8:53 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 non-Union personnel

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.

Respectfully,

Anne Kakley

Administrative Assistant
Board of Selectmen
(Minutes approved 10/07/2013)